MANDATING THE LOCAL GOVERNMENT UNITS (LGUs) TO STRICTLY IMPLEMENT REPUBLIC ACT NO. 9003 AND URGING THEM TO INCREASE FINES AND PENALTIES FOR NON COMPLIANCE WITH THE ACT

WHEREAS, Section 2 of Republic Act No. 9003 declared the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, local government units, non-government organizations, and the private sector;

WHEREAS, Section 10 of RA 9003 specifies that the segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes. Provided further that the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city;

WHEREAS, Section 49 and 50 of RA 9003 spell out the corresponding fines and penalties for specific violation of the Act as well as specify the administrative sanction for local government officials who fail to comply with and enforce rules and regulations promulgated relative to the Act;

WHEREAS, Section 46(a) of RA 9003 mandates that fines collected under Section 49 of RA 9003 shall be allocated to the LGU where the fined prohibited acts are committed in order to finance the solid waste management of said LGU;

WHEREAS, Section 16 of RA 7160 otherwise known as the Local Government Code of the Philippines states that every LGU shall exercise the powers which are essential to the promotion of the general welfare. Provided further, the LGUs shall ensure and support, the promotion of health and safety and enhance the right of the people to a balanced ecology, among others;

WHEREAS, Section 17 of RA 7160 mandates the LGUs to provide the basic services and facilities related to general hygiene and sanitation, beautification, and solid waste collection and social welfare services which include programs and projects on child and youth welfare, family and community welfare;

WHEREAS, the welfare of the informal settlers and their families are covered by Section 17 of RA 7160;

WHEREAS, the fines that will be collected by the LGUs from non-compliance with RA 9003 shall be used to improve the solid waste management conditions and needs of the community including that of the informal settler families;

WHEREAS, international events such as but not limited to the World Economic Forum and the Asia Pacific Economic Cooperation (APEC) Summit to be hosted by the Philippines in 2015 must be complemented by initiatives in the solid waste management to ensure the cleanliness of the cities.

Waste No More! Waste No Time!
NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to mandate the LGUs to strictly implement RA 9003 relative to the punitive provisions of the law and to urge them to increase the fines and penalties for non-compliance with the Act in accordance with the provisions of Republic Act No. 7166 otherwise known as the Local Government Code of the Philippines so that the impact as envisioned by these laws will be achieved;

FURTHER RESOLVED, that the LGUs ensure that the solid waste management problems in the informal settlers’ areas are systematically addressed and that the same shall be the responsibility of the city or municipality;

FURTHER RESOLVED, that in case of failure by the LGUs to implement RA 9003, the concerned LGUs shall assume the liabilities and the penalties;

FURTHER RESOLVED, that the fines collected by the LGUs from non-compliance with RA 9003 shall be used to implement solid waste management programs especially to address the problems in the informal settlers’ areas;

FINALLY RESOLVED, to direct the DILG, MNDA and DENR/EMB to issue specific guidelines to implement this Resolution within forty-five (45) days from issuance.

APPROVED on the 11th day of February 2014.

ATTESTED BY:

CRISPIAN N. LAO
Representative, Recycling Industry and
Vice Chairman, National Solid Waste Management Commission (NSWMC)