DENR SPECIAL ORDER
No. 2014 – 269

SUBJECT : AUTHORIZING UNDERSECRETARY MANUEL D. GERONDI TO SIGN NOTICES OF MEETINGS AND NATIONAL SOLID WASTE MANAGEMENT COMMISSION (NSWMC) BOARD RESOLUTIONS

In the interest of the service and in order not to disrupt the operations of the National Solid Waste Management Commission (NSWMC), Undersecretary Manuel D. Geronchi is hereby authorized to sign Notices of Meetings and NSWMC Board Resolutions as part of his functions as support to the Secretary pursuant to DENR Special Order No. 2013-514, dated 02 September 2013. Such authority to sign is subject to prior clearance from the DENR Secretary.

This Order takes effect immediately.

[Signature]
Secretary
NSWMC Resolution No. 76 Series of 2014

RESOLUTION ADOPTING THE ENFORCEMENT POLICY FOR THE BARANGAYS

WHEREAS, Republic Act No. 9003 (RA 9003), also known as the Ecological Solid Waste Management Act of 2000, provides for the adoption of a systematic, comprehensive and ecological solid waste management program;

WHEREAS, Section 2 of the Republic Act (RA) 9003 provides for the basic policies on solid waste management to include, but not limited to, the following: Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector;

WHEREAS, Section 10 of RA 9003 provides for the Role of LGUs in Solid Waste Management. That, Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions. Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes: Provided, That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city.

WHEREAS, Section 50 of the RA 9003 provides that local government officials and officials of government agencies concerned who fail to comply with and enforce rules and regulations promulgated relative to this Act shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations. As similarly provided in , Section 3, Rule XX of the Implementing Rules and Regulations that Local government officials and officials of government agencies concerned, who fail to comply with and enforce rules and regulations promulgated relative to the Act shall be charged administratively in accordance with the Ombudsman Law and RA 7160 and other existing laws, rules and regulations. Any citizen may file an action. The action shall be filed with the DILG or the Ombudsman, if related to any LGU, or to any government agency/employee, respectively.

WHEREAS, Section 3, Rule XIX of the Implementing Rules and Regulations of the RA 9003 mandates the Commission to define the roles of the Department, other concerned agencies, LGUs and any other agency deemed responsible for the implementation and enforcement of the Act and its IRRs. It shall also promulgate detailed procedures and protocols for such implementation and enforcement of the Act and its IRRs at the Commission and local governmental level.

WHEREAS, Section 4, Rule XIX of the Implementing Rules and Regulations of the RA 9003 specifies that LGUs shall be required to legislate appropriate ordinances to aid in the implementation of the Act and in the enforcement of its provisions. Specific measures to implement the ecological solid waste management and enforce Section 48 of the Act should be included; provided, such ordinances shall be formulated pursuant to relevant provisions of RA 7160; provided further, that the Commission shall aid LGUs in this process particularly by giving advisory assistance. For this purpose, a pro forma ordinance shall be established by the Commission for the guidance of LGUs. However, LGUs shall not be limited to this pro forma nor
shall it prejudice any further improvement, modifications and revisions on the pro forma that the LGUs may chose to undertake.

WHEREAS, Section 48 and 49 of the RA 9003 and Sections 1, 2, 3 of Rule XVIII of the Implementing Rules and Regulations of the RA 9003, provides the prohibited acts with corresponding fines and penalties.

WHEREAS, SEC. 32 of the Local Government Code of the Philippines provides that the city or municipality, through the city or municipal Mayor concerned, shall exercise general supervision over component barangays to ensure that said barangays act within the scope of their prescribed powers and functions.

WHEREAS, there is a need to further intensify the efforts to enforce the implementation of the RA 9003 and its IRR at the barangay level.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED that the Enforcement Policy for the Barangays be adopted.

FURTHER RESOLVED that the Department of Environment and Natural Resources (DENR) and Department of the Interior and Local Government (DILG) will provide and issue parallel guidelines relative to the implementation of these enforcement policy;

FURTHER RESOLVED that all member agencies of the National Solid Waste Management Commission (NSWMC) will monitor the implementation/operation in coordination with the local solid waste management boards in the provincial and city/municipal levels.

This resolution takes effect upon approval.

APPROVED this ___ day of ______, 2014.

Attested by:

MANUEL D. GERONI, CESO I
Undersecretary for Policy, Planning and Foreign-Assisted Programs