Governing Rules and Regulations of the National Solid Waste Management Commission (NSWMC)

Section 1. Title - These rules shall be known, cited and referred to as the Governing Rules and Regulations of the National Solid Waste Management Commission (NSWMC).

Section 2. Purpose – Rule IV Section 5 of the Implementing Rules and Regulations provides that the Commission shall formulate its governing rules that will define its conduct of business in carrying out the functions.

Section 3. National Solid Waste Management Commission. Chapter II Section 4 of the Republic Act 9003 provides for the establishment of the National Solid Waste Management Commission under the Office of the President, hereinafter referred to as the Commission.

Section 4. Composition and Membership of the Commission. Chapter II Section 4 of the Republic Act 9003 provides for the composition and membership of the Commission. The Commission shall be composed of fourteen (14) members from the government sector and three (3) members from the private sector. The heads of the following agencies, in their ex-officio capacity, shall represent the government sector:

1. Department of Environment and Natural Resources (DENR);
2. Department of Interior and Local Government (DILG);
3. Department of Science and Technology (DOST);
4. Department of Public Works and Highways (DPWH);
5. Department of Health (DOH);
6. Department of Trade and Industry (DTI);
7. Department of Agriculture (DA);
8. Metro Manila Development Authority (MMDA);
9. League of Provinces of the Philippines (LPP);
10. League of Cities of the Philippines (LCP);
11. League of Municipalities of the Philippines (LMP);
12. Liga ng Mga Barangay;
13. Technical Education and Skills Development Authority (TESDA); and

The private sectors are to be represented by the following:

1. A representative from non-government organizations (NGOs) whose principal purpose is to promote recycling and the protection of air, land and water quality;
2. A representative from the recycling industry; and
3. A representative from the manufacturing or packaging industry.

The Secretary of the Department of Environment and Natural Resources and a private sector representative of the Commission shall serve as chairman and vice-chairman, respectively. The commission shall select from among the private sector representatives the vice chair until three years or until his term ends.

Waste No More! Waste No Time!
The members of the Commission shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Commission fail to complete his/her term, the successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term. Finally, the members shall be entitled to reasonable traveling expenses and honoraria.

The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary. The Secretaries/Heads of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework.

Section 5. Selection Process and Tenure of Office for the Private Sector Representatives. Representatives from the NGOs, recycling and manufacturing or packaging industries shall be nominated through a process designed by themselves and shall be appointed by the President for a term of three (3) years.

The appointment of private sector representatives shall be based on the following criteria:

a. Integrity;
b. High degree of professionalism; and
c. Distinguished themselves in the environmental and resource management sector.

Section 6. Powers and Functions of the National Solid Waste Management Commission. A National Solid Waste Management Commission, hereinafter referred to as the Commission, and under the Office of the President, is hereby established. The Commission is tasked to oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of the Act. The Commission shall undertake the activities identified in Section 5 of the RA 9003.

Section 7. National Solid Waste Management Commission Secretariat. The Department, through the Environmental Management Bureau, shall provide secretariat support to the commission. An Executive Director, nominated by the members of the commission and appointed by the chairman of the commission, shall head the secretariat. The general functions of the secretariat shall be the following:

a) Prepare all pertinent documents, in coordination with the National and Regional Ecology Centers as well as other relevant agencies and institutions, for deliberation by the commission;
b) Record and document all the proceedings of the meetings;
c) Handle all the administrative requisites of the commission;
d) Index and keep all records used and referenced by the commission;
e) Serve as the clearinghouse for all projects/programs for implementation by the LGUs and/or the public or private sector;
f) Evaluate and review proposals submitted for funding support from the Solid Waste Management Fund; and
g) Perform all other functions as may be deemed necessary by the Commission.

The Executive Director shall provide overall leadership, supervision and strategic direction to the Secretariat setting an effective agenda and ensuring performance goals are met. These shall all be in support for the NSWMC to perform its powers and functions.
Section 8. Proceedings - The proceedings of the Commission shall be as follows:

8.1 Meetings of the Commission. The Commission shall meet every last Tuesday of the month. In the absence of the heads of the agencies mentioned under Section 4 of the Act, the Secretary or Head of the Agency through a Special Order may designate permanent and alternate representatives to attend the meetings and act in behalf of the principal.

The place and time of the meetings shall be determined by the Commission.

As may be deemed necessary by the Chairman or the Vice Chairman, special meetings other than the regular meetings may be convened at a place and time determined by the Commission.

8.2. Attendance to Meetings. In case of absences without valid reason or prior notice, the matter shall be brought to the attention of the Head of Agency or Organization concerned.

8.3 Quorum. In order to transact business, a quorum consisting of a majority of the Commission members or their duly authorized representatives is required.

In the absence of a quorum, the Commission shall defer all items on the agenda requiring votation for the next meeting.

8.4 Presiding Officer. The Chairman shall preside over the regular or special meeting of the Commission. In case of his/her absence or temporary disability, the Vice-Chairman shall preside over the meeting. Further, in the absence of both the Chairman and the Vice Chairman, the members who constitute the quorum, shall designate a presiding officer who will chair the meeting.

8.5 Vote Requirement – In case voting is required to reach a decision on any matter, the Commissioners shall each have one vote. The presiding officer shall only vote in case of a tie.

The majority vote of the commissioners or their duly authorized representatives present who constitute a quorum shall be sufficient.

8.6 Referendum. The Chairman may authorize the circulation ad referendum of matters that are of such urgency that the same cannot await the next regular Commission meeting. In such cases, approval of a majority of the members of the Commission shall be sufficient for action; Provided, That matters approved ad referendum shall be submitted to the Commission at its next meeting for confirmation.

8.7 Forms of Acts - The judgment, opinion, sense or will of the Commission on any subject matter being taken up shall be expressed through a resolution.

8.8 Procedural Flow of the Resolutions.
SWM policies and guidelines that needs to be formulated and developed are stipulated in the RA 9003 and its IRR. The NSWMC Secretariat, with guidance from the NSWMC and the NSWMC-TWG shall identify priority policies to be developed. However, other policies may be identified as a result of studies conducted, and situational developments.

Based on the discussions by the NSWMC TWG, the NSWMC Secretariat shall prepare a working document or a draft resolution for further discussion by the TWG members. The NSWMC secretariat may utilize the services of an expert in the preparation and drafting of the policies. The said preparation shall be included in work and financial plan of the NSWMC Secretariat.

All Resolutions shall be discussed, deliberated and endorsed by the NSWMC-TWG prior to its approval by the Commission.
Resolutions discussed, deliberated and approved by the majority of the members during a Commission meeting shall be deemed effective immediately unless stipulated in the resolution. The signature of the Chairman shall be for attestation or confirmation. In cases where the Chairman is unable to sign, the Vice Chairman shall affix his/her signature for confirmation only on resolutions adopted during a meeting where he/she was the presiding officer.

The implementation of approved Resolutions may be deferred and amended following the procedures set by the Commission.

Department Administrative Orders or Joint Administrative Orders shall be issued by appropriate agencies, whenever necessary, to implement the resolution adopted by the Commission. Such DAO or JAO shall be published in the Official Gazette or any 2 newspapers of general circulation.

8.9 Technical Working Group. The Commission shall create a technical working group and sub group/s to take action on matters or subjects prior to the approval of the Commission. It shall prepare the work programs and preparatory documents to be submitted to the Commission for final discussion and corresponding decisions (AS INDICATED IN THE NSWMC RESOLUTION 15, Series of 2009);

The TWG shall meet every first (1st) Thursday of the month. Special meetings (during 3rd Thursday of the month) may be called for urgent matters that call for the TWG to deliberate and endorse prior to the NSWMC Meeting.

The TWG shall be composed of duly designated technical representatives from the member agencies of the Commission, Department of Education and the Commission on Higher Education.

The Secretary or Head of the Agencies stipulated in Section 4 of this document, through a Special Order, may designate permanent and alternate representatives to attend the meetings and act in behalf of the principal.

The Vice Chairman shall preside over the regular or special meeting of the NSWMC-TWG. In case of his/her absence or temporary disability, the body who constitute the quorum, shall designate a presiding officer who will chair the meeting.

However, any agency or organization may be called to participate or act as resource person as may be needed.

All expenses to be incurred by the members of the TWG in their participation in consultation meetings, public hearings, testing and validation, including but not limited to travel expenses shall be charged to the respective agency budget.

Section 9. Appointment of NSWMC Official Representatives to Various Engagements. The Commission shall appoint member/s who shall be the official representatives of the NSWMC in steering committees and other various initiatives such as donor assisted projects, among others.

Section 10 Solid Waste Management Fund. A Solid Waste Management Fund, a special account in the National Treasury, shall be created that shall be administered by the Commission. Such fund shall be sourced from the following:

(a) Fines and penalties imposed, proceeds of permits and licenses issued by the Department under this Act, donations, endowments, grants and contributions from domestic and foreign sources; and
(b) Amounts specifically appropriated for the Fund under the annual General Appropriations Act.

The Fund shall be used to finance the following:
(1) products, facilities, technologies and processes to enhance proper solid waste management;
(2) awards and incentives;
(3) research programs;
(4) information, education, communication and monitoring activities;
(5) technical assistance; and
(6) capability building activities.

However, the Fund shall not be used for the creation of positions or payment of salaries and wages.

The Commission shall prescribe scheme or guidelines for fund administration and a simple procedure and proforma for fund application. The Secretariat shall review the level of fund assistance to be provided to the LGUs every three (3) years.

Section 11. Operational budget of the NSWMC. The Secretariat shall prepare the work and financial plan of the Commission and shall include inputs from the members of the Commission. Upon approval of the Commission, the same shall be endorsed through a Resolution to the Department of Budget and Management for funding.

Member agencies and private sector representatives are encouraged to allocate funding support from their regular budget or resources to programs or projects of the Commission related to their respective mandates. Member agencies shall report to the NSWMC their proposed and approved funding allocations and programs.

The Department of Environment and Natural Resources through the Environmental Management Bureau shall provide the needed funding and logistical support to the Secretariat.

Section 12. These Governing Rules and Regulations of the NSWMC shall be viewed as a dynamic document. Any agreement reached by the members that will further define its conduct of business in carrying out its functions shall form part of this document as an Annex.

Section 13. Effectivity. This Resolution shall take effect immediately.

APPROVED this 10 day of July, 2014.

Attested by:

[Signature]

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