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The Disaster of Non-Compliance to Solid Waste Management Act in the Philippines *

Introduction

Wastes and garbage, when disposed without discipline and regulation, pose as major threats to health, sanitation, and environmental security. The Philippine Republic Act (RA) 9003 or the Ecological Solid Waste Management Act was legislated in the year 2000 as a response of government to emerging concern of indiscriminate waste disposal. The Act sought to institutionalize a policy mechanism that shall set guidelines and targets for solid waste disposal and reduction.

To note, RA 9003 defines solid waste *“as all discarded household, commercial waste, nonhazardous, institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic waste”*. In general, the Act intends to reduce the volume of solid wastes through waste-diminishing techniques such as composting, recycling, re-use, recovery, and green charcoal process. The law also provides that solid wastes must be disposed in facilities that pass environmental standards.

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Pursuant to RA 9003, the National Solid Waste Management Commission (NSWMC) was created thereafter to formulate policies and programs on Philippine Solid Waste Management, as well as oversee their implementation in local governments. The Solid Waste Management Boards in provinces, cities, and municipalities were also created to administer the implementation and sanitary inspection of wastes generated in their respective jurisdictions.

Thirteen years after the passage of the Ecological Solid Waste Management Act, the intents and purpose of the law, however, have not been fully realized in the Philippines. Because of uncontrolled pollution and waste disposal, the country is in dire need of stricter implementation of environmental policies.

Apparently, there has not been a marked change of attitude in waste disposal among the general public, despite the existence of the law. Erring industries and households have failed to comply with the segregation scheme, waste volume reduction, and recycling. The public lacks sufficient information and education not only on the provisions of RA9003, but also on its fundamental principle of sustaining the ecological environment. Moreover, other issues such as lack of resources, capabilities, and political determination especially in the localities hamper

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the effective implementation of the law. Non-compliance to the Ecological Solid Waste Management Act or RA 9003 spells a disaster that human actors are accountable for.

This policy article aims to bring the public attention to a critical environmental law and its serious implications on the fate of human security. The study presents the salient provisions of RA 9003 as well as the environmental dangers which actually resulted from non-observance of the law. This policy brief hopes to create awareness on environmental security and sustainable development by heeding the lessons of undermining waste management.

The Disastrous Effects of Waste Mismanagement

The generation of massive amounts of waste is associated with the development of human activities, like urbanization and migration *en masse*. The phenomenal growth of population, especially in the National Capital Region (NCR) and other highly urbanized cities in the country, creates tremendous predicament of waste management and hazards in the environment.

The complex problem becomes even more complicated by the indifference and apathy of many towards solid waste management. Partial or non-compliance to Republic Act 9003 results in dire environmental consequences which jeopardize the welfare and security of people. On a wider perspective, partial or non-compliance with the policies set by the Ecological Solid Waste Management Act results in land, air, and water

pollution, as well as massive inundation and disaster.

The greatest contributory factors of water pollution in NCR are the proliferations of informal settlers and unregulated factories along river bodies. Uncontrolled waste disposal and unsegregated rubbish overfill dumpsites and landfills, ending up in drainage systems. This is the cause of flooding in low-lying areas or so called "catch basins" during rainy season. Torrential rains easily flood roads.

In NCR, numerous tributaries and estuaries create a sprawling network of rivulets and creeks that serve as natural water conduits. But as rubbish accumulates, waterways are blocked, and streets easily become flooded. With the phenomenon of La Ni or continuous rains, indiscriminate dumping of waste makes congested areas in NCR highly vulnerable to flood and disaster.

The accumulation of industrial, biological, and household wastes contaminates the environment, and bring hazard to public health. Decomposing piles of garbage, especially in open dumpsites, are harmful not only to the physiological well-being of affected residents, but also to their physical security. The landslide in the Payatas dumpsite in July 2000, which claimed 2018 lives, was a tragic case of unregulated waste disposal and environmental abuse. Huge amount of garbage buried makeshift houses as rains fell heavily on the dumpsite.

Moreover, the unexpected deluging in most parts of NCR during typhoons Ondoy and Habagat

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in 2009 and 2012, respectively, highlighted the major problem of garbage disposal. Uncollected domestic wastes clogged river channels and drainage systems, causing massive flooding in most parts of NCR. Report showed that the amount of garbages in Manila in the aftermath of Habagat in 2012 was five times more than what had been collected after tropical storm Ondoy in 2009.

The colossal generation of garbage was also seen as one of the contributors of air pollution. The open incineration of waste can cause respiratory illnesses. In addition, the resultant *Nitrous Oxide* (N₂O) and *Sulfur Dioxide* (SO₂) that are mixed in the atmosphere from waste combustion can cause acid precipitation or *acid rain*. *Carbon monoxide* (CO), which is a by-product of incomplete combustion, also contributes to formation of greenhouse gases that trap the sun's heat and increase the average temperature of the environment. This dramatic increase of temperature is the foremost factor for global warming.

Estuaries, waterways, and marine resources are also threatened by unregulated waste disposal. In fact, garbages have already polluted *San Juan River, Pasig River, Tullahan River, Estero de Paco, and Estero de Pandacan in NCR*. The accumulation of wastes in these rivers triggers the growth and eventual decomposition of algal blooms, leading to oxygen deprivation of marine bodies or to fish kill. While this process of eutrophication occurs naturally but slowly in bodies of water, human abuse and activities speed up this environmental phenomenon.

Indiscriminate dumping of rubbish also destroys the ecological system in the metropolis. The environmental upsetting can be seen in the marked disturbance of various forms of fauna due to contaminated air and water from wastes of human activities.

Policy Issues and Challenges

In the early years of its implementation, the Solid Waste Management Program struggled in quandary at a time when Local Government Units (LGUs) also grappled with the administrative dilemma of decentralization and insufficient resource allocations. It must be noted that by virtue of RA 7160 or the Local Government Code of 1991, the cost and operation of waste management were made as the primary responsibility of LGUs. The latter were also given the authority to collect fees and generate income from the operation of Solid Waste Management Program. This includes Material Recovery Facilities (MRF), establishment of Sanitary Landfill, as well as construction of Common Waste Treatment and Disposal Facilities.

However, the means and methods of generating income from waste management by local governments are not provided for in the law. Thus, for LGUs that lack managerial capacities, the operational platform and long-term development of Solid Waste Management are under jeopardy along with the environment. Notably, the technical know-how of experts is important in the effective execution of the Waste Management Program. The LGUs must tap the services of sanitary engineers, urban planners, environmental scientists, and other professionals in the control and management of waste disposal in their communities. Towards this end, the national government must provide technical and financial assistance to LGUs.

According to the "Socio-economic Report: 2010-2012" of the National Economic Development Authority (NEDA), only nine or 52.94% out of the 16 cities and one municipality in NCR submitted their comprehensive Solid Waste Management (MSW) plans. At the national level, only 414 or 25.71% out of the 1,610 cities and municipalities completed their SWM Plans. The NEDA Report suggested that the local governments, as frontliners of policy implementation, must improve their level of compliance to realize the intents and purposes of Republic Act 9003.

On the whole, the success or failure of the statute rests significantly on the level and quality of compliance of the LGUs as prime movers of environmental programs. Aside from insufficient resources, the lack of political determination to execute the Solid Waste Management Act with firmity and consistency is the dilemma surrounding RA 9003. In many instances, plans and programs on waste segregation and recycling are not well established, disseminated, and implemented in the community and grassroots level.

Conclusion

The *raison d'être* of Republic Act or RA 9003 is beyond question. The enactment of the law manifested the responsiveness of the Philippine Government to emerging environmental concerns of waste reduction and disposal.

To ensure the effective implementation of RA 9003, the necessary institutional mechanisms were created such as the National Solid Waste Management Commission, and the Solid Waste Management Boards in the LGUs. But more than the establishments of new bureaucratic machineries, which cost the government huge resources, the purpose and intents of all these seem to remain on the drawing board.

In the absence of sustainable programs and with the prevalence of apathy, residents and industries are predisposed to their old, convenient practices of waste disposal. Thirteen years after the legislation of RA 9003 and the institutionalization of the policy infrastructure, mainstreaming solid waste management practices in day to day living appears to be elusive. The chronic problems with garbage continue to

contaminate the atmosphere, water systems, and physical settlements.

With this, industries and commercial firms must be closely monitored and regulated by government authorities, in cooperation with concerned environmental groups as oversight. While policy execution is the function of government, concerned citizens and civic organizations must help enforce the law by policing themselves and overseeing policy administration.

Aside from the concerns on good governance, the conduct of research studies by policy think tanks also plays a significant role in addressing issues and problems in policy execution. It must be taken into account that RA 9003 provides for continuous research and development on solid waste management. Some of the areas for policy analysis include concerns on effective institutional arrangement, resource conservation techniques, as well as indigenous methods of waste reduction, collection, separation, and recovery.

The provisions of RA 9003 must not only be known to the public, but also the disaster of non-compliance to the law must be understood fully by the people. Undermining the gravity of waste management threatens the environment and the living things it sustain.

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