


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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'11 MAY -2 P 4 :03

SENATE
S.B. No. 2793

RECEIVED BY: 

Introduced by SENATOR MANNY VILLAR

EXPLANATORY NOTE

One out of every five Filipino households do not have access to sanitary toilet system. Recent data from United Nations Children's Fund show that 28% of the population is subjected to indignities of having to defecate in the open, in plastic bags or buckets disposed on rivers and garbage bins. The embarrassment of our countrymen compelled to do this for want of proper toilet facility hits right at the core of their beings. Sanitation as a human right goes deep and touches on the basic dignity of every person.

The large number of those without access to proper toilet facilities is alarming considering that health and well-being are closely connected to sanitation. The prevalence of sanitation-related diseases, such as cholera and amoebiasis, is an indication not only of unhygienic conditions our people are daily exposed to, but of the extent of poverty faced by the majority of Filipinos. In fact, diarrhea is one of the leading cause of morbidity in the Philippines.

For many years, vital reforms on the delivery of health and sanitation services have been pushed at the back-burner. The small health budget has lead to limited access of health services. Instead of sustained and concrete programs, the health sector resorts to short-term expedient solutions to decades-old health and sanitation concerns. Little importance is given to sanitation despite the passage of the Clean Water Act of 2004 and the rising incidence of water-borne diseases outbreaks, the continued disregard of the importance of sustainable sanitation is also reflected on the high morbidity rate especially of children and pregnant women.

Sustainable sanitation does not end with the availability of a toilet facility inside the house, it extends to complete community-wide sanitation systems designed to properly treat and dispose waste. It involves a comprehensive review and implementation of the national sanitation program taking into consideration the practices and standards applicable to Philippine setting.


This bill seeks to promote sustainable sanitation by strengthening and expanding the services of the Sanitation Unit of the Department of Health, and by amending Sections 3 and 103 of Presidential Decree 856 also known as the Sanitation Code. In view of the foregoing, immediate approval of this measure is earnestly sought.

Approved,


MANNY VILLAR

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**AN ACT
PROVIDING A FRAMEWORK FOR NATIONAL SUSTAINABLE SANITATION
PROGRAM, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Short Title.** This Act shall be known as the ***“National Sustainable Sanitation***
2 ***Act of 2011”***.

3
4 **Section 2. Declaration of Policy.** The State shall pursue a policy on sustainable sanitation
5 to protect public health and human development as a fundamental human right. As such,
6 it shall be the guided by the following policy statements:

- 7 1. Sanitation is both a social and economic good. It is essential for basic health and
8 dignity of the person.
- 9 2. Sanitation policies, plans and programs must be localized and its management
10 decentralized at the lowest level possible.
- 11 3. Sanitation is a responsibility of all citizens. Different stakeholders must be involved
12 in promoting good sanitation and hygiene practices.
- 13 4. Sanitation systems must be financially sustainable, economically affordable,
14 socially and culturally acceptable.
- 15 5. Good sanitation contributes to environmental sustainability and penalizes
16 polluters.
- 17 6. Sanitation services must be responsive and shall include capacity development
18 for consideration of appropriate technologies, financing and management options
19 at various levels.
- 20 7. Proper resource conservation, re-use, recycle and recovery of sanitation by-
21 products will be considered.
- 22 8. Access to sanitation should be equitable and sensitive to gender differences.
- 23 9. Efficient water governance includes sanitation.

24
25 **Section 3. Definition of Terms.** As used in this Act, the following terms shall mean:

- 26
27 a) Ecological Sanitation – refers to a system that separates urine and feces and
28 provides for the safe recycling of excreta resources (plant nutrients and organic
29 matter) to crop production in such a way that the use of non-renewable resources
30 is minimized.
- 31 b) Excreta – refers to both human feces and urine.
- 32 c) Sanitation – refers to a wide range of services and arrangements pertaining to the
33 hygienic and proper management of human excreta and community liquid wastes
34 to safeguard the health of individuals and communities. This is usually concerned
35 with preventing diseases by hindering pathogens or disease-causing organisms
36 found in excreta and wastewater from entering the environment and coming into
37 contact with people and communities. This also involves the construction of

1 adequate collection and disposal/reuse facilities and the promotion of proper
2 hygiene behaviour so that facilities are effectively used at all times.

- 3
- 4 d) Septage – means the sludge produced on individual onsite wastewater disposal
5 systems, principally septic tanks and cesspools.
- 6 e) Sewage – means water-borne human or animal wastes excluding oil or oil wastes
7 removed from residences, buildings, institutions, industrial and commercial
8 establishments.
- 9 f) Sewerage – refers to any system or network of pipelines, ditches, channels or
10 conduits including pumping stations, lift stations and force mains, service
11 connections including other constructions, devices and appliances appurtenant
12 thereof, which includes the collection, transport, pumping and treatment of
13 sewage to a point of disposal.
- 14 g) Sludge – means any solid, semi-solid or liquid waste or residue generated from a
15 wastewater treatment plant, water supply treatment plant, or water control
16 pollution facility, or any other such waste having similar characteristics and
17 effects.
- 18 h) Sustainable sanitation system – a system that protects and promotes human
19 health, minimizes environmental degradation and the depletion of the resource
20 base. It is technically and institutionally appropriate, while maintaining social
21 acceptability and economic viability in the long term.
- 22 i) Treatment – means any method, technique, or process designed to alter the
23 physical, chemical or biological and radiological character or composition of any
24 waste or wastewater to reduce or prevent pollution.
- 25 j) Universal Coverage – one hundred percent (100%) of total households have their
26 own sanitary toilet facilities.
- 27 k) Zero Open Defecation – refers to the state of no defecation in open public places.
28 community is said to have zero open defecation when 100% of its households
29 have their own sanitary toilets.
- 30

31 **Section 4. The Strengthening of the Sanitation Unit.** For purposes of carrying out the
32 declared policy in Section 2, it is hereby established that the present Sanitation Unit,
33 hereinafter called the Unit, under the Department of Health be strengthened through
34 additional support services and appropriate funds as per recommendation of the
35 Department of Health. It shall be an autonomous unit directly under the Office of the Health
36 Secretary.

37

38 The Unit shall be headed by an Administrator who is a sanitation engineer, or equivalent
39 qualification, with at least five (5) years distinguished service and experience in any of the
40 following fields: waterworks, sanitation management, and health. The administrator shall
41 receive compensation, benefits, privileges and other emoluments equivalent to an
42 Undersecretary of the DOH.

43

44 **Section 5. Objectives of the Unit.** The Unit shall have the following objectives:

- 45
- 46 1. To establish the policy guidelines for the implementation of sustainable sanitation
47 including regulatory and institutional arrangements;
 - 48 2. To promote rapid expansion of sanitation coverage throughout the Philippines in
49 partnership with different stakeholders; and
 - 50 3. To set national targets and directions that will guide national and local plans and
51 programs on sustainable sanitation.
- 52

53 **Section 6. Powers and Functions of the Unit.** The Unit shall oversee the preparation and
54 implementation of local sustainable sanitation management plans and prescribe policies to
55 achieve the objectives of this Act. The Unit shall undertake the following activities:

- 56
- 57 1. Prepare and regularly update the National Sustainable Sanitation Management
58 Framework;
- 59

- 1 2. *Lead inter-agency implementation of the National Sustainable Sanitation Program;*
- 2 3. Develop and implement a program to provide technical and other capability
- 3 building assistance and support to local government units in the development and
- 4 implementation of local sustainable sanitation plans;
- 5 4. Review and monitor national agency and local government sustainable sanitation
- 6 plans in accordance with its rules and regulations;
- 7 5. Develop and implement a national pro-poor sanitation program that will target to
- 8 achieve zero open defecation nationwide and one hundred percent sanitation
- 9 coverage of all households by 2016;
- 10 6. Establish and manage the Sanitation Program Fund of the DOH;
- 11 7. Monitor and regularly report to the public, through the DOH, the national account
- 12 for sanitation;
- 13 8. Formulate the necessary education promotion, information campaign and social
- 14 marketing strategies;
- 15 9. Spearhead the research and development of the knowledge and skills on
- 16 technology, management and financing options for sustainable sanitation;
- 17 10. Encourage community participation and other partnership modalities in the
- 18 different areas of sustainable sanitation service delivery chain;
- 19 11. *Propose and adopt policy, standards, regulations and guidelines relative to the*
- 20 *implementation of this Act and other related laws;*
- 21 12. Promote knowledge, standards, skills and proper hygiene behaviour for
- 22 appropriate and sustainable sanitation solutions in schools and in emergency
- 23 situations;
- 24 13. Develop a program for the development, training and professionalization of
- 25 sanitary inspectors in partnership with their national organization; and
- 26 14. Facilitate the organization, registration and regulation of Sanitation Service
- 27 providers.
- 28

29 **Section 7. Role of the Department of Interior and Local Government.** The (Department
30 of Interior and Local Government) DILG shall formulate its own sustainable sanitation
31 strategy that will ensure that all LGUs capacity are enhanced and are assisted in developing
32 and updating their local sustainable sanitation plans, and in the regular inclusion of
33 sustainable sanitation in the LGU annual investment and development plans. They will also
34 assist in over-all sector monitoring and assessments and maintenance of a database.
35

36 **Section 8. Role of the Department of Public Works and Highways.** The Department of
37 Public Works and Highways (DPWH) shall implement the National Sewerage and Septage
38 Management Plan (NSSMP) for highly urbanizing cities as provided for in the Philippine
39 Clean Water Act of 2004. It shall ensure that the implementation of the NSSMP is in
40 partnership with the LGUs. It will also develop its own sustainable sanitation strategy that
41 will ensure proper installation of adequate and sustainable toilet and hand washing facilities
42 for men, women and disabled persons of the public and employees in all government
43 buildings.
44

45 **Section 9. Role of the Housing and Land Use Regulatory Board and its attached**
46 **agencies such as the National Housing Authority and the Housing and Urban**
47 **Development Coordinating Council.** The HLURB, NHA and HUDCC shall develop its own
48 sustainable sanitation plans consistent with this Act that will: a) ensure that appropriate
49 sustainable sanitation systems are adequately provided for in all its housing projects and b)
50 identify their agency targets and budgets for sanitation.
51

52 **Section 10. Role of the Local Water Utilities Administration.** The Local Water Utilities
53 Authority (LWUA) will develop its sustainable sanitation strategy and action plan aimed to
54 assist water utilities (not limited to water districts) who will implement sustainable sanitation
55 initiatives. *It will also ensure at least five percent (5%) of its total loan products are allocated*
56 *for sanitation, sewerage and septage management projects. As much as possible, it will*
57 *also provide access to innovative financing schemes and capacity development of the water*
58 *districts.*

1 **Section 11. Role of the National Water Resources Board.** The National Water
2 Resources Board (NWRB), as the main economic regulator of the water sector provided for
3 in the Water Code shall be the economic regulator for sewerage and Septage management.
4 The sanitation economic regulatory guidelines shall be developed by the NWRB and it
5 should cover the following tasks:

- 6
- 7 1. *Promotion of operating efficiency and performance indicators;*
- 8 2. *Service standard specification and monitoring;*
- 9 3. *Ensure asset serviceability over time;*
- 10 4. *Promotion of water use efficiency;*
- 11 5. *Safety net regulations; and*
- 12 6. *Customer service responsiveness.*

13
14 In special areas where there is a different economic regulator for the water service
15 provider (such as those regulated by contract), the regulator assumes responsibility
16 for sanitation and sewerage regulation. Their regulatory guidelines should be
17 consistent with the national economic regulatory guidelines for sanitation that will be
18 developed by the NWRB. In such cases, the NWRB shall serve as the appellate
19 body for complaints between the service provider and the consumers.
20

21 **Section 12. Role of the Municipal/City Local Government Units.** The local government
22 units (LGUs) are mandated to ensure that basic sanitation services are provided to their
23 constituents. Consistent with the provisions of the local government code, it is hereby
24 mandated that:

- 25 1.) Sanitation Unit in each city or municipality be established. The Sanitation Unit will
26 be under the local health departments to be headed by a Sanitation Engineer or its
27 equivalent. This unit shall be composed of the head and a team of sanitary
28 inspectors. This unit shall be responsible for the development and implementation of
29 the local sustainable sanitation plans and programs and shall recommend local
30 legislation as deemed necessary.
- 31
- 32 2.) LGUs will develop their local sustainable sanitation plans that respond to their
33 local situation and priority needs and furnish the Unit a copy of the plan for
34 monitoring and technical assistance.
- 35
- 36 3.) They will work with different stakeholders and service providers such as Water
37 Districts, small private entrepreneurs and community-based associations to develop
38 the plan and ensure its implementation and enforcement of the national policies.
- 39
- 40 4.) They will develop local policies and ordinances which defines its strategies and
41 stipulates penalties and fines for violations for open defecation and for other
42 unsanitary behaviours that affect public health.
- 43
- 44 5.) The LGUs shall allocate at least 10% of their 20% development funds for
45 improvement of sanitation, the amount of which shall be regularly reported and
46 accounted for separately. The sanitary fees levied by the LGUs shall be solely
47 allocated for sanitation related projects.
- 48 6.) The LGUs will develop programs and incentive schemes to achieve universal
49 coverage of their total household population having their own sanitary toilet facilities
50 within a reasonable time frame as indicated in their sustainable sanitation plan.
- 51
- 52 7.) The LGUs shall also ensure the provision, operation and maintenance of
53 adequate sanitary toilet facilities for men and women in public places such as public
54 markets, bus terminals, public parks, public basketball courts/gymnasiums. They
55 shall also ensure adequate operation and maintenance of public school buildings.
- 56 8.) The LGUs will work with communities and households to create demand for
57 sanitation improvement through health and hygiene awareness programs.
58

1 **Section 13. Role of Provincial LGUs.** The Provincial LGUs will assist the Municipal and
2 City LGUs by:

- 3
- 4 1. Ensuring compliance with the national policy, norms and standards;
- 5 2. Developing provincial legislation, norms and standards;
- 6 3. Monitoring progress of the LGUs in meeting their targets;
- 7 4. Allocating portion of their IRA to provide for counterpart support financing to
- 8 municipal/city LGUs; and
- 9 5. Providing for the establishment, operation and maintenance of at least one
- 10 septage treatment facility for the province.
- 11

12 **Section 14. Role of the Department of Education.** The Department of Education (DepEd)
13 shall ensure that all schools have adequate number of sustainable sanitary toilet facilities
14 for the students. No school building is considered complete without proper toilet facilities.
15 The DepEd shall immediately address the access gaps by giving priority to schools that
16 maybe used as evacuation centers. All of these information shall be identified in their
17 sustainable sanitation action plan which should indicate their targets, plans and budgets
18 within a given timeframe.

19

20 **Section 15. Role of the Inter-Agency Committee on Environmental Health.** The Inter-
21 Agency Committee on Environment Health (IACEH) shall be a high level inter-agency
22 platform to ensure coordination and monitoring of agency performance. They will address
23 emerging bottlenecks that constrain achievement of universal coverage.

24

25 **Section 16. Role of the Department of Finance.** The Department of Finance will take
26 responsibility for ensuring equitable and practical funding and financing arrangements that
27 will enable the provincial and municipal LGUs to finance their sanitation plans and
28 programs.

29

30 **Section 17. Role of Civil Society.** Non-government organizations and community-based
31 organizations can include but are not limited to health and hygiene awareness promotion
32 and education; training and capacity development; facilitating community participation;
33 implementing community-based sanitation improvement projects; monitoring plan
34 implementation; and piloting demonstration projects.

35

36 **Section 18. Individual Excreta and Sewage Disposal System.** All houses and buildings
37 shall have an excreta and sewage disposal system as approved by the local Sanitation
38 Inspector and provided for in Section 19.

39

40 **Section 19. Sewerage and Sewage Treatment System.** All households and buildings
41 covered by the system shall be connected to the sewer.

42

43 **Section 20. Approval of the Department.** The approval of the Department shall be
44 required in the following matters:

- 45 1. The construction of any approved type of individual excreta and sewage disposal
- 46 system.
- 47 2. Plans, designs, and specifications of individual excreta and sewage disposal
- 48 system.
- 49 3. Plans, designs and specifications of sewerage and sewage treatment systems.
- 50 4. Methods of disposal of sludge and/or septage from excreta or sewage disposal
- 51 treatment facilities.
- 52

53 **Section 21. Achieving Universal Sanitation Coverage.** The Unit, in coordination with
54 IACEH and the LGUs shall spearhead a sustainable sanitation campaign aimed at
55 achieving universal sanitation coverage in the country that will:

- 56
- 57 1. Raise awareness and cultivate demand for improved sanitation at LGU level;
- 58 2. Achieve zero open defecation in all barangays in the country by 2016;
- 59 3. Ensure that all households will have their own sanitary toilet facility;

- 1 4. Ensure that LGUs provide a support system for disposing human excreta, household
2 wastewater and refuse which is acceptable to users, safe, hygienic, easily accessible and
3 which does not have an unacceptable impact on the environment; and
4 5. Trigger LGUs to develop their sustainable sanitation plans and programs and allocate
5 resources for its implementation.
6

7 **Section 22. The National Sustainable Sanitation Plan.** The DOH thru the Sanitation Unit
8 shall prepare a five-year (5) National Sustainable Sanitation Plan consistent with the
9 Sustainable Sanitation Framework within one (1) year from the approval of this Act.
10

11 **Section 23. The Local Sustainable Sanitation Plan.** The Local Government Units shall
12 prepare its respective five-year (5) Sustainable Sanitation Plans consistent with the
13 Sustainable Sanitation Framework Plan within one (1) year from the approval of this Act.
14

15 **Section 24. Amendatory and Repealing Clause.** The following sections of Presidential
16 Decree 856 also known as "Sanitation Code" is hereby amended to read as follows:
17

18 Section 3. *Functions of the Department of Health.* The Department shall have the
19 following powers and functions:

- 20 (a) Undertake the promotion and preservation of the health of the people and
21 raise the health standards of individuals and communities throughout the
22 Philippines.
23

24
25 XXX
26
27

28 **(i) TAKE A LEAD ROLE IN SANITATION GOVERNANCE BY PROVIDING**
29 **TECHNICAL ASSISTANCE, SETTING STANDARDS AND POLICY GUIDELINES,**
30 **AND THE CONDUCT OF RESEARCH AND DEVELOPMENT AND MONITORING**
31 **OF PLANS AND PROGRAMS.**
32
33

34 Section 103. Penal Provision
35

36 (a) Unless otherwise provided in any Chapter or section in this Code, any [person]
37 public official who shall violate, disobey, refuse, omit or neglect to comply with any of
38 the rules and regulations promulgated under this Code shall be guilty of
39 misdemeanor and upon conviction shall be punished by imprisonment for a period
40 not exceeding [six months or by a fine of not exceeding one thousand pesos]
41 **FOUR (4) YEARS AND A FINE NOT LESS THAN FIFTY THOUSAND PESOS**
42 **(Php 50,000.00) AND NOT MORE THAN ONE HUNDRED THOUSAND PESOS**
43 **(Php 100,000.00) PER DAY FOR EACH DAY OF VIOLATION** depending upon the
44 discretion of the court.
45

46 (b) Any person who shall interfere with or hinder, or oppose any officer, agent or
47 member of the Department or of the bureaus and offices under it, in the performance
48 of his duty as such under this Code, or shall tear down, mutilate, deface or alter any
49 placard, or notice, affixed to the premises in the enforcement of the Code, shall be
50 guilty of a misdemeanor and punishable upon conviction by imprisonment for a [six
51 months or by a fine of not exceeding one thousand pesos or both depending upon
52 the discretion of the court] **FOUR (4) YEARS AND A FINE NOT LESS THAN FIFTY**
53 **THOUSAND PESOS (Php 50,000.00) AND NOT MORE THAN ONE HUNDRED**
54 **THOUSAND PESOS (Php 100,000.00) PER DAY FOR EACH DAY OF VIOLATION**
55 depending upon the discretion of the court.
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Section 25. Appropriations. The Department shall allocate an initial Php 60 million for the launching of the Nssp nationwide and jump-start sustainable sanitation in high-risk areas as recommended by the Provincial Health Units in every region. The National Sanitation Unit shall have an allocation of at least Php 30 million thereafter. First, second and third municipalities and cities shall provide funding for the implementation of their local sanitation programs. Fourth and fifth class municipalities shall receive counterpart assistance from DOH, DENR and DPWH for the implementation of their sanitation programs.

Section 26. Separability Clause. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.

Section 27. Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

Section 28. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,