



**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE
STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE
ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL CHAMPIONS
TRAIN-THE-TEACHERS PROGRAM**

**22-26 August 2016
Cebu, Philippines**



SESSION 5: ENVIRONMENTAL PROTECTION LAW

Tutorial Problem (Solid Waste Management)

FACT SITUATION

Lunhaw City is a city with a population of about 2.5 million people. Its rapid economic growth has been largely due to manufacturing and construction industries. However, its growing population has created a severe strain on the provision of basic services such as transport and management of municipal solid waste (MSW). The volume of MSW produced has rapidly increased, with 1,200 tonnes now being generated daily.

In 2003, the city government passed an ordinance to establish a system of garbage collection and disposal, along with a provision imposing garbage fees of P100 to P500 on every household in the city. As a result, garbage collection of wastes is carried out 3 times a week by the city government. But collection has largely been inconsistent. Of the 1,200 tonnes of daily wastes, about 40% of these wastes are disposed of privately by local residents, either by being burned at or illegally dumped on private properties, whilst 60% are brought to final waste disposal sites by city government collectors. However, only half of this collected waste is disposed of in sanitary landfills, and the remainder is disposed of at illegal dumpsites by the city government collectors.

Although a solid waste management board has been established by the city, it has failed to fully implement its solid waste management plan which has been previously approved by the city council (*Sanggunian*). Firstly, local recycling stations or materials recovery facilities have yet to be constructed in every *barangay* by the city, as required under the plan. Also, the daily collection by city government workers has included substantial amounts of unsegregated garbage thrown out by some construction companies in the city, despite the requirement in the plan that only segregated waste can be collected by the city government workers.

CONSIDER THE FOLLOWING QUESTIONS:

Suppose that you were asked to provide legal advice to the environmental agency in the country as to the legal options available to address these solid waste management problems in Lunhaw City:

- (1) Who, as between the city government and the various generators of waste, may have committed criminal offences in relation to the activities described above?? Should any of these parties be prosecuted?
- (2) What administrative sanctions are available to the environmental authority for the failure to control pollution from solid waste? On whom should these sanctions be imposed?
- (3) What are the possible legal actions that can be taken against any of the parties that fail to respond to the administrative sanctions imposed by the environmental authority?