

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 2805

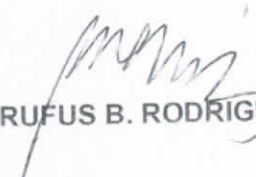
EXPLANATORY NOTE

Section 16 Article II of the Constitution provides that, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." This constitutional provision is not self-executory and the State has the duty to enact laws to effectively respond to environmental problems besetting our country.

The dumping of wastes pollutes our seawaters thereby affecting harmfully the marine resources which undoubtedly are rich sources of food for survival of the Filipino people.

Thus, in order to protect our marine resources and the interest of public health and safety, this bill seeks to penalize the dumping of wastes into sea waters.

In view thereof, the early passage of this proposed measure is highly recommended.


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

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House Bill No. **2805**

AN ACT
PROVIDING A BAN ON DUMPING OF SEWAGE SLUDGE AND INDUSTRIAL WASTE
INTO THE SEA

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

SECTION 1. *Short Title.* – This Act shall be known as the “**Sea Dumping Ban Act**”.

SEC 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the natural balance of the environment for the protection of human health and safety.

SEC 3. *Definition of Terms.* – For purposes of this Act, the term:

- (1) “alternative system” means any method for the management of sewage sludge or industrial waste which does not require a permit under this Act;
- (2) “excluded material” means:
 - (a) any dredged material discharged by the Philippine Army Corps of Engineers or discharged pursuant to a permit issued by the Secretary of Environment and Natural Resources;
 - (b) any waste from any industrial operation located in the Philippines or discharge pursuant to a permit signed by the Secretary of Environment and Natural Resources;
- (3) “industrial waste” means any solid, semi-solid, or liquid waste dumped by a manufacturing or processing plant other than an excluded material;
- (4) “interim measure” means any short-term method for the management of sewage sludge or industrial wastes which:
 - (a) is used before implementation of an alternative system;
 - (b) does not require a permit under this Act;
- (5) “sewage sludge” means any solid, semi-solid, or liquid waste generated by a wastewater treatment plant, other than an excluded material.

SEC 4. *Prohibited Acts.* – No person shall dump into sea waters or transport for the purpose of dumping into sea waters, sewage sludge or industrial waste, unless such person has obtained a permit issued by the Secretary of Environment and Natural Resources which authorizes such transportation and dumping.

SEC 5. *Penalties.* – Any person who dumps into ocean waters or transports for the purpose of dumping into ocean waters, sewage sludge, or industrial waste shall be liable in the amount of not less than Fifty Thousand Pesos (P50,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than three (3) months but not more than six (6) years, or both at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association, or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or other entity.

SEC 6. *Enforcement Monitoring Report.* – Not later than six (6) months after the date of the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources, in consultation with the Secretary of the Department of Transportation and Communications, shall submit a report to the Congress. The report required under this section shall contain an accounting of discharges into the waters of the territorial sea, the economic zone, and the ocean, and shall include:

- (a) total number of discharges;
- (b) the location, source volume and potential environmental effects of each discharge;
- (c) the date of original issuance, review and reissuance of each discharge;
- (d) the number of discharges that have been determined by the Secretary of Environment and Natural Resources;
- (e) schedule for implementing this Act and achieving compliance with guidelines promulgated under this Act as expeditiously as practicable, and an estimate of the resources required to meet such schedule; and
- (f) recommendations for any additional legislative authorities needed to achieve compliance with such guidelines.

SEC 7. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly

SEC 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,