

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3422



Introduced by Honorable Joaquin M. Chipeco, Jr.

EXPLANATORY NOTE

Article II, Section 16 of the 1987 Philippine 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.

Recent events have revealed that the Philippines is fast becoming a dumping ground for imported wastes from other countries. It is not known how long and extensive this nefarious practice has been going on since the reports only cover new apprehensions by the authorities. In a poor country such as ours, which could hardly deal with the disposal of its own waste materials, it is imperative that we stop altogether such importations lest we get overwhelmed by the volume of pollutants. Already, we have been ranked by an international body as among the worst countries in the world polluting the oceans.

In view of the foregoing reasons, the urgent passage of this bill is earnestly sought.


HON. JOAQUIN M. CHIPECO, JR.

Representative

Lone District, Calamba City

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AN ACT
BANNING THE IMPORTATION OF SOLID WASTE

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

Section 1. *Declaration of Policy.* – It is the declared policy of the State to prohibit the entry of imported solid waste into Philippine territorial limits for whatever purpose to prevent and control environmental pollution caused by solid waste, safeguard human health, maintain ecological safety, and promote the sustainable development of Philippine economy and society.

Sec. 2. *Ban on Importation of Solid Waste and Its use.* – It shall be unlawful to import any solid waste, as defined in Republic Act No. 9003 and its implementing rules and regulations, into or within Philippine territory, or otherwise use, treat, or process the same. For purposes of this Act, Special Economic Zones, as defined in Republic Act No. 7916, as amended, are considered part of Philippine territory.

Sec. 3. *Penalties.* – Any entity or person who shall import any solid waste or otherwise use, treat, or process the same in violation of this Act shall be punished with imprisonment of

twelve (12) years and one day to twenty (20) years, at the discretion of the court.

If the offender is a foreigner, the foreigner offender shall be deported and barred from any subsequent entry into the Philippines after service of sentence.

In case of corporations, associations, or other entities, the penalty shall be imposed upon the managing partner, president, or chief executive officer, in addition to the payment of an exemplary damage of at least five hundred thousand pesos (Php 500,000.00). If it is a foreign entity, the director and all its responsible officers shall be barred from entry into the Philippines, in addition to the cancellation of its license to do business in the Philippines.

In case the offender is a government official or employee, the penalties of automatic dismissal from office and permanent disqualification from holding any elective or appointive position shall be imposed, in addition to the penalties provided herein.

Sec. 4. Other Penalties. – The person or firm responsible for or connected with the unlawful importation of solid waste shall have the obligation to transport or send back to the port of origin such prohibited wastes. If the importer cannot be ascertained, the carrier shall be responsible for transporting such solid waste back to the port of origin or pay the exemplary damage of at least five hundred thousand pesos (Php 500,000.00), or both.

If the importation caused environmental pollution, the competent environmental protection agency shall order the importer to eliminate the pollution.

Sec. 5. Forfeiture of Proceeds and Equipment. – The penalty imposed for the unlawful importation of solid waste and its use shall carry with it the confiscation and forfeiture in favor of the Government of the proceeds of the unlawful act including any instrument, equipment, tool, or other improvements used in or with which the offense was committed.

Sec. 6. *Appropriations.* — The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

Sec. 7. *Implementing Rules and Regulations.* — Within sixty (60) days from the approval of this Act, the Department of Environment and Natural Resources (DENR) and the Department of Trade and Industry (DTI) shall formulate and promulgate rules and regulations to implement the provisions of this Act.

Sec. 8. *Separability Clause.* — If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and in effect.

Sec. 9. *Repealing Clause.* — All laws, decrees, proclamations, issuances or ordinances contrary to or inconsistent with the provisions of this Act are hereby amended, repealed, or modified accordingly.

Sec. 10. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,