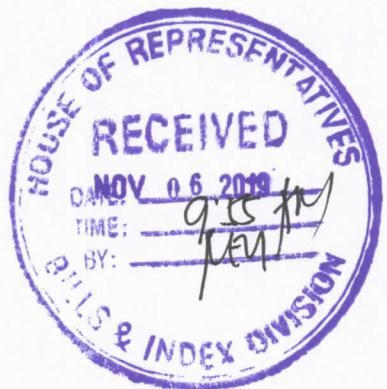


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS

First Regular Session

5337

HOUSE BILL No. _____

Introduced by

BAYAN MUNA Representatives, EUFEMIA C. CULLAMAT,
CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

AN ACT

PROHIBITING THE USE OF PRODUCTS CONTAINING GENETICALLY MODIFIED ORGANISMS (GMO) ON FOOD AND AGRICULTURE IN THE COUNTRY, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Genetically modified organisms (GMO) technology, particularly on food has been introduced globally by giant agro-chemical transnational corporations (agro-chem TNCs) and international institutions such as the International Rice Research Institute (IRRI). GMO proponents claim that its uses range from biological and medical research, production of pharmaceutical drugs, experimental medicine and agriculture. Living organisms such as microbes, plants, animals and crops are being tweaked using genetically modified (GM) and genetically engineered (GE) technology. From research and development funding to distribution and sales profit, the role of transnational and multinational corporations has been apparent in the proliferation of GMO crops and products.

The Convention on Biological Diversity defined “biotechnology” as “technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.” The Cartagena Protocol on Biosafety meanwhile defines “modern biotechnology” as (a) *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or (b) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and are not techniques used in traditional breeding and selection. An example of this is genetic engineering which is the direct manipulation of an organism's genome using biotechnology.

GMO crop (genetically modified food crops) proponents in the country have always invoked adequate food production and the fight against poverty, hunger and malnutrition as the ultimate goals for the introduction of such technology. But it is not the real solution. Filipino farmers and scientists across the country assert that GMO in Philippine agriculture is not a solution but in fact, a serious problem.

1 The national farmers organization, Kilusang Magbubukid ng Pilipinas (KMP, Peasant Movement
2 of the Philippines), and the Resist Agrochemical TNCs Network (RESIST), an alliance of farmers,
3 scientists, and consumer groups, are firm on their position that GMO crops have no positive
4 contribution in local agricultural production and in the eradication of hunger and poverty.
5

6 Fundamentally, rice productivity does not depend on the variety of rice but on a comprehensive
7 system which includes, among others, infrastructure that is supposed to facilitate the growth and
8 development of the Philippine rice industry and agriculture in general. In the current state of such
9 a system, the presence of GMO in Philippine agriculture is beyond the range of acceptable options.
10

11 False claims that GMO crops would solve or even contribute to solving poverty, hunger and
12 malnutrition in the country are all superficial, given the lingering problems in Philippine
13 agriculture, one major aspect of which is the continuing failure of the state to implement genuinely
14 redistributive agrarian reform.
15

16 Hunger is brought about by extreme poverty, and in the countryside, farmers are extremely poor
17 due to landlessness and lack of support from government. Without resolving landlessness, hunger
18 and its consequence, malnutrition, would not be thoroughly addressed.
19

20 Amplifying yield production does not lead to the upliftment of the socio-economic status of the
21 poor farmers as production is generally controlled by the local landowning class and its foreign big
22 business partners. Moreover, production yield increase is price tagged with the extensive
23 utilization of agro-chemical inputs. This translates into huge profits for the transnational
24 corporations who provide these inputs in addition to providing the seeds to begin with.
25

26 Fortunately, the Filipino people are aware of the uncertainties of the GMO products, as several
27 local government units have approved resolutions that prohibit such products in their localities:
28

- 29 a. In Bohol, Resolution 2003-235 was unanimously passed by the Sangguniang
30 Panlalawigan declaring the province free of GMO to protect the ecological balance
31 of the province and health safety of Boholanos from the adverse effects of GMOs.
32 The resolution was followed by Provincial Ordinance 2003-010, known as the
33 "Safeguards against GMOs," which enumerated the conditions against the entry
34 of Genetically Modified (GM) plants, animals and microorganisms into the
35 province.
- 36 b. The provinces of Mindoro Oriental and Marinduque, both parts of the "Organic
37 Haven Islands" of MIMAROPA, have institutionalized their respective Provincial
38 Environmental Codes and Administrative Orders banning the entry of GMOs in
39 their areas.
- 40 c. In 2007, Negros Occidental passed Provincial Ordinance 2007-007 or "The
41 Safeguard Against Living Genetically-Modified Organisms" in line with the
42 province's goal of becoming the "Organic Food Bowl of Asia." Along with Negros
43 Oriental, Negros Occidental signed a memorandum of agreement committing to a
44 10% organic island-wide production by the year 2010 and to the banning of
45 GMOs.
- 46 d. Some towns in Iloilo have expressed their apprehension with the ongoing field
47 testing in their areas and have called for the suspension of the production of BT
48 (*Bacillus thuringiensis*) eggplant, a genetically modified crop.
49

1
2 e. In Davao City, a city resolution was passed in 2011 banning BT eggplant. Sectors
3 are also clamoring to declare Davao City as a GMO-free zone.
4

5 Aside from LGUs banning GMO crops in their localities, people's organizations and non-
6 government organizations have sustained their opposition to GMO crops, such as the KMP and
7 its regional chapters and affiliate organizations, RESIST, Magsasaka at Siyentipiko para sa Pag-
8 unlad ng Agrikultura (MASIPAG, Farmer-Scientist Partnership for Development). Local people's
9 and farmers' organizations have also intensified their opposition to GMO projects such as the BT
10 eggplant trial farms in the Mindanao and Los Baños campuses of the University of the Philippines,
11 and the Golden Rice trial farm in Pili town, Camarines Sur.
12

13 During the 2014 National Peasant Scientist Conference (NPSC) organized by farmers, scientists
14 and non-government organizations, it was emphasized that during the IRRI Green Revolution in
15 the 1970s, agriculture started to be tightly tied to the monopoly of agro-chemical TNCs. The said
16 program promoted the heavy use of inputs that led to the depletion of soil fertility, ecosystem
17 imbalance and decrease of biodiversity. Decades later, the IRRI is now aggressively pushing for a
18 so-called Gene Revolution despite the fact that purported scientific development under such a
19 program does not at all equate to tangible benefits for Filipino peasants but, especially with the
20 involvement of foreign monopolies, would only perpetuate the cycle of poverty and indebtedness.
21

22 The NPSC further stated that the incorporation of Vitamin A in Golden Rice serves only as
23 sugarcoating to divert public attention from the issue that points to the environmental and health
24 risks that the promotion of GMOs entails. The current methods to solve Vitamin A deficiency,
25 like breastfeeding and the diet of green leafy vegetables and other natural food such as *malunggay*,
26 according to the NPSC would suffice and are devoid of hazards that GMOs bring.
27

28 The GMO debate is also far from over in the international arena. There is thus no compelling
29 justification for the country to intensify GMO's entry in local agriculture, contrary to the
30 suggestion of the Philippine government as regards the IRRI's Golden Rice field testing with agro-
31 chem company Syngenta.
32

33 In the European Union, 4,713 local governments in 123 provinces or intermediary regions, in 169
34 regions of 29 countries have banned GMO crops and products in their territories. These include
35 Greece, Poland, France, Germany, United Kingdom, Spain, and Italy among others.
36

37 While practically the whole world has either banned or placed strong regulations on GMO crops,
38 the State must fulfill its task to protect the Filipino people from being subjected and exposed to
39 critical uncertainties that could endanger the population and the environment.
40

41 Moreover, Republic Act No. 10068 or the Organic Agriculture Act of 2010 actually excludes GMO
42 crops while promoting the further development and implementation of organic agricultural
43 practices in the country.
44

45 In May 2013, the Philippine judiciary has likewise made a milestone assertion in this regard when
46 the Special Thirteenth Division of the Court of Appeals ordered the Bureau of Plant Industry
47 (BPI) and the Fertilizer and Pesticide Authority (FPA) under the Department of Agriculture (DA),
48 and the Environmental Management Bureau under the Department of Environment and Natural
49 Resources (DENR) and other related institutions, to permanently stop the multi-location field
50 trials of BT eggplant and protect, preserve, rehabilitate and restore the environment in the affected
51 sites.

1 However, as the Court of Appeals itself has recognized, Philippine laws still lack specific provisions
2 that directly take up the GMO issue. While there are laws that address the need for the protection
3 of the public from hazardous food, drugs, cosmetics and other commodities such as RA 3720, or
4 the Food, Drug, and Cosmetic Act and the RA 7394, or the Consumer Act of the Philippines,
5 there is still no definitive legislation that particularly concerns itself with GMOs – a compelling
6 legal blank that this legislative measure earnestly aims to fill.

7

8 In December 2015, the Supreme Court passed a landmark judgement permanently banning the
9 field-testing of BT *talong*, and temporarily banning all applications for contained use, field testing,
10 propagation, commercialization, and importation of genetically modified organisms pending the
11 approval of new rules that will replace the flawed DA Department Administrative Order No. 8
12 (DAO No. 8). This was after the Supreme Court's finding that in the face of uncertainty, and the
13 possibility of irreversible and serious harm of GMOs based on the evidence on record, and current
14 state of GMO research worldwide, the government's regulatory agencies failed to operationalize
15 the National Biosafety Framework (NBF) in the DAO No. 8, and failed to implement the NBF in
16 the crucial stages of risk assessment and public consultation, including the determination of
17 applicability of environmental impact assessment to GMO field testing thus compelling the
18 application of the precautionary principle.

19

20 But in early 2016, the DA, together with the DENR, the Department of Health (DOH), and the
21 Department of Science and Technology (DOST) rushed the approval of the questionable Joint
22 Departmental Circular (JDC) No.1 in compliance with a Supreme Court requirement in lifting a
23 temporary ban on GMOs. Not only did the government railroad public and stakeholder
24 consultations with the JDC, it also left out some of the most critical provisions such as risk
25 assessment, food safety test, liability and redress. The DA is currently facilitating new applications
26 of biotechnology firms such as Monsanto Philippines, Inc. and Bayer Philippines, Inc. to breed
27 and import GM seeds and crops under the JDC.

28

29 The authors of this bill emphasize that the introduction of GMO crops shall not in, any significant
30 way, positively propel agricultural production in the country as vital social requirements are yet to
31 be accomplished. Unless the problems engendered by the continuing landlessness of the
32 countryside population and other forms of exploitation are decisively addressed, any promise of
33 hunger eradication that GMO crops proponents put forward shall always prove empty. Unless the
34 urban poor sectors are freed from the bondage of low wages, irregular work and the absence of
35 social services, GMO crops shall not sustainably lessen poverty by any degree.

36

37 This bill was first filed in the 15th Congress by Anakpawis Rep. Rafael "Ka Paeng" Mariano and
38 was referred to the Committee on Agriculture and Food. It was again filed in the 16th Congress by
39 Anakpawis Rep. Fernando "Ka Pando" Hicap. It was then refiled in the 17th Congress by
40 Anakpawis Rep. Ariel "Ka Ayik" Casilao, Bayan Muna Rep. Carlos Isagani Zarate, Gabriela Reps.
41 Emmi De Jesus and Arlene Brosas, ACT Reps. Antonio Tinio and France Castro, and Kabataan
42 Rep. Sarah Jane Elago and was referred to the Committee on Agriculture and Food.

43

44 Furthermore, science and technology should serve the people and not the interests for profit of
45 foreign monopolies. There is a need for the State to define how it should go about protecting and
46 advancing the right of the people to a safe, poison-free agriculture, secure livelihood, and a
47 balanced and healthy ecology in accord with the rhythm and harmony of nature— all of which are
48 expected to be undermined by the introduction of existing GMO technology.

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1 Approved,

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Cullamat
REP. EUFEMIA C. CULLAMAT

Bayan Muna Partylist

See attached
REP. CARLOS ISAGANI T. ZAPATE

Bayan Muna Partylist

G. R. Gaité
REP. FERDINAND R. GAITE

Bayan Muna Partylist

F. L. Castro
REP. FRANC E L. CASTRO

ACT Teachers Partylist

A. D. Brosas
REP. ARLENE D. BROSAS

GABRIELA Women's Party

S. J. Elago
REP. SARAH JANE I. ELAGO

Kabataan Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 5337

Introduced by

BAYAN MUNA Representatives EUFEMIA C. CULLAMAT,
CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

AN ACT

PROHIBITING THE USE OF PRODUCTS CONTAINING GENETICALLY MODIFIED ORGANISMS (GMO) ON FOOD AND AGRICULTURE IN THE COUNTRY, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

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 “GMO-Free Agriculture Act of 2019.”

Section 2. Declaration of Policy. It is hereby declared that the policy of the State to protect and advance the right of the people to a safe and poison-free agriculture, health and livelihood security, and a balanced and healthful ecology in accord with the rhythm and harmony of nature.

To this end, the State shall follow the precautionary principle in relation to the field testing of genetically-engineered crops and the processing and distribution of seeds, crops and food products consisting of, containing or derived from genetically modified organisms (GMOs) so as to protect the people, the country's agriculture and environment for the sake of present and future generations. The possible harmful effects of genetically modified crops and food on human health and environment are irreversible. Thus, the burden of proof as to the safe use of GMOs must be on the proponents of genetic engineering in agriculture.

Section 3. Scope. This Act shall cover the release, field testing, processing and sale of crops and food products containing genetically modified organisms in the country.

Section 4. *Definition of Terms.* For purposes of this Act, the following terms shall be understood as follows:

1. “DNA” refers to deoxyribonucleic acid, a very long molecular structure, consisting of a string of units or genes that encode all the information regarding the structure and functioning of a living organism for its entire lifespan, as well as biological information that is passed on from one generation to the next.

- 1 2. “*Field Testing*” refers to the deliberate release or intentional introduction of a GMO,
2 or a combination of GMOs, into a controlled environment with provisions for
3 containment such as physical barriers, or a combination of physical barriers together
4 with chemical and/or biological barriers used to limit their contact with the general
5 population and the environment.
- 6 7. “*Genetically modified organism*” (GMO) means an organism in which the genetic
7 material has been altered or modified in a way that does not occur naturally by mating
8 and/or natural recombination.
- 10 8. “*Genetically modified crops and products*” refer to the harvests and commodities consisting
11 of, or containing a GMO, or a combination of GMOs.
- 13 9. “*Genetic engineering*,” also called genetic modification, is the term given to the
14 laboratory manipulation of a living organism’s genetic code involving the
15 introduction of foreign DNA or synthetic genes into the said organism.
- 17 10. “*National Committee on Biosafety of the Philippines*” refers to an attached agency of the
18 Department of Science and Technology (DOST) created by virtue of Executive
19 Order 430 (s. 1990) and tasked, among others, to identify potential risks associated
20 with experiments involving GMOs and to recommend measures to minimize such
21 risks.
- 23 11. “*Organism*” means any biological entity capable of replication or of transferring
24 genetic material.
- 26 12. “*Precautionary principle*” is a precept that any action should not be pursued if the
27 consequence is not certain or potentially dangerous.
- 29 13. “*Processing*” means the breeding, preparation and other activities which through
30 physical, chemical, or biological processes alter the exterior texture or form or inner
31 substance of a product in such manner as to prepare it for special use to which it
32 could not have put in its original form or condition.
- 34 14. “*Precautionary risk assessment*” means to identify and evaluate the potential adverse
35 effects of living modified organisms which the deliberate release of GMOs into the
36 environment may pose. It should be carried out in a scientifically sound and
37 transparent manner.
- 39 15. “*Sale*” refers to the act of selling and/or supplying and/or making a product
40 available to other parties.

43 **SECTION 5. Prohibition.** The release, laboratory and field testing, processing, sale and similar
44 acts, of crops and food products consisting of, containing or derived from genetically modified
45 organisms, shall be prohibited in the country.

47 **SECTION 6. Exempting Clause.** Studies on crops and products containing genetically modified
48 organisms by an independent panel of scientists to be selected and supervised by the National
49 Committee on Biosafety of the Philippines (NCBP) and Food and Drugs Administration (FDA)
50 together with concerned non-government and people’s organizations shall be exempted from the
51 prohibition.

1 **SECTION 7. Existing GMO Products.** The NCBP, in coordination with the Department of
2 Agriculture (DA), FDA and non-government organizations involved in monitoring genetically
3 modified crops and products, is hereby directed to determine existing GMO products at its various
4 levels: under laboratory testing, pilot testing, multiple location testing, and to determine if such
5 products are already being commercially distributed in the Philippines prior to the effectivity of
6 this Act, and thereafter issue a list of said products to the public, make a precautionary risk
7 assessment of the same and come out with recommendations on the proper disposition of such
8 products. The subsequent sale, processing, laboratory and field testing, release and similar acts, of
9 such products in the list shall be prohibited indefinitely until such time that said products have
10 been declared free from genetically modified organisms.
11

12 **SECTION 8. Monitoring.** A monitoring committee composed of the Department of Trade and
13 Industry (DTI), DA, Department of Health (DOH), Department of Environment and Natural
14 Resources (DENR), Department of Science and Technology (DOST), Bureau of Customs (BOC), non-
15 government organization/s and people's organization/s shall closely monitor the sale, processing
16 of products consisting of, containing or derived from genetically engineered organisms. The
17 monitoring committee shall recommend for disposition any product found to be containing
18 genetically-engineered organisms.
19

20 **SECTION 9. Penalties.** Any person or persons found violating the provisions of this Act shall
21 be penalized with imprisonment of not less than five (5) years and not more than fifteen (15) years
22 and a fine of not less than One Hundred Thousand Pesos (PhP 100,000.00) but not more than
23 One Million Pesos (PhP 1,000,000.00), at the discretion of the court depending on the gravity of
24 the offense. Repetition of the offense shall entail maximum limit of the penalty and fine.
25

26 **SECTION 10. Implementing Rules and Regulations.** Within ninety (90) days from the
27 effectivity of this Act and after initiating a highly consultative process involving sectoral
28 representations, the NCBP, DA, DENR, and the FDA shall formulate and publish the
29 implementing rules and regulations for the effective implementation of this Act.
30

31 **SECTION 11. Separability Clause.** If for any reason that any section or provision of this Act
32 shall be declared unconstitutional or invalid, the other provisions which are not affected thereby
33 shall remain valid.
34

35 **SECTION 12. Repealing Clause.** All laws, decrees, executive orders, rules and regulations and
36 other issuances or parts thereof which are inconsistent with this Act are hereby repealed or
37 modified accordingly.
38

39 **SECTION 13. Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication
40 in at least two (2) newspapers of general circulation.
41

42 *Approved.*