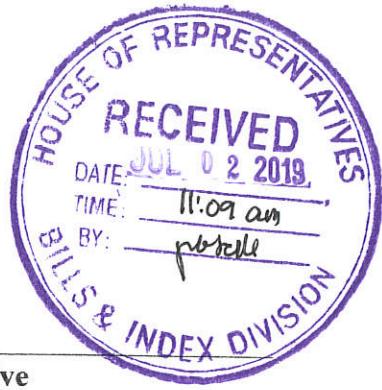


REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session  
House Bill No. 928

Introduced by MAGDALO Party-List Representative  
**HON. MANUEL DG. CABOCHAN III**



#### EXPLANATORY NOTE

Chemical weapons are lethal misapplications of scientific endeavour and scarce resources, and the use thereof constitutes a crime against humanity. In the past, these instruments of nations' arsenals have produced devastating and indiscriminate casualties among warring states. In the modern society, their use, especially by non-state actors such as terrorists, is of deepening concern among political leaders. This time, terrorists, not rogue nations, pose as a greater chemical weapon threat. The accessibility, proven attack method, and the added value of the psychological impact of chemical weapons on societies and governments make their use desirable in the eyes of terrorists. This is true among extremists motivated by ideology and groups who simply intend to sow fear for the purpose of causing significant social and economic disruption.

Hence, the adoption of a Chemical Weapons Convention to provide the legal framework for defending society against chemical terrorism, for maintaining the peaceful and meaningful utilization of chemistry, and for creating a treaty regime ensuring that governments from different states fulfil the national obligation of implementing chemical disarmament and non-proliferation.

After 12 years of negotiations, the Chemical Weapons Convention was adopted by the Conference on Disarmament in Geneva on 3 September 1992, opened for signature in Paris on 13 January 1993, and entered into force on 29 April 1997 to outlaw the production, stockpiling, and use of chemical weapons. The Convention is the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control. The Convention establishes an international norm against the development of chemical weapons for all time, and provides the legal and political basis for firm action against those who violate its rules.

This measure is being put forward with the end in view of providing the Philippine Government with an enabling legislative framework required to fulfil its obligations under the Convention where the country is a signatory. The country signed the Convention on 13 January 1993, ratified the same on 21 February 1995 with the Philippine Senate thereafter adopting a resolution to signify its concurrence on 19 August 1996. Under this measure, a Philippine National Authority for the Chemical Weapons Convention is established to serve

as the national coordinating body for effective liaison with the Organization for the Prohibition of Chemical Weapons (OPCW) and other State Parties to the Convention, and shall be the lead agency in the implementation of the provisions of the Convention.

In view of the foregoing, immediate enactment of this measure is earnestly sought.



MANUEL D.G. CABOCHAN III  
*Representative*  
Magdalo Para sa Pilipino Party-List

**REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
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**EIGHTEENTH CONGRESS  
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House Bill No. 928**

Introduced by MAGDALO Party-List Representative  
**HON. MANUEL DG. CABOCHAN III**

**AN ACT**  
**PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, USE OF  
CHEMICAL WEAPONS AND PROVIDING FOR THEIR DESTRUCTION AND  
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

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

CHAPTER I

## **GENERAL PROVISIONS**

4 SECTION 1. *Short Title.* — This Act shall be known as the "Chemical Weapons  
5 Prohibition Act".

*8. Declaration of Principles.* — The State, consistent with national interest,  
8 adopts and pursues a policy of freedom from chemical weapons in its territory, of protection  
9 of all human beings and the global environment from the effects of chemical weapons, and  
10 hereby conforms with its obligations under the Convention on the Prohibition of the  
11 Development, Production, Stockpiling and Use of Chemical Weapons and on their  
12 destruction, otherwise known as the Chemical Weapons Convention (hereinafter referred to  
13 as Convention), to which the Philippines is a State Party.

1        Towards this end the State shall not, under any circumstance, develop, produce,  
2 manufacture, acquire, possess, stockpile, retain, transfer, or use chemical weapons, or engage  
3 in any other activities prohibited under the Convention, and shall prohibit all persons from  
4 developing, producing, manufacturing, acquiring, possessing, stockpiling, retaining,  
5 transferring, or using chemical weapons or engaging in any other activities prohibited under  
6 the Convention.

7

8        **SEC. 3. *Definition of Terms.*** – For the purpose of this Act, the following terms are  
9 hereby defined.

- 10      a) *Chemical Weapon* means the following, together or separately:
- 11              (i) Toxic chemicals and their precursors, except where intended for purposes not  
12                   prohibited under the Convention, as long as the types and quantities are  
13                   consistent with such purposes;
- 14              (ii) Munitions and devices, specifically designed to cause death or other harm  
15                   through the toxic properties of those toxic chemicals specified in subparagraph  
16                   (i), which would be released as a result of the employment of such munitions  
17                   and devices; and
- 18              (iii) Any equipment specifically designed for use directly in connection with the  
19                   employment of munitions and devices specified in subparagraph (ii).

20

- 21      b) *Discrete Organic Chemicals* means any chemical belonging to the class of chemical  
22           compounds consisting of all compounds of carbon except for its oxides, sulphides and  
23           metal carbonates.

24

1       c) *Key component of Binary or Multi-component Chemical Systems* means the precursor  
2                  which plays the most important role in determining the toxic properties of the final  
3                  product and reacts rapidly with other chemicals in the binary or multi-component  
4                  system.

5

6       d) *Facility* means any industrial site of any production unit or  
7                  process unit ("unit") which is the combination of items  
8                  of equipment, including vessels and vessel set up,  
9                  necessary for the production, processing or consumption  
10                 of a chemical.

11

12       e) *OPCW* refers to Organization for the Prohibition of Chemical Weapons.

13

14       f) *Person* means, except as otherwise provided, any individual, corporation, partnership,  
15                  firm, association, trust, estate, public or private institution, or any political entity, any  
16                  foreign government or nation or any agency, instrumentality or political subdivision  
17                  of any such government or nation, or other entity located in the Philippines.

18

19       g) *Precursors* mean any chemical reactant which takes part at any stage in the  
20                  production by whatever method of a toxic chemical. These include any key  
21                  component of a binary or multi-component chemical system. Precursors which have  
22                  been identified for the application of verification measures by the OPCW are listed in  
23                  the Schedules contained in the Annex on Chemicals to the Convention.

24

25       h) *Purposes not prohibited* means:

- (i) Industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;
  - (ii) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
  - (iii) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
  - (iv) The use of non-lethal weapons, other than those prohibited under this Act and the Convention, for the maintenance of public security and order:
    - (a) By the law enforcement authorities;
    - (b) By the Armed Forces of the Philippines when taking measures to suppress insurgency and other serious threats to national security, and where the use thereof is most appropriate than the use of deadly force; and
    - (c) By the Armed Forces of the Philippines within the framework of a

i) *Riot control agents* means any chemical not listed in Schedule 1, Schedule 2 or Schedule 3 of the Annex on Chemicals to the Convention which can produce rapidly in humans, sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

j) *Scheduled chemicals* means those chemicals listed in Schedule 1, Schedule 2 and Schedule 3, respectively, of the Annex on Chemicals to the Convention.

1           k) *Toxic chemical* means any chemical which through its chemical action on life  
2       processes can cause death, temporary incapacitation or permanent harm to humans or  
3       animals. This definition includes all such chemicals therein, regardless of their origin  
4       or of their method of production, and regardless of whether they are produced in  
5       facilities, in munitions or elsewhere.

6

7           Toxic chemicals which have been identified for the application of verification  
8       measures by the OPCW are listed in Schedules contained in the Annex on Chemicals  
9       to the Convention. Unless the contrary intention appears, an expression or term that is  
10      used both in this Act and in the Convention but is not defined in this Chapter shall  
11      have, in this Act, the same meaning provided in the Convention.

12

13          l) *Verification Annex* means the Annex on Implementation and Verification to the  
14       Convention.

15

16          **SEC. 4. Establishment of a Philippine National Authority for the Chemical**  
17       **Weapons Convention.** – A Philippine National Authority for the Chemical Weapons  
18       Convention hereinafter referred to, for brevity, as the “PNA-CWC”, is hereby created. The  
19       members of the PNA-CWC are: (1) the Executive Secretary, who shall be its Chairperson; (2)  
20       the Secretary of National Defense, who shall be its Vice Chairperson; and (3) the Secretary of  
21       Foreign Affairs; (4) the Secretary of Justice; (5) the Secretary of the Interior and Local  
22       Government; (6) the Secretary of Finance; (7) the National Security Advisor; (8) the  
23       Secretary of Health; (9) the Secretary of Environment and Natural Resources; (10) the  
24       Secretary of Agriculture; (11) the Secretary of Transportation and Communications; (12) the

1      Secretary of Trade and Industry; and (13) the Secretary of Energy, as its other members. The  
2      PNA-CWC shall determine its organizational structure accordingly.

3            The National Bureau of Investigation, the Office of Civil Defense, the Intelligence  
4      Service of the Armed Forces of the Philippines, the Philippine Center on Transnational  
5      Crime, Philippine Drug Enforcement Agency, the Dangerous Drugs Board, the Food and  
6      Drug Administration, the Philippine National Police intelligence and investigative elements  
7      and heads of agencies considered necessary or advisable by the PNA-CWC shall serve as  
8      support agencies. The PNA-CWC shall determine its organizational structure accordingly.

9

10           A Secretary or Head of Agency who is a member of the PNA-  
11      CWC may designate an alternate member coming from his office  
12      or agency to attend meetings of the PNA-CWC if and when, for  
13      any reason, he is unable to attend said meetings.

14

15      The PNA-CWC shall have the following duties and functions:

- 16            a) Liaise with the OPCW and other State Parties on matters relating to the  
17              Convention;
- 18            b) Prepare and submit annual declarations to the OPCW on scheduled chemicals and  
19              facilities and impose regulatory and monitoring fees for scheduled chemicals;
- 20            c) Develop rules and regulations and formulate policies concerning the production,  
21              processing, consumption, importation, exportation use and proper disposition of  
22              scheduled chemicals and facilities, and other chemical production facilities;
- 23            d) Designate and specify the required training and the functions of national  
24              inspectors, who shall report to the PNA-CWC;

- e) Conduct and facilitate national inspections, as well as international inspections by the OPCW inspectors, of sites involving scheduled chemicals or other chemical production facilities;
  - f) Cause or direct the investigation and prosecution of violators of laws concerning chemical weapons, or the handling of toxic chemicals in violation of this Act; and
  - g) Perform such other functions to effectively implement the provisions of the Convention.

The PNA-CWC is hereby empowered to compel, as may be necessary, assistance and support from all departments, bureaus, offices, agencies, or instrumentalities, of the Government, including government owned and/or controlled corporations and other Government institutions to effectively perform its duties and functions under this Act.

The PNA-CWC shall also have the power to periodically update the scheduledicals listed in Schedule 1, Schedule 2 and Schedule 3, respectively, of the Annex oncals to the CWC upon the request or advise of the OPCW, such updates shall be in thef formal resolutions of the PNA-CWC to be published in the *Official Gazette* or twowspaper of general circulation in the country before taking effect.

## CHAPTER II

## PROHIBITIONS

### **SEC. 5. Prohibitions.**

The following acts are prohibited under this Act:

- a) Develop, produce, acquire, stockpile, use, transport or retain any chemical weapon;

- b) Assist and encourage or induce in any way, a person, to engage in activities prohibited under the Convention;
- c) Engage in military preparations to use a chemical weapon;
- d) Transfer, directly or indirectly, a chemical weapon to any other natural and/or juridical person;
- e) Use a riot control agent as a method of warfare;
- f) Produce, acquire, retain, or use Schedule 1 chemicals in a state not party to the convention;
- g) Retransfer to a third State, the Schedule 1 chemicals transferred to the Philippines;
- h) Transfer Schedule 1 chemicals to another state party without notifying the PNA-CWC at least sixty (60) days before the transfer, except for the transfer of saxitoxin, which notification shall be allowed not less than twenty four (24) hours before the time of transfer, if the transfer is for medical/diagnostic purposes and the quantity is five milligrams (5 mg) or less (par 5, Part IV Schedule 1 Regime);
- i) Transfer to or receive from a state not party to the Convention Schedule 2 chemicals or products containing such chemicals. This prohibition shall not apply to those products containing Schedule 2 chemicals in which:
  - (i) The product contains one percent or less of a Schedule 2A or 2A\* chemical;
  - (ii) The product contains 10 percent or less of a Schedule 2B chemical; or
  - (iii) The product is identified as a consumer good packaged for retail sale for personal use or packaged for individual use.
- j) Transfer to a state not party to the Convention Schedule 3 chemicals without receiving, prior to the transfer an end-user certificate from the competent government, authority of such State pursuant to paragraph 26 of Part VIII of the

1 Verification Annex to the Convention. This shall not apply to those products  
2 containing Schedule 3 chemicals in which:

- 3 i) The product contains 30 percent or less of a Schedule 3 chemical; or  
4 ii) The product is identified as a consumer good packaged for retail sale  
5 for personal use, or packaged for individual use.

6

7 Nothing in this Act shall be construed to prohibit the Armed Forces of the Philippines  
8 from using non-lethal and lethal weapons other than those prohibited in this Act, in the  
9 conduct of combat operations for the suspension of insurgency and other serious threats to  
10 national security where the use of such non-lethal and lethal weapons is deemed most  
11 appropriate than use of deadly force.

12

13 **SEC. 6. *Penalties.*** – (a) Any person who commits any of the prohibited acts under  
14 Section 5 shall suffer the penalty of imprisonment for a period between twelve (12) years and  
15 one day to life imprisonment, and a fine of Two million pesos (P2,000,000.00) to Five  
16 million pesos (P5,000,000.00).

17 (b) Any person who produces, acquires, retains, transfers or uses Schedule 1  
18 chemicals without registration shall suffer the penalty of imprisonment of six (6) years and  
19 one day to twelve (12) years and/or a fine of One million pesos (P1,000,000.00) to Two  
20 million pesos (P2,000,000.00).

21 (c) Any person who produces, acquires, retains, transfers or uses Schedule 1  
22 chemicals for purposes other than for research, medical, pharmaceutical or protective  
23 purposes, or contravenes paragraph (1), shall suffer the penalty of imprisonment for a period  
24 of not less than six (6) years and one day to twelve (12) years and/or a fine of One million  
25 pesos (P1,000,000.00) to Two million pesos (P2,000,000.00).

1                   (d.) Any person who produces, processes or consumes Schedule 2 or 3 chemicals or  
2 unscheduled discrete organic chemicals for purposes other than those not prohibited under  
3 this Act, or without a registration with the PNA-CWC or the agency/ies to which the PNA-  
4 CWC has delegate the function, shall suffer the penalty of imprisonment of four years and  
5 one day to six (6) years and/or a fine of Five hundred thousand pesos (P500,000.00) to One  
6 million pesos (P1,000,000.00).

7                   (e) Any person who imports or exports Schedule 2 chemicals or Schedule 3  
8 chemicals, without registration with the PNA-CWC or the agency/ies to which the PNA-  
9 CWC has delegate the function, shall suffer the penalty of imprisonment of four (4) years and  
10 one day to six (6) years and/or a fine of Five hundred thousand pesos (P500,000.00) to One  
11 million pesos (P1,000,000.00).

12                  (f) Notwithstanding subsections (1) and (2) of Section 11, any person who obstructs,  
13 hinders, resists, or deceives any national inspector or international inspector who is exercising  
14 any function contemplated, or any power provided for, in the regulations issued further to  
15 Section 11, in the Convention or any applicable facility agreement, shall be punished by  
16 imprisonment for a period of four (4) years and one day to six (6) years, and/or a fine of Five  
17 hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00). In addition, the  
18 facility in question shall be subject to closure.

19                  (g) Any person who violates Section 12 shall suffer the penalty of imprisonment for  
20 four (4) years and one day to six (6) years, and/or a fine of Five hundred thousand pesos  
21 (P500,000.00) to One million pesos (P1,000,000.00).

22                  (h) Any person who as the case may be, produces, processes or consumes Schedule 2  
23 or 3 chemicals or unscheduled discrete organic chemicals for a purpose other than purposes  
24 not prohibited under the Chemical Weapons Convention, or contravenes paragraphs (2) or (3)

1 shall suffer the penalty of imprisonment of not less than two (2) years to twenty (20) years  
2 and/or a fine of Fifty thousand pesos (P50,000.00) to Five million pesos (P5,000,000.00).

3 (i) Any person who refuses or fails to notify the PNA-CWC pursuant to the  
4 provisions of Section 10 shall suffer the penalty of imprisonment of one (1) year and one day  
5 to two (2) years and/or a fine of Five hundred thousand pesos (P500,000.00)

6 (j) Any person who fails to give the required additional information or keep records  
7 pursuant to Section 10 shall suffer the penalty of imprisonment of six (6) months and one day  
8 to one (1) year and/or a fine of One hundred thousand pesos (P100,000.00).

9 (k) Any person who, in any document prepared pursuant to Section 10 of this Act,  
10 makes a statement or omits any matter knowing that the statement or omission makes the  
11 document false and misleading in a material particular shall, after hearing and due  
12 proceedings, suffer the penalty of six (6) months and one day to one (1) year and/or a fine of  
13 One hundred thousand pesos (P100,000.00).

14 In case any of the violation of this Act is committed by a partnership, corporation,  
15 association, or any other juridical entity, the partner, president, director, manager, trustee,  
16 administrator, or officer who consents to, or knowingly tolerates such violation shall be held  
17 criminally liable.

18 The registration with the SEC or DTI, as the case may be, and license to operate of  
19 the partnership, corporation, association or any other juridical entity, shall be cancelled and  
20 revoked permanently.

21 In addition to the penalties prescribed in this Act, any alien who violates such  
22 provision shall, after service of sentence, be deported immediately without further  
23 proceedings, and be barred permanently from entering the country.

1       The maximum penalty provided in this Act shall be imposed in addition to absolute  
2       perpetual disqualification from any public office, to any government official or employee  
3       found guilty for the commission of any of the offenses under this Act.

4       Persons who conspire to commit any of the prohibited acts under Section 6 hereof  
5       shall be punished by the same penalty prescribed for herein.

6       There is a conspiracy when two or more persons come to an agreement concerning the  
7       commission of any of the offenses under this Act and decide to commit the same.

8

9       **SEC. 7. *Forfeiture and Destruction.*** – If any chemical weapon is found anywhere on  
10      the territory or in any other place under the jurisdiction of the Philippines, the warehouse or  
11      the place where the chemical weapons is being stored, the chemical weapons, as well as the  
12      fruits and proceeds and such other instrument related thereto shall be forfeited in favor of the  
13      national government through the PNA-CWC and shall be destroyed or disposed in  
14      accordance with existing environmental regulations or related applicable laws.

15

16       **SEC. 8. *Application.*** – The provisions of this Act shall apply to all persons within or  
17      outside of the Philippines and persons on board vessels and aircraft registered in, belonging  
18      to, or in possession of the Philippines, if any of the prohibited act is committed –

- 19           a) By or against a Philippine citizen;  
20           b) Against any property owned, leased, or used by the Philippines or by any of its  
21           departments, agencies, or instrumentalities;  
22           c) By a partnership, corporation, association or any juridical person, which is owned  
23           and/or controlled by one or more Philippine citizen.

24

## CHAPTER III

25

### REGISTRATION

1           **SEC. 9. Registration.** – Any person who will engage in any of the acts referred to in

2 paragraph (a) to (c) of this Section are required to register with the PNA-CWC in the manner

3 or form as the PNA-CWC may prescribe.

4           The PNA-CWC is empowered to issue regulations to prescribe, among others, the

5 manner of applying for registration, the requirements for registration, and the schedule for

6 registration. For registration purposes, a record of the specific chemicals under schedules 1, 2

7 and 3 of this Act, and other chemicals that are regulated under the Convention, which the

8 registrant shall use, shall be required.

9

10           (a) *Schedule 1.* – Subject to the provisions of this Chapter, no person shall produce,

11 acquire, retain, transfer or use toxic chemicals listed under Schedule 1 unless—

12                 (1) such production, acquisition, retention, transfer or use is for research,

13 medical, pharmaceutical or protective purposes;

14                 (2) the types and quantities of the toxic chemicals are strictly limited to those

15 which can be justified for such purposes;

16                 (3) the aggregate amount of such chemicals at any given time for such

17 purposes is equal to or less than ten kilograms for each facility in a calendar

18 year; and

19                 (4) such production, acquisition, retention, transfer or use is authorized by the

20 PNA-CWC.

21

22           (b) *Schedule 2 and 3 chemicals and unscheduled discrete organic chemicals.* –

23                 (1) Unless registered with the PNA-CWC or the agency/ies to which the PNA-

24 CWC has delegated the function, no person shall:

- 1                   i. produce, process or consume more than 1 kilogram of a Schedule  
2                   2, part A\* chemical per year for a purpose not prohibited under the  
3                   Chemical Weapons Convention; or  
4                   ii. produce, process or consume more than 100 kilograms of any other  
5                   Schedule 2, part A chemical per year for a purpose not prohibited  
6                   under the Chemical Weapons Convention; or  
7                   iii. subject to paragraph (2)(c), produce, process or consume more than  
8                   1 tonne of a Schedule 2, part B chemical per year for purposes not  
9                   prohibited under the Chemical Weapons Convention; or  
10                  iv. subject to subparagraph (2)(c), produce more than 30 tonnes of a  
11                  Schedule 3 chemical per year for purposes not prohibited under the  
12                  Chemical Weapons Convention; or  
13                  v. subject to subparagraph (2)(c), produce by synthesis more than 200  
14                  tonnes of unscheduled discrete organic chemicals or more than 30  
15                  tonnes of an unscheduled discrete organic chemical containing the  
16                  elements phosphorous, sulphur or fluorine;

- 17                 (2) Registration with the PNA-CWC or the agency/ies to which the PNA-  
18                 CWC has delegated the function, is required for any person that produced,  
19                 processed, or consumed a Schedule 2 chemical for purposes not prohibited  
20                 under the Chemical Weapons Convention during any of the three calendar  
21                 years previous to the current year, above the following thresholds per year-  
22                 (i) 1 kilogram of a Schedule 2, part A\* chemical  
23                 (ii) 100 kilograms of any other Schedule 2, part A chemical  
24                 (iii) 1 tonne of a Schedule 2, part B chemical.

(3) Registration is not required for, as the case maybe, the production, processing, or consumption of mixtures of chemicals containing 30 percent or less a Schedule 2, part B chemical or a Schedule 3 chemical.

8

9                   (d) Activities for purposes not prohibited under the  
10 Convention. - Any person may, subject to the provisions of  
11 this Act, develop, produce, acquire, retain, transfer, possess  
12 or use toxic chemicals as listed in Schedules 1, 2 and 3 for  
13 purposes not prohibited under the Convention.

14

15 The PNA-CWC may, in its sound discretion, delegate its power to require registration  
16 under this Section to relevant and competent national government agencies.

17

18 SEC. 10. *Declarations.* —

19           (1) *Purpose of this section.* —

20 (a) The purpose of this section of this Act is to ensure that:

- (ii) The PNA-CWC has knowledge of dealing with chemicals that facilitated the making of the Philippines annual declaration under the Convention to the OPCW, and
  - (iii) The Philippines is otherwise able to fulfil its obligation under the Convention.

(2) *Supply of Information.* —

- (a) Any person who, as the case may be, developed, produced, or otherwise acquired, processed, consumed, retained, transferred or used toxic chemicals, or their precursors, to which any provision in Parts VI through IX of the Verification Annex of the Convention applies, or who intends to carry out such activities, must-

  - (i) Notify the chemicals and, as the case may be, the facility or plant site to the PNA-CWC, within such period as prescribed by the PNA-CWC, by giving written notice in a form approved by the PNA-CWC and issued under the regulations further to this Act, containing such information as is required by the form; and
  - (ii) Keep records in relation to the chemicals and facility or plant site, and the purpose to which the chemicals are put; and
  - (iii) Prepare, from these records, annual reports relating to the chemicals and the facility or plant site in a form approved by the PNA-CWC and issued under the regulations issued further this Act; and
  - (iv) Send annual reports to the PNA-CWC at intervals specified in the regulations issued further to this Act.

(b) The records and reports under subparagraph 2(a) (i)-(iv) must be sufficient to satisfy the PNA-CWC that the convention and the provisions of this Act and any regulations made under this Act are being complied with.

### **SEC. 11. Verification and Inspection. —**

(1) The PNA-CWC shall issue regulations to facilitate compliance with the Annex on Implementation and Verification to the Chemical Weapons Convention.

(2) Persons covered by the provisions of this Act and their personnel have the duty to facilitate OPCW inspections and to cooperate with the international inspectors and the escort team in complying with their duties and efficiently carrying out the international inspection.

**SEC. 12. Protection of Confidential Information.** – Any confidential information given or obtained pursuant to this Act shall be disclosed only for the purpose of complying with obligations under the Convention, the enforcement of this Act, or dealing with an emergency involving public safety.

**SEC. 13. Additional Penalties Under Chapter III.** – In case the prohibited act is committed by a partnership, corporation, association, or any juridical person, the partner, agent, director, or manager who consents to or knowingly tolerates such violation shall be criminally liable. In case the prohibited act is committed by an alien, the person shall be deported immediately after service of sentence. In case the prohibited act is committed by a government official or employee, the accessory penalty of perpetual absolute disqualification from public office shall be imposed.

## CHAPTER V

## MISCELLANEOUS PROVISIONS

#### **SEC. 14. Legal Cooperation and Assistance. —**

- (1) The PNA-CWC may collaborate with other State authorities and international organizations and entities, and coordinate their actions to the extent required by the implementation of this Act or of the equivalent statute(s), subject to other State authorities or international organizations or entities being bound to official secrecy.
  - (2) The PNA-CWC may request other State authorities and international organizations or entities, under paragraph (1) to provide relevant data or information. The PNA-CWC is authorized to receive data or information concerning:
    - (a) The nature, quantity, and utilization of scheduled chemicals or their precursors and related technologies, and the places of consignment and consignees for such scheduled chemicals, precursors, or related technologies; or
    - (b) Persons taking part in the production, delivery, or brokerage of the scheduled chemicals, precursors, technologies in subparagraph (a).
  - (3) If a State has entered into the appropriate reciprocity agreement with the Philippines, the PNA-CWC may provide, on their own initiative or on request, the data or information described in paragraph (2) to that State so long as the other competent State authority provides assurances that such date or information shall:
    - (a) Only be utilized for purposes consistent with this Act; and
    - (b) Only be used in criminal proceedings on the condition that they are obtained in accordance with those provisions governing international juridical cooperation.

1       (4) The PNA-CWC may provide data or information described in paragraph (2) to  
2       international organizations or entities if the conditions set forth in paragraph (3) are  
3       fulfilled, in which case the requirement for reciprocity agreement is waived.

4

5       ***SEC. 15. Supplemental Application of the Revised Penal Code and Other Laws.*** –

6       The provisions of the Revised Penal Code, Human Security Act, and other laws shall have  
7       supplemental application to the provisions of this Act.

8       ***SEC. 16. Jurisdiction.*** – Any of the Regional Trial Courts where any of the elements  
9       of the offense has been committed have jurisdiction over all cases of violations of this Act  
10      and application for ancillary writs and processes of search warrant, seizure and forfeiture:  
11      *Provided*, That the first court that acquires jurisdiction shall exercise the same to the  
12      exclusion of all other courts unless the Supreme Court authorizes the transfer of venue to  
13      prevent injustice.

14

15       ***SEC. 17. Implementing Rules and Regulations.*** – Within sixty (60) days from the  
16       establishment of the PNA-CWC as provided in Section 4 herein, the PNA-CWC, in close  
17       coordination with the chemical industry, the Department of Science and Technology (DOST),  
18       Department of Environment and Natural Resources (DENR), Philippine National Police  
19       (PNP), Philippine drug Enforcement Agency (PDEA), Food and Drug Administration-  
20       Department of Health (FDA-DOH), and the Fertilizer and Pesticides Authority (FPA) shall  
21       issue the specific rules and regulations as may be necessary to ensure the efficient and  
22       effective implementation of the provisions of this Act.

23

24       ***SEC. 18. Transitory Clause.*** – All powers, functions and all pending work contracts  
25       and/or obligations relating to the CWC of the Anti-Terrorism Council (ATC), acting as the

1      interim PNA-CWC pursuant to Executive Order No. 39, Series of 2011, shall be assumed and  
2      turned over to the PNA-CWC upon establishmenet thereof, as provided in Section 4 hereof.

3

4      **SEC. 19. *Appropriations.*** – Such amount necessary for the implementation of the  
5      provisions of this Act shall be included in the annual General Appropriations Act.

6

7      **SEC. 20. *Separability Clause.*** – If any provision or portion of this Act or the  
8      application thereof to any person or circumstance is declared to be unconstitutional or invalid,  
9      the other provisions or portions of this Act, and the application of such provision or portion,  
10     to other persons or circumstances, shall not be affected thereby.

11

12     **SEC. 21. *Repealing Clause.*** – All laws, decrees, executive orders, rules or regulations  
13    or parts thereof, inconsistent with the provisions of this Act, are hereby repealed, amended or  
14    modified accordingly.

15

16     **SEC. 22. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication  
17    in the *Official Gazette* or in two (2) newspapers of general circulation.

*Approved,*

# ANNEX 1

## Schedules of Chemicals and Guidelines for the Schedules of Chemicals under the Chemical Weapons Convention<sup>1</sup>

### Schedule 1

#### A. Toxic chemicals

		(CAS Registry number)
(1)	O-Alkyl (<=C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)- phosphonofluoridates	
e.g. Sarin:	O-Isopropyl methylphosphonofluoride	(107-44-8)
Soman:	O-Pinacolylmethylphosphonofluoride	(96-64-0)
(2)	O-Alkyl (<=C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)- phosphoramidocyanides	
e.g. Tabun:	O-Ethyl N,N-dimethyl phosphoramidocyanide	(77-81-6)
(3)	O-Alkyl (H or <=C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)- aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts	
e.g. VX:	O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
(4)	Sulfur mustards:	
	2-Chloroethylchloromethylsulfide	(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
	Bis(2-chloroethylthio)methane	(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
	Bis(2-chloroethylthiomethyl)ether	(63918-90-1)
	O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)
(5)	Lewisites:	

<sup>1</sup> Info retrieved from <http://www.opcw.org/chemical-weapons-convention/annex-on-chemicals/b-schedules-of-chemicals/schedule-1/>.

		(CAS Registry number)
	Lewisite 1: 2-Chlorovinyldichloroarsine	(541-25-3)
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)
(6)	Nitrogen mustards:	
	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)
(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)

## B. Precursors

		(CAS Registry number)
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides	
e.g. DF:	Methylphosphonyldifluoride	(676-99-3)
(10)	O-Alkyl (H or <=C10, incl. cycloalkyl) O-2-dalkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts	
e.g. QL:	O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolylmethylphosphonochloridate	(7040-57-5)

## Schedule 2

### A. Toxic chemicals

		(CAS Registry number)
(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)

### B. Precursors

		(CAS Registry number)
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,	
e.g	Methylphosphonyl dichloride	(676-97-1)
	Dimethyl methylphosphonate	(756-79-6)
Exemption: Fonofos:	O-Ethyl S-phenyl ethylphosphonothiolothionate	(944-22-9)
(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidicdihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts	
Exemptions:	N,N-Dimethylaminoethanol	(108-01-0)
	and corresponding protonated salts	
	N,N-Diethylaminoethanol	(100-37-8)
	and corresponding protonated salts	
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

### Schedule 3

#### A. Toxic chemicals

		(CAS Registry number)
(1)	Phosgene: Carbonyl dichloride	(75-44-5)
(2)	Cyanogen chloride	(506-77-4)
(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)

#### B. Precursors

		(CAS Registry number)
(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	(10026-13-8)
(8)	Trimethylphosphite	(121-45-9)
(9)	Triethylphosphite	(122-52-1)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulfurmonochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyldiethanolamine	(139-87-7)
(16)	Methyldiethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)

### **Guidelines for Schedule 1**

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

(a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

(b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

(i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

(ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

(iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

(c) It has little or no use for purposes not prohibited under this Convention.

### **Guidelines for Schedule 2**

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

- (a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
- (b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
- (c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
- (d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

### **Guidelines for Schedule 3**

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

- (a) It has been produced, stockpiled or used as a chemical weapon;
- (b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;
- (c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
- (d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.