

411

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 411



Introduced by **Rep. Roseller L. Barinaga**

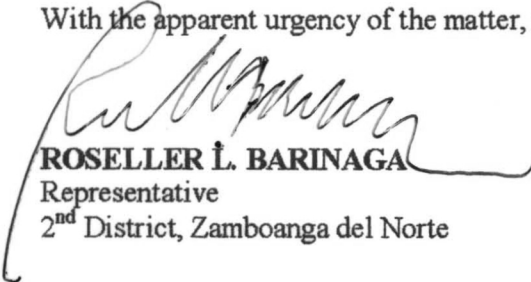
EXPLANATORY NOTE

Our territorial waters are rapidly deteriorating during this past couple of decades. Such destruction is caused by our own indiscriminate discharge of garbage and wastes into our bodies of water notwithstanding the significance of marine resources to our country's economic development and ecological survival. Environmental studies attributed this mess primarily to sewage and industrial effluents from urban areas, tailings from mining activities, oil from shipping operations and agricultural run-off. In Manila Bay alone, bacterial count has increased through the years making many beaches in its eastern part unfit for bathing and its nearshore waters unfit for fisheries and shellfish aquaculture.

Presidential Decree No. 600 (or the Marine Pollution Decree of 1974), which declares a national policy, "to prevent and control the pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines," has been so far the last measure that was promulgated to specifically protect of our marine environment. Said law made the throwing, discharge or deposit of any refuse matter of any kind or description unlawful. The penalty, however, of P5,000 or imprisonment of not more than one (1) year is not at all a viable deterrence to the concomitant act considering the possible impact such will have to our marine environs.

This measure, therefore, seeks to increase the penalty for unlawful dumping where the head of a corporation or any partnership will be held culpable of any violation/s committed. The proposed measure further defines the guidelines under which the commandant of the Philippine Coast Guard may allow the dumping of waste materials. This likewise authorizes the adoption of a dumping system which will take into account the chemical composition and attributes of waste materials so to avoid pollution in our waters.

With the apparent urgency of the matter, immediate passage of this bill is sought.


ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

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AN ACT

AMENDING CERTAIN SECTIONS OF PRESIDENTIAL DECREE NUMBERED SIX HUNDRED, OTHERWISE KNOWN AS THE MARINE POLLUTION DECREE OF 1974

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

SECTION 1. Section 4 of Presidential Decree Numbered Six Hundred is hereby amended to read as follows:

“SEC. 4. *Deposit of Refuse in Navigable Water.* - It shall be unlawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the Philippines, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall be unlawful to deposit, or cause, suffer or procure to be deposited material of any kind in any place on the bank of any navigable water or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed or increase the level of pollution of such water: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works: *Provided, further*, That the Commandant [,] OF THE Philippine Coast Guard, IN CONSULTATION WITH AND UPON THE RECOMMENDATION OF THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES [whenever in his judgment navigation will not be injured thereby, may permit the deposit of any material abovementioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with and any violation thereof shall be unlawful] MAY, UPON APPLICATION, PERMIT THE DEPOSIT OF WASTE MATERIALS IN DEEP WATER, OTHER THAN HAZARDOUS AND

NUCLEAR WASTES AS DEFINED IN REPUBLIC ACT NO. 6969, SUBJECT TO THE FOLLOWING CONDITIONS: 1. THAT THE DEPTH MUST NOT BE LESS THAN 2,000 METERS; 2. THAT THE DISTANCE FROM THE NEAREST LAND IS NOT LESS THAN 150 NAUTICAL MILES; AND 3. MUST NOT INTERFERE WITH SHIPPING, FISHING, RECREATION, MINERAL EXTRACTION, FISH AND SHELLFISH AQUACULTURE, AREAS OF SPECIAL SCIENTIFIC IMPORTANCE AND OTHER LEGITIMATE USES OF THE SEA: *PROVIDED, FINALLY*, THAT WHENEVER SUCH PERMIT IS GRANTED BY THE COMMANDANT OF THE PHILIPPINE COAST GUARD, THE SAME SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. MUST BE FOR A FIXED TERM NOT LONGER THAN FIVE 950 YEARS;
2. CAN BE TERMINATED FOR CAUSE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

A) VIOLATION OF ANY CONDITION STIPULATED IN THE PERMIT;

B) OBTAINING A PERMIT BY MISREPRESENTATION, OR FAILURE TO DISCLOSE ALL RELEVANT FACTS ANENT THE GRANT OF PERMIT;

C) CHANGE IN ANY CONDITION THAT REQUIRES EITHER A TEMPORARY OR PERMANENT REDUCTION OR ELIMINATION OF THE PERMITTED DEPOSIT."

SEC. 2. Section 6 of the same Decree is hereby amended to read as follows:

"SEC. 6. *Penalties for Violations.* - [Any person who violates Sections 4 or 5 of this Decree or any regulation prescribed in pursuance thereof, shall be liable to a fine of not less than P5,000.00 or by imprisonment not exceeding one (1) year nor less than thirty (30) days, or both such fine and imprisonment, for each offense. Any vessel from which oil or other harmful substances are discharged in violation of Sections 4 or 5 or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this Section, and clearance of such vessel from a port of the Philippines may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel, which may be recovered in proceedings by libel *in rem* in a Court of First Instance within which the vessel may be.]

THE PENALTY OF IMPRISONMENT OF ONE (1) YEAR TO SIX (6) YEARS AND A FINE RANGING FROM FIFTY THOUSAND PESOS (P50,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00) SHALL BE IMPOSED UPON ANY PERSON WHO SHALL VIOLATE SECTIONS 4 OR 5 OF THIS DECREE. IN CASE ANY VIOLATION IS COMMITTED BY A CORPORATION, ASSOCIATION, OR ANY JUDICIAL ENTITY, IT SHALL BE LIABLE FOR A PECUNIARY PENALTY OF TWO (2) MILLION PESOS (P2,000,000.00) AND THE LICENSE OF SUCH ENTITY SHALL LIKEWISE BE REVOKED."

SEC. 3. Section 7 of the same Decree is hereby amended to read as follows:

“SEC. 7. *Responsibility and Liability on Oil Spills.* - Any ship, tank vessel, tank barge or any other watercraft which accidentally or otherwise discharged oil or oily mixture on waters subject to the jurisdiction of the Philippines, the person in charge of the vessel shall immediately notify the Philippine Coast Guard, giving particulars of the name of the ship and company, location of spill, type of oil spilled, and quantity. In addition, the weather, tide, sea conditions and cause of spill shall be reported. Any person in charge of a vessel, AND THE OWNER OR OPERATOR who fails to notify the Coast Guard of any oil or oily mixture discharged from his vessel is liable to a fine of [P10,000] ONE MILLION PESOS (P1,000,000.00) or imprisonment of not [more than six months but not] less than [30 days] ONE (1) YEAR. The owner or operator of a vessel or facility which discharged the oil or oily mixture [may] SHALL be liable to pay for any clean-up costs.”

SEC. 4. A new Section is hereby added after Section 7 of the same Decree, to be denominated as “Sec. 7-A,” which shall read as follows:

“SEC. 7-A. THE PHILIPPINE COAST GUARD, IN COORDINATION WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO OTHER GOVERNMENT AND NON-GOVERNMENT AGENCIES CONCERNED WITH ENVIRONMENTAL PROTECTION IN THE PHILIPPINE WATERS SHALL DEVELOP AND ESTABLISH A SYSTEM FOR DUMPING OF WASTE MATERIALS AT SEA. SUCH DUMPING SYSTEM SHALL TAKE INTO ACCOUNT THE FOLLOWING CHARACTERISTICS AND COMPOSITION OF THE WASTE MATERIALS:

1. TOTAL AMOUNT OF MATERIALS TO BE DUMPED;
2. AVERAGE COMPOSITION OF MATTER DUMPED;
3. TOXICITY;
4. PROPERTIES OF THE MATERIALS DUMPED SUCH AS PHYSICAL (SOLUBILITY, SPECIFIC GRAVITY AND DENSITY), CHEMICAL AND BIOCHEMICAL, (OXYGEN DEMAND AND NUTRIENT PRODUCTION) AND BIOLOGICAL PROPERTIES (PRESENCE OF VIRUSES, BACTERIA, YEASTS, PARASITES, AND THE LIKE);
5. ACCUMULATION AND BIOTRANSFORMATION IN BIOLOGICAL MATERIALS OF SEDIMENTS;
6. SUSCEPTIBILITY TO CHEMICAL, BIOCHEMICAL AND PHYSICAL CHANGES AND INTERACTION IN THE AQUATIC ENVIRONMENT WITH OTHER DISSOLVED ORGANIC AND INORGANIC MATERIALS AFTER RELEASE INCLUDING THE PROBABLE FORMATION OF NEW COMPOUNDS;

7. PROBABILITY OF PRODUCTION OF TAINTS REDUCING THE
MARKETABILITY OF RESOURCES.

SEC. 5. *Separability Clause.* If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC.6. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed.

SEC. 7. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.