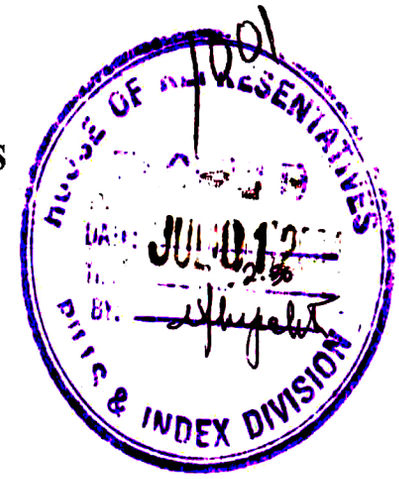
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 1001

Introduced by **HON. JUAN MIGUEL F. ZUBIRI**

EXPLANATORY NOTE

Sodium Cyanide (NaCN) is one of the most illegally used substances that cause extensive damage to our marine resources. This substance, while used in many manufacturing processes like mining, electroplating, jewelry making and other chemical manufacturing, is also used in the catching of live reef fish which gravely decimate the nation's fish breeding habitats, aqua-marine food chains, and consequently, diminish fish supply and eliminate the livelihood of our coastal populations who depend on the aqua-marine resource for their survival. The worst possible scenario is that illegal cyanide fishing and waste dumping would eventually threaten the food security of our people.

While thousands of metric tons of cyanide are imported into the country by legitimate users, large portions of this quantity may have fueled cyanide fishing. Coupled with this fact are reports that sodium cyanide is brought illegally into the country through our southern backdoor.

Whether legal or otherwise, the movement of sodium cyanide has remained unregulated amidst various studies and reports on the destructive application of environmentally-unaware users of said substance. Of course, sodium cyanide is not the only substance that causes such destructive effects in our marine resources. Movement of other hazardous substances which remain unregulated are also being transported to various provinces like Palawan in large quantities by commercial passenger boats carefully packed so as to avoid examination at the ports.

Republic Act 6969, otherwise known as the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990", aims to control the importation of toxic substances, and hazardous and nuclear wastes. The law, however, does not regulate the sale, purchase and possession of such substances.

It is the purpose of this proposed bill to regulate the sale, purchase and possession of toxic and hazardous substances, including sodium cyanide, and to impose penalties and fines for the criminal offenses and violations.

In view of the foregoing, it is strongly recommended that this bill be approved immediately.

JUAN MIGUEL F. ZUBIRI
Representative, 3rd District, Bukidnon

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HOUSE OF REPRESENTATIVES
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THIRTEENTH CONGRESS
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HOUSE BILL NO. 1001

Introduced by **HON. JUAN MIGUEL F. ZUBIRI**

AN ACT
TO REGULATE THE SALE, PURCHASE AND POSSESSION OF TOXIC AND HAZARDOUS SUBSTANCES, INCLUDING SODIUM CYANIDE PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

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

SECTION 1. **Title.** – This Act shall be known as the "Toxic and Hazardous Substances Control of 2004".

SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the State to preserve the country's aquamarine resource, as a means of ensuring food supply of the people and maintaining the balance in the natural environment. In pursuit of this policy, the State shall regulate the sale, purchase, possession, use, transport, storage, transfer and disposal of toxic and hazardous substances that destroy the marine environment.

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

a) Hazardous substances shall refer to substances which present either:

1) short-term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazard on the risk of ire or explosion; or
2) long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases result from acute exposure but with a long latent period), resistance to detoxification process such as

biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors;

b) Sodium Cyanide shall refer to toxic substances, either in powder or pellet form, chemically identified as NaCN;

c) Sale shall refer to the act of transferring ownership of a material or item, of value from one person to another for monetary or any other consideration;

d) Purchase shall refer to the act of buying a materiel or item of value for monetary or any other consideration; and

e) Possession shall refer to the state or situation where a person has physical custody of toxic and hazardous substances including sodium cyanide in his person, vehicle or domicile

SEC. 4. **Sale/Purchase of Toxic and Hazardous Substances including Sodium Cyanide –**

A) The sale/purchase, use, transport, storage, transfer and disposal of toxic hazardous substances, including sodium cyanide shall be strictly controlled by the government.

B) Persons or entities intending to sell/purchase, use, transport, store, transfer and dispose toxic and hazardous substances, including sodium cyanide, from a local trader shall first seek authorization from the Philippine National Police (PNP) of the Department of Interior and Local Government (DILG). The intent to sell/purchase, use, transport, store, transfer and dispose shall specify the quantity, the purpose, and the address of the place where such transaction shall be carried out.

C) Only persons or entities with such authorization may be allowed to sell/purchase, use, transport, store, transfer and dispose the substance and are not allowed to sell, give or transfer such substances to unauthorized persons or entities.

SEC. 5. **Possession of Toxic and Hazardous Substances, including Sodium Cyanide.** – Possession of toxic and hazardous substances including sodium cyanide, without the required permit under existing rules and regulations shall constitute a *prima facie* evidence of violations of the provisions of this Act.

SEC. 6. **Inspection and Reporting.** –

A) Sellers/Purchasers/Users of toxic and hazardous substances, including sodium cyanide, whether end-users or traders, shall make a weekly report on the usage/sale of the substance. The reports, on a form prescribed for this purpose shall be submitted to the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR) and the PNP of the DILG.

B) The report shall contain consumption data, in the case of end-users, or the list of buyers, together with a reproduced copy of the authority to purchase, in the case of traders.

C) Agents or deputized representatives of the Environment Management Bureau and the Philippine National Police, shall make periodic inspections of the premises of end-users to evaluate the veracity of the reports submitted. Traders shall likewise be subjected to spot checks. Such inspection shall include the buyers submitted by the trader.

SEC. 7. **Prohibited Acts.** – It shall be unlawful for any person to cause, aid or facilitate, directly or indirectly, the sale, purchase, use, transport, storage, transfer, disposal and possession of toxic and hazardous substances, other than those authorized under existing rules and regulations.

SEC. 8. **Penalties.** – The following acts shall be punishable by prison mayor (from six [6] years and one [1] day to twelve [12] years, and a fine of not less than two hundred fifty thousand pesos (P250,000.00):

A) Any person or entity who has caused to sell/purchase, use, transport, store, transfer and dispose toxic and hazardous substances, including sodium cyanide, without any previous authorization as defined in this Act;

B) Any person or entity found to posses sodium cyanide without any document to show that it has been purchased legally, as defined in this Act, locally or from abroad, shall be considered to possess the substance unlawfully;

C) Any person or entity who knowingly use, transport, store, and transfer toxic and hazardous substances, including sodium cyanide, to a person not authorized to purchase such substances.

SEC. 10. **Liability of Juridical Persons.** – If the violation of any provisions of this Act is committed by a corporation, partnership, association or similar entity, the President, Manager or most senior officers thereof shall be held liable for the offense.

SEC. 11. **Inapplicability of the Probation Law.** – Any person found guilty of violating any provisions of this Act shall be excluded from the benefits of the Probation Law.

SEC. 12. **Implementing Rules and Regulations.** – The Secretary of the DENR, in consultation with the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture (DA), the PNP, as well as other concerned agencies, shall formulate and issue, within ninety (90) days from the approval of this Act, the necessary rules and regulations for the successful implementation of the provisions of this Act.

SEC. 13. **Separability Clause.** – If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 14. **Repealing Clause.** – Any law, executive order, letter of instruction, rules and regulations, circulars, issuances or any part thereof inconsistent with any of the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved.