

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1767

Introduced by: **REP. PROSPERO A. PICHAY JR.**

EXPLANATORY NOTE

We are not a nation of guinea pigs. But the entry into the country of genetically engineered crops and food products with genetically modified organisms (GMOs) may just as well make us one. We have yet to determine the risks and hazards of biotechnology to health and the environment and until then it is incumbent upon government to impose measures that would safeguard our people's interests and welfare.

We are a gentle culture and any thing new that creeps into our humble existence certainly creates a mixture of fear and anxiety, more so if it has a lot to do with the food we eat and the air we breathe. The emergence of new scientific processes to recreate the genetic make-up of fruits, vegetables and other food products is a revolutionary concept which many of us have yet to understand and absorb its ramifications.

The total lack of data and study on the impact of GM food on human safety is one big reason for us to go slow in welcoming multinational companies such as Cargill Agroseeds whose on-going field testing in General Santos City of a genetically-altered corn variety has engendered a feeling of being in a fishbowl especially among local residents. The European Union and the United States are now in a tussle over the safety of GM foods that it is not for us the developing countries like the Philippines to be the laboratories of biotechnology.

They say that so far, there's nothing to suggest that biotech food have any direct threat to health. But what is most disconcerting is the idea of splicing genes and inserting these from one species to another to form new varieties of crops. It is one thing if the experiment goes wrong only in the laboratory. But it is entirely different if it does inside our stomachs or in the environment in which we live. When a mathematician makes a mistake, he simply erases the formula. But when the biotechnologist does, he could wipe out a big segment of a population or even an entire generation.

It is precisely in this light that the Committee on Health recommended the passage of this measure. A series of public hearings on a resolution filed by this

representation during the previous Congress, seeking an inquiry on the entry into the country of GM organisms, their use in our food products, and the extent of danger, if any, that they pose to public health, have already been conducted even as the viewpoints of several resource persons have been heard. It is incumbent upon the 13th Congress of the Philippines to finally act on this matter of great importance to our health as individuals and as a nation.

Immediate approval of this bill is now earnestly sought.

PROSPERO A. PICHAY, JR.



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AN ACT
BANNING THE ENTRY, SALE, PROCESSING, FIELD TESTING AND RELEASE OF PRODUCTS CONSISTING OF, CONTAINING OR DERIVED FROM GENETICALLY MODIFIED ORGANISMS (GMOS) INTO AND WITHIN THE COUNTRY AND IMPOSING PENALTIES FOR VIOLATION THEREOF

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 Prohibition Act of 2000".

SEC. 2. ***Declaration of Policy***. – It is hereby declared the policy of the State to adopt a precautionary approach to the commercialization of products consisting of, containing or derived from genetically modified organisms (GMOs) to protect the people and the environment from harmful risks posed by biotechnology while scientific evidence to the contrary is incomplete and inconclusive.

SEC. 3. ***Definition of Terms***. – For purposes of this Act, the following terms shall mean:

a. "Organism" - any biological entity capable of replication or of transferring genetic material.

b. "Genetically modified organism (GMO)" - an organism in which the genetic material has been altered or modified in a way that does not occur naturally by mating and/or natural recombination.

c. "Genetic engineering" - a set of technologies that artificially move functional genes across species boundaries to produce novel organisms

using sophisticated molecular methods notably recombinant DNA technology.

d. "DNA" - deoxyribonucleic acid, a molecule wherein genetic information is stored for most organisms.

e. "Entry" - importation or bringing in of a product or products into the country.

f. "Sale" – act of selling and/or supplying and/or making a product available to other parties.

g. "Processing" – the manufacturing, breeding, preparing and other activities which through physical or chemical process alter the exterior texture or form or inner substance of a product in such manner as to prepare it for special use to which it could not have been put in its original form or condition.

h. "Field testing" – is a deliberate release or intentional introduction into a controlled environment of a GMO or a combination of GMOs with provisions for containment such as physical barriers, or a combination of physical barriers together with chemical and/or biological barriers used to limit their contact with the general population and the environment.

i. "Risk Assessment" – the evaluation of the direct and indirect risks to human health and the environment which the deliberate release of GMOs into the environment may pose.

j. "National Committee on Biosafety of the Philippines" – an attached agency of the Department of Science and Technology created by virtue of Executive Order 430 (s. 1990) and tasked, among others, to identify potential risks associated with experiments involving GMOs and to recommend measures to minimize such risks.

SEC. 4. ***Prohibition for five years***. – The entry, sale, processing, field testing, release and similar acts, of products consisting of, containing or derived from genetically modified organisms (GMOs) into and within the country shall be banned in the Philippines for at least five (5) years after which the National Committee on Biosafety of the Philippines (NCBP), shall establish an efficient administrative

procedure for granting permits and monitoring any direct, indirect, immediate or delayed effects of GMOs on human health and the environment.

SEC. 5. ***Existing GMO products***. – The NCBP, in coordination with the Bureau of Food and Drugs (BFD), is hereby directed to determine the presence of products consisting of, containing or derived from GMOs which have been brought into the Philippines prior to the effectivity of this Act, and thereafter issue a list of said products and a risk assessment of the same. The subsequent entry, sale, processing, field testing, release and similar acts, of such products in the list shall be banned for at least five years.

SEC. 6. ***Monitoring***. – The Department of Trade and Industry (DTI) and the Bureau of Customs (BOC) shall monitor the entry, sale, and processing of products consisting of, containing or derived from GMOs.

SEC. 7. ***Penalties***. – Any person found violating the provisions of this Act shall be penalized with imprisonment of not less than one year and not more than five years and a fine of not less than ONE HUNDRED THOUSAND PESOS BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS, at the discretion of the court depending on the gravity of the offense. Repetition of the offense shall entail maximum limit of the penalty and the fine.

SEC. 8. ***Implementing Rules and Regulations***. - The NCBP and BFD shall formulate and publish the implementing rules and regulations for the effective implementation of this Act, within ninety (90) days from its enactment.

SEC.9. ***Separability Clause***. – If any provisions of this Act is declared unconstitutional and the application thereof to any person, circumstance or transaction is held invalid, the validity of the remaining provisions of this Act or the applicability of such provision to other persons, circumstances or transactions shall not be affected thereby.

SEC. 10. ***Repealing Clause***. – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. ***Effectivity Clause***. – This Act shall take effect fifteen days after its publication in at least two (2) newspapers of general circulation.

Approved,