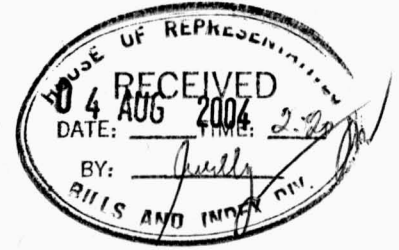


Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 2124

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO, LIZA L. MAZA, ABRAHAM B. MITRA, LORENZO R. TAÑADA III,

Explanatory Note

This bill aims to keep the country's food and agriculture free from genetically modified organisms (GMO) at this time when there are still unresolved questions as to their possible adverse effects on human health and the environment.

Genetic engineering in food crops is relatively new. However, there have been many cases discovered which should tell us that genetically modified products could seriously harm human beings and the environment. Several studies abroad have raised the problems of toxicity, allergy and environmental damage. Cases of contamination of crops have also been recorded in farms adjacent to those raising genetically engineered crops.

Yet, the threat from genetically engineered crops and food products is fast rising in the Philippines. A number of food products sold in our supermarkets and groceries have been found to contain GMOs. Monsanto, a transnational corporation, has started its field testing of Bt corn in the Philippines despite opposition from local government units and farmers in affected localities.

We cannot underestimate the known and suspected environmental and health risks inherent in the unchecked race to embrace the unproven technology of genetic engineering. Other countries in the world have acted through legislation to protect their citizens and environment from the threat of genetically engineered crops and food. Clearly, we must do the same.

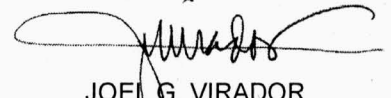
The filing of this bill does not mean that its authors are against the use of science and technology in food and agriculture. On the contrary, the proponents of this bill firmly believe in using science to serve the people and society. But they are strongly opposed to the use of science that will benefit only a few and worse, harm people and damage the environment.

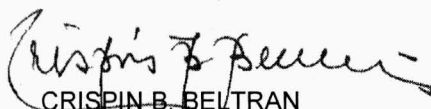
Norwegian virologist Terje Traavik best sums up the serious danger of the unregulated entry and use of genetically engineered crops and products: *"Too early may be too late when the genie has been released, you've lost control of it and don't know how to get it back into the lamp."*

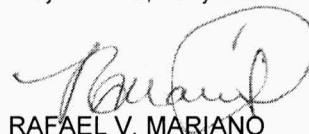
In view of these reasons, approval of this bill is immediately sought.


SATUR C. OCAMPO
Bayan Muna, Party-List


TEODORO A. CASIÑO
Bayan Muna, Party-List


JOEL G. VIRADOR
Bayan Muna, Party-List


CRISPIN B. BELTRAN
Anakpawis, Party-List


RAFAEL V. MARIANO
Anakpawis, Party-List


LIZA L. MAZA
Gabriela, Party-List

District _____

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HOUSE BILL NO. 2124

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO, LIZA L. MAZA, ABRAHAM B. MITRA, LORENZO R. TAÑADA III,

AN ACT
PROHIBITING THE ENTRY, SALE, PROCESSING, FIELD TESTING AND RELEASE OF CROPS
AND FOOD PRODUCTS CONTAINING GENETICALLY MODIFIED ORGANISMS (GMO)
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-Free Food and Agriculture Act of 2004."

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to protect and advance the right of the people to 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 advocates of genetic engineering in food and agriculture.

SECTION 3. Definition of Terms. For purposes of this Act, the following terms shall be understood as follows:

1. "Genetic engineering" is the term given to the manipulation in the laboratory of the genetic code of a living organism, plant or animal. It involves taking bits of DNA from one species, and putting it into the DNA of another, in order to mimic certain desired characteristics.
2. "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 the biological information that is passed on from one generation to the next.
3. "Genetically modified organism" (GMO) means 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.
4. "Organism" means any biological entity capable of replication or of transferring genetic material.
5. "Entry" means the importation or bringing in of a product or products into the country.
6. "Sale" refers to the act of selling and/or supplying and/or making a product available to other

parties.

7. "*Processing*" means the manufacture, breeding, preparation 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.
8. "*Field testing*" refers to the 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.
9. "*Risk assessment*" means 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.
10. "*National Committee on Biosafety of the Philippines*" refers to 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.

SECTION 4. *Prohibition period.* 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 prohibited in the Philippines.

SECTION 5. *Exempting Clause.* Studies on crops and products containing genetically modified organisms by the independent panel of scientists to be selected and supervised by the National Committee on Biosafety of the Philippines (NCBP) and Bureau of Food and Drugs (BFAD) together with concerned non-government and people's organizations shall be exempted from this prohibition.

SECTION 6. *Existing GMO Products.* The NCBP, in coordination with BFAD and non-government organizations involved in monitoring genetically modified crops and products, 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 to the public, make a risk assessment of the same and come out with recommendations on the proper disposition of such products. The subsequent entry, sale, processing, field testing, release and similar acts, of such products in the list shall be prohibited indefinitely until such time that said products have been declared free from genetically modified organisms.

SECTION 7. *Monitoring.* The Department of Trade and Industry (DTI) and the Bureau of Customs (BOC) shall closely monitor the entry, sale, and processing of products consisting of, containing or derived from genetically engineered organisms.

SECTION 8. *Penalties.* Any person or persons found violating the provisions of this Act shall be penalized with imprisonment of not less than five (5) years and not more than fifteen (15) years and a fine of not less than One Hundred Thousand Pesos but not more than One Million 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.

SECTION 9. *Implementing Rules and Regulations.* The NCBP and BFAD shall formulate and publish the implementing rules and regulations for the effective implementation of this Act, within ninety (90) days from its enactment.

SECTION 10. *Separability Clause.* If any provision 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.

SECTION 11. *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.

SECTION 12. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,