

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5518



Introduced by: Hon. Augusto H. Baculio and Hon. J.R Nereus O. Acosta

EXPLANATORY NOTE

The increasing concern on the effects of POPs or "Persistent Organic Pollutants", has clearly been manifested both at the global and national levels. Hence, cognizant of the Convention's importance, the Senate ratified on February 2, 2004, the 2001 Stockholm Convention on Persistent Organic Pollutants. Subsequently, on May 27 of the same year, the Philippines became the 51st party to the said Convention.

POPs are chemical substances that persist in the environment, bioaccumulate through the food web, capable for long range transport and pose a risk of causing adverse health effects to human.

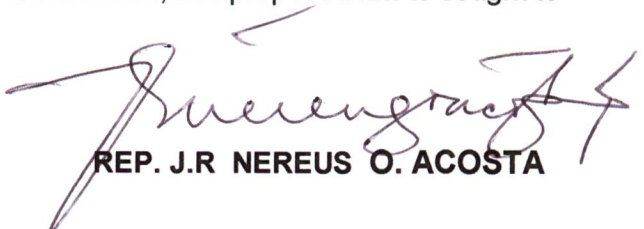
Scientists have observed a range of health effect injuries in wildlife exposed to POPs. It includes reproductive failure and population declines; abnormally functioning thyroids and other hormone system malfunctions; feminization of males and masculinization of females; compromised immune systems; behavioral abnormalities; tumors and cancers; and gross birth defects. Good evidence associates human exposure to specific POPs with health effects like cancers and tumors, neurobehavioral impairment including learning disorders and changes in temperament; immune system changes and reproductive deficits and sex-linked disorders.

Health impacts are no doubt the most compelling reason to initiate measures to reduce and eliminate POPs. Improved health of the population is a critical factor for a higher productivity which affects any economy. Keeping the workforce and society healthy would eliminate income losses due to sickness and medical expenses. For example, the issue on particulate matter exposure in Metro Manila as studied by the Department of Health in 1999, the health impact or total cost of particulate matter exposure is around US\$ 430 Million which was incurred due to cases of chronic bronchitis, asthma, bronchitis in children, emergency room visits, hospital admissions, restricted activity and respiratory symptoms.

While there are existing relevant legislation and policies pertaining to chemicals, substances and waste, these need to be harmonized or amended to provide a clear and comprehensive management policies on POPs to address not only the initial twelve POPs or "Dirty Dozen" but to make the country ready to manage and handle future POPs. Among others, there is also a need to: 1) establish a long term Inter-Agency Coordinating Mechanism to address present and future issues and concerns on POPs and to monitor the implementation of the National Implementation Plan; 2) to strengthen various government agencies relative to the provisions of the Stockholm Convention; and 3) encourage cooperation and self-regulation among citizens, industries and other stakeholders.

Hence, in order to provide a strong and comprehensive national law that will provide for the effective implementation of the Stockholm Convention, this proposed law is sought to be approved.


REP. AUGUSTO H. BACULIO


REP. J.R NEREUS O. ACOSTA

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Introduced by: **Hon. Augusto H. Baculio and Hon. Nereus J.R. Acosta**

**AN ACT PROVIDING FOR A COMPREHENSIVE MANAGEMENT OF
PERSISTENT ORGANIC POLLUTANTS, PROVIDING POLICIES AND
PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.**

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

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1
BASIC POLICIES ON PERSISTENT ORGANIC POLLUTANTS

SECTION 1. *Short Title* – This Act shall be known as the “POPs Management Act of 2006”.

SECTION 2. *Declaration of Principles* – The State shall protect and advance the right of the people to a balanced and healthful ecology that is free from persistent organic pollutants, in accord with the rhythm and harmony of nature and under the context of sustainable development, recognizing that persistent organic pollutants possess toxic properties, resist degradation, bioaccumulate and are transported, through air, water and migratory species, across international boundaries and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems.

The State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to address the threat of persistent organic pollutants and work towards its reduction and elimination.

SECTION 3. *Declaration of Policies* – It is hereby declared the policy of the State to ensure the protection of human health and the environment from the potential risks of persistent organic pollutants within the framework of sustainable development. Towards this end, proper management of persistent organic pollutants shall be pursued. It shall be the policy of the State to:

- a) Recognize the importance of developing and using environmentally sound alternative processes and chemicals that will prevent generation of persistent organic pollutants;
- b) Take measures to prevent adverse effects caused by persistent organic pollutants at all stages of their life cycle;
- c) Reaffirm Principle 16 of the Rio Declaration of Environment and Development which states that national authorities should endeavor to promote the internalization of environment costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment;

- d) Protect human health and the environment from the harmful impacts of persistent organic pollutants by reducing or eliminating its releases to the environment;
- e) Comply with the applicable provisions of the 2001 Stockholm Convention on persistent organic pollutants;
- f) Strengthening Inter-Agency Coordinating Mechanism to effectively enforce all environmental laws relevant to the reduction and/or elimination of persistent organic pollutants;
- g) Formulate and enforce a system of accountability for short and long term adverse environmental impact of a project, program or activity that releases persistent organic pollutants;
- h) Strengthen Local Government Units to enforce environmental laws and to perform their roles mandated by Republic Act No. 8749, Republic Act No. 9003, Republic Act No. 9275 and other relevant environmental laws and regulations;
- i) Encourage cooperation and self-regulation among citizens and industries through the application of market-based instrument relative to Best Available Techniques and Best Environmental Practices;
- j) Implement activities and programs embodied in the National Implementation Plan for POPs to reduce and/or eliminate POPs in the country through the support of the International Community and multilateral agencies and organizations; and
- k) Endeavor to utilize and, where necessary, establish the means to integrate the National Implementation Plan for POPs in the sustainable development strategies of the country.

SECTION 4. *Coverage of the Act* – This act shall cover the generation, importation, possession, collection, recovery, reuse, storage, transport, treatment and disposal of raw materials and products that contains chemical substances regulated under the 2001 Stockholm Convention on persistent organic pollutants in the country. Provided, that this act shall also cover the entry, even in transit, into the Philippines territorial limits of such other materials contaminated with this toxic chemical substances classified as persistent organic pollutants.

ARTICLE 2 DEFINITION OF TERMS

SECTION 5. – *As used in this Act:*

- a) “Best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C of the 2001 Stockholm Convention on POPs and their impact on the environment as a whole. In this regards:
 - (i) “Best” means most effective in achieving a high general level of protection of the environment as a whole;
 - (ii) “Available” techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages;

- (iii) "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
- b) "Best environmental practices" means the application of the most appropriate combination of environmental control measures and strategies;
- c) "CAS" means Chemical Abstracts Service, a uniquely identifying number of adopted internationally which permits one to generate toxicological information from a computer base;
- d) "Collection" refers to the act of removing hazardous chemical substances classified to be persistent organic pollutant in accordance with the provisions of the Stockholm Convention on POPs, from the source or from a storage point/facility;
- e) "Department" means the Department of Environment and Natural Resources;
- f) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any toxic and hazardous chemical substances classified to be persistent organic pollutant in accordance with the criteria of the Stockholm Convention on POPs, into or on any land or water so that such persistent organic pollutant may enter the environment or be emitted into the air or discharged into any waters, including ground waters;
- g) "Generation" refers to the act or process of intentional or unintentional production of toxic and hazardous chemical substances classified to be persistent organic pollutant in accordance with the criteria of the Stockholm Convention on POPs;
- h) "Generator" refers to a person, natural or juridical, who produces toxic and hazardous chemical substances classified to be persistent organic pollutant in accordance with the criteria of the Stockholm Convention on POPs;
- i) "Persistence" refers to the substantial length of time a compound, once introduced into the environment, stays there;
- j) "Persistent Organic Pollutants (POPs)" refers to organic compounds that persist in the environment, bio-accumulate through the food web, and pose a risk of causing adverse effects to human health and the environment. These compounds resist photolytic, chemical and biological degradation, which shall include but not be limited to dioxins, furans, polychlorinated biphenyls (PCBs), organochlorine pesticides such as aldrin, chlordane, dichlorodiphenyltrichloroethane (DDT), hexachlorobenzene (HCB), and other organic compounds classified by the Conference of the Parties of the Stockholm Convention as POPs;
- k) "Person(s)" refers to any being, natural or judicial, susceptible of rights and obligations, or of being the subject of legal relations;
- l) "Storage" means the containment of toxic and hazardous chemical substances classified to be persistent organic pollutant in accordance with the criteria of the Stockholm Convention on POPs, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such chemical substances;
- m) "Toxicity" means the degree of danger posed by a chemical substance to animal or plant life, this may be due to its carcinogenicity, teratogenicity, or mutagenicity among others;

CHAPTER 2

POPs MANAGEMENT SYSTEM

ARTICLE I

GENERAL PROVISIONS

SECTION 6. *Identification and Inventory of POPs* – Within six (6) months from the effectivity of this Act, the Department shall, after notice and public consultation, formulate a reporting system for industries and other sectors that are potential sources of persistent organic pollutants. In the interest of determining industries or other relevant sectors who are unknowingly using, handling, transporting or importing products or raw materials which may contain chemical substances regulated under the Stockholm Convention on POPs, the Department may require various industries and other relevant sectors to submit a complete inventory report of chemical substance used, handled or transported stating its complete components and CAS number of each component. The report may not only cover raw materials but also finished products that may contain suspected chemical substances regulated under the Stockholm Convention.

SECTION 7. *Notification of use, transport, handling, storage and importation of chemical substances or products that contains regulated chemical substances under the Stockholm Convention* - Upon the effectivity of this Act, any person or entity using, transporting, handling, storing and/or importing chemical substances or products or even raw materials that contains regulated chemical substances under the Stockholm Convention is hereby required to notify the Department by filling up a notification form to be issued by the Department specifying among others the CAS numbers of its complete components and other relevant information.

SECTION 8. *National Implementation Plan for Persistent Organic Pollutants* – The Department, in coordination with the Inter-Agency Technical Advisory Council (IATAC) and other relevant government agencies, people's organizations, non-governmental organizations and other national stakeholders shall review and update, as appropriate, the National Implementation Plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties of the Stockholm Convention.

SECTION 9. *Information Exchange* – The Department, in coordination with the Inter-Agency Technical Advisory Council (IATAC) and other relevant government agencies, people's organizations, non-governmental organizations and other national stakeholders shall facilitate or undertake the exchange of information to any party of the Stockholm Convention relevant to:

- a) The reduction or elimination of the production, use and release of POPs;
- b) Alternatives to POPs, including information relating to their risk as well as to their economic and social costs;

The Department shall be the national focal point for the exchange of such information.

ARTICLE 2

INSTITUTIONAL MECHANISM

SECTION 10. *Lead Agency* – The Department shall be the primary government agency responsible for the implementation and enforcement of this Act. To be more effective in this regard, the Department's Environmental Management Bureau (EMB) shall maintain its status as line bureau for a period of no more than four (4) years, unless a separate, comprehensive environmental management agency is created. The Environmental Management Bureau shall have the following functions, powers and responsibilities:

- a) Monitor the implementation of the National Implementation Plan for persistent organic pollutants;
- b) Undertake the periodic review of the National Implementation Plan for persistent organic pollutant in coordination with the Inter-Agency Technical Advisory Council (IATAC) and other relevant government agencies, people's organizations, non-governmental organizations and other national stake holders;
- c) Serve as secretariat to the Inter-Agency Technical Advisory Council (IATAC) and to other relevant government agencies, people's organizations, non-governmental organizations and other national stakeholders relative to the management of persistent organic pollutants;
- d) Establish within five (5) years from the effectivity of this Act, internationally-accepted procedures for sampling and analysis of persistent organic pollutants and in coordination with other concerned agencies, formulate testing procedures and establish an accreditation system for private and/or government-owned and controlled laboratories;
- e) Establish a cooperative effort in partnership with the national government, local government units, academic institutions, civil society and the private sector to attain the objectives of this Act, to implement the National Implementation Plan for POPs and to meet the country's obligation under the 2001 Stockholm Convention on POPs;
- f) Promote and encourage private and business sectors especially manufacturing and processing plants to adopt best available techniques and best environmental practices duly approved by the Conference of the Parties of the Stockholm Convention;
- g) Disseminate information and conduct educational awareness and campaigns for various stakeholders most especially for women, children and the least educated on the health and environmental effects of POPs and on their alternatives;
- h) Report, on the annual basis, to Congress the status of national campaign against persistent organic pollutants, its levels in the environment, list of contaminated sites and status report on the implementation of the National Implementation Plan for POPs;
- i) Issue orders against any person or entity and impose fines, penalties and other administrative sanctions to compel compliance with relevant provisions of other environmental laws to POPs and to the provisions of this Act;
- j) Undertake appropriate protocol with other concerned agencies for immediate coordinated emergency response to chemical spill incidents and hazardous waste emergency response; and
- k) Exercise such powers and perform such other functions as may be necessary to carry out the objectives of this Act and the Stockholm Convention on POPs.

SECTION 11. *Linkage Mechanism* – In addition to the Inter-Agency Technical Advisory Council (IATAC), the Department shall consult, participate, cooperate and enter into agreement with other government agencies, or with affected private industry, non-governmental organization (NGOs) or people's organizations (POs) in the furtherance of the objectives of this Act.

In addition to the duties and responsibilities of various government agencies, the following agencies shall perform the functions specified hereunder:

- a) Fertilizer and Pesticide Authority (FPA), in coordination with the Department, shall perform its functions relative to the reduction and elimination of POPs pesticides as stipulated in the National Implementation Plan for POPs. The Executive Director of FPA or his duly authorized representative may cause the impoundment or confiscation of any suspected POPs pesticide and its conveyance and container if there are reasonable grounds to believe that the sale, storage, possession, use, manufacture, transport, import, or export of such pesticide does not comply with the Implementing Rules and Regulations of this Act, the Implementing Rules and Regulations of Presidential decree 1144 and the applicable provisions of the Stockholm Convention;
- b) Department of Agriculture (DA), shall coordinate with the Department, in the formulation of guidelines for the management, reduction and elimination of POPs pesticides and conduct public awareness programs;
- c) Bureau of Plant Industry (BPI), in coordination with the Department and other concerned agencies shall monitor levels of POPs pesticides to agricultural products for the protection of human health;
- d) Department of Health (DOH), in coordination with the Department and to Occupational Safety and Health Center (OSHC) of the Department of Labor and Employment (DOLE), shall be primary responsible for the promulgation of programs, guidelines and standards relative to the protection of human health from harmful impacts of POPs;
- e) Department of Science and Technology (DOST), in coordination with the Department and other concerned agencies shall prepare a program for the evaluation, verification, development, research and public dissemination of pollution prevention and cleaner production technologies, and other measures to reduce or eliminate POPs;
- f) National Electrification Administration (NEA), in coordination with the Department and other concerned agencies, shall ensure the compliance of rural electrification cooperatives to regulations promulgated by the Department relative to Stockholm Convention. Likewise, the Department of Energy (DOE) and the Energy Regulatory Commission (ERC) shall insure the compliance of electric power industry to regulations promulgated by the Department relative to Stockholm Convention particularly on the ban and phase out schedule of Polychlorinated biphenyls in the country;
- g) Department of Education and (DepEd), Commission of Higher Education (CHED), Department of Interior and Local Government (DILG) and Philippine Information Agency (PIA) shall assist and coordinate with the Department in the preparation and implementation of a comprehensive and continuing public education on persistent organic pollutants. Within two (2) years from the effectivity of this Act, the Department of Education (DepEd) and Commission of Higher Education (CHED) shall develop and integrate to its curricula comprehensive modules on POPs which may include adverse health effects of POPs, its sources and other information within the context of this Act and the Stockholm Convention on POPs.
- h) Bureau of Customs (BOC), Philippine Ports Authority (PPA), Maritime Industry Authority (MARINA), in coordination with the Department and other concerned agencies shall ensure that smuggling of chemical substances or products / raw materials containing such chemical substances classified under the Stockholm Convention as POPs be completely eradicated within six (6) months from the effectivity of this Act and ensure the highest level of apprehension and prosecution;

- i) Philippine Coast Guard (PCG) and the Philippine National Police (PNP), in coordination with the Department and other concerned agencies shall effectively protect the country from back-door entry / illegal entry and / or smuggling of products or raw materials containing chemical substances classified under the Stockholm Convention as POPs and ensure the highest level apprehension and prosecution.
- j) Philippine Economic Zone Authority (PEZA) shall not allow the information of any material into an economic zone that may contain chemical substances regulated under the Stockholm Convention on POPs. PEZA should carefully review the import permits being applied by its locators.
- k) National Disaster Coordinating Council (NDCC) shall enhance its capability to respond to chemical spill emergency particularly in dealing with chemical substances regulated under the Stockholm Convention. Likewise, the Armed Forces of the Philippines (AFP) shall ensure that availability of chemical substances regulated under the Stockholm Convention shall be highly restricted against any terrorist group or to any group considered to be enemy of state.

SECTION 12. *Role of Local Government Units* – Local Government Units (LGUs) shall perform its mandate promulgated under the Republic Act No. 7160 relative to environmental management and other environment laws. In addition to its roles mandated under Section 36 and Section 37 of Republic Act No. 8749 (Philippine Clean Air Act of 1999), Section 10 of Republic Act No. 9003 (Philippine Ecological Solid Waste Management Act of 2004), each local government unit shall within six (6) months after the effectivity of this Act shall promulgate relevant local ordinances for the reduction and/or elimination of POPs on their respective territorial jurisdictions.

Furthermore, within six (6) months from the effectivity of this Act, provinces / cities / municipalities where there are no Environment and Natural Resources Offices (ENROs) shall establish such office in the interest of carrying out its critical roles provided herein and in other environmental laws and regulations. For interim purposes, the local executive concerned may, with the approval of the Secretary of the DENR designate any of his official and/or chief of office preferably the provincial, city or municipal agriculturist, or any of his employee; provided, finally, that in case an employee is designated as such, he must have sufficient experience in environmental and natural resources management and knowledge on best available techniques and best environmental practices to reduce or eliminate POPs.

SECTION 13. *Role of Business and Industry Sector* – The Department and the local government units, in coordination with the appropriate government agencies, and in consultation with the business and industrial sectors including chambers of commerce shall formulate appropriate incentives for the adoption of best available techniques and best environmental practices that reduces or eliminate persistent organic pollutants.

SECTION 14. *Financial Assistance Program* – In the interest of reducing and/or eliminating persistent organic pollutants in the country, government financial institutions such as the Development Bank of the Philippines, Land Bank of the Philippines, Government Service Insurance System, and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to private industries, rural electric cooperatives, small and medium enterprises and local government units engaged in the adoption of best available techniques and best environmental practices. Provinces, Cities and Municipalities which shall establish an environment and natural resources office may be entitled to receive grants to capacitate them to meet their obligations mandated by several environment laws.

SECTION 15. *Research and Development Program on POPs* – The Department of Science and Technology (DOST), in coordination with the Department and other appropriate government agencies, shall spearhead the research and development in reducing or eliminating persistent organic pollutants in the country. The DOST shall also provide a secured storage facility for confiscated chemical substances classified to be POPs which will be subjected to proper disposal.

SECTION 16. *Requirement of Record-keeping, Authority for Entry to Premises and Access to Documents* – The Department or its duly authorized representative shall, after due notice, require any person who owns or operates any facility that may contain chemical substances regulated under the Stockholm Convention to submit reports and other written information as may be required by the Department.

The Department, through its authorized representatives, shall have the right to:

- a) Enter any premises or to have access to documents and relevant materials relative to this Act.
- b) Inspect any installation that may emit chemical substances regulated under the Stockholm Convention; and
- c) Test any equipment or material that may contain chemical substances regulated under the Stockholm Convention.

CHAPTER 3 PENAL PROVISIONS

SECTION 17. *Prohibited Acts* – The following acts are prohibited:

- (a) Use of banned POPs pesticides prohibited by the Fertilizer and Pesticide Authority (FPA) of Department of Agriculture;
- (b) Open burning of solid waste and other liquid waste that are potential to emit persistent organic pollutants such as dioxins and furans;
- (c) Non-compliance to any provision of Chemical Control Order for polychlorinated biphenyls;
- (d) Non-compliance with any local ordinances on POPs promulgated by a local government unit;
- (e) Refusal to allow entry, inspection and monitoring by the Department in accordance with this Act;
- (f) Refusal to allow access by the Department to relevant reports and records in accordance with this Act;
- (g) Refusal or failure to submit reports whenever required by the Department in accordance with this Act;
- (h) Refusal or failure to designate pollution control officers whenever required by the Department in accordance with this Act;
- (i) Refusal or failure for any local executive of a Local Government Unit to establish an environment and natural resources office that should perform the roles of Local Government Unit under Section 36 and 37 of Republic Act No. 8749, Section 10 of Republic Act No. 9003, Section 20 of Republic Act No. 9275 and this Act;

- (j) Importation of consumer products that contains banned chemical substances listed under the Stockholm Convention on POPs;
- (k) Transport and dumping of collected domestic, industrial, commercial and institutional wastes that contains any chemical substance listed under the Stockholm Convention on POPs in areas not duly registered as Treatment, Storage and Disposal facility by the Department;
- (l) Unauthorized transport or dumping into sea waters of any sludge or solid waste that contains chemical substance regulated under the Stockholm Convention; and
- (m) Operate facilities that discharge or allow to seep, willfully or through gross negligence, any chemical mixture that contains regulated chemical substances under the Stockholm Convention into water bodies or wherein the same shall be liable to be washed into such surface, ground, coastal, and marine water.

SECTION 18. *Fines , Damages and Penalties* – Any person who commits any of the prohibited acts provided in the immediately preceding section or violates any of the provisions of this Act or its Implementing Rules and Regulations (IRR), shall be fined by the DENR Secretary, upon the recommendation of the Pollution Adjudication Board (PAB) in the amount of not less than Fifty Thousand Pesos (PhP50,000.00) nor more than Five Hundred Thousand Pesos (PhP500,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines; Provided, That the DENR Secretary, upon recommendation of the PAB may order the closure, suspension of development or construction, or cessation of operations of the facility, until such time that proper environmental safeguards are put in place and/or compliance with the Act or its IRR are undertaken. This paragraph shall be without prejudice to the issuance of an ex parte order for such closure, suspension of development of construction, or cessation of operations during the pendency of the pollution case.

Failure to undertake clean-up operations, willfully, or through gross negligence, shall be punished by imprisonment of not less than two (2) years and not more than four (4) years and a fine of not less than One hundred thousand pesos (PhP100,000.00) per day for each day of violation. Such failure or refusal which results in serious injury or loss of life and/or irreversible soil and water contamination (surface, ground, coastal and marine water) shall be punished with imprisonment of not less than six (6) years and one (1) day and not more than twelve (12) years, and a fine of Two million pesos (PhP2,000,000.00) per day for each day during which the omission and/or contamination continues. If the offender is a juridical entity, then its officers, directors, president, unit head or any person primary responsible shall suffer the penalty herein provided. If the offender is a foreigner, he or she shall be deported and banned from any subsequent entry into the Philippines after serving his or her sentence. In addition to the fines and penalties above, any person or entity responsible or connected with the bringing into the country of any product or raw materials that contains chemical substance regulated under the Stockholm Convention on POPs and being banned by the Department or by other relevant government agency shall be under obligation to transport or send back said prohibited commodity.

Any local government official and officials of government agencies who fail to comply with its obligations under this Act shall be charged administratively in accordance with Republic Act No. 7160 and other applicable existing laws, rules and regulations.

SECTION 19. *Administrative Sanctions against Local executives of Local government units* – Any local executive of a local government unit who refuses or failed to establish an Environment and Natural Resources Office shall be subjected to administrative sanctions in accordance with the relevant provisions of Republic Act No. 7160.

SECTION 20. *Citizen Suits* – For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts / bodies against:

- (a) Any person or entity who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; or
- (b) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuse his authority in the performance of his duty; or; in any manner, improperly performs his duties under this Act or its implementing rules and regulations: Provided, however, That no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from payment of filing fees and shall likewise, upon prima facie showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SECTION 21. *Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act* – Where a suit is brought against a person who filed an action as provided in Section 20 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal resources of the person complaining of or enforcing the provisions of the Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the case and award attorney's fees and double damages.

This provisions shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

CHAPTER 4 FINAL PROVISSONS

SECTION 22. *Appropriations.* – An amount of Two Hundred Million Pesos (PhP200,000,000.00) shall be appropriated from the savings of the National Government to the Department for the initial implementation of this Act. Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 23. *Implementing Rules and Regulations (IRR).* – The Department, in coordination with Committees on Environment and Ecology of the Senate and House of Representatives, respectively, the representatives of the Leagues of Provinces, Cities, Municipalities and other stakeholders, the Inter-Agency Technical Advisory Council established under Republic Act No. 6969 and other concerned agencies, shall promulgate the implementing rules and regulations of this Act, within one (1) year after its enactment: Provided, That rules and regulations issued by other government agencies and instrumentalities for the reduction and elimination of persistent organic pollutants not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the IRR shall be published and be the subject of public consultations with affected sectors. It shall be submitted to the Committees on Environment and Ecology of the Senate and House of Representatives, respectively, for review before approval by the DENR Secretary.

SECTION 24. *Joint Congressional Oversight Committee* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to oversee the implementation of the National Implementation Plan for POPs under the Stockholm Convention. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

SECTION 25. *Separability Clause* - If any section or provision of this Act is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof shall continue to be in force as if the sections or provisions so annulled or voided had never been incorporated herein.

SECTION 26. *Repealing Clause* – All laws, decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 27. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.