

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE of REPRESENTATIVES
House Bill No. 3057

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

EXPLANATORY NOTE

Technology has indeed wrought magnificent developments in our time. Most of these developments started in developed countries, like the United States, and have been introduced in developing countries, like the Philippines. While these technologies have enormously benefited our country, some may be harmful to us as a people- to our health, environment and even to our patrimonial right to our natural resources.

One such technological wonder is the one used in Genetically Modified Organisms (GMOs). GMOs are manifested in plants, animals, or organisms that have been genetically altered (or engineered, manipulated) to express specific traits that do not occur naturally.

GMO's is said to be the answer to world hunger. However, continued study all over the world reveals that instead of a positive or helpful effect of GMO's, the result is negative—as it causes danger to the health and well-being of the people.

Genetic engineering is unquestionably an imprecise technology with unknown effects, good or bad. Genetic engineering can cause unexpected mutations in an organism, which can create new and higher levels of toxins in foods. The influence of a genetically engineered organism on the food chain may damage local ecology and the new organism may compete successfully with wild relatives, causing unforeseen changes in the environment.

Nonetheless, despite of this, the threat from genetically engineered crops and food products is fast rising in our country. 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 brought about by the GMOs. Clearly, we must do the same.

With the dangers posed by GMOs to our health and environment, it is time we heed the call for a clean harvesting and say no to "Frankenstein" foods and crops. GMOs are not the solution, but will only create the greater problem.

In view of the foregoing, immediate passage of this bill is earnestly sought.


ATTY. MA. THERESA B. BONOAN-DAVID
4th District, Manila

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**AN ACT PROHIBITING THE IMPORTATION OF ALL KINDS OF
GMO PRODUCTS, AND FOR OTHER PRUPOSES**

*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 Ban Act of 2010"***.

SECTION 2. *Declaration of Policy* - It is hereby declared the policy of the State to protect and promote the right to health of the people and to instill health consciousness among them. It shall endeavor to provide to the Filipino people safe and healthy food and food products that will not put their health at risk and place the environment in jeopardy, resulting from fast-paced developments in food manufacturing that utilizes the process and products of genetic engineering technologies.

SECTION 3. *Definition of Terms* -

- a. GMO [Genetically Modified Organism] - shall mean any biological entity that possesses a novel combination of genetic material obtained through the use of modern biotechnology.
- b. BIOTECHNOLOGY - shall mean (1) recombinant nucleic acid techniques involving the formation of new combinations of genetic material by the insertion of nucleic acid molecules produced by whatever means put inside an organism, into any virus, bacteria, plasmid or other vector system and their incorporation into a host organism in which they do not

naturally occur but in which they are capable of continued propagation; (2) techniques involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation; and (3) cell fusion, including protoplast fusion or hybridization techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally.

- c. **PRODUCT** - encompasses all kinds of thing such as but not limited to plants, animals, food, etc.
- d. **NCBP** - refers to the National Committee on Biosafety of the Philippines.
- e. **COMMERCIAL USE** - shall mean GMO Plants, Food and Products of such quantity intended for sale and with the end view of making a profit. Five or more GMO Plants, Food and Products of the same kind shall be *Prima Facie* evidence that the same is for Commercial Use.
- f. **PERSONAL USE** - shall refer to GMO Plants, Food and Products for private use and purpose and not intended for sale.

SECTION 4. *Prohibited Act.* - To ensure the health and safety of the Filipino people, importation into the country of all kinds of Products shall be **ABSOLUTELY PROHIBITED**.

SECTION 5. *Penalty for Violation* - Any person found violating the provisions of this Act shall be penalized with:

- a. A fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than (P100,000.00) and/or imprisonment of not less than one (1) month but not more than six (6) months if the imported GMO Product is for Personal Use, at the discretion of the court; and
- b. A fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00) and/or imprisonment of not less than one (1) year but not more than six (6) years if the imported GMO Product is for Commercial Use, at the discretion of the court.

If the offender is a juridical person, the penalty shall be imposed upon the owner, manager, partner, member of the board of director, and/or responsible officer, who participated in the commission of the crime or shall

have knowingly permitted or failed to prevent its commission. If the offender is a foreigner, he shall be immediately deported after the complete service of his sentence and shall forever be barred from entering the country.

SECTION 6. *Duty of the NCBP* - The NCBP shall, in consultation with various stakeholders, formulate the necessary implementing rules and regulation for the complete and proper implementation of this Act.

SECTION 7. *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 8. *Monitoring*. The Department of Trade and Industry (DTI) and the Bureau of Custom (BOC) shall closely monitor the entry, sale, and processing of products consisting of, containing or derived from genetically engineered organisms.

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 (90) days from its enactment.

SECTION 10. *Separability Clause*. - Should any provision of this Act be declared invalid or unconstitutional, no other provisions hereof shall be thereby affected.

SECTION 11. *Repealing Clause*. - All laws, rules, regulations, orders, circulars, and memoranda inconsistent with any provisions of this Act are hereby repealed or modified accordingly.

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

Approved.