

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5699



**INTRODUCED BY ANAKPAWIS REPRESENTATIVE
FERNANDO L. HICAP**

EXPLANATORY NOTE

The genetically modified organisms (GMO) technology, particularly on food has been introduced to the world primarily by giant agro-chemical transnational corporations (agro-chem TNCs) and international bodies such as the International Rice Research Institute (IRRI). GMO proponents claim that its uses range from biological and medical research, production of pharmaceutical drugs, experimental medicine and agriculture. Living organisms such as microbes, plants, animals and crops are being tweaked using GMO technology. From research and development funding to distribution and sales profit, the role of transnational and multinational corporations has been apparent.

The Convention on Biological Diversity defined "biotechnology" as "technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use." The Cartagena Protocol on Biosafety meanwhile defines "modern biotechnology" as (a) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or (b) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection. An example of this is genetic engineering which is the direct manipulation of an organism's genome using biotechnology.

GMO crop (genetically modified food crops) proponents in the country have always invoked adequate food production or the fight against poverty, hunger and malnutrition as the ultimate goals for the introduction of such technology. Yet is it a solution? Filipino farmers and scientists across the country assert that GMO in Philippine agriculture is not a solution but is in fact a serious problem.

The national farmers organization Kilusang Magbubukid ng Pilipinas (KMP, Peasant Movement of the Philippines) chaired by former Anakpawis Partylist Representative Rafael "Ka Paeng" Mariano, is firm on its position that GMO crops have no positive place in the issue of local production, much less in the social issue of poverty and hunger.

In rice production, average yield per hectare in the country from 2010 to 2013 hovers between 72.45, to 77.70 50kg-cavans according to the Food And

Agriculture Organization Statistics (FAOSTAT). The country's low yield as compared to Vietnam's 111.45 (2013), Indonesia's 103 (2013), is said to be directly associated to the state of the country's irrigation system on rice lands.

From 2010 to 2014, irrigated palay only composed 74% to 76% of the total volume of production, while, 67% to 70% of the harvested area were irrigated, according to the data of the Philippine Statistics Authority (PSA). Considering the data of the National Irrigation Administration (NIA), that from 2010 to 2013, target irrigable area was decreased by more than 106,000 hectares, and there is a remaining 44% yet to be irrigated, rice production has yet to reach its full potential due to the basic issue of irrigation.

Fundamentally, rice productivity does not depend on the variety of rice but on a comprehensive system which include, among others, infrastructures that are supposed to facilitate the growth and development of Philippine agriculture. In the current state of such system, the introduction of GMO in agriculture is beyond the range of acceptable options.

The claim that GMO crops would solve or even contribute in solving poverty, hunger and malnutrition in the country is all sales talk, given the multifarious problems in Philippine agriculture, one major aspect of which is the continuing failure of the state to implement a genuinely redistributive agrarian reform.

Hunger is brought about by extreme poverty, and in the countryside, farmers are extremely poor due to landlessness. Without resolving landlessness, there is no resolving hunger, and without resolving the latter, there is no resolving malnutrition.

Amplifying yield production does not lead to the upliftment of the socio-economic status of the poor farmers as production is generally controlled by the local landowning class and its foreign big business partners. Moreover production yield increase is price tagged with the extensive utilization of agro-chemical inputs that literally means giant profits for transnational corporations.

Fortunately, the Filipino people are aware of the uncertainties of the GMO products, as several local government units have approved resolutions that prohibit such products in their localities:

- a. In Bohol, Resolution 2003-235 was unanimously passed by the Sangguniang Panlalawigan declaring the province free of GMO to protect the ecological balance of the province and health safety of Boholanos from the adverse effects of GMOs. The resolution was followed by Provincial Ordinance 2003-010, known as the "Safeguards against GMOs," which enumerated the conditions against the entry of Genetically Modified (GM) plants, animals and microorganisms into the province.
- b. The provinces of Mindoro Oriental and Marinduque, both parts of the "Organic Haven Islands" of MIMAROPA, have institutionalized their respective Provincial Environmental Codes and Administrative Orders banning the entry of GMOs in their areas.
- c. In 2007, Negros Occidental passed Provincial Ordinance 2007-007 or "The Safeguard Against Living Genetically-Modified Organisms" in line

with the province's goal of becoming the organic food bowl of Asia. Along with Negros Oriental, Negros Occidental signed a memorandum of agreement committing to a 10% organic island-wide production by the year 2010 and to the banning of GMOs.

- d. Some towns in Iloilo and Davao City have expressed their apprehension with the ongoing field testing in their areas and have called for the suspension of the production of BT eggplant, a genetically modified crop.

Aside from LGUs banning GMO crops in their localities, people's organizations and non-government organizations have sustained their opposition to GMO crops, such as the KMP and its regional chapters and affiliate organizations, Resist Agro-Chemical TNCs (Resist) alliance, the Magsasaka at Siyentipiko para sa Pag-unlad ng Agrikultura (MASIPAG, Farmer-Scientist Partnership for Development). Local peoples and farmers organizations have also intensified their opposition to GMO projects such as the Bt (*Bacillus thuringiensis*) eggplant trial farms in the Mindanao and Los Banos campuses of the University of the Philippines, and the golden rice trial farm in Pili town, Camarines Sur.

During the 2014 National Peasant Scientist Conference, held in Quezon City and organized by farmers, scientists and non-government organizations, it was emphasized that during the Green Revolution of IRRI in the 1970s, agriculture started to be tightly tied to the monopoly control of agro-chemical TNCs. The said program promoted the heavy use of inputs that led to the depletion of soil fertility, ecosystem imbalance and decrease of biodiversity. Decades later, the IRRI is now aggressively pushing for a so-called Gene Revolution despite the fact that purported scientific development under such program does not at all equate to tangible benefits for the Filipino peasants but, especially with the involvement of foreign monopolies, would only perpetuate the cycle of poverty and indebtedness.

The NPSC further stated that the incorporation of Vitamin A in golden rice serves only as sugarcoating to divert public attention from the issue that points to the environmental and health risks that the promotion of GMOs entails. The current methods to solve Vitamin A deficiency, like breastfeeding and the diet of green leafy vegetables and other natural food such as malunggay, according to the NPSC would suffice and are devoid of hazards that GMOs bring.

The GMO debate is also far from over in the international arena. There is thus no compelling justification for the country to hasten GMO's entry in local agriculture, contrary to the suggestion of the Philippine government as regards the field testing of golden rice of the IRRI and agro-chem TNC Syngenta.

In the European Union, 4,713 local governments in 123 provinces or intermediary regions, in 169 regions of 29 countries have banned GMO crops and products in their territories. These include Greece, Poland, France, Germany, United Kingdom, Spain, and Italy among others.

While practically the whole world has either banned or given strong reservations to GMO crops, the state must fulfill its task to protect the Filipino people from being subjected and exposed to critical uncertainties that could endanger the whole country.

Moreover, the Republic Act No. 10068 or the Organic Agriculture Act of 2010 actually excludes GMO crops while promoting the further development and implementation of organic agricultural practices in the country.

In May 2013, the Philippine judiciary has likewise made a milestone assertion in this regard when the Special Thirteenth Division of the Court of Appeals ordered the Bureau of Plant Industry (BPI) and the Fertilizer and Pesticide Authority (FPA) under the Department of Agriculture, and the Environmental Management Bureau under the Department of Environment and Natural Resources (DENR) and other related institutions, to permanently stop the multi-location field trials of Bt eggplant and protect, preserve, rehabilitate and restore the environment of the affected sites.

However, as the Court of Appeals itself has recognized, Philippine laws still lack specific provisions that directly take up the GMO issue. While there are laws that address the need for the protection of the public from hazardous food, drugs, cosmetics and other commodities such as the Food, Drug, and Cosmetic Act (RA 3720) and the Consumer Act, there is still no definitive legislation that particularly concerns itself with GMOs – a compelling legal blank that this legislative measure earnestly aims to fill.

Previously filed by former Anakpawis Rep. Rafael Mariano in the 15th Congress, this bill is being submitted today with the aim of prohibiting the use of products containing GMO on food and agriculture in the country.

The author of this bill emphasizes that the introduction of GMO crops shall not in, any significant way, positively propel agricultural production in the country as vital social requirements are yet to be accomplished. Unless the problems engendered by the continuing landlessness of the countryside population and other forms of exploitation are decisively addressed, any promises of hunger eradication that GMO crops proponents put forward shall always prove empty. Unless the urban poor sectors are freed from the bondage of low wages, irregular work and the absence of social services, GMO crops shall not lessen poverty by any degree.

Furthermore, science and technology should serve the people and not the interest for profit of foreign monopolies. There is a need for the State to define how it should go about protecting and advancing the right of the people to a safe poison-free agriculture, secure livelihood, a balanced and healthful ecology in accord with the rhythm and harmony of nature— all of which are expected to be undermined by the introduction of existing GMO technology.


REP. FERNANDO L. HICAP

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FERNANDO L. HICAP**

AN ACT
PROHIBITING THE USE OF PRODUCTS CONTAINING GENETICALLY MODIFIED
ORGANISMS (GMO) ON FOOD AND AGRICULTURE IN THE COUNTRY,
PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER
PURPOSES

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 Agriculture Act of 2015.”

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 safe and poison-free agriculture, health and livelihood security, and 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 proponents of genetic engineering in agriculture.

Section 3. Scope. This Act shall cover the release, field testing, processing and sale of crops and food products containing genetically modified organisms (GMO) in the country.

Section 4. Definition of Terms. For purposes of this Act, the following terms shall be understood as follows:

1. “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 biological information that is passed on from one generation to the next.

2. *"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.
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. *"Genetically modified crops and products"* refers to the harvests and commodities consisting of, or containing a GMO or a combination of GMOs.
5. *"Genetic engineering"* is also called genetic modification. It is the term given to the manipulation in the laboratory of the genetic code of a living organism, plant or animal involving the introduction of foreign DNA or synthetic genes into the organism.
6. *"National Committee on Biosafety of the Philippines"* refers to an attached agency of the Department of Science and Technology (DOST) 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.
7. *"Organism"* means any biological entity capable of replication or of transferring genetic material.
8. *"Precautionary principle"* is a precept that any action should not be pursued if the consequence is not certain or potentially dangerous.
9. *"Processing"* means the breeding, preparation and other activities which through physical or chemical or biological processes 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 put in its original form or condition.
10. *"Precautionary risk assessment"* means to identify and evaluate the potential adverse effects of living modified organisms which the deliberate release of GMOs into the environment may pose. It should be carried out in a scientifically sound and transparent manner.
11. *"Sale"* refers to the act of selling and/or supplying and/or making a product available to other parties.

SECTION 5. Prohibition. The release, laboratory and field testing, processing, sale and similar acts, of crops and food products consisting of, containing or derived from genetically modified organisms (GMOs), shall be prohibited in the country.

SECTION 6. 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 Food and Drugs Administration (FDA) together with concerned non-government and people's organizations shall be exempted from the prohibition.

SECTION 7. Existing GMO Products. The National Committee on Biosafety of the Philippines (NCBP), in coordination with Department of Agriculture (DA), Food and Drugs Administration (FDA) and non-government organizations involved in monitoring genetically modified crops and products, is hereby directed to determine existing GMO products at its various levels: under laboratory testing, pilot testing, multiple location testing or if it is already into commercial distribution in the Philippines prior to the effectivity of this Act, and thereafter issue a list of said products to the public, make a precautionary risk assessment of the same and come out with recommendations on the proper disposition of such products. The subsequent sale, processing, laboratory and 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. A monitoring committee composed of the Department of Trade and Industry (DTI), Department of Agriculture (DA), Department of Health (DOH), Department of Environment and Natural Resources (DENR), *Department of Science and Technology (DOST)*, *Bureau of Customs (BOC)*, non-government organization/s and people's organization/s shall closely monitor the sale, processing of products consisting of, containing or derived from genetically engineered organisms. The monitoring committee shall recommend for disposition any product found to be containing genetically-engineered organisms.

SECTION 9. 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 (PhP 100,000.00) but not more than One Million Pesos (PhP 1,000,000.00), 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 fine.

SECTION 10. Implementing Rules and Regulations. Within ninety (90) days from the effectivity of this Act and after initiating a highly consultative process involving sectoral representations, the National Committee on Biosafety of the Philippines (NCBP), Department of Agriculture (DA), Department of Environment and Natural Resources (DENR), and the Food and Drugs Administration (FDA) shall formulate and publish the implementing rules and regulations for the effective implementation of this Act.

SECTION 11. Separability Clause. If for any reason that any section or provision of this Act shall be declared unconstitutional or invalid, the other provisions which are not affected thereby shall remain valid.

SECTION 12. 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 13. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.