

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5437



Introduced by **Rep. Winston "Winnie" Castelo**

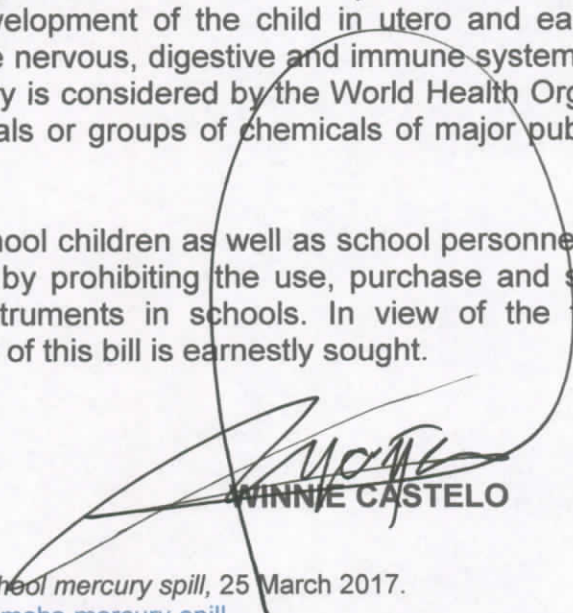
EXPLANATORY NOTE

On 11 March 2017, a number of students and personnel of the Manila Science High School (MSHS) have been accidentally exposed to certain dangerous substances including mercury. This incident prompted advocacy group BAN Toxics to call for the immediate implementation of a ban on the use and storage of mercury in schools and the initiation of an investigation by the Department of Education.¹

The call for banning mercury is meritorious. It must be noted that the MSHS incident is not the first case of mercury spill in an educational institution. In 2006, at least 24 students of St. Andrew's School, Paranaque also fell ill and were sent to the hospital after being exposed to mercury that was meant for a laboratory experiment. It is unfortunate that after more than a decade since then, our school children are still in danger of being exposed to the adverse effects of mercury spill.

Exposure to mercury – even small amounts – may cause serious health problems, and is a threat to the development of the child in utero and early in life. Mercury may have toxic effects on the nervous, digestive and immune systems, and on lungs, kidneys, skin and eyes. Mercury is considered by the World Health Organization (WHO) as one of the top ten chemicals or groups of chemicals of major public health concern.²

This bill aims to protect our school children as well as school personnel from the dangers of accidental mercury spills by prohibiting the use, purchase and storage of mercury and mercury-containing instruments in schools. In view of the foregoing, immediate consideration and passage of this bill is earnestly sought.


WINNIE CASTELO

¹ DepEd investigates Manila Science High School mercury spill, 25 March 2017.

<http://www.rappler.com/nation/165168-deped-mshs-mercury-spill>

² WHO Media Centre, Mercury and Health Fact Sheet.

<http://www.who.int/mediacentre/factsheets/fs361/en/>. Accessed on 31 March 2017.

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**AN ACT PROHIBITING THE USE, PURCHASE AND STORAGE OF ELEMENTAL
MERCURY IN ALL PUBLIC AND PRIVATE SCHOOLS AND OTHER EDUCATIONAL
INSTITUTIONS AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Safe Schools Mercury Reduction Act.”

SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to protect its citizens from the effects of toxic chemical substances that present unreasonable risk and/or injury to health or the environment by prohibiting the use, purchase and storage of mercury and instruments containing mercury in all public and private schools and other educational institutions.

SEC. 3. *Prohibition of the Use of Elemental Mercury.* – Except as otherwise provided in this section, no public or private school or educational institution in the country shall purchase, use, or store any quantity of elemental mercury for any purpose, nor purchase, use or store any instrument which contains mercury including but not limited to, thermometers, barometers, sphygmomanometers, and manometers. If no acceptable mercury-free alternative exists for any instrument prohibited under this Act, a school or educational institution may use such type of instrument provided that it contains the lowest mercury content readily available in the market.

SEC. 4. *Disposition of Mercury and Mercury-containing Instruments.* -- All public and private schools and other educational institutions in the country shall dispose of any existing quantity of elemental mercury and instruments containing the same in a manner to be determined by the Department of Health (DOH), Department of Environment and Natural Resources (DENR), the Department of Education (DepEd), and the Commission on Higher Education (CHED), in the implementing rules and regulations, which shall be the least harmful to the environment and in accordance with prescribed international standards.

SEC. 5. *Information Campaign.* –The agencies tasked to promulgate the implementing rules and regulations of this Act shall compile, produce, and distribute to all public and private schools and other educational institutions in the country, materials explaining the hazards associated with the exposure to elemental mercury and the actions that may be taken to reduce such hazards.

SEC. 6. *Penalties.* – Any person or entity who shall violate any provision of this Act shall, upon conviction, be meted with the penalty of not less than three (3) years of imprisonment and/or a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding (P500,000.00) or both, at the discretion of the court, if the violation resulted to injury to health. In case of death, the maximum penalty shall be imposed.

SEC. 7. *Implementing Rules and Regulations.* – Within ninety (90) days from the promulgation of this Act, the DOH, in consultation with the DENR, the DepEd, and the CHED, shall issue and promulgate the rules and regulations needed to implement the provisions of this Act.

SEC. 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SEC. 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,