

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **6596**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The Republic of the Philippines fully recognizes its mandate to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals.

It is also the primary objective of the state to:

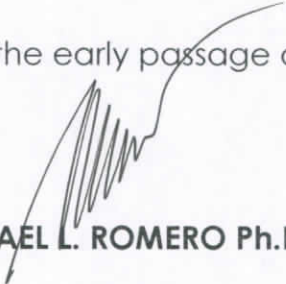
- 1) To keep an inventory of chemicals that are presently being imported, manufactured, or used, indicating, among others, their existing and possible uses, test data, names of firms manufacturing or using them, and such other information as may be considered relevant to the protection of health and the environment;
- 2) To monitor and regulate the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk or injury to health or to the environment in accordance with national policies and international commitments;

3) To inform and educate the populace regarding the hazards and risks attendant to the manufacture, handling, storage, transportation, processing, distribution, use and disposal of toxic chemicals and other substances and mixture; and

4) To prevent the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

This House Bill seeks to promote, regulate and institutionalize the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures in the country, including the entry, even in transit as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

Thus, the early passage of this bill is earnestly requested.



MICHAEL L. ROMERO Ph.D.

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AN ACT
AMENDING REPUBLIC ACT NO. 6969, OTHERWISE KNOWN AS
THE "TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR
WASTES CONTROL ACT OF 1990", TO ADOPT A MORE SYSTEMATIC
AND COMPREHENSIVE WASTE MANAGEMENT PROGRAM, TO
FOSTER THE IMPOSITION OF ALL EXISTING POLICIES AND
GUIDELINES, INCREASING ITS PENALTIES AND SANCTIONS, AND
FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representative of the
Philippines in congress assembled:*

SECTION 1. SHORT TITLE – This Act shall be known as the "**Toxic
Substances, Hazardous and Nuclear Wastes Control Act of 2017**"

SECTION 2. DECLARATION OF POLICY -

Section 14 of Republic Act No. 6969, is hereby amended to read as follows:

Section 14

Criminal Offenses and Penalties

a.

1. The penalty of imprisonment of one **(1)** year and one day to six (6) years and one day and a fine ranging from Twenty Thousand pesos **(P20,000.00)** to Fifty thousand pesos **(P50,000.00)** shall be imposed upon any person who shall violate section 13(a) to (c) of this Act and shall not be covered by the Probation Law. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;

2. In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or shall knowingly tolerate such violation shall be directly liable and responsible for the act of the employees and shall be criminally liable as a co-principal;

3. In case the offender is a government official or employee, he or she shall, in addition to the above penalties, be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

b.

1. The penalty of imprisonment of twelve (12) years and one day to twenty (20) years, shall be imposed upon any person

who shall violate section 13(d) of this Act. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;

2. In case of corporations or other associations, the above penalty shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least One million pesos (**P1,000,000.00**). If it is a foreign firm, the director and all officers of such foreign firm shall be barred from entry into the Philippines, in addition to the cancellation of its license to do business in the Philippines;

3. In case the offender is a government official or employee, he or she shall in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

c. Every penalty imposed for the unlawful importation, entry, transport, manufacture, processing, sale or distribution of chemical substances or mixtures into or within the Philippines shall carry with it the confiscation and forfeiture in favor of the Government of the proceeds of the unlawful act and instruments, tools, or other improvements including vehicles, sea vessels, and aircrafts used in or with which the offense was committed. Chemical substances so confiscated and forfeited by the Government at its option shall be turned over to the Department of Environment and Natural Resources for safekeeping and proper disposal.

d. The person or firm responsible or connected with the bringing or importation into the country of hazardous or nuclear wastes shall be under obligation to transport or send back said prohibited wastes;

Any and all means of transportation, including all facilities and appurtenances that may have been used in transporting to or in the storage in the Philippines of any significant amount of hazardous or nuclear wastes shall at the option of the government be forfeited in _____ its _____ favor.

SECTION 3. DECLARATION OF POLICY -

Section 15 of Republic Act No. 6969, is hereby amended to read as follows:

Section 15

Administrative Fines

In all cases of violations of this Act, including violations of implementing rules and regulations which have been duly promulgated and published in accordance with Section 16 of this Act, the Secretary of the Department of Environment and Natural Resources is hereby authorized to impose a fine of not less than One hundred thousand pesos (**P100,000.00**), but not more than Five hundred thousand pesos (**P500,000.00**) upon any person or entity found guilty thereof. The administrative fines imposed and collected by the Department of Environment and Natural Resources shall accrue to a special fund to be administered by the Department exclusively for projects and research activities relative to toxic substances and mixtures.

SECTION 4. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 5. IMPLEMENTING RULES AND REGULATIONS – The departments and agencies charged, to be lead by the Department of Environment and Natural Resources (DENR) with carrying out the provisions of this Act, shall within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 6. REPEALING CLAUSE – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 8. EFFECTIVITY CLAUSE – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,