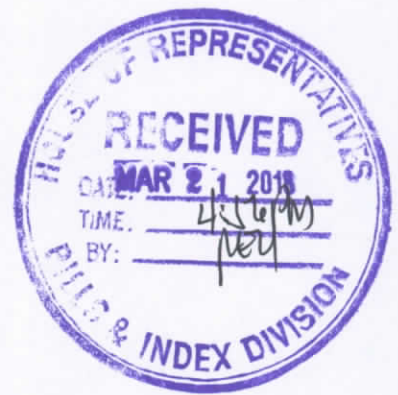


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7459**



Introduced by ANGKLA Party-list Representative Jesulito A. Manalo

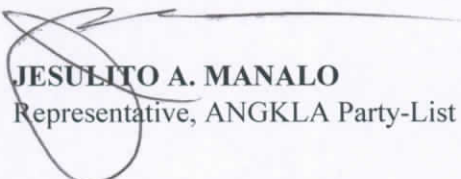
AN ACT
PROVIDING FOR AN ENVIRONMENTAL INFORMANT INCENTIVE SYSTEM FOR
WHISTLEBLOWERS TO STRENGTHEN THE PREVENTION AND PROSECUTION OF
MARITIME POLLUTION

EXPLANATORY NOTE

Our seas and oceans are a primary environmental resource. The Food and Agriculture Organization of the United Nations estimates that fisheries and aquaculture secure the livelihood of ten to twelve percent (10-12%) of the world's population, with ninety percent (90%) of these individuals coming from developing countries.¹ The beauty and biodiversity of our maritime resources are also essential for eco-tourism and the enjoyment of nature. Further, the oceans are estimated to absorb twenty five percent (25%) of the extra carbon dioxide from fossil fuels.² In an archipelago like the Philippines, our seas are also vital to transportation and trade.

It is incumbent upon us all to preserve this precious resource. As stated by the Supreme Court, the right to a balanced and healthful ecology "belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation... the advancement of which may even be said to predate all governments and constitutions".³ If we are to ignore these rights, "the day would not be too far when all else would be lost not only for the present generation, but also for those to come — generations which stand to inherit nothing but parched earth incapable of sustaining life".⁴

In order to recognize the role of the general public in preventing pollution, and considering that our maritime resources are vital to our life and livelihood, and that the preservation of the environment is a universal concern, we must establish a Public Vigilance Incentive System against maritime pollution. This will greatly strengthen efforts to police against maritime pollution, and even provide environmental organizations and volunteers with much needed funds to continue their activities to protect and preserve our maritime resources.


JESULITO A. MANALO
Representative, ANGKLA Party-List

¹ 2014 State of the World Fisheries and Aquaculture Report of the United Nations Food and Agriculture Organization.

² Nellemann, C., Corcoran, E., Duarte, C. M., Valdés, L., De Young, C., Fonseca, L., Grimsditch, G. (Eds). 2009. Blue Carbon. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal

³ Oposa v. Factoran, G.R. No. 101083, 30 July 1993.

⁴ Ibid.

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AN ACT

PROVIDING FOR AN ENVIRONMENTAL INFORMANT INCENTIVE SYSTEM FOR WHISTLEBLOWERS TO STRENGTHEN THE PREVENTION AND PROSECUTION OF MARITIME POLLUTION

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

Section 1. Short title. – This Act shall be known as the “Whistleblowers Against Maritime Pollution Act of 2018”.

Sec. 2. Declaration of Policy. – The following are hereby declared to be the policies of the State:

- (a) The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- (b) The State recognizes the vital role of the youth in nation-building and shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;
- (c) The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation; and
- (d) The State shall ensure international standards of preventing maritime pollution shall be strictly observed.

Sec. 3. Environmental Informant Incentive System. – Any person, including duly incorporated non-governmental organizations, who voluntarily gives definite and sworn information, not yet in the possession of the Department of Environment or Natural Resources, or any of its line agencies, or the Department of Transportation, or any of its line agencies, leading to the discovery of acts polluting our maritime resources, thereby resulting in the imposition of administrative or criminal fines, shall be rewarded in the following manner:

- (a) Upon the initiation of a criminal or administrative proceeding, the informant shall receive a sum equivalent to ten percent (10%) of the administrative or criminal fines to be imposed, which amount will be charged to the administrative or criminal fines to be collected; and
- (b) Upon collection of the administrative or criminal fines, the informant shall receive a sum equivalent to forty percent (40%) of the administrative or criminal fines collected.

Provided, That the information mentioned herein shall not refer to a case already pending or previously investigated or examined by the Government. Provided, finally, That any public official or employee of the Department of Transportation, Department of Environment and Natural Resources, and any of their respective line agencies, or his relative within the sixth degree of consanguinity, are disqualified from availing of the benefits of this Act.

Sec. 4 . Maritime Pollution Task Force. – There is hereby created a Maritime Pollution Task Force to be organized by the Department of Transportation and Department of Environment and Natural Resources, which will be under their joint control and supervision. The members of the Maritime Pollution Task Force shall come from the pertinent line/attached agencies including the Philippine Coast Guard, Maritime Industry Authority, Philippine Ports Authority, and Environmental Management Bureau. The Maritime Pollution Task Force shall receive all information mentioned in the immediately preceding Section, and act upon such information within thirty (30) days from receipt thereof through the filing of a criminal or administrative case.

Sec.5. Implementing Rules and Regulations. – The Secretary of the Department of Transportation, in coordination with the Secretary of the Department of Environment and Natural Resources, shall issue the implementing rules and regulations of this Act within sixty (60) days from its effectivity. In no case shall the absence of the implementing rules and regulations be used as justification for the non-enforcement of this Act.

Sec. 6. Separability Clause. – If, for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Sec. 7. Repealing Clause. - All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

Sec. 8. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,