

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18TH CONGRESS
First Regular Session

HOUSE BILL NO. 1336



INTRODUCED BY REPRESENTATIVE MICHAEL L. ROMERO

EXPLANATORY NOTE

Article II, Section 4 of the 1987 Philippine Constitution specified that it is the prime duty of the Government to serve and protect the people. In line with this, the other principles and policies stated in the said Constitution are geared toward the protection of the people, promotion of the people's right to health and right to a clean and healthy environment. It is the State's duty and obligation to ensure the health, welfare and safety of the present and future generation of Filipinos.

The Philippines, an archipelagic country with vast coastline and porous borders, is vulnerable to different threats or risks to its animals, plants, human (or population) and its environment. The different *Biosecurity* threats may be in the form of foreign invasive species or invasive alien species (IAS) that may affect the agricultural plants and animals. Or infectious diseases that affect humans. Ballast water of ships from foreign ports, can contain thousands of aquatic microbes, plants and animals, and can be released into Philippine waters, thus, introducing invasive marine species.

Or unregulated importation of hazardous wastes containing recyclable materials or foreign industrial wastes shipped into the country in the guise of being recycled or used for other intent such as secondary fuel or reclamation purposes, subsequently making the Philippines a dumping ground for hazardous wastes or industrial wastes of other countries. The threats or risks can be brought into the country through the different ports or airports.

It can also be brought or carried by foreign tourists, *balikbayans* such as returning overseas Filipino workers (OFW) or Filipino UN peacekeeping forces arriving in the country. Each returning Filipino and visiting passenger has the

potential to spread diseases of concern to the human health or carry microscopic spores of exotic pathogens on their clothing. The natural and economic movement of people, animals (including wildlife and insects), plants and goods provides corridors for the introduction of exotic pests (including invasive alien species) and diseases.

Several incidents or cases happened in recent years. The case of the Canadian garbage which was shipped to the Philippines in 2013 via the Port of Manila made headlines and led to protests by environmentalists and public health activists.

There is also the case of the 5,000 tons of waste from Jeju Island, South Korea that made its way to the Port of Cebu in January 2017. The said shipment of waste may have been intentionally misdeclared since its documents declared it as wood chips and recycled synthetic resins. There was also another incident of 6,500 tons of waste from South Korea making its way to the port in Misamis Oriental in July and October 2018. In both cases of the South Korean wastes, said wastes were shipped back to Korea.

The “janitor fish” or South American sucker mouth catfish or “janitor fish”, earlier identified as *Plecoptomushypoglossus* and later verified to be *Pterygoplichthyspardalis* and *P. disjunctivus* have become invasive in the Marikina River (Metro Manila), Lake Paitan in Cuyapo, Nueva Ecija and Laguna de Bay. Initially utilized by the aquarium trade industry as a supportive or helpful fish to clean the algae and debris in tropical fish enthusiasts’ aquariums, the species was either accidentally or deliberately introduced into the Marikina River and other freshwater lakes and rivers in the Philippines.

When the United Nations (U.N.) Peacekeeping Force composed of officials and personnel from the Armed Forces of the Philippines (AFP), Philippine National Police (PNP) and the Bureau of Jail Management and Penology (BJMP) returned from Ebola-stricken countries like Liberia, they were kept in a 21-day quarantine or isolation at the Caballo Island. As a consequence of this, the government has been on alert for returning overseas Filipino workers (OFWs) and other travelers from Ebola-stricken countries in West Africa.

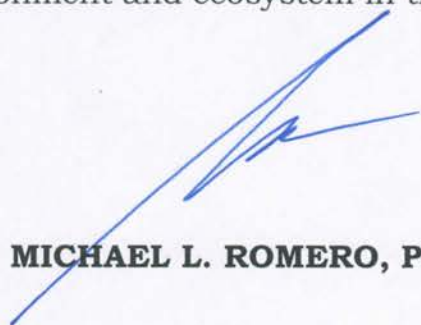
And the most recent one: the first bird flu (H5N6 strain) case in the country which can be passed on to humans. The said case caused a total of 470,640 poultry heads to be culled in San Luis, Pampanga while over 170,000 poultry heads in Nueva Ecija. The military was tapped to help cull fowls in the affected towns following the bird flu outbreak and the affected poultry owners in the affected or quarantined areas were compensation by the Department of Agriculture (DA) for their loss.

With the latest development or advancement in science and technology, risks can also be brought about by chemical, biological, radiological and nuclear and explosive (CBRNE) materials, if these materials are used malevolently, or if

the laboratories or facilities containing these CBRNE materials have not followed safety and security protocols, thus, the probabilities of exposing the Filipinos and the environment to grave threats and risks.

The continuing confluence of events may lead to an existential threat to our country's national survival if the bio insecurities and vulnerabilities of the Filipinos, the environment and ecosystem are not addressed.

Thus, passage of this *Biosecurity* bill is earnestly sought to safeguard the nation's survival and well-being of the human, plant and animal populations, environment and ecosystem in the face of *Biosecurity* threats.



MICHAEL L. ROMERO, Ph.D.

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AN ACT
PROVIDING FOR A STRATEGIC AND INTEGRATED APPROACH
TO ANALYSING AND MANAGING RELEVANT RISKS FROM
BIOLOGICAL AND NON-BIOLOGICAL THREATS IN ORDER TO
PROTECT THE GENERAL HEALTH AND WELL-BEING OF THE
COUNTRY'S HUMAN, PLANT AND ANIMAL POPULATIONS,
ENVIRONMENT AND ECOSYSTEM, PROVIDING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

Article 1

Declaration of Principles and Policies

Section 1. Short Title. This Act shall be known as the "**Biosecurity Act of 2019.**"

Section 2. Declaration of Policy. The State shall protect and promote the right to health of the people and instill health consciousness among them.

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.

The State shall pursue a policy of economic growth and sustainable development in a manner consistent with the protection of the health and welfare of the people, plant and animal populations, environment and ecosystem

1 The State recognizes that in order to protect the people, plant and animal
2 populations, environment and ecosystem, the precautionary approach shall be
3 applied by the State.

4 The State recognizes that a clean and healthy environment is for the good of all
5 and should be the responsibility and concern of all;

6 Towards this end and consistent with our commitment to international
7 conventions and to pursue national security interests, the State recognizes its
8 duty and obligation to protect and promote the well-being of the people, plant
9 and animal populations, environment and ecosystem in the face of biological and
10 non-biological threats in order to guarantee the nation's survival.

11 **Section 3. Coverage of the Act.** This Act shall cover the national territory of
12 the Philippines, its exclusive economic zone and area of responsibility.

13 Any natural or juridical person or entity operating within the Philippines who
14 engages or intends to engage in the export from the Philippines, including
15 designated special economic and Freeport zones, the import into the Philippines;
16 or the transit or transshipment of goods through the territory of the Philippines
17 and the provision of related services; and all Filipino persons providing these
18 services wherever located; and

19
20 **Article 2**
21 **Definition of Terms**

22 **Section 4. Definition of Terms.** As used in this Act:

- 23 a. *Biological threats* – refers to threats posed by human or non-human
24 biological agents including, but is not limited to, infectious diseases,
25 invasive species or pests, marine invasive species from ballast water,
26 genetically modified organisms (GMOs), and biological materials or
27 biological weapons,
- 28 b. *Biosecurity* - defined as the strategic and integrated approach to analyzing
29 and managing relevant risks in order to protect the general health and
30 well-being of the country's human and animal populations, environment
31 and ecosystem from biological threats (posed by diseases and other living
32 organisms) and non-biological threats (including, but not limited to,
33 hazardous and solid wastes; chemical, biological, radiological-nuclear,
34 explosive (CBRNE) materials and weapons of mass destruction) brought or

1 caused to be brought into the country, or used, manufactured or produced
2 which may cause harm, either through malicious intent or negligence;

3 c. *Biosecurity risk* - refers to the likelihood of a biological threat (such as
4 disease or pest) or non-biological threat entering the Philippine territory or
5 a part of Philippine territory, or establishing itself or spreading in
6 Philippine territory or a part of Philippine territory, or has the potential for
7 any of the following which may include, but is not limited to:

- 8 1. the *disease* or *pest* to cause harm to human, *animal* or *plant* health;
- 9 2. the *disease* or *pest* to cause harm to the *environment and ecosystem*;
- 10 3. economic consequences associated with the entry, establishment or
11 spread of the *disease* or *pest*; and
- 12 4. environmental and ecological consequences associated with the entry,
13 use, manufacture or production of non-biological threats which may
14 cause harm, either through malicious intent or negligence;

15 d. *Biosecurity Waste* - or quarantine wastes includes culled agricultural
16 plants or animals that may be infected by biological agents, infectious
17 agents, human blood and blood products, pathological wastes, sharps,
18 body parts, contaminated bedding, surgical wastes, and other disposable
19 medical equipment and material that may pose a risk to the public health,
20 welfare or the marine environment.

21 *Biosecurity Wastes* may also include materials collected from
22 decontaminated *Biosecurity* or CBRNE sites.

23 e. *Civil Society* - means non-government organizations (NGOs) and people's
24 organizations (POs);

25 f. *Contamination* - means the introduction of substances not found in the
26 natural composition of the environment and ecosystem, including but not
27 limited to, water, air and land, that make it less desirable or unfit for
28 intended use;

29 g. *Dumping* - means any unauthorized or illegal disposal into any body of
30 water or land of wastes or toxic or hazardous material; *Provided*, That it
31 does not mean a release of effluent coming from commercial, industrial,
32 and domestic sources which are within the effluent standards;

33 h. *Hazardous waste* - means any waste or combination of wastes of solid,
34 liquid, contained gaseous, or semi-solid form which cause, or contribute
35 to, an increase in mortality or an increase in serious irreversible, or

1 incapacitating reversible illness, taking into account toxicity of such waste,
2 its persistence and degradability in nature, its potential for accumulation
3 or concentration in tissue, and other factors that may otherwise cause or
4 contribute to adverse acute or chronic effects on the health of persons or
5 organism;

6 *Hazardous wastes* shall also refer to substances that are without any safe
7 commercial, industrial, agricultural or economic usage and are shipped,
8 transported or brought from the country of origin for dumping or disposal
9 into or in transit through any part of the territory of the Philippines.

10 *Hazardous wastes* shall also refer to by-products, side-products, process
11 residues, spent reaction media, contaminated plant or equipment or other
12 substances from manufacturing operations, and as consumer discards of
13 manufacture products.

- 14 i. *Importation* means the entry of a products or substances into the
15 Philippines (through the seaports or airports of entry) after having been
16 properly cleared through or still remaining under customs control, the
17 product or substance of which is intended for direct consumption,
18 merchandising, warehousing, or for further processing.
- 19 j. *Industrial waste* - means any solid, semi-solid or liquid waste discharged
20 by a manufacturing or processing plant other than excluded material;
- 21 k. *Manufacture* means the mechanical or chemical transformation of
22 substances into new products whether work is performed by power-driven
23 machines or by hand, whether it is done in a factory or in the worker's
24 home, and whether the products are sold at wholesale or retail.
- 25 l. *Non-biological threats* - refers to threats posed by non-biological agents
26 including, but not limited to, hazardous and solid wastes including those
27 industrial wastes or industrial materials that may be imported in the guise
28 of being recycled (but actually will be dumped or disposed of in the
29 country) or used as filling materials in reclamation projects; chemical,
30 radiological-nuclear, explosive (CBRNE) materials and weapons of mass
31 destruction (WMD)
- 32 m. *Nuclear wastes* are hazardous wastes made radioactive by exposure to the
33 radiation incidental to the production or utilization of nuclear fuels but
34 does not include nuclear fuel, or radioisotopes which have reached the

1 final stage of fabrication so as to be usable for any scientific, medical,
2 agricultural, commercial, or industrial purpose.

3 n. *Potentially infectious medical waste* – includes isolation wastes, infectious
4 agents, human blood and blood products, pathological wastes, sharps,
5 body parts, contaminated bedding, surgical wastes, and other disposable
6 medical equipment and material that may pose a risk to the public health,
7 welfare or the marine environment.

8 o. *Stakeholders* – stakeholders are persons natural or juridical who stand to
9 be directly benefited or prejudiced by the enforcement or implementation
10 of the provision of this act;

11 p. *Transshipment* refers to a mode of shipping a good on a carrier which
12 enters the territory of the Philippines, wherein the good is unloaded from
13 the carrier and reloaded in the same or on another carrier that is bound
14 for an ultimate destination outside the Philippines;

15 q. *Waste* - means any material either solid, liquid, semisolid, contained gas
16 or other forms resulting from industrial, commercial, mining or
17 agricultural operations, or from community and household activities that
18 is devoid of usage and discarded

19 r. *Weapons of Mass Destruction (WMD)* - refers to any destructive device or
20 weapon that is designed or intended to cause death or serious bodily injury
21 through the release, dissemination, or impact of toxic or poisonous
22 chemicals, or their precursors, any weapon involving a biological agent,
23 toxin, or vector, or any weapon that is designed to release radiation or
24 radioactivity at a level dangerous to human life. This includes, but not
25 limited to: (a) nuclear and radiological explosive devices and their major
26 sub-systems; (b) chemicals covered by Schedule I, II and III of the Chemical
27 Weapons Convention; and (c) biological agents and biologically derived
28 substances specifically developed, configured, adapted, or modified for the
29 purpose of increasing their capability to produce casualties in humans or
30 livestock, degrade equipment, or damage crops.

31
32 **CHAPTER 2**
33 **BIOSECURITY GOALS, SECTORS AND**
34 **FUNCTIONS OF THE GOVERNMENT**

35 **Section 5. Goal and Scope of Biosecurity.** The overarching goal of

Biosecurity is to prevent, control and/or manage risks to life and health as appropriate to the particular *Biosecurity* sector which includes, but is not limited to the following:

- a. human life and health (including food safety);
- b. animal life and health (including fish),
- c. plant life and health (including forests); and
- d. environment and ecological protection.

The **scope of Biosecurity** includes the following technical or sectoral themes namely:

- a. sustainable agriculture;
- b. food safety and effects on humans;
- c. plant life and health;
- d. animal life and health;
- e. fisheries;
- f. environmental risks associated with the other themes; environmental protection;
- g. marine environmental protection;
- h. food production including food processing;
- i. genetically modified organisms;
- j. zoonoses;
- k. genetics (including identification of distinct genotypes);
- l. possibly pesticides and other agricultural inputs sectors;
- m. biodiversity including habitat disruption, ecosystem services, conservation and pollution themes; and
- n. CBRNE and WMD materials.

The sector goals can be achieved through an Integrated *Biosecurity* Approach or National *Biosecurity*.

Section 6. Biosecurity Strategic Sectors The different *Biosecurity* strategic sectors include, but is not limited to the following:

- a. Trade
- b. Infectious diseases
- c. Plant life and health
- d. Forestry
- e. Animal life and health
- f. Fisheries
- g. Food Safety

- h. Biodiversity and ecosystem
- i. Importation of Hazardous Waste and Solid Waste
- j. Biosafety
- k. Genetically modified organisms (GMOs)
- l. Ballast water management and marine environmental protection
- m. Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) materials
- n. Weapons of Mass Destruction (WMD)

Section 7. Biosecurity Functions of the Government. This defines the biosecurity functions of the Government as:

- a. To protect the general health and well-being of the country's human and animal populations, environment and ecosystem from biological threats (posed by diseases and other living organisms) and non-biological threats (including, but not limited to, hazardous and solid wastes; chemical, biological, radiological-nuclear, explosive (CBRNE) materials and weapons of mass destruction) brought or caused to be brought into the country, or used, manufactured or produced which may cause harm, either through malicious intent or negligence.;
- b. To protect the Philippines against the entry of regulated pests and diseases affecting animals, plants, human beings, the environment and ecosystem;
- c. To carry out surveillance and monitoring of pests and diseases in the Philippines and assess the status of regulated pests and diseases;
- d. To prevent the establishment and spread of regulated pests and diseases and the release of organisms that might adversely affect animals, plants, human beings and the environment and ecology in the Philippines;
- e. To eradicate, contain or control the movement of regulated pests and diseases that are already present in the Philippines;
- f. To prevent the introduction and spread of regulated pests and diseases not present in the Philippines;
- g. To facilitate the safe importation of animals and plants and their products, and related equipment and technology;
- h. To facilitate the export of animals and plants and their products in accordance with the requirements of the receiving countries; and

- i. To facilitate international cooperation to prevent the spread of pests and diseases affecting plants, animals, human beings, the environment and ecology.

CHAPTER III IMPLEMENTING STRUCTURE AND MECHANISM

Section 8. Creation of the National Security Council – Biosecurity Committee (NSC-Biosecurity Com). The NSC-Biosecurity Committee (NSC-Biosecurity Com), is hereby created, composed of the following:

Chairperson	: Executive Secretary
Vice Chairperson	: Secretary, Department of Environment and Natural Resources (DENR)
Co-Vice Chairs	: Secretary, Department of Agriculture (DA) Secretary, Department of Health (DOH);
Members	: Secretary, Department of Trade and Industry (DTI); Secretary, Department of National Defense (DND) Secretary, Department of Science and Technology (DOST) Secretary, Department of Transportation (DOTr); Director General, National Security Council; Secretary, Department of Interior and Local Government (DILG); Secretary, Department of Finance (DOF); Secretary, Department of Foreign Affairs (DFA); Secretary, Department of Justice (DOJ); Secretary, Department of Tourism (DOT) Secretary, Department of Education (DepEd) Executive Director, Anti-Terrorism Council (ATC) – Program Management Center (PMC)

The members may designate a representative to the NSC-Biosecurity Com, who shall have a rank not lower than an Undersecretary. Five (5) members of the NSC-Biosecurity Com shall constitute a quorum in order to transact any business.

The NSC-Biosecurity Com shall be complemented by the following support agencies and bureaus:

- a. Bureau of Animal Industry (DA-BAI)
- b. Bureau of Plant Industry (DA-BPI)
- c. Bureau of Fisheries and Aquatic Resources (DA-BFAR);
- d. Environmental Management Bureau (DENR-EMB);
- e. Biodiversity Management Bureau (DENR-BMB);
- f. Forest Management Bureau (DENR-FMB)
- g. Food and Drug Administration (DOH-FDA);
- h. Bureau of Quarantine (DOH-BOQ);
- i. Research Institute for Tropical Medicine (DOH-RITM);
- j. Philippine Nuclear Research Institute (DOST-PNRI);
- k. National Committee on Biosafety of the Philippines (DOST-NCBP)
- l. Armed Forces of the Philippines (AFP);
- m. Philippine National Police (PNP);
- n. Philippine Coast Guard (PCG)
- o. Office of Transport Security (DOTC-OTS)
- p. Bureau of Customs (DOF-BOC);
- q. National Bureau of Investigation (DOJ-NBI);
- r. Information and Communication Technology Office (DICT - ICTO);
- s. Office of the Special Envoy on Transnational Crime (OSETC);
- t. University of the Philippines; and
- u. Such other offices, agencies or units as necessary.

Section 9. Powers and Functions of the NSC-Biosecurity Committee. The NSC-Biosecurity Com shall have the following powers and functions:

- a. Formulate policies, develop programs and strategies, promulgate guidelines including operational responsibilities of the different responsible agencies at points of entry, within six (6) months, for the following *Biosecurity* strategic sectors:
 1. Trade – DTI
 2. Infectious diseases - DOH
 3. Plant life and health and Forestry – DA and DENR
 4. Animal life and health - DA
 5. Fisheries – DA and BFAR
 6. Forestry – DENR
 7. Food Safety – DA and DOH
 8. Biodiversity and ecosystem – DENR
 9. Importation of Hazardous Waste and Solid Waste – DENR and EMB
 10. Biosafety and genetically modified organisms (GMOs) - DOST

1 11. Ballast water management and marine environmental protection –
2 DOTr and PCG

3 12. Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE)
4 materials – ATC-PMC, DND, DOST, AFP, PNP and PNRI

5 13. Weapons of Mass Destruction (WMD) - ATC-PMC

6 b. Review and update every three (3) years the *Biosecurity*-sector specific
7 strategies and policies;

8 c. Monitor and evaluate the implementation of plans, programs and activities
9 of the BMO;

10 d. Create working groups on specific issues by enlisting the assistance and
11 support of government agencies, the academe, as well as private
12 institutions, or persons to carry out its functions;

13 e. Establish and maintain coordination, cooperation, assistance and
14 information sharing with government agencies to carry out its functions;

15 f. Establish and maintain coordination, cooperation, assistance and
16 information sharing with other nations on matters relating to *Biosecurity*;

17 g. Develop information, education and campaign on *Biosecurity* awareness;

18 h. Formulate policies, develop programs and strategies, promulgate
19 guidelines and operational responsibilities of the different responsible
20 agencies during decontamination and disposal of *Biosecurity* wastes at
21 *Biosecurity* sites, within six (6) months; and

22 i. Perform such other tasks as may be necessary and incidental to carry out
23 the provisions of this Act and the purpose for which the Committee had
24 been established.

25 **Section 10. Creation of the Biosecurity Management Office (BMO).** To serve
26 as the executive and technical arm of the national government for the
27 establishment of the *Biosecurity* management systems in each agency pursuant
28 to this Act, a BMO is hereby created in the following agencies/offices:

29 a. Department of Agriculture (DA)

30 b. Department of Environment and Natural Resources (DENR)

31 c. Department of Health (DOH)

32 d. Department of Trade and Industry (DTI)

- e. Department of Science and Technology (DOST) – from the National Committee on Biosafety of the Philippines
- f. Department of Transportation (DOTr) – from the Philippine Coast Guard
- g. Anti-Terrorism Council (ATC) – Program Management Center (PMC)

The BMO of the DENR shall assist as the Secretariat of the NSC-Biosecurity Committee.

Section 11. Power and Functions of the Biosecurity Management Office (BMO). The BMO shall have the following powers and functions:

- a. Formulate policies, develop programs and strategies, promulgate guidelines including operational responsibilities of the different responsible agencies at points of entry, within six (6) months for their agency's respective *Biosecurity* strategic sectors identified in Section 6. These shall include, but is not limited to, provisions on:
 1. Risk identification, assessment and management, with options to prescribe import conditions and permitting requirements;
 2. Identification of biological risk organisms or agents and non-biological risk agents and their listing in the regulations
 3. Identification of *Biosecurity* Enforcement Officers and their functions including the development of inter-agency cooperation, coordination and communication protocols with other officials such as customs and health/quarantine officers on matters relating to methods for the issuance of permits and pre-border inspection or inspection on arrival of imported goods;
 4. Compliance and non-compliance and the corresponding penalties for the non-compliance;
 5. Procedures for the monitoring of biological threats (such as pests and diseases) and non-biological threats, emergency response on the detection of incursions including isolation of areas, control, eradication processes and disposal processes for the *Biosecurity* wastes;
 6. Payment of compensation as a consequence of action;
 7. Development of *Biosecurity* Emergency Response and Crisis Management, including the release of appropriate funds, for different Tiers of *Biosecurity* threats in all levels of government;

1 8. Development of the list of prohibited, regulated and restricted biological
2 organisms or agents and non-biological agents.

3 9. Development of the procedures and guidelines for decontamination and
4 disposal of *Biosecurity* wastes at *Biosecurity* sites.

5 b. Review and update every three (3) years the *Biosecurity*-sector specific
6 strategies and policies;

7 c. Coordinate, monitor and evaluate programs and development projects
8 initiated by the Government and private agencies to achieve *Biosecurity*;

9 d. Undertake information dissemination and education campaigns on
10 *Biosecurity* programs to create greater awareness on *Biosecurity*
11 measures;

12 e. Establish and maintain coordination, cooperation, assistance and
13 information sharing with government agencies in the implementation of
14 their functions;

15 f. Establish and maintain coordination, cooperation, assistance and
16 information sharing with other nations on matters relating to *Biosecurity*;

17 g. Coordinate in, assist and/or support the conduct of researches, trainings,
18 infrastructure and capability development and relevant activities for
19 *Biosecurity*;

20 h. The BMOs, through their respective Secretaries, shall submit periodic
21 updates to the NSC-Biosecurity Committee; and

22 i., Perform such other tasks as may be necessary and incidental to carry out
23 the provisions of this Act and the purpose for which the BMOs had been
24 established.

25 **Section 12. Staff and Budgetary Support.** The BMOs shall be headed by an
26 Undersecretary for *Biosecurity* Management Office and assisted by two (2)
27 Assistant Secretaries and three (3) Directors of appropriate rank who shall be
28 responsible for the pursuit of their respective *Biosecurity* – sector/agency
29 mandate, the discharge of its duties and functions and the exercise of
30 supervision and control over the BMO Regional Offices and its constituent units.
31 Personnel of the BMOs shall be called *Biosecurity Enforcement Officers*.

32 The organizational structure and staffing pattern of the BMOs shall be

1 formulated by their respective agency Secretaries in coordination with the NSC-
2 *Biosecurity* Committee, subject to the approval by the Department of Budget and
3 Management (DBM) in accordance with Executive Order No. 292 (Administrative
4 Code of 1987).

5 The initial amount of Twenty Million Pesos for each BMO in the agencies
6 identified in Section 10 shall be sourced from the Intelligence Fund (IF) of their
7 respective agencies, subject to existing budgeting, accounting and auditing laws,
8 rules and regulations, in order to carry out the provisions of this Act. Thereafter,
9 the subsequent budget shall be incorporated in the General Appropriations Act
10 under the operating expenses of their respective agencies.

11 **Section 13. National *Biosecurity* Strategy (NBS).** Within twelve (12) months
12 after the approval of this Act, the NSC – *Biosecurity* Committee shall formulate
13 and develop the National *Biosecurity* Strategy which shall be adopted by the
14 different agencies and instrumentalities of the government nationwide. The NBS
15 shall be reviewed and updated every four (4) years. The strategy shall include,
16 but is not limited to:

- 17 a. Risk identification, assessment and management, with options to
18 prescribe import conditions and permitting requirements;
- 19 b. Identification of biological risk organisms or agents and non-biological risk
20 agents and their listing in the regulations
- 21 c. Coordination, cooperation and communication protocols between and
22 among *Biosecurity* Enforcement Officers of the different agencies,
23 including, but not limited to, customs and health/quarantine officers, law
24 enforcers, emergency health professionals;
- 25 d. Compliance and non-compliance and the corresponding penalties for the
26 non-compliance;
- 27 e. Procedures for the monitoring of biological threats (such as pests and
28 diseases) and non-biological threats, emergency response on the detection
29 of incursions including isolation of areas, control, eradication processes
30 and disposal processes for the *Biosecurity* wastes;
- 31 f. Payment of compensation as a consequence of action;
- 32 g. List of prohibited, regulated and restricted biological organisms or agents
33 and non-biological agents.

- h. *Biosecurity* Emergency Response and Crisis Management for different Tiers of *Biosecurity* threats in all levels of government.
- i. Procedures and guidelines for decontamination and disposal of *Biosecurity* wastes at *Biosecurity* sites.

Section 14. Designation of Crisis Managers and/or Cabinet Officers Primarily Responsible during *Biosecurity* Crisis. The Crisis Managers and/or Cabinet Officers Primarily Responsible (C-OPR) shall assume authority; effectively carry out functions; and take on responsibilities and accountabilities prescribed in the Practical Guide for National Crisis Managers, the Core Manual and the approved March 2011 revisions to Chapter 4 of the 2000 Crisis Management Manual. Specifically, that:

- a. The **Executive Secretary** shall be the Cabinet-Officer Primarily Responsible (C-OPR) for emerging and current threats of terrorism, as Chairperson of the *Anti-Terrorism Council* created under Republic Act 9372 or the Human Security Act of 2007;
- b. The **Secretary of Agriculture** shall be the Cabinet-Officer Primarily Responsible (C-OPR) for emerging and current threats to plant and animal health.
- c. The **Secretary of Environment and Natural Resources** shall be the Cabinet-Officer Primarily Responsible (C-OPR) for emerging and current threats to environment and ecosystem.
- d. The **Secretary of Health** shall be the Cabinet-Officer Primarily Responsible (C-OPR) for emerging and current threats to public health.

Section 15. Agency Assistance. The NSC-*Biosecurity* Committee is hereby authorized to call on and mobilize any government agency or instrumentality, including local government units and government-owned or controlled corporations and also non-governmental agencies or institutions, for support and assistance in the implementation of this Executive Order.

Section 16. Role of Local Government Units (LGUs). Local government units (LGUs) shall share the responsibility in protecting the general well-being of humans, plant and animal population, environment and ecosystem within their territorial jurisdictions.

Each local government unit shall prepare a compliance scheme in accordance with the National *Biosecurity* Strategy.

Each local government unit shall, through its Environment and Natural

Resources Office (ENRO) established in Republic Act No. 7160, have the following powers and functions:

- a. monitoring of *Biosecurity* risks;
- b. emergency response in case of *Biosecurity* crisis;
- c. compliance with the National *Biosecurity* Strategy; and
- d. coordinate, cooperate and communicate with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control *Biosecurity* threats.

Provided, however, That in provinces/cities/municipalities where there are no environment and natural resources officers, the local executive concerned may designate any of his/her official and/or chief of office preferably the provincial, city or municipal agriculturist, veterinarian and public health officer and, or any of his/her employee: *Provided, finally,* That in case an employee is designated as such, he/she must have sufficient experience in *Biosecurity* management.

CHAPTER IV PERMITTING, INSPECTION, MONITORING

Section 17. Permitting. – The interpretation of the provisions of this Act shall not negate the effectivity and application of the permitting requirements of other laws. The different Departments with a BMO shall require owners / operators / exporters / importers of goods or products which may be a *Biosecurity* risk to secure the necessary permits of other applicable laws.

Section 18. Record-keeping, Inspection, Monitoring and Entry by the BMOs or *Biosecurity* Enforcement Officers - The BMOs or its duly authorized representative shall, after proper consultation and notice, require any person who owns or operates any source of *Biosecurity* risk or threat is subject to any requirement of this Act to:

- a. establish and maintain relevant records;
- b. make relevant reports;
- c. install, use and maintain monitoring equipment or methods;
- d. keep records on ballast water discharges;
- e. provide such other information as the BMOs may reasonably require.

Pursuant to this Act, the BMOs, through its authorized representatives, shall have the right to:

- a. enter or to have access to any premises including documents and relevant materials as referred to in the herein preceding paragraph;
- b. inspect any area with *Biosecurity* threat, pollution or waste source, control device, monitoring equipment or method required;
- c. test any discharge; and
- d. deputize other government agencies and concerned members of the civil society or private sector on the implementation of the Act.

Any record, report or information obtained under this section shall be made available to the public, except upon a satisfactory showing to the BMO by the entity concerned that the record, report, or information or parts thereof, if made public, would divulge secret methods or processes entitled to protection as intellectual property.

CHAPTER V LIABILITIES / PENAL PROVISIONS

Section 19. Liability on Biosecurity Damage. - The owners / operators / exporters / importers of goods or products which may be a *Biosecurity risk* at the time of an Incident, or where the Incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any *Biosecurity* Damage caused by the said goods or products as a result of the Incident. Such damages shall include, but not limited to:

- a. Reasonable expenses actually incurred in isolating the areas, control, eradication processes and disposal processes for the *Biosecurity* wastes;
- b. Reasonable expenses of Preventive Measures and further loss or damage caused by preventive measures;
- c. Consequential loss or loss of earnings suffered by Owners or users of property contaminated or damaged as a direct result of an Incident;
- d. Pure economic loss or loss of earnings sustained by persons although the property contaminated or damaged as a direct result of an Incident does not belong to them;
- e. Damage to human health or loss of life as a direct result of the Incident, including expenses for rehabilitation and recuperation: *Provided*, That costs of studies or diagnoses to determine the long-term damage shall also be included; and

- 1 f. Environmental and ecological damages and other reasonable measures of
2 environmental restoration.

3 **Section 20. Exempting Circumstances.** - No liability as stated in the
4 immediately preceding section shall attach to the owners / operators / exporters
5 / importers of goods or products which may be a *Biosecurity risk* if he proves
6 that the damage:

- 7 a. Resulted from an act of war, hostilities, civil war, insurrection or a natural
8 phenomenon of an exceptional, inevitable and irresistible character; and
9 b. Was wholly caused by an act or omission done with intent to cause damage
10 by third party.

11 **Section 21. Prohibited Act and Penalties.**

- 12 a. Any person who willfully and intentionally engages in any of the following
13 activities shall be imprisoned for a period from six (6) years and one (1) day
14 to twelve (12) years imprisonment, and a fine from one million pesos
15 (P1,000,000.00) to five million pesos (P5,000,000.00):
- 16 1. To engage in any of the regulated activity prohibited by, or in
17 contravention of, this Act,
 - 18 2. To make false or misleading representations or conceal any material
19 fact, including in the submission of any document, to the NSC-
20 *Biosecurity* Committee or the BMOs or any other Philippine government
21 agency;
 - 22 3. To engage in any activity prohibited by, or in contravention of, any
23 orders or regulations issued by the NSC-*Biosecurity* Committee to
24 implement the provisions of this Act;
 - 25 4. To conspire or act in concert with one or more persons in any manner
26 or for any purpose to bring about or to do any act that constitutes a
27 violation of this Act, or any order, regulation, or authorization issued
28 thereunder;
 - 29 5. To forge or alter any authorization, registration, certificate or any or
30 other document issued in relation to the provisions of this Act;

1 6. To obstruct or hinder the NSC-*Biosecurity* Committee, the BMOs or any
2 government agency in the execution of its powers conferred under this
3 Act; or

4 7. To induce a violation of this Act or any order, regulation, or
5 authorization issued thereunder; and

6 8. To cause, aid or facilitate, directly or indirectly, in the storage,
7 importation, or bringing into Philippines territory, including its
8 maritime economic zones, even in transit, either by means of land, air
9 or sea transportation or otherwise keeping in storage any amount of
10 hazardous and nuclear wastes and solid wastes in any part of the
11 Philippines.

12 b. Any person found guilty of committing any of the following shall be
13 imprisoned for a period from six (6) months and one (1) day to six (6) years
14 imprisonment, and a fine from one hundred thousand pesos (P
15 100,000.00) to one million pesos (P1,000,000.00):

16 1. To fail to report or notify the BMOs as required by this Act;

17 2. To fail to comply with record keeping requirements as provided in this
18 Act; or

19 3. To engage in any activity with intent to evade the provisions of this Act,
20 or any order, regulation, or authorization issued thereunder.

21 **Section 22. Attempt to Commit Violations of this Act.** Any attempt to
22 commit any crime under Section 16(a) of this Act shall be penalized by
23 imprisonment for a period from six (6) months and one (1) day to six (6) years,
24 and a fine from one hundred thousand pesos (P100,000.00) to one million pesos
25 (P1,000,000.00).

26 **Section 23. Administrative Penalties.** – The BMO shall impose on any person
27 found to have committed violations under this Act the following administrative
28 penalties:

29 a. Limitation, revocation or annulment of any authorization and/or
30 registration;

31 b. Imposition of fines of up to two hundred fifty thousand pesos
32 (P250,000.00) or twice the value of the *Biosecurity* good or related service
33 under the contract or as assessed by the NSC-*Biosecurity* Committee; and

- 1 c. Upon request by the Securities and Exchange Commission and/or the
2 Department of Trade and Industry or any other relevant agencies, order
3 the cancellation or suspension of the registration and
4 authorization/license to operate of the partnership, corporation,
5 association and other juridical entity.

6 The imposition of the penalty shall be without prejudice to the filing of
7 appropriate criminal charges against the persons responsible for the violation.

8
9 **Section 24. *Biosecurity Management Fund*** – Proceeds from the penalties
10 prescribed in preceding Sections and other penalties imposed by this Act, the
11 NSC-*Biosecurity* Committee, as authorized by this Act, shall be automatically
12 appropriated into a *Biosecurity* Management Fund hereby created.

13 The *Biosecurity* Management Fund to be administered by the NSC-*Biosecurity*
14 Committee, in coordination with its Committee members, as a special account
15 in the National Treasury is hereby established. The fund shall be used to finance
16 the following:

- 17 a. finance containment and clean-up operations of the government in
18 *Biosecurity* cases;
19 b. guarantee restoration of ecosystems and rehabilitation of affected areas;
20 support research enforcement and monitoring activities;
21 c. provide technical assistance to the implementing agencies;
22 d. grant rewards and incentives;
23 e. support information and educational campaign;
24 f. such other disbursements made solely for the prevention, control or
25 abatement of *Biosecurity* threats in the amounts authorized by the
26 Department.

27 **Section 25. *Investigation*.** If in the course of the conduct of an investigation
28 for violations committed under this Act, the BMO comes across evidence of
29 possible criminal violations, it shall refer the matter and turn over all available
30 evidence to the following agencies:

- 31 a. BOC on matters involving violations of import and export provisions of this
32 Act as well as the Tariff and Customs Code;

- b. BOC/PCG on matters involving violations that pertain to physical or outright smuggling on border security;
- c. PCG on matters involving violations on marine environmental protection laws;
- d. DENR on matters involving violations of CITES, Basel Convention transboundary movement of hazardous wastes or other environmental laws;
- e. PNP/NBI on acts involving violations outside the jurisdiction of the BOC and PCG.

After a finding that a *prima facie* case exists, the aforementioned agencies shall refer such case to the Department of Justice for preliminary investigation.

Appropriate forfeiture proceedings for materials and goods confiscated shall be filed in accordance with existing laws, rules and regulations.

Section 26. Criminal Liability of Officers of Partnerships, Corporations, and Other Juridical Entities. In case any of the violations of this Act is committed by a partnership, corporation, association, or any other juridical persons, the partner, president, director, manager, trustee, administrator, or officer who willfully and intentionally consents to, or tolerates such violation shall be held criminally liable as co-principal. The penalty provided for the offense shall be imposed upon the responsible officers who participated in the commission of the crime or who have willfully and intentionally permitted its commission.

Section 27. Administrative Liability of Government Officials and Employees. Any government official or employee who commits, or facilitates the commission of, any violation of this Act shall be administratively liable under Civil Service rules, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service.

Section 28. Additional Penalty if Offender is an Alien / Foreign National. In addition to the penalties prescribed in this Act, any alien/foreign national who violates any provision of this Act shall, after service of sentence, be deported immediately without further proceedings, and be barred permanently from entering the country.

Section 29. Forfeiture. In addition to imprisonment and fine, the *Biosecurity*

goods or items subject of the offense, including the proceeds derived therefrom, shall be forfeited in favor of the government.

After conviction, the Regional Trial Court shall enter a judgment of forfeiture of the goods, including its proceeds, in favor of the Government of the Philippines and shall authorize the forfeiture of the seized goods.

Following the seizure of the *Biosecurity* goods, the relevant government agency shall direct the disposition of the property by sale or other commercially feasible means. The offender or any person acting on behalf of the offender shall not be eligible to purchase the forfeited property. The proceeds of any sale or disposition of any property confiscated or forfeited under this section shall be paid directly to the National Treasury. All proper expenses incurred in the proceedings for the confiscation, forfeiture, custody and maintenance of the property pending disposition, as well as expenses for publication and court costs shall be taken from the General Appropriations Act (GAA).

If the *Biosecurity* goods are located outside of the Philippines, the court may order the convicted offender to pay to the National Treasury the amount equal to the value of the *Biosecurity* goods or related services under the contract or as assessed by the NSC-*Biosecurity* Committee, whichever is greater.

Section 30. Protection of Biosecurity Enforcement Officers. – No action or prosecution shall be brought, instituted or maintained against the NSC-*Biosecurity* Committee or the *Biosecurity* Management Office or an authorized officer for or on account of or in respect of any act ordered or done for the purpose of carrying into effect this Act or its IRR if the act was done in good faith and under a reasonable belief that it was necessary for the purpose intended to be served thereby.

Section 31. Jurisdiction. The Regional Trial Court shall have jurisdiction over criminal prosecutions for violation of any provision of this Act, as well as over applications for the issuance and grant of applicable provisional remedies under the Rules of Court.

Section 32. International Legal Cooperation. – For the purposes of this section, the Department of Justice (DOJ) shall make and receive requests for assistance and to execute or arrange for the execution of such requests.

- a. Types of assistance – the DOJ may execute or make a request for assistance from a foreign state to: (1) take evidence or obtaining voluntary statements from persons; (2) make arrangements for persons to give

1 evidence or to assist in criminal matters; (3) effect service of judicial
2 documents; (4) execute searches and seizures; (5) examine objects and
3 sites; (6) provide or obtain original or certified true copies of relevant
4 documents, records and items of evidence; (7) identify or trace property
5 derived from the commission of an offense and instrumentalities of crime;
6 restrain dealings in property or freeze property derived from the
7 commission of an offense that may be recovered, forfeited or confiscated;
8 (9) recover, forfeit or confiscate property derived from the commission of
9 an offense; and (10) locate and identifying witnesses and suspects.

10 b. Request for legal assistance from a foreign State – where a' foreign State
11 makes a request for assistance in the investigation or prosecution for
12 violation of any of the regulated activities under this Act, or in related
13 criminal proceedings, the DOJ may execute the request or refuse to
14 execute the request, and inform the foreign State of valid reason for not
15 executing the request or for delaying its execution. The DOJ may refuse a
16 request for assistance where the action sought by the request contravenes
17 any provision of the Constitution or the execution of a request is likely to
18 prejudice the national interest of the Philippines, unless there is an
19 existing treaty on mutual legal assistance between the Philippines and the
20 requesting State.

21 c. Requirements for requests for mutual assistance from foreign States – a
22 request for mutual assistance from foreign States must contain the
23 following: (1) name of the authority conducting the investigation,
24 prosecution or judicial proceeding to which the request relates, including
25 contact details of the person capable of responding to inquiries concerning
26 the request; (2) specific purpose of the request and the nature of the
27 assistance sought; (3) confirmation that an investigation or prosecution is
28 being conducted in respect to the person named therein or that the person
29 has been convicted for violation of any of the regulated particulars, if
30 known; (4) specify the manner in which and to whom said information,
31 document, material or object obtained pursuant to the request, is to be
32 produced; (5) all the particulars necessary for the issuance by the court in
33 the requested State of the writs, orders or processes needed by the
34 requesting State; and (6) such other information as may assist in the
35 execution of the request.

36 d. Authentication of documents – any document submitted by the foreign
37 state pursuant to this section, shall be admissible as evidence in any
38 proceeding, without need for further authentication.

1 Subject to the provisions of the extradition law and the applicable extradition
2 treaty, the offenses defined in this Act shall be deemed included as extraditable
3 offenses in an extradition treaty in which the Philippines is a party.

4 5 **CHAPTER VI** 6 **MISCELLANEOUS PROVISIONS**

7 **Section 33. Public Education and Information-** The BMOs and the local
8 government units shall, in coordination with the Department of Education
9 (DepEd) and the Commission on Higher Education (CHED), the Department of
10 Interior of Local Government (DILG), the Philippine Information Agency (PIA),
11 and Civil Society shall conduct a continuing education and information
12 campaign on *Biosecurity* awareness. Said campaign shall aim at developing
13 public awareness of the ill-effects of *Biosecurity* threats; the policy and decision-
14 making in the national, provincial, city or municipal level to engage in activities
15 to protect the human, plant and animal population, environment and ecosystem
16 from biological and non-biological threats and its control.

17 The civil society and other sectors, particularly labor, the academe and business
18 involved in environment-related activities, shall be encouraged to undertake
19 efforts to organize, educate and motivate the people in addressing pertinent
20 *Biosecurity* issues and problems at the local and national levels through the
21 institutionalization of programs, projects and activities for the purpose of this
22 Act.

23 **Section 34. Implementing Rules and Regulations (IRR).** Within six (6)
24 months from the effectivity of this Act, the Implementing Rules and Regulations
25 Committee to be composed of the member-agencies of the NSC-*Biosecurity*
26 Committee shall draft and issue the IRR for its effective implementation, after
27 public consultations with stakeholders: Provided, That the non-issuance of the
28 IRR shall not prevent the coming into force of this Act:

29 **Section 35. Relations with other laws.** The interpretation of the provisions of
30 this Act shall not negate the effectivity and application of the other laws on trade,
31 plant health, animal health, humans and human health, biodiversity and
32 invasive alien species, living modified organism and biosafety, fisheries, marine
33 environment, environment and ecosystem which include, but is not limited to
34 the following:

- 35 • Consumer Act of 1992 (Republic Act 7394),

- Strategic Trade Management Agreement (STMA) (Republic Act 10697)
- Plant Quarantine Decree of 1978 (Presidential Decree 1433),
- National Seed Industry Development Act (Republic Act 7308),
- Coconut Preservation Act of 1995 (Republic Act No. 8048 of 1995),
- Creation of Bureau of Animal Industry (Act 3639),
- Livestock and Poultry Feeds Act (RA 1556 of 1956,
- Animal Welfare Act of 1998 (RA 8485 of 1998 (amended by RA 10631),
- Anti-Rabies Act of 2007 (RA 9482 of 2007)
- Organic Agriculture Act of 2010 (RA 10068 of 2010),
- Republic Act No. 10611: Strengthening the Philippine Food Safety Regulatory System,
- Meat Inspection Code (RA No. 9296),
- Creation of the National Dairy Authority (NDA) (Republic Act 7884),
- Reorganization and operation of the Bureau of Quarantine (Republic Act 123),
- Sanitation Code of the Philippines (Presidential Decree 856),
- Indigenous Peoples' Rights Act (Republic Act 8371),
- National Integrated Protected Areas System Act of 1992 (Republic Act No. 7586 of 1992),
- Wildlife Resources Conservation and Protection Act (Republic Act 9147),
- Revised Forestry Code of the Philippines (Republic Act 705),
- The Philippine Fisheries Code (Republic Act 8550),
- Marine Pollution Decree of 1976 (PD 979),
- Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (Republic Act 6969), and
- Philippines Ecological Solid Waste Management Act of 2000 (Republic Act 9003)

CHAPTER VII TRANSITORY PROVISIONS

Section 36. Appropriations/Funding. The initial amount of Twenty Million Pesos for each BMO in the agencies identified in Section 10 shall be sourced from the Intelligence Fund (IF) of their respective agencies, subject to existing budgeting, accounting and auditing laws, rules and regulations, in order to carry out the provisions of this Act. Thereafter, the subsequent budget shall be incorporated in the General Appropriations Act under the operating expenses of their respective agencies.

1

2 **CHAPTER VIII**

3 **SEPARABILITY AND REPEALING CLAUSES**

4 **Section 37. Separability Clause.** The provisions of this Act is declared
5 separable. If any provision of this Act or the application of such provision to
6 any person or circumstances is declared unconstitutional, the remainder of the
7 Act or the application of such provision to other person or circumstances shall
8 not be affected by such declaration.

9

10 **Section 38. Repealing Clause.** All laws, presidential decrees, executive
11 orders and their implementing rules, or parts thereof, inconsistent with the
12 provisions of this Act are hereby, repealed; amended or modified accordingly.

13

14 **CHAPTER IX**

15 **EFFECTIVITY CLAUSE**

16 **Section 39. Effectivity Clause.** This Act shall take effect fifteen (15) days after
17 its publication in at least two (2) national newspapers of general circulation.

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21 Approved,