

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7309



Introduced by REP. FAUSTINO 'INNO' A. DY V

EXPLANATORY NOTE

From 2013 to 2014, a foreign company imported more than 100 shipping containers to the Philippines. The company claimed the containers had recyclable materials in it but actually contained 2,500 tons of garbage- most of which were unrecyclable plastic wastes.¹

The garbage was later shipped back to the country of origin, but only after years of widespread outrage from Filipinos and diplomatic pressure from the Philippine government. That incident, however, was not the last time foreign garbage was brought in to Philippine shores. In 2018, the Philippines received 11,800 tons of imported plastic waste. In 2019, the DENR banned waste-related imports for three months.² To date, the Philippines has yet to enact permanent measures to ban the importation of plastic waste. Failing to do so would make the country at risk of becoming the world's trash can for plastic.

Although it seemed that both RA 6969³ and RA 9003⁴ already cover the prohibition on the importation of wastes, particularly unrecyclable plastic, there is a need to remove all doubts and cover all possible loopholes to proscribe this practice and penalize all who may be involved or remiss with their duties in the entry of such materials to the country.

In view of the foregoing, the approval of this bill is earnestly sought.


FAUSTINO 'INNO' A. DY V

¹ Gutierrez, J. (2019, May 23). Canada Agrees to Take Back Trash Sent to Philippine Years ago. New York Times. <https://www.nytimes.com/2019/05/23/world/asia/philippines-canada-trash.html>.

² Endo, J. (2019, September 14). Philippine slams the door on world's plastic waste. Nikkei Asian Review. <https://asia.nikkei.com/Spotlight/Environment/Philippines-slams-the-door-on-world-s-plastic-waste>.

³ Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.

⁴ Ecological Solid Waste Management Act of 2000

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AN ACT PROHIBITING THE IMPORTATION OF PLASTIC WASTE, THEREBY AMENDING R.A. NO. 9003, OTHERWISE KNOWN AS THE ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000

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

Section 1. Section 48 of Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, is amended as follows:

“Section 48. Prohibited Acts. – The following acts are prohibited:

x x x

(17) THE IMPORTATION OF PLASTIC WASTE, WHETHER RECYCLABLE OR OTHERWISE.”

FOR THE PURPOSE OF THIS ACT, PLASTIC WASTE SHALL BE DEFINED AS THOSE SUBSTANCES THAT ARE WITHOUT ANY SAFE, COMMERCIAL, INDUSTRIAL, AGRICULTURAL OR ECONOMIC USAGE AND ARE SHIPPED, TRANSPORTED OR BROUGHT FROM THE COUNTRY OF ORIGIN FOR DUMPING OR DISPOSAL INTO OR IN TRANSIT THROUGH ANY PART OF THE TERRITORY OF THE PHILIPPINES.

Section 2. Penalties. –

- a) The penalty of imprisonment of six (6) months and one day to six (6) years and one day and a fine ranging from Five hundred Thousand pesos (P500,000.00) to Ten Million Pesos (P10,000,000.00) shall be imposed upon any person who shall violate 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;

b) 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;

c) 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.

d) 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;

e) Every penalty imposed for the unlawful importation, entry, transport, manufacture, processing, sale or distribution of plastic wastes 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.

d. The person or firm responsible or connected with the bringing or importation into the country of plastic wastes, as defined, shall be under obligation, to include covering all related expenses, 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 plastic wastes shall at the option of the government be forfeited in its favor.

Section 3. *Repealing Clause.* – All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of the general circulation.

Approved,