



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 8954



Introduced By Representatives JORGE "PATROL" BUSTOS, NARCISO R. BRAVO JR., RAUL "BOBOY" C. TUPAS, MICHAEL T. DEFENSOR, PRESLEY C. DE JESUS, JERICHO JONAS B. NOGRALES and MICHAEL L. ROMERO

EXPLANATORY NOTE

In keeping with President Rodrigo Duterte's goal of a citizenry that are strongly-connected, comfortable and secured, all programs and activities of all departments of government: the executive, the legislative and judiciary, should be geared towards its achievement. One of our country's aspirations is SECURITY, whether physical, financial, social, cultural or religious. Security is a value that guarantees life-long development and progress. Thus, it is clear that we value everyone's safety and being a disaster-prone country, we have always shown the world how resilient we have been in the face of danger and calamities. We have always proven that nothing is insurmountable, and we continue to rise above all the adversities of life.

Which brings us to the role of the legislature in the enactment of rules and laws that shall guarantee people's safety and security, as we now zoom in the need to adopt and comply with treaties and conventions, especially when the principles provided therein are universally accepted values and should be consistently incorporated in all our pursuits and actions. Our role in ensuring the enactment of local laws to comply with international agreements has never been this relevant as much as any other time in our history, when everything is fast evolving and changing. Chemicals, as we all know, can be used to help, cure and create many good possibilities for all peoples; however, it can also be abused, used in the

perpetration of crimes, and destroy, as we have seen in recent catastrophes around the world. As members of the legislature, it is our duty and responsibility to ensure our commitment towards the enactment of laws that are adoptive to existing treaties, at the same time should provide utmost flexibility in adjusting to current trends and challenges, including our diversity in terms of culture and way of life, without sacrificing transparency and compliance with other existing laws.

As a signatory to the Chemical Weapons Convention (CWC), the Philippines has engaged all departments of its government, from the executive to the legislative, to the judiciary in the active implementation of some of the provisions of the CWC, particularly as follows:

- (a) Enactment of Executive Order 39, designating the Anti-Terrorism Council (ATC) under the Office of the President, as the Philippine National Authority on Chemical Weapons Convention (PNA-CWC) to be headed by no less than the Executive Secretary as Chairperson of the ATC;
- (b) Enactment of Republic Act Nos. 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990," 9372 or "Human Security Act of 2007," and 10697, or "Strategic Trade Management Act of 2015", which all tackles the occurrence of chemical weapons either as a terrorist act or as traded goods;
- (c) Active participation of the Philippines in the Conference of State Parties and membership in the Executive Council and Scientific Advisory Board of the OPCW, and also the attendance of Filipino experts in OPCW-funded and organized trainings; and
- (d) Regular and timely compliance and payment of assessed contributions to the OPCW.

However, at this juncture, the Philippines has not yet fully adopted measures that will wholly comply with the CWC. We personally commit ourselves towards the realization of this collective aspiration to enact a substantive, comprehensive, and an omnibus law that will make us fully realize our responsibilities under the CWC, which is to protect our people and aspire to eliminate all chemical weapons and abuses involved in the use of chemicals. This bill, a collective effort of the Anti-terrorism Council (ATC) and various governmental agencies in charge of the

country's defense and security, including our Armed Forces of the Philippines, Philippine National Police and Bureau of Fire Protection, among others, seeks to consolidate all current laws we have in compliance with the CWC, to include those which are substantively required under the treaty.

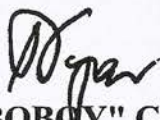
The immediate passage of this bill is earnestly sought.



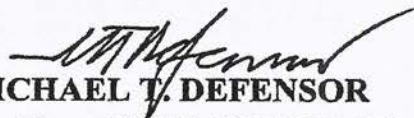
JORGE "PATROL" BUSTOS
Party List - PATROL



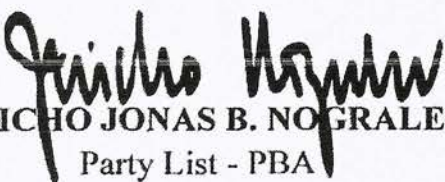
NARCISO R. BRAVO JR.
District Representative
Masbate, 1st District



RAUL "BOBOY" C. TUPAS
District Representative
Iloilo, 5th District



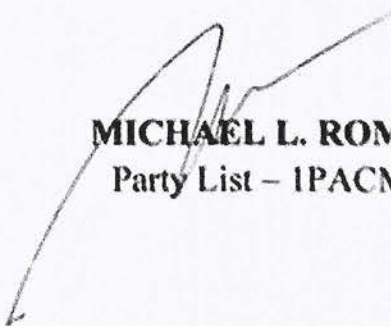
MICHAEL T. DEFENSOR
Party List - ANAKALUSUGAN



JERICHO JONAS B. NOGRALES
Party List - PBA



PRESLEY C. DE JESUS
Party List - PHILRECA



MICHAEL L. ROMERO
Party List - IPACMAN

1 under the Convention on the Prohibition of the Development, Production,
2 Stockpiling and Use of Chemical Weapons and on their destruction, otherwise
3 known as the Chemical Weapons Convention (hereinafter referred to as
4 Convention), to which the Philippines is a State Party.

5
6 Towards this end the State shall not, under any circumstance, develop,
7 produce, manufacture, acquire, possess, stockpile, retain, or use chemical weapons,
8 or engage in any other activities prohibited under the Convention, and shall prohibit
9 all persons from developing, producing, manufacturing, acquiring, possessing,
10 stockpiling, retaining, or using chemical weapons or engaging in any other activities
11 prohibited under the Convention.

12
13 SECTION 3. Definition of Terms. — For the purpose of this Act, the following
14 terms are hereby defined.

15
16 a) Chemical Weapon means the following, together or separately:

17 (i) Toxic chemicals and their precursors, except where intended for
18 purposes not prohibited under the Convention, as long as the types and
19 quantities are consistent with such purposes;

20 (ii) Munitions and devices, specifically designed to cause death or other
21 harm through the toxic properties of those toxic chemicals specified in
22 subparagraph (i), which would be released as a result of the employment
23 of such munitions and devices; and

24 (iii) Any equipment specifically designed for use directly in
25 connection with the employment of munitions and devices specified in
26 subparagraph (ii).

- 1
- 2 b) Discrete Organic Chemicals means any chemical belonging to the class of
- 3 chemical compounds consisting of all compounds of carbon except for its
- 4 oxides, sulphides and metal carbonates.
- 5
- 6 c) Key component of Binary or Multi-component Chemical Systems means the
- 7 precursor which plays the most important role in determining the toxic
- 8 properties of the final product and reacts rapidly with other chemicals in the
- 9 binary or multi-component system.
- 10
- 11 d) Facility means any industrial site of any production unit or process unit
- 12 (“unit”) which is the combination of items of equipment, including vessels and
- 13 vessel set up, necessary for the production, processing or consumption of a
- 14 chemical.
- 15
- 16 (i) "Production" of a chemical is defined as its formation through chemical
- 17 reaction. For scheduled chemicals “production” should be understood to
- 18 include the production of a scheduled chemical (i.e. a Schedule 1,
- 19 Schedule 2 or Schedule 3 chemical) by a biochemical or biologically
- 20 mediated reaction.
- 21
- 22 (ii) "Processing" of a chemical is defined as a physical process, such as
- 23 formulation, extraction and purification, in which a chemical is not
- 24 converted into another chemical.
- 25
- 26 (iii) "Consumption" of a chemical is defined as its conversion into
- 27 another chemical via a chemical reaction.

1
2 e) OPCW refers to Organization for the Prohibition of Chemical Weapons.

3
4 f) Person means, except as otherwise provided, any individual, corporation,
5 partnership, firm, association, trust, estate, public or private institution, or any
6 political entity, any foreign government or nation or any agency,
7 instrumentality or political subdivision of any such government or nation, or
8 other entity located in the Philippines.

9
10 g) Precursors mean any chemical reactant which takes part at any stage in the
11 production by whatever method of a toxic chemical. These include any key
12 component of a binary or multi-component chemical system. Precursors which
13 have been identified for the application of verification measures by the OPCW
14 are listed in the Schedules contained in the Annex on Chemicals to the
15 Convention.

16
17 h) Purposes not prohibited means:

18
19 (i) Industrial, agricultural, research, medical, pharmaceutical, or other
20 peaceful purposes;

21
22 (ii) Protective purposes, namely those purposes directly related to
23 protection against toxic chemicals and to protection against chemical
24 weapons;

1 (iii) Military purposes not connected with the use of chemical
2 weapons and not dependent on the use of the toxic properties of
3 chemicals as a method of warfare;

4 (iv) The use of non-lethal weapons, other than those prohibited
5 under this Act and the Convention, for the maintenance of public
6 security and order:

7
8 (a) By the law enforcement authorities;

9
10 (b) By the Armed Forces of the Philippines when taking
11 measures to suppress insurgency and other serious threats to
12 national security, and where the use thereof is most appropriate
13 than the use of deadly force; and

14
15 (c) By the Armed Forces of the Philippines within the
16 framework of a system of mutual collective security, and training
17 for its use.

18
19 i) Riot control agents means any chemical not listed in Schedule 1, Schedule 2 or
20 Schedule 3 of the Annex on Chemicals to the Convention which can produce
21 rapidly in humans, sensory irritation or disabling physical effects which
22 disappear within a short time following termination of exposure.

23
24 j) Scheduled chemicals means those chemicals listed in Schedule 1, Schedule 2
25 and Schedule 3, respectively, of the Annex on Chemicals to the Convention.

1 k) Toxic chemical means any chemical which through its chemical action on life
2 processes can cause death, temporary incapacitation or permanent harm to
3 humans or animals.

4
5 This definition includes all such chemicals therein, regardless of their origin or
6 of their method of production, and regardless of whether they are produced in
7 facilities, in munitions or elsewhere.

8
9 Toxic chemicals which have been identified for the application of verification
10 measures by the OPCW are listed in Schedules contained in the Annex on Chemicals
11 to the Convention. Unless the contrary intention appears, an expression or term that is
12 used both in this Act and in the Convention but is not defined in this Chapter shall
13 have, in this Act, the same meaning provided in the Convention.

14
15 l) Verification Annex means the Annex on Implementation and Verification to
16 the Convention.

17
18 SECTION 4. National Authority – The Anti-Terrorism Council (ATC) is
19 hereby designated as the Philippine National Authority on Chemical Weapons
20 Convention, hereinafter referred to as PNA-CWC, to be headed by the
21 Executive Secretary as Chairperson of the ATC.

22
23 The Anti-Terrorism Council – Program Management Center (ATC-PMC) shall
24 act as the Secretariat and Implementing Arm of the PNA-CWC.

25
26 SECTION 5. The PNA-CWC shall have the following duties and functions:
27

- 1 a) Liaise with the OPCW and other State Parties on matters relating to the
2 Convention;
3
- 4 b) Maintain communication with the Philippine Permanent Representative to
5 OPWC on matters of foreign policy to ensure that it is consistent with
6 country position;
7
- 8 c) Prepare and submit annual declarations to the OPCW on scheduled
9 chemicals and facilities;
10
- 11 d) Develop rules and regulations and formulate policies concerning the
12 production, processing, consumption, importation, exportation, use and
13 proper disposition of scheduled chemicals and facilities, and other chemical
14 production facilities (Chemicals not in the Schedule);
15
- 16 e) Designate and specify the required training and the functions of national
17 inspectors, who shall report to the PNA-CWC;
18
- 19 f) Conduct and facilitate national inspections, as well as international
20 inspections by the OPCW inspectors, of sites involving scheduled
21 chemicals or other chemical production facilities;
22
- 23 g) Cause or direct the investigation and prosecution of violators of laws
24 concerning chemical weapons, or the handling of toxic chemicals in
25 violation of this Act; and
26

1 h) Perform such other functions to effectively implement the provisions of the
2 Convention.

3
4 The PNA-CWC is hereby empowered to compel, as may be necessary,
5 assistance and support from all departments, bureaus, offices, agencies, or
6 instrumentalities, of the government, including government owned and/or controlled
7 corporations and other government institutions to effectively perform its duties and
8 functions under this Act.

9
10 The PNA-CWC shall also have the power to periodically update the scheduled
11 chemicals listed in Schedule 1, Schedule 2 and Schedule 3 of the Annex on
12 Chemicals to the CWC upon the request or advise of the OPCW, such updates shall
13 be in the form of formal resolutions of the PNA-CWC to be published in the Official
14 Gazette or two (2) newspaper of general circulation in the country before taking
15 effect.

16
17 CHAPTER II
18 PROHIBITIONS

19
20 SECTION 6. Prohibitions.

21 The following acts are prohibited under this Act:

22
23 (a) Develop, produce, acquire, stockpile, use, or retain any chemical
24 weapons;

25
26 (b) Assist and encourage or induce in any way, a person, to engage in
27 activities prohibited under the Convention;

1 (c) Engage in military preparations to use a chemical weapon;

2
3 (d) Use a riot control agent as a method of warfare;

4
5 (e) Produce, acquire, retain, or use, Schedule 1 chemicals in outside the
6 Philippines except to a person in another State Party to the Convention
7 or for research, medical, pharmaceutical or protective purposes;

8
9 Nothing in this Act shall be construed to prohibit the Armed Forces of the
10 Philippines from using non-lethal and lethal weapons other than those prohibited in
11 this Act, in the conduct of combat operations for the suspension of insurgency and
12 other serious threats to national security where the use of such non-lethal and lethal
13 weapons is deemed most appropriate than use of deadly force.

14
15 CHAPTER III

16 PENALTIES

17
18 SECTION 7. Penalties. — (a) Any person who commits any of the prohibited
19 acts under Section 6 shall suffer the penalty of imprisonment for a period
20 between twelve (12) years and one day to life imprisonment, and a fine of Two
21 million pesos (P2,000,000.00) to Five million pesos (P5,000,000.00).

22
23 (b) Any person who produces, acquires, retains, or uses Schedule 1 chemicals
24 shall suffer the penalty of imprisonment of six (6) years and one day to twelve (12)
25 years and/or a fine of One million pesos (P1,000,000.00) to Two million pesos
26 (P2,000,000.00).

1 (c) Any person who produces, acquires, retains, or uses Schedule I chemicals
2 for purposes other than for research, medical, pharmaceutical or protective purposes,
3 or contravenes paragraph (1), shall suffer the penalty of imprisonment for a period of
4 not less than six (6) years and one day to twelve (12) years and/or a fine of One
5 million pesos (P1,000,000.00) to Two million pesos (P2,000,000.00).

6
7 (d) Any person who produces, processes or consumes Schedule 2 or 3
8 chemicals or unscheduled discrete organic chemicals for purposes other than those
9 not prohibited under this Act, or without a registration with the PNA-CWC or the
10 agency/ies to which the PNA-CWC has delegate the function, shall suffer the penalty
11 of imprisonment of four years and one day to six (6) years and/or a fine of Five
12 hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00).

13
14 (e) Any person who imports or exports Schedule 2 chemicals or Schedule 3
15 chemicals, without registration with the Strategic Trade Management Office shall be
16 dealt with in accordance with R.A. 10697 otherwise known as the "Strategic Trade
17 Management Act of 2015"

18
19 (f) Notwithstanding subsections (1) and (2) of Section 11, any person who
20 obstructs, hinders, resists, or deceives any national inspector or international
21 inspector who is exercising any function contemplated, or any power provided for, in
22 the regulations issued further to Section 11, in the Convention or any applicable
23 facility agreement, shall be punished by imprisonment for a period of four (4) years
24 and one day to six (6) years, and/or a fine of Five hundred thousand pesos
25 (P500,000.00) to One million pesos (P 1,000,000.00). In addition, the facility in
26 question shall be subject to closure.

1 (g) Any person who violates Section 12 shall suffer the penalty of
2 imprisonment for four (4) years and one day to six (6) years, and/or a fine of Five
3 hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00).

4
5 (h) Any person who as the case may be, produces, processes or consumes
6 Schedule 2 or 3 chemicals or unscheduled discrete organic chemicals for a purpose
7 other than purposes not prohibited under the Chemical Weapons Convention, or
8 contravenes paragraphs (2) or (3) shall suffer the penalty of imprisonment of not less
9 than two (2) years to twenty (20) years and/or a fine of Fifty thousand pesos
10 (P50,000.00) to Five million pesos (P5,000,000.00).

11
12 (i) Any person who refuses or fails to notify the PNA-CWC pursuant to the
13 provisions of Section 10 shall suffer the penalty of imprisonment of one (1) year and
14 one day to two (2) years and/or a fine of Five hundred thousand pesos (P500,000.00)

15
16 (j) Any person who fails to give the required additional information or keep
17 records pursuant to Section 10 shall suffer the penalty of imprisonment of six (6)
18 months and one day to one (1) year and/or a fine of One hundred thousand pesos
19 (P100,000.00).

20
21 (k) Any person who, in any document prepared pursuant to Section 10 of this
22 Act, makes a statement or omits any matter knowing that the statement or omission
23 makes the document false and misleading in a material particular shall, after hearing
24 and due proceedings, suffer the penalty of six (6) months and one day to one (1) year
25 and/or a fine of One hundred thousand pesos (P100,000.00).

1 In case any of the violation of this Act is committed by a partnership,
2 corporation, association, or any other juridical entity, the partner, president, director,
3 manager, trustee, administrator, or officer who consents to, or knowingly tolerates
4 such violation shall be held criminally liable.

5
6 The registration with the SEC or DTI, as the case may be, and license to
7 operate of the partnership, corporation, association or any other juridical entity, shall
8 be cancelled and revoked permanently.

9
10 In addition to the penalties prescribed in this Act, any alien who violates such
11 provision shall, after service of sentence, be deported immediately without further
12 proceedings, and be barred permanently from entering the country.

13
14 The maximum penalty provided in this Act shall be imposed in addition to
15 absolute perpetual disqualification from any public office, to any government official
16 or employee found guilty for the commission of any of the offenses under this Act.

17
18 Persons who conspire to commit any of the prohibited acts under Section 6
19 hereof shall be punished by the same penalty prescribed for herein.

20
21 There is a conspiracy when two or more persons come to an agreement
22 concerning the commission of any of the offenses under this Act and decide to
23 commit the same.

24
25 SECTION 8. Forfeiture and Destruction. — If any chemical weapon is found
26 anywhere on the territory or in any other place under the jurisdiction of the
27 Philippines, the warehouse or the place where the chemical weapons is being

1 stored, the chemical weapons, as well as the fruits and proceeds and such other
2 instrument related thereto shall be forfeited in favor of the national government
3 through the PNA-CWC and shall be destroyed or disposed in accordance with
4 existing environmental regulations or related applicable laws.

5
6 SECTION 9. Extra-Territorial Application. - The provisions of this Act shall
7 apply to all persons within or outside the Philippines and persons on board
8 vessels and aircraft registered in, belonging to, or in possession of the
9 Philippines, if any of the prohibited act is committed —

10
11 (a) By or against a Philippine citizen;

12
13 (b) Against any property owned, leased, or used by the Philippines or by
14 any of its departments, agencies, or instrumentalities;

15
16 (c) By a partnership, corporation, association or any juridical person, which
17 is owned and/or controlled by one or more Philippine citizen.

18 19 CHAPTER IV

20 DECLARATION, VERIFICATION & INSPECTION

21
22 SECTION 10. Declarations. — Information may be acquired by the PNA-CWC
23 under this Section only to ensure that:

- 24
25 i. Toxic chemicals and their precursors are only developed,
26 produced, otherwise acquired, retained, or used for purposes not
27 prohibited under the Convention, and

1
2 ii. The PNA-CWC has knowledge of dealing with chemicals that
3 facilitated the making of the Philippines annual declaration under
4 the Convention to the OPCW, and

5
6 iii. The Philippines is otherwise able to fulfil its obligation under the
7 Convention.

8
9 Supply of information. — Any person who, as the case may be, developed,
10 produced, or otherwise acquired , processed, consumed, retained, r used toxic
11 chemicals, or their prosecutors, to which any provision in Parts VI through IX
12 of the Verification Annex of the Convention applies, or who intends to carry
13 out such activities, shall:

14
15 i. Notify the chemicals and, as the case may be, the facility or plant
16 site to the PNA-CWC, within such period as prescribed by the
17 PNA-CWC, by giving written notice in a form approved by the
18 PNA-CWC and issued under the regulations further to this Act,
19 containing such information as is required by the form; and

20
21 ii. Keep records in relation to the chemicals and facility or plant site,
22 and the purpose to which the chemicals are put; and

23
24 iii. Prepare, from these records, annual reports relating to the
25 chemicals and the facility or plant site in a form approved by the
26 PNA-CWC and issued under the regulations issued further this
27 Act; and

1
2 iv. Send annual reports to the PNA-CWC at intervals specified in the
3 regulations issued further to this Act.

4
5 The records and reports under subparagraph 2(a) (i)-(iv) must be sufficient to satisfy
6 the PNA-CWC that the convention and the provisions of this Act and any regulations
7 made under this Act are being complied with.

8
9 SECTION 11. Verification and Inspection.

10
11 (1) The PNA-CWC shall issue regulations to facilitate compliance with the Annex
12 on Implementation and Verification to the Chemical Weapons Convention.

13
14 (2) Persons covered by the provisions of this Act and their personnel have the duty
15 to facilitate OPCW inspections and to cooperate with the international
16 inspectors and the escort team in complying with their duties and efficiently
17 carrying out the international inspection.

18
19 SECTION 12. Protection of Confidential Information. - Any confidential
20 information that is given or obtained pursuant to this Act shall be disclosed
21 only for the purpose of complying with obligations under the Convention, the
22 enforcement of this Act, or dealing with an emergency involving public safety.

23
24 CHAPTER V
25 MISCELLANEOUS PROVISIONS

26
27 SECTION 13. International Cooperation and Assistance. –

1
2 (a) The PNA-CWC may collaborate with other State authorities and
3 international organizations and entities and coordinate their actions to
4 the extent required by the implementation of this Act or of the
5 equivalent statute(s), subject to other State authorities or international
6 organizations or entities being bound to official secrecy.

7
8 (b) The PNA-CWC may request other State authorities and international
9 organizations or entities, under paragraph (1) to provide relevant data or
10 information. The PNA-CWC is authorized to receive data or information
11 concerning:

12
13 (i) The nature, quantity, and utilization of scheduled chemicals
14 or their precursors and related technologies, and the places of
15 consignment and consignees for such scheduled chemicals,
16 precursors, or related technologies; or

17
18 (ii) Persons taking part in the production, delivery, or
19 brokerage of the scheduled chemicals, precursors, technologies in
20 subparagraph (a).

21
22 (c) If a State has entered into the appropriate reciprocity agreement with the
23 Philippines, the PNA-CWC may provide, on their own initiative or on
24 request, the data or information described in paragraph (2) to that State
25 so long as the other competent State authority provides assurances that
26 such data or information shall:

1 (i) Only be utilized for purposes consistent with this Act; and

2
3 (ii) Be used in criminal proceedings on the condition that they
4 are obtained in accordance with those provisions governing
5 international juridical cooperation.
6

7 (d) The PNA-CWC may provide data or information described in
8 paragraph (2) to international organizations or entities if the conditions
9 set forth in paragraph (3) are fulfilled, in which case the requirement for
10 reciprocity agreement is waived.
11

12 CHAPTER VI

13 FINAL PROVISION

14

15 SECTION 14. Supplemental Application of the Revised Penal Code and Other
16 Laws. — The provisions of the Revised Penal Code, Human Security Act,
17 Strategic Trade Management Act and other laws shall have supplemental
18 application to the provisions of this Act.
19

20 Jurisdiction. — Any of the Regional Trial Courts where any of the elements of
21 the offense has been committed have jurisdiction over all cases of violations of
22 this Act and application for ancillary writs and processes of search warrant,
23 seizure and forfeiture; Provided, that the first court that acquires jurisdiction
24 shall exercise the same to the exclusion of all other courts unless the Supreme
25 Court authorizes the transfer of venue.
26

1 SECTION 15. Implementing Rules and Regulations. — Within six (6) months
2 from the effectivity of this Act, the PNA-CWC, in close coordination with the
3 chemical industry, and supporting agencies shall issue the rules and regulations
4 to ensure the efficient and effective implementation of the provisions of this
5 Act.

6
7 SECTION 16. Appropriations. — Such amount necessary for the implementation
8 of the provisions of this Act shall be included in the annual General
9 Appropriations Act.

10
11 SECTION 17. Separability Clause. — If any provision or portion of this Act or
12 the application thereof to any person or circumstance is declared to be
13 unconstitutional or invalid, the other provisions or portions of this Act, and the
14 application of such provision or portion, to other persons or circumstances,
15 shall not be affected thereby.

16
17 SECTION 18. Repealing Clause. — All laws, decrees, executive orders, rules or
18 regulations or parts thereof, inconsistent with the provisions of this Act, are
19 hereby repealed, amended or modified accordingly.

20
21 SECTION 19. Effectivity. — This Act shall take effect fifteen (15) days after its
22 publication in the Official Gazette or in two (2) newspapers of general
23 circulation.

24
25 Approved,