

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9770



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

**AN ACT
ESTABLISHING A TOTAL BAN ON THE IMPORTATION OF WASTES, PROVIDING
MEANS FOR ITS ENFORCEMENT, APPROPRIATIONS AND FOR OTHER
PURPOSES**

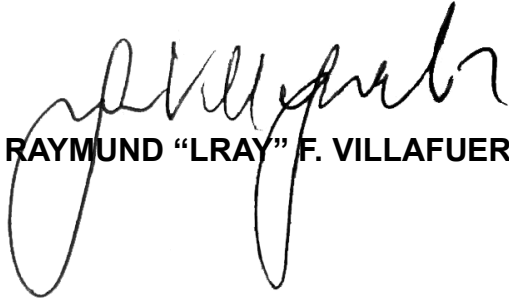
There have been several reports on toxic wastes being dumped in the country in the past twenty years. This includes the well-publicized containers of mislabeled rubbish, actually containing mixed household wastes from Canada in 2013 and the "assorted electronic accessories" that were actually electronic wastes from Hong Kong in 2019.

EcoWaste Coalition and Greenpeace believe that many other cases of illegal entry and importation of wastes happen without the knowledge of the authorities. Also, this situation of being a dumping site for first world countries is not unique to the Philippines. It is estimated that between 400,000 and 1 million people die each year in developing countries because of diseases caused by mismanaged waste.

In accordance with our Constitutional right to a healthful ecology, this proposed measure

establishes a total ban on the importation of waste, processed waste and its by-products.

This is to prevent future incidents of waste shipments from abroad and send a message internationally that the Philippines is not a dumpsite for their wastes.


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

Section 1. *Short Title.* – This Act shall be known as the "Total Ban on the Importation of Wastes Act".

Sec. 2. *Declaration of Policy.* – It is State policy to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. It is hereby declared a policy of the State to prohibit the entry and importation of wastes to the Philippine territory for whatever purpose to ensure environmental integrity and sustainability, protect public health and safety, and promote the overall wellbeing of the Filipino people.

Sec. 3. *Total Ban on Importation of Wastes, Processed Wastes and Waste By-Products.* – It is hereby declared illegal for any person, group of persons, business, corporate entity or government office, to import, for use, treatment, processing, recycling, storage, or whatever purpose, any form and whatever amount of waste, processed waste materials, waste by-products, whether organic or inorganic, and in whatever form whether solid, liquid, liquefied, gaseous, or mixture of substances.

Imported cargoes declared as wastes or misdeclared to conceal the true waste cargo or smuggled into the country shall not be offloaded from any transport vessel and shall be immediately ordered by port authorities to depart from the port and return the illegal cargo to its port of origin, with all costs borne by the shipper.

The Department of Transportation, in coordination with the Department of Foreign Affairs, the Bureau of Customs, and Maritime Industry Authority, shall take control of the seized vessel, hire the services of competent and properly certified officers and crew, and return the seized vessel to the port of origin of the contraband waste cargo.

Sec. 4. *Environmental Protection Desk at All Ports of Entry.* – To enable the proper front line enforcement of this Act, the Department of Environment and Natural Resources, Department of Finance and the Department of Transportation shall jointly establish an Environmental Protection Desk at every port of entry in the country to be manned twenty four (24) hours a day, seven (7) days a week by competent and adequately trained personnel.

Sec. 5. *Penalties.* – The relevant penal provisions of environmental and customs law. Including but not limited to the following laws shall apply as penalties to violations of this Act:

- a) Ecological Solid Waste Management Act of 2000 (Republic Act No. 9003);
- b) Philippine Clean Air Act of 1999 (Republic Act No. 8749);
- c) Philippine Clean Water Act of 2004 (Republic Act No. 9275);
- d) Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (Republic Act No. 6969); and
- e) Customs Modernization and Tariff Act (Republic Act No. 10863). Transport vessels which refuse to comply with the lawful orders of port authorities to immediately depart and not to offload the imported contraband waste cargo shall be seized and all its officers, crew, contraband shipment consignee shall be immediately arrested for violation of this Act and of customs and environment protection laws.

The shipper of the imported contraband waste cargo shall be immediately and permanently banned from shipping or causing the transport of any cargo to the Philippines.

The Implementing Rules and Regulations of this Act shall include other penalties and fines as may be deemed necessary.

Sec. 6. *Implementing Rules and Regulations.* – The Departments of Transportation, Environment and Natural Resources, Finance, Justice, and Foreign Affairs shall jointly craft, adopt, and execute the Implementing Rules and Regulations of this Act within sixty (60) days from its enactment into law.

Sec. 7. *Appropriations.* – The annual budget necessary to implement this Act shall be included in the regular annual general appropriations.

Sec. 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision or part not otherwise affected shall remain valid and subsisting.

Sec. 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

Sec. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,