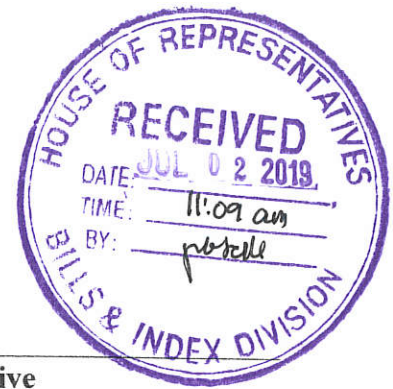


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 928



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Chemical weapons are lethal misapplications of scientific endeavour and scarce resources, and the use thereof constitutes a crime against humanity. In the past, these instruments of nations' arsenals have produced devastating and indiscriminate casualties among warring states. In the modern society, their use, especially by non-state actors such as terrorists, is of deepening concern among political leaders. This time, terrorists, not rogue nations, pose as a greater chemical weapon threat. The accessibility, proven attack method, and the added value of the psychological impact of chemical weapons on societies and governments make their use desirable in the eyes of terrorists. This is true among extremists motivated by ideology and groups who simply intend to sow fear for the purpose of causing significant social and economic disruption.

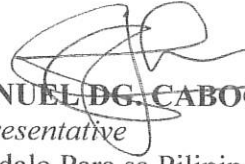
Hence, the adoption of a Chemical Weapons Convention to provide the legal framework for defending society against chemical terrorism, for maintaining the peaceful and meaningful utilization of chemistry, and for creating a treaty regime ensuring that governments from different states fulfil the national obligation of implementing chemical disarmament and non-proliferation.

After 12 years of negotiations, the Chemical Weapons Convention was adopted by the Conference on Disarmament in Geneva on 3 September 1992, opened for signature in Paris on 13 January 1993, and entered into force on 29 April 1997 to outlaw the production, stockpiling, and use of chemical weapons. The Convention is the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control. The Convention establishes an international norm against the development of chemical weapons for all time, and provides the legal and political basis for firm action against those who violate its rules.

This measure is being put forward with the end in view of providing the Philippine Government with an enabling legislative framework required to fulfil its obligations under the Convention where the country is a signatory. The country signed the Convention on 13 January 1993, ratified the same on 21 February 1995 with the Philippine Senate thereafter adopting a resolution to signify its concurrence on 19 August 1996. Under this measure, a Philippine National Authority for the Chemical Weapons Convention is established to serve

as the national coordinating body for effective liaison with the Organization for the Prohibition of Chemical Weapons (OPCW) and other State Parties to the Convention, and shall be the lead agency in the implementation of the provisions of the Convention.

In view of the foregoing, immediate enactment of this measure is earnestly sought.



MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. **928**

Introduced by MAGDALO Party-List Representative
HON. MANUEL DG. CABOCHAN III

AN ACT
PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, USE OF
CHEMICAL WEAPONS AND PROVIDING FOR THEIR DESTRUCTION AND
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Chemical Weapons
Prohibition Act*”.

SEC. 2. *Declaration of Principles.* – The State, consistent with national interest,
adopts and pursues a policy of freedom from chemical weapons in its territory, of protection
of all human beings and the global environment from the effects of chemical weapons, and
hereby conforms with its obligations under the Convention on the Prohibition of the
Development, Production, Stockpiling and Use of Chemical Weapons and on their
destruction, otherwise known as the Chemical Weapons Convention (hereinafter referred to
as Convention), to which the Philippines is a State Party.

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

7
8 **SEC. 3. *Definition of Terms.*** – For the purpose of this Act, the following terms are
9 hereby defined.

10 a) *Chemical Weapon* means the following, together or separately:

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

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

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

20
21 b) *Discrete Organic Chemicals* means any chemical belonging to the class of chemical
22 compounds consisting of all compounds of carbon except for its oxides, sulphides and
23 metal carbonates.

1 c) *Key component of Binary or Multi-component Chemical Systems* means the precursor
2 which plays the most important role in determining the toxic properties of the final
3 product and reacts rapidly with other chemicals in the binary or multi-component
4 system.

5
6 d) *Facility* means any industrial site of any production unit or
7 process unit ("unit") which is the combination of items
8 of equipment, including vessels and vessel set up,
9 necessary for the production, processing or consumption
10 of a chemical.

11
12 e) *OPCW* refers to Organization for the Prohibition of Chemical Weapons.

13
14 f) *Person* means, except as otherwise provided, any individual, corporation, partnership,
15 firm, association, trust, estate, public or private institution, or any political entity, any
16 foreign government or nation or any agency, instrumentality or political subdivision
17 of any such government or nation, or other entity located in the Philippines.

18
19 g) *Precursors* mean any chemical reactant which takes part at any stage in the
20 production by whatever method of a toxic chemical. These include any key
21 component of a binary or multi-component chemical system. Precursors which have
22 been identified for the application of verification measures by the OPCW are listed in
23 the Schedules contained in the Annex on Chemicals to the Convention.

24
25 h) *Purposes not prohibited* means:

- 1 (i) Industrial, agricultural, research, medical, pharmaceutical, or other peaceful
2 purposes;
- 3 (ii) Protective purposes, namely those purposes directly related to protection
4 against toxic chemicals and to protection against chemical weapons;
- 5 (iii) Military purposes not connected with the use of chemical weapons and not
6 dependent on the use of the toxic properties of chemicals as a method of
7 warfare;
- 8 (iv) The use of non-lethal weapons, other than those prohibited under this Act and
9 the Convention, for the maintenance of public security and order:
- 10 (a) By the law enforcement authorities;
- 11 (b) By the Armed Forces of the Philippines when taking measures to
12 suppress insurgency and other serious threats to national security, and
13 where the use thereof is most appropriate than the use of deadly force;
14 and
- 15 (c) By the Armed Forces of the Philippines within the framework of a
16 system of mutual collective security, and training for its use.

17

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

22

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

25

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

6
7 Toxic chemicals which have been identified for the application of verification
8 measures by the OPCW are listed in Schedules contained in the Annex on Chemicals
9 to the Convention. Unless the contrary intention appears, an expression or term that is
10 used both in this Act and in the Convention but is not defined in this Chapter shall
11 have, in this Act, the same meaning provided in the Convention.

12
13 l) *Verification Annex* means the Annex on Implementation and Verification to the
14 Convention.

15
16 **SEC. 4. *Establishment of a Philippine National Authority for the Chemical***
17 ***Weapons Convention.*** – A Philippine National Authority for the Chemical Weapons
18 Convention hereinafter referred to, for brevity, as the “PNA-CWC”, is hereby created. The
19 members of the PNA-CWC are: (1) the Executive Secretary, who shall be its Chairperson; (2)
20 the Secretary of National Defense, who shall be its Vice Chairperson; and (3) the Secretary of
21 Foreign Affairs; (4) the Secretary of Justice; (5) the Secretary of the Interior and Local
22 Government; (6) the Secretary of Finance; (7) the National Security Advisor; (8) the
23 Secretary of Health; (9) the Secretary of Environment and Natural Resources; (10) the
24 Secretary of Agriculture; (11) the Secretary of Transportation and Communications; (12) the

1 Secretary of Trade and Industry; and (13) the Secretary of Energy, as its other members. The
2 PNA-CWC shall determine its organizational structure accordingly.

3 The National Bureau of Investigation, the Office of Civil Defense, the Intelligence
4 Service of the Armed Forces of the Philippines, the Philippine Center on Transnational
5 Crime, Philippine Drug Enforcement Agency, the Dangerous Drugs Board, the Food and
6 Drug Administration, the Philippine National Police intelligence and investigative elements
7 and heads of agencies considered necessary or advisable by the PNA-CWC shall serve as
8 support agencies. The PNA-CWC shall determine its organizational structure accordingly.

9

10 A Secretary or Head of Agency who is a member of the PNA-
11 CWC may designate an alternate member coming from his office
12 or agency to attend meetings of the PNA-CWC if and when, for
13 any reason, he is unable to attend said meetings.

14

15 The PNA-CWC shall have the following duties and functions:

- 16 a) Liaise with the OPCW and other State Parties on matters relating to the
17 Convention;
- 18 b) Prepare and submit annual declarations to the OPCW on scheduled chemicals and
19 facilities and impose regulatory and monitoring fees for scheduled chemicals;
- 20 c) Develop rules and regulations and formulate policies concerning the production,
21 processing, consumption, importation, exportation use and proper disposition of
22 scheduled chemicals and facilities, and other chemical production facilities;
- 23 d) Designate and specify the required training and the functions of national
24 inspectors, who shall report to the PNA-CWC;

- 1 e) Conduct and facilitate national inspections, as well as international inspections by
2 the OPCW inspectors, of sites involving scheduled chemicals or other chemical
3 production facilities;
- 4 f) Cause or direct the investigation and prosecution of violators of laws concerning
5 chemical weapons, or the handling of toxic chemicals in violation of this Act; and
- 6 g) Perform such other functions to effectively implement the provisions of the
7 Convention.
- 8

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

13

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

19

20 CHAPTER II

21 PROHIBITIONS

22 SEC. 5. *Prohibitions.*

23 The following acts are prohibited under this Act:

- 24 a) Develop, produce, acquire, stockpile, use, transport or retain any chemical
25 weapon;

- 1 b) Assist and encourage or induce in any way, a person, to engage in activities
2 prohibited under the Convention;
- 3 c) Engage in military preparations to use a chemical weapon;
- 4 d) Transfer, directly or indirectly, a chemical weapon to any other natural and/or
5 juridical person;
- 6 e) Use a riot control agent as a method of warfare;
- 7 f) Produce, acquire, retain, or use Schedule 1 chemicals in a state not party to the
8 convention;
- 9 g) Retransfer to a third State, the Schedule 1 chemicals transferred to the Philippines;
- 10 h) Transfer Schedule 1 chemicals to another state party without notifying the PNA-
11 CWC at least sixty (60) days before the transfer, except for the transfer of
12 saxitoxin, which notification shall be allowed not less than twenty four (24) hours
13 before the time of transfer, if the transfer is for medical/diagnostic purposes and
14 the quantity is five milligrams (5 mg) or less (par 5, Part IV Schedule 1 Regime);
- 15 i) Transfer to or receive from a state not party to the Convention Schedule 2
16 chemicals or products containing such chemicals. This prohibition shall not apply
17 to those products containing Schedule 2 chemicals in which:
- 18 (i) The product contains one percent or less of a Schedule 2A or 2A*
19 chemical;
- 20 (ii) The product contains 10 percent or less of a Schedule 2B chemical; or
- 21 (iii) The product is identified as a consumer good packaged for retail sale
22 for personal use or packaged for individual use.
- 23 j) Transfer to a state not party to the Convention Schedule 3 chemicals without
24 receiving, prior to the transfer an end-user certificate from the competent
25 government, authority of such State pursuant to paragraph 26 of Part VIII of the

1 Verification Annex to the Convention. This shall not apply to those products
2 containing Schedule 3 chemicals in which:

- 3 i) The product contains 30 percent or less of a Schedule 3 chemical; or
- 4 ii) The product is identified as a consumer good packaged for retail sale
5 for personal use, or packaged for individual use.

6
7 Nothing in this Act shall be construed to prohibit the Armed Forces of the Philippines
8 from using non-lethal and lethal weapons other than those prohibited in this Act, in the
9 conduct of combat operations for the suspension of insurgency and other serious threats to
10 national security where the use of such non-lethal and lethal weapons is deemed most
11 appropriate than use of deadly force.

12
13 **SEC. 6. *Penalties.*** – (a) Any person who commits any of the prohibited acts under
14 Section 5 shall suffer the penalty of imprisonment for a period between twelve (12) years and
15 one day to life imprisonment, and a fine of Two million pesos (P2,000,000.00) to Five
16 million pesos (P5,000,000.00).

17 (b) Any person who produces, acquires, retains, transfers or uses Schedule 1
18 chemicals without registration shall suffer the penalty of imprisonment of six (6) years and
19 one day to twelve (12) years and/or a fine of One million pesos (P1,000,000.00) to Two
20 million pesos (P2,000,000.00).

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

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

7 (e) Any person who imports or exports Schedule 2 chemicals or Schedule 3
8 chemicals, without registration with the PNA-CWC or the agency/ies to which the PNA-
9 CWC has delegate the function, shall suffer the penalty of imprisonment of four (4) years and
10 one day to six (6) years and/or a fine of Five hundred thousand pesos (P500,000.00) to One
11 million pesos (P1,000,000.00).

12 (f) Notwithstanding subsections (1) and (2) of Section 11, any person who obstructs,
13 hinders, resists, or deceives any national inspector or international inspector who is exercising
14 any function contemplated, or any power provided for, in the regulations issued further to
15 Section 11, in the Convention or any applicable facility agreement, shall be punished by
16 imprisonment for a period of four (4) years and one day to six (6) years, and/or a fine of Five
17 hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00). In addition, the
18 facility in question shall be subject to closure.

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

22 (h) Any person who as the case may be, produces, processes or consumes Schedule 2
23 or 3 chemicals or unscheduled discrete organic chemicals for a purpose other than purposes
24 not prohibited under the Chemical Weapons Convention, or contravenes paragraphs (2) or (3)

1 shall suffer the penalty of imprisonment of not less than two (2) years to twenty (20) years
2 and/or a fine of Fifty thousand pesos (P50,000.00) to Five million pesos (P5,000,000.00).

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

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

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

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

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

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

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

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

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

8
9 **SEC. 7. *Forfeiture and Destruction.*** – If any chemical weapon is found anywhere on
10 the territory or in any other place under the jurisdiction of the Philippines, the warehouse or
11 the place where the chemical weapons is being stored, the chemical weapons, as well as the
12 fruits and proceeds and such other instrument related thereto shall be forfeited in favor of the
13 national government through the PNA-CWC and shall be destroyed or disposed in
14 accordance with existing environmental regulations or related applicable laws.

15
16 **SEC. 8. *Application.*** – The provisions of this Act shall apply to all persons within or
17 outside of the Philippines and persons on board vessels and aircraft registered in, belonging
18 to, or in possession of the Philippines, if any of the prohibited act is committed –

- 19 a) By or against a Philippine citizen;
- 20 b) Against any property owned, leased, or used by the Philippines or by any of its
21 departments, agencies, or instrumentalities;
- 22 c) By a partnership, corporation, association or any juridical person, which is owned
23 and/or controlled by one or more Philippine citizen.

24 **CHAPTER III**
25 **REGISTRATION**

1 **SEC. 9. Registration.** – Any person who will engage in any of the acts referred to in
2 paragraph (a) to (c) of this Section are required to register with the PNA-CWC in the manner
3 or form as the PNA-CWC may prescribe.

4 The PNA-CWC is empowered to issue regulations to prescribe, among others, the
5 manner of applying for registration, the requirements for registration, and the schedule for
6 registration. For registration purposes, a record of the specific chemicals under schedules 1, 2
7 and 3 of this Act, and other chemicals that are regulated under the Convention, which the
8 registrant shall use, shall be required.

9
10 (a) *Schedule 1.* – Subject to the provisions of this Chapter, no person shall produce,
11 acquire, retain, transfer or use toxic chemicals listed under Schedule 1 unless—

12 (1) such production, acquisition, retention, transfer or use is for research,
13 medical, pharmaceutical or protective purposes;

14 (2) the types and quantities of the toxic chemicals are strictly limited to those
15 which can be justified for such purposes;

16 (3) the aggregate amount of such chemicals at any given time for such
17 purposes is equal to or less than ten kilograms for each facility in a calendar
18 year; and

19 (4) such production, acquisition, retention, transfer or use is authorized by the
20 PNA-CWC.

21
22 (b) *Schedule 2 and 3 chemicals and unscheduled discrete organic chemicals.* –

23 (1) Unless registered with the PNA-CWC or the agency/ies to which the PNA-
24 CWC has delegated the function, no person shall:

- i. produce, process or consume more than 1 kilogram of a Schedule 2, part A* chemical per year for a purpose not prohibited under the Chemical Weapons Convention; or
- ii. produce, process or consume more than 100 kilograms of any other Schedule 2, part A chemical per year for a purpose not prohibited under the Chemical Weapons Convention; or
- iii. subject to paragraph (2)(c), produce, process or consume more than 1 tonne of a Schedule 2, part B chemical per year for purposes not prohibited under the Chemical Weapons Convention; or
- iv. subject to subparagraph (2)(c), produce more than 30 tonnes of a Schedule 3 chemical per year for purposes not prohibited under the Chemical Weapons Convention; or
- v. subject to subparagraph (2)(c), produce by synthesis more than 200 tonnes of unscheduled discrete organic chemicals or more than 30 tonnes of an unscheduled discrete organic chemical containing the elements phosphorous, sulphur or fluorine;

(2) Registration with the PNA-CWC or the agency/ies to which the PNA-CWC has delegated the function, is required for any person that produced, processed, or consumed a Schedule 2 chemical for purposes not prohibited under the Chemical Weapons Convention during any of the three calendar years previous to the current year, above the following thresholds per year-

- (i) 1 kilogram of a Schedule 2, part A* chemical
- (ii) 100 kilograms of any other Schedule 2, part A chemical
- (iii) 1 tonne of a Schedule 2, part B chemical.

1 (3) Registration is not required for, as the case maybe, the production,
2 processing, or consumption of mixtures of chemicals containing 30 percent or
3 less a Schedule 2, part B chemical or a Schedule 3 chemical.

4 (c) *Imports and exports of Schedule 2 and 3 chemicals.* – No person shall import or
5 export Schedule 2 chemicals or Schedule 3 chemicals except upon registration with the PNA-
6 CWC or by the agency/ies to which the PNA-CWC has delegated such function pursuant to
7 the last paragraph of this Section.

8
9 (d) Activities for purposes not prohibited under the
10 Convention. – Any person may, subject to the provisions of
11 this Act, develop, produce, acquire, retain, transfer, possess
12 or use toxic chemicals as listed in Schedules 1, 2 and 3 for
13 purposes not prohibited under the Convention.

14
15 The PNA-CWC may, in its sound discretion, delegate its power to require registration
16 under this Section to relevant and competent national government agencies.

17
18 **SEC. 10. *Declarations.*** –

19 (1) *Purpose of this section.* –

20 (a) The purpose of this section of this Act is to ensure that:

21 (i) Toxic chemicals and their precursors are only developed, produced,
22 otherwise acquired, retained, transferred, or used for purposes not
23 prohibited under the Convention, and

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

4 (iii) The Philippines is otherwise able to fulfil its obligation under the
5 Convention.

6 (b) Any power under this section of this Act may be exercised only for the purpose
7 specified in subparagraph (1) (a).

8 (2) *Supply of Information.* –

9 (a) Any person who, as the case may be, developed, produced, or otherwise acquired,
10 processed, consumed, retained, transferred or used toxic chemicals, or their
11 precursors, to which any provision in Parts VI through IX of the Verification
12 Annex of the Convention applies, or who intends to carry out such activities,
13 must-

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

19 (ii) Keep records in relation to the chemicals and facility or plant site, and
20 the purpose to which the chemicals are put; and

21 (iii) Prepare, from these records, annual reports relating to the chemicals
22 and the facility or plant site in a form approved by the PNA-CWC and
23 issued under the regulations issued further this Act; and

24 (iv) Send annual reports to the PNA-CWC at intervals specified in the
25 regulations issued further to this Act.

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

5
6 **SEC. 11. *Verification and Inspection.* –**

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

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

14 **SEC. 12. *Protection of Confidential Information.* –** Any confidential information
15 that is given or obtained pursuant to this Act shall be disclosed only for the purpose of
16 complying with obligations under the Convention, the enforcement of this Act, or dealing
17 with an emergency involving public safety.
18

19 **SEC. 13. *Additional Penalties Under Chapter III.* –** In case the prohibited act is
20 committed by a partnership, corporation, association, or any juridical person, the partner,
21 president, director, or manager who consents to or knowingly tolerates such violation shall be
22 held criminally liable. In case the prohibited act is committed by an alien, the person shall be
23 deported immediately after service of sentence. In case the prohibited act is committed by a
24 government official or employee, the accessory penalty of perpetual absolute disqualification
25 to hold public office shall be imposed.

1 CHAPTER V

2 MISCELLANEOUS PROVISIONS

3 SEC. 14. *Legal Cooperation and Assistance.* –

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

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

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

14 (b) Persons taking part in the production, delivery, or brokerage of the scheduled
15 chemicals, precursors, technologies in subparagraph (a).

16 (3) If a State has entered into the appropriate reciprocity agreement with the Philippines,
17 the PNA-CWC may provide, on their own initiative or on request, the data or
18 information described in paragraph (2) to that State so long as the other competent
19 State authority provides assurances that such data or information shall:

20 (a) Only be utilized for purposes consistent with this Act; and

21 (b) Only be used in criminal proceedings on the condition that they are obtained
22 in accordance with those provisions governing international juridical
23 cooperation.

1 (4) The PNA-CWC may provide data or information described in paragraph (2) to
2 international organizations or entities if the conditions set forth in paragraph (3) are
3 fulfilled, in which case the requirement for reciprocity agreement is waived.
4

5 **SEC. 15. *Supplemental Application of the Revised Penal Code and Other Laws.*** –

6 The provisions of the Revised Penal Code, Human Security Act, and other laws shall have
7 supplemental application to the provisions of this Act.

8 **SEC. 16. *Jurisdiction.*** – Any of the Regional Trial Courts where any of the elements
9 of the offense has been committed have jurisdiction over all cases of violations of this Act
10 and application for ancillary writs and processes of search warrant, seizure and forfeiture:
11 *Provided,* That the first court that acquires jurisdiction shall exercise the same to the
12 exclusion of all other courts unless the Supreme Court authorizes the transfer of venue to
13 prevent injustice.
14

15 **SEC. 17. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
16 establishment of the PNA-CWC as provided in Section 4 herein, the PNA-CWC, in close
17 coordination with the chemical industry, the Department of Science and Technology (DOST),
18 Department of Environment and Natural Resources (DENR), Philippine National Police
19 (PNP), Philippine drug Enforcement Agency (PDEA), Food and Drug Administration-
20 Department of Health (FDA-DOH), and the Fertilizer and Pesticides Authority (FPA) shall
21 issue the specific rules and regulations as may be necessary to ensure the efficient and
22 effective implementation of the provisions of this Act.
23

24 **SEC. 18. *Transitory Clause.*** – All powers, functions and all pending work contracts
25 and/or obligations relating to the CWC of the Anti-Terrorism Council (ATC), acting as the

1 interim PNA-CWC pursuant to Executive Order No. 39, Series of 2011, shall be assumed and
2 turned over to the PNA-CWC upon establishment thereof, as provided in Section 4 hereof.
3

4 **SEC. 19. Appropriations.** – Such amount necessary for the implementation of the
5 provisions of this Act shall be included in the annual General Appropriations Act.
6

7 **SEC. 20. Separability Clause.** – If any provision or portion of this Act or the
8 application thereof to any person or circumstance is declared to be unconstitutional or invalid,
9 the other provisions or portions of this Act, and the application of such provision or portion,
10 to other persons or circumstances, shall not be affected thereby.
11

12 **SEC. 21. Repealing Clause.** – All laws, decrees, executive orders, rules or regulations
13 or parts thereof, inconsistent with the provisions of this Act, are hereby repealed, amended or
14 modified accordingly.
15

16 **SEC. 22. Effectivity.** – This Act shall take effect fifteen (15) days after its publication
17 in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

ANNEX 1

Schedules of Chemicals and Guidelines for the Schedules of Chemicals under the Chemical Weapons Convention¹

Schedule 1

A. Toxic chemicals

		(CAS Registry number)
(1)	O-Alkyl ($\leq$ C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates	
e.g. Sarin:	O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman:	O-Pinacolylmethylphosphonofluoridate	(96-64-0)
(2)	O-Alkyl ($\leq$ C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g. Tabun:	O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)
(3)	O-Alkyl (H or $\leq$ C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts	
e.g. VX:	O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
(4)	Sulfur mustards:	
	2-Chloroethylchloromethylsulfide	(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
	Bis(2-chloroethylthio)methane	(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
	Bis(2-chloroethylthiomethyl)ether	(63918-90-1)
	O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)
(5)	Lewisites:	

¹ Info retrieved from <http://www.opcw.org/chemical-weapons-convention/annex-on-chemicals/b-schedules-of-chemicals/schedule-1/>.

		(CAS Registry number)
	Lewisite 1: 2-Chlorovinylchloroarsine	(541-25-3)
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)
(6)	Nitrogen mustards:	
	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)
(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)

B. Precursors

		(CAS Registry number)
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides	
e.g. DF:	Methylphosphonyldifluoride	(676-99-3)
(10)	O-Alkyl (H or ≤C10, incl. cycloalkyl) O-2-dalkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts	
e.g. QL:	O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolylmethylphosphonochloridate	(7040-57-5)

Schedule 2

A. Toxic chemicals

		(CAS Registry number)
(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate	(78-53-5)
	and corresponding alkylated or protonated salts	
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)

B. Precursors

		(CAS Registry number)
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,	
e.g	Methylphosphonyl dichloride	(676-97-1)
	Dimethyl methylphosphonate	(756-79-6)
Exemption: Fonofos:	O-Ethyl S-phenyl ethylphosphonothiolothionate	(944-22-9)
(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidicdihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts	
Exemptions:	N,N-Dimethylaminoethanol	(108-01-0)
	and corresponding protonated salts	
	N,N-Diethylaminoethanol	(100-37-8)
	and corresponding protonated salts	
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

Schedule 3

A. Toxic chemicals

		(CAS Registry number)
(1)	Phosgene: Carbonyl dichloride	(75-44-5)
(2)	Cyanogen chloride	(506-77-4)
(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)

B. Precursors

		(CAS Registry number)
(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	(10026-13-8)
(8)	Trimethylphosphite	(121-45-9)
(9)	Triethylphosphite	(122-52-1)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulfurmonochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyldiethanolamine	(139-87-7)
(16)	Methyldiethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

(a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

(b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

(i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

(ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

(iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

(c) It has little or no use for purposes not prohibited under this Convention.

Guidelines for Schedule 2

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

(a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;

(b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;

(c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;

(d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Guidelines for Schedule 3

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

(a) It has been produced, stockpiled or used as a chemical weapon;

(b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;

(c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;

(d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.