



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

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 1427



Introduced By Representative Jorge Antonio P. Bustos

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 treatises, 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 ANTONIO P. BUSTOS



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1 **AN ACT**
2 **PROHIBITING THE DEVELOPMENT OF, PRODUCTION, STOCKPILING,**
3 **USE OF CHEMICAL WEAPONS AND PROVIDING FOR THEIR**
4 **DESTRUCTION AND PROVIDING PENALTIES THEREFOR AND FOR**
5 **OTHER PURPOSES**

6
7 *Be it enacted in the Senate and House of Representatives of the Philippines in*
8 *Congress assembled:*
9

10 **CHAPTER I**
11 **GENERAL PROVISIONS**

12
13 **SECTION 1. Short Title.** — This Act shall be known as the “Chemical Weapons
14 **Act of 2020”.**

15
16 **SECTION 2. Declaration of Principles.** — The State, consistent with national
17 interest, adopts and pursues a policy of freedom from chemical weapons in its
18 territory, of protection of all human beings and the global environment from the
19 effects of chemical weapons, and hereby conforms with its obligations under the
20 Convention on the Prohibition of the Development, Production, Stockpiling and
21 Use of Chemical Weapons and on their destruction, otherwise known as the

1 Chemical Weapons Convention (hereinafter referred to as Convention), to
2 which the Philippines is a State Party.

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

10
11 SECTION 3. Definition of Terms. — For the purpose of this Act, the following
12 terms are hereby defined.

13
14 a) Chemical Weapon means the following, together or separately:

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

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

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

1 b) Discrete Organic Chemicals means any chemical belonging to the class of
2 chemical compounds consisting of all compounds of carbon except for its
3 oxides, sulphides and metal carbonates.

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

9
10 d) Facility means any industrial site of any production unit or process unit (“unit”)
11 which is the combination of items of equipment, including vessels and vessel
12 set up, necessary for the production, processing or consumption of a chemical.

13
14 (i) "Production" of a chemical is defined as its formation through chemical
15 reaction. For scheduled chemicals “production” should be understood to
16 include the production of a scheduled chemical (i.e. a Schedule 1,
17 Schedule 2 or Schedule 3 chemical) by a biochemical or biologically
18 mediated reaction.

19
20 (ii) "Processing" of a chemical is defined as a physical process, such as
21 formulation, extraction and purification, in which a chemical is not
22 converted into another chemical.

23
24 (iii) "Consumption" of a chemical is defined as its conversion into
25 another chemical via a chemical reaction.

26
27 e) OPCW refers to Organization for the Prohibition of Chemical Weapons.

1
2 f) Person means, except as otherwise provided, any individual, corporation,
3 partnership, firm, association, trust, estate, public or private institution, or any
4 political entity, any foreign government or nation or any agency, instrumentality
5 or political subdivision of any such government or nation, or other entity located
6 in the Philippines.

7
8 g) Precursors mean any chemical reactant which takes part at any stage in the
9 production by whatever method of a toxic chemical. These include any key
10 component of a binary or multi-component chemical system. Precursors which
11 have been identified for the application of verification measures by the OPCW
12 are listed in the Schedules contained in the Annex on Chemicals to the
13 Convention.

14
15 h) Purposes not prohibited means:

16
17 (i) Industrial, agricultural, research, medical, pharmaceutical, or other
18 peaceful purposes;

19
20 (ii) Protective purposes, namely those purposes directly related to
21 protection against toxic chemicals and to protection against chemical
22 weapons;

23
24 (iii) Military purposes not connected with the use of chemical
25 weapons and not dependent on the use of the toxic properties of chemicals
26 as a method of warfare;

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

5 (a) By the law enforcement authorities;
6

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

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

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

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

24 k) Toxic chemical means any chemical which through its chemical action on life
25 processes can cause death, temporary incapacitation or permanent harm to
26 humans or animals.
27

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

4
5 Toxic chemicals which have been identified for the application of verification
6 measures by the OPCW are listed in Schedules contained in the Annex on Chemicals
7 to the Convention. Unless the contrary intention appears, an expression or term that is
8 used both in this Act and in the Convention but is not defined in this Chapter shall
9 have, in this Act, the same meaning provided in the Convention.

10
11 l) Verification Annex means the Annex on Implementation and Verification to the
12 Convention.

13
14 SECTION 4. National Authority – The Anti-Terrorism Council (ATC) is hereby
15 designated as the Philippine National Authority on Chemical Weapons
16 Convention, hereinafter referred to as PNA-CWC, to be headed by the Executive
17 Secretary as Chairperson of the ATC.

18
19 The Anti-Terrorism Council – Program Management Center (ATC-PMC) shall
20 act as the Secretariat and Implementing Arm of the PNA-CWC.

21
22 SECTION 5. The PNA-CWC shall have the following duties and functions:

23
24 a) Liaise with the OPCW and other State Parties on matters relating to the
25 Convention;

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

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

6
7 The PNA-CWC shall also have the power to periodically update the scheduled
8 chemicals listed in Schedule 1, Schedule 2 and Schedule 3 of the Annex on Chemicals
9 to the CWC upon the request or advise of the OPCW, such updates shall be in the form
10 of formal resolutions of the PNA-CWC to be published in the Official Gazette or two
11 (2) newspaper of general circulation in the country before taking effect.

12 13 CHAPTER II 14 PROHIBITIONS

15 16 SECTION 6. Prohibitions.

17 The following acts are prohibited under this Act:

18
19 (a) Develop, produce, acquire, stockpile, use, or retain any chemical
20 weapons;

21
22 (b) Assist and encourage or induce in any way, a person, to engage in
23 activities prohibited under the Convention;

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

25
26 (d) Use a riot control agent as a method of warfare;

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

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

11 CHAPTER III

12 PENALTIES

13

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

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

24 (c) Any person who produces, acquires, retains, or uses Schedule I chemicals for
25 purposes other than for research, medical, pharmaceutical or protective purposes, or
26 contravenes paragraph (1), shall suffer the penalty of imprisonment for a period of not

1 less than six (6) years and one day to twelve (12) years and/or a fine of One million
2 pesos (P1,000,000.00) to Two million pesos (P2,000,000.00).

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

10
11 (e) Any person who imports or exports Schedule 2 chemicals or Schedule 3
12 chemicals, without registration with the Strategic Trade Management Office shall be
13 dealt with in accordance with R.A. 10697 otherwise known as the “Strategic Trade
14 Management Act of 2015”

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

24
25 (g) Any person who violates Section 12 shall suffer the penalty of imprisonment
26 for four (4) years and one day to six (6) years, and/or a fine of Five hundred thousand
27 pesos (P500,000.00) to One million pesos (P1,000,000.00).

1
2 (h) Any person who as the case may be, produces, processes or consumes
3 Schedule 2 or 3 chemicals or unscheduled discrete organic chemicals for a purpose
4 other than purposes not prohibited under the Chemical Weapons Convention, or
5 contravenes paragraphs (2) or (3) shall suffer the penalty of imprisonment of not less
6 than two (2) years to twenty (20) years and/or a fine of Fifty thousand pesos
7 (P50,000.00) to Five million pesos (P5,000,000.00).

8
9 (i) Any person who refuses or fails to notify the PNA-CWC pursuant to the
10 provisions of Section 10 shall suffer the penalty of imprisonment of one (1) year and
11 one day to two (2) years and/or a fine of Five hundred thousand pesos (P500,000.00)

12
13 (j) Any person who fails to give the required additional information or keep
14 records pursuant to Section 10 shall suffer the penalty of imprisonment of six (6)
15 months and one day to one (1) year and/or a fine of One hundred thousand pesos
16 (P100,000.00).

17
18 (k) Any person who, in any document prepared pursuant to Section 10 of this
19 Act, makes a statement or omits any matter knowing that the statement or omission
20 makes the document false and misleading in a material particular shall, after hearing
21 and due proceedings, suffer the penalty of six (6) months and one day to one (1) year
22 and/or a fine of One hundred thousand pesos (P100,000.00).

23
24 In case any of the violation of this Act is committed by a partnership,
25 corporation, association, or any other juridical entity, the partner, president, director,
26 manager, trustee, administrator, or officer who consents to, or knowingly tolerates such
27 violation shall be held criminally liable.

1
2 The registration with the SEC or DTI, as the case may be, and license to operate
3 of the partnership, corporation, association or any other juridical entity, shall be
4 cancelled and revoked permanently.
5

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

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

14 Persons who conspire to commit any of the prohibited acts under Section 6
15 hereof shall be punished by the same penalty prescribed for herein.
16

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

21 SECTION 8. Forfeiture and Destruction. — If any chemical weapon is found
22 anywhere on the territory or in any other place under the jurisdiction of the
23 Philippines, the warehouse or the place where the chemical weapons is being
24 stored, the chemical weapons, as well as the fruits and proceeds and such other
25 instrument related thereto shall be forfeited in favor of the national government
26 through the PNA-CWC and shall be destroyed or disposed in accordance with
27 existing environmental regulations or related applicable laws.

1
2 SECTION 9. Extra-Territorial Application. - The provisions of this Act shall
3 apply to all persons within or outside the Philippines and persons on board
4 vessels and aircraft registered in, belonging to, or in possession of the
5 Philippines, if any of the prohibited act is committed —

6
7 (a) By or against a Philippine citizen;

8
9 (b) Against any property owned, leased, or used by the Philippines or by any
10 of its departments, agencies, or instrumentalities;

11
12 (c) By a partnership, corporation, association or any juridical person, which
13 is owned and/or controlled by one or more Philippine citizen.

14
15 CHAPTER IV

16 DECLARATION, VERIFICATION & INSPECTION

17
18 SECTION 10. Declarations. — Information may be acquired by the PNA-CWC
19 under this Section only to ensure that:

20
21 i. Toxic chemicals and their precursors are only developed, produced,
22 otherwise acquired, retained, or used for purposes not prohibited
23 under the Convention, and

24
25 ii. The PNA-CWC has knowledge of dealing with chemicals that
26 facilitated the making of the Philippines annual declaration under
27 the Convention to the OPCW, and

1
2 iii. The Philippines is otherwise able to fulfil its obligation under the
3 Convention.
4

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

- 11 i. Notify the chemicals and, as the case may be, the facility or plant
12 site to the PNA-CWC, within such period as prescribed by the
13 PNA-CWC, by giving written notice in a form approved by the
14 PNA-CWC and issued under the regulations further to this Act,
15 containing such information as is required by the form; and
16
- 17 ii. Keep records in relation to the chemicals and facility or plant site,
18 and the purpose to which the chemicals are put; and
19
- 20 iii. Prepare, from these records, annual reports relating to the
21 chemicals and the facility or plant site in a form approved by the
22 PNA-CWC and issued under the regulations issued further this Act;
23 and
24
- 25 iv. Send annual reports to the PNA-CWC at intervals specified in the
26 regulations issued further to this Act.
27

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

4
5 SECTION 11. Verification and Inspection.

6
7 (1) The PNA-CWC shall issue regulations to facilitate compliance with the Annex
8 on Implementation and Verification to the Chemical Weapons Convention.

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

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

19
20 CHAPTER V
21 MISCELLANEOUS PROVISIONS

22
23 SECTION 13. International Cooperation and Assistance. –

24
25 (a) The PNA-CWC may collaborate with other State authorities and
26 international organizations and entities and coordinate their actions to the
27 extent required by the implementation of this Act or of the equivalent

1 statute(s), subject to other State authorities or international organizations
2 or entities being bound to official secrecy.

3
4 (b) The PNA-CWC may request other State authorities and international
5 organizations or entities, under paragraph (1) to provide relevant data or
6 information. The PNA-CWC is authorized to receive data or information
7 concerning:

8
9 (i) The nature, quantity, and utilization of scheduled chemicals
10 or their precursors and related technologies, and the places of
11 consignment and consignees for such scheduled chemicals,
12 precursors, or related technologies; or

13
14 (ii) Persons taking part in the production, delivery, or brokerage
15 of the scheduled chemicals, precursors, technologies in
16 subparagraph (a).

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

23
24 (i) Only be utilized for purposes consistent with this Act; and
25

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

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

10 CHAPTER VI 11 FINAL PROVISION 12

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

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

25 SECTION 15. Implementing Rules and Regulations. — Within six (6) months
26 from the effectivity of this Act, the PNA-CWC, in close coordination with the

1 chemical industry, and supporting agencies shall issue the rules and regulations
2 to ensure the efficient and effective implementation of the provisions of this Act.
3

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

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

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

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

22 Approved,