

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill NO. 2646



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

The State must protect and facilitate a balanced and healthful ecology for its people. It must also be responsive to environmental issues affecting them.

Considering that the Philippines acceded to the "Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter, 1972" or the 1996 London Protocol, this proposed bill seeks to articulate its commitment in this treaty at the municipal level.

The London Protocol as adopted in 1996 was built on and modernized the principles developed under the earlier treaty. It prohibits the dumping of wastes and other matter except for those on a prescribed list, which may be assessed and giving permits for dumping.

This bill was filed during the 17th and 18th Congresses but due to time constraints no further action was taken on it. This is re-filed for the consideration of the 19th Congress.

Support for the enactment of this measure is earnestly requested.


REP. LINABELLE RUTH R. VILLARICA

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HOUSE BILL NO. **2646**

Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

AN ACT
PREVENTING MARINE POLLUTION BY REGULATING THE DUMPING OF WASTES
AT SEA, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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 “Prevention of Maritime Pollution by Dumping Act”.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to promote the natural balance of the environment for the protection of human health and safety, through control, prevention, reduction, or, whenever practicable, elimination of marine pollution by regulating the dumping of wastes and other materials. Consistent with the provisions of this Act, it shall implement the Dumping Convention, including its amendments and protocols that have been ratified by the Philippines as herein defined.

Notwithstanding the provisions of this Act, precautionary principle shall be applied by the State when, *sans* conclusive evidence, there is reason to believe that the wastes and other matters dumped into the marine environment are likely to cause harm.

SEC. 3. *Definition of Terms.* – As used in this Act:

- a) *Dumping Convention* refers to the deliberate act of:
 - 1. Disposal into the sea of wastes of other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - 2. Storage of wastes or other matter in the seabed and the subsoil thereof from vessels, aircraft, platforms or other man-made structures at sea; and
 - 3. Amendment or topping at site of platforms or other man-made structures at sea, for the sole purpose of disposal.
- b) *Owner* refers to the person registered as the owner, or, in the absence of registration, who assumes the operation of waste collector or treater entity or agency, or the vessel.

SEC. 4. *Prohibition of Dumping and Incineration.* – It shall be unlawful for any person to dump or incinerate any wastes or other matter at sea. *Provided, however,* That through special permits issued by the Philippine government pursuant to Section 5 of this Act, the following materials may be exempted from the prohibition of dumping:

- a) dredged material;
- b) sewage sludge;
- c) fish waste, or industrial fish processing materials
- d) vessels and platforms or other man-made structures at sea;
- e) inert, inorganic geological material;
- f) organic material of natural origin;
- g) bulky items primarily comprising iron, steel, concrete and similarly unarmful materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping; and
- h) carbon dioxide streams from carbon dioxide capture processes for sequestration.

Provided, further, That the dumping and incineration at sea shall not apply in urgent circumstances that comply with the following requisites:

- a) it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea;
- b) it is a case of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made
- c) it appears to be the only way of averting the threat and if there is every possibility that the damage consequent upon such dumping or incineration at sea will be less than what would have otherwise occurred;
- d) it is conducted in a manner that it minimizes the likelihood of damage to human or marine life; and
- e) it is reported forthwith to the government agencies referred to under Section 5 of this Act.

SEC. 5. *Issuance of Special Permits to Dump Materials.* – The following special permits shall be issued for dumping of wastes or other matter exempted from the prohibitions:

- a) Dumping Environmental Certificate - The Environmental Management Bureau of the Department of Environment and Natural Resources (EMB-DENR) shall issue a Discharge Permit to licensed accredited waste collectors and/or treaters who intend to dump or incinerate waste materials at sea. The Discharge Permit shall contain the following information vis-a vis the date provided in the application of waste collectors and/or treaters, to wit:
 - 1. Validation that the following waste management alternatives have been exhausted and/or are deemed not feasible:
 - i. re-use;

- ii. recycling
 - iii. destruction of hazardous constituents
 - iv. treatment to reduce or remove the hazardous constituents; and
 - v. disposal on land
2. EMB-DENR's Evaluation and Confirmation of the submitted analysis and evaluation of the types and sources of materials to be dumped, pursuant to relevant national environmental laws and the Dumping Convention;
 3. Location and Availability of the Dump-site(s);
 4. Method of Dumping;
 5. Assessment of Potential Environmental Damage of Dumping;
 6. Implementation, monitoring and reporting undertakings;
 7. EMB-DENR's approval of clean-up cash bond; and
 8. Validity period of the permit.
- b) Dumping Permit. – The Department of Transportation of the Philippine Coast Guard (DOTr-PCG) shall issue a Sea Transport and Dumping Permit to waste collectors and/or treaters, which shall certify the following:
1. The Discharge Permit is complete and valid;
 2. The cargo to be transported are the same waste materials identified in the Discharge Permit;
 3. The waste materials are located properly and are safe to be transported;
 4. Details of methods, rates and processes of the actual dumping.

Provided, however, That no special permits shall be issued wherein the waste treater or collector, or the vessel engaged to transport the cargo, has a pending administrative case for violation of environmental laws or conventions. *Provided, further,* That the above agencies may hold, suspend, modify, or revoke the respective permits they issued on a reasonable and informed account that the dumping or incineration at sea will violate environmental laws, seriously pollute the marine environment, or endanger human health. *Provided, finally,* That in cases of violation of the DOTr-PCG may detain the vessel until a fine thereof is settled, faults are corrected, and the Permits are modified or revoked.

SEC. 6. *Imposition of Fines, Penalties and Liabilities.* – The owners of the vessel and collector or treater who contracted the dumping, whose vessel found to have violated this Act and its implementing rules and regulations, shall be liable to pay the following fines:

- a) For dumping of wastes and matters not exempted under Section 4 of this Act, or dumping of exempted matters without the necessary Dumping Environmental Certificate and Dumping Permit under Section 5 –
 1. Philippine Ship – not less than Two Million Pesos (Php2,000,000.00) but not more than Ten Million Pesos (Php10,000,000.00)

2. Foreign-flagged ship – not less than One Hundred Thousand US dollars (US\$100,000.00) but not more than Five Million US dollars (\$5,000,000.00) or its equivalent in Philippine pesos;
- b) For violation of the terms and conditions or information provided under the Dumping Environmental Certificate and Dumping Permit under Section 5 – not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than Ten Million Pesos (Php10,000,000.00) ;
- c) For providing for untruthful information in the application for the issuance of the Dumping Environmental Certificate and Dumping Permit under Section 5 – not less than One Hundred Thousand Pesos (Php 100,000.00) but not more than One Million Pesos (Php1,000,000.00). This fine shall also be imposed in addition to the fine exacted under paragraph (a) of this Section;
- d) For falsifying Dumping Environmental Certificate and Dumping Permit under Section 5 – not less than One Million Pesos (Php1,000,000.00) but not more than Five Million Pesos (Php5,000,000.00);
- e) For violation of Detention Order –
 1. Philippine Ship – not less than One Million Pesos (Php1,000,000.00) but not more than Five Million Pesos; and
 2. Foreign flagged ship – not less than One Hundred Thousand US dollars (\$100,000.00) but not more than Five Million US dollars (US\$5,000,000.00) or its equivalent to Philippine Pesos.

Any person directly or negligently responsible for the dumping of waste matters shall be liable for a fine of not less than Ten Thousand Pesos (Php10,000.00), but not more than Five Million Pesos (Php5,000,000.00).

All fines and penalties under Section 6 of this Act shall be imposed by the Pollution Adjudication Board (PAB) of the DENR. For this purpose, an appropriate fine rating system shall be established, taking into consideration the degree of willfulness, negligence or recalcitrance of the master, owner or operator of the waste collector, treater or vessel, their history of non-compliance and the gravity of the damage caused or potentially caused by the dumping of waste to the marine environment.

Any government official or employee charged with the responsibility of enforcing any provision of this Act, who is found guilty of gross negligence of duty, shall be dismissed from the service with prejudice to reinstatement. Neglect of duty shall be prosecuted in accordance with existing laws.

SEC. 7. Administrative Fines. – Any person who commits or omits acts in violation of rules and regulations issued pursuant to this Act, unless the violations are otherwise covered under Section 6 hereof, shall be liable to the following fines:

- (a) First violation – a fine of not less than One Thousand Pesos (Php1,000.00) but not more than One Hundred Thousand Pesos (Php100,000.00);

- (b) Second violation – a fine of not more than One Hundred Thousand Pesos (Php100,000.00) but not more than Two Hundred Thousand Pesos (Php200,000.00); and
- (c) Third violation – a fine of not more than Two Hundred Thousand Pesos (Php200,000.00) but not more than One Million Pesos (Php1,000,000.00) and suspension of the vessel safety certificate for six (6) months to one (1) year.

Necessary implementation of this Section for the summary imposition of the administrative fines, and the sanctions for failure to comply with any order, decision, rules and regulations of the implementing agencies shall be included in the joint implementing rules and regulations pursuant to Section 9 of this Act.

The fines prescribed herein and under Section 6 hereof shall be automatically increased by ten percent (10%) every three (3) years from the effectivity of this Act.

SEC. 8. *Clean-up Operations.* – In the event wastes or other matters not exempted under Section 4 of this Act are dumped, or the exempted waste materials are dumped outside of the designated site or conducted in violation of the prescribed method, the DOTr-PCG in coordination with other agencies concerned, shall undertake the clean-up and containment of the discharged substances, and the prevention or mitigation of the resulting damage to the environment, human health, tourism and fishing industries, and public and private properties. The necessary initial clean-up and containment shall be made by the owner or the collector, treater, and erring vessel.

The erring owner or the collector, treater and vessel shall be jointly and severally responsible for the reasonable expenses that the DOTr-PCG and other agencies concerned may reasonably incur for the clean-up, and whenever possible, environmental damages and/or other reasonable measures taken for environmental rehabilitation.

SEC. 9. *Joint Implementing Rules and Regulations.* – The DENR-EMB and the DOTr-PCG shall jointly promulgate implementing rules and regulations for this Act within six (6) months after the enactment of this law. The proposed implementing rules and regulations shall be subject to public consultations with concerned agencies and affected sectors.

The relevant rules and regulations issued by other government agencies and instrumentalities shall supplement the joint implementing rules and regulations: *Provided*, That the former is not an unnecessary administrative bureau for stakeholders, or duplication of, or inconsistent with the joint implementing rules and regulations.

SEC. 10. *Joint Congressional Oversight Committee (JCOC).* – The Joint Congressional Oversight Committee created under Section 33 of Republic Act No. 9275 otherwise known as as the “Philippine Clean Water Act of 2004” shall also monitor the implementation of this Act and review its implementing rules and regulations.

SEC. 11. *Separability Clause.* – In the event that any provision of this Act is declared unconstitutional the validity of the remainder shall not be affected thereby.

SEC. 12. *Repealing Clause.* – All laws, decrees, rules and regulations and executive orders contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.