

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

House Bill No. **10677**



Introduced by Representative **KHYMER ADAN T. OLASO**

Explanatory Note

The Philippine Marine Pollution Prevention Act of 2024 aims to operationalize and enforce the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), and integrate the pertinent provisions of Republic Act No. 9275, otherwise known as the Clean Water Act of 2004. This landmark legislation underscores the Philippines' commitment to safeguarding the marine environment, protecting public health, and ensuring sustainable maritime practices.

The MARPOL Convention, a key international treaty adopted by the International Maritime Organization (IMO), seeks to prevent pollution of the marine environment by ships due to operational or accidental causes. The convention, initially signed in 1973 and later amended by the Protocol of 1978, represents a comprehensive framework encompassing regulations to prevent pollution by oil, noxious liquid substances in bulk, harmful substances carried in packaged form, sewage, garbage, and air pollution from ships.

The Clean Water Act of 2004 aims to protect the country's water bodies from pollution from land-based sources (industries and commercial establishments, agriculture, and community/household activities). By integrating the provisions of RA 9275 into this Act, we ensure a holistic approach to preventing marine pollution from both ship-based and land-based sources.

The Philippines, an archipelagic nation, boasts rich and diverse marine ecosystems that are vital for ecological balance, food security, and economic development. Implementing the provisions of MARPOL and the Clean Water Act will significantly reduce pollutants entering marine habitats, thereby preserving biodiversity and protecting the livelihoods of communities dependent on marine resources. Marine pollution poses severe risks to human health through the contamination of seafood, recreational waters, and coastal environments. By enforcing stringent pollution control measures on ships and land-based sources, this Act will help mitigate these risks, ensuring safer coastal areas and cleaner water for all Filipinos.

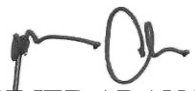
As a responsible member of the international community, the Philippines has an obligation to uphold the standards set by international conventions such as MARPOL and national laws such as the Clean Water Act. This Act reaffirms the country's commitment to international maritime laws and contributes to global efforts in combating marine pollution.

The Act provides a robust legal framework for the Maritime Industry Authority (MARINA), the Philippine Coast Guard (PCG), the Department of Environment and Natural Resources (DENR), and other relevant agencies to implement and enforce MARPOL regulations and the Clean Water Act. This inter-agency coordination is crucial for effective monitoring, compliance, and response to marine pollution incidents. The maritime industry is a cornerstone of the Philippine economy. By adopting best practices in pollution prevention and energy efficiency, the Act promotes a sustainable maritime industry that can thrive without compromising the health of marine environments. Cleaner marine environments enhance tourism, fisheries, and other marine-based industries, generating economic benefits. Moreover, compliance with international standards improves the competitiveness of Philippine-registered ships in global markets.

In addition, this Act expands its coverage to address pollution from factories, malls, restaurants, and other commercial establishments, ensuring comprehensive protection of the marine environment. By imposing stricter penalties for violations, the Act aims to deter potential polluters and reinforce the importance of environmental responsibility.

The Philippine Marine Pollution Prevention Act of 2024 is a vital legislative measure that aligns national policies with international maritime standards and integrates national regulations to ensure the protection of the Philippines' marine resources, enhances public health and safety, and fosters sustainable maritime activities. By passing this Act, the Philippines takes a significant step towards achieving environmental sustainability and fulfilling its international commitments under MARPOL 73/78 and the Clean Water Act.

The immediate approval of this bill is earnestly sought.



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**AN ACT ENABLING THE IMPLEMENTATION OF THE INTERNATIONAL
CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS
MODIFIED BY THE PROTOCOL OF 1978 (MARPOL 73/78), AND EXPANDING ITS
COVERAGE TO INCLUDE LAND-BASED SOURCES OF MARINE POLLUTION,
INTEGRATING PROVISIONS OF THE CLEAN WATER ACT (RA 9275)**

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 "Philippine Marine Pollution Prevention Act of 2024."

Section 2. **Declaration of Policy.** It is hereby declared the policy of the State to prevent and minimize pollution of the marine environment from ships and land-based sources, in conformity with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), and the Clean Water Act (RA 9275). The State recognizes the importance of adopting effective measures to protect the marine environment, human health, and sustainable maritime activities.

Section 3. **Definition of Terms.** For the purposes of this Act, the following terms shall have the corresponding meanings:

(a) *Cargo Record Book* - A record book carried on board a ship carrying noxious liquid substances in bulk, in which details of the cargo operations involving these substances are recorded, in accordance with MARPOL Annex II.

(b) *Convention* – This refers to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78).

(c) *Discharge* – Includes any release, spilling, leaking, pumping, emitting, or emptying.

(d) *Emission Control Area (ECA)* - A designated sea area in which stricter controls are established to minimize airborne emissions from ships, as specified in MARPOL Annex VI, to protect human health and the environment.

(e) *Exclusive Economic Zone (EEZ)* - The area beyond and adjacent to the territorial sea, extending up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, within which the Philippines has sovereign rights for the purpose of exploring and exploiting, conserving and managing natural resources, and jurisdiction with regard to the establishment and use of artificial islands, installations, and structures, marine scientific research, and the protection and preservation of the marine environment.

(f) *Garbage Management Plan* - A plan required to be carried on board certain ships, detailing the procedures for the collection, storage, processing, and disposal of garbage, in accordance with MARPOL Annex V.

(g) *Greenhouse Gas (GHG)* - Gases such as carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) that contribute to the greenhouse effect by absorbing infrared radiation, thereby warming the atmosphere. These gases are regulated under MARPOL Annex VI.

(h) *Harmful Substances* - Any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities, or interfere with other legitimate uses of the sea, and includes any substance subject to control by the present International Convention on the Prevention of Pollution from Ships.

(i) *International Maritime Dangerous Goods (IMDG) Code* - A comprehensive set of regulations issued by the International Maritime Organization (IMO) to ensure the safe transport of dangerous goods by sea, including packaging, labeling, and documentation requirements.

(j) *Marine Pollution* - The introduction by humans, directly or indirectly, of substances or energy into the marine environment resulting in deleterious effects such as harm to living resources and marine life, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water, and reduction of amenities.

(k) *Oil Content Monitor (OCM)* - An instrument used to measure the concentration of oil in water, typically in the discharge from an oil-water separator, to ensure compliance with MARPOL regulations.

(l) *Oil-Water Separator* - A device installed on ships to separate oil from bilge water before the water is discharged into the sea, ensuring that the discharge meets the oil content limits specified by MARPOL Annex I.

(m) *Ozone-Depleting Substances (ODS)* - Compounds that contribute to the depletion of the ozone layer, including chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform, whose deliberate emissions are prohibited under MARPOL Annex VI.

(n) *Port State Control* - The inspection of foreign ships in national ports to verify that the condition of the ship and its equipment comply with the requirements of international conventions and that the ship is manned and operated in compliance with applicable international law.

(o) *Procedures and Arrangements Manual* - A manual required on board ships carrying noxious liquid substances in bulk, outlining the procedures and arrangements for handling and managing these substances to prevent pollution, in accordance with MARPOL Annex II.

(p) *Sewage Treatment Plant* - An onboard facility designed to treat sewage to a standard that meets the discharge requirements set forth in MARPOL Annex IV.

(q) *Ship* - A vessel of any type operating in the marine environment, including hydrofoil boats, air-cushion vehicles, submersibles, floating craft, and fixed or floating platforms.

(r) *Volatile Organic Compounds (VOCs)* - Organic chemicals that have a high vapor pressure at room temperature, contributing to air pollution and smog formation, regulated under MARPOL Annex VI.

(s) *Wastewater Treatment Facility* - A facility for the treatment of wastewater from commercial establishments to meet the discharge standards specified in the Clean Water Act (RA 9275) and this Act.

Section 4. ***Scope and Application.*** This Act shall apply to all Philippine-registered ships, foreign-flagged ships operating in Philippine waters, land-based sources of marine pollution, including factories, malls, restaurants, and other commercial establishments, and any other entities whose activities may result in marine pollution.

CHAPTER I

MARPOL 73/78 IMPLEMENTATION

Section 5. ***Compliance with MARPOL Annexes.*** All ships operating in Philippine waters shall comply with the applicable provisions of the following MARPOL annexes:

(a) Annex I - Regulations for the Prevention of Pollution by Oil

- i. All ships of 400 gross tonnage and above shall be required to maintain an Oil Record Book to record all operations involving oil or oil mixtures.
- ii. All ships shall be equipped with oil-water separators and oil content monitors to ensure that any discharge into the sea complies with the limits set by MARPOL Annex I.
- iii. Discharge of oil or oily mixtures from ships within Philippine territorial waters, exclusive economic zone, and continental shelf shall be prohibited, except under the conditions specified by MARPOL Annex I.

(b) Annex II - Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

- i. Ships carrying noxious liquid substances in bulk shall be required to maintain a Cargo Record Book and have an approved Procedures and Arrangements Manual.
- ii. Discharge of noxious liquid substances or their residues into the sea shall be prohibited, except under the conditions specified by MARPOL Annex II.
- iii. The PCG shall conduct regular inspections and monitoring to ensure compliance with the requirements of MARPOL Annex II.

(c) Annex III - Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form

- i. All ships carrying harmful substances in packaged form shall comply with the regulations of MARPOL Annex III.
- ii. Proper labeling, documentation, stowage, and handling procedures shall be enforced to prevent accidental releases of harmful substances.

(d) Annex IV - Regulations for the Prevention of Pollution by Sewage from Ships

- i. Ships shall be required to have a valid International Sewage Pollution Prevention Certificate and shall comply with the discharge standards set by MARPOL Annex IV.
- ii. All ships shall be equipped with a sewage treatment plant or holding tank to manage sewage in compliance with MARPOL Annex IV.
- iii. Discharge of untreated sewage into the sea from ships within Philippine territorial waters, exclusive economic zone, and continental shelf shall be prohibited.

(e) Annex V - Regulations for the Prevention of Pollution by Garbage from Ships

- i. Ships shall be required to have a Garbage Management Plan and maintain a Garbage Record Book.
- ii. Disposal of garbage into the sea shall be regulated in accordance with MARPOL Annex V.
- iii. The disposal of plastics, synthetic ropes, fishing gear, and other persistent synthetic materials into the sea shall be strictly prohibited.

(f) Annex VI - Regulations for the Prevention of Air Pollution from Ships

- i. Ships shall comply with the emission standards for sulfur oxides (SO_x), nitrogen oxides (NO_x), and particulate matter as specified by MARPOL Annex VI.
- ii. Ships shall use low-sulfur fuel oil or equivalent methods to reduce SO_x emissions.
- iii. The discharge of ozone-depleting substances and volatile organic compounds (VOCs) from ships shall be prohibited.

Section 6. ***Port State Control.***

- (a) The Philippine Coast Guard (PCG) shall conduct Port State Control (PSC) inspections of foreign-flagged vessels calling at Philippine ports to ensure compliance with international maritime conventions, including MARPOL 73/78.
- (b) The PCG shall verify that the condition of the ship and its equipment comply with the requirements of MARPOL 73/78 and other applicable international standards, and that the ship is manned and operated in compliance with these rules.
- (c) The PCG shall have the authority to detain ships that do not meet the required standards until the deficiencies are rectified, and to impose penalties, including fines and other sanctions, for non-compliance.
- (d) The PCG shall coordinate with MARINA and other relevant agencies to implement an effective Port State Control regime, including the exchange of information and coordination of actions with other countries' maritime authorities as part of regional PSC agreements.
- (e) The PCG shall maintain records of inspections and detentions, and report these to relevant international bodies, such as the International Maritime Organization (IMO).
- (f) The PCG shall conduct training programs for inspectors to ensure they are knowledgeable about international standards and competent in conducting thorough inspections, and shall stay updated with the latest developments in international maritime regulations and best practices for Port State Control.

Section 7. ***Sovereign Rights and Exemptions.***

- (a) The Philippines, as a sovereign state, reserves the right to exercise its jurisdiction over its territorial waters, exclusive economic zone (EEZ), and continental shelf. Exemptions from the provisions of this Act may be granted by the MARINA in consultation with the DENR and the PCG, provided that such exemptions are in accordance with international law and do not compromise the marine environment.
- (b) Exemptions for Warships and Government Vessels. The present Act shall not apply to any warship, naval auxiliary, or other ship owned or operated by a State and used, for the time

being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Act.

Section 8. ***Establishment of Emission Control Areas (ECAs).*** The Department of Environment and Natural Resources (DENR), in coordination with MARINA and the PCG, shall identify and establish Emission Control Areas (ECAs) within Philippine waters where stricter controls on emissions from ships shall apply, in accordance with MARPOL Annex VI.

Section 9. ***Mandatory Certification and Inspection.*** All ships to which this Act applies shall be subject to mandatory certification and inspection to ensure compliance with MARPOL 73/78 and this Act. Ships failing to comply shall be subject to penalties and enforcement actions as provided under this Act.

Section 10. ***Operational Discharge Prohibitions and Requirements.*** The discharge of harmful substances from ships and land-based sources into the marine environment shall be prohibited, except as otherwise permitted by this Act or applicable regulations.

CHAPTER II INTEGRATION OF THE CLEAN WATER ACT

Section 11. ***Integration of RA 9275.*** The provisions of Republic Act No. 9275, otherwise known as the Clean Water Act, are hereby integrated into this Act, particularly those concerning pollution from land-based sources.

Section 12. ***Wastewater Discharge Standards.*** Factories, malls, restaurants, and other commercial establishments shall adhere to wastewater discharge standards set forth in the Clean Water Act and its implementing rules and regulations. Effluent quality monitoring shall be conducted regularly to ensure compliance.

Section 13. ***Prohibition of Harmful Discharges.*** The discharge of untreated or inadequately treated wastewater, hazardous chemicals, and other pollutants from land-based sources into the marine environment shall be strictly prohibited. All land-based sources must implement effective treatment and pollution control measures.

Section 14. ***Pollution Prevention Plans.*** All land-based sources of marine pollution shall develop and implement pollution prevention plans in accordance with guidelines set by the DENR. These plans shall include measures for waste reduction, treatment, and disposal to minimize the release of pollutants into the marine environment.

Section 15. ***Monitoring and Reporting Requirements.*** Land-based sources of marine pollution shall be required to conduct regular monitoring of their effluent discharges and report the results to the DENR. Non-compliance with discharge standards shall be subject to penalties as provided under this Act.

Section 16. ***Penalties for Non-Compliance.*** Violators of this Act, including land-based sources, shall be subject to penalties in accordance with the provisions of the Clean Water Act and this Act. Penalties may include fines, imprisonment, and suspension or revocation of permits.

CHAPTER III FINAL PROVISIONS

Section 17. ***Appropriations.*** The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the concerned agencies. Thereafter, such sums as may be necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

Section 18. ***Implementing Rules and Regulations (IRR).*** The MARINA, PCG, and DENR, in consultation with other relevant agencies, stakeholders, and experts, shall promulgate the necessary rules and regulations to implement the provisions of this Act within six (6) months from its effectivity.

Section 19. ***Separability Clause.*** If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

Section 20. ***Repealing Clause.*** All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 21. ***Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,