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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

One of the controversies surrounding the use of Genetically Modified Organisms (GMOs) is the alleged limitation of modern science to fully comprehend all the potential negative ramifications of genetic manipulation. The negative effects of genetic manipulation not only concern the issue of consumer protection but also that of economic protection to farmers. In the United States, there was a finding that policies of biotech companies such as unreasonable seed contracts, intrusion into farm operations, have infringed on basic farmer rights. Critics have also raised the issue of cross-pollination between GMOs and of conventionally-bred crop plants.

The use of GMOs may result to various injuries, including injury to the user himself, to his economic rights, and to the environment.

This bill seeks to assign liability to biotech companies for injuries arising from the release of GMOs to the commercial market and to the environment thereby securing the full protection of users, and other affected parties.


MIRIAM DEFENSOR SANTIAGO

SENATE
S.B. No. 3231

9 MAY 12 P2:23

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1 AN ACT PROVIDING PROTECTIONS FOR FARMERS THAT MAY BE HARMED
2 ECONOMICALLY BY GENETICALLY ENGINEERED SEEDS, PLANTS, OR
3 ANIMALS BY ASSIGNING LIABILITY FOR INJURY CAUSED BY
4 GENETICALLY ENGINEERED ORGANISMS, AND FOR OTHER PURPOSES

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

8 SECTION 1. *Short Title.* – This Act shall be known as the “Genetically
9 Engineered Organism Liability Act.”

10 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State
11 to protect and advance the right of the people to a balanced and healthful ecology in
12 accord with the rhythm and harmony of nature. Hence, users of GMOs and other parties
13 affected thereby must be adequately protected under the law such that biotech companies
14 responsible for the release of such GMOs to the commercial market and to the
15 environment be held liable for any injury arising from use and release of such GMO.

16 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term “biotech
17 company” means a person –

18 (1) engaged in the business of genetically engineering an organism; or

19 (2) obtaining the patent rights to such an organism for the purposes of commercial
20 exploitation of that organism

21 SECTION 4. *Liability*

22 (a) Cause of Action – A biotech company is liable to any party injured by
23 the release of a genetically engineered organism into the environment

1 if that injury results from that genetic engineering. The prevailing
2 plaintiff in an action under this subsection may recover reasonable
3 attorney's fees and other litigation expenses as a part of the costs.

4 (b) Indemnity – For the purposes of subsection (a), the term “injury”
5 includes any liability of a person who uses that organism in accordance
6 with applicable law, if that liability arises from that use.

7 (c) Not waivable – The liability created by subsection (a) may not be
8 waived or otherwise avoided by contract.

9 SECTION 5. *Separability Clause.* – If any provision or part hereof, is held invalid
10 or unconstitutional, the remainder of the Act or the provision not otherwise affected shall
11 remain valid and subsisting.

12 SECTION 6. *Repealing Clause.* - Any law, presidential decree or issuance,
13 executive order, letter of instruction, administrative order, rule or regulation contrary to,
14 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
15 accordingly.

16 SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days
17 after its publication in at least two (2) newspapers of general circulation.

18 Approved,

/ctr