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SENATE

S. No. 2042

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Prepared by the Committees on National Defense and Security and Finance with Senator Trillanes IV as author

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Chemical Weapons*
2 *Prohibition Act of 2013.*”

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

10 Towards this end the State shall not, under any circumstance, develop, produce,
11 manufacture, acquire, possess, stockpile, retain, transfer, or use chemical weapons, or engage

1 in any other activities prohibited under the Convention, and shall prohibit all persons from
2 developing, producing, manufacturing, acquiring, possessing, stockpiling, retaining,
3 transferring, or using chemical weapons or engaging in any other activities prohibited under
4 the Convention.

5 **SEC. 3. *Definition of Terms*** For the purpose of this Act, the following terms are
6 hereby defined.

7 **a. “*Chemical Weapon*”** means the following, together or separately:

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

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

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

16 **b. “*Discrete Organic Materials*”** means any chemical belonging to the class of chemical
17 compounds consisting of all compounds of carbon except for its oxides, sulphides and
18 metal carbonates.

19 **c. “*Key component of Binary or Multi-component Chemical Systems*”** means the
20 precursor which plays the most important role in determining the toxic properties of
21 the final product and reacts rapidly with other chemicals in the binary or multi-
22 component system.

23 **d. “*Facility*”** means any industrial site of any production unit or process unit (“unit”)
24 which is the combination of items of equipment, including vessels and vessel set up,
25 necessary for the production, processing or consumption of a chemical;

26 **e. “*OPCW*”** refers to Organization for the Prohibition of Chemical Weapons.

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

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

11 *h. "Purposes not prohibited"* means:

12 (i) Industrial, agricultural, research, medical, pharmaceutical, or other peaceful
13 purposes;

14 (ii) Protective purposes, namely those purposes directly related to protection
15 against toxic chemicals and to protection against chemical weapons;

16 (iii) Military purposes not connected with the use of chemical weapons and not
17 dependent on the use of the toxic properties of chemicals as a method of
18 warfare;

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

21 (a) By the law enforcement authorities;

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

1 (c) By the Armed Forces of the Philippines within the framework of a
2 system of mutual collective security, and training for its use.

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

7 *j. "Scheduled chemicals"* means those chemicals listed in Schedule 1, Schedule 2 and
8 Schedule 3, respectively, of the Annex on Chemicals to the Convention.

9 *k. "Toxic chemical"* means any chemical which through its chemical action on life
10 processes can cause death, temporary incapacitation or permanent harm to humans or
11 animals. This definition includes all such chemicals therein, regardless of their origin
12 or of their method of production, and regardless of whether they are produced in
13 facilities, in munitions or elsewhere.

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

19 *l. "Verification Annex"* means the Annex on Implementation and Verification to the
20 Convention.

21 **SEC. 4. *Establishment of a Philippine National Authority for the Chemical***
22 ***Weapons Convention.*** – A Philippine National Authority for the Chemical Weapons
23 Convention hereinafter referred to, for brevity, as the "PNA-CWC", is hereby created. The
24 members of the PNA-CWC are: (1) the Executive Secretary, who shall be its Chairperson; (2)
25 the Secretary of National Defense, who shall be its Vice Chairperson; and (3) the Secretary of

1 Foreign Affairs; (4) the Secretary of Justice; (5) the Secretary of the Interior and Local
2 Government; (6) the Secretary of Finance; (7) the National Security Advisor; (8) the
3 Secretary of Health; (9) the Secretary of Environment and Natural Resources; (10) the
4 Secretary of Agriculture; (11) the Secretary of Transportation and Communications; (12) the
5 Secretary of Trade and Industry; (13) the Secretary of Energy, as its other members. The
6 PNA-CWC shall determine its organizational structure accordingly.

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

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

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

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

- 1 e) Conduct and facilitate national, as well as international inspections by the OPCW
2 inspectors, of sites involving scheduled chemicals or other chemical production
3 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;
- 6 g) Perform such other functions to effectively implement the provisions of the
7 Convention.

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

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

18 CHAPTER II

19 PROHIBITIONS

20 **SEC. 5. *Prohibitions.***

21 The following acts are prohibited under this Act:

- 22 a. Develop, produce, acquire, stockpile, use, transport or retain any chemical
23 weapon;
- 24 b. Assist and encourage or induce in any way, a person, to engage in activities
25 prohibited under Convention;

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

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

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

9 **SEC. 6. Penalties.** -- *a.* Any person who commits any of the prohibited acts under
10 Section 5 shall suffer the penalty of imprisonment for a period between 12 years and one day
11 to life imprisonment, and a fine from two million pesos (PHP 2,000,000.00) to five million
12 pesos (PHP 5,000,000.00).

13 *b.* Any person who produces, acquires, retains, transfers or uses Schedule 1 chemicals
14 without a license or contravenes the conditions thereof shall suffer the penalty of
15 imprisonment of six years and one day to twelve years and/or a fine from one million pesos
16 (PHP 1,000,000.00) to two million pesos (PIIP2,000,000.00).

17 *c.* Any person who produces, acquires, retains, transfers or uses Schedule 1 chemicals
18 for purposes other than for research, medical, pharmaceutical or protective purposes, or
19 contravenes paragraph (1), shall suffer the penalty of imprisonment for a period of not less
20 than six years and one day to life imprisonment and/or a fine from one million pesos
21 (PHIP1,000,000.00) to ten million pesos (PHIP10,000,000.00).

22 *d.* Any person who produces, processes or consumes Schedule 2 or 3 chemicals or
23 uncheduled discrete organic chemicals for purposes other than those not prohibited under
24 this Act, or without a license or contravenes with the conditions thereof shall suffer the

1 penalty of imprisonment of four years and one day to six years and/or a fine from five
2 hundred thousand pesos (PHP500,000.00) to one million pesos (PHP1,000,000.00).

3 *e.* Any person who imports or exports Schedule 2 chemicals or Schedule 3 chemicals,
4 without a license, or contravenes with the conditions thereof shall suffer the penalty of
5 imprisonment of four years and one day to six years and/or a fine from five hundred thousand
6 pesos (PHP 500,000.00) to one million pesos (PHP1,000,000.00).

7 *f.* Notwithstanding subsections (1) and (2) of Section 11, any person who obstructs,
8 hinders, resists, or deceives any national inspector or international inspector who is exercising
9 any function contemplated, or any power provided for, in the regulations issued further to
10 Section 11, in the Convention or any applicable facility agreement, shall be punished by
11 imprisonment for a period of four years and one day to six years, and/or a fine from five
12 hundred thousand pesos (P500,000.00) to one million pesos (P1,000,000.00). In addition, the
13 facility in question shall be subject to closure and license related to its activities under this
14 Act subject to suspension or revocation.

15 *g.* Any person who violates Section 12 shall suffer the penalty of imprisonment for
16 four years and one day to six years, and/or a fine from five hundred thousand pesos
17 (P500,000.00) to one million pesos (P1,000,000.00).

18 *h.* Any person who as the case may be, produces, processes or consumes Schedule 2
19 or 3 chemicals or unscheduled discrete organic chemicals for a purpose other than purposes
20 not prohibited under the Chemical Weapons Convention, or contravenes paragraphs (2) or (3)
21 shall suffer the penalty of imprisonment of not less than two years to twenty years and/or a
22 fine from fifty thousand pesos (PHP50,000.00) to five million pesos (PHP5,000,000.00).

23 *i.* Any person who refuses or fails to notify the PNA-CWC pursuant to the provisions
24 of Section 10 shall suffer the penalty of imprisonment of one year and one day to two years
25 and/or a fine of five hundred thousand pesos (PHP 500,000.00).

1 *j.* Any person who fails to give the required additional information or keep records
2 pursuant to Section 10 shall suffer the penalty of imprisonment of six months and one day to
3 one year and/or a fine of one hundred thousand pesos (PIIP 100,000.00).

4 *k.* Any person who shall, in any document prepared pursuant to Section 10 of this
5 Act, makes a statement or omits any matter knowing that the statement or omission makes the
6 document false and misleading in a material particular, shall, after hearing and due
7 proceedings, suffer the penalty of six months and one day to one year and/or a fine of one
8 hundred thousand pesos (PIIP100,000.00).

9 In case any of the violation of this Act is committed by a partnership, cooperation,
10 association, or any other juridical entity, the partner, president, director, manager, trustee,
11 administrator, or officer who consents to, or knowingly tolerates such violation shall be held
12 criminally liable.

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

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

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

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

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

1 *a. Schedule 1.-* Subject to the provisions of this Chapter, no person shall produce,
2 acquire, retain, transfer or use toxic chemicals listed under Schedule 1 unless --

3 1. such production, acquisition, retention, transfer or use is for research, medical,
4 pharmaceutical or protective purposes;

5 2. the types and quantities of the toxic chemicals are strictly limited to those which
6 can be justified for such purposes;

7 3. the aggregate amount of such chemicals at any given time for such purposes is
8 equal to or less than ten kilograms for each facility in a calendar year; and

9 4. such production, acquisition, retention, transfer or use is authorized by the PNA-
10 CWC.

11 *b. Schedule 2 and 3 chemicals and unscheduled discrete organic chemicals. –*

12 1. Except under and in accordance with the conditions of a license granted by the
13 PNA-CWC or by the agency/ies to which the PNA-CWC has delegated such
14 power, no person shall:

15 i. produce, process or consume more than 1 kilogram of a Schedule 2, part
16 A* chemical per year for a purpose not prohibited under the Chemical
17 Weapons Convention; or

18 ii. produce, process or consume more than 100 kilograms of any other
19 Schedule 2, part A chemical per year for a purpose not prohibited under
20 the Chemical Weapons Convention; or

21 iii. subject to paragraph (2)(c), produce, process or consume more than 1
22 tonne of a Schedule 2, part B chemical per year for purposes not prohibited
23 under the Chemical Weapons Convention; or

1 iv. subject to subparagraph (2)(c), produce more than 30 tonnes of a Schedule
2 3 chemical per year for purposes not prohibited under the Chemical
3 Weapons Convention; or

4 v. subject to subparagraph (2)(c), produce by synthesis more than 200 tonnes
5 of unscheduled discrete organic chemicals or more than 30 tonnes of an
6 unscheduled discrete organic chemical containing the elements
7 phosphorous, sulphur or fluorine;

8 2. A license, granted by the PNA-CWC or by the agency/ies to which the PNA-
9 CWC has delegated the function is required for any person that produced,
10 processed, or consumed a Schedule 2 chemical for purposes not prohibited under
11 the Chemical Weapons Convention during any of the three calendar years
12 previous to the current year, above the following thresholds per year-

13 i. 1 kilogram of a Schedule 2, part A* chemical

14 ii. 100 kilograms of any other Schedule 2, part A chemical

15 iii. 1 tonne of a Schedule 2, part B chemical.

16 3. A license is not required for, as the case maybe, the production, processing, or
17 consumption of mixtures of chemicals containing 30 percent or less a Schedule 2,
18 part B chemical or a Schedule 3 chemical.

19 *c. Imports and exports of Schedule 2 and 3 chemicals.* -- No person shall import or
20 export Schedule 2 chemicals or Schedule 3 chemicals except under and in accordance with
21 the condition of a license granted by the PNA-CWC or by the agency/ies to which the PNA-
22 CWC has delegated such pursuant to the last paragraph of this Section.

23 *d. Activities for purposes not prohibited under the Convention.* -- Any person may,
24 subject to the provisions of this Act, develop, produce, acquire, retain, transfer, possess or use
25 toxic chemicals as listed in Schedules 1, 2 and 3 for purposes not prohibited under the
26 Convention.

1 The PNA-CWC may, in its sound discretion, delegate its power to issue licenses
2 under this Section to relevant and competent national government agencies.

3 **SEC. 10. Declarations. --**

4 *1) Purpose of this section. --*

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

6 i. Toxic chemicals and their precursors are only developed, produced, otherwise
7 acquired, retained, transferred, or used for purposes not prohibited under the
8 Convention, and

9 ii. The PNA-CWC has knowledge of dealing with chemicals that facilitated the
10 making of the Philippines annual declaration under the Convention to the
11 OPCW, and

12 iii. The Philippines is otherwise able to fulfil its obligation under the Convention.

13 b) Any power under this section of this Act may be exercised only for the purpose
14 specified in subparagraph (I) (a).

15 *2) Supply of Information. --*

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

20 i. Notify the chemicals and, as the case may be, the facility or plant site to the
21 PNA-CWC, within such period as prescribed by the PNA-CWC, by giving
22 written notice in a form approved by the PNA-CWC and issued under the
23 regulations further to this Act, containing such information as is required by
24 the form; and

- 1 ii. Keep records in relation to the chemicals and facility or plant site, and the
2 purpose to which the chemicals are put; and
- 3 iii. Prepare, from these records, annual reports relating to the chemicals and the
4 facility or plant site in a form approved by the PNA-CWC and issued under
5 the regulations issued further this Act; and
- 6 iv. Send annual reports to the PNA-CWC at intervals specified in the regulations
7 issued further to this Act.

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

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

- 12 1) The PNA-CWC shall issue regulations to facilitate compliance with the Annex on
13 Implementation and Verification to the Chemical Weapons Convention.
- 14 2) Inspected persons and their personnel have the duty to facilitate OPCW inspections
15 and to cooperate with the international inspectors and the escort team in complying
16 with their duties and efficiently carrying out the international inspection.

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

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

1 government official or employee, the accessory penalty of perpetual absolute disqualification
2 to hold public office shall be imposed.

3 4 CHAPTER V

5 MISCELLANEOUS PROVISIONS

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

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

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

14 a) The nature, quantity, and utilization of scheduled chemicals or their precursors
15 and related technologies, and the places of consignment and consignees for such
16 scheduled chemicals, precursors, or related technologies; or

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

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

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

24 b) Only be used in criminal proceedings on the condition that they are obtained in
25 accordance with those provisions governing international juridical 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 **SEC. 15. *Supplemental Application of the Revised Penal Code and Other Laws.*** –

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

7 **SEC. 16. *Jurisdiction.*** – Any of the Regional Trial Courts where any of the elements
8 of the offense has been committed have jurisdiction over all cases of violations of this Act
9 and application for ancillary writs and processes of search warrant, seizure and forfeiture.

10 *Provided,* That the first court that acquires jurisdiction shall exercise the same to the
11 exclusion of all other courts unless the Supreme Court authorizes the transfer of venue to
12 prevent injustice.

13 **SEC. 17. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
14 establishment of the PNA-CWC as provided in Section 4 herein shall issue the specific Rules
15 and Regulations as may be necessary to ensure the efficient and effective implementation of
16 the provisions of this Act.

17 **SEC. 18. *Transitory Clause.*** – All powers, functions and all pending work contracts
18 and/or obligations relating to the CWC of the Anti-Terrorism Council (ATC), acting as the
19 interim PNA-CWC pursuant to Executive Order No. 39, Series of 2011, shall be assumed and
20 turned over to the PNA-CWC upon establishment thereof, as provided in Section 4 hereof.

21 **SEC. 19. *Appropriations.*** – The amount of Fifty Million Pesos (P1150,000,000.00)
22 is hereby appropriated to the PNA-CWC as initial funding for its first year of operation,
23 chargeable against the Contingent Fund of the Office of the President. Thereafter, said
24 amount shall be included in the Annual General Appropriations Act.

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

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

8 **SEC. 22. Effectivity.** – This Act shall take effect fifteen (15) days after its publication
9 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 (<=C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates | |
| e.g. Sarin: | O-Isopropyl methylphosphonofluoridate | (107-44-8) |
| Soman: | O-Pinacolyl methylphosphonofluoridate | (96-64-0) |
| (2) | O-Alkyl (<=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 <=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: | |
| | 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: | |

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

| | | (CAS Registry number) |
|-----|------------------------------------|-----------------------|
| | 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-Pinacolyl methylphosphonochloridate | (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) phosphoramidic dihalides | |
| (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) | Trimethyl phosphite | (121-45-9) |
| (9) | Triethyl phosphite | (122-52-1) |

| | | |
|------|----------------------|--------------|
| (10) | Dimethyl phosphite | (868-85-9) |
| (11) | Diethyl phosphite | (762-04-9) |
| (12) | Sulfur monochloride | (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.