



15 JUL 20 A9 55

SENATE
P. S. Res. No. 1440

RECEIVED BY: *JSV*

Introduced by Senator Joseph Victor G. Ejercito

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE, TO CONDUCT AN
INQUIRY IN AID OF LEGISLATION OVER THE ISSUE ON THE DUMPING OF
TOXIC AND HAZARDOUS WASTE FROM CANADA

- 1 **WHEREAS**, Article II, Section 15 of the 1987 Philippine Constitution states
2 that, *"the State shall protect and promote the right to health of the people and*
3 *instill health consciousness among them."*
- 4 **WHEREAS**, Article II, Section 16 of the 1987 Philippine Constitution further
5 states that, *"the State shall protect and advance the right of the people to a*
6 *balanced and healthful ecology in accord with the rhythm and harmony of*
7 *nature."*
- 8
- 9 **WHEREAS**, the Basel Convention on the Control of Transboundary Movements
10 of Hazardous Wastes and their Disposal (Basel Convention) requires prior
11 informed consent before any export or import is allowed to or from another
12 party. The Exporting State is obliged to get the written approval of the
13 Importing state for such a movement to be legal. In that way, each party has
14 the right to ban any import or export of hazardous or other wastes;¹
- 15 **WHEREAS**, Canada and the Philippines are among the one hundred eighty
16 (180) signatories in the Basel Convention;²
- 17 **WHEREAS**, Republic Act No. 6969 or the Toxic Substances and Hazardous and
18 Nuclear Wastes Control Act of 1990, provides the legal framework for the
19 country's program to control and manage the importation, manufacture,
20 processing, distribution, use, transport, treatment and disposal of toxic
21 substances and hazardous and nuclear wastes;³
- 22
- 23 **WHEREAS**, furthermore, Republic Act 9003 or the Philippine Ecological Solid
24 Waste Management Act of 2000 provides the legal framework for the country's
25 systematic, comprehensive, and ecological solid waste management program
26 that shall ensure protection of public health and the environment;⁴

¹ <http://www.mfa.gov.tr/basel-convention-on-the-control-of-transboundary-movements-of-hazardous-wastes-and-their-disposal.en.mfa>

² <http://www.eco-business.com/news/philippines-lets-canada-dump-waste/>

³ http://www.estis.net/sites/cien-ph/default.asp?site=cien-ph&page_id=2B785DEF-AB50-4BED-8B4D-9F3C2CE7DC44

⁴ <http://www.alagad.com.ph/special-cross-sectoral-concerns/38-solid-waste-management/126-overview-of-ecological-solid-waste-management-act.html>

1 **WHEREAS**, fifty (50) container vans from Canada arrived in six (6) batches last
2 June to August 2013. Chronic Inc., a company based in Whitby, Ontario,
3 Canada declared that it contained “scrap plastic materials for recycling” but
4 turned out, upon inspection, to be toxic and hazardous waste stuffed in
5 household waste, including adult diapers and kitchen waste;⁵

6 **WHEREAS**, moreover, another forty eight (48) container vans at the Manila
7 International Container Port (MICP) were inspected by the Bureau of Customs
8 (BOC) and appears to contain waste plastic materials imported by Live Green
9 Enterprise, from Ontario, Canada which arrived in four (4) batches last
10 December 2013-January 2014;⁶

11 **WHEREAS**, the Department of Environment and Natural Resources (DENR)
12 had initially asked the Canadian government to take back their trash citing the
13 Basel Convention. However, the demand was dropped “for the sake of
14 diplomatic relations”⁷.

15 **WHEREAS**, under the Basel Convention, it is the obligation of the Exporting
16 State, in this case Canada, to take back the garbage thirty (30) days from the
17 time it has been informed about the “illegal traffic”;

18 **WHEREAS**, no less than the Department of Foreign Affairs (DFA) Assistant
19 Secretary Charles Jose said that “re-exporting the trash is no longer part of the
20 solution since Canada has no obligation to take it back. It is purely a
21 commercial transaction.”⁸

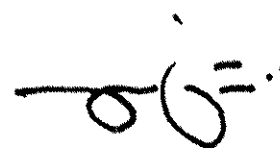
22 **WHEREAS**, despite the clear violation of international and domestic laws of the
23 Philippines, the toxic and hazardous waste is still rotting in the Philippine soil,
24 thereby endangering the lives and health of the public;

25 **WHEREAS**, the importation of the said wastes through Chronic Plastics,
26 Philippines-based importer of the fifty (50) container vans, raises doubt as to
27 the procedures and measures carried out by the Bureau of Customs (BOC);

28 **WHEREAS**, since the illegal dumping involves public interest, the government
29 should give utmost consideration to this issue in order to protect our country
30 from being a dumpsite of hazardous waste;

31 **NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved, for the Senate
32 to direct the proper committee **TO CONDUCT AN INQUIRY IN AID OF**
33 **LEGISLATION ON THE ILLEGAL DUMPING OF TOXIC WASTE FROM**
34 **CANADA.**

35
36
37 **Adopted,**



JOSEPH VICTOR G. EJERCITO
Senator

⁵ <http://opinion.inquirer.net/84735/stink#ixzz3fkv5tTxH>

⁶ <http://www.rappler.com/nation/93980-container-vans-garbage-canada-manila>

⁷ <http://kickerdally.com/philippines-takes-in-canadas-illegal-garbage-for-the-sake-of-diplomatic-relations/>

⁸ <http://globalnation.inquirer.net/125889/what-went-before-canadian-trash>