

'04 JUN 30 P10:05

SENATE

S. No. 1056

RECEIVED BY: 

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Introduced by Senator Edgardo J. Angara

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### EXPLANATORY NOTE

The Philippines has one of the world's most abundant marine environment. It has become a primary source of food, minerals, petroleum, hydrocarbon, energy, animal feeds and even construction materials. Thus, Article XII, Section 2 of the Constitution mandates the State to protect the nation's marine wealth in its archipelagic waters, territorial sea and exclusive economic zone and reserve its use and enjoyment exclusively for Filipino citizens. Corollary to the Constitution, the United Nations Convention on the Law of the Sea provides that while states have sovereign right to exploit their own natural resources, they have the duty to protect and preserve the marine environment within and outside their jurisdiction and that they shall undertake measures to prevent, reduce and control pollution of the marine environment.

Notwithstanding the importance of marine resources to the country's economic development and ecological survival, there are documented reports of the rapid deterioration of the quality of our waters for the past decade wrought by man's indiscriminate discharge of any and all kinds of refuse into Philippine waters. This has been attributed primarily to sewage and industrial effluents from urban areas, tailings from mining activities, oil from shipping operations and agricultural run-off. In Manila Bay alone, bacterial count has shown to have increased through the years. This has rendered many beaches in its eastern part unfit for bathing and its nearshore waters unfit for fisheries and growing of shellfish.

The present state of the law with respect to the protection of our marine environment is provided under Presidential Decree No. 600, otherwise known as the Marine Pollution Decree of 1974. Said Decree declares as national policy, "prevent and control the pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines." It declares unlawful the throwing, discharge or deposit of any refuse matter of any kind or description. However, the penalty of a fine of Five Thousand pesos (P5,000.00) or imprisonment of not more than one (1) year is not at all parallel to the concomitant damage to our waters. Thus, this measure seeks to increase the penalty for unlawful dumping. The president, manager or director of a corporation or any partnership shall be liable.

This bill defines the guidelines underwhich the Commandant of the Philippine Coast Guard may allow the dumping of waste materials. It likewise authorizes the adoption of a dumping system which shall take into account the characteristics and composition of the waste materials.

Early passage of this bill is earnestly urged.

  
EDGARDO J. ANGARA

04 JUN 30 10:05

SENATE  
S. No. 1056

RECEIVED BY: *Lucy*

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Introduced by Senator Edgardo J. Angara

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**AN ACT**  
**AMENDING CERTAIN SECTIONS OF PRESIDENTIAL DECREE NUMBERED**  
**SIX HUNDRED, OTHERWISE KNOWN AS THE MARINE POLLUTION**  
**DECREE OF 1974**

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

**SECTION 1.** Section 4 of Presidential Decree No. 600 is hereby amended to read as follows:

"SEC. 4. Deposit of Refuse in Navigable Water. – It shall be unlawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind of description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the Philippines, or into any tributary of any navigable water, where the same shall float or be washed into such navigable water; and it shall be unlawful to deposit, or cause, suffer or [procure to be deposited material of any kind in any place on the bank of any navigable water, where the same shall be liable to be washed into such navigable, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed or increase the level of pollution of such waters: Provided, That nothing herein contained shall extend to, apply to, or prohibit the operations

in connection with the improvement of navigable waters or construction of public works: Provided, further, That the Commandant, Philippine Coast Guard, [whenever in his judgment navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with and any violation thereof shall be unlawful.] MAY, UPON APPLICATION, PERMIT THE DEPOSIT OF WASTE MATERIALS IN DEEP WATER, OTHER THAN HAZARDOUS AND NUCLEAR WASTES AS DEFINED IN REPUBLIC ACT NO. 6969, SUBJECT TO THE FOLLOWING CONDITIONS: (1) THAT THE DEPTH MUST NOT BE LESS THAN 2,000 METERS; (2) THAT THE DISTANCE FROM THE NEAREST LAND IS NOT LESS THAN 150 NAUTICAL MILES; AND (3) MUST NOT INTERFERE WITH SHIPPING, FISHING, RECREATION, MINERAL EXTRACTION, FISH AND SHELLFISH CULTURE, AREAS OF SPECIAL SCIENTIFIC IMPORTANCE AND OTHER LEGITIMATE USES OF THE SEA: *PROVIDED, FINALLY*, THAT WHENVER SUCH PERMIT IS GRANTED BY THE COMMANDANT, THE SAME SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. MUST BE FOR A FIXED TERM NOT LONGER THAN FIVE (5) YEARS;
2. CAN BE TERMINATED FOR CAUSE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:
  - a. VIOLATION OF ANY CONDITION OF THE PERMIT;
  - b. OBTAINING A PERMIT BY MISREPRESENTATION, OR FAILURE TO DISCLOSE ALL RELEVANT FACTS ANENT THE GRANT OF PERMIT;

CHANGE IN ANY CONDITION THAT REQUIRES EITHER A TEMPORARY OR PERMANENT REDUCTION OR ELIMINATION OF THE PERMITTED DEPOSIT.”

SEC. 2 Section 6 of the same Decree is hereby amended to read as follows:

“SEC. 6. *Penalties for Violations.* – [Any person who violates Section 4 or 5 of this Decree or any regulation prescribed in pursuance thereof, shall be liable to a fine of not less than P5,000.00, or by imprisonment, for each offense. Any vessel from which oil or other harmful substances are discharged in violation of Sections 4 or 5 or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this Section, and clearance of such vessel from port of the Philippines may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel, which may be recovered in proceedings by libel in rem in a court of First Instance within which the vessel may be.]

THE PENALTY OF IMPRISONMENT OF SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS AND ONE (1) DAY AND A FINE RANGING FROM SIX THOUSAND PESOS (P6,000.00) SHALL BE IMPOSED UPON ANY PERSON WHO SHALL VIOLATE SECTIONS 4 OR 5 OF THIS DECREE. IN CASE ANY VIOLATION IS COMMITTED BY A CORPORATION, ASSOCIATION, OR ANY JUDICIAL ENTITY, IT SHALL BE LIABLE FOR A PECUNIARY PENALTY OF ONE (1) MILLION PESOS (P1,000,000.00) AND THE LICENSE OF SUCH ENTITY SHALL LIKEWISE BE CANCELLED.”

SEC. 3 Section 7 of the same Decree is hereby amended to read as follows:

"SEC. 7. *Responsibility and Liability on Oil Spills.* - Any ship, tank vessel, tank barge or any other watercraft which accidentally or otherwise discharged oil or oily mixture on waters subject to the jurisdiction of the Philippines, the person in charge of the vessel shall immediately notify the Philippine Coast Guard, giving particulars of the name of the ship and company, location of spill, type of oil spilled, and quantity. In addition, the weather, tide, sea conditions and cause of spill shall be reported. Any person in charge of vessel, AND THE OWNER OR OPERATOR who fails to notify the Coast Guard of any oil or oily mixture discharged from his vessel is liable to a fine of [P10,000.00] ONE MILLION PESOS (P1,000,000.00) or imprisonment of not [more than six months but not] less than [30 days] SIX MONTHS. The owner or operator of a vessel or facility which discharged the oil or oily mixture[may] SHALL be liable to pay for any clean-up costs."

SEC. 4. A new section is hereby added after Section 7 of same Decree, to be denominated as "Sec. 7-A," which shall read as follows:

SEC. 7-A. THE PHILIPPINE COAST GUARD, IN COORDINATION WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL DEVELOP AND ESTABLISH A SYSTEM FOR DUMPING OF WASTE MATERIALS AT SEA. SUCH DUMPING SYSTEM SHALL TAKE INTO ACCOUNT THE FOLLOWING CHARACTERISTICS AND COMPOSITION OF THE WASTE MATERIALS:

- 1 TOTAL AMOUNT OF MATERIALS TO BE DUMPED;
- 2 AVERAGE COMPOSITION OF MATTER DUMPED;
- 3 TOXICITY
- 4 PROPERTIES OF THE MATERIALS DUMPED SUCH AS PHYSICAL (SOLUBILITY, SPECIFIC GRAVITY AND

DENSITY), CHEMICAL AND BIOCHEMICAL, (OXYGEN DEMAND AND NUTRIENT PRODUCTION) AND BIOLOGICAL PROPERTIES (PRESENCE OF VIRUSES, BACTERIA, YEASTS, PARASITES, AND THE LIKE);

5. ACCUMULATION AND BIOTRANSFORMATION IN BIOLOGICAL MATERIALS OF SEDIMENTS;
6. SUSCEPTIBILITY TO CHEMICAL, BIOCHEMICAL AND PHYSICAL CHANGES AND INTERACTION IN AQUATIC ENVIRONMENT WITH OTHER DISSOLVED ORGANIC AND INORGANIC MATERIALS AFTER RELEASE INCLUDING THE PROBABLE FORMATION OF NEW COMPOUNDS;
7. PROBABILITY OF PRODUCTION OF TAINTS REDUCING THE MARKETABILITY OF RESOURCES.”

SEC. 5. *Separability Clause.* - If any provision or section of this Act or the application thereof to any person, association or circumstances is held invalid, the other pertinent provisions or section of this Act and their application to such person, association or circumstances shall not be affected thereby.

SEC. 6. *Repealing Clause.* - All acts, executive orders, administrative orders, proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved