


SENATE

'19 JUL -8 P2:23

Senate Bill No. 263

RECEIVED BY: 

Introduced by Senator FRANCIS N. PANGILINAN

AN ACT
BANNING SOLID WASTE IMPORTATION

EXPLANATORY NOTE

According to the World Bank, "global waste generation is expected to increase by 70%, from 2 billion tonnes per year in 2016 to 3.4 billion tonnes per year in 2050." Without a drastic reduction in waste generation, the Ocean Conservancy warned that by 2050 there could be more plastic than fish in the world's seas.

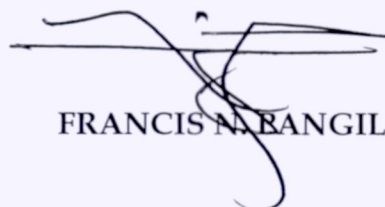
For more than 25 years, a large percentage of the plastic waste of richer nations has been sent to poorer parts of the Asia-Pacific, with the majority of this ending up in China which has been the world's dumpster for almost 50 years. However, in 2018, Beijing banned imports of plastic waste, resulting in the subsequent redirection of containers of plastic waste to Southeast Asian nations like Indonesia, Vietnam and Malaysia.

The Philippines has been the dumping ground of hazardous waste from countries such as Japan (1999), Canada (2013-2014), South Korea (2018), Australia (2019) and Hongkong (2019). These materials are hazardous under Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear Waste and Control Act of 1990.

Unless the Philippine government ratifies the Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Ban Amendment), which prohibits the import of all waste for any reason, including "recycling," and a legislative measure is passed to ban solid waste importation, the Philippines will be the top dumping site of hazardous waste from other countries.

A version of this bill was filed by Senator Pimentel in the 17th Congress.

In view of the foregoing, the urgent passage of this measure is earnestly sought.



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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the "*Solid Waste Importation*
2 *Ban Act of 2019.*"

3 **SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the State to
4 prohibit the entry of imported solid waste into Philippine territorial limits for whatever
5 purpose to prevent and control environmental pollution caused by solid waste, safeguard
6 human health, maintain ecological safety, and promote the sustainable development of
7 Philippine economy and society.

8 **SEC. 3. *Ban on Importation of Solid Waste and Its Use.*** - It shall be unlawful to
9 import any solid waste, as defined in Republic Act No. 9003 and its implementing rules
10 and regulations, into or within Philippine territory, or otherwise use, treat, or process the
11 same. For purposes of this Act, Special Economic Zones, as defined in Republic Act No.
12 7916, as amended, are considered part of the Philippine territory.

13 **SEC. 4. *Penalties.*** - Any entity or person who shall import any solid waste or
14 otherwise use, treat, or process the same in violation of this Act shall be punished with
15 imprisonment of twelve (12) years and one (1) day to twenty (20) years, at the discretion
16 of the court.

1 If the offender is a foreigner, the foreign offender shall be deported and barred from
2 any subsequent entry into the Philippines after service of sentence.

3 In the case of corporations, associations, or other entities, the penalty shall be
4 imposed upon the managing partner, president, or chief executive officer, in addition to
5 the payment of an exemplary damage of at least Five hundred thousand pesos (Php
6 500,000.00). If it is a foreign entity, the director and all its responsible officers shall be
7 barred from entry to the Philippines, in addition to the cancellation of its license to do
8 business in the Philippines.

9 In case the offender is a government official or employee, the penalties of automatic
10 dismissal from office and permanent disqualification from holding any elective or
11 appointive position shall be imposed, in addition to the penalties provided herein.

12 **SEC. 5. *Other Penalties.*** - The person or firm responsible for or connected with the
13 unlawful importation of solid waste shall have the obligation to transport or send back
14 to the port of origin such prohibited wastes. If the importer cannot be ascertained, the
15 carries shall be responsible for transporting such solid waste back to the port of origin or
16 pay the exemplary damage of at least Five hundred thousand pesos (Php 500,000.00), or
17 both.

18 If the importation caused environmental pollution, the competent environmental
19 protection agency shall order the importer to eliminate the pollution.

20 **SEC. 6. *Forfeiture of Proceeds and Equipment.*** - The penalty imposed for the
21 unlawful importation of solid waste and its use shall carry with it the confiscation and
22 forfeiture in favor of the Government of the proceeds of the unlawful act including any
23 instrument, equipment, tool, or other improvements used in or with which the offense
24 was committed.

25 **SEC. 7. *Appropriations.*** - The amount necessary to carry out the provisions of this
26 Act shall be included in the annual General Appropriations Act.

1 **SEC. 8. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
2 approval of this Act, the Department of Environment and Natural Resources (DENR) and
3 the Department of Trade and Industry (DTI) shall formulate the necessary rules and
4 regulations to implement the provisions of this Act.

5 **SEC. 9. *Separability Clause.*** – If any part or section of this Act is declared
6 unconstitutional, such declaration shall not affect in any manner the other parts or
7 sections hereof.

8 **SEC. 10. *Repealing Clause.*** – All laws, decrees, proclamations, issuances, or
9 ordinances that are contrary to or inconsistent with the provisions of this Act are hereby
10 amended, repealed, or modified accordingly.

11 **SEC. 11. *Effectivity.***– This Act shall take effect fifteen (15) days after its publication
12 in the Official Gazette or in two (2) newspapers of general circulation.

Approved,