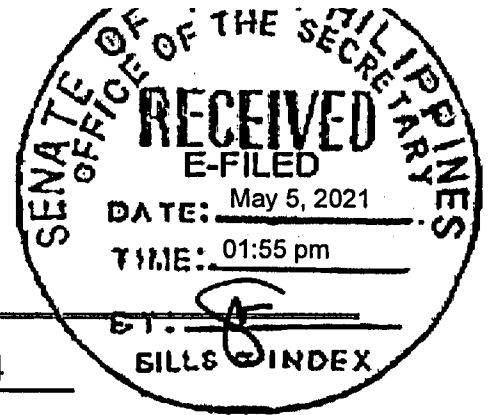


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE



COMMITTEE REPORT NO. 254

Submitted by the Committee on Foreign Relations on May 5, 2021.

Re : P.S. Res. No. 77

Recommending the adoption of the recommendations and their immediate implementation

Sponsor: Senator Aquilino "Koko" Pimentel III

MR. PRESIDENT:

The Committee on Foreign Relations to which was referred **P.S. Res. No. 77**, introduced by Senator Aquilino "Koko" Pimentel III, entitled:

**"RESOLUTION
URGING THE EXECUTIVE DEPARTMENT TO EXPEDITE THE RETURN TO
SOUTH KOREA OF THE ILLEGALLY IMPORTED PLASTIC WASTES IN
MINDANAO"**

has considered the same and has the honor to submit its report on its inquiry back to the Senate, recommending the adoption of the recommendations as contained in this Report and their immediate implementation.

Respectfully submitted:


AQUILINO "KOKO" PIMENTEL III
Chairperson
Committee on Foreign Relations

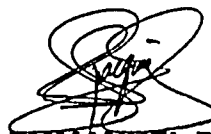
Vice-Chairpersons

RICHARD J. GORDON

FRANCIS "TOL" N. TOLENTINO



RONALD "BATO" DELA ROSA



EMMANUEL D. PACQUIAO

Members



CHRISTOPHER BONG GO

PANFILO M. LACSON



MANUEL "LITO" M. LAPID

JOEL VILLANUEVA

RAMON BONG REVILLA, JR.



GRACE POE



WIN GATCHALIAN



RISA HONTIVEROS



FRANCIS N. PANGILINAN

(ATTACHED ESIGN PAGE)
LEILA M. DE LIMA

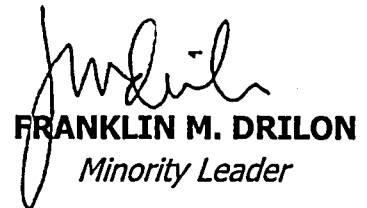
Ex-Officio Members



RALPH G. RECTO
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President

**FOR THE COMMITTEE REPORT ENTITLED "RESOLUTION URGING THE
EXECUTIVE DEPARTMENT TO EXPEDITE THE RETURN TO SOUTH KOREA OF
THE ILLEGALLY IMPORTED PLASTIC WASTES IN MINDANAO"**

Leila M. de Lima
LEILA M. DE LIMA

I. INTRODUCTION

A. PREFATORY STATEMENT

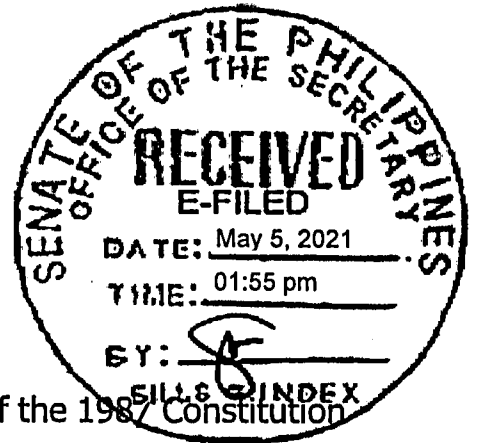
Constitutional Mandate

It is mandated under Article II, Section 16 of the 1987 Constitution that "*The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.*"

The shipment from South Korea of tons of plastic wastes, wood, and other materials declared as "plastic synthetic flakes" which arrived at the Mindanao Container Terminal in Tagoloan, Misamis Oriental, on board the MV Affluent Ocean in July 2018 and discovered in November 2018 evoked public concern given its implications to environmental integrity and sustainability, public health, food security, and the well-being and safety of the Filipino people at large.

B. BACKGROUND

The shipment of the Korean garbage was reported in several newspapers in 2018. Philstar.com specifically reported on November 10, 2018 that "*based on documents obtained by Customs officials, South Korean company Verde Soko Philippines Industrial Corporation was the consignee of the shipment, which was incorrectly declared as "plastic synthetic flakes". A representative of Verde Soko Philippines declined to discuss why the shipped items were wrongly declared.*"¹



Additionally, Philstar.com also stated in the same report that *"in 2013, Valenzuela-based company Chronic Plastics Inc. imported more than 50 containers with waste from Canada, worrying environment groups who fear that the shipment might contain toxic materials. More than half or 29 of the containers with trash were dumped in a landfill in Tarlac. In 2017, the Bureau of Customs has also called on a South Korean shipper to take back some 5,000 metric tons of suspected garbage that was dumped in Mandaue City in Cebu."* ⁱⁱ

Pursuant to the reports and the gravity of its effect to our environment, the following resolution was filed in the Senate:

- **SRN 77** – Resolution Urging the Executive Department to Expedite the Return to South Korea of the Illegally Imported Plastic Wastes in Mindanao *by Senator Aquilino "Koko" Pimentel III. (Annex "A").*

II. COMMITTEE'S ACTION

The Committee on Foreign Relations (CFR) to which was referred SRN 77 conducted a virtual public hearing on 04 February 2021 to discuss all the pending resolutions referred to the Committee and to get updates on how the matters were disposed of by the concerned government authorities.

On the specific matter pertaining to the plastic wastes, the CFR clarified the matter with the Department of Foreign Affairs with input from the Bureau of Customs and the Department of Environment and Natural Resources.

III. FINDINGS

The Department of Foreign Affairs (DFA) reported the following to the Committee:

1. The shipment of the plastic wastes to the Philippines was a private sector export.
2. The Korean household wastes shipped to Misamis Oriental in two batches in 2018 have finally been re-exported by the Philippine Government back to the Republic of Korea. The last batch was shipped on 15 September 2020. Of the over-5,000 metric tons of wastes, none remain in the country.
3. The Korean government paid for the shipment of the wastes back to Korea but the PH government paid for the packaging and cleaning up of the dump site where the plastic wastes were stored.

4. The DFA proactively engaged the BOC (HQ and MICT Port Collector), the DENR and the ROK side in the particular case, to expedite talks on the re-export of the waste.

IV. CONCLUSIONS

1. The importation of wastes to the PH, despite our own domestic laws and the country's being a state party to the Basel Convention and the Basel Ban Amendment, proves that the implementation of our laws and the compliance to the Convention are not strictly observed.
2. Corrective measures on our safety mechanisms to protect our environment, our people and our country, must be done immediately in order to curb or totally bring to an end activities that are detrimental to our well-being.
3. The BOC and DENR are recognized for their efforts in ensuring the return of the said wastes to ROK.
4. The ROK government is recognized for its acknowledgement of the illicit character of the shipment, its effort to cooperate with the Philippine government to realize the re-export of the waste to the ROK, and its assumption of the cost thereof.

V. RECOMMENDATIONS

The CFR, after a careful study of the issue at hand, respectfully recommends the following executive and legislative actions:

A. Executive Action Needed

1. Strict implementation/enforcement of R.A. No. 6969 or the *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* which is supposed to monitor and regulate the importation and disposal of hazardous and nuclear wastes in the country.
2. Strict implementation/enforcement of R.A. No. 9003 or the *Ecological Solid Waste Management Act of 2000* which prohibits the importation of toxic wastes misdeclared as recyclables in the country.
3. Strict implementation of R.A. No. 10863 or the *Customs Modernization and Tariff Act (CMTA)*. The CMTA amended the Tariff and Customs Code of the Philippines (TCCP) with the aim of modernizing Customs rules and procedures for faster trade, reduce opportunities for corruption, improve Customs service delivery and improve supply chain.
4. Strict compliance with the relevant international conventions, particularly the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their*

Disposal, to which the PH and the ROK are state parties. It is an international treaty seeking to reduce the movement of hazardous waste from developed countries to less developed countries. ⁱⁱⁱ

5. The BOC and DENR must strengthen their regulatory function in monitoring and barring from entry to the PH of potentially hazardous materials from abroad under false declarations or otherwise. They must also collaborate in the active pursuit of entities who are parties to the global waste trade and responsible for bringing waste materials into our jurisdiction.
6. The BOC, DENR and the DFA must update the Committee on the status of the case filed against the concerned parties who were responsible for the shipment of the waste to the Philippines especially the Verde Soko Philippines Industrial Corporation, the consignee of the shipment.

B. Legislative Action Needed

The CFR recommends the early enactment of a law prohibiting and penalizing the importation of waste materials which are proposed under the following bills that are now primarily pending before the Committee on Environment and Natural Resources:

1. **S. B. No. 18**, entitled: An Act Prohibiting and Penalizing the Importation of Waste, *by Senator Franklin M. Drilon*; (**Annex B**)
2. **S. B. No. 98**, entitled: An Act Banning the Importation of Solid Waste, *by Senator Aquilino "Koko" Pimentel III*; (**Annex C**)
3. **S. B. No. 263**, entitled: An Act Banning Solid Waste Importation, *by Senator Francis N. Pangilinan*; (**Annex D**) and
4. **S. B. No. 408**, entitled: An Act Imposing a Total Ban on the Importation of Waste and its By-products or Residues, and Providing Penalties Therefor, *by Senator Imee R. Marcos*. (**Annex E**)

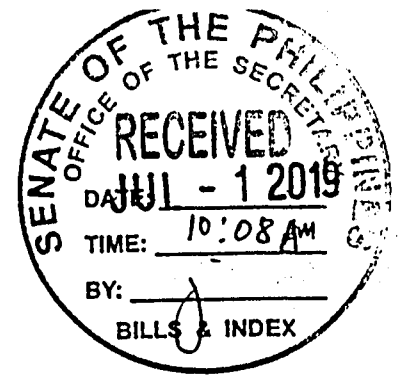
All these legislative measures contain fines and penalties against any person or entity that misdeclares or imports into the Philippines any waste material.

¹Ian Nicolas Cigaral. <https://www.philstar.com/headlines/2018/11/10/1867454/tons-garbage-south-korea-reportedly-shipped-philippines>

² Same

³ [Basel Convention > Implementation > Legal Matters > Ban Amendment > Overview](#)

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 18

Introduced by Senator FRANKLIN M. DRILON

AN ACT PROHIBITING AND PENALIZING THE IMPORTATION OF WASTE

EXPLANATORY NOTE

The Philippines has several laws intended to protect the country from being a destination of waste imports. The Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (R.A. No. 6969) monitors and regulates the importation and disposal of hazardous and nuclear wastes in the country, while the Ecological Solid Waste Management Act of 2000 (R.A. No. 9003) prohibits the importation of toxic wastes misdeclared as recyclables inside the country.

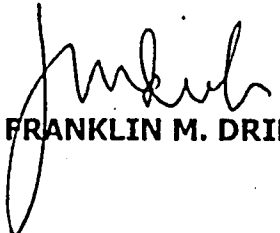
Notwithstanding these laws, waste from various countries continue to be imported into our country to the detriment of our people and country. Recently, the country reeled from the shock from learning that Canadian garbage inside 103 shipping containers found its way to Philippine shore. There were also recent reports that we have become a conducive cross boundary disposal site of unwanted and toxic shipments of waste from waste exporters like Australia, South Korea, Hong Kong and Japan. Greenpeace International reports that much of these trash are mislabeled as 'recyclable' even though the shipments really contain thousands of tonnes of contaminated plastic and other mixed wastes that can no longer be processed. These incidents indicate that we have become a dumping ground for wastes generated by richer nations.

To put a stop to waste build-up in the country's waters and land territories, this proposed measure seeks to impose an immediate and complete ban on all waste imports, including recyclable materials and for any reason. All importer registration and importation clearances issued by government agencies shall be cancelled and no new applications shall be accepted.

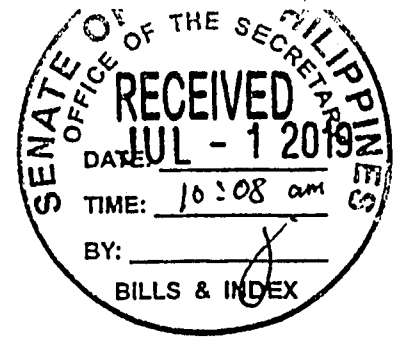
To avoid waste shipments being snuck in our country guised as recyclables and to ensure that no waste is brought in, the Department of Environment and Natural Resources (DENR) and Bureau of Customs (BOC) shall implement stricter monitoring of imports and enforce tighter regulations. All imported wastes shall be immediately brought back to the country of origin at the expense of the consignor, importer and other persons who willfully participated in the importation. Any person who misdeclares or imports or brings into or the Philippines any waste, or assist in so doing, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such goods after importation, shall be punished by very hefty sanctions and penalties.

This proposed measure will no doubt stop the waste trade in the country and set a clear message to other countries that the Philippines is not their sanitary landfill.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


FRANKLIN M. DRILON

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



SENATE
S. No. 18

Introduced by SENATOR FRANKLIN M. DRILON

AN ACT PROHIBITING AND PENALIZING THE IMPORTATION OF WASTE

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

1 *Section 1. Short Title.* – This law shall be known as the “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 and impose a complete ban of waste importation to reverse the current
5 dismal state of accumulation of waste in the Philippines’ land and waters which
6 endangers the country’s environment and the health of its people.

7 *Sec. 3. Importation Prohibition of All Kinds of Waste or Scrap Including*
8 *Recyclable Materials.* – The importation of all kinds of waste or scrap including
9 recyclable materials is hereby prohibited. Importer registration and importation
10 clearances issued by government agencies under existing laws and regulations shall
11 be cancelled and no new applications shall be accepted.

12 *Sec. 4. Scope.* - This Act shall cover the importation of all waste in the
13 Philippines, including the entry, even in transit as well as the keeping or storage and
14 disposal of into the country for whatever purpose.

15 *Sec. 5. Waste, defined.* – As used in this Act, waste shall mean:

- 16 a. Scrap metals;
17 b. Scrap solid plastic materials;

- 18 c. Electronic assemblies and scrap, including used or second-hand electrical
19 and electronic equipment, and electronic components containing
20 hazardous substances;
- 21 d. Solid plastic waste materials, including homogenous and sorted plastic
22 materials;
- 23 e. Used oil, including waste oil or oil residues;
- 24 f. Fly ash from coal-fired power plants;
- 25 g. Incinerator ash or slag;
- 26 h. Municipal wastes/processed engineered fuel (PEF);
- 27 i. Refuse derived fuel (RDF);
- 28 j. Solid recovered fuel (SRF);
- 29 k. Neutralized phosphogypsum;
- 30 l. Other hazardous, toxic and hazardous wastes as defined under Republic
31 Act No 6969 otherwise known as Toxic Substances and Hazardous and
32 Nuclear Waste Control Act;
- 33 m. Other solid waste as defined under RA 9003 or Ecological Solid Waste
34 Management Act; and
- 35 n. Other similar waste as may be defined by the Department of Environment
36 (DENR).

37 The DENR shall release a complete list of banned materials within thirty (30)
38 days from this Act's effectivity. The failure of the Secretary of DENR to promulgate
39 the said list shall not prevent the implementation of this Act upon effectivity.

40 *Sec. 6. Fines and Penalties.* – Any person who misdeclares or imports or
41 brings into or the Philippines any waste covered by this Act, or assist in so doing, or
42 shall receive, conceal, buy, sell, or in any manner facilitate the transportation,
43 concealment, or sale of such goods after importation, or violates any other provision
44 of this Act or the rules and regulations issued pursuant thereto, shall be penalized by
45 imprisonment of not less than eight (8) years and one (1) day but not more than
46 twelve (12) years, or a fine of not less than one million five hundred thousand pesos
47 (P 1,500,000.00) but not more than fifteen million pesos (P15,000,000.00), or both.

48 If the offender is a foreigner, the offender shall be deported after serving the
49 sentence.

50 If the offender is a public officer or employee, the offender shall be dismissed
51 from service and disqualified from holding public office, from exercising the right to
52 vote and to participate in any public election for ten (10) years.

53 The prohibited imported goods shall be sent back to the country of origin at
54 the expense of the consignor, importer and other persons who willfully participated
55 in the prohibited act.

56 *Sec. 7. Implementation of Strict Importation Monitoring and Regulatory*
57 *System.* - The DENR, together with the Bureau of Customs, shall implement a strict
58 monitoring system of importation to ensure that no waste is brought in the
59 Philippine territory under false declarations or otherwise.

60 *Sec. 8. Separability Clause.* - If any provision of this Act is declared
61 unconstitutional or invalid, the provisions not affected thereby shall continue to be in
62 full force and effect.

63 *Sec. 9. Repealing Clause.* -All laws, decrees, orders, rules and regulations
64 inconsistent with the provisions of this Act are hereby repealed or modified
65 accordingly.

66 *Sec. 10. Effectivity.* - This Act shall take effect upon completion of its
67 publication in the Official Gazette or in a newspaper of general circulation.

Approved,