

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



23 MAY 17 A10 :24

SENATE  
Senate Bill No. 2206

RECEIVED BY

---

Introduced by Senator Aquilino “Koko” Pimentel III

---

AN ACT  
BANNING THE IMPORTATION OF SOLID WASTE

EXPLANATORY NOTE

Article II Section 16 of the Constitution provides 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. In the case of *Oposa vs. Factoran*<sup>1</sup>, the Supreme Court held that every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology.

In the 17th Congress, the undersigned authored Proposed Senate Resolution (PSR) No. 553 on December 4, 2017 regarding the so-called Canadian trash and PSR No. 939 on November 13, 2018 regarding the so-called Korean trash. These two incidents of trash dumping indicate that the Philippines is well in the path of the so-called “*global waste trade*.”

While the Canadian trash and the Korean trash have been shipped back to Canada and Korea, respectively, these incidents of trash dumping can be repeated any time. Therefore, a law to prohibit the importation of solid waste is urgently needed to prevent the entry of these wastes in our country.

---

<sup>1</sup> *Oposa v. Factoran, Jr.*, G.R. No. 101083, July 30, 1993.

We propose this measure pursuant to our Constitutional duty and intergenerational responsibility to protect and advance the right of our people to a balanced and healthful ecology. By banning the importation of solid waste, we prevent the country from being a dumping site of the same from other countries.

Thus, the urgent passage of this bill is earnestly sought.

  
**AQUILINO "KOKO" PIMENTEL III**

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



23 MAY 17 AIO :24

**SENATE**  
**Senate Bill No. 2206**

RECEIVED BY: 

---

**Introduced by Senator Aquilino “Koko” Pimentel III**

---

**AN ACT**  
**BANNING THE IMPORTATION OF SOLID WASTE**

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

1       **SECTION 1. Declaration of Policy.** - It is hereby declared the  
2 policy of the State to prohibit the importation of solid waste into  
3 Philippine territory for whatever reason, prevent and control  
4 environmental pollution caused by solid waste, safeguard human  
5 health, maintain ecological safety, and promote the sustainable  
6 development of Philippine economy and society.

7  
8       **SEC. 2. Ban on Importation of Solid Waste and Its Use.** - It shall  
9 be unlawful to import any solid waste as defined in Republic Act No.  
10 9003 known as the “Ecological Solid Waste Management Act of 2000”  
11 and its implementing rules and regulations into or within Philippine  
12 territory, including the Special Economic Zones as defined in Republic  
13 Act No. 7916 known as the “Special Economic Zone act of 1995,” as  
14 amended, and use, treat or process the same.

15  
16       **SEC. 3. Penalties.** - Any entity or person who shall import any  
17 solid waste or otherwise use, treat, or process the same in violation of  
18 this Act shall be punished with imprisonment of twelve (12) years and  
19 one (1) day to twenty (20) years, at the discretion of the court.

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

5  
6       In the case of corporations, associations, or other entities,  
7 the penalty shall be imposed upon the managing partner, president, or  
8 chief executive officer, in addition to the payment of exemplary  
9 damages of at least Five Hundred Thousand Pesos (PhP 500,000.00).  
10 If it is a foreign entity, the director and all its responsible officers shall  
11 be barred from subsequent entry into the Philippines, in addition to the  
12 cancellation of its license to do business in the Philippines.

13  
14       If the offender is a government official or employee, the penalties  
15 of automatic dismissal from office and permanent disqualification from  
16 holding any elective or appointive position in the government shall be  
17 imposed, in addition to the penalties provided herein.

18  
19       **SEC. 4. *Other Obligations.*** - The person responsible for or  
20 connected with the unlawful importation of solid waste shall have the  
21 obligation to transport or send back to the port of origin such prohibited  
22 wastes. If the importer cannot be ascertained, the carrier shall be  
23 responsible for transporting such solid waste back to the port of origin  
24 and pay exemplary damages of at least Five Hundred Thousand  
25 Pesos (PhP500,00.00).

26  
27       If the importation caused environmental pollution, the  
28 Department of Environment and Natural Resources (DENR) shall  
29 order the importer to eliminate the pollution.

30  
31       **SEC. 5. *Appropriations.*** - The amount necessary to carry out the  
32 provisions of this Act shall be included in the annual General  
33 Appropriations Act.

34  
35       **SEC. 6. *Implementing Rules and Regulations.*** - Within sixty  
36 (60) days from the effectivity of this Act, DENR and the Department

1 of Trade and Industry (DTI) shall formulate and promulgate the  
2 necessary rules and regulations to implement the provisions of this Act.

3

4 **SEC. 7. *Separability Clause.*** - Should any provision or part of this  
5 Act be declared unconstitutional or invalid, the other provisions and  
6 parts hereof, insofar as they are separable from the invalid ones, shall  
7 remain in full force and effect.

8

9 **SEC. 8. *Repealing Clause.*** - All laws, decrees, orders, issuances,  
10 rules and regulations or parts thereof which are inconsistent with this  
11 Act are hereby repealed or modified accordingly.

12

13 **SEC. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days  
14 after its publication in the *Official Gazette* or in at least two (2)  
15 newspapers of general circulation.

*Approved,*