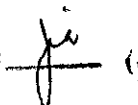


13 SEP -2 P1:32

SENATE

S. No. 1456

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

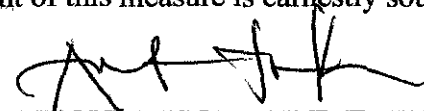
Chemical weapons are a lethal misapplication of scientific endeavour and scarce resources, and the use thereof constitutes a crime against humanity. In the past, these instruments of nations' arsenals have produced devastating and indiscriminate casualties among warring states. In the modern society, their use, especially by non-state actors such as terrorists, is of deepening concern among political leaders. This time, terrorists, not rogue nations, pose as a greater chemical weapon threat. The accessibility, proven attack method, and the added value of the psychological impact of chemical weapons on societies and governments make their use desirable in the eyes of terrorists. This is true among extremists motivated by ideology and groups who simply intend to sow fear for the purpose of causing significant social and economic disruption.

Hence, the adoption of a Chemical Weapons Convention to provide the legal framework for defending society against chemical terrorism, for maintaining the peaceful and meaningful utilization of chemistry, and for creating a treaty regime ensuring that governments from different states fulfil the national obligation of implementing chemical disarmament and non-proliferation.

After 12 years of negotiations, the Chemical Weapons Convention was adopted by the Conference on Disarmament in Geneva on 3 September 1992, opened for signature in Paris on 13 January 1993, and entered into force on 29 April 1997 to outlaw the production, stockpiling, and use of chemical weapons. The Convention is the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control.¹ The Convention establishes an international norm against the development of chemical weapons for all time, and provides the legal and political basis for firm action against those who violate its rules.²

This measure is being put forward with the end in view of providing the Philippine Government with an enabling legislative framework required to fulfil its obligations under the Convention where the country is a signatory. The country signed the Convention on 13 January 1993, ratified the same on 21 February 1995, with the Philippine Senate thereafter adopting a resolution to signify its concurrence on 19 August 1996. Under this measure, a Philippine National Authority for the Chemical Weapons Convention is established to serve as the national coordinating body for effective liaison with the Organization for the Prohibition of Chemical Weapons (OPCW) and other State Parties to the Convention, and shall be the lead agency in the implementation of the provisions of the Convention.

In view of the foregoing, immediate enactment of this measure is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV

¹ Information retrieved from <http://www.un.org/disarmament/WMD/Chemical/> on 8/16/2013.

² Secretary General Kofi Annan's Opening Remarks to Conference of Parties to Convention at The Hague. Information retrieved from <http://www.un.org/disarmament/WMD/Chemical/pdf/SGSM6212.pdf> on 8/16/2013.



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

13 SEP -2 P1:32

SENATE
S. No. 1456

RECEIVED BY: ja

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, USE OF
CHEMICAL WEAPONS AND PROVIDING FOR THEIR DESTRUCTION AND
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Chemical Weapons*
2 *Prohibition Act of 2013.*”

3
4 SEC. 2. *Declaration of Principles.* – The State, consistent with national interest, adopts
5 and pursues a policy of freedom from chemical weapons in its territory, of protection of all
6 human beings and the global environment from the effects of chemical weapons, and hereby
7 conforms with its obligations under the Convention on the Prohibition of the Development,
8 Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, otherwise
9 known as the Chemical Weapons Convention (hereinafter referred to as Convention), to which
10 the Philippines is a State Party.

11
12 Towards this end the State shall not, under any circumstance, develop, produce,
13 manufacture, acquire, possess, stockpile, retain, transfer, or use chemical weapons, or engage in
14 any other activities prohibited under the Convention, and shall prohibit all persons from
15 developing, producing, manufacturing, acquiring, possessing, stockpiling, retaining, transferring,
16 or using chemical weapons or engaging in any other activities prohibited under the Convention.

17
18 SEC. 3. *Definition of Terms* – For the purpose of this Act, the following terms are
19 hereby defined.

20
21 a. “*Chemical Weapon*” means the following, together or separately:

1 (i) Toxic chemicals and their precursors, except where intended for purposes not prohibited
2 under the Convention, as long as the types and quantities are consistent with such
3 purposes;

4 (ii) Munitions and devices, specifically designed to cause death or other harm through the
5 toxic properties of those toxic chemicals specified in subparagraph (i), which would be
6 released as a result of the employment of such munitions and devices;

7 (iii) Any equipment specifically designed for use directly in connection with the employment
8 of munitions and devices specified in subparagraph (ii).

9
10 **b. “Discreet Organic Materials”** means any chemical belonging to the class of chemical
11 compounds consisting of all compounds of carbon except for its oxides, sulphides and
12 metal carbonates.

13
14 **c. “Key component of Binary or Multi-component Chemical Systems”** means the
15 precursor which plays the most important role in determining the toxic properties of the
16 final product and reacts rapidly with other chemicals in the binary or multi-component
17 system.

18
19 **d. “OPCW”** refers to Organization for the Prohibition of Chemical Weapons.

20
21 **e. “Person”** means, except as otherwise provided, any individual, corporation, partnership,
22 firm, association, trust, estate, public or private institution, or any political entity, any
23 foreign government or nation or any agency, instrumentality or political subdivision of
24 any such government or nation, or other entity located in the Philippines.

25
26 **f. “Precursors”** mean any chemical reactant which takes part at any stage in the production
27 by whatever method of a toxic chemical. These include any key component of a binary or
28 multi-component chemical system. Precursors which have been identified for the
29 application of verification measures by the OPCW are listed in the Schedules contained
30 in the Annex on Chemicals to the Convention.

31
32 **g. “Purposes not prohibited”** means:

33 (i) Industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

34 (ii) Protective purposes, namely those purposes directly related to protection against toxic
35 chemicals and to protection against chemical weapons;

36 (iii) Military purposes not connected with the use of chemical weapons and not dependent
37 on the use of the toxic properties of chemicals as a method of warfare;

1 (iv) The use of non-lethal weapons, other than those prohibited under this Act and the
2 Convention, for the maintenance of public security and order:

3 (a) By the law enforcement authorities;

4 (b) By the Armed Forces of the Philippines when taking measures to suppress
5 insurgency and other serious threats to national security, and where the use
6 thereof is most appropriate than the use of deadly force;

7 (c) By the Armed Forces of the Philippines within the framework of a system of
8 mutual collective security, and training for its use.

9
10 **h. “Riot control agents”** means any chemical not listed in Schedule 1, Schedule 2 or
11 Schedule 3 of the Annex on Chemicals to the Convention which can produce rapidly in
12 humans, sensory irritation or disabling physical effects which disappear within a short
13 time following termination of exposure.

14
15 **i. “Scheduled chemicals”** means those chemicals listed in Schedule 1, Schedule 2 and
16 Schedule 3, respectively, of the Annex on Chemicals to the Convention.

17
18 **j. “Toxic chemical”** means any chemical which through its chemical action on life
19 processes can cause death, temporary incapacitation or permanent harm to humans or
20 animals. This definition includes all such chemicals therein, regardless of their origin or
21 of their method of production, and regardless of whether they are produced in facilities,
22 in munitions or elsewhere.

23
24 Toxic chemicals which have been identified for the application of verification measures
25 by the OPCW are listed in Schedules contained in the Annex on Chemicals to the
26 Convention. Unless the contrary intention appears, an expression or term that is used both
27 in this Act and in the Convention but is not defined in this Chapter shall have, in this Act,
28 the same meaning provided in the Convention.

29
30 **k. “Verification Annex”** means the Annex on Implementation and Verification to the
31 Convention.

32
33 **SEC. 4. Establishment of a Philippine National Authority for the Chemical Weapons**
34 **Convention.** – A Philippine National Authority for the Chemical Weapons Convention
35 hereinafter referred to, for brevity, as the “PNA-CWC”, is hereby created. The members of the
36 PNA-CWC are: (1) the Executive Secretary, who shall be its Chairperson; (2) the Secretary of
37 Justice, who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the
38 Secretary of National Defense; (5) the Secretary of the Interior and Local Government; (6) the

1 Secretary of Finance; (7) the National Security Advisor; (8) Secretary of Health; (9) Secretary of
2 Environment and Natural Resources; (10) Secretary of Agriculture; (11) Secretary of
3 Transportation and Communications; (12) the Secretary of Trade and Industry; (13) Secretary of
4 Energy, as its other members. The PNA-CWC shall determine its organizational structure
5 accordingly.

6
7 The National Bureau of Investigation, the Office of Civil Defense, the Intelligence Service of the
8 Armed Forces of the Philippines, the Philippine Center on Transnational Crime, Philippine Drug
9 Enforcement Agency, the Dangerous Drugs Board, the Food and Drugs Board, the Food and
10 Drug Administration, the Philippine National Police intelligence and investigative elements and
11 heads of agencies considered necessary or advisable by the PNA-CWC shall serve as support
12 agencies for the Council. The PNA-CWC shall determine its organizational structure
13 accordingly.

14
15 The PNA-CWC shall have the following duties and functions:

- 16
- 17 a) Liaise with the OPCW and other State Parties on matters relating to the Convention;
 - 18 b) Prepare and submit annual declarations to the OPCW on scheduled chemicals and
19 facilities and impose regulatory and monitoring fees for scheduled chemicals;
 - 20 c) Develop rules and regulations and formulate policies concerning the production,
21 processing, consumption, importation, exportation use and proper disposition of
22 scheduled chemicals and facilities, and other chemical production facilities;
 - 23 d) Designate and specify the required training and the functions of national inspectors, who
24 shall report to the PNA-CWC;
 - 25 e) Conduct and facilitate national, as well as international inspections by the OPCW
26 inspectors, of sites involving scheduled chemicals or other chemical production facilities;
 - 27 f) Cause or direct the investigation and prosecution of violators of laws concerning
28 chemical weapons, or the handling of toxic chemicals in violation of this Act;
 - 29 g) Perform such other functions to effectively implement the provisions of the Convention.
- 30

31 The PNA-CWC is hereby empowered to compel, as may be necessary, assistance and support
32 from all departments, bureaus, offices, agencies, or instrumentalities, of the government,
33 including government owned and/or controlled corporations and other government institutions to
34 effectively perform its duties and functions under this Act.

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CHAPTER II

PROHIBITIONS REGARDING CHEMICAL WEAPONS AND SCHEDULED CHEMICALS IN THE CHEMICAL WEAPONS CONVENTION

SEC. 5. *Prohibited Acts.* –

- a. Develop, produce, acquire, stockpile, use, retain, or engage in military preparations to use a chemical weapon;
- b. Assist and encourage or induce in any way, a person, to engage in activities prohibited under Convention;
- c. Transfer, directly or indirectly, a chemical weapon to any other natural and/or juridical person;
- d. Use a riot control agent as a method warfare;
- e. Produce, acquire, retain, or use Schedule 1 chemicals in a state not party to the convention;
- f. Retransfer to a third State, the Schedule 1 chemicals transferred to the Philippines;
- g. Transfer Schedule 1 chemicals to another state party without notifying the PNA-CWC not less than sixty (60) days before the transfer, except for the transfer of saxitoxin, which notification shall be allowed not less than twenty four (24) hours before the time of transfer, if the transfer is for medical/diagnostic purposes and the quantity is five milligrams (5 mg) or less (par 5, Part IV Schedule 1 Regime);
- h. Transfer to or receive from a state not party to the Convention Schedule 2 chemicals or products containing such chemicals. This prohibition shall not apply to those products containing Schedule 2 chemicals in which:
 - i. The product contains one percent or less of a Schedule 2A or 2A* chemical;
 - ii. The product contains 10 percent or less of a Schedule 2B chemical; or
 - iii. The product is identified as a consumer good packaged for retail sale for personal use or packaged for individual use.
- i. Transfer to a state not party to the Convention Schedule 3 chemicals without receiving, prior to the transfer an end-user certificate from the competent government, authority of such State pursuant to paragraph 26 of Part VIII of the Verification Annex to the Convention. This shall not apply to those products containing Schedule 3 chemicals in which:
 - i. The product contains 30 percent or less of a Schedule 3 chemical; or
 - ii. The product is identified as a consumer good packaged for retail sale for personal use, or packaged for individual use.

1 Nothing in this Act shall be construed to prohibit the Armed Forces of the Philippines from using
2 non-lethal weapons other than those prohibited in this Act, in the conduct of combat operations
3 for the suspension of insurgency and other serious threats to national security where the use of
4 such non-lethal weapons is deemed most appropriate than use of deadly force.

5
6 **SEC. 6. Penalties.** – Any person who commits any of the prohibited acts under Section 5
7 shall suffer the penalty of imprisonment for a period between 12 years and one day to life
8 imprisonment, and a fine from two million pesos (PHP 2,000,000.00) to five million pesos (PHP
9 5,000,000.00).

10
11 In case any of the violation of this Act is committed by a partnership, cooperation, association, or
12 any other juridical entity, the partner, president, director, manager, trustee, administrator, or
13 officer who consents to, or knowingly tolerates such violation shall be held criminally liable.

14
15 The registration with the SEC or DTL, as the case may be, and license to operate of the
16 partnership, corporation, association or any other juridical entity, shall be cancelled and revoked
17 permanently.

18
19 In addition to the penalties prescribed in this Act, any alien who violates such provision shall,
20 after service of sentence, be deported immediately without further proceedings, and be barred
21 permanently from entering the country.

22
23 The maximum penalty provided in this Act shall be imposed in addition to absolute perpetual
24 disqualification from any public office, to any government official or employee found guilty for
25 the commission of any of the offenses under this Act.

26
27 Persons who conspire to commit any of the prohibited acts under Section 6 hereof shall be
28 punished by the same penalty prescribed for herein.

29
30 There is a conspiracy when two or more persons come to an agreement concerning the
31 commission of any of the offenses under this Act and decide to commit the same.

32
33 **SEC. 7. Forfeiture and Destruction of Chemical Weapon.** – If any chemical weapon is
34 found anywhere on the territory or in any other place under the jurisdiction of the Philippines,
35 the weapons shall be forfeited in favor of the national government through the PNA-CWC and
36 shall be destroyed in accordance with existing environmental regulations.

- 1 iii. subject to paragraph (2)(c), produce, process or consume more than 1 tonne
2 of a Schedule 2, part B chemical per year for purposes not prohibited under
3 the Chemical Weapons Convention, or
4 iv. subject to subparagraph (2)(c), produce more than 30 tonnes of a Schedule
5 3 chemical per year for purposes not prohibited under the Chemical
6 Weapons Convention, or
7 v. subject to subparagraph (2)(c), produce by synthesis more than 200 tonnes
8 of unscheduled discrete organic chemicals or more than 30 tonnes of an
9 unscheduled discrete organic chemical containing the elements
10 phosphorous, sulphur or fluorine;

11
12 Any person who produces, processes or consumes Schedule 2 or 3 chemicals or
13 unscheduled discrete organic chemicals for purposes other than those not
14 prohibited under this Act, or without a license or contravenes with the conditions
15 thereof shall suffer the penalty of imprisonment of four years and one day to six
16 years and/or a fine from five hundred thousand pesos (PHP500,000.00) to one
17 million pesos (PHP1,000,000.00).

18
19 b) A license, granted by the PNA-CWC or by the agency/ies by which the PNA-
20 CWC has delegated such pursuant to paragraph (4), is required for any person that
21 produced, processed, or consumed a Schedule 2 chemical for purposes not
22 prohibited under the Chemical Weapons Convention during any of the three
23 calendar years previous to the current year, above the following thresholds per
24 year-

- 25
26 i. 1 kilogram of a Schedule 2, part A* chemical
27 ii. 100 kilograms of any other Schedule 2, part A chemical
28 iii. 1 tonne of a Schedule 2, part B chemical.

29
30 c) A license is not required for, as the case maybe, the production, processing, or
31 consumption of mixtures of chemicals containing 30 percent or less a Schedule 2,
32 part B chemical or a Schedule 3 chemical.

33
34 3) *Imports and exports of Schedule 2 and 3 chemicals.* – No person shall import or export
35 Schedule 2 chemicals or Schedule 3 chemicals except under and in accordance with the
36 condition of a license granted by the PNA-CWC or by the agency/ies by which the PNA-
37 CWC has delegated such pursuant to paragraph (4).

1 Any person who imports or exports Schedule 2 chemicals or Schedule 3 chemicals,
2 without a license, or contravenes with the conditions thereof shall under the penalty of
3 imprisonment of four years and one day to six years and/or a fine from five hundred
4 thousand pesos (PHP 500,000.00) to one million pesos (PHP1,000,000.00).

5
6 **4) Licensing. –**

- 7
- 8 a) An application for a license to do any of the acts referred to in paragraph (1) to (3)
 - 9 shall be made to the PNA-CWC in such manner or form as the PNA-CWC may
 - 10 determine and shall be accompanied by the prescribed fee.
 - 11 b) The PNA-CWC may make regulations to prescribe the manner of application for a
 - 12 license; the form and duration of a license; the terms and conditions upon which
 - 13 and the circumstances in which a license may be granted, held, suspended,
 - 14 cancelled, extended, renewed or replaced; and the fees payable in respect thereof.

15
16 **5) Penalties. –**

- 17
- 18 a) Any person who produces, acquires, retains, transfers or uses Schedule 1
 - 19 chemicals for purposes other than for research, medical, pharmaceutical or
 - 20 protective purposes, or contravenes paragraph (1), shall suffer the penalty of
 - 21 imprisonment for a period of not less than six years and one day to life
 - 22 imprisonment and/or a fine from five hundred thousand pesos (PHP500,000.00) to
 - 23 ten million pesos (PHP10,000,000.00).
 - 24 b) Any person who as the case may be, produces, processes or consumes Schedule 2
 - 25 or 3 chemicals or unscheduled discrete organic chemicals for a purpose other than
 - 26 purposes not prohibited under the Chemical Weapons Convention, or contravenes
 - 27 paragraphs (2) or (3) shall suffer the penalty of imprisonment of not less than two
 - 28 years to twenty years and/or a fine from fifty thousand pesos (PHP50,000.00) to
 - 29 five million pesos (PHP5,000,000.00).

30
31 **SEC. 10. Submission of Information. –**

32
33 **1) Purpose of this section. –**

- 34 a) The purpose of this section of this Act is to ensure that:
- 35 i. Toxic chemicals and their precursors are only developed, produced, otherwise
 - 36 acquired, retained, transferred, or used for purposes not prohibited under the
 - 37 Convention, and

- 1 ii. The PNA-CWC has knowledge of dealing with chemicals that facilitated the making
2 of the Philippines annual declaration under the Convention to the OPCW, and
3 iii. The Philippines is otherwise able to fulfil its obligation under the Convention.

4
5 b) Any power under this section of this Act may be exercised only for the purpose in
6 subparagraph (1) (a).

7
8 2) *Supply of Information.* –

9 a) Any person who, as the case may be, developed, produced, or otherwise acquired,
10 processed, consumed, retained, transferred or used toxic chemicals, or their precursors, to
11 which any provision in Parts VI through IX of the Verification Annex of the Convention
12 applies, or who intends to carry out such activities, must-

13 i. Notify the chemicals and, as the case may be, the facility or plant site to the PNA-
14 CWC, within such period as prescribed by the PNA-CWC, by giving written notice in
15 a form approved by the PNA-CWC and issued under the regulations further to this
16 Act, containing such information as is required by the form, and

17 ii. Keep records in relation to the chemicals and facility or plant site, and the purpose to
18 which the chemicals are put, and

19 iii. Prepare, from these records, annual reports relating to the chemicals and the facility
20 or plant site in a form approved by the PNA-CWC and issued under the regulations
21 issued further this Act, and

22 iv. Send annual reports to the PNA-CWC at intervals specified in the regulations issued
23 further to this Act.

24 b) The records and reports under subparagraph 2(a) (i)-(iv) must be sufficient to satisfy the
25 PNA-CWC that the convention and the provisions of this Act and any regulations made
26 under this Act are being complied with.

27
28 Any person who refuses or fails to notify the PNA-CWC pursuant to the provisions of this
29 Section shall suffer the penalty of imprisonment of one year and one day to two years and/or a
30 fine of five hundred thousand pesos (PHP 500,000.00).

31
32 Any person who fails to give the required additional information or keep records pursuant to this
33 Section shall suffer the penalty of imprisonment of six months and one day to one year and/or a
34 fine of one hundred thousand pesos (PHP 100,000.00).

35
36 Any person who, in any document prepared pursuant to this Section, makes a statement or omits
37 any matter knowing that the statement or omission makes the document false and misleading in a

1 material particular, shall suffer the penalty of six months and one day to one year and/or a fine of
2 one hundred thousand pesos (PHP100,000.00)

3

4 3) *False or misleading statements.* – Any person who shall, in any document prepared
5 pursuant to this section of this Act, make a statement or omit any matter knowing that the
6 statement or omission makes the document false or misleading in a material particular,
7 shall, after hearing and due proceedings, suffer the penalty or imprisonment for a period
8 of six years and one day to twenty years, and/or a fine of five hundred thousand pesos
9 (PHP500,000.00) to ten million pesos (PHP10,000,000.00)

10 **SEC. 11. *Verification and Inspection.*** –

11

12 1. The PNA-CWC shall issue regulations to facilitate compliance with the Annex on
13 Implementation and Verification to the Chemical Weapons Convention.

14 2. Inspected persons and their personnel have the duty to facilitate OPCW inspections and
15 to cooperate with the international inspectors and the escort team in complying with their
16 duties and efficiently carrying out the international inspection.

17

18 Notwithstanding subsections (1) and (2), any person who obstructs, hinders, resists, or
19 deceives any national inspector or international inspector who is exercising any function
20 contemplated, or any power provided for, in the regulations issued further to this section,
21 in the Convention or any applicable facility agreement, shall be punished by
22 imprisonment for a period of four years and one day to six years, and/or a fine from five
23 hundred thousand pesos (P500,000.00) to one million pesos (P1,000,000.00). in addition,
24 the facility in question shall be subject to closure and license related to its activities under
25 this Act subject to suspension or revocation.

26

27 **SEC. 12. *Protection of Confidential Information.*** – Any confidential information that is
28 given or obtained pursuant to this Act shall be disclosed only for the purpose of complying with
29 obligations under the Convention, the enforcement of this Act, or dealing with an emergency
30 involving public safety. Any person who violates this section shall suffer the penalty of
31 imprisonment for four years and one day to six years, and/or a fine from five hundred thousand
32 pesos (P500,000.00) to one million pesos (P1,000,000.00).

33

34 **SEC. 14. *Additional Penalties Under Chapter III.*** – In case the prohibited act is
35 committed by a partnership, corporation, association, or any juridical person, the partner,
36 president, director, or manager who consents to or knowingly tolerates such violation shall be
37 held criminally liable. In case the prohibited act is committed by an alien, the person shall be

1 deported immediately after service of sentence. In case the prohibited act is committed by a
2 government official or employee, the accessory penalty of perpetual absolute disqualification to
3 hold public office shall be imposed.

4
5 **CHAPTER V**
6 **MISCELLANEOUS PROVISIONS**
7

8 **SEC. 15. *Legal Cooperation and Assistance.*** –

- 9 1) The PNA-CWC may collaborate with other State authorities and international
10 organizations and entities, and coordinate their actions to the extent required by the
11 implementation of this Act or of the equivalent statute(s), subject to other State
12 authorities or international organizations or entities being bound to official secrecy.
- 13 2) The PNA-CWC may request other State authorities and international organizations or
14 entities, under paragraph (1) to provide relevant data or information. The PNA-CWC is
15 authorized to receive data or information concerning:
- 16 a) The nature, quantity, and utilization of scheduled chemicals or their precursors and
17 related technologies, and the places of consignment and consignees for such
18 scheduled chemicals, precursors, or related technologies; or
- 19 b) Persons taking part in the production, delivery, or brokerage of the scheduled
20 chemicals, precursors, technologies in subparagraph (a).
- 21 3) If a State has entered into the appropriate reciprocity agreement with the Philippines, the
22 PNA-CWC may provide, on their own initiative or on request, the data or information
23 described in paragraph (2) to that State so long as the other competent State authority
24 provides assurances that such data or information shall:
- 25 a) Only be utilized for purposes consistent with this Act; and
26 b) Only be used in criminal proceedings on the condition that they are obtained in
27 accordance with those provisions governing international juridical cooperation.
- 28 4) The PNA-CWC may provide data or information described in paragraph (2) to
29 international organizations or entities if the conditions set forth in paragraph (3) are
30 fulfilled, in which case the requirement for reciprocity agreement is waived.

31
32 **SEC. 16. *Supplemental Application of the Revised Penal Code and Other Laws.*** – The
33 provisions of the Revised Penal Code, Human Security Act, and other laws shall have
34 supplemental application to the provisions of this Act.

35
36 **SEC. 17. *Jurisdiction.*** – Any of the Regional Trial Courts where any of the elements of
37 the offense has been committed have jurisdiction over all cases of violations of this Act and
38 application for ancillary writs and processes of search warrant, seizure and forfeiture. *Provided,*

1 That the first court that acquires jurisdiction shall exercise the same to the exclusion of all other
2 courts unless the Supreme Court authorizes the transfer of venue to prevent injustice.

3
4 **SEC. 18. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
5 establishment of the PNA-CWC as provided in Section 4 herein shall issue the specific Rules
6 and Regulations as may be necessary to ensure the efficient and effective implementation of the
7 provisions of this Act.

8
9 **SEC. 19. *Appropriations.*** – The amount of Fifty Million Pesos (PHP50,000,000.00) is
10 hereby appropriated to the PNA-CWC as initial funding for its first year of operation, chargeable
11 against the Contingent Fund of the Office of the President. Thereafter, said amount shall be
12 included in the Annual General Appropriations Act.

13
14 **SEC. 20. *Separability Clause.*** – If any provision or portion of this Act or the application
15 thereof to any person or circumstance is declared to be unconstitutional or invalid, the other
16 provisions or portions of this Act, and the application of such provision or portion, to other
17 persons or circumstances, shall not be affected thereby.

18
19 **SEC. 21. *Repealing Clause.*** – All laws, decrees, executive orders, rules or regulations or
20 parts thereof, inconsistent with the provisions of this Act, are hereby repealed, amended or
21 modified accordingly.

22
23 **SEC. 22. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
24 the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

ANNEX 1

Schedules of Chemicals and Guidelines for the Schedules of Chemicals under the Chemical Weapons Convention¹

Schedule 1

A. Toxic chemicals

		(CAS Registry number)
(1)	O-Alkyl (<=C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates	
e.g. Sarin:	O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman:	O-Pinacolyl methylphosphonofluoridate	(96-64-0)
(2)	O-Alkyl (<=C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g. Tabun:	O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)
(3)	O-Alkyl (H or <=C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts	
e.g. VX:	O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
(4)	Sulfur mustards:	
	2-Chloroethylchloromethylsulfide	(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
	Bis(2-chloroethylthio)methane	(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
	Bis(2-chloroethylthiomethyl)ether	(63918-90-1)
	O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)
(5)	Lewisites:	
	Lewisite 1: 2-Chlorovinylchloroarsine	(541-25-3)
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)
(6)	Nitrogen mustards:	
	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)
(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)

¹ Info retrieved from <http://www.opcw.org/chemical-weapons-convention/annex-on-chemicals/b-schedules-of-chemicals/schedule-1/>.

B. Precursors

		(CAS Registry number)
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides	
e.g. DF:	Methylphosphonyldifluoride	(676-99-3)
(10)	O-Alkyl (H or <=C10, incl. cycloalkyl) O-2-dalkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts	
e.g. QL:	O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)

Schedule 2

A. Toxic chemicals

		(CAS Registry number)
(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate	(78-53-5)
	and corresponding alkylated or protonated salts	
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)

B. Precursors

		(CAS Registry number)
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,	
e.g	Methylphosphonyl dichloride	(676-97-1)
	Dimethyl methylphosphonate	(756-79-6)
Exemption: Fonofos:	O-Ethyl S-phenyl ethylphosphonothiolothionate	(944-22-9)
(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts	
Exemptions:	N,N-Dimethylaminoethanol	(108-01-0)
	and corresponding protonated salts	

	N,N-Diethylaminoethanol	(100-37-8)
	and corresponding protonated salts	
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

Schedule 3

A. Toxic chemicals

		(CAS Registry number)
(1)	Phosgene: Carbonyl dichloride	(75-44-5)
(2)	Cyanogen chloride	(506-77-4)
(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)

B. Precursors

		(CAS Registry number)
(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	(10026-13-8)
(8)	Trimethyl phosphite	(121-45-9)
(9)	Triethyl phosphite	(122-52-1)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulfur monochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyldiethanolamine	(139-87-7)
(16)	Methyldiethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

(a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

(b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

(i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

(ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

(iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

(c) It has little or no use for purposes not prohibited under this Convention.

Guidelines for Schedule 2

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

(a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;

(b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;

(c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;

(d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Guidelines for Schedule 3

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

(a) It has been produced, stockpiled or used as a chemical weapon;

(b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;

(c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;

(d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.