

**SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
Third Regular Session

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SENATE

RECEIVED

S.B. No. 2144

Introduced by Senator Aquilino “Koko” Pimentel III

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

EXPLANATORY NOTE

In 2017 and 2018, the Philippines became a dumping site of imported trash, prompting the undersigned to file Proposed Senate Resolution Nos. 553 on December 4, 2017 as regards the so-called Canadian trash and 939 on November 13, 2018 as regards 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.”

Pursuant to our Constitutional duty and intergenerational responsibility to protect and advance the right of the people to a balanced and healthful ecology, and considering our own trash woes, this bill proposes to ban the importation of trash even by recyclers of trash located in Special Economic Zones. By banning the importation of imported solid waste, we prevent the country from being a dumping site of more advanced economies.

It is worthy to note that China, formerly the top destination for recyclable trash, has banned the importation of solid wastes, with Thailand and Vietnam following suit. The China ban has left exporters

of plastic wastes to China - US, Britain, Germany, Japan, and Mexico – scrambling to find new dumping sites for their wastes.

Without a ban in place, we should expect more foreign wastes arriving in our shores. Thus, in view of the foregoing, the urgent passage of this bill is earnestly sought.


AQUILINO "KOKO" PIMENTEL III

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

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

7 **SEC. 2.** *Ban on Importation of Solid Waste and Its Use.* – It shall be
8 unlawful to import any solid waste, as defined in Republic Act No. 9003
9 and its implementing rules and regulations, into or within Philippine
10 territory, or otherwise use, treat, or process the same. For purposes of this
11 Act, Special Economic Zones, as defined in Republic Act No. 7916, as
12 amended, are considered part of Philippine territory.

13
14 **SEC. 3.** *Penalties.* – Any entity or person who shall import any solid
15 waste or otherwise use, treat, or process the same in violation of this Act
16 shall be punished with imprisonment of twelve years and one day to
17 twenty years, at the discretion of the court.

18
19 If the offender is a foreigner, the foreigner offender shall be deported
20 and barred from any subsequent entry into the Philippines after service of
21 sentence.

22
23 In the case of corporations, associations, or other entities, the
24 penalty shall be imposed upon the managing partner, president, or chief

1 executive officer, in addition to the payment of an exemplary damage of
2 at least Five hundred thousand pesos (Php500,000.00). If it is a foreign
3 entity, the director and all its responsible officers shall be barred from
4 entry into the Philippines, in addition the cancellation of its license to do
5 business in the Philippines.

6
7 In case the offender is a government official or employee, the
8 penalties of automatic dismissal from office and permanent
9 disqualification from holding any elective or appointive position shall be
10 imposed, in addition to the penalties provided herein.

11
12 **SEC. 4. *Other Penalties.*** – The person or firm responsible for or
13 connected with the unlawful importation of solid waste shall have the
14 obligation to transport or send back to the port of origin such prohibited
15 wastes. If the importer cannot be ascertained, the carrier shall be
16 responsible for transporting such solid waste back to the port of origin or
17 pay the exemplary damage of at least Five hundred thousand pesos
18 (Php500,000.00), or both.

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

23
24 **SEC. 5. *Forfeiture of Proceeds and Equipment.*** – The penalty
25 imposed for the unlawful importation of solid waste and its use shall carry
26 with it the confiscation and forfeiture in favor of the Government of the
27 proceeds of the unlawful act including any instrument, equipment, tool,
28 or other improvements used in or with which the offense was committed.

29
30 **SEC. 6. *Appropriations.*** – The amount necessary to carry out the
31 provisions of this Act shall be included in the annual General
32 Appropriations Act.

33
34 **SEC. 7. *Implementing Rules and Regulations.*** – Within sixty (60)
35 days from the approval of this Act, the Department of Environment and
36 Natural Resources and the Department of Trade and Industry shall
37 formulate and promulgate the necessary rules and regulations to
38 implement the provisions of this Act.

39
40 **SEC. 8. *Separability Clause.*** – If any part or section of this Act is
41 declared unconstitutional, such declaration shall not affect in any manner
42 the other parts or sections hereof.

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

5
6 **SEC. 10. *Effectivity.*** – This Act shall take effect fifteen (15) days
7 after its publication in the Official Gazette or in any newspaper of general
8 circulation.

9
10 *Approved,*
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