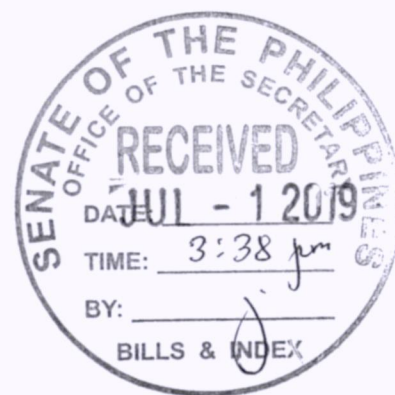


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



SENATE  
S. No. 98

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Introduced by Senator Aquilino “Koko” Pimentel III

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AN ACT  
BANNING THE IMPORTATION OF SOLID WASTE

EXPLANATORY NOTE

In the 17<sup>th</sup> Congress, the undersigned authored 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."

While the Canadian trash and the Korean trash have been shipped back to Canada and Korea, respectively, these incidents of trash dumping are capable of repetition. Therefore, a law to prohibit the importation of solid waste is urgently needed to prevent the entry of these wastes.

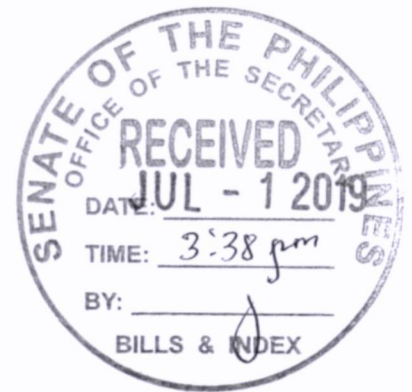
Pursuant to our Constitutional duty and intergenerational responsibility to protect and advance the right of our people to a balanced and healthful ecology, and considering our own trash woes, this bill proposes to ban the importation of trash even by recyclers of trash located in Special Economic Zones. 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, such as the 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**

EIGHTEENTH CONGRESS OF THE )  
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AN ACT  
BANNING THE IMPORTATION OF SOLID WASTE

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

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

19  
20       If the offender is a foreigner, the foreigner offender shall be deported  
21 and barred from any subsequent entry into the Philippine after service of  
22 sentence.  
23

1 In the case of corporations, associations, or other entities, the  
2 penalty shall be imposed upon the managing partner, president, or chief  
3 executive officer, in addition to the payment of an exemplary damage of  
4 at least Five Hundred Thousand Pesos (P500,000.00). If it is a foreign  
5 entity, the director and all its responsible officers shall be barred from  
6 entry into the Philippines, in addition to the cancellation of its license to  
7 do business in the Philippines.

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

13  
14 **SEC. 4. *Other Penalties.*** – The person or firm responsible for or  
15 connected with the unlawful importation of solid waste shall have the  
16 obligation to transport or send back to the port of origin such prohibited  
17 wastes. If the importer cannot be ascertained, the carrier shall be  
18 responsible for transporting such solid waste back to the port of origin or  
19 pay the exemplary damage of at least Five Hundred Thousand Pesos  
20 (P500,00.00), or both.

21  
22 If the importation caused environmental pollution, the component  
23 environmental protection agency shall order the importer to eliminate the  
24 pollution.

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

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

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

1       **SEC. 8. *Separability Clause.*** – If any provision of this Act is  
2 declared invalid or unconstitutional, the other provisions not affected by  
3 such declaration shall remain in full force and effect.

4  
5       **SEC. 9. *Repealing Clause.*** – All laws, executive and administrative  
6 orders, rules and regulations inconsistent with the foregoing provisions  
7 are hereby repealed or modified accordingly.

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

12  
*Approved,*