

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

SENATE  
S.B. No. 1357

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Introduced by Senator Loren Legarda

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EXPLANATORY NOTE

This bill seeks to prohibit the importation of controlled substances that contravene the Montreal Protocol, as amended, to address the depletion of our ozone layer and prevent loss of life on planet Earth.

The ozone layer is a portion of earth's atmosphere that contains high levels of ozone. The ozone layer is essential for human life. It is able to absorb ultraviolet radiation, preventing penetration to the earth's surface. Ultraviolet radiation is harmful to life because this radiation can enter cells and destroy the deoxyribonucleic acid (DNA) of many life forms on planet earth. Without the ozone layer, UV radiation would not be filtered as it reaches the surface of the earth.

There are three main contributors to the ozone problem: human activity, natural sources, and volcanic eruptions. Human activity accounts for approximately 75 to 85 percent of ozone damage. Perhaps the most evident and destructive molecule of this description is chlorofluorocarbon (CFC). CFCs were first used to clean electronic circuit boards, and as time progressed, were used in aerosols and coolants, such as refrigerators and air conditioners. When CFCs from these products are released into the atmosphere, the destruction begins. As CFCs are emitted, the molecules float toward the ozone rich stratosphere. Then, when UV radiation contacts the CFC molecule, this causes one chlorine atom to liberate. This free chlorine then reacts with an ozone (O<sub>3</sub>) molecule to form chlorine monoxide ((210) and a single oxygen molecule (O<sub>2</sub>). This threatening chlorine atom then continues the cycle and results in further destruction of the ozone layer. Measures have been taken to reduce the amount of CFC emission, but since CFCs have a life span of 20-100 years, previously emitted CFCs will do damage for years to come.

Scientists have lately located a "hole" in the ozone lap somewhere above the Antarctic, the size of continental America. Alarmed by the development, countries of the world met in March 1985 in a Conference of Plenipotentiaries and adopted the Vienna Convention for the protection of the Ozone Layer. This was followed in 1987 by a Conference of Plenipotentiaries on Chlorofluorocarbons to the Vienna Convention. Together with some 44 other countries, the Philippines signed the resulting document, the Montreal Protocol.

This bill aims to establish the local mechanisms for regulating and monitoring the importation of CFCs and other ozone depleting substances (ODS) in accordance with provisions of the Montreal Protocol.

The early enactment of this bill is therefore earnestly sought.

  
LOREN LEGARDA  
Senator

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Introduced by Senator Loren Legarda

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AN ACT  
TO REGULATE THE IMPORTATION OF SUBSTANCES THAT DEplete THE  
OZONE LAYER, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND  
FOR OTHER PURPOSES

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

1           **SECTION 1. Title.** - This Act shall be known as the "Ozone Layer Protection  
2 **Act of 2010."**

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4           **SEC. 2. Declaration of Policy.** - It shall be the policy of the State to protect the  
5 right of the people to the healthful and balanced ecology. To this end, it shall control  
6 and regulate activities, which have, or are likely to have, an adverse effect on the  
7 ozone layer that shields the earth from incoming ultra-violet radiation.

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9           **SEC. 3. Definition of Terms.** - As used in this Act, the following terms shall  
10 mean as follows:

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12           1. "Ozone Layer" - refers to a layer of gas ten (10) to thirty (30) miles from the  
13 ground within the stratosphere, which deflects solar ultra-violet radiation.

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15           2. "Ozone-depleting potential (ODP)" - refers to an arbitrary value adopted by  
16 the Montreal Protocol to indicate the damage inflicted on the ozone layer by a  
17 substance. Each controlled substance is assigned on ODP value in relation to  
18 the ODP of 1.0 assigned to CFC-11.

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20           3. "Controlled Substance" - refers to a substance, whether existing alone or in a  
21 mixture, that is listed in the Montreal Protocol, as amended in London in

1 1990. It includes the isomers of the following substances except as specified  
2 by the Montreal Protocol:

3	4	5	6
	NAME	FORMULA	ODP
5	CFC-11	CFC13	1.0
6	CFC-12	CFC13	1.0
7	CFC-13	CFC13	1.0
8	CFC-11	CFC13	1.0
9	CFC-112	CFC13	1.0
10	CFC-211	CFC13	1.0
11	CFC-212	CFC13	1.0
12	CFC-213	CFC13	1.0
13	CFC-214	CFC13	1.0
14	CFC-215	CFC13	1.0
15	CFC-216	CFC13	1.0
16	CFC-217	CFC13	1.0
17	CFC-113	CFC13	1.0
18	CFC-114	CFC13	0.8
19	CFC-115	CFC13	1.0
20	Halon-1211	CFC13	0.6
21	Halon-1301	CFC13	3.0
22	Halon-2402	CFC13	10.0
23	Carbon tetrachloride		6.0
24	Methyl chloroform	1,1,-trichloroethane	0.1 CH

25  
26 4. "Importation" - shall refer to the bringing into some port, harbor or haven  
27 with intent to land the goods therein and shall include the definition  
28 provided for in Article 1202 of the Tariff and Customs Code.

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30 **SEC. 4. Prohibited Acts.** - It is hereby declared unlawful to import the  
31 substances enumerated in Section 3, paragraph 3 hereof, if said importation would  
32 contravene the provisions of the Montreal Protocol, as amended: *Provided, however,*  
33 That the Secretary of Environment and Natural Resources shall issue directives for  
34 the efficient dissemination to the public of the pertinent provisions of the Montreal  
35 Protocol, as amended.

1           **SEC. 5. Penalties.** - Violation of Section 4 hereof shall be punished with  
2 imprisonment from *prision correccional* minimum to *prision correccional* maximum or  
3 a fine ranging from Ten Thousand Pesos (P10,000.00) to Fifty Thousand Pesos  
4 (P50,000.00), or both, at the discretion of the court.

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6           If the offense is committed by, or in conspiracy with, a corporation, the  
7 officers and directors of the corporation shall be jointly and solidarily liable with the  
8 corporation.

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10           Furthermore, the substances so imported in violation of Section 4 shall be  
11 forfeited in favor of the Government. To this end, the Government shall provide  
12 environmentally-sound disposal methods for the same.

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14           **SEC. 6. Regulation of the Importation of Controlled Substances.** - The  
15 Department of Environment and Natural Resources (DENR) shall regulate the  
16 importation of controlled substances in the country in order to ensure that their use  
17 in the country is in accordance with the Montreal Protocol, as amended.

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19           **SEC. 7. The Montreal Protocol.** - Upon the effectivity of this Act, the DENR,  
20 in coordination with the Department of Trade and Industry (DTI) and the  
21 Department of Science and Technology (DOST), shall issue rules and regulations on  
22 the importation of controlled substances with the view to implement provisions of  
23 the Montreal Protocol, as amended, applicable to the Philippine situation in  
24 accordance with national interest.

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26           **SEC. 8. Researchers.** - The DENR, in coordination with the DOST and other  
27 appropriate government agencies such as the Philippine Atmospheric, Geophysical  
28 and Astronomical Services Administration (PAGASA), shall conduct continuing  
29 research on the possible environmental impact of the various uses of such controlled  
30 substances. Based on the results of such research, the DENR shall recommend the  
31 adoption of appropriate national policies and/or further refinement of existing  
32 policies on controlled substances.

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34           **SEC. 9. Repealing Clause.** - All laws, presidential decrees, executive orders,  
35 presidential proclamation, rules and regulations or parts thereof contrary to or  
36 inconsistent with this Act are hereby repealed or modified accordingly.

1           **SEC. 10. *Separability Clause.*** - If any provision of this Act is declared  
2 unconstitutional, the same shall not effect the validity and effectivity of the other  
3 provisions hereof.

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5           **SEC. 10. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
6 complete publication in two (2) newspapers of general circulation.

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8           Approved,