

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



23 MAY 17 12:55

SENATE

RECEIVED BY

S. No. 2210

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

EXPLANATORY NOTE

Article II, Section 16 of the 1987 Constitution underscores the State's duty to safeguard the people's right to a balanced and healthy environment, in harmony with nature.

Previous incidents have brought to light a distressing reality: the Philippines is becoming a destination for imported waste from foreign countries. This situation is particularly concerning because our country already faces challenges in managing our own waste. With limited resources and infrastructure, we struggle to properly dispose of the waste we generate. Unfortunately, this often leads to improper disposal methods such as open dumping or burning, which not only harm our environment but also pose health risks to our people.

The importation of waste exacerbates our existing problems in waste management. Not only does it increase the quantity of waste we must handle, but it also introduces new types of waste, some of which may be hazardous or non-biodegradable. Dealing with these types of waste becomes even more challenging and can result in long-term damage to our environment and public health.

To address this pressing concern, the proposed bill aims to prohibit the importation of waste. Its purpose extends beyond mere adherence to constitutional principles; it is a vital step towards preserving our country's environmental well-being and ensuring the health and safety of our citizens.

Hence, I strongly urge the immediate passage of this legislative measure.



CYNTHIA A. VILLAR

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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 the State to
2 prohibit the entry of imported solid waste into Philippine territorial limits for
3 whatever purpose to prevent and control environmental pollution caused by solid
4 waste, safeguard human health, maintain ecological safety, and promote the
5 sustainable development of Philippine economy and society.

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

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

16 If the offender is a foreigner, the foreigner offender shall be deported and
17 barred from any subsequent entry into the Philippines after service of sentence.

1 In case of corporations, associations, or other entities, the penalty shall be
2 imposed upon the managing partner, president, or chief executive officer, in
3 addition to the payment of an exemplary damage of at least five hundred
4 thousand pesos (Php 500,000.00). If it is a foreign entity, the director and all its
5 responsible officers shall be barred from entry into the Philippines, in addition to
6 the cancellation of its license to do business in the Philippines.

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

11 *Sec. 4. Other Penalties.* – The person or firm responsible for or connected
12 with the unlawful importation of solid waste shall have the obligation to transport
13 or send back to the port of origin such prohibited wastes. If the importer cannot
14 be ascertained, the carrier shall be responsible for transporting such solid waste
15 back to the port of origin or pay the exemplary damage of at least five hundred
16 thousand pesos (Php 500,000.00), or both.

17 If the importation caused environmental pollution, the competent
18 environmental protection agency shall order the importer to eliminate the
19 pollution.

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

25 *Sec. 6. Appropriations.* – The amount necessary to carry out the provisions of
26 this Act shall be included in the annual General Appropriations Act.

27 *Sec. 7. Implementing Rules and Regulations.* – Within sixty (60) days from
28 the approval of this Act, the Department of Environment and Natural Resources

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

3 Sec. 8. *Separability Clause.* - If any provision of this Act is held invalid or
4 unconstitutional, the other provisions not so declared shall remain in force and in
5 effect.

6 Sec. 9. *Repealing Clause* – All laws, decrees, proclamations, issuances or
7 ordinances contrary to or inconsistent with the provisions of this Act are hereby
8 amended, repealed, or modified accordingly.

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

Approved,