

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 3461

Introduced by Hon. JULIETTE T. UY

EXPLANATORY NOTE

Our country is awash with millions of tons of solid wastes, liquefied wastes, and toxic wastes. Our rivers, lakes, seashores, and seas are massively polluted by these wastes. Our cities, factories, and homes produce garbage like there's no tomorrow. We already have a lot of our own garbage.

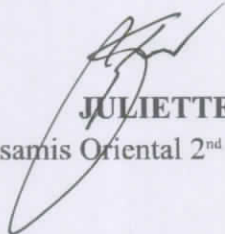
The more garbage we produce, the shorter and more polluted our tomorrows will become.

We certainly need not import any more garbage.

The Members of this Congress have not been remiss in their duty. There are dozens of pending bills and resolutions addressing the massive problems of solid waste management and air pollution we face.

As we are all aware by now, at the Port of Tagoloan in Misamis Oriental, there still are over 5,000 tons of garbage yet to be returned to South Korea. Add to that the so-called municipal waste – processed fuel from Australia and another shipment from Hong Kong.

The practice of other countries and companies overseas of sending their garbage to the Philippines is an insult to all Filipinos and an affront to our laws.


JULIETTE T. UY
Representative, Misamis Oriental 2nd District

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AN ACT
ESTABLISHING THE TOTAL BAN ON THE IMPORT AND EXPORT OF WASTE,
PROVIDING FOR MEANS FOR ITS ENFORCEMENT, APPROPRIATIONS, AND
FOR OTHER PURPOSES

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

Section 1. **Short Title.** - This Act shall be known as the “**Total Ban on the Import and Export of Waste Act of 2019.**”

Section 2. **Total Ban on Importation and Exportation of Waste, Processed Waste, and Waste By-Products.** It is hereby illegal for any person, groups of persons, business, corporate entity, or government office to import or export any form and whatever amount of waste, processed waste materials, waste by-products whether organic or inorganic and in whatever form whether solid, liquid, liquefied, gaseous, or mixture of substances.

Imported cargoes declared as waste or misdeclared to conceal the true waste cargo or smuggled into the country shall not be offloaded from any transport vessel and shall be immediately ordered by port authorities to depart from the port and return the illegal cargo to its port of origin, with all costs borne by the shipper.

The Department of Transportation, in coordination with the Department of Foreign Affairs, the Bureau of Customs, and Maritime Industry Authority, shall take control off the seized vessel, hire the services of competent and properly certified officers and crew, and return the seized vessel to the port of origin of the contraband waste cargo.

Section 3. **Environmental Protection Desk at all Ports of Entry and Exit.** To enable the proper front line enforcement of this Act, the Department of Environment and Natural Resources, Department of Finance and the Department of Transportation shall jointly establish an Environmental Protection Desk at every port of entry and exit in the country to be manned 24 hours and seven days a week by competent and adequately trained personnel.

Section 4. **Penalties.** The relevant penal provisions of environment and customs law, including but not limited to the following laws shall apply as penalties to violations of this Act:

- (a) The Ecological Solid Waste Management Act of 2000 (Republic Act 9003);
- (b) The Philippine Clean Air Act of 1999 (Republic Act 8749);
- (c) The Philippine Clean Water Act of 2004 (Republic Act 9275); and
- (d) The Customs Modernization and Tariff Act (Republic Act 10863).

Transport vessels which refuse to comply with the lawful orders of port authorities to immediately depart and not to offload the imported contraband waste cargo shall be seized and all its officers, crew, and contraband shipment consignee shall be immediately arrested for violation of this Act and of customs and environment protection laws.

The shipper of the imported contraband waste cargo shall be immediately permanently banned from shipping or causing the transport of any cargo to the Philippines.

The freight forwarder and shipper of contraband waste cargo meant for export shall be immediately ordered and compelled to return the shipment to its shipper. Non-compliance shall result in the immediate ban of the freight forwarder from entry into any port of the country.

The Implementing Rules and Regulations of this Act shall include other penalties and fines as may be deemed necessary.

Section 5. **Implementing Rules and Regulations.** The Department of Transportation, Department of Environment and Natural Resources, Department of Finance, Department of Justice, and Department of Foreign Affairs shall jointly craft, adopt, and execute the Implementing Rules and Regulations of this Act not later than sixty (60) days from its enactment into law.

Section 6. **Appropriations.** The annual budget necessary to implement this Act shall be included in the regular annual general appropriations.

Section 7. **Separability.** - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 8. **Repealing Clause.** - All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

Section 9. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established internet website presence.

Approved.