

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

25 JAN 27 P2:04

SENATE
S. No. 2957



Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
BANNING THE IMPORTATION OF SOLID WASTE, PROVIDING PENALTIES
FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

“The Philippines is not a dumping ground!” This is the resounding national sentiment after news broke about how different countries seem to treat the country as their landfill.

In October 2020, the Bureau of Customs (BOC) intercepted an illegal shipment of waste materials from the United States at Subic Bay Freeport¹. The containers which were declared as “old corrugated cartons for repulping” actually contained mixed wastes old cardboard, plastic packaging and used face masks.

In April 2020, the Department of Finance reported that the BOC returned to South Korea some 2,676 metric tons of waste materials (in 151 forty-footer containers) that were illegally exported to the Philippines and stored in Misamis Oriental since 2018².

¹ “Customs intercepts containers of waste materials from US at Subic port.” October 22, 2020. <https://www.rappler.com/philippines/customs-intercepts-containers-waste-materials-from-us-subic-port/>

² “PHL returns 2,676 tons of wastes to South Korea.” April 22, 2020. <https://www.dof.gov.ph/phl-returns-2676-tons-of-wastes-to-south-korea/>

In May 2019, the country sent back roughly 1,500 tons of trash to Canada³. The repatriation of mixed waste – non-recyclable plastic, waste paper, household waste, electronic wastes, and used adult diapers – took six long years after its discovery in 2013.

These are only three of the high-profile cases showing how developed countries take part in the global waste trade at the expense of poorer and developing nations.

This measure proposes to prohibit the importation of solid wastes defined as “discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste” under Republic Act No. 9003, as amended, or the “Ecological Solid Waste Management Act of 2000.” This bill complements Republic Act No. 6969 or the “Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990” which already penalizes the importation and entry of hazardous wastes into the Philippine territory for whatever purpose.

In view of protecting public health and ecological integrity against the hazards of imported waste, the passage of this measure earnestly sought.



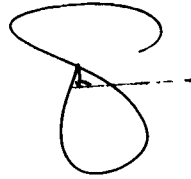
JINGGOY EJERCITO ESTRADA

³ “Philippines sends tonnes of rubbish back to Canada.” May 31, 2019. <https://www.bbc.com/news/world-asia-48455440>

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

1 Section 1. *Declaration of Policy.* – It is hereby declared the policy of the State
2 to prohibit the importation of solid waste into Philippine territory for whatever reason,
3 prevent and control environmental pollution caused by solid wastes, safeguard human
4 health, maintain ecological safety, and promote the sustainable development of
5 Philippine economy and society.

6 Sec. 2. *Ban on Importation of Solid Waste and Its Use.* – It shall be unlawful to
7 import any solid waste as defined in Republic Act No. 9003 known as the “Ecological
8 Solid Waste Management Act of 2000” and its implementing rules and regulations into
9 or within Philippine territory, including Special Economic Zones as defined in Republic
10 Act No. 7916 known as the “Special Economic Zone Act of 1995,” as amended, and
11 use, treat or process the same.

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 with
14 imprisonment of twelve (12) years and one (1) day to twenty (20) years, at the
15 discretion of the court.

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

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

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

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

17 If the importation caused environmental pollution, the Department of
18 Environment and Natural Resources (DENR) shall order the importer to eliminate the
19 pollution.

20 *Sec. 5. Monitoring and Regulatory System.* – The DENR and the Bureau of
21 Customs shall implement strict border control and monitoring system of importation
22 in all entry points to ensure that no waste is brought in the Philippine territory under
23 false declarations or otherwise.

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

26 *Sec. 7. Implementing Rules and Regulations.* – Within sixty (60) days from the
27 effectivity of this Act, DENR, Department of Trade and Industry (DTI) and Bureau of
28 Customs shall formulate and promulgate the necessary rules and regulations to
29 implement the provisions of this Act.

30 *Sec. 8. Separability Clause.* – If for any reason, any provision of this Act is
31 declared unconstitutional or invalid, such parts not affected thereby shall remain in
32 full force and effect.

1 Sec. 9. *Repealing Clause.* – All laws, decrees, executive orders, rules and
2 regulations and other issuances or parts thereof which are inconsistent with this Act
3 are hereby repealed, amended or modified accordingly.

4 Sec. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in any two (2) newspapers of general circulation.

Approved,