



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

TO : **The Directors**
Environmental Management Bureau
Biodiversity Management Bureau
Environmental Research and Development Bureau
Legal Affairs Service
Policy and Planning Service

FROM : **The Assistant Secretary**
Field Operations- Mindanao and Legislative Affairs

SUBJECT : **INVITATION FROM THE COMMITTEE ON PUBLIC ORDER
AND SAFETY**

DATE : 3 May 2021

This pertains to the letter dated 29 April 2021, from Representative **NARCISO R. BRAVO, JR.**, Chairperson, Committee on Public Order and Safety, inviting DENR to a virtual meeting via Zoom video conference on **25 May 2021 (Tuesday) at 1:00pm**, for the initial deliberation of the draft Substitute Bill to House Bills Numbered 928 and 8954 - AN ACT PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE OF CHEMICAL WEAPONS, PROVIDING FOR THEIR DESTRUCTION, AND PROVIDING PENALTIES THEREFOR authored by Reps. Manuel DG. Cabochan III, Jorge "PATROL" Bustos, Narciso R. Bravo, Jr., Raul "Boboy" C. Tupas, Michael T. Defensor, Presley C. De Jesus, Jericho Jonas B. Nograles, and Michael L. Romero. Attached is a copy of the draft substitute bill for your reference.

Kindly inform this Office the name/s and email address/es of your duly authorized representatives and submit presentation, comments and/or position paper in hard and soft on or before **21 May 2021** at the Legislative Liaison Office at telephone number 8920-1761 and e-mail address denrlegislative@yahoo.com, for consolidation.

Zoom meeting link to follow.


JOANA A. LAGUNDA, D.M/D.P.A

Encls: As stated.
/juo054

Invitation for Virtual Committee Meeting on May 25, 2021

From: publicorder_hrep@yahoo.com (publicorder_hrep@yahoo.com)

To: osec@denr.gov.ph; denrlegislative@yahoo.com

Date: Friday, April 30, 2021, 12:46 PM GMT+8

Dear Sir:

Please find attached herewith the Letter of Invitation for the Virtual Meeting via ZOOM of the Committee on Public Order and Safety and draft Substitute Bill for your reference.

Kindly acknowledge receipt of said documents.

Thank you

Committee on Public Order and Safety
3rd Floor, Ramon V. Mitra Building
House of Representatives, Quezon City
Tel No. (2) 8931-5001 loc 7126;
Telefax No. (632) 8932-5217



CPOS - Sub HB CWC Act as of April 28 2021.pdf
194.5kB



DENR Invites May 25 2021 CTTEE MEETING.pdf
537.1kB



Republic of the Philippines
House of Representatives
COMMITTEE ON PUBLIC ORDER AND SAFETY

3rd Floor, RV Mitra Building, Batasan Pambansa Complex, Constitution Hills, Quezon City
Telephone & Fax numbers +63 2 8932-52-17 / +63 2 8931-4072/+63 2 8931-5001 local 7126, email add:
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29 April 2021

SECRETARY ROY A. CIMATU

Department of the Environment and Natural Resources
DENR Building, Visayas Avenue,
Vasra, Quezon City

Dear Secretary Cimatú:

The Committee on Public Order and Safety invites you or your duly authorized representative to the virtual meeting via ZOOM on 25 May 2021, 1:00 PM, for the initial deliberation on the draft Substitute Bill to House Bills Numbered 928 and 8954 - **AN ACT PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE OF CHEMICAL WEAPONS, PROVIDING FOR THEIR DESTRUCTION, AND PROVIDING PENALTIES THEREFOR** authored by Reps. Manuel DG. Cabochan III, Jorge "PATROL" Bustos, Narciso R. Bravo, Jr., Raul "Boboy" C. Tupas, Michael T. Defensor, Presley C. De Jesus, Jericho Jonas B. Nograles, and Michael L. Romero.

Attached is a copy of the draft substitute bill for your reference. We would appreciate receiving your position paper on or before May 24, 2021.

We will send the Zoom meeting link the day before the meeting. For confirmation of attendance or inquiries, please contact us via email at publicorder_hrep@yahoo.com.

We look forward to your presence and active participation.

Thank you.

Very truly yours,

NARCISO R. BRAVO, JR.
Chairperson

For the Chairperson:

FLOR U. GONZALES
Committee Secretary

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. _____

Introduced by
Representatives Manuel DG. Cabochan III, Jorge "PATROL" Bustos, Narciso R. Bravo, Jr., Raul "Boboy" C. Tupas, Michael T. Defensor, Presley C. De Jesus, Jericho Jonas B. Nograles and Michael L. Romero

**AN ACT
PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE
OF CHEMICAL WEAPONS, PROVIDING FOR THEIR DESTRUCTION,
AND PROVIDING PENALTIES THEREFOR**

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

CHAPTER I

GENERAL PROVISIONS

1
2
3 **SECTION 1. Short Title.** - This Act shall be known as the "Chemical Weapons
4 Prohibition Act".

5 **SEC. 2. Declaration of Principles.** – The State, consistent with national
6 interest, adopts and pursues a policy of freedom from chemical weapons in its territory,
7 of protection of all human beings and the global environment from the effects of
8 chemical weapons, and hereby conforms with its obligations under the Convention on
9 the Prohibition of the Development, Production, Stockpiling and Use of Chemical
10 Weapons and on their destruction, otherwise known as the Chemical Weapons
11 Convention (hereinafter referred to as Convention), to which the Philippines is a State
12 Party.

1 Towards this end, the State shall not, under any circumstance, develop, produce,
2 manufacture, acquire, possess, stockpile, retain, or use chemical weapons, or engage
3 in any other activities prohibited under the Convention, and shall prohibit all persons
4 from developing, producing, manufacturing, acquiring, possessing, stockpiling,
5 retaining, or using chemical weapons or engaging in any other activities prohibited
6 under the Convention.

7 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following terms are
8 hereby defined:

9 a) Chemical Weapon means the following, together or separately:

10 (i) Toxic chemicals and their precursors, except where intended for
11 purposes not prohibited under the Convention, as long as the types and
12 quantities are consistent with such purposes;

13 (ii) Munitions and devices, specifically designed to cause death or other
14 harm through the toxic properties of those toxic chemicals specified in
15 subparagraph (i), which would be released as a result of the employment
16 of such munitions and devices; and

17 (iii) Any equipment specifically designed for use directly in connection with
18 the employment of munitions and devices specified in subparagraph (ii).

19 b) Discrete Organic Chemicals means any chemical belonging to the class of
20 chemical compounds consisting of all compounds of carbon except for its
21 oxides, sulphides and metal carbonates;

22 c) Facility means any industrial site of any production unit or process unit ("unit")
23 which is the combination of items of equipment, including vessels and vessel
24 set up, necessary for the production, processing or consumption of a chemical:

- 1 (i) "Production" of a chemical is defined as its formation through chemical
2 reaction. For scheduled chemicals, "production" should be understood
3 to include the production of a scheduled chemical (i.e. a Schedule 1,
4 Schedule 2 or Schedule 3 chemical) by a biochemical or biologically
5 mediated reaction;
- 6 (ii) "Processing" of a chemical is defined as a physical process, such as
7 formulation, extraction and purification, in which a chemical is not
8 converted into another chemical;
- 9 (iii) "Consumption" of a chemical is defined as its conversion into another
10 chemical via a chemical reaction.
- 11 d) Key component of Binary or Multi-component Chemical Systems means the
12 precursor which plays the most important role in determining the toxic
13 properties of the final product and reacts rapidly with other chemicals in the
14 binary or multi-component system;
- 15 e) OPCW refers to the Organization for the Prohibition of Chemical Weapons
16 established pursuant to the Convention;
- 17 f) Person means, except as otherwise provided, any individual, corporation,
18 partnership, firm, association, trust, estate, public or private institution, or any
19 political entity, any foreign government or nation or any agency, instrumentality
20 or political subdivision of any such government or nation, or other entity located
21 in the Philippines;
- 22 g) Precursors mean any chemical reactant which takes part at any stage in the
23 production by whatever method of a toxic chemical. These include any key
24 component of a binary or multi-component chemical system. Precursors which
25 have been identified for the application of verification measures by the OPCW

1 are listed in the Schedules contained in the Annex on Chemicals to the
2 Convention;

3 h) Purposes not prohibited means:

4 a) Industrial, agricultural, research, medical, pharmaceutical, or other
5 peaceful purposes;

6 b) Protective purposes, namely those purposes directly related to
7 protection against toxic chemicals and to protection against chemical
8 weapons;

9 c) Military purposes not connected with the use of chemical weapons and
10 not dependent on the use of the toxic properties of chemicals as a
11 method of warfare; and

12 d) The use of non-lethal weapons, other than those prohibited under this
13 Act and the Convention, for the maintenance of public security and order:

14 a. By the law enforcement authorities;

15 b. By the Armed Forces of the Philippines when taking measures to
16 suppress insurgency and other serious threats to national
17 security, and where the use of thereof is most appropriate than
18 the use of deadly force; and

19 c. By the Armed Forces of the Philippines within the framework of a
20 system of mutual collective security, and training for its use.

21 i) Riot control agents means any chemical not listed in Schedule 1, Schedule 2
22 or Schedule 3 of the Annex on Chemicals to the Convention which can produce
23 rapidly in humans, sensory irritation or disabling physical effects which
24 disappear within a short time following termination of exposure;

1 j) Scheduled chemicals means those chemicals listed in Schedule 1, Schedule 2
2 and Schedule 3, respectively, of the Annex on Chemicals to the Convention;

3 k) Toxic chemical means any chemical which through its chemical action on life
4 processes can cause death, temporary incapacitation or permanent harm to
5 humans or animals.

6 This definition includes all such chemicals therein, regardless of their
7 origin or of their method of production, and regardless of whether they are
8 produced in facilities, in munitions or elsewhere.

9 Toxic chemicals which have been identified for the application of
10 verification measures by the OPCW are listed in Schedules contained in the
11 Annex on Chemicals to the Convention. Unless the contrary intention appears,
12 an expression or term that is used both in this Act and in the Convention but is
13 not defined in this Chapter shall have, in this Act, the same meaning provided
14 in the Convention;

15 l) Verification Annex means the Annex on Implementation and Verification to the
16 Convention.

17 **SEC. 4. National Authority.** - The Anti-Terrorism Council (ATC) is hereby
18 designated as the Philippine National Authority on Chemical Weapons Convention,
19 hereinafter referred to as the PNA-CWC, to be headed by the Executive Secretary as
20 Chairperson of the ATC.

21 The Anti-Terrorism Council – Program Management Center (ATC-PMC) shall
22 act as the secretariat and implementing arm of the PNA-CWC.

23 **SEC 5. Functions of the PNA-CWC.** - The PNA-CWC shall perform the
24 following functions:

- 1 a) Serve as the National Focal Point for effective liaison with the OPCW and
2 other States' Parties as prescribed under the Convention;
- 3 b) Maintain communication with the Philippine Permanent Representative to
4 the OPCW on matters of foreign policy to ensure that it is consistent with
5 the country position;
- 6 c) Prepare and submit annual declarations to the OPCW on scheduled
7 chemicals and facilities;
- 8 d) Develop rules and regulations and formulate policies concerning the
9 production, processing, consumption, importation, exportation, use and
10 proper disposition of scheduled chemicals and facilities, and other chemical
11 production facilities (Chemicals not in the Schedule);
- 12 e) Designate and specify the required training and the functions of national
13 inspectors, who shall report to the PNA-CWC;
- 14 f) Conduct and facilitate national inspections, as well as international
15 inspections by the OPCW inspectors, of sites involving scheduled
16 chemicals or other chemical production facilities;
- 17 g) Cause or direct the investigation of violators of laws concerning chemical
18 weapons, or the handling of toxic chemicals in violation of this Act; and
- 19 h) Perform such other functions to effectively implement the provisions of the
20 Convention.

21 The PNA-CWC is hereby empowered to compel, as may be necessary,
22 assistance and support from all departments, bureaus, offices, agencies, or
23 instrumentalities of the government, including government-owned and/or
24 controlled corporations and other government institutions to effectively perform
25 its duties and functions under this Act.

1 other serious threats to national security where the use of such non-lethal and lethal
2 weapons is deemed most appropriate than use of deadly force.

4 CHAPTER III

5 PENALTIES

6 SEC. 7. Penalties. -

- 7 a) Any person who commits any of the prohibited acts under Section 6 shall
8 suffer the penalty of imprisonment for a period between twelve (12) years
9 and one day to life imprisonment, and a fine of Two million pesos
10 (P2,000,000.00) to Five million pesos (P5,000,000.00).
- 11 b) Any person who produces, acquires, retains, or uses Schedule 1
12 chemicals shall suffer the penalty of imprisonment of six (6) years and
13 one day to twelve (12) years and/or a fine of One million pesos
14 (P1,000,000.00) to Two million pesos (P2,000,000.00).
- 15 c) Any person who produces, acquires, retains, or uses Schedule 1
16 chemicals for purposes other than for research, medical, pharmaceutical
17 or protective purposes, or contravenes paragraph (1), shall suffer the
18 penalty of imprisonment for a period of not less than six (6) years and
19 one day to twelve (12) years and/or a fine of One million pesos
20 (P1,000,000.00) to Two million pesos (P2,000,000.00).
- 21 d) Any person who produces, processes, or consumes Schedule 2 or 3
22 chemicals or unscheduled discrete organic chemicals for purposes other
23 than those not prohibited under this Act, or without a registration with the
24 PNA-CWC or the agency/ies to which the PNA-CWC has delegated the
25 function, shall suffer the penalty of imprisonment of four (4) years and

- 1 one day to six (6) years and/or a fine of Five hundred thousand pesos
2 (P500,000.00) to One million pesos (P1,000,000.00).
- 3 e) Any person who imports or exports Schedule 2 chemicals or Schedule
4 3 chemicals, without registration with the Strategic Trade Management
5 Office shall be dealt with in accordance with Republic Act No. 10697,
6 otherwise known as the "Strategic Trade Management Act of 2015".
- 7 f) Notwithstanding subsections (1) and (2) of Section 11, any person who
8 obstructs, hinders, resists, or deceives any national inspector or
9 international inspector who is exercising any function contemplated, or
10 any provided for, in the regulations issued further to Section 11, in the
11 Convention or any applicable facility agreement, shall be punished by
12 imprisonment for a period of four (4) years and one day to six (6) years,
13 and/or a fine of Five hundred thousand pesos (P500,000.00).
- 14 g) Any person who violates Section 12 shall suffer the penalty of
15 imprisonment for four (4) years and one day to six (6) years, and/or a
16 fine of Five hundred thousand pesos (P500,000.00) to One million pesos
17 (P1,000,000.00).
- 18 h) Any person who as the case may be, produces, processes or consumes
19 Schedule 2 or 3 chemicals or unscheduled discrete organic chemicals
20 for a purpose other than purposes not prohibited under the Convention,
21 or contravenes paragraphs (2) or (3) shall suffer the penalty of
22 imprisonment of not less than two (2) years to twenty (20) years and/or
23 a fine of Fifty thousand pesos (P50,000.00) to Five million pesos
24 (P5,000,000.00).

- 1 i) Any person who refuses or fails to notify the PNA-CWC pursuant to the
2 provisions of Section 10 shall suffer the penalty of imprisonment of one
3 (1) year and one day to two (2) years and/or a fine of Five hundred pesos
4 (P500,000.00).
- 5 j) Any person who fails to give the required additional information or keep
6 records pursuant to Section 10 shall suffer the penalty of imprisonment
7 of six (6) months and one day to one (1) years and/or a fine of One
8 hundred thousand pesos (P100,000.00).
- 9 k) Any person who, in any document prepared pursuant to Section 10 of
10 this Act, makes a statement or omits any matter knowing that the
11 statement or omission makes the document false and misleading in a
12 material particular shall, after hearing and du proceedings, suffer the
13 penalty of six (6) months and one day to one (1) year and/or a fine of
14 One hundred thousand pesos (P100,000.00).

15 In case any violation of this Act is committed by a partnership, corporation,
16 association, or any other juridical entity, the partner, president, director, manager,
17 trustee, administrator, or officer who consents to, or knowingly tolerates such violation
18 shall be held criminally liable.

19 The registration with the SEC or DTI, as the case may be, and license to
20 operate of the partnership, corporation, association or any other juridical entity, shall
21 be cancelled and revoked permanently.

22 In addition to the penalties prescribed in this Act, any alien who violates such
23 provision shall, after service of sentence, be deported immediately without further
24 proceedings, and be barred permanently from entering the country.

1 The maximum penalty provided in this Act shall be imposed in addition to absolute
2 perpetual disqualification from any public office, upon any government official or
3 employee found guilty of committing any of the offenses under this Act.

4 Persons who conspire to commit any of the prohibited acts under Section 6 hereof
5 shall be punished by the same penalty prescribed herein.

6 **SEC. 8. Forfeiture and Destruction.** – If any chemical weapon is found
7 anywhere on the territory or in any other place under the jurisdiction of the Philippines,
8 the warehouse or the place where the chemical weapons is being stored, the chemical
9 weapons, as well as the fruits and proceeds and such other instrument related thereto
10 shall be forfeited in favor of the national government through the PNA-CWC and shall
11 be destroyed or disposed in accordance with existing environmental regulations or
12 related applicable laws. The cost of destruction or disposal of any chemical weapon
13 shall be borne by the erring individual, person or entity.

14 **SEC. 9. Extraterritorial Application.** – The provisions of this Act shall
15 apply to all persons within or outside the Philippines and persons on board vessels
16 and aircraft registered in, belonging to, or in possession of the Philippines, if any of the
17 prohibited act is committed –

- 18 a) By or against a Philippine citizen;
- 19 b) Against any property owned, leased, or used by the Philippines or by any
20 of its departments, agencies, or instrumentalities;
- 21 c) By a partnership, corporation, association or any juridical person, which is
22 owned and/or controlled by one or more Philippine citizen.

23

24

CHAPTER IV

25

DECLARATION, VERIFICATION AND INSPECTION

1 **SEC. 10. Declarations.** - 1) Information may be acquired by the PNA-
2 CWC under this Section only to ensure that:

3 i. Toxic chemicals and their precursors are only developed, produced,
4 otherwise acquired, retained, or used for purposes not prohibited under
5 the Convention, and

6 ii. The PNA-CWC has knowledge of dealing with chemicals that facilitated
7 the making of the Philippines annual declaration under the Convention to
8 the OPCW; and

9 iii. The Philippines is otherwise able to fulfill its obligation under the
10 Convention.

11 2) Supply of information. – Any person who, as the case may be, developed,
12 produced, or otherwise acquired, processed, consumed, retained, or used toxic
13 chemicals, or their precursors, to which any provision in Parts VI through IX of the
14 Verification Annex of the Convention applies, or who intends to carry out such
15 activities, shall:

16 i. Notify the chemicals and, as the case may be, the facility or plant site to the
17 PNA-CWC, within such period as prescribed by the PNA-CWC, by giving
18 written notice in a form approved by the PNA-CWC and issued under the
19 regulations further to this Act, containing such information as is required by
20 the form; and

21 ii. Keep records in relation to the chemicals and facility or plant site, and the
22 purpose to which the chemicals are put; and

23 iii. Prepare, from these records, annual reports relating to the chemicals and
24 the facility or plant site in a form approved by the PNA-CWC and issued
25 under the regulations issued further to this Act; and

1 iv. Send annual reports to the PNA-CWC at intervals specified in the
2 regulations issued further to this Act.

3 The records and reports under items (i) to (iv) must be sufficient to satisfy the
4 PNA-CWC that the convention and the provisions of this Act and any regulations
5 made under this Act are being complied with.

6 **SEC. 11. Verification and Inspection. –**

7 1) The PNA-CWC shall issue regulations to facilitate compliance with the
8 Annex on Implementation and Verification to the Chemical Weapons
9 Convention.

10 2) Persons covered by the provisions of this Act and their personnel have
11 the duty to facilitate OPCW inspections and to cooperate with the
12 international inspections and the escort team in complying with their
13 duties and efficiently carrying out the international inspection.

14 **SEC. 12. Protection of Confidential Information. –** Any confidential
15 information that is given or obtained pursuant to this Act shall be disclosed only for
16 the purpose of complying with the obligations under the Convention, the
17 enforcement of this Act, or dealing with an emergency involving public safety.

18

19

CHAPTER V

20

MISCELLANEOUS PROVISIONS

21 **SEC. 13. International Cooperation and Assistance. –**

22 a) The PNA-CWC may collaborate with other State authorities and
23 international organizations and entities and coordinate their actions to the
24 extent required by the implementation of this Act or of the equivalent statute/s,

1 subject to other State authorities or international organizations or entities being
2 bound to official secrecy.

3 b) The PNA-CWC may request other State authorities and other
4 international organizations or entities, under paragraph (1) to provide relevant
5 data or information. The PNA-CWC is authorized to receive data or information
6 concerning:

- 7 i. The nature, quantity, and utilization of scheduled chemicals
8 or their precursors and related technologies, and the places
9 of consignment and consignees for such scheduled
10 chemicals, precursors, or related technologies; or
- 11 ii. Persons taking part in the production, delivery, or brokerage
12 of the scheduled chemicals, precursors, technologies in
13 subparagraph (a).

14 c) If a State has entered into the appropriate reciprocity agreement
15 with the Philippines, the PNA-CWC may provide, on its own initiative or on
16 request, the data or information described in paragraph (2) to that State so long
17 as the other competent State authority provides assurances that such date or
18 information shall:

- 19 i. Only be utilized for purposes consistent with this Act; and
- 20 ii. Be used in criminal proceedings on the condition that they
21 are obtained in accordance with those provisions
22 governing international juridical cooperation.

23 d) The PNA-CWC may provide data or information described in
24 paragraph (2) to international organizations or entities if the conditions set forth

1 in paragraph (3) are fulfilled, in which case the requirement for reciprocity
2 agreement is waived.

3 CHAPTER VI

4 FINAL PROVISIONS

5 **SEC. 14. Supplemental Application of the Revised Penal Code and Other**
6 **Laws.** – The provisions of the Revised Penal Code, the Anti-Terrorism Act of 2020,
7 the Strategic Trade Management Act of 2015, and other laws shall have supplemental
8 application to the provisions of this Act.

9 **SEC. 15. Jurisdiction.** – Any of the Regional Trial Courts where any of the
10 elements of the offense have been committed have jurisdiction over all cases of
11 violations of this Act and application for ancillary writs and processes of search
12 warrant, seizure and forfeiture: *Provided*, That the first court that acquires jurisdiction
13 shall exercise the same to the exclusion of all other courts unless the Supreme Court
14 authorizes the transfer of venue.

15 **SEC. 16. Implementing Rules and Regulations.** – Within six (6) months from
16 the effectivity of this Act, the PNA-CWC, in close coordination with the chemical
17 industry, and supporting agencies shall issue the rules and regulations to ensure the
18 efficient and effective implementation of the provision of this Act.

19 **SEC. 17. Separability Clause.** – If any part, section or provision of this Act is
20 declared invalid or unconstitutional, the sections or provisions which are not affected
21 shall remain valid and subsisting.

22 **SEC. 18. Repealing Clause.** - All laws, decrees, executive orders, ordinances,
23 rules, regulations, other issuances or parts thereof, which are inconsistent with this
24 Act, are hereby repealed, amended or modified accordingly.

1 **SEC. 19. Effectivity.** - This Act shall take effect fifteen (15) days after its
2 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,