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SENATE
P. S. Res. No. 1446

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

RESOLUTION

DIRECTING THE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES AND ON FOREIGN AFFAIRS TO LOOK INTO THE ENTRY AND EVENTUAL DUMPING AT THE COUNTRY'S SANITARY LANDFILL OF WASTE ILLEGALLY SHIPPED FROM CANADA WITH THE END VIEW OF STRENGTHENING SAFEGUARDS TO PREVENT THE FUTURE IMPORTATION OF WASTE INTO THE COUNTRY

WHEREAS, Article II Section 16 of the 1987 Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, the 1992 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which Canada and the Philippines ratified in the years 1992 and 1993, respectively, includes household waste as among the strictly controlled materials as provided for under Annex II of the Convention and calls for prior notification and consent of the receiving country before being exported by a sending country;

WHEREAS, Article 9, Section 2. of the Convention on the illegal traffic of hazardous waste provides that the State of export shall not oppose, hinder or prevent the return of those wastes within 30 days from the time the State of export has been informed about the illegal traffic and that it shall ensure that the wastes in question are taken back by the exporter or the generator or, if necessary, by itself into the State of export, or if, impracticable, are otherwise disposed of in accordance with the provisions of this Convention;

WHEREAS, Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 defines hazardous wastes as "substances that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into or in transit through any part of the territory of the Philippines."

WHEREAS, this strict prohibition on the entry of hazardous wastes from abroad is further affirmed under section 48 of Republic Act No. 9003 or the Ecological Solid

Waste Management Act of 2000, which prohibits the importation of toxic products misrepresented as “recyclable” or “with recyclable content”;

WHEREAS, the port of Manila, on two separate occasions from June 2013 to August 2013 and from December 2013 to January 2014, saw the illegal entry of ninety-eight (98) container vans carrying garbage from Canada-based firm Chronic, Inc. with the shipment assigned to Valenzuela City-based Chronic Plastics. It was later determined that the shipment supposedly carrying recyclable plastics in reality contained household wastes, including adult diapers and kitchen waste;

WHEREAS, on October 2014, it was reported that the Canadian government expressed its desire that the illegally shipped waste be processed here in the Philippines, citing the absence of a domestic or international authority to compel the shipper to return the shipment to Canada;

WHEREAS, citing the need to address the health hazards posed by the illegal shipment with Canada refusing to allow its re-entry back to them, the Bureau of Customs (BOC) decided to dump the wastes in a sanitary landfill in Tarlac citing the findings of the Environmental Management Bureau of the Department of Environment and Natural Resources that the shipment contained no toxic substances;

WHEREAS, this latest action by the BOC on this important issue poses long-term challenges for the country as it may create a precedent for others to ship their wastes here, in clear violation of the objectives of the Basel Convention and of our national laws;

WHEREAS, apart from ensuring that the Philippine government shall be compensated for all costs related to the hygienic and safe disposal of the illegal shipment of waste, it is important that all agencies of government pursue measures allowed under our existing national laws and international treaties to ensure the protection of our national interest;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, directing the Committee on Environment and Natural Resources and the Committee on Foreign Affairs to look into the entry and eventual dumping at the country’s sanitary landfill of waste illegally shipped from Canada with the end view of strengthening safeguards to prevent the future importation of waste into the country,

Adopted,



LOREN LEGARDA
Senator