



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
Second Regular Session



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**COMMITTEE REPORT NO. 860**

Submitted by the Committee on Public Order and Safety on **November 20, 2023**

Re : House Bill No. **9571**

Recommending its approval in substitution of House Bill No. 1427

Sponsors: Representatives Dan S. Fernandez and Jorge “PATROL” Bustos

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Mr. Speaker:

The Committee on Public Order and Safety, to which was referred House Bill No. 1427, introduced by Rep. Jorge “PATROL” Bustos, entitled:

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

has considered the same and recommends to the House the approval of the attached House Bill No. **9571**, entitled:

**“AN ACT  
PROHIBITING THE DEVELOPMENT OF, PRODUCTION, STOCKPILING, USE  
OF CHEMICAL WEAPONS, PROVIDING FOR THEIR DESTRUCTION,  
AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF”**

in substitution of House Bill No. 1427, with Reps. Jorge “PATROL” Bustos, Dan S. Fernandez, Romeo M. Acop, Reynante U. Arrogancia, Ruwel Peter Gonzaga, Bambi B. Emano, Keith Micah D.L. Tan, Edvic B. Yap, Emerson D. Pascual, Ferjenel G. Biron, Celso G. Regencia, Bonifacio L. Bosita, Joseph Stephen S. Paduano, Virgilio S. Lacson, Eddiebong G. Plaza, Brian Raymund S. Yamsuan, Loreto B. Acharon, Francisco Paolo P. Ortega V, Salvador Pleyto and Ron P. Salo as authors thereof.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'DAN S. FERNANDEZ', with a stylized flourish extending to the right.

**DAN S. FERNANDEZ**  
Chairperson  
Committee on Public Order and Safety

**THE HONORABLE SPEAKER**  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Republic of the Philippines  
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Quezon City

NINETEENTH CONGRESS  
Second Regular Session

House Bill No. **9571**

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Introduced by  
Representatives Jorge "PATROL" Bustos, Dan S. Fernandez, Romeo M. Acop,  
Reynante U. Arrogancia, Ruwel Peter Gonzaga, Bambi B. Emano, Keith Micah  
D.L. Tan, Edvic B. Yap, Emerson D. Pascual, Ferjenel G. Biron, Celso G.  
Regencia, Bonifacio L. Bosita, Joseph Stephen S. Paduano, Virgilio S. Lacson,  
Eddiebong G. Plaza, Brian Raymund S. Yamsuan, Loreto B. Acharon,  
Francisco Paolo P. Ortega V, Salvador A. Pleyto and Ron P. Salo

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

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

**CHAPTER I**

**GENERAL PROVISIONS**

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

**SEC. 2. Declaration of Principles.** –The State, consistent with national  
interest, adopts and pursues a policy of freedom from chemical weapons in its  
territory and protection of all human beings and the global environment from the  
effects of chemical weapons, and hereby conforms with its obligations under the  
Convention on the Prohibition of the Development, Production, Stockpiling and Use  
of Chemical Weapons and on their Destruction, otherwise known as the Chemical

1 Weapons Convention, hereinafter referred to as the Convention, to which the  
2 Philippines is a State Party.

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

9 **SEC. 3. Definition of Terms.** - As used in this Act:

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

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

14 2) Munitions and devices, specifically designed to cause death or other  
15 harm through the toxic properties of those toxic chemicals specified in  
16 subparagraph (1) herein, which would be released as a result of the  
17 employment of such munitions and devices; and

18 3) Any equipment specifically designed for use directly in connection with  
19 the employment of munitions and devices specified in subparagraph  
20 (2) herein;

21 b) *Discrete Organic Chemicals* mean chemicals belonging to the class of  
22 chemical compounds consisting of all compounds of carbon, except for its  
23 oxides, sulphides, and metal carbonates;

24 c) *Facility* means any of the industrial sites as defined below:

- 1 (i) "Plant Site" (Works, Factory) means the local integration of one or more  
2 plants, with any intermediate administrative levels, which are under one  
3 operational control, and includes common infrastructure, such as:
- 4 a. Administration and other offices;
  - 5 b. Repair and maintenance shops;
  - 6 c. Medical center;
  - 7 d. Utilities;
  - 8 e. Central analytical laboratory;
  - 9 f. Research and development laboratories;
  - 10 g. Central effluent and waste treatment area; and
  - 11 h. Warehouse storage;
- 12 (ii) "Plant" (Production facility, Workshop) means a relatively self-contained  
13 area, structure or building containing one or more units with auxiliary  
14 and associated infrastructure, such as:
- 15 a. Small administrative section;
  - 16 b. Storage/handling areas for feedstock and products;
  - 17 c. Effluent/waste handling/treatment area;
  - 18 d. Control/analytical laboratory;
  - 19 e. First aid service/related medical section; and
  - 20 f. Records associated with the movement into, around and from the  
21 site, of declared chemicals and their feedstock or product chemicals  
22 formed from them, as appropriate;
- 23 (iii) "Unit" (Production unit, Process unit) means the combination of those  
24 items of equipment, including vessels and vessel set up, necessary for  
25 the production, processing or consumption of a chemical;

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

1 g) *Purposes not prohibited under this Convention* shall mean:

2 1) Industrial, agricultural, research, medical, pharmaceutical, or other  
3 peaceful purposes;

4 2) Protective purposes, namely those purposes directly related to  
5 protection against toxic chemicals and chemical weapons;

6 3) Military purposes not connected with the use of chemical weapons and  
7 not dependent on the use of the toxic properties of chemicals as a  
8 method of warfare; and

9 4) The use of non-lethal weapons, other than those prohibited under this  
10 Act and the Convention, for the maintenance of public security and  
11 order:

12 i.) By the law enforcement authorities;

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

17 iii.) By the AFP within the framework of a system of mutual  
18 collective security, and training for its use;

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

23 i) *Scheduled chemicals* mean those chemicals listed in Schedule 1, Schedule 2  
24 and Schedule 3 of the Annex on Chemicals to the Convention;

1 j) *Toxic chemical* means any chemical which, through its chemical action on life  
2 processes, can cause death, temporary incapacitation or permanent harm to  
3 humans or animals. This includes all such chemicals therein, regardless of  
4 their origin or method of production, and regardless of whether they are  
5 produced in facilities, munitions or elsewhere.

6 Toxic chemicals which have been identified for the application of  
7 verification measures by the OPCW are listed in Schedule 1, Schedule 2 and  
8 Schedule 3 of the Annex on Chemicals to the Convention. Unless the contrary  
9 intention appears, an expression or term that is used both in this Act and the  
10 Convention but is not defined in this Act, shall have the same meaning  
11 provided in the Convention; and Verification Annex means the Annex on  
12 Implementation and Verification to the Convention.

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

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

19 **SEC 5. Functions of the PNA-CWC.** - The PNA-CWC shall:

- 20 a) Serve as the national focal point for effective liaison with the OPCW and  
21 other States Parties as prescribed under the Convention;
- 22 b) Coordinate closely with the Philippine Permanent Representative to the  
23 OPCW to ensure the proper elucidation and representation of the  
24 Philippine policy on the non-proliferation of chemical weapons;

- 1 c) Prepare and submit annual declarations to the OPCW on scheduled  
2 chemicals and facilities;
- 3 d) Develop rules and regulations and formulate policies concerning the  
4 production, processing, consumption, importation, exportation, use and  
5 proper disposition of scheduled chemicals and facilities, and production  
6 facilities of other chemicals not included in Schedule 1, Schedule 2 and  
7 Schedule 3 of the Annex on Chemicals to the Convention;
- 8 e) Designate and specify the required training and the functions of the  
9 national inspectors who shall report to the PNA-CWC;
- 10 f) Conduct and facilitate national inspections, as well as international  
11 inspections by OPCW inspectors, of sites involving scheduled chemicals  
12 or other chemical production facilities;
- 13 g) Cause or direct the investigation or violation of laws concerning chemical  
14 weapons, or the handling of toxic chemicals in violation of this Act; and
- 15 h) Perform such other functions to effectively implement the provisions of  
16 this Act and the Convention.

17 The PNA-CWC shall have the authority to compel, as may be  
18 necessary, the assistance and support of all departments, bureaus, offices,  
19 agencies, or instrumentalities of the government, including government-  
20 owned or controlled corporations to effectively perform its duties and functions  
21 under this Act.

22 The PNA-CWC shall periodically update the scheduled chemicals listed  
23 in Schedule 1, Schedule 2, and Schedule 3 of the Annex on Chemicals to the  
24 Convention upon the request or advise of the OPCW. Such updates shall be  
25 in the form of formal resolutions of the PNA-CWC to be published in the

1 *Official Gazette* or in a newspaper of general circulation before they become  
2 effective.

## 3 **CHAPTER II**

### 4 **PROHIBITIONS**

5 **SEC. 6. Prohibitions.** –The following acts are prohibited under this Act:

- 6 a) To develop, produce, otherwise acquire, stockpile, or retain any  
7 chemical weapons;
- 8 b) To transfer, directly or indirectly, chemical weapons to persons;
- 9 c) To use chemical weapons;
- 10 d) To engage in any military preparations to use a chemical weapon;
- 11 e) To assist, encourage or induce a person in any way to engage in any  
12 activity that is prohibited to a State Party under the Convention;
- 13 f) To use a riot control agent as a method of warfare;
- 14 g) To engage in any other activity prohibited to a State Party under the  
15 Convention; and
- 16 h) To export and import Schedule 1 chemicals to or from a State not a  
17 Party to the Convention, including transit through such State.

18 Nothing in this Act shall be construed to prohibit the AFP from using non-lethal  
19 and lethal weapons other than those prohibited in this Act, in the conduct of  
20 combat operations for the suppression of insurgency and other serious threats to  
21 national security where the use of such non-lethal and lethal weapons is deemed  
22 most appropriate.

## 23 **CHAPTER III**

### 24 **PENALTIES**

1           **SEC. 7.       Penalties. -**

2           a) Any person who commits any of the prohibited acts under Section 6 of  
3           this Act shall suffer the penalty of imprisonment of twelve (12) years  
4           and one day to life imprisonment, and a fine of Two million pesos  
5           (P2,000,000.00) to Five million pesos (P5,000,000.00).

6           b) Any person who produces, acquires, retains or uses chemicals listed in  
7           Schedule 1 of the Annex on Chemicals to the Convention for purposes  
8           other than for research, medical, pharmaceutical or protective purposes  
9           within a facility licensed by the PNA-CWC shall suffer the penalty of  
10          imprisonment for a period of not less than six (6) years and one day to  
11          twelve (12) years, or a fine of One million pesos (P1,000,000.00) to  
12          Two million pesos (P2,000,000.00), or both at the discretion of the  
13          court.

14          c) Any person who produces, processes, or consumes chemicals listed in  
15          Schedule 2 or Schedule 3 of the Annex on Chemicals to the  
16          Convention or unscheduled discrete organic chemicals for purposes  
17          other than those not prohibited under this Act, or without a registration  
18          with the PNA-CWC or the agency or agencies to which the PNA-CWC  
19          has delegated the function, shall suffer the penalty of imprisonment of  
20          four (4) years and one day to six (6) years, or a fine of Five hundred  
21          thousand pesos (P500,000.00) to One million pesos (P1,000,000.00),  
22          or both at the discretion of the court.

23          d) Any person who imports or exports chemicals listed in Schedule 2 or  
24          Schedule 3 of the Annex on Chemicals to the Convention, without prior  
25          registration with the Strategic Trade Management Office (STMO) of the

1 Department of Trade Industry shall be dealt with in accordance with  
2 Republic Act No. 10697, or the "Strategic Trade Management Act  
3 (STMA)".

4 e) Notwithstanding subsections (a) and (b) of Section 11 of this Act, any  
5 person who obstructs, hinders, resists, or deceives any national  
6 inspector or international inspector who is exercising any function  
7 contemplated or provided for in the regulations issued further to  
8 Section 11 of this Act, in the Convention or any applicable facility  
9 agreement, shall be punished by imprisonment of four (4) years and  
10 one (1) day to six (6) years, or a fine of Five hundred thousand pesos  
11 (P500,000.00), or both at the discretion of the court.

12 f) Any person who violates Section 12 of this Act shall suffer the penalty  
13 of imprisonment of four (4) years and one (1) day to six (6) years, or a  
14 fine of Five hundred thousand pesos (P500,000.00) to One million  
15 pesos (P1,000,000.00), or both at the discretion of the court.

16 g) Any person who produces, processes or consumes chemicals listed in  
17 Schedule 2 or 3 of the Annex on Chemicals to the Convention or  
18 unscheduled discrete organic chemicals for a purpose other than  
19 purposes not prohibited under the Convention, or contravenes  
20 paragraphs (b) and (c) herein shall suffer the penalty of imprisonment  
21 of two (2) years to twenty (20) years or a fine of Fifty thousand pesos  
22 (P50,000.00) to Five million pesos (P5,000,000.00), or both at the  
23 discretion of the court.

24 h) Any person who refuses or fails to notify the PNA-CWC pursuant to the  
25 provisions of Section 10 of this Act shall suffer the penalty of

1 imprisonment of one (1) year and one (1) day to two (2) years, or a fine  
2 of Five hundred thousand pesos (P500,000.00), or both at the  
3 discretion of the court.

4 i) Any person who fails to give the required additional information or keep  
5 records pursuant to Section 10 of this Act shall suffer the penalty of  
6 imprisonment of six (6) months and one (1) day to one (1) year, or a  
7 fine of One hundred thousand pesos (P100,000.00), or both at the  
8 discretion of the court.

9 j) Any person who, in any declaration 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 declaration false and misleading in a  
12 material particular shall, after hearing and due proceedings, suffer the  
13 penalty of imprisonment of six (6) months and one (1) day to one (1)  
14 year or a fine of One hundred thousand pesos (P100,000.00), or both  
15 at the discretion of the court.

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

20 In addition, the registration of such partnership, corporation, association or  
21 juridical entity with the Securities and Exchange Commission or the Department of  
22 Trade and Industry, as the case may be, and license to operate of the partnership,  
23 corporation, association or any other juridical entity, shall be cancelled and revoked  
24 permanently.

1           In addition to the penalties prescribed in this Act, any foreigner found guilty of  
2 committing any of the offenses punishable herein shall, after service of sentence, be  
3 deported immediately without further proceedings, and be barred permanently from  
4 entering the country.

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

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

10

11           **SEC. 8. Forfeiture and Destruction.** – In the commission of the offense, any  
12 chemical weapon found anywhere in the territory or in any other place under the  
13 jurisdiction of the Philippines, the warehouse or the place where the chemical  
14 weapons are being stored, such other instruments as well as the fruits and proceeds  
15 of the offense shall be forfeited in favor of the national government through the PNA-  
16 CWC, and shall be destroyed or disposed of in accordance with existing  
17 environmental regulations or related applicable laws. The cost of destruction or  
18 disposal of any chemical weapon shall be borne by the erring person: *Provided,*  
19 That any chemical weapon discovered on the territory of the Philippines shall be  
20 reported to the OPCW by the PNA-CWC in accordance with the provisions of Part IV  
21 (A) of the Verification Annex of the Convention.

22

23           **SEC. 9. Extraterritorial Application.** – The provisions of this Act shall  
24 apply to all persons within or outside the Philippines and persons on board vessels

1 and aircraft registered in, belonging to, or in possession of the Philippines, if any of  
2 the prohibited acts is committed –

- 3 a) By or against a Philippine citizen;
- 4 b) Against any property owned, leased, or used by the Philippines or by any  
5 of its departments, agencies, or instrumentalities; or
- 6 c) By a partnership, corporation, association or any juridical person, which is  
7 owned or controlled by one or more Philippine citizens.

8

## 9 **CHAPTER IV**

### 10 **DECLARATION, VERIFICATION AND INSPECTION**

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

- 13 1) Toxic chemicals and their precursors are only developed, produced,  
14 otherwise acquired, retained, or used for purposes not prohibited under  
15 the Convention;
- 16 2) The PNA-CWC has knowledge on dealing with chemicals that facilitates  
17 the making and submission of annual declaration of the Philippines to  
18 the OPCW under the Convention; and
- 19 3) The Philippines is able to fulfill its obligations under the Convention.

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

- 1           1) Notify the PNA-CWC, within such period as it prescribes, of the chemicals  
2           and the facility or plant site through a written notice in a form approved by  
3           the PNA-CWC and issued under the implementing rules and regulations  
4           (IRR) of this Act;
- 5           2) Keep a record of such chemicals and the purpose for which the chemicals  
6           are stored in a specific facility;
- 7           3) Prepare, from these records, annual reports relating to the chemicals and  
8           the facility or plant site in a form approved by the PNA-CWC and issued  
9           under the IRR of this Act; and
- 10          4) Submit annual reports to the PNA-CWC at intervals specified in the IRR of  
11          this Act.

12           The records and reports under paragraph (b) (1) to (4) herein must be  
13          sufficient to satisfy the requirements of the PNA-CWC in order to ensure that the  
14          Convention and the provisions of this Act and any regulation made under this Act  
15          are being complied with.

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

- 17           a) The PNA-CWC shall issue regulations to facilitate compliance with the  
18           Verification Annex to the Convention.
- 19           b) Persons covered by the provisions of this Act and their personnel shall  
20           have the duty to facilitate the inspections to be conducted by the  
21           OPCW and cooperate with the international inspectors and the  
22           escorting team.

23           **SEC. 12. Protection of Confidential Information. –** Any confidential  
24          information that is given or obtained pursuant to this Act shall be disclosed only for

1 the purpose of complying with the obligations under the Convention, the enforcement  
2 of this Act, or dealing with an emergency involving public safety.

## 3 4 **CHAPTER V**

### 5 **MISCELLANEOUS PROVISIONS**

#### 6 **SEC. 13. International Cooperation and Assistance. –**

7 a) The PNA-CWC may collaborate with other State authorities and  
8 international organizations and entities and coordinate their actions to the  
9 extent required by the implementation of this Act or of the corresponding  
10 statutes, subject to other State authorities or international organizations or  
11 entities being bound to official secrecy.

12 b) The PNA-CWC may request other State authorities and other  
13 international organizations or entities to provide relevant data or information.  
14 The PNA-CWC is authorized to receive data or information concerning:

15 1) The nature, quantity, and utilization of scheduled chemicals  
16 or their precursors and related technologies, the places of  
17 consignment and the names of the consignees for such  
18 scheduled chemicals, precursors, or related technologies;  
19 and

20 2) Persons taking part in the production, delivery, or  
21 brokerage of the scheduled chemicals, precursors, or  
22 technologies in subparagraph (a) herein.

23 c) If a foreign State has entered into the appropriate reciprocity  
24 agreement with the Philippines, the PNA-CWC may provide, on its own  
25 initiative or on request, the data or information described in paragraph (b)

1           herein to that State so long as the other competent State authority provides  
2           assurances that such data or information shall:

- 3                           1) Only be utilized for purposes consistent with this Act; and
- 4                           2) Be used in criminal proceedings on the condition that they  
5                           are obtained in accordance with those provisions  
6                           governing international juridical cooperation.

7                        d) The PNA-CWC may provide data or information described in  
8                        paragraph (c) (2) herein to international organizations or entities if the  
9                        conditions set forth in paragraph (c) herein are fulfilled, in which case the  
10                       requirement for reciprocity agreement is waived.

## 11    **CHAPTER VI**

### 12    **FINAL PROVISIONS**

13                       **SEC. 14. Supplemental Application of the Revised Penal Code and Other**  
14 **Laws.** – The provisions of the Revised Penal Code, Republic Act No. 11479,  
15 otherwise known as “The Anti-Terrorism Act of 2020”, the Strategic Trade  
16 Management Act (STMA), and other related laws shall have supplemental  
17 application to the provisions of this Act.

18                       **SEC. 15. Jurisdiction.** – The Regional Trial Courts shall have exclusive  
19 original jurisdiction over all cases of violations of this Act, as well as applications for  
20 ancillary writs and processes such as search warrants, seizure, and forfeiture:  
21 *Provided,* That the regional trial court that first acquires jurisdiction shall exercise the  
22 same to the exclusion of all other courts unless the Supreme Court authorizes the  
23 transfer of venue.

1           **SEC. 16. Implementing Rules and Regulations.** – Within one hundred  
2 eighty (180) days from the effectivity of this Act, the PNA-CWC shall, in close  
3 coordination with the chemical industry, and supporting agencies, issue the rules and  
4 regulations to ensure the efficient and effective implementation of the provisions of  
5 this Act.

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

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

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

*Approved,*

# FACT SHEET

## House Bill No. 9571 (as approved by the Committee)

### AN ACT PROHIBITING THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE OF CHEMICAL WEAPONS, PROVIDING FOR THEIR DESTRUCTION, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

*Introduced by:*

*Representatives Jorge "PATROL" Bustos, Dan S. Fernandez, Romeo M. Acop, Reynante U. Arrogancia, Ruwel Peter Gonzaga, Bambi B. Emamo, Keith Micah D.L. Tan, Edvic B. Yap, Emerson D. Pascual, Ferjenel G. Biron, Celso G. Regencia, Bonifacio L. Bosita, Joseph Stephen S. Paduano, Virgilio S. Lacson, Eddiebong G. Plaza, Brian Raymund S. Yamsuan, Loreto B. Acharon, Francisco Paolo P. Ortega V, Salvador A. Pleyto and Ron P. Salo*

#### OBJECTIVES

- To adopt and pursue a policy of freedom from chemical weapons for the protection of all human beings and the global environment.
- To provide an enabling legislative framework required to fulfill the Philippine government's international commitments and obligations under the Chemical Weapons Convention to which the country is a signatory.

#### KEY PROVISIONS

- Designates the Anti-Terrorism Council (ATC) as the Philippine National Authority on the Chemical Weapons Convention (PNA-CWC), to be headed by the Executive Secretary as Chairperson of the ATC;
- Mandates that the PNA-CWC shall have the following duties and functions, among others:
  - a) Serve as the National Focal Point for effective liaison with the Organization for the Prohibition of Chemical Weapons (OPCW) and other States Parties as prescribed under the Convention;
  - b) Coordinate closely with the Philippine Permanent Representative to the OPCW to ensure the proper elucidation and representation of the Philippine policy on the non-proliferation of chemical weapons;
  - c) Prepare and submit annual declarations to the OPCW on scheduled chemicals and facilities;
  - d) Develop rules and regulations and formulate policies concerning the production, processing, consumption, importation, exportation, use and proper disposition of scheduled chemicals and facilities, and production facilities of other chemicals not

listed in Schedule 1, Schedule 2 or Schedule 3 of the Annex on Chemicals to the Convention;

- e) Designate and specify the required training and the functions of national inspectors, who shall report to the PNA-CWC;
  - f) Conduct and facilitate national inspections, as well as international inspections by OPCW inspectors, of sites involving chemicals listed in Schedule 1, Schedule 2 or Schedule 3 of the Annex on Chemicals to the Convention or other chemical production facilities;
  - g) Cause or direct the investigation of violators of laws concerning chemical weapons, or the handling of toxic chemicals in violation of this Act; and
  - h) Perform such other functions to effectively implement the provisions of the Convention.
- Empowers the PNA-CWC to compel assistance and support from all departments, bureaus, offices, agencies or instrumentalities of the government, including government-owned and controlled corporations
  - Empowers the PNA-CWC to periodically update the scheduled chemicals listed in Schedule 1, Schedule 2, and Schedule 3 of the Annex on Chemicals to the Convention;
  - Prohibits the following acts:
    - a) To develop, produce, otherwise acquire, stockpile, or retain any chemical weapons;
    - b) To transfer, directly or indirectly, chemical weapons to persons;
    - c) To use chemical weapons;
    - d) To engage in any military preparations to use a chemical weapon;
    - e) To assist, encourage or induce a person in any way to engage in any activity that is prohibited to a State Party under the Convention;
    - f) To use a riot control agent as a method of warfare;
    - g) To engage in any other activity prohibited to a State Party under the Convention; and
    - h) To export and import Schedule 1 chemicals to or from a State not a Party to the Convention, including transit through such State.
  - Provides penalties and sanctions for criminal and administrative violations committed by officers of partnerships, corporations, associations, and other juridical entities; government officials and employees; and foreign nationals;
  - Mandates that any chemical weapon subject of the offense, the fruits and proceeds and such other instrument related thereto, shall be forfeited in favor of the government, and that the cost of destruction or disposal shall be borne by the erring individual or entity;
  - Stipulates that the provisions of this Act shall apply to all persons within or outside of the Philippines and persons on board vessels and aircrafts registered in, belonging to, or in possession of the Philippines, if the prohibited acts are committed by or against a Philippine citizen; against any property owned, leased, or used by the Philippines or by any of its departments, agencies, or instrumentalities; or by a partnership, corporation,

association or any juridical person, which is owned and/or controlled by one or more Philippine citizens;

- Provides the mechanisms for the declaration, verification and inspection of toxic chemicals and their precursors;
- Protects the confidentiality of information that is given or obtained under this Act and provides that the same shall be disclosed only for the purposes of complying with the obligations under the Convention, the enforcement of this Act, or dealing with an emergency involving public safety;
- Establishes the terms and conditions on international legal cooperation and assistance;
- Mandates that the provisions of the Revised Penal Code, Anti-Terrorism Act of 2020, the Strategic Trade Management Act (STMA) and other related laws shall have supplemental application to the provisions of this Act;
- Provides that the Regional Trial Courts shall have exclusive original jurisdiction over all cases of violations of this Act;
- Mandates the PNA-CWC to issue the rules and regulations necessary to ensure the efficient and effective implementation of the provisions of the Act.

#### **RELATED LAWS:**

- Republic Act No. 5207 – Atomic Energy Regulatory and Liability Act of 1968
- Republic Act No. 6969 - Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990
- Republic Act No. 9165 – Comprehensive Dangerous Drugs Act of 2002
- Republic Act No. 10697 – Strategic Trade Management Act (STMA)
- Republic Act No. 11479 – Anti-Terrorism Act of 2020