

SENATE BILL NO. 28

Introduced by Senator M. A. Madrigal

EXPLANATORY NOTE

In a letter dated 9 February 2007, Manila Archbishop Gaudencio Cardinal Rosales asked President Macapagal-Arroyo to recall from the market Uncle Sam Texas Long Grain Rice's products which are being distributed by Purefeeds Inc. This was an offshoot of the findings that these products were contaminated by genetically modified organisms (GMO) unapproved for human consumption.

I strongly support the cause of Archbishop Rosales in opposing any experiment or attempt to use GMOs when several studies abroad have raised the problems of toxicity, allergy and environmental damage in relation to these. We should feed our people with food that are produced through natural means.

There are no guarantees that GMOs are safe for our health and the environment. On the contrary, GMOs are believed to contain chemicals that are harmful to animal and human health and the balance of ecosystems. In fact, Japan and the European Union have already passed legislations to ban importation of products processed through GMOs.

Genetic engineering is unquestionably an imprecise technology with unknown effects, good or bad. Genetic engineering can cause unexpected mutations in an organism, which can create new and higher levels of toxins in foods. The influence of a genetically engineered organism on the food chain may damage local ecology and the new organism may compete successfully with wild relatives, causing unforeseen changes in the environment.

Moreover, by using GMOs, genetic engineers intend to profit by patenting genetically engineered seeds. This means that, when a farmer plants genetically engineered seeds, all the seeds have identical genetic structure. As a result, if a fungus, a virus, or a pest develops which can attack this particular crop, there could be widespread crop failure.

Now as to the issue that GMOs will solve world hunger. Is the world – or the Philippines for that matter – truly hungry because of a lack of patented genetically modified crops? Starvation and malnutrition are very real problems, but they are caused not by food scarcity but by policies and programs that exacerbate the unequal distribution of wealth. In fact, biotechnology, by turning living crops into "intellectual property," increases corporate control over food resources and production. Even then, the consistent finding from independent research and on-farm surveys since 1999 is that GMO crops have failed to deliver the promised benefits of significantly increasing yields or reducing herbicide and pesticide use.

Hence, with all the dangers posed by GMOs to our health and environment, it's time we heed the call for clean harvesting and say no to "Frankenstein" foods and crops. GMOs are not the solution but will only create the greater problem. For these reasons, and more, the passage of this Bill is urgently sought.

M. A. MADRIGAL

Introduced by Senator M. A. Madrigal

AN ACT
PROHIBITING THE IMPORTATION OF GMO PLANTS, FRUITS,
FOOD AND PRODUCTS, AND FOR OTHER PURPOSES

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

Section 1. Title. – This Act shall be known as “**GMO BAN ACT OF 2007.**”

Section 2. Definition of Terms. –

- A. **GMO** – shall mean any biological entity that possesses a novel combination of genetic material obtained through the use of modern biotechnology.
- B. **BIOTECHNOLOGY** – shall mean (1) recombinant nucleic acid techniques involving the formation of new combinations of genetic material by the insertion of nucleic acid molecules produced by whatever means put inside an organism, into any virus, bacteria, plasmid or other vector system and their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation; (2) techniques involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation; and (3) cell fusion, including protoplast fusion or hybridization techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally.
- C. **PLANT** – shall mean any living stage or form of any member of the plant kingdom and parts thereof, including seeds, rhizomes, bulbs and corms, grafts, leaves, roots, scions and others that may be used for propagation.
- D. **FOOD** – shall mean any substance taken from an organism which is intended as a source of nutrition and supplement of humans.
- E. **PRODUCTS** – shall mean any other substance taken from an organism which is not characterized as Food.
- F. **NCBP** – refers to the National Committee on Biosafety of the Philippines.
- G. **COMMERCIAL USE** – shall mean GMO Plants, Food and Products of such

quantity intended for sale and with the end view of making a profit. Five or more GMO Plants, Food and Products of the same kind shall be *prima facie* evidence that the same is for Commercial Use.

H. **PERSONAL USE** – shall refer to GMO Plants, Food and Products for private use and purpose and not intended for sale.

Section 3. Prohibited Act. – To ensure the health and safety of the Filipino people, importation into the country of GMO Plants, Food and Products shall be absolutely prohibited.

Section 4. Penalty for Violation. – Any person found violating the provisions of this Act shall be penalized with:

- A. A fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than (P100,000.00) and/or imprisonment of not less than one (1) month but not more than six (6) months if the imported GMO Plant, Food or Product is for Personal Use, at the discretion of the court; and
- B. A fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00) and/or imprisonment of not less than one (1) year but not more than six (6) years if the imported GMO Plant, Food or Product is for Commercial Use, at the discretion of the court.

If the offender is a juridical person, the penalty shall be imposed upon the owner, manager, partner, member of the board of director, and/or any responsible officer, who participated in the commission of the crime or shall have knowingly permitted or failed to prevent its commission. If the offender is a foreigner, he shall be immediately deported after the complete service of his sentence and shall forever be barred from entering the country.

Section 5. Duty of the NCBP. – The NCBP shall, in consultation with various stakeholders, formulate the necessary implementing rules and regulation for the complete and proper implementation of this Act.

Section. 6. Separability Clause. – If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

Section. 7. Repealing Clause. – All other acts, laws, executive orders, presidential issuances, rules and regulations or any part thereof which are inconsistent herewith are hereby deemed repealed or modified accordingly.

Section 8. Effectivity. – The provisions of this Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,