

## PRESIDENTIAL DECREE NO. 979

### PROVIDING FOR THE REVISION OF PRESIDENTIAL DECREE NO. 600 GOVERNING MARINE POLLUTION

WHEREAS, the marine environment and the living organism which it supports are a vital importance to humanity, and all people have an interest in assuring that it is managed and protected, and its quality is not impaired;

WHEREAS, reorganizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources is limited;

WHEREAS, it is our responsibility to control public and private activities that cause damage to the marine environment by using the best practicable means and by developing improved disposal processes to minimize harmful wastes;

WHEREAS, there is as urgent need to prevent, mitigate or eliminate the increasing damages to marine resources as a result of pollution;

NOW, THEREFORE, I, FERDINAND E. MARCOS, president of the Philippines, by virtue of the powers vested in me by the Constitution do hereby decree and order the following:

Section 1. Title - This Decree shall be known as the Marine Pollution Decree of 1976.

Section 2. Statement of Policy - It is hereby declared a national policy to prevent and control the pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines.

Section 3. Definition of Terms. - For the purposes of this Decree:

- (a) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping but does not include discharge of effluents from industrial or manufacturing establishments, or mill of any kind.
- (b) "Dumping" means any deliberate disposal at sea and into navigable waters of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, including the disposal of wastes or other matter directly arising from or related to the exploration, exploitation and

associated offshore processing of sea bed mineral resources unless the same is permitted and/or regulated under this Decree: Provided, That it does not mean a disposition of any affluent from any outfall structure to the extent that such disposition is regulated under the provisions of Republic Act Numbered Three Thousand Nine Hundred Thirty One, nor does it mean a routine discharge of affluent or other matter incidental to the propulsion of, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment.

- (c) "Oil" means oil of any kind or in any form including, but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil.
- (d) "Navigable waters" means the waters of the Philippines, including the territorial sea and inland waters which are presently, or be in the future susceptible for use by watercraft.
- (e) "Vessels" means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on water.
- (f) "Persons" includes any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.
- (g) "Refuse" means garbage, waste, wood residues, sand, lime cinders ashes, offal, nightsoil, tar, dye stuffs, acids, chemicals and substances other than sewage and industrial waste that may cause pollution.

Section 4. Prohibited Acts. - Except cases of emergency imperilling life or property, or unavoidable accident, collision, or stranding or in any cases which constitute danger to human life or property or a real threat to vessels, aircraft, platforms, or other man-made structures, or if dumping appears to be the only way of averting the threat and if there is probability that the damage consequent upon such dumping will be less than would otherwise occur, and except as otherwise permitted by regulations prescribed by the National Pollution Control Commission or the Philippine Coast Guard, is shall be unlawful for any person to

- (a) discharge, dump or suffer, permit the discharge of oil, noxious gaseous and liquid substances and other harmful substances from or out of any ship, vessel barge, or any other floating craft, or other man-made structures at sea, by any method, means or manner, into or upon the territorial and inland navigable waters of the Philippines;
- (b) throw, discharge or deposit, dump or cause suffer or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other

floating craft or vessel of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in liquid state into tributary of any navigable water from which the same shall float or be washed into such navigable water; and

- (c) deposit or cause, suffer or procure to be deposited material of any kind in any place on the bank of any navigable water or on the bank of any tributary of any navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed or increase the level of pollution of such waters.

Section 5. It shall be the primary responsibility of the National Pollution Control Commission to promulgate national rules and policies governing marine pollution, including but not limited to the discharge of effluents from any cutfall structure, industrial and manufacturing establishment or mill of any kind to the extent that it is regulated under the provisions of Republic Act Numbered Three Thousand Nine Hundred Thirty-One, and to issue the appropriate rules and regulations upon consultation with the Philippine Coast Guard.

The Philippine Coast Guard shall promulgate its own rules and regulations in accordance with the national rules and policies set by the National Pollution Control Commission upon consultation with the latter, for the effective implementation and enforcement of this Decree and other applicable laws, rules and regulations promulgated by the government.

The rules and regulations issued by the National Pollution Control Commission or the Philippine Coast Guard shall not include deposit of oyster, shells, or other materials when such deposit is made for the purpose of developing, maintaining or harvesting fisheries resources and is otherwise regulated by law or occurs pursuant to an authorized government program: Provided, That the Philippine Coast Guard, whenever in its judgement navigation will not be injured thereby and upon consultation with and concurrence of the National Pollution Control Commission, may permit the deposit of any of the materials above-mentioned in navigable waters, and whenever, and whenever any permit is so granted, the conditions thereof shall be strictly complied with.

Section 6. Enforcement and Implementation. - The Philippine Coast Guard shall have the primary responsibility of enforcing the laws, rules and regulations governing marine pollution. However, it shall be the joint responsibility of the Philippine Coast Guard and the National Pollution Control Commission to coordinate and cooperate with each other in the enforcement of the provisions of this Decree and its implementing rules and regulations, and may call upon any other government office, instrumentality or agency to extend every assistance in this respect.

Section 7. Penalties for Violations - Any person who violates Section 4 of this Decree or any regulations prescribed in pursuance thereof, shall be liable for a fine of not less than Two Hundred Pesos nor more than Ten Thousand Pesos or by imprisonment, Thirty days nor more than one year or both such fine and imprisonment, for each offense, without prejudice to civil liability of the offender in accordance with existing laws.

Any vessel from which oil or other harmful substances are discharged in violation of Section 4 or any regulation prescribed in pursuant thereof, shall be liable for the penalty of fine specified in this Section, and clearance of such vessel from the part of the Philippines may be withheld until the fine is paid.

In addition to the penalties above-prescribed, the Philippine Coast Guard shall provide in its rules and regulations such reasonable administrative penalties as may be necessary for the effective implementation of this Decree.

Section 8. Containment - Recovery System - The Philippine Coast Guard shall develop an adequate capability for containment and recovery of spilled oil for inland waters and high seas use. An initial amount of five(5) million pesos is hereby appropriated out of any funds in necessary equipment for this purpose. For the succeeding fiscal years, the appropriation for the development of such capability shall be included in the Philippine Coast Guard portion of the General Appropriations Decree.

Section 9. Repealing Clause. - All laws, rules and regulations inconsistent with this Decree are hereby repealed or modified accordingly.

Section 10. Effectivity - This Decree shall take effect immediately

Done in the City of Manila, this 18<sup>th</sup> day of August in the Year of Our Lord, nineteen hundred and seventy-six.