

S. No. 2871
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Republic of the Philippines
Congress of the Philippines
Metro Manila

Nineteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second
day of July, two thousand twenty-four.



[REPUBLIC ACT NO. **12174**]

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

*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 human life and the global environment from the effects of chemical weapons, in conformity with its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, known as the "Chemical Weapons Convention" (the Convention), to which the Philippines is a State Party.

Towards this end, the State shall not, under any circumstance, develop, produce, manufacture, acquire, possess, stockpile, retain, or use chemical weapons, or engage in any other activities prohibited under the Convention, and shall prohibit all persons from engaging in such activities.

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

(a) *Chemical Weapon* refers to one (1) or a combination of the following:

(1) Toxic chemicals and their precursors, except when intended for purposes not prohibited under the Convention, where the type and quantity is consistent with such purposes;

(2) Munitions and devices designed to cause death or other harm through the release of toxic properties from the chemicals specified in subparagraph (1) herein, as a result of using such munitions and devices: and

(3) Any equipment specifically designed to be used directly for the employment of munitions and devices specified in subparagraph (2) herein:

(b) *Facility* refers to any of the industrial sites defined below:

(1) *Plant Site* (Works, Factory) refers to the local integration of one (1) or more plants, with any intermediate administrative levels, which are under one (1) operational control, and includes common infrastructure, such as:

- (i) Administration and other offices;
- (ii) Repair and maintenance shops;

- (iii) Medical center;
- (iv) Utilities;
- (v) Central analytical laboratory;
- (vi) Research and development laboratories;
- (vii) Central effluent and waste treatment area; and
- (viii) Warehouse storage.

(2) *Plant* (Production facility, Workshop) refers to a relatively self-contained area, structure, or building containing one (1) or more units with auxiliary and associated infrastructure, such as:

- (i) Small administrative section;
- (ii) Storage or handling areas for feedstock and products;
- (iii) Effluent or waste and handling treatment area;
- (iv) Control or analytical laboratory;
- (v) First aid service or related medical section; and
- (vi) Records associated with the movement into, around, and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate;

(3) *Unit* (Production unit, Process unit) refers to the combination of items of equipment, including vessels and vessel set up, necessary for the production, processing, or consumption of a chemical;

(c) *Person* refers to any individual, corporation, partnership, firm, association, trust, estate, public or private institution, political entity, foreign government or nation, agency, instrumentality or political subdivision of any such government or nation, or other entity located in the Philippines;

(d) *Precursors* refer to chemical reactants which take part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system. Precursors which have been identified for the application of verification measures by the Organisation for the Prohibition of Chemical Weapons (OPCW) are listed as scheduled chemicals of the Convention's Annex on Chemicals;

(e) *Purposes not prohibited under the Convention* shall mean:

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

(2) Protective purposes directly related to protection against toxic chemicals and chemical weapons;

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

(4) The use of non-lethal weapons which are not prohibited under this Act and the Convention, for the maintenance of public security and order by:

(i) Law enforcement authorities;

(ii) The Armed Forces of the Philippines (AFP) when taking measures to suppress insurgency and other serious threats to national security, and where the use thereof is most appropriate other than the use of deadly force; and

(iii) The AFP within the framework of a system of mutual collective security, and training for its use;

(f) *Riot control agent* refers to any chemical not listed as a scheduled chemical in the Convention's Annex on Chemicals which can rapidly produce sensory irritation or disabling physical effects in humans that disappear within a short time following termination of exposure;

(g) *Scheduled chemicals* refer to chemicals listed in Schedules 1, 2, and 3 of the Convention's Annex on Chemicals as attached and made an integral part hereof and any subsequent amendments thereto; and

(h) *Toxic chemicals* refer to those which, through chemical action on life processes, can cause death, temporary incapacity, or permanent harm to humans or animals. This includes all such chemicals therein, regardless of origin or method of production, and regardless of whether they are produced in facilities, munitions, or elsewhere.

Toxic chemicals which have been identified for the application of verification measures by the OPCW are listed in the scheduled chemicals in the Convention's Annex on Chemicals. Unless a contrary intention appears, an expression or term that is used both in this Act and the Convention but is not defined in this Act, shall have the same meaning provided in the Convention. *Verification Annex* means the Convention's Annex on Implementation and Verification.

SEC. 4. *National Authority*. – The Anti-Terrorism Council (ATC) is hereby designated as the Philippine national authority on the Chemical Weapons Convention.

The ATC shall serve as the national focal point for effective liaison with the OPCW and other States Parties to fulfill the country's commitments under the Convention, including the preparation and submission of annual declarations on scheduled chemicals and facilities.

The Anti-Terrorism Council-Program Management Center (ATC-PMC) shall act as the secretariat.

SEC. 5. *Functions*. – The ATC, acting as national authority, shall:

(a) Ensure proper elucidation and representation of the country's policy on the non-proliferation of chemical weapons in coordination with the Philippine Permanent Representative to the OPCW;

(b) Develop rules and regulations and formulate policies, in cooperation with appropriate government agencies.

concerning the production, processing, consumption, importation, exportation, in-country transfer, use, and proper disposal of scheduled chemicals and facilities, and production facilities of other chemicals not included in the scheduled chemicals of the Convention's Annex on Chemicals;

(c) Create committees, sub-committees, and advisory boards, as may be necessary, to carry out specific functions for the attainment of the objectives under this Act;

(d) Designate local inspectors and specify their required qualifications, trainings, and functions, and in coordination with the Bureau of Fire Protection (BFP) and other appropriate government agencies, spearhead inspections of facilities involving scheduled chemicals;

(e) Identify local laboratories to become an OPCW Designated Laboratory which should be able to perform off-site analysis of samples collected by inspectors from chemical production facilities, storage depots, and other installations, or from the site of an alleged use of chemical weapons;

(f) Cause or direct the investigation of violations of laws concerning chemical weapons, or the handling of toxic chemicals in violation of this Act;

(g) Support capacity-building initiatives and information campaigns on chemical safety and security; and

(h) Perform such other functions to effectively implement the provisions of this Act and the Convention.

The ATC may require the assistance and support of all departments, bureaus, offices, agencies, or instrumentalities of the government, including government-owned or -controlled corporations to effectively perform its duties and functions under this Act.

The ATC shall periodically update the list of scheduled chemicals in Schedules 1, 2, and 3 of the Convention's Annex on Chemicals upon the request or advice of the OPCW. Such updates shall be in the form of formal resolutions of the ATC

to be published in the *Official Gazette* or in a newspaper of general circulation before they become effective.

CHAPTER II

PROHIBITIONS

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

(a) To develop, produce, acquire, stockpile, retain, use, or transfer domestically or by cross-border movement, any chemical weapon;

(b) To finance the development, production, acquisition, stockpiling, retention, use, or transfer of chemical weapons;

(c) To possess or transfer domestically or by cross-border movement, directly or indirectly, precursors and scheduled chemicals without the necessary license or permit;

(d) To engage in any military preparation with the use of a chemical weapon;

(e) To assist, encourage, or induce a person to engage in any activity that is prohibited for a State Party under the Convention;

(f) To use a riot control agent as a method of warfare;

(g) To export and import Schedule 1 chemicals to or from a State not a Party to the Convention, including transit through such State; and

(h) To engage in any other activity prohibited for a State Party under the Convention.

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

CHAPTER III

PENALTIES

SEC. 7. *Penalties.* -

(a) Any person who develops, produces, acquires, stockpiles, retains, transfers, or uses chemical weapons shall suffer the penalty of life imprisonment, without the benefit of parole or the provisions of Republic Act No. 10592 or "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code", and a fine of not less than Two million pesos (P2,000,000.00) nor more than Five million pesos (P5,000,000.00);

(b) Any person who finances the development, production, acquisition, stockpiling, retention, transfer, or use of chemical weapons shall suffer the penalty of twenty (20) years imprisonment up to life imprisonment, and a fine of not less than Five hundred thousand pesos (P500,000.00) nor more than One million pesos (P1,000,000.00);

(c) Any person who produces, acquires, retains, or uses chemicals listed in Schedule 1 of the Convention's Annex on Chemicals for purposes other than research, medical, pharmaceutical, or protective purposes shall suffer the penalty of imprisonment for a period of twelve (12) years and one (1) day to twenty (20) years, and a fine of One million pesos (P1,000,000.00) to Two million pesos (P2,000,000.00);

(d) Any person who produces, processes, or consumes chemicals listed in Schedule 2 or Schedule 3 of the Convention's Annex on Chemicals for purposes other than those not prohibited under this Act, or without a registration with the ATC or the appropriate agencies, shall suffer the penalty of imprisonment of twelve (12) years and one (1) day to fifteen (15) years and a fine of One million pesos (P1,000,000.00) to Two million pesos (P2,000,000.00);

(e) Any person who imports, exports, or domestically transfers chemicals listed in Schedule 1, 2, or 3 of the Convention's Annex on Chemicals, without authorization and necessary permits and licenses from the Strategic Trade Management Office (STMO) of the Department of Trade and

Industry (DTI) shall be dealt with in accordance with Republic Act No. 10697, or the "Strategic Trade Management Act (STMA)";

(f) Any person who obstructs, hinders, resists, or deceives any national or international inspector who is exercising any function under this Act shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years, and a fine of One million pesos (P1,000,000.00) to Five million pesos (P5,000,000.00);

(g) Any person who violates Section 14 of this Act shall suffer the penalty of imprisonment of four (4) years and one (1) day to six (6) years, or a fine of Five hundred thousand pesos (P500,000.00) to Two million pesos (P2,000,000.00), or both, at the discretion of the court;

(h) Any person who refuses or fails to notify the ATC, give the required information, or keep records pursuant to the provisions of Section 12 of this Act shall suffer the penalty of imprisonment of six (6) months and one (1) day to six (6) years, and a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00);

(i) Any person who, in any declaration prepared pursuant to Section 12 of this Act, makes a statement or omits any matter knowing that the statement or omission makes the declaration materially false or misleading shall suffer the penalty of imprisonment of six (6) years and one (1) day to twelve (12) years, and a fine of One million pesos (P1,000,000.00) to Five million pesos (P5,000,000.00).

The partner, president, director, manager, trustee, administrator, or officer of a partnership, corporation, association, or any other juridical entity who consents to, knowingly tolerates or, due to negligence, fails to prevent the commission of a violation of this Act shall be held criminally liable.

In addition to the payment of fine by the partnership, corporation, association, or juridical entity, its registration and license to operate with the Securities and Exchange Commission (SEC) or the DTI, as the case may be, shall be

cancelled and revoked permanently, as ordered by the Court, without prejudice to imposition of sanctions pending trial.

Foreigners found guilty of committing any offense punishable herein shall, in addition to the penalties prescribed under this Act, be deported immediately without further proceedings after the service of sentence and permanently barred from entering the country.

A government official or employee found guilty of committing any of the offenses punishable under this Act shall suffer absolute perpetual disqualification from any public office, and the maximum penalty provided in this Act.

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

Persons who are found guilty of committing any offense punishable herein shall not be subject to probation under Presidential Decree No. 968, otherwise known as the "Probation Law of 1976", as amended by Republic Act No. 10707.

SEC. 8. *Forfeiture.* - After inventory, satisfactory documentation, and confirmatory testing, chemical weapons found anywhere in the territory or in any other place under the jurisdiction of the Philippines, as well as the fruits and proceeds of the offense, shall be forfeited in favor of the national government through the ATC, and shall be destroyed or disposed at specifically designated and appropriately designed and equipped facilities.

Any chemical weapon discovered in the territory of the Philippines shall be reported to the OPCW by the ATC in accordance with the provisions of Part IV(A) of the Convention's Verification Annex: *Provided*, That the facility, warehouse, or place where the chemical weapons are being stored and produced and such other instruments thereon shall be subject to forfeiture after conviction.

The ATC shall initiate and oversee the process of forfeiture.

SEC. 9. *Custody, Containment and Disposal of Confiscated and Seized Chemical Weapons.* - The immediate disposal of seized chemical weapons shall be given utmost priority. The BFP shall exert all efforts in containing the effects of chemical weapons in accordance with its powers and functions under Section 3(b) of Republic Act No. 11589, otherwise known as the "Bureau of Fire Protection Modernization Act". The AFP shall take charge and have custody of all chemical weapons confiscated, seized, and/or surrendered in the following manner:

(a) The apprehending team having initial custody and control of the chemical weapons shall, immediately after seizure and confiscation and before transferring custody to the AFP, physically conduct an inventory and photograph the same in the presence of the accused or the person/s from whom such weapons are confiscated and/or seized, or his/her counsel, and a representative of the ATC, who shall be required to sign the copies of the inventory and be given a copy thereof;

(b) Within twenty-four (24) hours upon confiscation/seizure, the AFP shall submit samples for confirmatory testing to an OPCW designated laboratory which shall certify the results thereof; and

(c) After the filing of the criminal case and the submission of the certification, the court shall order the destruction of the chemical weapons in accordance with Section 10 of this Act.

SEC. 10. *Destruction.* - The transportation, storage, destruction, and disposal of chemical weapons shall be conducted by the AFP under stringent security measures. The procedure for the destruction and disposal of chemical weapons shall be established in coordination with the Department of Environment and Natural Resources (DENR), Department of Science and Technology (DOST), and Department of Health (DOH), and its conduct shall be witnessed by the ATC and OPCW representatives to ensure safe and secure disposal compliant with environmental, health, and safety standards, and consistent with our commitments under the Convention. A report on the destruction and disposal shall be submitted to the ATC.

The cost of destruction and disposal of any chemical weapon shall be borne by the erring person.

In the destruction of chemical weapons, the highest priority shall be given to ensuring the safety of the people and the protection of the environment through methods that comply with national and international safety and emissions regulations: *Provided*, That the ATC, DOH, DOST, and other concerned agencies shall issue guidelines in determining the proper destruction sites: *Provided, further*, That prior notification shall be given to the local government unit where the destruction site is situated.

Open-pit burning, land burial, or dumping of chemical weapons in any body of water as a means of disposing the same are hereby prohibited.

SEC. 11. *Extraterritorial Application.* – The provisions of this Act shall apply to all persons within or outside the Philippines and persons on board vessels and aircraft registered in, belonging to, or in possession of the Philippines, if any of the prohibited acts is committed –

- (a) By or against a citizen of the Philippines;
- (b) Against any property owned, leased, or used by the Philippines or any of its departments, agencies, or instrumentalities; or
- (c) By a partnership, corporation, association, or any juridical person, which is owned or controlled by one (1) or more citizens of the Philippines.

CHAPTER IV

DECLARATION AND INSPECTION

SEC. 12. *Declarations.* –

- (a) The ATC shall prepare and submit annual declarations to the OPCW on relevant toxic chemicals, their precursors, and facilities in accordance with the Convention. Pursuant thereto, the ATC shall collect and manage data from

any person engaged in the production, consumption, processing, import, and export of scheduled chemicals, and compile data gathered by relevant government agencies pertaining to the same acts or activities.

(b) Supply of information. – Any person who developed, produced, acquired, processed, consumed, retained, or used toxic chemicals or their precursors, to which any provision in Parts VI through IX of the Convention's Verification Annex applies, or who intends to carry out such activities, shall:

- (1) Notify the ATC, within such period as it prescribes, of the chemicals and the facility through a written submission in a form approved and issued by the ATC;
- (2) Keep a record of such chemicals, quantities, and the purpose for which the chemicals are stored in a specific facility;
- (3) Prepare annual reports relating to the chemicals and the facility in a form approved and issued by the ATC; and
- (4) Submit annual reports to the ATC.

The records and reports under paragraph (b) (1) to (4) herein must satisfy the requirements of the ATC to ensure that the Convention and the provisions of this Act and any regulation made under this Act are being complied with.

SEC. 13. *Inspection.* – The ATC shall issue a certificate to every member of the OPCW inspection team, containing the bearer's name, status, authority to conduct inspections, applicable privileges, and any other information and conditions applicable to the person's inspection activities. Every international inspector shall present the certificate to the person-in-charge.

Inspections, with the purpose of verifying the accuracy of the declarations submitted, shall be conducted with the consent of the person-in-charge of the facility or under a warrant issued by the courts, and shall be done at any reasonable time and consistent with the provisions of the Convention. An inspection shall also be conducted when an investigation has been initiated.

No inspection of a facility or any location pursuant to the Convention shall take place without the authorization of the ATC.

Any foreign OPCW-designated inspector shall be accompanied by an authorized representative from the ATC or any designated government official. To facilitate the conduct of inspection, the authorized representative from the ATC or any designated government official shall direct any proper person to provide the inspectors with access to the facility being inspected, examine records related thereto, document the inspection, take samples for analysis, interview persons in the facility, and any other activity pursuant to the provisions of the Convention's Verification Annex.

National and local government authorities conducting inspections pursuant to their regulatory functions under existing laws are exempt from the requirements provided under this section.

SEC. 14. *Protection of Confidential Information.* – Any confidential information given or obtained pursuant to this Act shall be disclosed only for the purpose of complying with obligations under the Convention, enforcing this Act, or dealing with a public safety emergency. Non-Disclosure Agreements shall be entered into by parties to ensure protection of said confidential information.

CHAPTER V

MISCELLANEOUS PROVISIONS

SEC. 15. *International Cooperation and Assistance.* –

(a) The ATC may collaborate with other State authorities, international organizations and entities, and shall coordinate their actions to the extent required under this Act or other laws, subject to other State authorities or international organizations or entities being bound to official secrecy.

(b) The ATC is authorized to accept assistance from domestic or foreign sources, for purposes relevant to its mandates and functions, subject to existing laws, rules, and

regulations: *Provided*, That a formal resolution of the ATC is issued allowing the specific form of assistance and sources.

(c) The ATC may request other State authorities and other international organizations or entities to provide relevant data or information and is authorized to receive data or information concerning:

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

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

(d) If a foreign State has entered into an appropriate reciprocity agreement with the Philippines, the ATC, on its own initiative or on request, may provide that State with the data or information described in paragraph (c) herein, as long as the other competent State authority provides assurances that such data or information shall only be used:

(1) For purposes consistent with this Act; and

(2) In criminal proceedings, on the condition that they are obtained in accordance with provisions governing international juridical cooperation.

(e) The ATC may provide international organizations or entities with the data or information described in paragraph (d)(2) herein if the conditions set forth therein are fulfilled, in which case the requirement for reciprocity agreement is waived.

SEC. 16. *Confirmatory Laboratory, Containment, Disposal, and Related Facilities.* – The ATC shall support initiatives from and foster collaborations among government agencies, the private sector, and other stakeholders towards the establishment or designation of confirmatory laboratories, containment, decontamination, destruction, and disposal facilities, with the end in view of allowing in-country analysis

and scientific assessment of samples and other materials, rapid incident response, and ensuring full implementation of the objectives of this Act and the Convention.

Initiatives shall refer to capacity-building efforts in accordance with international standards, including securing and maintaining proper accreditation, passing the required series of proficiency testing, setting up the necessary competencies, and providing funding support for laboratory equipment and related facilities and maintenance, antidote stock, researches, personnel retention, and other development activities.

SEC. 17. *Streamlining Policies and Regulations Governing Chemicals.* – The ATC, in coordination with the appropriate government agencies, shall facilitate the establishment of a coordination mechanism with other regulatory agencies governing chemicals in accordance with Republic Act No. 9485, as amended, or the “Ease of Doing Business and Efficient Government Service Delivery Act of 2018”.

CHAPTER VI

FINAL PROVISIONS

SEC. 18. *Supplemental Application of the Revised Penal Code and Other Laws.* – The provisions of the Revised Penal Code, Republic Act No. 11479, or the “The Anti-Terrorism Act of 2020”, Republic Act No. 10697, and other related laws shall have suppletory application to the provisions of this Act.

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

SEC. 20. *Report to Congress.* – Not later than one (1) year after the effectivity of this Act, the ATC shall submit an annual report to Congress giving a detailed account of its accomplishment and progress, including on the cancellation of

all licenses, an updated list of scheduled chemicals, and a copy of its annual declarations to the OPCW on relevant toxic chemicals and their precursors.

SEC. 21. *Appropriations.* – The funds necessary for the implementation of this Act shall be charged against the current appropriations of concerned agencies of the ATC, subject to pertinent budgeting, accounting, and auditing laws, rules, and regulations. Thereafter, the funding requirements for succeeding years shall be included in the annual General Appropriations Act, subject to the usual budget preparation process.


SEC. 22. *Implementing Rules and Regulations.* – Within one hundred eighty (180) days from the effectivity of this Act, the ATC shall, upon consultation with relevant stakeholders, issue the rules and regulations to ensure the efficient and effective implementation of the provisions of this Act.

SEC. 23. *Separability Clause.* – If any provision or part of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 24. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended, or modified accordingly.


SEC. 25. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,


FERDINAND MARTIN G. ROMUALDEZ
Speaker of the House
of Representatives


FRANCIS “CHIZ” G. ESCUDERO
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2871 on December 9, 2024 and adopted by the House of Representatives as an amendment to House Bill No. 9571 on January 14, 2025.

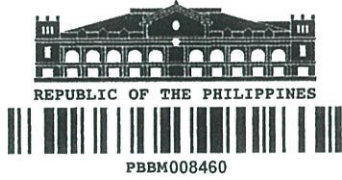

REGINALD S. VELASCO
*Secretary General
House of Representatives*


RENATO N. BANTUG JR.
Secretary of the Senate

Approved: APR 15 2025




FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines



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4-21-2025