

## **PREVENTION AND CONTROL OF MARINE POLLUTION**

WHEREAS, the marine environment and the living organisms which it supports are of 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, recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources is limited;

WHEREAS, knowing that marine pollution originates from many sources, such as dumping and discharging through the rivers, estuaries, brooks or springs;

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 an 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 Republic 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 1974.

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. — As used in this Decree:

- a. "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- b. "Dumping" means any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, but does not include (1) the disposal at sea of wastes or other matter incidental to or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, nor (2) the disposal of wastes or other matter directly arising from or related to the exploitation and associated off-shore processing of seabed mineral resources.
- 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. "Ocean Waters" means all marine waters other than the territorial sea and inland waters of the Philippines and other states.
- e. "Public Vessel" means a vessel owned or bareboat chartered and operated by the Republic of the Philippines, and political subdivision thereof, or by a foreign nation, except when such a

vessel is engaged in commerce. c.dasia

f. "Tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

g. "Tank barge" means any tank vessel not equipped with a means of self propulsion.

h. "Vessel" means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on water.

i. "Person" means an individual, partnership, corporation, or association any owner, master, officer or employee of the Republic of the Philippines.

**SECTION 4. Deposit of Refuse in Navigable Water.** — It shall be unlawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft 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 a liquid state, into any navigable water of the Philippines, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall be unlawful to 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, where the same shall be liable to be washed into such 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: Provided, that nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works; Provided, further, That the Commandant, Philippine Coast Guard, whenever in his judgment navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with and any violation thereof shall be unlawful.

**SECTION 5. Prohibition Against Discharge of Oil and Other Harmful Substances.** — Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Commandant, Philippine Coast Guard, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil, noxious liquid substances and other harmful substances, by any method, means or manner into or upon the territorial and inland waters of the Philippines.

**SECTION 6. Penalties for Violations.** — Any person who violates Sections 4 or 5 of this Decree or any regulation prescribed in pursuance thereof, shall be liable to a fine of not less than P5,000, or by imprisonment not exceeding one year nor less than thirty days, or both such fine and imprisonment, for each offense. Any vessel from which oil or other harmful substances are discharged in violation of Sections 4 or 5 or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such vessel from a port of the Philippines may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel, which may be recovered in proceedings by libel in rem in a court of first instance within which the vessel may be.

SECTION 7. Responsibility and Liability on Oil Spills. — Any ship, tank vessel, tank barge or any other watercraft which accidentally or otherwise discharged oil or oily mixture on waters subject to the jurisdiction of the Philippines, the person in charge of the vessel shall immediately notify the Philippine Coast Guard, giving particulars of the name of the ship and company, location of spill, type of oil spilled, and quantity. In addition, the weather, tide, sea conditions and cause of spill shall be reported. Any person in charge of a vessel who fails to notify the Coast Guard of any oil or oily mixture discharged from his vessel is liable to a fine of P10,000 or imprisonment of not more than six months but not less than 30 days. The owner or operator of a vessel or facility which discharged the oil or oily mixture may be liable to pay for any clean-up costs.

SECTION 8. Rules and Regulations. — The Commandant, Philippine Coast Guard is authorized and empowered to prescribe rules and regulations in pursuance of the purposes of this Decree, to include but not limited to, vessel design and equipment, oil transfer procedures, oil transfer operations, communications requirement, supervision of operations, equipment test and inspection.

SECTION 9. 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 two (2) million pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated for the procurement of 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 Appropriation Decree.

SECTION 10. Repealing Clause. — Any law, rules and regulations inconsistent with this Decree is hereby repealed or modified accordingly.

SECTION 11. Effectivity. — This Decree shall take effect immediately.

DONE in the City of Manila, this 9th day of December, in the year of Our Lord, nineteen hundred and seventy-four.