

## **Philippinen**

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### **PRESIDENTIAL DECREE NO. 1433, s. 1978**

PROMULGATING THE PLANT QUARANTINE LAW OF 1978, THEREBY REVISING AND CONSOLIDATING EXISTING PLANT QUARANTINE LAWS TO FURTHER IMPROVE AND STRENGTHEN THE PLANT QUARANTINE SERVICE OF THE BUREAU OF PLANT INDUSTRY

WHEREAS, economic losses due to injury on agricultural crops brought about by plant pests have become increasingly significant;

WHEREAS, the prevention of introduction, incursion, establishment and subsequent spread of plant pests by regulating the international and domestic movements of plants and plant products, is considered more practical and economical than any other method of plant pest control;

WHEREAS, modern means of transportation and handling of imports and exports have favored the expeditious and extensive movements of plants and plant products, thereby, increasing the risk of plant pest introduction and/or incursion;

WHEREAS, plant quarantine is basically and essentially a preventive measure, it being the actual frontline defense against the introduction or incursion into the country of plant pests which are destructive to our agricultural crops;

WHEREAS, some of the provisions of Act No. 3027 dated March 8, 1922, entitled "AN ACT TO PROTECT THE AGRICULTURAL INDUSTRIES OF THE PHILIPPINE ISLANDS FROM INJURIOUS PLANT PESTS AND DISEASES EXISTING IN FOREIGN COUNTRIES AND FURTHER TO REGULATE THE DOMESTIC MOVEMENT OF PLANT MATERIALS IN ORDER TO MINIMIZE THE INJURY FROM PESTS AND DISEASES ALREADY INTRODUCED." and Act No. 3767, dated November 26, 1930, entitled "AN ACT REGULATING THE IMPORTATION, BRINGING OR INTRODUCTION INTO THE PHILIPPINE ISLANDS OF LIVING ANIMALS, SUCH AS INSECTS, BIRDS, CRUSTACEANS, BATS, MOLLUSKS, REPTILES, MAMMALS, AND OTHER ANIMALS, NOT FALLING WITHIN THE SCOPE OF THE TERM 'DOMESTIC ANIMALS' AS PROVIDED AND DEFINED IN SECTION FOUR OF ACT NUMBERED THIRTY-SIX HUNDRED AND THIRTY-NINE, IN ORDER TO PROTECT THE AGRICULTURAL INDUSTRIES OF THIS COUNTRY AND FOR OTHER PURPOSES" are no longer relevant and applicable to the protection of plant industries of this country, and therefore, require urgent and immediate modification and updating;

WHEREAS, the Plant Quarantine rules and regulations of the Philippines must be compatible with those of other countries and with the provisions of the Food and

Agriculture Organization - International Plant Protection Convention of the United Nations to which the Philippines is a signatory;

WHEREAS, the attainment of the foregoing objectives requires the necessary improvement and strengthening of the Plant Quarantine Services of the Bureau of Plant Industry by providing adequate laws; regulations; resources and facilities; and incentives to Plant Quarantine Officers.

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. This Decree shall be known as the "Plant Quarantine Decree of 1978".

SECTION 2. **Definition of Terms.** — The following terms used in this Decree shall mean as follows:

- a. "Person" — any natural or juridical person such as corporation, partnerships, societies, associations, firms, companies and other legal entities.
- b. "Director" — the Director of Plant Industry.
- c. "Plant Quarantine Officer" — any person so appointed and/or designated by the Director of Plant Industry.
- d. "Country" — any independent political unit or sovereign nation, territory, colony and political or territorial subdivision.
- e. "Carrier" — includes every sort of craft or other artificial contrivance used, capable of being used as a means of transportation in land, water or air.
- f. "Plants" — shall comprise living plants and parts thereof, including seeds, cuttings, rhizomes, bulbs and corms, grafts, leaves, roots, scions and others that are capable of propagation.
- g. "Plant Products" — shall mean products derived from plants, either in their natural state or in manufactured or processed form and are capable of harboring plant pests.
- h. "Potential Animal Pest" — shall comprise certain species of animals that are liable to become agricultural crop pests such as insects, monkeys, rodents, bats, finches, rabbits, snails and other forms of animal life capable of causing injury to agricultural crops.
- i. "Packing Materials" — include leaves, straw, bark and other plant materials used as wrapping, packing, or covering and are capable of harboring plant pests.
- j. "Plant Pest" — any form of plant or animal life, or any pathogenic agent, injurious or potentially injurious to plants and/or plant products.
- k. "Quarantine Orders" — shall mean those Administrative Orders promulgated and issued by the Director of Plant Industry to implement the provisions of this Decree.
- l. "Commodity Treatment" — any form of treatment applied to plants, plant products, and other materials capable of harboring plant pests, for the purpose of destroying or eliminating any infection/infestation caused by plant pests.

m. "Port of Entry" — is a port open to both foreign and domestic trade. The term includes principal ports of entry and subports of entry.

n. "Importation" — is the act of bringing into the country foreign commodities mentioned under Section 3 and 4 of this Decree for planting, consumption, manufacturing, domestication or for any other purpose.

o. "Plants/Plant Products in Transit" — shall refer to plants/plant products brought into any port in the country but are not intended for landing at the said port.

p. "Exportation" — is the act of transporting commodities mentioned under Sections 3, 4, and 6 hereof, from a local port to a foreign port.

q. "Phytopanitary Certification" — shall mean plant health certification.

**SECTION 3. Importation of plants and plant products.** — The importation and/or introduction into the Philippines of plants, plant products, soil packing materials of plant origin capable of harboring plant pests and are a source or medium of infection/infestation of plant pests, *is hereby restricted* subject to such quarantine orders, rules and regulations as may be promulgated, from time to time, by the Director with the approval of the Secretary of Agriculture.

**SECTION 4. Importation of potential animal pests.** — The importation of certain species of animals which are liable to become agricultural crop pests and are capable of causing injury to agricultural crops, is hereby prohibited. However, importation in limited quantities for a justifiable purpose and upon a written permit from the Director of Plant Industry, may be allowed.

**SECTION 5. Commodities in transit.** — Commodities mentioned under Section 3 and 4 of this Decree, as well as, food provisions of plant origin and plant ornaments on board carriers, that are in transit shall be required of a clearance from the Plant Quarantine Officers assigned at the port concerned.

**SECTION 6. Exportation of Plants and plant products.** — The Director and/or the Plant Quarantine Officers shall cause the inspection and phytosanitary certification of all plants, plant products and other related materials capable of harboring plant pests, if the importing country so requires.

**SECTION 7. Inspection of plants/plant products, potential animal pests, and other materials.** — The Director shall cause the appropriate inspection, of the commodities mentioned in Sections 3, 4 5 and 6 and to apply the necessary plant quarantine measures in order to attain the objectives of this Decree.

**SECTION. 8. Domestic Quarantine of plants and plant products.** — In order to prevent and arrest the spread to other areas, of injurious plant pests existing in certain localities within the Philippines, the Director, and/or the Plant Quarantine Officers shall cause the inspection; treatment, if necessary; and certification of plants and plant products involved in the movement from one locality to another within the country.

In cases where it is necessary to contain plant pest(s) the Director may limit the movement of certain plants and/or plant products.

**SECTION 9. Appointment and/or designation of Plant Quarantine Officers.** — The Director shall cause the appointment and/or special designation of Plant Quarantine Officers, who shall act as his representatives, in implementing and enforcing the provisions of this Decree. Provided, however, that such special designation shall be in written form.

**SECTION 10. Powers and Duties of Plant Quarantine Officers.** —

- a. To inspect all carriers, crew/passenger luggages and incoming mails, in order to determine the presence of plants, plant products, and other materials capable of harboring plant pests, as well as, potential animal pests.
- b. To enter into and inspect any and all areas where plants, plant products, and other materials capable of harboring plant pests are landed, stored, and/or grown.
- c. To examine imported plants, plant products, and other materials capable of harboring plant pests as well as potential animal pests and to administer necessary measures to ensure effective implementation of the provisions of this Decree.
- d. To inspect; administer treatment, if necessary; and issue phytosanitary certificates on plants, plant products, and other related materials intended for export, if the importing country so requires.
- e. To confiscate and destroy or refuse entry of plants, plant products and potential animal pests involved in prohibited importations, as well as prohibited plants and plant products involved in domestic movement, and to deny phytosanitary certification of plants and plant products which exportation is, likewise, prohibited.
- f. To perform such other related duties which maybe assigned to him, from time to time.

In the exercise of the powers and duties herein vested to Plant Quarantine Officers, they are hereby given police power and authority.

**SECTION 11. Non-liability clause.** — All charges for storage, demurrage, cartage, labor and delays incident to inspection, cost of disinfection or disinfestation and other post-entry requirements shall be the responsibility of the importer or the exporter, as the case may be. Provided, that the Bureau of Plant Industry and/or its authorized representative shall not be held liable for damages to the commodity in the course of the implementation of the provisions of this Decree.

**SECTION 12. Duties of the Importer and Exporter.** — The importers, exporters, or their authorized representatives shall submit a declaration to the Director of Plant Industry or his authorized representative at, or before the time of entry/embarkation of commodities mentioned under Sections 3, 4 and 6 hereof, for importation/exportation.

Such declaration shall indicate the name and address of the consignor/consignee; the purpose; kind, nature and quantity of said commodities; the country or locality where the same was grown; place and date of unloading or embarkation, and the registered name of carrier carrying the consignment.

**SECTION 13. Entrance and Clearance of Carriers.** — The owner, operator, agent or master of carriers flying international and/or domestic routes are hereby required to serve a notice of arrival and departure and to provide inward and outward cargo manifests and other declarations of said carriers to the Plant Quarantine Officer at the port. Prior to departure, the agent or master of said carrier must secure a clearance from the Plant Quarantine Officer thereat.

The Collector of Customs or his authorized agents shall, require the owner, agent or master of carrier to submit a copy of the certificate of Plant Quarantine Clearance as a pre-requisite to the issuance of the Customs Clearance.

**SECTION 14. Collection of fees.** — The Director shall promulgate rules and regulations governing the collection of nominal regulatory fees for inspection, certification, import permits, commodity treatment and other, on commodities mentioned under Section 3, 4 and 6. Provided, that said collections shall constitute the Revolving Fund of the National Plant Quarantine Service; to augment the existing appropriations therefor, subject to government accounting and auditing regulations. Provided, however, that importations and exportations of all government agencies; government owned or controlled corporations; donations to and for the account of any duly registered relief-organizations; or any charitable institution certified by the Department of Social Services and Development; embassies of foreign governments; and those that maybe declared by the President, upon the recommendation of the National Economic and Development Authority, in the interest of economic development, are exempted from payment of such fees excluding, however, the expenses incurred in commodity treatment.

**SECTION 15. Overtime Services.** — The services of Plant Quarantine Officers, fumigators and helpers performed outside office hours and reimbursement of meal, transportation, lodging and other incidental expenses shall be chargeable to party or parties served at rates to be prescribed by the Secretary of Agriculture upon recommendation of the Director.

**SECTION 16. Cooperating Agencies.** — The Director may, when necessary, call upon other government agencies (military, civil, national or local) in the implementation of plant quarantine regulations and dissemination of information to the general public.

**SECTION 17. Authority to promulgate Special Quarantine Orders, Rules and Regulations.** — The Director, with the approval of the Secretary of Agriculture, is hereby authorized to promulgate such Special Quarantine Orders, rules and regulations to implement the provisions of this Decree.

SECTION 18. **The Plant Quarantine Board.** — For the purpose of carrying out the provisions of this Decree, a Plant Quarantine Board is hereby created composed of the following:

a. The Director of Plant Industry	Chairman
b. Commissioner of Customs or representative	Member
c. General Manager or representative of Philippine Ports Authority	Member
d. Director, Bureau of Quarantine or representative	Member
e. Director, Bureau of Animal Industry or representative	Member
f. Representative from the National Economic and Development Authority	Member
g. Representative from the Central Bank of the Philippines	Member
h. Administrator or representative of the Philippine Coconut Authority	Member
i. Director of Forestry or representative	Member
j. Bureau of Plant Industry, Legal Officer	Member
k. Representative from the Importers' and Exporters' Confederation	Member
l. Chief, Crop Protection Division, Bureau of Plant Industry	Member
m. Postmaster-General or representative	Member
n. Chief, Plant Quarantine Section, Bureau of Plant Industry	Secretary

SECTION 19. **Duties of the Board.** — The Plant Quarantine Board shall be the advisory body to assist the Director of Plant Industry in formulating orders, rules and regulations for the effective implementation of the revisions of this Decree.

SECTION 20. **Board Meeting.** — The Board shall meet once every quarter, or may call special meetings when necessary, provided, that such special meetings shall not be held more than four (4) times annually. The members of the Board shall receive a per diem of Two Hundred Pesos (P200.00) each per meeting.

SECTION 21. **Quorum.** — A majority of the members of the Board shall constitute a quorum.

SECTION 22. **Appropriation of the Plant Quarantine Board.** — The sum of P300,000.00 annually is, hereby appropriated for the expenses of the Plant Quarantine Board. Provided, that any unexpected amount of the said sum shall be reverted to the Plant Quarantine Revolving Fund.

SECTION 23. **Penalty Clause.** — Any person, company or corporation who violates the provisions of this Decree, or forges, counterfeits, alters, defaces and destroys

any document issued by virtue of this Decree shall be fined not more than Twenty Thousand Pesos (P20,000.00) or by imprisonment from prison correctional to prison mayor, or both, at the discretion of the Court.

SECTION 24. **Separability Clause.** — If any of the provisions of this Decree shall be invalid, the remainder shall be operative.

SECTION 25. **Repealing Clause.** — All laws, rules and regulations inconsistent with the provisions of this Decree are, hereby superseded or revoked accordingly.

SECTION 26. **Effectivity.** — This Decree shall take effect immediately upon approval.

Done in the City of Manila, this 10th day of June, in the year of Our Lord, Nineteen Hundred and Seventy-Eight.