



The Philippine Plant Quarantine Laws: Review of Policies Protecting Plant Resources

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INTRODUCTION

Currently, the world's population is posted at about 7.5 billion people and is expected to reach about 8.5 billion by 2030 and 9.8 billion by 2050 (United Nations, 2017). This booming population would require sustainable global food production. The need to improve productivity and provide the world with its basic food requirement imposes for the exchange of plant resources both domestically and internationally. While the pressing need to improve plant resources and breeds are necessary through transfer and movement of plant resources/germplasms and plant products, precautions and safety measures such as quarantine laws have to be established and strengthened to prevent or mitigate the possible spread of plant pests and diseases.

An old adage, "prevention is better than cure", provides a strong basis for the principles underpinning quarantine policies. Quarantines are century-old measures to contain harmful pests and deadly diseases. These quarantine policies are legal measures enacted and duly imposed to enable enforcement of prohibitions, restrictions, possible treatments, certification or verification requirements and other pest and disease risk mitigation or management measures necessary to prevent the dangers or damages resulting from the introduction or spread of dreadful agricultural pests and diseases (PD 1433).

This paper provides a review of the plant quarantine policies in the Philippines. Specifically, this study highlights the quarantine rules and regulations stipulated under the Presidential Decree (PD) 1433 or the Plant Quarantine Decree of 1978, its Implementing Rules and Regulations (IRR), other plant quarantine-related laws to support PD 1433 and the institutions involved in implementing these quarantine policies. It is first from the series of papers describing the plant

quarantine laws in the Philippines, other specific plant quarantine laws are also legislated to protect economically important crops of the country such as banana, mango and coconut.

PROMULGATION OF PLANT QUARANTINE LAWS

History of the plant quarantine laws in the Philippines

In the Philippines, the crops sector provides the largest contribution, about 49% in 2015, to the gross value added (GVA) in agriculture and fishery (Philippine Statistical Authority, 2017). This clearly indicates the importance of the sector to Philippine economy and the need to protect it from potential harmful effects of the introduction and spread of various plant diseases and pests.

As early as 1912, the Philippines has embarked into policies that would protect the agricultural industries of the country from harmful effects of plant pests and diseases. Thus, the enactment of the First Quarantine Act 2145 entitled “An Act to Prevent the Introduction in the Philippine Islands of Plant Diseases and Epidemic.” Republic Act (RA) 2145 was repealed by RA 2515 better known as “An Act Prohibiting the Exportation From and Importation Into the Philippine Islands of Diseased Planting Materials.” RA 2515 provided for the control of plant pests and diseases and the prevention of further spread of introduced pests within the country. Essentially, it created the Plant Inspection Service of the former Bureau of Agriculture (currently, the Department of Agriculture).

In March 8, 1922, the Senate and House of Representatives repealed RA 2515 through the enactment of RA 3027 otherwise known as “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 the Plant Materials in Order to Minimize the Injury from Pests and Diseases Already Introduced.” This was followed by the legislation of RA 3767 known as the “Agricultural Pest Quarantine” or “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 Animals.” Given the advancement of technologies, modern means of transporting and handling of plants and plant products and the demands of trade, some modifications and amendments were made to these quarantine policies and led to the creation of PD 1433 or the Plant Quarantine Decree of 1978. The law specifically addresses the problems on possible entry, incursion, and spread of diseases by strictly regulating the entry and movement of plants and plant products both domestically and internationally. An important provision of PD 1433 gave the Director of Plant Industry to deputize all plant quarantine officers to act as his representative in implementing the said law.

To strengthen the implementation of plant quarantine laws in the country, a number of Administrative and Special Orders for quarantine activities were issued. These included specific policies concerning economically important crops of the country which are also primary exports such as coconut, banana and mango.

Philippine plant quarantine policies

The Plant Quarantine Decree of 1978 (PD 1433) better known as “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” was enacted on June 10, 1978. It was created to address issues related to the significant economic

losses brought about by plant pests; to provide regulatory procedures in preventing the introduction, incursion and establishment and spread of plant pests during international and domestic movements of plants and plant products; and to serve as the frontline defense against the destructive effects of pests to agricultural crops. PD 1433 also provided for plant quarantine rules and regulations compatible of other countries' policies and adherent to that of the International Plant Protection Convention (IPPC) of the United Nations to which the Philippines is a signatory.

The salient provisions on quarantine rules and regulations stipulated in PD 1433 were amended and strengthened by Rule 5, Chapter 5 of the Executive Order (EO) 292 or the Administrative Code of 1987. The provisions of PD 1433 and its IRR, formalized through the Bureau of Plant Industry (BPI) Administrative Order No. 1, series of 1981, as well as EO 292 include stipulations on quarantine procedures and requirements on importation and exportation of plants, plant products and other materials capable of harboring plant pests. It also specified for provisions on domestic quarantine procedures, the agencies or the regulatory institutions as well as the necessary personnel involved in implementing the quarantine policies, the commodities and areas of declaration under quarantine, responsibilities of key stakeholders such as importers and exporters, and the regulatory fees and charges.

The importation and exportation of plants and plant products are important activities in trade that is facilitated and governed by quarantine procedures. Key quarantine activities include, among others, restriction, removal or transfer, inspection, verification and certification, and release or discharge. These activities are provided to check that the plants, plant products and other materials capable of harboring plant pests are free from maladies of quarantine significance. They are also conducted to prescribed necessary treatment or possible destruction or reversion of the commodities and products found infected. Moreover, activities such as inspection and verification are important in the assessment of the phytosanitary conditions of such plants and plant products and the eventual issuance of Phytosanitary or Plant Health Certificate (PD 1433, Sections 3-7; EO 292, Sections 27-31).

As stipulated in the IRR of PD 1433, the products that require permit to import, duly issued by the Director of the BPI, include: (1) living plants; (2) nursery stocks including vegetative parts used as propagating materials; (3) seeds and nuts for planting; (4) fresh fruits, vegetables and other plant products which have been declared as prohibited or restricted imports under Special Quarantine Orders; (5) Pure cultures of fungi, bacteria, virus, nematode and other phytopathogenic materials; (6) mushroom cultures including spawn; (7) algae cultures, rhizobial cultures as legume inoculants; (8) soil and plant material for isolation of organism and (9) other plant cultures. It should be noted that importation of these materials may be permitted subject to sound and reasonable conditions that may be imposed considering national interest. Permit to import is also required in the importation of potential animal pests (IRR, Rule III).

Domestically, areas under quarantine is declared for a certain locality in the Philippines where, upon confirmation and validation, existence or suspected presence of dangerous plant pests is found. A Special Quarantine Order is issued, containing among others, geographical boundaries of the quarantined area, the plant pest under quarantine consideration, the host materials and other pertinent information (PD 1433, Section 8; EO 292, Section 32; IRR of PD 1433, Rule 6, Section 1).

Important provisions of the plant quarantine laws also stipulate the key actors and institutions involved in the implementation and enforcement of the quarantine rules and regulations. The Plant Quarantine Officers (QOs) are appointed by the Secretary of the Department of Agriculture

(DA) based on the recommendation of the DA Regional Directors and the Director of the Bureau of Plant Industry (BPI) (EO 292, Section 33). Among the major powers and duties of QOs (PD 1433, Section 10; EO 292, Section 34) include: (1) inspection of carriers, passengers, crew, luggage and incoming mails to determine the presence of plants, plant products and other materials capable of harboring plant pests as well as potential animal pests; (2) enter into and inspect possible areas where plants, plants products and other materials capable of harboring pests are landed, stored or grown; (3) examine imported plants, plant products, and other materials capable of harboring plant pests as well as potential animal pests and administer necessary measures; (4) inspect, administer treatment and certify plants, plant products and other related materials intended for export, if the importing country so requires; and (5) confiscate and destroy or refuse entry of plants, plant products and potential animal pests involved in prohibited importations and deny inspection, certification or clearance of the same. PD 1433 further provided for police power and authority to QOs to avoid possible conflicts between QOs and key stakeholders such as farmers, producers or exporters and importers.

The National Plant Quarantine Services Division (NPQSD) of the BPI is the primary government unit to monitor and control the movement of plant pests and diseases to prevent the introduction of new pests and its further spread. The NPQSD is composed of 10 sections at the central office and 23 center stations and 12 sub-stations distributed nationwide. To provide support in the endeavor to perform quarantine functions, other government agencies (military, civil, national or local) may be called upon in the implementation of plant quarantine regulations and dissemination of information to the general public (PD 1433, Section 16; EO 292, Section 40). The policies also stipulated the creation of a multi-agency Plant Quarantine Board which is headed by the Director of the BPI (PD 1433, Section 18).

In 2015, a new quarantine policy, the Quarantine Administrative Circular No. 1, series of 2014, was issued to rationalize the regulation of commodities of plant origin in relation to the requirements for Phytosanitary Certificate, Sanitary and Phytosanitary Import Clearance (SPSIC) and employment of necessary treatment. It was promulgated to provide guidelines on the importation of plant-derived products using a classification system based on their vulnerability to pests. The classification or categorization shall be used in identifying whether the Pest Risk Analysis (PRA) is necessary prior to importation and if the country of origin requires a phytosanitary certification.

The Circular indicated four categories of plant products. Categories 1 and 2 refer to products in various stages of being processed while Categories 3 and 4 relate to unprocessed plant-based products. Category 1 includes commodities that have been processed reaching a point where they are not capable of being infested with quarantine pests. These products do not require SPSIC but would require importers to secure a Certificate of Non-Coverage and/or Plant Quarantine Service from BPI. On the other hand, Category 2 commodities are processed to the point that they remain capable of being infested and are intended for consumption of further processing. The products would necessitate an SPSIC and a Phytosanitary Certificate from the country of origin, while the BPI Plant Quarantine Service would determine if a pest risk analysis is needed.

Category 3 commodities include fresh fruits and vegetables, legumes, flowers cut and timber, lumber or logs. These products are not processed but are imported for consumption or processing. Category 4, meanwhile, includes cover plants, cuttings, seeds, leaves and other parts and materials intended for planting. Both Categories 3 and 4 would require an SPSIC, a Phytosanitary Certificate and a pest risk analysis.

SUMMARY AND POLICY IMPLICATIONS

The Philippines has firmed up, enhanced and legislated various quarantine laws that aimed to protect the country's plant and plant products from potential infection and damages of pests and diseases. These quarantine laws stipulated guidelines that provide implementation strategies for ensuring that local production, importation and exportation adhere to policies that will prevent or mitigate the introduction or spread of dreadful agricultural pests and diseases. However, while these polices clearly indicated measures for quarantine rules and regulations in the country, some pressing issues impede the effective implementation of such quarantine laws. These problems include limited budgetary allocation, lack of awareness and strict implementation of these quarantine laws and the limited mainstreaming activities of these policies into the local government units' (LGUs) plans and programs. At the national level, the Plant Quarantine Board is allocated an annual allocation of only PHP 300,000 while at the local level, especially at the LGUs, no specific budget allocation is provided for the implementation of quarantine laws. A strong advocacy can be called for to institutionalize the implementation of plant quarantine laws, especially at the LGU-level, through the creation of legal instruments in the form of resolutions and ordinances at the local-level.

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