

[PRESIDENTIAL DECREE NO. 1433, June 10, 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 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".

SEC. 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, or 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 corns, 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 converting 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 Sections 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. "Phytosanitary Certification"—shall mean plant health certification.

SEC. 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 and are a source of 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.

SEC. 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.

SEC. 5. *Commodities in transit.*—Commodities mentioned under Sections 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 Officer assigned at the port concerned.

SEC. 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.

SEC. 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.

SEC. 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 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.

SEC. 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.

SEC. 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 the 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 insure effective implementation of the provision 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