

MALACAÑANG
Manila

PRESIDENTIAL DECREE No. 1484

AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED FIFTY-TWO HUNDRED AND SEVEN ENTITLED "AN ACT PROVIDING FOR THE LICENSING AND REGULATION OF ATOMIC ENERGY FACILITIES AND MATERIALS, ESTABLISHING THE RULES ON LIABILITY FOR NUCLEAR DAMAGE, AND FOR OTHER PURPOSES"

WHEREAS, Republic Act No. 5207 entitled "The Atomic Energy Regulatory and Liability Act of 1968" was enacted to encourage, promote and assist the development and use of atomic energy for all peaceful purposes as a means to improve the health and prosperity of the inhabitants of the Philippines, contribute to the general welfare and accelerate scientific, technological, agricultural, commercial and industrial progress;

WHEREAS, the Government has entered into agreements for the installation, construction, development, maintenance and use of nuclear power plants in the Philippines to generate electric power to promote the above-enumerated objectives of the Atomic Energy Regulatory and Liability Act of 1968;

WHEREAS, the aforesaid agreements have brought to light the need for amending certain provisions of the said Act in order to further facilitate and encourage the wider use and application of atomic energy for peaceful purposes in the Philippines and as well as to attract local and international nuclear suppliers to invest and cooperate in the installation, construction, maintenance and use of nuclear power projects in the country;

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 as part of the law of the land the following:

Section 1. Section 3(f) of Republic Act No. 5207 is hereby amended to read as follows:

(f) "Nuclear Damage" means loss of, life, any personal injury or any loss of, or damage to, or loss of use of property, which arises out of or results from the radioactive, toxic, explosive or other hazardous properties, or any combination thereof, of nuclear fuel or radioactive products or any waste in, or of nuclear materials coming from, originating in, or sent to, a nuclear installation or from the ionizing radiation emitted by any other source of radiation inside a nuclear installation. "Personal injury" as used herein means any physical or mental injury (including death), sickness or disease whether caused directly by a physical trauma or otherwise."

Section 2. Section 3 is hereby amended by the addition of subsection (p) which shall read as follows:

(p) "The term "individual" means a natural person."

Section 3. Section 39(b) is hereby amended to read as follows:

(b) "If the nuclear incident results from the act or omission done with intent to cause damage, against the individual who has acted or omitted to act with such intent: Provided, however, That the installation operator or any other person including the commission which may be subrogated to the rights of the installation operator shall have no right of action, under any law, against the persons who may be liable for the acts or omissions of such individual such as but not limited to employers, parents and teachers."

Section 4. Section 45 is hereby amended to read as follows:

"Exclusions. The Commission may, if it determines that the small extent of the risk involved so warrants, exclude by regulation any small quantities of nuclear material from the application of the provisions in this Part VII, Provided, That (a) maximum limits for the exclusion of such quantities have been established by the Board of Governors of the International Atomic Energy Agency; and (b) any exclusion must be within limits so established."

Section 5. Section 52 is hereby amended by the addition of a new paragraph which shall read as follows:

"The Republic of the Philippines acting through such officer as may be designated by the president shall enter into agreements of indemnification with contractors or suppliers of goods or services for an atomic energy facility owned or operated by the government, its agencies, instrumentalities or corporations owned or controlled by the government pursuant to which the government agrees to indemnify and hold such contractors or suppliers harmless from any loss or liability arising out of or in relation to a nuclear incident occurring in the Philippines in excess of the yield of the insurance or other security herein set forth, provided, however, that such indemnity shall in no case exceed the amount of Philippine pesos which is equivalent to one hundred twenty million U.S. dollars."

Section 6. This Decree shall take effect upon approval.

Done in the City of Manila this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.