

Supreme Court of Philippines Confirms Genetically Modified (GM) Eggplant Ban

Based on the 'precautionary principle'

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*The Philippines Supreme Court permanently halted the field testing for genetically modified eggplant, Bt (*Bacillus thuringiensis*), upholding the [decision of the Court of Appeals](#) (CA) which stopped the field trials for the GM plant.*

Not only did the High Court deny the petition to continue cultivation of the GM eggplant, but the appeals court's May 2013 decision was also amended.

Aside from permanently stopping field testing for [Bt talong](#) (eggplant), the Supreme Court also declared null and void the Department of Agriculture's (DA's) Administrative Order No. 08, series of 2002.

Additionally, the court ruled that any application for field testing, contained use, propagation, and importation of genetically modified organisms (GMOs) is temporarily stopped pending the promulgation of a new administrative order.

In its ruling, the High Tribunal also explained its application of the precautionary principle, which maintains that "lack of scientific certainty is no reason for inaction at the risk of potentially serious or irreversible harm to the environment." This principal has been explained at length in a paper by Nassim Taleb et al. (<http://www.fooledbyrandomness.com/pp2.pdf>)

In May 2013, the court stopped the nationwide field testing of the Bt eggplant following a petition filed by Greenpeace and farmers' group Masipag against respondents UP Los Baños Foundation Inc, UP Mindanao Foundation Inc, the Department of Agriculture, and the Department of Environment and Natural Resources. The cautionary principle was also used in this case.

Moreover, the court announced that existing regulations of the DA and the Department of Science and Technology were not enough to ensure the safety of the environment and health of the people.

The High Court agreed with the appellate court, mentioning the lack of consensus among scientists regarding the safety of Bt crops.

It also found the DA's administrative order lacking in the minimum safety requirements under Executive Order 514, which established the National Biosafety Framework (NBF).

More transparent, meaningful and participatory consultation of scientists and the public was called for.

Three conditions were noted in the case that warranted the application of the principle:

- Settings in which the risks of harm are uncertain
- Settings in which harm might be irreversible and what is lost is irreplaceable
- Settings in which the harm that might result would be serious

The court stated:

When these features – uncertainty, the possibility of irreversible harm, and the possibility of serious harm – coincide, the case for the precautionary principle is strongest. When in doubt, cases must be resolved in favor of the constitutional right to a balanced and healthful ecology.

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