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DENR ADMINISTRATIVE ORDER
NO. 2021- 28

**SUBJECT : CREATION OF THE ENVIRONMENTAL LAW
ENFORCEMENT AND PROTECTION SERVICE**

Pursuant to the provisions of Presidential Decree (PD) No. 1152, series of 1977 or the Philippine Environment Code, Executive Order (E.O.) No. 192, s. 1987 or the Reorganization Act of the Department of Environment and Natural Resources (DENR), Title III, Book IV Chapter 3 Section 12 of E.O. No. 292 or the Administrative Code of 1987, and E.O. No. 366 s. 2004 entitled “Directing a Strategic Review of the Operations and Organizations of the Executive Branch and Providing Options and Incentives for Government Employees who may be Affected by the Rationalization of the Functions and Agencies of the Executive Branch,” the creation of the Environmental Law Enforcement and Protection Service (ELEPS) is hereby prescribed.

SECTION 1. Basic Policy. It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and maintain a wholesome natural environment by enforcing environmental protection laws.

SECTION 2. Objectives. This Order aims to:

- 2.1. Promote the efficient and effective enforcement of environmental laws, rules and regulations through the creation of the Environmental Law Enforcement and Protection Service (ELEPS) by:
 - 2.1.1. Defining the enforcement authority and functions of the Service in order to enhance the existing DENR organizational structure including field offices, Bureaus and Attached Agencies; and
 - 2.1.2. Establishing strong coordinative and collaborative enforcement mechanisms with other law enforcement agencies, Local Government Units, Civil Society and transboundary networks, among others.
- 2.2. Strengthen and professionalize enforcement of environmental laws with the use of advanced science and technology.
- 2.3. Professionalize enforcement units in the DENR and develop highly competent manpower.

SECTION 3. Scope and Coverage. This Order shall cover all environmental laws as enumerated in the Supreme Court Rules of Procedure for Environmental Cases¹ involving enforcement or violations of environmental and natural resources laws, rules and regulations such as, but not limited to the following:

3.1. Terrestrial Laws

- a. Act No. 3572, s. 1919 or the Prohibition Against Cutting of Tindalo, Akle, and Molave Trees;
- b. Act No. 2874, s. 1919 or The Public Land Act, as amended by Commonwealth Act No. 141 of 1936;
- c. P.D. No. 705 or the Revised Forestry Code of the Philippines, as amended;
- d. R.A. No. 7942 or the Philippine Mining Act of 1995;
- e. R.A. No. 7076 or the People's Small-Scale Mining Act of 1991;
- f. R.A. No. 7586 or the National Integrated Protected Areas System Act of 1992, as amended by R.A. No. 11038 or the Expanded National Integrated Protected Areas System Act of 2018;
- g. R.A. No. 9147 or the Wildlife Resources Conservation and Protection Act of 2001;
- h. R.A. No. 9175 or the Chain Saw Act of 2002;
- i. R.A. No. 9072, s. 2001 or the National Caves and Cave Resources Management and Protection Act;
- j. R.A. No. 7161, s. 1991, Providing Amendments to PD 705 by Increasing the Forest Charges on Timber and Other Forest Products;
- k. R.A. No. 460, s. 1950 or An Act Regulating the Operation of Sawmills, Requiring Operations of Sawmills to Obtain from the Director of Forestry Permits for the operation of such Sawmills, and Providing Penalties for the Violations Thereof;
- l. P.D. No. 953, s. 1976 Requiring the Planting of Trees in Certain Places and Penalizing Unauthorized Cutting, Destruction, Damaging and Injuring of Certain Trees, Plants and Vegetation;
- m. E.O. No. 23, s. 2011 Declaring a Moratorium on Cutting and Harvesting of Timber in the Natural and Residual Forests and Creating the Anti-Illegal Logging Task; and
- n. E.O. No. 277, s. 1987 Amending Section 68 of P.D. No. 705, as amended.

3.2. Coastal, Marine, and Aquatic Resources Laws

- a. P.D. No. 979 or the Marine Pollution Decree of 1976;
- b. P.D. No. 1067, s. 1976 or the Water Code of the Philippines;
- c. R.A. No. 4850, s. 1966 regarding the creation of the Laguna Lake Development Authority Act;
- d. R.A. No. 8550 or the Philippine Fisheries Code of 1998, as amended by R.A. No. 10654, s. 1998;
- e. R.A. No. 9275 or the Philippine Clean Water Act of 2004; and
- f. R.A. No. 9483 or the Oil Pollution Compensation Act of 2007.

¹Supreme Court Rules of Procedure for Environmental Cases.

3.3. Aerial Law

R.A. No. 8749 or the Philippine Clean Air Act of 1999

3.4. Other ENR Laws

- a. P.D. No. 856, s. 1975 or the Code on Sanitation of the Philippines;
- b. R.A. No. 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990;
- c. R.A. No. 9003 or the Ecological Solid Waste Management Act of 2000;
- d. ACT No. 2874 or The Public Land Act; and
- e. P.D. No. 1586, s.1978 or the Environmental Impact Statement System.

SECTION 4. Definition of Terms. For the purposes of this Order, the following terms shall be defined as follows:

- 4.1. **Administrative Powers** - the power to administer or enforce the law, it intends to carry the laws into effect, practical application of laws and execution of the principles prescribed by the lawmaker.
- 4.2. **Cease and Desist Order** - an Order duly issued by the Secretary or by the Service directing or enjoining any person, business or organization, or government agency, to stop or discontinue an act considered harmful or illegal and/or in order to protect, preserve or rehabilitate the environment. A CDO may be permanent, for specific period of time, or until final administrative or judicial determination of its legality occurs.
- 4.3. **Closure Order** - an Order which may be issued by a person in authority permanently closing unlawful, illegal or unlicensed premise or premises in violation of pertinent rules and regulation in relation to environmental laws.
- 4.4. **Confiscation** - the act of taking in favor of the government, real or personal properties, from a person without payment or compensation in an administrative proceeding.
- 4.5. **Custody** - temporary holding or safekeeping by a person in authority of any evidence obtained or seized in an enforcement operation conducted by or with the participation of the Service, while a case is pending before any administrative body or the courts.
- 4.6. **DENR Enforcement Order** - a directive by the Director, as expressly empowered herein by the Secretary, ordering the immediate stoppage of an act or activity being committed by a single person whether alone or in the company of others which is against environment and natural resources laws and directing him to appear before any administrative proceedings as a consequence of his act or activities, pursuant to Section 89, PD No. 705 as revised; Section 40, RA No. 8749; Section 30, RA No. 9275; Section 8 (g), RA No. 9003; and Section 30, RA No. 9147.

- 4.7. Emergency - as used in this Order, occurs when there is a demonstrated impending threat to human life, biodiversity, or irreparable damage to the integrity and stability of the ecosystem.
- 4.8. Enforcement - the act of compelling observance of or compliance with a law, rule or obligation.
- 4.9. Impoundment - the taking of seized private property which includes, but not limited to, vehicle, vessel, facility, equipment, tools, paraphernalia, implements, gadgets, by government action with custody documentation pending the outcome of criminal prosecution or administrative adjudication.
- 4.10. Notice of Violation (NOV) - informs a person or juridical entity that a rule, statute, or permit condition has been violated as observed or discovered.
- 4.11. Seizure - as used in this Order, this refers to the taking by the environmental officers of potential evidence from a person who is suspected of violating environmental laws, rules and regulation. Seizure of evidence may be done by virtue of a search warrant issued by the court or on the occasion of a warrantless arrest or warrantless search.
- 4.12. Show Cause Order – an Order that requires one or more of the parties to a cause to justify, explain, or prove something to the court or quasi-judicial body. It is used when there is a need for more information before deciding on a certain issue or matter.
- 4.13. Transnational or transboundary violation - a continuing offense in contravention of both environmental laws and international treaties and conventions on the environment to which the Philippines is a signatory. An act is deemed a continuing offense when the act began in one place and continued to be committed while the offender is moving to other places.

SECTION 5. Creation of the Environmental Law Enforcement and Protection Service (ELEPS). There is hereby created the Environmental Law Enforcement and Protection Service in the Department of Environment and Natural Resources.

- 5.1. **Composition, Powers and Functions.** Pending the approval by the Office of the President (OP) of the Staffing Pattern, the ELEPS shall be composed of the following:

- 5.1.1. Director

The ELEPS shall be headed by a Director who shall be designated by the Secretary. The Director shall advise the Secretary or the supervising Undersecretary on matters pertaining to the enforcement of environmental laws, rules and regulations.

The Director of the ELEPS shall have the following functions:

- a. Manage the day-to-day operations of the ELEPS;
- b. Ensure proper coordination with relevant DENR offices and other government agencies and instrumentalities in carrying out its mandate as provided in this Order;
- c. Provide the Secretary through the supervising Undersecretary for Enforcement with prompt and timely reports/updates on enforcement matters;
- d. Report directly to the supervising Undersecretary for Enforcement; and
- e. Perform such other functions as may be directed by the Secretary.

5.1.2. Environmental Law Enforcement Division (ELED)

The ELED shall be composed of the Logistics and Operations Section, Intelligence and Counter-Intelligence Section, and the Investigation and Detection Section, and shall be headed by a Division Chief.

The Enforcement Divisions of the DENR Regional Offices, Enforcement Units of the Mines and Geosciences Bureau (MGB), Environmental Management Bureau (EMB), Protected Area Management Office (PAMO) (in case of legislated Protected Areas) and Enforcement Sections of the Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) shall be under the operational control of the ELEPS and its supervising officials, but shall continue to be under the administrative jurisdiction of their respective offices. However, the Regional Executive Director (RED) shall continue to exercise supervisory control over regional operations.

The Enforcement and Monitoring Section/Unit in the PENRO/CENRO shall serve as the frontline units for the enforcement of ENR laws, rules and regulations in the field level.

In the case of the legislated protected areas, the enforcement unit of the PAMO shall be the frontline unit for the enforcement of ENR laws in the NIPAS, with the Protected Area Superintendent (PASu) as the Chief Enforcement Officer.

The Palawan Council for Sustainable Development Staff (PCSDS), as far as the province of Palawan is concerned, shall continue to perform its enforcement functions under its mandates. Its Executive Director shall report directly to the Secretary, conduct lateral coordination with the Director of the ELEPS on enforcement concerns, and assist the latter in the performance of its enforcement functions.

The ELED shall have the following functions:

- a. Enforce, interdict ongoing violations, arrest, investigate, and prepare to prosecute all violations of environmental and natural resources laws, rules and regulations;
- b. Impose forest protection fees as provided under Section 65 of P.D. 705, as amended, and other administrative fees authorized by law;
- c. Impose administrative fines;
- d. In coordination with the Director of the DENR Legal Affairs Service (LAS) or its equivalent at the field level, assist in filing the appropriate cases in court in consultation with the National Prosecution Service of the Department of Justice (DOJ) when necessary, and with the Office of the Ombudsman in cases involving government officials and employees;
- e. Coordinate with the DOJ, Philippine National Police (PNP), Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI), and other government law enforcement agencies, including government-owned and controlled corporations (GOCCs), to aid in the enforcement of laws against environmental crimes;
- f. Ensure that enforcement officers are properly provided with the necessary protective gears and equipment in the performance of their official functions;
- g. Conduct intelligence operations and endorse forensic investigations;
- h. Issue and serve show cause orders and notices for the appearance of any person for investigation or production of any document, through its officers from the ranks of the Director, RED, PENRO, CENRO, and PASu (in case of legislated protected areas). It shall also refer any person who disobeys or did not act upon such invitations and notice to proper authorities for further investigation; and
- i. Perform other related functions as may be assigned.

5.1.3. Environmental Protection Division (EPD)

The EPD shall be composed of the Inter-Agency Relations Section and the Protection and Prevention Section, and shall be headed by a Division Chief.

It shall have the following functions:

- a. Formulate and recommend policies, guidelines, and programs necessary to effectively carry out the enforcement mandate of the ELEPS;
- b. Oversee the custody of all seized and confiscated items, implements, conveyances, tools and equipment;
- c. Supervise disposal of confiscated items in administrative cases pertaining to environment and natural resources violations, and execute decisions in cases as may be directed by the court;
- d. Establish and maintain coordination mechanisms with the Pollution Adjudication Board (PAB) and other law enforcement agencies locally and internationally;
- e. Develop/recommend enforcement systems and strategies using the most advanced and reliable technologies;
- f. Maintain database of all relevant information such as, but not limited to, environmental cases, environmental incidents, permittees, licenses, park and forest occupants, tenured migrants, and scientific research data and information;
- g. Implement Cease and Desist Orders (CDOs), Closure Orders, and Notice of Violations (NOVs) issued by the EMB, PAB, and issue DENR Enforcement Order for *in flagrante* violations and in the exercise of its administrative powers pursuant to existing environmental laws, rules and regulations; and
- h. Perform other related functions as may be assigned.

The staffing of the ELEPS shall be in accordance with the organizational structure as approved by the DENR Secretary. The outline of the organizational structure of the ELEPS is attached as Annex A.

5.2. Enforcement Coordination Mechanism

- 5.2.1. All Bureaus and attached agencies shall establish and maintain close coordination with the ELEPS in networking with national and international coordinative bodies, multi-lateral agencies, and organizations that addresses environmental crimes. The Enforcement Task Forces related to enforcement shall be subsumed under the ELEPS. The Enforcement Units of these offices/bodies shall provide the necessary assistance in the exercise of powers and functions of the ELEPS as provided in this Order.

5.2.2. All previous issuances for inter-agency related task forces exercising enforcement functions shall be subsumed by the ELEPS.

5.2.3. The DENR Field Offices, in coordination with the ELEPS, shall be tasked to initiate the formation of multi-sectoral environmental law enforcement coordinating mechanism to broaden the support for the environmental law enforcement mandate of the Department.

SECTION 6. Capacity Building. In order to effectively perform its functions, the ELEPS officials and personnel shall undergo continuing capacity-building on the enforcement of environmental laws, rules and regulations.

6.1. The ELEPS, in coordination with the Human Resource Development Service (HRDS) shall formulate training programs relevant to the enforcement mandate of the Department.

6.2. The DENR enforcers shall undergo basic and higher-level training, physical skills, marksmanship training, workshops and other related disciplines to keep abreast with the dynamic changes in environmental law enforcement and protection, to develop techniques and strategies in detection and apprehension of environmental crimes.

6.3. The Regional Field Officers/Enforcers shall be required to undergo the necessary trainings needed in coordination with other law enforcement agencies and offices which have vast knowledge and expertise in the field of environmental protection, enforcement, intelligence gathering, case build-up, investigation and apprehension.

SECTION 7. Funding. The budgetary requirements for the initial operationalization of the ELEPS shall be sourced from, but not limited to, the funds allocated for the Environmental Protection and Enforcement Task Force (EPETF), subject to the submission and approval of a Work and Financial Plan (WFP) and in accordance with budgeting, accounting and auditing rules and regulations.

SECTION 8. Transitory Provisions

8.1. All real and personal properties, documents, records and other papers related to enforcement which are kept and/or managed by the EPETF and other similar enforcement task forces previously created by the DENR Secretary which are hereby deemed abolished, shall be turned over to the ELEPS.

8.2. All officials and personnel currently assigned and/or designated to the EPETF and other similar enforcement task forces shall continue to serve as staff or enforcers of the ELEPS.

8.3. Pending approval by the Office of the President of the staffing pattern for the creation of the ELEPS, any other personnel of DENR offices, Bureaus and attached agencies may be detailed or transferred in the ELEPS through a Special Order (SO).


8.4. The Director of the ELEPS, in consultation with the Personnel Division/HRDS of the DENR shall formulate a staffing pattern of the ELEPS for submission to the Department of Budget and Management (DBM) for approval within three (3) months upon effectivity of this Order.

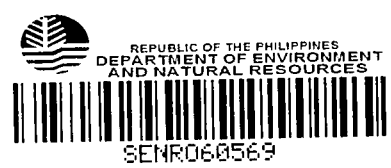
8.5. The Director, in consultation with DENR offices, Bureaus and attached agencies shall formulate the operational guidelines of the ELEPS.

SECTION 9. Separability Clause. If any portion of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 10. Repealing Clause. All Orders, Memoranda and Circulars inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 11. Effectivity. This Order takes effect fifteen days (15) after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administrative Register (ONAR), UP Law Center.


ROY A. CIMATU
Secretary



Publication: Manila Bulletin
September 17, 2021

Acknowledgement: U.P. Law Center
September 21, 2021

ANNEX A. ENVIRONMENTAL LAW ENFORCEMENT AND PROTECTION SERVICE (ELEPS) ORGANIZATIONAL STRUCTURE

