

DEC 15 2021

DENR ADMINISTRATIVE ORDER
No. 2021- 39

SUBJECT : CREATION OF THE METROPOLITAN ENVIRONMENTAL OFFICES IN THE NATIONAL CAPITAL REGION (NCR)

Pursuant to the good governance principle of bringing the government closer to the people, this Department Administrative Order (DAO) is hereby issued.

SECTION 1. Legal Bases. This DAO is being issued pursuant to the provisions of Presidential Decree (PD) No. 1152, series of 1977, or the Philippine Environment Code; Republic Act (RA) No. 9275 or the Philippine Clean Water Act of 2004; RA No. 8749 or the Philippine Clean Air Act of 1999; RA No. 9003 or the Ecological Solid Waste Management Act of 2000; Executive Order (EO) No. 192, Series of 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, Series of 2004 re: 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.

SECTION 2. Basic Policy. It is the policy of the State to ensure the effective implementation of environmental laws in urban areas particularly in the NCR to protect the health and safety of the people therein.

SECTION 3. Objectives. This DAO is being issued to:

- a. Intensify the enforcement of environmental laws and regulations in the NCR;
- b. Strengthen implementation of solid waste management in the NCR by providing necessary technical assistance to Local Government Units (LGUs); and
- c. Strengthen the implementation of the rehabilitation and restoration programs, projects and activities, in compliance with the Writ of Continuing Mandamus for Manila Bay issued by the Supreme Court on December 18, 2008.

SECTION 4. Scope and Coverage. This Order only covers enforcement and coordinating functions and does not include regulatory or permitting functions nor quasi-judicial functions, such as administrative adjudication. The DENR-NCR Regional Office shall continue to exercise all the functions enumerated under Section 21 of EO No. 192 and EO No. 292, including all quasi-judicial functions such as administrative adjudication; while the EMB-NCR shall continue to exercise its functions under RA No. 9275 or the Clean Water Act, RA No. 8749 or the Clean Air Act, RA No. 9003 or the Ecological Solid Waste Management Act, RA No. 6969 or the Toxic Substances and Hazardous Wastes Act, and PD No. 1586 or the Environmental Impact Statement System.

The Laguna Lake Development Authority (LLDA) and the Pasig River Coordinating and Management Office shall continue to exercise its functions under RA No. 4850, as amended, and EO No. 93, Series of 2019, respectively.

SECTION 5. Definition of Terms.

- a. Implementation - The process of putting any legal provision, decision or plan into effect; execution.
- b. Enforcement - The act of compelling observance of or compliance with a law, rule, or obligation (as defined in Section 4.8 of DAO 2021-28). It includes surveillance and intelligence gathering, the initial measure called apprehension as defined under Section 1 of DAO 1997-32 and other relevant regulations, valid warrantless arrests and searches, and the seizure of evidence as defined under Section 4.11 of DAO 2021-28 done by virtue of a search warrant issued by the court or on the occasion of a valid warrantless arrest or warrantless search. It is a type of implementation which is not a quasi-judicial function.
- c. Surveillance - close watch kept over someone or something (as by a detective); close observation, especially of a suspected criminal, either physical or virtual (through the Internet).
- d. Quasi-judicial function – the action of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action and to exercise discretion of a judicial nature (as defined in *Monetary Board et al vs, Philippine Veterans Bank*, G.R. No. 189571, January 21, 2015). It includes administrative adjudication through seizure and confiscation proceedings under DAO 1997-32 and other relevant regulations.
- e. Monitoring - Observing and checking progress or quality over a period of time.

SECTION 6. Metropolitan Environmental Offices (MEOs). Hereby created are four (4) MEOs in the Department of Environment and Natural Resources that shall operate within the NCR divided into four (4) zones: North, South, East, and West, as indicated in the enclosed map (Annex A).

6.1 Organizational Structure. The organizational structure shall be according to the enclosed chart (Annex B).

6.1.1 Supervising Officials. The Secretary shall designate a supervising Undersecretary for the four (4) MEOs, One (1) Assistant Secretary for each MEO and one (1) Director II for each MEO.

6.1.2 Staff Composition. Each MEO shall be composed of sufficient number of staff for its operations, pursuant to the Organizational Structure as approved by the Secretary.

6.2 Powers and Functions of the MEOs.

A. Enforcement

1. The MEOs shall serve as the frontline units for the enforcement of ENR laws, rules, and regulations in NCR and shall coordinate with Environmental Law Enforcement Protection Service in accordance with Section 5.1.2 of DAO No. 2021-28.

2. Present evidence to officers or bodies exercising quasi-judicial functions as defined herein and turn over relevant documents to the appropriate authorities while maintaining proper chain of custody.

B. Coordination and Capacity Building

1. Coordinate with DILG, LGUs, MMDA, and private adopters/partners for:
 - i. the sustained clean-up of rivers, creeks, and other water bodies; and
 - ii. prevention and closure of open dump sites.
2. Initiate means, programs, and projects to capacitate LGUs in order for the latter to:
 - i. Properly dispose solid wastes and exercise the functions of the DENR enumerated in Section 8, paragraph (c) to (h) of RA 9003 or the Ecological Solid Waste Management Act, concurrently and in coordination with the EMB-NCR
 - ii. Monitor water quality of creeks, rivers, esteros, and other water bodies within their jurisdiction pursuant to Section 20 of RA 9275 or the Philippine Clean Water Act. In the meantime, shall coordinate with the EMB-NCR and LLDA for the transition of water quality monitoring functions through the MEOs.
3. Coordinate with the DOH, MWSS, the Concessionaires, MMDA, and LGUs to facilitate the completion of the sewerage system of the NCR and achieve international standards of sanitation in the entire region;
4. Provide technical assistance to the MMDA and LGUs for the conceptualization of a plan for the long-term solution of pollution of rivers and esteros in Metro Manila within the context of the regional development plan, and to coordinate with experts, NGOs, and funding agencies for the said purpose;
5. Institutionalize the existing mechanisms of the implementation of the Writ of Continuing Mandamus for Manila Bay;
6. Carry out the directions of the Manila Bay Task Force;
7. Provide the LGUs with technical assistance, trainings and a continuing capability-building program to prepare them to undertake full administration of the air quality management and regulation within their territorial jurisdiction pursuant to Section 36 of RA 8749 or the Philippine Clean Air Act after proper orientation from the EMB-NCR.

C. Others.

1. Perform other functions as may be directed.

SECTION 7. Funding. Budgetary requirements for the initial operationalization of the MEOs shall be sourced from Central Office Funds, to be augmented with funds allocated for the DENR-NCR and EMB-NCR pertinent to the operationalization of the MEOs, subject to the submission and approval of a Work and Financial Plan (WFP) and to budgeting, accounting and auditing rules and regulations. For subsequent years, additional funding shall be allocated.

SECTION 8. Transitory Provision

1. All real and personal properties, documents, records and other papers which are kept and/or managed by the existing DENR-NCR, North, South, East, and West Field Offices, shall be turned over to the MEOs.
2. All fulltime personnel currently assigned and/or designated to the existing DENR-NCR, North, South, East, and West Field Offices shall continue to serve as staff of the MEOs.
3. Any other personnel of DENR offices, bureaus and attached agencies may be detailed or transferred with the MEOs through the issuance of a Special Order.
4. The Directors and Assistant Secretaries of the MEOs, in consultation with the Human Resources and Development Services, shall formulate a proposed staffing pattern of the MEOs, for submission to the Department of Budget and Management for approval within three (3) months upon approval of this Order.

SECTION 9. Separability Clause. If any provision 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, and other similar issuances inconsistent herewith are hereby revoked, amended, 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.

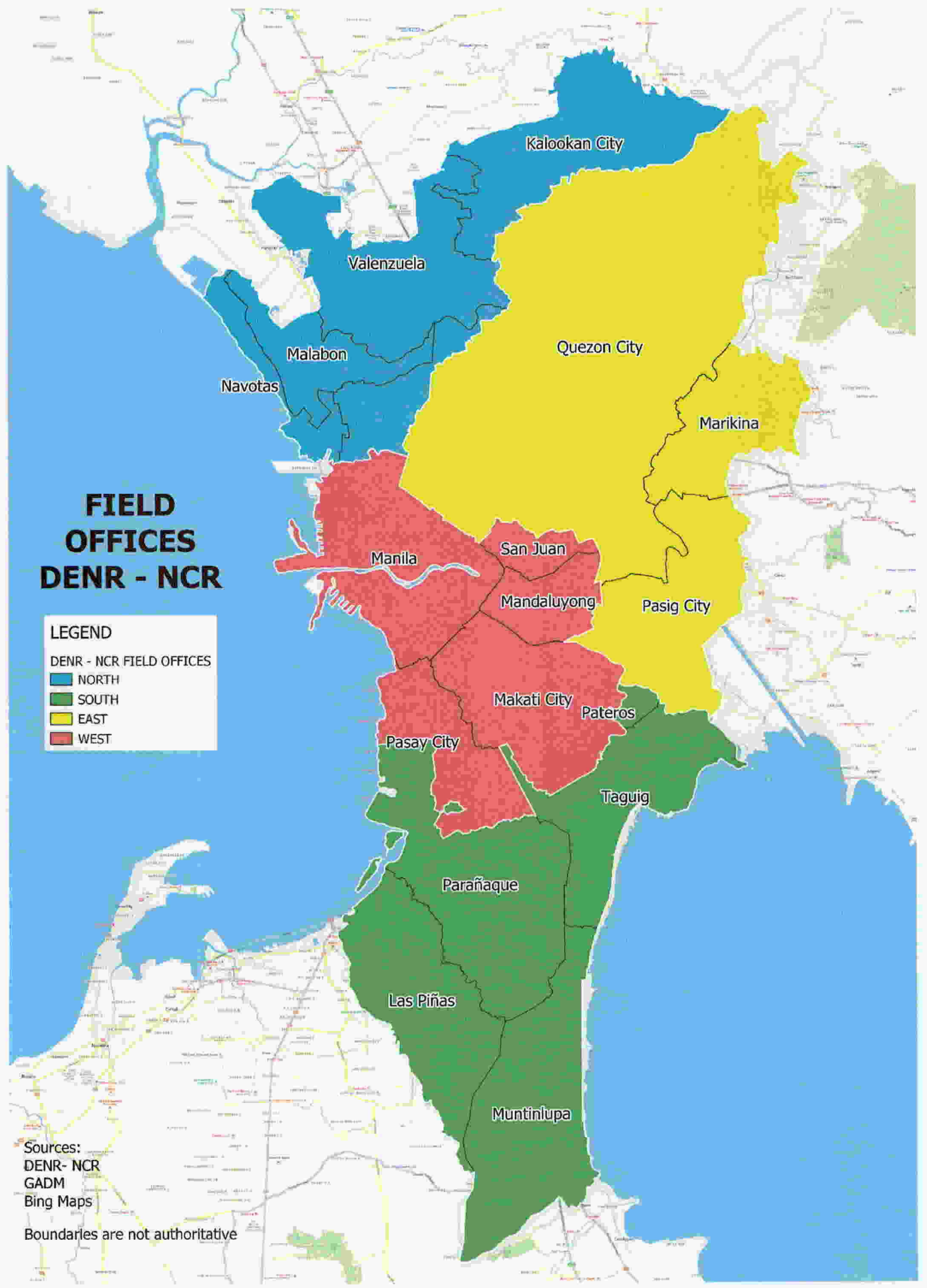
ROY A. CIMATU
Secretary



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ANNEX A



STRUCTURE

Metropolitan Environmental Offices (MEOs)

