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MEMORANDUM

TO : **THE DIRECTORS**
Forest Management Bureau
Mines and Geoscience Bureau
Land Management Bureau
Environmental Management Bureau
Biodiversity Management Bureau

FROM : **THE UNDERSECRETARY**
Enforcement, Mining and Muslim Affairs

SUBJECT : **DRAFT DAO RE: CREATION OF MULTISECTORAL
ENVIRONMENTAL PROTECTION AND LAW
ENFORCEMENT COUNCILS**

DATE : October 9, 2020

We are forwarding to your office the attached draft Department Administrative Order (DAO) for the Creation of Multisectoral Environmental Protection and Law Enforcement Councils under command and supervision of the DENR.

The draft DAO is aimed to further strengthen the coordinative, collaborative and operational efforts of all concerned national government agencies, including its environmental protection and law enforcement instrumentalities, towards protecting the environment and enforcement of ENR laws, rules and regulations for the advancement of the rights of the people to a balanced and healthful ecosystem.

In view hereof, may we request your insights and additional inputs to further enhance the draft DAO. Submit your comments and recommendations to this Office within seven (7) days upon receipt hereof.

For your compliance.

JIM O SAMBUENA


DENR Administrative Order

No. 2000 - _____

SUBJECT : CREATION OF MULTISECTORAL ENVIRONMENTAL PROTECTION AND LAW ENFORCEMENT COUNCILS

Pursuant to Executive Order 192, s. 1987, the Department of Environment and Natural Resources (DENR) is mandated to carry out an effective and efficient mechanisms to protect, conserve and develop its natural resources, and to directly involve and encourage the participation of other government agencies, citizenry and other stakeholders in the environmental law protection and enforcement of all existing laws, rules and regulations for the advancement of the right of the people to a balanced and healthful ecosystem, this Administrative Order is hereby issued for the guidance of all concerned.

Section 1. Objectives. This Order is issued to further institutionalize, mainstream and strengthen the DENR's environmental law protection and enforcement mandates, through;

- a) Advancement of all environmental protection efforts to a comprehensive and collaborative law enforcement level;
- b) Provision of an effective, efficient and functional framework of cooperation among other government agencies, stakeholders and citizenry in the environmental protection and law enforcement mandate of the DENR;
- c) Defining and strengthening various enforcement authorities and functions towards a strong coordinative and collaborative law operations and enforcement mechanisms;
- d) Transforming and aligning all law enforcement formations at the regional, provincial and community levels.

Section 2. Scope and Coverage. This Order shall apply to all DENR's environmental protection and law enforcement initiatives involving other government agencies and stakeholders in carrying out activities towards protecting the environment and enforcement of laws, rules and regulations (i.e. logging, poaching, and transporting of forest and non-forest products; wildlife collection, trading and trafficking; construction and occupation of establishments in prohibited areas; dumping of pollutants and hazardous wastes in land, water and air; and transboundary environmental conflicts, and the likes), which shall cover the processes of detection, surveillance, investigation, operations, arrests, seizures, confiscation, custody, disposition, prosecutions, and execution of judgements rendered by the proper court or quasi-judicial body involving environmental cases, in accordance with the procedures laid down in the Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC) and such other existing rules promulgated by the appropriate agency governing administrative proceedings, towards resolution of cases against environmental violators. The operations and enforcements processes shall be governed by ENR laws and regulations (The initial list of ENR Laws and Rules and Regulations is attached as Annex A, and shall form part of this Order).

Section 3. Reconstitution/Formation of Multisectoral Environmental Protection and Enforcement Councils (MEPEC).

- a) A Multisectoral Environmental Protection and Enforcement Council (MEPEC) shall be created at the national level to be headed by the DENR and membered by other government agencies (i.e. Department of Defense (DND), Department of the Interior and Local Government (DILG), Department of Justice (DOJ), Department of Information Communication Technology (DICT), Department of Finance (DOF), Department of Transportation (DOTr), Department of Agriculture (DA), and other

government law enforcement instrumentalities, including stakeholder representatives with national formations). The MEPEC-National shall act as governing council in setting-up overall direction for the protection and enforcement of environmental laws, rules and regulations.

- b) The MEPEC-National shall be supported by a Technical Working group (TWG) composed of official representatives from other government law enforcement instrumentalities under the above agencies (i.e. Arm Forces of the Philippines (AFP), National Bureau of Investigations (NBI), National Prosecution Services (NPS) Philippine National Police (PNP), Cybercrime Investigation and Coordinating Council (CICC), Maritime Industry Authority (MARINA), Land transportation Office (LTO), Philippine Coast Guard (PCG), Philippine Port Authority (PPA), Bureau of Customs (BOC), Bureau of Fisheries and Aquatic Resources (BFAR), stakeholders representatives, among others), which shall be managed and administered by the designated Supervising Undersecretary of the DENR assisted by Environmental Protection and Enforcement Task Force (EPETF). The MEPEC-TWG shall establish a harmonized, synchronized and collaborative framework of operations in the fields.
- c) The MEPEC-National shall be replicated at the Regional/Provincial/Community levels headed by their respective Regional Executive Director/PENR Officer/CENR Officer, assisted by the Chief of Enforcement Division/Section/Unit, and to be composed of all other law enforcement instrumentalities available/present in the area, represented by their respective head of the offices and/or officially designated representatives. The same can be created at the city, municipality and barangay levels should the local condition and situation so warrant.
- d) All DENR initiated existing Multisectoral Anti-Illegal Logging Groups and other similar formations created by various directives and instructions at the field levels shall be converted or transformed into Regional/Provincial/Community Multisectoral Protection and Enforcement Councils, for identity, brevity and uniformity.
- e) The created/transformed MEPEC in all levels shall undertake among others, the following;
 - 1) Assessment of law enforcement needs and operations within their respective area of responsibilities;
 - 2) Crafting of action plans to address national and local environmental issues, which includes among others but not limited to dealing with illegal gathering, possession, transporting of forest and non-forest products, water-air-land pollutions, wildlife collection and trading, transboundary conflicts, and others;
 - 3) Tap and develop law enforcement systems and strategies using the most advance and reliable technologies;
 - 4) Act diligently on the request for a discreet and or actual operations as requested by member of the MEPEC;
 - 5) Keep operations and investigations confidential within the teams assigned to its operations;
- f) A Multisectoral Environmental Protection and Enforcement Teams (MEPET) at the national and field levels may instantly be formed based on the needs, scope and

veracity of gathered information to immediately execute specific and sustained plan of actions.

- g) The Regional Directors and/or his/her official representatives of the Environmental Management Bureau (EMB) and Mines and Geoscience Bureau (MGB), as requested, shall at all times provide assistances to the MEPEC team/s guided by its special laws appurtenant to the investigation, processing and prosecution of environmental violators pertaining to EMB and MGB concerns.
- h) MEPET members may be issued with Special/Deputy Environment and Natural Resources Officers (S/DENRO) by the DENR to individuals, organizations, and other law enforcement instrumentalities to assist in the environmental law protection and enforcement activities, subject to the provisions stipulated in DAO 2008 – 22.
- i) Spot activity reports, periodic and consolidated reports shall be submitted to the DENR Secretary thru the Offices of Undersecretary for Field Operations, Undersecretary for Planning and Policy, and the assigned Supervising Undersecretary for Enforcement;

Section 4. Powers and Functions of MEPET

- a) Execute environmental protection and law enforcement processes, which include among others, from detection, surveillance, investigation, operations, arrests, seizures, confiscation, custody, disposition, prosecutions, and execution of judgements rendered by the proper court or quasi-judicial body involving environmental cases, in accordance with the procedures laid down in the Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC) and such other existing rules promulgated by the appropriate agency governing administrative proceedings
- b) MEPET may seek operational, technical, manpower and logistical supports from member offices in furtherance of its local operations.
- c) The confiscated, seized and apprehended forest and non-forest products, and its implements, conveyances, tools and equipment that were used as accessory to the crime shall be turned-over to DENR for administrative proceedings, processes, and disposition.
- d) For other MEPET members, they shall take temporary custody of all seized and confiscated forest and non-forest products, mineral ore, implements, conveyances, tools and equipment accessory to the environmental crime committed;
- e) Assist in the filing of appropriate administrative legal actions against the violators by providing affidavits, relevant reports and results of investigations and operations;
- f) Assist in the filing of appropriate cases in court against environmental violators in collaboration with the NPS, and the Office of the Ombudsman in cases involving government officials and employees;

Section 5. Operational Guidelines.

- a) A Manual of Operations (Roles of Engagements) shall be crafted by the members of the MEPEC-National in order to establish a Standard Operating Procedures (SOPs);
- b) Environmental crime detection can be sourced from social media, newspaper, broadcast, and direct reports from the communities;

- c) Operations may be single incident management or sustained. Sustained operations must be contained in a highly confidential plan that is prepared by the assigned team for the information, guidance and command of the head of the team;
- d) All operations shall be decisive and seek maximum effect to protect the lives, resources and environmental services. The team will not exercise discretion in its efforts to enforce environmental laws in undertaking its tasks, while endorsing any requests for discretion back to proper deciding authorities; and
- e) Protocols will be followed by the team in all operations from the protection of the lives of the enforcers; following the rule of law; ensuring sufficient training and preparations; properly preserving evidences; protecting the rights of the accused; assistance in the prosecution; to imposition of the penalty and punishment.

Section 6. Environmental Law Enforcement Capacity Building

To effectively counteract and resolve with the changing modus operandi of various environmental violators, all law enforcement personnel shall be continuously informed, equipped and trained with existing ENR policies, laws and regulations; tactical and strategical approaches in field operations; networking and alliance works; basic and advanced use of technologies; and other law enforcement training services that can be developed, offered and availed by the DENR and other enforcement instrumentalities.

The development of training designs and its implementations shall be administered by the EPETF, with the assistance from the DENR Human Resources Development Service (HRDS).

Section 7. Rewards and Recognitions. As a means of gratitude, the DENR, on its capacity may issue certificates of appreciation, recognition, commendation, rewards, tokens, in kind or in cash, to the partner agency, organizations, and individuals in recognition of their valuable supports in undertaking sustained and successful environmental law protection and enforcement activities, projects and programs.

Section 8. Funding. All expenses relative to the implementation of this Order shall be charged to the respective funds of the national, regional, provincial and other concerned DENR offices, subject to auditing and accounting rules and regulations.

Section 9. Repealing Clause. All orders, circulars, memoranda inconsistent herewith are hereby repealed and/or amended accordingly.

Section 10. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the National Administrative Registry (ONAR), UP Law Center.

ROY A. CIMATU
Secretary

Initial List of Environmental Laws, Rules and Regulations

- 1) P.D. 705, Forestry Reform Code of the Philippines;
- 2) R.A. 8749, Philippine Clean Air Act of 1999;
- 3) R.A. 9275, Philippine Clean Water Act of 2004;
- 4) R.A. 9003, Ecological Solid Waste Management Act of 2000;
- 5) R.A. 6969, Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990;
- 6) R.A. 9072, National Caves and Cave Resources Management and Protection Act;
- 7) R.A. 7586, National Integrated Protected Areas System Act of 1992;
- 8) R.A. 11038, Expanded National Integrated Protected Areas System Act of 2018;
- 9) R.A. 7942, Philippine Mining Act of 1995;
- 10) R.A. 7076, People's Small-Scale Mining Act of 1991;
- 11) ACT No. 2874, The Public Land Act;
- 12) R.A. 9175, Chainsaw Act of 2002;
- 13) R. A. 9147, Wildlife Resources Conservation and Protection Act;
- 14) P.D. 979, Marine Pollution Decree of 1976;
- 15) R.A. 8371, Indigenous People' Rights Act of 1997;
- 16) P.D. 704, Fisheries Decree;
- 17) P.D. 1586, Environmental Impact Statement System;
- 18) P.D. 1067, Water Code of the Philippines