



Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City  
Tel Nos. 929-6626 to 29; 929-6633 to 35  
926-7041 to 43; 929-6252; 929-1669  
Website: <http://www.denr.gov.ph> / E-mail: [web@denrgov.ph](mailto:web@denrgov.ph)

**MEMORANDUM**

**FOR/TO :** The Undersecretary for Field Operations and Environment

The Directors,  
Biodiversity Management Bureau  
Forest Management Bureau  
Mines and Geoscience Bureau  
Environmental Management Bureau  
Ecosystems Research and Development Bureau  
Land Management Bureau  
DENR-Legal Affairs Service

The Executive Directors,  
National Water Resources Board  
Palawan Council for Sustainable Development

The General Manager  
Laguna Lake Development Authority

**FROM :** **THE EXECUTIVE DIRECTOR**  
Environmental Protection and Enforcement Task Force

**SUBJECT :** **REQUEST FOR COMMENT ON THE DRAFT DEPARTMENT ADMINISTRATIVE ORDER IN RELATION TO “INSTITUTIONALIZING, MAINSTREAMING, STRENGTHENING OF ENVIRONMENTAL LAW ENFORCEMENT MANDATE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES” AND THE CREATION OF AN ENVIRONMENTAL LAW ENFORCEMENT AND PROTECTION SERVICE (ELEPS).**

**DATE :** 18 December 2020

---

This is to request update on the attached Memorandum dated October 30, 2020 of the Undersecretary for Policy, Planning and International Affairs regarding the request for review, comments, recommendation or additional inputs on the draft DENR Department Administrative Order (DAO) regarding Institutionalizing, Mainstreaming, Strengthening Of Environmental Law Enforcement Mandate Of The Department Of Environment And Natural Resources” and The Creation Of An Environmental Law Enforcement And Protection Service (ELEPS).

In line with Secretary Roy A. Cimatu's commitment for good governance, transparency, and immediate action on matters that affect the welfare of our environment and natural resources, he spearheaded an initiative for the establishment of an enforcement bureau. Such move was in accordance with the policy direction of the DENR parallel to its mandate, mission, and vision. The need for a law creating the Environmental Protection and Enforcement Bureau within the department thru enactment of a law that will anchor for the development of competence of the people in the Enforcement Bureau.

In support to the creation of said Enforcement Bureau, the issuances of Special Orders were made, as follows:

- a. Creation of EPETF (S.O 2019-579, 20 August 2019) that subsumed the existing two task forces of the department (NTMC and TFDEMM).
- b. Under the supervision of Undersecretary for Enforcement and Muslim Affairs Jim O. Sampulna, (DENR S.O 2019-946, 22 November 2019)
- c. and ASEC. Daniel Darius M. Nicer, *Esq.* as Assistant Secretary for Enforcement (DENR S.O 2019-973, 2 December 2019)

A Technical Working Group was created through Special Order No. 2019-912 to facilitate the preparation and crafting of the proposed Enforcement Bill. As strategic response to improve its operational and policy set-up through an Environmental Protection and Enforcement Bureau (EPEB). Consolidation of DENR draft with additional inputs and suggestions. The draft bill was then submitted the Office of the Secretary of DENR for endorsement and then file the proposed bill to Congress.

The final draft of the proposed bill was filed by Deputy Speaker Loren B. Legarda on June 05, 2020. It was numbered as House Bill No. 6973 or "*AN ACT CREATING THE ENVIRONMENTAL PROTECTION AND ENFORCEMENT BUREAU (EPEB) UNDER THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), PROVIDING FOR ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.*"

Alternatively, pending enactment of the bill, the need for an interim Department Administrative Order (DAO) within the department that will bolster the enforcement power and functions of the department. The purpose of this DAO is still in line with the pronouncement of Secretary Roy A. Cimatu addressing the lack of enforcement capability of the department. The Department Administrative Order will institutionalize, mainstream and strengthen the enforcement mandate of the department and curve down nuisances in relation to violations of environmental laws, rules and regulations.

On July 8, 2020, the first meeting was held for the development of a Department Administrative Order for institutionalization, mainstreaming, and strengthening of environmental law enforcement mandate of the DENR and the creation of the Environmental Law Enforcement and Protection Service (ELEPS). A policy to mainstream the objectives of the department in a regional level thru a unified command for the coordination and execution of environmental laws.

On August 17, 2020, a meeting was held in the Office of the Undersecretary for Enforcement, Mining, and Muslim Affairs for formal presentation and endorsement of the final draft of the DAO for scrutiny and review of all stakeholders' concern. After deliberation in

some provisions of the DAO a final consensus was reached, hence the final output of the proposed Department Administrative Order.

On October 6, 2020, the proposed Department Administrative Order for ELEPS were transmitted to the Office of Undersecretary for Policy, Planning and International Affairs for comments and review.

While the said draft DAO is being reviewed, on October 12, 2020 Hon. Senator Nancy Binay filed Senate Bill No. 1878 creating the Environmental Protection and Enforcement Bureau (EPEB) under the Department of Environment and Natural Resources after Secretary Cimatu appealed to the Senate to legislate the creation of the bureau, which is seen to help the agency in enforcing its protection function, during the environment agency's budget deliberation.

On October 30, 2020, after perusal on the draft DAO by the Office of the Undersecretary for Policy, Planning, and International Affairs, certain comments and revisions were manifested as to the context and intent to create an interim Office for the Environmental Law Enforcement and Protection Service. Hence, changes were made for the enhancement of the draft DAO.

In this connection, we are respectfully forwarding the attached proposed final Department Administrative Order for review, evaluation and as recommended by the Office of the Undersecretary for Policy, Planning, and International Affairs be submitted and endorsed to the other bureaus for comments and review.

For information and appropriate action.



**NILO B. TAMORIA**



Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City  
Tel Nos. 929-6626 to 29; 929-6633 to 35  
929-7041 to 43; 929-6252; 929-1669  
Website: <http://www.denr.gov.ph> E-mail: [web@denr.gov.ph](mailto:web@denr.gov.ph)

DENR ADMINISTRATIVE ORDER  
No. 2020-\_\_\_\_\_

**SUBJECT : CREATION OF ENVIRONMENTAL LAW ENFORCEMENT AND PROTECTION SERVICE (ELEPS) TO INSTITUTIONALIZE, MAINSTREAM, AND STRENGTHEN THE ENVIRONMENTAL LAW ENFORCEMENT OF THE DENR.**

*Pursuant to the provisions of Presidential Decree No. 1152, s. 1977 or the Philippine Environment Code and Executive Order No. 192, s. 1987 or the Reorganization Act of the Department of Environment and Natural Resources (DENR) mandating the Department as the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, in order to strengthen the enforcement and protection mandate of the Department, the creation of Environmental Law Enforcement and Protection Service (ELEPS) is hereby adopted".*

**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. We should strengthen and professionalize environment and natural resources protection and law enforcement with appropriate structure, science and technology, manpower, and capability and ensure fair and efficient enforcement of environmental laws.*

**Section 2. Objectives** - *to establish the Environmental Law Enforcement and Protection Service that shall institutionalize, mainstream, and strengthen the Department's mandate in the enforcement of environmental laws, rules and policies. Specifically, to:*

- i. Provide the framework of an effective, efficient and functional enforcement and environmental protection mandate of the Department;
- ii. Define the enforcement authority and functions in accordance to the existing DENR organization structure including field offices, Bureaus and Attached Agencies;
- iii. Establish strong coordinative and collaborative enforcement mechanisms with law enforcement agencies, Local Government Units, Civil Society and transboundary networks, among others.

**Section 3. Scope and Coverage** - *This Administrative Order aims to provide increased capability and intensified law enforcement of the DENR. To implement laws, policies, plans, programs, projects, rules and regulations of the Department and to define and exercise enforcement authority and functions in relation to all environmental laws of the country and transboundary jurisdiction. It shall apply to all environmental laws as*

55 enumerated in the Rules of Procedure for Environmental Cases<sup>1</sup> and classified including  
56 but shall not be limited to:

57 **1. Environmental Laws**

- 58  
59 No. 705, Revised Forestry Code of the Philippines  
60 No. 7942, Philippine Mining Act of 1995  
61 No. 7076, People's Small-Scale Mining Act of 1991  
62 No. 7586, National Integrated Protected Areas System Act of  
63 as amended by R.A. No. 11038, Expanded National Integrated  
64 Protected Areas System Act of 2018  
65 No. 9147, Wildlife Resources Conservation and Protection Act  
66 No. 9175, Chain Saw Act of 2002  
67 No. 9072, National Caves and Cave Resources Management  
68 Protection Act

69  
70 **2. Aquatic Resources Laws**

- 71  
72 No. 979, Marine Pollution Decree of 1976  
73 No. 1067, Water Code of the Philippines  
74 No. 4850, Laguna Lake Development Authority Act  
75 No. 8550, Philippine Fisheries Code of 1998 as amended by  
76  
77 No. 9275, Philippine Clean Water Act of 2004  
78 No. 9483, Oil Pollution Compensation Act of 2007

- 79  
80  
81  
82 No. 8749, Philippine Clean Air of 1999

- 83  
84  
85  
86 No. 856, Code on Sanitation of the Philippines  
87 No. 6969, Toxic Substances and Hazardous and Nuclear Wastes  
88 Control Act of 1990  
89 No. 9003, Ecological Solid Waste Management Act of 2000  
90 No. 2874, The Public Land Act  
91 No. 1586, Environmental Impact Statement System

92  
93 **Section 4. Definition of Terms**

94  
95 1. "Cessation Order" refers to a legal document by the Service, its officers and  
96 employees, ordering the suspension or cessation, in whole or in part, or removal  
97 of any act, structure or nuisances, which is against environment and natural resources  
98 and in prohibited areas, and/or other public areas, where such act

99  
100  
101 2. "Enforcement Powers" is the power to administer or enforce the law, it intends  
102 to bring laws into effect, practical application of laws and execution of the  
103 laws as prescribed by the lawmaker.

104 3. "Cease and Desist Order" refers to an order duly issued by the Secretary or by  
105 an authorized agency, directing or enjoining any person, business or organization, or  
106 agency, to stop or discontinue an act considered harmful or illegal  
107 or to protect, preserve or rehabilitate the environment. A CDO  
108 is permanent, for specific period of time, or until final administrative or  
109 judicial determination of its legality occurs.

110

---

<sup>1</sup> Supreme Court Rules of Procedure for Environmental Cases.

- 111 4. *"Closure Order"* an order which may be made by a person in authority closing  
112 licensed premises in violation of pertinent rules and regulation in relation to  
113 environmental laws.  
114
- 115 5. *"Confiscation"*- refers to the act of taking in favor of the government, real or  
116 personal properties, from a person without payment or compensation in an  
117 administrative proceeding.  
118
- 119 6. *"Custody"* refers to temporary holding or safekeeping by a person in authority  
120 of any evidence obtained or seized in an enforcement operation conducted by  
121 or with the participation of the Service, while a case is pending before any  
122 administrative body or the courts.  
123
- 124 7. *"Emergency"* as used in this order, occurs when there is a demonstrated  
125 impending threat to human life, biodiversity, or irreparable damage to the  
126 integrity and stability of the ecosystem.  
127
- 128 8. *"Enforcement"* the act of compelling observance of or compliance with a law,  
129 rule, or obligation.  
130
- 131 9. *"Forest lands"* refers to public forest, the permanent forest or forest reserves,  
132 and forest reservations.  
133
- 134 10. *"Grazing lands"* refers to that portion of the public domain which has been set  
135 aside, in view of the suitability of its topography and vegetation, for the raising  
136 of livestock.  
137
- 138 11. *"Impoundment"* refers to the taking seized private property which includes, but  
139 not limited to, vehicle, vessel, facility, equipment, tools, paraphernalia,  
140 implements, gadgets, by government action with custody documentation  
141 pending the outcome of criminal prosecution or administrative adjudication.  
142
- 143 12. *"License"* refers to legal document authorizing a person or entity to engage,  
144 utilize or operate in accordance with the rules and regulations in relation to  
145 existing environmental laws & policies.  
146
- 147 13. *"Permit" means a legal authorization to engage in or conduct any activity such*  
148 *as but not limited to importation, storage, manufacture, processing,*  
149 *reprocessing selling, transport, disposal, treatment, export recycling & disposal*  
150 *of environmental products and natural resources*  
151
- 152 14. *"Mineral Resources"* refers to a concentration or occurrence of solid material  
153 of economic interest in or on the Earth's crust in such form, grade or quality and  
154 quantity that there are reasonable prospects for eventual economic extraction.  
155
- 156 15. *"Notice of Violation" (NOV)* informs a person or juridical entity that a rule,  
157 statute, or permit condition has been violated. A NOV is issued when  
158 a violation is observed or discovered. The purpose of a NOV is to initiate  
159 corrective action that will stop the violation.  
160
- 161 16. *"Prohibited areas"* refers to areas explicitly prohibited or deemed by law to be  
162 free from human habitation or interference such as, but not limited to, water  
163 easements, areas identified as geo-hazard zones, or in any other prohibited  
164 zones within protected areas including strict protection zones, multiple use  
165 zones, buffer zones, or areas designated under Disaster Risk Reduction and  
166 Management Plan of LGUs as hazard prone areas.  
167

168 **community** refers to all persons, business or organizations, or  
169 agencies or instrumentalities of the government whose use,  
170 exploitation, development, management, conservation and  
171 environment and natural resources are governed under the  
172 authority of the Department.

173  
174 **Seizure** used in this Order, seizure refers to the taking by the  
175 officers of potential evidence from a person who is suspected of  
176 environmental laws, rules and regulation. Seizure of evidence may be  
177 of a search warrant issued by the court or on the occasion of a  
178 arrest or warrantless search.

179  
180 **Summary Order** an order that requires one or more of the parties to a  
181 case, explain, or prove something to the court or quasi-judicial body.  
182 When there is a need for more information before deciding to a  
183 case or matter.

184  
185 **Transnational or transboundary violations** refers to a continuing offense in  
186 violation of both environmental laws and international treaties and  
187 conventions on environment to which the Philippines is a signatory. An act is  
188 a continuing offense when the act may be prosecuted and tried not  
189 only in the court or administrative bodies of the place where it began, but also  
190 in the court or administrative bodies of the place where part of the offense was  
191 consummated.

192  
193 **Transportation and transshipment** refers to transportation and/or transshipment of wildlife,  
194 products or derivatives, from, to, or through the Philippines.

195  
196 **Section 1. *Environmental Law Enforcement and Protection Service***  
197 **(ELEPS)**

198  
199 **Section 2.** The Department created the Environmental Law Enforcement and Protection  
200 Service (ELEPS) shall be a unified enforcement service under the Department of  
201 Environmental Natural Resources.

202  
203 **Section 3.** The Executive Order shall serve as a coordinating mechanism among DENR  
204 offices, national law enforcement agencies, local government units, civil  
205 society and transboundary networks.

206  
207 **Section 4.** **Enforcement** - Consistent with the power vested upon the Secretary to carry  
208 out the law enforcement and protection mandate of the Department, the  
209 policies and programs relative to enforcement shall be implemented through the following:

210  
211 **Section 5.** The ELEPS shall be headed by an Executive Director/Director and shall  
212 be assisted by a Deputy Executive Director/Assistant Director, to be  
213 appointed by the Secretary.

214  
215 **Section 6.** The Regional Executive Director (RED) pursuant to DAO 2018-18 with the  
216 command on regional operations shall enforce all ENR laws, rules  
217 and regulations and maintain proper coordination with the ELEPS. As the  
218 Regional Enforcement Officer of the region, he/she shall be assisted by the  
219 Regional Enforcement Division together with the Enforcement units of the  
220 MGB Regional Offices.

- 222           iii.   The Enforcement and Monitoring Section/Unit in the PENRO/CENRO shall  
223           serve as the frontline units for the enforcement of ENR laws, rules and  
224           regulations in the field level with their respective PENROs and CENROs  
225           as the Chief Enforcement Officer of their respective sections and units.  
226
- 227           iv.   In the case of the legislated protected areas, the enforcement unit of the  
228           PAMO shall be the frontline unit for the enforcement of ENR laws in the  
229           NIPAS, with the PASu as the Chief Enforcement Officer.  
230
- 231           v.   All Enforcement Units of DENR Bureaus and attached Agencies and other  
232           similar enforcement task forces shall provide the necessary assistance in  
233           the exercise of powers and functions of the ELEPS as provided in this  
234           Order.  
235

## 236           **5.2 Powers and Functions of ELEPS**

- 237
- 238           i.   Enforce, interdict ongoing violations, arrest, investigate, and prepare to  
239           prosecute all violations of environmental and natural resources laws,  
240           rules, and regulations;  
241
- 242           ii.   Oversee the custody of all seized and confiscated items, implements,  
243           conveyances, tools and equipment;  
244
- 245           iii.   In coordination with the Director of Legal Service, file the appropriate  
246           cases in court in consultation with the National Prosecution Service when  
247           necessary, and with the Office of the Ombudsman in cases involving  
248           government officials and employees;  
249
- 250           iv.   Supervise disposal of confiscated items in administrative cases pertaining  
251           to environment and natural resources violations, and execute decisions in  
252           cases as may be directed by the court;  
253
- 254           v.   Coordinate with the Department of Justice (DOJ), Philippine National  
255           Police (PNP), Armed Forces of the Philippines (AFP), the National Bureau  
256           of Investigation (NBI), other government law enforcement agencies,  
257           including government-owned and controlled corporations, to aid in the  
258           enforcement of laws against environmental crimes;  
259
- 260           vi.   Equip enforcement officers with agency issued firearms and/or self-  
261           protective gears in the performance of their official functions;  
262
- 263           vii.   Conduct intelligence operations and endorse forensic investigation in  
264           furtherance of the foregoing powers and functions;  
265
- 266           viii.   Issue show cause orders and notices for the appearance of any person  
267           for investigation or production of any documents, through its officers from  
268           the ranks of the Executive Director, Deputy Executive Director, RED,  
269           PENRO, CENRO, and PASu (incase of legislated protected areas). Refer  
270           any person who disobeys or did not act upon such invitations and notices  
271           to proper authorities for further investigation;  
272



273 and maintain coordination mechanisms with the Pollution  
274 Control Board (PAB) and other law enforcement agencies locally and  
275 nationally;

276  
277 k. recommend enforcement systems and strategies using the most  
278 advanced and reliable technologies;

279  
280 l. maintain a database of all relevant information such as, but not limited to,  
281 environmental cases, environmental incidents, permittees, licenses, park  
282 permit occupants, tenured migrants, and scientific research data and  
283 information;

284  
285 m. enforce the issuance of Cease and Desist Order, Closure Order, Notice  
286 of Violation, and issue Abatement Order for in-flagrante violations and in  
287 exercise of its administrative powers pursuant to pertinent rules and  
288 provisions of the existing environmental laws and guidelines issued by  
289 the Department;

290  
291 n. formulate and recommend policies, guidelines, and programs necessary  
292 to effectively carry out its enforcement mandate;

293  
294 o. perform other related functions as the Secretary of the Department may  
295 require.

296

297 **Environmental Coordination Mechanism**

298  
299 The various, attached agencies and enforcement task forces shall establish  
300 and maintain close coordination with ELEPS in networking with national and  
301 international coordinative bodies, multi-lateral agencies, and organizations  
302 to address environmental crimes.

303  
304 The various issuances for inter-agency related task forces exercising  
305 enforcement functions shall be subsumed by the Environmental Law  
306 Enforcement and Protection Service (ELEPS).

307  
308 The various Field Offices in coordination with ELEPS is tasked to initiate the  
309 formation of multi-sectoral environmental law enforcement coordinating  
310 mechanism to broaden the support for the environmental law enforcement  
311 of the department.

312  
313 **Enforcement Capacity Building** - To effectively perform its functions,  
314 the various personnel and officials shall undergo continuing capacity building  
315 to ensure enforcement of environmental laws, rules and regulations.

316  
317 The Environmental Law Enforcement and Protection Service (ELEPS) in  
318 coordination with Human Resource Development Service shall formulate  
319 programs relevant to the enforcement mandate of the Department.

320  
321 The various agencies necessitates the need for basic and advance-level training,  
322 skills, marksmanship training, workshops and other related  
323 to keep abreast with the dynamic changes in environmental law

324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335

enforcement and protection, to develop techniques and strategies in apprehension and detection of environmental crimes.

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

**5.5 Structural Organization – Please see Annex A**

**Section 6. Staffing**

Job Title	Career Level	Salary Grade
Executive Director	Director	SG 28
Deputy Executive Director	Asst Director	SG 27
Chief for Investigation & Legal Division	Div. Chief (Att. V)	SG 25
Chief Intelligence & Enforcement Division	Division Chief	SG 24
Senior Environmental Prosecutor	Attorney IV	SG 23
Junior Environmental Prosecutor	Attorney III	SG 21
Supervising ENR Enforcement Officer	Sec Chief (Officer IV)	SG 22
ENR Enforcement Officer III	Officer III	SG 18
ENR Enforcement Officer II	Officer II	SG 15
ENR Enforcement Officer I	Officer I	SG 11

336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355

**Section 7. Transitory Provisions**

- i. All real and personal properties, documents, records and other papers related to enforcement which are kept and/or managed by Environment Protection & Enforcement Task Force (EPETF) and other similar enforcement task forces shall be turnover to the ELEPS.
- ii. All officials and personnel currently assigned and/or designated to Environmental Protection and Enforcement Task Force (EPETF) and other similar enforcement task forces shall continue to serve as staff or enforcers of the ELEPS.
- iii. Personnel of DENR Offices, Bureaus and attached agencies performing enforcement functions shall serve as augmentation staff/enforcers of Environmental Law Enforcement and Protection Service (ELEPS).
- iv. Enforcement Division of DENR Regional Offices, Enforcement Units of MGB, EMB, PAMO (in case of legislated protected areas) & Enforcement Sections of PENRO and CENRO shall continue to perform enforcement

356 until a complete staffing pattern has been rationalized and  
357  
358  
359 Executive Director of the ELEPS in consultation with the Personnel  
360 OFFICERS of the DENR shall formulate a proposed staffing pattern of  
361 OFFICERS for submission to DBM for approval within 3 months upon  
362 the issuance of this Order.

363  
364 **Section 4. SEVERABILITY CLAUSE** - If any portion of this Order shall be held invalid or  
365 unconstitutional, other portions or provisions hereof which are not affected shall  
366 continue in full force and effect.

367  
368 **Section 5. REPEALING CLAUSE** - All Orders, Memoranda and Circulars inconsistent  
369 with this Order and Administrative Order are hereby repealed or modified accordingly.

370  
371 **Section 6. EFFECTIVITY** - This Order takes effect fifteen days (15) after its publication  
372 in a newspaper of general circulation and upon acknowledgement of receipt of a copy  
373 thereof by the Administrative Register (ONAR), UP Law Center.

374  
375  
376  
377  
378  
379  
380  
381

ROY A. CIMATU  
Secretary



Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City  
Tel Nos. 929-6626 to 29; 929-6633 to 35  
929-7041 to 43; 929-6252; 929-1669  
Website: <http://www.denr.gov.ph> E-mail: [web@denr.gov.ph](mailto:web@denr.gov.ph)

**Annex A**

**ELEPS STRUCTURAL ORGANIZATION**

