



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

FOR : **The Directors**
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Environmental Management Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau
Legal Affairs Service

The Executive Directors
Environmental Protection and Enforcement Task Force
Palawan Council for Sustainable Development Staff

FROM : **The OIC-Director**
Policy and Planning Service

SUBJECT : **DRAFT EXECUTIVE ORDER REORGANIZING AND EXPANDING THE POWERS AND FUNCTIONS OF THE NATIONAL ANTI-ENVIRONMENTAL CRIME TASK FORCE (NAECTAF) TRANSFERRING IT FROM THE PRESIDENTIAL ANTI-ORGANIZED CRIME COMMISSION TO THE OFFICE OF THE PRESIDENT, AND RENAMING IT AS THE NATIONAL ENVIRONMENTAL PROTECTION AND ENFORCEMENT TASK FORCE, THEREBY AMENDING EXECUTIVE ORDER NO. 515 S. 2006**

DATE : **24 FEB 2021**

Forwarded herewith, for your concurrence, is the draft Executive Order re: Reorganizing and Expanding the Powers and Functions of the National Anti-Environmental Crime Task Force (NAECTAF) Transferring It from the Presidential Anti-Organized Crime Commission to the Office of the President, and Renaming It as the National Environmental Protection and Enforcement Task Force, Thereby Amending Executive Order No. 515 S. 2006.

The policy was endorsed by the Undersecretary for Special Concerns on 17 December 2020 as a transitory measure pending the creation of the Environmental Protection and Enforcement Bureau (EPEB) by congressional action. Said draft Executive Order was received by the Office of the Undersecretary for Policy, Planning and International Affairs and endorsed the same to the Policy and Planning Service. The Policy Studies Division


drafted the Memorandum dated 25 January 2021 regarding the comments/inputs on the aforementioned draft policy.

Action Requested

Kindly provide this office with your comments, inputs or concurrence to the proposed Executive Order through psddivision@gmail.com **on or before 05 March 2021**. Otherwise, your lack of feedback shall be considered as your concurrence or no objection to the said proposed policy, which we shall endorse for vetting by the Undersecretaries prior to its consideration by the Secretary.

Attached is the draft Executive Order re: Reorganizing and Expanding the Powers and Functions of the National Anti-Environmental Crime Task Force (NAECTAF) Transferring It from the Presidential Anti-Organized Crime Commission to the Office of the President, and Renaming It as the National Environmental Protection and Enforcement Task Force, Thereby Amending Executive Order No. 515 S. 2006.

For your consideration and preferential action, please.



MELINDA C. CAPISTRANO



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. _____

REORGANIZING AND EXPANDING THE POWERS AND FUNCTIONS OF THE NATIONAL ANTI-ENVIRONMENTAL CRIME TASK FORCE ("NAECTAF"), TRANSFERRING IT FROM THE PRESIDENTIAL ANTI-ORGANIZED CRIME COMMISSION ("PAOCC") TO THE OFFICE OF THE PRESIDENT, AND RENAMING IT AS THE NATIONAL ENVIRONMENTAL PROTECTION AND ENFORCEMENT TASK FORCE ("NEPETAF"), THEREBY AMENDING EXECUTIVE ORDER NO. 515 (S. 2006)

WHEREAS, Section 16, Article II of the 1987 Constitution provides that the State shall "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, Section 1 of Executive Order No. 515, s. 2006, created the National Anti-Environment Crime Task Force ("NAECTAF") to conduct and cause the immediate arrest and investigation of suspects of crimes against the environment;

WHEREAS, the establishment of the Environmental Protection and Enforcement Bureau ("EPEB"), envisioned as a professional and institutional law enforcement body under the Department of Environment and Natural Resources ("DENR"), is still pending consideration by Congress;

WHEREAS, there is a need to reorganize and further expand the mandate of the NAECTAF as a transitory measure pending the creation of EPEB through congressional action in order to strengthen the environmental law protection and enforcement capacity of the government;

WHEREAS, there is a need to transfer the NAECTAF from the Presidential Anti-Organized Crime Commission (“PAOCC”) to the Office of the President (“OP”) in order to enhance its responsiveness to the fulfilment of its mandate;

WHEREAS, Section 17, Article VII of the 1987 Constitution grants the President the power of control over all executive departments, bureaus and offices;

WHEREAS, Section 31, Chapter 10, Title III, Book II of the Administrative Code of 1987 vests upon the President the continuing authority to reorganize the OP;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. RENAMING AND TRANSFERRING NAECTAF TO THE OFFICE OF THE PRESIDENT. The NAECTAF is hereby renamed as the National Environmental Protection and Enforcement Task Force, hereinafter referred to as the NEPETAF, and transferred from the PAOCC to the OP, to directly assist the President in ensuring that environmental and natural resources laws, rules and regulations are strictly enforced, investigating and prosecuting violations thereof, and to perform such other similar duties as the President may direct.

SECTION 2. COMPOSITION. The NEPETAF shall be composed of the following:

Commander	-	DENR Undersecretary
Vice-Commander	-	DENR Assistant Secretary for Enforcement
Members	-	Prosecutor General, DOJ
		Chief, PNP
		Chief of Staff, AFP
		Director, NBI
		Commandant, PCG
		Commissioner, BOC
		Two (2) representatives from the private sector to be appointed by the President upon the recommendation of the Commander

The NEPETAF Members may designate their respective authorized alternative representative, who must be next-in-rank to the principal Member and fully authorized to decide for and on his behalf.

SECTION 3. POWERS, DUTIES AND FUNCTIONS. The NEPETAF shall carry out environmental law enforcement functions in the entire Philippine archipelago, including air space, territorial waters, exclusive economic zones, continental shelf, and other areas where the Philippines exercises sovereignty and sovereign rights or jurisdiction in accordance with Philippine and international laws.

The NEPETAF shall have the power and authority to:

- a. Enforce, interdict ongoing violations, arrest, investigate, and prosecute all violations of environment and natural resources laws, rules and regulations, including those over which other agencies exercise jurisdiction;
- b. Take custody of all seized and confiscated items, implements, conveyances, tools and equipment;
- c. Initiate the filing of appropriate cases and/or proceedings;
- d. File the appropriate cases in court in consultation with the DOJ-NPS when necessary, and in coordination with the Office of the Ombudsman in cases involving government officials and employees;
- e. Execute decisions and dispose of confiscated items in administrative cases pertaining to environment and natural resources violations, and in court cases as may be directed by the court;
- f. Call on government law enforcement agencies, including government-owned and/or –controlled corporations, to aid in the enforcement of laws against environmental crimes;
- g. Conduct intelligence operations and forensics investigation in furtherance of the foregoing powers and functions;
- h. Issue subpoena for the appearance of any person for investigation or production of documents, through its Commander, and cite in contempt any person who violates or disobeys orders and processes duly issued by the NEPETAF;
- i. Issue deputation order, through its Commander, to individuals, groups and other stakeholders to assist in the enforcement of environment and natural resources laws, rules and regulations.

- j. Accept in the name of the Philippine Government, funds or financial assistance for immediate disbursement or other property in the interest of or as may be necessary to carry out its functions, and which shall be properly allocated and utilized directly and exclusively for environmental protection and enforcement;
- k. Establish and maintain coordination mechanisms with other law enforcement agencies locally and internationally;
- l. Develop enforcement systems and strategies based on best practices and using the most advanced and reliable technologies;
- m. Impose administrative fines/citations for in-flagrante violations of environment and natural resources laws, rules and regulations pursuant to the schedule of fines provided under existing laws, rules and regulations;
- n. Maintain database of all relevant information such as, but not limited to, environmental cases, environment-related incidents, permittees, licensees, park and forest occupants, tenured migrants, and scientific research data and information;
- o. Issue and implement, through its Commander and operating units, Cease and Desist Order, Closure Order, Notice of Violation, and Abatement Order in the exercise of its administrative powers pursuant to pertinent DENR rules and regulations;
- p. Identify environmental and biodiversity hotspots and other areas of special concern that need immediate attention and implement appropriate protection and conservation initiatives to restore ecological balance, including measures to eliminate and neutralize any biosafety or biosecurity threat or risk that can cause harm to the environment and the ecosystem;
- q. Hire experts, lawyers, consultants, operatives, support staff and personnel as the circumstances and exigencies of the service may require, whose terms shall be coterminous with that of the NEPETAF.
- r. Create or abolish, through its Commander, special task groups, composite forces/elements, divisions/units as may be necessary for the expeditious, effective and efficient discharge of its duties and responsibilities.

- s. Formulate and implement policies, guidelines, and programs necessary to effectively carry out its mandate;
- t. Perform other related functions as the President may assign.

SECTION 4. ORGANIZATIONAL STRUCTURE. The Commander shall head the NEPETAF and shall be principally responsible for the successful implementation of its missions and functions. As head, the Commander shall direct, supervise and control the overall operations of the NEPETAF.

The NEPETAF, through its Commander, shall establish technical, administrative and special working staffs composed of personnel hired, assigned, attached or detailed to the NEPETAF by the different member-agencies. The Commander shall delineate the respective duties and responsibilities of the supporting staff.

The NEPETAF, through its Commander, shall determine the number and size of the component forces/elements, whether operating independently or jointly, that may be assigned to or deployed in a particular area. The transportation, communications, firearms and individual equipment of the component forces/elements shall be provided by their respective mother agencies.

SECTION 5. CHAIN OF COMMAND. The chain of command of the NEPETAF shall be as follows:

- a. The Commander shall directly report and be principally responsible to the President.
- b. The Commander shall have the direct responsibility, supervision and control over all the component forces/elements of the NEPETAF. He is authorized to select and designate all the personnel who will work under him.
- c. The component forces/elements from PNP, AFP, NBI, CGP and BOC shall be assigned, attached or detailed to the NEPETAF by their respective mother units. The Commander shall have full directive and supervisory authority over them.
- d. The Commander may appoint Deputy Commanders as may be necessary to carry out the purposes and objectives of the NEPETAF.

- e. The Commander shall designate a Unit Commander for each component force who shall be directly responsible for his assigned unit. The Unit Commander shall report and receive orders directly from the Commander.

SECTION 6. POWERS, DUTIES AND FUCTIONS OF THE COMMANDER. The Commander shall have access to all official records of the Government, including the regulated communities of the DENR in the furtherance of his duties and responsibilities, and shall perform the following powers and functions:

- a. Direct, control and administer the operations of the NEPETAF, and deploy any of its officials and operatives for missions;
- b. Formulate policies, guidelines, programs and projects to implement the mandate of the NEPETAF and recommend policies that would enable the NEPETAF to take additional necessary measures in exercising its powers;
- c. Develop a system and allocate funds for informant's rewards and whistle blower protection;
- d. Recommend and/or direct appropriate agencies to effect emergency containment and remediation measures in relation to violations of environmental and natural resources laws, rules and regulations;
- e. Initiate and strategize training and deputation of environmental law enforcement officers and, whenever practicable their consolidation and organization in accordance with existing laws, rules and regulations;
- f. Designate and/or authorize the use of informants for investigative purposes including hiring of consultants, subject to pertinent laws, rules and regulations, as may be required;
- g. Issue mission orders and permits to carry duly-issued agency firearms of its organic personnel and other duly deputized officers who are conducting or assisting in investigation and enforcement operations;
- h. Ensure proper inventory, identification and impoundment of confiscated and/or forfeited objects, implements, and conveyances;

- i. Create and/or abolish special task groups, composite forces/elements, divisions/units within the NEPETAF that may be required for the expeditious, effective and efficient discharge of its duties and responsibilities; and remove, suspend, or otherwise discipline NEPETAF officials, enforcers, and personnel for causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations; and
- j. Perform other acts that are necessary, proper or incidental to the performance of his/her duties and responsibilities as may be assigned by the President.

SECTION 7. COORDINATING INSTRUCTIONS. All law enforcement agencies performing environmental law enforcement duties and functions are directed to closely coordinate and cooperate with the NEPETAF to ensure synergy in the environmental protection and enforcement campaign of the government.

SECTION 8. CONTROL AND SUPERVISION. The NEPETAF shall be under the control and supervision of the President.

SECTION 9. ENVIRONMENTAL CRIMES AND OFFENSES COVERED. The NEPETAF shall exercise its powers and functions over all environmental crimes and offenses, including but not limited to violations of the following:

- a. PD No. 705, Revised Forestry Code of the Philippines
- b. RA No. 3571, Prohibition Against the Cutting, Destroying or Injuring of Planted or Growing Trees, Flowering Plants and Shrubs or Plants of Scenic Value along Public Roads, in Plazas, Parks, School Premises or in any other Public Ground
- c. Act No. 3572, Prohibition Against Cutting of Tindalo, Akli and Molave Trees
- d. RA No. 9175, Chain Saw Act of 2002
- e. RA No. 7942, Philippine Mining Act of 1995
- f. RA No. 7076, People's Small-Scale Mining Act of 1991
- g. RA No. 8371, The Indigenous Peoples Rights Act of 1997
- h. Act No. 2874, Public Land Act
- i. RA No. 9003, Ecological Solid Waste Management Act of 2000
- j. PD No. 856, The Sanitation Code of the Philippines
- k. RA No. 9275, Philippine Clean Water Act of 2004
- l. PD No. 1067, The Water Code of the Philippines
- m. RA No. 8550, Philippine Fisheries Code of 1998
- n. RA No. 4850, Laguna Lake Development Authority Act
- o. PD No. 979, Marine Pollution Decree of 1976

- p. RA No. 9483, Oil Spill Compensation Act of 2007
- q. RA No. 6969, Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990
- r. RA No. 8749, Philippine Clean Air Act of 1999
- s. RA No. 9147, Wildlife Resources Conservation and Protection Act
- t. RA No. 9072, National Caves and Cave Resources Management and Protection Act
- u. RA No. 7611, Strategic Environmental Plan for Palawan Act
- v. PD No. 1433, Plant Quarantine Law of 1978
- w. RA No. 7586, National Integrated Protected Areas System (NIPAS) Act of 1992, as amended by RA 11038, Expanded NIPAS Act of 2018
- x. PD No. 1586, Environmental Impact Statement System Law
- y. PD No. 1151, Philippine Environmental Policy of 1977
- z. RA No. 7161, Incorporating Certain Sections of the NIRC of 1977, as amended, to PD No. 705, as amended
- aa. Such other environmental crimes and offenses as may be referred by the President to the NEPETAF from time to time.

SECTION 10. NEPETAF OPERATIONS CENTER. The NEPETAF Operations Center shall be created to monitor and orchestrate the day-to-day operational activities of the NEPETAF. It shall be headed by an Executive Officer, who shall be appointed by the Commander and shall directly report to him. As head of the NEPETAF Operations Center, the Executive Officer shall supervise and ensure that all orders, missions and instructions of the NEPETAF and/or its Commander are properly implemented by the respective functional staff and personnel concerned, including the smooth functioning and coordination of the NEPETAF Operations Center with all concerned, and perform such other duties and responsibilities as may be assigned by the Commander.

The DENR is directed to provide sufficient office space within the DENR Central Office in Visayas Avenue, Quezon City, as may be required to serve as the NEPETAF Operations Center.

SECTION 11. FUNDING REQUIREMENTS. Subject to the usual government accounting and auditing rules and regulations, the initial funding requirements for the implementation of this Order shall be taken from the President's Contingency Fund. Additional budgetary requirements that may be needed shall be charged against the existing appropriations of the NEPETAF member-agencies and such other appropriate funding sources as the Department of Budget and Management ("DBM") may identify, subject to relevant laws, rules and regulations.

SECTION 12. SUNSET CLAUSE. The NEPETAF shall be rendered *functus officio* upon the creation of EPEB or unless sooner dissolved by the President.

SECTION 13. SEPARABILITY. In the event that any provision of this Order or any part thereof is declared invalid, illegal or unconstitutional, the provisions not thereby affected shall remain in force and effect.

SECTION 14. REPEAL. All orders, rules and regulations, and other issuances or parts thereof that are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

SECTION 15. EFFECTIVITY. This Order shall take effect immediately.

DONE in the City of Manila, this ____ day of _____ in the year of our Lord, Two Thousand and Twenty One.

RODRIGO ROA DUTERTE

By the President:

SALVADOR C. MEDIALDEA
Executive Secretary