



Republic of the Philippines
Department of Environment and Natural Resources
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16 JUL 2021

MEMORANDUM

FOR/TO : The Undersecretary
Enforcement

The Assistant Secretary and Focal Person
Enforcement and Environmental Protection and Enforcement Service

The Service Directors
Legal Affairs Service
Policy and Planning Service

All Bureau Directors

The Executive Director
Palawan Council for Sustainable Development Staff

FROM : The Assistant Secretary
Field Operations - Mindanao and Legislative Affairs

SUBJECT : INVITATION TO DISCUSS THE CREATION OF THE
ENVIRONMENTAL PROTECTION AND ENFORCEMENT BUREAU

This pertains to the letter, dated 14 July 2021, from the Office of Representative Lorenz R. Defensor, TWG Chairperson of the Committee on Government Reorganization, inviting DENR on 21 July 2021 at 9:00 am to a Zoom Meeting to discuss the measures that seek to create the Environmental Protection and Enforcement Bureau, to wit: House Bills No. 6973 (Rep. Loren B. Legarda); 7670 (Rep. Angelo Marcos Barba); 7873 (Rep. Ferdinand L. Hernandez); 8028 (Rep. Luis Raymund F. Villafuerte, Jr.); and, the National Environmental Protection Agency (House Bills No. 1648 (Rep. Manuel DG Cabochan III) and 3794 (Rep. Rufus B. Rodriguez)¹.

To confirm your attendance and for any queries, you may contact Mr. Agustin Gimeno at 0915-218-9077. Further, submit the names and email addresses of your duly authorized representatives for the TWG Meeting, at least one (1) day before the scheduled meeting, to properly coordinate the Zoom ID | password.

Also, you are requested to submit a position paper. For this, your Legislative Liaison Office² (LLO) will appreciate if you can submit the electronic copy of your position paper in portable document format (PDF) to denrlegislative@yahoo.com, on or before 22 July 2021, for consolidation and submission to the said Committee.

For information and appropriate action.


JOAN A. LAGUNDA, D.M., D.P.A.

Encls: As stated.
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¹ For your convenience and reference, copy of the respective Bills would be emailed as well

² Legislative Liaison Office landline number: 8-920-1761

Invitation for TWG virtual meeting (21 July 2021)

From: House Committee on Government Reorganization (committee.governmentreorganization@house.gov.ph)
To: osec@denr.gov.ph
Cc: denlegislative@yahoo.com; wenchiesabban@yahoo.com; govreorg@yahoo.com
Date: Thursday, July 15, 2021, 02:10 AM GMT+8

Sir/Madam:

Please see the attached invitation letter addressed to Sec. Cimatu for the 21 July 2021 TWG meeting re: Environmental Protection and Enforcement Bureau under the DENR and the National Environmental Protection Agency bills.

Thank you.

Gloria Lemque
Committee on Government Reorganization

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Republic of the Philippines
House of Representatives
COMMITTEE ON GOVERNMENT REORGANIZATION
Committee Affairs Department
3rd Flr. Ramon V. Mitra Bldg., Batasan Complex, Constitution Hills, 1126 Quezon City
Tel. Nos. +632931-5756 (direct) +6329315001 loc. 7179 (Trunkline) email: govreorg@yahoo.com

14 July 2021

HON. ROY A. CIMATU

Secretary

Department of Environment and Natural Resources
DENR Bldg., Visayas Avenue, Q.C.

Dear Secretary Cimatú:

The Technical Working Group of the Committees on Government Reorganization and Natural Resources will conduct a Virtual Meeting using the Zoom conference video facility to discuss the measures that seek to create the Environmental Protection and Enforcement Bureau (House Bills No. 6973 (Rep. Loren B. Legarda), 7670 (Rep. Angelo Marcos Barba), 7873 (Rep. Ferdinand L. Hernandez), 8028 (Rep. Luis Raymund "LRay" F. Villafuerte, Jr.), and the National Environmental Protection Agency (House Bills No. 1648 (Rep. Manuel DG Cabochan III), and 3794 (Rep. Rufus B. Rodriguez).


In this regard, we would like to invite you to the said meeting on 21 July 2021 at 9:00 in the morning. Your views and comments will greatly help in the deliberation of the said measures. Attached are the bills for your reference.

Please submit the names and email addresses of the duly authorized representatives of your respective office who will attend the TWG Meeting, at least one (1) day before the scheduled meeting so that the Zoom ID and password for the meeting will be properly coordinated.

For any queries, confirmation of attendance and submission of position papers, please get in touch with **Mr. Agustin Gimeno at telephone number 09152189077**. You may send your position paper to the Committee's email address: committee.governmentreorganization@house.gov.ph.

Thank you for your continued support and cooperation.

Very truly yours,

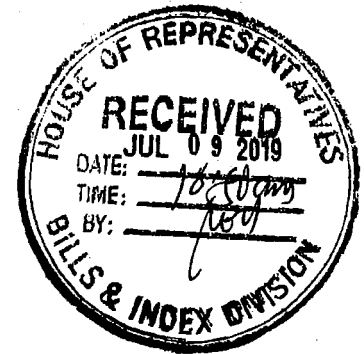


LORENZ R. DEFENSOR
TWG Chairperson
Committee on Government Reorganization

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1648



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III


EXPLANATORY NOTE

Article II, Section 16 of the Constitution mandates 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. While the State is pegged to its commitment, the existing laws related to environmental protection is somewhat inadequate in terms of implementation and reinforcement strategies. This has been proven for numerous reports of illegal activities that degrade the environment and unfortunately leads to a rather destructive effect to human lives.

Years of neglect, haphazard policy-making, and weak local environmental management have taken a toll in the form of widespread environmental degradation and acute pollution problems. Coastal resources, especially coral reefs, mangroves, and sea-grasses face threats from coastal zone development, expanding aquaculture, and destructive fishing. Fisheries catch per-unit-of-effort has been declining steadily due to overfishing in many areas. All of these environmental scenarios are affirmation of our weak reinforcement efforts to protect the environment. Moreover, if we were to quantify the costs of environmental degradation, we may conclude that costs of destruction are high.

While long-term national commitment to environmental protection will greatly reverse degradation, it is also important to modernize monitoring, enforcement, and public disclosure to ensure compliance. Thus, we need a core of implementers who will ensure that our environmental laws are strictly complied with and who will give 'hard fists' on usual violators of these laws.

In view of the foregoing, the passage of this bill is earnestly sought for.


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1648

Introduced by MAGDALO Party-List Representative
HON. MANUEL DG. CABOCHAN III

AN ACT
CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY,
DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES;
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Title.*** – This Act shall be known as the “*National Environmental*
2 *Protection Act*”.

3

4 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to protect and
5 advance the right of the people to a balanced ecology and a wholesome and healthy
6 environment. Towards this end, the State shall create an agency mandated to strictly enforce
7 environmental laws and cause the prosecution of violators thereof to ensure the protection of
8 our environment and our people.

9

10 **SEC. 3. *Creation of the National Environmental Protection Agency (NEPA).*** – To
11 implement the above-declared policy, there is hereby created the National Environmental
12 Protection Agency under the general supervision of and attached to the Office of the
13 President, which shall be created one hundred eighty (180) days from the effectivity of this
14 Act.

15

16 **SEC. 4. *Powers, Functions, and Responsibilities of the Agency.*** – The National
17 Environmental Protection Agency shall have the following powers, functions and
18 responsibilities:

- 1 (a) Formulate and implement an integrated approach to the enforcement of
2 environmental laws;
- 3
- 4 (b) Undertake the enforcement of environmental laws and investigate violators
5 thereof and all other matters involved in the commission of any violation
6 thereof;
- 7
- 8 (c) Administer oath, issue *subpoena duces tecum* and *ad testificandum* in
9 connection with or as an incident to the conduct of an investigation of a
10 violation of environmental laws;
- 11
- 12 (d) Arrest and apprehend as well as search violators and seize or confiscate the
13 effects of the violations as provided by law and take custody thereof. For this
14 purpose, prosecutors and enforcement officers of the Agency are authorized to
15 possess firearms in accordance with existing laws, rules and regulations.
16 Likewise, enforcers are hereby authorized to enter premises for the purpose of
17 conducting inspection and determining compliance with environmental laws;
- 18
- 19 (e) Establish office in every region, province or city and maintain a nationwide
20 intelligence system in cooperation with law enforcement agencies, the
21 Department of Environment and Natural Resources, local government units,
22 and other government agencies and offices;
- 23
- 24 (f) Monitor and, if warranted, in coordination with the Bureau of Customs, the
25 Philippine Ports Authority, the Maritime Industry Authority, Department of
26 Environment and Natural Resources and the Department of Environment and
27 Natural Resources and such other government agencies and offices, inspect
28 cargo and their conveyances to determine a violation of environmental laws, if
29 any;
- 30
- 31 (g) Prepare for the prosecution and cause the filing of appropriate criminal and
32 civil charges against violators of environmental laws. For this purpose, the
33 Agency shall closely cooperate with the Department of Justice and such other
34 concerned government agencies or offices;

- 1 (h) Recommend to the appropriate agency the forfeiture of properties and other
2 assets belonging to, or found in the possession of, violators of environmental
3 laws;
4
5 (i) Establish and maintain close coordination, cooperation and linkages with
6 national and regional networks for the protection of the environment; and
7
8 (j) Call upon any government agency or office and/or deputize individuals and
9 organizations for assistance.

10
11 **SEC. 5. *Organization of the Agency.*** – The National Environmental Protection
12 Agency shall be headed by a Director-General with the rank of an Undersecretary, who shall
13 be responsible for the general administration and management of the Agency. The Director-
14 General shall be appointed by the President of the Philippines and shall perform such other
15 duties as may be assigned to him. He must possess adequate knowledge, training and
16 experience in environmental law enforcement.

17
18 The Director-General shall be assisted by two (2) deputies with the rank of Assistant
19 Secretary: one for Operations and one for Administration. They shall likewise be appointed
20 by the President.

21
22 The present National Anti-Environment Crime Task Force as created by Executive
23 Order No. 515 shall be accordingly modified and absorbed by the Agency. The Director-
24 General shall be responsible for the necessary changes in the organization, which shall be
25 submitted, to the President for approval.

26
27 For purposes of carrying out its duties, functions and responsibilities, the Agency
28 shall have the following Services: Intelligence and Investigation, International Cooperation,
29 Plans and Operations, Legal and Prosecution, Administrative and Human Resource, Financial
30 Management, and Internal Affairs.

31
32 **SEC. 6. *NEPA Board.*** – There is hereby created a NEPA Board which shall
33 promulgate policies relative to the enforcement of environmental laws. The Board shall be
34 headed by the Secretary of Environment and Natural Resources, as Chairman. The Secretary

1 of Justice shall be the Board Vice-Chairman with representatives from the following offices
2 as Members:

- 3 (a) The Philippine National Police;
- 4 (b) The Armed Forces of the Philippines;
- 5 (c) The Bureau of Customs;
- 6 (d) The Maritime Industry Authority; and
- 7 (e) The Philippine Coast Guard.

8
9 **SEC. 7. *Relationship with Other Departments.*** – The Agency shall closely
10 coordinate with other Departments, offices and agencies to ensure the successful
11 implementation of this Act. Nothing herein shall be construed as a derogation of the powers
12 and functions of such other Departments, offices and agencies.

13
14 **SEC. 8. *Appropriations.*** – The amount necessary for the operation of the Agency
15 shall be charged against the current year’s appropriations of the National Anti-Environment
16 Crime Task Force. Thereafter, such sums as may be necessary to implement this Act shall be
17 included in the annual General Appropriations Act.

18
19 The proceeds of the sale of products seized by the Agency pursuant to environmental
20 laws shall be remitted to the Agency for use in the implementation of this Act. Likewise,
21 fifty percent (50%) of the fines imposed by the proper courts in cases filed by the Agency
22 shall pertain to the Agency for the same purpose.

23
24 **SEC. 9. *Transitory Provisions.*** – All offices, bureaus, agencies and divisions that
25 are to be absorbed by the Agency shall cease and their functions, including their
26 appropriations, funds, records, equipment, facilities, rights, assets and personnel shall be
27 transferred to the Agency within one hundred eighty (180) days after the effectivity of this
28 Act. Its liabilities, if any, shall be treated in accordance with the government auditing code
29 and other pertinent laws, rules and regulations.

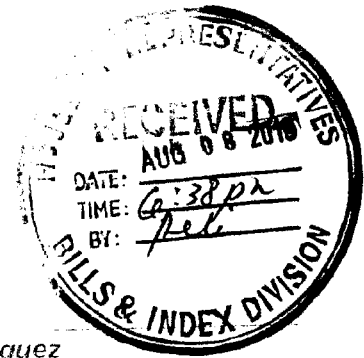
30
31 **SEC. 10. *Repealing Clause.*** – Executive Order No. 192, Series of 1987, and
32 Executive Order No. 292, otherwise known as the Administrative Code of 1987, are hereby
33 modified accordingly. All other acts, ordinances, rules and regulations and other issuances
34 that are inconsistent with this Act are hereby repealed or modified accordingly.

1 **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES



Introduced by Representative Rufus B. Rodriguez

House Bill No. 3794

EXPLANATORY NOTE

In the United States, they have an Environmental Protection Agency (EPA) whose mission is to protect human health and the environment—air, water, and land—upon which life depends. The purpose of the EPA is to ensure that:


- everyone is protected from significant risks to human health and the environment where they live, learn and work;
- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;
- environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry and international trade, and these factors are similarly considered in establishing environmental policy;
- all parts of society -- communities, individuals, businesses, and state, local and tribal governments -- have access to accurate information sufficient to effectively participate in managing human health and environmental risks;
- environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and
- the United States plays a leadership role in working with other nations to protect the global environment.

This shows that they have an agency exclusively focused on the environment.

In the Philippines, we have the Department of Environment and Natural Resources (DENR). It is mandated to protect the environment while at the same time, it has to oversee the utilization of the country's natural resources. It is caught in between conservation and utilization. The certainty of clashing of interests between environmental protection and conservation on the one hand and utilization of natural resources on the other would be unavoidable. And that puts DENR officials and employees in an uneasy position and difficult balancing act.

As such, there is a need to establish an independent agency that exclusively deals with protecting, promoting and enhancing the environment. An agency established to consolidate a variety of research, monitoring, standard-setting and enforcement activities to ensure environmental protection.

In view of the foregoing, immediate approval of this bill is earnestly sought.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 3794

AN ACT
CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY OF THE
PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled

Section 1. Short Title. This Act shall be known as the "*Environmental Protection Agency Act*".

Section 2. Declaration of State Policy. It is hereby declared the policy of the State to ensure the conservation of the country's forest, mineral, land and off-shore areas and other natural resources, including the protection and enhancement of the quality of the environment. It is also the policy of the State to recognize and apply a true value system including social and environmental cost implications relative to their utilization, development and *conservation* of our natural resources.

Section 3. Creation of the Agency.

(a) There is hereby created the National Environmental Protection Agency of the Philippines to be placed under the Executive Branch, hereinafter referred to as "NEPA."

(b) The NEPA shall be headed by a Chairman, appointed by the President, with a Cabinet Rank and with the salary and privileges of that of a Department Secretary.

(c) The Chairman shall be assisted by a Vice-Chairman who shall be appointed by the President and with the rank, salary and privileges of a Department Undersecretary.

(d) There shall be in the NEPA, Regional Executive Directors who shall monitor and enforce environmental laws at the regional level. He/she shall have the necessary staff support.

Section 4. Mandate. The NEPA shall be the primary arm of the government responsible for the conservation and protection of the country's environment.

Section 5. Powers and Functions. To accomplish its mandate, the NEPA shall have the following functions:

(a) Establish and enforce environmental protection standards consistent with national environmental goals;

(b) Conduct research on the adverse effects of pollution and on methods and equipment for controlling it;

(c) Gathering of information on pollution;

(d) Use such information gathered in strengthening environmental protection programs and recommending policy changes;

(e) Assisting others, through grants, technical assistance and other means, in arresting pollution of the environment;

(f) Advise the President and the Congress of the Philippines on the enactment of laws relative to the conservation of the country's natural resources and environmental protection;

(g) Formulate, implement and supervise the government's policies, plans and programs pertaining to the conservation and replenishment of the country's natural resources;

(h) Undertake geological surveys of the whole country including its territorial waters;

(i) Establish policies and implement programs for the:

1. Accelerated inventory, surveys and classification of lands, forest, and mineral resources using appropriate technology, to be able to come up with a more accurate assessment of resource quality and quantity;

2. Preservation of cultural and natural heritage through wildlife conservation and segregation of national parks and other protected areas; and

3. Maintenance of a wholesome natural environment by enforcing environmental protection laws.

(j) Oversee, supervise and police our natural resources, to cancel or cause to cancel such privileges and arrangement; to close and cause the closure of establishments, after due process, upon failure, non-compliance or violations of any laws, rules and regulations, orders and for all other causes which contravene the objective of conserving and protecting the country's natural resources and others supportive objectives of the national interest;

(k) Promulgate rules and regulations for the control of water, air and land pollution;

(l) Promulgate ambient, and affluent standards for water and air quality including the allowable levels of other pollutants and radiations.

(m) Promulgate policies, rules and regulations for the conservation of the country's genetic resources and biological diversity and endangered habitat;

(n) Formulate an integrated, multi-sectoral and multi-disciplinary National Conservation Strategy, which will be presented to the cabinet for the President's approval;

(o) Exercise other powers and functions and perform such other acts as may be necessary, proper or incidental to the attainment of its mandates and objectives;

Section 6. Organizational Structure. The NEPA shall consist of the Agency Proper, the staff offices, the staff bureaus, and the regional/provincial/city/municipal offices.

The Agency Proper shall consist of the following:

- a. Office of the Chairman;
- b. Office of the Vice-Chairman;
- c. Public Affairs Office; and
- d. Pollution Adjudication Office

The line Bureaus on the other hand, shall be composed of

- a. Protected Areas and Wildlife Bureau; and the
- b. Environmental Management Bureau

The field offices shall consist of all the department's regional offices, the provincial offices and the municipal offices.

Section 7. Public Affairs Office. There is hereby created a Public Affairs Office, under the Office of the Chairman, to be headed by a Director and assisted by an Assistant Director, which shall serve as the public information arm of the Agency. It shall be responsible for disseminating information on natural resources development policies, plans, programs and projects; and respond to public queries related to the development and conservation of natural resources

Section 8. Transfers to Environmental Protection Agency.

I. These are hereby transferred to the NEPA:

a. The powers, functions, duties and responsibilities of the Environmental Management Bureau of the Department of Environment and Natural Resources as well as all its functions and powers under Section 16 of Executive Order 192;

b. The Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources as well as all its functions and powers under Section 18 of Executive Order 192;

c. The Pollution Adjudication Board of the Department of Environment and Natural Resources as well as all its functions and powers under Section 19 of Executive Order 192;

d. The control and administration of the National Integrated Protected Area System under Republic Act 7586 otherwise known as the NIPAS Act of 1992;

e. The powers and functions of the DENR under Sections 5, 14, 16, 17, 18, and 21 of Republic Act 7586;

f. The powers, functions and duties of the National Water and Air Pollution Control Commission under Republic Act 3931 except such powers and functions as provided for under Section 6a paragraphs 6 and 7, and Section 7 paragraph b relating to the power to hold public hearings in relation to denying, revoking, or modifying a permit;

g. The powers, functions and responsibilities of the DENR under of Republic Act 6969 otherwise known as An Act To Control Toxic Substances and Hazardous and Nuclear Wastes Providing Penalties For Violations Thereof, and for other purposes;

h. The Inter-Agency Technical Advisory Council as well as its functions as provided for under Section 7 of Republic Act 6969;

i. All powers, functions, duties and responsibilities of the Department of Agriculture and of the Department of Environment and Natural Resources in relation to conservation, preservation, anti-pollution and other functions appurtenant thereto under Republic Act 8550 otherwise known as the Philippine Fisheries Code;

j. The functions, powers, duties and responsibilities of the DENR as well as the functions, powers, duties and responsibilities of Local Government Units under Republic Act 8749 otherwise known as the Clean Air Act except:

1. Such powers, functions, duties and responsibilities relating to the issuance of permits as provided under Section 16; and

2. Such functions, powers, duties and responsibilities under Section 22 relating to the issuance of a Certificate of Conformity (CoC)

k. The powers, functions, duties, responsibilities and role of the Department of Environment and Natural Resources under Republic Act No. 9003 except the issuance of the Environmental Compliance Certificate (ECC) as required under Section 38 of Republic Act No. 9003;

l. The powers, functions, duties and responsibilities of the National Solid Waste Management Commission as established under Republic Act No. 9003;

m. The functions, duties and responsibilities of the National Ecology Center as established under Section 7 of Republic Act No. 9003;

n. The powers, functions, duties and responsibilities of the Department of Environment and Natural Resources under Republic Act No. 9072 except the issuance of permits as provided for under Section 5 paragraph c;

o. The powers and functions of the DENR under Republic Act 9147 relating to the conservation and protection of wildlife species and their habitats;

p. Such other powers, functions, duties and responsibilities of various government departments and agencies tasked under existing laws relating to the abatement of pollution.

II. These are hereby transferred to the Chairman:

a. The powers and functions as well as the advisory and recommending powers and appointing powers of the Secretary of the DENR under Sections 6, 7, 10 and 11 of Republic Act 7586 otherwise known as the NIPAS Act of 1992;

b. Functions of the Ministry of Human Settlements as provided for under Section 4 of Presidential Decree 1586;

c. The powers and functions of the Secretary of the DENR as provided for under Section 10 of Republic Act 6969;

d. Functions of the Secretary of the Department Environment and Natural Resources with respect to being the head of a Governing Board under Section 9 of Republic Act No. 8749;

e. The powers, functions, duties and responsibilities of the Secretary of the Department of Environment and Natural Resources under Republic Act 9003 otherwise known as the Ecological Solid Waste Management Act;

f. Such other powers, functions, duties and responsibilities of heads of various government departments and agencies which is related to the abatement of pollution.

Section 9. *Performance of transferred functions.* The Chairman may from time to time make such provisions as he/she shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Act by any other officer, or by any organizational entity or employee, of the NEPA.

Section 10. *Incidental Transfers.*

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held available, or to be made available in connection with the functions transferred to the Chairman or the NEPA by this reorganization and/or its creation as the Secretary of the Department of Budget and Management shall determine shall be transferred to the NEPA at such time or times as the Secretary shall direct.

(b) Such further measures and dispositions as the Secretary of the Department of Budget and Management shall deem to be necessary in order to effectuate the transfers shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Section 11. *Organizational Provisions.* In accomplishing the acts of organization herein prescribed, the organization of the EPA shall in no way displace, dislocate or demote the personnel of concerned bureaus, agencies and other government instrumentalities but rather shall be absorbed, streamlined, and expanded.

Section 12. *Interim Officers.*

(a) The President may authorize any person who, immediately prior to the effective date of this Act, is immediately known as a staunch advocate of the preservation, protection, and conservation of the environment to act as Chairman until the office of Chairman is for the first time filled pursuant to the provisions of this reorganization plan or by interim appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Vice-Chairman, authorize any such person to act as Regional Executive Director, and authorize any such person to act as the head of any principal constituent organizational entity of the NEPA.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he/she so serves. Such compensation, if unauthorized, shall be in lieu of, but not in addition to, other compensation from the Government of the Republic of the Philippines to which such person may be entitled.

Section 13. *Structure and Staffing Pattern.* The positions, structure, and staffing pattern of the NEPA shall be approved and prescribed by the Chairman within sixty (60) days from the effectivity of this Act and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as the case may be.

In no case shall the new position structure and staffing pattern of the NEPA affect the existing position and structure and staffing patterns of the different bureaus and governmental agencies absorbed or hereby transferred to the Agency.

Section 14. *Periodic Performance Evaluation.* The NEPA is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the NEPA and submit the same annually to the President, and to the Senate and House of Representatives.

Section 15. *Notice or Consent Requirement.* If any organizational or re-organizational change herein authorized is of such substance or materiality as to prejudice third persons with rights recognized by law or contract such that notice to consent of creditors is required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirement shall be complied with prior to the implementation of such organizational or re-organizational change

Section 16. *Funding.* Appropriations earmarked for the concerned bureaus to include the Environmental Management Bureau (EMB) the Protected Areas and Wildlife Bureau (PAWB), and other government instrumentalities that have been streamlined, and the funds appropriated for environmental laws now under the administrative and operational jurisdiction of the EPA; and foreign grants, assistance, donations shall hereby constitute the funding requirements of the NEPA.

Section 17. *Implementing Authority of the Chairman.* The Chairman shall issue such orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of the provision of this Act.

Section 18. *Separability Clause.* If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

Section 19. *Repealing Clause.* Any law, executive order, letter of instruction, rules and regulations, circulars, issuances or any part thereof inconsistent with any of the provisions of this Act is hereby repealed, modified or amended accordingly

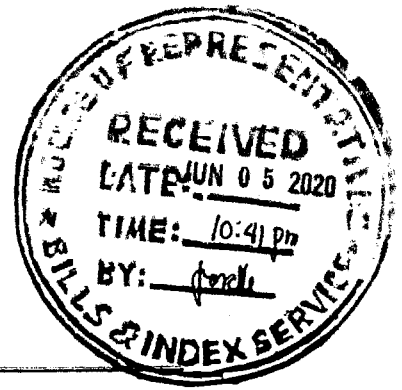
Section 20. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation

Approved,



Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 6973



Introduced by
REPRESENTATIVE LOREN B. LEGARDA

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

EXPLANATORY NOTE

COVID-19 is a zoonotic disease considered by many scientists to have originated primarily from bats and transmitted through an intermediary host, the pangolin, which is most probably the most trafficked mammal globally. With increasing habitat destruction from conversion through logging and encroachment, to poaching and the illegal transshipment of wildlife, there are increasing risks of zoonotic diseases due to the degradation of habitats, which will increase human-wildlife interactions. The Philippines is playing a notoriously substantial role in this illegal trade, not only as a poaching area and transshipment point, but the country has also increasingly become an end destination of exotic pets. Even at the height of COVID-19 quarantine measures, the illegal trade of wildlife went on in online forums or social media pages, and illegal logging is still being reported in the field. DENR estimated that the total value of wildlife trafficking alone is at 50 billion pesos and illegal logging data if aggregated could even be higher. The estimates do not include trafficking done through the Philippines.

In addition to these violations are equally serious environmental threats such as pollution laws on wastewater, solid waste, hospital, and hazardous wastes as well as infraction of protected area laws, rules and regulations. Weak enforcement of these laws has brought numerous issues with tremendous economic problems.

This representation seeks to support the initiative within the Department of Environment and Natural Resources (DENR) to professionalize and institutionalize law enforcement in the agency by creating an Environmental Protection and Enforcement Bureau (EPEB) through congressional action.

Through the EPEB, DENR will be able to strengthen its environmental law enforcement capacity and its synergy with other agencies having environmental law

enforcement duties. The bill calls for the full capacitation of DENR enforcers through an enforcement academy similar to that of the Philippine National Police (PNP), National Bureau of Investigation (NBI) or the Bureau of Fisheries and Aquatic Resources (BFAR) where agents can learn skills and techniques normally taught to mainstream law enforcement agencies. The EPEB will allow for the DENR to target the syndicates responsible for wildlife and timber trafficking, transporting these through our country's borders with the potential to bring in diseases and pests that may threaten our own species, or may become zoonotic in nature. In terms of pollution control and the law on hazardous materials, the EPEB can improve its capabilities to detect and stop these violations, especially those involving hospital wastes and discharges by pollutive industries.

The EPEB will utilize advanced skills training on crime scene forensics, intelligence, surveillance and investigation, DNA and other criminalistics to go after high-profile perpetrators and build up cases on entire networks of traffickers rather than just the low-level poachers. The forensics lab contained in the proposed law will cover the entire range of needs of the DENR to address violations of most, if not all, environmental laws, including logging, wildlife poaching, toxic contaminations, pollution and hazardous materials and wastes. It will grow organically, funded from DENR's own budgets and supplementally from other sources.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


LOREN B. LEGARDA



Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 6973

Introduced by
REPRESENTATIVE LOREN B. LEGARDA

**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**

Be it enacted by the Senate and House of Representatives of the Philippines in congress assembled:

SECTION 1. Short Title. – This Act shall be known as the “Environmental Protection and Enforcement Bureau (EPEB)”.

SEC. 2. Declaration of Policy. – It is the policy of the State to:

- a) maintain an effective, competent, modern current and highly-trained enforcement body to address violations of environment and natural resources laws, rules, and regulations in order to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- b) strengthen and professionalize environment and natural resources protection and law enforcement with appropriate structure, science and technology, manpower, and capability;

- c) formulate plans and programs relative to environment and natural resources protection to enhance and modernize capacities to address all types of environmental crimes, including transnational/transboundary violations, taking cognizance of the worsening global environmental situation;
- d) promote shared duties and responsibilities, and capacitate other law enforcement agencies and local government units on environmental law enforcement; and
- e) ensure fair, swift, and certain enforcement of environmental laws.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms and phrases shall mean as follows:

- a) *Abatement* –refers to a legal document issued by the Bureau, its officers and enforcers, ordering the suspension or cessation, in whole or in part, or removal of a problem or nuisances, which is against environment and natural resources laws committed in prohibited areas, and/or other public areas, where such act is prohibited.
- b) *Bureau* – refers to the Environmental Protection and Enforcement Bureau.
- c) *Cease and Desist Order (CDO)* – refers to an order duly issued by the Secretary or the Bureau directing or enjoining any person, business or organization, or government agency, to stop or continue doing an act considered harmful or illegal and/or in order to protect, preserve or rehabilitate the environment. A CDO may be permanent, for specified period of time, or until a final administrative or judicial determination of its legality occurs.

- d) *Confiscation* – refers to the act of taking in favor of the government, real or personal property, from a person without payment or compensation in an administrative proceeding.
- e) *Custody* – refers to temporary holding or safekeeping of any evidence obtained or seized in an enforcement operation conducted by, or with the participation of the Bureau, while a case is pending before any administrative body or the courts.
- f) *Department* – refers to the Department of Environment and Natural Resources (DENR).
- g) *Emergency* – as used in this Act emergency occurs when there is a demonstrated impending threat to human life, biodiversity, or irreparable damage to the integrity and stability of the ecosystem.
- h) *Enforcement areas* – refers to any geographic area in the Philippines where priority enforcement response is needed.
- i) *Forensic* – refers to the application scientific methods of analyzing evidence and samples for purposes of criminal, civil, or administrative procedure.
- j) *Impoundment* – the taking into custody of private property, such as a vehicle, facility or implements, by government action with custody documentation pending the outcome of a criminal prosecution under this Act
- k) *Prohibited area* – refers to areas explicitly prohibited or deemed by law to be free from human habitation or interference such as, but not limited to, water easements, areas identified as geo-hazard zones, or in any other prohibited zones within protected areas including strict protection zones, multiple use zones, and buffer zones, or areas designated under Disaster Risk Reduction and Management Plan of LGUs as hazard prone areas.

- l) *Regulated community* – refers to all persons, businesses or organizations, or government agencies or instrumentalities of the government whose use, utilization, exploitation, development, management, conservation and protection of environment and natural resources are governed under the administrative authority of the Department.
- m) *Secretary* – refers to the Secretary of the Department of Environment and Natural Resources (DENR).
- n) *Seizure* – as used in this Act, seizure refers to the taking by enforcement 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, or on the occasion of a warrantless arrest or warrantless search.
- o) *Strategic Lawsuit Against Public Participation (SLAPP)* – as used in this Act the defense of SLAPP shall be available to Bureau enforcers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.
- p) *Transnational or transboundary violations* – refers to a continuing offense in contravention of both environmental laws and international treaties and conventions on environment to which the Philippines is a signatory. An act is deemed a continuing offense when the act may be prosecuted and tried not only in the court or administrative bodies of the place where it began, but also in the court or administrative bodies of the place where part of the offense was continued or consummated.

- q) *Wildlife Trafficking* – refers to transportation and/or transshipment of wildlife, wildlife by-products or derivatives, from, to, or through the Philippines.

SEC. 4. *Creation.* – There is hereby created the Environmental Protection and Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency under the Department.

This Act shall transfer and consolidate all enforcement functions performed by different Bureaus and attached Agencies of the Department and those that may be created hereafter.

The Bureau shall exercise concurrent enforcement authority with agencies having jurisdiction under other laws.

SEC. 5. *Jurisdiction.* — The Bureau 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. It shall be under the control and supervision of the Secretary.

SEC. 6. *Powers and Functions.* – The Bureau has the power and authority to:

- a) Enforce, interdict ongoing violations, arrest, investigate, and prosecute all violations of environmental 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 National Prosecution Service 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 the Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI), other 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 any documents, through its officers from the ranks of Director-General, Deputy Director, Directors for Enforcement, Investigation and/or Legal Services, and Regional Director, and cite in contempt any person who violates or disobeys orders and processes duly issued by the Bureau;
- i) Accept in the name of the Philippine Government, funds or financial assistance for immediate disbursements 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;
- j) Establish and maintain coordination mechanisms with other law enforcement agencies locally and internationally;
- k) Develop enforcement systems and strategies based on best practices and using the most advanced and reliable technologies;

- l) Impose administrative fines/citations for in-flagrante violations of environment and natural resources laws, rules and regulations pursuant to schedule of fines to be issued by the Office of the Secretary;
- m) 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;
- n) Issue and implement Cease and Desist Order, Closure Order, Notice of Violation, and Abatement Order in the exercise of its administrative powers pursuant to pertinent rules and regulations issued by the Department;
- o) Formulate and implement policies, guidelines, and programs necessary to effectively carry out its mandate;
- p) Perform other related functions as the Secretary of the Department may assign.

Nothing herein shall prevent other law enforcement agencies from exercising jurisdiction over violations of environmental laws, rules and regulations. Provided that, once the Bureau takes cognizance of the aforementioned violations, the Bureau shall take the lead and other law enforcement agencies shall collaborate and render assistance.

SEC. 7. Organizational Structure. – The Bureau shall be organized into the Office of the Director-General, Deputy Director-Generals for Operations and for Administration, Division Chiefs for Enforcement, Investigation and Legal, Finance and Logistics, Administrative and Human Resource, Planning and Knowledge Information Service, and Forensic Laboratory. Each service shall be composed of the necessary divisions and sections. The Bureau shall establish regional offices composed of district

offices to cover designated enforcement areas. Field units may be established as needed to work with the PENR and/or CENR offices, or clusters thereof.

The Bureau's personnel and their respective positions and rank shall have appropriate staffing complement, as follows:

Job Title	Career Level	Salary Grade
Director General	Director VI	SG 30
Deputy Director General for Operations	Director V	SG 29
Deputy Director General for Administration	Director V	SG 29
Regional Director	Director III	SG 27
Chief for Enforcement Division	Director I	SG 25
Chief for Investigation and Legal Division	Director I	SG 25
Chief for Finance and Logistics Division	Director I	SG 25
Chief for Administrative and Human Resource Division	Director I	SG 25
Chief for Planning and Knowledge Information Division	Director I	SG 25
Director for Forensic Laboratory	Director I	SG 25
Regional Legal Division Chief	Attorney V	SG 25
Supervising Environmental Prosecutor	Attorney IV	SG 23
Environmental Prosecutor	Attorney III	SG 21
Regional Enforcement Division Chief	Division Chief	SG 24
Regional Management Division Chief	Division Chief	SG 24
Supervising Enforcement Officer	Senior Officer V	SG 22
Enforcement Officer IV	Officer IV	SG 19
Enforcement Officer III	Officer III	SG 16
Enforcement Officer II	Officer II	SG 13
Enforcement Officer I	Officer I	SG 11
Ranger Technician	Ranger III	SG 9
Ranger	Ranger II	SG 7
Ranger	Ranger I	SG 5

SEC. 8. Forensic Laboratory. – The Bureau shall establish and maintain an up-to-date forensic laboratory to be headed by a Director and supported by as many sections as may be deemed necessary, which may include chemical and toxicology, genetics, criminalistics, veterinary, morphology, and digital. The Forensic Laboratory may be composed of the following staffing complement:

Job Title	Career Level	Salary Grade
Director for Forensic Laboratory	Director I	SG 25
Section Chief on Chemistry and Toxicology	Section Chief	SG 22
Section Chief on Genetics and Forensic Biology	Section Chief	SG 22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG 22
Section Chief on Taxonomy and Morphology	Section Chief	SG 22
Section Chief on Geology	Section Chief	SG 22
Senior Computer Programmer and Information Technology Officer	ENRE Officer IV	SG 19
Analyst III	ENRE Officer III	SG 16
Analyst II	ENRE Officer II	SG 13
Analyst I	ENRE Officer I	SG 11

SEC. 9. Environment and Natural Resources Law Enforcement Academy. - The DENR shall establish an Environmental and Natural Resources Law Enforcement Academy which shall be responsible for the recruitment, development and conduct of basic and advanced-level environmental law enforcement training course, and continuing skills enhancement of all Bureau enforcers and personnel. The Academy shall provide other Philippine law enforcement agencies and institutions high-quality standardized trainings on environmental law enforcement, including local governments.

SEC. 10. Powers and Functions of the Director General. – The Director General shall have access to all official records of the Government and the regulated communities of the Department in the furtherance of his/her duties and responsibilities, and shall perform the following powers and functions:

- a) Direct, control and administer the operations of the Bureau, and deploy any of its officials and operatives for missions;
- b) Formulate policies, guidelines, programs and projects to implement this law and recommend policies that would enable the Bureau to take additional necessary measures in exercising its powers;
- c) Develop a system and allocate funds for informant's rewards and whistleblower protection;
- d) Recommend and/or direct appropriate agencies to effect emergency containment and remediation measures in relation to violations of environment 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 informants for investigative purposes including the 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 or 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 divisions/units and positions within the Bureau that may be required for the expeditious, effective and efficient discharge of its duties and responsibilities; and remove, suspend, or otherwise discipline Bureau officials, enforcers and personnel for causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations, subject to the approval by the Secretary; and
- j) Perform other acts that are necessary, proper or incidental to the performance of his duties and responsibilities as may be assigned by the Secretary.

SEC. 11. Powers and Functions of Bureau Officers and Enforcers. – The members of the Bureau shall be peace officers, and as law enforcers, shall have the following additional powers and functions:

- a) To detect, interdict, and investigate any environmental violations and to make arrests, searches and seizures in accordance with existing laws, rules and regulations;
- b) To seize and initiate confiscation proceedings for prohibited items including objects, implements, and conveyances used in the violation of environmental law, as provided for by applicable laws, rules and regulations, and to inventory said items;
- c) To take and require sworn affidavits of person or persons summoned in connection with cases under investigation and to administer oaths in cases under investigation, subject to limitations imposed by the Constitution and laws, rules and regulations;
- d) To carry suitable and adequate agency-issued firearms for enforcement operations and personal security;

- e) To have access to all official records of the Government and the regulated community, where such records relate to their official functions under this law;
- f) To perform such other functions as may be assigned by the Bureau.

SEC. 12. *Benefits and Privileges.* - The Bureau shall provide its personnel with the following benefits:

- a) Health care services or insurance for all its regular personnel;
- b) Accident insurance for all its employees and deputized officers;
- c) Hazard pay, subject to existing laws, rules and regulations; and
- d) Access to a legal assistance and support fund.

SEC. 13. *Inter-agency Environmental Enforcement Coordination.* - The Bureau shall establish and maintain close coordination, cooperation and linkages with national and international coordinative bodies, multi-lateral agencies, and organizations that address environmental crimes.

SEC. 14. *Stakeholder's Engagement/Peoples' Participation.* - Active and direct participation of national government agencies (NGAs), local government units (LGUs), academe, media, people's organization (POs), non-governmental organizations (NGOs), including the citizenry, shall be encouraged. The Bureau shall take measures to ensure responsiveness and feedback mechanisms for maximum participation, engagement, and transparency.

SEC. 15. *Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Act.* – The defense of SLAPP as defined by existing laws shall be available to Bureau enforcers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Act, including actions treated as a SLAPP as provided in this section.

SEC 16. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.* – No court, other than the Supreme Court, shall issue injunction or restraining order against the Department and Bureau in the lawful enforcement of environmental and natural resources laws.

SEC. 17. *Assaults against Environment and Natural Resources Enforcement Officers and Deputies.* – Any person, and persons whether natural or juridical, who, shall attack, employ force or seriously intimidates any environment and natural resources enforcement officer or his deputies, while engaged in the performance of official duties, or on the occasion of the performance of such duties shall be charged with direct assault under the Revised Penal Code.

The penalties of indirect assault as defined under the Revised Penal Code shall be imposed upon any person coming to the aid of the environment and natural resources enforcement officer or his deputy in the enforcement of his duties.

SEC. 18. *Administrative Adjudication.* – The Secretary is authorized to organize and standardize administrative adjudication mechanisms to impose fines and other penalties provided for under existing laws, rules, and regulations and cause the issuance of procedural rules and regulations as may be appropriate.

SEC. 19. *Power to Issue Cease and Desist Orders and to Summarily Abate Without the Necessity of Judicial Order.* – The Bureau may, subject to the requirements of administrative due process, issue cease and desist order/s, and to summarily eject any person and/or issue abatement order, removal, dismantling, or demolition of any illegal structures from a prohibited area, without the necessity of judicial order.

Provided, that in cases of emergency, the Bureau may order the immediate exit or departure of the offender from the prohibited area. The Bureau may call on other enforcement agencies to assist in executing the order to vacate.

SEC. 20. Authority of the Director-General of the Bureau or the Duly Authorized Representative to Issue Notice of Violation and Seizure Order. – In all cases of violations of environmental laws, rules and regulations, the Director-General or his duly authorized representative, may, in appropriate cases, issue notices of violation and order the seizure of any property subject of the offense, including conveyances, implements, tools and equipment used in the commission of the offense.

SEC. 21. Funding Source and Appropriation. – The funds required for the implementation of this Act shall be taken from the General Appropriations Act (GAA) and may be augmented from the following:

- (a) Integrated Protected Area Fund (IPAF);
- (b) environmental and user fees;
- (c) EPIRA;
- (d) road users' tax; and
- (e) Administrative fines and penalties.

Provided, that, all funds collected shall be pooled together as a single account that will cover all operational expenses.

SEC. 22. Transitory Provisions. – All unexpended appropriations, real and personal properties, documents, records and other papers related to enforcement which are kept and/or managed by enforcement divisions, sections and units of the Department and attached Agencies shall be transferred to the Bureau.

All incumbent officials and personnel currently assigned and/or designated at the regional enforcement divisions, PENR enforcement sections, or CENR enforcement units who have undergone the mandatory training on enforcement as provided under this Act may continue to serve as an officer or enforcer of the Bureau, or choose to be reassigned in non-enforcement offices or Bureaus of the Department.

All incumbent enforcement officials, enforcers and personnel of the Department, Bureaus, and attached Agencies who have undergone the mandatory training on enforcement as provided under this Act may serve as officer or enforcer of the Bureau, or choose to be reassigned in non-enforcement functions or offices of the said agencies.

All incumbent enforcement officials, enforcers and personnel of the Palawan Council for Sustainable Development (PCSD) and BARMM shall be trained under the Bureau as part of the one-system approach.

SEC. 23. *Implementing Rules and Regulations.* – The Department, in consultation with concerned government agencies and stakeholders, shall promulgate the implementing rules and regulations of this Act, within six (6) months from the effectivity of this Act.

SEC. 24. *Separability Clause.* – If any portion of this Act is declared unconstitutional or invalid, the portions or provisions which are not affected shall continue to be in full force and effect.

SEC. 25. *Repealing Clause.* – All laws, decrees, executive orders and rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

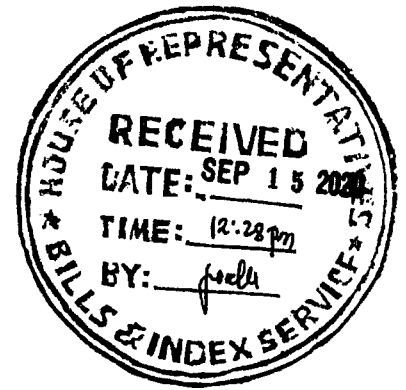
SEC. 26. Effectivity Clause. — This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation or in the *Official Gazette*.

Approved _____,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

7670
House Bill No. _____



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

1 **AN ACT CREATING THE ENVIRONMENTAL PROTECTION**
2 **AND ENFORCEMENT BUREAU (EPEB) UNDER THE**
3 **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**
4 **(DENR), PROVIDING FOR ITS POWERS AND FUNCTIONS AND**
5 **APPROPRIATING FUNDS THEREFOR, AND FOR OTHER**
6 **PURPOSES**

7
8 **EXPLANATORY NOTE**

9
10 Protecting the environment is not an easy task. Forest protection officers,
11 rangers, and other environmental workers have risked their lives to protect
12 our environment and natural resources from illegal logging syndicates and
13 environmental criminals. Several environmental workers were shot at, hacked,
14 and even killed to protect not only the environment but also the right of the
15 people to a balanced and healthful ecology.

16
17 The environment certainly needs protection from individuals who destroy
18 the environment for their own selfish interests, but so do the people who are
19 called to protect them. The Department of Environment and Natural
20 Resources has repeatedly asked Congress for the immediate passage of a
21 measure creating an Environmental Protection and Enforcement Bureau to
22 help protect forest rangers from environmental criminals. It is time Congress
23 heeds this call.

24
25 This proposed measure seeks to create a Bureau that shall carry out
26 environmental law enforcement functions in the entire Philippine archipelago
27 that would further strengthen environment and natural resources protection
28 and law enforcement with appropriate structure, modern technology, and
29 highly-trained manpower.

30
31 The Bureau is seen to empower the arrest and prosecution of
32 environmental criminals, apprehend and confiscate timber and forest
33 products without license, and destroy illegal structures occupying forest lands
34 without authority to include paraphernalia and conveyances.¹ It also aims to

¹ DENR to empower Environmental Laws with the creation of EPEB, retrieved on 31 August 2020 from <https://r6.denr.gov.ph/index.php/news-events/press-releases/1318-denr-to-empower-environmental-laws-with-the-creation-of-the-epeb>

35 curb illegal mining, illegal logging, smuggling and trading of wildlife species
36 and other environmental crimes that risk our biodiversity and destroys our
37 protected areas, the habitat of the threatened species.²

38

39 The bill also proposes the establishment of an Environment and Natural
40 Resources Law Enforcement Academy which shall be responsible for the
41 recruitment, development, and conduct of basic and advanced-level
42 environmental law enforcement training course, and continuing skills
43 enhancement of all bureau enforcers and personnel. Through this, forest
44 protection officers and rangers shall be better equipped in enforcing
45 environmental and natural resources protection laws.

46

47 In view of the foregoing, the immediate passage of this bill is earnestly
48 sought.

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50

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52



ANGELO MARCOS BARBA

² DENR to empower Environmental Laws with the creation of EPEB, retrieved on 31 August 2020 from <https://r6.denr.gov.ph/index.php/news-events/press-releases/1318-denr-to-empower-environmental-laws-with-the-creation-of-the-epeb>

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7670

Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

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2 **AND ENFORCEMENT BUREAU (EPEB) UNDER THE**
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4 **(DENR), PROVIDING FOR ITS POWERS AND FUNCTIONS AND**
5 **APPROPRIATING FUNDS THEREFOR, AND FOR OTHER**
6 **PURPOSES**

7
8 *Be it enacted by the Senate and the House of Representatives of the*
9 *Philippines in Congress assembled:*

10
11 **SECTION 1. Short Title.** – This Act shall be known as the
12 “Environmental Protection and Enforcement Bureau (EPEB) Act”.

13
14 **SECTION 2. Declaration of Policy.** – It is the policy of the State to
15 protect and advance the right of the people to a balanced and healthful ecology
16 in accord with the rhythm and harmony of nature by maintaining and
17 strengthening environment and natural resources protection and law
18 enforcement with appropriate structure, modern and current science and
19 technology, and effective, capable and highly-trained manpower.

20
21 Toward this end, the State shall formulate plans and programs relative to
22 environmental and natural resources protection and to enhance and
23 modernize capabilities to address all types of environmental crimes, including
24 transnational and/or transboundary violations, taking cognizance of the
25 worsening global environmental situation.

26
27 The State shall likewise promote shared duties and responsibilities, and
28 capacitate other law enforcement agencies and local government units to
29 ensure fair and immediate enforcement of environmental laws.

30
31 **SECTION 3. Definition of terms.** – As used in this Act, the following
32 terms shall mean:

- 33
34 a. *Abatement* – refers to legal document issued by the Bureau, its officers
35 and enforcers, ordering the suspension or cessation, in whole or in part,
36 or removal of a problem or nuisances, which is against environment
37 and natural resources laws committed in prohibited areas, and/or other
38 public areas, which such act is prohibited;

- 1 b. *Bureau* – refers to the Environmental Protection and Enforcement
2 Bureau;
- 3
4 c. *Cease and Desist Order (CDO)* – refers to an order duly issued by the
5 Secretary or the Bureau directing or enjoining any person, business, or
6 organization, or government agency, to stop or continue doing an act
7 considered harmful or illegal and/or in order to protect, preserve, or
8 rehabilitate the environment. A CDO may be permanent, for specified
9 period of time, or until a final administrative or judicial determination
10 of its legality occurs;
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12 d. *Confiscation* – refers to the act of taking in favor of the government,
13 real of personal property, from a person without payment or
14 compensation in an administrative proceeding;
- 15
16 e. *Custody* – refers to the temporary holding or safekeeping of any
17 evidence obtained or seized in an enforcement operation and
18 conducted by, or with the participation of the Bureau, while a case is
19 pending before any administrative body or courts;
- 20
21 f. *Department* – refers to the Department of Environment and Natural
22 Resources (DENR);
- 23
24 g. *Emergency* – as used in this Act, emergency occurs when there is a
25 demonstrated impending threat to human life, biodiversity, or
26 irreparable damage to the integrity and stability of the ecosystem;
- 27
28 h. *Enforcement areas* – refers to any geographic area in the Philippines
29 where priority enforcement response is needed;
- 30
31 i. *Forensic* – refers to the application of scientific methods of analyzing
32 evidence and samples for purposes of criminal, civil, or administrative
33 procedure;
- 34
35 j. *Impoundment* – the taking into custody of private property, such as a
36 vehicle, facility, or implements, by government action with custody
37 documentation pending the outcome of a criminal prosecution under
38 this Act;
- 39
40 k. *Prohibited Area* – refers to areas explicitly prohibited or deemed by law
41 to be free from human habitation or interference such as, but not
42 limited to, water easements, areas identified as geohazard zones, or in
43 any other prohibited zones within protected areas including strict
44 protection zones, multiple use zones, and buffer zones, or areas
45 designated under Disaster Risk Reduction and Management Plan of
46 local government units (LGUs) as hazard prone areas;
- 47
48 l. *Regulated community* – refers to all persons, businesses or
49 organizations, or government agencies or instrumentalities of the
50 government whose utilization, exploitation, development, management,

1 conservation and protection of environment and natural resources are
2 governed under the administrative authority of the Department;

- 3
4 m. *Secretary* – refers to the Secretary of the DENR;
- 5
6 n. *Seizure* – as used in this Act, seizure refers to the taking by
7 enforcement officers of potential evidence from a person who is
8 suspected of violating environmental laws, rules and regulations.
9 Seizure of evidence may be done by virtue of a search warrant or on the
10 occasion of a warrantless arrest or warrantless search;
- 11
12 o. *Strategic Lawsuit Against Public Participation (SLAPP)* – as used in
13 this Act, the defense of SLAPP shall be available to the Bureau
14 enforcers and those the have deputized, complainants, and witnesses.
15 This remedy is available even during preliminary investigation and
16 relevant administrative cases. The Bureau shall provide sufficient
17 assistance for those enforcers, deputies, complainants, and witnesses
18 charged with SLAPP suits; and
- 19
20 p. *Transnational or transboundary violations* – refers to a continuing
21 offense in contravention of both environmental laws and international
22 treaties and conventions on environment to which the Philippines is a
23 signatory. An act is deemed a continuing offense when the act may be
24 prosecuted and tried not only in the court of administrative bodies of
25 the place where it began, but also in the court of administrative bodies
26 of the place where part of the offense was continued or consummated.

27
28 **SECTION 4. *Environmental Protection and Enforcement Bureau***
29 **(*EPEB*).** – There is hereby created an Environmental Protection and
30 Enforcement Bureau (*EPEB*) which shall be a uniformed service and a line
31 agency under the Department of Environment and Natural Resources.

32
33 This Act shall transfer and consolidate all enforcement functions
34 performed by different Bureaus and attached agencies of the Department and
35 those that may be created hereafter.

36
37 The Bureau shall exercise concurrent enforcement authority with agencies
38 having jurisdiction under other laws.

39
40 **SECTION 5. *Jurisdiction.*** – The Bureau shall carry out environmental
41 law enforcement functions in the entire Philippine archipelago including air
42 space, territorial waters, exclusive economic zones, continental shelf, and
43 other areas where the Philippines exercises sovereignty and sovereign rights,
44 or jurisdiction, in accordance with Philippine and International Laws. It shall
45 be under the control and supervision of the Secretary.

46
47 **SECTION 6. *Powers and Functions.*** – The Bureau shall have the
48 following powers and functions:

- 49
50 a. Enforce, interdict ongoing violations, arrest, investigate, and prosecute
51 all violations of environmental and natural resources laws, rules, and

- 1 regulations, including those over which other agencies exercise
2 jurisdiction;
3
- 4 b. Take custody of all seized and confiscated items, implements,
5 conveyances, tools, and equipment;
6
- 7 c. Initiate the filing of appropriate cases and/or proceedings;
8
- 9 d. File the appropriate cases in court in consultation with the National
10 Prosecution Service when necessary, and in coordination with the
11 Office of the Ombudsman in cases involving government officials and
12 employees;
13
- 14 e. Execute decisions and dispose of confiscated items in administrative
15 cases pertaining to environment and natural resources violations, and
16 in court cases as may be directed by the court;
17
- 18 f. Call on the Department of Justice (DOJ), Philippine National Police
19 (PNP), Armed Forces of the Philippines (AFP), the National Bureau of
20 Investigation (NBI), other government law enforcement agencies,
21 including government-owned and/or -controlled corporations, to aid
22 in the enforcement of laws against environmental crimes;
23
- 24 g. Conduct intelligence operations and forensics investigation in
25 furtherance of the foregoing powers and functions;
26
- 27 h. Issue subpoena for the appearance of any person for investigation or
28 production of any documents, through its officers from the ranks of
29 Director-General, Deputy Director, Directors for Enforcement,
30 Investigation and/or Legal Services, and Regional Director, and cite in
31 contempt any person who violates or disobeys orders and processes
32 duly issued by the Bureau;
33
- 34 i. Accept in the name of the Philippine Government, funds of financial
35 assistance for immediate disbursements or other property in the
36 interest of, or as may be necessary to carry out its functions, and which
37 shall be properly allocated and utilized directly and exclusively for
38 environmental protection and enforcement;
39
- 40 j. Establish and maintain coordination mechanisms with other law
41 enforcement agencies locally and internationally;
42
- 43 k. Develop enforcement systems and strategies based on best practices
44 and using the most advanced and reliable technologies;
45
- 46 l. Impose administrative fines/citations for *in flagrante* violations of
47 environment and natural resources laws, rules, and regulations
48 pursuant to the schedule of fines to be issued by the Office of the
49 Secretary;
50

- 1 m. 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;
- 2
- 3
- 4
- 5
- 6 n. Issue and implement Cease and Desist Order, Closure Order, Notice of Violation, and Abatement Order in the exercise of its administrative powers pursuant to pertinent rules and regulations issued by the Department;
- 7
- 8
- 9
- 10
- 11 o. Formulate and implement policies, guidelines, and programs necessary to effectively carry out its mandate; and
- 12
- 13
- 14 p. Perform other related functions as the Secretary may assign.
- 15

16 Nothing in this Section shall prevent other law enforcement agencies from exercising jurisdiction over violations of environmental laws, rules and regulations: *Provided that*, once the Bureau takes cognizance of the aforementioned violations, the Bureau shall take the lead and other law enforcement agencies shall collaborate for assistance.

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22 **SECTION 7. Organizational Structure.** – The Bureau shall be organized into the Office of the Director-General, Deputy Director Generals for Operations and for Administration, and Division Chiefs for Enforcement, Investigation and Legal, Finance and Logistics, Administrative and Human Resource, Planning and Knowledge Information Service, and Forensic Laboratory. Each service shall be composed of the necessary divisions and sections.

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30 The Bureau shall establish regional offices composed of district offices to cover designated enforcement areas. Field units may be established as needed to work with the PENR and/or CENR offices or clusters thereof.

31

32

33

34 The Bureau's personnel and their respective positions and rank shall have appropriate staffing complement, as follows:

35

36

Job Title	Career Level	Salary Grade
Director-General	Director VI	SG 30
Deputy Director-General for Operations	Director V	SG 29
Deputy Director-General for Administration	Director V	SG 29
Regional Director	Director III	SG 27
Chief for Enforcement Division	Director I	SG 25
Chief for Investigation and Legal Division	Director I	SG 25
Chief for Finance and Logistics Division	Director I	SG 25
Chief for Administrative and Human Resource Division	Director I	SG 25
Chief for Planning and Knowledge Information Division	Director I	SG 25
Director of Forensic Laboratory	Director I	SG 25
Regional Legal Division Chief	Attorney V	SG 25
Supervising Environmental Prosecutor	Attorney IV	SG 23

Environmental Prosecutor	Attorney III	SG 21
Regional Enforcement Division Chief	Division Chief	SG 24
Regional Management Division Chief	Division Chief	SG 24
Supervising Enforcement Officer	Senior Officer V	SG 22
Enforcement Officer IV	Officer IV	SG 19
Enforcement Officer III	Officer III	SG 16
Enforcement Officer II	Officer II	SG 13
Enforcement Officer I	Officer I	SG 11
Ranger Technician	Ranger III	SG 9
Ranger	Ranger II	SG 7
Ranger	Ranger I	SG 5

1
2 **SECTION 8. Powers and Functions of the Director General.** – The
3 Director General shall have access to all official records of the Government
4 and the regulated communities of the Department in the furtherance of his or
5 her duties and responsibilities, and shall perform the following powers and
6 functions:

- 7
- 8 a. Direct, control and administer the operations of the Bureau, and
9 deploy any of its officials and operatives for missions;
- 10
- 11 b. Formulate policies, guidelines, programs, and projects to implement
12 this law and recommend policies that would enable the Bureau to take
13 additional necessary measures in exercising its powers;
- 14
- 15 c. Develop a system and allocate funds for informant's rewards and
16 whistle blower protection;
- 17
- 18 d. Recommend and/or direct appropriate agencies to effect emergency
19 containment and remediation measures in relation to violations of
20 environment and natural resources law, rules, and regulations;
- 21
- 22 e. Initiate and strategize training and deputation of environmental law
23 enforcement officers and, whenever practicable their consolidation and
24 organization in accordance with existing laws, rules, and regulations;
- 25
- 26 f. Designate and/or authorize the use of informants for investigative
27 purposes including hiring of consultants, subject to pertinent laws,
28 rules, and regulations, as may be required;
- 29
- 30 g. Issue mission orders and permits to carry duly-issued agency firearms
31 of its organic personnel or other duly deputized officers who are
32 conducting or assisting in investigation and enforcement operations;
- 33
- 34 h. Ensure proper inventory, identification and impoundment of
35 confiscated and/or forfeited objects, implements, and conveyances;
- 36
- 37 i. Create and/or abolish divisions/units and positions within the Bureau
38 that may be required for the expeditious, effective and efficient
39 discharge of its duties and responsibilities; and remove, suspend, of
40 otherwise discipline Bureau officials, enforcers, and personnel for

1 causes provided under the Civil Service Rules and Regulations and
2 other pertinent laws, rules and regulations, subject to the approval of
3 the Secretary; and
4

- 5 j. Perform other acts that are necessary, proper or incidental to the
6 performance of his or her duties and responsibilities as may be
7 assigned by the Secretary.
8

9 **SECTION 9. Powers and Functions of Bureau Officers and Enforcers.** –
10 The members of the Bureau shall be peace officers, and as law enforcers. They
11 shall have the following additional powers and functions:
12

- 13 a. To detect, interdict, and investigate any environmental violations and
14 to make arrests, searches and seizures in accordance with existing laws,
15 rules and regulations;
16
17 b. To seize and initiate confiscation proceedings for prohibited items
18 including objects, implements, and conveyances used in the violation
19 of environmental law, as provided for by applicable laws, rules, and
20 regulations, and to inventory said items;
21
22 c. To take and require sworn affidavits of person or persons summoned
23 in connection with cases under investigation and to administer oaths
24 in cases under investigation, subject to limitations imposed by the
25 Constitution and laws, rules and regulations;
26
27 d. To carry suitable and adequate agency-issued firearms for enforcement
28 operations and personal security;
29
30 e. To have access to all official records of the Government and the
31 regulated community, where such records relate to their official
32 functions under this law; and
33
34 f. To perform such other functions as may be assigned by the Bureau.
35

36 **SECTION 10. Forensic Laboratory.** – The Bureau shall establish,
37 maintain, and improve a forensic laboratory to be headed by a Director and
38 supported by as many sections as may be deemed necessary, which may
39 include chemical and toxicology, genetics, criminalistics, veterinary,
40 morphology, and digital. The forensic laboratory may be composed of the
41 following staffing complement:
42

Job Title	Career Level	Salary Grade
Director for Forensic Laboratory	Director I	SG 25
Section Chief on Chemistry and Toxicology	Section Chief	SG 22
Section Chief on Genetics and Forensic Biology	Section Chief	SG 22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG 22
Section Chief on Taxonomy and Morphology	Section Chief	SG 22
Section Chief of Geology	Section Chief	SG 22
Senior Computer Programmer	ENRE Officer IV	SG19

Analyst III	ENRE Officer III	SG 16
Analyst II	ENRE Officer II	SG 13
Analyst I	ENRE Officer I	SG 11

1
2 **SECTION 11. *Benefits and Privileges.*** – The Bureau shall provide its
3 personnel with the following benefits:

- 4
5 a. Health care services or insurance for all its regular personnel;
6 b. Accident insurance for all its employees and deputized officers;
7 c. Hazard pay, subject to existing laws, rules and regulations; and
8 d. Access to legal assistance and support fund.
9

10 **SECTION 12. *Environment and Natural Resources Law Enforcement***
11 ***Academy.*** – The Department shall establish an Environment and Natural
12 Resources Law Enforcement Academy which shall be responsible for the
13 recruitment, development, and conduct of basic and advanced-level
14 environmental law enforcement training course, and continuing skills
15 enhancement of all bureau enforcers and personnel. The Academy shall
16 provide other Philippine law enforcement agencies and institutions
17 high-quality standardized trainings on environmental law enforcement,
18 including LGUs.
19

20 **SECTION 13. *Inter-Agency Environmental Enforcement Coordination.***
21 – The Bureau shall establish and maintain close coordination, cooperation,
22 and linkages with national and international coordinative bodies, multilateral
23 agencies, and organizations that address environmental crimes.
24

25 **SECTION 14. *Stakeholder's Engagement/People's Participation.*** –
26 Active and direct participation of national government agencies (NGAs), LGUs,
27 academe, media, people's organizations, non-governmental organizations,
28 including the citizenry, shall be encouraged.
29

30 The Bureau shall take measures to ensure responsiveness and feedback
31 mechanisms for maximum participation, engagement, and transparency.
32

33 **SECTION 15. *Strategic Lawsuit Against Public Participation (SLAPP).***
34 – The defense of SLAPP as defined by existing laws shall be available to
35 Bureau officers and those they have deputized, complainants, and witnesses.
36 This remedy is available even during preliminary investigation and relevant
37 administrative cases. The Bureau shall provide sufficient assistance for those
38 enforcers, deputies, complainants, and witnesses charged with SLAPP suits.
39

40 The Rules of Procedure for Environmental Cases shall govern the
41 procedure in civil, criminal, and special civil actions involving enforcement or
42 violations of this Act, including actions treated as SLAPP as provided in this
43 section.
44

45 **SECTION 16. *Prohibition on the Issuance of Temporary Restraining***
46 ***Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.*** -
47 No court, other than the Supreme Court, shall issue an injunction or

1 restraining order against the Department and Bureau in the lawful
2 enforcement of environmental and natural resources laws.

3
4 **SECTION 17. – Assaults against Environment and Natural Resources**
5 **Enforcement Officers and Deputies.** – Any person, whether natural or
6 juridical, who shall attack, employ force, or seriously intimidates any
7 environment and natural resources enforcement officer or his deputies, while
8 engaged in the performance of official duties, or on occasion of the
9 performance of such duties shall be charged with direct assault under the
10 Revised Penal Code.

11
12 **SECTION 18. – Administrative Adjudication.** – The Secretary is
13 authorized to organize and standardize administrative adjudication
14 mechanisms to impose fine and other penalties provided for under existing
15 laws, rules, and regulations and cause the issuance of procedural rules and
16 regulations as may be appropriate.

17
18 **SECTION 19. Power to Issue CDO and Abatement Order Without the**
19 **Necessity of Judicial Order.** – The Bureau may, subject to the requirements of
20 administrative due process, issue cease and desist order/s, and to summarily
21 eject any person and/or issue abatement order, removal, dismantling, or
22 demolition of any illegal structures from a prohibited area, without the
23 necessity of judicial order: *Provided*, that in case of emergency, the Bureau
24 may order the immediate exit or departure of the offender from the prohibited
25 area. The Bureau may call on other enforcement agencies to assist in executing
26 the order to vacate.

27
28 **SECTION 20. Authority to Issue Notice of Violation and Seizure Order.**
29 – In all cases of violations of environmental laws, rules and regulations, the
30 Director-General or his or her duly authorized representative, may, in
31 appropriate cases, issue notices of violation and order the seizure of any
32 property subject of the offense, including conveyances, implements, tools and
33 equipment used in the commission of the offense.

34
35 **SECTION 21. Funding Source and Appropriations.** – The amount
36 necessary for the implementation of this Act shall be taken from the General
37 Appropriations Act and may be augmented from the following:

- 38
39 a. Integrated Protected Area Fund (IPAF);
40 b. Environmental and user fees;
41 c. EPIRA;
42 d. Road user's tax; and
43 e. Administrative Fine and Penalties

44
45 *Provided*, that all funds collected shall be pooled together as a single
46 account that will cover all operational expenses.

47
48 **SECTION 22. Transitory Provisions.** – All unexpended appropriations,
49 real and personal properties, documents, records and other papers related to
50 enforcement which are kept and/or managed by enforcement divisions,

1 sections and units of the Department and attached Agencies shall be
2 transferred to the Bureau.

3
4 All incumbent officials and personnel currently assigned and/or
5 designated at the regional enforcement divisions, PENR enforcement sections,
6 or CENR enforcement units who have undergone the mandatory training on
7 enforcement as provided under this Act may continue to serve as an officer or
8 enforcer of the Bureau, or choose to be reassigned in non-enforcement offices
9 or Bureaus of the Department.

10
11 All incumbent enforcement officials, enforcers and personnel of the
12 Department, Bureaus, and attached agencies who have undergone the
13 mandatory training on enforcement as provided under this Act may serve as
14 officer or enforcer of the Bureau, or choose to be reassigned in
15 non-enforcement functions or offices of said agencies.

16
17 All incumbent enforcement officials, enforcers and personnel of the
18 Palawan Council for Sustainable Development and Bangsamoro Autonomous
19 Region in Muslim Mindanao shall be trained under the Bureau as part of the
20 one-system approach.

21
22 **SECTION 23. *Implementing Rules and Regulations.*** – The Department,
23 in consultation with concerned government agencies and stakeholders, shall
24 promulgate the implementing rules and regulations of this Act, within six (6)
25 months from the effectivity of this Act.

26
27 **SECTION 24. *Separability Clause.*** – If any provision of this Act is
28 declared invalid or unconstitutional, the other provisions not affected by such
29 declaration shall remain in full force and effect.

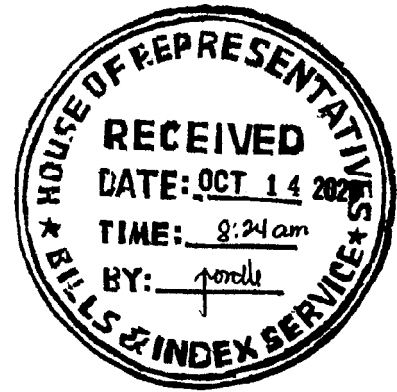
30
31 **SECTION 25. *Repealing Clause.*** – All laws, executive orders,
32 administrative orders, and rules and regulations inconsistent with this Act are
33 hereby repealed or amended accordingly.

34
35 **SECTION 26. *Effectivity Clause.*** – This Act shall take effect fifteen days
36 after its publication in the Official Gazette or in two (2) newspapers of general
37 circulation.

38
39
40 Approved,



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7873

Introduced by REPRESENTATIVE FERDINAND L. HERNANDEZ

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

EXPLANATORY NOTE

The COVID-19 pandemic is a wake up call for us to realize the importance of preservation of our biodiversity. Human activities cause damage when we disrupt natural habitat. Many scientists believe that SARS-CoV-2, the virus that causes COVID-19, has originated primarily from bats and transmitted through an intermediary host, the pangolin, which is probably the most trafficked mammal globally. As more habitat destruction occurs, disease transfer from animals to humans increases. The Philippines is a consumer, source, and transit point for illegal wildlife trade – with a value estimated at \$10 billion to \$23 billion per year, making wildlife crime the fourth most lucrative illegal business in the Philippines after narcotics, human trafficking, and arms, according to the Asian Development Bank.

To this disturbance of ecosystems, illegal logging and deforestation are contributing factors. In August 2020, an adult white-bellied sea eagle with a wingspan of 1.86 meters, considered endangered in the Philippines, was rescued in one of the illegal logging hotspots in Samar. Eagles are generally territorial and go out once there is a disruption in their habitat. Illegal logging poses a serious threat to biodiversity and rural livelihoods, and result to flooding, water shortage, rapid soil erosion, and mudslides.

This overexploitation of natural resources caused by illegal wildlife trade and illegal logging, as well as the violation of environmental laws and policies, have proved costly not only to the environment but also to human lives. It is high time we answer the call for a drastic enforcement scheme of environmental laws to eradicate and suppress the lawless violators of these laws.

This bill aims to strengthen and institutionalize the Department of Environment and Natural Resources (DENR)'s environmental law enforcement capability through the creation of

a permanent and dedicated national government law enforcement bureau to support and buttress the existing powers of the DENR.

The enactment of the EPEB Bill enables the DENR to have an enforcement arm that will be patterned after a mainstream agency such as the Philippine National Police (PNP), which has the appropriate structure, modern technology, and highly trained manpower.

In view of the foregoing, the passage of this bill is earnestly sought.



FERDINAND L. HERNANDEZ



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
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Introduced by REPRESENTATIVE FERDINAND L. HERNANDEZ

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

Be it enacted by the Senate and House of Representatives of the Philippine Congress assembled:

Section 1. Short Title. - This Act shall be known as the "Environmental Protection and Enforcement Bureau (EPEB) Act".

Section 2. Declaration of Policy. - It is the policy of the State to:

- (a) maintain an effective, competent, current, and highly-trained enforcement body to address violations of environment and natural resources laws, rules, and regulations in order to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- (b) strengthen and professionalize environment and natural resources protection and law enforcement with appropriate structure, science and technology, manpower, and capability;
- (c) formulate plans and programs relative to environment and natural resources protection to enhance and modernize capacities to address all types of environmental crimes, including transnational/transboundary violations, taking cognizance of the worsening global environmental situation;
- (d) promote shared duties and responsibilities, and capacitate other law enforcement agencies and local government units on environmental law enforcement; and
- (e) ensure fair, swift, and certain enforcement of environmental laws.

Section 3. Definition of Terms. - As used in this Act, the following terms and phrases shall mean as follows:

- (a) *Abatement* – refers to a legal document issued by the Bureau, its officers and enforcers, ordering the suspension or cessation, in whole or in part, or removal of a problem or nuisances, which is against environment and natural resources laws committed in prohibited areas, and/or other public areas, where such act is prohibited.
- (b) *Bureau* – refers to the Environmental Protection and Enforcement Bureau.
- (c) *Cease and Desist Order (CDO)* – refers to an order duly issued by the Secretary or the Bureau directing or enjoining any person, business, or organization, or government agency, to stop or continue doing an act considered harmful or illegal and/or in order to protect, preserve or rehabilitate the environment. A CDO may be permanent, for specified period of time, or until a final administrative or judicial determination of its legality occurs.
- (d) *Confiscation*– refers to the act of taking in favor of the government, real or personal property, from a person without payment or compensation in an administrative proceeding.
- (e) *Custody* – refers to temporary holding or safekeeping of any evidence obtained or seized in an enforcement operation conducted by, or with the participation of the Bureau, while a case is pending before any administrative body or the courts.
- (f) *Department* –refers to the Department of Environment and Natural Resources (DENR).
- (g) *Emergency* – as used in this Act, emergency occurs when there is a demonstrated impending threat to human life, biodiversity, or irreparable damage to the integrity and stability of the ecosystem.
- (h) *Enforcement areas* – refers to any geographic area in the Philippines where priority enforcement response is needed.
- (i) *Forensic* – refers to the application of scientific methods of analyzing evidence and samples for purposes of criminal, civil, or administrative procedure.
- (j) *Impoundment* – refers to the taking of seized private property, which include, but not limited to, vehicle, vessel, facility, equipment, tools, paraphernalia, implements, gadgets, by government action with custody documentation pending the outcome of a criminal prosecution or administrative adjudication.
- (k) *Prohibited area* – refers to areas explicitly prohibited or deemed by law to be free from human habitation or interference such as, but not limited to, water easements, areas identified as geo-hazard zones, or in any other prohibited zones within protected areas including strict protection zones, multiple use zones, and buffer zones, or areas designated under Disaster Risk Reduction and Management Plan of LGUs as hazard prone areas.
- (l) *Regulated community* – refers to all persons, businesses or organizations, or government agencies or instrumentalities of the government whose use, utilization, exploitation, development, management, conservation and protection of environment and natural resources are governed under the administrative authority of the Department.

- (m) *Secretary* – refers to the Secretary of the Department of Environment and Natural Resources (DENR).
- (n) *Seizure* - as used in this Act, seizure refers to the taking by enforcement 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, or on the occasion of a warrantless arrest or warrantless search.
- (o) *Strategic Lawsuit Against Public Participation (SLAPP)* – as used in this Act, the defense of SLAPP shall be available to Bureau enforcers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.
- (p) *Transnational or transboundary violations* – refers to a continuing offense in contravention of both environmental laws and international treaties and conventions on environment to which the Philippines is a signatory. An act is deemed a continuing offense when the act may be prosecuted and tried not only in the court or administrative bodies of the place where it began, but also in the court or administrative bodies of the place where part of the offense was continued or consummated.
- (q) *Wildlife Trafficking* – refers to transportation and/or transshipment of wildlife, wildlife by-products or derivatives, from, to, or through the Philippines.

Section 4. Creation. – There is hereby created the Environmental Protection and Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency under the Department.

This Act shall transfer and consolidate all enforcement functions performed by different Bureaus and attached Agencies of the Department and those that may be created hereafter.

The Bureau shall exercise concurrent enforcement authority with agencies having jurisdiction under other laws.

Section 5. Jurisdiction. – The Bureau 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. It shall be under the control and supervision of the Secretary.

Section 6. Powers and Functions.—The Bureau has the power and authority to:

- (a) Enforce, interdict ongoing violations, arrest, investigate, and prosecute all violations of environmental 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 National Prosecution Service 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 the Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI), other 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 any documents, through its officers from the ranks of Director-General, Deputy Director, Directors for Enforcement, Investigation and/or Legal Services, and Regional Director, and cite in contempt any person who violates or disobeys orders and processes duly issued by the Bureau;
- (i) Accept in the name of the Philippine Government, funds or financial assistance for immediate disbursements 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;
- (j) Establish and maintain coordination mechanisms with other law enforcement agencies locally and internationally;
- (k) Develop enforcement systems and strategies based on best practices and using the most advanced and reliable technologies;
- (l) Impose administrative fines/citations for in-flagrante violations of environment and natural resources laws, rules and regulations pursuant to schedule of fines to be issued by the Office of the Secretary;
- (m) 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;
- (n) Issue and implement Cease and Desist Order, Closure Order, Notice of Violation, and Abatement Order in the exercise of its administrative powers pursuant to pertinent rules and regulations issued by the Department;
- (o) Formulate and implement policies, guidelines, and programs necessary to effectively carry out its mandate;
- (p) Perform other related functions as the Secretary of the Department may assign.

Nothing herein shall prevent other law enforcement agencies from exercising jurisdiction over violations of environmental laws, rules and regulations. Provided that, once the Bureau takes

cognizance of the aforementioned violations, the Bureau shall take the lead and other law enforcement agencies shall collaborate and render assistance.

Section 7. Organizational Structure. – The Bureau shall be organized into the Office of the Director-General, Deputy Director-Generals for Operations and for Administration, Division Chiefs for Enforcement, Investigation and Legal, Finance and Logistics, Administrative and Human Resource, Planning and Knowledge Information Service, and Forensic Laboratory. Each service shall be composed of the necessary divisions and sections. The Bureau shall establish regional offices composed of district offices to cover designated enforcement areas. Field units may be established as needed to work with the PENR and/or CENR offices, or clusters thereof.

The Bureau's personnel and their respective positions and rank shall have appropriate staffing complement, as follows:

Job Title	Career Level	Salary Grade
Director General	Director VI	SG 30
Deputy Director General for Operations	Director V	SG 29
Deputy Director General for Administration	Director V	SG 29
Regional Director	Director III	SG 27
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Chief for Finance and Logistics Division	Director I	SG 25
Chief for Administrative and Human Resource Division	Director I	SG 25
Chief for Planning and Knowledge Information Division	Director I	SG 25
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Supervising Environmental Prosecutor	Attorney IV	SG 23
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Supervising Enforcement Officer	Senior Officer V	SG 22
Enforcement Officer IV	Officer IV	SG 19
Enforcement Officer III	Officer III	SG 16
Enforcement Officer II	Officer II	SG 13
Enforcement Officer I	Officer I	SG 11
Ranger Technician	Ranger III	SG 9
Ranger	Ranger II	SG 7
Ranger	Ranger I	SG 5

Section 8. Forensic Laboratory. – The Bureau shall establish and maintain an up-to-date forensic laboratory to be headed by a Director and supported by as many sections as may be deemed necessary, which may include chemical and toxicology, genetics, criminalistics, veterinary, morphology, and digital. The Forensic Laboratory may be composed of the following staffing complement:

Job Title	Career Level	Salary Grade
Director for Forensic Laboratory	Director I	SG 25

Section Chief on Chemistry and Toxicology	Section Chief	SG 22
Section Chief on Genetics and Forensic Biology	Section Chief	SG 22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG 22
Section Chief on Taxonomy and Morphology	Section Chief	SG 22
Section Chief on Geology	Section Chief	SG 22
Senior Computer Programmer and Information Technology Officer	ENRE Officer IV	SG 19
Analyst III	ENRE Officer III	SG 16
Analyst II	ENRE Officer II	SG 13
Analyst I	ENRE Officer I	SG 11

Section 9. *Environment and Natural Resources Law Enforcement Academy.* – The DENR shall establish an Environmental and Natural Resources Law Enforcement Academy which shall be responsible for the recruitment, development and conduct of basic and advanced-level environmental law enforcement training course, and continuing skills enhancement of all Bureau enforcers and personnel. The Academy shall provide other Philippine law enforcement agencies and institutions high-quality standardized trainings on environmental law enforcement, including local governments .

Section 10. *Powers and Functions of Director General.* – The Director General shall have access to all official records of the Government and the regulated communities of the Department in the furtherance of his/her duties and responsibilities, and shall perform the following powers and functions:

- (a) Direct, control and administer the operations of the Bureau, and deploy any of its officials and operatives for missions;
- (b) Formulate policies, guidelines, programs and projects to implement this law and recommend policies that would enable the Bureau 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 environment 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 the 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 or 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 divisions/units and positions within the Bureau that may be required for the expeditious, effective and efficient discharge of its duties and responsibilities; and remove, suspend, or otherwise discipline Bureau officials, enforcers and personnel for causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations, subject to the approval by the Secretary; and
- (j) Perform other acts that are necessary, proper or incidental to the performance of his duties and responsibilities as may be assigned by the Secretary.

Section 11. Powers and Functions of Bureau Officers and Enforcers. – The members of the Bureau shall be peace officers, and as law enforcers, shall have the following additional powers and functions:

- (a) To detect, interdict, and investigate any environmental violations and to make arrests, searches and seizures in accordance with existing laws, rules and regulations;
- (b) To seize and initiate confiscation proceedings for prohibited items including objects, implements, and conveyances used in the violation of environmental law, as provided for by applicable laws, rules and regulations, and to inventory said items;
- (c) To take and require sworn affidavits of person or persons summoned in connection with cases under investigation and to administer oaths in cases under investigation, subject to limitations imposed by the Constitution and laws, rules and regulations;
- (d) To carry suitable and adequate agency-issued firearms for enforcement operations and personal security;
- (e) To have access to all official records of the Government and the regulated community, where such records relate to their official functions under this law;
- (f) To perform such other functions as may be assigned by the Bureau.

Section 12. Benefits and Privileges. – The Bureau shall provide its personnel with the following benefits:

- (a) Health care services or insurance for all its regular personnel;
- (b) Accident insurance for all its employees and deputized officers;
- (c) Hazard pay, subject to existing laws, rules and regulations; and
- (d) Access to a legal assistance and support fund.

Section 13. Inter-agency Environmental Enforcement Coordination. – The Bureau shall establish and maintain close coordination, cooperation and linkages with national and

international coordinative bodies, multi-lateral agencies, and organizations that address environmental crimes.

Section 14. Stakeholder's Engagement/People's Participation. — Active and direct participation of national government agencies (NGAs), local government units (LGUs), academe, media, people's organization (POs), non-governmental organizations (NGOs), including the citizenry, shall be encouraged. The Bureau shall take measures to ensure responsiveness and feedback mechanisms for maximum participation, engagement, and transparency.

Section 15. Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Act. — The defense of SLAPP as defined by existing laws shall be available to Bureau enforcers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Act, including actions treated as a SLAPP as provided in this section.

Section 16. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions. — No court, other than the Supreme Court, shall issue injunction or restraining order against the Department and Bureau in the lawful enforcement of environmental and natural resources laws.

Section 17. Assaults against Environment and Natural Resources Enforcement Officers and Deputies. — Any person/s, whether natural or juridical, who shall attack, employ force or seriously intimidate/s any environment and natural resources enforcement officer or his deputies, while engaged in the performance of official duties, or on the occasion of the performance of such duties, shall be charged with direct assault under the Revised Penal Code.

The penalties of indirect assault as defined under the Revised Penal Code shall be imposed upon any person coming to the aid of the environment and natural resources enforcement officer or his deputy in the enforcement of his duties.

Section 18. Administrative Adjudication. — The Secretary is authorized to organize and standardize administrative adjudication mechanisms to impose fines and other penalties provided for under existing laws, rules, and regulations and cause the issuance of procedural rules and regulations as may be appropriate.

Section 19. Power to Issue Cease and Desist Orders and to Summarily Abate Without the Necessity of Judicial Order. — The Bureau may, subject to the requirements of administrative due process, issue cease and desist order/s, and to summarily eject any person and/or issue abatement order, removal, dismantling, or demolition of any illegal structures from a prohibited area, without the necessity of judicial order. Provided, that in cases of emergency, the Bureau may order the immediate exit or departure of the offender from the prohibited area. The Bureau may call on other enforcement agencies to assist in executing the order to vacate.

Section 20. Authority of the Director-General of the Bureau or the Duly Authorized

Representative to Issue Notice of Violation and Seizure Order. — In all cases of violations of environmental laws, rules and regulations, the Director-General or his duly authorized representative, may, in appropriate cases, issue notices of violation and order the seizure of any property subject of the offense, including conveyances, implements, tools and equipment used in the commission of the offense.

Section 21. Funding Source and Appropriation. — The funds required for the implementation of this Act shall be taken from the General Appropriations Act (GAA) and may be augmented from the following:

- (a) Integrated Protected Area Fund (IPAF);
- (b) environmental and user fees;
- (c) EPIRA;
- (d) road users' tax; and
- (e) administrative fines and penalties.

Provided, that all funds collected shall be pooled together as a single account that will cover all operational expenses.

Section 22. Transitory Provisions. — All unexpended appropriations, real and personal properties, documents, records and other papers related to enforcement which are kept and/ or managed by enforcement divisions, sections and units of the Department and attached Agencies shall be transferred to the Bureau.

All incumbent officials and personnel currently assigned and/ or designated at the regional enforcement divisions, PENR enforcement sections, or CENR enforcement units who have undergone the mandatory training on enforcement as provided under this Act may continue to serve as an officer or enforcer of the Bureau, or choose to be reassigned in non-enforcement offices or Bureaus of the Department.

All incumbent enforcement officials, enforcers and personnel of the Department, Bureaus, and attached Agencies who have undergone the mandatory training on enforcement as provided under this Act may serve as officer or enforcer of the Bureau, or choose to be reassigned in non-enforcement functions or offices of the said agencies.

All incumbent enforcement officials, enforcers and personnel of the Palawan Council for Sustainable Development (PCSD) and BARMM shall be trained under the Bureau as part of the one-system approach.

Section 23. Implementing Rules and Regulations. The Department, in consultation with concerned government agencies and stakeholders, shall promulgate the implementing rules and regulations of this Act, within six (6) months from the effectivity of this Act.

Section 24. Separability Clause. — In the event that, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

Section 25. *Repealing Clause.* – All laws, decrees, executive orders and rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

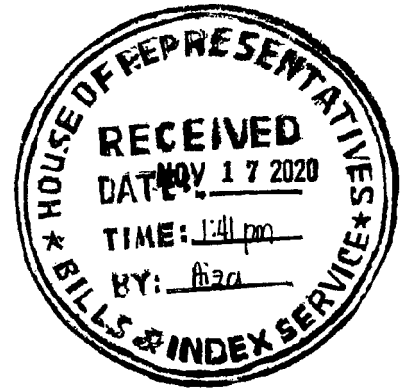
Section 26. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8028



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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

The Philippines is one of 18 mega-biodiverse countries of the world, containing two-thirds of the earth's biodiversity and between 70% and 80% of the world's plant and animal species. The Philippines ranks fifth in the number of plant species and maintains 5% of the world's flora. Its biodiversity, composed of various flora and fauna, provides resources to meet basic needs for human survival, promotes economic development and offers environmental services.

Unfortunately, our country is also a biodiversity hotspot. We continue to lose our forests to commercial exploitation and habitat destruction. Our waters are threatened by chemical pollution, fisheries operations, habitat alteration, and global climate change.

This bill seeks to create an Environmental Protection and Enforcement Bureau (EPEB) under the Department of Environment and Natural Resources to give more teeth to the Constitutional mandate to protect and advance the right of the people to a balanced and healthful ecology. It seeks to strengthen the enforcement of environmental laws and regulations in order to truly preserve our incomparably rich biodiversity.

In view of the foregoing, the immediate passage of this bill is most earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

NOV 19 2020

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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ENVIRONMENT AND NATURAL RESOURCES (DENR), PROVIDING FOR ITS
POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES**

Be It enacted by the Senate and House of Representatives of the Philippines in congress assembled:

SECTION 1. *Short Title.* - This Act shall be known as the "Environmental Protection and Enforcement Bureau (EPEB) Act".

SECTION 2. *Declaration of Policy.* - It is the policy of the State to:

- (a) Maintain an effective, competent, modern current and highly trained enforcement body to address violations of environment and natural resources laws, rules, and regulations in order to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- (b) Strengthen and professionalize environment and natural resources protection and law enforcement with appropriate structure, science and technology, manpower, and capability;
- (c) Formulate plans and programs relative to environment and natural resources protection to enhance and modernize capacities to address all types of environmental crimes, including transnational/transboundary violations, taking cognizance of the worsening global environmental situation;
- (d) Promote shared duties and responsibilities, and capacitate other law enforcement agencies and local government units on environmental law enforcement; and
- (e) Ensure fair, swift, and certain enforcement of environmental laws.

SECTION 3. Definition of Terms. - As used in this Act, the following terms and phrases shall mean as follows:

(a) *Abatement* - refers to a legal document issued by the Bureau, its officers and enforcers, ordering the suspension or cessation, in whole or in part, or removal of a problem or nuisances, which is against environment and natural resources laws committed in prohibited areas, and/or other public areas, where such act is prohibited.

(b) *Bureau* - refers to the Environmental Protection and Enforcement Bureau.

(c) *Cease and Desist Order (CDO)* - refers to an order duly issued by the Secretary or the Bureau directing or enjoining any person, business or organization, or government agency, to stop or continue doing an act considered harmful or illegal and/or in order to protect, preserve or rehabilitate the environment. A CDO may be permanent, for specified period of time, or until a final administrative or judicial determination of its legality occurs.

(d) *Confiscation* - refers to the act of taking in favor of the government, real or personal property, from a person without payment or compensation in an administrative proceeding.

(e) *Custody* - refers to temporary holding or safekeeping of any evidence obtained or seized in an enforcement operation conducted by, or with the participation of the Bureau, while a case is pending before any administrative body or the courts.

(f) *Department* - refers to the Department of Environment and Natural Resources (DENR).

(g) *Emergency* - as used in this Act emergency occurs when there is a demonstrated impending threat to human life, biodiversity, or irreparable damage to the integrity and stability of the ecosystem.

(h) *Enforcement areas* - refers to any geographic area in Philippines where priority enforcement response is needed.

(i) *Forensic* - refers to the application scientific methods of analyzing evidence and samples for purposes of criminal, civil, or administrative procedure.

(j) *Impoundment* - the taking into custody of private property, such as a vehicle, facility or implements, by government action with custody documentation pending the outcome of a criminal prosecution under this Act.

(k) *Prohibited area* - refers to areas explicitly prohibited or deemed by law to be free from human habitation or interference such as, but not limited to, water easements, areas identified as geo-hazard zones, or in any other prohibited zones within protected areas including strict protection zones, multiple use zones, and buffer zones, or areas designated under disaster risk reduction and management plan of LGUs as hazard prone areas.

(l) *Regulated community* - refers to all persons, businesses or organizations, or government agencies or Instrumentalities of the government whose use, utilization, exploitation, development, management, conservation and protection of environment and natural resources are governed under the administrative authority of the Department.

(m) *Secretary* - refers to the Secretary of the Department of Environment and Natural Resources (DENR).

(n) *Seizure* - as used in this Act, seizure refers to the taking by enforcement 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, or on the occasion of a warrantless arrest or warrantless search.

(o) *Strategic Lawsuit Against Public Participation (SLAPP)* - as used in this Act the defense of SLAPP shall be available to Bureau enforcers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

(p) *Transnational or transboundary violations* - refers to a continuing offense in contravention of both environmental laws and International treaties and conventions on environment to which the Philippines is a signatory. An act is deemed a continuing offense when the act may be prosecuted and tried not only in the court or administrative bodies of the place where it began, but also in the court or administrative bodies of the place where part of the offense was continued or consummated.

(q) *Wildlife Trafficking* - refers to transportation and/or transshipment of wildlife, wildlife by-products or derivatives, from, to, or through the Philippines.

SECTION 4. Creation. - There is hereby created the Environmental Protection and Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency under the Department. This Act shall transfer and consolidate all enforcement functions performed by different Bureaus and attached agencies of the Department and those that may be created hereafter. The Bureau shall exercise concurrent enforcement authority with agencies having jurisdiction under other laws.

SECTION 5. Jurisdiction. - The Bureau 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. It shall be under the control and supervision of the Secretary.

SECTION 6. Powers and Functions. - The Bureau has the power and authority to:

- (a) Enforce, interdict ongoing violations, arrest. Investigate, and prosecute all violations of environmental 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 National Prosecution Service 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 the Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI), other 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 any documents, through its officers from the ranks of Director-General, Deputy Director, Directors for Enforcement, Investigation and/or Legal Services, and Regional Director, and cite In contempt any person who violates or disobeys orders and processes duly issued by the Bureau;
- (i) Accept In the name of the Philippine Government, funds or financial assistance for immediate disbursements 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;
- (j) Establish and maintain coordination mechanisms with other law enforcement agencies locally and internationally;
- (k) Develop enforcement systems and strategies based on best practices and using the most advanced and reliable technologies;
- (l) Impose administrative fines/citations for in-flagrante violations of environment and natural resources laws, rules and regulations pursuant to schedule of fines to be Issued by the Office of the Secretary;
- (m) 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;

(n) Issue and implement Cease and Desist Order, Closure Order, Notice of Violation, and Abatement Order in the exercise of its administrative powers pursuant to pertinent rules and regulations issued by the Department;

(o) Formulate and implement policies, guidelines, and programs necessary to effectively carry out its mandate; and

(p) Perform other related functions as the Secretary of the Department may assign. Nothing herein shall prevent other law enforcement agencies from exercising jurisdiction over violations of environmental laws, rules and regulations. Provided that, once the Bureau takes cognizance of the aforementioned violations, the Bureau shall take the lead and other law enforcement agencies shall collaborate and render assistance.

SECTION 7. Organizational Structure. - The Bureau shall be organized into the Office Of the Director-General, Deputy Director-Generals for Operations and for Administration, Division Chiefs for Enforcement, Investigation and Legal, Finance and Logistics, Administrative and Human Resource, Planning and Knowledge Information Service, and Forensic Laboratory. Each service shall be composed of the necessary divisions and sections. The Bureau shall establish regional offices composed of district offices to cover designated enforcement areas. Field units may be established as needed to work with the PENR and/or CENR offices, or clusters thereof.

The Bureau's personnel and their respective positions and rank shall have appropriate staffing complement, as follows:

Job Title	Career Level	Salary Grade
Director General	Director VI	SG 30
Deputy Director General for Operations	Director V	SG 29
Deputy Director General for Administration	Director V	SG 29
Regional Director	Director III	SG 27
Chief for Enforcement Division	Director I	SG 25
Chief for Investigation and Legal Division	Director I	SG 25
Chief for Finance and Logistics Division	Director I	SG 25
Chief for Administrative and Human Resource Division	Director I	SG 25
Chief for Planning and Knowledge Information Division	Director I	SG 25
Director for Forensic Laboratory	Director I	SG 25
Regional Legal Division Chief	Attorney V	SG 25

Supervising Environmental Prosecutor	Attorney IV	SG 23
Environmental Prosecutor	Attorney III	SG 21
Regional Enforcement Division Chief	Division Chief	SG 24
Regional Management Division Chief	Division Chief	SG 24
Supervising Enforcement Officer	Senior Officer V	SG 22
Enforcement Officer IV	Officer IV	SG 19
Enforcement Officer III	Officer III	SG 16
Enforcement Officer II	Officer II	SG 13
Enforcement Officer I	Officer I	SG 11
Ranger Technician	Ranger III	SG 9
Ranger	Ranger II	SG7
Ranger	Ranger I	SG 5

SECTION 8. Forensic Laboratory. - The Bureau shall establish and maintain an up to date forensic laboratory to be headed by a Director and supported by as many sections as may be deemed necessary, which may include chemical and toxicology, genetics, criminalistics, veterinary, morphology, and digital. The Forensic Laboratory may be composed of the following staffing complement:

Job Title	Career Level	Salary Grade
Director for Forensic Laboratory	Director I	SG 25
Section Chief on Chemistry and Toxicology	Section Chief	SG 22
Section Chief on Genetics and Forensic Biology	Section Chief	SG 22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG 22
Section Chief on Taxonomy and Morphology	Section Chief	SG 22
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Senior Computer Programmer and Information Technology Officer	ENRE Officer IV	SG 19
Analyst III	ENRE Officer III	SG 16
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SECTION 9. Environment and Natural Resources Law Enforcement Academy. - The DENR shall establish an Environmental and Natural Resources Law Enforcement

Academy which shall be responsible for the recruitment, development and conduct of basic and advanced-level environmental law enforcement training course, and continuing skills enhancement of all Bureau enforcers and personnel. The Academy shall provide other Philippine law enforcement agencies and Institutions high-quality standardized trainings on environmental law enforcement. Including local governments.

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- (a) Direct, control and administer the operations of the Bureau, and deploy any of its officials and operatives for missions;
- (b) Formulate policies, guidelines, programs and projects to implement this law and recommend policies that would enable the Bureau 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 environment 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 informants for investigative purposes including the 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 or 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 divisions/units and positions within the Bureau that may be required for the expeditious, effective and efficient discharge of its duties and responsibilities; and remove, suspend, or otherwise discipline Bureau officials, enforcers and personnel for causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations, subject to the approval by the Secretary; and
- (j) Perform other acts that are necessary, proper or incidental to the performance of his duties and responsibilities as may be assigned by the Secretary.

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- (a) To detect, interdict, and investigate any environmental violations and to make arrests, searches and seizures in accordance with existing laws, rules and regulations;
- (b) To seize and initiate confiscation proceedings for prohibited items including objects, implements, and conveyances used in the violation of environmental law, as provided for by applicable laws, rules and regulations, and to inventory said items;
- (c) To take and require sworn affidavits of person or persons summoned in connection with cases under investigation and to administer oaths in cases under investigation, subject to limitations imposed by the Constitution and laws, rules and regulations;
- (d) To carry suitable and adequate agency-issued firearms for enforcement operations and personal security;
- (e) To have access to all official records of the Government and the regulated community, where such records relate to their official functions under this law; and
- (f) To perform such other functions as may be assigned by the Bureau.

SECTION 12. Benefits and Privileges. -The Bureau shall provide its personnel with the following benefits:

- (a) Health care services or insurance for all its regular personnel;
- (b) Accident insurance for all its employees and deputized officers;
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witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Act, including actions treated as a SLAPP as provided in this section.

SECTION 16. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.* - No court, other than the Supreme Court, shall issue injunction or restraining order against the Department and Bureau in the lawful enforcement of environmental and natural resources laws.

SECTION 17. *Assaults against Environment and Natural Resources Enforcement Officers and Deputies.* - Any person, and persons whether natural or juridical, who, shall attack, employ force or seriously intimidates any environment and natural resources enforcement officer or his deputies, while engaged in the performance of official duties, or on the occasion of the performance of such duties shall be charged with direct assault under the Revised Penal Code.

The penalties of indirect assault as defined under the Revised Penal Code shall be imposed upon any person coming to the aid of the environment and natural resources enforcement officer or his deputy in the enforcement of his duties.

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SECTION 19. *Power to Issue Cease and Desist Orders and to Summarily Abate Without the Necessity of Judicial Order.* - The Bureau may, subject to the requirements of administrative due process, issue cease and desist order/s, and to summarily eject any person and/or issue abatement order, removal, dismantling, or demolition of any illegal structures from a prohibited area, without the necessity of judicial order.

Provided, that in cases of emergency, the Bureau may order the immediate exit or departure of the offender from the prohibited area. The Bureau may call on other enforcement agencies to assist in executing the order to vacate.

SECTION 20. *Authority of the Director-General of the Bureau or the Duly Authorized Representative to Issue Notice of Violation and Seizure Order.* - In all cases of violations of environmental laws, rules and regulations, the Director-General or his duly authorized representative, may, in appropriate cases, issue notices of violation and order the seizure of any property subject of the offense. Including conveyances, implements, tools and equipment used in the commission of the offense.

SECTION 21. *Funding Source and Appropriation.* - The funds required for the implementation of this Act shall be taken from the General Appropriations Act (GAA) and may be augmented from the following:

- (a) Integrated Protected Area Fund (IPAF);
- (b) Environmental and user fees;
- (c) EPIRA;
- (d) Road users' tax; and
- (e) Administrative fines and penalties.

Provided, that, all funds collected shall be pooled together as a single account that will cover all operational expenses.

SECTION 22. *Transitory Provisions.* - All unexpended appropriations, real and personal properties, documents, records and other papers related to enforcement which are kept and/or managed by enforcement divisions, sections and units of the Department and attached agencies shall be transferred to the Bureau.

All incumbent officials and personnel currently assigned and/or designated at the regional enforcement divisions, PENR enforcement sections, or CENR enforcement units who have undergone the mandatory training on enforcement as provided under this Act may continue to serve as an officer or enforcer of the Bureau, or choose to be reassigned in nonenforcement offices or Bureaus of the Department.

All incumbent enforcement officials, enforcers and personnel of the Department, Bureaus, and attached agencies who have undergone the mandatory training on enforcement as provided under this Act may serve as officer or enforcer of the Bureau, or choose to be reassigned in nonenforcement functions or offices of the said agencies.

All Incumbent enforcement officials, enforcers and personnel of the Palawan Council for Sustainable Development (PCSD) and BARMM shall be trained under the Bureau as part of the one-system approach.

SECTION 23. *Implementing Rules and Regulations.* - The Department, in consultation with concerned government agencies and stakeholders, shall promulgate the implementing rules and regulations of this Act, within six (6) months from the effectivity of this Act.

SECTION 24. *Separability Clause.* - If any portion of this Act is declared unconstitutional or invalid, the portions or provisions which are not affected shall continue to be in full force and effect.

SECTION 25. *Repealing Clause.* - All laws, decrees, executive orders and rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 26. *Effectivity Clause.* - Notwithstanding the non-issuance of the implementing rules and regulations, this Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,