



**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
**KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN**



**MEMORANDUM**

**FOR** : **The Directors**  
Legal Affairs Service  
Policy and Planning Service  
Climate Change Service

**All Bureau Directors**

**The Officer-In-Charge**  
Mines and Geosciences Bureau

**All Regional Executive Directors**

**FROM** : **The Director**  
Legislative Liaison Office

**SUBJECT** : **INVITATION TO THE MEETING RE: THE PHILIPPINE ENVIRONMENTAL ASSESSMENT SYSTEM (PEAS) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FROM THE COMMITTEE ON ECOLOGY OF THE HOUSE OF REPRESENTATIVES**

**DATE** : 07 November 2023

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In reference to the electronic letter received by our Office on 07 November 2023, the Committee on Ecology of the House of Representatives will hold a meeting on **13 November 2023, Monday, 10:00 AM at the Commission on Appointments, Conference Room, 4<sup>th</sup> Floor, South Wing Annex, House of Representatives**, to deliberate on the following legislative measures:

- **HOUSE BILL 8594 - AN ACT TO ESTABLISH THE PHILIPPINE ENVIRONMENTAL SYSTEM AND FOR OTHER PURPOSES (by Rep. Marlyn B. Alonte).;**

Visayas Avenue, Diliman, Quezon City 1100, Philippines  
[www.denr.gov.ph](http://www.denr.gov.ph)

- **HOUSE BILL 7959** - AN ACT TO RATIONALIZE THE PHILIPPINE ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM, AND FOR OTHER PURPOSES (by Rep. Marlyn B. Alonte); and
- **HOUSE BILL 1423** - AN ACT AMENDING SECTION 9 OF PRESIDENTIAL DECREE 1586 BY INCREASING THE PENALTIES THEREOF AND FOR OTHER PURPOSES (by Rep. Ramon N. Guico Jr.).

In this regard, we request your additional comments on the Draft Substitute Bill, if any, and your **participation in the abovementioned meeting**. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s.

Attached herewith are the Letter Invitation, Agenda, and the Draft Substitute Bill for your reference.

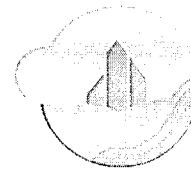
  
**ROMIROSE B. PADIN**

cc: Undersecretary for Special Concerns and Legislative Affairs



Republic of the Philippines  
House of Representatives  
**COMMITTEE ON ECOLOGY**

Committee Affairs Department, 3<sup>rd</sup> Floor, Mitra Building, Constitution Hills, Quezon City  
Telefax 8931-5346 \* Trunkline 8931-5001 local 7136 \* 0917-1206917  
Email address: hrep.ecology@gmail.com



06 November 2023

**HON. MA. ANTONIA YULO-LOYZAGA**

Secretary

Department of Environment and Natural Resources

Dear **Sec. Yulo-Loyzaga**:

We are pleased to inform you that the Committee on Ecology will hold a meeting on **13 November 2023 (Monday), 10:00 A.M.**, at the **Commission on Appointments Conference Room, 4<sup>th</sup> Floor, South Wing Annex**, House of Representatives, to deliberate on bills regarding the Philippine Environmental Assessment System/Environmental Impact Assessment (PEAS/EIA). Subject measures are H.B. Nos. 8594 and 7959, both authored by Rep. Marlyn B. Alonte, and H.B. No. 1423 by Rep. Ramon N. Guico, Jr., which may be downloaded from [www.congress.gov.ph](http://www.congress.gov.ph). Attached hereto are the Agenda of the meeting and the draft substitute bill for your reference.

In this connection, may we invite you or your competent representative to attend the aforesaid meeting to share your views and recommendations on the above legislative proposals. We would also appreciate receiving your position paper at least two (2) days prior to the meeting.

Confirmation of attendance or any query may be coursed through [hrep.ecology@gmail.com](mailto:hrep.ecology@gmail.com) or to **Ms. Marlyn Panganiban** at **09171206917**. The names of participants must be submitted to the Secretariat not later than 08 November 2023 (Wednesday) 5:00 P.M., as admission depends upon earlier coordination with House offices responsible for entry and security.

Thank you and we hope to see you at the meeting.

Very truly yours,

**HON. MARLYN B. ALONTE**

Chairperson

For the Chairperson:

**ATTY. DILBERT N. QUETULIO**

Committee Secretary



06 November 2023

**USEC.IGNATIUS LOYOLA A. RODRIGUEZ**

Undersecretary

Special Concerns and Legislative Affairs - DENR

Dear Usec. **Rodriguez**:

We are pleased to inform you that the Committee on Ecology will hold a meeting on **13 November 2023 (Monday), 10:00 A.M.**, at the **Commission on Appointments Conference Room, 4<sup>th</sup> Floor, South Wing Annex**, House of Representatives, to deliberate on bills regarding the Philippine Environmental Assessment System/Environmental Impact Assessment (PEAS/EIA). Subject measures are H.B. Nos. 8594 and 7959, both authored by Rep. Marlyn B. Alonte, and H.B. No. 1423 by Rep. Ramon N. Guico, Jr., which may be downloaded from [www.congress.gov.ph](http://www.congress.gov.ph). Attached hereto are the Agenda of the meeting and the draft substitute bill for your reference.

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**HON. MARLYN B. ALONTE**

Chairperson

For the Chairperson:

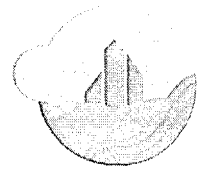
**ATTY. DILBERT N. QUETULIO**

Committee Secretary



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
**COMMITTEE ON ECOLOGY**

Committee Affairs Department, CTSS-2, 3/F Mitra Building, Constitution Hills, Quezon City  
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19<sup>th</sup> Congress  
2<sup>nd</sup> Regular Session

## COMMITTEE MEETING

13 November 2023 (Monday), 10:00 am-3:00 pm  
Commission on Appointments Conference Room,  
4<sup>th</sup> Floor, South Wing Annex, House of Representatives

## AGENDA

- I. CALL TO ORDER/ROLL CALL
- II. ACKNOWLEDGMENT OF GUESTS / RESOURCE PERSONS
- III. OPENING REMARKS
- IV. DELIBERATION ON THE FOLLOWING MEASURES:

*Philippine Environmental Assessment System/Environmental Impact Assessment (PEAS/EIA):*

1. **H.B. No. 8594** - An Act to Establish the Philippine Environmental Assessment System, and for Other Purposes, *by Rep. Marlyn B. Alonte*
2. **H.B. No. 7959** - An Act to Rationalize the Philippine Environmental Impact Assessment System, and for Other Purposes, *by Rep. Marlyn B. Alonte*
3. **H.B. No. 1423** - An Act Amending Section 9 of Presidential Decree 1586 by Increasing the Penalties Thereof and for Other Purposes, *by Rep. Ramon N. Guico, Jr.*

*Single-Use Plastics (SUPs):*

1. **H.B. No. 26** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Lord Allan Jay Q. Velasco*
2. **H.B. No. 507** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Reps. Edvic G. Yap, Eric Go Yap, Paolo Z. Duterte and Jeffrey Soriano*
3. **H.B. 533** - An Act Phasing Out and Prohibiting the Manufacture, Importation, Sale, and Use of Single-Use Plastic Products, Promoting Recycling, and Providing Funds Therefor, *by Rep. Geraldine B. Roman*
4. **H.B. 1038** - An Act Banning the Use of Single-Use Plastics Nationwide to Eliminate Plastic Pollution in the Philippines, *by Rep. Bernadette Herrera*
5. **H.B. 1248** - An Act Imposing a Nationwide Ban on the Use of Single-Use Plastics to Eliminate Plastic Pollution in the Philippines, *by Rep. Ramon N. Guico, Jr.*
6. **H.B. 2060** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Francisco Paulo V.P. Ortega*
7. **H.B. 2170** - An Act Regulating and Further Prohibiting the Usage of Single-Use Plastic Products, Providing Penalties, Levies and Incentives for Industries, Business Entities and Consumers Thereof, and for Other Purposes, *by Rep. Jose J. Teves, Jr.*

8. **H.B. 2274** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling and Disposal of Single-Use Plastic Products, *by Reps. Luis Raymund F. Villafuerte, Jr., Miguel Luis R. Villafuerte, Tsuyoshi Anthony G. Horibata, Nicholas C. Enciso VIII*
9. **H.B. 2372** - An Act Banning the Production and Usage of Single-Use Plastic Products Nationwide, and Providing Penalties for Violations Thereof, *by Rep. Robert Ace S. Barbers*
10. **H.B. 2988** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single Use Plastic Products, *by Rep. Joseph Stephen S. Paduano*
11. **H.B. 3021** - An Act Regulating the Manufacturing, Importation, and Use of Single-Use Plastic Products, and Providing Penalties, Levies, and Incentives System for Industries, Business Enterprises, and Consumers Thereof, *by Rep. Antonio B. Legarda, Jr.*
12. **H.B. 3309** - An Act Banning Single-Use Plastics Nationwide and Appropriating Funds Therefore, *by Rep. Josefina B. Tallado*
13. **H.B. 3477** - An Act Prohibiting the Use of Plastics, Other Non-Biodegradable Materials, and Hazardous Substances in Advertising Goods, Services, or Events, Including Election Propaganda, and Providing Penalties Therefor, *by Rep. Lorenz R. Defensor*
14. **H.B. 4037** - An Act Regulating the Manufacturing, Importation and Use of Single Use Plastic Products, and Providing Penalties, Levies and an Incentives System for Industries, Business Enterprises and Consumers Thereof, *by Rep. Michael M. Morden*
15. **H.B. 4048** - An Act Institutionalizing the Creation of "The Plastic Bag Recycling Act of 2022" and for Other Purposes, *by Rep. Gus S. Tambunting*
16. **H.B. 4915** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single Use Plastic Products, *by Rep. Bienvenido M. Abante*
17. **H.B. 6260** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Rudys Caesar G. Fariñas*
18. **H.B. 6453** - An Act Regulating the Production, Importation, Sale, and Use of Single-Use Plastics, Providing Funds therefor, and For Other Purposes, *by Rep. Angelo Marcos Barba*
19. **H.B. 6662**- An Act Prohibiting the Production, Importation, Sale, Provision, and Use of Single-Use Plastics and for Other Purposes, *by Reps. Raoul Danniell Manuel, France L. Castro, Arlene D. Brosas*
20. **H.B. 7365** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Dante S. Garcia*
21. **H.B. 8999** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Sandro L. Gonzalez*
22. **H.R. 96** - A Resolution Urging the Environmental Management Bureau of the Department of Environment and Natural Resources Region XII and the Department of Trade and Industry to Provide Technical Skills and Support for the Integration in the Comprehensive Waste Management Program of the Province of Cotabato the Recycling of Plastic Refuse Products Into Raw Materials for Use in Making of Furniture, Households Items, and Other Marketable Products, *by Rep. Ma. Alana Samantha T. Santos*
23. **H.R. 242** - Resolution Strongly Urging the House of Representatives to Foster Sustainable and Environment-Friendly Practices in Order to Institute a 'Green' Government Office and Serve as a Role Model for Other Government Institutions to Emulate, *by Rep. Ronald V. Singson*
24. **H.R. 338** - A Resolution Mandating Ban on the Usage of Single - Use Plastics in All Retail and Service Establishments Within the Premises of House of Representatives, *by Rep. Eduardo C. Villanueva*

## V. OTHER MATTERS

## VI. ADJOURNMENT

*NOTE: House Bills can be accessed at [www.congress.gov.ph](http://www.congress.gov.ph)*

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
**SECOND REGULAR SESSION**

**House Bill No. \_\_\_\_\_**

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**Introduced by REPS. MARLYN B. ALONTE and RAMON N. GUICO, JR.**

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**AN ACT TO ESTABLISH THE PHILIPPINE ENVIRONMENTAL  
ASSESSMENT SYSTEM, AND FOR OTHER PURPOSES**

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

**PRELIMINARY TITLE**

**Chapter 1**  
**Basic Policies**

**SECTION 1. Short Title.** - This Act shall be known and referred to as the “Philippine Environmental Assessment System Act”.

**SEC. 2. Declaration of Policy.** - The State shall adhere to the principles of sustainable development to guarantee a better life for present and future generations. Towards this end, the State shall ensure the balanced consideration of environmental protection, human health, and socio-economic developments through the assessment of significant environmental impacts of policies, plans, programs and projects, and the prescription of appropriate protection and control measures for these. The implementation of this State policy shall be guided by the following principles:

- (a) A proactive approach of integrating environmental considerations into strategic decision making, consistent with sustainable development principles;
- (b) A systems-oriented and integrated approach in analyzing and solving environmental concerns vis-à-vis development programs;
- (c) Conservation of biological diversity and the sustainable use of its components in all phases of development activity, especially in the context of community welfare, climate change mitigation, global responsibility, and disaster risk reduction and resilience;
- (d) Promotion of transparency and public participation in environmental assessment system;
- (e) Adoption of systematic decentralization of environmental assessment and institutionalization of local environmental expertise;
- (f) Strengthening environmental monitoring and evaluation mechanisms; and

- (g) Establishment of mechanisms to sustain the environmental assessment system.

## **Chapter 2**

### **Definition of Terms**

#### **SEC. 3. Definition of Terms. - As used in this Act:**

- (a) *Agency* refers to the relevant government department, bureau or office, at all levels, including government-owned and controlled corporations, with mandate over the preparation, evaluation, approval, implementation, or monitoring of a policy, plan, program or project;
- (b) *Co-located projects* refer to projects, or series of projects or a project subdivided into several phases or stages, and located in a contiguous area;
- (c) *Critical project* refers to a project or activity that, by its nature or location, has the potential for significant adverse environmental impact, as determined by the Department in accordance with the provisions of this Act;
- (d) *Cumulative effects* refer to the effects on the environment which result from the incremental effect of an activity or a set of activities in combination with the effects of other activities in the area, past and present, regardless of the person or agency that undertakes such other activities;
- (e) *Department* refers to the Department of Environment and Natural Resources;
- (f) *Economic zone* refers to selected areas with highly developed or which have the potential to be developed into agri-industrial, industrial, tourist, recreational, commercial, banking, investment, financial and information technology (IT) centers/parks, whose metes and bounds are fixed or delimited by Presidential Proclamations or charter. The term shall also cover special economic zones, free trade or port zones, export processing zones, and such similar areas specially identified by law for economic activities.
- (g) *Environmental assessment* refers to a process of systematic assessment, analysis, evaluation and management of the potential environmental effects of a policy, plan, program or project before a decision on the said policy, plan, program or project is made. The term includes both processes for Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA);
- (h) *Environmental impact* refers to any change that a policy, plan, program or project may cause in the environment, including the effect of any such change on health and socio-economic conditions;
- (i) *Environmental Impact Assessment* refers to the process of predicting and evaluating the likely impacts of a project, including cumulative impacts, on the environment and on human health, during construction, commissioning, operation, and abandonment. It also includes designing appropriate preventive,



mitigating, and enhancement measures addressing these consequences to protect the environment;

- (j) *EIA Report* refers to the document of studies on the environmental impacts of a project, including the discussions on direct and indirect consequences upon ecological and environmental integrity. The EIA Report may vary from project to project but shall contain in every case all relevant information and details about the proposed project, including the appropriate mitigating and enhancement measures to address the identified environmental impacts;
- (k) *Environmental management plan* refers to the details of the preventive, mitigating, and enhancement measures of a proposed project, including monitoring and evaluation thereof, and shall form part of the EIA Report;
- (l) *Policy, plan or program* refers to new or modified framework or courses of action, strategies, guidelines or measures proposed by a concerned agency or local government unit (LGU) to define or implement its mandate under relevant laws. The term includes those financed and/or co-financed by international organizations and proposed to the head of an agency or LGU;
- (m) *Proponent* refers to any person seeking to implement a relevant policy, plan, program or project. This includes government agencies, government-owned and controlled corporations, LGUs, and private entities; and
- (n) *Strategic Environmental Assessment* refers to the management/planning tool for a systematic evaluation of the environmental consequences of a proposed policy, plan or program in order to ensure that these consequences are fully considered and appropriately addressed at the earliest stage of decision-making.

## TITLE I ENVIRONMENTAL ASSESSMENT SYSTEM

### Chapter 1 General Provisions

**SEC. 4. Environmental Assessment System.** - The Environmental Assessment System (EAS) is hereby established to ensure that environmental considerations are integrated in any development strategy prior to its implementation.

The EAS shall serve as the framework for the identification, analysis, evaluation, and management of the direct and indirect impacts of a policy, plan, program or project on the environment, health, and socio-economic issues or conditions, and the assurance that these impacts are addressed by appropriate environmental protection and control measures. It shall help identify the most practicable alternatives for achieving positive outcomes and minimizing potentially adverse effects of policies, plans, programs, and projects.

**SEC. 5. Coverage of the EAS.** - Any policy, plan, program or project which has the potential for significant adverse impact on the environment shall be covered by the EAS. For this purpose, the EAS shall encompass both Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) as provided under this Act.

## Chapter 2 Strategic Environmental Assessment (SEA)

**SEC. 6. Applicability of the SEA.** - The SEA shall be required for a proposed policy, plan or program when all of the following conditions exist:

- (a) The proposal relates, but is not limited, to agriculture, forestry, fisheries, energy, health, resource extraction, infrastructure, transport, waste management, water management, tourism, coastal zone management, national, regional, provincial and municipal/city development planning or land use; and
- (b) Implementation of the proposal may result in significant adverse environmental impact, including health and socio-economic impact: *Provided, That* SEA shall not be required for policy, plan or program for proposals involving national security, as declared by the President of the Philippines: *Provided, further, That* within five (5) years from the date of effectivity of this Act, SEA shall apply to the following:
  - (1) National development plans, policies, and programs, such as the Philippine Development Plan;
  - (2) Sectoral plans, policies, and programs, such as those relating to agriculture livestock, environment and natural resources, energy, infrastructure and industries;
  - (3) Sub-national development plans and programs, such as regional, provincial and local development and land use plans, including those formulated by the Mindanao Development Authority, Palawan Council for Sustainable Development, and other similar bodies;
  - (4) Policies involving biosafety, genetically modified organism (GMO), and bioprospecting; and
  - (5) Indigenous peoples' development plans.

**SEC. 7. Undertaking SEA.** - The proponent shall conduct the SEA as an integral part of the formulation of the policy, plan or program for the purpose of identifying the most practicable alternatives for achieving positive outcomes and minimizing potentially adverse effects of the policy, plan or program. SEA may be carried out corresponding to the stages of policy, plan or program formulation and may involve sequential assessments of various components of the policy, plan or program.

The SEA to be undertaken shall specify, but not be limited to, the following information:

- (a) Description of the policy, program, or plan in summary, and process of organization to implement SEA;

- (b) Scope of the SEA study and the main environmental issues related to the policy, program, or plan, specifying environmental impacts and cumulative effects to be considered, including past environmental issues and relevant trends in the state of the environment;
- (c) Assessment of the policy, program, or plan *vis a vis* environmental and sustainable development considerations; and
- (d) Recommended options to prevent or mitigate any significant adverse environmental impacts resulting from the implementation of the policy, plan, or program, including the focus of any subsequent EIAs, and measures for monitoring environmental aspects of its implementation.

**SEC. 8. Inter-agency Committee on SEA.** - There is hereby created an Inter-agency Committee on Strategic Environment Assessment (IAC-SEA), that shall oversee the undertaking of SEA pursuant to this Act. The IAC-SEA shall be composed of sixteen (16) members from the government sector and three (3) from the private sector.

The government sector shall be represented by the heads of the following agencies or bodies, in their *ex-officio* capacity:

- (a) Department of Environment and Natural Resources;
- (b) Department of the Interior and Local Government;
- (c) National Economic and Development Authority;
- (d) Department of Science and Technology;
- (e) Department of Agriculture;
- (f) Department of Budget and Management;
- (g) Department of Public Works and Highways;
- (h) Department of Energy;
- (i) Department of Transportation;
- (j) Department of Health;
- (k) Department of Tourism
- (l) Department of Human Settlements and Urban Development;
- (m) Department of Trade and Industry;
- (n) National Commission on Indigenous Peoples;
- (o) Climate Change Commission; and
- (p) Union of Local Authorities of the Philippines.

Only the *ex officio* members of the IAC-SEA may appoint a qualified permanent representative who shall hold a rank of no less than an Undersecretary, or its equivalent.

The private sector shall be comprised of one representative each from the following:

- (a) environmental NGOs;
- (b) academe; and
- (c) business.

Representatives from the private sector shall be appointed by the President for a term of three (3) years.

**SEC. 9. Powers and Functions of the IAC-SEA.** - The IAC-SEA shall have the following powers and functions:

- (a) Ensure the mainstreaming of SEA into policies, plans and programs;
- (b) Formulate implementing rules and regulations on SEA pursuant to this Act, including the provisions for the progressive implementation of SEA in accordance with Section 6 of this Act;
- (c) Exercise policy coordination to ensure the attainment of the goals and objectives set in this Act;
- (d) Recommend legislation, policies, strategies, programs on and appropriations for SEA and other related activities;
- (e) Create an enabling environment that shall promote broader multi-stakeholder participation;
- (f) Formulate and update guidelines for determining and facilitating the provision of technical assistance for their implementation and monitoring;
- (g) Ensure compliance of all concerned agencies with this Act;
- (h) Facilitate capacity building for SEA implementation and monitoring;
- (i) Ensure the mainstreaming of SEA in appropriate regional and local development policies, plans, and programs; and
- (j) Oversee the dissemination of information on SEA.

**SEC. 10. SEA Secretariat.** The Department shall serve as the secretariat of the IAC-SEA. It shall primarily provide technical and administrative support and facilitation for the SEA process. Its functions shall also include:

- (a) Conduct of initial screening of the SEA report to ensure its completeness and validity;
- (b) Consolidation of its findings on the SEA Report, and the presentation of its recommendations to the IAC-SEA.
- (c) Coordination of SEA Council meetings; and
- (d) Preparation and keeping of official deliberation records.

### **Chapter 3**

#### **Environmental Impact Assessment (EIA) For Specific Projects**

**SEC. 11. Applicability of the EIA.** – Critical projects, as determined by the Department in accordance with this Act, shall undergo an EIA for specific projects. These critical projects are presumed to have the potential for significant adverse impact on the environment.

For purposes of determining critical projects, the Department shall consider the nature of the project or its location, and the potential of the project to cause such environmental impacts. Projects deemed critical by its nature, shall include, but are not limited to, heavy industries, major manufacturing industries, major resource-extractive industries, major resource-intensive projects, major infrastructure projects, and other similar projects. Developments within environmentally critical areas may be determined by the Department as critical projects.

Existing projects, which are deemed critical under this Act but operating without an Environmental Compliance Certificate (ECC) required under Sec. 4 of PD 1586, shall have one (1) year from the date of effectivity of this Act within which to comply with the provisions of this law for specific projects. Existing projects with ECC shall be re-evaluated to determine its compliance with the provisions of this Act, and the rules and regulations issued therefore by the Department.

**SEC. 12. Review of EIA.** - The EIA Report shall be reviewed by a multi-disciplinary team of independent experts convened for this purpose by the Department, through the Environmental Management Bureau. Within a reasonable timeframe, the team shall make a report of its findings and recommendation on the issuance or non-issuance of the Certificate of Proponent's Environmental Commitment (CPEC). The cost of such review shall be financed by the proponent through a fund manager, whether government or private. CPEC shall accordingly replace the ECC being issued pursuant to Presidential Decree 1586, otherwise known as Environmental Impact Statement System law.

**SEC. 13. Certification of Proponent's Environmental Commitment.** - After a review of the EIA Report and the recommendations of the EIA Review Team, the Department may issue a Certificate of Proponent's Environmental Commitment (CPEC). The CPEC shall certify that the proposed project has integrated environmental considerations into the overall project design and management, that the assessment is technically sound at the feasibility study stage, and that the proposed preventive, mitigating, and enhancement measures are appropriate. The CPEC shall also certify that the proponent has demonstrated its commitment to implement the approved EMP, its proposed project as planned, and the corresponding monitoring and evaluation.

The CPEC shall be limited to the results of the assessment of the environmental impacts of the proposed project. It shall not, in any manner, exempt the proponent from securing other government permits and clearance required under other laws, nor shall it be construed as resolving issues within the mandate of other government agencies, such as those relating to land ownership and possession rights.

All concerned national government agencies and LGUs shall consider the CPEC and relevant EIA documents in their decision-making process.

A proposed project within an economic zone with an approved programmatic CPEC, shall be governed under the permitting and monitoring system established pursuant to this Act

by the registered administrator of the said estate or zone, whether administered by the government or a private entity.

**SEC. 14. Environmental Safeguards for non-Critical Projects.** - Proponents of projects that are not covered pursuant to the preceding sections may be required by the Department to implement environmental safeguards. The Department shall establish an evaluation system therefor.

**SEC. 15. EIA for Co-located Projects.** - The Department shall require programmatic EIA for projects or series of projects subdivided into several phases or stages, or consisting of several components, or a cluster of projects co-located in an area, such as, but are not limited to, economic zones, small-scale mining, livestock, aquaculture, and mariculture projects: *Provided, however, That no economic zone shall operate without programmatic EIA approved by the Department: Provided, further, That existing economic zones shall prepare and implement approved programmatic EIA within two (2) years following the effectivity of this Act: Provided, finally, That economic zones which are practically fully covered with EIA under PD 1586, as determined by the Department, shall submit appropriate minimum requirements for their programmatic EIA in order to avoid duplication of the requirements under PD 1586.*

The EIA requirements and conditions for co-located projects under the EAS shall be guided by an assessment of the cumulative impacts and carrying capacity as may be determined from ecological profiles of the area.

The programmatic CPEC under this provision shall be issued by the Department.

**SEC. 16. Financial Guarantee Mechanism.** - As part of the CPEC requirements, project proponents shall put up a financial guarantee mechanism, which shall be readily accessible and disburseable, to respond to the need for immediate clean-up or rehabilitation of areas that may be damaged, whether directly or indirectly, or through occurrences, anthropogenic or otherwise, by a project, during and after its operation or its abandonment.

Provisions for financial liability shall ensure just and timely compensation for any adverse effects or damages which project implementation may directly or indirectly cause on the environment or the community.

The instruments acceptable for compliance with this provision are trust funds, environmental insurance, cash funds, or financial test mechanisms. Self-insurance and other guarantee instruments may be applied. The choice of guarantee mechanisms, or of combinations thereof, shall depend primarily on:

- (a) the probability and magnitude of the risks involved, as culled from new and existing information and determined through environmental and health risk assessment, and
- (b) the financial capability of the proponent.

The proponent shall show proof of compliance with the requirement for contingent liability by furnishing the Department with evidence of availment of such mechanism.

**SEC. 17. Accreditation of Preparers and Reviewers.** - The Department shall establish a system of accreditation for preparers and reviewers of EIA, which shall take into consideration their competence, expertise, track record, integrity and independence. The Department may delegate the accreditation process to a third government or private party.

No employee of the Department shall, in any manner whatsoever, directly or indirectly, participate in the preparation of the EIA.

**SEC. 18. Non-Liability to the Authenticity of EIA Documents.** - The documents that may be required by the Department for the conduct of an EIA shall be used solely to determine the scope and potential impacts of proposed programs and projects on the environment. The Department shall exercise due diligence to ensure the veracity and authenticity of the documents submitted by the proponent. However, the Department shall not be liable for any allegations or conclusions of fraud, falsification, or misrepresentation attending the submitted documents. Any issues or disputes that may arise from such documents shall be resolved in the appropriate forums, courts or tribunals.

**SEC. 19. Consultation and Public Participation in the EIA.** - All proponents of critical projects shall, at the earliest stage of the EIA process, inform and consult, the key stakeholders that will be affected by the proposed project, through a comprehensive public participation process, to ensure that environmentally relevant concerns are taken into consideration in the EIA study and in the formulation of the EMP.

**SEC. 20. Multi-partite Monitoring Team and Environmental Monitoring Fund.** - Multi-partite monitoring teams (MMTs) shall be organized to encourage public participation, promote greater stakeholder vigilance, and provide appropriate check and balance mechanisms in the monitoring of project implementation.

The MMTs shall be composed of representatives of the relevant national agencies, LGUs, non-governmental organizations, and other stakeholders in the affected communities. Appropriate guidelines for the organization of the MMTs shall be established by the Department.

MMTs can be project-based or clustered by province/municipality or by sector. Such clustering shall be accomplished upon the recommendation of any of the members of the MMTs comprising the cluster and shall be convened with the assistance of the Department and the concerned LGU. Cluster members shall agree on a manual of operations, a fund manager, and scheme for shared monitoring.

The proponent shall establish an Environmental Monitoring Fund (EMF) to support the activities of the MMT. The Department shall promulgate the rules for the administration and management of the EMF: *Provided, That* in no case shall such fund be used other than for the purpose that it was established.

## TITLE II MISCELLANEOUS PROVISIONS

### Chapter 1 Fines and Penalties

**SEC. 21. Sanctions for Violations.** - Any critical project which shall operate without the required CPEC shall face closure, suspension of development or construction, or cessation of operations until such time that proper environmental safeguards are put in place and the necessary CPEC has been issued: *Provided, That* the person implementing the project without CPEC shall be fined an amount not less than Five Million Pesos (₱ 5,000,000.00) but not more than Twenty Million Pesos (₱ 20,000,000.00) depending on the magnitude of the environmental risks and upon the final decision of the Department: *Provided, further, That* the offender, or the president, chief operating officer or executive officer of a juridical person, shall be held criminally liable and shall be imprisoned for a period not less than two (2) years but not more than ten (10) years, at the discretion of the Court.

Any project proponent found in violation of the EMP and any of the conditions under the CPEC shall be imposed a fine in the amount of not less than One Hundred Thousand Pesos (₱ 100,000.00) but not more than Ten Million Pesos (₱ 10,000,000.00) per violation, depending on the impact of the violation on the environment, plus cost of damages, at the discretion of the Department: *Provided, That* the Department may order the closure, suspension of development or construction, or cessations of operations if the violation of the EMP is continued.

## **Chapter 2 Institutional Arrangement**

**SEC. 22. Agencies Responsible for the Implementation of the Act.** - Unless otherwise provided by this Act, the Department shall serve as the primary agency responsible for the implementation of the EAS. It may secure the assistance of environmental units of other government agencies, academic and research institutions, and environment professionals in undertaking its responsibilities under this Act.

For this purpose, an environmental unit shall be established and/or strengthened in each concerned government agency. Furthermore, it shall be the responsibility of all concerned government agencies to share information or data necessary to effectively evaluate reports required pursuant to this Act.

Concerned government agencies shall establish appropriate permanent organizational structures and systems to address the requirements of the EAS.

**SEC. 23. Local Capacity-Building in Environmental Assessment System.** - The Department shall, in coordination with the DILG, lead the development and implementation of a national capacity building program in environmental assessment. It shall, within two (2) years from the effectivity of this Act, provide technical assistance to LGUs and entities in acquiring capacity and expertise for the effective local implementation of the EAS or its components. Each LGU concerned shall establish its Environment and Natural Resources Office within one (1) year following the effectivity of this Act.

**SEC. 24. Knowledge Management System.** - The Department shall establish a database management system for purposes of gathering, keeping, disseminating and updating all information relative to the implementation of the EAS. As part of the database management system, the Department shall create a public registry of all CPECs issued.



**SEC. 25. Public Disclosure.** - The executive summary of the SEA, EIA, EMP, and CPEC, and the status of the proponents' application thereto, shall be made accessible to the public upon request made during office hours, and on the website of the Department.

### **Chapter 3 Actions**

**SEC. 26. Administrative Action.** - Without prejudice to the right of any affected person to file an administrative action, the Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings against any person who violates the provisions of this Act and the orders, rules and regulations promulgated pursuant thereto.

**SEC. 27. Citizen Suits.** - For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil or criminal action in the proper courts against:

- a) Any person who violates or fails to comply with the provisions of this Act, its implementing rules and regulations, or orders issued pursuant thereto; or
- b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and
- c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any manner, improperly performs his duties under this Act or its implementing rules and regulations.

*Provided, however, That no citizen suit can be filed until after a thirty (30)-day notice has been taken thereon.*

The court shall exempt such action from the payment of filing fees, and shall likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

Within thirty (30) days, the court shall make a determination if the complaint herein is malicious and/or baseless, and shall accordingly dismiss the action and award attorney's fees and damages.

**SEC. 28. Independence of Action.** - The filing of an administrative suit against such person/entity does not preclude the right of any other person to file any criminal or civil action. Such civil action shall proceed independently.

**SEC. 29. Suits and Strategic Legal Actions Against Public Participation and the Enforcement of This Act.** - Where a suit is brought against a person who filed an action as provided in Section 26 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of

the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the case and award attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

#### **Chapter 4 Final Provisions**

**SEC. 30. Environmental Revolving Fund.** - The Environmental Revolving Fund (ERF) created under Presidential Decree No.1586 shall remain to be operational. It shall be used primarily for defraying administrative expenses, equipment purchases or leases and other program costs directly incurred in the review, assessment and monitoring of the EAS.

The ERF may be sourced from donations, endowments and grants in the form of contributions. Such endowments shall be exempt from income or gift taxes and all other taxes, charges or fees imposed by the government or any political subdivision, instrumentality or agency. It shall also include funds to be provided by proponents for the review of specific projects. All income likewise generated from fees, fines and penalties directly related to the implementation of the EAS shall accrue to the ERF and may be utilized directly by the Department for the above purposes.

All fund transactions shall, however, be subject to the usual auditing procedures in accordance with existing laws.

**SEC. 31. Transitory Provision.** - Non-Highly Urbanized Cities and Third, Fourth, Fifth, and Sixth Class Municipalities shall have a five (5)-year grace period within which to comply with the provisions of this Act on SEA.

**SEC. 32. Implementing Rules and Regulations.** - Unless otherwise provided in this Act, the Department, in coordination with other concerned agencies, shall promulgate the implementing rules and regulations of this Act, within one (1) year after its effectivity.

The Department and the IAC-SEA, in coordination with other concerned government agencies, shall undertake such review and updating of the implementing guidelines of the EAS every two (2) years thereafter.

**SEC. 33. Joint Congressional Oversight Committee.** - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the provisions of this Act. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Environment and House Committee on Ecology.

**SEC. 34. Separability Clause.** - Should any provision herein be subsequently declared unconstitutional, the same shall not affect the validity or legality of the other provisions of this Act.

**SEC. 35. Repealing Clause.** - Presidential Decree No. 1586, except Section 10 thereof, Presidential Proclamation No. 2146, Executive Order No. 803, and Office of the President Administrative Order No. 42, series of 2002 are hereby repealed. All laws, orders, rules and regulations or any part thereof which are inconsistent with the provisions of this Act are hereby amended or modified accordingly.

**SEC. 36. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,