



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



MEMORANDUM

FOR/TO : **The Undersecretaries**
Organizational Transformation and Human Resources
Field Operations - Luzon, Visayas and Environment
Field Operations-Mindanao

The Directors
Policy and Planning Service
Legal Affairs Service

The Officer-In-Charge
Environmental Law Enforcement and Protection Service

All Regional Executive Directors

FROM : **The Undersecretary**
Special Concerns and Legislative Affairs

SUBJECT : **INVITATION TO JOINT COMMITTEE MEETING ON
THE CREATION OF THE ENVIRONMENTAL
PROTECTION AND ENFORCEMENT BUREAU /
NATIONAL ENVIRONMENTAL PROTECTION
AGENCY FROM THE COMMITTEE ON
GOVERNMENT REORGANIZATION AND
COMMITTEE ON NATURAL RESOURCES OF THE
HOUSE OF REPRESENTATIVES**

DATE : **22 JUL 2024**

In response to the letter received by our Office from Committee on Government Reorganization and the Committee on Natural Resources of the House of Representatives inviting the Department to a meeting on **31 July 2024, Wednesday, 01:00 PM at Speaker Belmonte Hall, South Wing Annex (SWA), House of Representatives** to deliberate the following legislative measures:

- **House Bill No. 3991 - "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**

MEMO NO. 2024 - 645

Visayas Avenue, Diliman, Quezon City 1100, Philippines
www.denr.gov.ph

FUNDS THEREFOR, AND FOR OTHER PURPOSES (*Rep. Luis Raymund "LRAY" F. Villafuerte Jr. et. al*);

- **House Bill No. 6411** - "AN ACT CREATING THE ENVIRONMENTAL PROTECTION AND ENFORCHMENT 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 (*Rep. Angelo Marcos Barba*); and
- **House Bill No. 7665** - "AN ACT CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY OF THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES" (*Rep. Rufus B. Rodriguez*).

We respectfully request your attendance. Kindly inform us the name/s of the representative/s from your office who will participate in the Committee meeting so we may include him/her/them as resource person/s.

Attached herewith are the Letter-invitation and House bills for your reference.


IGNATIUS LOYOLA A. RODRIGUEZ



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
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15 July 2024

HON. MARIA ANTONIA YULO LOYZAGA

Secretary

Department of Environment and Natural Resources
DENR Bldg. Visayas Avenue,
Diliman, Quezon City

Dear Secretary Loyzaga:

The Committee on Government Reorganization and the Committee on Natural Resources will conduct a joint meeting on the initial deliberation on measures seeking the creation of the Environmental Protection and Enforcement Bureau/National Environmental Protection Agency [HBs No. 3991 (Rep. Luis Villafuerte, et. Al), 6411 (Reps. Barba, et.al) and 7665 (Rep. Rodriguez)].

In this regard, we would like to invite you or your representative who has the authority to speak for the agency on 31 July 2024, 1:00 in the afternoon a Speaker Belmonte Hal,, South Wing Annex, House of Representatives. Your views, comments, and recommendations on the above-mentioned concern will greatly help in the deliberation of the measures. Attached are the electronic copies of the bills for your reference.

For confirmation of your attendance or submission of position papers, please get in touch with the Committee Secretariat at telephone numbers 8931-5001 local 7179 or 8931-5756. You may send your position paper to the Committee's email address: committee.governmentreorganization@house.gov.ph or govreorg@yahoo.com on or before the said meeting date.

Thank you and we look forward to your participation in this endeavor.

Sincerely yours,

JONATHAN KEITH T. FLORES
Chairperson

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3991



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.,
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G.
HORIBATA AND HON. NICOLAS "NICK" C. ENCISO VIII**

EXPLANATORY NOTE

The Philippines is one of 18 mega-biodiverse countries in 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.¹ 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 also 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.


MIGUEL LUIS R. VILLAFUERTE


TSUYOSHI ANTHONY G. HORIBATA


NICOLAS "NICK" C. ENCISO VIII

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<https://www.cbd.int/countries/profile/?country=ph#:~:text=The%20Philippines%20is%20one%20of,5%25%20of%20the%20world's%20flora.>

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3991

Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.,
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G.
HORIBATA AND HON. NICOLAS "NICK" C. ENCISO VIII

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) 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
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 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 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.

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; 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;
- (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/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.

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, 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.

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 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.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 6411



Introduced by Rep. ANGELO MARCOS BARBA &
Rep. FERDINAND ALEXANDER A. MARCOS

EXPLANATORY NOTE

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3 Protecting the environment is not an easy task. Forest protection officers, rangers,
4 and other environmental workers have risked their lives to protect our environment
5 and natural resources from illegal logging syndicates and environmental criminals.
6 Several environmental workers were shot at, hacked, and even killed to protect not
7 only the environment but also the right of the people to a balanced and healthful
8 ecology.

9
10 The environment certainly needs protection from individuals who destroy the
11 environment for their own selfish interests, but so do the people who are called to
12 protect them. The Department of Environment and Natural Resources has repeatedly
13 asked Congress for the immediate passage of a measure creating an Environmental
14 Protection and Enforcement Bureau to help protect forest rangers from environmental
15 criminals. It is time Congress heeds this call.

16
17 This proposed measure seeks to create a Bureau that shall carry out
18 environmental law enforcement functions in the entire Philippine archipelago that
19 would further strengthen environment and natural resources protection and law
20 enforcement with appropriate structure, modern technology, and highly-trained
21 manpower.

22
23 The Bureau is seen to empower the arrest and prosecution of environmental
24 criminals, apprehend and confiscate timber and forest products without license, and
25 destroy illegal structures occupying forest lands without authority to include
26 paraphernalia and conveyances.¹ It also aims to curb illegal mining, illegal logging,
27 smuggling and trading of wildlife species and other environmental crimes that risk our
28 biodiversity and destroys our protected areas, the habitat of the threatened species.²

29
30 The bill also proposes the establishment of an Environment and Natural
31 Resources Law Enforcement Academy which shall be responsible for the recruitment,

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>


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>

32 development, and conduct of basic and advanced-level environmental law
33 enforcement training course, and continuing skills enhancement of all bureau
34 enforcers and personnel. Through this, forest protection officers and rangers shall be
35 better equipped in enforcing environmental and natural resources protection laws.
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37 In view of the foregoing, the immediate passage of this bill is earnestly sought.
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40 **ANGELO MARCOS BARBA**

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FERDINAND ALEXANDER A. MARCOS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 6411

Introduced by Rep. ANGELO MARCOS BARBA &
Rep. FERDINAND ALEXANDER A. MARCOS

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

6
7 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
8 *Congress assembled:*

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

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

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21 environmental and natural resources protection and to enhance and modernize
22 capabilities to address all types of environmental crimes, including transnational
23 and/or transboundary violations, taking cognizance of the worsening global
24 environmental situation.

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

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

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

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- m. *Secretary* – refers to the Secretary of the 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 regulations. 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 the Bureau enforcers and those the 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; and
- 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 of administrative bodies of the place where it began, but also in the court of administrative bodies of the place where part of the offense was continued or consummated.

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

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 shall have the following powers and functions:

- 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;

- 1 b. Take custody of all seized and confiscated items, implements, conveyances,
2 tools, and equipment;
3
4 c. Initiate the filing of appropriate cases and/or proceedings;
5
6 d. File the appropriate cases in court in consultation with the National
7 Prosecution Service when necessary, and in coordination with the Office of
8 the Ombudsman in cases involving government officials and employees;
9
10 e. Execute decisions and dispose of confiscated items in administrative cases
11 pertaining to environment and natural resources violations, and in court cases
12 as may be directed by the court;
13
14 f. Call on the Department of Justice (DOJ), Philippine National Police (PNP),
15 Armed Forces of the Philippines (AFP), the National Bureau of Investigation
16 (NBI), other government law enforcement agencies, including
17 government-owned and/or -controlled corporations, to aid in the enforcement
18 of laws against environmental crimes;
19
20 g. Conduct intelligence operations and forensics investigation in furtherance of
21 the foregoing powers and functions;
22
23 h. Issue subpoena for the appearance of any person for investigation or
24 production of any documents, through its officers from the ranks of
25 Director-General, Deputy Director, Directors for Enforcement, Investigation
26 and/or Legal Services, and Regional Director, and cite in contempt any person
27 who violates or disobeys orders and processes duly issued by the Bureau;
28
29 i. Accept in the name of the Philippine Government, funds of financial
30 assistance for immediate disbursements or other property in the interest of, or
31 as may be necessary to carry out its functions, and which shall be properly
32 allocated and utilized directly and exclusively for environmental protection
33 and enforcement;
34
35 j. Establish and maintain coordination mechanisms with other law enforcement
36 agencies locally and internationally;
37
38 k. Develop enforcement systems and strategies based on best practices and using
39 the most advanced and reliable technologies;
40
41 l. Impose administrative fines/citations for *in flagrante* violations of
42 environment and natural resources laws, rules, and regulations pursuant to the
43 schedule of fines to be issued by the Office of the Secretary;
44
45 m. Maintain database of all relevant information such as, but not limited to,
46 environmental cases, environment-related incidents, permittees, licensees,
47 park and forest occupants, tenured migrants, and scientific research data and
48 information;
49

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

10 Nothing in this Section shall prevent other law enforcement agencies from
 11 exercising jurisdiction over violations of environmental laws, rules and regulations:
 12 *Provided that*, once the Bureau takes cognizance of the aforementioned violations, the
 13 Bureau shall take the lead and other law enforcement agencies shall collaborate for
 14 assistance.
 15

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

23 The Bureau shall establish regional offices composed of district offices to cover
 24 designated enforcement areas. Field units may be established as needed to work with
 25 the PENR and/or CENR offices or clusters thereof.
 26

27 The Bureau's personnel and their respective positions and rank shall have
 28 appropriate staffing complement, as follows:
 29

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 Director
3 General shall have access to all official records of the Government and the regulated
4 communities of the Department in the furtherance of his or her duties and
5 responsibilities, and shall perform the following powers and functions:
6

- 7 a. Direct, control and administer the operations of the Bureau, and deploy any of
8 its officials and operatives for missions;
9
- 10 b. Formulate policies, guidelines, programs, and projects to implement this law
11 and recommend policies that would enable the Bureau to take additional
12 necessary measures in exercising its powers;
13
- 14 c. Develop a system and allocate funds for informant's rewards and whistle
15 blower protection;
16
- 17 d. Recommend and/or direct appropriate agencies to effect emergency
18 containment and remediation measures in relation to violations of
19 environment and natural resources law, rules, and regulations;
20
- 21 e. Initiate and strategize training and deputation of environmental law
22 enforcement officers and, whenever practicable their consolidation and
23 organization in accordance with existing laws, rules, and regulations;
24
- 25 f. Designate and/or authorize the use of informants for investigative purposes
26 including hiring of consultants, subject to pertinent laws, rules, and
27 regulations, as may be required;
28
- 29 g. Issue mission orders and permits to carry duly-issued agency firearms of its
30 organic personnel or other duly deputized officers who are conducting or
31 assisting in investigation and enforcement operations;
32
- 33 h. Ensure proper inventory, identification and impoundment of confiscated
34 and/or forfeited objects, implements, and conveyances;
35
- 36 i. Create and/or abolish divisions/units and positions within the Bureau that may
37 be required for the expeditious, effective and efficient discharge of its duties
38 and responsibilities; and remove, suspend, or otherwise discipline Bureau
39 officials, enforcers, and personnel for causes provided under the Civil Service
40 Rules and Regulations and other pertinent laws, rules and regulations, subject
41 to the approval of the Secretary; and
42
- 43 j. Perform other acts that are necessary, proper or incidental to the performance
44 of his or her duties and responsibilities as may be assigned by the Secretary.
45

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

- 4
- 5 a. To detect, interdict, and investigate any environmental violations and to make
6 arrests, searches and seizures in accordance with existing laws, rules and
7 regulations;
- 8
- 9 b. To seize and initiate confiscation proceedings for prohibited items including
10 objects, implements, and conveyances used in the violation of environmental
11 law, as provided for by applicable laws, rules, and regulations, and to
12 inventory said items;
- 13
- 14 c. To take and require sworn affidavits of person or persons summoned in
15 connection with cases under investigation and to administer oaths in cases
16 under investigation, subject to limitations imposed by the Constitution and
17 laws, rules and regulations;
- 18
- 19 d. To carry suitable and adequate agency-issued firearms for enforcement
20 operations and personal security;
- 21
- 22 e. To have access to all official records of the Government and the regulated
23 community, where such records relate to their official functions under this law;
24 and
- 25
- 26 f. To perform such other functions as may be assigned by the Bureau.
- 27

28 **SECTION 10. Forensic Laboratory.** – The Bureau shall establish, maintain, and
29 improve a forensic laboratory to be headed by a Director and supported by as many
30 sections as may be deemed necessary, which may include chemical and toxicology,
31 genetics, criminalistics, veterinary, morphology, and digital. The forensic laboratory
32 may be composed of the following staffing complement:

33

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

34

35 **SECTION 11. Benefits and Privileges.** – The Bureau shall provide its personnel
36 with the following benefits:

37

- 38 a. Health care services or insurance for all its regular personnel;
- 39 b. Accident insurance for all its employees and deputized officers;

- 1 c. Hazard pay, subject to existing laws, rules and regulations; and
2 d. Access to legal assistance and support fund.
3

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

13 **SECTION 13. *Inter-Agency Environmental Enforcement Coordination.*** – The
14 Bureau shall establish and maintain close coordination, cooperation, and linkages with
15 national and international coordinative bodies, multilateral agencies, and
16 organizations that address environmental crimes.
17

18 **SECTION 14. *Stakeholder's Engagement/People's Participation.*** – Active and
19 direct participation of national government agencies (NGAs), LGUs, academe, media,
20 people's organizations, non-governmental organizations, including the citizenry, shall
21 be encouraged.
22

23 The Bureau shall take measures to ensure responsiveness and feedback
24 mechanisms for maximum participation, engagement, and transparency.
25

26 **SECTION 15. *Strategic Lawsuit Against Public Participation (SLAPP).*** – The
27 defense of SLAPP as defined by existing laws shall be available to Bureau officers
28 and those they have deputized, complainants, and witnesses. This remedy is available
29 even during preliminary investigation and relevant administrative cases. The Bureau
30 shall provide sufficient assistance for those enforcers, deputies, complainants, and
31 witnesses charged with SLAPP suits.
32

33 The Rules of Procedure for Environmental Cases shall govern the procedure in
34 civil, criminal, and special civil actions involving enforcement or violations of this
35 Act, including actions treated as SLAPP as provided in this section.
36

37 **SECTION 16. *Prohibition on the Issuance of Temporary Restraining Orders,***
38 ***Preliminary Injunctions, and Preliminary Mandatory Injunctions.*** – No court, other
39 than the Supreme Court, shall issue an injunction or restraining order against the
40 Department and Bureau in the lawful enforcement of environmental and natural
41 resources laws.
42

43 **SECTION 17. – *Assaults against Environment and Natural Resources***
44 ***Enforcement Officers and Deputies.*** – Any person, whether natural or juridical, who
45 shall attack, employ force, or seriously intimidates any environment and natural
46 resources enforcement officer or his deputies, while engaged in the performance of
47 official duties, or on occasion of the performance of such duties shall be charged with
48 direct assault under the Revised Penal Code.
49

1 **SECTION 18. – *Administrative Adjudication.*** – The Secretary is authorized to
2 organize and standardize administrative adjudication mechanisms to impose fine and
3 other penalties provided for under existing laws, rules, and regulations and cause the
4 issuance of procedural rules and regulations as may be appropriate.
5

6 **SECTION 19. *Power to Issue CDO and Abatement Order Without the Necessity***
7 ***of Judicial Order.*** – The Bureau may, subject to the requirements of administrative
8 due process, issue cease and desist order/s, and to summarily eject any person and/or
9 issue abatement order, removal, dismantling, or demolition of any illegal structures
10 from a prohibited area, without the necessity of judicial order: *Provided*, that in case
11 of emergency, the Bureau may order the immediate exit or departure of the offender
12 from the prohibited area. The Bureau may call on other enforcement agencies to assist
13 in executing the order to vacate.
14

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

21 **SECTION 21. *Funding Source and Appropriations.*** – The amount necessary for
22 the implementation of this Act shall be taken from the General Appropriations Act
23 and may be augmented from the following:
24

- 25 a. Integrated Protected Area Fund (IPAF);
 - 26 b. Environmental and user fees;
 - 27 c. EPIRA;
 - 28 d. Road user's tax; and
 - 29 e. Administrative Fine and Penalties
- 30

31 *Provided*, that all funds collected shall be pooled together as a single account that
32 will cover all operational expenses.
33

34 **SECTION 22. *Transitory Provisions.*** – All unexpended appropriations, real and
35 personal properties, documents, records and other papers related to enforcement
36 which are kept and/or managed by enforcement divisions, sections and units of the
37 Department and attached Agencies shall be transferred to the Bureau.
38

39 All incumbent officials and personnel currently assigned and/or designated at the
40 regional enforcement divisions, PENR enforcement sections, or CENR enforcement
41 units who have undergone the mandatory training on enforcement as provided under
42 this Act may continue to serve as an officer or enforcer of the Bureau, or choose to be
43 reassigned in non-enforcement offices or Bureaus of the Department.
44

45 All incumbent enforcement officials, enforcers and personnel of the
46 Department, Bureaus, and attached agencies who have undergone the mandatory
47 training on enforcement as provided under this Ac may serve as officer or enforcer of
48 the Bureau, or choose to be reassigned in non-enforcement functions or offices of said
49 agencies.
50

1 All incumbent enforcement officials, enforcers and personnel of the Palawan
2 Council for Sustainable Development and Bangsamoro Autonomous Region in
3 Muslim Mindanao shall be trained under the Bureau as part of the one-system
4 approach.

5
6 **SECTION 23. *Implementing Rules and Regulations.*** – The Department, in
7 consultation with concerned government agencies and stakeholders, shall promulgate
8 the implementing rules and regulations of this Act, within six (6) months from the
9 effectivity of this Act.

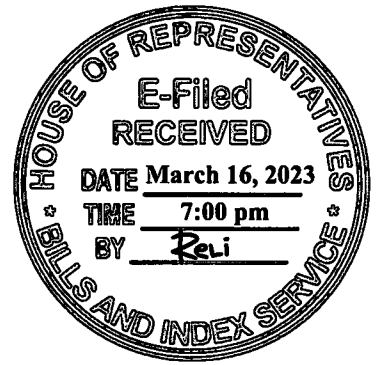
10
11 **SECTION 24. *Separability Clause.*** – If any provision of this Act is declared
12 invalid or unconstitutional, the other provisions not affected by such declaration shall
13 remain in full force and effect.

14
15 **SECTION 25. *Repealing Clause.*** – All laws, executive orders, administrative
16 orders, and rules and regulations inconsistent with this Act are hereby repealed or
17 amended accordingly.

18
19 **SECTION 26. *Effectivity Clause.*** – This Act shall take effect fifteen days after its
20 publication in the Official Gazette or in two (2) newspapers of general circulation.

21
22
23 Approved,

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 7665

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

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

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 7665

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,