



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



**MEMORANDUM**

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

**All Bureau Directors**

**All Regional Executive Directors**

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

**SUBJECT** : **INVITATION TO COMMITTEE MEETING ON THE UNNUMBERED SUBSTITUTE BILL "AN ACT ESTABLISHING THE PHILIPPINE ENVIRONMENTAL ASSESSMENT SYSTEM" FROM THE COMMITTEE ON WAYS AND MEANS OF THE HOUSE OF REPRESENTATIVES**

**DATE** : **20 September 2024**

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In response to the electronic letter received by our Office, the Committee on Ways and Means of the House of Representatives inviting the Department to a meeting on **24 September 2024 (Tuesday), 09:00 AM at Conference Rooms 1 and 2, Ramon V. Mitra Bldg., House of Representatives** to deliberate on: the Unnumbered Substitute Bill (in substitution of House Bill Nos. 1423, 7959, and 8594) entitled:

**"AN ACT ESTABLISHING THE PHILIPPINE ENVIRONMENTAL ASSESSMENT SYSTEM"** introduced by Representatives Marlyn B. Alonte, Ramon N. Guico Jr., Gabriel H. Bordado Jr., Joseph Gilbert F. Violago, and Maria Vanessa C. Aumentado.

In this regard, may we request comments/recommendations on the abovementioned Substitute bill, in anticipation of the Committee meeting, as requested by the Committee. Kindly send them on or before **23 September 2024, at 5:00 PM** via email at [denrlo@denr.gov.ph](mailto:denrlo@denr.gov.ph) Further, kindly inform us of the name/s of the representative/s

MEMO NO. 2024 - 858

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

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, copy of the Agenda *Item IV (E)*, and the Substitute bill for your reference.



**ROMIROSE B. PADIN**

Cc: Undersecretary for Special Concerns and Legislative Affairs  
Undersecretary for Field Operations - Luzon, Visayas, and Environment

Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila

September 18, 2024

**SEC. MA. ANTONIA YULO-LOYZAGA**

*Department Secretary*

Department of Environment and Natural Resources

Dear *Secretary Yulo-Loyzaga*:

The **Committee on Ways and Means** will have a meeting on the date, time, and place indicated hereunder:

Date : **September 24, 2024 (Tuesday)**  
Time : **9:00 AM**  
Place : **RVM Conference Rooms 1 & 2**  
Agenda : **USB to HBs 1423, 7959, and 8594**  
**RE: Philippine Environmental Assessment System Act**

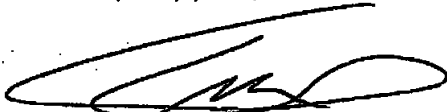
In this regard, we invite you to participate in the meeting and share your views, comments, and recommendations on the abovementioned concern.

If you cannot attend the scheduled meeting, please send a representative on your behalf, with written authorization designating the concerned officer as your duly authorized representative.

For confirmation of your attendance or any inquiry on the matter, please get in touch with the Committee Secretariat at telephone nos. 89314955 (DL) or 89315001 (TL) Loc. 7643 or Irene Revilla at 09171061399.

Thank you and we look forward to your cooperation.

Very truly yours,



**JOEY SARTE SALCEDA**

*Chairperson, Committee on Ways and Means*

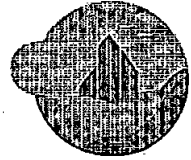
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Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
**COMMITTEE ON ECOLOGY**

Committee Affairs Department, CTSS-2, 3/F Mitra Building, Constitution Hills, Quezon City  
Telefax 8931-5346 \* Trunkline 8931-5001 local 7136 \* Mobile 0967 489 8343  
Email address: committee.ecology@house.gov.ph



28 August 2024

**REP. JOEY SARTE SALCEDA**

Chairperson  
Committee on Ways and Means  
House of Representatives

Dear **Chairperson Salceda**:

May we refer to you, the attached draft bill entitled: *"An Act Establishing the Philippine Environmental Assessment System"*

In substitution to House Bills Numbered 1423, 7959, and 8594 with Representatives Marlyn "Len" B. Alonte, Ramon N. Guico, Jr., Gabriel H. Bordado, Jr., Joseph Gilbert F. Violago, and Maria Vanessa C. Aumentado as authors thereof,

as approved by the Committee on Ecology on 13 November 2023,

for comment(s) on the provisions in the measure that concern your good Committee.

Thank you very much.

Very truly yours,

**REP. MARLYN B. ALONTE**

Chairperson  
Committee on Ecology

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

**NINETEENTH CONGRESS**  
**THIRD REGULAR SESSION**

**House Bill No. \_\_\_\_\_**  
(In substitution of House Bills Numbered 1423, 7959, and 8594)

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Introduced by **Representatives Marlyn “Len” B. Alonte, Ramon N. Guico, Jr.,  
Gabriel H. Bordado, Jr., Joseph Gilbert F. Violago, and Maria Vanessa C. Aumentado**

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**AN ACT**  
**ESTABLISHING THE PHILIPPINE ENVIRONMENTAL ASSESSMENT SYSTEM**

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

**TITLE I**  
**GENERAL POLICIES**

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

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

3  
4           **SEC. 2. Declaration of Policy.** - The State shall adhere to the principles of sustainable  
5 development to guarantee a better life for present and future generations. To this end, the State  
6 shall ensure the balanced consideration of environmental protection, human health, and socio-  
7 economic developments through the assessment of significant environmental impacts of  
8 policies, plans, programs and projects, and the prescription of appropriate protection and  
9 control measures therefor. The implementation of this State policy shall be guided by the  
10 following principles:

- 11  
12           (a) A proactive approach of integrating environmental considerations into strategic  
13 decision making, consistent with sustainable development principles;  
14  
15           (b) A systems-oriented and integrated approach in analyzing and solving  
16 environmental concerns vis-à-vis development programs;  
17  
18           (c) Conservation of biological diversity and the sustainable use of its components in  
19 all phases of development activity, especially in the context of community  
20 welfare, climate change mitigation, global responsibility, and disaster risk  
21 reduction and resilience;  
22  
23           (d) Promotion of transparency and public participation in the system for  
24 environmental assessment;  
25  
26           (e) Strengthening environmental monitoring and evaluation mechanisms; and

- 1  
2 (f) Establishment of mechanisms to sustain the said environmental system.  
3  
4

5 **Chapter 2**  
6 **Definition of Terms**  
7

8 **SEC. 3. Definition of Terms. - As used in this Act:**  
9

- 10 (a) *Agency* refers to the relevant government department, bureau or office, at all  
11 levels, including government-owned and controlled corporations, with mandate  
12 over the preparation, evaluation, approval, implementation, or monitoring of a  
13 policy, plan, program or project;  
14
- 15 (b) *Co-located projects* refer to projects, or series of projects or a project subdivided  
16 into several phases or stages, and located in a contiguous area;  
17
- 18 (c) *Critical project* refers to a project or activity that, by its nature or location, has the  
19 potential for significant adverse environmental impact, as determined by the  
20 Department of Environment and Natural Resources in accordance with the  
21 provisions of this Act;  
22
- 23 (d) *Cumulative effects* refer to the effects on the environment which result from the  
24 incremental effect of an activity or a set of activities in combination with the  
25 effects of other activities in the area, regardless of the person or agency that  
26 undertakes such other activities;  
27
- 28 (e) *Department* refers to the Department of Environment and Natural Resources  
29
- 30 (f) *Economic zone* refers to selected areas with highly developed or which have the  
31 potential to be developed into agri-industrial, industrial, tourist, recreational,  
32 commercial, banking, investment, financial and information technology centers  
33 or parks, whose metes and bounds are fixed or delimited by Presidential  
34 Proclamations or charter. The term shall also cover special economic zones, free  
35 trade or free port zones, export processing zones, and such similar areas specially  
36 identified by law for economic activities;  
37
- 38 (g) *Environmental assessment* refers to a process of systematic assessment, analysis,  
39 evaluation and management of the potential environmental effects of a policy,  
40 plan, program or project before a decision on the same is made. The term includes  
41 both processes for Strategic Environmental Assessment (SEA) and  
42 Environmental Impact Assessment (EIA);  
43
- 44 (h) *Environmental impact* refers to any change that a policy, plan, program or project  
45 may cause in the environment, including the effect of any such change on health  
46 and socio-economic conditions;  
47
- 48 (i) *Environmental impact assessment* refers to the process of predicting and  
49 evaluating the likely impacts of a project, including cumulative impacts, on the  
50 environment and on human health, during construction, commissioning,

1 operation, and abandonment. It also includes designing appropriate preventive,  
2 mitigating, and enhancement measures addressing these consequences to protect  
3 the environment;

4  
5 (j) *EIA report* refers to the document of studies on the environmental impacts of a  
6 project, including the discussions on direct and indirect consequences upon  
7 ecological and environmental integrity. The EIA Report may vary from project  
8 to project but shall contain in every case all relevant information and details about  
9 the proposed project, including the appropriate mitigating and enhancement  
10 measures to address the identified environmental impacts;

11  
12 (k) *Environmental management plan* refers to the details of the preventive,  
13 mitigating, and enhancement measures of a proposed project, including  
14 monitoring and evaluation thereof, and shall form part of the EIA Report;

15  
16 (l) *Policy, plan or program* refers to new or modified framework or courses of  
17 action, strategies, guidelines or measures proposed by a concerned agency or local  
18 government unit (LGU) to define or implement its mandate under relevant laws.  
19 The term includes those financed or co-financed by international organizations  
20 and proposed to the head of an agency or LGU;

21  
22 (m) *Proponent* refers to any person seeking to implement a relevant policy, plan,  
23 program or project. This includes government agencies, government-owned and  
24 controlled corporations, LGUs, and private entities; and

25  
26 (n) *Strategic environmental assessment* refers to the management or planning tool for  
27 a systematic evaluation of the environmental consequences of a proposed policy,  
28 plan or program in order to ensure that these consequences are fully considered  
29 and appropriately addressed at the earliest stage of decision-making.

30  
31 **TITLE II**  
32 **ENVIRONMENTAL ASSESSMENT SYSTEM**

33  
34 **Chapter 1**  
35 **General Provisions**

36  
37 **SEC. 4. Environmental Assessment System (EAS).** – The EAS is hereby established  
38 to ensure that environmental considerations are integrated in any development strategy prior to  
39 its implementation.

40  
41 The EAS shall serve as the framework for the identification, analysis, evaluation, and  
42 management of the direct and indirect impacts of a policy, plan, program or project on the  
43 environment, health, and socio-economic issues or conditions, and the assurance that these  
44 impacts are addressed by appropriate environmental protection and control measures. It shall  
45 help identify the most practicable alternatives, and adhere to internationally-accepted principles  
46 for achieving positive outcomes and minimizing potentially adverse effects on the environment  
47 of policies, plans, programs, and projects.  
48

1           **SEC. 5. Coverage of the EAS.** - Any policy, plan, program or project which has the  
2 potential for significant adverse impact on the environment shall be covered by the EAS. For  
3 this purpose, the EAS shall encompass both SEA and EIA as provided under this Act.  
4

5  
6                                   **Chapter 2**  
7                                   **Strategic Environmental Assessment**  
8

9           **SEC. 6. Applicability of the Strategic Environmental Assessment.** - The SEA shall  
10 be required for a proposed policy, plan or program when all of the following conditions exist:  
11

- 12           (a) The proposal relates to agriculture, forestry, fisheries, energy, health, resource  
13 extraction, infrastructure, transport, waste management, water management,  
14 tourism, coastal zone management, national, regional, provincial and municipal  
15 or city development planning or land use; and  
16
- 17           (b) Implementation of the proposal may result in significant adverse environmental  
18 impact, including health and socio-economic impact: *Provided*, That SEA shall  
19 not be required for policy, plan or program for proposals involving national  
20 security, as declared by the President of the Philippines: *Provided, further*, That  
21 within five (5) years from the date of effectivity of this Act, SEA shall apply to  
22 the following:  
23
- 24                               (1) National development plans, policies, and programs, such as the Philippine  
25 Development Plan;  
26
- 27                               (2) Sectoral plans, policies, and programs, such as those relating to agriculture  
28 livestock, environment and natural resources, energy, infrastructure, and  
29 industries;  
30
- 31                               (3) Sub-national development plans and programs, such as regional, provincial  
32 and local development and land use plans, including those formulated by  
33 the Metro Manila Development Authority, Mindanao Development  
34 Authority, Palawan Council for Sustainable Development, and other similar  
35 bodies;  
36
- 37                               (4) Policies involving biosafety, genetically modified organism, and  
38 bioprospecting; and  
39
- 40                               (5) Indigenous peoples' development plans.

41  
42           **SEC. 7. Undertaking SEA.** - The proponent shall conduct the SEA as an integral part  
43 of the formulation of the policy, plan or program for the purpose of identifying the most  
44 practicable alternatives for achieving positive outcomes and minimizing potentially adverse  
45 effects of the policy, plan or program. SEA may be carried out corresponding to the stages of  
46 policy, plan or program formulation and may involve sequential assessments of various  
47 components of the policy, plan or program.  
48

49           The SEA to be undertaken shall specify, among others, the following information:  
50



- 1 (a) Description of the policy, program, or plan in summary, and process of  
2 organization to implement SEA;  
3  
4 (b) Scope of the SEA study and the main environmental issues related to the policy,  
5 program, or plan, specifying environmental impacts and cumulative effects to be  
6 considered, including past environmental issues and relevant trends in the state of  
7 the environment;  
8  
9 (c) Assessment of the policy, program, or plan *vis-a-vis* environmental and  
10 sustainable development considerations; and  
11  
12 (d) Recommended options to prevent or mitigate any significant adverse  
13 environmental impacts resulting from the implementation of the policy, plan, or  
14 program, including the focus of any subsequent EIAs, and measures for  
15 monitoring environmental aspects of its implementation.  
16

17 **SEC. 8. Inter-agency Committee on SEA.** - There is hereby created an Inter-agency  
18 Committee on Strategic Environment Assessment (IAC-SEA), that shall oversee the  
19 undertaking of SEA pursuant to this Act. The IAC-SEA shall be composed of sixteen (16)  
20 members from the government sector and three (3) from the private sector.  
21

22 The government sector shall be represented by the heads of the following agencies or  
23 bodies, in their *ex-officio* capacity:  
24

- 25 (a) Department of Environment and Natural Resources with its Secretary as  
26 Chairperson;  
27 (b) Department of the Interior and Local Government (DILG);  
28 (c) National Economic and Development Authority;  
29 (d) Department of Science and Technology;  
30 (e) Department of Agriculture;  
31 (f) Department of Budget and Management;  
32 (g) Department of Public Works and Highways;  
33 (h) Department of Energy;  
34 (i) Department of Transportation;  
35 (j) Department of Health;  
36 (k) Department of Tourism  
37 (l) Department of Human Settlements and Urban Development;  
38 (m) Department of Trade and Industry;  
39 (n) National Commission on Indigenous Peoples;  
40 (o) Climate Change Commission; and  
41 (p) Union of Local Authorities of the Philippines.  
42

43 Only the *ex officio* members of the IAC-SEA may appoint a qualified permanent  
44 representative who shall hold a rank of no less than an Undersecretary, or its equivalent.  
45

46 The private sector shall be comprised of one representative each from the following:  
47

- 48 (a) Environmental non-government organizations (NGOs);  
49 (b) Academe; and  
50 (c) Business.

1  
2           Representatives from the private sector shall be appointed by the President for a term  
3 of three (3) years. In the event that the representative does not finish the term on account of  
4 incapacity or resignation, the new appointee shall serve only for the unexpired term of the  
5 predecessor.  
6

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

- 10           (a) Ensure the mainstreaming of SEA into the appropriate policies, plans and  
11 programs;  
12  
13           (b) Formulate implementing rules and regulations on SEA pursuant to this Act,  
14 including the provisions for the progressive implementation of SEA in  
15 accordance with Section 6 of this Act;  
16  
17           (c) Exercise policy and information coordination to ensure the attainment of the goals  
18 and objectives set in this Act;  
19  
20           (d) Approve, within a reasonable time, the SEA for policies, plans, and programs that  
21 are covered under Section 6 of this Act;  
22  
23           (e) Recommend legislation, policies, strategies, programs on and appropriations for  
24 SEA and other related activities;  
25  
26           (f) Create an enabling environment that shall promote broader multi-stakeholder  
27 participation;  
28  
29           (g) Formulate and update guidelines for determining and facilitating the provision of  
30 technical assistance for their implementation and monitoring;  
31  
32           (h) Ensure compliance of all concerned agencies with this Act;  
33  
34           (i) Facilitate capacity building for SEA implementation and monitoring; and  
35  
36           (j) Oversee the dissemination of information on SEA.  
37

38           **SEC. 10. SEA Secretariat.** - The Department shall serve as the secretariat of the IAC-  
39 SEA. It shall primarily provide technical and administrative support and facilitation for the  
40 SEA process. Its functions shall also include:  
41

- 42           (a) Conduct of initial screening of the SEA report to ensure its completeness and  
43 validity;  
44  
45           (b) Consolidation of its findings on the SEA Report, and the presentation of its  
46 recommendations to the IAC-SEA;  
47  
48           (c) Coordination of IAC-SEA Meetings; and  
49  
50           (d) Preparation and keeping of official deliberation records.

1  
2  
3  
4 **Chapter 3**  
5 **Environmental Impact Assessment For Specific Projects**  
6  
7

8 **SEC. 11. Applicability of the Environmental Impact Assessment (EIA).** – Critical  
9 projects, as determined by the Department in accordance with this Act, shall undergo an EIA  
10 for specific projects. These critical projects are presumed to have the potential for significant  
11 adverse impact on the environment.  
12

13 For purposes of determining critical projects, the Department shall consider the nature  
14 of the project or its location, and the potential of the project to cause such environmental  
15 impacts. Projects deemed critical by its nature shall include heavy industries, major  
16 manufacturing industries, major resource-extractive industries, major resource-intensive  
17 projects, major infrastructure projects, and other similar projects. Developments within  
18 environmentally critical areas may be determined by the Department as critical projects.  
19

20 Existing projects, deemed critical under this Act, but operating without an  
21 Environmental Compliance Certificate (ECC) required under Sec. 4 of Presidential Decree  
22 (PD) No. 1586, or the Environmental Impact Statement System, shall have one (1) year from  
23 the date of effectivity of this Act within which to comply with its provisions on specific  
24 projects. Existing projects with ECC shall be re-evaluated within a reasonable time, to  
25 determine its compliance with the provisions of this Act, and the rules and regulations issued  
26 therefore by the Department.  
27

28 **SEC. 12. Review of EIA.** - The EIA Report shall be reviewed by a multi-disciplinary  
29 team of independent experts convened for this purpose by the Department, through the  
30 Environmental Management Bureau. Within a reasonable timeframe, the team shall make a  
31 report of its findings and recommendation on the issuance or non-issuance of the Certificate of  
32 Proponent's Environmental Commitment, which certificate shall accordingly replace the ECC  
33 being issued pursuant to PD 1586. The cost of such a review shall be financed by the proponent  
34 through a fund manager, whether government or private.  
35

36 **SEC. 13. Certification of Proponent's Environmental Commitment (CPEC).** -  
37 After a review of the EIA Report and the recommendations of the EIA Review Team, the  
38 Department may issue a CPEC. The CPEC shall certify that:  
39

- 40 (a) The proposed project has integrated environmental considerations into the overall  
41 project design and management, including its construction, operation, and  
42 decommissioning phases;  
43  
44 (b) The assessment is technically sound at the feasibility study stage;  
45  
46 (c) The proposed preventive, mitigating, and enhancement measures are appropriate;  
47 and  
48

1 (d) The proponent has demonstrated the commitment to implement on schedule, as so  
2 stated in the approved Environmental Management Plan (EMP), its proposed  
3 project as planned, and the corresponding monitoring and evaluation requirements.  
4

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

10  
11 All concerned national government agencies and LGUs shall consider the CPEC and  
12 relevant EIA documents in their decision-making process.  
13

14 A proposed project within an economic zone with an approved programmatic CPEC,  
15 shall be governed under the permitting and monitoring system established pursuant to this Act  
16 by the registered administrator of the said estate or zone, whether administered by the  
17 government or a private entity.  
18

19 **SEC. 14. Environmental Safeguards for non-Critical Projects.** - Proponents of  
20 projects that are not covered pursuant to the preceding sections may be required by the  
21 Department to implement environmental safeguards. The Department shall establish an  
22 evaluation system therefor.  
23

24 **SEC. 15. EIA for Co-located Projects.** - The Department shall require programmatic  
25 EIA for projects or series of projects subdivided into several phases or stages, or consisting of  
26 several components, or a cluster of projects co-located in an area, such as economic zones,  
27 small-scale mining, livestock, aquaculture, and mariculture projects: *Provided, however,* That  
28 no economic zone shall operate without programmatic EIA approved by the Department:  
29 *Provided, further,* That existing economic zones shall prepare and implement approved  
30 programmatic EIA within two (2) years following the effectivity of this Act: *Provided, finally,*  
31 That economic zones which are practically fully covered with EIA under PD 1586, as  
32 determined by the Department, shall submit appropriate minimum requirements for their  
33 programmatic EIA in order to avoid duplication of the requirements under PD 1586.  
34

35 The EIA requirements and conditions for co-located projects under the EAS shall be  
36 guided by an assessment of the cumulative impacts and carrying capacity as may be determined  
37 from ecological profiles of the area.  
38

39 The programmatic CPEC under this provision shall be issued by the Department.  
40

41 **SEC. 16. Financial Guarantee Mechanism.** - As part of the CPEC requirements,  
42 project proponents shall put up a financial guarantee mechanism, which shall be readily  
43 accessible and disbursable, to respond to the need for immediate clean-up or rehabilitation of  
44 areas that may be damaged, whether directly or indirectly, or through occurrences,  
45 anthropogenic or otherwise, by a project, during and after its operation or its abandonment.  
46

47 Provisions for financial liability shall ensure just and timely compensation for any  
48 adverse effects or damages which project implementation may directly or indirectly cause on  
49 the environment or the community.  
50

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

- 5  
6 (a) The probability and magnitude of the risks involved, as culled from new and  
7 existing information and determined through environmental and health risk  
8 assessment; and  
9  
10 (b) The financial capability of the proponent.

11  
12 The proponent shall show proof of compliance with the requirement for contingent  
13 liability by furnishing the Department with evidence of availment of such mechanism.  
14

15 **SEC. 17. Accreditation of Preparers and Reviewers.** - The Department shall  
16 establish a system of accreditation for preparers and reviewers of EIA, which shall take into  
17 consideration their competence, expertise, track record, integrity and independence. The  
18 Department may delegate the accreditation process to a third government or private party.  
19

20 No employee of the Department shall, in any manner whatsoever, directly or indirectly,  
21 participate in the preparation of the EIA.  
22

23 **SEC. 18. Non-Liability to the Authenticity of EIA Documents.** - The documents that  
24 may be required by the Department for the conduct of an EIA shall be used solely to determine  
25 the scope and potential impacts of proposed programs and projects on the environment. The  
26 Department shall exercise due diligence to ensure the veracity or authenticity of the documents  
27 submitted by the proponent. Any issue or dispute that may arise regarding the veracity or  
28 authenticity of such documents shall be resolved in the appropriate forums, courts or tribunals.  
29

30 **SEC. 19. Consultation and Public Participation in the EIA.** - All proponents of  
31 critical projects shall, at the earliest stage of the EIA process, inform and consult, the key  
32 stakeholders that will be affected by the proposed project, through a comprehensive public  
33 participation process, to ensure that environmentally relevant concerns are taken into  
34 consideration in the EIA study and in the formulation of the EMP.  
35

36 **SEC. 20. Multi-partite Monitoring Team and Environmental Monitoring Fund.** -  
37 Multi-partite monitoring teams (MMTs) shall be organized to encourage public participation,  
38 promote greater stakeholder vigilance, and provide appropriate check and balance mechanisms  
39 in the monitoring of project implementation.  
40

41 The MMTs shall be composed of representatives of the relevant national agencies,  
42 LGUs, NGOs, and other stakeholders in the affected communities. Appropriate guidelines for  
43 the organization of the MMTs shall be established by the Department.  
44

45 MMTs can be project-based or clustered by province or municipality or by sector. Such  
46 clustering shall be accomplished upon the recommendation of any of the members of the  
47 MMTs comprising the cluster and shall be convened with the assistance of the Department and  
48 the concerned LGU. Cluster members shall agree on a manual of operations, a fund manager,  
49 and scheme for shared monitoring.  
50

1 MMT reports shall be made accessible to the public, pursuant to Section 24 of this Act.  
2

3 The proponent shall establish an Environmental Monitoring Fund (EMF) to support the  
4 activities of the MMT. The Department shall promulgate the rules for the administration and  
5 management of the EMF: *Provided*, That in no case shall such fund be used other than for the  
6 purpose that it was established.  
7

8  
9 **TITLE III**  
10 **MISCELLANEOUS PROVISIONS**

11  
12 **Chapter 1**  
13 **Fines and Penalties**  
14

15 **SEC. 21. Sanctions for Violations.** - Any critical project which shall operate without  
16 the required CPEC shall face closure, suspension of development or construction, or cessation  
17 of operations until such time that proper environmental safeguards are put in place and the  
18 necessary CPEC has been issued: *Provided*, That the person implementing the project without  
19 CPEC shall be fined an amount not less than Five million pesos (₱ 5,000,000.00) but not more  
20 than Twenty million pesos (₱ 20,000,000.00) depending on the magnitude of the environmental  
21 risks and upon the final decision of the Department: *Provided, further*, That the offender, or  
22 the president, chief operating officer or executive officer of a juridical person, shall be held  
23 criminally liable and shall be imprisoned for a period not less than two (2) years but not more  
24 than ten (10) years, at the discretion of the Court.  
25

26 Any project proponent found in violation of the EMP and any of the conditions under  
27 the CPEC shall be imposed a fine in the amount of not less than One hundred thousand pesos  
28 (₱ 100,000.00) but not more than Ten million pesos (₱ 10,000,000.00) per violation, depending  
29 on the impact of the violation on the environment, plus cost of damages, at the discretion of  
30 the Department: *Provided*, That the Department may order the closure, suspension of  
31 development or construction, or cessations of operations if the violation of the EMP is  
32 continued.  
33

34 **Chapter 2**  
35 **Institutional Arrangement**  
36

37 **SEC. 22. Agencies Responsible for the Implementation of the Act.** - Unless  
38 otherwise provided by this Act, the Department shall serve as the primary agency responsible  
39 for the implementation of the EAS. It may secure the assistance of environmental units of other  
40 government agencies, academic and research institutions, and environment professionals in  
41 undertaking its responsibilities under this Act.  
42

43 For this purpose, an environmental unit shall be established or strengthened in each  
44 concerned government agency. Furthermore, it shall be the responsibility of all concerned  
45 government agencies to share information or data necessary to effectively evaluate reports  
46 required pursuant to this Act.  
47

48 Concerned government agencies shall establish appropriate permanent organizational  
49 structures and systems to address the requirements of the EAS.  
50

1  
2         **SEC. 23. Local Capacity-Building in Environmental Assessment System.** - The  
3 Department shall, in coordination with the DILG, lead the development and implementation of  
4 a national capacity building program in environmental assessment. It shall, within two (2)  
5 years from the effectivity of this Act, provide technical assistance to LGUs and entities in  
6 acquiring capacity and expertise for the effective local implementation of the EAS or its  
7 components. Each LGU shall establish its Environment and Natural Resources Office within  
8 one (1) year following the effectivity of this Act.  
9

10         **SEC. 24. Knowledge Management System.** - The Department shall establish a  
11 database management system for purposes of gathering, keeping, disseminating and updating  
12 all information relative to the implementation of the EAS. As part of the database management  
13 system, the Department shall create an online database, permitting, and monitoring systems for  
14 all plans, policies, programs, and projects covered under this Act.  
15

16         The executive summary of the SEA, EIA, EMP, and CPEC, and the status of the  
17 proponents' application thereto, shall likewise be accessible to the public through this system.  
18

19  
20                     **Chapter 3**  
21                     **Actions**  
22

23         **SEC. 25. Administrative Action.** - Without prejudice to the right of any affected  
24 person to file an administrative action, the Department shall, on its own instance or upon  
25 verified complaint by any person, institute administrative proceedings against any person who  
26 violates the provisions of this Act and the orders, rules and regulations promulgated pursuant  
27 thereto.  
28

29         **SEC. 26. Citizen Suits.** - For purposes of enforcing the provisions of this Act or its  
30 implementing rules and regulations, any citizen may file an appropriate civil or criminal action  
31 in the proper courts against:  
32

- 33         a) Any person who violates or fails to comply with the provisions of this Act, its  
34 implementing rules and regulations, or orders issued pursuant thereto;  
35  
36         b) The Department or other implementing agencies with respect to orders, rules and  
37 regulations issued inconsistent with this Act; and  
38  
39         c) Any public officer who willfully or grossly neglects the performance of an act  
40 specifically enjoined as a duty by this Act or its implementing rules and  
41 regulations; or abuses his authority in the performance of his duty; or, in any  
42 manner, improperly performs his duties under this Act or its implementing rules  
43 and regulations.  
44

45         *Provided, however,* That no citizen suit can be filed until after a thirty (30)-day notice  
46 has been taken thereon.  
47

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

1  
2 Within thirty (30) days, the court shall make a determination if the complaint herein is  
3 malicious or baseless, and shall accordingly dismiss the action and award attorney's fees and  
4 damages.  
5

6 **SEC. 27. Independence of Action.** - The filing of an administrative suit against such  
7 person or entity does not preclude the right of any other person to file any criminal or civil  
8 action. Such civil action shall proceed independently.  
9

10 **SEC. 28. Suits and Strategic Legal Actions Against Public Participation and the**  
11 **Enforcement of This Act.** - Where a suit is brought against a person who filed an action as  
12 provided in Section 25 of this Act, or against any person, institution or government agency  
13 that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the  
14 case may be, to immediately make a determination not exceeding thirty (30) days whether said  
15 legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of  
16 the person complaining of or enforcing the provisions of this Act. Upon determination thereof,  
17 evidence warranting the same, the court shall dismiss the case and award attorney's fees and  
18 double damages.  
19

20 This provision shall also apply and benefit public officers who are sued for acts  
21 committed in their official capacity, there being no grave abuse of authority, and done in the  
22 course of enforcing this Act.  
23  
24

25 **Chapter 4**  
26 **Final Provisions**  
27

28 **SEC. 29. Environmental Revolving Fund.** - The Environmental Revolving Fund  
29 (ERF) created under PD 1586 shall remain to be operational. It shall be used primarily for  
30 defraying administrative expenses, equipment purchases or leases and other program costs  
31 directly incurred in the review, assessment and monitoring of the EAS.  
32

33 The ERF may be sourced from donations, endowments and grants in the form of  
34 contributions. Such endowments shall be exempt from income or gift taxes and all other taxes,  
35 charges or fees imposed by the government or any political subdivision, instrumentality or  
36 agency. It shall also include funds to be provided by proponents for the review of specific  
37 projects. All income likewise generated from fees, fines and penalties directly related to the  
38 implementation of the EAS shall accrue to the ERF and may be utilized directly by the  
39 Department for the above purposes.  
40

41 All fund transactions shall, however, be subject to the usual auditing procedures in  
42 accordance with existing laws.  
43

44 **SEC. 30. Transitory Provision.** - Non-Highly Urbanized Cities and Third, Fourth,  
45 Fifth, and Sixth Class Municipalities shall have a five (5)-year grace period within which to  
46 comply with the provisions of this Act on SEA.  
47

48 **SEC. 31. Implementing Rules and Regulations.** - Unless otherwise provided in this  
49 Act, the Department shall, in coordination with other concerned agencies, promulgate the rules  
50 and regulations of this Act, within one (1) year after its effectivity.  
51



1           The Department and the IAC-SEA shall, in coordination with other concerned  
2 government agencies, undertake such review and updating of the implementing guidelines of  
3 the EAS every two (2) years thereafter.  
4

5           **SEC. 32. Joint Congressional Oversight Committee.** - There is hereby created a  
6 Joint Congressional Oversight Committee to monitor the implementation of the provisions of  
7 this Act. The Committee shall be composed of five (5) Senators and five (5) Representatives  
8 to be appointed by the Senate President and the Speaker of the House of Representatives,  
9 respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate  
10 Committee on Environment and House Committee on Ecology.  
11

12           **SEC. 33. Separability Clause.** - Should any provision herein be subsequently declared  
13 unconstitutional, the same shall not affect the validity or legality of the other provisions of this  
14 Act.  
15

16           **SEC. 34. Repealing Clause.** - PD 1586, Presidential Proclamation No. 2146, Executive  
17 Order No. 803, and Office of the President Administrative Order No. 42, series of 2002 are  
18 hereby repealed. All laws, orders, rules and regulations or any part thereof which are  
19 inconsistent with the provisions of this Act are hereby amended or modified accordingly.  
20

21           **SEC. 35. Effectivity.** - This Act shall take effect fifteen (15) days after its publication  
22 in the *Official Gazette* or in a newspaper of general circulation.  
23

24           Approved,