


10 SEP 29 P5:11

**SENATE**

**S. No. 2550**

RECEIVED BY: 

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**Introduced by Senator JUAN MIGUEL F. ZUBIRI**

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**EXPLANATORY NOTE**

The 1987 Philippine Constitution provides in Article II, Section 16 that "the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature". It is also echoed in the various provisions of Article XII on National Economy and Patrimony as framework for the State's environmental mandate.

The right to a clean environment is recognized as a human right in the Philippines while protection of that right is a duty imposed upon the State and certain responsibilities are required of individuals.

The State shall instill environment consciousness among our people to effectively carry out the different environmental programs and projects of the government essential for the protection, preservation and revival of the quality of the environment and natural resources of the country.

The important role of environment and natural resources personnel is widely accepted. However, the situations prevailing in the areas contested by business, environment workers and advocates and of government have placed the workers' lives in danger. There are numerous cases, a few of them are:

- Joey Estriber, an environmental activist and radio broadcaster was abducted on March 3, 2006, in Baler, Aurora. He headed the illegal-logging and mining campaign Butaris, a Multi-Sectoral Action Group of Aurora.
- Elpidio de la Victoria, Program Director of the Cebu City Bantay Dagat Commission, was shot dead on April 17, 2006. He campaigned for a ban on commercial and destructive forms of fishing in the Visayan Sea Marine Triangle. Eyewitnesses pointed to a member of the Philippine National Police as the gunman. The Cebu City government offered a One Million Peso reward for information leading to the arrest of De la Victoria's killer.
- Armin Marin, an oppositor of the nickel exploration project of the Sibuyan Nickel Property Development Corp. and BHP Billiton was shot dead on October 3, 2007. The nickel project was found to be inimical to the biodiversity of Sibuyan Island, called the Galapagos of Asia.
- Fernando Sarmiento, Secretary General of the environmental group Panalipdan-Southern Mindanao Region, was killed December 23, 2008. He opposed the PhilCo Mining Corporation gold project in New Bataan, Compostela Valley as destructive of the environment and people's health.

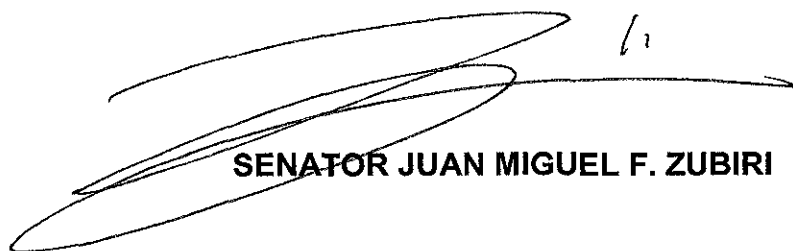
- Eliezer Billanes, Gawad ng Bayani ng Kalikasan awardee was killed in Koronadal City on March 09, 2009. He opposed the Xstrata mine in Socsargen.
- On April 29, 2009, Ludinio Monzon, an oppositor to the Boston Mineral Mining Corp/Omega Gold Mining Company in Davao Oriental was killed.
- Mike Rivera, an anti-mining movement leader, was shot dead on May 16, 2010 in front of the Calapan United Evangelical Church of the Philippines on Ramirez St., San Vicente Central, Calapan City.
- Desidario "Jessie" Camangyan, a radio broadcaster at Sunrise FM-Mati in Manay town, Davao Oriental, was shot on June 15, 2010. He was discussing illegal logging in the east coast of Davao Oriental.
- Gensun Agustin, a leader of the illegal magnetite mining in Buguey in Cagayan Valley, was shot dead on March 1, 2010. He was a leader of the Alliance for Buguey Community Advocates and the Federation of Anti-Mining Advocates in Cagayan

This Bill aims: (a) to promote and improve the health, physical safety, social and economic well-being of the environment and natural resources personnel, their living and working conditions, security and terms of employment; (b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver environmental management functions in the attainment of projects and programs; and (c) to encourage those with proper qualifications and excellent abilities to join, contribute their expertise and remain in government service and in the country.

The Environment and Natural Resources (ENR) Personnel includes but is not limited to the personnel of the DENR, its Bureaus, Regional Offices, and attached Agencies, environmental units in the other government agencies and the ecological waste management department of the local government units.

This Bill includes the forest rangers and park rangers that look after our forest and protected areas. A forest ranger guards or has jurisdiction over a very large forest area, around 5,000-10,000 hectares. However, his salary is not as large as the area he is protecting. The same situation exists in watershed areas. This Bill covers not only the forest rangers but also those in the ecological waste management department of local government units.

The immediate passage of this Bill, is therefore, respectfully sought.

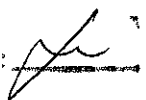


**SENATOR JUAN MIGUEL F. ZUBIRI**

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INTRODUCED BY SENATOR JUAN MIGUEL F. ZUBIRI

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**AN ACT PROVIDING FOR THE MAGNA CARTA FOR ENVIRONMENT AND  
NATURAL RESOURCES PERSONNEL**

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

1 SECTION 1. **Title.** - This Act shall be known as the "Magna Carta for  
2 Environment and Natural Resources Personnel."

3 SEC. 2. **Declaration of Policy and Objective.** - The State shall instill  
4 environment consciousness among our people to effectively carry out the different  
5 environmental programs and projects of the government essential for the protection,  
6 preservation and revival of the quality of the environment and natural resources of the  
7 country.

8 Towards this end, this Act aims: (a) to promote and improve the health,  
9 physical safety, social and economic well-being of the ENR Personnel, their living and  
10 working conditions, security and terms of employment; (b) to develop their skills and  
11 capabilities in order that they will be more responsive and better equipped to deliver  
12 environmental management functions in the attainment of projects and programs; and  
13 (c) to encourage those with proper qualifications and excellent abilities to join,  
14 contribute their expertise and remain in government service and in the country.

15 SEC. 3. **Definition of Terms.** - As used in and for the purposes of this Act, the  
16 following terms shall mean:

17 a) "**Department**" shall mean the Department of Environment and Natural  
18 Resources; and

19 b) "**ENR Personnel or ENR Personnel**" shall refer to:

20 1. all persons who are engaged in the protection of the environment,  
21 environmental management and environment-related work;

22 2. all persons employed as environment and natural resources officers and  
23 personnel in the environmental and ecological solid waste management units

1 in all local government units, and administrative and support personnel  
2 employed regardless of their employment status;

3 3. all persons employed in the environmental units of the national and regional  
4 government agencies and companies owned and operated by the government or  
5 its political subdivisions and shall include engineers, environmental  
6 management specialists, science research specialists, foresters, forest and  
7 park rangers, marine environmental protection officers and personnel, and  
8 administrative and support personnel employed regardless of their employment  
9 status;

10 4. all persons employed in the environmental unit of private  
11 corporations/enterprises including but not limited to pollution control officers  
12 regardless of their employment status; and

13 5. all persons employed with the Department, its Bureaus, Regional Offices and  
14 attached Agencies, regardless of employment status, including but not limited to  
15 permanent, temporary, contractual service/procurement service/Object 29  
16 employment status.

17 **SEC. 4. Coverage.** - This Act shall cover all ENR Personnel employed in the  
18 government service and private sector regardless of their employment status.

19 **SEC. 5. Recruitment and Qualification.** - Recruitment policy and minimum  
20 requirements with respect to the selection and appointment of an ENR Personnel shall  
21 be developed and implemented by the appropriate government agencies concerned in  
22 accordance with policies and standards of the Civil Service Commission:  
23 *Provided, That* in the absence of appropriate eligible applicant and it becomes  
24 necessary in the public interest to fill a vacancy, a temporary appointment shall be  
25 issued to the person who meets all the requirements for the position to which he/she is  
26 being appointed except the appropriate civil service eligibility: *Provided, further, That*  
27 such temporary appointment shall not exceed twelve (12) months nor be less than three  
28 (3) months renewable thereafter but that the appointee may be replaced sooner if (a)  
29 qualified civil service eligible becomes available, or (b) the appointee is found wanting in  
30 performance or conduct befitting a government employee.

31 **SEC. 6. Merit Promotion and Career System.** - The Secretary of Environment  
32 and Natural Resources, upon consultation with the proper government agencies  
33 concerned and the Environment and Natural Resources workers' organization, shall  
34 prepare a uniform career and personnel development plan applicable to all ENR  
35 Personnel. Such career and personnel development plan shall include  
36 provisions on merit promotion, performance evaluation, in service training grants, job  
37 rotation, suggestions and incentive award system.

38 The performance evaluation plan shall consider foremost the improvement

1 of individual employee efficiency and organizational effectiveness: Provided, That each  
2 employee shall be informed regularly by his/her supervisor of his/her performance  
3 evaluation.

4 The merit promotion plan shall be in consonance with the rules of the Civil  
5 Service Commission.

6 **SEC. 7. Code of Conduct.** - Within six (6) months from the approval of this Act,  
7 the Secretary of Environment and Natural Resources, upon consultation with other  
8 appropriate agencies, professional and environment and natural resources worker's  
9 organization, shall formulate and prepare a Code of Conduct for ENR Personnel,  
10 which shall be disseminated as widely as possible.

11 **SEC. 8. Normal Hours of Work.** - The normal hours of work of any ENR  
12 Personnel shall not exceed eight (8) hours a day or forty (40) hours a week.

13 Hours worked shall include:

- 14 a) the time during which an ENR Personnel is required to be on active duty or to  
15 be at a prescribed workplace;
- 16 b) the time during which an ENR Personnel is permitted to work
- 17 c) the time during which an ENR Personnel is required in a place other than the  
18 prescribed workplace.

19 *Provided, That,* the time when an ENR Personnel is placed on "On Call" status shall  
20 not be considered as hours worked but shall entitle the ENR Personnel to an "On  
21 Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status  
22 refers to a condition when ENR Personnel are called upon to respond to urgent or  
23 immediate need for pollution incidences during emergencies such that he/she cannot  
24 devote the time for his/her own use.

25 An ENR Personnel can also teach or practice their profession after office hours.

26 **SEC. 9. Overtime Work.** - Where the exigencies of the service so require, any  
27 ENR Personnel may be required to render service beyond the normal eight (8) hours a  
28 day, inclusive of Saturdays, Sundays or nonworking holidays. In such a case, the ENR  
29 Personnel shall be paid an additional compensation in accordance with existing laws  
30 and prevailing practices

31 **SEC. 10. Work During Rest Day.** -

32 a) Where an ENR Personnel is made to work on his/her scheduled rest day,  
33 he/she shall be paid an additional compensation in accordance with existing laws.

34 b) Where an ENR Personnel is made to work on any special holiday he/she shall  
35 be paid an additional compensation in accordance with existing laws. Where such  
36 holiday work falls on the personnel's scheduled rest day, he/she shall be entitled to an  
37 additional compensation as may be provided by existing laws.

38 **SEC. 11. Compensation.** - The existing laws on the salary scale of government

1 employees shall apply in determining the salaries of ENR Personnel. In case of  
2 violation of this provision, the ENR Personnel concerned shall file the necessary  
3 complaint to the Civil Service Commission (CSC) or National Labor Relations  
4 Commission through the ENR Management and Consultative Council.

5       **SEC. 12. *Leave Benefits for ENR Personnel.*** - ENR Personnel are entitled to  
6 all leave benefits and privilege such as but not limited to maternity, paternity, sick  
7 leave and vacation leaves, as provided for under existing laws: *Provided, That* upon  
8 separation of ENR Personnel from service, they shall be entitled to all accumulated  
9 leave credits with pay.

10       **SEC. 13. *Highest Basic Salary Upon Retirement.*** - Upon retirement, the ENR  
11 Personnel shall automatically be granted an increase of one (1) Salary Grade higher  
12 than his/her basic salary and his/her retirement benefit thereafter, computed on  
13 the basis of his/her highest salary received: *Provided, That* he/she has reached the  
14 age and fulfilled the service requirements under existing laws.

15       **SEC. 14. *Other Benefits.*** - Aside from the benefits received as required under  
16 existing laws and executive orders, an ENR Personnel shall receive the following  
17 allowances:

18       a) **Honorarium.** ENR Personnel who rendered service beyond the established  
19 irregular workload of ENR Personnel whose broad and superior knowledge,  
20 expertise or professional standing in a specific field contributes to productivity and  
21 innovativeness shall be entitled to receive honorarium subject to rules to be set by the  
22 Department.

23       b) **Hazard Allowance.** ENR Personnel involved in hazardous undertakings such  
24 as, but not limited to conduct of field inspections and air/water/chemical and hazardous  
25 waste monitoring and sampling, forest ranger work and assigned in the following units:  
26 environmental impact assessment division, environmental quality division, pollution  
27 control divisions, environmental protection units, and research and development  
28 divisions and other environment and natural resources offices/field offices located in  
29 difficult areas which expose them to great danger, contagion, radiation, volcanic  
30 activity/eruption, occupational risks or threats to life, shall be compensated with  
31 hazard allowances equivalent to at least twenty-five percent (25%) of the monthly basic  
32 salary.

33       c) **Subsistence Allowance/Transportation Allowance.** ENR Personnel  
34 who are required to render service in forest/watershed areas, pollution incident sites  
35 and other areas, in order, to make their services available at all times, shall be  
36 entitled to daily full subsistence allowance for three (3) meals which shall be  
37 computed in accordance with prevailing circumstances. Those assigned out of their  
38 regular work stations shall be entitled per diem in place of this allowance. Actual

1 transportation allowance shall also be provided to ENR Personnel on field work.

2 **d) Clothing and Laundry Allowance.** All ENR Personnel shall be entitled to a  
3 minimum of One Thousand Five Hundred Pesos (PhP 1,500.00) clothing allowance  
4 annually, which amount shall be adjusted annually as needed.

5 In addition to the above, all ENR Personnel who are required to wear uniforms  
6 regularly shall be entitled to a minimum of Two Hundred and Fifty Pesos (PhP250.00)  
7 per month laundry allowance. *Provided further, That* these rates shall be reviewed  
8 periodically and increased accordingly as needed.

9 **e) Housing and Living Quarters Allowance.** All ENR Personnel who are  
10 transferred to another assignment due to the exigency of the service shall be entitled to  
11 free housing within the agency concerned: *Provided, That if* living quarters are not  
12 available within the agency and the personnel has his/her residence outside of fifty  
13 (50) kilometer radius from such government facility, he/she shall receive a housing  
14 allowance, and: *Provided further, That* the rate of such housing allowance shall be  
15 periodically adjusted for inflation.

16 For purposes of this Section, the Department is authorized to develop housing  
17 projects in its own lands, not otherwise devoted for other uses, for ENR Personnel in  
18 coordination with appropriate government agencies.

19 **f) Longevity Pay.** A monthly longevity pay equivalent to ten percent (10%) of  
20 the monthly basic pay shall be paid to an ENR Personnel for every five (5) years of  
21 continuous, efficient and meritorious services rendered as certified by the chief of  
22 office concerned, commencing with the service after the approval of this Act.

23 **g) Remote Assignment Allowance.** ENR Personnel who accept assignments  
24 as such in remote areas or isolated stations, which for reasons of far distance or hard  
25 accessibility, such positions had not been filled for the last two (2) years prior to the  
26 approval of this Act, shall be entitled to an incentive bonus in the form of remote  
27 assignment allowance equivalent to fifty percent (50%) of their basic pay, and shall  
28 be entitled to reimbursement of the cost of reasonable transportation to and from such  
29 remote post or station, upon assuming or leaving such position and during official  
30 trips.

31 In addition to the above, such ENR Personnel mentioned in the preceding  
32 paragraph shall be given priority in promotion or assignment to better areas. Their tour  
33 of duties in the remote areas shall not exceed two (2) years, *except when there are no*  
34 positions for their transfer or they prefer to stay in such posts in excess of two (2) years.

35 **h) Medical Examination.** During the tenure of their employment, ENR  
36 Personnel shall be given a compulsory medical examination once a year and  
37 immunization as the case may warrant. The medical examination shall include, but not  
38 be limited to:

- 1 1. Complete physical examination;
- 2 2. Routine laboratory, chest x-ray and ECG;
- 3 3. Psychometric examination;
- 4 4. Dental examination; and
- 5 5. Other indicative examination.

6 *Provided, That* where medical examination shows that medical treatment  
7 and/or hospitalization is necessary for those already in government service, the  
8 treatment and/or hospitalization including medicines shall be provided free either in a  
9 government or a private hospital by the government entity paying the salary of the  
10 ENR Personnel especially in occupational-health related illness. *Provided, further, That*  
11 the cost of such medical examination and treatment shall be included as  
12 automatic appropriation in said agency's annual budget.

13 i) **Personal Protective Equipment.** ENR Personnel which regularly conduct  
14 field inspection, monitoring and sampling shall be provided by their respective offices  
15 with the proper personal protective equipments (PPEs) in accordance with existing laws  
16 on occupational health and safety.

17 **SEC. 15. Compensation for Injuries/Illnesses.** - ENR Personnel shall be  
18 protected against the consequences of employment injuries/occupational-  
19 related illnesses in accordance with existing laws. Injuries incurred while doing  
20 overtime work shall be presumed work-connected.

21 **SEC. 16. Non-DENR ENR Personnel.** - ENR Personnel not employed by the  
22 Department, who are involved in environmental management and environment and  
23 natural resources protection functions, and regardless of their employment status may  
24 avail of the benefits of this Act, chargeable against their respective agencies/local  
25 government units/offices/private corporations, upon certification of the Secretary of the  
26 Department.

27 **SEC. 17. Honorarium for other services.** - ENR Personnel shall be allowed  
28 to render consultancy services to the private sector and shall be entitled to receive  
29 such honorarium that may be paid to them by the private entity concerned. Such  
30 payments shall be over and above their salary from the government during the period  
31 of the consultancy and shall not be considered as double compensation: *Provided,*  
32 *That* the consultancy work will not jeopardize or adversely affect the operations or  
33 activities of his originating office: *Provided, further, That* the Secretary of the  
34 Department approves such consultancy.

35 **SEC. 18. Exemption from the Attrition Law and Civil Service Rule on**  
36 **Nepotism.** - Appointment of ENR Personnel to positions of research assistant and  
37 upwards shall not be covered by the Attrition Law and CSC rule on nepotism in  
38 consideration of the highly technical nature of these positions.



1           **SEC. 19. *Rights of an ENR Personnel.*** - ENR Personnel shall have the  
2 following rights:

- 3           a) Protection from discrimination by reason of sex, sexual orientation, age,  
4           political or religious beliefs, civil status, physical characteristics/disability or  
5           ethnicity;
- 6           b) Protection from any form of interference, intimidation, harassment or  
7           punishment to include, but not limited to, arbitrary reassignment or termination of  
8           service, in the performance of his/her duties and responsibilities;
- 9           c) To join, organize, or assist organizations or unions for lawful purposes;
- 10          d) Protection from any act that will prevent his/her applying professional  
11          interventions that the clients situation may require; and
- 12          e) To avail of opportunities for continuing professional growth and development.

13           **SEC. 20. *Reassignment of ENR Personnel.*** - A transfer is a movement from  
14 one position to another which is of equivalent rank, level or salary without break in  
15 service;

16           a) geographical reassignment, hereinafter referred to as "reassignment," is a  
17 movement from one geographical location to another; and

18           c) Except in the interest of public service, no transfer or geographical  
19 reassignment shall be made or effected without written notice to an ENR Personnel:  
20 *Provided, That* said written notice, stating the reasons for the reassignment, shall be made  
21 at least thirty (30) days prior to the date of transfer or reassignment: *Provided, further,*  
22 *That,* if the ENR Personnel believes that there is no justification for the transfer and/or  
23 reassignment, he/she may appeal his/her case to the CSC, which shall cause his/her  
24 transfer and/or reassignment to be held in abeyance: *Provided, furthermore, That*  
25 reassignment coinciding with any local or national election shall be made in  
26 compliance with Election Code and other existing laws and rules: *Provided, finally, That*  
27 the necessary expenses of the transfer and/or reassignment of the ENR Personnel  
28 and his/her immediate family shall be paid for by the agency concerned.

29           **SEC. 21. *Married ENR Personnel.*** - Whenever possible, the proper authorities  
30 shall take steps to enable married couples, both of whom are ENR Personnel, to be  
31 employed or assigned in the same office, but not in the same unit. *Provided, That* it shall  
32 not apply to married ENR Personnel already assigned in the same office at the time that  
33 this Act takes effect.

34           **SEC. 22. *Freedom from Interference or Coercion.*** - It shall be unlawful for  
35 any person to commit any of the following acts of interference or coercion:

- 36           a) to require as a condition of employment that an ENR Personnel shall not join an  
37           ENR workers' organization or union or shall relinquish membership therein;
- 38           b) to discriminate in regard to hiring or tenure of employment or any item or

1 condition of employment in order to encourage or discourage membership in  
2 any ENR workers' organization or union;

3 c) to prevent an ENR Personnel from carrying out duties laid upon him/her by  
4 his/her position in the organization or union, or to penalize him/her for the  
5 action undertaken in such capacity;

6 d) to harass or interfere with the discharge of the functions of the ENR Personnel  
7 when these are calculated to intimidate or to prevent the performance of his/her  
8 duties and responsibilities; and

9 e) to otherwise interfere in the establishment, functioning, or administration of ENR  
10 workers' organizations or unions through acts designed to place such  
11 organization or union under the control of government authority.

12 **SEC. 23. Freedom from Discrimination.** - It shall be unlawful for any person  
13 or employer to discriminate against ENR Personnel who falls under any of the following:

14 a) ENR Personnel that are Solo Parents;

15 b) ENR Personnel that are Benefactors of Senior Citizens. Benefactor shall  
16 mean any person related to a Senior Citizen or not who takes care of him/her  
17 as a dependent;

18 c) ENR Personnel that are Person with Disabilities (PWD); and

19 d) ENR Personnel that are Benefactors or Parents of a Person with Disabilities  
20 (PWD) or Person with Special Needs of Person with Developmental  
21 Disorders.

22 **SEC. 24. Human Resource Development.** - The Department shall conduct a  
23 periodic human resource development/management study into, among others, the  
24 following areas:

25 a) Adequacy of facilities and resources to render quality environment and natural  
26 resources management functions;

27 b) Opportunities for ENR Personnel to grow professionally and develop their  
28 potentials and experience a sense of worth and dignity in their work;

29 c) Mechanism for democratic consultations;

30 d) Ways and means of enabling the rank-and-file workers to avail of educational  
31 opportunities for personal growth and development;

32 e) Upgrading of working conditions, reclassification of positions and salaries of ENR  
33 Personnel, regardless of employment status to correct disparity vis-a-vis other  
34 professions; and

35 f) Allocation of funds for the participation of ENR Personnel in seminars,  
36 conferences, conventions and similar activities as part of their continuing  
37 professional growth

38 **SEC. 25. Security of Tenure.** - No ENR Personnel holding a permanent

1 position shall be terminated except for cause: *Provided, That*, in the event the ENR  
2 Personnel is found to be unjustly dismissed by the CSC or the NLRC; as the case may be,  
3 he/she shall be entitled to reinstatement without loss of seniority rights and back wages  
4 with twelve per centum (12%) interest to be computed from the time his/her compensation  
5 was withheld from him/her up to the time of reinstatement.

6 **SEC. 26. *Highest basic salary upon retirement.*** - Upon retirement, the ENR  
7 Personnel concerned shall automatically be granted one (1) Salary Grade higher than  
8 his/her basic salary and his/her retirement benefits shall be computed on the basis of  
9 his/her highest salary received.

10 **SEC. 27. *Hiring of retired ENR Personnel.*** - An employee retired under any  
11 existing law, who, in the judgment of the governing board or head of an environmental  
12 agency, possesses technical qualifications and the capability to undertake  
13 environmental management activities, may be rehired on contractual basis without  
14 refunding the unexpired portion of the gratuity and accumulated leave benefits  
15 received by him from the Government: *Provided, That* no qualified environment and  
16 natural resources expert is available to undertake said technical activities.

17 **SEC. 28. *Environmental Awards.*** - There shall be established an Environment  
18 and Natural Resources Awards Committee which shall confer annually the  
19 Environment and Natural Resources Awards for outstanding achievement/s and  
20 excellence or original contribution to environmental protection/management. The  
21 Committee shall promulgate the guidelines in implementing this Section and shall  
22 specify the categories of awards to be given and the amount of financial reward  
23 for each category.

24 **SEC. 29. *Congressional Commission on Environment and Natural***  
25 ***Resources.*** - There is hereby created a Congressional Commission on  
26 Environment and Natural Resources (ENVICOM) that shall Oversee the  
27 implementation of all the Environment and Natural Resources laws; review and  
28 assess, among others, the state of the Philippine environmental security, human  
29 resources development in Environment and Natural Resources field; and the  
30 implementation of this Act. The Commission shall be composed of five (5) Members  
31 of the House of Representatives and five (5) Members of the Senate. It shall be co-  
32 chaired by the Chairpersons of the Committee on Environment and Natural  
33 Resources of the Senate and the Committees of Ecology and Natural Resources of the  
34 Lower House. Such congressional review shall be undertaken at least once every five (5)  
35 years.

36 **SEC. 30. *Implementing Rules and Regulations.*** - The Secretary of the  
37 Environment and Natural Resources after consultation with appropriate agencies of  
38 the Government as well as professional and environment and natural resources workers'

1 organizations or unions, shall formulate and prepare the necessary rules and  
2 regulations to implement the provisions of this Act. Rules and regulations issued  
3 pursuant to this Section shall take effect thirty (30) days after publication in a  
4 newspaper of general circulation.

5 **SEC. 31. *Prohibition Against Double Recovery of Benefits.*** - Whenever other  
6 laws provide for the same benefits covered by this Act, the ENR Personnel shall have  
7 the option to choose which benefits will be paid to him/her. However, in the event that the  
8 benefits chosen are less than that provided under this Act, the ENR Personnel shall be  
9 paid only the difference.

10 **SEC. 32. *Prohibition Against Elimination and/or Diminution.*** - Nothing in this  
11 law shall be construed to eliminate or in any way diminish benefits being enjoyed by an  
12 Environment and Natural Resources workers at the time of the effectivity of this Act.

13 **Sec. 33. *Penal Provision.*** - Any person who shall willfully interfere with, restrain  
14 or coerce any ENR Personnel in the exercise of his/her rights or shall in any manner  
15 commit any act in violation of any of the provisions of this Act, upon conviction, shall  
16 be punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not  
17 more than Forty thousand Pesos (P40,000.00) or imprisonment of not more than one (1)  
18 year or both at the discretion of the court.

19 If the offender is a public official, the court, in addition to the penalties provided in the  
20 preceding paragraph, may impose the additional penalty of disqualification from  
21 office.

22 **Sec. 34. *Funding.*** - The amount necessary to fully implement this Act shall  
23 be provided in the General Appropriations Act (GAA) of the year following its  
24 enactment into law under the budgetary appropriations of the DENR, concerned  
25 agencies and local government units.

26 **Sec. 35. *Annual Report.*** - The Secretary of the Department shall submit to the  
27 Congressional Commission on Environment and Natural Resources an annual report on  
28 the implementation of this Act.

29 **Sec. 36. *Separability Clause.*** - The provisions of this Act is declared  
30 separable. In the event that any provision hereof is rendered unconstitutional, those  
31 that are not affected shall remain valid and effective.

32 **Sec. 37. *Repealing Clause.*** - All laws, presidential decrees, executive orders  
33 and their implementing rules, or parts thereof, inconsistent with the provisions of this Act  
34 are hereby, repealed; amended or modified accordingly.

35 **Sec. 38. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
36 publication in at least two (2) national newspapers of general circulation.

37 Approved,