

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

'04 JUN 30 P3:43

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S E N A T E

S. No. 287

Introduced by Senator S. R. Osmeña III


EXPLANATORY NOTE

P.D. 1586 was enacted in the 1970's establishing the Environmental Impact Statement (EIS) System as the government's mechanism of ensuring the balance between socio-economic growth and environmental protection.

This bill seeks to amend P.D. 1586, increasing its penalty provisions for violators of the law from a maximum fine of P50,000 to three times the estimated cost of rehabilitating and cleaning the damaged portion of the environment as determined by the Environmental Management Bureau (EMB). Subsequent violations will also be made punishable by imprisonment ranging from one to five years.

The need to strengthen the penalty provisions for his law is underpinned by the numerous disasters that have been inflicted on our country as a result of environmental degradation. Clearly, environmental degradation and instability are grave threats to sustainable economic growth and must be addressed with sufficient deterrents.

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


SERGIO OSMEÑA III
Senator

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AN ACT

INCREASING THE PENALTIES IMPOSED AGAINST FAILURE TO SECURE AN ENVIRONMENTAL CLEARANCE CERTIFICATE FOR UNDERTAKINGS IN ENVIRONMENTALLY CRITICAL AREAS OR VIOLATIONS OF THE TERMS AND CONDITIONS THEREOF, THEREBY AMENDING PRESIDENTIAL DECREE NO. 1586 AND FOR OTHER PURPOSES.

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

1 **Section 1. Amendment of Presidential Decree No. 1586.** – Section 9 of
2 PD 1586, is hereby amended to read as follows:

3 **“Section 9. Penalty for Violation.** – Any person, corporation,
4 partnership found violating Section 4 of this Decree, or the terms and
5 conditions in the issuance of the Environmental Compliance Certificate,
6 or the standard rules and regulations issued by the [National
7 Environmental Protection Council] ENVIRONMENTAL MANAGEMENT
8 BUREAU (EMB) pursuant to this Decree shall be punished by the
9 suspension or cancellation of his\its certificate and [/or] a fine in the
10 amount [not to exceed Fifty Thousand Pesos (P50,000.00) for every
11 violation thereof, at the discretion of the National Environmental
12 Protection Council] OF THREE (3) TIMES THE ESTIMATED
13 MONETARY COST OF REHABILITATING AND CLEANING THE
14 DAMAGED PORTION OF THE ENVIRONMENT, AS DETERMINED BY

1 THE EMB, WHICH IN NO CASE SHALL BE LESS THAN TEN
2 THOUSAND PESOS (P10,000.00).

3 SUBSEQUENT VIOLATORS SHALL INCLUDE THE PENALTY
4 OF IMPRISONMENT RANGING FROM ONE (1) TO FIVE (5) YEARS.

5 IN CASE OF CORPORTATIONS, PARTNERSHIPS OR OTHER
6 FORMS OF BUSINESS ORGANIZATIONS, THE PENALTY OF
7 IMPRISONMENT SHALL DEVOLVE UPON THE PRESIDENT, THE
8 GENERAL MANAGER OR THE OFFICER DEEMED RESPONSIBLE
9 FOR THE VIOLATION.”

10 **Sec. 2. Repealing Clause.** – Any provision of law, decree, executive
11 order or issuance inconsistent herewith is hereby repealed and/or modified
12 accordingly.

13 **Sec. 3. Effectivity Clause.** – This Act shall take effect fifteen (15) days
14 after the completion of its publication in the Official Gazette or in at least two (2)
15 national newspapers of general circulation.

Approved,