



SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

'16 FEB -2 P 6 :23

SENATE
S. No. 3219

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING DISCLOSURE OF ENVIRONMENTAL RECORD OF APPLICANTS
FOR AN ENVIRONMENTAL COMPLIANCE CERTIFICATE

EXPLANATORY NOTE

The Constitution, Article 2, Section 16, provides:

The State shall protect and advance the right of the people to a balanced ecology in accord with the rhythm and harmony of nature.

The Constitution, Article 12, Section 2, also provides:

....The exploration, development, and utilization of natural resources shall be under the full control and supervision of the state....

In the fulfillment of these responsibilities, the State enacted Presidential Decree No. 1586, or the Act establishing an environmental impact statement (EIS) system, including other environmental management related measures. Included in this law is the mandatory requirement of Environmental Compliance Certificate (ECC) for projects that pose impact to the environment.

The ECC is a document issued by the Department of Natural Resources (DENR) certifying that based on the representations of the proponent, the proposed project or undertaking will not cause significant negative environmental impact. DENR reviews applications for this certificate to ensure that project proponents will comply with all the requirements of the EIS.

This bill seeks to further strengthen this review process by adding specific inquiries that will look into proponents' previous records of compliance and infractions of the EIS and other environmental laws. These records, in turn, shall guide DENR in screening applicants and shall serve as basis for exercising its discretion in denying, suspending, modifying, or revoking an ECC.¹

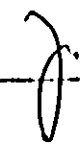

MIRIAM DEFENSOR SANTIAGO

¹This bill was originally filed during the Fourteenth Congress, First Regular Session, and refiled during the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. *Coverage.* – This Act covers all application for an Environmental
2 Compliance Certificate (ECC) under P.D. No. 1586.

3 SECTION 2. *Record of Compliance.* – Every application for an Environmental
4 Compliance Certificate under P.D. No. 1586 shall include an inquiry on the following
5 information regarding the applicant's record of compliance:

6 1. Does the applicant hold another Environmental Compliance Certificate?

7 2. Has the applicant been denied an ECC or has the applicant had an ECC revoked
8 or suspended?

9 3. Has the applicant been the subject or is the subject of any proceeding involving
10 environmental issues?

11 4. Has the applicant, and if the applicant is a corporation, has any officer, director,
12 or large stockholder (owner of 25% or more stock) of the corporation, ever been found in
13 an administrative, civil, or criminal proceeding to have violated any provision of
14 Philippine or foreign environmental laws as well as treaty obligations?

15 5. Does the applicant currently owe any regulatory fees to the Department of
16 Environment and Natural Resources or any of its line agencies?

1 SECTION 3. *Effect.* – The information under Section 2 shall be considered as a
2 basis for exercising the Department of Environment and Natural Resources' discretion in
3 denying, suspending, modifying, or revoking an ECC in order to protect the environment.

4 SECTION 4. *Repealing Clause.* – All laws, decrees, orders, rules and regulations
5 or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended
6 or modified accordingly.

7 SECTION 5. *Separability Clause.* – If, for any reason, any provision of this Act is
8 declared to be unconstitutional or invalid, the other sections or provisions hereof which
9 are not affected thereby shall continue to be in full force and effect.

10 SECTION 6. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
11 following its publication in the *Official Gazette* or in two (2) newspapers of general
12 circulation.

Approved,

/crsmg16Dec2015