


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

8 APR 21 2015

SENATE
S.B. No. 2178

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

The Philippine tradition of environmental legislation dates back to the pre-Spanish Code of Kalantiao. Philippine legislation in environment and natural resources has grown and, by the end of the 20th century, was recognized among the best of the developing world. The national laws enacted by presidential fiat and by Congress aimed to conserve, use and to protect the air, the waters, the land from pollution. The devolution of selected environmental functions to the Local Government Units created provincial, city and municipal offices to ensure compliance through the issuance and enforcement of local ordinances.

A common rejoinder to these observations, however, points to the undeniable fact that pollution and wanton destruction of the environment by man continue unabated. The environmental degradation has indeed reached alarming proportions. At this early juncture in the 21st century, hindsight provides a view of the radical changes brought by the explosion of technological, medical, social, ideological, and political innovation during the 1990s. The lives of vast numbers of people were transformed during the latter half of those hundred years. The basic forms of transportation, horses and other animals, gave way to steam ships, gasoline and diesel-fueled cars and the space shuttle. Information technology, the computer and the internet allowed any person with a computer to connect with the rest of the world. On the other hand, these advancements also provided sophisticated tools for massive destruction and death. The developments of the 20th century were made possible by the large-scale exploitation of petroleum resources, which offered great amounts of affordable energy in a convenient form. Hence, the unprecedented levels of pollution and scarcity despite all the national laws and the international treaties. The level of pollution increased while supply ebbed and new laws were again enacted. Today, global warming scientists warn that the environmental threshold is about to be crossed. Nothing short of a revolutionary and global change in resource production, use, management and sharing will save the world.

Man must learn to accept and uphold shared responsibility for conservation and protection of dwindling and degraded resources, and to accelerate the transfer of information and technological innovations among nations. While rapid development of petrol-fueled travel characterized the 20th century, this new century must be concerned over adaptation and mitigation of the adverse impacts of pollution and scarcity of resources so that future generations may enjoy the Earth in their time.

The Philippine experience reflects these global trends. The challenge for Philippine legislation is to be relevant to the times in order to effectively safeguard the basic constitutional right of the people to a healthy ecology.

Reviews of Philippine environmental laws surface a major observation: the "weakness" lies in a plethora of sometimes inconsistent legal requirements and prohibitions that emerged from the sectoral laws that were passed during the past two decades. These rules of specialized and limited scope and focus continue to cause confusion to the point that a stop to the enactment of new laws has been suggested.

This proposed legislative measure seeks instead to support the mandate to protect the environment by eliminating the "weakness" and strengthening the policy.

Legislation must be harmonized by a thread that weaves the different sectors into one system and integrates protection and management plans and strategies. Through this measure, we propose an over-arching framework for fragmented sectoral laws. The insights of the past decades as well as the current context shall inform policies that connect and establish strong linkages among the various concerns and across national and local levels.

Major laws after the Code of Kalantiao and the Spanish law on waters include the Philippine Environmental Policy, or Presidential Decree No. 1151. It established the Environmental Impact Statement System in 1977 as a response to the increasing pressure on the environment brought about by accelerated industrialization and urban development. The decree required all government and private entities that intend to undertake projects or activities that shall have significant impact on the environment to submit a statement of such impacts for approval.

P.D. 1152, or the Philippine Environment Code, launched a comprehensive program for environmental protection and management by the National Environmental Protection Council. To ensure "public health, safety and general welfare" of present and future generations, the Code established management policies for land, forests, minerals, flora and fauna, coastal fisheries and energy as well as wastes and disasters. It prescribed quality standards for air, noise, and water.

Sectoral laws like the Forestry Code and the Pollution Control Law were promulgated. The National Integrated Protected Areas System Act was passed by Congress in 1992 for the preservation of valuable and fragile ecosystems including forests, seascapes, landscapes and monuments. To control pollution and its harmful effects on health and the environment, the Clean Air Act, R.A. 8749, was approved in 1999, the Ecological Solid Waste Management Act, R.A. 0003, in 2000, the Clean Water Act, R.A. 9275 in 2004, and recently, the Biofuels Act of 2007. In parallel, our global obligations have increased by leaps and bounds with the ratification of new international treaties on specific areas of concern.

Considering that these sectoral laws were enacted separately, it is to be expected that no clear and unequivocal basic principles or "ground rules" were available to guide decisions on cross-cutting concerns. The principles that need enunciation could refer to the "non-negotiable" such as specific ecosystems that need protection; basic tools for monitoring and assessment, the use of economic instruments to compliment current command-and-control mechanisms, and the rights, obligations and accountability of stakeholders.

Such principles can set the tone for a sound and viable environmental management system which will guarantee equitable sharing of powers, responsibilities and accountabilities as well as relative stability and consistency. As they reflect the "state of science", they facilitate determination of the cost of effective technology options which must be introduced. They may reflect as well current standards of environmental governance such as the incorporation of equity and environmental justice in all decisions on natural resources utilization.

There is indeed a need to set a framework policy that will integrate and harmonize sectoral environmental laws and issuances for viable and effective management. This proposed piece of legislation identifies and elaborates the principles that will form the framework for cross-sectoral laws and their effective implementation down to the LGU level. Finally, it proposes the creation of the National Environmental Protection Authority (NEPA), a strong and independent agency which will have for its sole mandate environmental protection and conservation.

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




LOREN LEGARDA
Senator

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

8 APR 21 12:45

SENATE
S.B. No. **2178**

RECEIVED BY: 

Introduced by Senator Loren Legarda

**AN ACT
PROVIDING FOR THE FRAMEWORK IN THE CONSERVATION,
DEVELOPMENT, MANAGEMENT AND UTILIZATION OF ENVIRONMENT
AND NATURAL RESOURCES, AND FOR OTHER PURPOSES**

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

CHAPTER I

**Article 1
GENERAL PROVISIONS**

SECTION 1. Title. - This Act shall be known as the "Ecological Policy Act of 2008."

SECTION 2. Declaration of Policies. - It is hereby declared the policy of the State to promote the right of the people to balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end:

1. Sustainable development shall be the guiding principle in the formulation, adoption and implementation of all policies, plans, programs, projects, activities and such other undertakings that may affect all aspects of the environment.
2. Recognizing that diverse and healthy environment and natural resources are a critical component of social and sustainable economic development, the State shall manage such resources and address competing human demands in order to attain optimum social and

economic benefits without undermining crucial ecosystem functions.

3. Access to and use of environment and natural resources for production, livelihood, or other ecosystem services within the context of sustainable development are to be equitably granted by the State.
4. The management, utilization and development of natural resources shall take into account the particular geologic, hydrologic, and eco-cultural characteristics of the Philippine archipelago, and in particular, shall consider global and local vulnerabilities to natural and anthropogenic disasters that endanger lives and the environment as well as opportunities for the enhancement of life support functions and services provided by ecosystems.
5. The management of environment and natural resources is a shared responsibility among the national government, local government, community, private sector and all stakeholders, consistent with the principles of decentralization, devolution, transparency, accountability and informed public participation.
6. The State, through its various instrumentalities and in partnership with the private sector, shall provide environmental information and education to enhance the capabilities of local government units (LGUs), citizens, organizations and communities for participation in local environmental planning and management and for sustainable development of natural resources.
7. The management, utilization and development of environment and natural resources shall take into account the Philippine obligations and commitments in relevant international agreement to which the Philippine is a signatory.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms:

- a) *Air* – shall refer to the atmosphere and all its surroundings;
- b) *Biodiversity* – shall refer to the variation of life forms within a given ecosystem, biome, or for the entire Earth. Biodiversity is often used as a measure of the health of biological systems;
- c) *Civil Society Organizations* – shall refer to formal non-government organizations registered or recognized as such by a competent government body, including legally organized associations or networks of similar organizations;
- d) *Department* – shall mean the Department of Environment and Natural Resources
- e) *Ecosystem* – shall refer to a dynamic self-regulating unit of interrelated collection of living and non-living components that affect each other in complex exchanges of energy, nutrients and wastes.
- f) *Ecosystem services* – shall refer to benefits from a multitude of resources and processes that are supplied to humankind by natural ecosystems, including products like clean drinking water and processes like the decomposition of wastes.
- g) *Environmental Guarantee Fund* – shall refer to a negotiated amount, on a per project basis, that covers expenses for information and communication activities by multisectoral teams, any repair or rehabilitation works, and compensation for damages attributable to the operation of the project;
- h) *Land* – shall refer to the ground and the resources under it, and classified into agricultural and forest lands;
- i) *Market Based Instruments (MBIs)* – shall refer to instruments or regulations that encourage behaviour through market signals rather than through explicit directives. They may provide to firms and consumers either incentives to opt for greener production or products or disincentives to discontinue activities

or the consumption of products that cause adverse impacts on the environment;

- j) *NEPA or Authority* - shall mean the National Environmental Protection Authority
- k) *Natural Resources* - shall refer to materials and conditions occurring in nature which are capable of economic gain, benefit or exploitation, including land, water and air and everything found in them;
- l) *Non-Government Organizations (NGOs)* - shall refer to civil society and civic organizations organized locally or nationally and registered with the appropriate government agency;
- m) *Peoples Organizations* - shall refer to stakeholders or residents of specific communities with common or varied livelihood as well as concern for the well being of their communities;
- n) *Scientific Organization* - shall refer to any organization composed of recognized experts in the scientific and/or technological fields, locally or internationally;
- o) *Sustainable Development* - shall refer to the integration of environment and development to ensure that the needs of present and future generations are properly met and their quality of life enhanced, through the judicious utilization and conservation of assets and resources and the adoption and the application of practices, whether indigenous or acquired, which tend to preserve or enhance the value of the asset or resource; and
- p) *Water* - shall include fresh, inland and marine water bodies as well as all resources found therein;

SEC. 4. Goals and Objectives. - This Act shall have the following goals and objectives:

- a. To conserve and enhance natural resources for purposes of sustaining vital ecological processes and environmental services, promoting biodiversity and controlling hazards
- b. To ensure stable and consistent policies on the utilization and management of environment and natural resources;
- c. To allow equitable access to and use of environment and natural resources within the context of sustainable development;
- d. To guarantee equitable sharing of powers, responsibilities and accountabilities among the environment and natural resources managers;
- e. To set and institutionalize a policy that would integrate and harmonize sectoral environmental laws and issuances;
- f. To update environmental policy and keep our system of environmental management abreast with current science and the practice of the principles of sustainable development;
- g. To create an independent and cabinet-level entity that will effectively lead environmental protection functions; and
- h. To provide for more effective participation of stakeholders in the planning, finalization and implementation of activities affecting the natural environment.

Article 2

ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT FRAMEWORK

SEC. 5. *Environment and Natural Resources Management Framework.* The Environment and Natural Resources Management Framework (ENRMF) shall be established for the implementation of this Act. The ENRMF shall serve as the official blueprint with which all environmental managers and users must comply with to attain

the objectives of this Act. Subject to applicable laws and the provisions of this Act, the ENRMF shall cover, among others, the following:

- a. air
- b. water
- c. land
- d. forest
- e. biodiversity
- f. genetic resources
- g. coastal resources
- h. mineralized areas
- i. alternative fuels
- j. renewable energy
- k. waste management

All departments and relevant government agencies shall participate in the formulation and implementation of the ENRMF in accordance with the relevant provisions of this Act.

SEC. 6. *Harmonization of Policies and Functions.* The ENRMF shall provide for the harmonization of government policies and functions. All agencies of government, including government-owned and controlled corporations and local government units, shall use all practicable means and measures, consistent with other essential considerations of national policy, to improve and coordinate plans, functions, programs, and resources for purposes of their harmonization.

All relevant government agencies, including government-owned and controlled corporations, and local government units shall review their present administrative regulations, and current policies, plans and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall initiate such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 7. *Environment and Natural Resources Inventory, Database Management and Status Report.* The Department, in cooperation with the LGUs, shall undertake

periodic inventory of the status of the environment and natural resources of all provinces and municipalities and shall submit annual status reports to the Executive and to Congress.

For the implementation of this provision, the Department shall review its national, regional and local institutional capabilities to determine any deficiencies which prohibit full compliance with this Section and shall initiate such measures as may be necessary to achieve capacity for compliance.

SEC. 8. *Environment and Natural Resources Accounting.* The Department, in cooperation with the National Statistical Coordination Board, shall strengthen environmental and natural resources accounting institutionalized under Executive Order 406, series of 1997 for purposes of enhancing the indicator of sustainable development and improving current efforts to consider an adequate value for natural capital or ecosystem services in socio-economic decisions and establish a reliable database on social valuation estimates of environmental services.

SEC. 9. *Environment and Natural Resources Monitoring and Evaluation.* The ENRMF shall include a more effective approach to pollution control that shall not only identify pollutants, but shall:

- a) trace them through the entire ecological chain, observing and recording changes in form as they occur;
- b) determine the total exposure of man to his environment;
- c) examine interactions among forms of pollution; and
- d) identify where in the ecological chain interdiction would be most appropriate.

SEC. 10. *Education in Environment and Natural Resources in Formal and Non-formal Curricula.* In recognition of the vital role of youth in nation building and the role of education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development, the State shall promote national awareness on the role of natural resources in economic growth and the importance of environmental conservation and ecological balance towards sustained national development among the Filipino youth.

Pursuant to the foregoing policy, the Department of Education (DepEd), the Commission on Higher Education (CHED), and Technical Education and Skills Development Authority (TESDA), shall ensure that the curricula of primary, secondary and tertiary public and private educational institutions, including non-formal, indigenous learning and out-of-school program, incorporate the state of the Philippine and global environment, the threats of environmental degradation and its impact on human well-being, and the value of natural resources conservation and protection in the context of sustainable development. The curricula shall incorporate actual activities to conserve natural resources, including, but not limited to, tree planting activities; recycling and composting programs; marine conservation programs; forest management and conservation; and other such programs to aid the implementation of the different environmental protection laws.

SEC. 11. *Market-Based Instruments.* Whenever applicable, and where the proper enabling conditions are in place, market-based instruments such as fees, charges, targeted subsidies, emissions trading, tradeable effluent permits, and the pollution levy system shall be incorporated into the regulatory framework. The relevance of alternative policy instruments, including market-based instruments, shall be examined to identify options for greater flexibility, efficiency, and cost effectiveness in pollution control and environmental management.

MBIs allow firms the flexibility to make different adjustments in response to their unique business structures and opportunities. Incentives to discover cheaper ways to achieve outcomes provide dynamic ways of reducing the future costs of achieving targets. Through the application of MBIs, the creation of an environment that encourages cooperation and self-regulation among polluters may be facilitated.

SEC. 12. *Environmental User's Fee.* Environmental user's fees for the utilization of natural resources may be imposed. Provided, that the fees collected shall accrue to a revolving fund to be administered and be utilized exclusively for conservation, rehabilitation and sustainable management of the environment.

SEC. 13. *Incentives.* - Incentives provided under existing laws shall remain available to concerned entities. Appropriate incentives for individuals, groups, local government units and other entities who consistently comply with this Act and other

environmental laws, rules and regulations shall be formulated and administered to encourage compliance with this Act.

A special incentive system shall likewise be established for the purpose of giving recognition and for promoting exemplary community leadership, cooperation, and collaboration in the preservation and enhancement of the environment and natural resources of fragile island and other ecosystems.

CHAPTER II

Article 1

ENVIRONMENTAL MANAGEMENT

SEC. 14. *Pollution Management.* In accordance with ecologically sustainable development principles, the State shall protect public health and the environment by promoting environmentally sound methods for optimum utilization of natural resources, encouraging resource conservation and recovery, and setting guidelines and targets for the avoidance and/or reduction of pollution of air, water and land.

Best practice for real-time monitoring of ambient air and water quality and quantity as well as of forest cover, land use change, rainfall, temperature, etc. shall be established. Such systems shall provide good information regarding trends as well as aberrations from normal baseline values that may be critical for the protection of public health, safety and general welfare. Such information which shall be valuable in identifying the source/s of aberrant findings and the appropriate remedies that may be applied shall be made accessible to the public.

Private sector participation and cooperation in pollution prevention, control, and information dissemination shall be encouraged and duly recognized in consonance with the principles of shared accountability. Wherever possible, the communities may be involved in actual data gathering for monitoring of selected phenomena. Primary responsibility for solid waste management shall remain with the LGUs in accordance with the Local Government Code.

Access to technical assistance for capacity building of LGUs and their partners shall be facilitated. For the recognition of exemplary compliance with their environmental responsibility and to encourage others to do the same, awards and incentive programs shall be initiated and granted to qualified LGUs and their partners.

SEC. 15. *Environmental Guarantee Fund.* All initiatives that are classified as environmentally critical projects in accordance with existing law shall be required to set up an environmental guarantee fund which shall comprise of three parts: (1) a multisectoral fund allocated expressly for environmental monitoring by a multiparty monitoring team; (2) a trust fund set aside for damage compensation to aggrieved parties, and to finance environmental restoration and the rehabilitation of environmental quality caused by project operations; and (3) a cash fund to be used by companies in implementing environmental projects. The fund shall be managed by a multisectoral group made up of community and local government representatives, the regional representative of the national agency mandated with environmental management, and industry representatives.

Article 2

NATIONAL ENVIRONMENTAL PROTECTION AUTHORITY

SEC. 16. *Creation of the National Environmental Protection Authority.* - To implement the policy on Environmental Management of this Act, there is hereby created the National Environmental Protection Authority, hereinafter referred to as the Authority, which shall be created within One hundred twenty (120) days after the effectivity of this Act. The Authority shall be under the general supervision of the Office of the President.

SEC. 17. *Purposes of the Authority.* - The Authority shall have the following purposes:

- a) To enforce the provisions of laws enacted for the prevention or control of air, water and land pollution, including the proper disposal of wastes and the environmental impact assessment (EIA) system;
- b) To adopt, revise, promulgate and prescribe policies, rules and regulations and environmental quality standards consistent with laws enacted for the prevention and control of pollution;

- c) To evolve an integrated, multi-sectoral and multi-disciplinary approach which shall implement the following:
- i. Development of a research program pertaining to environmental protection, pollution prevention, control and management, and an information system to support information dissemination campaigns;
 - ii. Monitoring and evaluation of the implementation of all laws relating to the regulation and control of activities that have an impact on the maintenance of a wholesome natural environment, for the adoption or recommendation of necessary measures thereon;
 - iii. Establishment and implementation of a combined system of pollution fees or charges and other market-based instruments, fines and penalties linked to an operating principle that the user or polluter shall bear responsibility for payment, and creating the necessary incentives to recycle and re-use resources to abate, reduce, neutralize, or otherwise minimize or prevent pollution;
 - iv. Adoption and promulgation of rules and regulations governing the procedures of the Authority with respect to hearings, the filing of reports, the issuance and/or review of all permits and other rules and regulations for the proper implementation and enforcement of this Act, pollution laws and the EIA System;
 - v. Promotion of cooperation and greater people participation and private initiative in environmental protection, pollution prevention, control and management
 - vi. Conduct information dissemination, education and training programs relating to environmental protection, pollution prevention, control and management;
 - vii. Consultation and interaction with and deputization of appropriate government agencies or instrumentalities for the purpose of enforcing the provisions and objectives of this Act;
- d) To exercise powers that are necessary or expedient for, or incidental to, the performance of its functions.

SEC. 18. *Place of Business.* - The Authority shall establish its principal office in Metro Manila but may establish and maintain field offices or other units as may be necessary to administer its responsibilities. It may reorganize or abolish the same as it

may deem proper. *Provided*, that there shall be at least one office in every administrative region of the country.

SEC. 19. *Appropriations.* - The sum of money appropriated in the immediately preceding annual general appropriations for the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources shall be re-appropriated to the Authority upon the effectivity of the Act, for its first year of operation. Thereafter and within the next five (5) years, there shall be appropriated annually from the funds in the national treasury the sums of money as may be allocated in the amount of not less than five times the sums of money so appropriated annually to EMB prior to the effectivity of the Act, whichever is higher.

SEC. 20. *Regulatory Fees.* - The Authority may impose reasonable fees for the issuance of permits and for periodic monitoring and inspection of pollution control or waste collection, processing or disposal facilities.

SEC. 21. *Organization of the Authority* - The Director General shall serve as the Chief Executive of the Authority. He shall be appointed by the President of the Philippines, and shall enjoy the status, rank and compensation equivalent to that of a Cabinet Secretary. The Director General shall possess qualification and experiences relevant to environmental protection and management, and shall serve for a period of seven (7) years.

SEC. 22. *Duties and Powers of the Director General.* - The principal responsibility for the implementation of the mandate of the Authority shall be vested in the Director General. As such, he shall have the following duties and powers:

- a) Exercise general supervision and control over the operations of the Authority;
- b) Execute and administer environmental implementing rules and regulations, environmental quality standards, and environmental plans, programs and projects;
- c) Submit for consideration of the President such policies and measures which he believes to be necessary to carry out the purposes and provisions of this Act and of relevant promulgated environmental laws;

- d) Appoint officials and employees below the rank of Assistant Director-General to positions in the approved budget upon written recommendation of the Assistant Director-General concerned in accordance with the merit system established by the Authority; and
- e) Perform such other duties and powers of the Authority that are necessary or expedient for, or incidental to, the performance of its functions as conferred by the President.

SEC. 23. *Organizational Structure of the Authority.* - The Director General shall be assisted by Deputy Director or Directors-General, who shall be responsible for the major office or offices of the Authority organized accordingly for national or central support and regional or field management.

The Deputy Director or Directors-General shall be responsible for the supervision of his office or their respective offices. They may be assisted, in carrying out their functions, by Assistant Directors-General. There shall be established a coordinating staff for and within the established office or each of the offices of the Assistant Directors-General.

Each division or field office established under the national or central support and regional management office or offices that shall be headed, respectively, by a Division or Regional or Field Director, and assisted by an Assistant Director or Assistant Regional or Field Director. *Provided, however,* that the offices that shall be established within the Authority shall cover the following functions:

- a) environmental planning and policy;
- b) environmental research;
- c) environmental and management information system;
- d) environmental education and training;
- e) environmental regulation;
- f) standard setting;
- g) legal; and
- h) administrative and finance.

CHAPTER III

Article 1

ENVIRONMENTAL JUSTICE AND EQUITY

SEC. 24. *Access To Resources.* The Department shall create conditions to facilitate access to natural resources for environmentally sound uses consistent with the Constitution, this Act and other applicable laws. Provided, that access, where granted shall be equitable.

SEC. 25. *Community-Based Management of Resources.* Community-Based Management of Resources shall be the primary strategy for addressing the problem of open access, where local communities are tasked with monitoring and enforcement in exchange for access and use of forest lands and resources. Where applicable and beneficial, co-management of resources at the local level shall be the standard management model, where the Department and local governments share power in deciding on management programs and policies, including authority to grant access and use rights.

Article 2

GOVERNANCE

SEC. 26. *Government.* The Department and its successor shall be the primary agency that is tasked to implement the provisions of this Act in relation to the utilization of natural resources and the rules and regulations that may be promulgated pursuant hereof.

Pursuant to Chapter II of this Act, the Authority shall be the primary agency that is tasked to implement the provisions of this Act in relation to the management of pollution and the rules and regulations that may be promulgated pursuant hereof.

SEC. 27. *Inter-agency Coordination.* Government agencies shall coordinate with the Department in the implementation of their respective mandates affecting the utilization of natural resources. The agencies shall coordinate with the Authority in the

implementation of their mandates affecting the management of environmental pollution.

Conflicts in the implementation of their respective mandates relative to the management of environmental pollution shall be resolved in favor of the Authority.

SEC. 28. *Stakeholder Participation in Environmental Management.* - The following shall have the right to participate in all aspects of environmental management within their respective jurisdictions, expertise and area of concern:

- a) Non-government organization;
- b) People's organizations;
- c) Indigenous Peoples; and
- d) Scientific organizations, cultural organizations, professional and other organizations.

These organizations shall be held liable on any action undertaken by their respective members, individually or collectively, causing damage on the ecological endowments.

Article 3

ENFORCEMENT AND ADJUDICATION

SEC. 29. *Enforcement Mechanism.* - The Authority, in coordination with concerned agencies, local government units and stakeholders, shall establish and implement a mechanism for the effective enforcement of the environmental provisions of this Act and all environmental laws, rules and regulations.

SEC. 30. *Deputation of Environmental Enforcers.* In the enforcement of environmental laws, the Authority may deputize non-government organizations, people's organizations, indigenous communities, and professional, civic, cultural, scientific and technological organizations within their respective area of activity or expertise.

SEC. 31. *Local Government Units.* Local government units (LGUs) shall share the responsibility in the management of the environment and natural resources within

their territorial jurisdiction. Consistent with applicable environmental laws, the Authority and LGUs shall institute a system of devolution and co-management, whenever necessary, in the management of environmental pollution. Likewise, the Department and LGUs, consistent with applicable laws on natural resources, shall institute a system of devolution and co-management, whenever necessary, in the utilization of natural resources.

SEC. 32. *Citizen's Suit.* For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts against:

(a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; or

(b) The Authority, the Department, or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or

(c) Any public officer who willfully or grossly neglects the performance of an act specially enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duties; or, in any manner, improperly perform his duties under this Act or its implementing rules and regulations: *Provided, however,* That no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The court shall exempt such action from the payment of filing fees, except fees for actions not capable of pecuniary estimations, and shall, likewise, upon *prima facie* showing of the non-enforcement or violation complaint of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

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

SEC. 33. *Suits and Strategic Legal Actions Against Public Participation and the Enforcement of this Act.* - Where a suit is brought against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the case and award attorney's fees and double damages.

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

SEC. 34. *Adjudication.* - Conflicts involving the administration of a rule or regulation including standards, tests and valuation of natural resources, shall be resolved by the Department and its attached agencies. Conflicts involving the administration of a rule or regulation including environmental pollution standards, tests, and valuation of resources for rehabilitation shall be resolved by the Authority. In resolving conflicts, the Department or the Authority may avail of the services of experts or professionals with the consent of the parties involved and under accepted rules of mediation and arbitration.

Violations of anti-pollution law and its implementing rules shall be referred to the Pollution Adjudication Board or its successor.

The Court shall resolve conflicts on the interpretation of law, rule and regulation. Costs shall be shouldered by the parties involved.

Article 4

MISCELLANEOUS PROVISIONS

SEC. 35. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged to the appropriations of the Department of Environment and Natural Resources under the current General Appropriations Act and in

accordance with Section 19 of this Act. Thereafter, the amount necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 36. *Joint Congressional Oversight Committee.* - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to oversee the functions of the Authority and the Department. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

SEC. 37. *Transitory Provision.* - Pending the establishment of the framework under Sec. 5 hereof, the Authority under Sec. 16 and promulgation of the IRR under Sec. 39 of this Act, existing laws, regulations, programs and projects on environment and natural resources management shall be enforced: *Provided*, That for specific undertaking, the same may be revised in the interim in accordance with the intentions of this Act.

Sec. 38. *Reports to Congress.* - The Authority shall report to Congress not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishments and progress in environmental management during the year and make the necessary recommendations in areas where there is need for legislative action. The Department shall likewise report to Congress not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishments and progress in natural resources management during the year and make the necessary recommendations in areas where there is need for legislative action.

Article 5

FINAL PROVISIONS

SEC. 39. *Implementing Rules and Regulations.* - The Authority and the Department, in coordination with the Committees on Environment and Natural Resources and Ecology, House of Representative and the Committee on Environment

and Natural Resources in the Senate and other concerned agencies, shall promulgate the implementing rules and regulations for this Act, within one (1) year after its effectivity. The draft of the implementing rules and regulations shall be subject to public consultation.

SEC. 40. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 41. *Separability Clause.* - If any provision of this Act is held invalid or unconstitutional, all other provisions not affected thereby shall remain in full force and effect.

SEC. 42. *Effectivity Clause.* - This Act shall take effect 15 days after publication in two (2) newspapers or gazettes of general circulation in the Philippines.

Approved,