

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

SENATE
OFFICE OF THE SECRETARY

10 JUL -7 P4.55

SENATE

Senate Bill No. 759

RECEIVED BY 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

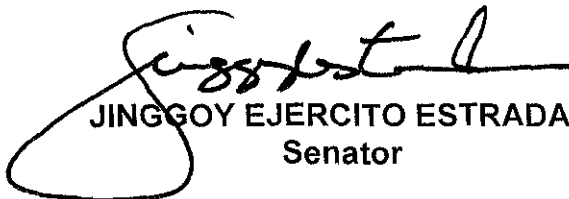
EXPLANATORY NOTE

In June 11, 1978, Presidential Decree 1586 was enacted primarily to attain and main a rational and orderly balance between socio-economic growth and environmental protection. As such, all persons, partnerships or corporations are required to secure an Environmental Compliance Certificate (ECC) before undertaking any environmentally critical project or operate in an environmentally critical area. However, news reports show that numerous environmentally critical projects continue to be undertaken without the requisite ECC.

The proposed bill provides for a strict compliance to the requirements of Presidential Decree 1586 by strengthening the penal sanctions for failing to secure an ECC or for non-compliance with its conditions. Further, this bill affords more protection and relief to members of indigenous cultural communities by making persons or corporations who undertake activities and projects within ancestral domains without complying with the twin requirements of FPIC and ECC liable for damages. Thus, violators will be fined three times the amount necessary to rehabilitate the damaged area, in addition to the amount of damages paid to the Indigenous Cultural Community. Further, subsequent violations will also be made punishable by imprisonment ranging from one to five years.

Clearly, there is a need to strengthen the penal sanctions of P.D. 1586, if we are to ensure the protection and preservation of our environment and natural resources.

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


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
INCREASING THE PENALTIES IMPOSED AGAINST FAILURE TO SECURE
AN ENVIRONMENTAL CLEARANCE CERTIFICATE FOR UNDERTAKINGS IN
ANCESTRAL DOMAINS AND OTHER CRITICAL AREAS OR FOR
VIOLATIONS OF THE TERMS AND CONDITIONS THEREOF, THEREBY
AMENDING PRESIDENTIAL DECREE 1586 AND FOR OTHER PURPOSES

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

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

"Section 9. Penalty for Violation. - Any person, corporation, partnership found violating Section 4 of this Decree, or the terms and conditions in the issuance of the Environmental Compliance Certificate, or the standard rules and regulations issued by the [National Environmental Protection Council] ENVIRONMENTAL MANAGEMENT BUREAU (EMB) pursuant to this Decree shall be punished by the suspension or cancellation of his/its certificate and [/or] a fine in the amount [not to exceed Fifty Thousand Pesos (P50,000.00) for every violation thereof, at the discretion of the National Environmental Protection Council] OF THREE (3) TIMES THE ESTIMATED MONETARY COST OF REHABILITATING AND CLEANING THE DAMAGED PORTION OF THE ENVIRONMENT, AS DETERMINED BY THE EMB, WHICH IN NO CASE SHALL BE LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00). SUBSEQUENT VIOLATORS SHALL BE IMPOSED THE PENALTY OF IMPRISONMENT OF PRISION CORRECCIONAL.

WHERE AN ENVIRONMENTALLY CRITICAL PROJECT IS UNDERTAKEN INSIDE AN ANCESTRAL DOMAIN WITHOUT THE NECESSARY FREE AND PRIOR INFORMED CONSENT OF THE INDIGENOUS CULTURAL COMMUNITY LIVING IN SUCH ANCESTRAL DOMAIN AS MANDATED BY THE PROVISIONS OF THE INDIGENOUS PEOPLE'S RIGHTS ACT OF 1997 AND IN VIOLATION OF SECTION 4 OF THIS ACT, THE PERSON, PARTNERSHIP OR CORPORATION SHALL ALSO BE LIABLE TO PAY THE INDIGENOUS CULTURAL COMMUNITY AN AMOUNT TO BE DETERMINED BY THE EMB BUT IN NO CASE LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) AS DAMAGES. FOR PURPOSES OF THIS SECTION, AN ENVIRONMENTALLY CRITICAL PROJECT REFERS TO A PROJECT THAT HAS A HIGH POTENTIAL FOR SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT AND IS LISTED AS SUCH UNDER

PRESIDENTIAL PROCLAMATION NO. 2146 SERIES OF 1981, PRESIDENTIAL PROCLAMATION NO. 803, SERIES OF 1996, AS WELL AS OTHER PROJECTS WHICH THE PRESIDENT MAY PROCLAIM AS ENVIRONMENTALLY CRITICAL IN ACCORDANCE WITH SECTION 4 OF PD 1586.

IN CASE OF CORPORATIONS, PARTNERSHIPS OR OTHER FORMS OF BUSINESS ORGANIZATIONS, THE PENALTY OF IMPRISONMENT SHALL BE IMPOSED UPON THE PRESIDENT, THE GENERAL MANAGER OR THE OFFICER DEEMED RESPONSIBLE FOR THE VIOLATION."

SEC. 2. Repealing Clause. - Any provision of law, decree, executive order or issuance inconsistent herewith is hereby repealed and/or modified accordingly.

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

Approved,