

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

Senate
Office of the Secretary
13 III 11 1998

SENATE

S. No. 40

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

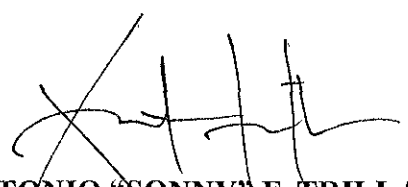
EXPLANATORY NOTE

Article II, Section 16 of the Constitution mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. While the State is pegged to its commitment, existing laws related to environmental protection are somewhat inadequate in terms of implementation and reinforcement strategies. This has been proven by numerous reports of illegal activities that degrade the environment and unfortunately lead to a rather destructive effect to human lives.

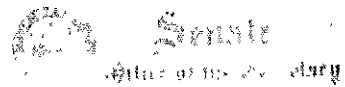
Years of neglect, haphazard policy-making, and weak local environmental management have taken a toll in the form of widespread environmental degradation and acute pollution problems. Coastal resources, especially high-risk coral reefs, mangroves, and sea-grasses face threats from coastal zone development, expanding aquaculture, and destructive fishing. Fisheries catch per-unit-of-effort has been declining steadily due to overfishing in many areas. All of these environmental scenarios are an affirmation of our weak reinforcement efforts to protect the environment. Moreover, if we were to quantify the costs of environmental degradation, we may conclude that costs of destruction are high.

While long-term national commitment to environmental protection will greatly reverse degradation, it is also important to modernize monitoring, enforcement, and public disclosure to ensure compliance. Thus, we need a core of implementers who will ensure that our environmental laws are strictly complied with and who will give 'hard fists' on usual violators of these laws.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

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



12 JUL 1 2008

SENATE

S. No. 10

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY,
DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES;
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Title.*** – This Act shall be known as the “*National Environmental*
2 *Protection Act.*”

3
4 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to protect and
5 advance the right of the people to a balanced ecology and a wholesome and healthy
6 environment. Towards this end, the State shall create an agency mandated to strictly enforce
7 environmental laws and cause the prosecution of violators thereof to ensure the protection of
8 our environment and our people.

9
10 **SEC. 3. *Creation of the National Environmental Protection Agency.*** – To
11 implement the above-declared policy, there is hereby created the National Environmental
12 Protection Agency under the general supervision of and attached to the Office of the
13 President, which shall be created one hundred eighty (180) days from the effectivity of this
14 Act.

1 **SEC. 4. Powers, Functions, and Responsibilities of the Agency.** - The National
2 Environmental Protection Agency shall have the following powers, functions and responsibilities:

- 3 a) Formulate and implement an integrated approach to the enforcement of environmental
4 laws;
- 5 b) Undertake the enforcement of environmental laws and investigate violators thereof and all
6 other matters involved in the commission of any violation thereof;
- 7 c) Administer oath, issue *subpoena duces tecum* and *ad testificandum* in connection with or as
8 an incident to the conduct of an investigation of a violation of environmental laws;
- 9 d) Arrest and apprehend as well as search violators and seize or confiscate the effects of the
10 violations as provided by law and take custody thereof. For this purpose, prosecutors and
11 enforcement officers of the Agency are authorized to
- 12 e) Establish office in every region, province or city and maintain a nationwide intelligence
13 system in cooperation with law enforcement agencies, the Department of Environment
14 and Natural Resources, local government units, and other government agencies and
15 offices;
- 16 f) Monitor and, if warranted, in coordination with the Bureau of Customs, the Philippine
17 Ports Authority, the Maritime Industry Authority, Department of Environment and
18 Natural Resources and the Department of Environment and Natural Resources and such
19 other government agencies and offices, inspect cargo and their conveyances to determine
20 a violation of environmental laws, if any;
- 21 g) Prepare for the prosecution and cause the filing of appropriate criminal and civil charges
22 against violators of environmental laws. For this purpose, the Agency shall closely
23 cooperate with the Department of Justice and such other concerned government agencies
24 or offices;
- 25 h) Recommend to the appropriate agency the forfeiture of properties and other assets
26 belonging to, or found in the possession of, violators of environmental laws;
- 27 i) Establish and maintain close coordination, cooperation and linkages with national and
28 regional networks for the protection of the environment; and,

1 j) Call upon any government agency or office and/or deputize individuals and organizations
2 for assistance.

3
4 **SEC. 5. *Organization of the Agency.*** - The National Environmental Protection Agency
5 shall be headed by a Director-General with the rank of an Undersecretary, who shall be
6 responsible for the general administration and management of the Agency. The Director-General
7 shall be appointed by the President of the Philippines and shall perform such other duties as may
8 be assigned to him. He must possess adequate knowledge, training and experience in
9 environmental law enforcement.

10 The Director-General shall be assisted by two (2) deputies with the rank of Assistant
11 Secretary: one for Operations and one for Administration. They shall likewise be appointed by
12 the President.

13 The present National Anti-Environment Crime Task Force as created by Executive Order No.
14 SIS shall be accordingly modified and absorbed by the Agency. The Director-General shall be
15 responsible for the necessary changes in the organization, which shall be submitted, to the
16 President for approval.

17 For purposes of carrying out its duties, functions and responsibilities, the Agency shall have
18 the following *Services*: Intelligence and Investigation, International Cooperation, Plans and
19 Operations, Legal and Prosecution, Administrative and Human Resource, Financial Management,
20 and Internal Affairs.

21
22 **SEC. 6. *NEPA Board.*** - There is hereby created a NEPA Board which shall promulgate
23 policies relative to the enforcement of environmental laws. The Board shall be headed by the
24 Secretary of Environment and Natural Resources, as Chairman. The Secretary of Justice shall be
25 the Board Vice-Chairman with representatives from the following offices as Members:

- 26 a) The Philippine National Police;
27 b) The Armed Forces of the Philippines;
28 c) The Bureau of Customs;

1 d) The Maritime Industry Authority; and,

2 e) The Philippine Coast Guard.

3
4 **SEC. 7. *Relations/lip with Other Departments.*** - The Agency shall closely coordinate
5 with other Departments, offices and agencies to ensure the successful implementation of this Act.
6 Nothing herein shall be construed as a derogation of the powers and functions of such other
7 Departments, offices and agencies.

8
9 **SEC. 8. *Appropriations.*** - The amount necessary for the operation of the Agency shall
10 be charged against the current year's appropriations of the National Anti-Environment Crime
11 Task Force. Thereafter, such sums as may be necessary to implement this Act shall be included in
12 the annual General Appropriations Act.

13 The proceeds of the sale of products seized by the Agency pursuant to environmental laws
14 shall be remitted to the Agency for use in the implementation of this Act. Likewise, fifty percent
15 (50%) of the fines imposed by the proper courts in cases filed by the Agency shall pertain to the
16 Agency for the same purpose.

17
18 **SEC. 9. *Transitory Provisions.*** - All offices, bureaus, agencies and divisions that are to
19 be absorbed by the Agency shall cease and their functions, including their appropriations, funds,
20 records, equipment, facilities, rights, assets and personnel shall be transferred to the Agency
21 within 180 days after the effectivity of this Act. Its liabilities, if any, shall be treated in
22 accordance with the government auditing code and other pertinent laws, rules and regulations.

23
24 **SEC. 10. *Repealing Clause.*** - Executive Order No. 192, Series of 1987, and Executive
25 Order No. 292, otherwise known as the Administrative Code of 1987, are hereby modified
26 accordingly. All other acts, ordinances, rules and regulations and other issuances that are
27 inconsistent with this Act are hereby repealed or modified accordingly.

1 **SEC. 11. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
2 the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.