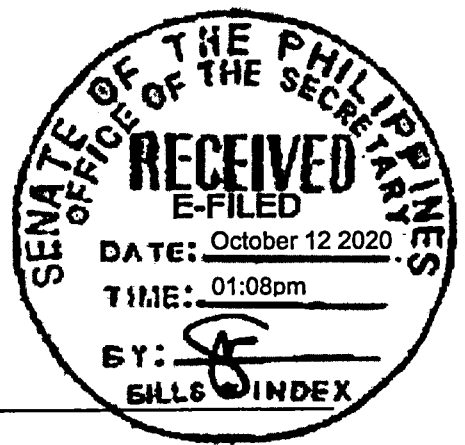


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 1878



Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
CREATING THE ENVIRONMENTAL PROTECTION AND
ENFORCEMENT BUREAU (EPEB) UNDER THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES (DENR), PROVIDING
FOR ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

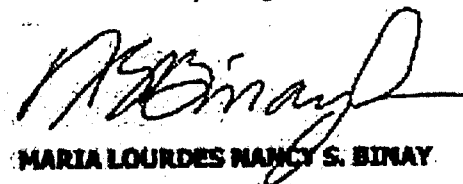
EXPLANATORY NOTE

Section 16, Article II of the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. This bill seeks to create an Environmental Protection and Enforcement Bureau (EPEB) under the Department of Environment and Natural Resources for the furtherance of the right of the people to a balanced and healthful ecology.

The Philippines is a biodiversity hotspot as it contains two-thirds of the world's biodiversity in its isolated archipelagic topography, which makes it extremely vulnerable to threats and exploitation of its natural resources. Forest covers, mangrove areas, and our reefs, which house our endemic flora and fauna, are depleting daily and will continue to decrease if we do not actively protect it.

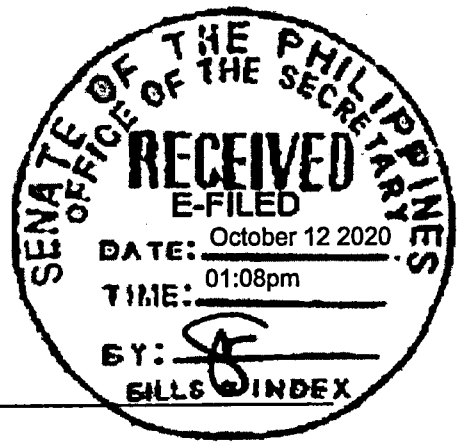
Illegal logging, wildlife trade, and improper disposal of hazardous waste are just some of the many problems our environment face, which hinder the natural equilibrium that we want to achieve. As a crime against the environment is a crime against all, it is necessary to strengthen the enforcement of environmental laws and regulations so that our children and our children's children may live to see and nurture the Philippine plants and animals which make up our unique ecosystem.

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


MARIA LOURDES NANCY S. BINAY

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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**AN ACT
CREATING THE ENVIRONMENTAL PROTECTION AND
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FOR ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. - This Act shall be known as the "Environmental
Protection and Enforcement Bureau (EPEB) Act".

SECTION 2. Declaration of Policy. - It is the policy of the State to:

- (a) Maintain an effective, competent, modern current and highly-trained enforcement body to address violations of environment and natural resources laws, rules, and regulations in order to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- (b) Strengthen and professionalize environment and natural resources protection and law enforcement with appropriate structure, science and technology, manpower, and capability;
- (c) Formulate plans and programs relative to environment and natural resources protection to enhance and modernize capacities to address all types of environmental crimes, including transnational/transboundary violations, taking cognizance of the worsening global environmental situation;
- (d) Promote shared duties and responsibilities, and capacitate other law enforcement agencies and local government units on environmental law enforcement; and

- 1 (e) Ensure fair, swift, and certain enforcement of environmental laws.
2
3 **SECTION 3. *Definition of Terms.*** - As used in this Act, the following terms and
4 phrases shall mean as follows:
5
6 (a) *Abatement* - refers to a legal document issued by the Bureau, its
7 officers and enforcers, ordering the suspension or cessation, in
8 whole or in part, or removal of a problem or nuisances, which is
9 against environment and natural resources laws committed in
10 prohibited areas, and/or other public areas, where such act is
11 prohibited.
12
13 (b) *Bureau* - refers to the Environmental Protection and Enforcement
14 Bureau.
15
16 (c) *Cease and Desist Order (CDO)* - refers to an order duly issued by
17 the Secretary or the Bureau directing or enjoining any person,
18 business or organization, or government agency, to stop or
19 continue doing an act considered harmful or illegal and/or in order
20 to protect, preserve or rehabilitate the environment. A CDO may be
21 permanent, for specified period of time, or until a final
22 administrative or judicial determination of its legality occurs.
23
24 (d) *Confiscation* - refers to the act of taking in favor of the government,
25 real or personal property, from a person without payment or
26 compensation in an administrative proceeding.
27 (e) *Custody* - refers to temporary holding or safekeeping of any
28 evidence obtained or seized in an enforcement operation conducted
29 by, or with the participation of the Bureau, while a case is pending
30 before any administrative body or the courts.
31
32 (f) *Department* - refers to the Department of Environment and Natural
33 Resources (DENR).
34
35 (g) *Emergency* - as used in this Act emergency occurs when there is a
36 demonstrated impending threat to human life, biodiversity, or
37 irreparable damage to the integrity and stability of the ecosystem.
38
39 (h) *Enforcement areas* - refers to any geographic area in the
40 Philippines where priority enforcement response is needed.
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42 (i) *Forensic* - refers to the application scientific methods of analyzing
43 evidence and samples for purposes of criminal, civil, or
44 administrative procedure.

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- (j) *Impoundment* - the taking into custody of private property, such as a vehicle, facility or implements, by government action with custody documentation pending the outcome of a criminal prosecution under this Act.

- (k) *Prohibited area* - refers to areas explicitly prohibited or deemed by law to be free from human habitation or interference such as, but not limited to, water easements, areas identified as geo-hazard zones, or in any other prohibited zones within protected areas including strict protection zones, multiple use zones, and buffer zones, or areas designated under disaster risk reduction and management plan of LGUs as hazard prone areas.

- (l) *Regulated community* - refers to all persons, businesses or organizations, or government agencies or instrumentalities of the government whose use, utilization, exploitation, development, management, conservation and protection of environment and natural resources are governed under the administrative authority of the Department.

- (m) *Secretary* - refers to the Secretary of the Department of Environment and Natural Resources (DENR).

- (n) *Seizure* - as used in this Act, seizure refers to the taking by enforcement officers of potential evidence from a person who is suspected of violating environmental laws, rules and regulation. Seizure of evidence may be done by virtue of a search warrant, or on the occasion of a warrantless arrest or warrantless search.

- (o) *Strategic Lawsuit Against Public Participation (SLAPP)* - as used in this Act the defense of SLAPP shall be available to Bureau enforcers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

- (p) *Transnational or transboundary violations* - refers to a continuing offense in contravention of both environmental laws and international treaties and conventions on environment to which the Philippines is a signatory. An act is deemed a continuing offense when the act may be prosecuted and tried not only in the court or administrative bodies of the place where it began, but also in the court or administrative bodies of the place where part of the offense was continued or consummated.

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(q) *Wildlife Trafficking* - refers to transportation and/or transshipment of wildlife, wildlife by-products or derivatives, from, to, or through the Philippines.

SECTION 4. Creation. - There is hereby created the Environmental Protection and Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency under the Department.

This Act shall transfer and consolidate all enforcement functions performed by different Bureaus and attached agencies of the Department and those that may be created hereafter.

The Bureau shall exercise concurrent enforcement authority with agencies having jurisdiction under other laws.

SECTION 5. Jurisdiction. - The Bureau shall carry out environmental law enforcement functions in the entire Philippine archipelago including air space, territorial waters, exclusive economic zones, continental shelf, and other areas where the Philippines exercises sovereignty and sovereign rights, or jurisdiction, in accordance with Philippine and international laws. It shall be under the control and supervision of the Secretary.

SECTION 6. Powers and Functions. - The Bureau has the power and authority to:

- (a) Enforce, interdict ongoing violations, arrest, investigate, and prosecute all violations of environmental and natural resources laws, rules, and regulations, including those over which other agencies exercise jurisdiction;
- (b) Take custody of all seized and confiscated items, implements, conveyances, tools, and equipment;
- (c) Initiate the filing of appropriate cases and/or proceedings;
- (d) File the appropriate cases in court in consultation with the National Prosecution Service when necessary, and in coordination with the Office of the Ombudsman in cases involving government officials and employees;
- (e) Execute decisions and dispose of confiscated items in administrative cases pertaining to environment and natural resources violations, and in court cases as may be directed by the court;
- (f) Call on the Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI), other government law enforcement agencies, including government-owned and/or-controlled corporations, to aid in the enforcement of laws against environmental crimes;

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- (g) Conduct Intelligence operations and forensics Investigation in furtherance of the foregoing powers and functions;
- (h) Issue subpoena for the appearance of any person for investigation or production of any documents, through its officers from the ranks of Director-General, Deputy Director, Directors for Enforcement, Investigation and/or Legal Services, and Regional Director, and cite in contempt any person who violates or disobeys orders and processes duly issued by the Bureau;
- (i) Accept in the name of the Philippine Government, funds or financial assistance for immediate disbursements or other property in the interest of, or as may be necessary to carry out its functions, and which shall be properly allocated and utilized directly and exclusively for environmental protection and enforcement;
- (j) Establish and maintain coordination mechanisms with other law enforcement agencies locally and internationally;
- (k) Develop enforcement systems and strategies based on best practices and using the most advanced and reliable technologies;
- (l) Impose administrative fines/citations for in-flagrante violations of environment and natural resources laws, rules and regulations pursuant to schedule of fines to be issued by the Office of the Secretary;
- (m) Maintain database of all relevant information such as, but not limited to, environmental cases, environment-related incidents, permittees, licensees, park and forest occupants, tenured migrants, and scientific research data and information;
- (n) Issue and implement Cease and Desist Order, Closure Order, Notice of Violation, and Abatement Order in the exercise of its administrative powers pursuant to pertinent rules and regulations issued by the Department;
- (o) Formulate and implement policies, guidelines, and programs necessary to effectively carry out its mandate; and
- (p) Perform other related functions as the Secretary of the Department may assign.

Nothing herein shall prevent other law enforcement agencies from exercising jurisdiction over violations of environmental laws, rules and regulations. Provided that, once the Bureau takes cognizance of the aforementioned violations, the Bureau

1 shall take the lead and other law enforcement agencies shall collaborate and render
 2 assistance.

3
 4 **SECTION 7. Organizational Structure.** - The Bureau shall be organized into the Office
 5 of the Director-General, Deputy Director-Generals for Operations and for
 6 Administration, Division Chiefs for Enforcement, Investigation and Legal, Finance and
 7 Logistics, Administrative and Human Resource, Planning and Knowledge Information
 8 Service, and Forensic Laboratory. Each service shall be composed of the necessary
 9 divisions and sections. The Bureau shall establish regional offices composed of district
 10 offices to cover designated enforcement areas. Field units may be established as
 11 needed to work with the PENR and/or CENR offices, or clusters thereof.

12
 13 The Bureau's personnel and their respective positions and rank shall have
 14 appropriate staffing complement, as follows:
 15

Job Title	Career Level	Salary Grade
Director General	Director VI	SG 30
Deputy Director General for Operations	Director V	SG 29
Deputy Director General for Administration	Director V	SG 29
Regional Director	Director III	SG 27
Chief for Enforcement Division	Director I	SG 25
Chief for Investigation and Legal Division	Director I	SG 25
Chief for Finance and Logistics Division	Director I	SG 25
Chief for Administrative and Human Resource Division	Director I	SG 25
Chief for Planning and Knowledge Information Division	Director I	SG 25
Director for Forensic Laboratory	Director I	SG 25
Regional Legal Division Chief	Attorney V	SG 25
Supervising Environmental Prosecutor	Attorney IV	SG 23
Environmental Prosecutor	Attorney III	SG 21
Regional Enforcement Division Chief	Division Chief	SG 24
Regional Management Division Chief	Division Chief	SG 24
Supervising Enforcement Officer	Senior Officer V	SG 22
Enforcement Officer IV	Officer IV	SG 19
Enforcement Officer III	Officer III	SG 16
Enforcement Officer II	Officer II	SG 13
Enforcement Officer I	Officer I	SG 11
Ranger Technician	Ranger III	SG 9
Ranger	Ranger II	SG 7
Ranger	Ranger I	SG 5

1 **SECTION 8. *Forensic Laboratory.*** - The Bureau shall establish and maintain an up-
 2 to-date forensic laboratory to be headed by a Director and supported by as many
 3 sections as may be deemed necessary, which may include chemical and toxicology,
 4 genetics, criminalistics, veterinary, morphology, and digital. The Forensic Laboratory
 5 may be composed of the following staffing complement:
 6

Job Title	Career Level	Salary Grade
Director for Forensic Laboratory	Director I	SG 25
Section Chief on Chemistry and Toxicology	Section Chief	SG 22
Section Chief on Genetics and Forensic Biology	Section Chief	SG 22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG 22
Section Chief on Taxonomy and Morphology	Section Chief	SG 22
Section Chief on Geology	Section Chief	SG 22
Senior Computer Programmer and Information Technology Officer	ENRE Officer IV	SG 19
Analyst III	ENRE Officer III	SG 16
Analyst II	ENRE Officer II	SG 13
Analyst I	ENRE Officer I	SG 11

7
 8 **SECTION 9. *Environment and Natural Resources Law Enforcement Academy.***
 9 - The DENR shall establish an Environmental and Natural Resources Law
 10 Enforcement Academy which shall be responsible for the recruitment, development
 11 and conduct of basic and advanced-level environmental law enforcement training
 12 course, and continuing skills enhancement of all Bureau enforcers and personnel.
 13 The Academy shall provide other Philippine law enforcement agencies and
 14 institutions high-quality standardized trainings on environmental law enforcement,
 15 including local governments.
 16

17 **SECTION 10. *Powers and Functions of the Director General.*** - The Director
 18 General shall have access to all official records of the Government and the
 19 regulated communities of the Department in the furtherance of his/her duties and
 20 responsibilities, and shall perform the following powers and functions:
 21

- 22 (a) Direct, control and administer the operations of the Bureau, and
 23 deploy any of its officials and operatives for missions;
- 24 (b) Formulate policies, guidelines, programs and projects to
 25 implement this law and recommend policies that would enable the
 26 Bureau to take additional necessary measures in exercising its
 27 powers;
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- (c) Develop a system and allocate funds for informant's rewards and whistle blower protection;
- (d) Recommend and/or direct appropriate agencies to effect emergency containment and remediation measures in relation to violations of environment and natural resources laws, rules, and regulations;
- (e) Initiate and strategize training and deputation of environmental law enforcement officers and, whenever practicable their consolidation and organization in accordance with existing laws, rules and regulations;
- (f) Designate and/or authorize the use Informants for investigative purposes including the hiring of consultants, subject to pertinent laws, rules and regulations, as may be required;
- (g) Issue mission orders and permits to carry duly-issued agency firearms of its organic personnel or other duly deputized officers who are conducting or assisting in investigation and enforcement operations;
- (h) Ensure proper inventory, identification and impoundment of confiscated and/or forfeited objects, implements, and conveyances;
- (i) Create and/or abolish divisions/units and positions within the Bureau that may be required for the expeditious, effective and efficient discharge of its duties and responsibilities; and remove, suspend, or otherwise discipline Bureau officials, enforcers and personnel for causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations, subject to the approval by the Secretary; and
- (j) Perform other acts that are necessary, proper or incidental to the performance of his duties and responsibilities as may be assigned by the Secretary.

SECTION 11. Powers and Functions of Bureau Officers and Enforcers. - The members of the Bureau shall be peace officers, and as law enforcers, shall have the following additional powers and functions:

- (a) To detect, interdict, and investigate any environmental violations and to make arrests, searches and seizures in accordance with existing laws, rules and regulations;

- 1 (b) To seize and initiate confiscation proceedings for prohibited
2 items including objects, implements, and conveyances used in
3 the violation of environmental law, as provided for by
4 applicable laws, rules and regulations, and to inventory said
5 items;
- 6
- 7 (c) To take and require sworn affidavits of person or persons
8 summoned in connection with cases under investigation and to
9 administer oaths in cases under investigation, subject to
10 limitations imposed by the Constitution and laws, rules and
11 regulations;
- 12
- 13 (d) To carry suitable and adequate agency-issued firearms for
14 enforcement operations and personal security;
- 15
- 16 (e) To have access to all official records of the Government and
17 the regulated community, where such records relate to their
18 official functions under this law; and
- 19
- 20 (f) To perform such other functions as may be assigned by the
21 Bureau.
- 22

23 **SECTION 12. *Benefits and Privileges.*** - The Bureau shall provide its personnel
24 with the following benefits:

- 25 (a) Health care services or insurance for all its regular personnel;
- 26
- 27 (b) Accident insurance for all its employees and deputized officers;
- 28
- 29 (c) Hazard pay, subject to existing laws, rules and regulations; and
- 30
- 31 (d) Access to a legal assistance and support fund.
- 32

33

34 **SECTION 13. *Inter-agency Environmental Enforcement Coordination.*** - The
35 Bureau shall establish and maintain close coordination, cooperation and
36 linkages with national and international coordinative bodies, multi-lateral
37 agencies, and organizations that address environmental crimes.

38

39 **SECTION 14. *Stakeholder's Engagement/Peoples' Participation.***- Active and
40 direct participation of national government agencies (NGAs), local government
41 units (LGUs), academe, media, people's organization (POs), non-governmental
42 organizations (NGOs), including the citizenry, shall be encouraged. The Bureau
43 shall take measures to ensure responsiveness and feedback mechanisms for
44 maximum participation, engagement, and transparency.

1 **SECTION 15. *Strategic Lawsuit Against Public Participation (SLAPP) in the***
2 ***Enforcement of this Act.*** - The defense of SLAPP as defined by existing laws
3 shall be available to Bureau enforcers and those they have deputized,
4 complainants, and witnesses. This remedy is available even during
5 preliminary investigation and relevant administrative cases. The Bureau shall
6 provide sufficient assistance for those enforcers, deputies, complainants,
7 and witnesses charged with SLAPP suits.

8
9 The Rules of Procedure for Environmental Cases shall govern the
10 procedure in civil, criminal, and special civil actions involving the
11 enforcement or violations of this Act, including actions treated as a SLAPP
12 as provided in this section.

13
14 **SECTION 16. *Prohibition on the Issuance of Temporary Restraining Orders,***
15 ***Preliminary Injunctions, and Preliminary Mandatory Injunctions.*** - No court,
16 other than the Supreme Court, shall issue Injunction or restraining order
17 against the Department and Bureau in the lawful enforcement of
18 environmental and natural resources laws.

19
20 **SECTION 17. *Assaults against Environment and Natural Resources***
21 ***Enforcement Officers and Deputies.*** - Any person, and persons whether
22 natural or juridical, who, shall attack, employ force or seriously intimidates
23 any environment and natural resources enforcement officer or his deputies,
24 while engaged in the performance of official duties, or on the occasion of
25 the performance of such duties shall be charged with direct assault under
26 the Revised Penal Code.

27
28 The penalties of indirect assault as defined under the Revised Penal
29 Code shall be imposed upon any person coming to the aid of the environment
30 and natural resources enforcement officer or his deputy in the enforcement
31 of his duties.

32
33 **SECTION 18. *Administrative Adjudication.*** - The Secretary is authorized to
34 organize and standardize administrative adjudication mechanisms to impose
35 fines and other penalties provided for under existing laws, rules, and
36 regulations and cause the issuance of procedural rules and regulations as
37 may be appropriate.

38
39 **SECTION 19. *Power to Issue Cease and Desist Orders and to Summarily***
40 ***Abate Without the Necessity of Judicial Order.*** - The Bureau may, subject to
41 the requirements of administrative due process, issue cease and desist
42 order/s, and to summarily eject any person and/or issue abatement order,
43 removal, dismantling, or demolition of any illegal structures from a
44 prohibited area, without the necessity of judicial order.

1 Provided, that in cases of emergency, the Bureau may order the
2 immediate exit or departure of the offender from the prohibited area. The
3 Bureau may call on other enforcement agencies to assist in executing the
4 order to vacate.

5
6 **SECTION 20. *Authority of the Director-General of the Bureau or the Duly***
7 ***Authorized Representative to Issue Notice of Violation and Seizure Order.*** -

8 In all cases of violations of environmental laws, rules and regulations, the
9 Director-General or his duly authorized representative, may, in appropriate
10 cases, issue notices of violation and order the seizure of any property subject
11 of the offense, including conveyances, implements, tools and equipment
12 used in the commission of the offense.

13
14 **SECTION 21. *Funding Source and Appropriation.*** - The funds required for
15 the implementation of this Act shall be taken from the General Appropriations
16 Act (GAA) and may be augmented from the following:

- 17
18 (a) Integrated Protected Area Fund (IPAF);
19
20 (b) Environmental and user fees;
21
22 (c) EPIRA;
23
24 (d) Road users' tax; and
25
26 (e) Administrative fines and penalties.

27
28 Provided, that, all funds collected shall be pooled together as a single
29 account that will cover all operational expenses.

30
31 **SECTION 22. *Transitory Provisions.*** - All unexpended appropriations, real
32 and personal properties, documents, records and other papers related to
33 enforcement which are kept and/or managed by enforcement divisions,
34 sections and units of the Department and attached agencies shall be
35 transferred to the Bureau.

36
37 All incumbent officials and personnel currently assigned and/or
38 designated at the regional enforcement divisions, PENR enforcement
39 sections, or CENR enforcement units who have undergone the mandatory
40 training on enforcement as provided under this Act may continue to serve as
41 an officer or enforcer of the Bureau, or choose to be reassigned in non-
42 enforcement offices or Bureaus of the Department.

43
44 All incumbent enforcement officials, enforcers and personnel of the
45 Department, Bureaus, and attached agencies who have undergone the
46 mandatory training on enforcement as provided under this Act may serve as
47 officer or enforcer of the Bureau, or choose to be reassigned in non-
48 enforcement functions or offices of the said agencies.

1 All incumbent enforcement officials, enforcers and personnel of the
2 Palawan Council for Sustainable Development (PCSD) and BARMM shall be
3 trained under the Bureau as part of the one-system approach.
4

5 **SECTION 23. *Implementing Rules and Regulations.*** - The Department, in
6 consultation with concerned government agencies and stakeholders, shall
7 promulgate the implementing rules and regulations of this Act, within six (6)
8 months from the effectivity of this Act.
9

10 **SECTION 24. *Separability Clause.*** - If any portion of this Act is declared
11 unconstitutional or invalid, the portions or provisions which are not affected
12 shall continue to be in full force and effect.
13

14 **SECTION 25. *Repealing Clause.*** - All laws, decrees, executive orders and
15 rules and regulations or parts thereof which are inconsistent with this Act
16 are hereby repealed or modified accordingly.
17

18 **SECTION 26. *Effectivity Clause.*** - Notwithstanding the non-issuance of the
19 implementing rules and regulations, this Act shall take effect fifteen (15) days after
20 its publication in the Official Gazette or in at least two (2) national newspapers of
21 general circulation.

Approved,