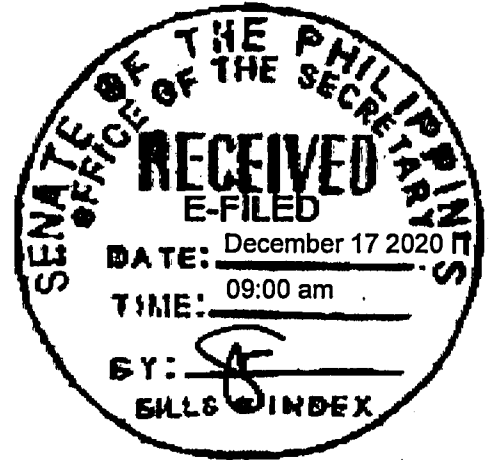


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

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SENATE

S. No. 1959

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

In 2019, the Philippines was declared as the deadliest country for land and environmental defenders, averaging more than three deaths a week by an international non-profit organization, Global Witness¹. For the year 2018, a total of 164 activists were killed. In addition, many activists face death threats, intimidation and even arrests.

In July 2019, forest ranger Bienvinido Veguilla, Jr., was hacked to death in Palawan by alleged illegal loggers². In November of the same year, Josh Peregrino, a special investigator with the Community Environment and Natural Resources Office (CENRO) in the City of Bislig in Mindanao was gunned down.

¹ 2019, July 30. The World Staff. **The Philippines identified as the deadliest country for environmental activists.** Accessed: <https://www.pri.org/stories/2019-07-30/philippines-identified-deadliest-country-environmental-activists>

² 2019, December 10. Mongabay. **Killings of environmental defenders on the rise in the Philippines.** Accessed: <https://news.mongabay.com/2019/12/killings-of-environmental-defenders-on-the-rise-in-the-philippines/>

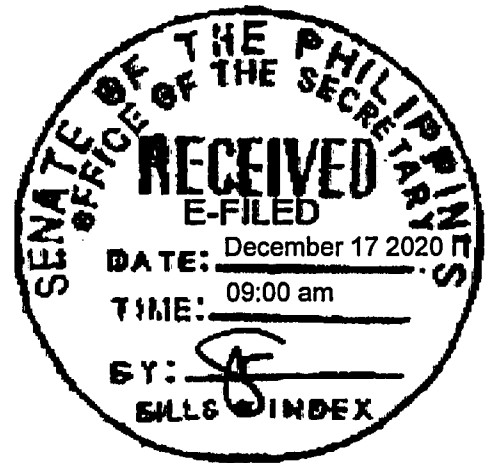
In light of increasing attacks on environmental defenders, this proposed measure seeks for the creation of an enforcement bureau within the Department of Environment and Natural Resources that will train and arm enforcers. This will effectively give the Department stronger enforcement powers.

I urge my colleagues to urgently consider this proposed measure in our effort to protect our environmental defenders and show our appreciation to their labours and noble work for our environment and for the country, in general.


RAMON BONG REVILLA, JR.

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

1 SECTION 1. *Short title.* – This Act shall be known as the “Environmental
2 Protection and Enforcement Bureau (EPEB) Act”.

3
4 Sec. 2. *Declaration of Policy.* – It is the policy of the State to:

- 5 a) Maintain an effective, competent, modern current and highly-trained
6 enforcement body to address violations of environment and natural
7 resources laws, rules, and regulations in order to protect and advance
8 the right of the people to a balanced and healthful ecology in accord
9 with the rhythm and harmony of nature;
- 10 b) Strengthen and professionalize environment and natural resources
11 protection and law enforcement with appropriate structure, science and
12 technology, manpower, and capability;
- 13 c) Formulate plans and programs relative to environment and natural
14 resources protection to enhance and modernize capacities to address all

1 types of environmental crimes, including transnational/transboundary
2 violations, taking cognizance of the worsening global environmental
3 situation;

4 d) Promote shared duties and responsibilities, and capacitate other law
5 enforcement agencies and local government units on environmental law
6 enforcement; and

7 e) Ensure fair, swift, and certain enforcement of environmental laws.
8

9 **Sec. 3. Definition of Terms.** – As used in this Act, the following terms and
10 phrases shall mean as follows:

11 a) **Abatement**– refers to a legal document issued by the Bureau, its officers
12 and enforcers, ordering the suspension or cessation, in whole or in part,
13 or removal of a problem or nuisances, which is against environment and
14 natural resources laws committed in prohibited areas, and/or other
15 public areas, where such act is prohibited.

16 b) **Bureau** – refers to the Environmental Protection and Enforcement
17 Bureau

18 c) **Cease and Desist Order (CDO)** – refers to an order duly issued by the
19 Secretary or the Bureau directing or enjoining any person, business or
20 organization, or government agency, to stop or continue doing an act
21 considered harmful or illegal and/or in order to protect, preserve or
22 rehabilitate the environment. A CDO may be permanent, for specified
23 period of time, or until a final administrative or judicial determination of
24 its legality occurs.

25 d) **Confiscation**– refers to the act of taking in favor of the government, real
26 or personal property, from a person without payment or compensation
27 in an administrative proceeding

28 e) **Custody**– refers to temporary holding or safekeeping of any evidence
29 obtained or seized in an enforcement operation conducted by, or with
30 the participation of the Bureau, while a case is pending before any
31 administrative body or the courts

- 1 f) *Department* – refers to the Department of Environment and Natural
2 Resources (DENR)
- 3 g) *Emergency* – as used in this Act emergency occurs when there is a
4 demonstrated impending threat to human life, biodiversity, or
5 irreparable damage to the integrity and stability of the ecosystem
- 6 h) *Enforcement areas* – refers to any geographic area in the Philippines
7 where priority enforcement response is needed
- 8 i) *Forensic* – refers to the application scientific methods of analyzing
9 evidence and samples for purposes of criminal, civil, or administrative
10 procedure
- 11 j) *Impoundment* – the taking into custody of private property, such as a
12 vehicle, facility or implements, by government action with custody
13 documentation pending the outcome of a criminal prosecution under this
14 Act
- 15 k) *Prohibited area* – refers to areas explicitly prohibited or deemed by law
16 to be free from human habitation or interference such as, but not limited
17 to, water easements, areas identified as geo-hazard zones, or in any
18 other prohibited zones within protected areas including strict protection
19 zones, multiple use zones, and buffer zones, or areas designated under
20 disaster risk reduction and management plan of LGUs as hazard prone
21 areas
- 22 l) *Regulated Community* – refers to all persons, businesses or
23 organizations, or government agencies or instrumentalities of the
24 government whose use, utilization, exploitation, development,
25 management, conservation and protection of environment and natural
26 resources are governed under the administrative authority of the
27 Department
- 28 m) *Secretary* – refers to the Secretary of the Department of Environment
29 and Natural Resources (DENR)
- 30 n) *Seizure* – as used in this Act, seizure refers to the taking by enforcement
31 officers of potential evidence from a person who is suspected of violating
32 environmental laws, rules and regulation. Seizure of evidence may be

1 done by virtue of a search warrant, or on the occasion of a warrantless
2 arrest or warrantless search

3 o) *Strategic Lawsuit Against Public Participation (SLAPP)* – as used in this
4 Act the defense of SLAPP shall be available to Bureau enforcers and
5 those they have deputized, complainants, and witnesses charged with
6 SLAPP suits.

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

14 q) *Wildlife Trafficking* – refers to transportation and/or transshipment of
15 wildlife, wildlife by-products or derivatives, from, to or through the
16 Philippines

17
18 **Sec. 4. *Creation.*** – There is hereby created the Environmental Protection and
19 Enforcement Bureau (EPEB) which shall be uniformed service and a line agency under
20 the Department.

21
22 This Act shall transfer and consolidate all enforcement functions performed by
23 different Bureaus and attached agencies of the Department and those that may be
24 created hereafter.

25
26 The Bureau shall exercise concurrent enforcement authority with agencies
27 having jurisdiction under other laws.

28
29 **Sec. 5. *Jurisdiction.*** – The Bureau shall carry out environmental law
30 enforcement functions in the entire Philippine archipelago including air space,
31 territorial waters, exclusive economic zones, continental shelf, and other areas where
32 the Philippines exercises sovereignty and sovereign rights, or jurisdiction, in

1 accordance with Philippine and international laws. It shall be under the control and
2 supervision of the Secretary.

3
4 **Sec. 6: Powers and Functions.** – The Bureau has the power and authority to:

- 5 a) Enforce, interdict ongoing violations, arrest, investigate, and prosecute
6 all violations of environmental and natural resources laws, rules and
7 regulations, including those over which other agencies exercise
8 jurisdiction;
- 9 b) Take custody of all seized and confiscated items, implements,
10 conveyances, tools, and equipment;
- 11 c) Initiate the filing of appropriate cases and/or proceedings;
- 12 d) File the appropriate cases in court in consultation with the National
13 Prosecution Service when necessary, and in coordination with the Office
14 of the Ombudsman in cases involving government officials and
15 employees;
- 16 e) Execute decisions and dispose of confiscated items in administrative
17 cases pertaining to environment and natural resources violations, and in
18 court cases as may be directed by the court;
- 19 f) Call on the Department of Justice (DOJ), Philippine National Police (PNP),
20 Armed Forces of the Philippines (AFP), the National Bureau of
21 Investigation (NBI), other government law enforcement agencies,
22 including government-owned and/or controlled corporations, to aid in
23 the enforcement of laws against environmental crimes;
- 24 g) Conduct intelligence operations and forensics investigation in
25 furtherance of the foregoing powers and functions;
- 26 h) Issue subpoena for the appearance of any person for investigation or
27 production of any documents, through its officers from the ranks of
28 Director-General, Deputy Director, Directors for Enforcement,
29 Investigation and/or Legal Services, and Regional Director, and cite in
30 contempt any person who violates or disobeys orders and processes duly
31 issued by the Bureau;

- 1 i) Accept in the name of the Philippine Government, funds or financial
2 assistance for immediate disbursements of other property in the interest
3 of, or as may be necessary to carry out its functions, and which shall be
4 properly allocated and utilized directly and exclusively for environmental
5 protection and enforcement;
- 6 j) Establish and maintain coordination mechanisms with other law
7 enforcement agencies locally and internationally;
- 8 k) Develop enforcement systems and strategies based on best practices
9 and using the most advanced and reliable technologies;
- 10 l) Impose administrative fines/citations for in-flagrate violations of
11 environment and natural resource laws, rules and regulations pursuant
12 to schedule of fines to be issued by the Office of the Secretary;
- 13 m) Maintain database of all relevant information such as, but not limited to,
14 environmental cases, environment-related incidents, permittees,
15 licensees, park and forest occupants, tenured migrants, and scientific
16 research data and information;
- 17 n) Issue and implement Cease and Desist Order, Closure Order, Notice of
18 Violation, and Abatement Order in the exercise of its administrative
19 powers pursuant to pertinent rules and regulations issued by the
20 Department;
- 21 o) Formulate and implement policies, guidelines, and programs necessary
22 to effectively carry out its mandate; and
- 23 p) Perform other related functions as the Secretary of the Department may
24 assign.
- 25

26 Nothing herein shall prevent other law enforcement agencies from
27 exercising jurisdiction over violations of environmental laws, rules and regulations.
28 Provided that, once the Bureau takes cognizance of the aforementioned violations, the
29 Bureau shall take the lead and other law enforcement agencies shall collaborate and
30 render assistance.

31

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

9
 10 The Bureau's personnel and their respective positions and rank shall have
 11 appropriate staffing complement, as follows:

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 Level 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

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

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

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Sec. 9. *Environment and Natural Resources Law Enforcement Academy.* – The DENR shall establish an Environmental and Natural Resources Law Enforcement Academy which shall be responsible for the recruitment, development and conduct of basic and advance-level environmental law enforcement training course, and continuing skills enhancement of all Bureau enforcers and personnel. The Academy shall provide other Philippine law enforcement agencies and institutions high-quality standardized trainings on environmental law enforcement, including local governments.

Sec. 10. *Powers and Functions of the Director General.* – The Director General shall have access to all official records of the Government and the regulated

1 communities of the Department in the furtherance of his/her duties and
2 responsibilities, and shall performs the following powers and functions:

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

- 1 j) Perform other acts that are necessary, proper or incidental to the
2 performance of his duties and responsibilities as may be assigned by
3 the Secretary.
4

5 **Sec. 11. *Powers and Functions of Bureau Officers and Enforcers.*** – The
6 members of the Bureau shall be peace officers, and as law enforcers, shall have the
7 following additional powers and functions:

- 8 a) To detect, interdict, and investigate any environmental violations and
9 to make arrests, searches and seizures in accordance with existing
10 laws, rules and regulations;
11 b) To seize and initiate confiscation proceedings for prohibited items
12 including objects, implements, and conveyances used in the violation
13 of environmental law, as provided for by applicable laws, rules and
14 regulations, and to inventory said items;
15 c) To take and require sworn affidavits of person or persons summoned
16 in connection with cases under investigation and to administer oaths in
17 cases under investigation, subject to limitations imposed by the
18 Constitution and laws, rules and regulations;
19 d) To carry suitable and adequate agency-issued firearms for enforcement
20 operations and personal security;
21 e) To have access to all official records of the government and the
22 regulated community, where such records relate to their official
23 functions under this law; and
24 f) To perform such other functions as may be assigned by the Bureau.
25

26 **Sec. 12. *Benefits and Privileges.*** – The Bureau shall provide its personnel with
27 the following benefits:

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

1 **Sec. 13. *Inter-agency Environmental Enforcement Coordination.*** – The Bureau
2 shall establish and maintain close coordination, cooperation and linkages with national
3 and international coordinative bodies, multi-lateral agencies; and organizations that
4 address environmental crimes.

5
6 **Sec. 14. *Stakeholder's Engagement / People's Participation.*** – Active and direct
7 participation of national government agencies (NGAs), local government units (LGUs),
8 academe, media, people's organization (POs), non-government organizations (NGOs),
9 including the citizenry, shall be encouraged. The Bureau shall take measures to ensure
10 responsiveness and feedback mechanisms for maximum participation, engagement
11 and transparency.

12
13 **Sec. 15. *Strategic Lawsuit Against Public Participation (SLAPP) in the***
14 ***Enforcement of this Act.*** – The defense of SLAPP as defined by existing laws shall be
15 available to Bureau enforcers and those they have deputized, complainants, and
16 witnesses. This remedy is available even during preliminary investigation and relevant
17 administrative cases. The Bureau shall provide sufficient assistance for those
18 enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

19
20 The Rules of Procedure for Environmental Cases shall govern the procedure
21 in civil, criminal, and special civil actions involving the enforcement or violations of this
22 Act, including actions treated as a SLAPP as provided in this section.

23
24 **Sec. 16. *Prohibition on the Issuance of Temporary Restraining Orders,***
25 ***Preliminary Injunctions, and Preliminary Mandatory Injunctions.*** – No court, other than
26 the Supreme Court, shall issue injunction or restraining order against the Department
27 and Bureau in the lawful enforcement of environmental and natural resources laws.

28
29 **Sec. 17. *Assaults against Environment and Natural Resources Enforcement***
30 ***Officers and Deputies.*** – Any person, and persons whether natural or juridical, who
31 shall attack, employ force or seriously intimidates any environment and natural
32 resources enforcement officer or his deputies, while engaged in the performance of

1 official duties, or on the occasion of the performance of such duties shall be charged
2 with direct assault under the Revised Penal Code.

3 The penalties of indirect assault as defined under the Revised Penal Code shall
4 be imposed upon any person coming to the aid of the environment and natural
5 resources enforcement or his deputy in the enforcement of his duties.

6
7 **Sec. 18. *Administrative Adjudication.*** – The Secretary is authorized to organize
8 and standardize administrative adjudication mechanisms to impose fines and other
9 penalties provided for under existing laws, rules and regulations and cause the
10 issuance of procedural rules and regulations as may be appropriate.

11
12 **Sec. 19. *Power to Issue Cease and Desist Orders and to Summarily Abate***
13 ***Without the Necessity of Judicial Order.*** – The Bureau may, subject to the
14 requirements of administrative due process, issue cease and desist order/s, and to
15 summarily eject any person and/or issue abatement order, removal, dismantling, or
16 demolition of any illegal structures from a prohibited area, without the necessity of
17 judicial order.

18
19 Provided, that in cases of emergency, the Bureau may order the immediate
20 exit or departure of the offender from the prohibited area. The Bureau may call on
21 other enforcement agencies to assist in executing the order to vacate.

22
23 **Sec. 20. *Authority of the Director-General of the Bureau or the Duly Authorized***
24 ***Representative to Issue Notice of Violation and Seizure Order.*** – In all cases of
25 violations of environmental laws, rules and regulations, the Director-General or his
26 duly authorized representative, may, in appropriate cases, issue notices of violation
27 and order the seizure of any property subject of the offense, including conveyances,
28 implements, tools and equipment used in the commission of the offense.

29
30 **Sec. 21. *Funding Source and Appropriation.*** – The funds required for the
31 Implementation of this Act shall be taken from the General Appropriations Act (GAA)
32 and may be augmented from the following:

- 1 a) Integrated Protected Area Fund (IPAF);
- 2 b) Environmental and user fees;
- 3 c) EPIRA;
- 4 d) Road users' tax; and
- 5 e) Administrative fines and penalties.

6
7 Provided, that, all funds collected shall be pooled together as a single account
8 that will cover all operational expenses.

9
10 *Sec. 22. Transitory Provisions.* – All unexpended appropriations, real and
11 personal properties, documents, records and other papers related to enforcement
12 which are kept and/or managed by enforcement divisions, sections and units of the
13 Department and attached agencies shall be transferred to the Bureau.

14
15 All incumbent officials and personnel currently assigned and/or designated at
16 the regional enforcement divisions, PENR enforcement sections, or CENR enforcement
17 units who have undergone the mandatory training on enforcement as provided under
18 this Act may continue to serve as an officer or enforcer of the Bureau, or choose to
19 be reassigned in non-enforcement officer or Bureau of the Department.

20
21 All incumbent enforcement officials, enforcers and personnel of the
22 Department, Bureaus, and attached agencies who have undergone the mandatory
23 training on enforcement as provided under this Act may serve as officer or enforcer
24 of the Bureau, or choose to be reassigned in non-enforcement functions or offices of
25 the said agencies.

26
27 All incumbent enforcement officials, enforcers and personnel of the Palawan
28 Council for Sustainable Development (PCSD) and BARMM shall be trained under the
29 Bureau as part of the one-system approach.

30
31 *Sec. 23. Implementing Rules and Regulations.* – The Department, in
32 consultation with concerned government agencies and stakeholders, shall promulgate

1 the implementing rules and regulations of this Act, within six (6) months from the
2 effectivity of this Act.

3
4 **Sec. 24. *Separability Clause.*** If any portion of this Act is declared
5 unconstitutional or invalid, the portions or provisions which are not affected shall
6 continue to be in full force and effect.

7
8 **Sec. 25. *Repealing Clause.*** All laws, decrees, executive orders and rules and
9 regulations or parts thereof which are inconsistent with this Act are hereby repealed
10 or modified accordingly.

11
12 **Sec. 26. *Effectivity Clause.*** Notwithstanding the non-issuance of the
13 implementing rules and regulations, this Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in at least two (2) national newspapers of general
15 circulation.

Approved.