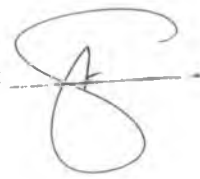


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



24 MAR 14 AIO :16

SENATE  
S. No. 2609

RECEIVED BY: 

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Introduced by Senator Loren B. Legarda

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**AN ACT  
ESTABLISHING A COMPREHENSIVE PHILIPPINE ENVIRONMENTAL  
ASSESSMENT SYSTEM, CREATING THE NATIONAL ENVIRONMENTAL  
PROTECTION AGENCY AND ALLOCATING FUNDING THEREFOR**

**EXPLANATORY NOTE**

The proposed legislation seeks to revise, update, and render relevant the current Environmental Assessment System to comprehensively address (a) Strategic Environmental Assessment or SEA for policies, plans, and programs; (b) Environmental Impact Assessment (EIA) for specific projects; and (c) Health Impact Assessment under the Universal Healthcare Act.

This bill addresses the gaps in Presidential Decree No. 1151, or the "Philippine Environmental Policy," and Presidential Decree No. 1586, or the "Philippine Environmental Impact Statement System of 1978," as well as address the bureaucratic requirement needed to obtain project approvals and improve the treatment of projects in environmentally critical areas. The entire system, referred to as the Philippine Environmental Impact Statement System, uses the Procedural Manual for the Environmental Impact Assessment to facilitate the attainment and maintenance of a rational and orderly balance between socio-economic development and environmental protection.

This bill acknowledges the importance of incorporating environmental considerations from the early stages of planning and continuing throughout the implementation process. It also emphasizes the need to align development objectives with the Philippine Development Plans. Furthermore, the bill advocates for the selection of the most environmentally friendly alternatives that can effectively meet national demands and priorities. It also suggests the adoption of Strategic Environmental Assessment (SEA) for both long- and short-term policies, plans, and programs in the country. This approach aims to ensure that environmental factors are considered at a strategic level, providing a comprehensive framework for decision-making.

Finally, the bill recognizes the significance of aligning national policies and actions with various international agreements and frameworks. Specifically, the bill prioritizes adherence to the United Nations Millennium Declaration, the United Nations Framework Convention on Climate Change, the Sendai Framework for Disaster Risk Reduction, the UN Decade for Ecosystem Restoration, and the Hyogo Framework for Action, among other relevant commitments.

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



**LOREN LEGARDA**

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**ASSESSMENT SYSTEM, CREATING THE NATIONAL ENVIRONMENTAL**  
**PROTECTION AGENCY AND ALLOCATING FUNDING THEREFOR**

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

**PRELIMINARY TITLE**

**Chapter 1**

**Basic Policies**

1  
2  
3  
4       Section 1. *Short Title.* - This Act shall be known and referred to as the  
5 "Philippine Environmental Assessment System Act."

6       Sec. 2. *Declaration of Policy.* - The State shall adhere to the principles of  
7 sustainable development. To this end, it shall ensure balanced consideration of  
8 environmental protection, human health, and socio-economic development through  
9 the assessment of significant environmental impacts of policies, plans, programs, or  
10 projects, and the prescription of appropriate protection and control measures. The  
11 implementation of this State policy shall be guided by the following principles:

- 12       (a) A proactive approach to integrating environmental considerations into  
13       strategic decision making, consistent with sustainable development  
14       principles;

- 1 (b) A systems-oriented and integrated approach in the analysis and solution to  
2 environmental concerns vis-à-vis development programs;
- 3 (c) Conservation of biological diversity and the sustainable use of its  
4 components in all phases of development activity, especially in the context  
5 of climate change and disaster risk reduction;
- 6 (d) Promotion of transparency and public participation in environmental  
7 assessment system;
- 8 (e) Adoption of systematic decentralization of environmental assessment and  
9 institutionalization of local environmental expertise;
- 10 (f) Strengthening environmental monitoring and evaluation mechanisms; and  
11 (g) Establishment of mechanisms to sustain the environmental assessment  
12 system.

13 Sec. 3. *Definition of Terms.*- For purposes of this Act, the following terms shall  
14 be defined as follows:

- 15 (a) "*Agency*" shall refer to the relevant government department, bureau or  
16 office, at all levels, including government-owned and controlled  
17 corporations, with mandate over the preparation, evaluation, approval,  
18 implementation, or monitoring of a policy, plan, program or project;
- 19 (b) "*Bureau*" shall refer to the Environmental Management Bureau which shall  
20 transition to the National Environmental Protection Agency within five (5)  
21 years from the passage of this Act;
- 22 (c) "*Co-located Projects*" shall refer to projects, or series of projects or a project  
23 subdivided into several phases or stages, and located in a contiguous area;
- 24 (d) "*Cumulative Effects*" shall refer to the effects on the environment which  
25 result from the incremental effect of an activity or a set of activities in  
26 combination with the effects of other activities in the area, past and present,  
27 regardless of the person or agency that undertakes such other activities;
- 28 (e) "*Department*" shall refer to the Department of Environment and Natural  
29 Resources;
- 30 (f) "*Environmental Assessment*" shall refer to a process of systematic analysis,  
31 evaluation and management of the potential environmental effects of a

1 policy, plan, program or project before a decision on the said policy, plan,  
2 program or project is made. The term includes both Strategic  
3 Environmental Assessment (SEA) and Environmental Impact Assessment  
4 (EIA);

5 (g) "*Environmental Impact Assessment*" shall refer to the process of predicting  
6 and evaluating the likely impacts of a project (including cumulative  
7 impacts) on the environment during construction, commissioning,  
8 operation, and abandonment. It also includes designing appropriate  
9 preventive, mitigating, and enhancement measures addressing these  
10 consequences to protect the environment;

11 (h) "*Environmental Impact Assessment (EIA) Report*" shall refer to the document  
12 of studies on the environmental impacts of a project, including the  
13 discussions on direct and indirect consequences upon ecological and  
14 environmental integrity. The EIA Report may vary from project to project  
15 but shall contain in every case all relevant information and details about the  
16 proposed project, including the appropriate mitigating and enhancement  
17 measures to address the identified environmental impacts;

18 (i) "*Environmental Impact*" shall refer to any change that the policy, plan,  
19 program or project may cause in the environment, including any effect of  
20 any such change on health and socio-economic conditions;

21 (j) "*Environmental Management Plan*" shall refer to the details of the preventive,  
22 mitigating, and enhancement measures of a proposed project, including  
23 monitoring and evaluation thereof, and shall form part of the EIA Report.

24 (k) "*Environmentally Critical Project*" shall refer to a project or activity that has  
25 the potential for significant adverse environmental impact, as determined  
26 by the Bureau in accordance with the provisions of this Act;

27 (l) "*Policy, Plan or Program*" shall refer to new or modified framework or  
28 courses of action, strategies, guidelines or measures proposed by a  
29 concerned agency or local government unit (LGU) to define or implement  
30 its mandate under relevant laws. The term includes those financed and/or

1 co-financed by international organizations and proposed to the head of an  
2 agency or LGU;

3 (m) "*Proponent*" shall refer to any person seeking to implement a relevant  
4 policy, plan, program or project. This includes government agencies,  
5 government-owned and controlled corporations, LGUs, and private  
6 entities;

7 (n) "*Strategic Environmental Assessment*" shall refer to the  
8 management/planning tool for a systematic evaluation of the  
9 environmental consequences of a proposed policy, plan, or program in  
10 order to ensure that they are fully considered and appropriately addressed  
11 at the earliest stage of decision-making.

## 12 TITLE I

### 13 ENVIRONMENTAL ASSESSMENT SYSTEM

#### 14 Chapter 1

#### 15 General Provisions

16 *Sec. 4. Environmental Assessment System.* – The Environmental Assessment  
17 System (EAS) is hereby established which shall cover Strategic Environmental  
18 Assessment (SEA) and Environmental Impact Assessment (EIA). The EAS shall be  
19 implemented for purposes of identifying, analyzing, evaluating, and managing the  
20 direct and indirect impacts of a policy, plan, program, or project on the environment,  
21 health, and socio-economic issues, and ensuring that these impacts are addressed by  
22 appropriate environmental protection and control measures. It shall help identify the  
23 most practicable, benign, and ecologically restorative alternatives for achieving  
24 positive outcomes and minimizing potentially adverse effects of policies, plans,  
25 programs, and projects.

26 *Sec. 5. Coverage of the Environmental Assessment System (EAS).* – Any policy,  
27 plan, program or project which has the potential for significant adverse impact on the  
28 environment shall be covered by the EAS.

1 Chapter 2

2 Strategic Environmental Assessment

3 Sec. 6. *Applicability of the SEA.* – The SEA shall be required for a proposed policy,  
4 plan, or program when all of the following conditions exist:

- 5 (a) The proposal relates, but not limited, to agriculture, forestry, fisheries, energy,  
6 health, resource extraction, infrastructure, transport, waste management, water  
7 management, tourism, coastal zone management, national, regional, provincial  
8 and municipal/city development planning or land use; and  
9 (b) Implementation of the proposal may result in significant adverse  
10 environmental impact, including health and socio-economic impact.

11 *Provided, that,* SEA shall not be required for policy, plan or program for  
12 proposals involving national security, as declared by the President of the Philippines.  
13 *Provided, further, that,* within five (5) years from the date of effectivity of this Act, SEA  
14 shall apply to the following:

- 15 (a) National development plans, policies, and programs, such as the Philippine  
16 Development Plan;  
17 (b) Sectoral plans, policies, and programs, such as those relating to agriculture  
18 livestock, environment and natural resources, energy, infrastructure and  
19 industries;  
20 (c) Subnational development plans and programs, such as regional, provincial and  
21 local development and land use plans, including those formulated by the  
22 Mindanao Development Authority, Palawan Council for Sustainable  
23 Development, and other similar bodies;  
24 (d) Policies involving biosafety, genetically modified organism (GMO), and  
25 bioprospecting; and  
26 (e) Indigenous peoples' development plans.

27 Sec. 7. *Undertaking SEA.* – The proponent shall conduct the SEA as an integral  
28 part of the formulation of the policy, plan, or program for the purpose of identifying  
29 the most practicable alternatives for achieving positive outcomes and minimizing  
30 potentially adverse effects of the policy, plan or program. SEA may be carried out

1 corresponding to the stages of policy, plan or program formulation and may involve  
2 sequential assessments of various components of the policy, plan, or program.

3 The SEA to be undertaken shall specify, but not be limited to, the following  
4 information:

- 5 (a) Description of the policy, program, or plan in summary, and process of  
6 organization to implement SEA;
- 7 (b) Scope of the SEA study and the main environmental issues related to the policy,  
8 program, or plan, specifying environmental impacts and cumulative effects to  
9 be considered, including past environmental issues and relevant trends in the  
10 state of the environment;
- 11 (c) Assessment of the policy, program, or plan *vis-à-vis* environmental and  
12 sustainable development considerations;
- 13 (d) Where applicable, climate projections prepared by the Philippine Atmospheric,  
14 Geophysical, and Astronomical Services Administration (PAGASA) shall be  
15 used in the conduct of relevant modeling, studies, and assessment, as may be  
16 required;
- 17 (e) Assessment of the policy, program, or plan to disaster risk vulnerability, and  
18 its capacity to adapt to climate change; and
- 19 (f) Recommended options to prevent or mitigate any significant adverse  
20 environmental impacts resulting from the implementation of the policy, plan,  
21 or program, including the focus of any subsequent EIAs, and measures for  
22 monitoring environmental aspects of its implementation.

23 Sec. 8. *Inter-agency SEA Council.* – There is hereby created an Inter-agency SEA  
24 Council (IASC) composed of the following:

- 25 (a) Secretary of the Department of Environment and Natural Resources,  
26 Chairperson;
- 27 (b) Secretary of the Department of Science and Technology, Vice Chairperson;
- 28 (c) Secretary of Socioeconomic Planning, Member;
- 29 (d) Secretary of the Department of Interior and Local Government, Member;
- 30 (e) Secretary of the Department of Agriculture, Member;
- 31 (f) Secretary of the Department of Public Works and Highways, Member;



- 1 (g) Secretary of the Department of Energy, Member;
- 2 (h) Secretary of the Department of Transportation and Communications, Member;
- 3 (i) Secretary of the Department of Health, Member;
- 4 (j) Secretary of the Department of Tourism, Member;
- 5 (k) Chairman of the Housing and Land Use Regulatory Board, Member;
- 6 (l) Chairman of the National Commission on Indigenous Peoples, Member;
- 7 (m) One representative from the Local Government Unit, Member;
- 8 (n) One representative from the environmental NGOs, Member; and
- 9 (o) One representative from the business sector, Member.

10 Representatives of the environmental NGOs and business sector shall be  
11 appointed by the President from a list of nominees submitted by their respective  
12 sectors. They shall serve for a term of six (6) years without reappointment, unless their  
13 representation is withdrawn and/or replaced by the concerned sector, in which case,  
14 the new appointee shall serve only for the unexpired term of the predecessor.

15 Only the *ex-officio* members of the IASC shall appoint a qualified permanent  
16 representative who shall hold a rank of no less than an Undersecretary or its  
17 equivalent.

18 In coordination with the National Economic Development Authority, the  
19 Council shall determine their agencies' SEA and comprehensively determine the  
20 expected outcomes of several development scenarios to inform the Philippine  
21 Development Plan, local development plans and area development plans.

22 *Sec. 9. Secretariat.* – The Department of Environment and Natural Resources  
23 shall act as the secretariat of the IASC and shall be the official repository of all  
24 documents and records thereof.

25 *Sec. 10. Powers and Functions of the IASC.* – Aside from the primary function as  
26 stated in Section 8, final paragraph, the IASC shall have the following powers and  
27 functions:

- 28 (a) Ensure the mainstreaming of SEA into policies, plans and programs;
- 29 (b) Formulate implementing rules and regulations on SEA pursuant to this Act,  
30 including the provisions for the progressive implementation of SEA in  
31 accordance with Section 6 of this Act;

- 1 (c) Exercise policy coordination to ensure the attainment of the goals and  
2 objectives set in this Act;
- 3 (d) Recommend legislation, policies, strategies, programs on and appropriations  
4 for SEA and other related activities;
- 5 (e) Create an enabling environment that shall promote broader multi-stakeholder  
6 participation;
- 7 (f) Formulate and update guidelines for determining and facilitating the provision  
8 of technical assistance for their implementation and monitoring;
- 9 (g) Ensure compliance of all concerned agencies with this Act;
- 10 (h) Facilitate capacity building for SEA implementation and monitoring; and
- 11 (i) Oversee the dissemination of information on SEA.
- 12 (j) Report annually to the President and the public on the expected environmental  
13 impact of the PDP, especially on the cumulative and synergistic impacts of  
14 public works as well as the ecosystems from which materials for these works  
15 are derived.

### 16 Chapter 3

#### 17 Environmental Impact Assessment (EIA) for Specific Projects

18 Sec. 11. *Applicability of EIA.* - Environmentally critical projects, as determined  
19 by the Bureau in accordance with this Act, shall undertake an EIA for specific projects.  
20 These critical projects are presumed to have the potential for significant adverse  
21 impact on the environment. For purposes of determining critical projects, the Bureau  
22 shall consider the nature of the project and its potential to cause significant adverse  
23 environmental impacts. Critical projects shall include, but not limited to, heavy  
24 industries, major manufacturing industries, resource-extractive industries, major  
25 infrastructure projects, and other similar projects.

26 All projects not covered above shall be governed by the concerned LGUs, and  
27 existing LGU policies which shall integrate environmental safeguards which in their  
28 local permitting system and/or complementary environmental assessment policies.

1 Environmentally critical projects, the impact of which is specifically addressed  
2 in a SEA, may be required by the Bureau to undertake an appropriate environmental  
3 assessment study.

4 Existing projects, which are deemed critical under this Act but operating  
5 without an Environmental Compliance Certificate (ECC) required under Sec. 4 of PD  
6 1586, shall be given three (3) years from the date of the effectivity of this Act within  
7 which to comply with the provisions of this law. After such time, the State shall  
8 undertake the EIA Report and charge the project owner for the services.

9 Sec. 12. *Review of EIA.* - The EIA Report shall be reviewed by a multi-  
10 disciplinary team of independent experts convened by the Bureau for that purpose.  
11 The team shall make a report of its findings and recommendation on the issuance or  
12 non-issuance of the Certificate of Proponent's Environmental Commitment (CPEC).  
13 The cost of such review shall be financed by the proponent through a fund manager,  
14 whether government or private.

15 Sec. 13. *Decision on the EIA.* - After a review of the EIA Report and the  
16 recommendations of the EIA Review Team, the Bureau may issue a Certificate of  
17 Proponent's Environmental Commitment (CPEC) certifying that the proposed project  
18 has integrated environmental considerations into its overall project design and  
19 management, that the assessment is technically feasible, and that the proposed  
20 preventive, mitigating, and enhancement measures are appropriate. The CPEC shall  
21 also certify that the proponent has demonstrated its commitment to implement the  
22 approved Environmental Management Plan (EMP) for its proposed project, as  
23 planned, and the corresponding Monitoring and Evaluation.

24 The CPEC shall be limited to the results of the assessment of the environmental  
25 impacts of the proposed project. It shall not, in any manner, exempt the proponent  
26 from securing other government permits and clearance required by other laws, nor  
27 shall it be construed as resolving issues within the mandate of other government  
28 agencies, such as those relating to land ownership and possession rights.

29 All concerned national government agencies and local government units shall  
30 consider the CPEC and relevant EIA documents in their decision-making process.

1           Sec. 14. *Environmental Safeguards for non-Environmentally Critical Projects.* -  
2 Proponents of projects that are not covered pursuant to the preceding sections may be  
3 required by the Bureau to implement environmental safeguards. The Bureau shall  
4 establish an evaluation system therefor.

5           Sec. 15. *EIA for Co-located Projects.* - The Department shall require  
6 programmatic EIA for projects or series of projects subdivided into several phases or  
7 stages, or consisting of several components, or a cluster of projects co-located in an  
8 area, such as, but not limited to, industrial estates, export processing zones, small-  
9 scale mining, livestock, aquaculture, and mariculture projects.

10           The EIA requirements and conditions for co-located projects under the EAS  
11 shall be guided by an assessment of the cumulative impacts and carrying capacity as  
12 may be determined from ecological profiles of the area.

13           The CPEC under this provision shall be issued by the Bureau.

14           Sec. 16. *Financial Guarantee Mechanism.* - As part of the CPEC requirements, the  
15 Bureau may require project proponents to put up a financial guarantee mechanism to  
16 respond to the need for clean-up or rehabilitation of areas that may be damaged,  
17 whether directly or indirectly, or through occurrences, anthropogenic or otherwise,  
18 by a project, during and after its operation.

19           Provisions for financial liability shall ensure just and timely compensation for  
20 any adverse effects which project implementation may directly or indirectly cause on  
21 the environment or the community.

22           The instruments acceptable for compliance with this provision are trust funds,  
23 environmental insurance, cash funds, financial test mechanism, self-insurance, and  
24 other guarantee instruments. The choice of guaranteed mechanisms, or of  
25 combinations thereof, shall depend primarily on: a) the probability and magnitude of  
26 the risks involved, as culled from new and existing information and determined  
27 through environmental and health risk assessment, and b) the financial capability of  
28 the proponent; *Provided*, that such proponent shall show proof of compliance with the  
29 requirement for contingent liability by furnishing the Department with evidence of  
30 availment of such mechanism.

1           Section 17. *Accreditation of Preparers and Reviewers.* – The Bureau shall establish  
2 a system of accreditation for preparers and reviewers of EIA, which shall take into  
3 consideration their competence, expertise, track record, integrity, and independence.  
4 The Bureau may delegate the accreditation process to a third party, government or  
5 private.

6           No employee of the Department or Bureau shall, in any manner whatsoever,  
7 directly, or indirectly, participate in the preparation of the EIA.

8           Sec. 18. *Non-Liability to the Authenticity of EIA Documents.* – The documents that  
9 may be required by the Bureau for the conduct of an EIA shall be used solely to  
10 determine the scope and potential impacts of proposed projects on the environment.  
11 The Bureau shall not be liable to any allegations or conclusions of fraud, falsification,  
12 or misrepresentation attending the submitted documents. Any issues or disputes that  
13 may arise from such documents shall be resolved in appropriate forums, courts, or  
14 tribunals.

15           Sec. 19. *Consultation and Public Participation in the EIA.* – All proponents of  
16 environmentally critical projects shall, at the earliest stage of the EIA process, inform  
17 and consult the concerned local government units and communities that will be  
18 affected by the proposed project to ensure that environmentally relevant concerns are  
19 taken into consideration in the EIA study and in the formulation of the EMP.

20           It shall be done through public hearing, whenever appropriate, which is  
21 publicly announced and where all valid comments are heard and considered.

22           Sec. 20. *Multi-partite Monitoring Team and Environmental Monitoring Fund.* –  
23 Multi-partite monitoring teams (MMTs) shall be organized to encourage public  
24 participation, promote greater stakeholder vigilance, and provide appropriate check  
25 and balance mechanisms in the monitoring of project implementation.

26           The MMTs shall be composed of representatives of the relevant national  
27 agencies, local government units, non-governmental organizations, and other  
28 stakeholders in the affected communities. The government representatives shall be  
29 selected by the Bureau based on the relevance of their mandates, while those from  
30 non-governmental organizations and affected communities shall be selected from

1 among themselves in a process facilitated by the concerned LGU and certified by the  
2 Bureau.

3 MMTs can be project-based or clustered by province/municipality or by sector.  
4 Such clustering shall be accomplished upon the recommendation of any of the  
5 members of the MMTs comprising the cluster and shall be convened with the  
6 assistance of the Bureau and the concerned LGU. Cluster members shall agree on a  
7 manual of operations, a fund manager, and scheme for shared monitoring.

8 The proponent shall establish an Environmental Monitoring Fund (EMF) to  
9 support the activities of the MMT. The Bureau shall promulgate the rules for the  
10 administration and management of the EMF: *Provided, that*, in no case shall such fund  
11 be used other than for the purpose for which it was established.

## 12 TITLE II

### 13 MISCELLANEOUS PROVISIONS

#### 14 Chapter 1

#### 15 Fines and Penalties

16 Sec. 21. *Sanctions for Violations.* - Any environmentally critical project which  
17 shall operate without the required CPEC shall face closure, suspension of  
18 development or construction, or cessation of operations until such time that proper  
19 environmental safeguards are put in place and the necessary CPEC has been issued;  
20 *Provided, that*, the project proponent shall be fined an amount not less than One  
21 Hundred Fifty Thousand Pesos (Php100,000.00) but not more than Twenty Million  
22 Pesos (Php20,000,000.00) depending on the magnitude of the environmental risks and  
23 upon the final decision of the Bureau. *Provided, further*, that the chief operating officer  
24 or executive officer of the proponent firm shall be held criminally liable and shall be  
25 imprisoned for a period not less than two (2) years but not more than ten (10) years,  
26 at the discretion of the Court.

27 Any project proponent found in violation of the EMP shall be imposed a fine  
28 in the amount of not less than Fifty Thousand Pesos (Php50,000.00) for every violation,  
29 depending upon the type and impact of the violation, but not more than Ten Million

1 Pesos (Php10,000,000.00) per violation, plus cost of damages, at the discretion of the  
2 Bureau. *Provided*, that the Bureau may order the closure, suspension of development  
3 or construction, or cessations of operations if the violation of the EMP is continued.

## 4 Chapter 2

### 5 Institutional Arrangement

6 Sec. 22. *Agencies Responsible in the Implementation of the Act.* – Unless otherwise  
7 provided by this Act, the Department shall serve as the primary agency responsible  
8 for the implementation of the EAS. It may secure the assistance of environmental  
9 units of other government agencies, academic and research institutions, and  
10 environment professionals in undertaking its responsibilities under this Act.

11 For this purpose, an environmental unit shall be established and/or  
12 strengthened in each concerned government agency. Furthermore, it shall be the  
13 responsibility of all concerned government agencies to share information or data  
14 necessary to effectively evaluate reports required pursuant to this Act.

15 Concerned government agencies shall establish appropriate permanent  
16 organizational structures and systems to address the requirements of the EAS.

17 Sec. 23. *Establishment of the National Environmental Protection Agency.* – In order  
18 to effectively implement the provisions of this Act, there is hereby created a National  
19 Environmental Protection Agency that shall be the implementing agency for the  
20 System and shall report to the IASC and the President. The Bureau shall be given a  
21 period of five years within which to make the transition to this Agency. It shall be  
22 headed by a General Manager with Salary Grade 28 who shall propose necessary  
23 staffing in the General Appropriations Act.

24 Sec. 5. 24. *Natural Capital Accounting.* – The Philippine Statistics Authority, the  
25 National Economic Development Authority and the Department of Environment and  
26 Natural Resources shall endeavor to assist all agencies of government and private  
27 entities generating their EIA to make full use of natural capital accounts as generated  
28 under the Natural Capital Accounting Roadmap.

1           Sec. 25. *Decentralization and Devolution of Functions.* – The Department shall,  
2 within one (1) year from the effectivity of this Act, develop guidelines for the  
3 decentralization of functions of the Bureau, and after five years of the Agency under  
4 this Act to the Regional Offices or capable local government units. The Department  
5 and the IASC shall issue the guidelines to determine such capability.

6           The Department, in coordination with the Department of Interior and Local  
7 Government (DILG), shall, within two (2) years from the effectivity of this Act,  
8 provide technical resources and leadership to assist LGUs and entities in acquiring  
9 capacity and expertise for rational and effective devolution of functions under the  
10 EAS. The devolution of functions shall be made after the concerned LGUs, and entities  
11 have been assessed to be technically capable of such functions.

12           Sec. 26. *Local Capacity-Building in Environmental Assessment System.* – The  
13 Department, through the Bureau and later the Agency, shall, in coordination with the  
14 DILG, lead the development and implementation of a national capacity building  
15 program in environmental assessment. To ensure the rational devolution of functions  
16 mandated in Section 24 hereof, the program shall be operational within two (2) years  
17 from the effectivity of this Act.

18           The national program for capacity building shall identify target entities as well  
19 as functions for devolution and prepare the target entities for the local implementation  
20 of the EAS or its components in accordance with the objectives of this Act.

21           Sec. 27. *Knowledge Management System.* – The Bureau shall establish a database  
22 management system for purposes of gathering, keeping, disseminating, and updating  
23 all information relative to the implementation of the EAS. As part of the database  
24 management system, the Bureau shall create a public registry of all CPECs issued.

25           Sec. 28. *Public Disclosure.* – All documents generated as part of the EAS shall be  
26 accessible to the public upon request made during office hours, except that  
27 information deemed protected under Republic Act No. 8293, otherwise known as the  
28 Intellectual Property Code of the Philippines: *Provided that*, the executive summary of  
29 the SEA, EIA, EMP, and CPEC, shall likewise be disclosed by the Bureau and  
30 proponents to the public through the internet.



1 Chapter 3

2 Actions

3 Sec. 29. *Administrative Action.* – Without prejudice to the right of any affected  
4 person to file an administrative action, the Department shall, on its own instance or  
5 upon verified complaint by any person, institute administrative proceedings against  
6 any person who violates the provisions of this Act and the orders, rules and  
7 regulations promulgated pursuant thereto.

8 Sec. 30. *Citizen Suits.* – For purposes of enforcing the provisions of this Act or  
9 its implementing rules and regulations, any citizen may file an appropriate civil or  
10 criminal action in the proper courts against:

- 11 (a) Any person who violates or fails to comply with the provisions of this Act, its  
12 implementing rules and regulations, or orders issued pursuant thereto; or
- 13 (b) The Department or other implementing agencies with respect to orders, rules  
14 and regulations issued inconsistent with this Act; and
- 15 (c) Any public officer who willfully or grossly neglects the performance of an act  
16 specifically enjoined as a duty by this Act or its implementing rules and  
17 regulations; or abuses his authority in the performance of his duty; or, in any  
18 manner, improperly performs his duties under this Act or its implementing  
19 rules and regulations.

20 *Provided, however,* that, no citizen suit can be filed until after a thirty (30)-day  
21 notice has been taken thereon.

22 The court shall exempt such action from the payment of filing fees, and shall  
23 likewise, upon *prima facie* showing of the non-enforcement or violation complained of,  
24 exempt the plaintiff from the filing of an injunction bond for the issuance of a  
25 preliminary injunction.

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

1           Sec. 31. *Independence of Action.* – The filing of an administrative suit against such  
2 person/entity does not preclude the right of any other person to file any criminal or  
3 civil action. Such civil action shall proceed independently.

4           Sec. 32. *Suits and Strategic Legal Actions Against Public Participation and the*  
5 *Enforcement of This Act.* – Where a suit is brought against a person who filed an action  
6 as provided in Section 28 of this Act, or against any person, institution or government  
7 agency that implements this Act, it shall be the duty of the investigating prosecutor  
8 or the court, as the case may be, to immediately make a determination not exceeding  
9 thirty (30) days whether said legal action has been filed to harass, vex, exert undue  
10 pressure or stifle such legal recourses of the person complaining of or enforcing the  
11 provisions of this Act. Upon determination thereof, evidence warranting the same,  
12 the court shall dismiss the case and award attorney’s fees and double damages.

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

## 16   Chapter 4

### 17   Establishment of an EAS Management Fund

18           Section 33. *Environmental Revolving Fund.* – The Environmental Revolving Fund  
19 (ERF) created under Presidential Decree No.1586 shall remain to be operational. It  
20 shall be used primarily for defraying administrative expenses, equipment purchases  
21 or leases and other program costs directly incurred in the review, assessment, and  
22 monitoring of the EAS. The ERF may be sourced from donations, endowments, and  
23 grants in the form of contributions. Such endowments shall be exempt from income  
24 or gift taxes and all other taxes, charges or fees imposed by the government or any  
25 political subdivision, instrumentality, or agency. It shall also include funds to be  
26 provided by proponents for the review of specific projects. All income likewise  
27 generated from fees, fines and penalties directly related to the implementation of the  
28 EAS shall accrue to the ERF and may be utilized directly by the Department for the  
29 above purposes.

1 All fund transactions shall, however, be subject to the usual auditing  
2 procedures in accordance with existing laws.

3 Sec. 34. *Appropriations.* - An amount of One hundred million pesos  
4 (P100,000,000.00) shall be appropriated for the initial implementation of this Act and  
5 shall be allocated for the time it will take for the establishment of the NEPA within the  
6 five-year deadline.

7 Sec. 35. *Implementing Rules and Regulations.* - Unless otherwise provided in this  
8 Act, the Department, in coordination with other concerned agencies, shall promulgate  
9 the implementing rules and regulations of this Act, within one (1) year after its  
10 effectivity.

11 The Department and the IASCS, in coordination with other concerned  
12 government agencies, shall undertake such review and updating of the implementing  
13 guidelines of the EAS every two (2) years thereafter.

14 **Chapter 5**  
15 **Final Provisions**

16 Sec. 36. *Transitory Provision.* - Non-Highly Urbanized Cities, and Third, Fourth,  
17 Fifth, and Sixth Class Municipalities shall be given a five (5)-year grace period within  
18 which to comply with the provisions of this Act on SEA. The Department of  
19 Environment and Natural Resources shall take the necessary steps for the smooth  
20 transition of the Bureau to establish the NEPA and propose the funding necessary for  
21 the same.

22 Sec. 37. *Separability Clause.* - Should any provision herein be subsequently  
23 declared unconstitutional, the same shall not affect the validity or legality of the other  
24 provisions of this Act.

25 Sec. 38. *Repealing Clause.* - Presidential Decree No. 1586, except Section 10  
26 thereof, Presidential Proclamation No. 2146, Executive Order No. 803, and Office of  
27 the President Administrative Order No. 42, series of 2002 are hereby repealed. All  
28 laws, orders, rules and regulations or any part thereof which are inconsistent with the  
29 provisions of this Act are hereby amended or modified accordingly.

1           Sec. 39. *Date of Effectivity.* - This Act shall take effect fifteen (15) days after its  
2 publication in the official Gazette or in two (2) newspapers of general circulation.

*Approved,*