

SENATE

S. No. 168

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

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

Years of neglect, haphazard policy-making, and weak local environmental management have taken a toll in the form of widespread environmental degradation and acute pollution problems. Coastal resources, especially coral reefs (over 90% are at high risk), mangroves, and sea-grasses face threats from coastal zone development, expanding aquaculture, and destructive fishing. Fisheries catch per-unit-of-effort has been declining steadily due to overfishing in many areas. All of these environmental scenarios are affirmation of our weak reinforcement efforts to protect the environment. And, if we were to quantify the costs of environmental degradation, we may conclude that costs of destruction are high.

While long-term national commitment to environmental protection will greatly reverse degradation, it is also important to modernize monitoring, enforcement, and public disclosure to ensure compliance. We need a core of implementers that would ensure that our environmental laws are strictly complied with and give a 'hard fists' on usual violators of these laws. Anyway, these violators are not just transgressors of the law but those who committed environmental crimes whose punishment are not usually earned by them but by pristine nature and millions of Filipinos.

Hence, passage of this bill is earnestly sought for.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

OFFICE OF THE SECRETARY

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SENATE

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RECORDED
[Signature]

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

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

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

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

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

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

4 (a) Formulate and implement an integrated approach to the enforcement of
5 environmental laws;

6 (b) Undertake the enforcement of environmental laws and investigate violators
7 thereof and all other matters involved in the commission of any violation
8 thereof;

9 (c) Administer oath, issue *subpoena duces tecum* and *ad testificandum* in
10 connection with or as an incident to the conduct of an investigation of a
11 violation of environmental laws;

12 (d) Arrest and apprehend as well as search violators and seize or confiscate the
13 effects of the violations as provided by law and take custody thereof. For this
14 purpose, prosecutors and enforcement officers of the Agency are authorized to
15 possess firearms in accordance with existing laws, rules and regulations.
16 Likewise, enforcers are hereby authorized to enter premises for the purpose of
17 conducting inspection and determining compliance with environmental laws;

18 (e) Establish office in every region, province or city and maintain a nationwide
19 intelligence system in cooperation with law enforcement agencies, the
20 Department of Environment and Natural Resources, local government units,
21 and other government agencies and offices;

22 (f) Monitor and, if warranted, in coordination with the Bureau of Customs, the
23 Philippine Ports Authority, the Maritime Industry Authority, Department of
24 Environment and Natural Resources and the Department of Environment and
25 Natural Resources and such other government agencies and offices, inspect
26 cargo and their conveyances to determine a violation of environmental laws, if
27 any;

- 1 (g) Prepare for the prosecution and cause the filing of appropriate criminal and
2 civil charges against violators of environmental laws. For this purpose, the
3 Agency shall closely cooperate with the Department of Justice and such other
4 concerned government agencies or offices;
- 5 (h) Recommend to the appropriate agency the forfeiture of properties and other
6 assets belonging to, or found in the possession of, violators of environmental
7 laws;
- 8 (i) Establish and maintain close coordination, cooperation and linkages with
9 national and regional networks for the protection of the environment; and,
- 10 (j) Call upon any government agency or office and/or deputize individuals and
11 organizations for assistance.
- 12

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

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

22 The present National Anti-Environment Crime Task Force as created by Executive
23 Order No. 515 shall be accordingly modified and absorbed by the Agency. The Director-
24 General shall be responsible for the necessary changes in the organization, which shall be
25 submitted, to the President for approval.

1 For purposes of carrying out its duties, functions and responsibilities, the Agency
2 shall have the following Services: Intelligence and Investigation, International Cooperation,
3 Plans and Operations, Legal and Prosecution, Administrative and Human Resource, Financial
4 Management, and Internal Affairs.

5
6 **SEC. 6. NEPA Board.** – There is hereby created a NEPA Board which shall
7 promulgate policies relative to the enforcement of environmental laws. The Board shall be
8 headed by the Secretary of Environment and Natural Resources, as Chairman. The Secretary
9 of Justice shall be the Board Vice-Chairman with representatives from the following offices
10 as Members:

- 11 (a) The Philippine National Police;
- 12 (b) The Armed Forces of the Philippines;
- 13 (c) The Bureau of Customs;
- 14 (d) The Maritime Industry Authority; and,
- 15 (e) The Philippine Coast Guard.

16
17 **SEC. 7. Relationship with Other Departments.** – The Agency shall closely
18 coordinate with other Departments, offices and agencies to ensure the successful
19 implementation of this Act. Nothing herein shall be construed as a derogation of the powers
20 and functions of such other Departments, offices and agencies.

21
22 **SEC. 8. Appropriations.** – The amount necessary for the operation of the Agency
23 shall be charged against the current year's appropriations of the National Anti-Environment
24 Crime Task Force. Thereafter, such sums as may be necessary to implement this Act shall be
25 included in the annual General Appropriations Act.

26 The proceeds of the sale of products seized by the Agency pursuant to environmental
27 laws shall be remitted to the Agency for use in the implementation of this Act. Likewise,

1 fifty percent (50%) of the fines imposed by the proper courts in cases filed by the Agency
2 shall pertain to the Agency for the same purpose.

3

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

10

11 **SEC. 10. *Repealing Clause.*** – Executive Order No. 192, Series of 1987, and
12 Executive Order No. 292, otherwise known as the Administrative Code of 1987, are hereby
13 modified accordingly. All other acts, ordinances, rules and regulations and other issuances
14 that are inconsistent with this Act are hereby repealed or modified accordingly.

15

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

Approved,