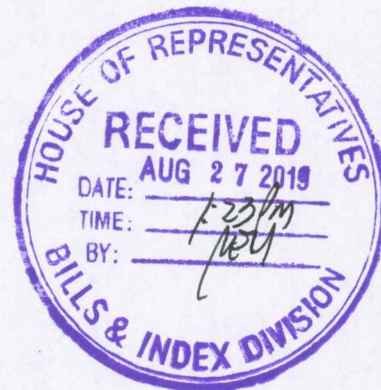


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4168



Introduced by REP. PROSPERO A. PICHAY, JR.

EXPLANATORY NOTE

Environmental resource management and mineral resource management although common in principles, are two different things. Environmental resource management is not the management of the environment itself but rather the management of all components of the biophysical environment, both living (biotic) and non-living (abiotic). It also involves the relationships of the human environment, such as the social, cultural and economic environment with the biophysical environment. And its essential aspects are ethical, economical, social and technological.

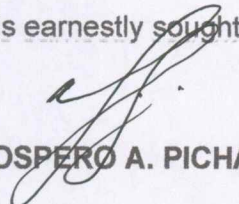
It also should be noted that environmental resource management covers many areas in the field of science, geography, biology, physics, chemistry, sociology, physiology, etc.

Natural resource management is the management of land, minerals, water, soil, plants and animals, with particular focus on how people and natural landscapes interact. Because in this interaction lies the quality of life for both present and future generations. It specifically focuses on a scientific and technical understanding of resources and ecology and the life-supporting capacity of those resources. Moreover, natural resource management also has to manage various stakeholders and their interests, policies, politics and economic implications.

The issues in the management of both the environment and natural resources is inherently complex as they involve the ecological cycles, hydrological cycles, climate, animals, plants and geography. All these are dynamic and inter-related. A change in one of them may pose long-term impact, which, in extreme cases may be irreversible.

Hence, to perfectly address the issues of environmental management and management of natural resources, the devolution of powers and responsibilities within the ranks of the Department of Environment and Natural Resources (DENR) is urgently needed. This bill proposes the separation of the DENR into two specific departments to be known as the Department of Environment (DOEN) and the Department of Water and Natural Resources (DWNR).

With the above stated facts, approval of this bill is earnestly sought.


PROSPERO A. PICHAY, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 4168

Introduced by REP. PROSPERO A. PICHAY, JR.

**AN ACT SEPARATING THE DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES INTO THE DEPARTMENT OF ENVIRONMENT AND THE
DEPARTMENT OF WATER AND NATURAL RESOURCES REDEFINING ITS
POWERS, FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES**

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

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. *Declaration of Policy* – It is hereby declared the policy of the state to uphold the sustainable use, development, management, renewal and conservation of the country's forest, mineral, land, off-shore areas and other natural resources, including the protection and enhancement of the quality of the environment, and equitable access of the different segments of the population to the development and use of the country's natural resources, not only for the present generation but for future generations as well. It is equally the policy of the state to distinguish the importance of environment protection and responsible management and conservation of natural resources.

It is viewed that for a more precise delivery of its services, the separation of the Department of Environment and Natural Resources into two (2) separate departments, hereby referred to as the Department of Environment and the Department of Water and Natural Resources is necessary.

SECTION 2. *Creation* – In order to address the complexity of having a solitary agency manage the Environment and Natural Resources sectors, the Department of Environment and the Department of Water and Natural Resources is hereby created structurally and functionally in accordance with the provisions of this Act.

ARTICLE II THE DEPARTMENT OF ENVIRONMENT

SECTION 3. *Mandate* – The Department of Environment (DOEN) shall be the primary government agency responsible for the management of the interaction and impact of human societies on the environment by undertaking the following objectives:

- a) Ensure sustainable and equitable use of resources without degrading the environment or risking health or safety.
- b) Prevent and control degradation of land, water, vegetation and air.
- c) Conserve and enhance natural and man-made heritage, including biological diversity of unique ecosystems.
- d) Improve condition and productivity of degraded areas
- e) Raise awareness and understanding of the link between environment and development.
- f) Promote individual and community participation on the proper use and handling of the environment, specifically forest and grazing lands, including those in reservation and watershed areas, and lands of the public domain.
- g) Regulate all activities relating to the environment as may be provided for by law.

SECTION 4. *Authority and Responsibility* – The Department shall be headed by the Secretary of the Department of Environment. The Secretary shall be assisted by Undersecretaries, Assistant Secretaries and Directors.

SECTION 5. *Powers and Functions* – To accomplish its mandate, the Department of Environment shall have the following Powers and Functions:

- a) Oversee all activities of the Department relative to the environment;
- b) Formulate, implement and supervise the government's policies, plans and programs pertaining to the management, conservation, development, use and handling of the environment;
- c) Advise the President on the enactment of laws pertaining to the environment.

SECTION 6. *Departmental Bureaus and Regional Offices* – The Department of Environment shall establish, operate and maintain the following Bureaus and other support offices:

- a) Biodiversity Management Bureau
- b) Ecosystems Research and Development Bureau
- c) Environmental Management Bureau

There shall be a Regional Office in all administrative regions, headed by a Regional Director. The Regional Office shall perform such other functions as may be delegated by the Secretary.

ARTICLE III THE DEPARTMENT OF WATER AND NATURAL RESOURCES

SECTION 7. *Mandate.* – The Department of Water and Natural Resources shall be the primary government agency responsible for the conservation, management, development and proper use of the country's natural resources, primarily water, as well as the licensing and regulation of all natural resources activities as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

SECTION 8. *Authority and Responsibility* – The Department shall be headed by the Secretary of the Department of Water and Natural Resources and shall be assisted by Undersecretaries, Assistant Secretaries and Directors.

SECTION 9. *Powers and Functions* – To accomplish its mandate, the Department of Water and Natural Resources (DWNR) shall have the following Powers and Functions:

- a) Oversee all activities of the Department relative to the extraction of natural resources;
- b) Formulate, implement, recommend and supervise the government's policies, plans and programs pertaining to the management, conservation, development, extraction, use and handling of water and natural resources;
- c) Manage and create comprehensive guidelines and programs for sectors involved in the use of water and natural resources for economic gains.

SECTION 10. *Departmental Bureaus and Regional Offices* – The Department of Water and Natural Resources shall establish, operate and maintain the following Bureaus and other support offices:

- a) Water Management Bureau
- b) Forest Management Bureau
- c) Land Management Bureau
- d) Mines & Geo-Sciences Bureau

There shall be a Regional Office in all administrative regions, headed by a Regional Director. The Regional Office shall perform such other functions as may be delegated by the Secretary.

SECTION 11. *Attached Agencies* –The following agencies shall be attached with the Department of Water and Natural Resources:

- a. National Mapping and Resource Information Authority
- b. Palawan Council for Sustainable Development
- c. Laguna Lake Development Authority
- d. Natural Resources Development Corporation
- e. National Water Resources Board
- f. Philippine Mining Development Corporation
- g. Local Water Utilities Administration
- h. Metropolitan Waterworks and Sewerage System

ARTICLE IV APPROPRIATIONS

SECTION 12. *Appropriations.* – Such amount maybe deemed necessary to effectively and efficiently carry out the provisions of this Act is hereby appropriated from the funds of the National Treasury. The continued operation and maintenance of the two (2) Departments shall be included in the General Appropriations Act.

ARTICLE V OTHER PROVISIONS

SECTION 13. *Transitory Provisions.* – In accomplishing the acts of reorganization prescribed herein, the following transitory provisions shall be complied with, unless otherwise provided elsewhere in this Act:

- a) The transfer of a government unit shall include the functions, appropriations, funds, records, equipment, facilities, other assets, and liabilities, in any, who of the separated unit as well as the personnel thereof, as may be necessary who shall in a hold-over capacity, continue to perform their respective duties and responsibilities. These personnel from the separated unit whose positions are not included in the Department's new position structure and staffing pattern approved and prescribed by the Secretary or who are not reappointed shall be deemed separated from the service and shall be entitled to benefits.
- b) The transfer of functions which results n the separation of the government unit that exercised them shall include the appropriates, funds, records, equipment, facilities, rights, other assets and personnel as may be the proper discharge of the transferred functions. The separated units remaining appropriations and funds, including its liabilities, if any, shall be allocated to such appropriate units as the Secretary shall determine or unless otherwise be disposed in accordance with the Government Auditing principle and other pertinent laws, rules and regulations.

SECTION 14. *New Structure and Pattern.* – Upon approval of this proposed bill, the officers and employees of the Department shall, in a holder capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service.

SECTION 15. – *Separability Clause.* - If any provision of this Act is declared unconstitutional and inoperative, the other provisions not so declared shall remain in force and effect.

SECTION 16. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act or the rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.

SECTION 17. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days following its full publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,