

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3794**

EXPLANATORY NOTE

In the United States, they have an Environmental Protection Agency (EPA) whose mission is to protect human health and the environment—air, water, and land—upon which life depends. The purpose of the EPA is to ensure that:

- everyone is protected from significant risks to human health and the environment where they live, learn and work;
- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;
- environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy;
- all parts of society -- communities, individuals, businesses, and state, local and tribal governments -- have access to accurate information sufficient to effectively participate in managing human health and environmental risks;
- environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and
- the United States plays a leadership role in working with other nations to protect the global environment.

This shows that they have an agency exclusively focused on the environment.

In the Philippines, we have the Department of Environment and Natural Resources (DENR). It is mandated to protect the environment while at the same time, it has to oversee the utilization of the country's natural resources. It is caught in between conservation and utilization. The certainty of clashing of interests between environmental protection and conservation on the one hand and utilization of natural resources on the other would be unavoidable. And that puts DENR officials and employees in an uneasy position and difficult balancing act.

As such, there is a need to establish an independent agency that exclusively deals with protecting, promoting and enhancing the environment. An agency established to consolidate a variety of research, monitoring, standard-setting and enforcement activities to ensure environmental protection.

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


RUFUS B. RODRIGUEZ

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

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 3794

AN ACT
CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY OF THE
PHILIPPINES, 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 Agency Act*".

Section 2. Declaration of State Policy. It is hereby declared the policy of the State to ensure the conservation of the country's forest, mineral, land and off-shore areas and other natural resources, including the protection and enhancement of the quality of the environment. It is also the policy of the State to recognize and apply a true value system including social and environmental cost implications relative to their utilization, development and *conservation* of our natural resources.

Section 3. Creation of the Agency.

(a) There is hereby created the National Environmental Protection Agency of the Philippines to be placed under the Executive Branch, hereinafter referred to as "NEPA."

(b) The NEPA shall be headed by a Chairman, appointed by the President, with a Cabinet Rank and with the salary and privileges of that of a Department Secretary.

(c) The Chairman shall be assisted by a Vice-Chairman who shall be appointed by the President and with the rank, salary and privileges of a Department Undersecretary.

(d) There shall be in the NEPA, Regional Executive Directors who shall monitor and enforce environmental laws at the regional level. He/she shall have the necessary staff support.

Section 4. Mandate. The NEPA shall be the primary arm of the government responsible for the conservation and protection of the country's environment.

Section 5. Powers and Functions. To accomplish its mandate, the NEPA shall have the following functions:

(a) Establish and enforce environmental protection standards consistent with national environmental goals;

(b) Conduct research on the adverse effects of pollution and on methods and equipment for controlling it;

(c) Gathering of information on pollution;

(d) Use such information gathered in strengthening environmental protection programs and recommending policy changes;

(e) Assisting others, through grants, technical assistance and other means, in arresting pollution of the environment;

(f) Advise the President and the Congress of the Philippines on the enactment of laws relative to the conservation of the country's natural resources and environmental protection;

(g) Formulate, implement and supervise the government's policies, plans and programs pertaining to the conservation and replenishment of the country's natural resources;

(h) Undertake geological surveys of the whole country including its territorial waters;

(i) Establish policies and implement programs for the:

1. Accelerated inventory, surveys and classification of lands, forest, and mineral resources using appropriate technology, to be able to come up with a more accurate assessment of resource quality and quantity;

2. Preservation of cultural and natural heritage through wildlife conservation and segregation of national parks and other protected areas; and

3. Maintenance of a wholesome natural environment by enforcing environmental protection laws.

(j) Oversee, supervise and police our natural resources; to cancel or cause to cancel such privileges and arrangement; to close and cause the closure of establishments, after due process, upon failure, non-compliance or violations of any laws, rules and regulations, orders and for all other causes which contravene the objective of conserving and protecting the country's natural resources and others supportive objectives of the national interest;

(k) Promulgate rules and regulations for the control of water, air and land pollution;

(l) Promulgate ambient, and affluent standards for water and air quality including the allowable levels of other pollutants and radiations;

(m) Promulgate policies, rules and regulations for the conservation of the country's genetic resources and biological diversity and endangered habitat;

(n) Formulate an integrated, multi-sectoral and multi-disciplinary National Conservation Strategy, which will be presented to the cabinet for the President's approval;

(o) Exercise other powers and functions and perform such other acts as may be necessary, proper or incidental to the attainment of its mandates and objectives;

Section 6. Organizational Structure. The NEPA shall consist of the Agency Proper, the staff offices, the staff bureaus, and the regional/provincial/city/municipal offices.

The Agency Proper shall consist of the following:

- a. Office of the Chairman;
- b. Office of the Vice-Chairman;
- c. Public Affairs Office; and
- d. Pollution Adjudication Office.

The line Bureaus on the other hand, shall be composed of:

- a. Protected Areas and Wildlife Bureau; and the
- b. Environmental Management Bureau.

The field offices shall consist of all the department's regional offices, the provincial offices and the municipal offices.

Section 7. Public Affairs Office. There is hereby created a Public Affairs Office, under the Office of the Chairman, to be headed by a Director and assisted by an Assistant Director, which shall serve as the public information arm of the Agency. It shall be responsible for disseminating information on natural resources development policies, plans, programs and projects; and respond to public queries related to the development and conservation of natural resources.

Section 8. *Transfers to Environmental Protection Agency.*

I. These are hereby transferred to the NEPA:

a. The powers, functions, duties and responsibilities of the Environmental Management Bureau of the Department of Environment and Natural Resources as well as all its functions and powers under Section 16 of Executive Order 192;

b. The Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources as well as all its functions and powers under Section 18 of Executive Order 192;

c. The Pollution Adjudication Board of the Department of Environment and Natural Resources as well as all its functions and powers under Section 19 of Executive Order 192;

d. The control and administration of the National Integrated Protected Area System under Republic Act 7586 otherwise known as the NIPAS Act of 1992;

e. The powers and functions of the DENR under Sections 5, 14, 16, 17, 18, and 21 of Republic Act 7586;

f. The powers, functions and duties of the National Water and Air Pollution Control Commission under Republic Act 3931 except such powers and functions as provided for under Section 6a paragraphs 6 and 7, and Section 7 paragraph b relating to, the power to hold public hearings in relation to denying, revoking, or modifying a permit;

g. The powers, functions and responsibilities of the DENR under of , Republic Act 6969 otherwise known as An Act To Control Toxic Substances and Hazardous and Nuclear Wastes Providing Penalties For Violations Thereof, and for other purposes;

h. The Inter-Agency Technical Advisory Council as well as its functions as provided for under Section 7 of Republic Act 6969;

i. All powers, functions, duties and responsibilities of the Department of Agriculture and of the Department of Environment and Natural Resources in relation to conservation, preservation, anti-pollution and other functions appurtenant thereto under Republic Act 8550 otherwise known as the Philippine Fisheries Code;

j. The functions, powers, duties and responsibilities of the DENR as well as the functions, powers, duties and responsibilities of Local Government Units under Republic Act 8749 otherwise known as the Clean Air Act except:

1. Such powers, functions, duties and responsibilities relating to the issuance of permits as provided under Section 16; and

2. Such functions, powers, duties and responsibilities under Section 22 relating to the issuance of a Certificate of Conformity (CoC)

k. The powers, functions, duties, responsibilities and role of the Department of Environment and Natural Resources under Republic Act No. 9003 except the issuance of the Environmental Compliance Certificate (ECC) as required under Section 38 of Republic Act No. 9003;

l. The powers, functions, duties and responsibilities of the National Solid Waste Management Commission as established under Republic Act No. 9003;

m. The functions, duties and responsibilities of the National Ecology Center as established under Section 7 of Republic Act No. 9003;

n. The powers, functions, duties and responsibilities of the Department of Environment and Natural Resources under Republic Act No. 9072 except the issuance of permits as provided for under Section 5 paragraph c;

o. The powers and functions of the DENR under Republic Act 9147 relating to the conservation and protection of wildlife species and their habitats;

p. Such other powers, functions, duties and responsibilities of various government departments and agencies tasked under existing laws relating to the abatement of pollution.

II. These are hereby transferred to the Chairman:

a. The powers and functions as well as the advisory and recommending powers and appointing powers of the Secretary of the DENR under Sections 6, 7, 10 and 11 of Republic Act 7586 otherwise known as the NIPAS Act of 1992;

b. Functions of the Ministry of Human Settlements as provided for under Section 4 of Presidential Decree 1586;

c. The powers and functions of the Secretary of the DENR as provided for under Section 10 of Republic Act 6969;

d. Functions of the Secretary of the Department Environment and Natural Resources with respect to being the head of a Governing Board under Section 9 of Republic Act No. 8749;

e. The powers, functions, duties and responsibilities of the Secretary of the Department of Environment and Natural Resources under Republic Act 9003 otherwise known as the Ecological Solid Waste Management Act;

f. Such other powers, functions, duties and responsibilities of heads of various government departments and agencies which is related to the abatement of pollution.

Section 9. *Performance of transferred functions.* The Chairman may from time to time make such provisions as he/she shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Act by any other officer, or by any organizational entity or employee, of the NEPA.

Section 10. *Incidental Transfers.*

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held available, or to be made available in connection with the functions transferred to the Chairman or the NEPA by this reorganization and/or its creation as the Secretary of the Department of Budget and Management shall determine shall be transferred to the NEPA at such time or times as the Secretary shall direct.

(b) Such further measures and dispositions as the Secretary of the Department of Budget and Management shall deem to be necessary in order to effectuate the transfers shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Section 11. *Organizational Provisions.* In accomplishing the acts of organization herein prescribed, the organization of the EPA shall in no way displace, dislocate or demote the personnel of concerned bureaus, agencies and other government instrumentalities but rather shall be absorbed, streamlined, and expanded.

Section 12. *Interim Officers.*

(a) The President may authorize any person who, immediately prior to the effective date of this Act, is immediately known as a staunch advocate of the preservation, protection, and conservation of the environment to act as Chairman until the office of Chairman is for the first time filled pursuant to the provisions of this reorganization plan or by interim appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Vice- Chairman, authorize any such person to act as Regional Executive Director, and authorize any such person to act as the head of any principal constituent organizational entity of the NEPA.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he/she so serves. Such compensation, if unauthorized, shall be in lieu of, but not in addition to, other compensation from the Government of the Republic of the Philippines to which such person may be entitled.

Section 13. *Structure and Staffing Pattern.* The positions, structure, and staffing pattern of the NEPA shall be approved and prescribed by the Chairman within sixty (60) days from the effectivity of this Act and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as the case may be.

In no case shall the new position structure and staffing pattern of the NEPA affect the existing position and structure and staffing patterns of the different bureaus and governmental agencies absorbed or hereby transferred to the Agency.

Section 14. *Periodic Performance Evaluation.* The NEPA is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the NEPA and submit the same annually to the President, and to the Senate and House of Representatives.

Section 15. *Notice or Consent Requirement.* If any organizational or re-organizational change herein authorized is of such substance or materiality as to prejudice third persons with rights recognized by law or contract such that notice to consent of creditors is required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirement shall be complied with prior to the implementation of such organizational or re-organizational change.

Section 16. *Funding.* Appropriations earmarked for the concerned bureaus to include the Environmental Management Bureau (EMB), the Protected Areas and Wildlife Bureau (PAWB), and other government instrumentalities that have been streamlined; and the funds appropriated for environmental laws now under the administrative and operational jurisdiction of the EPA; and foreign grants, assistance, donations shall hereby constitute the funding requirements of the NEPA.

Section 17. *Implementing Authority of the Chairman.* The Chairman shall issue such orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of the provision of this Act.

Section 18. *Separability Clause.* If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

Section 19. *Repealing Clause.* Any law, executive order, letter of instruction, rules and regulations, circulars, issuances or any part thereof inconsistent with any of the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 20. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,