

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 994

Introduced by **HON. JUAN MIGUEL F. ZUBIRI**

EXPLANATORY NOTE

The Local Government Code of 1991 was conceived and implemented in order to provide better and faster implementation of service of the government to the grassroots level. Because of the promise that the Code has shown upon its implementation, various mechanisms have been explored to better coordinate the national and local governments and enhance the cooperative interaction between them.

Although a lot of laws dealing with the protection and conservation of our environment and natural resources, its complexities make it impractical for the national government to be the sole role in implementing said laws. With this, a more coordinated and cooperative action from the national and local governments on the enforcement of national laws on environmental protection and conservation of natural resources is needed because poor enforcement of such laws leads to environmental problems primarily affecting the local government. Empowering local governments in enforcing and implementing these laws will make them vigilant thereby reducing and preventing the risks of environmental disasters.

In view of the above, this bill therefore seeks to increase the role of local governments in monitoring the implementation of national laws on environmental protection and conservation of natural resources.

Approval of this bill is earnestly requested.

JUAN MIGUEL F. ZUBIRI
Representative, 3rd District, Bukidnon

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AN ACT
EMPOWERING LOCAL GOVERNMENT UNITS (LGUs) TO MONITOR THE ENFORCEMENTOF LAWS, RULES AND REGULATIONS ON ENVIRONMENTAL PROTECTION AND CONSERVATION OF NATURAL RESOURCES

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

Section 1. **Title.** This Act shall be known as the "Local Initiative on Environmental Protection and Conservation of Natural Resources Act of 2004".

Section 2. **Declaration of Policy.** It shall be the policy of the state to promote more effective coordination between the national and local governments.

Section 3. **Objective.** The objective of this Act shall be to establish coordination between the national and local governments in the implementation of national laws on environmental protection and conservation of natural resources.

Section 4. **Coverage.** This Act shall involve all local governments nationwide and shall cover the implementation of all national laws on environmental protection and conservation of natural resources.

Section 5. **Inspection.** Local government executives, members of the local sanggunian and duly appointed officials of the local governments shall have ready access to the facilities and areas of operations of processing and manufacturing concerns and concessions of forest, mineral and aquatic resources in their areas of jurisdiction for the purpose of inspecting and determining compliance with existing laws, rules and regulations on environmental protection and conservation of natural resources.

Section 6. **Notice of Possible Violations.** Local governments, through a resolution of their local sanggunian, shall serve formal notice to the DENR upon discovery of possible violations of national laws on environmental protection and conservation of natural resources by processing or manufacturing concerns or concessionaires of forest, mineral or aquatic resources.

Section 7. **Enforcement.** In the event of failure by the DENR to act on the formal notice seven days after it has been served, local governments may, by a majority decision of the local sanggunian, exercise police power, and compel compliance from or impose sanctions on concerned parties, as provided for in the relevant national laws, rules or regulations on environmental protection and conservation of natural resources.

Section 8. **Validity of Local Government Action.** Local government action on the enforcement of national laws, rules and regulations on environmental protection and conservation of natural resources as provided for in Section 3 above shall remain valid until superseded by a subsequent action by the Department of Environment and Natural Resources (DENR) or the courts of the Philippines.

Section 9. **Jurisdiction.** For the purpose of implementing the intent and provisions of this Act, the respective jurisdiction of local governments shall be as follows:

1) Barangay government – processing or manufacturing concerns or concessionaires of forest, mineral or aquatic resources whose area of operation is exclusively within the territorial jurisdiction of the barangay.

2) Municipal government – processing or manufacturing concerns or concessionaires of forest, mineral or aquatic resources whose area of operation covers more than one barangay but exclusively within the territorial jurisdiction of the municipality.

3) Provincial government – processing or manufacturing concerns or concessionaires of forest, mineral or aquatic resources whose area of operation covers more than one municipality but exclusively within the territorial jurisdiction of the province.

Section 10. **Implementation.** The Department of Environment and Natural Resources and the Department of Interior and Local Government (DILG), in consultation with the League of Provinces and cities, League of Municipalities and the Liga ng mga Barangay shall formulate and enforce the rules and regulations necessary for the effective implementation of the intent and provisions of this Act.

Section 11. **Repealing Clause.** All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed.

Section 12. **Separability Clause.** The declaration of unconstitutionality or invalidity of any provision of this Act shall not affect the other provisions thereof.

Section 13. **Effectivity.** This Act shall take effect fifteen days after its complete publication in two (2) newspapers of general circulation in Filipino and English.

Approved.