

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6017



INTRODUCED BY REPRESENTATIVE MILES M. ROCES

EXPLANATORY NOTE

During the last two decades, the Philippine legislature has enacted several comprehensive legislations dealing with the environment and natural resources. However, the condition of the Philippine environment continues to deteriorate and has, in fact, reached alarming levels.

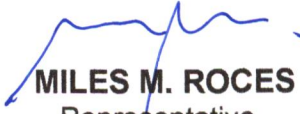
One of the primary reasons for the seemingly ineffective presence of these laws is their fragmentation into sectoral concerns, tending to address environmental issues solely from the nature, circumstances and needs of particular sectors.

Indeed, there is a lack of an over-arching policy that connects and weaves the various legislations. The sectoral laws do not appear to be guided by certain basic set of clear and unequivocal principles or "ground rules" previously set and agreed upon by all stakeholders -- government, civil society, local communities, industry and the private sector -- to direct decisions that cut across all sectors. These principles could refer to the "non-negotiables" such as specific ecosystems that need protection; basic tools for assessment (use of various economic instruments, to compliment current command and control mechanisms) and the rights, obligations and accountability of stakeholders.

Broadly, such principles and ground rules could set the tone for the establishment of a sound and viable environmental management system. These would also reflect the "state of science" to assist in the determination of the cost of effective technology options to address environmental and natural resource management problems. They may reflect as well current standards of environmental governance such as the incorporation of the social values of equity and environmental justice.

This bill seeks to fill this gap in our laws by setting and institutionalizing a policy that would integrate and harmonize sectoral environmental laws and issuances, categorically spelling out those principles that will form the framework for an action plan to be formulated across sectoral enabling acts.

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


MILES M. ROCES
Representative
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**AN ACT PROVIDING THE FRAMEWORK IN THE
MANAGEMENT AND UTILIZATION OF THE
ENVIRONMENT AND NATURAL RESOURCES FOR
SUSTAINABLE DEVELOPMENT**

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

Article 1

GENERAL PROVISIONS

1 **SECTION 1. Title.**— This Act shall be known as *“The Philippine*
2 *Environmental Policy Act.”*

3 **SEC. 2. Declaration of Policies.**— It is hereby declared the policy of the
4 State to promote the right of the people to balanced and healthful ecology in
5 accord with the rhythm and harmony of nature. Towards this end:

6 1. Sustainable development shall be the guiding principle in the
7 formulation, adoption and implementation of all programs and projects
8 affecting all aspects of the environment.

9 2. The environment and natural resources of the country shall be
10 utilized only in such a manner that they provide for the highest, largest and
11 longest streams of net values and benefits and ensure their sustainability

12 3. All users of the environment and natural resources and all
13 managers, administrators or officers and personal agencies, instrumentalities,
14 bodies, associations or entities, both public and private that are involved in the
15 regulation or utilization of such resources shall assume accountability for their
16 acts or omissions commensurate to the degree such acts or omissions affect
17 the overall state of the environment and natural resources that remain in the
18 public domain.

19 **SEC. 3 Definition of Terms.**— For purposes of this Act, unless the
20 context indicates otherwise, the following shall mean:

- 1 a. "Air" shall refer to the atmosphere and all its surroundings.
- 2 b. "Biodiversity or Biological Diversity" shall refer to the variability
3 among living organisms from all sources including, inter alia, terrestrial, marine
4 and other aquatic ecosystems and the ecological complexes of which they are
5 part; this includes diversity within species, between species and of
6 ecosystems.
- 7 c. "Civil Society Organization" shall refer to formal non-government
8 organization registered or recognized as such by competent government
9 body, including legally organized associations or networks of similar
10 organizations.
- 11 d. "Collective Well Being" shall refer to the quality of life of a
12 community living as such in terms of their ability to avail of the opportunities
13 open to them for their choice of livelihood, lifestyle or status, including the
14 manner and method of meeting their social, material, cultural and spiritual
15 needs.
- 16 e. "Cultural Organizations" shall refer to organizations involved in the
17 preservation and promotion of the arts or the maintenance and preservation of
18 acknowledged historical and heritage sites.
- 19 f. "Ecological Endowments" shall refer to environmental assets and
20 natural resources as defined in this Act;
- 21 g. "Environmental Assets" shall refer to anything of value whether
22 singly or collectively, which should be preserved, protected or enhanced
23 because of their physical, cultural, historical, or aesthetic significance to the
24 country, the deprivation or destruction of which will adversely affect the
25 livelihood and well being of the people.
- 26 h. "Environmental Management System" shall refer to a system of legal
27 or customary rules of action intended to achieve a desired state or condition of
28 an ecological endowment in a specific place and time for a particular objective
29 of making the asset or resource available for certain uses and value to the
30 stakeholders.
- 31 i. "Genetic Material" shall refer to any material of plants, animal,
32 microbial, or other origin containing functional units of heredity.
- 33 j. "Historical, highly cultural and heritage value" shall refer to natural
34 features consisting of physical and biological formations or groups of such
35 formations which are of outstanding universal value from the aesthetic or
36 scientific point of view.
- 37 k. "Indigenous peoples" shall refer to peoples, communities, clans,
38 tribes or upland dwellers, formally organized or otherwise, recognized as such
39 by existing laws or by customs and traditions.
- 40 l. "Individual well-being" shall refer to the quality of life of a person in
41 his or her ability to avail opportunities of his or her preferred livelihood, lifestyle
42 or status in society and the economy including the manner and method of
43 meeting his or her material, social, cultural and spiritual needs.
- 44 m. "Land" shall refer to the ground and the resources under it, and
45 classified into agricultural and forest lands.
- 46 n. "Local Community Organization" shall refer to any non-government
47 association or aggrupation, formally or informally organized, existing and
48 operating within one region or municipality whose members are not limited to
49 one familv clan or tribe and which is recognized as a legitimate citizen's

1 o. "Natural Resources" shall refer to materials and conditions occurring
2 in nature which are capable of economic gain, benefit or exploitation, including
3 land, water and air and everything found in them.

4 p. "Non-Government Organization (NGO)" shall refer to civil society
5 and civic organizations organized locally or nationally and registered with the
6 appropriate government agency.

7 q. "People" shall refer to individuals, families, tribes, communities,
8 whether formally or informally organized, associations and organizations
9 whether national or local.

10 r. "Peoples Organization" shall refer to stakeholders or residents of
11 specific communities with common or varied livelihood as well as concern for
12 the well being of their communities.

13 s. "Professional Organization" shall refer to all organizations, either
14 locally, nationally or internationally organized, whose members belong to the
15 same recognized profession or calling.

16 t. "Scientific Organization" shall refer to an organization composed of
17 recognized experts in scientific or technological field, locally or internationally.

18 u. "Social Endowments" shall refer to the body of customs, traditions,
19 values and beliefs and knowledge systems adopted and practiced by groups,
20 communities and other social aggrupations which are accepted as part of their
21 culture, values, norms and livelihood;

22 v. "Sustainable Development" shall refer to the integration of
23 environment and development to ensure that the needs of present and future
24 generations are properly met and their quality of life enhanced, through the
25 judicious utilization and conservation of assets and resources and the adoption
26 and the application of practices, whether indigenous or acquired, which tend to
27 preserve or enhance the value of the asset or resource; and

28 w. "Water" shall refer to fresh, inland and marine water bodies as well
29 as all resources found therein.

30 **SEC. 4. Goals and Objectives.**— This Act shall have the following goals
31 and objectives:

32 1. Preserve and enhance natural resources, the elements and
33 components of natural life-giving and sustaining processes, habitats and
34 organisms as well as their reproduction and regeneration;

35 2. Develop processes and systems that will improve the production of
36 land and water, maintain clean and fresh air, and preserve life-sustaining
37 habitats of plants and animals;

38 3. Promote equal access to all available resources and protect the right
39 of every citizen to avail of all opportunities that will promote his or her
40 livelihood and alleviate poverty within the concept of sustainable development
41 and judicious utilization of natural resources in order to enhance the
42 sustainability of future generations;

43 4. Establish a system of accountability for all sectors and ensure
44 transparency in all actions and decisions involving the environment and the
45 utilization of natural resources.

46 5. Establish a framework of governance and a system of administration
47 that agencies should adhere to in the enforcement of environmental laws

6. Provide for more effective stakeholders participation in the planning, finalization and implementation of activities affecting the natural environment.

ARTICLE II

ENVIRONMENTAL MANAGEMENT

SEC. 5. Environment Management. – The Department of Environment and Natural Resources (DENR) shall establish a viable strategy of environmental management in all areas and sectors based on sound and internationally accepted scientific principles.

Environmental management shall include the value of environment and natural resources, their sustainability and the participation of all direct stakeholders. It shall have as its ultimate goal the promotion and protection of the collective well being of the people.

SEC. 6. Environmental Management Systems. – Acceptable environmental management systems may be established on a national, regional and municipal level.

A set of guiding standards should be provided based on the policies, principles and goals provided in his Act.

1. Science and Technology
2. Local knowledge, culture and traditions
3. Good governance
4. Full participation of concerned sectors
5. Distribution of benefits
6. Sustainability of the asset or resource
7. Others based on local concerns

ARTICLE III

RESOURCES

SEC. 7. Air – The regulation, control, promotion and maintenance of air shall be in accordance with the provisions of Republic Act No. 8749 otherwise known as the Philippine Clean Air Act, and its implementing rules and regulations.

SEC. 8. Water. – The regulation, control, promotion and maintenance of water shall be in accordance with the provisions of Republic Act No. 9275, otherwise known as the Philippine Clean Water Act of 2004, and its implementing rules and regulations.

1 **SEC. 9. Land** – Agricultural lands may be further classified according to
2 use as agricultural, residential or industrial. Only lands classified as agricultural
3 shall be considered alienable or disposable.

4 The State shall recognize the right of indigenous peoples to their
5 ancestral lands and provide for their delineation in accordance with Republic
6 Act No. 8371, also known as the Indigenous People's Rights Act.

7 **SEC. 10. Forests.**– Forestlands shall not be considered alienable or
8 disposable. Forestlands shall be classified as protected or production forests.
9 Utilization and development may be allowed only in production forests.
10 The delineation of forestlands and utilization of forest resources shall be
11 regulated under existing laws. Qualifications, standards and limitations shall be
12 imposed in order to ensure national and sustainable use of the resource.

13 **SEC. 11. Biodiversity.**– The promotion and enhancement of bio-
14 diversity shall be the concern of the government and the people.

15 The State, through the DENR, shall regulate the utilization and
16 development of the same to ensure the preservation and enhancement of
17 biodiversity in accordance with Republic Act No. 9147, otherwise known as the
18 Wildlife Resources Conservation and Protection Act.

19 The State shall address area-based, species-based and process
20 oriented regulatory techniques to keep the threats to biodiversity under control
21 while mandating cross-sectoral legal mechanisms to achieve its purpose.

22 **SEC. 12. Genetic Resources.**– The benefits derived from the use of
23 genetic resources shall be equitably and fairly shared. The State shall regulate
24 the utilization of genetic resources but shall preserve and maintain knowledge,
25 innovations and practices of indigenous and local communities for the
26 conservation and use thereof.

27 In the promotion of genetic resources, the collective well being of the
28 people shall be afforded priority consideration.

29 **SEC. 13. Mineralized Areas.**– Mineralized areas shall be utilized,
30 develop and regulated in accordance with the provisions of Republic Act No.
31 7942, otherwise known as the Philippine Mining Act of 1995.

32 **SEC. 14. Alternative Fuels.**– Detailed studies shall be undertaken to
33 determine the optimal use of incentives to spur the adoption of alternative fuels
34 and technologies. Pricing and taxation measures that correctly integrate the
35 environmental costs of fuels shall be developed so that alternative fuels and
36 technologies can compete in the market. Oil companies or refineries are
37 hereby required to provide or develop processes that will produce alternative
38 non-pollutant fuels such as coco-diesel, hydrogen fuel and similar product.

1 **SEC. 15. Renewable Energy.**— The provision of clean and efficient
2 energy fuels and infrastructure shall be the continuing thrust of the
3 government. The increased utilization of cleaner fuels such as geothermal,
4 natural gas, other renewable energy and alternative clean fuels and
5 technology will be pursued to decrease greenhouse gas emissions.

6 There shall be established a framework for the implementation of the
7 renewable energy program including support to non-power uses of renewable
8 energy systems. It shall produce a green pricing mechanism to promote
9 consumer choice of power supply, allocation of a minimum amount of
10 generation capacity from renewable energy, promotion of the use of hybrid
11 systems and applications, conduct sustained information dissemination on
12 renewable energy development, and the utilization and provisions of financial
13 and fiscal incentives to developers and implementers.

14 15 16 **ARTICLE IV**

17 18 **ENVIRONMENTAL IMPACTS AND SYSTEMS**

19 **SEC. 16. Environmental Impacts.**— Any project which may have
20 significant impact on the environment and natural resources shall be subject to
21 the Environmental Impact System (EIS) being implemented pursuant to
22 Presidential Decree No. 1586 and its implementing rules and regulations.
23 The EIS shall be implemented for purposes of identifying, analyzing,
24 evaluating, and managing the direct and indirect impacts of a project on the
25 biophysical-chemical environment, health and socio-economic issues and
26 ensuring that these impacts are addressed by appropriate environmental
27 protection and enhancement measures. It shall help identify the most
28 practicable alternatives for achieving positive outcomes and minimizing
29 potentially adverse effects of policies, plans, programs, and projects.

30 31 **ARTICLE V**

32 **WASTE MANAGEMENT**

33 **SEC. 17. Domestic Waste.** The management of domestic wastes or
34 wastes generated by households which are organic by nature shall be in
35 accordance with the provisions of Republic Act No. 9003, otherwise known as
36 the Ecological Solid Waste Management Act of 2000.

37 **SEC. 18. Hazardous and Toxic Wastes.**— The regulation and control of
38 hazardous and toxic wastes shall be in accordance with Republic Act
39 No. 6969, otherwise known as the Toxic Substances and Hazardous and
40 Nuclear Wastes Control Act of 1990.

SEC. 19. Liquid Wastes.— The management of liquid wastes shall be in accordance with the provisions of Republic Act No. 9275, otherwise known as the Clean Water Act of 2004.

The DENR, in coordination with National Water Resources Board (NWRB), shall:

- a. Set standards for wastewater discharge;
- b. Set standards for classification of rivers, lakes and other receiving bodies of water;
- c. Set mandatory requirements for setting up wastewater treatment plans; and
- d. Provide for requirements for waste minimization and recycling.

ARTICLE VI

ENVIRONMENTAL JUSTICE AND EQUITY

SEC. 20. Intragenerational Equity. – Whenever risks are posed to the value of the environment and natural resources, or to others affected by their management, administration, utilization or governance, a fund of sufficient amount shall be created for the purpose of redressing any occurrence of the risk of causing damage or decreasing the value of the endowments. The fund shall be in such amount and for such duration as may be necessary for the damage caused by such occurrence and within a reasonable time after completion of the project or activity.

ARTICLE VII

GOVERNANCE

SEC. 21. Government.— the Department of Environment and Natural Resources (DENR) and its successor shall be the primary agency that is tasked to implement the provisions of this Act

Other government agencies shall coordinate with the DENR in the implementation of their respective mandates affecting the ecological endowments.

Conflicts in the implementation of the respective mandates of all government agencies, including local government units (LGUs) relative to the utilization and management of the environment and natural resources shall be resolved in favor of the DENR.

SEC. 22. Decision-Making Process.— The following shall have the right to participate in the decision-making process involving the utilization,

1 management, administration and governance of the environment and natural
2 resources within their respective jurisdictions, expertise and area of concern:

- 3 a. Non-government organization;
- 4 b. People's organizations;
- 5 c. Indigenous Peoples; and
- 6 d. Scientific organizations, cultural organizations, professional and
7 other organizations.

8 These organizations shall be held liable on any action undertaken by
9 their respective members, individually or collectively, causing damage on the
10 ecological endowments.

11 12 13 **ARTICLE VIII**

14 15 **ENFORCEMENT AND ADMINISTRATION**

16 **SEC. 23. Enforcement Mechanism.**— In the enforcement of its
17 mandate, the DENR may deputize non-government organizations, people's
18 organizations, indigenous communities, and professional, civic, cultural,
19 scientific and technological organizations within their respective area of activity
20 or expertise and under such terms and conditions it may deem reasonable and
21 proper.

22 **SEC. 24. Incentives.** — All incentives provided under specific laws on the
23 utilization and management of the environment and natural resources shall
24 remain valid. Rewards and other incentives that are aimed to encourage
25 compliance with law and the rational utilization as well as preservation of the
26 environment and natural resources shall also be granted as may be
27 determined by the DENR.

28 29 **ARTICLE IX**

30 31 **ADJUDICATION AND APPEAL**

32 **SEC. 25. Adjudication.**— Conflicts involving the administration of a rule
33 or regulation including standards, tests and valuation of ecological
34 endowments, shall be resolved by the DENR. In resolving conflicts, the DENR
35 may avail of the services of experts or professionals with the consent of the
36 parties involved and under accepted rules of mediation and arbitration.

37 Violations of anti-pollution law and its implementing rules shall be
38 referred to the Pollution Adjudication Board or its successor.

39 The Court shall resolve conflicts on the interpretation of law, rule and
40 regulation. Costs shall be shouldered by the parties involved.

SEC. 30 Appeal. – Decisions of the DENR involving administrative cases may be appealed to the Office of the President.

Decisions of the Pollution Adjudication Board and other quasi-judicial bodies may be appealed to the Court of Appeals.

ARTICLE X

FINAL PROVISIONS

SEC. 26. Implementing Rules and Regulations. – The DENR shall issue the implementing rules and regulations for the effective implementation of this Act which shall include, but not limited to, the following:

1. Standards and parameters for monitoring environmental impacts;
2. Standards and parameters for effective assessment and monitoring of domestic wastes;
3. Market based instruments in the promulgation of environmental regulations.

SEC. 27. Appropriations.— The amount necessary for the initial implementation of this Act shall be charged to the appropriations of the Department of Environment and Natural Resources under the current General Appropriations Act. Thereafter, the amount necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 28. Fines and Penalties. – Fines, imprisonment and other penalties for violation of this Act, its rules and regulations shall be in accordance with existing laws covering the specific resource.

SEC. 29. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, all other provisions not affected thereby shall remain in full force and effect.

SEC. 30. Repealing Clause. – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 31. Effectivity Clause. – This Act shall take effect 15 days after publication in two(2) newspapers of general circulation in the Philippines.

Approved.