

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

THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6018



INTRODUCED BY REPRESENTATIVE LEOVIGILDO B. BANAAG

EXPLANATORY NOTE

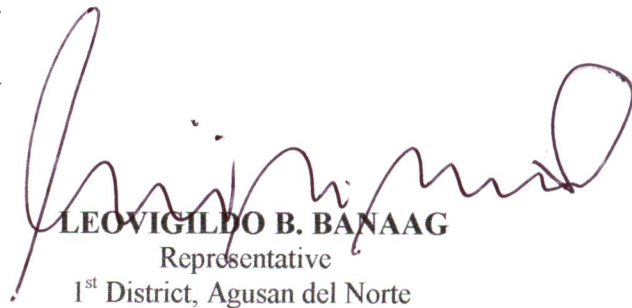
In accordance with the 1987 Philippine Constitution and inspired by developments all over the world, the last two decades saw the Philippine legislature enacting several laws to arrest environmental degradation and promote the sustainable use of its dwindling natural resources. However, considering the present state of things, it is apparent that the expected outcomes of these legislations have not been attained; the environment continues to be attacked while the rate of exploitation of our natural resources bodes ill for the future generations.

One of the primary reasons for the seeming failure of the country's present environmental and natural resources laws is their fragmentation into attempts to treat issues solely from the nature, circumstances and needs of particular sectors. Indeed, there is a lack of an over-arching policy that connects these 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. 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.

The desired principles and ground rules could set the tone for the establishment of a viable environmental management system and would also reflect the "state of science" in determining 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.

Thus, this bill seeks to fill a gap in our laws. It will set and institutionalize a policy that ensures the integration and harmonization of sectoral environmental laws and issuances, categorically spelling out those principles that will form the basis for complementary action plans to be formulated across sectoral enabling acts.

Approval of the bill is earnestly being sought.


LEOVIGILDO B. BANAAG
Representative
1st District, Agusan del Norte

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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 Environmental*.
2 *Policy Act.*”

3 **SEC. 2. Declaration of Policies.**– It is hereby declared the policy of the State to
4 promote the right of the people to balanced and healthful ecology in accord with the
5 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 affecting all
8 aspects of the environment.

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

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

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

1 q. “People” shall refer to individuals, families, tribes, communities, whether
2 formally or informally organized, associations and organizations whether national or
3 local.

4 r. “Peoples Organization” shall refer to stakeholders or residents of specific
5 communities with common or varied livelihood as well as concern for the well being
6 of their communities.

7 s. “Professional Organization” shall refer to all organizations, either locally,
8 nationally or internationally organized, whose members belong to the same recognized
9 profession or calling.

10 t. “Scientific Organization” shall refer to an organization composed of
11 recognized experts in scientific or technological field, locally or internationally.

12 u. “Social Endowments” shall refer to the body of customs, traditions, values
13 and beliefs and knowledge systems adopted and practiced by groups, communities and
14 other social aggrupations which are accepted as part of their culture, values, norms and
15 livelihood;

16 v. “Sustainable Development” shall refer to the integration of environment
17 and development to ensure that the needs of present and future generations are
18 properly met and their quality of life enhanced, through the judicious utilization and
19 conservation of assets and resources and the adoption and the application of practices,
20 whether indigenous or acquired, which tend to preserve or enhance the value of the
21 asset or resource; and

22 w. “Water” shall refer to fresh, inland and marine water bodies as well as all
23 resources found therein.

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

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

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

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

37 4. Establish a system of accountability for all sectors and ensure transparency
38 in all actions and decisions involving the environment and the utilization of natural
39 resources.

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

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

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3 **ARTICLE II**
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5 **ENVIRONMENTAL MANAGEMENT**

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

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

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

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

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

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27 **ARTICLE III**
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29 **RESOURCES**

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

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

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

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

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

10 **SEC. 11. Biodiversity.**— The promotion and enhancement of bio-diversity shall
11 be the concern of the government and the people.

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

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

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

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

25 **SEC. 13. Mineralized Areas.**— Mineralized areas shall be utilized, develop and
26 regulated in accordance with the provisions of Republic Act No. 7942, otherwise
27 known as the Philippine Mining Act of 1995.

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

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

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

11 ENVIRONMENTAL IMPACTS AND SYSTEMS

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

25 WASTE MANAGEMENT

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

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

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

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

- 39 a. Set standards for wastewater discharge;

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3 **ARTICLE VIII**
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5 **ENFORCEMENT AND ADMINISTRATION**

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

11 **SEC. 24. Incentives.** – All incentives provided under specific laws on the
12 utilization and management of the environment and natural resources shall remain
13 valid. Rewards and other incentives that are aimed to encourage compliance with law
14 and the rational utilization as well as preservation of the environment and natural
15 resources shall also be granted as may be determined by the DENR.

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17 **ARTICLE IX**
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19 **ADJUDICATION AND APPEAL**

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

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

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

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

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

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34 **ARTICLE X**
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36 **FINAL PROVISIONS**

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

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

6 **SEC. 27. Appropriations.**— The amount necessary for the initial
7 implementation of this Act shall be charged to the appropriations of the DENR under
8 the current General Appropriations Act. Thereafter, the amount necessary for the
9 continuous implementation of this Act shall be included in the annual General
10 Appropriations Act.

11 **SEC. 28. Fines and Penalties.** — Fines, imprisonment and other penalties for
12 violation of this Act and its rules and regulations shall be in accordance with existing
13 laws covering the specific resource or sector.

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

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

19 **SEC. 31. Effectivity Clause.** — This Act shall take effect fifteen (15) days after
20 its publication in two (2) newspapers of general circulation in the Philippines.

Approved.

/mtv/06