

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Third Regular Session
13th CONGRESS

House Bill No. 6050



Introduced by Representative ABRAHAM KAHLIL B. MITRA

EXPLANATORY NOTE

The 1987 Constitution mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature (*Article 2, Sec. 16*). While the State is pegged to its commitment, the existing laws related to environmental protection is somewhat inadequate in terms of implementation and reinforcement strategies. This has been proven for numerous reports of illegal activities that degrade the environment and unfortunately leads to a rather destructive effect to human lives.

The recent studies published by the World Bank on its Philippine Environment Monitor in 2004 indicates that despite positive steps by the environment agencies, actual change on the ground, measured by environmental indicators, has been slow. Years of neglect, haphazard policy-making, and weak local environmental management have taken a toll in the form of widespread environmental degradation and acute pollution problems. It also specifically state that forested areas in the country continues to be threatened by competing development claims of agriculture and urbanization. As habitats shrink, biodiversity in these areas is increasingly endangered. Coastal resources, especially coral reefs (over 90% are at high risk), mangroves, and sea-grasses face threats from coastal zone development, expanding aquaculture, and destructive fishing. Fisheries catch per-unit-of-effort has been declining steadily due to overfishing in many areas. All of these environmental scenarios are affirmation of our weak reinforcement efforts to protect the environment.

If we were to quantify the costs of environmental degradation, we may conclude that costs of destruction are high. For example, mismanagement of fisheries resources is estimated to cost PhP 23 billion (US\$ 420 million) annually in lost revenues. The annual economic losses caused by water pollution are estimated at PhP 67 billion (US\$ 1.3 billion) and the increased health costs of exposure to air pollution (particulate matter) in four urban centers alone are estimated to be over PhP 21 billion (US\$ 400 million). Abandoned mining areas and mercury pollution in water bodies that surround mines remain problematic and unquantified even as the Government encourages new, environmentally-sensitive mining investment (*World Bank Report, 2004*).

While long-term national commitment to environmental protection will greatly reverse degradation, it is also important to modernize monitoring, enforcement, and public disclosure to ensure compliance. We need a core of implementers that would ensure that our environmental laws are strictly complied with and give a 'hard fists' on usual violators of these laws. Anyway, these violators are not just transgressors of the law but those who committed environmental crimes whose punishment are not usually earned by them but by pristine nature and millions of Filipinos.

Hence, passage of this bill is earnestly sought for.



ABRAHAM KAHLIL B. MITRA
Representative, 2nd District of Palawan

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AN ACT
CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY,
DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES;
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

3
4 **SECTION 1.** *Title.* – This Act shall be known as the “National Environmental
5 Protection Act”.

6
7 **SECTION 2.** *Declaration of Policy.* – It is the declared policy of the State to protect
8 and advance the right of the people to a balanced ecology and a wholesome and healthy
9 environment. Towards this end, the State shall create an agency mandated to strictly
10 enforce environmental laws and cause the prosecution of violators thereof to ensure the
11 protection of our environment and our people.

12
13 **SECTION 3.** *Creation of the National Environmental Protection Agency.* – To
14 implement the above-declared policy, there is hereby created the National Environmental
15 Protection Agency under the general supervision of and attached to the Office of the
16 President, which shall be created one hundred eighty (180) days from the effectivity of this
17 Act.

18
19 **SECTION 4.** *Powers, Functions and Responsibilities of the Agency.* – The National
20 Environmental Protection Agency shall have the following powers, functions and
21 responsibilities:
22

- 1 (a) Formulate and implement an integrated approach to the enforcement of
2 environmental laws;
- 3
- 4 (b) Undertake the enforcement of environmental laws and investigate violators
5 thereof and all other matters involved in the commission of any violation
6 thereof;
- 7
- 8 (c) Administer oath, issue *subpoena duces tecum* and *ad testificandum* in
9 connection with or as an incident to the conduct of an investigation of a
10 violation of environmental laws;
- 11
- 12 (d) Arrest and apprehend as well as search violators and seize or confiscate the
13 effects of the violations as provided by law and take custody thereof. For this
14 purpose, prosecutors and enforcement officers of the Agency are authorized
15 to possess firearms in accordance with existing laws, rules and regulations.
16 Likewise, enforcers are hereby authorized to enter premises for the purpose
17 of conducting inspection and determining compliance with environmental laws;
- 18
- 19 (e) Establish office in every region, province or city and maintain a nationwide
20 intelligence system in cooperation with law enforcement agencies, the
21 Department of Environment and Natural Resources, local government units
22 and other government agencies and offices;
- 23
- 24 (f) Monitor and, if warranted, in coordination with the Bureau of Customs, the
25 Philippine Ports Authority, the Maritime Industry Authority, Department of
26 Environment and Natural Resources and the Department of Environment and
27 Natural Resources and such other government agencies and offices, inspect
28 cargo and their conveyances to determine a violation of environmental laws, if
29 any;
- 30
- 31 (g) Prepare for the prosecution and cause the filing of appropriate criminal and
32 civil charges against violators of environmental laws. For this purpose, the
33 Agency shall closely cooperate with the Department of Justice and such other
34 concerned government agencies or offices;
- 35

- 1 (h) Recommend to the appropriate agency the forfeiture of properties and other
2 assets belonging to, or found in the possession of, violators of environmental
3 laws;
4
5 (i) Establish and maintain close coordination, cooperation and linkages with
6 national and regional networks for the protection of the environment; and,
7
8 (j) Call upon any government agency or office and/or deputize individuals and
9 organizations for assistance.
10

11 **SECTION 5.** *Organization of the Agency.* – The National Environmental Protection
12 Agency shall be headed by a Director-General with the rank of an Undersecretary, who
13 shall be responsible for the general administration and management of the Agency. The
14 Director-General shall be appointed by the President of the Philippines and shall perform
15 such other duties as may be assigned to him. He must possess adequate knowledge,
16 training and experience in environmental law enforcement.
17

18 The Director-General shall be assisted by two (2) deputies with the rank of Assistant
19 Secretary: one for Operations and one for Administration. They shall likewise be appointed
20 by the President.
21

22 The present National Anti-Environment Crime Task Force as created by Executive Order No.
23 515 shall be accordingly modified and absorbed by the Agency. The Director-General shall
24 be responsible for the necessary changes in the organization, which shall be submitted, to
25 the President for approval.
26

27 For purposes of carrying out its duties, functions and responsibilities, the Agency shall have
28 the following Services: Intelligence and Investigation, International Cooperation, Plans and
29 Operations, Legal and Prosecution, Administrative and Human Resource, Financial
30 Management, and Internal Affairs.
31

32 **SECTION 6.** *NEPA Board.* – There is hereby created a NEPA Board which shall
33 promulgate policies relative to the enforcement of environmental laws. The Board shall be
34 headed by the Secretary of Environment and Natural Resources, as Chairman. The
35 Secretary of Justice shall be the Board Vice-Chairman with representatives from the
36 following offices as Members:
37

- (a) The Philippine National Police;
- (b) The Armed Forces of the Philippines;
- (c) The Bureau of Customs;
- (d) The Maritime Industry Authority; and,
- (e) The Philippine Coast Guard.

SECTION 7. *Relationship with Other Departments.* – The Agency shall closely coordinate with other Departments, offices and agencies to ensure the successful implementation of this Act. Nothing herein shall be construed as a derogation of the powers and functions of such other Departments, offices and agencies.

SECTION 8. *Appropriations.* – The amount necessary for the operation of the Agency shall be charged against the current year's appropriations of the National Anti-Environment Crime Task Force. Thereafter, such sums as may be necessary to implement this Act shall be included in the annual General Appropriations Act.

The proceeds of the sale of products seized by the Agency pursuant to environmental laws shall be remitted to the Agency for use in the implementation of this Act. Likewise, fifty percent (50%) of the fines imposed by the proper courts in cases filed by the Agency shall pertain to the Agency for the same purpose.

SECTION 9. *Transitory Provisions.* – All offices, bureaus, agencies and divisions that are to be absorbed by the Agency shall cease and their functions, including their appropriations, funds, records, equipment, facilities, rights, assets and personnel shall be transferred to the Agency within 180 days after the effectivity of this Act. Its liabilities, if any, shall be treated in accordance with the government auditing code and other pertinent laws, rules and regulations.

SECTION 10. *Repealing Clause.* – Executive Order No. 192, Series of 1987, and Executive Order No. 292, otherwise known as the Administrative Code of 1987, are hereby modified accordingly. All other acts, ordinances, rules and regulations and other issuances that are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,