

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

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. **3836**

Introduced by AKBAYAN Party-List Representatives
KAKA BAG-AO and WALDEN BELLO

EXPLANATORY NOTE

The integration of environmental considerations into the planning of projects was conceived in Philippine law with the promulgation of the Philippine Environmental Policy (PD 1151) in 1977, wherein the people's right to a healthful environment, now enshrined in our Constitution, was first recognized. Giving emphasis to the need for "the establishment and institutionalization of a system whereby the exigencies of socio-economic undertakings can be reconciled with the requirements of environmental quality," the system was formally instituted during the following year with the declaration of PD 1586 establishing the Philippine Environmental Impact Assessment (EIA) System.

Since then, a number of presidential and department orders have been enacted to implement and refine the EIS System. As it stands, Philippine EIA legislation is perceived as piecemeal but comprehensive and in many ways advanced, as it goes beyond regulation of industrial pollution but also aims to protect natural resources, fragile ecosystems and biodiversity, and the rights of local communities. It has evolved into both a permitting/regulatory and a planning/management tool, with the ultimate objective of providing decision-makers with an indication of likely environmental consequences of their actions. The current implementing order, DENR Administrative Order 30, Series of 2003 has been criticized as having disregarded basic environmental principles for the mere purpose of streamlining processes. The previous administrative order, DENR Administrative Order 37 Series of 1996, on the other hand, is seen by some

authorities as "today the most important and comprehensive legal pronouncement on the EIA system in the Philippines, and perhaps in the whole Southeast Asian region."

Among the most significant features of DAO 37/1996 are the requirement of the establishment of an Environmental Guarantee and Monitoring Funds, the enumeration and definition of Environmentally Critical Projects and Areas, and the incorporation of public participation and social acceptability into the policy of the law. Thus, requirements on public information, public hearings, alternative dispute or conflict resolution processes and process documentation reports are to be adhered to by project proponents as well as concerned local and national government agencies. This has been welcomed by environmental organizations here and even abroad, and most especially by residents and stakeholders in affected communities who for a long time were ignored in decision-making for matters and projects that ultimately affect their health, environment, and quality of life.

However, issues have been raised regarding the implementation of the EIA System. These include lack of capacity or technical expertise, especially at the local levels, to fully appreciate and implement the EIA System; the lack of penal consequences for violators; and the lack of provisions for integrated or "programmatic" EIAs which are intended to assess the cumulative effects of several activities taken together, and at the earliest possible time.

Project proponents also point out the high costs of compliance and the tediousness of the process, seeing social acceptability requirements as another hurdle for obtaining project approval. On the other hand, environmental groups and stakeholders, see the laws as poorly implemented, citing instances of lack of compliance and clamor for even further strengthening and effective operationalization of the public participation provisions of the law. They seek to have a better standing in the decision-making process, and to ensure that public consultations and hearings are made not merely as formalities. Further, they seek the institution of effective remedial measures, in cases of violations of or non-compliance to rules, terms, and conditions, subsequent to the issuance of the Environmental Compliance Certificate.

This apparent conflict is emphasized by government policy encouraging the flow of investments into the country in the name of economic development which fosters leniency in the implementation of environmental laws on the part of administrative bodies and in circumvention of these laws by investors and project proponents. In turn, these result in adverse consequences that the law in the first place seeks to mitigate or to prevent, the brunt of which is borne by members of local communities.

What bears stressing is that for any environmental assessment system to be truly effective, public participation and social acceptability should be deemed essential and must not be looked at as a mere concession to communities but as a crucial step in proper project planning and implementation. For one, access to information, public participation in decision-making, and access to justice are fundamental to democracy and are internationally recognized rights as enunciated in Principle 10 of the landmark Rio Earth Summit in 1992. Also, if the purpose of environmental impact assessment is to ultimately improve the quality of decisions, then the participation of the public should be taken by all parties concerned as a welcome opportunity to exchange relevant, truthful, and accurate information that could contribute both to the protection of the environment as well as to the success of the project. The integration of local knowledge, values and interests can only result in the making of better decisions, both on the per-project and policy levels, in the short-, medium-, and long-term.

Equally important is the emphasis on public participation as an open-ended process where the acceptance by the communities is not always guaranteed and should never be unduly coaxed. Only when parties are assured of parity between them would scoping sessions, public hearings, and the procurement of the community's free and prior informed consent truly be said to support the intent of the law --- to ensure that economic development is pursued without sacrificing the integrity of the environment for the benefit of present and future generations, consistent with the principle of sustainable development.

The proposed bill aims to address the issues put forth above and to strengthen the Philippine environmental assessment law. It will consolidate the laws and put the system into a singular legislative framework with Congressional fiat. It will provide penalties and remedies for violations and non-compliance. It will create an independent national environmental protection body and call for the development of technical expertise and capacity among implementing agencies, especially at the local level. It will provide for the institution of a Programmatic EIA System and the mainstreaming of EIA in National Policy Formulation to integrate environmental considerations into the planning of policies and programs as early as possible. Most importantly, it will strengthen public participation and social acceptability requirements in such a way as to empower communities to fully realize the rights vested upon them in the EIA System.

Given the significance of our nation's pursuit of authentic sustainable development, the immediate passage of this bill is earnestly sought.



Kaka Bag-ao



Walden Bello



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1 AN ACT
2 TO ENHANCE THE PHILIPPINE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SYSTEM,
3 TO STRENGTHEN PUBLIC PARTICIPATION THEREIN,
4 AND FOR RELATED PURPOSES
5
6

7 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
8 *assembled:*
9

10
11 CHAPTER I
12 GENERAL PROVISIONS
13

14 SECTION 1. Title. – This Act shall be known as the “EIA Act of 2010.”
15

16 SECTION 2. Declaration of Policy. – It is the policy of the State to adhere to the principle of
17 sustainable development where economic growth is pursued with concern and consideration for
18 the protection of the environment and natural resources for present and future generations. The
19 State shall, at all times, promote a balanced and healthful ecology through the adoption of
20 measures that determine the adverse environmental impacts of economic undertakings and
21 prescribe appropriate schemes and regulations to avoid and mitigate the same. In the
22 implementation of this policy, the State shall be guided by the following principles:

- 23 (a) Fulfillment of the responsibilities of each generation as trustee of the environment for
24 succeeding generations;
25 (b) Protection and upliftment of the quality of life of all Filipinos, recognizing that such
26 quality of life is intimately related to the quality of their natural environment;
27 (c) Assurance for all Filipinos of environs that are safe, healthful, and productive and that
28 adverse environmental impacts are mitigated and best possible alternatives chosen for
29 development;

- (d) Attainment of the widest range of beneficial uses of the environment without degradation to its integrity or sustainability or risk to the health, safety, and livelihood of persons and local communities;
- (e) Preservation of important historic, cultural, and natural aspects of our national patrimony; and
- (f) Promotion of public participation in decision-making, including project planning and policy formulation, pursuant to the internationally-recognized rights of people to information and self-determination.

SECTION 3. Aids to Construction. -- This Act shall be construed taking the following into consideration:

- (a) The environment is a resource not only for present but for future generations; and
- (b) Marginalized communities and vulnerable sectors will always be disadvantaged in formal legal processes. The precautionary principle will be applied in making decisions under this act

SECTION 4. Definition of Terms. -- For purposes of this Act, the following shall be defined as stated below:

"Certificate of Non-Coverage" (CNC) refers to the document issued by the Commission or its duly authorized representative certifying that the proposed project or undertaking does not fall within the category of critical projects that require the issuance of an Environmental Compliance Certificate prior to project implementation and operation;

"Co-located Projects" are projects, or a series of similar projects or undertakings, located in a contiguous area, or a project subdivided into several phases and/or stages;

"Commission" refers to the National Environmental Protection Commission;

"Community Consent" (CC) as used in this Act shall mean the consensus of all members of the affected communities consenting to the implementation of a project being proposed and undergoing environmental assessment, free from any external fraud, manipulation, interference or coercion, and obtained after fully disclosing the intent and scope of the project, in a language and process understandable to the community affected;

"Critical Project" refers to any project or activity that has a high potential to create an adverse impact on the environment, or to the safety and health of persons and their quality of life;

"Environmental Compliance Certificate" (ECC) refers to the document issued by the President of the Philippines or his duly authorized representative certifying that the project under consideration will not bring about unacceptable environmental impact and that the proponent has complied with the requirements of the Environmental Impact Assessment System;

"Environmentally Critical Areas" (ECA) refer to all declared protected areas, including but not limited to those declared under Republic Act No. 7586 (National Integrated Areas System Act of

1 1992) and other areas which are ecologically important or especially sensitive to degradation, such
2 as watersheds, fish sanctuaries, and other areas similar in nature;

3
4 "Environmentally Critical Projects" (ECP) refer to all projects declared as environmentally
5 critical, or those which have high potential for creating negative impacts on the environment and
6 to the safety and health of persons and their quality of life, due to the nature of the project and
7 the activities to be done pursuant to its implementation;

8
9 "Environmental Impact Assessment" (EIA) refers to the processes of identifying, forecasting and
10 evaluating the future state of the environment as a consequence of a particular activity and with
11 reference to a comparative assessment of the environment's future state without the activity;

12
13 "Environmental Impact Assessment Report" refers to the documentation of the process undergone
14 by a project to assess its environmental impacts and includes documentary requirements as
15 determined according to the nature or type of project being proposed;

16
17 "Environmental Impact Statement" (EIS) refers to the documentation of the studies of the
18 environmental impact of a project including a discussion of the direct and indirect consequences
19 upon human welfare and ecological and environmental integrity. The EIS may vary from project
20 to project but shall in every case contain all relevant environmental information and details about
21 the project and shall have an executive summary comprehensively addressing all potential adverse
22 impacts in plain language, understandable to the affected community;

23
24 "Policy and Programmatic Environmental Impact Assessment" refers to the process of review and
25 evaluation by the Commission of projects on contiguous areas, where the focus of the review
26 process is the carrying capacity of the area with respect to the projects to be sited there, the
27 synergistic and cumulative effects of the individual projects and on the applicability and
28 appropriateness of the proposed management program;

29
30 "Precautionary principle" means when there is a threat to human life or health, inquiry to present
31 or future generations or prejudice to the environment that disregards the environmental rights of
32 those affected, lack of full scientific certainty in establishing a causal link between the proposal
33 and adverse environmental effect shall not be a cause to postpone actions or decisions to prevent
34 such harm;

35
36 "Project" means activities including actions, programs, or undertakings, regardless of magnitude,
37 which may have significant impact on the environment;

38
39 "Protected Areas" refer to identified portions of land and water set aside by reason of their unique
40 physical and biological significance, managed to enhance biological diversity and protected
41 against destructive human exploitation;

42
43 "Principal Investor" means any person, whether natural or juridical, or of Filipino or foreign
44 citizenship or registration, which owns at least a thirty percent (30%) equity in the paid-in capital
45 stock of the proponent firm;

46
47 "Proponent" refers to persons, whether natural or juridical, owners/agents, organizations, or other
48 entities planning, proposing or otherwise undertaking a project, program or policy, including

1 government agencies, government-owned and controlled corporations, and Local Government
2 Units;

3
4 "Public Participation" means an open, transparent, gender-sensitive, fair, truthful, and
5 community-based process consisting of one or several activities where the primary objective to
6 provide a venue where relevant issues concerning the project and its effects on the environment,
7 including on the health of persons and communities and their quality of life, are to be presented
8 and discussed by all stakeholders, at all relevant stages of project implementation including
9 project planning and development, and post-assessment monitoring;

10
11 "Social Acceptability" refers to the acceptance of a project by affected communities based on
12 timely and informed participation in the assessment process with particular regard to
13 environmental impacts that are of concern to them;

14
15 "Social Acceptability Report" refers to the documentation of the process, which is to be based on
16 public participation, undertaken to secure the consent of the affected communities to the project,
17 whether or not such consent is actually secured;

18
19 "Stakeholders" includes all persons or entities who may be significantly affected by the project or
20 undertaking, whether directly or indirectly.

21 CHAPTER 2 22 ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SYSTEM

23
24 SECTION 5. Environmental Impact Assessment (EIA) System. – The EIA System is intended to
25 identify, forecast, and evaluate the adverse direct and indirect effects of a proposed project on the
26 environment from the construction to the implementation and up to the closure and
27 rehabilitation of the project or any of its components, including on the health of persons. All
28 persons, whether natural or juridical, and entities including government-owned or controlled
29 corporations and local government units, intending to implement any project which may have
30 adverse impacts on the environment shall undertake an Environmental Impact Assessment (EIA)
31 to disclose the potential impacts of the proposed project or activity for public review.

32
33 The EIA shall be integrated into the planning process, and shall require public participation as
34 described in Section 17 of this Act.

35
36 The assessment process should result in the production of an EIA Report, which shall disclose all
37 findings and contain all requirements, including but not limited to the Free and Prior Informed
38 Consent document, a list of applicable national and local environmental laws and ordinances, and
39 others as provided in Sections 10 and 11 of this Act.

40
41 SECTION 6. Coverage. – The EIA System shall apply to all projects planned or proposed by any
42 individual, organization or instrumentality including government-owned or controlled
43 corporations, which can potentially have adverse effects on the environment, including the
44 health of persons, as classified under Section 7 of this Act. The potential adverse impact test is the
45 ultimate test for determining coverage and any lists issued by the Commission shall not be
46 deemed to be exclusive. Any activity or project, or stage of a project exempted by law from the
47 system but which is deemed to have potential significant adverse impact, shall be considered
48 covered by the system.

The following projects and undertakings are covered by the EIS System:

A. Environmentally Critical Projects (ECPs)

i. Heavy industries

1. Non-ferrous metal industries
2. Iron and steel mills
3. Petroleum and petro-chemical industries, including oil and gas
4. Smelting plants

ii. Resource extractive industries

1. All mining and quarrying projects, including during exploration period.
2. Forestry projects
 - a. Logging
 - b. Major wood processing projects
 - c. Introduction of fauna (exotic animals) in public/private forests
 - d. Forest occupancy
 - e. Extraction of mangrove products
 - f. Grazing
3. Fishery projects
 - Dikes for/and fishpond development projects
4. Other resource extractive activities which have social, environmental, health and human rights impacts

iii. Infrastructure projects

1. Major dams
2. Major power plants (fossil-fueled, nuclear fueled, hydro-electric, or geothermal)
3. Major reclamation projects
4. Major roads and bridges

iv. Golf course projects, and

v. Other projects that pose significant potential impact to the environment.

B. Projects located in Environmentally Critical Areas (ECAs)

- i. All areas declared by law as national parks, watershed reserves, wildlife preserves, and sanctuaries
- ii. Areas set aside as aesthetic potential tourist spots
- iii. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna), and other key biodiversity areas;
- iv. Areas of unique historic archeological or scientific interest
- v. Areas which are traditionally occupied by cultural communities or tribes (indigenous cultural communities)
- vi. Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.)
- vii. Areas with critical slopes
- viii. Areas classified as prime agricultural lands

- ix. Recharged areas of aquifers
- x. Water bodies characterized by one or any combination of the following conditions:
 1. tapped for domestic purposes
 2. within the controlled and/or protected areas declared by appropriate authorities
 3. which support wildlife and fishery activities
- xi. Mangrove areas characterized by one or any combination of the following conditions:
 1. with primary pristine and dense young growth
 2. adjoining mouth of major river systems
 3. near or adjacent to traditional productive fry or fishing grounds
 4. which act as natural buffers against shore erosion, strong winds and storm floods
 5. on which people are dependent for their livelihood.
- xii. Coral reefs characterized by one or any combination of the following conditions:
 1. with fifty percent (50%) and above coral line cover
 2. spawning and nursery grounds for fish
 3. which act as natural breakwater of coastlines.

No person shall undertake or operate any such declared ECP or project within an ECA without first securing an ECC.

SECTION 7. Taxonomy and Guidelines of Appraisal. – To enable the Commission to effectively pursue the intent and purpose of the EIA System, a technical classification and evaluation scheme shall prescribe the necessary requirements for the issuance of ECCs to proposed activities and projects. The primary aim of the scheme is to guide the determination of the nature or characteristics of a proposed project and its potential to create adverse impact on environmental resources in the project area.

For the purpose of these rules and regulations, projects may be classified as either covered or not covered by the EIA System and as such shall be treated accordingly *in the approval of the projects*. The Commission may issue additional guidelines for project classification and evaluation in keeping with applicable laws and rules. The various project categories and classifications under these rules shall be as follows:

Type A.	Environmentally Critical Projects (ECPs);
Type B.	Projects located in Environmentally Critical Areas (ECAs) tending to cause adverse environmental impacts;
Type C.	Projects not falling in any of the aforecited categories but may have significant or adverse environmental impacts;
Type D.	Projects projected to create positive impact on the environment;
Type E.	Exempted Projects.

The Commission shall issue further rules and regulations as may be necessary to effectively implement the intent and purpose of this section. All rules and regulations shall be issued as administrative orders and any guidelines, manuals, checklists or instructions issued outside of such administrative orders shall merely be guides to action and shall not give rise to additional exemptions or any rights or privileges of proponents.

SECTION 8. Review of Classification of Projects and Categories of Assessment. – The Commission shall review and update the current classification of programs and projects within the coverage of

1 the System to mitigate hazards to public health and welfare; *Provided*, That the Commission shall
2 factor in all information on potential adverse environmental impacts of the proposed programs
3 and projects in the formulation of additional classification schemes for coverage and/or non-
4 coverage.

5
6 **SECTION 9. EIA Reportorial System.** – If a project is considered an ECP or a Type A project, the
7 proponent shall be required to prepare an Environmental Impact Statement (EIS). If the project is
8 not considered an ECP but is located within an ECA or a Type B project, the proponent shall be
9 required to submit an Initial Environmental Evaluation (IEE), without prejudice to the
10 submission of an EIS or any part thereof as may be further required by the Commission upon
11 review of the IEE. At its option, a proponent of Type B project may submit an EIS instead of an
12 IEE, pursuant to guidelines to be promulgated by the Commission.

13
14 If a project falls under Type C, the proponent shall submit a Project Description to the
15 Commission, specifying its potential adverse impacts and stating mitigating measures to be
16 adopted as well as expected results of such measures. The Commission shall thereafter, and within
17 a reasonable time after submission of the Project Description, determine whether the Proponent
18 will be further required to submit an EIS or an IEE. The same shall apply to projects designed to
19 create positive impacts on the environment (Type D).

20
21 Regardless of type, an inventory of all potential and expected releases of toxics and industrial
22 waste management shall be included in the application. Such information shall be collated by the
23 NEPC into a toxics release inventory database for the assessment of synergistic and cumulative
24 impacts and shall be made available to communities. Waste management facilities, although
25 designed to create positive impacts, can also cause significant adverse environmental impacts and
26 as such, are required to submit a full EIS.

27
28 Projects which have already undergone assessment shall undergo a new assessment prior to any
29 development or further activity not covered by the first assessment. Such development or further
30 activity may be deemed as a separate and distinct project.

31
32 Co-located projects shall be required to conduct an EIA that shall consider the synergistic and
33 cumulative environmental impacts of all the project components. A single ECC covering all co-
34 located projects may be issued for such co-located projects except where the Commission
35 determines that each or any component should be treated as a separate and distinct project.

36
37 The Commission shall issue further rules and regulations, including guidelines for the
38 determination of exempted projects, as may be necessary to effectively implement the intent and
39 purpose of this section. However, the determination of the exemption shall not be arbitrarily set
40 and shall be based on clear and convincing evidence that such exemption is warranted.

41
42 **SECTION 10. Environmental Impact Statement.** The EIS shall include, but not be limited to the
43 following:

- 44 a. Project Description, including data on project location, specifically describing the primary
45 and secondary impact zones, project rationale, alternatives, including alternative sites or
46 actions, no action alternatives, and project phases and the identification of the preferred
47 alternative and the justification for the preference as the alternative;
- 48 b. Scoping Report;

- c. Social Acceptability Report, detailing the process of public participation, and containing the Community Consent document, and a Free Prior and Informed Consent (FPIC) for indigenous peoples;
- d. Baseline Environmental Conditions for land, water, air, and people;
- e. Impact Assessment, including a discussion of the impact of the project or undertaking on the environment and public health;
- f. Environmental Risk Assessment, when appropriate;
- g. Environmental Management Plan;
- h. Proposals for Environmental Monitoring and Guarantee Funds when required;
- i. List of relevant national and local environmental laws, including but not limited to ordinances and land and water use plans, which require compliance;
- j. Supporting Documents, such as documents on technical and socio-economic data used, gathered, or generated;
- k. Accountability Statements of the preparer and the proponent.
- l. A specific chapter in the socio-economic impact assessment shall be devoted to a discussion of concerns and possible socio-economic, political and cultural impacts of the proposed project on the community, including the possible impacts on the enjoyment of human rights, and on peace and security. A similar chapter shall also devoted to indigenous peoples on project located on ancestral domains and lands.
- m. For projects or undertakings with significant impact on women, a specific chapter in the socio-economic impact assessment shall be devoted to a discussion and consideration of gender issues.
- n. For projects or undertakings with significant impact on population, a specific chapter on the socio-economic impact assessment shall be devoted to a discussion of the relationship among population, development, and the environment.

The Commission shall promulgate the rules and regulations necessary to effectively implement the procedure by which an EIS is required, produced and assessed.

SECTION 11. Initial Environmental Examination. – The IEE shall include, but not be limited to the following:

- a. a full description of the environmental setting and receiving environment, including the primary and secondary impact areas;
- b. a brief description of the project or undertaking and its process of operation;
- c. a brief description of the environmental impact of the project or undertaking, including its socio-economic impact;
- d. the Social Acceptability Report, detailing the process of public participation, and containing the Community Consent document, and a Free Prior and Informed Consent for indigenous peoples;
- e. a matrix of mitigation and enhancement measures;
- f. a documentation of the consultative process undertaken;
- g. a list of relevant national and local environmental laws, including but not limited to ordinances, land and water use plans, and declarations on the protected or critical nature of the area where the project is located, which require compliance;
- h. a specific chapter on the community's concerns and possible socio-economic, political and cultural impacts of the proposed project or undertaking on such people for projects or undertakings including the possible impacts on the enjoyment of human rights and on

1 peace and security. A similar discussion shall be devoted on indigenous peoples for
2 projects located in ancestral domains and lands.

- 3 i. a brief discussion of gender issues for projects or undertakings with significant impact on
4 women;
- 5 j. a brief discussion of the relationship among population, development, and the
6 environment for projects or undertakings with significant impact on population; and,
- 7 k. Accountability Statements of the preparer and the proponent.

8
9 The Commission shall promulgate the rules and regulations necessary to effectively implement
10 the procedure by which an IEE is required, produced and assessed. After due appraisal of the IEE,
11 the Commission shall decide to either deny or issue an ECC or to further require the proponent to
12 produce an EIS, or any part thereof as it may deem necessary. In all cases, the proponent shall be
13 notified by the Commission of its action within a reasonable amount of time.

14 **SECTION 12. Environmental Compliance Certificate (ECC).** – An ECC shall issue only after
15 favorable evaluation by the Commission of the pertinent environmental impact report, whether
16 such is in the form of an EIS or an IEE, within a reasonable time. No program or project shall be
17 implemented absent an ECC. In evaluating environmental impact reports, the Commission may
18 seek the assistance of other government agencies and concerned stakeholders, but in all cases shall
19 be the lead agency in such evaluation. In every case, an ECC shall be issued subject to conditions
20 set forth by the Bureau, the non-fulfillment or violation of which shall be grounds for revocation
21 of the ECC and administrative, civil, or criminal charges. In no case shall the rules provide for
22 automatic issuance of an ECC prior to a full and complete review and assessment of the
23 application.

24
25 **SECTION 13. Local Monitoring Bodies.** – Local Monitoring Bodies shall be organized by the
26 Commission consisting of representatives from the regional or local office of the Commission, the
27 Local Government Unit having jurisdiction, local communities and stakeholders, that shall
28 monitor the compliance of a project or projects to the terms and conditions set forth in the ECC
29 or CNC. Members to local monitoring bodies shall be selected by the Commission and not by the
30 proponent.

31
32 **SECTION 14. Conditions in the ECC.** – Conditions specified in the ECC are mere guideposts for
33 monitoring. Full project monitoring by the NEPC and local monitoring bodies shall be
34 undertaken using the full EIS and the mitigation measures committed to therein. An application
35 for reassessment shall be required if there are any modifications in a project's design, process or
36 method which significantly alters its impacts or affects the mitigation measures specified in the
37 EIS.

38 39 40 **CHAPTER 3** 41 **PROGRAMMATIC ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM** 42

43 **SECTION 15. Mainstreaming EIA in National Policy Formulation.** – Cognizant of the need to
44 ensure the formulation of policies, programs, and plans founded upon sound environmental
45 considerations and the principles of sustainable development, it is hereby declared the policy of
46 the State to systematically integrate environmental impact assessment concepts and processes in
47 various phases of policy formulation by all national agencies and instrumentalities of government.

1 The Commission shall, within a reasonable period from the effectivity of this Act, formulate and
2 publish guidelines for identifying, appraising and addressing potential environmental impacts of
3 national policies in order to incorporate environmental safeguards into the development process.
4 There shall be a regular review of such guidelines considering relevant information and best
5 practices in order to enhance the quality of the EIA as a policy and planning tool.

6 **SECTION 16. Policy and Programmatic EIA.** – Policy and Programmatic EIA shall be required by
7 the Commission for proposed policies, programs and plans, when:

8
9 (a) the proposal pertains to, but not be limited, to agriculture, forestry, fisheries, energy, health,
10 manufacturing, resource exploration and extraction, infrastructure, transport, waste management,
11 water management, telecommunications, tourism, coastal zone management, national, regional,
12 provincial and municipal / city development planning or land use;

13
14 (b) implementation of the proposal may pose significant environmental risks or result in adverse
15 or doubtful effects on the environment, including the health of individuals or communities;

16
17 (c) the proposal consists of several components or a cluster of projects co-located in area such as
18 an industrial estate or export processing zone or a designation of land use.

19
20 **SECTION 17. Relationship with the Per Project EIA System.** - As such policy and planning tool,
21 the Policy and Programmatic EIA is intended to strengthen and support, and not to replace the
22 per project EIA System. Projects included in policies, programs, or plans that have undergone
23 Policy and Programmatic EIA, shall not be automatically exempted from the per project EIA
24 System.

25 26 27 28 Chapter 4 29 COMMUNITY CONSENT 30

31 **SECTION 18. Community Consent.** – It is hereby declared to be the policy of the State to ensure
32 the direct and meaningful participation of affected communities and sectors in the approval of
33 policies, programs and projects with possible adverse impacts on the environment. The social
34 acceptability of the project, in the form of the free and prior informed consent of affected persons
35 or communities, shall be a *condition precedent* to the approval of any program or project. Toward
36 this end, proponents of projects shall, at all times, be required to conduct scoping sessions and
37 submit to public consultations.

38 39 A. Nature and Purpose of Public Consultations and Scoping Processes 40

41 It is hereby declared that the environmental assessment process, including the public
42 consultation and scoping procedures, are not conducted for the purpose of encouraging or
43 soliciting the concerned communities' approval of or support for the project being
44 discussed, but as a fair, truthful, and comprehensive forum where all parties may present
45 relevant issues concerning the project and its perceived significant effects on the
46 environment, including the health of persons and communities and their quality of life. It
47 shall be incumbent upon project proponents and representatives from local government

units and other government agencies and Commissions with jurisdiction over the project, to present all and any relevant data and aspects of the project that may affect the community, whether positively or adversely. Such data shall be complete, accurate, and unbiased.

Within six (6) months from the effectivity of this Act, the Commission shall promulgate implementing rules and regulations to ensure the objectivity of the conduct of the EIA and the truthfulness of all presentations and representations made therein by all parties thereto. These rules shall also provide for penalties where parties, including representatives from local government units and other government agencies and Commissions with jurisdiction over the project, fail to comply with the duties and responsibilities vested upon them by this Section.

B. Conduct of Scoping

Scoping shall be initiated by the proponent at the earliest possible stage of project planning, to determine the range of actions, alternatives and impacts to be examined in the EIA process. The objectives of the scoping shall be to:

- a. provide an early link between the Commission and the proponent to ensure that the EIA addresses relevant issues and presents results in a form consistent with EIA review requirements;
- b. allow stakeholders to make their concerns known to ensure that the EIA adequately addresses the relevant issues;
- c. establish an agreement at the outset of the EIA between the proponent, the DENR and stakeholders on what issues and alternatives are to be examined;
- d. address issues on carrying or assimilative capacity of the environment and identify possible legal constraints or requirements regarding the project proposal;
- e. determine whether the project or undertaking requires the conduct of an environmental risk assessment; and
- f. determine and agree on the process of dealing with issues relating to social acceptability.

Based on the scoping process, the proponent shall submit a formal scoping report to the Commission. The scoping process shall be conducted in a language and manner that is understandable to the community concerned, and the proceedings shall be duly recorded. The record of the proceedings shall be attached to the formal scoping report.

The Commission shall review the scoping report submitted by the proponent and, after consultation with the latter and the community, determine the actual scope of the EIS. In determining the scope of the EIS, the Commission shall take into account the concerns of and the recommendations of stakeholders.

C. Public Consultations

After scoping and submitting the formal scoping report, a series of public consultations shall be initiated by the Commission to determine the social acceptability of the project. For this purpose, a *multi-sectoral committee* shall be created for the project to assist the

Commission in ensuring that the requisite consent of affected persons or communities is obtained consistent with guidelines issued for such purpose.

Whenever a public consultation is to be conducted, notice thereof shall be published once a week for three (3) consecutive weeks in any newspaper of general circulation at least thirty (30) calendar days prior to the consultations. Notice shall likewise be posted in a conspicuous place in the municipality or barangay where the project is to be located. All expenses incurred relating to the notices shall be borne by the project proponent. The Commission may seek comments and recommendations, in writing, of other government agencies and stakeholders with expertise over the proposed project and the possible impacts that may be generated.

From the time the notice of public hearings are released, paper and electronic copies of the full EIA shall be deposited for reading room access and copying at the barangay hall, in the public library, if any and in local offices of the Department of Environment and Natural Resources.

D. Social Acceptability Report

The proceedings in the public consultations shall be summary in character and need not strictly adhere to the technical rules of evidence and procedure. The Executive Summary and other more specific information on the proposed projects shall be disseminated or presented comprehensively, in a manner and language understandable to the community. The proceedings shall be duly recorded, with such record being attached to the Social Acceptability Report that shall be rendered by the hearing officers designated by the Commission within fifteen (15) working days from the termination of the consultations. The Social Acceptability Report shall be part of the documentary requirements in the environmental impact report, whether in the form of an EIS or an IEE.

Should the project obtain the free and prior informed consent of the community concerned, the document representing the same shall be attached to the Social Acceptability Report. The document evidencing the concerned community's free and prior informed consent shall be an indispensable requisite for the issuance of an ECC. If the community does not give its consent to the project, such shall be stated in the Social Acceptability Report.

The Commission shall issue necessary guidelines for the proper conduct of consultations to obtain the most truthful and accurate expression of people's consent to the proposed project. In the conduct of consultations, all parties shall adhere to the standards set by the Commission for such purpose.

Chapter 5 ACTIONS

SECTION 18. Jurisdiction of the Court.

(A) Notwithstanding the provisions of Republic Act No. 8975, a court may issue a temporary environmental protection order or an environmental protection order against any project which

1 shall attempt to operate in violation of any provision of this Act or its implementing rules and
2 regulations. The Court can also issue other remedies under the Rules of Procedure for
3 Environmental Cases.

4
5 (B) Where an ECC has already been issued, and a temporary environmental protection order,
6 an environmental protection order and such other environmental remedies is issued for violation
7 of the requirements or conditions set therein, such ECC shall be automatically suspended, and the
8 proponent subject to the penalties set forth in this Act.

9
10 (C) The temporary environmental protection order, environmental protection order and
11 other environmental remedies shall be enforceable throughout the Republic of the Philippines.

12
13 (D) The power of the courts to issue such environmental protection order and other
14 environmental remedies shall not prejudice the power of the Commission to issue cease and desist
15 orders as provided for in Section 24 of this Act.

16
17 **SECTION 19. Administrative Action.** – Without prejudice to the right of any affected person to
18 file any other criminal or civic action, the Commission shall, on its own instance or upon verified
19 complaint by any person, institute administrative proceedings against any person who violates
20 any order, rule or regulation issued by the Commission with respect to this Act.

21
22 **SECTION 20. Citizen Suits.** – For purposes of enforcing the provisions of this Act or its
23 implementing rules and regulations, any citizen may file an appropriate civil, criminal, or
24 administrative action in the proper courts against:

- 25
26 a) Any person who violates or fails to comply with the provisions of this Act or its
27 implementing rules and regulations;
28 b) Any person who violates the terms and conditions set forth by the Commission in
29 the ECC or CNC;
30 c) The Commission or other implementing agencies with respect to orders, rules and
31 regulations issued inconsistent with this Act; and/or
32 d) Any public officer who willfully or grossly neglects the performance of an act
33 especially required as a duty by this Act or its implementing rules and regulations;
34 or abuses his authority in the performance of his duty; or, in any manner,
35 improperly performs his duties under this Act or its implementing rules and
36 regulations: Provided, however, That no suit can be filed until after thirty (30)
37 days from notice given to the concerned public officer and the alleged violator or
38 violators, and no appropriate action has been taken thereon.

39
40 The court shall exempt such action from the payment of filing fees, except fees for actions not
41 capable of pecuniary estimation, and shall, likewise, upon prima facie showing of the non-
42 enforcement or violation complained of, exempt the plaintiff from the filing of an injunction
43 bond for the issuance of a preliminary injunction.

44
45 Within thirty (30) days, the court shall make a determination if the complaint filed herein is
46 malicious and baseless and shall accordingly dismiss the action and award attorney's fees and
47 damages, as it may deem appropriate.
48

1 SECTION 21. Independence of Action. - The filing of an administrative suit against such person
2 or entity does not preclude the right of any other person to file any criminal or civil action. Such
3 civil and/or criminal action shall proceed independently.
4

5 SECTION 22. Suits and Strategic Legal Actions Against Public Participation and the Enforcement
6 of this Act. - Where a suit is brought against a person who filed an action as provided in Section
7 19 of this Act, or against any person, institution or government agency that implements this Act,
8 it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately
9 make a determination not exceeding thirty (30) days, whether such legal action has been filed to
10 harass, vex, exert undue pressure, or stifle legal resources of the person complaining or of
11 enforcing the provisions of this Act. In case of such determination, the investigating prosecutor or
12 the court shall dismiss the case and award attorney's fees and damages, as it may deem
13 appropriate.
14

15 SECTION 23. Lien upon Personal and Immovable Properties of Violators. - Fines and penalties
16 imposed pursuant to this Act shall be liens upon personal and immovable properties of the
17 violator. Such lien shall, in case of insolvency of the respondent violator, enjoy preference
18 subsequent to laborer's wages under Articles 2241 and 2242 of Republic Act 386 or the New Civil
19 Code of the Philippines.
20

21 SECTION 24. Power to Issue Orders. - The Commission, as the implementing agency of this Act,
22 shall, forthwith or within such time as specified in his order, upon its own instance or upon
23 verified complaint by any person, require the proponent to remedy any practice connected with
24 the implementation of the project or any part or activity thereof, which is not in accordance with
25 the provisions of this Act or its implementing rules and regulations or any other order, statute, or
26 standard pertaining to environmental, safety or health concerns. In case of imminent danger to
27 life or property, the Commission may issue a cease-and-desist order and summarily suspend the
28 operations and activities until the danger is removed and appropriate measures taken by the
29 proponent.
30

31 SECTION 25. Grounds for Non-issuance or Revocation of an ECC. - An ECC shall in no case be
32 issued, or otherwise shall be suspended or revoked by the Commission or the Bureau as the case
33 may be, for any of the following grounds:

- 34 a) late or non-filing of requirements;
- 35 b) violation of or non-compliance with terms and conditions or a substantial departure in
36 project construction or implementation from the EIA;
- 37 c) non-payment of taxes or fees;
- 38 d) falsehood or omission of statements and facts in the EIS, IEE, Project Description, or
39 any part thereof, or during the conduct of public consultations such as, but not limited to,
40 scoping sessions and public hearings; or
- 41 e) showing of loss, injury, or damage to (any person) as a result of the implementation of
42 the project or any part or activity thereof, without need to show bad faith or any degree of
43 negligence on the part of the proponent.
44

45 Such non-issuance, suspension or revocation of an ECC shall not prejudice the right of any person
46 to file appropriate administrative, civil, or criminal suits as provided in this Act.
47

1 SECTION 26. Cancellation of a CNC. – A CNC the issuance of which is subject to terms and
2 conditions may likewise be cancelled for any of the grounds set forth in Section 24 of this Act.
3 Upon determination by the Bureau, such project may thereafter be reclassified as a critical project
4 or be required to submit further requirements.
5

6 Where the implementation of the project or any part thereof is shown to cause damage, injury, or
7 loss to persons and property, the project and its proponents may be subject to the same actions,
8 liabilities and penalties as critical projects.
9

10 SECTION 27. Strict Liability in Cases of Loss, Injury, or Damage to Persons or Property and
11 Award of Damages. – The proponent shall be liable for damages for any harm, loss, or injury to
12 persons and property; *Provided*, That it can be clearly shown that the act or omission complained
13 of is in violation or non-compliance of this Act, its implementing rules and regulations, or the
14 terms and conditions set forth in the ECC or CNC; *Provided further*, That the showing of a
15 violation or non-compliance to this Act, its implementing rules and regulations, or to the terms
16 and conditions of an ECC shall be a conclusive presumption of the proponent's fault or
17 negligence.
18

19 SECTION 28. Solidary Liability of Chief Operating or Executive Officer. – The separate and
20 distinct legal personality of the proponent firm notwithstanding, the chief operating officer, chief
21 executive officer, and principal investors of the proponent firm shall be jointly and severally liable
22 for any financial liability or award of damages made by the Court under the preceding section.
23 The same shall apply to transnational corporations and foreign firms licensed to do business in the
24 Philippines.
25

26 27 CHAPTER 7 28 PENALTIES 29

30 SECTION 29. Operation without a Required ECC. – Any critical project which shall operate
31 without the required ECC shall face closure, suspension of development or construction or
32 cessation of operations until such time that proper environmental safeguards are put in place and
33 the necessary ECC has been issued; *Provided*, that the project proponent shall be fined an amount
34 equivalent to 200% of its authorized capital stock or, in the case of an individual, of its net worth,
35 or 400% of its gross profit, whichever is higher; *Provided*, That the chief operating or executive
36 officer of the proponent firm shall be held criminally liable and be imprisoned for a period not
37 less than five (5) years but not more than ten (10) years at the discretion of the court, and shall be
38 jointly and severally liable for actual, moral, or exemplary damages with the proponent firm, and
39 the principal investors, as may be found by the court.
40

41 SECTION 30. Violations of Terms and Conditions of the ECC. – Any project proponent found in
42 violation of the terms and conditions set forth in the ECC shall face closure, suspension of
43 development or construction or cessation of operations; *Provided*, that the project proponent shall
44 be fined an amount equivalent to 200% of its authorized capital stock or, in the case of an
45 individual, of its net worth, or 400% of its gross profit, whichever is higher; *Provided*, That the
46 chief operating or executive officer of the proponent firm shall be held criminally liable and be
47 imprisoned for a period not less than five (5) years but not more than ten (10) years at the

discretion of the court, and shall be jointly and severally liable for actual, moral, or exemplary damages with the proponent firm, and the principal investors, as may be found by the court.

SECTION 31. False statements or representation. - Any project proponent who is found to have knowingly and willfully made a false representation or an untruthful or incomplete presentation of material or relevant facts and findings to the Government or to the public in contravention of Section 16, shall be fined a minimum of Fifty Thousand Pesos (Php 50,000.00) but not more than One Hundred Thousand Pesos (Php100,000.00), upon the discretion of the Commission, for every false representation or statement. In cases where harm, loss, or injury be sustained by the community or any of its members as a result of a false representation or statement, whether or not made knowingly or willfully, the proponent shall be fined a minimum of Two Hundred Fifty Thousand Pesos (Php250,000.00) to a maximum 10% of the project cost or Five Hundred Thousand Pesos (Php500,000.00), depending upon the nature and degree of the loss, injury, or damage sustained, whichever is higher, to be imposed at the discretion of the Commission, and without prejudice to the filing of administrative, civil, or criminal charges.

SECTION 32. Violations by Public Officials of the Duties Reposed by this Act. - Any government official tasked with the implementation of the Act or any of its components who fails to enforce the provisions of this Section shall be charged administratively and, if found guilty pursuant to Section 19, be subject either to suspension from office for a minimum period of one (1) year without pay, or to separation from service without benefits, subject to existing civil service laws. Further, the violator shall be held criminally liable and be imprisoned for a period not less than two (2) years but not more than five (5) years, at the discretion of the Court.

SECTION 33. Financial Guarantees for Environmental Rehabilitation and Injuries to Communities. - The Commission shall establish a mechanism that systematically addresses the need for clean-up and rehabilitation of areas damaged as a result of the implementation of projects taking into consideration the resources required to undertake the rehabilitation activities, as well as to ensure just and timely compensation for any adverse effect which project or program implementation may directly or indirectly cause to the environment or the community. For these purposes, the program and project proponents shall be required to put up a guarantee fund and/or any other trust, insurance, or financial mechanism as the Commission may deem appropriate; *Provided, That*, the guarantee fund or funds shall be utilized for damage caused during any stage of project implementation and after the termination of the project or program. *Provided further*, that the establishment of such funds shall not exempt the proponents from civil or criminal liability for violations of this Act, its implementing rules and regulations, or the terms and conditions imposed upon them by the Commission.

CHAPTER 8 IMPLEMENTATION MECHANISM AND RESPONSIBILITIES

SECTION 34. National Environmental Protection Commission (NEPC). - To carry out the policies herein set forth, there shall be created the National Environmental Protection Commission, which shall be the primary government agency responsible for the implementation of this Act and the formulation of its implementing rules and regulations. It shall also be the lead agency in the conduct of environmental impact assessments and issuance of ECCs.

1 **SECTION 35. Mandate.** – THE NEPC shall protect and promote the people's right to a healthful
2 environment and at all times shall be guided by the principles of sustainable development and
3 meaningful public participation in its decision-making processes.
4

5 In no instance may the NEPC be put under the supervision or control of the DENR.
6

7 **SECTION 36. Composition.** – The NEPC shall be an independent agency under the Office of the
8 President and shall be composed of three (3) Commissioners, one of whom shall be the
9 Chairperson. The Board of Commissioners shall be comprised in this wise: one (1) Commissioner
10 shall come from the scientific community with expertise in natural resource management and
11 conservation of aquatic ecosystems and biodiversity; one (1) Commissioner shall come from the
12 scientific community with expertise in natural resource management and conservation of
13 terrestrial ecosystems and biodiversity; one (1) Commissioner shall be a member of the Philippine
14 bar in the practice of environmental law; *Provided*, That at least one Commissioner shall be
15 female.
16

17 The Commissioners shall be appointed by the President of the Philippines from a pool of
18 recommendees from the communities or sectors to be represented by each Commissioner.
19

20 **SECTION 37. Qualifications, Tenure, Compensation.**– The Chairperson and the two (2)
21 Commissioners must be natural born Filipino citizens, are at least 35 years of age at the time of
22 appointment, with at least (10) years experience in their field of expertise, and must be of proven
23 honesty and integrity; *Provided*, That the Commissioners shall hold office for a period of three (3)
24 years, and may be subject to re-appointment for another term. *Provided, further*, That no person
25 shall serve for more than two (2) consecutive terms and that in case of a vacancy, the new
26 appointee must fully meet the qualifications of a Commissioner and hold office for a full term and
27 in no case shall a member be appointed or designated in a temporary or acting capacity.
28

29 The Chairperson and the Commissioners shall be entitled to compensation in accordance with the
30 Salary Standardization Law.
31

32 **SECTION 38. Removal from Office.**– Any member of the NEPC may be removed from office by
33 the President, [on his own initiative] or upon a verified complaint by any adversely affected
34 community, before the expiration of his term for cause and after complying with due process
35 requirement of law.
36

37 **SECTION 39. Appointment of Commissioners.**– The President shall appoint the three (3)
38 Commissioners of the NEPC within sixty (60) days from the effectivity of this Act.
39

40 **SECTION 40. Powers and Functions.**– To accomplish its mandate, the NEPC shall have the
41 following powers and functions:
42

- 43 (1) To serve as the primary government agency responsible for the implementation of this
44 Act;
- 45 (2) To promulgate rules and regulations necessary for the implementation of this Act;
- 46 (3) To regularly monitor, review, and assess such rules and regulations to ensure that these
47 adhere to the policy and objectives of this Act and the mandate of the Commission, and submit a
48 yearly report to the President;

- (4) To issue or deny Environmental Compliance Certificates and set terms and conditions therein once issued;
- (5) To monitor and require the continued compliance of projects this Act, its implementing rules and regulations, or to the terms and conditions of an ECC, and penalize persons for violations or non-compliance;
- (6) To recommend possible legislation, policies and programs related to environmental assessment;
- (7) To formulate minimum environmental compliance standards;
- (8) To provide technical assistance for the implementation of this Act;
- (9) To gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in Chapter I of this Act, and to compile and submit to the President studies relating to such conditions and trends;
- (10) To assist or supervise the conduct of public consultations and ensure that such are carried out according to the policy set forth in Chapter 4 of this Act;
- (11) To conduct public hearings in cases where there is a strong showing of concern by the public over a proposed project, policy or program;
- (12) To develop and conduct capability-building modules, training, and other activities for the benefit of implementers as well as the public to support the effective implementation of this Act; and
- (13) To formulate and disseminate information on environmental assessment and compliance matters to the general public.

SECTION 41. Accessibility and Transparency.- Subject to such limitations as may be provided by law or by rules and regulations promulgated pursuant thereto, all official records, documents and papers pertaining to official acts, transactions or decisions, as well as research data used as basis for policy development of the Agency shall be made accessible to the public. The list of projects shall be made available on the internet and the status of the application shall be updated at least once a week.

SECTION 42. Offices within the NEPC. - To effectively implement this Act, its rules and regulations, and in furtherance of its mandate, the NEPC shall have the following offices:

a) **Office of the Secretariat** - provides overall supervision of the Agency and is responsible directly to the Commissioners; enhances public health and environmental protection through effective management of NEPC's human, financial, and physical resources.

b) **Office of Enforcement and Compliance Assurance** - shall be primarily responsible for the enforcement of this Act and its rules and regulations, for the review of documentary and other submissions and requirements in relation to the issuance of ECCS, and the assurance of compliance by projects to environmental laws and regulations, including but not limited to those under this Act. This Office shall submit its recommendations to the Commission which shall en banc decide on the issuance or non-issuance of ECCs.

i. **Office of Environmental Justice** - shall be responsible for community concerns, with special attention to indigenous groups, fisherfolk, farmers, women, and other sectors within

specific affected communities. This Office shall assist in ensuring compliance with the Public Participation and Social Acceptability requirements under this Act.

ii. **Post-assessment Monitoring Committee** – shall be responsible for the monitoring of projects and ensuring their compliance to environmental laws and regulations after completion of assessment, and to the terms and conditions set forth in Environmental Compliance Certificates, if issued.

c) **Office of General Counsel** – provides legal service to all organizational elements of the Commission with respect to its programs and activities as well as legal opinions, legal counsel, and litigation support. In addition, the Office assists in the formulation of the Commission's policies and programs as legal advisor. It shall also provide legal assistance to communities affected by violations or non-compliance by persons to this Act.

d) **Office of Research and Development** – is responsible for the research and development needs of the Commission's operating programs, as well as to address policy issues.

e) **Office of Public Information and Training** – shall be responsible for development and dissemination of information and education materials and modules, as well as providing capacity-building programs for environmental assessment practitioners and communities.

f) **Environmental Impact Assessment Office** – the EIA office shall be responsible for ensuring the flow of applications and the effective and efficient review of submissions.

SECTION 43. Other Offices.– The NEPC shall have the power to create other offices and sub-offices, including regional or local offices, as it may deem necessary subject to existing rules and regulations.

SECTION 44. Implementing Rules and Regulations. The Commission shall promulgate the implementing rules and regulations of this Act within 120 days after their appointment.

SECTION 45. Joint Congressional Oversight Committee. – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

CHAPTER 9

CREATION AND LOCALIZED MANAGEMENT OF AN EIA ADMINISTRATION FUND

SECTION 46. Establishment of an EIA Administration Fund. –There is hereby created a revolving fund to be known as the EIA Administration Fund to cover for administrative expenses, equipment purchases or leases and other program costs directly incurred in EIA review, assessment and monitoring. The Fund, which may be generated from various sources, shall entitle the donor or grantor thereof to corresponding exemption from income or gift taxes and all other related impositions by proper government agencies. All income likewise generated from fees, fines and penalties directly related to the implementation of the EIA System shall accrue to *the*

1 *Fund may be utilized directly by the Commission for the above purpose; Provided, That the*
2 *Commission shall provide the proper guidelines for the sourcing, utilization and proper*
3 *accounting of such funds; Provided further, That all information regarding the Fund, including,*
4 *but not limited to, its transactions and its status shall be accessible to the public at anytime.*
5

6 **SECTION 47. Localized Management of EIA Fund.** – The Commission shall facilitate the creation
7 of corresponding local structures and mechanisms for the localized sourcing and management of
8 EIA administration funds.
9

10 The Commission, shall, in consultation and coordination with the DILG and the local government
11 units, formulate the necessary guidelines to govern the localized sourcing and management of EIA
12 fund.
13

14 **SECTION 48. Appropriations.** – An amount of One Hundred Million Pesos (P100,000,000.00)
15 shall be appropriated for the initial implementation of this Act.
16

17 **CHAPTER 10**
18 **FINAL PROVISIONS**
19

20 **SECTION 49. Separability Clause.** – Should any provision herein be subsequently declared
21 unconstitutional, the same shall not affect the validity or legality of the other provisions of this
22 Act.
23

24 **SECTION 50. Repealing Clause.** – All laws, orders, circulars, rules and regulations, including B.P.
25 129 and R.A. 8975, or any part thereof which are inconsistent with the provisions of this Act are
26 hereby repealed or amended.
27

28 **SECTION 51. Date of Effectivity.** – This Act shall take effect fifteen (15) days after its publication
29 in the Official Gazette or in two (2) newspapers of general circulation.

APPROVED.