



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



Sixteenth Congress
Third Regular Session

HOUSE BILL NO. **6317**

Introduced by Honorable Rodel M. Batocabe

EXPLANATORY NOTE

This bill seeks to create two separate departments: the Department of Environment and the Department of Natural Resources, define their respective powers and functions and appropriate funds for their operation by reorganizing the Department of Environment and Natural Resources.

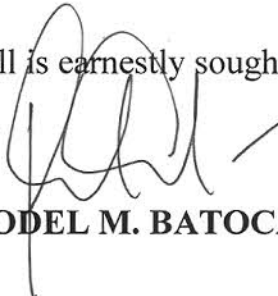
Executive Order No. 192, issued by then President Corazon C. Aquino, reorganized the Department of Environment, Energy, and Natural Resources and created what is now the Department of Environment and Natural Resources (DENR). The DENR is mandated to be the leading government agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources. The organizational outcome of DENR covers two basic concerns: natural resources and environment. The natural resources aspect refers to its management of sustainable development, protection of vulnerable areas, conservation of natural heritage, and mitigation of natural disasters. This mandate includes water resources management, soil conservation, promotion and development of small and medium industries, direction and control of energy resources development, and forest products research. The DENR is also responsible for ensuring a healthier environment for the people through air and water pollution abatement, monitoring and control, and effective waste management anchored on the effective implementation of programs, projects and activities that protect life support systems to nurture the well-being of society and sustain the productive capacity of the environment.

Given the broad mandate, scope and responsibility that the DENR has to comply with, it is only appropriate that its present structure be reorganized to cope with the demands of time, prevailing environment conditions and to properly

implement policies and programs to address the challenges relating to our environment and natural resources. This proposed bill intends to create a separate Department of Environment which will be the primary government agency responsible for developing and implementing national policies and programs to protect and conserve the environment, including policies on climate change adaptation and mitigation, and to promote and conserve heritage and biodiversity.

The bureaus, offices, attached agencies and other operating units of the DENR which are related to the environmental concerns of the country are transferred to the Department of Environment. Those bureaus, offices, attached agencies and other operating units of the DENR which are mandated to manage the sustainable development, protection of vulnerable areas, and mitigation of natural disasters shall pertain to the Department of Natural Resources which will be charged with the responsibility of overseeing the optimal utilization and the programmed exploitation, extraction and replacement, whenever possible, of our natural resources.

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



RODEL M. BATOCABE



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1 **AN ACT**
2 **REORGANIZING THE DEPARTMENT OF ENVIRONMENT AND**
3 **NATURAL RESOURCES TO CREATE THE DEPARTMENT OF**
4 **ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES**
5 **AND APPROPRIATING FUNDS THEREFOR**

6
7 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
8 *Congress assembled:*
9

10 **CHAPTER I**

11 **GENERAL PROVISIONS**

12 SECTION 1. *Declaration of Policy.* – It is the policy of the State to
13 ensure the protection and the enhancement of the quality of the environment and
14 the sustainable use, development, management, revitalization, and conservation of
15 the natural resources for the continued well-being of the present and future
16 generations. The State also recognizes that the protection and conservation of the
17 environment and the management of natural resources involve two equally
18 important aspects of the country presently being managed by only one executive
19 department and which could be more effectively carried out by two separate
20 departments. Towards this end, the Department of Environment and Natural



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15 the natural resources for the continued well-being of the present and future
16 generations. The State also recognizes that the protection and conservation of the
17 environment and the management of natural resources involve two equally
18 important aspects of the country presently being managed by only one executive
19 department and which could be more effectively carried out by two separate
20 departments. Towards this end, the Department of Environment and Natural

1 Resources is hereby reorganized to create the Department of Environment which
2 is responsible for developing and implementing national policies and programs to
3 protect and conserve the environment, including policies on climate change
4 adaptation and mitigation, and to promote and conserve heritage and biodiversity,
5 and the Department of Natural Resources which shall continue to exercise the
6 responsibility of overseeing the optimal utilization and the programmed
7 exploration, exploitation and extraction, of the natural resources in the country.

8 SEC. 2. **Reorganization.** – The Department of Environment and
9 Natural Resources is hereby reorganized to create two distinct and separate
10 departments, namely: the Department of Environment and the Department of
11 Natural Resources.

12 CHAPTER II

13 DEPARTMENT OF ENVIRONMENT

14 SEC. 3. **Department of Environment.** – The Department of
15 Environment shall be the primary government agency responsible for the
16 protection, conservation, and enhancement of the quality of the environment.

17 SEC. 4. **Objectives.** – The Department of Environment shall have the
18 following objectives:

19 a) Provide for the protection of the environment, especially those
20 aspects of the environment that are matters of national environmental significance,
21 including climate change adaptation and mitigation;

- 1 b) Promote the conservation and ecologically sustainable use of
- 2 biodiversity;
- 3 c) Enhance the quality of the environment;
- 4 d) Provide for the protection and conservation of heritage; and
- 5 e) Promote a cooperative approach to the protection and management of
- 6 the environment between the government and the people.

7 SEC. 5. ***Powers and Functions.*** – The Department of Environment

8 shall have the following powers and functions:

- 9 a) Formulate policies for the planning and implementation of a
- 10 comprehensive program for the protection, conservation, and enhancement of the
- 11 quality of the environment;
- 12 b) Act as the lead department in presenting to the President, for
- 13 approval, plans and programs relating to environmental management, pollution
- 14 prevention and control, and the conservation and ecologically sustainable use of
- 15 biodiversity;
- 16 c) Exercise supervision and control over all government activities
- 17 related to environmental management;
- 18 d) Develop and implement a research and development program to
- 19 address existing and potential environmental problems and issues;
- 20 e) Promote public information and education to encourage participation
- 21 of the people in environmental quality planning and monitoring;

1 f) Assist and guide local government units in the development of their
2 institutional capacities to care for the environment and address environmental
3 risks;

4 g) Formulate such rules and regulations as may be necessary to
5 implement the objectives of this Act; and

6 h) Exercise such other powers as may be necessary or incidental to
7 attain the objectives of this Act.

8 SEC. 6. ***Composition.*** – The Department of Environment is composed
9 of the Office of the Secretary and the offices of the undersecretaries and assistant
10 secretaries, and the following bureaus, office and services: Environmental
11 Management Bureau, Ecosystems Research and Development Bureau,
12 Biodiversity Management Bureau, Climate Change Office and the Administrative
13 Support Services.

14 SEC. 7. ***Office of the Secretary.*** – The Office of the Secretary shall
15 consist of the Secretary and the immediate staff. The Secretary shall be appointed
16 by the President, subject to confirmation by the Commission on Appointments.

17 SEC. 8. ***Powers and Functions of the Secretary.*** – The Secretary shall
18 have the following powers and functions:

19 a) Establish policies and standards for the effective and economical
20 operations of the Department of Environment;

21 b) Exercise direct supervision and control over all functions and
22 activities of the Department of Environment, its officers and personnel;

c) Coordinate all policies and programs relating to environmental management;

d) Inform and advise the President on the activities, programs and plans relating to environmental protection and conservation; and

e) Perform such other functions as may be necessary or proper to attain the objectives of this Act.

SEC. 9. *Undersecretaries.* – The Secretary of Environment shall be assisted by three (3) undersecretaries who shall be appointed by the President upon the recommendation of the Secretary of Environment. They shall exercise the powers and functions as provided under Section 10, Chapter 2, Book IV of the Administrative Code of 1987.

SEC. 10. *Assistant Secretaries.* – The Secretary of Environment shall also be assisted by three (3) assistant secretaries: one (1) for operations, one (1) for policy and programs, and one (1) for administrative services. The assistant secretaries shall be appointed by the President upon the recommendation of the Secretary of Environment.

SEC. 11. *Qualifications.* – Any person who shall be appointed Secretary, undersecretary or assistant secretary of the Department of Environment must be (i) a citizen and resident of the Philippines, (ii) of good moral character, (iii) with a minimum of ten (10) years experience in the administration of environmental management programs in a public or private agency, and (iv) of

1 proven integrity and competence in the fields of public administration, physical or
2 engineering sciences, management or law.

3 SEC. 12. ***Regional Offices.*** – The Secretary of Environment is
4 authorized to establish, operate, and maintain a regional office in each of the
5 administrative regions of the country. The regional office shall be headed by a
6 regional director, who may be assisted by one (1) assistant regional director. The
7 regional directors and assistant regional directors must be Career Executive
8 Service Officers.

9 The regional offices shall have, within their respective administrative
10 regions, the following functions:

- 11 a) Implement laws, policies, plans, programs, projects, rules and
12 regulations of the Department of Environment;
- 13 b) Provide efficient and effective service to the people;
- 14 c) Coordinate with regional offices of other departments, offices and
15 agencies;
- 16 d) Coordinate with local government units; and
- 17 e) Perform such other functions as may be provided by law or assigned
18 by the Secretary of Environment.

19 SEC. 13. ***Bureaus and Services; Powers and Functions.*** – The
20 Secretary of Environment is authorized to organize, restructure, and redefine the
21 functions of the bureaus and services of the Department of Environment, subject

1 to the approval of the President, for the effective discharge of the powers and
2 functions of the Department of Environment under this Act.

3 a) The *Environmental Management Bureau* shall exercise the following
4 powers and functions:

5 1) Recommend possible legislations, policies and programs for
6 environmental management and pollution control;

7 2) Advise the regional offices in the efficient and effective
8 implementation of policies, programs, and projects for the effective and
9 efficient environmental management and pollution control;

10 3) Formulate environmental quality standards such as the quality
11 standards for water, air, land, noise and radiations for the prevention, control
12 of pollution and protection of the environment;

13 4) Recommend rules and regulations for environmental impact
14 assessments and provide technical assistance for their implementation and
15 monitoring;

16 5) Formulate rules and regulations for the proper disposition of
17 solid wastes, toxic and hazardous substances;

18 6) Advise the Secretary of Environment on the legal aspects of
19 environmental management and pollution control and assist in the conduct of
20 public hearings in pollution cases;

21 7) Monitor compliance to existing laws and exercise direct
22 supervision over its central and regional offices in the discharge of staff and

1 regulatory functions, and implementation of plans and programs including
2 the issuance of permits and clearances under Republic Act (RA) No. 8749,
3 otherwise known as the "*Philippine Clean Air Act of 1999*;" RA 9003, also
4 known as the "*Ecological Solid Waste Management Act of 2000*;" RA 9275,
5 also known as the "*Philippine Clean Water Act of 2004*;" RA 6969, also
6 known as the "*Toxic Substances and Hazardous and Nuclear Wastes*
7 *Control Act of 1990*;" and Presidential Decree No. 1586, entitled
8 "*Establishing an Environmental Impact Statement System, Including Other*
9 *Environmental Management Related Measures and For Other Purposes*;"

10 8) Provide assistance to the regional offices in the formulation
11 and dissemination of information on environmental and pollution matters to
12 the general public;

13 9) Assist the Secretary and the regional officers by providing
14 technical assistance in the implementation of environmental and pollution
15 laws and in the conduct of environmental research programs;

16 10) Develop and implement a research and development program
17 in support of the following:

18 i) Environmental and compliance monitoring; and

19 ii) Study of existing and potential environmental problems and
20 issues;

21 11) Provide secretariat assistance to the Pollution Adjudication
22 Board, created under Section 19 of Executive Order No. 192;

1 12) Provide secretariat support to the National Solid Waste
2 Management Commission as provided for in Section 4 of RA 9003;

3 13) Implement a system for the recognition of environmental
4 laboratories;

5 14) Promote public information and education to encourage the
6 participation of an informed citizenry in environmental quality planning and
7 monitoring; and

8 15) Serve as focal point agency for international agreements or
9 commitments relating to the environment.

10 b) The *Ecosystems Research and Development Bureau* shall exercise the
11 following powers and functions:

12 1) Formulate and recommend integrated research programs
13 relating to Philippine ecosystems and natural resources;

14 2) Assist the Secretary of Environment in determining a system of
15 priorities for the allocation of resources to various technological programs
16 of the Department of Environment;

17 3) Generate technologies and provide scientific assistance in the
18 research and development of technologies relevant to sustainable use of
19 Philippine ecosystems and natural resources;

20 4) Provide technical assistance in the implementation and
21 monitoring of research programs;

1 5) Coordinate all technological resources undertaken by all
2 regional research offices of the Department of Environment;

3 6) Assess and translate all recommendable findings into
4 understandable language and presentation and disseminate these findings to
5 all users and clientele; and

6 7) Assist the Secretary of Environment in the evaluation of the
7 effectiveness of the implementation of the integrated research program.

8 The *Ecosystems Research and Development Bureau* shall directly manage
9 and administer the Forest Research Institute offices, laboratories, and forest
10 experiment stations located at the University of the Philippines Los Baños and
11 such other field laboratories as the Secretary of Environment may assign to its
12 direct supervision.

13 c) The *Biodiversity Management Bureau* shall exercise the following
14 powers and functions:

15 1) Formulate and implement policies and programs for the
16 preservation of biological diversity, genetic resources, the endangered
17 Philippine flora and fauna;

18 2) Establish and manage protected areas in accordance with RA
19 7586, otherwise known as the "*National Integrated Protected Areas System*
20 (*NIPAS*) *Act of 1992*," such as wildlife sanctuaries and refuge, marine
21 parks, biospheric reserves, and national parks, including the Ninoy Aquino
22 Parks and Wildlife Center and the Hinulugang Taktak National Park;

1 3) Prepare and maintain an up-to-date listing of endangered
2 Philippine flora and fauna and implement a program of conservation and
3 propagation of the same;

4 4) Promote and institutionalize ecotourism by providing and
5 implementing an integrated management plan for the development of
6 ecotourism in the country;

7 5) Assist the Secretary of Environment in the monitoring and
8 assessment of the management of the National Integrated Protected Areas
9 System and provide technical assistance to the regional offices in the
10 implementation of programs for these areas;

11 6) Manage coastal biodiversity and wetlands ecosystem;

12 7) Conserve caves and cave resources pursuant to RA 9072,
13 otherwise known as the "*National Caves and Cave Resources Management*
14 *and Protection Act*;" and

15 8) Negotiate biodiversity-related multilateral environmental
16 agreements and monitor national implementation.

17 d) The *Climate Change Office* shall serve as the coordinating mechanism
18 internally among the Department of Environment offices as well as externally,
19 with other national government agencies, non-government organizations and local
20 government units on matters related to climate change.

21 e) The *Administrative Support Services* is composed of the following
22 offices which shall exercise the following powers and functions:

1 1) The Office of the Legal Counsel shall be responsible for
2 providing legal advice and services on all policies, programs, and
3 operational matters of the Department of Environment. It shall provide
4 legal counselling services in cases where the Department of Environment is
5 a party and shall also handle administrative cases against any personnel of
6 the Department of Environment and submit recommendations pertaining to
7 them.

8 2) The Financial and Management Services, which shall consist
9 of the Human Resources Management Division, General Services Division,
10 and the Financial Management Division, shall be responsible for providing
11 the Department of Environment with services relative to personnel
12 information, records, delivery and receipt of correspondence, supplies,
13 equipment, collection and disbursements, security, and custodial works. It
14 shall also be responsible for providing the Department of Environment with
15 staff advice and assistance on budgetary, financial, and management
16 improvement matters.

17 SEC. 14. *Transfer of Other Government Agencies and Offices.* – The
18 Pollution Adjudication Board, Climate Change Commission, Laguna Lake
19 Development Authority are hereby transferred to the Department of Environment
20 for policy and program coordination and administrative supervision. These
21 agencies shall continue to operate and perform their functions in accordance with

1 the laws, executive orders, rules and regulations creating them subject to the
2 provisions of this Act.

3 The Pollution Adjudication Board created under Executive Order No. 192 is
4 composed of the Secretary of Environment as Chairperson, two (2)
5 Undersecretaries as may be designated by the Secretary of Environment, the
6 Director of Environmental Management, and three (3) others to be designated by
7 the Secretary of Environment as members. The Pollution Adjudication Board
8 shall be responsible for the adjudication of pollution cases under Republic Act No.
9 3931 and Presidential Decree No. 984, particularly with respect to Section 6,
10 paragraphs (e), (f), (g), (j), (k), and (p) thereof.

11 The Environmental Management Bureau shall serve as the Secretariat of the
12 Pollution Adjudication Board. The Pollution Adjudication Board may delegate its
13 powers and functions to the regional officers of the Department of Environment in
14 accordance with its rules and regulations.

15 SEC. 15. *Structure and Staffing Pattern.* – The organizational
16 framework and staffing pattern of the Department of Environment shall be
17 prescribed and approved by the Secretary of Environment within ninety (90) days
18 after the approval of this Act and the authorized positions created therein shall be
19 filled by regular appointments by the President or Secretary as the case may be. In
20 filling of positions created, preferences shall be given to the incumbent personnel
21 of the bureaus, divisions, services, and other operating units of the Department of
22 Environment and Natural Resources: *Provided, That* such individuals comply

1 with the qualification standards set by the Civil Service Commission for the
2 positions that they shall be appointed to: *Provided, however,* That if such
3 individuals possess the same qualifications, seniority shall be given priority.

4 CHAPTER III

5 DEPARTMENT OF NATURAL RESOURCES

6 SEC. 16. *Department of Natural Resources.* – The Department of
7 Natural Resources shall be the primary government agency responsible for the
8 conservation, management, development and proper use of the natural resources,
9 specifically forest and grazing lands, mineral resources, including those in
10 reservation and watershed areas, and lands of the public domain, as well as the
11 licensing and regulation of all natural resources as may be provided for by law in
12 order to ensure equitable sharing of the benefits derived therefrom for the welfare
13 of the present and future generations of Filipinos.

14 SEC. 17. *Objectives.* – The Department of Natural Resources have the
15 following objectives:

16 a) Assure the availability and sustainability of the natural resources
17 through judicious use and systematic restoration or replacement, whenever
18 possible;

19 b) Increase the productivity of natural resources in order to meet the
20 demands for forest, mineral, and land resources of a growing population;

21 c) Enhance the contribution of natural resources for achieving national
22 economic and social development;

d) Promote equitable access to natural resources by the different sectors of the population;

e) Conserve specific terrestrial and marine areas representative of the Philippine natural and cultural heritage for present and future generations.

SEC. 18. *Powers and Functions.* – The Department of Natural Resources shall have the following powers and functions:

a) Advise the President on the passage of laws relative to the development, use, regulation, and conservation of the natural resources;

b) Formulate, implement, and supervise the policies, plans and programs of the government pertaining to the management, conservation, development, use and replenishment of the natural resources;

c) Promulgate rules and regulations in accordance with law governing the exploration, development, conservation, extraction, disposition, use and such other commercial activities tending to cause the depletion and degradation of our natural resources;

d) Exercise supervision and control over forest lands, alienable and disposable lands, and mineral resources and in the process of exercising such control the Department of Natural Resources shall impose appropriate payments, fees, charges, rentals and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources;

1 e) Undertake exploration, assessment, classification and inventory of the
2 natural resources using ground surveys, remote sensing and complementary
3 technologies;

4 f) Promote proper and mutual consultation with the private sector
5 involving natural resources development, use and conservation;

6 g) Undertake geological surveys of the whole country including its
7 territorial waters;

8 h) Establish policies and implement programs for the:

9 1) Accelerated inventory, surveys and classification of lands,
10 forest, and mineral resources using appropriate technology, to be able to
11 come up with a more accurate assessment of resource quality and quantity;

12 2) Equitable distribution of natural resources through the
13 judicious administration, regulation, utilization, development and
14 conservation of public lands, forest and mineral resources, including
15 mineral reservation areas, that benefits a greater number of Filipinos;

16 3) Promotion, development and expansion of natural resource-
17 based industries; and

18 4) Encouragement of greater people participation and private
19 initiative in natural resource management.

20 i) Promulgate rules and regulations necessary to:

21 1) Accelerate cadastral and emancipation patent surveys, land use
22 planning and public land titling;

2) Harness forest resources in a sustainable manner, to assist rural development, support forest-based industries, and provide raw materials to meet increasing demands, at the same time keeping adequate reserves for environmental stability; and

3) Expedite mineral resources surveys, promote the production of metallic and non-metallic minerals and encourage mineral marketing.

j) Regulate the development, disposition, extraction, exploration and use of the country's forest, land and mineral resources;

k) Assume responsibility for the assessment, development, protection, conservation, licensing and regulation as provided for by law, where applicable, of all natural resources; the regulation and monitoring of service contractors, licensees, lessees, and permittees for the extraction, exploration, development and utilization of natural resource products; the implementation of programs and measures with the end in view of promoting close collaboration between the government and the private sector; the effective and efficient classification and sub-classification of lands of the public domain; and the enforcement of natural resources laws, rules and regulations;

l) Promulgate rules, regulations and guidelines on the issuance of co-production, joint venture or production sharing agreements, licenses, permits, concessions, leases and such other privileges and arrangement concerning the development, exploration and utilization of the natural resources and shall continue to oversee, supervise and police our natural resources; to cancel or cause

1 to cancel such privileges and arrangements upon failure, non-compliance or
2 violations of any regulations, orders, and for all other causes which are in
3 furtherance of the conservation of natural resources and supportive of the national
4 interests;

5 m) Exercise exclusive jurisdiction on the management and disposition of
6 all lands of the public domain and shall continue to be the sole agency responsible
7 for classification, sub-classification, surveying and titling of lands in consultation
8 with appropriate agencies.

9 n) Implement measures for the regulation and supervision of the
10 processing of forest products, grading and inspection of lumber and other forest
11 products and monitoring of the movement of timber and other forest products; and

12 o) Exercise other powers and functions and perform such other acts as
13 may be necessary, proper or incidental to the attainment of its mandates and
14 objectives.

15 SEC. 19. **Composition.** – The Department of Natural Resources is
16 composed of the Office of the Secretary and the offices of the undersecretaries and
17 assistant secretaries, and the following bureaus, offices and services: Public
18 Affairs Office, Special Concerns Office, Forest Management Bureau, Land
19 Management Bureau, and Mines and Geo-Sciences Bureau.

20 SEC. 20. **Office of the Secretary.** – The office of the Secretary shall
21 consist of the Secretary and the immediate staff. The secretary shall be appointed
22 by the President, subject to the confirmation of the Commission on Appointments.

1 SEC. 21. ***Powers and Functions of the Secretary.*** – The Secretary shall

2 exercise the following powers and functions:

3 a) Advise the President on the promulgation of rules, regulations and
4 other issuances relative to the conservation, management, development, and
5 proper use of the natural resources;

6 b) Establish policies and standards for the efficient and effective
7 operations of the Department of Natural Resources in accordance with the
8 programs of the government;

9 c) Promulgate rules, regulations and other issuances necessary in
10 carrying out the mandate, objectives, policies, plans, programs and projects of the
11 Department of Natural Resources;

12 d) Exercise supervision over all functions and activities of the
13 Department of Natural Resources;

14 e) Delegate authority for the performance of any administrative or
15 substantive function to subordinate officials of the Department of Natural
16 Resources; and

17 f) Perform other functions as may be provided by law or assigned
18 appropriately by the President.

19 SEC. 22. ***Undersecretaries.*** – The Secretary of Natural Resources shall
20 be assisted by five (5) undersecretaries who shall be appointed by the President
21 upon the recommendation of the Secretary of Natural Resources. They shall

1 exercise the powers and functions as provided under Section 10, Chapter 2, Book
2 IV of the Administrative Code of 1987.

3 SEC. 23. *Assistant Secretaries.* – The Secretary of Natural Resources
4 shall be assisted by seven (7) assistant secretaries who shall be respectively
5 responsible for the following:

- 6 a) Policy and Planning Studies;
- 7 b) Foreign-Assisted and Special Projects;
- 8 c) Field Operations in Luzon;
- 9 d) Field Operations in Visayas;
- 10 e) Field Operations in Mindanao;
- 11 f) Legal Affairs; and
- 12 g) Management Services.

13 The assistant secretaries shall be appointed by the President upon the
14 recommendation of the Secretary of Natural Resources.

15 SEC. 24. *Qualifications.* – Any person who shall be appointed
16 Secretary, undersecretary or assistant secretary of the Department of Natural
17 Resources must be (i) a citizen and resident of the Philippines, (ii) of good moral
18 character, (iii) with a minimum of ten (10) years experience in the administration
19 of natural resources management programs in a public or private agency, and (iv)
20 of proven integrity and competence in the fields of public administration, physical
21 or engineering sciences, management or law.

1 SEC. 25. ***Regional Offices.*** – The Secretary of Natural Resources is
2 authorized to establish, operate or maintain a regional office in each of the
3 administrative regions of the country. The regional office shall be headed by a
4 regional director, who may be assisted by three (3) assistant regional directors,
5 each for Forestry, Land Management and Mines and Geo-Sciences. The Regional
6 Executive Directors and Regional Technical Directors must be Career Executive
7 Service Officers.

8 The regional offices shall have, within their respective administrative
9 regions, the following functions:

10 a) Implement laws, policies, plans, programs, projects, rules and
11 regulations of the Department of Natural Resources to promote the sustainability
12 and productivity of natural resources, and social equity in natural resource
13 utilization;

14 b) Provide efficient and effective delivery of services to the people;

15 c) Coordinate with regional offices of other departments, offices,
16 agencies in the region and local government units in the enforcement of natural
17 resource conservation laws and regulations, and in the formulation and
18 implementation of natural resources programs and projects;

19 d) Recommend and, upon approval, implement programs and projects
20 on forestry, minerals, and land management and disposition;

1 e) Conduct comprehensive inventory of natural resources in the region
2 and formulate regional short and long-term development plans for the
3 conservation, utilization and replacement of natural resources;

4 f) Evolve respective regional budget in conformity with the priorities
5 established by the Regional Development Councils;

6 g) Supervise the processing of natural resources products, grade and
7 inspect minerals, lumber and other wood processed products, and monitor the
8 movement of these products;

9 h) Conduct field researches for appropriate technologies recommended
10 for various projects; and

11 i) Perform other functions as may be assigned by the Secretary or
12 provided by law.

13 The provincial and community offices of the Department of Natural
14 Resources shall be headed by a provincial natural resource officer and community
15 natural resource officer, respectively.

16 SEC. 26. ***Bureaus and Services; Powers and Functions.*** – The Secretary of
17 Natural Resources is authorized to organize, restructure and redefine the functions
18 of the bureaus and services of the Department of Natural Resources, subject to the
19 approval of the President, for the effective discharge of the powers and functions
20 of the Department of Natural Resources under this Act.

21 a) The *Mines and Geosciences Bureau* shall consist of different
22 divisions which shall exercise the following powers and functions:

1 1) Mining Environment and Safety Division – Provide scientific
2 and technological foundations in establishing environmental standards,
3 guidelines and procedures for mining operations, including small-scale
4 mining, in particular mine rehabilitation and mine-related pollution
5 thresholds; undertakes mine environmental audit and research; develop
6 strategies for a comprehensive environmental protection program for
7 mining operations; promotes the adoption of best practice in mining
8 environmental management, undertakes mine safety and health audit and
9 coordinate the national program on safety and health in mining operations;
10 and provide technical support services to the Regional offices, other
11 government agencies, mining contractors, permittees, permit holders and
12 the general public;

13 2) Land Geological Survey Division – Formulate, develop and
14 coordinate the adoption and implementation of national geological mapping
15 programs, field survey and laboratory research technologies and
16 geostandards and georeference materials; conduct specialized researches in
17 geology, petrology, ore genesis mineralogy, paleontology, stratigraphy and
18 other related scientific disciplines, including the conduct of
19 hydrogeological, geohazards and geoenvironmental site assessments;
20 operate and maintain a geographic information system (GIS)-based
21 geoinformation and remote sensing facilities for geological applications;

1 and provide technical support services to the Regional offices, other
2 government agencies, mining contractors, permittees and the general public;

3 3) Marine Geological Survey Division – Conduct marine and
4 coastal geological and geophysical survey and promote marine mineral
5 resources and geo-sciences development; operate and maintain the Bureau's
6 marine vessel; and provide technical support services to the Regional
7 offices, other government agencies and mining contractors and permittees
8 in connection with marine and coastal geological surveys;

9 4) Mining Technology Division – Document and develop
10 database systems on mine planning and design, exploration drilling and
11 mine feasibility evaluation in support of mining technology development
12 standards, guidelines, procedures in mine feasibility evaluation; conduct
13 laboratory researches, in particular rock mechanics and safety of personal
14 protective equipment pertinent to ground stability and safety of mine
15 personnel; and provide and coordinate on a national level technical support
16 services to Regional offices, mining contractors and permittees in the fields
17 of mine feasibility evaluation and lab research;

18 5) Mining Tenements Management Division – Undertake final
19 evaluation or review of all mining rights applications forwarded by the
20 Regional offices; perform systems audit in the administration of operation
21 of mining contractors and permittees, and manage the Mineral Rights

1 Management System as mandated under RA 7942, otherwise known as the
2 "*Philippine Mining Act of 1995*;"

3 6) Metallurgical Technology Division – Develop metallurgical
4 processes of extracting minerals from ores; provide and coordinate on a
5 national level metallurgical and analytical services to Regional offices,
6 mining contractors, permittees and the general public; undertakes
7 metallurgical batch tests for the technical and economic feasibility of
8 mineral extraction from ores, including pilot testing and flowsheet
9 preparation; conduct analysis of metallurgical products and develop
10 substitute analytical procedures and chemical reagents; and operate and
11 maintain metallurgical and chemical laboratories, including part fabrication
12 and modification;

13 7) Mineral Economics, Information and Publications Division –
14 Develop strategies for mining investment promotions; formulate policies on
15 mineral economics; undertake statistical functions relating to mineral
16 production and other related mineral statistical data, including micro-
17 forecasting and trend analysis; undertake macro-forecasting of mining
18 industry trends; and establish benchmarks in mining economics, including
19 the conduct of socio-economic surveys. It shall also take charge of the
20 information, communication and education campaign of the Bureau, the
21 publication of the Mineral Gazette as mandated by RA 7942; operate and
22 maintain the national Mineral Resources Database System as mandated also

by RA 7942; and undertake information technology functions for systems development in support of information, communication and education campaigns and publication functions; and

7) Planning and Policy Division – Undertake planning, programming and monitoring and evaluation of programs, projects and activities; coordinate and assist in the formulation of policies, plans and programs for both central and regional operations; and take charge of project development in coordination with the various divisions of the Central and Regional offices.

b) The *Forest Management Bureau* shall exercise the following powers and functions:

1) Recommend policies and programs for the effective protection, development, occupancy, management and conservation of forest lands, watersheds, including grazing and mangrove areas, reforestation and rehabilitation of critically denuded or degraded forest reservations, improvement of water resource use and development, ancestral lands, wilderness areas and other natural reserves, development of forest plantations, including rattan, bamboo and other valuable non-timber forest resources, rationalization of the wood-based industries, regulation of utilization and exploitation of forest resources including wildlife, to ensure continued supply of forest goods and services;

2) Advise the regional offices in the implementation of the above policies and programs;

3) Develop plans, programs, operating standards and administrative measures to promote the Bureau's objectives and functions;

4) Assist in the monitoring and evaluation of forestry and watershed development projects to ensure efficiency and effectiveness; and

5) Undertake studies on the economics of forest-based industries, including the supply and demand trends on the local, national and international levels, identifying investment problems and opportunities in various areas.

c) The *Land Management Bureau* shall exercise the following powers and functions:

1) Recommend policies and programs for the efficient and effective administration, surveys, management and disposition of alienable and disposable lands of the public domain and other lands outside the responsibilities of other government agencies such as reclaimed areas and other areas not needed for or are not being utilized for the purposes for which they have been established;

2) Advise the regional offices on the efficient and effective implementation of policies, programs and projects for more effective public lands management;

3) Assist in the monitoring and evaluation of land surveys, management and disposition of lands to ensure efficiency and effectiveness thereof;

1 4) Issue standards, guidelines, regulations and orders to enforce
2 policies for the maximization of land use and development;

3 5) Develop operating standards and procedures to enhance the
4 Bureau's objectives and functions;

5 6) Assist the Secretary as Executive Officer charged with carrying out
6 the provisions of Commonwealth Act No. 141, as amended, otherwise known as
7 "*The Public Land Act*," who shall have direct executive control of the survey,
8 classification, lease, sale or any other forms of concessions or disposition and
9 management of the lands of the public domain; and

10 7) Perform other functions as may be assigned by the Secretary or
11 provided by law.

12 d) The *Administrative Support Services* is composed of the following
13 offices which shall exercise the following powers and functions:

14 1) The Office of the Legal Counsel shall be responsible for
15 providing legal advice and services on all policies, programs, and
16 operational matters of the Department of Natural Resources. It shall
17 provide legal counselling services in cases where the Department of Natural
18 Resources is a party and shall also handle administrative cases against any
19 personnel of the Department of Natural Resources and submit
20 recommendations pertaining to them.

21 2) The Financial and Management Services, which shall consist
22 of the Human Resources Management Division, General Services Division,

1 and the Financial Management Division, shall be responsible for providing
2 the Department of Natural Resources with services relative to personnel
3 information, records, delivery and receipt of correspondence, supplies,
4 equipment, collection and disbursements, security, and custodial works. It
5 shall also be responsible for providing the Department of Natural
6 Resources with staff advice and assistance on budgetary, financial, and
7 management improvement matters.

8 **SEC.27. *Attached Agencies and Corporations.*** – The following agencies
9 and corporations are attached to the Department of Natural Resources for policy
10 and program coordination, and shall continue to operate and function in
11 accordance with the charters, laws or orders creating them, insofar as they are not
12 inconsistent with this Act:

- 13 a) National Mapping and Resource Information Authority;
- 14 b) Natural Resources Development Corporation;
- 15 c) National Electrification Administration;
- 16 d) Philippine Forest Corporation;
- 17 e) Philippine Mining Development Corporation;
- 18 f) Philippine Reclamation Authority; and
- 19 g) Palawan Council for Sustainable Development.

20 **SEC. 28. *Structure and Staffing Pattern.*** – The organizational
21 framework and staffing pattern of the Department of Natural Resources shall be
22 prescribed and approved by the Secretary of Natural Resources within ninety (90)

1 days after the approval of this Act and the authorized positions created therein
2 shall be filled by regular appointments by the President or Secretary as the case
3 may be. In filling of positions created, preferences shall be given to the incumbent
4 personnel of the bureaus, divisions, services, and other operating units of the
5 Department of Environment and Natural Resources: *Provided*, That such
6 individuals comply with the qualification standards set by the Civil Service
7 Commission for the positions that they shall be appointed to: *Provided, however*,
8 That if such individuals possess the same qualifications, seniority shall be given
9 priority.

10 CHAPTER IV

11 TRANSITORY PROVISIONS

12 SEC. 29. *Transfer of Existing Bureaus, Agencies, Offices and*
13 *Personnel.* – The following provisions shall be complied with in the transfer of
14 bureaus, offices, agencies and personnel as a result of the creation of the
15 Department of Environment and the Department of Natural Resources:

16 a) The existing bureaus, agencies, offices and other operating units of
17 the Department of Environment and Natural Resources with functions and
18 responsibilities relating to environmental concerns, as provided in Chapter II of
19 this Act, are transferred to the Department of Environment while those with
20 functions and responsibilities relating to the management of natural resources, as
21 provided in Chapter III of this Act, are transferred to the Department of Natural
22 Resources;

b) The transfer of the existing bureaus, offices, agencies and other operating units of the Department of Environment and Natural Resources to the Department of Environment and the Department of Natural Resources, respectively, shall include all applicable funds, appropriations, records, equipment, property and the necessary personnel. Their liabilities, if any, shall be acted upon in accordance with pertinent auditing laws, rules and regulations;

c) All personnel of the Department of Environment and Natural Resources shall continue in hold-over capacity until such time as the new organizational framework and staffing pattern of the Department of Environment and the Department of Natural Resources, respectively, have been prescribed and approved by their duly appointed Secretaries and the new officers and employees shall have been appointed pursuant to the provisions of this Act; and

d) The law, rules and regulations as provided for in Republic Act No. 6656, entitled "*An Act to Protect the Security of Tenure of Civil Service Officers and Employees in the Implementation of Government Reorganization,*" shall govern the reorganization of the Department of Environment and Natural Resources.

SEC. 30. ***Separation from the Service.*** – Incumbent personnel of the Department of Environment and Natural Resources whose positions are excluded in the approved organizational framework and staffing pattern of the Department of Environment and the Department of Natural Resources or who are not reappointed shall be separated from the service. Employees separated from the

1 service as a result of the reorganization shall, within six (6) months from their
2 separation from the service, receive the benefits to which they may be entitled
3 under existing laws, rules, and regulations.

4 **CHAPTER V**

5 **MISCELLANEOUS PROVISIONS**

6 SEC. 31. ***Notice or Consent Requirement.*** – If any reorganizational
7 change herein authorized is of such substance or materiality as to prejudice third
8 persons with rights recognized by law or contract such that notice to or consent of
9 creditors is required to be made or obtained pursuant to any agreement entered
10 into with any of such creditors, such notice or consent requirement shall be
11 complied with prior to the implementation of such reorganizational change.

12 SEC. 32. ***Prohibition Against Structural Changes.*** – No change in the
13 reorganization herein prescribed shall be valid except upon prior approval of the
14 President for the purpose of promoting efficiency and effectiveness in the delivery
15 of public services.

16 SEC. 33. ***Benefits Under Magna Carta.*** – Qualified employees of the
17 Department of Environment and the Department of Natural Resources and their
18 attached agencies are included in the coverage of Republic Act No. 8439,
19 otherwise known as the “*Magna Carta for Scientists, Engineers, Researchers and*
20 *other S & T Personnel in the Government,*” and may avail of the benefits provided
21 therein.

1 SEC. 34. ***Periodic Performance Evaluation.*** – The Secretary of
2 Environment and the Secretary of Natural Resources are hereby required to
3 formulate and enforce a system of measuring and evaluating periodically and
4 objectively the performance of their respective departments and submit the same
5 annually to the President.

6 SEC. 35. ***Implementing Rules and Regulations.*** – Within sixty (60)
7 days after the effectivity of this Act, the duly appointed Secretary of Environment
8 and Secretary of Natural Resources shall issue such orders, rules and regulations
9 and other issuances as may be necessary to ensure the effective implementation of
10 the provisions of this Act. They shall also promulgate the necessary
11 administrative orders that will provide the implementing details of the provisions
12 of this Act relating to their respective departments and be responsible for carrying
13 into immediate effect the intents and purposes of this Act.

14 SEC. 36. ***Appropriations.*** – Such sum as may be necessary to initially
15 implement this Act with regard the reorganization of the Department of
16 Environment and Natural Resources into two new departments, the Department of
17 Environment and the Department of Natural Resources, shall be taken from any
18 available funds of the National Treasury and such amounts as the President of the
19 Philippines may allocate from other sources in accordance with laws which shall
20 not exceed Five Hundred Million Pesos (P500,000,000.00). The existing bureaus,
21 offices and agencies transferred to the Department of Environment and the
22 Department of Natural Resources shall continue to operate using current fiscal

1 year appropriations. Thereafter, the amount necessary for the operation and
2 maintenance of the Department of Environment and the Department of Natural
3 Resources shall be included in the annual General Appropriations Act.

4 SEC. 37. ***Separability Clause.*** – If any provision or part of this Act is
5 declared invalid or unconstitutional, the remaining parts or provisions not affected
6 shall remain in full force and effect.

7 SEC. 38. ***Repealing Clause.*** – All laws, decrees, executive orders, rules
8 and regulations and other issuances, or parts thereof, inconsistent with the
9 provisions of this Act, are hereby repealed, amended or modified accordingly.

10 SEC. 39. ***Effectivity.*** – This Act shall take effect fifteen (15) days after
11 its publication in the *Official Gazette* or in a newspaper of general circulation.

12 Approved,