

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5316**



Introduced by MAGDALO Party-List Representative
HON. GARY C. ALEJANO

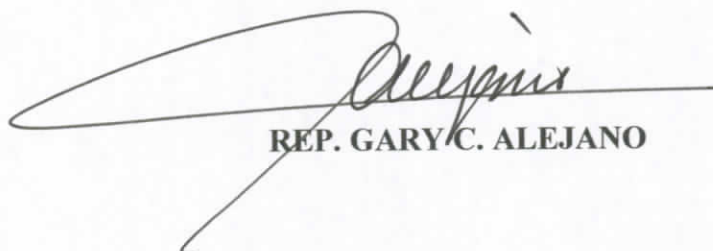
EXPLANATORY NOTE

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

Years of neglect, haphazard policy-making, and weak local environmental management have taken a toll in the form of widespread environmental degradation and acute pollution problems. Coastal resources, especially coral reefs, mangroves, and sea-grasses face threats from coastal zone development, expanding aquaculture, and destructive fishing. Fisheries catch per-unit-of-effort has been declining steadily due to overfishing in many areas. All of these environmental scenarios are affirmation of our weak reinforcement efforts to protect the environment. Moreover, if we were to quantify the costs of environmental degradation, we may conclude that costs of destruction are high.

While long-term national commitment to environmental protection will greatly reverse degradation, it is also important to modernize monitoring, enforcement, and public disclosure to ensure compliance. Thus, we need a core of implementers who will ensure that our environmental laws are strictly complied with and who will give 'hard fists' on usual violators of these laws.

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


REP. GARY C. ALEJANO

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

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

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

3
4 **SEC. 2. Declaration of Policy.** – It is the declared policy of the State to protect
5 and advance the right of the people to a balanced ecology and a wholesome and healthy
6 environment. Towards this end, the State shall create an agency mandated to strictly
7 enforce environment laws and cause the prosecution of violators thereof to ensure the
8 protection of our environment and our people.

9
10 **SEC. 3. Creation of the National Environmental Protection Agency (NEPA).** –
11 To implement the above-declared policy, there is hereby created the National
12 Environmental Protection Agency under the general supervision of and attached to the
13 Office of the President, which shall be created one hundred eighty (180) days from the
14 effectivity of this Act.

15
16 **SEC. 4. Powers, Functions, and Responsibilities of the Agency.** – The National
17 Environmental Protection Agency shall have the following powers, functions, and
18 responsibilities:

- 19 a) Formulate and implement an integrated approach to the enforcement of
20 environment laws;
21 b) Undertake the enforcement of environmental laws and investigate violators
22 thereof and all other matters involved in the commission of any violation
23 thereof;

- 1 c) Administer oath, issue *subpoena duces tecum* and *ad testificandum* in
2 connection with or as an incident to the conduct of an investigation of a
3 violation of environmental laws;
- 4 d) Arrest and apprehend as well as search violators and seize or confiscate the
5 effects of the violations as provided by law and take custody thereof. For this
6 purpose, prosecutors and enforcement officers of the Agency are authorized to
7 possess firearms in accordance with existing laws, rules and regulations.
8 Likewise, enforcers are hereby authorized to enter premises for the purpose of
9 conducting inspection and determining compliance with environmental laws;
- 10 e) Establish office in every region, province or city and maintain a nationwide
11 intelligence system in cooperation with law enforcement agencies, the
12 Department of Environment and Natural Resources, local government units,
13 and other government agencies and offices;
- 14 f) Monitor and, if warranted, in coordination with the Bureau of Customs, the
15 Philippine Ports Authority, the Maritime Industry Authority, Department of
16 Environment and Natural Resources and such other government agencies and
17 offices, inspect cargo and their conveyances to determine a violation of
18 environmental laws, if any;
- 19 g) Prepare for the prosecution and cause the filing of appropriate criminal and
20 civil charges against violators of environmental laws. For this purpose, the
21 Agency shall closely cooperate with the Department of Justice and such other
22 concerned government agencies or offices;
- 23 h) Recommend to the appropriate agency the forfeiture of properties and other
24 assets belonging to, or found in the possession of, violators of environmental
25 laws;
- 26 i) Establish and maintain close coordination, cooperation, and linkages, with
27 national and regional networks for the protection of the environment; and,
- 28 j) Call upon any government agency or office and/ or deputize individuals and
29 organizations for assistance.
- 30

31 **SEC. 5. *Organization of the Agency.*** – The National Environmental Protection
32 Agency shall be headed by a Director-General with the rank of an Undersecretary, who
33 shall be responsible for the general administration and management of the Agency. The
34 Director-General shall be appointed by the President of the Philippines and shall perform
35 such other duties as may be assigned to him. He must possess adequate knowledge,
36 training, and experience in environmental law enforcement.

1 The Director-General shall be assisted by two (2) deputies with the rank of
2 Assistant Secretary: one for Operations and one for Administration. They shall likewise
3 be appointed by the President.
4

5 The present National Anti-Environment Crime Task Force as created by
6 Executive Order No. 515 shall be accordingly modified and absorbed by the Agency. The
7 Director-General shall be responsible for the necessary changes in the organization which
8 shall be submitted to the President for approval.

9 For purposed of carrying out its duties, functions, and responsibilities, the Agency
10 shall have the following Services: Intelligence and Investigation, International
11 Cooperation, Plans and Operations, Legal and Prosecution, Administrative and Human
12 Resource, Financial Management, and Internal Affairs.
13

14 **SEC. 6. NEPA Board.** – There is hereby created a NEPA Board which shall
15 promulgate policies relative to the enforcement of environmental laws. The Board shall
16 be headed by the Secretary of Environment and Natural Resources, as Chairman. The
17 Secretary of Justice shall be the Board Vice-Chairman with representatives from the
18 following offices as Members:

- 19 a) The Philippine National Police;
 - 20 b) The Armed Forces of the Philippines;
 - 21 c) The Bureau of Customs;
 - 22 d) The Maritime Industry Authority; and,
 - 23 e) The Philippine Coast Guard.
- 24

25 **SEC. 7. Relationship with Other Departments.** – The Agency shall closely
26 coordinate with other Departments, offices and agencies to ensure the successful
27 implementation of this Act. Nothing herein shall be construed as a derogation of the
28 powers and functions of such other Departments, offices and agencies.
29

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

34 The proceeds of the sale of products seized by the Agency pursuant to
35 environmental laws shall be remitted to the Agency for use in the implementation of this
36 Act. Likewise, fifty percent (50%) of the fines imposed by the proper courts in cases filed
37 by the Agency shall pertain to the Agency for the same purpose.
38

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

7
8 **SEC. 10. *Repealing Clause.*** – Executive Order No. 192, Series of 1987, and
9 Executive Order No. 292, otherwise known as the Administrative Code of 1987, are
10 hereby modified accordingly. All other acts, ordinances, rules and regulations and other
11 issuances that are inconsistent with this Act are hereby repealed or modified accordingly.

12
13 **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,