

¹ DENR to empower Environmental Laws with the creation of EPEB, retrieved on 31 August 2020 from <https://r6.denr.gov.ph/index.php/news-events/press-releases/1318-denr-to-empower-environmental-laws-with-the-creation-of-the-epeb>

35 curb illegal mining, illegal logging, smuggling and trading of wildlife species
36 and other environmental crimes that risk our biodiversity and destroys our
37 protected areas, the habitat of the threatened species.²

38
39 The bill also proposes the establishment of an Environment and Natural
40 Resources Law Enforcement Academy which shall be responsible for the
41 recruitment, development, and conduct of basic and advanced-level
42 environmental law enforcement training course, and continuing skills
43 enhancement of all bureau enforcers and personnel. Through this, forest
44 protection officers and rangers shall be better equipped in enforcing
45 environmental and natural resources protection laws.

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47 In view of the foregoing, the immediate passage of this bill is earnestly
48 sought.

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ANGELO MARCOS BARBA

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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7670

Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

1 **AN ACT CREATING THE ENVIRONMENTAL PROTECTION**
2 **AND ENFORCEMENT BUREAU (EPEB) UNDER THE**
3 **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**
4 **(DENR), PROVIDING FOR ITS POWERS AND FUNCTIONS AND**
5 **APPROPRIATING FUNDS THEREFOR, AND FOR OTHER**
6 **PURPOSES**

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

10
11 **SECTION 1. Short Title.** – This Act shall be known as the
12 “Environmental Protection and Enforcement Bureau (EPEB) Act”.

13
14 **SECTION 2. Declaration of Policy.** – It is the policy of the State to
15 protect and advance the right of the people to a balanced and healthful ecology
16 in accord with the rhythm and harmony of nature by maintaining and
17 strengthening environment and natural resources protection and law
18 enforcement with appropriate structure, modern and current science and
19 technology, and effective, capable and highly-trained manpower.

20
21 Toward this end, the State shall formulate plans and programs relative to
22 environmental and natural resources protection and to enhance and
23 modernize capabilities to address all types of environmental crimes, including
24 transnational and/or transboundary violations, taking cognizance of the
25 worsening global environmental situation.

26
27 The State shall likewise promote shared duties and responsibilities, and
28 capacitate other law enforcement agencies and local government units to
29 ensure fair and immediate enforcement of environmental laws.

30
31 **SECTION 3. Definition of terms.** – As used in this Act, the following
32 terms shall mean:

- 33
34 a. *Abatement* – refers to legal document issued by the Bureau, its officers
35 and enforcers, ordering the suspension or cessation, in whole or in part,
36 or removal of a problem or nuisances, which is against environment
37 and natural resources laws committed in prohibited areas, and/or other
38 public areas, which such act is prohibited;

- 1 b. *Bureau* – refers to the Environmental Protection and Enforcement
2 Bureau;
- 3
- 4 c. *Cease and Desist Order (CDO)* – refers to an order duly issued by the
5 Secretary or the Bureau directing or enjoining any person, business, or
6 organization, or government agency, to stop or continue doing an act
7 considered harmful or illegal and/or in order to protect, preserve, or
8 rehabilitate the environment. A CDO may be permanent, for specified
9 period of time, or until a final administrative or judicial determination
10 of its legality occurs;
- 11
- 12 d. *Confiscation* – refers to the act of taking in favor of the government,
13 real of personal property, from a person without payment or
14 compensation in an administrative proceeding;
- 15
- 16 e. *Custody* – refers to the temporary holding or safekeeping of any
17 evidence obtained or seized in an enforcement operation and
18 conducted by, or with the participation of the Bureau, while a case is
19 pending before any administrative body or courts;
- 20
- 21 f. *Department* – refers to the Department of Environment and Natural
22 Resources (DENR);
- 23
- 24 g. *Emergency* – as used in this Act, emergency occurs when there is a
25 demonstrated impending threat to human life, biodiversity, or
26 irreparable damage to the integrity and stability of the ecosystem;
- 27
- 28 h. *Enforcement areas* – refers to any geographic area in the Philippines
29 where priority enforcement response is needed;
- 30
- 31 i. *Forensic* – refers to the application of scientific methods of analyzing
32 evidence and samples for purposes of criminal, civil, or administrative
33 procedure;
- 34
- 35 j. *Impoundment* – the taking into custody of private property, such as a
36 vehicle, facility, or implements, by government action with custody
37 documentation pending the outcome of a criminal prosecution under
38 this Act;
- 39
- 40 k. *Prohibited Area* – refers to areas explicitly prohibited or deemed by law
41 to be free from human habitation or interference such as, but not
42 limited to, water easements, areas identified as geohazard zones, or in
43 any other prohibited zones within protected areas including strict
44 protection zones, multiple use zones, and buffer zones, or areas
45 designated under Disaster Risk Reduction and Management Plan of
46 local government units (LGUs) as hazard prone areas;
- 47
- 48 l. *Regulated community* – refers to all persons, businesses or
49 organizations, or government agencies or instrumentalities of the
50 government whose utilization, exploitation, development, management,

conservation and protection of environment and natural resources are governed under the administrative authority of the Department;

m. *Secretary* – refers to the Secretary of the DENR;

n. *Seizure* – as used in this Act, seizure refers to the taking by enforcement officers of potential evidence from a person who is suspected of violating environmental laws, rules and regulations. Seizure of evidence may be done by virtue of a search warrant or on the occasion of a warrantless arrest or warrantless search;

o. *Strategic Lawsuit Against Public Participation (SLAPP)* – as used in this Act, the defense of SLAPP shall be available to the Bureau enforcers and those the have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits; and

p. *Transnational or transboundary violations* – refers to a continuing offense in contravention of both environmental laws and international treaties and conventions on environment to which the Philippines is a signatory. An act is deemed a continuing offense when the act may be prosecuted and tried not only in the court of administrative bodies of the place where it began, but also in the court of administrative bodies of the place where part of the offense was continued or consummated.

SECTION 4. Environmental Protection and Enforcement Bureau (EPEB). – There is hereby created an Environmental Protection and Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency under the Department of Environment and Natural Resources.

This Act shall transfer and consolidate all enforcement functions performed by different Bureaus and attached agencies of the Department and those that may be created hereafter.

The Bureau shall exercise concurrent enforcement authority with agencies having jurisdiction under other laws.

SECTION 5. Jurisdiction. – The Bureau shall carry out environmental law enforcement functions in the entire Philippine archipelago including air space, territorial waters, exclusive economic zones, continental shelf, and other areas where the Philippines exercises sovereignty and sovereign rights, or jurisdiction, in accordance with Philippine and International Laws. It shall be under the control and supervision of the Secretary.

SECTION 6. Powers and Functions. – The Bureau shall have the following powers and functions:

a. Enforce, interdict ongoing violations, arrest, investigate, and prosecute all violations of environmental and natural resources laws, rules, and

1 regulations, including those over which other agencies exercise
2 jurisdiction;

- 3
- 4 b. Take custody of all seized and confiscated items, implements,
5 conveyances, tools, and equipment;
- 6
- 7 c. Initiate the filing of appropriate cases and/or proceedings;
- 8
- 9 d. File the appropriate cases in court in consultation with the National
10 Prosecution Service when necessary, and in coordination with the
11 Office of the Ombudsman in cases involving government officials and
12 employees;
- 13
- 14 e. Execute decisions and dispose of confiscated items in administrative
15 cases pertaining to environment and natural resources violations, and
16 in court cases as may be directed by the court;
- 17
- 18 f. Call on the Department of Justice (DOJ), Philippine National Police
19 (PNP), Armed Forces of the Philippines (AFP), the National Bureau of
20 Investigation (NBI), other government law enforcement agencies,
21 including government-owned and/or -controlled corporations, to aid
22 in the enforcement of laws against environmental crimes;
- 23
- 24 g. Conduct intelligence operations and forensics investigation in
25 furtherance of the foregoing powers and functions;
- 26
- 27 h. Issue subpoena for the appearance of any person for investigation or
28 production of any documents, through its officers from the ranks of
29 Director-General, Deputy Director, Directors for Enforcement,
30 Investigation and/or Legal Services, and Regional Director, and cite in
31 contempt any person who violates or disobeys orders and processes
32 duly issued by the Bureau;
- 33
- 34 i. Accept in the name of the Philippine Government, funds of financial
35 assistance for immediate disbursements or other property in the
36 interest of, or as may be necessary to carry out its functions, and which
37 shall be properly allocated and utilized directly and exclusively for
38 environmental protection and enforcement;
- 39
- 40 j. Establish and maintain coordination mechanisms with other law
41 enforcement agencies locally and internationally;
- 42
- 43 k. Develop enforcement systems and strategies based on best practices
44 and using the most advanced and reliable technologies;
- 45
- 46 l. Impose administrative fines/citations for *in flagrante* violations of
47 environment and natural resources laws, rules, and regulations
48 pursuant to the schedule of fines to be issued by the Office of the
49 Secretary;
- 50

- 1 m. Maintain database of all relevant information such as, but not limited
2 to, environmental cases, environment-related incidents, permittees,
3 licensees, park and forest occupants, tenured migrants, and scientific
4 research data and information;
- 5
- 6 n. Issue and implement Cease and Desist Order, Closure Order, Notice of
7 Violation, and Abatement Order in the exercise of its administrative
8 powers pursuant to pertinent rules and regulations issued by the
9 Department;
- 10
- 11 o. Formulate and implement policies, guidelines, and programs
12 necessary to effectively carry out its mandate; and
- 13
- 14 p. Perform other related functions as the Secretary may assign.
- 15

16 Nothing in this Section shall prevent other law enforcement agencies from
17 exercising jurisdiction over violations of environmental laws, rules and
18 regulations: *Provided that*, once the Bureau takes cognizance of the
19 aforementioned violations, the Bureau shall take the lead and other law
20 enforcement agencies shall collaborate for assistance.

21

22 **SECTION 7. Organizational Structure.** – The Bureau shall be organized
23 into the Office of the Director-General, Deputy Director Generals for
24 Operations and for Administration, and Division Chiefs for Enforcement,
25 Investigation and Legal, Finance and Logistics, Administrative and Human
26 Resource, Planning and Knowledge Information Service, and Forensic
27 Laboratory. Each service shall be composed of the necessary divisions and
28 sections.

29

30 The Bureau shall establish regional offices composed of district offices to
31 cover designated enforcement areas. Field units may be established as needed
32 to work with the PENR and/or CENR offices or clusters thereof.

33

34 The Bureau's personnel and their respective positions and rank shall have
35 appropriate staffing complement, as follows:

36

Job Title	Career Level	Salary Grade
Director-General	Director VI	SG 30
Deputy Director-General for Operations	Director V	SG 29
Deputy Director-General for Administration	Director V	SG 29
Regional Director	Director III	SG 27
Chief for Enforcement Division	Director I	SG 25
Chief for Investigation and Legal Division	Director I	SG 25
Chief for Finance and Logistics Division	Director I	SG 25
Chief for Administrative and Human Resource Division	Director I	SG 25
Chief for Planning and Knowledge Information Division	Director I	SG 25
Director of Forensic Laboratory	Director I	SG 25
Regional Legal Division Chief	Attorney V	SG 25
Supervising Environmental Prosecutor	Attorney IV	SG 23

Environmental Prosecutor	Attorney III	SG 21
Regional Enforcement Division Chief	Division Chief	SG 24
Regional Management Division Chief	Division Chief	SG 24
Supervising Enforcement Officer	Senior Officer V	SG 22
Enforcement Officer IV	Officer IV	SG 19
Enforcement Officer III	Officer III	SG 16
Enforcement Officer II	Officer II	SG 13
Enforcement Officer I	Officer I	SG 11
Ranger Technician	Ranger III	SG 9
Ranger	Ranger II	SG 7
Ranger	Ranger I	SG 5

SECTION 8. Powers and Functions of the Director General. – The Director General shall have access to all official records of the Government and the regulated communities of the Department in the furtherance of his or her duties and responsibilities, and shall perform the following powers and functions:

- a. Direct, control and administer the operations of the Bureau, and deploy any of its officials and operatives for missions;
- b. Formulate policies, guidelines, programs, and projects to implement this law and recommend policies that would enable the Bureau to take additional necessary measures in exercising its powers;
- c. Develop a system and allocate funds for informant's rewards and whistle blower protection;
- d. Recommend and/or direct appropriate agencies to effect emergency containment and remediation measures in relation to violations of environment and natural resources law, rules, and regulations;
- e. Initiate and strategize training and deputation of environmental law enforcement officers and, whenever practicable their consolidation and organization in accordance with existing laws, rules, and regulations;
- f. Designate and/or authorize the use of informants for investigative purposes including hiring of consultants, subject to pertinent laws, rules, and regulations, as may be required;
- g. Issue mission orders and permits to carry duly-issued agency firearms of its organic personnel or other duly deputized officers who are conducting or assisting in investigation and enforcement operations;
- h. Ensure proper inventory, identification and impoundment of confiscated and/or forfeited objects, implements, and conveyances;
- i. Create and/or abolish divisions/units and positions within the Bureau that may be required for the expeditious, effective and efficient discharge of its duties and responsibilities; and remove, suspend, of otherwise discipline Bureau officials, enforcers, and personnel for

causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations, subject to the approval of the Secretary; and

- j. Perform other acts that are necessary, proper or incidental to the performance of his or her duties and responsibilities as may be assigned by the Secretary.

SECTION 9. Powers and Functions of Bureau Officers and Enforcers. – The members of the Bureau shall be peace officers, and as law enforcers. They shall have the following additional powers and functions:

- a. To detect, interdict, and investigate any environmental violations and to make arrests, searches and seizures in accordance with existing laws, rules and regulations;
- b. To seize and initiate confiscation proceedings for prohibited items including objects, implements, and conveyances used in the violation of environmental law, as provided for by applicable laws, rules, and regulations, and to inventory said items;
- c. To take and require sworn affidavits of person or persons summoned in connection with cases under investigation and to administer oaths in cases under investigation, subject to limitations imposed by the Constitution and laws, rules and regulations;
- d. To carry suitable and adequate agency-issued firearms for enforcement operations and personal security;
- e. To have access to all official records of the Government and the regulated community, where such records relate to their official functions under this law; and
- f. To perform such other functions as may be assigned by the Bureau.

SECTION 10. Forensic Laboratory. – The Bureau shall establish, maintain, and improve a forensic laboratory to be headed by a Director and supported by as many sections as may be deemed necessary, which may include chemical and toxicology, genetics, criminalistics, veterinary, morphology, and digital. The forensic laboratory may be composed of the following staffing complement:

Job Title	Career Level	Salary Grade
Director for Forensic Laboratory	Director I	SG 25
Section Chief on Chemistry and Toxicology	Section Chief	SG 22
Section Chief on Genetics and Forensic Biology	Section Chief	SG 22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG 22
Section Chief on Taxonomy and Morphology	Section Chief	SG 22
Section Chief of Geology	Section Chief	SG 22
Senior Computer Programmer	ENRE Officer IV	SG19

Analyst III	ENRE Officer III	SG 16
Analyst II	ENRE Officer II	SG 13
Analyst I	ENRE Officer I	SG 11

SECTION 11. *Benefits and Privileges.* – The Bureau shall provide its personnel with the following benefits:

- a. Health care services or insurance for all its regular personnel;
- b. Accident insurance for all its employees and deputized officers;
- c. Hazard pay, subject to existing laws, rules and regulations; and
- d. Access to legal assistance and support fund.

SECTION 12. *Environment and Natural Resources Law Enforcement Academy.* – The Department shall establish an Environment and Natural Resources Law Enforcement Academy which shall be responsible for the recruitment, development, and conduct of basic and advanced-level environmental law enforcement training course, and continuing skills enhancement of all bureau enforcers and personnel. The Academy shall provide other Philippine law enforcement agencies and institutions high-quality standardized trainings on environmental law enforcement, including LGUs.

SECTION 13. *Inter-Agency Environmental Enforcement Coordination.* – The Bureau shall establish and maintain close coordination, cooperation, and linkages with national and international coordinative bodies, multilateral agencies, and organizations that address environmental crimes.

SECTION 14. *Stakeholder's Engagement/People's Participation.* – Active and direct participation of national government agencies (NGAs), LGUs, academe, media, people's organizations, non-governmental organizations, including the citizenry, shall be encouraged.

The Bureau shall take measures to ensure responsiveness and feedback mechanisms for maximum participation, engagement, and transparency.

SECTION 15. *Strategic Lawsuit Against Public Participation (SLAPP).* – The defense of SLAPP as defined by existing laws shall be available to Bureau officers and those they have deputized, complainants, and witnesses. This remedy is available even during preliminary investigation and relevant administrative cases. The Bureau shall provide sufficient assistance for those enforcers, deputies, complainants, and witnesses charged with SLAPP suits.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving enforcement or violations of this Act, including actions treated as SLAPP as provided in this section.

SECTION 16. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.* – No court, other than the Supreme Court, shall issue an injunction or

1 restraining order against the Department and Bureau in the lawful
2 enforcement of environmental and natural resources laws.

3
4 **SECTION 17. – Assaults against Environment and Natural Resources**
5 *Enforcement Officers and Deputies.* – Any person, whether natural or
6 juridical, who shall attack, employ force, or seriously intimidates any
7 environment and natural resources enforcement officer or his deputies, while
8 engaged in the performance of official duties, or on occasion of the
9 performance of such duties shall be charged with direct assault under the
10 Revised Penal Code.

11
12 **SECTION 18. – Administrative Adjudication.** – The Secretary is
13 authorized to organize and standardize administrative adjudication
14 mechanisms to impose fine and other penalties provided for under existing
15 laws, rules, and regulations and cause the issuance of procedural rules and
16 regulations as may be appropriate.

17
18 **SECTION 19. Power to Issue CDO and Abatement Order Without the**
19 *Necessity of Judicial Order.* – The Bureau may, subject to the requirements of
20 administrative due process, issue cease and desist order/s, and to summarily
21 eject any person and/or issue abatement order, removal, dismantling, or
22 demolition of any illegal structures from a prohibited area, without the
23 necessity of judicial order: *Provided*, that in case of emergency, the Bureau
24 may order the immediate exit or departure of the offender from the prohibited
25 area. The Bureau may call on other enforcement agencies to assist in executing
26 the order to vacate.

27
28 **SECTION 20. Authority to Issue Notice of Violation and Seizure Order.**
29 – In all cases of violations of environmental laws, rules and regulations, the
30 Director-General or his or her duly authorized representative, may, in
31 appropriate cases, issue notices of violation and order the seizure of any
32 property subject of the offense, including conveyances, implements, tools and
33 equipment used in the commission of the offense.

34
35 **SECTION 21. Funding Source and Appropriations.** – The amount
36 necessary for the implementation of this Act shall be taken from the General
37 Appropriations Act and may be augmented from the following:

- 38
39 a. Integrated Protected Area Fund (IPAF);
40 b. Environmental and user fees;
41 c. EPIRA;
42 d. Road user's tax; and
43 e. Administrative Fine and Penalties

44
45 *Provided*, that all funds collected shall be pooled together as a single
46 account that will cover all operational expenses.

47
48 **SECTION 22. Transitory Provisions.** – All unexpended appropriations,
49 real and personal properties, documents, records and other papers related to
50 enforcement which are kept and/or managed by enforcement divisions,

1 sections and units of the Department and attached Agencies shall be
2 transferred to the Bureau.

3
4 All incumbent officials and personnel currently assigned and/or
5 designated at the regional enforcement divisions, PENR enforcement sections,
6 or CENR enforcement units who have undergone the mandatory training on
7 enforcement as provided under this Act may continue to serve as an officer or
8 enforcer of the Bureau, or choose to be reassigned in non-enforcement offices
9 or Bureaus of the Department.

10
11 All incumbent enforcement officials, enforcers and personnel of the
12 Department, Bureaus, and attached agencies who have undergone the
13 mandatory training on enforcement as provided under this Act may serve as
14 officer or enforcer of the Bureau, or choose to be reassigned in
15 non-enforcement functions or offices of said agencies.

16
17 All incumbent enforcement officials, enforcers and personnel of the
18 Palawan Council for Sustainable Development and Bangsamoro Autonomous
19 Region in Muslim Mindanao shall be trained under the Bureau as part of the
20 one-system approach.

21
22 **SECTION 23. *Implementing Rules and Regulations.*** – The Department,
23 in consultation with concerned government agencies and stakeholders, shall
24 promulgate the implementing rules and regulations of this Act, within six (6)
25 months from the effectivity of this Act.

26
27 **SECTION 24. *Separability Clause.*** – If any provision of this Act is
28 declared invalid or unconstitutional, the other provisions not affected by such
29 declaration shall remain in full force and effect.

30
31 **SECTION 25. *Repealing Clause.*** – All laws, executive orders,
32 administrative orders, and rules and regulations inconsistent with this Act are
33 hereby repealed or amended accordingly.

34
35 **SECTION 26. *Effectivity Clause.*** – This Act shall take effect fifteen days
36 after its publication in the Official Gazette or in two (2) newspapers of general
37 circulation.

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39
40 Approved,