

PHILIPPINE ENVIRONMENTAL LAWS



As people become more vigilant about the state of the environment and insistent that offenders of environmental laws be held accountable, the Philippine environmental laws and government regulations are in place with the intent of protecting the environment and aid people from all walks of life in their pursuit to a balance and healthful ecology.

Indeed, the environment has become such an important issue. It is imperative that people should be fully informed on what the relevant environmental laws are so that they may be fully aware what are allowed and what are prohibited in relation to the actions they take towards the environment.



Environmental Management Bureau IX
Zamboanga Peninsula



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Presidential Decree (PD) 1586: Philippine Environmental Impact Statement System

This law requires private corporations, firms or entities including agencies and instrumentalities of the government to prepare an environmental impact statement (EIS) for every proposed project and undertaking which significantly affect the quality of the environment.

The EIS is a document that provides a comprehensive study of the significant impacts of a project on the environment. It is prepared and submitted by the project proponent and/or EIA Consultant as an application for an Environmental Compliance Certificate (ECC).

In general, only projects that pose potential significant impact to the environment shall be required to secure an ECC.

In determining the scope of the EIS System, two factors are considered: (i) the nature of the project and its potential to cause significant negative environmental impacts, and (ii) the sensitivity or vulnerability of environmental resources in the project area.

Environmental Impact Assessment (EIA) is the process that involves evaluating and predicting the likely impacts of a project on the environment during construction, commissioning, operation and abandonment. It is undertaken by, among others, the project proponent and/or EIA Consultant, EMB, a Review Committee, affected communities and other stakeholders.

An ECC is a document issued by the DENR/EMB after a positive review of an ECC application, certifying that based on the representations of the proponent, the proposed project or undertaking will not cause significant negative environmental impact. The ECC also certifies that the proponent has complied with all the requirements of the EIS System and has committed to implement its approved Environmental Management Plan.

Republic Act (RA) 8749: Clean Air Act (CAA) of 1999

Provides for a comprehensive air quality management policy and program which aims to achieve and maintain healthy air for all Filipinos.

The DENR Secretary, upon recommendation of the EMB, will divide the country into different airsheds. Airsheds are to be designated based on climate, weather, meteorology, and topology, which affect the mixture and diffusion of pollutants in the air, share common interests or face similar development problems. These will be managed by multi-sectoral Governing Boards chaired by the DENR Secretary with representatives from concerned government agencies, the private sector, NGOs and LGUs.

The Clean Air Act covers all potential sources of air pollution, to wit: (1) Mobile Sources (eg. motor vehicles); (2) Point or Stationary Sources (eg. industrial plants); and (3) Area Sources (eg. wood or coal burning)

Smoke belching vehicles on the road will undergo emission testing. Violators will be subject to the following fines/penalties:

1st Offense	P 1,000.00
2nd Offense	P 3,000.00
3rd Offense	P 5,000.00 plus a seminar on pollution management.

In order to achieve clean air, we need clean fuels. The CAA provides for the complete phase-out of leaded gasoline; lowering of the sulfur content of industrial and automotive diesel; lowering of aromatics and benzene in unleaded gasoline.

Stationary sources must comply with the National Emission Standards for Source Specific Air Pollutants (NESSAP) and National Ambient Air Quality Standards (NAAQS) and must secure their permit to operate, prior to operation. A business firm is fined of not more than P100,000 for every day of violation until such time that standards are met or imprisonment of not less than 6 years but not more than 10 years upon the discretion of the court. The Pollution Adjudication Board (PAB) adjudicates all environmental cases.

RA 9275: Philippine Clean Water Act of 2004

The law aims to protect the country's water bodies from land-based pollution sources (industries and commercial establishments, agriculture and community/household activities) It provides for a comprehensive and integrated strategy to prevent and minimize pollution through a multi-sectoral and participatory approach involving all the stakeholders.

Under the Act, discharges of wastewater shall be controlled. Owners or operators of facilities that discharge wastewater are required to get a permit to discharge from the EMB or the Laguna Lake Development Authority.

Domestic wastewater will be addressed accordingly. The Department of Public Works and Highways (DPWH), in coordination with local government units (LGUs) will prepare a national program on sewage and septagemanagement. On the other hand, LGUs are to provide the land including road right of the way for the construction of sewage and/or septage treatment facilities and raise funds for the operations and maintenance of said facilities.

The Department of Health (DOH) will formulate guidelines and standards for the collection, treatment and disposal of sewage as well as the guidelines for the establishment and operation of centralized sewage treatment system. The water district will provide water supply and sewerage facilities and to connect existing sewage lines, subject to the payment of sewerage service charges/fees within five years following effectivity of this Act.

Anyone discharging wastewater into a water body will have to pay a wastewater charge. This economic instrument will encourage investments in cleaner production and pollution control technologies to reduce the amount of pollutants generated and discharged.

RA 6969: Philippine Toxic Substances and Hazardous and Nuclear Waste Act

The Act provides the legal framework for the Philippines to control andmanage the importation, manufacture, processing, distribution,

use, transport, treatment and disposal of toxic substances and hazardous and nuclear wastes.

A Chemical Control Order (CCO) is issued by the DENR to prohibit, limit or regulate the use, manufacture, import, export, transport, processing, storage, possession and wholesale of priority chemicals that are determined to be regulated, phased-out, or banned because of the serious risks they pose to public health and the environment.

Of the 48 toxic chemicals listed in the Priority Chemical List (PCL), five have already been covered by CCOs in the form of DAOs. These CCOs are for: mercury (DAO 97-38), cyanide (DAO 97-39), asbestos (DAO 2000-02), ozone-depleting substances (DAO 2000-18), and polychlorinated biphenyls (DAO 2004-01).

RA 9003: Philippine Ecological Solid Waste Management Act (PESWMA) of 2000

It provides the legal framework for the country's systematic, comprehensive, and ecological solid waste management program that shall ensure protection of public health and the environment.

Key features of the Solid Waste Management Act

1. Creation of the National Solid Waste Management Commission (NSWMC), the National Ecology Center (NEC), and the Solid Waste Management Board (NSWMB) in every province, city and municipality in the country.

The NSWMC shall be responsible in the formulation of the National Solid Waste Management Framework (NSWMF) and other policies on solid waste (SW), in overseeing the implementation of solid waste management plans and the management of the solid waste management fund.

The NEC, on the other hand, shall be responsible for consulting, information, training and networking services relative to the implementation of R.A.No. 9003.

The NSWMB of provinces, cities, and municipalities shall be responsible for the development of their respective SW management plans.

2. Formulation of the NSWMF 10-year SW plans by local government units;
3. Mandatory segregation of SW to be conducted at the source;
4. Setting of minimum requirements to ensure systematic collection and transport of wastes and the proper protection of garbage collectors' health;
5. Establishment of reclamation programs and buy-back centers for recyclable and toxic materials;
6. Promotion of eco-labeling and prohibition on non-environmentally acceptable products and packaging;
7. Establishment of Materials Recovery Facility (MRF) in every barangay or cluster of barangays;
8. Prohibition against the use of open dumps and setting of guidelines/criteria for the establishment of controlled dumps and sanitary landfills;
9. Provision of rewards, grants and incentives both monetary and non-monetary to encourage LGUs and the public to undertake effective SW management;
10. Promotion of research on SWM and environmental education in the formal and non-formal sectors.

RA 9729: Climate Change Act of 2009

RA 9729 aims to systematically integrate the concept of climate change in the policy formulation and development plans of all government agencies and units, to the end that the government will be prepared for the impact of climate change.

The law created the Climate Change Commission, composed of the President, as Chairperson, and three (3) commissioners to be appointed by the President, which is tasked to coordinate, monitor and evaluate the programs and action plans of the government relating to climate change. Government agencies have likewise been assigned their respective roles under RA 9729. For instance, the Department of Education is tasked to integrate climate change into the primary and secondary education curricula, including textbooks and other education materials. Government Financial Institutions are

allowed to provide preferential financial packages for climate change-related projects.

RA 9512: Environmental Awareness and Education Act of 2008.

It's an Act to promote environmental awareness through Environmental Education (EE) and covers the integration of EE in the school curricula at all levels, be it public or private, including day care, preschool, non-formal, technical, vocational, indigenous learning, and out-of-school youth courses or programs.

Section 6 of the Act says that the DepEd, CHED, TESDA, DENR, DOST and other relevant agencies, in consultation with experts on the environment and the academe, shall lead in the implementation of public education and awareness programs on environmental protection and conservation through collaborative interagency and multi-sectoral effort at all levels. It also declares November as the Environmental Awareness Month in the Philippines.



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