



HANDOUT #3

CE4113 ENVIRONMENTAL ENGINEERING

Friday: 1-4:00PM

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PHILIPPINE ENVIRONMENTAL LAWS AND REGULATIONS

A. GENERAL

1987 Philippine Constitution.

Article XII of the 1987 Constitution is explicit as far as the national economy and patrimony are concerned. The following provisions are relevant to the environment and natural resources area:

- a. The goals of the State are *“a more equitable distribution of opportunities, income and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged.”*
- b. Small-scale utilization of natural resources by Filipino citizens may be allowed.
- c. The State may enter into co-production, joint venture, or production-sharing agreements in the exploration, development and utilization of natural resources.
- d. The State shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being.

Republic Act No. 7160: The Local Government Code

The Local Government Code devolves to the local government units the functions which are being performed by line agencies of the Executive Department. For the Environment and Natural Resources sector, the following has been devolved:

- a. Implementation of community-based forestry projects which include integrated social forestry programs and similar projects.
- b. Management and control of communal forest with areas not exceeding fifty (50) square kilometers.
- c. Establishment of tree parks, greenbelts and similar forest development projects.
- d. Conservation of mangrove areas.
- e. Enforcement of pollution control laws; small-scaling mining; and other laws on the protection of the environment.

Presidential Decree (PD) No. 1151: Philippine Environmental Policy, June 6, 1977.

It requires sponsors of all government and private projects affecting the quality of the environmental to prepare an environmental impact assessment (EIA). Section 4 provides for the conduct of the Environmental Impact Assessment for projects or “undertaking which significantly affects the quality of the environment...”

PD No. 1151: Philippine Environment Code, June 6, 1977.

Established specific environmental management policies and prescribed environmental management and prescribed environmental quality standards. It requires land-use management regulating or enforcing agencies to consider significant environmental impacts as well as other aspects of locating industries.

Executive Order 192:

DENR Reorganization and creation of the Environmental Management Bureau, June 10, 1987

B. WATER

Commonwealth Act No. 383: September 5, 1983

An act to punish dumping into any river of refuse waste matter or substances of any kind whatsoever that may bring about the rise or filling in or river beds or cause artificial alluvial formation.

Republic Act (R.A.) No. 3931: June 18, 1964.

An act creating the national water and air pollution control commission.

Presidential Decree No. 1067 : December 31, 1976.

A decree instituting a water code, thereby revising and consolidating the laws governing ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources.

National Pollution Control Commission (NPCC) Rules and Regulations Relating to Water Pollution: 1978.

It covers the water quality criteria and the rules and regulations relating to water pollution control.

Presidential Decree No. 296:

Directing all persons to renounce possession and move out of portions of rivers, creeks, esteros, drainage channels and other similar waterways encroached upon.

Presidential Decree No. 424: March 28, 1974.

Creating a national water resources council to coordinate and integrate water resources development.

DENR Administrative Order No. 34: March 20, 1990.

This is revised water usage and classification/water quality criteria amending section Nos. 68 and 69, Chapter III of the 1978 NPCC Rules and Regulations

DENR Administrative Order No. 35: March 20, 1990.

Revised Effluent Regulation of 1990 and amending the effluent regulations of 1982. It provides effluent standards for toxic and other deleterious substance as well as conventional and other pollutants in the various categories of protected waters. Presents effluent discharges standard.

C. MARINE/FISHERIES

Presidential Decree No. 600: December 9, 1974

Prevention and Control of Marine Pollution. Policy to prevent and control pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines. Also, defines prohibited acts and penalties for violations.

Presidential Decree No. 602: December 9, 1974

Oil Pollution Operations Center in the Philippines Coast Guard Headquarters.

Presidential Decree No. 704: May 16, 1975.

Fisheries Decree of 1975, revising and Consolidating all laws and decrees affecting fishing and fisheries. As amended by Presidential Decree No. 1015 (September 22, 1976); further amended by Presidential Decree No. 1058, further amended by Presidential Decree No. 1819 (January 16, 1981)

Presidential Decree No. 979: August 18, 1976

Marine Pollution Decree of 1979, providing for the Revision of P.D. No. 600 governing marine pollution.

Philippine Coast Guard Memorandum Circular NR 02-77:

Rules and regulations for prevention, containment and control of marine pollution.

Presidential Decree No. 1219: October 14, 1977

Providing for the exploration, exploitation, utilization and conservation of coral resources.

D. POLLUTION/WASTE MANAGEMENT

Presidential Decree No. 984: August 16, 1976

Providing for the Revision of republic Act No. 3931, commonly known as known as the Pollution Control Law and for other purposes.

Presidential Decree No. 1160: June 8, 1977

Vesting authority in barangay captains to enforce pollution and environmental control laws and for other purposes.

Presidential Decree No. 1198: September 19, 1977

Requiring all individuals, partnerships or corporations engaged in the exploration development and exploration of natural resources or in the construction of infrastructure projects to restore or rehabilitate areas subject thereof or affected thereby to their original condition.

Presidential Decree No. 825: November 7, 1975

Providing Penalties for improper disposal of garbage and other forms of uncleanliness and for other purposes.

Presidential Decree No. 856: December 23, 1975

Code of Sanitation.

Letter of Instruction No. 549:

Inter-agency task force on proliferation of toxic substances, ordered the NEPC (National Environmental Protection Council) to organize an inter-agency task force to study the proliferation of toxic substances in the Philippines. Convened in 1980, task force identified the following areas where toxicants usually occur: (1) pesticides, (2) food additives, drugs and cosmetics ingredients, (3) radioactive substances, (4) heavy metals and (5) occupational hazards.

National Pollution Control Commission (NPCC):

Rules and Regulations Article 2, Chapter V, provides technical definitions as well as presents general prohibitions that are punishable and stipulates guidelines for disposal of solid, toxic and hazardous wastes, 1978.

Republic Act 6969:

Toxic substances and hazardous and nuclear wastes act of 1990.

DENR Administrative 29:

Implementing rules and regulations of Republic Act 6969.

E. AIR

Presidential Decree 1181:

Providing for the prevention control and abatement of air pollution from motor vehicles and for other purposes.

Letter of Instructions 551: June 7, 1977.

Specifying actions and programs of certain government agencies on air pollution control,.

DENR Administrative Order 14: March 18, 1993.

Revised air quality standards of 1992, revising and amending the air quality standards of 1978.

DENR Administrative Order 14-A: December 9, 1993.

Amendment to Administrative Order No. 14 series of 1993 and clarifying its coverage and scope.

F. ENVIRONMENTAL IMPACT STATEMENT SYSTEM

Presidential Decree No. 1151 Section 4: June 6, 1977

Mandated the requirement Environmental Impact Assessment stipulated that all agencies and instrumentalities of national government as well as private entities environment impact assessment studies, June 6, 1977.

Letter of Instruction No. 549: June 6, 1977.

Ordered the NEPC to establish administrative system for the evaluation of environmental impacts of projects undertaken by government and private entities. Directed NEPC organize and coordinate inter-agency task force for study major environmental threats.

Presidential Decree No. 1586: June 11, 1978.

Establishing an environmental impact statement system, including other environmental management related measures and for other purposes. Centralizes the EIS system under NEPC and authorizes the President and NEPC to proclaim projects and activities subject to the EIS system, June 11, 1978.

NEPC Memorandum: November 23, 1979.

Rules and Regulations implementing the Intent and Provisions of Presidential Decree No. 1586 establishing the environmental impact statement system in relation to the Presidential Decree No. 1151 promulgating the Philippine Environmental Policy.

Presidential Decree No. 2146: December 14, 1981.

Proclaiming certain areas and types of projects as environmentally critical and within the scope of the environmental impact statement established under Presidential Decree No. 1586.

Letter of Instruction No. 1179: December 14, 1981.

Authorized NEPC to issue Environmental Compliance Certificates (ECC) or to grant exemptions from the EIA system, December 14, 1981.

NEPC Office Circular No. 3:

Technical definitions and scope of the environmentally critical projects and areas enumerated in proclamation P.D. 2146.

NEPC Resolution 4: December 11, 1984.

Adopted rules and regulations to implement the EIS system, provided detailed guidelines for obtaining ECC. Define roles of various parties involved.

DAO No. 21: June 5, 1992

Amending the revised rules and regulations implementing P.D. 1586.

DAO No. 11: March 28, 1994.

Supplementing DENR Administrative Order No. 21 series of 1992 and providing for programmatic compliance within the environmental impact statement (EIS) system.

G. FORESTRY

Presidential Decree No. 705: May 19, 1975

Revising Presidential Decree No. 389, otherwise known as the forestry reform code of the Philippines.

Republic Act No. 3571: June 1, 1963

An act to prohibit the cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks, school premises or in any other public ground.

Act No. 3572: November 26, 1929.

An act prohibit the cutting of Tindalo, Akle or Molave Trees under certain conditions and to penalize violations thereof.

H. ENERGY

Republic Act No. 1815: June 22, 1957

Act creating the Philippine Nuclear Energy Commission or the Philippine Nuclear Energy Act of 1957.

Presidential Decree No. 508: July 16, 1974

Guidelines for the development and utilization o small deposits of natural marsh gas or methane.

Presidential Decree No. 1442:

An act to promote the exploration and development of geothermal resources.

Executive Order No. 172: May 8, 1987.

Creating the Energy Regulatory Board.

Executive Order No. 215: June 10, 1987

Amending P.D. No. 40 and allowing the private sector to generate electricity.

Executive Order No. 223: July 16, 1987

Vesting on the PNOC jurisdiction over watershed areas of geothermal reservations.

Executive Order No. 224: July 16, 1987

Vesting on NAPOCOR jurisdiction over watershed areas, July 16, 1987.

Letter of Instruction No. 752: October 16, 1978

Implementation of the Coal Development and Utilization Program.

Republic Act No. 7638:

Department of Energy Act of 1992.

Energy Reg. No. 1-94:

Rules and regulations implementing section 5 (1) of R.A. 7638.

I. MINING

Presidential Decree No. 463: May 17, 1974

A modernized system of administration, disposition and development of mineral lands.

Presidential Decree No. 705:

Provisions within the Forestry Code.

Executive Order No. 211: July 10, 1987

Interim procedures in the processing of applications for the exploration of minerals.

Executive Order No. 279: June 25, 1987

Authorizing the Secretary of Environment and Natural Resources to negotiate and conclude joint venture co-production.

Letter of Instruction No. 1264: March 17, 1982

Directing measures to safeguard the gold, other metals and copper industries.

Letter of Instruction No. 1363: November 1983

Actions for the long-term development of the mining sector.

Republic Act 7942: July 25, 1994

Philippine Mining Act of 1995.

J. OTHER CREATED ENVIRONMENTAL LAWS

DENR Administrative Order No. 96-37 :

This is the revised set of implementing rules and regulation for the EIS System. It highlights new features of the EIS system which strengthens its efficacy as a planning, management and regulatory tool for the national and local government agencies, the business sector and communities.

DENR Administrative Order No. 98-49:

Series of 1998, it is the technical guidelines for the municipal solid waste disposal. It provides the direct guidance to the LGU's in order to promote their adoption of environmentally-sound, technically-feasible and economically-sustainable solid waste management options, through standards and guidelines that could be consistently applied to different LGU's throughout the country.

DENR Administrative Order No. 98-50:

Series of 1998, it is the landfill site identification and screening criteria for LGU's (Local Government Unit) in the country.

Republic Act 8749: June 23, 1999

This is known as the Clean Air Act that bans almost all forms of garbage incineration and imposes higher emission standards on oil products to lower the amount of pollution they generate.

Republic Act 9275: March 2, 2004

This Act shall be known as the "Philippine Clean Water Act of 2004." This Act shall apply to water quality management in all water bodies: primarily applies to the abatement and control of pollution from land based sources further applies to the water quality standards and regulations and the civil liability and penal provisions under this Act shall be enforced irrespective of sources of pollution.

Republic Act 9003: December 20, 2000

This Act shall be known as the "Ecological Solid Waste Management Act of 2000". An act providing for an ecological solid waste management program, creating the necessary institutional mechanisms and incentives, declaring certain acts prohibited and providing penalties, appropriating funds therefor, and for other purposes.