

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'14 MAY 27 P4 57

SENATE
S.B. NO. 2247

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT INCREASING THE PENALTIES FOR VIOLATIONS OF THE TERMS AND
CONDITIONS OF ENVIRONMENTAL COMPLIANCE CERTIFICATE AMENDING
FOR THE PURPOSE PRESIDENTIAL DECREE 1586

EXPLANATORY NOTE

An Environmental Compliance Certificate (ECC) refers to the document issued by the Department of Environment and Natural Resources certifying that the project under consideration will not bring about an unacceptable environmental impact and that the proponent has complied with the requirements of the environmental impact statement system. An ECC contains various terms and conditions which are intended to protect the environment.

Presidential Decree No. 1586 is the basic law governing an ECC. Notwithstanding its strict terms and conditions, several violations of the law have taken place since its enactment. A review of the law reveals that part of the reason may be due to its relatively light monetary fines and penalties that the law imposes for violation of the terms of an ECC. There is a need to ensure that the law is taken seriously.

Moreover, the law has to be clarified to ensure that the violator of the ECC is made liable for all natural and foreseeable consequences of its violation.

For the above reasons, the passage of this bill is earnestly recommended.

MARIA LOURDES NANCY S. BINAY
Senator

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2 CONDITIONS OF ENVIRONMENTAL COMPLIANCE CERTIFICATE AMENDING
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6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled:*
8

9 SECTION 1. Section 9 of Presidential Decree 1589 is hereby amended to read as follows:
10

11 **Section 9. Penalty for Violation.** Any person, corporation or partnership found
12 violating Section 4 of this Decree, or the terms and conditions in the issuance of the
13 Environmental Compliance Certificate, or of the standards, rules and regulations
14 issued by the National Environmental Protection Council pursuant to this Decree
15 shall be punished by the suspension or cancellation of his/its certificate or and/or a
16 fine in an amount not [to exceed Fifty Thousand Pesos (P50,000.00)] LESS THAN
17 FIVE MILLION PESOS (PHP5,000,000.00) BUT NOT TO EXCEED FIFTEEN
18 MILLION PESOS (P15,000,000.00) for every violation thereof, at the discretion of
19 the National Environmental Protection Council.
20

21 IN ADDITION TO ITS LIABILITY IN THE PRECEDING PARAGRAPH AND
22 SUCH OTHER LIABILITIES AS MAY BE ESTABLISHED UNDER OTHER
23 SPECIAL LAWS; ANY PERSON, CORPORATION OR PARTNERSHIP FOUND
24 VIOLATING SECTION 4 OF THIS DECREE OR THE TERMS AND
25 CONDITIONS IN THE ISSUANCE OF THE ENVIRONMENTAL COMPLIANCE
26 CERTIFICATE, SHALL BE OBLIGED TO SHOULDER THE FULL COST OF
27 THE REHABILITATION, REPARATION OR RESTORATION OF THE
28 DAMAGES CAUSED BY ITS VIOLATION.
29

30 SECTION 2. *Separability Clause.* If any provision or part of this Act, or the application
31 thereof to any person or circumstance be held unconstitutional or be invalid, such parts not
32 affected thereby shall remain in full force and effect.
33

34 SECTION 3. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and
35 regulations and other issuance of parts thereof, inconsistent with the provisions of this Act are
36 hereby repealed or modified accordingly.

1 SECTION 4. *Effectivity.* This Act shall take effect fifteen (15) days after its complete
2 publication in at least two (2) newspapers of general circulation.

3

4 Approved,