



**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)**
First Regular Session)

'22 JUL -7 P2 :44

SENATE
S.B. No. 114

RECEIVED BY: _____

Introduced by Senator Maria Lourdes Nancy S. Binay

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

EXPLANATORY NOTE

Section 16, Article II of the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. This bill seeks to create an Environmental Protection and Enforcement Bureau (EPEB) under the Department of Environment and Natural Resources for the furtherance of the right of the people to a balanced and healthful ecology.

The Philippines is a biodiversity hotspot as it contains two-thirds of the world's biodiversity in its isolated archipelagic topography, which makes it extremely vulnerable to threats and exploitation of its natural resources. Forest covers, mangrove areas, and our reefs, which house our endemic flora and fauna, are depleting daily and will continue to decrease if we do not actively protect it.

Illegal logging, wildlife trade, and improper disposal of hazardous waste are just some of the many problems our environment face, which hinder the natural equilibrium that we want to achieve. As a crime against the environment is a crime against all, it is necessary to strengthen the enforcement of environmental laws and regulations so that our children and our children's children may live to see and nurture the Philippine plants and animals which make up our unique ecosystem.

In view of the foregoing, the passage of this measure is earnestly sought.

MARIA LOURDES NANCY S. BINAY



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1 **AN ACT CREATING THE ENVIRONMENTAL PROTECTION AND**
2 **ENFORCEMENT BUREAU (EPEB) UNDER THE DEPARTMENT**
3 **OF ENVIRONMENT AND NATURAL RESOURCES (DENR),**
4 **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 House of Representatives of the Philippines in*
9 *congress assembled:*

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

13
14 SEC. 2. *Declaration of Policy.* - It is the policy of the State to:

- 15
16 (a) Maintain an effective, competent, modern current and highly-
17 trained enforcement body to address violations of environment and
18 natural resources laws, rules, and regulations in order to protect
19 and advance the right of the people to a balanced and healthful
20 ecology in accord with the rhythm and harmony of nature;
21
22 (b) Strengthen and professionalize environment and natural
23 resources protection and law enforcement with appropriate
24 structure, science and technology, manpower, and capability;
25
26 (c) Formulate plans and programs relative to environment and
27 natural resources protection to enhance and modernize
28 capacities to address all types of environmental crimes,
29 including transnational/transboundary violations, taking
30 cognizance of the worsening global environmental situation;
31
32 (d) Promote shared duties and responsibilities, and capacitate other
33 law enforcement agencies and local government units on
34 environmental law enforcement; and

- 1 (e) Ensure fair, swift, and certain enforcement of environmental
2 laws.

3
4 SEC. 3. *Definition of Terms.* - As used in this Act, the following terms and
5 phrases shall mean as follows:

- 6
7 (a) *Abatement* - refers to a legal document issued by the Bureau, its
8 officers and enforcers, ordering the suspension or cessation, in
9 whole or in part, or removal of a problem or nuisances, which is
10 against environment and natural resources laws committed in
11 prohibited areas, and/or other public areas, where such act is
12 prohibited.
- 13
14 (b) *Bureau* - refers to the Environmental Protection and Enforcement
15 Bureau.
- 16
17 (c) *Cease and Desist Order (CDO)* - refers to an order duly issued by
18 the Secretary or the Bureau directing or enjoining any person,
19 business or organization, or government agency, to stop or
20 continue doing an act considered harmful or illegal and/or in order
21 to protect, preserve or rehabilitate the environment. A CDO may be
22 permanent, for specified period of time, or until a final
23 administrative or judicial determination of its legality occurs.
- 24
25 (d) *Confiscation* - refers to the act of taking in favor of the government,
26 real or personal property, from a person without payment or
27 compensation in an administrative proceeding.
- 28 (e) *Custody* - refers to temporary holding or safekeeping of any
29 evidence obtained or seized in an enforcement operation conducted
30 by, or with the participation of the Bureau, while a case is pending
31 before any administrative body or the courts.
- 32
33 (f) *Department* - refers to the Department of Environment and Natural
34 Resources (DENR).
- 35
36 (g) *Emergency* - as used in this Act emergency occurs when there is a
37 demonstrated impending threat to human life, biodiversity, or
38 irreparable damage to the integrity and stability of the ecosystem.
- 39
40 (h) *Enforcement areas* - refers to any geographic area in the
41 Philippines where priority enforcement response is needed.
- 42
43 (i) *Forensic* - refers to the application scientific methods of analyzing
44 evidence and samples for purposes of criminal, civil, or
45 administrative procedure.

- 1 (j) *Impoundment* - the taking into custody of private property, such as
2 a vehicle, facility or implements, by government action with custody
3 documentacion pending the outcome of a criminal prosecution
4 under this Act.
5
- 6 (k) *Prohibited area* - refers to areas explicitly prohibited or deemed by
7 law to be free from human habitation or interference such as, but
8 not limited to, water easements, areas identified as geo-hazard
9 zones, or in any other prohibited zones within protected areas
10 including strict protection zones, multiple use zones, and buffer
11 zones, or areas designated under disaster risk reduction and
12 management plan of LGUs as hazard prone areas.
13
- 14 (l) *Regulated community* - refers to all persons, businesses or
15 organizations, or government agencies or instrumentalities of the
16 government whose use, utilization, exploitation, development,
17 management, conservation and protection of environment and
18 natural resources are governed under the administrative authority
19 of the Department.
20
- 21 (m) *Secretary* - refers to the Secretary of the Department of
22 Environment and Natural Resources (DENR).
23
- 24 (n) *Seizure* - as used in this Act, seizure refers to the taking by
25 enforcement officers of potential evidence from a person who is
26 suspected of violating environmental laws, rules and regulation.
27 Seizure of evidence may be done by virtue of a search warrant, or
28 on the occasion of a warrantless arrest or warrantless search.
29
- 30 (o) *Strategic Lawsuit Against Public Participation (SLAPP)* - as used in
31 this Act the defense of SLAPP shall be available to Bureau enforcers
32 and those they have deputized, complainants, and witnesses. This
33 remedy is available even during preliminary investigation and
34 relevant administrative cases. The Bureau shall provide sufficient
35 assistance for those enforcers, deputies, complainants, and
36 witnesses charged with SLAPP suits.
37
- 38 (p) *Transnational or transboundary violations* - refers to a continuing
39 offense in contravention of both environmental laws and
40 international treaties and conventions on environment to which the
41 Philippines is a signatory. An act is deemed a continuing offense
42 when the act may be prosecuted and tried not only in the court or
43 administrative bodies of the place where it began, but also in the
44 court or administrative bodies of the place where part of the offense
45 was continued or consummated.

1 (q) *Wildlife Trafficking* - refers to transportation and/or transshipment
2 of wildlife, wildlife by-products or derivatives, from, to, or through
3 the Philippines.
4

5 SEC. 4. *Creation*. - There is hereby created the Environmental Protection and
6 Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency
7 under the Department.
8

9 This Act shall transfer and consolidate all enforcement functions performed by
10 different Bureaus and attached agencies of the Department and those that may be
11 created hereafter.
12

13 The Bureau shall exercise concurrent enforcement authority with agencies
14 having jurisdiction under other laws.
15

16 SEC. 5. *Jurisdiction*. - The Bureau shall carry out environmental law
17 enforcement functions in the entire Philippine archipelago including air space,
18 territorial waters, exclusive economic zones, continental shelf, and other areas
19 where the Philippines exercises sovereignty and sovereign rights, or jurisdiction,
20 in accordance with Philippine and international laws. It shall be under the control
21 and supervision of the Secretary.
22

23 SEC. 6. *Powers and Functions*. - The Bureau has the power and authority to:
24

- 25 (a) Enforce, interdict ongoing violations, arrest, investigate, and
26 prosecute all violations of environmental and natural resources laws,
27 rules, and regulations, including those over which other agencies
28 exercise jurisdiction;
29
- 30 (b) Take custody of all seized and confiscated items, implements,
31 conveyances, tools, and equipment;
32
- 33 (c) Initiate the filing of appropriate cases and/or proceedings;
34
- 35 (d) File the appropriate cases in court in consultation with the National
36 Prosecution Service when necessary, and in coordination with the
37 Office of the Ombudsman in cases involving government officials and
38 employees;
39
- 40 (e) Execute decisions and dispose of confiscated items in administrative
41 cases pertaining to environment and natural resources violations, and
42 in court cases as may be directed by the court;
43
- 44 (f) Call on the Department of Justice (DOJ), Philippine National Police
45 (PNP), Armed Forces of the Philippines (AFP), the National Bureau of
46 Investigation (NBI), other government law enforcement agencies,
47 including government-owned and/or-controlled corporations, to aid
48 in the enforcement of laws against environmental crimes;

- 1
2 (g) Conduct intelligence operations and forensics investigation in
3 furtherance of the foregoing powers and functions;
4
5 (h) Issue subpoena for the appearance of any person for investigation or
6 production of any documents, through its officers from the ranks of
7 Director-General, Deputy Director, Directors for Enforcement,
8 Investigation and/or Legal Services, and Regional Director, and cite
9 in contempt any person who violates or disobeys orders and
10 processes duly issued by the Bureau;
11
12 (i) Accept in the name of the Philippine Government, funds or financial
13 assistance for immediate disbursements or other property in the
14 interest of, or as may be necessary to carry out its functions, and
15 which shall be properly allocated and utilized directly and exclusively
16 for environmental protection and enforcement;
17
18 (j) Establish and maintain coordination mechanisms with other law
19 enforcement agencies locally and internationally;
20
21 (k) Develop enforcement systems and strategies based on best practices
22 and using the most advanced and reliable technologies;
23
24 (l) Impose administrative fines/citations for in-flagrante violations of
25 environment and natural resources laws, rules and regulations
26 pursuant to schedule of fines to be issued by the Office of the
27 Secretary;
28
29 (m) Maintain database of all relevant information such as, but not limited
30 to, environmental cases, environment-related incidents, permittees,
31 licensees, park and forest occupants, tenured migrants, and scientific
32 research data and information;
33
34 (n) Issue and implement Cease and Desist Order, Closure Order, Notice
35 of Violation, and Abatement Order in the exercise of its administrative
36 powers pursuant to pertinent rules and regulations issued by the
37 Department;
38
39 (o) Formulate and implement policies, guidelines, and programs
40 necessary to effectively carry out its mandate; and
41
42 (p) Perform other related functions as the Secretary of the Department
43 may assign.
44

45 Nothing herein shall prevent other law enforcement agencies from exercising
46 jurisdiction over violations of environmental laws, rules and regulations. Provided
47 that, once the Bureau takes cognizance of the aforementioned violations, the Bureau

1 shall take the lead and other law enforcement agencies shall collaborate and render
 2 assistance.

3
 4 **SEC. 7. Organizational Structure.** - The Bureau shall be organized into the Office
 5 of the Director-General, Deputy Director-Generals for Operations and for
 6 Administration, Division Chiefs for Enforcement, Investigation and Legal, Finance and
 7 Logistics, Administrative and Human Resource, Planning and Knowledge Information
 8 Service, and Forensic Laboratory. Each service shall be composed of the necessary
 9 divisions and sections. The Bureau shall establish regional offices composed of district
 10 offices to cover designated enforcement areas. Field units may be established as
 11 needed to work with the PENR and/or CENR offices, or clusters thereof.

12
 13 The Bureau's personnel and their respective positions and rank shall have
 14 appropriate staffing complement, as follows:
 15

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 for 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

1 SEC. 8. *Forensic Laboratory.* - The Bureau shall establish and maintain an up-
 2 to-date forensic laboratory to be headed by a Director and supported by as many
 3 sections as may be deemed necessary, which may include chemical and toxicology,
 4 genetics, criminalistics, veterinary, morphology, and digital. The Forensic Laboratory
 5 may be composed of the following staffing complement:
 6

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 on Geology	Section Chief	SG 22
Senior Computer Programmer and Information Technology Officer	ENRE Officer IV	SG 19
Analyst III	ENRE Officer III	SG 16
Analyst II	ENRE Officer II	SG 13
Analyst I	ENRE Officer I	SG 11

7
 8 SEC. 9. *Environment and Natural Resources Law Enforcement*
 9 *Academy.* - The DENR shall establish an Environmental and Natural Resources Law
 10 Enforcement Academy which shall be responsible for the recruitment, development
 11 and conduct of basic and advanced-level environmental law enforcement training
 12 course, and continuing skills enhancement of all Bureau enforcers and personnel.
 13 The Academy shall provide other Philippine law enforcement agencies and
 14 institutions high-quality standardized trainings on environmental law enforcement,
 15 including local governments.
 16

17 SEC. 10. *Powers and Functions of the Director General.* - The Director
 18 General shall have access to all official records of the Government and the
 19 regulated communities of the Department in the furtherance of his/her duties and
 20 responsibilities, and shall perform the following powers and functions:
 21

- 22 (a) Direct, control and administer the operations of the Bureau, and
 23 deploy any of its officials and operatives for missions;
- 24 (b) Formulate policies, guidelines, programs and projects to
 25 implement this law and recommend policies that would enable the
 26 Bureau to take additional necessary measures in exercising its
 27 powers;
 28

- 1 (c) Develop a system and allocate funds for informant's rewards and
2 whistle blower protection;
3
- 4 (d) Recommend and/or direct appropriate agencies to effect
5 emergency containment and remediation measures in relation to
6 violations of environment and natural resources laws, rules, and
7 regulations;
8
- 9 (e) Initiate and strategize training and deputation of environmental
10 law enforcement officers and, whenever practicable their
11 consolidation and organization in accordance with existing laws,
12 rules and regulations;
13
- 14 (f) Designate and/or authorize the use informants for investigative
15 purposes including the hiring of consultants, subject to pertinent
16 laws, rules and regulations, as may be required;
17
- 18 (g) Issue mission orders and permits to carry duly-issued agency
19 firearms of its organic personnel or other duly deputized officers
20 who are conducting or assisting in investigation and enforcement
21 operations;
22
- 23 (h) Ensure proper inventory, identification and impoundment of
24 confiscated and/or forfeited objects, implements, and
25 conveyances;
26
- 27 (i) Create and/or abolish divisions/units and positions within the
28 Bureau that may be required for the expeditious, effective and
29 efficient discharge of its duties and responsibilities; and remove,
30 suspend, or otherwise discipline Bureau officials, enforcers and
31 personnel for causes provided under the Civil Service Rules and
32 Regulations and other pertinent laws, rules and regulations,
33 subject to the approval by the Secretary; and
34
- 35 (j) Perform other acts that are necessary, proper or incidental to the
36 performance of his duties and responsibilities as may be assigned
37 by the Secretary.
38

39 SEC. 11. *Powers and Functions of Bureau Officers and Enforcers.* - The
40 members of the Bureau shall be peace officers, and as law enforcers, shall
41 have the following additional powers and functions:
42

- 43 (a) To detect, interdict, and investigate any environmental
44 violations and to make arrests, searches and seizures in
45 accordance with existing laws, rules and regulations;

- 1 (b) To seize and initiate confiscation proceedings for prohibited
2 items including objects, implements, and conveyances used in
3 the violation of environmental law, as provided for by
4 applicable laws, rules and regulations, and to inventory said
5 items;
6
7 (c) To take and require sworn affidavits of person or persons
8 summoned in connection with cases under investigation and to
9 administer oaths in cases under investigation, subject to
10 limitations imposed by the Constitution and laws, rules and
11 regulations;
12
13 (d) To carry suitable and adequate agency-issued firearms for
14 enforcement operations and personal security;
15
16 (e) To have access to all official records of the Government and
17 the regulated community, where such records relate to their
18 official functions under this law; and
19
20 (f) To perform such other functions as may be assigned by the
21 Bureau.
22

23 SEC. 12. *Benefits and Privileges.* - The Bureau shall provide its personnel
24 with the following benefits:
25

- 26 (a) Health care services or insurance for all its regular personnel;
27
28 (b) Accident insurance for all its employees and deputized officers;
29
30 (c) Hazard pay, subject to existing laws, rules and regulations; and
31
32 (d) Access to a legal assistance and support fund.
33

34 SEC. 13. *Inter-agency Environmental Enforcement Coordination.* - The
35 Bureau shall establish and maintain close coordination, cooperation and
36 linkages with national and international coordinative bodies, multi-lateral
37 agencies, and organizations that address environmental crimes.
38

39 SEC. 14. *Stakeholder's Engagement/Peoples' Participation.* - Active and
40 direct participation of national government agencies (NGAs), local government
41 units (LGUs), academe, media, people's organization (POs), non-governmental
42 organizations (NGOs), including the citizenry, shall be encouraged. The Bureau
43 shall take measures to ensure responsiveness and feedback mechanisms for
44 maximum participation, engagement, and transparency.

1 SEC. 15. *Strategic Lawsuit Against Public Participation (SLAPP) in the*
2 *Enforcement of this Act.* - The defense of SLAPP as defined by existing laws
3 shall be available to Bureau enforcers and those they have deputized,
4 complainants, and witnesses. This remedy is available even during
5 preliminary investigation and relevant administrative cases. The Bureau shall
6 provide sufficient assistance for those enforcers, deputies, complainants,
7 and witnesses charged with SLAPP suits.

8
9 The Rules of Procedure for Environmental Cases shall govern the
10 procedure in civil, criminal, and special civil actions involving the
11 enforcement or violations of this Act, including actions treated as a SLAPP
12 as provided in this section.

13
14 SEC. 16. *Prohibition on the Issuance of Temporary Restraining Orders,*
15 *Preliminary Injunctions, and Preliminary Mandatory Injunctions.* - No court,
16 other than the Supreme Court, shall issue injunction or restraining order
17 against the Department and Bureau in the lawful enforcement of
18 environmental and natural resources laws.

19
20 SEC. 17. *Assaults against Environment and Natural Resources*
21 *Enforcement Officers and Deputies.* - Any person, and persons whether
22 natural or juridical, who, shall attack, employ force or seriously intimidates
23 any environment and natural resources enforcement officer or his deputies,
24 while engaged in the performance of official duties, or on the occasion of
25 the performance of such duties shall be charged with direct assault under
26 the Revised Penal Code.

27
28 The penalties of indirect assault as defined under the Revised Penal
29 Code shall be imposed upon any person coming to the aid of the environment
30 and natural resources enforcement officer or his deputy in the enforcement
31 of his duties.

32
33 SEC. 18. *Administrative Adjudication.* - The Secretary is authorized to
34 organize and standardize administrative adjudication mechanisms to impose
35 fines and other penalties provided for under existing laws, rules, and
36 regulations and cause the issuance of procedural rules and regulations as
37 may be appropriate.

38
39 SEC. 19. *Power to Issue Cease and Desist Orders and to Summarily*
40 *Abate Without the Necessity of Judicial Order.* - The Bureau may, subject to
41 the requirements of administrative due process, issue cease and desist
42 order/s, and to summarily eject any person and/or issue abatement order,
43 removal, dismantling, or demolition of any illegal structures from a
44 prohibited area, without the necessity of judicial order.

1 Provided, that in cases of emergency, the Bureau may order the
2 immediate exit or departure of the offender from the prohibited area. The
3 Bureau may call on other enforcement agencies to assist in executing the
4 order to vacate.
5

6 *SEC. 20. Authority of the Director-General of the Bureau or the Duly*
7 *Authorized Representative to Issue Notice of Violation and Seizure Order.* -
8 In all cases of violations of environmental laws, rules and regulations, the
9 Director-General or his duly authorized representative, may, in appropriate
10 cases, issue notices of violation and order the seizure of any property subject
11 of the offense, including conveyances, implements, tools and equipment
12 used in the commission of the offense.
13

14 *SEC. 21. Funding Source and Appropriation.* - The funds required for
15 the implementation of this Act shall be taken from the General Appropriations
16 Act (GAA) and may be augmented from the following:
17

- 18 (a) Integrated Protected Area Fund (IPAF);
- 19
- 20 (b) Environmental and user fees;
- 21
- 22 (c) EPIRA;
- 23
- 24 (d) Road users' tax; and
- 25
- 26 (e) Administrative fines and penalties.
27

28 Provided, that, all funds collected shall be pooled together as a single
29 account that will cover all operational expenses.
30

31 *SEC. 22. Transitory Provisions.* - All unexpended appropriations, real
32 and personal properties, documents, records and other papers related to
33 enforcement which are kept and/or managed by enforcement divisions,
34 sections and units of the Department and attached agencies shall be
35 transferred to the Bureau.
36

37 All incumbent officials and personnel currently assigned and/or
38 designated at the regional enforcement divisions, PENR enforcement
39 sections, or CENR enforcement units who have undergone the mandatory
40 training on enforcement as provided under this Act may continue to serve as
41 an officer or enforcer of the Bureau, or choose to be reassigned in non-
42 enforcement offices or Bureaus of the Department.
43

44 All incumbent enforcement officials, enforcers and personnel of the
45 Department, Bureaus, and attached agencies who have undergone the
46 mandatory training on enforcement as provided under this Act may serve as
47 officer or enforcer of the Bureau, or choose to be reassigned in non-
48 enforcement functions or offices of the said agencies.

1 All incumbent enforcement officials, enforcers and personnel of the
2 Palawan Council for Sustainable Development (PCSD) and BARMM shall be
3 trained under the Bureau as part of the one-system approach.
4

5 SEC. 23. *Implementing Rules and Regulations.* - The Department, in
6 consultation with concerned government agencies and stakeholders, shall
7 promulgate the implementing rules and regulations of this Act, within six (6)
8 months from the effectivity of this Act.
9

10 SEC. 24. *Separability Clause.* - If any portion of this Act is declared
11 unconstitutional or invalid, the portions or provisions which are not affected
12 shall continue to be in full force and effect.
13

14 SEC. 25. *Repealing Clause.* - All laws, decrees, executive orders and
15 rules and regulations or parts thereof which are inconsistent with this Act
16 are hereby repealed or modified accordingly.
17

18 SEC. 26. *Effectivity Clause.* - Notwithstanding the non-issuance of the
19 implementing rules and regulations, this Act shall take effect fifteen (15) days after
20 its publication in the Official Gazette or in at least two (2) national newspapers of
21 general circulation.

Approved,