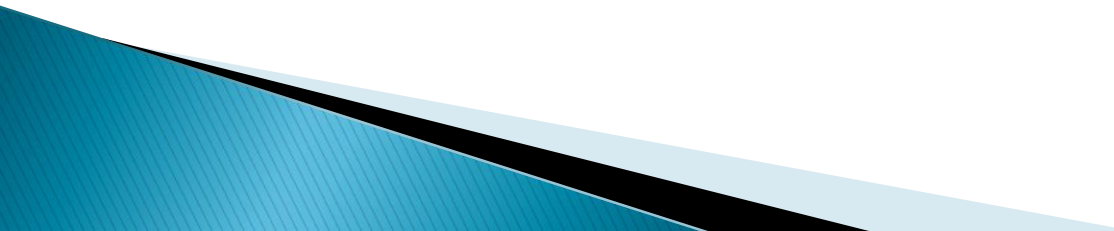
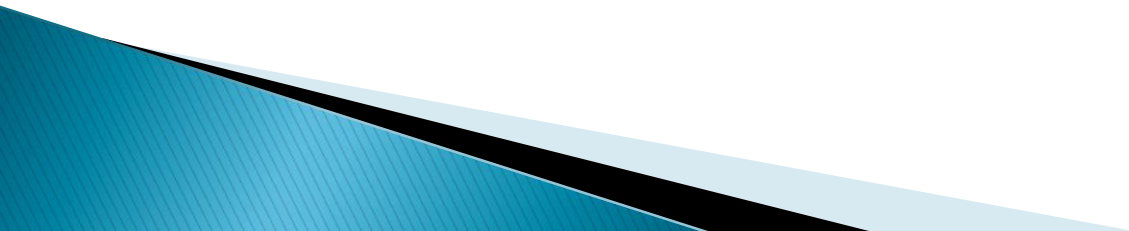
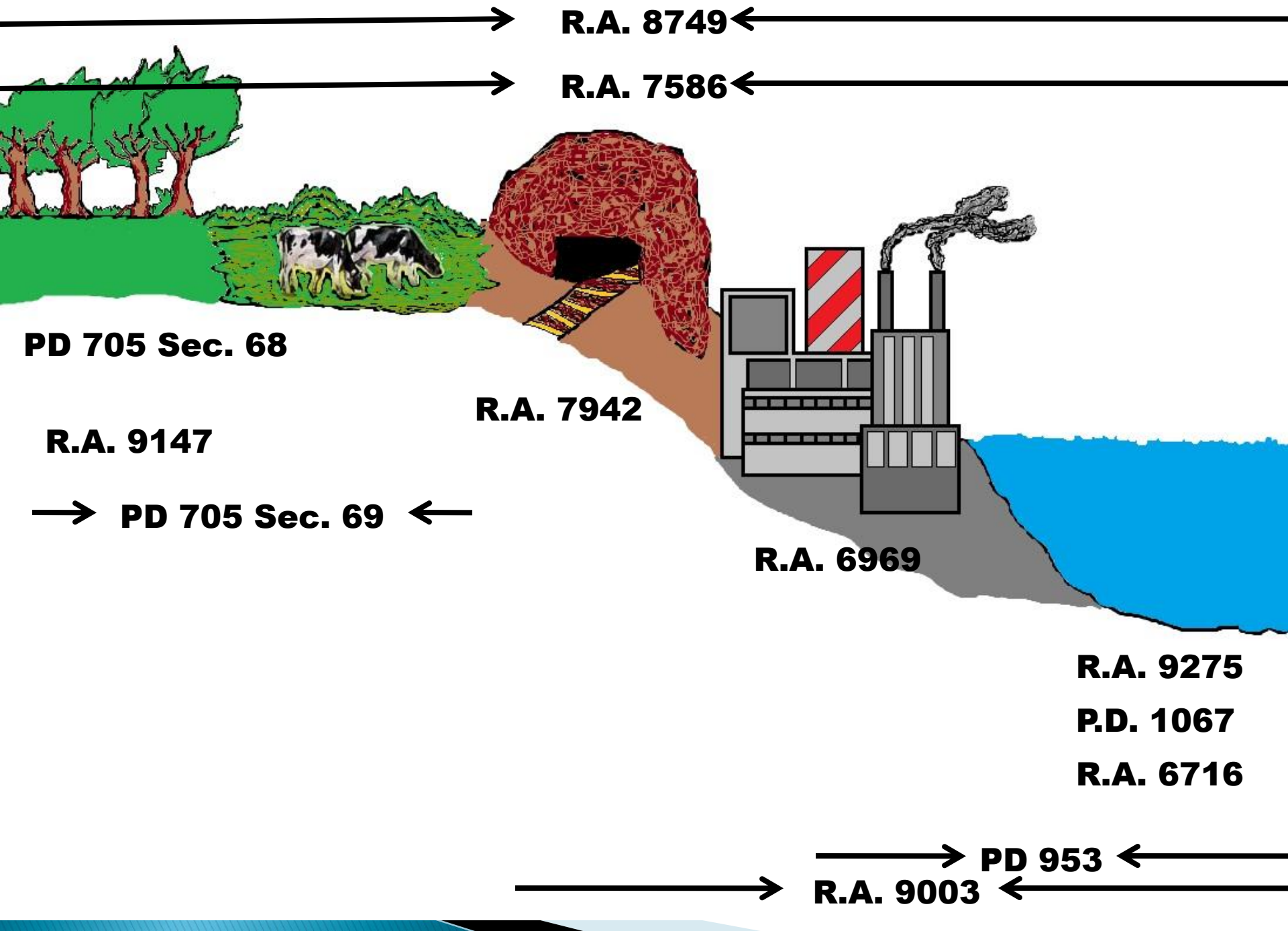


▶ THE ENVIRONMENTAL POLICY LANDSCAPE OF THE PHILIPPINES

- ▶ Atty. ELEN O. PERALTA
 - ▶ Chair, Department of Social Forestry and
Forest Governance & Affiliate Faculty of
SESAM, UPLB–CFNR, Los Banos, Laguna
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ENVIRONMENTAL POLICY LANDSCAPE OF THE PHILIPPINES





R.A. 8749

R.A. 7586

PD 705 Sec. 68

R.A. 9147

PD 705 Sec. 69

R.A. 7942

R.A. 6969

R.A. 9275

P.D. 1067

R.A. 6716

PD 953

R.A. 9003

Natural Resources Laws	Prohibitions
Pres. Decree 705 as amended (Revised Forestry Code of the Philippines)	Section 68 - Cutting, gathering and or collecting timber or other forest products from the public forest or private land without license (PD 705 as amended by EO 273/EO 277)
	Section 69 - Unlawful occupation or destruction of forest lands and grazing lands
<i>THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM ACT (NIPAS ACT)</i> (Rep. Act No. 7586)	Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived there from without a permit from the Management Board
	Dumping of any waste products detrimental to the protected area, or the plants or animals or habitats therein
Pres. Decree No. 953 – July 6, 1976	This law requires the planting of trees on lands adjoining a river or creek extending at least five meters from the edge of the bank of river or creek.

**Rep. Act No. 7942 dated March 3,
1995 Phil. Mining Act**

The following areas are closed to mining:
Near or under public or private buildings, cemeteries, archeological and historic sites, bridges, highways, waterways, railroads, reservoirs, dams or other infrastructure projects, public or private works including plantations or valuable crops, except upon written consent of the government agency or private entity concerned.

Wildlife resources	Prohibitions
<p>Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act) dated July 30, 2001.</p>	1) Killing and destroying wildlife
	2) Effecting of the following acts in critical habitats:
	3) Unauthorized introduction, reintroduction or restocking of wildlife resources.
	4) Unauthorized trading of wildlife.
	5) Unauthorized collecting, hunting or possessing wildlife, their by-products and derivatives.
	6. Unauthorized gathering or destroying of active nests, nest trees, host plants and the like.
	7. Maltreating and/or inflicting other injuries not covered by the preceding paragraph.
	8. Unauthorized transporting of wildlife.

Water Resources

Pres. Decree 1067 – Water Code of the Philippines

Prohibitions

No excavation for the purpose of emission of a hot spring or for the enlargement of the existing opening thereof shall be made without prior permit.

Any person or agency who intends to develop a hot spring for human consumption must first obtain a permit from the Department of Health.

No person shall develop a stream, lake, or spring for recreational purposes without first securing a permit from the Council.

No person shall induce or restrain rainfall by any method such as cloud seeding without a permit from the proper government agency.

No person shall raise or lower the water level of a river stream, lake, lagoon, or marsh nor drain the same without a permit.

Drainage systems shall be so constructed so that their outlets are rivers, lakes, the sea, natural bodies of water, or such other water course as may be approved by the proper government agency.

Water Resources

Rep. Act No. 9275 – Phil. Clean Water Act of 2004

Prohibitions

Applies to water quality management in all water bodies; abatement and control of pollution from land-based sources; and enforcement of water quality standards and regulations, civil liability and penal provisions irrespective of source of pollution.

Implementation of wastewater charge system in all management areas including the Laguna Lake Region and Regional Industrial Centers through the collection of wastewater charges/fees.

Requirement of discharge permits for owners or operators of facilities that discharge regulated effluents.

Requirement for environmental guarantee fund (EGF) to finance the maintenance of the health of the ecosystems and especially the conservation of watersheds and aquifers affected by the development.

Obligation of any person who causes pollution in or pollutes water bodies to contain, remove and clean-up any pollution incident at his own expense.

Water Resources

Prohibited Acts:

PRESIDENTIAL DECREE NO. 979 – Marine Pollution Decree of 1976

Discharge of oil, noxious gaseous and liquid substances and other harmful substances from any ship or vessel into the territorial and inland navigable waters of the Philippines.

Throw, discharge or deposit, or dump from any ship, barge, or vessel of any kind, or from the manufacturing establishment, any refuse matter of any kind or description in a liquid state into tributary of any navigable water.

Deposit any material in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, whereby navigation may be impeded or obstructed or increase the level of pollution of such water

Water resources

Rep. Act 6716 – An Act Providing for the Construction of Water Wells, Rainwater Collectors ...

Prohibitions

The DPWH shall undertake the construction of water wells, rainwater collectors, development of springs, and rehabilitation of existing water wells in all barangays in the Philippines in such number as may be needed and feasible, taking into consideration the population, hydrologic conditions, costs of project development and operations...

Air

Rep. Act No. 8749 – Phil. Clean Air Act of 1999

Prohibitions

This law invokes the principles that:

(a) the responsibility of cleaning the habitat and environment is primarily area-based;

(b) polluters must pay; and

(c) a clean and healthy environment is for the good of all and should therefore be the concern of all.

Ban on Incineration – burning of municipal, bio-chemical and hazardous wastes

Prohibits smoking inside a public building or an enclosed public place including public vehicles and other means of transport or in any enclosed areas.

Prohibition on the manufacture, import and sale of leaded gasoline and of engines and/or components requiring leaded gasoline.

Phasing out of ozone-depleting substances.

Wastes	Prohibitions
Rep. Act No. 6969 – Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.	Regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment
	Prohibit the entry of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose.

Rep. Act No. 9003 – Ecological Solid Waste Management Act of 2000

LGUs – primarily responsible for the implementation and enforcement of this law.

Segregation and collection of solid waste – at the barangay level specifically for biodegradable, compostable and reusable wastes.

Collection of non-recyclable materials and special wastes – responsibility of the municipality or city.

Prohibits: (a) Establishment and operation of open dump;

(b) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;

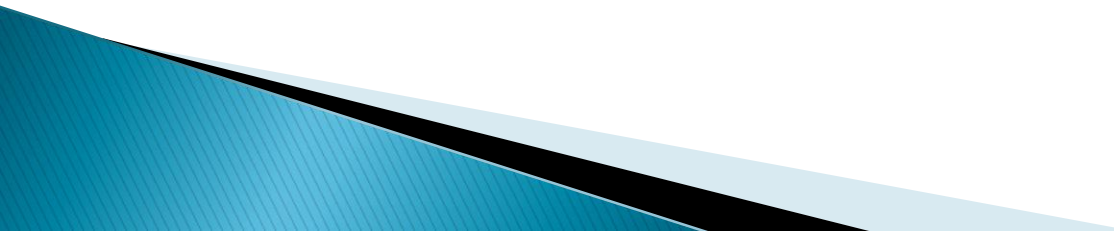
(c) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;

and (d) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir on watershed area and/or any portions thereof.

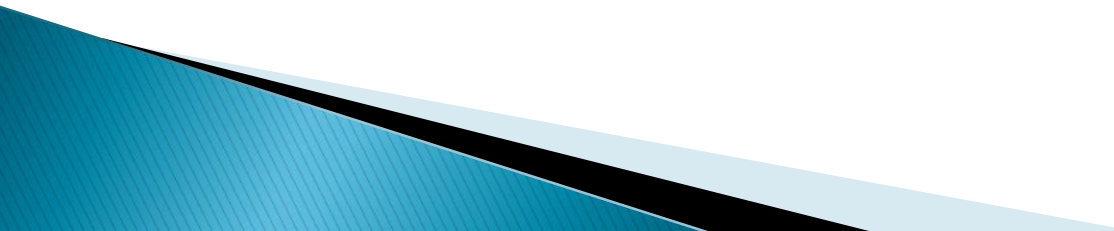
EMPOWERING THE PEOPLE

- ▶ Citizens' participation through citizen's suits is now provided to highlight the accountability mechanism of our environmental laws.
- ▶ The Phil. Clean Air Act and the Ecological Solid Waste Management Act both specified citizen's suits wherein any citizen may file an appropriate civil, criminal, or administrative action in the proper courts/bodies.

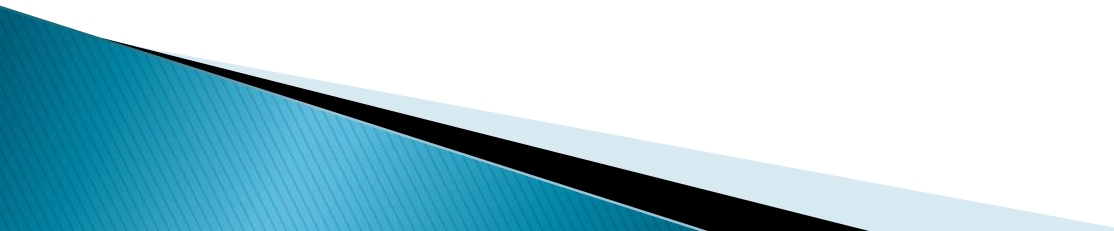
EMPOWERING THE PEOPLE

- ▶ The recent jurisprudence in **MMDA, et. al. versus Concerned Residents of Manila Bay** (G.R. Nos. 171947–48 dated December 18, 2008) typifies how citizens compel the authorities to perform their duties under our environmental laws.
 - ▶ The issue is the clean-up, rehabilitation, and protection of the Manila Bay.
- 

What is the Writ of Kalikasan?

- ▶ A remedy aimed to:
 - ▶ a) stop the commission of acts which result to environmental damage.
 - ▶ b) protect, preserve, rehabilitate or restore the environment.
 - ▶ c) monitor strict compliance
 - ▶ d) make periodic reports
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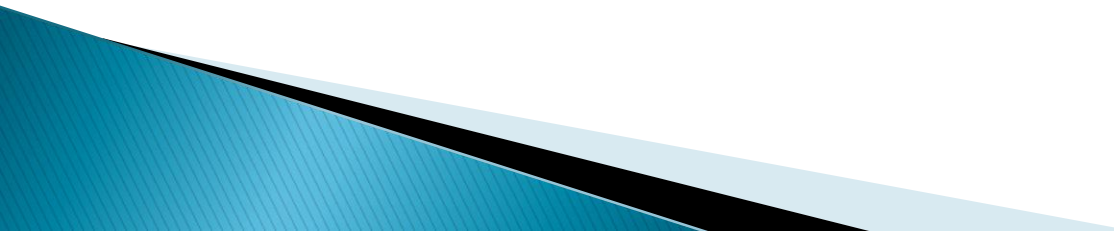
Who can avail of the Writ?

- ▶ a) any natural or juridical person
 - ▶ b) people's organizations
 - ▶ c) non-governmental organizations
 - ▶ d) any accredited public interest group
- 

Against whom the Writ is applied?

- ▶ a) public official or employee
- ▶ b) private individual or entity

Who violates environmental laws or fails to perform their duties mandated by environmental laws – resulting to environmental damage prejudicial to life, health or property of inhabitants in two or more cities or provinces.



Where to get the Writ?

- ▶ a) Supreme Court of the Philippines
- ▶ b) Any of the stations of the Court of Appeals

► Maraming Salamat
Po!