

Republic of the Philippines
MINISTRY OF PUBLIC WORKS
M a n i l a

14 August 1980

Ministry Order)
No. **80-62**)
Series of 1980)
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SUBJECT: Implementing Rules and Regulations of
Presidential Decree No. 1586 and 1151,
Establishing the Environmental Impact
Statement System

Pursuant to Presidential Decree No. 1586, in relation to Section 4 of P.D. No. 1151, the following rules and regulations are hereby promulgated:

SECTION 1. Scope. These rules and regulations shall apply to projects planned by this Ministry, bureaus, regional/district offices, attached agencies, and project offices which fall within the definition of an Environmentally Critical Project, or which will be located within an Environmentally Critical Area. For these projects an Environmental Compliance Certificate shall be obtained as herein provided.

SECTION 2. Definition of Terms. For purposes of these rules and regulation:

a) "Environment" means all facets of man's surroundings; physical, ecological, aesthetic, cultural, economic, **historic**, institutional, and social;

b) "Project" means activities including actions, programs, or undertakings, regardless of magnitude, which may have significant impact on the environment;

c) "Project Proponent" refers to staff bureaus, regional/district offices, **project offices, persons, owners/agents**, organizations, or other entities planning or proposing to undertake a project;

d) "Environmental Compliance Certificate/Environmental Exemption Certificate" **refers to the document** issued by the President of the Philippines or his duly authorized representative certifying that the project under consideration will bring about an acceptable environmental impact and that the proponent has complied with the requirements of the Environmental Impact Statement System;

e) "Project Description" (PD) refers to the document submitted by the project proponent substantially describing the proposed project particularly those aspects of the project which will likely cause adverse environmental impact;

f) "Environmental Impact Statement" (EIS) refers to the documentation of the studies of the environmental impact of a project including a discussion of the direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall in every case contain all relevant environmental informations and details about the project to enable the NEPC to make a judicious decision;

g) "NEPC" means National Environmental Protection Council of the Ministry of Human Settlements and Ecology.

h) "Environmental Unit" means the staff of Project Development Division, Planning Service of the Ministry of Public Works.

SECTION 3. Functions of the Environmental Unit.

The Environmental Unit shall:

a) Assist the staff bureaus, regional/district offices, attached agencies, and project offices to determine whether their project is environmentally critical or will be located within an environmentally critical area;

b) Assist staff bureaus, regional/district offices, attached agencies, and project offices in complying with the requirements of the EIS System as provided by pertinent laws. The assistance to be provided shall be limited to the rendering explanations of the EIS System and collecting data; and to the making of suggestions as to where the proponent may get further information or assistance. The Ministry's Environmental Unit is not obliged to provide manpower in collecting data or to prepare an EIS.

SECTION 4. Duties and Responsibilities of Staff Bureaus, Regional/District Offices, Attached Agencies, and Project Offices.

a) Identify the Ministry's Environmental Officers with which to coordinate;

b) Gather all information necessary for the preparation of an EIS if required, provided that the cost of data gathering, plan preparation, documentation, publication and other expenses in connection therewith shall be borne by project proponents.

c) Prepare and submit pertinent documents required.

SECTION 5. Declaration of Environmentally Critical Projects and Areas.

a) Upon declaration of the President of the Philippines, the following may be environmentally critical projects and within the

scope of the Environmental Impact Statement System:

I. Heavy Industries:

- a. Non-ferrous metal industries
- b. Iron and steel mills
- c. Smelting plants
- d. Petroleum and petro-chemical industries, including oil and gas
- e. Pulp and paper mills
- f. All forms of mining and quarrying projects
- g. All forms of forestry projects including mangrove exploitation

II. Infrastructure Projects:

- a. Dams
- b. Power plants, whether fossil-fueled, nuclear-fueled, hydroelectric, or geothermal
- c. Major reclamation projects (irrigation and drainage)
- d. Sewage outfalls, cut-off channels, hydraulic control structures, ports, channel rectification, dredging, guide banks, diversion head works, and other major river engineering works.
- e. Building complexes, regional centers and laboratories.

b) Upon declaration of the President of the Philippines, the following may be environmentally critical areas and within the scope of the Environmental Impact Statement System:

1. Areas declared by law as national parks, watershed reserves, wildlife reserves, and sanctuaries;

2. Areas set aside by the Ministry of Tourism as aesthetic of potential tourist area;

3. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);

4. Area of unique historic, archaeological, or scientific interests;

5. Areas which have traditionally occupied by cultural communities or tribes;

6. Areas rendered critical by natural disasters (faulted regions, flood-prone area, typhoon belts, volcanic activity, unstable coastal area);

7. Erosion prone areas and ground subsidence;

8. Mangrove areas;

- a. with primary/pristine and dense young growth
- b. adjoining mouth of major river systems to maintain ecological balance of estuarine area
- c. near or adjacent to traditional productive fry or fishing grounds
- d. which act as natural buffers against more erosion, strong winds and storm floods
- e. on which people are dependent for their livelihood.

9. Coral reefs:

- a. with 50% and above live coralline cover
- b. spawning and nursery grounds for fish
- c. which act as natural breakwaters of coastline

10. Water bodies:

- a. classified for drinking purposes
- b. within the control area declared by the National Water Resources Council
- c. within the protected area declared by the Ministry of Natural Resources
- d. which support wildlife and fishery activities

11. Areas reserved as prime agricultural lands

12. Recharge areas of groundwater aquifer.

SECTION 6. General Procedure

a) Who are required to submit Project Description (PD)

The Environmental Officer of all Bureaus, regional/district offices, attached agencies, and project offices shall submit a PD of each of their proposed projects within the scope of EIS System as specified in Section 5. It is required that the PD be prepared during the initial appraisal or incorporated in the planning stage of the proposed project.

The PD shall contain:

- 1. Type
- 2. Project Size or Scale
- 3. Purpose of the Project
- 4. Estimated Cost
- 5. Resume' of Project Construction, Actual and
- 6. Planned Operations
- 7. Kind, Mode, Rate, and Place of Discharge or Emissions and/or Effluents Generated during Construction and Operations
- 8. Mitigation Measures and Alternatives.

b) Evaluation of Project Description (PD):

The PD shall be submitted to the Environmental Unit for review by the Environmental Unit which will then forward the same to NEPC. If the Environmental Unit finds out that the EIS is necessary, then the Project Proponent shall be advised to submit the same to the NEPC through the Environmental Unit for further action. If an EIS is no longer necessary, the proponent will be advised to proceed with the implementation of the project.

c) Issuance of an Environmental Compliance Certificate/
Environmental Exemption Certificate:

1. The Environmental Unit shall determine the sufficiency of the EIS and submit the same to NEPC for evaluation.
2. If the proposed project is to be located within an Environmentally Critical Area, but does not fall under any of the categories of Environmental Critical Projects, and should it be determined by the NEPC Committee that said proposed project will have no or negligible effects upon the Environmentally Critical Area, the Committee may immediately recommend to the President or his duly authorized representative, the issuance of an Environmental Compliance Certificate/Environmental Exemption Certificate for the project.
3. If the Committee determines that the proposed project is not within the scope of the EIS System, the NEPC shall immediately inform the project proponent to proceed with the project but may require the latter to adopt appropriate environmental safeguards as it may deem necessary.

SECTION 7. Conflicts arising in the Implementation of the EIS System.

In case of conflicts in the implementation of the EIS, the guidelines prescribed by the NEPC on this matter shall be observed.

SECTION 8. Monitoring of EIS. Monitoring of the progress of a project on which an EIS was proposed and subsequently approved shall be made by the Environmental Unit from time to time as may be required by the NEPC.

SECTION 9. Repealing Clause. All orders, rules and regulations or parts thereof, inconsistent with the provisions of this Ministry Order, are hereby repealed or modified accordingly.

SECTION 10. Effectivity. This Ministry Order shall take effect immediately.


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