

AN ACT CREATING THE ENVIRONMENTAL PROTECTION AGENCY OF THE
PHILIPPINES, THEREBY AMENDING EXECUTIVE ORDER 192, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

Section 1. Short Title. - This Act shall be known as the “Environmental Protection Agency Act of the Philippines.”

Chapter I

Basic Policy

Sec. 2. Declaration of Policy. - It is the policy of the State to protect and advance the right of the people to a balanced ecology and a wholesome and healthy environment. Toward this end, the State shall create an agency mandated to adopt and implement plans, programs, projects and activities which shall ensure protection of the environment against pollution and other impacts occasioned by human activities.

Sec. 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a) Administrator – the Administrator of the Environmental Protection Agency;
- b) Agency - the Environmental Protection Agency;
- c) Commission - the Environmental Adjudication Commission;
- d) Department – Department of Environment and Natural Resources;
- e) Environmental Arbiter - a professional or a practitioner with exposure in natural resources or environmental management appointed by the Chairman of the Commission to be a member of a Regional Panel of Environmental Arbiters;

Chapter II

Environmental Protection Agency

Sec. 4. Establishment of Agency.

(a) There is hereby established the Environmental Protection Agency to be placed under the Executive Branch, hereinafter referred to as the “Agency.”

(b) There shall be at the head of the Agency the Administrator of the Environmental Protection Agency, hereinafter referred to as the “Administrator.” The Administrator shall be appointed by the President, by and with the advice and consent of the Senate and House of Representatives, and of the Commission on Appointments. The Administrator shall be compensated at the rate now or hereafter provided under the Salary Standardization Act or other existing and applicable laws.

(c) There shall be in the Agency a Deputy Administrator of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate and House of Representatives and of the Commission on Appointments. The Deputy Administrator shall be compensated at the rate now or hereafter provided under the Salary Standardization Act or other existing and applicable laws. The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(d) There shall be in the Agency, Regional Executive Directors who shall monitor and enforce environmental laws at the administrative regions. They shall have the necessary staff support.

Sec. 5. Mandate. - The Agency shall be the primary arm of the government responsible for the conservation and protection of the country's natural resources from pollution and degradation.

Sec. 6. Purposes of the Agency. - The Agency shall have the following general purposes:

(a) To enforce the provisions of laws enacted for the prevention or control of air, water and land pollution, including the proper disposal of wastes and the environmental impact assessment (EIA) system;

(b) To adopt, revise, promulgate and prescribe policies, rules and regulations, and environmental quality standards consistent with laws enacted for the prevention and control of pollution;

(c) To evolve an integrated, multi-sectoral and multi-disciplinary approach which shall implement the following:

1. Research and development pertaining to environmental protection, pollution prevention, control and management, and an information system to support information dissemination and education campaigns;

2. Monitoring and evaluation of the implementation of all laws relating to the regulation and control of activities that have an impact on the maintenance of a wholesome natural environment, for the adoption or recommendation of necessary measures thereon;

3. Establishment and implementation of a combined system of pollution fees or charges and other market-based instruments, fines and penalties linked to an operating principle that the user or polluter shall bear responsibility for payment, and creating the necessary incentives to recycle and re-use resources to abate, reduce, neutralize, or otherwise minimize or prevent pollution;

4. Adoption and promulgation of rules and regulations governing the procedures of the Agency with respect to hearings, the filing of reports, the issuance and/or review of all permits and other rules and regulations for the proper implementation and enforcement of this Act, pollution laws and the EIA System;

5. Promotion of cooperation and greater people participation and private initiative in environmental protection, pollution prevention, control and management

6. Conduct information dissemination, education and training programs relating to environmental protection, pollution prevention, control and management;

7. Consultation and interaction with and deputization of appropriate government agencies or instrumentalities for the purpose of enforcing the provisions and objectives of this Act;

(d) To exercise powers necessary or expedient for, or incidental to, the performance of its functions.

Sec. 7. Powers and Functions.- To accomplish its mandate, the Agency shall have the following functions:

(a) Establish, enforce, review and revise, when necessary, environmental standards including ambient, emission and effluent standards for air and water quality, in accordance with the Philippine Clean Air Act of 1999 and the Philippine Clean Water Act of 2004;

(b) Promulgate, enforce, review and revise, when necessary, rules and regulations for the conservation of genetic resources and biological diversity and the protection of endangered habitat, in accordance with the National Integrated Protected Areas System Act and the **Philippine Wildlife Resources Act**;

(c) Promulgate, enforce, review and revise, when necessary, rules and regulations to control pollution and degradation of natural resources due to impacts of environmentally critical policies and activities of government and of private industry alike, in accordance with the laws governing the implementation of the Environmental Impact Assessment System;

(d) Implement plans and programs for pollution control and natural resources conservation and rehabilitation in general:

1. Accelerated inventory/survey and classification of lands, forest, and mineral resources using appropriate technology for accurate assessment of resource quality and quantity; and

2. Preservation of cultural and natural heritage through wildlife conservation and segregation of national parks and other protected areas;

(e) Conduct research on the adverse effects of pollution and on pollution control methods and equipment for purposes of standards setting, rule-making, and information dissemination;

(f) Conduct assessment of inland areas, surface and ground water, coastal and marine areas, and others in order to determine environmental quality and for resource classification and inventory purposes;

(g) Develop and maintain an information database and set up a monitoring system that together will support effective pollution management and policy review;

(h) Provide technical assistance and other support to other government agencies and to local government units to guide and promote the enforcement of environmental laws and standards as well as the formulation and implementation of policies, plans and programs for pollution control and natural resource conservation within their jurisdictions; Provided that the Agency shall take over the local enforcement function for a limited period of time to establish and implement the appropriate compliance program of any province, city or municipality that has been identified to be a non-attainment area;

(i) Provide technical assistance to industry and all other sectors for compliance with environmental laws and standards;

(j) Oversee and police compliance of activities for the utilization of natural resources by issuing and withdrawing, or canceling, or causing to cancel, such privileges or closing, or causing the closure of, establishments in case of violation, or noncompliance with conditions of, permits and clearances;

(k) Advise the President and the Congress of the Philippines on the enactment of laws and the setting of national development policies and goals, including incentive schemes and funding mechanisms relative to natural resources conservation and pollution control;

(l) Guide and facilitate consultation with all government and private sector stakeholders to ensure the utilization of natural resources within the framework of sustainable development;

(m) Exercise other powers and functions and perform such other acts as may be necessary, proper or incidental to the attainment of the mandates and objectives of the Agency;

Sec. 8. Organization. - The Agency shall consist of the Agency Proper, the staff offices, the line bureaus, and the regional offices.

The Agency Proper shall consist of the following:

- a. Office of the Administrator;
- b. Office of the Deputy Administrator;
- c. Public Affairs Office; and
- d. Environmental Adjudication Commission.

The line bureaus shall be:

- (a) the Protected Areas and Wildlife Bureau; and
- (b) the Environmental Management Bureau.

The Agency shall establish and operate offices in all regions.

Sec. 9. Duties and Powers of the Administrator. - The principal responsibility for the implementation of the mandate of the Agency shall be vested in the Administrator. As such, he shall have the following duties and powers:

- (a) Exercise general supervision and control over the operations of the Agency;
- (b) Promulgate, execute and administer implementing rules and regulations, environmental quality standards, and environmental plans, programs and projects;
- (c) Issue environmental policies and identify measures necessary to carry out the purposes and provisions of this Act and of relevant promulgated environmental laws;
- (d) Appoint qualified officials and employees below the rank of Assistant Administrator to positions in the Agency upon written recommendation of the Deputy Administrator concerned in accordance with the merit system established by the Agency and the Civil Service Rules; and
- (e) Perform such other duties and powers of the Agency necessary or expedient for, or incidental to, the performance of its functions.

Sec. 10. Field Offices. - Regional offices shall be established in every administrative region of the country. Each regional office of the Agency shall be headed by a Director, to be assisted by an Assistant Director. Both the Director and the Assistant Director shall be Career Executive Service Officers or shall possess equivalent qualification, and shall have a masteral degree or its equivalent in either Environmental, Mechanical or Sanitary Engineering, Chemistry, Environmental Science or Management, Natural Resources Management, or a related field of study.

The field offices of the Agency shall have the following functions:

- 1) Implement, on the regional level, environmental protection and pollution control policies, plans, programs, projects and rules and regulations of the Agency in order to achieve the objective of sustainable development in the countryside;
- 2) Provide or facilitate provision of technical assistance and support for capacity-building of local government units in the enforcement of environmental protection and pollution control laws and the formulation and implementation of pertinent programs and activities;

- 3) Coordinate with regional offices of other government entities in the enforcement of environmental protection and pollution control laws and implementation of programs and projects;
- 4) Recommend and, upon approval, implement projects on environmental protection and pollution control;
- 5) Monitor and assess compliance or non-compliance of provinces, cities or municipalities within the region and recommend, or undertake review of, classification as either attainment or non-attainment area;
- 6) Conduct appropriate field research supportive of the Agency's policies, plans, programs and projects;
- 7) Provide for the efficient and timely delivery of the Agency's services to the people by responding to appeals, complaints and queries from the public regarding environmental protection and pollution control; and
- 8) Perform such other functions as may be assigned by the Administrator.

Chapter III

Environmental Adjudication Commission

Sec. 11. Environmental Adjudication Commission. - The Pollution Adjudication Board (PAB) created under Executive Order No. 192 shall be transferred and attached to the Agency, but only for program and policy coordination. The PAB shall be reorganized into the Environmental Adjudication Commission in accordance with this Chapter.

Sec. 12. Jurisdiction of the Commission. - The Commission, with a regional structure as herein provided, shall have original and exclusive jurisdiction to decide cases cognizable by PAB under RA Nos. 8749, 6969 and 9003, Presidential Decree Nos. 984, 1152, 1586, and other special laws on pollution.

Sec. 13. Composition of the Environmental Adjudication Commission. - The Commission Proper shall be composed of fifteen (15) members of whom:

- a) One (1) will be a Deputy Administrator of the Agency;
- b) Four (4) will be Deputy Administrators of the Commission;
- c) Ten (10) will be members coming from the following sectors:
 - (1) Three (3) from industry;
 - (2) Three (3) from environmental non-government organizations or people's organizations;

(3) Two (2) from the academe or professional groups involved in environmental protection, and

(4) Two (2) from the labor sector.

The Chairman and the Vice Chairman of the Commission shall be chosen by the members in a meeting duly called for the purpose.

Sec. 14. Procedure in the Commission. – In the exercise of their adjudicatory powers, and other functions and duties, the Commission Proper may sit *en banc* or in five divisions. *Provided, however,* the Commission Proper shall sit *en banc* for purposes of promulgating rules and regulations governing the hearing and disposition of cases before any of its divisions and regional branches and formulating policies affecting its administration and operations.

Of the five divisions, the First and Second Divisions shall handle cases coming from the National Capital Region, the Third Division shall have jurisdiction over cases from other parts of Luzon, and the Fourth and Fifth Divisions shall have jurisdiction over cases from Visayas and Mindanao, respectively. Each division of the Commission Proper shall be composed of three (3) members.

The concurrence of two (2) Commissioners of a division shall be necessary for the pronouncement of a judgment or resolution. Whenever the required membership in a division is not complete and the concurrence of two (2) Commissioners to arrive at a judgment or resolution cannot be obtained, the Chairman shall designate a number of additional Commissioners from the other divisions as may be necessary.

The conclusions of a division on any case submitted to it for decision shall be reached in consultation before the case is assigned to a member for the writing of the opinion. A certification to this effect signed by the Presiding Officer of the division shall be issued and a copy thereof attached to the record of the case and served upon the parties.

The Chairman of the Commission shall be the Presiding Officer of the First Division and the four (4) Assistant Directors-General shall be the Presiding Officers of the Second, Third, Fourth and Fifth Divisions, respectively. In case of the absence or incapacity of the Chairman, the Presiding Officer of the Second Division shall be the Acting Chairman. The Chairman, aided by the Executive Clerk of the Commission, shall have administrative supervision over the Commission Proper and its regional branches and all its personnel, including the Regional and Special Panel of Pollution Arbiters created pursuant to Sec. 38 hereof. The same Executive Clerk shall assist the Commission Proper when sitting *en banc*.

Each of the four (4) other divisions shall also be assisted by a Commission Clerk in the performance of their functions.

In any proceeding before the Regional and Special Panel of Environmental Arbiters or Commission Proper, the rules of evidence prevailing in regular courts of law shall not be controlling. The Commission shall use all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process. In any proceeding before the Regional and Special Panel of Environmental Arbiters or Commission Proper, the parties may be represented by legal counsel.

The decision, order or judgment of the Regional and Special Panel of Environmental Arbiters shall become final and executory fifteen (15) days after receipt of said decision, order or judgment.

Sec. 15. Headquarters of the Commission. - The Commission Proper and its First, Second and Third Divisions shall have their main offices in Metropolitan Manila, and the Fourth and Fifth Divisions in the cities of Cebu and Cagayan de Oro, respectively.

Sec. 16. Regional Panel of Environmental Arbiters. - There shall be established a panel of environmental arbiters for each administrative region of the country. Each panel shall be composed of three (3) members, at least one (1) of whom shall be a member of the Philippine Bar and must have been engaged in the practice of law in the Philippines for at least five (5) years; *provided*, however, that all members must have at least three (3) years professional experience or exposure in the field of natural resources or environmental management. Environmental arbiters shall be appointed by the Chairman of the Commission. Each panel of environmental arbiters shall be supported by a Secretariat.

Sec. 17. Powers and Functions of the Commission and its Divisions. - The Commission shall have the following powers and functions:

- a) To hear and decide cases falling under their jurisdiction pursuant to Sec. 17 of this Act;
- b) To promulgate rules of procedure governing the hearing and disposition of cases, the original, exclusive and/or appellate jurisdictions of the Regional and Special Panel of Environmental Arbiters and the Commission Proper;
- c) To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records,

statement of account, agreements and other documents as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of this Act ;

d) To conduct hearings on all matters within its jurisdiction, proceed to hear and determine the disputes in the absence of any party thereto who has been summoned or served with notice to appear, conduct its proceedings or any part thereof in public or in private, adjourn its hearings at any time and place, refer technical matters or accounts to an expert and to accept his/her report as evidence after hearing of the parties upon due notice, direct parties to be joined in or excluded from the proceedings, correct, amend or waive any error, defect or irregularity, whether in substance or in form, give all such directions as it may deem necessary or expedient in the determination of the dispute before it and dismiss the dispute as part thereof, where it is trivial or where further proceedings by the Commission are not necessary or desirable;

e) To punish any person for direct or indirect contempt against the Commission;

f) To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic stability;

g) To issue orders and decisions to compel compliance with environmental standards and pollution control laws and their implementing rules and regulations and any issuances or decisions of the Commission;

a) To serve as arbiter for the determination of reparations or restitution of the damages and losses resulting from environmental pollution;

b) To deputize in writing or request assistance of appropriate government agencies or instrumentalities for the purpose of enforcing its decisions;

c) To issue an *ex parte* order directing the discontinuance of pollution or wastes, or the temporary suspension or cessation of operation of the equipment, project or activity and other acts causing environmental degradation, generating such pollutants or wastes, without the necessity of a previous public hearing. *Provided*, that such *ex parte* order shall be issued only in case of immediate threat to life or property, public health, safety or welfare or to animal or plant life, or exceeds the allowable environmental standards. the *ex parte* order shall be immediately executory and shall remain in force and effect until the same is modified or lifted by the Commission. *Provided, finally*, that no lifting of issued *ex parte* Closures and Cease and Desist Orders may be issued if the discharge contains toxic and hazardous substances exceeding allowable standards until and unless it has shown proof of an upgraded and completed pollution control device or effective pollution prevention measure; and

k) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this Act.

Sec. 18. Qualifications of Members of the Commission. - A member of the Commission must be a citizen of the Philippines and must possess proven competence in field related to environmental protection. The Environmental Arbiters shall be Members of the Philippine bar and must have been engaged in the practice of law in the Philippines for at least seven (7) years, with at least three (3) years experience or exposure in the field of natural resources or environmental law.

Sec. 19. Term and Removal of Members. - The Chairman and the other Commissioners, the Clerks of the Commission and Regional and Special Panel of Environmental Arbiters shall hold office in good behavior until they reach the age of sixty-five years, unless sooner removed for cause as provided by law or become incapacitated to discharge the duties of their office. *Provided*, that private sector members of the Commission shall serve for three (3) years only but may also be removed in the manner provided in this section.

Sec. 20. Administrative Fines and Penalties. - The Commission may impose an administrative fine of from Fifty thousand pesos (P50,000.00) to not more than One million pesos (P1,000,000,000.00) for each violation of emission or effluent standards, and Fifty thousand pesos (P50,000.00) for other violations. *Provided*, that in all cases where the violations of emission or effluent standards is continuing, the penalty shall be imposed for every day that the discharge continues.

Sec. 21. Appeals. - Any decision, order or judgment of the Regional and Special Panel of Environmental Arbiters and Commission Proper issued in the exercise of their original or exclusive jurisdiction may be appealed to the Commission Proper within fifteen (15) days after receipt of said decision, order or judgment. *Provided*, that decision, order, award or ruling of the Commission Proper may be brought to the Court of Appeals by certiorari within 15 days from receipt of a copy thereof. *Provided, also*, that the findings of fact of the Commission Proper shall be final and conclusive if based on substantial evidence. *Provided, finally*, that cease and desist orders shall be immediately executory.

Sec. 22. Frivolous Appeals. - To discourage frivolous or dilatory appeals from the decisions or orders on the regional levels, the Commission may impose reasonable penalties, including but not limited to fines or censures upon erring parties.

SEC. 23. Finality of Determination. - Any case of controversy before the Commission shall be decided within thirty (30) days after it is submitted for resolution. Only one motion for reconsideration shall be allowed. Any order, decision, or ruling shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.

Sec. 24. Execution of Decisions. - All decisions or orders of the Regional Panel of Environmental Arbiters or of the Commission Proper, after the same have become or are final and executory pursuant to Section 42 hereof, shall be enforced in the same manner as the decisions of the Regional Trial Courts are executed. The Commission shall have the power to issue to its Sheriff or duly constituted authorities whom it may deputize, such writs of execution as may be necessary for the enforcement of such decision or order.

The Commission shall have the power to garnish bank deposits, seize or confiscate personal property and/or impose a levy on real property of the violator to satisfy the fines owing to it. Such property shall be sold at public auction by the Commission Sheriff.

Any person who shall fail or refuse to comply with such decision, order or writ, after being required to do so shall, upon application by the Commission, be punished by the proper court for indirect contempt.

Sec. 25. Lien Upon Personal and Immovable Properties of Violators. - Fines and penalties imposed pursuant to the provisions of this Act, upon application by the Commission before the proper Regional Trial Court, shall constitute as a lien upon personal and immovable properties of the violator. Such lien shall in case of insolvency of the respondent, enjoy preference subsequent to labor's wages under Article 2241 and 2242 of Republic Act 386, otherwise known as the New Civil Code.

Chapter IV

Transitory Provisions

Sec. 26. Transfers to the Agency -

I. There are hereby transferred to the Agency:

- a. The powers, functions, duties and responsibilities of the Environmental Management Bureau of the Department of Environment and Natural Resources as well as all its functions and powers under Section 16 of Executive Order 192;
- b. The Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources as well as all its functions and powers under Section 18 of Executive Order 192;
- c. The Pollution Adjudication Board of the Department of Environment and Natural Resources as well as all its functions and powers under Section 19 of Executive Order 192;
- d. The control and administration of the National Integrated Protected Area System under Republic Act 7586 otherwise known as the NIPAS Act of 1992;
- e. The powers and functions of the DENR under Sections 5, 14, 16, 17, 18, and 21 of Republic Act 7586;
- f. The powers, functions and duties of the National Water and Air Pollution Control Commission under Republic Act 3931 except such powers and functions as provided for under Section 6a paragraphs 6 and 7, and Section 7 paragraph b relating to the power to hold public hearings in relation to denying, revoking, or modifying a permit;
- g. The powers, functions and responsibilities of the DENR under Republic Act 6969 otherwise known as An Act To Control Toxic Substances and Hazardous and Nuclear Wastes Providing Penalties For Violations Thereof, and for other purposes;
- h. The powers and duties of the Inter-Agency Technical Advisory Council as well as its functions as provided for under Section 7 of Republic Act 6969;
- i. All powers, functions, duties and responsibilities of the Department of Agriculture and of the Department of Environment and Natural Resources in relation to conservation, preservation, anti-pollution and other functions appurtenant thereto under Republic Act 8550 otherwise known as the Philippine Fisheries Code;
- j. The functions, powers, duties and responsibilities of the Department as well as the functions, powers, duties and responsibilities of Local Government Units under Republic Act 8749 otherwise known as the Clean Air Act except:
 - a. Such powers, functions, duties and responsibilities relating to the issuance of permits as provided under Section 16; and
 - b. Such functions, powers, duties and responsibilities under Section 22 relating to the issuance of a Certificate of Conformity (CoC)
 - k. The powers, functions, duties, responsibilities and role of the Department of Environment and Natural Resources under Republic Act No. 9003 including the issuance of the

Environmental Compliance Certificate (ECC) as required under Section 38 of Republic Act No. 9003;

l. The powers, functions, duties and responsibilities of the National Solid Waste Management Commission as established under Republic Act No. 9003;

m. The functions, duties and responsibilities of the National Ecology Center as established under Section 7 of Republic Act No. 9003;

n. The powers, functions, duties and responsibilities of the Department under Republic Act No. 9072 except the issuance of permits as provided for under Section 5 paragraph c;

o. The powers and functions of the Department under Republic Act 9147 relating to the conservation and protection of wildlife species and their habitats;

p. Such other powers, functions, duties and responsibilities of various government departments and agencies tasked under existing laws relating to pollution abatement.

II. There are hereby transferred to the Administrator:

q. The powers and functions as well as the advisory and recommending powers and appointing powers of the Secretary of the Department under Sections 6, 7, 10 and 11 of Republic Act 7586 otherwise known as the NIPAS Act of 1992;

r. Functions of the Ministry of Human Settlements as provided for under Section 4 of Presidential Decree 1586;

s. The powers and functions of the Department Secretary as provided for under Section 10 of Republic Act 6969;

t. Functions of the Department Secretary with respect to being the head of a Governing Board under Section 9 of Republic Act No. 8749;

u. The powers, functions, duties and responsibilities of the Department Secretary under Republic Act 9003 otherwise known as the Ecological Solid Waste Management Act;

v. Such other powers, functions, duties and responsibilities of heads of various government departments and agencies which are related to the abatement of pollution.

... Clean Water Act?

Sec. 27. Performance of transferred functions. - The Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Act by any other officer, or by any organizational entity or employee, of the Agency.

Sec. 28. Incidental transfers. -

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held available, or to be made available in connection with the functions transferred to the Administrator or the Agency by this reorganization and/or its creation as the Secretary of the Department of Budget and Management shall determine shall be transferred to the Agency at such time or times as the Secretary shall direct.

(b) Such further measures and dispositions as the Secretary of the Department of Budget and Management shall deem to be necessary in order to effectuate the transfers shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 29. Interim officers.-

(a) The President may authorize any person who, immediately prior to the effective date of this Act, is immediately known as a staunch advocate of the preservation, protection, and conservation of the environment to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by interim appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator, authorize any such person to act as Regional Executive Director, and authorize any such person to act as the head of any principal constituent organizational entity of the Administration.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if unauthorized, shall be in lieu of, but not in addition to, other compensation from the Government of the Republic of the Philippines to which such person may be entitled.

Sec. 30. Structure and Pattern. - The positions, structure, and staffing pattern of the Agency shall be approved and prescribed by the Administrator within sixty (60) days from the effectivity of this Act and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as the case may be.

In no case shall the new position structure and staffing pattern of the Agency affect the existing position and structure and staffing patterns of the different bureaus and governmental agencies absorbed or hereby transferred to the Agency.

Chapter V

Financing Environmental Protection

Sec. 31. Environmental Protection Fund. - There is hereby created an Environmental Protection Fund (EPFund) to be administered by the Agency. To finance the said Fund, the following shall be imposed:

(a) A national environment protection fee in an amount equivalent to ten percent (10%) of the total fees charged, but not more than One hundred pesos (P100.00) for every business or non-business permit or license issued by the government.

(b) An allocation equivalent to ten percent (10%) of the total unclaimed bank balances escheated in favor of the State under Republic Act No. 3936, as amended (Unclaimed Balances Law).

All fees and charges imposed pursuant to pollution laws such as Republic Act Nos. 8749, 6969, PD 984 shall accrue to the Fund and managed by the Agency in accordance with relevant provisions of aforesaid statutes. Provided, that all fees and charges imposed pursuant to PD 1586 and its implementing rules and regulations shall likewise accrue to the Fund and managed by the Agency: Provided, further, that proceeds from fines and penalties prescribed in pollution laws and other penalties imposed by the Agency shall also accrue to the Fund.

The Fund may be augmented by grants, subsidies, and donations from other government sources or private grantors or donors; *provided*, that grants and donations specifically bestowed for funds established in pollution laws for purposes of particular activities or projects shall be honored.

The Fund shall be administered for the purpose of financing adequate, suitable and appropriate measures to promote natural resource conservation and improve environmental quality and, in general, to achieve the purposes of this Act.

Sec. 32. Appropriation. - The sum of money appropriated in the immediately preceding annual general appropriations for the Environmental Management Bureau (EMB), the Parks and Wild Life Bureau (PAWB), and other government instrumentalities that have been streamlined; and the funds appropriated for environmental laws now under the administrative and operational jurisdiction of the EPA; and foreign grants, assistance, and donations shall hereby constitute the funding resources of the agency.

Chapter VI

Miscellaneous Provisions

Sec. 33. Relations with Private Sector Organizations. - The Agency shall promote the establishment and operation of private sector organizations to become active partners in the conservation of the natural resources and protection of the environment.

The Agency may enter into cooperative arrangements with private sector organizations to engage in projects designed to promote and maintain ecological balance, it may also provide assistance, financial or technical, to such organizations for environmental projects to be implemented within the country.

Sec. 34. Periodic Performance Evaluation. - The Agency is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Agency and submit the same annually to the President and to the Senate and House of Representatives.

Sec. 35. Implementing Authority of the Administrator. - The Administrator shall issue such orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of the provision of this Act.

Sec. 36. Separability Clause. - If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

Sec. 37. Repealing Clause. – Republic Act Nos. 8749, 9003, 6969 and 4850 and Executive Order Nos. 192 and 292 are hereby modified accordingly. All Acts, Decrees, General Orders, Letters of Instruction, Regulations and Circulars, or parts thereof inconsistent with any provisions of this Act are hereby repealed or modified accordingly.

For purposes of the provisions of Section 27 hereof, Section 14 of Republic Act No. 8749 otherwise known as the Clean Air Act of 1999, Section 16 of Republic Act No. 7586 otherwise known as the National Integrated Protected Areas System Act of 1992, Sec. 46 of Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000, and Section ___ of R.A. No. ___ or the **Clean Water Act of 2004** are hereby amended.

Sec. 38. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in at least two (2) newspapers of general circulation.

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