

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 42

RATIONALIZING THE IMPLEMENTATION OF THE PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT (EIS) SYSTEM AND GIVING AUTHORITY, IN ADDITION TO THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO THE DIRECTOR AND REGIONAL DIRECTORS OF THE ENVIRONMENTAL MANAGEMENT BUREAU TO GRANT OR DENY THE ISSUANCE OF ENVIRONMENTAL COMPLIANCE CERTIFICATES

WHEREAS, the Environmental Impact Statement (EIS) System was established by virtue of Presidential Decree No. 1586 (1978) to facilitate the attainment and maintenance of a rational and orderly balance between socio-economic growth and environmental protection;

WHEREAS, the need to incorporate environmental concerns in the country's efforts for national development should be done in the most efficient manner so that neither the environment nor national development are compromised;

WHEREAS, Section 4 of Presidential Decree No. 1586 establishing the Philippine Environmental Impact Statement System empowers the President or his duly authorized representative to grant or deny the issuance of environmental compliance certificates (ECCs) for environmentally critical projects within environmentally critical areas;

WHEREAS, Section 7 of Executive Order No. 192 providing for the reorganization of the Department of Environment, Energy, and Natural Resources (DEENR) and renaming it as the Department of Environment and Natural Resources (DENR) vests in the Secretary of the DENR the authority and responsibility to exercise the mandate of the DENR, accomplish its objectives and discharge its powers and functions;

WHEREAS, the Secretary of DENR, as alter ego of the President, is deemed to have the power to grant or deny the issuance of ECCs on behalf of the President;

WHEREAS, under Section 21, Chapter 4, Title XIV, Book IV of Executive Order No. 292, the Administrative Code of 1987, the DENR Regional Offices are responsible for, *inter alia*, implementing laws, policies, plans, programs, projects, rules and regulations of the DENR to promote the sustainability and productivity



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of natural resources, social equity in natural resources utilization and environmental protection in their respective regions;

WHEREAS, under Section 34, Chapter 4 of the provisions of Republic Act No. 8749 (Philippine Clean Air Act of 1999), the Environmental Management Bureau was converted from a staff bureau, into a line bureau with the Regional Directors in charge of the various regional offices;

WHEREAS, the Environmental Management Bureau (EMB), together with the Environmental Impact Assessment (EIA) Review Committee, through the years of implementation of the Philippine EIS System, has established competence in the review and evaluation of the environmental impact of development projects;

WHEREAS, the current procedures on the ECC application process need to be streamlined;

WHEREAS, Section 4 of Executive Order No. 291 (1996) provides for the continuous strengthening of the Environmental Impact Assessment capability of the DENR.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, in order to further simplify the requirements and streamline the processing of ECC applications do hereby authorize, in addition to the Secretary of the Department of Environment and Natural Resources, the Director and Regional Directors of the Environmental Management Bureau to grant or deny the issuance of Environmental Compliance Certificates.

SECTION 1. Declaration of Policy. It is the policy of the State that optimum economic development shall be achieved without delay and shall be pursued to ensure that the present generation meets its needs without compromising the needs of future generations. Hence, a systems-oriented and integrated approach in the analysis and solution to environmental concerns vis-à-vis national development programs shall be implemented.

SEC 2. Streamlining the ECC Application Processing and Approval Procedures. Consistent with the above-mentioned policy, the following are hereby ordered:

- A. Project proponents are hereby directed to simultaneously conduct the environmental impact study (as required for ECC application) and the feasibility study of the proposed project.
- B. The endorsing official, approving authority and processing timeframes for ECC applications shall be as follows:



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Type of Project	Endorsing Official	Approving Official	Processing Timeframe (not to exceed)
Environmentally critical project (Single Project)	EMB Central Office Director	DENR Secretary/EMB Director	120 working days
Non Environmentally Critical Project located in Critical areas	EIA Division chief, Regional Office	EMB Director/Regional Director	60 working days
Projects Not Covered by the EIS System	EIA Division chief EMB Central/Regional Office	EMB Director/Regional Director	15 days

If no decision is made within the specified processing timeframe, the ECC application is deemed automatically approved and the approving authority shall issue the ECC within five (5) working days after the prescribed processing timeframe;

- C. The DENR-EMB shall be limited to a maximum of two (2) official requests for additional information (in writing) from the ECC applicant.
- D. Projects that have no significant environmental impact shall not be required to secure an ECC. The EMB in coordination with the Department of Trade and Industry (DTI) shall review and is hereby authorized to update/make appropriate revisions on the technical guidelines on the EIS Systems Implementation including the technical definition of "Environmentally Critical Projects" and "Environmentally Critical Areas" as provided for in Presidential Proclamation No. 2146 (1981), to take into consideration, among others, industrial and technological innovations and trends;

SEC. 3. *Strengthening the Implementation of the Philippine EIS System.*

- A. The DENR-EMB shall conduct regular consultations with DTI, affected industry groups and other stakeholders for the purpose of continually improving the processing of ECC applications to fulfill the above-mentioned policy. The DENR Secretary shall accordingly appraise the President of the issues raised as well as the actions taken by the DENR to address these issues;



- B. The information systems on the policy, program and project level aspects of the EIS System implementation shall be improved for the effective dissemination of critical information to the public, including the regular updating of the status of ECC applications on the website;
- C. In order to effectively implement the above provisions, the current EIA adhoc division at the EMB Central Office and the EMB Regional Office who are primarily in-charge of the processing of ECC applications shall be converted into a full-pledged division. The new position items for the EIA Division shall be created out of the existing budget and vacant position items within the government service which shall be reclassified accordingly.

SEC. 4. The DENR Secretary shall issue implementing guidelines as necessary to ensure effective compliance with this Order.

SEC. 5. *Repealing Clause.* All administrative orders including Administrative Order No. 300 (1996), executive orders, rules and regulations inconsistent with any provisions of this Order shall be deemed revoked, amended or modified accordingly.

SEC. 6. *Effectivity.* This Administrative Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 2nd day of *November*, in the year of our Lord, two thousand and two.

By the President:




ALBERTO G. ROMULO
Executive Secretary




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