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REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. No. 494

RECEIVED


Introduced by Senator Loren B. Legarda

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

EXPLANATORY NOTE

The Philippines is playing a notoriously substantial role in the illegal trade, not only as a poaching area and transshipment point, but the country has also increasingly become an end destination for exotic pets. Even at the height of the COVID-19 quarantine measures, the illegal trade of wildlife went on in online forums or social media pages. On top of this, illegal logging is still being reported in the field. The Department of Environment and Natural Resources (DENR) estimated that the total value of wildlife trafficking alone is at 50 billion pesos, and illegal logging data if aggregated, could even be higher. The estimates do not include trafficking done through the Philippines. With increasing habitat destruction from conversion through logging and encroachment to poaching and the illegal transshipment of wildlife, there are increasing risks of encountering zoonotic diseases due to the degradation of habitats, which will increase human-wildlife interactions.

In addition, weak enforcement of pollution laws for environmental threats such as wastewater, solid waste, hospital waste, and hazardous waste, as well as an

infraction of protected area laws, rules and regulations have brought numerous issues with tremendous economic problems.

This measure seeks to support the initiative within the DENR to professionalize and institutionalize law enforcement in the agency by creating the Environmental Protection and Enforcement Bureau (EPEB) through congressional action.

Through the EPEB, DENR can strengthen its environmental law enforcement capacity and its synergy with other agencies having environmental law enforcement duties. The EPEB will allow the DENR to target the syndicates responsible for wildlife and timber trafficking. In terms of pollution control and the law on hazardous materials, the EPEB can improve its capabilities to detect and stop these violations, especially those involving hospital wastes and discharges by pollutive industries.

The EPEB will utilize advanced skills training on crime scene forensics, intelligence, surveillance, and investigation, DNA, and other criminalistics to go after high-profile perpetrators and build up cases on entire networks of traffickers rather than just the low-level poachers. The forensics lab contained in the proposed measure will cover the entire range of needs of the DENR to address violations of most, if not all, environmental laws, including logging, wildlife poaching, toxic contaminations, pollution, and hazardous materials and wastes.

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



LOREN LEGARDA

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

- 1 Section 1. *Short Title.* – This Act shall be known as the "*Environmental Protection*
2 *and Enforcement Bureau (EPEB)*".
- 3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to:
- 4 a. Maintain an effective, competent, modern, current, and highly-
5 trained enforcement body to address violations of environment and
6 natural resources laws, rules and regulations in order to protect and
7 advance the right of the people to a balanced and healthful ecology
8 in accord with the rhythm and harmony of nature;
- 9 b. Strengthen and professionalize environment and natural resources
10 protection and law enforcement with appropriate structure, science
11 and technology, manpower, and capability;
- 12 c. Formulate plans and programs relative to environment and natural
13 resources protection to enhance and modernize capacities to
14 address all types of environmental crimes, including
15 transnational/transboundary violations, taking cognizance of the
16 worsening global environmental situation;

- 1 d. Promote shared duties and responsibilities, and capacitate other
2 law enforcement agencies and local government units on
3 environmental law enforcement; and
4 e. Ensure fair, swift, and certain enforcement of environmental laws.

5 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms and phrases
6 shall mean as follows:

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

- 1 h. *Enforcement areas* – refers to any geographic area in the Philippines
2 where priority enforcement response is needed.
- 3 i. *Forensic* – refers to the application of scientific methods for analyzing
4 evidence and samples for purposes of criminal, civil, or
5 administrative procedure.
- 6 j. *Impoundment* – the taking into custody of private property, such as a
7 vehicle, facility, or implements by government action with custody
8 documentation pending the outcome of criminal prosecution under
9 this Act.
- 10 k. *Prohibited areas* – refer to areas explicitly prohibited or deemed by law
11 to be free from human habitation or interference such as, but not
12 limited to, water easements, areas identified as geo-hazard zones, or
13 in any other prohibited zones within protected areas including strict
14 protection zones, multiple use zones, buffer zones, or areas
15 designated under the Disaster Risk Reduction and Management Plan
16 of LGUs as hazard-prone areas.
- 17 l. *Regulated community* – refers to all persons, businesses, organizations,
18 government agencies, or instrumentalities of the government whose
19 use, utilization, exploitation, development, management,
20 conservation and protection of environment and natural resources
21 are governed under the administrative authority of the Department.
- 22 m. *Secretary* – refers to the Secretary of the Department of Environment
23 and Natural Resources (DENR).
- 24 n. *Seizure* – refers to the taking by enforcement officers of potential
25 evidence from a person who is suspected of violating environmental
26 laws, rules and regulations. Seizure of evidence may be done by
27 virtue of a search warrant, or on the occasion of a warrantless arrest
28 or warrantless search.
- 29 o. *Strategic Lawsuit Against Public Participation (SLAPP)* – the defense of
30 SLAPP shall be available to Bureau enforcers and those they have
31 deputized, complainants, and witnesses. This remedy is available
32 even during preliminary investigation and relevant administrative

1 cases. The Bureau shall provide sufficient assistance for those
2 enforcers, deputies, complainants, and witnesses charged with
3 SLAPP suits.

4 p. *Transnational or transboundary violations* - refers to a continuing
5 offense in contravention of both environmental laws and
6 international treaties and conventions on the environment to which
7 the Philippines is a signatory. An act is deemed a continuing offense
8 when the act may be prosecuted and tried not only in the court or
9 administrative bodies of the place where it began, but also in the
10 court or administrative bodies of the place where part of the offense
11 was continued or consummated.

12 q. *Wildlife Trafficking* - refers to the transportation and/or
13 transshipment of wildlife, wildlife by-products, or derivatives, from,
14 to, or through the Philippines.

15 Sec. 4. *Creation.* - There is hereby created the Environmental Protection and
16 Enforcement Bureau (EPEB) which shall be a uniformed service and a line agency
17 under the Department.

18 This Act shall transfer and consolidate all enforcement functions performed by
19 different Bureaus and attached Agencies of the Department and those that may be
20 created hereafter.

21 The Bureau shall exercise concurrent enforcement authority with agencies
22 having jurisdiction under other laws.

23 Sec. 5. *Jurisdiction.* - The Bureau shall carry out environmental law enforcement
24 functions in the entire Philippine archipelago including air space, territorial waters,
25 exclusive economic zones, continental shelf, and other areas where the Philippines
26 exercises sovereignty and sovereign rights or jurisdiction in accordance with
27 Philippine and International Laws. It shall be under the control and supervision of the
28 Secretary.

29 Sec. 6. *Powers and Functions.* - The Bureau has the power and authority to:

30 a. Enforce, interdict ongoing violations, arrest, investigate, and
31 prosecute all violations of environmental and natural resources laws,

- 1 rules and regulations, including those over which other agencies
2 exercise jurisdiction;
- 3 b. Take custody of all seized and confiscated items, implements,
4 conveyances, tools, and equipment;
- 5 c. Initiate the filing of appropriate cases and/or proceedings;
- 6 d. File the appropriate cases in court in consultation with the National
7 Prosecution Service when necessary, and in coordination with the
8 Office of the Ombudsman in cases involving government officials
9 and employees;
- 10 e. Execute decisions and dispose of confiscated items in administrative
11 cases pertaining to environment and natural resources violations,
12 and in court cases as may be directed by the court;
- 13 f. Call on the Department of Justice (DOJ), Philippine National Police
14 (PNP), Armed Forces of the Philippines (AFP), the National Bureau
15 of Investigation (NBI), and other government law enforcement
16 agencies, including government-owned and controlled corporations,
17 to aid in the enforcement of laws against environmental crimes;
- 18 g. Conduct intelligence operations and forensics investigation in
19 furtherance of the foregoing powers and functions;
- 20 h. Issue subpoena for the appearance of any person for investigation or
21 production of any documents, through its officers from the ranks of
22 Director-General, Deputy Director, Directors for Enforcement,
23 Investigation and/or Legal Services, and Regional Director, and cite
24 in contempt any person who violates or disobeys orders and
25 processes duly issued by the Bureau;
- 26 i. Accept the name of the Philippine Government, funds or financial
27 assistance for immediate disbursements or other property in the
28 interest of, or as may be necessary to carry out its functions, and
29 which shall be properly allocated and utilized directly and
30 exclusively for environmental protection and enforcement;
- 31 j. Establish and maintain coordination mechanisms with other law
32 enforcement agencies locally and internationally;

- 1 k. Develop enforcement systems and strategies based on best practices
2 and using the most advance and reliable technologies;
- 3 l. Impose administrative fines/citations for in-flagrante violations of
4 environment and natural resources laws, rules and regulations
5 pursuant to schedule of fines to be issued by the Office of the
6 Secretary;
- 7 m. Maintain a database of all relevant information such as, but not
8 limited to, environmental cases, environmental-related incidents,
9 permittees, licensees, parks and forest occupants, tenured migrants,
10 and scientific research data and information;
- 11 n. Issue and implement Cease and Desist Order, Closure Order, Notice
12 of Violation, and Abatement Order in the exercise of its
13 administrative powers pursuant to pertinent rules and regulations
14 issued by the Department;
- 15 o. Formulate and implement policies, guidelines, and programs
16 necessary to effectively carry out its mandate; and
- 17 p. Perform other related functions as the Secretary of the Department
18 may assign.

19 Nothing herein shall prevent other law enforcement agencies from exercising
20 jurisdiction over violations of environmental laws, rules and regulations. Provided
21 that, once the Bureau takes cognizance of the aforementioned violations, the Bureau
22 shall take the lead and other law enforcement agencies shall collaborate and render
23 assistance.

24 *Sec. 7. Organizational Structure.* - The Bureau shall be organized into the Office
25 of the Director-General, Deputy Director-Generals for Operations and for
26 Administration, Division Chiefs for Enforcement, Investigation and Legal, Finance
27 and Logistics, Administrative and Human Resource, Planning and Knowledge
28 Information Service, and Forensic Laboratory. Each service shall be composed of the
29 necessary divisions and sections. The Bureau shall establish regional offices composed
30 of district offices to cover designated enforcement areas. Field units may be
31 established as needed to work with Provincial Environment and Natural Resources

1 (PENR) and/or City Environment and Natural Resources (CENR) offices, or clusters
 2 thereof.

3 The Bureau's personnel and their respective positions and rank shall have
 4 appropriate staffing complement, as follows:

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 111	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	SG25
Chief for Administrative and Human Resource Division	Director I	SG25
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

5 Sec. 8. *Forensic Laboratory.* - The Bureau shall establish and maintain an up-to-
 6 date forensic laboratory to be headed by a Director and supported by as many sections
 7 as may be deemed necessary, which may include chemical and toxicology, genetics,

1 criminalistics, veterinary, morphology, and digital. The Forensic Laboratory may be
 2 composed of the following staffing complement:

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	SG22
Section Chief on Criminalistics	Section Chief	SG 22
Section Chief on Veterinary	Section Chief	SG22
Section Chief on Taxonomy and Morphology	Section Chief	SG22
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

3 *Sec. 9. Environmental and Natural Resources Law Enforcement Academy.* - The
 4 DENR shall establish an Environmental and Natural Resources Law Enforcement
 5 Academy which shall be responsible for the recruitment, development, and conduct
 6 of basic and advanced-level environmental law enforcement training courses, and
 7 continuing skills enhancement of all Bureau enforcers and personnel.

8 The Academy shall provide other Philippine law enforcement agencies and
 9 institutions with high-quality standardized trainings on environmental law
 10 enforcement including local governments.

11 *Sec. 10. Powers and Functions of the Director General.* - The Director General shall
 12 have access to all official records of the government and the regulated communities of
 13 the Department in the furtherance of his/her duties and responsibilities, and shall
 14 perform the following powers and functions:

- 15 a. Direct, control, and administer the operations of the Bureau, and
 16 deploy any of its officials and operatives for missions;
- 17 b. Formulate policies, guidelines, programs, and projects to implement
 18 this law and recommend policies that would enable the Bureau to
 19 take additional necessary measures in exercising its power;

- c. Develop a system and allocate funds for informant's rewards and whistle blower protection;
- d. Recommend and/or direct appropriate agencies to effect emergency containment and remediation measures in relation to violations of environment and natural resources laws, rules and regulations;
- e. Initiate and strategize training and deputation of environmental law enforcement officers and, whenever practicable their consolidation and organization in accordance with existing laws, rules and regulations;
- f. Designate and/or authorize the use of informants for investigative purposes including the hiring of consultants, subject to pertinent laws, rules and regulations, as may be required;
- g. Issue mission orders and permits to carry duly-issued agency firearms of its organic personnel or other duly deputized officers who are conducting or assisting in investigation and enforcement operations;
- h. Ensure proper inventory, identification, and impoundment of confiscated and/or forfeited objects, implements, and conveyances;
- i. Create and/or abolish division/units and positions within the Bureau that may be required for the expeditious, effective, and efficient discharge of its duties and responsibilities; and remove, suspend, or otherwise discipline Bureau officials, enforcers, and personnel for causes provided under the Civil Service Rules and Regulations and other pertinent laws, rules and regulations, subject of the approval of the Secretary; and
- j. Perform other acts that are necessary, proper, or incidental to the performance of his/her duties and responsibilities as may be assigned by the Secretary.

Sec. 11. *Powers and Functions of Bureau Officers and Enforcers.* – The members of the Bureau shall be peace officers, and as law enforcers, shall have the following additional powers and functions:

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

18 *Sec. 12. Benefits and Privileges.* - The Bureau shall provide its personnel with the
19 following benefits:

- 20 a. Healthcare services or insurance for all its regular personnel;
- 21 b. Accident insurance for all its employees and deputized officers;
- 22 c. Hazard pay, subject to existing laws, rules and regulations; and
- 23 d. Access to legal assistance and support fund.

24 *Sec. 13. Inter-agency Environmental Enforcement Coordination.* - The Bureau shall
25 establish and maintain close coordination, cooperation, and linkages with national
26 and international coordinative bodies, multi-lateral agencies, and organizations that
27 address environmental crimes.

28 *Sec. 14. Stakeholder's Engagement/People's Participation.* - Active and direct
29 participation of national government agencies (NGAs), local government units
30 (LGUs), academe, media, people's organizations (Pos), non-governmental
31 organizations (NGOs), including the citizenry, shall be encouraged. The Bureau shall

1 take measures to ensure responsiveness and feedback mechanisms for maximum
2 participation, engagement, and transparency.

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

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

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

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

22 The penalties of indirect assault as defined under the Revised Penal Code shall
23 be imposed upon any person coming to the aid of the person assaulting the
24 environment and natural resources enforcement officer or his deputy in the
25 enforcement of his or her duties.

26 Sec. 18. *Administrative Adjudication.* – The Secretary is authorized to organize
27 and standardize administrative adjudication mechanisms to impose fines and other
28 penalties provided for under existing laws, rules and regulations, and cause the
29 issuance of procedural rules and regulations as may be appropriate.

30 Sec. 19. *Power to Issue Cease and Desist Orders and to Summarily Abate Without the*
31 *Necessity of Judicial Order.* – The Bureau may, subject to the requirements of
32 administrative due process, issue cease and desist orders, and summarily eject any

1 person and/or issue abatement order, removal, dismantling, or demolition of any
2 illegal structures from a prohibited area, without the necessity of judicial order.

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

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

12 Sec. 21. *Appropriations.* – The funds required for the implementation of this Act
13 shall be taken from the General Appropriations Act (GAA) and may be augmented
14 from the following:

- 15 a. Integrated Protected Area Fund (IPAF);
- 16 b. Environmental Users Fees;
- 17 c. EPIRA;
- 18 d. Road users' Tax; and
- 19 e. Administrative fines and penalties.

20 Provided, that, all funds collected shall be pooled together as a single account
21 that will cover all operational expenses.

22 Sec. 22. *Transitory Provisions.* – All unexpected appropriations, real and
23 personal properties, documents, records and other papers related to enforcement
24 which are kept and/or managed by enforcement divisions, sections, and units of the
25 Department and attached Agencies shall be transferred to the Bureau.

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

31 All incumbent enforcement officials, enforcers, and personnel of the
32 Department, Bureaus, and attached Agencies who have undergone the mandatory

1 training on enforcement as provided under this Act may serve as officers or enforcers
2 of the Bureau, or choose to be reassigned to non-enforcement functions or offices of
3 the said agencies.

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

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

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

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

17 *Sec. 26. Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) national newspapers of general circulation or in the
19 Official Gazette.

Approved,