Philippines (The)

EIA profile

Updated to: 09 July 2019

Overview ESIA procedure

The ESIA requirements are tied in with the Environmental Compliance Certificate (ECC). A project proponent must present an ESIA-document with the ECC application. For new projects this can be an Environmental Impact Statement (EIS), and for smaller projects an Initial Environmental Examination Checklist.

Other forms of ESIA documents--an Environmental Performance Report and Management Plan (EPRMP), Programmatic EIS, or programmatic EPRMP--are required for expansion or update of existing projects.

The ESIA-procedure is best described in the EIA manual, published in 2007. The manual describes the project cycle, as defined by the DENR Administrative Order (DAO) No. 2003-30.

DAO 2003-30 also establishes a flow-chart of the ESIA process (see source).

In general, the Philippine ESIA Process has six sequential stages:

1) Screening,

2) Scoping,

3) ESIA Study and Report Preparation,

4) ESIA Review and Evaluation,

5) Decision Making, and

6) Post-ECC Monitoring, Validation and Evaluation/Audit stage.

source

http://emb.gov.ph/wp-content/uploads/2016/06/EMB-MC-2007-001.pdf

http://eia.emb.gov.ph/wp-content/uploads/2016/07/EIA-Process-Figure-1-2-of-RPM.pdf

Screening

Screening process

In order to determine the applicable ESIA requirements for a project, screening has to take place to determine in which of the following categories the project falls:

- Category A. Environmentally Critical Projects (ECPs) with significant potential to cause negative environmental impacts
- Category B. Projects that are not categorized as ECPs, but which may cause negative environmental

impacts because they are located in Environmentally Critical Areas (ECA's)

- Category C. Projects intended to directly enhance environmental quality or address existing environmental problems not falling under Category A or B. (This category was devised specifically for environmental management projects that take place within ECA?s, but that do not have the potential to cause significant negative impacts.)
- Category D. Projects unlikely to cause adverse environmental impacts.

NB: Categories A and B contain subcategories, for new projects, expansion of projects, and projects operating without ECC. A distinction between single and co-located projects is also made. These sub-categories require different ESIA documents, see the updated guidelines (2014) for an overview.

The description of which projects fall into which category is detailed in the DAO 2003-30 Procedure Manual (see source).

The DENR-EMB determines whether a proposal is an ECP or a project to be implemented in an ECA (Category A or B). If either or both of these conditions apply (see source for ECP and ECA thresholds), the proposal is required to secure an ECC. For Category C and D, the DENR-EMB or the ROs can issue a Certificate of Non-Coverage (CNC) certifying that the project will not significantly affect the quality of the environment, and no ECC is required.

Sensitive areas

DAO 2003-30 includes Environmentally Critical Areas, for which an EIS is always required. They are defined as follows :

Environmentally Critical Area (ECA) - area that is defined as "environmentally sensitive such that significant environmental impacts are expected if certain types of proposed projects or programs are located, developed or, implemented in it."

source

http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Procedural-Manual-DAO-03-30.pdf

Updated thresholds: http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Guidelines-for-Coverage-Screening-and-Standardized-Reqts.pdf

Timeline Screening

15 days after receipt of project description

Scoping

Scoping process

The scoping process for an EIS follows general steps:

1. Social Preparation/ Information: The relevant Local Governmental Units (LGU) are informed by the proponent. Together with the LGUs the stakeholders are identified.
2. Request for Scoping: the proponent makes a formal request for scoping to the EMB, which includes

submission of a project description with supporting documents such as the EIA Coverage and Screening Checklist and the Scoping/Procedural Screening Checklist (SPSC).

3. The EMB forms a Review Team and schedules the scoping activity.
4. The scoping activity consists of three steps:

   a. Project Briefing: The proponent presents a project overview, key issues and proposes the Terms of Reference (TOR) to the Review Team.

   b. Public Scoping: Stakeholders are able to raise issues that should be addressed in the EIS. Annex 2.9 of the manual provides guidelines on how to conduct a public scoping, including a planning of the meeting and the requirement to record/transcribe the proceedings.

   c. Technical Scoping: the Review Team reviews the technical details of the proposed EIS, as described in the SPSC.

5. Final Approval of Scoping Checklist by EMB

source

http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Procedural-Manual-DAO-03-30.pdf

Contents of the scoping document

A specific format for the Scoping document is included in the DAO 2003-30 Revised Procedural Manual, annex 2-7a (the Scoping/Procedural Screening Checklist, SPSC).

In short, the scoping should include:

- Executive summary
- Project description
- IS process description
- Baseline conditions, impact assesssment and mitigation
- Environmental Risk Assessment
- Environmental Management Plan

source

http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Procedural-Manual-DAO-03-30.pdf

Timeline scoping

Proponents need to schedule the public scoping 3 months after the conduct of FGD and IEC.

The Technical scoping by the EMB is done within 7 days after the presentation of the public scoping report by the proponent.

source

http://eia.emb.gov.ph/wp-content/uploads/2017/06/2-May-2017-DAO-2017-15.pdf

Assessment

Assessment process

The assessment process is wholly in the hands of the project proponent, although the EMB can be asked for advice on procedural and technical matters. Outlines are presented in the DAO2003-30 procedural manual annex 2-11 (see below).

Contents of the EIA report

The ESIA study & report should include:

- Description of the proposed project
- Description of alternatives
- Characterisation of the project environment
- Impact identification and prediction
- Evaluation of impact significance
- Impact mitigation measures
- Environmental Management and Monitoring Plan (with cost estimates & institutional support commitment)

source

Annex 2-11 of the DAO revised procedural manual,
http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Procedural-Manual-DAO-03-30.pdf

Accreditation of consultants

ESIA consultants must be registered with the The DENR-EMB for their ESIAs to be accepted. The main registration requirement is that the consultant undergoes ESIA training provided by the EMB.

Review

Review process

EIS review is the responsibility of the DENR-EMB. It documents its findings in a review report, which is forwarded to the DENR Secretary (or Regional Director, if the ECC is issued at RO-level).

The review report should contain at least the following:

- Summary of the environmental impacts of the undertaking, along with the proposed mitigation and enhancement measures;
- Key issues/concerns and the proponent's response to these;
- Documentation of compliance with procedural requirements;
- Acceptability of proposed EMP including the corresponding cost of mitigation, Environmental Guarantee Fund and Environmental Monitoring Fund if required;
- Key bases for the decision on the ECC application (as mentioned above, an ECC is granted on basis of

the EIA document).

Review expertise

The EMB organizes a technical ESIA Review Committee to review each ESIA. This committee evaluates the ESIA document and other related documents and makes appropriate recommendations regarding ECC approval. It consists of independent technical experts and professionals from various fields that the EMB selects from an EMB expert pool.

Local government staff may be attached to the review committee as resources persons.

source

http://policy.denr.gov.ph/2003/dao2003-30.pdf

Timeline Review

The review must be undertaken in 60 days if done by a for EMB regional office, in 120 days if undertaken by the for central office.

Decision making

Integration of ESIA into decision-making

Projects that require an EIS need a number of approvals before they can proceed. One of these approvals is the issuance of an Environmental Compliance Certificate (ECC) document by the DENR-EMB. Other approvals include a land clearance by the DENR, approval by the Local Government Units (LGUs) who have spatial jurisdiction over the project, and/or approval from the lead government agency who has sectoral mandate over this type of activity, e.g. DOE for energy projects; DENR-MGB for mining projects.

Aside from the ECC, the other project approvals do not have to be explicitly based on the EIS. However, the DENR land clearance and ECC are sequenced such that land clearance is not provided before an ECC is given.

Depending on the (sub-)category of the project, the decision on the ESIA-document is made by the EMB Regional Office or the EMB Central Office.

The decision document is an official letter regarding the decision on the application for the ECC. It may be in the form of an Environmental Compliance Certificate or a Denial Letter.

source

http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Procedural-Manual-DAO-03-30.pdf

https://server2.denr.gov.ph/uploads/rmdd/dao-2018-14.pdf

http://policy.denr.gov.ph/2003/dao2003-30.pdf

Decision justification

A Denial Letter contains an explanation for the disapproval of the application and guidance on how the application can be improved in the next ESIA process.

The ESIA Review Committee report should include an explanation of whether the mitigation measures are deemed acceptable, whether there are any concerns remaining, and overall recommendations.

source

Annex 2-29 of the DAO revised procedural manual,
http://eia.emb.gov.ph/wp-content/uploads/2016/06/Revised-Procedural-Manual-DAO-03-30.pdf

Timeline decision-making

After the EMBs endorsement of the recommendation by the RC, the deciding authority has

Possibilities for appeal

The DENR Administrative Order No. 2003- 30 allows for administrative appeal on the ECC / CNC application.

Any party aggrieved by the final decision on the ECC / CNC applications may, within 15 days from receipt of such decision, file an appeal on the following grounds:

a. Grave abuse of discretion on the part of the deciding authority, or

b. Serious errors in the review findings.

The office where the appeal should be filed depends on the administrative level (in ascending order):

Office of the EMB Director

Office of the DENR Secretary

Office of the President

Follow-up

Compliance monitoring

Evaluation is a required element of the PEISS. Proponents that have been issued ECCs are primarily responsible for monitoring their projects. They are required to monitor their projects and to send an ECC compliance monitoring report twice a year, containing:

a) performance against the ECC conditions;

b) performance against the EMP; and

c) performance against the monitoring of actual impacts as against predicted impacts in the ESIA Report.

The EMB is primarily responsible for the over-all evaluation/audit of the Proponent?s monitoring. For each project that is issued an ECC, primary responsibility is lodged with the EMB ROs who shall implement the internal EMB strategy for selecting and prioritizing projects to be subject to compliance monitoring.

Monitoring by Multi-partite Monitoring Team (MMT) (which increases public participation) is required for

projects in category A. For other categories it is recommended but not mandatory.

MMTs are composed of representatives of the proponent and of stakeholder groups, including representatives from concerned LGUs, locally accredited NGOs/CSOs, the community, the EMB Regional Office concerned, relevant government agencies, and other sectors that have been identified during the ESIA Study as potentially affected by the various phases of the project.

The MMTs findings are used for further DENR-EMB decision making.

Non-compliance penalties

Minor offences are penalized with a minimum of 10.000 PhP, Major offences with a minimum of 25.000 PhP. In case of repeated offences, the penalty can increase towards 50.000 PhP and revocation of the ECC license.

Stakeholder engagement

Public participation requirements for ESIA process stages

Public participation is required during several stages of the ESIA process:

- Stakeholders are identified together with the LGUs during the scoping phase of the project.
- During the ESIA Study stakeholders are consulted by the proponent.
- For ECPs, a public hearing is required, unless a waiver is granted. In that case a Public Consultation is conducted. For other projects there is no requirement for a public consultation.
- The ESIA recommendations are transmitted by the DENR-EMB to the concerned governmental authorities and LGUs to be considered in their decision-making process.
- When possible (not all ROs have their own website), draft ESIAs are published online by the EMB, so that the public has the opportunity to respond to the draft ESIAs.
- Multi-partite Monitoring Teams are open for public participation.

Timeline for public comments

Public comments are possible until 7 days after the public hearing, which is organised by the proponent.

Access to information

For the public hearing, the proposed EIS is distributed to the LGUs. The public hearings are publicly accessible, and upon registration a participant can receive the draft EIS.

The EMB central office also maintains a database with all the ECCs it has issued and the ESIA documents they are based on.

ESIA practice

Annual no. of ESIAs

An estimated 100 Environmental Impact Statements are processed each year, of which 20 at central level (EMB central office), and the remaining number at the Regional Offices.

There are many more ECCs issued annually, based on lighter assessment than the a full ESIA such as the Initial Environmental Examination Checklists, conducted each year. Almost all are administered on a regional level.

Central ESIA database

The DENR-EMB maintains a database with all ECCs issued (see source).

Documents required for public scoping (public notice and project description) and public hearing (Notice, EIA document, and summary) are published online.

source

Online list of documents for public hearing/ consultation:
http://eia.emb.gov.ph/notice-of-public-hearingconsultation_link/notice-of-public-hearingconsultation/

ECC database: http://119.92.161.21/live/ECCissued.aspx

Background information

Legal framework

Enabling law

Presidential Decree No. 1586 (1978):

Established an Environmental Impact Statement System as well as other Environmental Management related measures.

Presidential Administrative Order No. 300 (1996):

Further Strengthens the PEIS System and Clarifies the Authority to Grant or Deny the Issuance of ECC

Presidential Administrative Order No. 42 (2002)

Rationalizing the Implementation of the PEISS and giving Authority, in addition to the Secratary of the DENR, to the Director and Regional Directors of EMB to Grant or Deny the issuance of ECCs.

source

https://emb.gov.ph/wp-content/uploads/2016/06/PD-1586.pdf

https://emb.gov.ph/wp-content/uploads/2016/06/AO-300.pdf

https://emb.gov.ph/wp-content/uploads/2016/06/AO-42.pdf

National detailed regulation

Full implementation of the PEISS occured after the issuance of Presidential Proclamation 2146 in 1981 where the technical definition of Environmentally Critical Projects (ECPs) and Environmentally Critical Areas (ECAs) was provided. The type of ESIA document necessary to obtain an Environmental Compliance Certificate is determined on the basis of the ECPs and ECAs determination.

source

http://eia.emb.gov.ph/about-us/

Guidelines

The revised procedural manual (2007) serves as primary reference to clarify the steps and procedures required to implement the IES System in the country.

Additional guidelines for screening were published in 2014.

source

http://emb.gov.ph/wp-content/uploads/2016/06/EMB-MC-2007-001.pdf

http://eia.emb.gov.ph/wp-content/uploads/2016/07/EIA-Process-Figure-1-2-of-RPM.pdf

http://ap.fftc.agnet.org/ap_db.php?id=625&print=1

Scope of application

EIA is required for

A. Environmentally Critical Projects, specifically:

- Heavy Industries
- Resource Extractive Industries
- Infrastructure Projects
- Golf course projects

B. Projects located in Environmentally Critical Areas

Exemptions from application

None so far we know

Institutional setting

Central ESIA authority

The Department of Environment and Natural Resources (DENR) is the executive department of the Philippine government responsible for governing and supervising the exploration, development, utilization, and conservation of the country's natural resources.

Within the DENR, the Environmental Management Bureau (EMB) is responsible for the Philippine

Environmental Impact Statement System (PEISS), and has the authority to award Environmental Compliance Certificates (ECCs).

For EIA specifically, the Environmental Impact Assessment and Management Division is responsible for the EIS process.

The EMB functions as a bureau under the DENR. The Department is one of several within the Ministry in charge of the environment.

(De)centralisation of mandates

The EMB is represented at lower administrative levels by sixteen Regional Offices (ROs). in practice, these ROs handle most of the small-scale ECC applications.

source

http://ap.fftc.agnet.org/ap_db.php?id=625&print=1

Payment system

The proponent pays an administration fee of between 3.000 and 10.000 PhP for projects requiring an ECC.

source

http://policy.denr.gov.ph/2003/dao2003-30.pdf,

annex 2.

Contact

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source

https://emb.gov.ph/location-map-3/