

## Philippines

**Country:** [Filipinas](#) [1]

**EIA Law:** Presidential Decrees Nos. 1151 (1977) & 1586 (1978)

**Law Link:** [Link](#) [2]

**EIA Regulations:** Department Administrative Orders 2003-30 & 96-37

**Regulations Link:** [Link](#) [2]

**EIA Guidelines or Other Guidance:** MC 2007-002 (Revised Procedural Manual), MC 2007-001 (Environmental Impact Assessment Review Manual), and additional Memorandum Circulars

**Guidance Link:** [Link](#) [3]

**Projects Requiring EIA:** Government projects

Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** For proposed projects located in an environmentally critical area (ECA), the proponent must submit an initial environmental examination. Art. II, sec. 3, DAO 96-37

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Criteria for Screening:** List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** "[A]ll agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms and entities shall prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detailed statement on . . . the environmental impact of the proposed action, project or undertaking. . . ." P.D. 1151 sec. 4; see also listed activities in DAO 96-37, Art. II, section 1

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Prepares EIA Detail:** "The EIS may be prepared by the proponent's technical staff or a professional group commissioned by the proponent . . ." DAO 96-37, Art. III. section 8. See also MC 2007-002 ("Project Proponents are responsible for determining and disclosing all relevant information necessary for a methodical assessment of the environmental impacts of their projects.")

**Who Pays for EIA:** Project Proponent

**Who Pays for EIA Detail:** DAO 96-37, Art. III. section 8

**EIA Contractor Qualifications:** Yes

**EIA Contractor Qualification Detail:** EIS preparers must be accredited by the Environmental Management Bureau (EMB) and sign a sworn statement of eligibility. DAO 2003-30, Section 12 and Annex 2-22.

**Conflict of Interest:** Yes

**Conflict of Interest Detail:** IEE and EIS preparers are held responsible for the accuracy of the documents and may be charged with sanctions for any information imputable to them that is found to be false or tends to misrepresent the findings of the study. DAO 2003-30, Section 12 and Annex 2-22.

**Terms of Reference:** Yes

**Terms of Reference Detail:** For environmentally critical projects, the proponent is required to conduct a scoping process and prepare a formal scoping report that "shall serve as a basis for" the EIS. DAO 96-37, Art. III, sec. 5. For projects in environmentally critical areas, the IEE may be sufficient. See DAO 96-37, Art. III, sec. 25; DAO 2003-30, sec. 5.2.

**Automatic Approval:** Yes

**Automatic Approval Detail:** A "decision document" is issued. It may be in the form of an Environmental Compliance Certificate or a Denial Letter. DAO 2003-30, sec. 5.4.3

**Written Decision:** Yes

**Written Decision Detail:** A "decision document" is issued. It may be in the form of an Environmental Compliance Certificate or a Denial Letter. DAO 2003-30, sec. 5.4.3

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** "The ECC shall contain the scope and limitations of the approved activities, as well as conditions to ensure compliance with the Environmental Management Plan." DAO 2003-30, sec. 5.4.3

**Expiry of Decision:** 5 years

**Expiry of Decision Detail:** "[T]he ECC automatically expires if a project has not been implemented within five (5) years from ECC issuance, or if the ECC was not requested for extension within three (3) months from the

expiration of its validity. If the baseline characteristics have significantly changed to the extent that the impact assessment as embodied in the Environmental Management Plan (EMP) is no longer appropriate, the EMB office concerned shall require the Proponent to submit a new application. The EIA Report on the new application shall focus only on the assessment of the environmental component which significantly changed." MCC 2007-002, sec. 10(d); see also DAO 2003-30, sec. 5.4.3

**Financial Assurances or Bond:** Sometimes

**Financial Assurances Detail:** An Environmental Guarantee Fund shall be established for all co-located or single projects that have been determined by the DENR to pose a significant public risk or where the project requires rehabilitation or restoration. DAO 2003-30, sec. 9.3

**Interdisciplinary Team:** No

**Interdisciplinary Team Detail:** The EIA must be reviewed by an interdisciplinary team, however. The EIA Review Committee is a body of independent technical experts and professionals of known probity from various fields organized by the EMB to evaluate the EIS and other related documents and to make appropriate recommendations regarding the issuance or non-issuance of an ECC. DAO 2003-30, sec. 3

**Range of Alternatives:** No

**Range of Alternatives Detail:** DAO 2003-30, sec. 5.2.1 and MC 2007-002, Annex 2-12 (EIS Outline) 3.3 Project Alternatives.

**No Action Alternative:** No

**No Action Alternative Detail:** There is no specific requirement that an EIA evaluate a no action alternative. See DAO 2003-30, sec. 5.2.1 and MC 2007-002, Annex 2-12 (EIS Outline) 3.3 Project Alternatives.

**Type(s) of Impact Analysis:** Direct environmental impacts

Cumulative environmental impacts

Social impacts

Economic impacts

Gender equity

**Mitigation:** Yes

**Mitigation Detail:** The EIS must include an environmental management plan. The plan is defined as a "section in the EIS that details the prevention, mitigation, compensation, contingency and monitoring measures . . ." DAO 2003-30, sec. 5.2.1; see also DAO 96-37, Art. III, sec. 9(f).

**Monitoring Plans:** Yes

**Monitoring Plans Detail:** The EIS must include an environmental management plan. The plan is defined as a "section in the EIS that details the prevention, mitigation, compensation, contingency and monitoring measures . . ." DAO 96-37, Art. III, sec. 9(f).

**Public Notice of Draft EIA:** No

**Draft EIA Available:** No

**Draft EIA Locations:** Other

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** The proponent must post notice that it has submitted an EIS to the Environmental Management Bureau in the barangay, municipal halls, and other conspicuous places in the affected community along with a summary of the proposed project. DAO 96-37, Art. IV, sec. 2

**Final EIA Available:** No

**Final EIA Available Detail:** The Law and Regulations are not specific about where the EIS is to be made available to members of the public.

**Final EIA Locations:** Agency or ministry office

**Fee to View EIA Documents:** No

**Fee to Obtain EIA Documents:** No

**Availability of Reference Studies:** No

**Public Notice of Final Decision:** Yes

**Public Scoping:** Yes

**Public Scoping Detail:** DAO 2003-30, Secs. 3(dd), 5.2.1(c) and Annex 2-9

**Public Review of TOR:** Yes

**Public Review of TOR Detail:** Participants to the scoping session can sign the scoping agreement. DAO 2003-30, sec. 5.2.1(c) and MC 2010-14 3.1.

**Public Participation Opportunities:** Scoping

Terms of reference

Public Meetings and/or public hearings

Review of final EIA

**Public Meetings:** Sometimes

**Public Meetings Detail:** Generally, public meetings are held at the discretion of the DENR under the following

circumstances: a) the project will affect "a great number of people;" b) there is "mounting public opposition against the proposed project;" c) there is a written request for a hearing submitted by any stakeholder. DAO 96-37, Art. IV, sec 4. For certain environmentally critical projects (ECP), a public hearing is mandatory. See DAO 2003-30, sec. 5(3) and and MC 2010-14 3

**Public Input at Meeting:** Yes

**Criteria to Hold Public Meeting:** Members of the public must request a meeting and/or hearing

The proposed project is controversial

**Days for Public to Review Final EIA:** at least 15

**Public Comments on Draft EIA:** No

**Public Comments on Final EIA:** Yes

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** The EIA Review Committee prepares a report containing the results of its review and recommendations to the EMP Director to be signed by the Chair and members within five (5) days from its final meeting. DAO 2003-30, Table 2-1 and Annex 2-28

**Facilitation of Public Participation:** Yes

**Facilitation of Public Participation Detail:** The proponent must present all information in a language that is easily understood. DAO 96-37, Art. IV, sec. 2(a)

**Citizen Administrative Review:** Yes

**Citizen Administrative Review Detail:** Any aggrieved party must file a complaint or adverse monitoring finding within 15 days from receipt of a Case Decision Document. DAO 2003-30, sec. 2.4 and Table 2-6 and 2-7 .

**Citizen Judicial Review:** Yes

**Citizen Judicial Review Detail:** See Citizen Suit provisions in Rule 2 Sec. 5 of Supreme Court AM No. 09-6-8 (Rules of Procedure for Environmental Cases)

**Project Monitoring:** Yes

**Project Monitoring Detail:** A multi-party monitoring-team (MMT) is formed immediately following issuance of environmental clearance. The MMT is responsible for monitoring compliance with conditions of environmental clearance and includes representatives of local government, NGOs, and communities. DAO 2003-30, sec. 9. "The team shall be tasked to undertake monitoring of compliance with ECC conditions as well as the EMP. The MMT shall submit a semi-annual monitoring report within January and July of each year." The MMT is funded through an environmental monitoring fund established by the project proponent. Id.

**Enforceability of EIA:** No

**Enforceability of Permit:** Yes

**Enforceability of Permit Detail:** A complaint may be filed and each violation fined. DAO 2003-30, sec. 2.4 and Table 2-6 and 2-7.

**Days for Public to Review Draft EIA:** 0

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**Source URL:** <https://elaw.org/es/node/12741>

## Links

[1] <https://elaw.org/es/countries-and-regions/filipinas>

[2] <http://emb.gov.ph/laws-and-policies-environmental-impact-assessment/>

[3] [http://eia.emb.gov.ph/?page\\_id=396](http://eia.emb.gov.ph/?page_id=396)