THE PHILIPPINE EIS SYSTEM THRU THE YEARS

The origin of Environmental Impact Assessment (EIA) practice can be traced from the issuance of the National Environmental Policy Act (NEPA) by the United States in 1969 to address the increasing environmental issues in the 1960s. In the 1972 United Nations Conference on Environment in Stockholm, countries were urged to integrate environmental considerations into socio-economic development and decision-making. In response, many countries worldwide adopted the EIA system. The Philippines was among the first countries to adopt the EIA system in 1978.

EIA in the Philippines was originally conceived in 1977 with the issuance of the Philippine Environmental Policy (Presidential Decree [PD] 1151). This law mandates all national government agencies, including government-owned and controlled corporations, as well as private corporations, firms and entities to prepare an Environmental Impact Statement (EIS) for any project or activity that significantly affects the quality of the environment.

The Environmental Impact Assessment (EIA) System in the Philippines is officially referred to as the Philippine EIS System (PEISS) which was officially established under PD 1586 on 11 June 1978. Section 4 of PD 1586 provides that no person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate (ECC).

When the Philippine EIS System was established in 1978, the implementing agency was the National Environmental Protection Council (NEPC) under the Ministry of Human Settlements. Aside from the Implementing Rules and Regulations, another guiding document for the system’s implementation was Presidential Proclamation 2146 issued in 1981, which defined Environmentally Critical Projects (ECPs) and Environmentally Critical Areas (ECAs). Processing of all ECC applications was undertaken by NEPC, which then held office at the 6th Floor of the Philippine Heart Center, East Avenue, Quezon City.

Executive Order 192 of 1987 merged the NEPC and the National Pollution Control Commission (NPCC) into what is now the Environmental Management Bureau (EMB) and was put under the administrative jurisdiction of the then newly created Department of Environment and Natural Resources (DENR). EMB assumed the functions of the NEPC including the implementation of the Philippine EIS System.
With the creation of the DENR Regional Offices under EO 192, processing of ECC applications for Non-Environmentally Critical Projects in Environmentally Critical Areas was devolved to these offices. The Regional Executive Director of the DENR was given the authority to grant or deny ECCs to Non ECPs in ECAs thru DENR Administrative Order 21 of 1992.

On June 26, 1992, an inter-agency Memorandum of Agreement (MOA) was executed among 21 government agencies and corporations to "mutually declare and agree" among others, "that on the basis of mutual cooperation, concrete and concerted action shall be taken to support the goals and objectives of the EIA System".

Various capacity building initiatives were undertaken such as the "Strengthening Environmental Assessment Project" implemented in 1992 with the assistance from Australian International Development Assistance Bureau and Improving the Implementation of the Environmental Impact Assessment Project conducted in 1993-1994 (with MADECOR Environmental Management Systems) with assistance from the Asian Development Bank.

The programmatic EIA approach, provided for by PD 1151 was operationalized by DENR Administrative Order 11 in 1994.

In January 1996, the use of EIA as a planning tool was reiterated through Presidential Executive Order 291 mandating the simultaneous conduct of the environmental impact study and feasibility study and the establishment of environmental units in all implementing agencies.

Procedures for the Philippine EIS System implementation were issued with DENR Administrative Order 96-37.

It was under DAO 96-37 when ECC application processing timeframe limits was first prescribed. Social Acceptability and Public Participation requirement and guidance was embodied in the Procedural Manual for DAO 96-37 as an integral part of the Philippine EIS System. With this is the institutionalization of the Multipartite Monitoring Team System as a public participation mechanism under the Philippine EIS System. The Environmental Monitoring Fund and Environmental Guarantee Fund were likewise institutionalized under DAO 96-37.

In support of the EMB-DENR initiatives, the UNDP-Strengthening Environmental Management for Sustainable Development Programme provided technical assistance through its EIA Component from 1995-1997.
In November 2002, the Office of the President through Administrative Order 42 again, stressed the role of PEISS as a planning tool, and mandated its implementation to be consistent with the country’s development agenda by streamlining of procedures, clarification and standardization of requirements and strengthening its implementation.

DENR Administrative Order 2003-30 was then issued as implementing rules and regulations for the Presidential Administrative Order revising DAO 96-37.

Initiatives to improve the various aspects of the Philippine EIS System implementation continue to be undertaken through the years.

From 2003-2005, Strengthening the Environmental Performance Monitoring and Evaluation System of the Philippine EIS System Project was undertaken with support from the WorldBank. To improve the general procedures and standardize reporting, ADB 4686-PH through the project on Harmonization and Managing for Results Part D: Improving Quality at Project Entry (Environment Component) provided assistance from 2006-2007.

The 2nd version of Procedural Manual for DAO 2003-30 (2007) now serves as the major reference for implementing the Philippine EIS System along with the other guidance documents such as the EIA Review Manual, the Technical Guidelines for Integrating Disaster Risk Reduction, and Climate Change Adaptation in the Philippine EIS System and other clarificatory Memorandum Circulars.

The Philippine Environmental Impact Statement System (PEISS) was established through Presidential Decree 1586 as a mechanism to attain and maintain an orderly balance between socio-economic growth and environmental protection.

Consistent with the thrust for the achievement of optimum economic development, the continuous effective implementation of the PEISS shall ensure that the present generation meets its needs without compromising the needs and environmental quality of future generations.
The Philippine EIS System: 
In the Womb of Time

Amelia D. Supetran

First National Convention on the Philippine EIS System

Manila Hotel, 19 – 21 June 2013
ORIGINS & EVOLUTION

- **January 1970**: US National Environmental Policy Act
  - Introduced the first formal procedural requirements for EIA on the environmental effects of proposed federal agency actions
  - Action Plan for the Human Environment
- **1974**: OECD “Declaration on Environmental Policy”
Birth of the EIA System in the Philippines

Following the US initiative, EIA began appearing in a growing # of countries’ legislation:
- Australia (1974)
- Thailand (1975)
- France (1976)
- Philippines (1977)
- Israel (1981)

June 1978: PD 1586
- The EIA System in the Philippines was officially established.
- The National Environmental Protection Council (NEPC) under the Ministry of Human Settlements was the implementing agency.
Instrumental Factor:
Sustainable Development Agenda

- **1984:** Brundtland Commission
  - Our Common Future Report of 1987

- **June 1992:** United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil (Rio Declaration)
  - **Principle 15:** “the precautionary approach shall be widely applied by States according to their capabilities:”
  - **Principle 17:** “Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.”

- Agenda 21
- PA 21 to Enhanced PA 21
Philippine EIS System: Through the Years

- **1981: Presidential Proclamation 2146**
  - Defined ECPs and ECAs

- **1987: Executive Order 192**
  - Transferred EIS system management to the merged NEPC/NPCC entity, the EMB.

- **1992: DENR Administrative Order 21**
  - The DENR Regional Executive Director was given the authority to grant or deny ECCs to Non-ECPs in ECAs

- **1992: Inter-agency MOA among 21 Government Agencies and Corporations**
  - “mutually declare and agree that on the basis of mutual cooperation, concrete and concerted action shall be taken to support the goals and objectives of the EIA System”
Philippine EIS System:
Through the Years

- **1992: Strengthening Environmental Assessment Project**
  - Supported by Australian International Development Assistance Bureau

- **1993: Improving the Implementation of the EIA Project**
  - Supported by ADB with MADECOR Environmental Management Systems

- **1994: DENR Administrative Order 11**
  - Operationalized the programmatic EIA approach provided for by PD 1151

- **1996: Presidential Executive Order No. 291**
  - Use of EIA as a planning tool was reiterated, mandating the simultaneous conduct of the environmental impact study and feasibility study
  - Established the environmental units in all implementing agencies
Philippine EIS System: Through the Years

  - Supported by UNDP

- **1996: DENR Administrative Order 96-37**
  - Institutionalized detailed procedures, rules and regulations
    - Timeframe limits was first prescribed
    - Social Acceptability and Public Participation requirement and guidance was embodied in the Procedural Manual as an integral part of the PEISS
    - Multipartite Monitoring Team System was institutionalized as a public participation mechanism
    - Environmental Monitoring Fund and Environmental Guarantee Fund was set-up

- **2002: Presidential Administrative Order 42**
  - Stressed the role of PEISS as a planning tool
  - Mandated the DENR to support optimum economic development in the country by undertaking a systems-oriented and integrated approach in the analysis and solutions of environmental concerns. The EIS processing and approval procedure was further streamlined to prevent undue delay in ECC applications.
Philippine EIS System: Through the Years

- **2003**: DENR Administrative Order 2003-30
  - Implementing rules and regulations for the Presidential AO revising DAO 96-37

- **2003-2005**: Strengthening the Environmental Performance Monitoring and Evaluation System of the Philippine EIS System Project
  - Supported by World Bank

- **2006-2007**: Harmonization and Managing for Results Part D: Improving Quality at Project Entry (Environment Component)
  - Supported by ADB

  - Major reference for implementing the PEISS
Other More Recent Guidance Documents:
- EIA Review Manual
- Technical Guidelines for Integrating Disaster Risk Reduction (DRR) and Climate Change Adaptation (CCA) in the PEISS
- Other clarificatory Memorandum Circulars
EIAs are interdisciplinary analyses of the natural, human health, and socio-cultural effects which are expected to result from public and private sector actions in order to comprehensively inform decision makers and the affected public about both the proposed action and its alternatives, so that wherever possible significant negative impacts may be avoided, minimized, or mitigated.

Standardized baselining and updating; including improving access to data; development of modelling tools hold the potential for further enhancing the EIA System.
Utilize EIA in the context of its original purpose, i.e. as an information tool for rational decision-making and a process for consensus building on development options.

Invest in “pre-requisites” that would enable intelligible EISs to be produced, i.e. environmental baselines; modelling tools, etc..
RECOMMENDATIONS

- Re-think the level of application, i.e. “level up” to policy/plan/programme

- Complement with new instruments that enable the market to regulate itself, with government providing appropriate incentives and an enabling environment that spur efficient use of and conserves resources.
Mabuhay at Maraming Salamat Po!