

[PRESIDENTIAL DECREE NO. 984, August 18, 1976]

PROVIDING FOR THE REVISION OF REPUBLIC ACT NO. 3931, COMMONLY KNOWN AS THE POLLUTION CONTROL LAW, AND FOR OTHER PURPOSES.

WHEREAS, there is a need to modify the organizational structure of the NATIONAL POLLUTION CONTROL COMMISSION to make it more effective and efficient in the discharge of its functions and responsive to the demands of the times occasioned by the accelerative phase of the country's industrialisation program;

WHEREAS, there is an imperative need to strengthen this Commission to best protect the people from the growing menace of environmental pollution; and Whereas, it is urgently necessary to maintain the role of the Commission as the primary agency responsible for the prevention and control of environmental pollution;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the revision of Republic Act No. 3931, to be known as the "National Pollution Control Decree of 1976," to read as follows:

SECTION 1. *Statement of Policy.*—It is hereby declared a national policy to prevent, abate and control pollution of water, air and land for the more effective utilization of the resources of this country.

SEC. 2. *Definitions.*—As used in this Decree:

(a) "Pollution" means any alteration of the physical, chemical and biological properties of any water, air and/or land resources of the Philippines, or any discharge thereto of any liquid, gaseous or solid wastes as will or is likely to create or to render such water, air and land resources harmful, detrimental or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.

(b) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage and industrial wastes or other wastes as hereafter defined shall also be considered "sewage."

(c) "Industrial Waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development, processing or recovery of any natural resources which may cause or tend to cause pollution, or contribute to the pollution of the water, air and land resources of the Philippines.

(d) "Other Waste" means garbage, refuse, wood residues, sand, lime cinders, ashes, offal, night-oil, tar, dye stuffs, acids, chemicals, and other

substances not sewage or industrial waste which may cause or tend to cause pollution; or contribute to the pollution of the water, air and land resources of the Philippines.

(e) "Sewage System or Sewerage System" means pipe lines or conduits, pumping stations, force mains, constructed drainage ditches, and all other constructions, devices, and appurtenances used for collecting or conducting sewage, and industrial wastes or other wastes to a point of treatment, discharge or ultimate disposal.

(f) "Treatment Works" means any method, construction device or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial waste or other wastes or for the recovery of by-product from such sewage, industrial waste or other wastes.

(g) "Sewage Works" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage, industrial wastes or other waste, or for the recovery of by-products from such sewage, industrial waste or other waste.

(h) "Outlet" means the terminus of a sewage works or point of emergence in the water, air and land resources of the Philippines of any sewage, industrial wastes or other wastes.

(i) "Commission" means the National Pollution Control Commission.

(j) "Person" or "Persons" includes any being, natural or juridical, susceptible of rights and obligation or of being the subject of legal relations.

SEC. 3. *Creation of the National Pollution Control Commission; Members.*—There is hereby created and established a National Pollution Control Commission under the Office of the President. The Commission shall be headed by one full-time commissioner and assisted by two full-time deputy commissioners, one of whom shall be responsible for standard-setting and monitoring and the other for enforcement.

The Commissioner shall be a man of proven executive-ability. The Deputy Commissioner for Standard-Setting and Monitoring shall preferably be a sanitary engineer, while the Deputy Commissioner for Enforcement shall preferably be a lawyer. The Commissioner and Deputy Commissioners must have technical expertise in the field of pollution control.

The Commissioner and the Deputy Commissioners shall be appointed by the President of the Philippines.

SEC. 4. *Inter-Agency Advisory Council.*—There is created an Inter-Agency Advisory Council, attached to the Commission, which shall be composed of representatives designated by the Secretaries of the Department of Agriculture, Health, Industry, Justice, Labor, Local Government and Community Development, National Defense, Natural Resources, and Public Works, Transportation and Communications; the heads of the Laguna Lake Development Authority, National Economic and Development Authority, the National Science Development Board and, the Human Settlements Commission. The Commissioner shall head the Inter-Agency

Advisory Council. Representatives from the private sector as may be affected, may be invited to the deliberations of the Council.

SEC. 5. *Organization of the Commission.*—The Commission shall have a Water Pollution Control Division, an Air Pollution Control Division, a Research and Development Division, a Legal Division, an Administrative Division and such other divisions or units as may be approved in the General Appropriation Act. Nothing herein contained shall be construed as to automatically terminate or abolish any existing position in the Commission nor shall it be construed as a prohibition against termination of any position.

The Commission shall also establish such regional offices as may be necessary.

The Commission shall provide such technical, scientific and other services, including the necessary laboratory and other facilities as may be required to carry out the provisions of this Decree; Provided, That the Commission may secure such services as it may deem necessary from other agencies of the National Government, and may make arrangements for the compensation of such service. The Commission may also employ and compensate, within appropriations available therefor, such consultants, experts, advisors, or assistants on a full or, part-time basis as may be necessary, coming from government or private business entities, associations, or from local or foreign organizations, to carry out other provisions of this decree and may prescribe their powers, duties and responsibilities.

The Commission may conduct scientific experiments, investigations and research to discover economical and practical methods of preventing water, air and land pollution. To this end, the Commission may cooperate with any public or private agency in the conduct of such experiments, investigations and research, and may, accept sums of money, for and in behalf of the National Government, given by any international, national or other public or private agency for water, air and land pollution control activities, surveys or programs.

SEC. 6. *Powers and Functions.*—The Commission shall have the following powers and functions:

(a) Determine the location, magnitude, extent, severity, causes, effects and other pertinent uniform regarding pollution of the water air and land resources of the country; take such measures, using available methods and technologies, as it shall deem best to prevent or abate such pollution; and conduct continuing researches and studies on the effective means for the control and abatement of pollution.

(b) Develop comprehensive multi-year and annual plans for the abatement of existing pollution and the prevention of new or imminent pollution, the implementation of which shall be consistent with the national development plan of the country. Such plans shall indicate priorities and programs during the year.

(c) Issue standards, rules and regulations to govern the approval of plans and specifications for sewage works and industrial waste disposal systems and the issuance of permits in accordance with the provisions of this Decree; inspect the construction and maintenance of sewage works and industrial waste disposal system for compliance to plans.

(d) Adopt, prescribe, and promulgate rules and regulations governing the, procedures of the Commission with respect to hearings, plans, specifications, designs, and other data for sewage; works and industrial waste disposal system, the filing of reports the issuance of permits, and other rules and regulations for the proper implementation and enforcement of this Decree.

(e) Issue orders or decisions to compel compliance with the provisions of this Decree and its implementing rules and regulations only after proper notice and hearing.

(f) Make, alter or modify orders requiring the discontinuance of pollution specifying the conditions and the time within which such discontinuance must be accomplished.

(g) Issue, renew, or deny permits, under such conditions as it may determine to be reasonable, for the prevention and abatement of pollution, for the discharge of sewage, industrial waste, or for the installation or operation of sewage works and industrial disposal system or parts thereof: Provided, however, That the Commission, by rules and regulations, may require subdivisions, condominium, hospitals, public buildings and other similar human settlements to put up appropriate central sewerage system and sewage treatment works, except that no permits shall be required of any new sewage works or changes to or extensions of existing works that discharge only domestic or sanitary wastes from a single residential building provided with septic tanks or their equivalent. The Commission may impose reasonable fees and charges for the issuance or renewal of all permits herein required.

(h) After due notice and hearing, the Commission may also. revoke, suspend or modify any permit issued under this decree whenever the same is necessary to prevent or abate pollution.

(i) Set up effluent, stream, ambient and emission standards and promulgate rules and regulations therefor: Provided, That local governments, development authorities, and other similar government instrumentalities or agencies may set up higher standards subject to the written approval of the Commission.

(j) Serve as arbitrator for the determination of reparations, or restitution of the carnages and losses resulting from pollution.

(k) Deputize in writing or request assistance of appropriate government agencies or instrumentalities for the purpose of enforcing this Decree and its implementing rules and regulations and the orders and decisions of the Commission.

(l) Consult, participate, cooperate and enter into agreement with other agencies of the government, and with affected political groups, political subdivisions, and enterprises in the furtherance of the purpose of this Decree.

(m) Collect and disseminate information relating to water, air and land pollution and the prevention, abatement and control thereof.