

[ADMINISTRATIVE ORDER NO. 42, November 02, 2002]

RATIONALIZING THE IMPLEMENTATION OF THE PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT (EIS) SYSTEM AND GIVING AUTHORITY, IN ADDITION TO THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO THE DIRECTOR AND REGIONAL DIRECTORS OF THE ENVIRONMENTAL MANAGEMENT BUREAU TO GRANT OR DENY THE ISSUANCE OF ENVIRONMENTAL COMPLIANCE CERTIFICATES

WHEREAS, the Environmental Impact Statement (EIS) System was established by virtue of Presidential Decree No. 1586 (1978) to facilitate the attainment and maintenance of a rational and orderly balance between socio-economic growth and environmental protection;

WHEREAS, the need to incorporate environmental concerns in the country's efforts for national development should be done in the most efficient manner so that neither the environment nor national development are compromised;

WHEREAS, Section 4 of Presidential Decree No. 1586 establishing the Philippine Environmental Impact Statement System empowers the President or his duly authorized representative to grant or deny the issuance of environmental compliance certificates (ECCs) for environmentally critical projects within environmentally critical areas;

WHEREAS, Section 7 of Executive Order No. 192 providing for the reorganization of the Department of Environment, Energy, and Natural Resources (DEENR) and renaming it as the Department of Environment and Natural Resources (DENR) vests in the Secretary of the DENR the authority and responsibility to exercise the mandate of the DENR, accomplish its objectives and discharge its powers and functions;

WHEREAS, the Secretary of DENR, as alter ego of the President, is deemed to have the power to grant or deny the issuance of ECCs on behalf of the President;

WHEREAS, under Section 21, Chapter 4, Title XIV, Book IV of Executive Order No. 292, the Administrative Code of 1987, the DENR Regional Offices are responsible for, inter alia, implementing laws, policies, plans, programs, projects, rules and regulations of the DENR to promote the sustainability and productivity of natural resources, social equity in natural resources utilization and environmental protection in their respective regions;

WHEREAS, under Section 34, Chapter 4 of the provisions of Republic Act No. 8749 (Philippine Clean Air Act of 1999), the Environmental Management Bureau was

converted from a staff bureau, into a line bureau with the Regional Directors in charge of the various regional offices;

WHEREAS, the Environmental Management Bureau (EMB), together with the Environmental Impact Assessment (EIA) Review Committee, through the years of implementation of the Philippine EIS System, has established competence in the review and evaluation of the environmental impact of development projects;

WHEREAS, the current procedures on the ECC application process need to be streamlined;

WHEREAS, Section 4 of Executive Order No. 291 (1996) provides for the continuous strengthening of the Environmental Impact Assessment capability of the DENR.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, in order to further simplify the requirements and streamline the processing of ECC applications do hereby authorize, in addition to the Secretary of the Department of Environment and Natural Resources, the Director and Regional Directors of the Environmental Management Bureau to grant or deny the issuance of Environmental Compliance Certificates.

SECTION 1. Declaration of Policy. It is the policy of the State that optimum economic development shall be achieved without delay and shall be pursued to ensure that the present generation meets its needs without compromising the needs of future generations. Hence, a systems-oriented and integrated approach in the analysis and solution to environmental concerns vis-à-vis national development programs shall be implemented.

SEC 2. Streamlining the ECC Application Processing and Approval Procedures. Consistent with the above-mentioned policy, the following are hereby ordered:

- A. Project proponents are hereby directed to simultaneously conduct the environmental impact study (as required for ECC application) and the feasibility study of the proposed project.
- B. The endorsing official, approving authority and processing timeframes for ECC applications shall be as follows:

Type of Project	Endorsing Official	Approving Official	Processing Timeframe (not to exceed)
Environmentally critical project (Single Project)	EMB Central Office Director	DENR Secretary/ EMB Director	120 working days
Non Environmentally Critical Project	EIA Division Regional Office	chief, EMB Director/ Regional Director	60 working days