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# Preliminaries

For every proposed project which affects the community and the environment, a genuine and meaningful public participation is a key to ensure that social, economic, and environmental issues and concerns are taken into consideration. Public participation, thus, is an important component of every proposed project.

In this regard, the Philippine Environmental Impact Statement System (PEISS), thru its corresponding Implementing Rules and Regulations provides and ensures a meaningful public participation. The Department of Environment and Natural Resources' (DENR) recent Guidelines on Public Participation (DAO 2017-15) under the Philippine EIS System aims to ensure and encourage public participation of non-governmental, community-based, or sectoral organizations.

This primer will only focus on the DAO 2017-15 on public participation.



# Questions

## 1 What is the Philippine Environmental Impact Statement System (Philippine EIS System)?

The Philippine Environmental Impact Statement System is concerned primarily with assessing the direct and indirect impacts of a project on the biophysical and human environment. This system also ensures that these impacts are minimized, if not prevented, by appropriate environmental protection and enhancement measures.

## 2 What is the importance of Philippine EIS System?

Philippine EIS System is important to attain and maintain a rational and orderly balance between socio-economic growth and environmental protection. The system aims to reconcile the socio-economic demands to use our natural resources for national development with the requirements in environmental conservation and protection.

## 3 What are the laws and regulations that govern the Philippine EIS System?

Environmental Impact Statement System was established under Presidential Decree 1586 which was ratified on June 11, 1978. In 1981, PD 2146 was issued proclaiming certain areas and types of projects as environmentally critical and within the scope of the Environmental Impact Statement System.

In November 2, 2002, Administrative Order 42 was issued to rationalize the implementation of the Philippine environmental impact statement system (PEISS) and to grant 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.

Subsequently, in 2003, the Implementing Rules and Regulations of the Philippine Environmental Impact Statement of the Philippines were promulgated through the issuance of DENR Administrative Order No. 2003- 30.

In 2017, DAO 2017-15 was issued which laid down the guidelines on public participation under the Philippine environmental impact statement system (PEISS). According to that AO, the common good shall be promoted through public participation in the implementation of the PEISS amidst the country's economic development initiatives.

## 4 What are the laws and regulations that govern the Philippine EIS System?

The following are the categories of projects/undertakings under the EIS system:

**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) Category.

**Category C.** Projects intended to directly enhance environmental quality or address existing environmental problems not falling under Category A or B.

**Category D.** Projects unlikely to cause adverse environmental impacts.

## 5 What is an Environment Impact Statement (EIS)?

The Environment Impact Statement (EIS) is a report required to be submitted when applying for an Environmental Compliance Certificate (ECC) for proposed Environmentally Critical Projects (ECPs) and other project types that are expected to have a high degree of environment impact significance. The Environmental Impact Statement contains the anticipated impacts which are most likely to occur and may eventually affect the environment and the surrounding communities. It must also include environmental measures that will mitigate, if not prevent, the said negative impacts to the environment and the communities.

## 6 What are the projects required to secure an Environmental Compliance Certificate (ECC)?

Proponents of co-located or single projects that fall under Category A and B are required to secure ECCs.

## 7 What are Environmentally Critical Projects (ECPs)?

Environmentally Critical Projects (ECPs) are projects or programs with high potential for negative environmental impacts. Examples of ECPs are iron and steel mills, large-scale mining and quarrying projects, and forestry projects such as logging, forest occupancy and extraction of mangrove products.

## 8 What are Environmentally Critical Areas (ECAs)?

Environmentally Critical Areas (ECAs) are areas delineated 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. Examples are areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries.

## 9 What is an Environment Impact Assessment (EIA)?

Environmental Impact Assessment (EIA) is a process that involves evaluating and predicting the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive, mitigating and enhancement measures addressing these consequences to protect the environment and the community's welfare. The process is undertaken by, among others, the project proponent and/or EIA Consultant, Environment and Management Bureau, a Review Committee, affected communities and other stakeholders

## 10 What is an Environmental Compliance Certificate (ECC)?

It is a document that may be issued after a thorough review of the EIA report. It certifies that the proposed project has complied with the requirements of the EIS system and that the proponent has committed to implement its approved Environmental Management plan to address the environmental impacts and to operate within the bounds of best environmental practice.

## 11 What is PUBLIC SCOPING?

Public Scoping is the stage in the EIS System where project impact assessment requirements are established to provide the proponent and the stakeholders the scope of work and terms of reference for the EIS.

## 12 What are the requirements prior to the public scoping?

An effective Information, Education and Communication (IEC) shall have been conducted at the minimum, with initially identified stakeholders prior to the Public Scoping. The following guideline describes the specific requirements prior to public scoping:

1. Request for public scoping shall be submitted for approval to the EMB office with jurisdiction over the processing of the ECC application within three (3) months from the conduct of social preparation. The following shall be submitted along with the letter of request:
  - a. Proof of conduct of IEC;
  - b. Initial perception survey results at the minimum indicating the baseline knowledge about the project, concerns/questions about the description of the project alternatives and concerns about the environmental impacts of the project using accepted methodology;
  - c. Project Description for Scoping (PDS);
  - d. Proposed list of invitees for public scoping;
  - e. Draft invitation letter (to be signed by EMB) and IEC materials for the preparation for the public scoping; and
  - f. Draft presentation of the project during public scoping.
2. The EMB office with jurisdiction over the processing of the ECC application shall evaluate the proofs of the conduct of IEC and ensure the completeness of the PDS and the list of invitees for the public scoping, among others.
3. The EMB shall decide on the approval of request in the conduct of public scoping within five (5) working days and shall post an announcement to the public in the EMB website at least 10 days before the public scoping. It shall contain the following information along with the e-copy of the PDS:
  - a. Importance of the EIA particularly the scoping process;
  - b. Date and venue of public scoping;
  - c. Instructions and deadline for registration of intent to comment; and
  - d. Instructions and deadlines for submitting comments.



## 13 What is the importance of public participation in the EIA process?

Public participation is an element of a process that gives citizens, particularly stakeholders, the opportunity to influence major decisions that may affect their community and their environment. In the EIA process, the goal of public participation is to enable citizens to take responsibility for environmental protection and management through active involvement in the process.

At the same time, working directly with the stakeholders will ensure that relevant concerns and aspirations are reflected in the alternatives developed during the EIA process and ensure feedback on how inputs influenced decisions on project implementation.

## 14 What is the scope of public participation requirement?

The proposed scope of the EIA Study shall be disclosed to the general public and the following guidelines and requirements shall apply:

1. The public scoping shall be conducted in a public facility within the project site, as a general rule, or in the nearest appropriate place in cases where such cannot be conducted within the project site because of inaccessibility, security risk, or other site condition concerns.
2. The public scoping shall be facilitated by the EMB-RO.
3. The proponent shall prepare the Public Scoping Report (PSR) which at the minimum contains the following:
  - a. Attendance of stakeholders and the general public (description of stakeholder sectoral representation during the public scoping vis-à-vis the identified stakeholders).
  - b. Segregated comments, issues raised, and suggestions based on the main modules of the EIA: Project Description, Land, Water, Air, People. The sector or persons who raised the comments, issues, or suggestions along with the proponent's response shall be noted.
  - c. The proposed design of public participation and analysis of issues raised by stakeholders using appropriate methods.

4. The PSR for Environmentally Critical Projects (ECPs) shall be submitted to the EMB-CO for approval within ten (10) working days after the public scoping duly validated by the EMB-RO. The PSR for non-ECPs that are required an EIS shall be submitted to EMB RO for approval within seven (7) working days after the public scoping. The EMB shall evaluate and decide on the completeness of the PSR within three (3) working days.
5. The technical scoping to be convened by EMB with the Environmental Impact Assessment Review Committee (EIARC) shall be conducted within seven (7) working days after the approval of the PSR. The discussions, issues, and agreements during the public scoping shall be integrated into the proposed technical scope of the EIA to be deliberated on and approved during technical scoping. The attendance of the stakeholders during public scoping shall be assessed/evaluated during technical scoping.
6. An announcement shall be posted in the EMB website on the completion of the scoping and the start of the EIA Study together with the PSR.
7. The EIS shall be submitted for procedural screening not later than a year after approval of the scope of the EIS unless otherwise specified.

## 15 Who are considered as stakeholders?

Stakeholders are persons (natural or juridical) who affect or are affected by the project or undertaking, such as, but not limited to, members of the local community, industries, local government units (LGUs), national government agencies (NGAs), non-government organizations (NGOs) and people's organizations (POs).

## 16 How is the stakeholder involvement initiated?

Stakeholder involvement shall be initiated early through information and education campaign. Initial stakeholder identification shall be done to identify the target groups for the IEC.

## 17 Who should be the audience for the IEC?

At the minimum, the following groups shall be the audience of the IEC:

- a) Local government units in areas where project facilities are proposed to be constructed/situated and where all operations are proposed to be undertaken.



- b) Government agencies with related mandate on the type of project and its impacts.
- c) Interest groups (NGOs/POs) preferably those with mission/s related to the type and impacts of the proposed undertaking/project.
- d) Households, business establishments, industries that will be displaced.
- e) People whose socio-economic welfare and cultural heritage are projected to be affected by the project especially vulnerable sectors and indigenous populations.
- f) Local institutions (schools, churches, hospital)

## 18 What should be the content of IEC?

At the **minimum**, the following information shall be provided:

- a) Purpose of EIA as stipulated in PD 1151 and 1586.
- b) Need for the project, its goals and objectives.
- c) Alternatives being considered by the project proponent on the following:
  - i. Project type, components and size;
  - ii. Process/technology (including toxic chemical that will be used or produced and may be released to the environment);
  - iii. Resource utilization (water, energy, etc.)
- d) Proposed location of project facilities / components and alternatives considered prior to the selection.
- e) Project proponent (indicate incorporators, subsidiaries).
- f) Projected timeframe of the project phases.
- g) Preliminary identified environmental aspects for each alternative.

## 19 How should the IEC be conducted?

The IEC shall be in English and/or in Filipino or in local language and shall be conducted through the following means:

- a) Field visits to the project site/s, meeting with traditional and political leaders, informal dialogues with community members, community meetings or “talakayang barangay”. At the minimum, key informant interviews shall be conducted.
- b) Use of appropriate IEC activities and further information dissemination that can be used include streamers, exhibits and leaflets/flyers.
- c) During the IEC activities, further information may be gathered to enhance or update the description of the project location, project alternatives and the identification of environmental aspects.

## 20 What is the involvement of the Stakeholders in the EIA Study/Report Preparation by the Proponent?

Relevant local and indigenous knowledge shall be integrated into the EIA study through stakeholder involvement. However, prior to engaging the stakeholders, the objectives of their participation should be made clear to them and necessary support for them to participate meaningfully shall be provided.

1. Stakeholders in the community may perform the role of research partners, community mobilizers, or key informants in baseline data gathering;
2. Participatory methods such as consultations, focused group discussions, group meetings, among others may be used. The participation of identified stakeholders shall be the priority but shall also be adapted to the social organization of the impacted communities and should consider the following in determining specific formats:
  - a. The cultural, social, economic, and political dimensions. Many communities have their own formal and informal rules for public access to resources, conflict resolution and governance. This shows respect for the affected community and may improve public confidence of the process and its outcomes. Options for involving Indigenous Peoples (IPs) shall be explored based on existing conditions in the project location in view of the Free and Prior Informed Consent (FPIC) requirement of the National Council of Indigenous Peoples (NCIP).
  - b. Language and representation issues as well as access to communication technology/media.
3. Information gathered from the public including stakeholder inputs in the assessment of project alternatives shall be properly documented and shall be integrated into the appropriate modules of the EIS.

## 21 What projects shall require public participation in the review and evaluation of the EIA report?

Public participation in the review and evaluation of the EIA report shall be required for projects that require an EIS, PEIS, PEPRMP, and EIS-based EPRMP for ECC application.

## 22 How should the public be informed regarding the review of the EIA Report?

For meaningful public participation in the review of the EIA Report, listed below are the steps to be undertaken:

1. An EIS Summary for the Public (ESP) in English and in Filipino shall be submitted along with other requirements for ECC Application. The ESP shall contain the following information:
  - a. Project Description;
  - b. Proposed location with vicinity map;
  - c. Project Proponent;
  - d. Timeframe of the project implementation;
  - e. Integrated summary of the major impacts and residual effects after mitigation;
  - f. Identified stakeholders;
  - g. Project proponent's statement of commitment and capability to implement necessary measures to prevent adverse negative impacts; and
  - h. Information on where to get a copy of the EIS for further information.
2. The Draft EIS for review and the ESP shall be posted in the EMB website at least twenty (20) days before the public hearing along with the Notice of Public Hearing.
3. Publication of the Notice of Public hearing upon approval by the EMB Office with jurisdiction over the processing of the ECC application.
4. Notices shall likewise be posted in conspicuous places in the municipality/ city and barangay where the project is proposed to be located and the distribution of flyers shall be done especially in places where the reading of newspapers is not a common practice.
5. Dissemination of information through non-written means (radio, public address system, or other similar means) if there are identified primary stakeholders who have no access to written means of information.
6. Posting of the revised EIS incorporating the key aspects of the public hearing documentation in the EMB website.
7. Posting of a copy of the ECC, EMP (IMP and EMoP) and the documentation of the public participation in the EMB website.

## 23 What is a PUBLIC HEARING?

Public Hearing, under the Philippine EIS System, is a formal process that is initiated, planned, and conducted by the EMB-DENR that is designed to promote dialogue or communication between and among the project proponent, the EMB-DENR, relevant agencies, LGUs, and other stakeholders for the purpose of exchanging information and views on the environmental impacts assessment, management and monitoring for proposed projects as part of the review of the ECC Application.

## 24 What is the frequency, project coverage, and conduct to observe during a Public Hearing?

One (1) Public Hearing shall be conducted for projects requiring EIS, PEIS, PEPRMP and EIS-based EPRMP. For projects covering more than one (1) municipality, public hearing may be conducted per municipality.

The following guidelines shall govern the conduct of the public hearing:

1. The EMB Office with jurisdiction over the processing of the ECC application shall plan, initiate, and conduct Public Hearing.
2. Ensure efficient exchange of information and views between and among the project proponent, the EMB-DENR, relevant agencies, LGUs, and other stakeholders on the environmental impact assessment, management and monitoring for proposed projects applying for an ECC.
3. Identified stakeholders registered prior to the deadline specified in the Notice shall be invited to the public hearing and given priority in terms of time slot during the hearing. Other stakeholders and the public shall likewise be given opportunity to speak during the public hearing as long as they sign on the attendance sheet and identify themselves.
4. A hearing officer shall be designated by the EMD Director or Regional Director.
5. The full documentation of the public hearing shall be prepared by the project proponent and validated by EMB.
6. The timeframe from the publication of the Notice until the acceptance of the full documentation of the public Hearing shall be included in the processing timeframe.

## 25 What is the standard Program for the conduct of a Public Hearing?

The Public Hearing shall have the following standard program:

- a) Briefing and orientation on the purpose of the public hearing and the Philippine EIS System;
- b) Rules on the conduct of the public hearing;
- c) Presentation on the description of the Project including alternatives;
- d) Presentation on the EIA study process and results;
- e) Open Forum;
- f) Recapitulation of issues raised and the proponent's response; and
- g) Next steps.

The open forum shall be at least three (3) hours to provide sufficient time for stakeholders to raise their views and concerns about the project. The presentation of the project and the EIA study process and results shall be brief but complete. A copy of the presentation shall be submitted to EMB for prior approval along with the copy of the notice of public hearing.

## 26 What is a Multipartite Monitoring Team (MMT)?

An MMT is an independent entity whose membership represents primarily the stakeholders/public intended to assist the DENR in monitoring environmental impacts and compliance of proponents with the Philippine EIS System requirements and other environmental laws as a third-party entity. The MMT scheme is intended to enhance participation and transparency at the post-ECC issuance stage of the EIA process.

## 27 What is the composition of the MMT?

The MMT shall be composed of representatives of relevant stakeholders' groups. For it to be a truly independent third-party entity, the following shall compose the reconstituted MMT:

- a. The LGU Representatives
  - i. One (1) representative from each Municipal/City Environment and Natural Resources Officer (MENRO/City ENRO) for projects whose DIA is limited to the City or Municipality) and Provincial Government (PG) ENRO for projects whose DIA covers more than two (2) Municipalities. In cases where there is no PG ENRO, MENRO/City ENRO, the Municipal/Provincial Planning and Development Officer (MPDO/PPDO) or the Chairman of the Environment Committee of the Sangguniang Bayan maybe designated as representative to the MMT.

- b. One (1) representative from the LGU-accredited NGOs with mission/s specifically related to environmental management and/or to the type and impacts of the proposed undertaking/project may be designated as representative to the MMT. In cases where there is no such NGOs, it shall be open to other NGOs.

- c. Maximum of two (2) representatives from locally recognized community leaders who can represent vulnerable sectors including indigenous populations, women and senior citizens, and representative from the academe may be included as member of the MMT in addition to the LGU-accredited NGO.

- d. Maximum of three (3) representatives from government agencies with related mandate on the type of project and its impacts during project implementation shall be included in the MMT membership, if not yet included. Examples of these government agencies are DOE for energy projects, MGB for mining projects, and PCG, BFAR, BMB, or FMB, depending on the location. DENR participation/membership shall be limited only in cases where there are specific concerns related function related to biodiversity and forestry as endorsed by the concerned Bureau Director.

The MMT shall not exceed ten (10) members except in cases when the location of the project facilities covers more than one (1) Barangay. In such cases, the additional member shall come from the additional Barangay/s and MENRO.

## 28 What are the functions of the MMT?

The MMT shall have the following specific functions:

- a. Conduct quarterly ocular visit to validate the proponent's compliance with the ECC conditions and the Environmental Management and Monitoring Plan including the requirement to conduct self-monitoring and submit corresponding reports regularly.

The MMT may observe sampling activities conducted by the project proponent.

- b. Prepare and submit its report to EMB-CO and EMB-RO concerned using EMB-prescribed format at least semi-annually not later than July 30 for the first semester report and January 30 for the second semester report.



- c. Institute an environmental emergency and complaints receiving and management mechanism which shall include systems for transmitting recommendations for necessary regulatory action to EMB in a timely manner to prevent adverse environmental impacts.

## 29 *What is an Environmental Monitoring Fund (EMF)?*

An Environmental Monitoring fund is a fund that a proponent shall set up after an ECC is issued for its project or undertaking, to be used to support the activities for the Multipartite Monitoring Team formed for ECPs. It shall be immediately accessible and easily disbursable.

## 30 *What is the basis of EMF amount?*

The project proponent shall provide funds for the EMF, the amount of which shall be based on the annual work and financial plan (AWFP) to be approved by the EMB-CO. All EMFs established without an MMT shall be returned to the project proponent. No new EMFs shall be established without an MMT.

## 31 *What is the grievance mechanism for non-inclusion of an identified stakeholders of the project?*

In case of non-inclusion of identified stakeholders of the project, a letter addressed to the EMB with jurisdiction over the processing of the ECC shall be submitted not later than the submission of the EIS for procedural screening stating the reason for inclusion as stakeholder based on the guidelines for stakeholder identification and specific concerns about environmental impacts of the project. The EMB shall include the complaint among the invitees during the public hearing if found to be a legitimate stakeholder.

## 32 *What is the grievance mechanism for non-consideration of a legitimate concern?*

In case of non-consideration of legitimate concerns about the assessment management and monitoring of environmental impact of the proposed project, a letter addressed to EMB with jurisdiction over the processing of the ECC shall be submitted not later than seven (7) days before the conduct of the public hearing stating the specific concerns about the environmental impacts of the project. The EMB office concerned shall include the concerns in the review process if found valid and may include the complainant among the invitees during the public hearing.

## 33 *What is the grievance mechanism for non-reporting by the MMT of actual adverse environmental impacts during project implementation?*

For non-reporting by the MMT of actual adverse environmental impacts during project implementation, a letter addressed to EMB-RO copy-furnished the EMB-CO shall be submitted as soon as possible. The EMB shall immediately respond to this by conducting an investigation as soon as possible.

## 34 *What is the grievance mechanism for non-compliance by with DAO 2017-15 through EMB?*

If there is non-compliance with the guidelines by the EMB, a letter of complaint addressed to the EMB/DENR Office or the next level higher than the one being complained shall be submitted preferably during or soon after the specific stage of the process where procedures or requirements were allegedly not complied. The letter should cite specific provisions that were violated. The EMB shall respond or try to address this in the next stage of the EIA process, as appropriate.

## 35 *What are the fines, penalties, and sanctions in violating PD 1586 and its IRR?*

Any person, corporation or partnership found violating Section 4 of PD 1586, or the terms and conditions in the issuance of the Environmental Compliance Certificate, or of the standards, rules and regulations issued by the National Environmental Protection Council pursuant to this Decree shall be punished by the suspension or cancellation of his/its certificate and/or a fine in an amount not to exceed fifty thousand pesos (50,000.00) for every violation thereof, at the discretion of the National Environmental Protection Council.



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Primer on

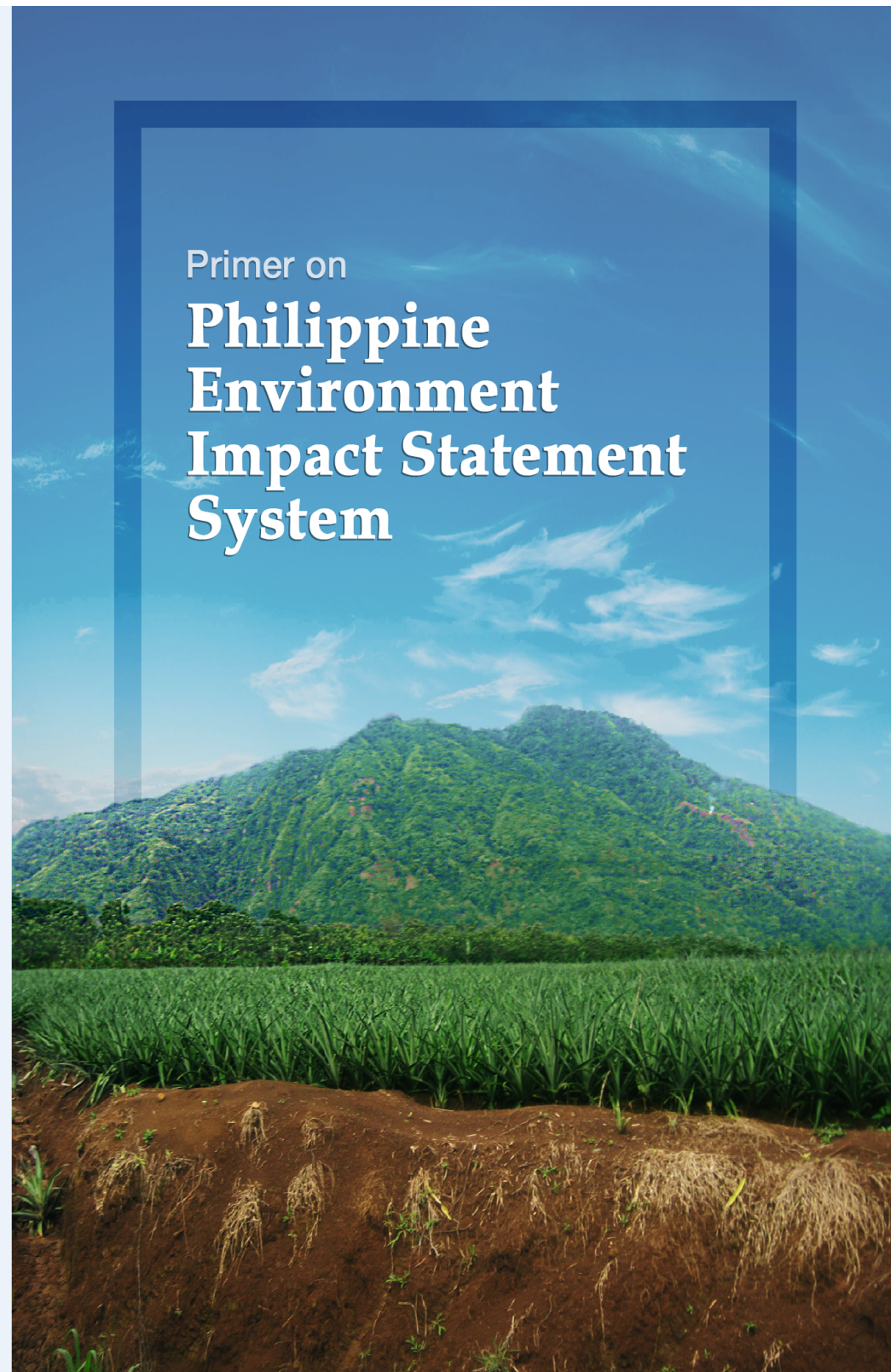
# Philippine Environment Impact Statement System



INTERFACING  
DEVELOPMENT  
INTERVENTIONS FOR  
SUSTAINABILITY  
CLEAN WATER. HEALTHY WATERSHEDS.



**SALIGAN**  
SENTRO NG ALTERNATIBONG  
LINGAP PANLEGAL







Primer on  
**Philippine  
Environment  
Impact Statement  
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