

[PAB RESOLUTION NO. 02, S. 2004, September 30, 2004]

GUIDELINES FOR THE ISSUANCE OF ENDORSEMENTS OF INDUSTRIES IN THE PHILIPPINE ENVIRONMENT PARTNERSHIP PROGRAM (PEPP)

WHEREAS, Department Administrative Order (DAO) No. 2003-14 "Creating the Philippine Environment Partnership Program to Support Industry Self-Regulation Towards Improved Environmental Performance" was signed for the purpose of encouraging the business and/or industrial sector to engage in environmental improvement activities and advance self-regulation and mandatory compliance with environmental standards.

WHEREAS, the qualification for participating establishments were categorized into two (2) tracks namely:

- 1) Track 1 which covers establishments with proven or demonstrated superior environmental performance; and
- 2) Track 2 which include establishments aiming for an improved environmental performance but were not in full compliance with the administrative and/or technical requirements of environmental laws.

WHEREAS, Section 5.2.3, of DAO 2003-14 under track 2, provides that "Establishments with pending pollution cases with the PAB or LLDA have to seek endorsement from the PAB or LLDA to participate under this Track";

WHEREAS, the PAB upon review of the provisions of the said PEPP, finds the same as an effective means of encouraging its participants to attain compliance with existing environmental laws;

WHEREAS, the PEPP, by requiring endorsements from the PAB, recognizes the Board's authority and sound judgment in determining the eligibility of companies joining under Track 2;

WHEREAS, the PAB deems it appropriate to promulgate guidelines for the purpose of determining those who are qualified to participate in the said Program;

RESOLVED, AS IT HEREBY RESOLVED, the PAB hereby promulgates these guidelines for determining those who may be endorsed to join the PEPP, as well as the requirements prior to the issuance of an endorsement from the PAB:

I. COVERAGE:

A. Eligibility.

Companies , industries and establishments aim for an improved environmental performance and compliance with environmental laws, rules and regulations, are eligible to participate in program.

B. Disqualifications

The following shall not be eligible to the program:

1. Companies, industries and establishments, as per record of the PAB have shown willful defiance to lawful Orders and directives of the PAB, such as but not limited to the following:

- a. refusal of entry to PAB authorized representatives to serve and execute a PAB Order without any justifiable reason;
- b. refusal of entry to DENR/PAB authorized representative to conduct investigation or sampling, without any justifiable reason;
- c. misrepresentation and misleading statements/data in any documents or verbal manifestations during hearing;
- d. non-acceptance of a PAB Order and/or refusal to execute the Order; and
- e. any other act and omission that would be interpreted by the PAB as a show of bad faith or contemptuous act.

2. Second line offenders or habitual offenders who have been previously issued Formal Lifting Orders (FLO) and whose cases are again pending before the Board.

This shall not preclude the subsequent acquisition of eligibility of companies falling under Nos. 1 and 2 upon submission of proof of commitment and cooperation with the PAB.

II. REQUIREMENTS

All of the following should be complied with prior to an endorsement by the Board.

1. Upon approval by the Board, respondent shall be required to pay in full the pending fines, or a commitment for the final settlement of the fines within a specified period;
2. Submission of the following documents under oath and duly signed by the Owner/President/CEO;