

**[ DENR ADMINISTRATIVE ORDER NO. 96-37,  
December 02, 1996 ]**

**REVISING DENR ADMINISTRATIVE ORDER NO. 21, SERIES OF  
1992, TO FURTHER STRENGTHEN THE IMPLEMENTATION OF THE  
ENVIRONMENTAL IMPACT STATEMENT (EIS) SYSTEM**

Consistent with the continuing effort of the Department of Environment and Natural Resources (DENR) to strengthen the implementation of the Environmental Impact Statement (EIS) System established under Presidential Decree (PD) No. 1586 and pursuant to Section 7 of Executive Order No. 192, Series of 1987, the following provisions revising Department Administrative Order (DAO) No. 21, Series of 1992, are hereby promulgated.

ARTICLE I

Basic Policy, Objectives and Definition of Terms

SECTION 1.0 *Basic Policy* — It is the policy of the DENR to attain and maintain a rational and orderly balance between socio-economic growth and environmental protection through the sustainable use, development, management, renewal and conservation of the country's natural resources, including the protection and enhancement of the quality of the environment, not only for the present generation but for the future generations as well.

SECTION 2.0 *Objectives* — This Administrative Order (Order) shall have the following objectives:

- a. Ensure that environmental considerations are incorporated at the earliest possible stage of project development.
- b. Further streamline the current procedures in the conduct of the Environmental Impact Assessment (EIA) in order to improve its effectiveness as a planning, regulatory, and management tool.
- c. Enhance maximum public participation in the EIA process to validate the social acceptability of the project or undertaking so as to ensure the fullest consideration of the environmental impact of such project or undertaking.

SECTION 3.0 *Definition of Terms* — For purposes of this Order, the following terms shall mean:

- a. CENRO — the Community Environment and Natural Resources Office of the Department of Environment and Natural Resources.
- b. DENR — the Department of Environment and Natural Resources.

c. EIS Procedural Manual — a detailed guide on the procedures to be observed by the parties involved in the EIS System. It shall include, among others, guidelines on public participation and social acceptability, the EIS/IEE review criteria, and scoping procedures.

d. EMB — the Environmental Management Bureau of the DENR.

e. EMPAS — the Environmental Management and Protected Areas Sector of the DENR Regional Office.

f. Environmental Compliance Certificate (ECC) — the document issued by the DENR Secretary or the Regional Executive Director certifying that based on the representations of the proponent and the preparers, as reviewed and validated by the EIARC, the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with all the requirements of the EIS System, and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination.

g. Environmentally Critical Area (ECA) — an area that is environmentally sensitive and is so listed under Presidential Proclamation (Pres. Proc.) No. 2146, Series of 1981 as well as other areas which the President of the Philippines may proclaim as environmentally critical in accordance with Section 4 of P. D. No. 1586.

h. Environmentally Critical Project (ECP) — a project that has high potential for significant negative environmental impact and is listed as such under Pres. Proc. No. 2146, Series of 1981 and Pres. Proc. No. 803, Series of 1996, as well as other projects which the President may proclaim as environmentally critical in accordance with Section 4 of P. D. 1586.

i. Environmental Guarantee Fund (EGF) — a fund that proponents required or opting to submit an EIS shall commit to establish when an ECC is issued by the DENR for projects or undertakings determined by the latter to pose significant public risk to answer for damage to life, health, property, and the environment caused by such risk, or requiring rehabilitation or restoration measures.

j. Environmental Impacts — the probable effects or consequences of proposed projects or undertakings on the physical, biological and socioeconomic environment that can be direct or indirect, cumulative, and positive or negative.

k. Environmental Impact Assessment (EIA) — the process of predicting the likely environmental consequences of implementing projects or undertakings and designing appropriate preventive, mitigating and enhancement measures.

l. Environmental Impact Assessment Review Committee (EIARC) — a body of independent technical experts and professionals of known probity from various fields organized by the EMB/RED whose main tasks are to evaluate the EIS and other documents related thereto, and make appropriate recommendations to the EMB/RED regarding the issuance or non-issuance of ECCs.

m. Environmental Impact Statement (EIS) — the document(s) of studies on the

environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking, including the environmental impacts of the project and the appropriate mitigating and enhancement measures.

n. Environmental Impact Statement (EIS) System — the entire process of organization, administration, and procedures institutionalized for purposes of assessing the significance of the effects of any project or undertaking on the quality of the physical, biological and socio-economic environment, and designing appropriate preventive, mitigating and enhancement measures.

o. Environmental Management Plan (EMP) — a section in the EIS that details the prevention, mitigation, compensation, contingency and monitoring measures to enhance positive impacts and minimize negative impacts of a proposed project or undertaking.

p. Environmental Monitoring Fund (EMF) — a fund that proponents required or opting to submit an EIS shall commit to establish when an ECC is issued by the DENR for its project or undertaking, to be used to support the activities of the multi-partite monitoring team.

q. Environmental Risk Assessment (ERA) — the use of scientific methods and information to define the probability and magnitude of potentially adverse effects which can result from exposure to hazardous materials or situations.

r. Initial Environmental Examination (IEE) — the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for, projects or undertakings located in an ECA. The IEE shall replace the Project Description required under DAO 21, series of 1992.

s. Multipartite Monitoring Team (MMT) — a multi-sectoral team convened for the primary purpose of monitoring compliance by the proponent with the ECC, the EMP and applicable laws, rules and regulations.

t. PENRO — the Provincial Environment and Natural Resources Office of the DENR.

u. Preparer — the proponent's technical staff or a competent professional group commissioned by the proponent to prepare the EIS/IEE and other related documents.

v. Project or Undertaking — any activity, regardless of scale or magnitude, which may have significant impact on the environment.

w. Proponent — any natural or juridical person intending to implement a project or undertaking.

x. Public Participation — a transparent, gender sensitive, and community-based process involving the broadest range of stakeholders, commencing at the earliest possible stage of project design and development and continuing until post-assessment monitoring which aims to ensure social acceptability of a project or

undertaking.

y. Public Risk — exposure of public health or the environment to toxic substances, hazardous or organic wastes, extraction of natural resources, or activities or structures that could endanger life, health, property, or the environment.

z. RED — the Regional Executive Director of the DENR Regional Office.

aa. Scoping — the stage in the EIS System where information and assessment requirements are established to provide the proponent with the scope of work for the EIS.

bb. Secretary — the Secretary of the DENR.

cc. Social Acceptability — the result of a process mutually agreed upon by the DENR, key stakeholders, and the proponent to ensure that the valid and relevant concerns of stakeholders, including affected communities, are fully considered and/or resolved in the decision-making process for granting or denying the issuance of an ECC.

dd. Stakeholders — persons who may be significantly affected by the project or undertaking, such as, but not limited to, members of the local community, industry, local government units (LGUs), non-governmental organizations (NGOs), and people's organizations (POs).

## ARTICLE II

### Scope of the EIS System

SECTION 1.0 *Coverage* — The following projects and undertakings are covered by the EIS System:

a. Environmentally Critical Projects (ECPs)

i. Heavy industries

1. Non-ferrous metal industries

2. Iron and steel mills

3. Petroleum and petro-chemical industries, including oil and gas

4. Smelting plants

ii. Resource extractive industries

1. Major mining and quarrying projects

2. Forestry projects

a. Logging

b. Major wood processing projects

c. Introduction of fauna (exotic animals) in public/private forests

d. Forest occupancy

e. Extraction of mangrove products

f. Grazing

3. Fishery projects

a. Dikes for/and fishpond development projects

iii. Infrastructure projects

1. Major dams

2. Major power plants (fossil-fueled, nuclear fueled, hydro-electric, or geothermal)

3. Major reclamation projects

4. Major roads and bridges

iv. Golf course projects

b. Projects located in Environmentally Critical Areas (ECAs)

i. All areas declared by law as national parks, watershed reserves, wildlife preserves, and sanctuaries

ii. Areas set aside as aesthetic potential tourist spots

iii. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna)

iv. Areas of unique historic archeological or scientific interest

v. Areas which are traditionally occupied by cultural communities or tribes (indigenous cultural communities)

vi. Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.)

vii. Areas with critical slopes

viii. Areas classified as prime agricultural lands

ix. Recharged areas of aquifers

x. Water bodies characterized by one or any combination of the following conditions: