

**PRESIDENTIAL DECREE
No. 1152**

Subject: PHILIPPINE ENVIRONMENT CODE

WHEREAS, the broad spectrum of environment has become a matter of vital concern to the government;

WHEREAS, the national leadership has taken a step towards this direction by creating the National Environment Protection Council under Presidential Decree No. 1121;

WHEREAS, it is necessary that the creation of the Council be complemented with the launching of comprehensive program of environmental protection and management.

WHEREAS, such a program can assume tangible and meaningful significance only by establishing specific environment management policies and prescribing environment quality standards in a Philippine Environment Code.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

Section 1. Short Title. - This Decree shall be known and cited as the "Philippine Environment Code."

**TITLE I
Air Quality Management**

Section 2. Purposes. - The purposes of this Title are:

- a) to achieve and maintain such levels of air quality as to protect public health and
- b) to prevent to the greatest extent practicable, injury and/or damage to plant and animal life and property, and promote the social and economic development of the country.

**CHAPTER I
Standards**

Section 3. Ambient Air Quality Standards. - There shall be established ambient air quality standards which shall prescribe the maximum concentration of air pollutants permissible in the atmosphere consistent with public health, safety and general welfare.

In the establishment of ambient air quality standards, factors such as local atmospheric conditions, location and land use, and available technology, shall be considered among others.

Section 4. National Emission Standards. - There shall be established national emission standards for new and existing stationary and mobile sources of pollution which

shall consider among others such factors as type of industry, practicable control technology available, location and land use, and the nature of pollutants emitted.

Section 5. Community Noise Standards. - Appropriate standards for community noise levels shall be established considering, among others, location, zoning and land use classification.

Section 6. Standards for Noise-Producing Equipment. - There shall be established a standard for noise-producing equipment such as construction equipment, transportation equipment, stationary engines, and electrical or electronic equipment and such similar equipment or contrivances. The standard shall set a limit on the acceptable level of noise emitted from a given equipment for the protection of public health and welfare, considering among others, the magnitude and condition of use, the degree of noise reduction achievable through the application of best available technology and the cost of compliance.

The installation of any noise-producing equipment shall conform with the requirements of Presidential Decree No. 1096 and other applicable laws as well as their implementing rules and regulations.

Section 7. Aircraft Emission and Sonic Booms. - Appropriate government agencies shall encourage research studies on the harmful effects of aircraft emissions in the environment in order to establish permissible emission standards.

Research and studies shall also be undertaken to mitigate and/or minimize the effects of sonic booms in the environment.

CHAPTER II **Regulation and Enforcement**

Section 8. Air Quality and Noise Standards. - National Pollution Control Commission in coordination with appropriate government agencies shall be responsible for the enforcement of ambient air quality emission and noise standards, including the monitoring and surveillance of air pollutants, licensing and permitting of air pollution control facilities, and the promulgation of appropriate rules and regulations.

Existing air quality emission and noise standards may be revised and/or modified consistent with new development and technology.

Section 9. Aircraft Noise. - Community noise standards around airports shall be implemented by the Civil Aeronautics Administration in coordination with the National Pollution Control Commission.

Section 10. Vehicular Emissions. - The Land Transportation Commission, shall implement emission standards for vehicles and may deputize other appropriate law enforcement agencies for the purpose.

Section 11. Radioactive Emissions. - The release and emission of radioactivity into the environment incident to the establishment or possession of nuclear energy facilities and radioactive materials, handling, transport, production, storage, use and disposal of radio active materials shall be regulated by the Philippine Atomic Energy Commission in coordination with other appropriate government agencies.

CHAPTER III **Monitoring**

Section 12. Air Quality Monitoring. - The National Pollution Control Commission in coordination with appropriate government agencies, shall establish to the greatest extent practicable an air quality monitoring network. Such air quality monitoring network shall put to maximum use the capabilities of these agencies.

The National Environmental Protection Council shall be furnished with the results of air quality monitoring activities.

Section 13. Weather Modification. - The Philippine Atmospheric Geophysical and Astronomical Services Administration shall monitor regularly meteorological factors affecting environmental conditions in order to effectively guide air pollution monitoring activities.

Activities relating to weather modification such as rainfall stimulation and storm seeding experiments shall be undertaken in consultation or coordination with the Philippine Atmospheric, Geophysical and Astronomical Services Administration.

TITLE II **Water Quality Management**

Section 14. Purpose. - It is the purpose of this Title to prescribe management guidelines aimed to protect and improve the quality of Philippine water resources through:

- a) classification of Philippine waters,
- b) establishment of water quality standards;
- c) protection and improvement of the quality of Philippine water resources, and
- d) responsibilities for surveillance and mitigation of pollution incidents.

CHAPTER I **Classification Standards**

Section 15. Classification of Philippine Waters. - The National Pollution Control Commission, in coordination with appropriate government agencies, shall classify Philippine waters, according to their best usage. In classifying said waters, the National Pollution Control Commission shall take into account, among others, the following:

- a) the existing quality of the body of water at the time of classification;
- b) the size, depth, surface area covered, volume, direction, rate of flow, gradient of stream; and
- c) the most beneficial uses of said bodies of water and lands bordering them such as residential, agricultural, commercial, industrial, navigational, recreational, and aesthetic purposes.

Section 16. *Reclassification of Waters Based on Intended Beneficial Use.* -

Where the public interest so requires, the National Pollution Control Commission, in coordination with appropriate government agencies, shall reclassify a body of water based on the intended beneficial use and take such steps as may be necessary to upgrade the quality of said water. Other government agencies may adopt higher standards for a particular body of water, subject to the approval of the National Pollution Control Commission.

Section 17. *Upgrading of Water Quality.* -

Where the quality of water has deteriorated to a degree where its state will adversely affect its best usage, the government agencies concerned shall take such measures as may be necessary to upgrade the quality of such water to meet the prescribed water quality standards.

Section 18. *Water Quality Standards.* -

The National Pollution Control Commission shall prescribe quality and effluent standards consistent with the guidelines set by the National Environmental Protection Council and the classification of waters prescribed in the preceding sections, taking into consideration, among others, the following:

- a) the standard of water quality or purity may vary according to beneficial uses; and
- b) the technology relating to water pollution control.

CHAPTER II

Protection and Improvement of Water Quality

Section 19. *Enforcement and Coordination.* -

The production, utilization, storage and distribution of hazardous, toxic and other substances such as radioactive materials, heavy metals, pesticides, fertilizers, and oils, and disposal, discharge and dumping of untreated wastewater, mine-tailings and other substances that may pollute any body of water of the Philippines resulting from normal operations of industries, water-borne sources, and other human activities, as well as those resulting from accidental spills and discharges shall be regulated by appropriate government agencies pursuant to their respective charters and enabling legislation. In the performance of the above functions, the government agencies concerned shall coordinate with the National Environmental Protection Council and furnish the latter with such information as may be necessary to enable it to attain its objectives under Presidential Decree No. 1121.

Section 20. *Clean-up Operations.* -

It shall be the responsibility of the polluter to contain, remove and clean-up water pollution incidents at his own expense. In case of his failure to do so, the government agencies concerned shall undertake containment, removal and clean-up operations and expenses incurred in said operations shall be against the persons and/or entities responsible for such pollution.

Section 21. *Water Quality Monitoring and Surveillance.* -

The various government agencies concerned with environmental protection shall establish to the greatest extent practicable a water quality surveillance and monitoring network with sufficient stations and sampling schedules to meet the needs of the country. Said water quality surveillance network shall put to maximum use the capabilities of such government agencies. Each agency involved in such network shall report to the National Environment Protection Council the results of these monitoring activities as the need arises.

TITLE III
Land Use Management

Section 22. Purposes. - The purposes of this Title are:

- a) to provide a rational, orderly and efficient acquisition, utilization and disposition of land and its resources in order to derive therefrom maximum benefits; and
- b) to encourage the prudent use and conservation of land resources in order to prevent an imbalance between the nation's needs and such resources.

Section 23. National Land Use Scheme. - The Human Settlements Commission, in coordination with the appropriate agencies of the government, shall formulate and recommend to the National Environmental Protection Council a land use scheme consistent with the purpose of this Title.

The Land Use Scheme shall include among others, the following:

- a) a science-based and technology-oriented land inventory and classification system;
- b) a determination of present land uses, the extent to which they are utilized, under-utilized, rendered idle or abandoned;
- c) a comprehensive and accurate determination of the adaptability of the land for community development, agriculture, industry, commerce, and other fields of endeavor;
- d) a method of identification of areas where uncontrolled development could result in irreparable damage to important historic, cultural, or aesthetic values, or nature systems or processes of national significance;
- e) a method for exercising control by the appropriate government agencies over the use of land in area of critical environmental concern and areas impacted by public facilities including, but not limited to, airports, highways, bridges, ports and wharves, buildings and other infrastructure projects;
- f) a method to ensure the consideration of regional development and land use in local regulations;
- g) a policy for influencing the location of new communities and methods for assuring appropriate controls over the use of land around new communities;
- h) a system of controls and regulations pertaining to areas and development activities designed to ensure that any source of pollution will not be located where it would result in a violation of any applicable environmental pollution control regulations, and
- i) a recommended method for the periodic revisions and updating of the national land use scheme to meet changing conditions.

Section 24. Location of Industries. - In the location of industries, factories, plants, depots and similar industrial establishments, the regulating or enforcing agencies of the government shall take into consideration the social, economic, geographical and significant environmental impact of said establishment.

TITLE IV
Natural Resources Management and Conservation

Section 25. Purposes. - The purposes of this Title are:

- a) to provide the basics on the management and conservation of the country's natural resources to obtain the optimum benefits therefrom and to preserve the same for the future generations, and
- b) to provide general measures through which the aforesaid policy may be carried out effectively.

CHAPTER I
Fisheries and Aquatic Resources

Section 26. Management Policy. - The national government, through the Department of Natural Resources, shall establish a system of rational exploitation of fisheries and aquatic resources within the Philippine territory and shall encourage citizen participation therein to maintain and/or enhance the optimum and continuous productivity of the same.

Section 27. Measures for Rational Exploitation. - Measures for the rational exploitation of fisheries and other aquatic resources may include, but shall not be limited to, the following:

- a) undertaking manpower and expertise development;
- b) acquiring the necessary facilities and equipment,
- c) regulating the marketing of threatened species of fish or other aquatic resources;
- d) reviewing all existing rules and regulations on the exploitation of fisheries and aquatic resources with a view of formulating guidelines for the systematic and effective enforcement thereof; and
- e) conserving the vanishing species of fish and aquatic resources such as turtles, sea snakes, crocodiles, corals, as well as maintaining the mangrove areas, marshes and inland areas, coral reef areas and islands serving as sanctuaries for fish and other aquatic life.

CHAPTER II
Wildlife

Section 28. Management Policy. -- The national government, through the Department of Natural Resources, shall establish a system of rational exploitation and conservation of wildlife resources and shall encourage citizen participation in the maintenance and/or enhancement of their continuous productivity.

Section 29. Measures for Rational Exploitation. - Measures for rational exploitation of wildlife resources may include, but shall not be limited to, the following:

- a) regulating the marketing of threatened wildlife resources;
- b) reviewing all existing rules and regulations on the exploitation of wildlife resources with a view of formulating guidelines for the systematic and effective enforcement thereof; and
- c) conserving the threatened species of fauna, increasing their rate of production, maintaining their original habitat, habitat manipulation, determining bag/cree limits, population control in relation to the carrying capacity of any given area, banning of indiscriminate and/or destructive means of catching or hunting them.

CHAPTER III **Forestry and Soil Conservation**

Section 30. Management Policy for Forestry. - The national government, through the Department of Natural Resources, shall undertake a system of rational exploitation of forest resources and shall encourage citizen participation therein to keep the country's forest resources at maximum productivity at all times.

Section 31. Measures for Rational Exploitation of Forest Resources. - Measures for the rational exploitation of forest resources may include, but shall not be limited to the following:

- a) regulating the marketing of threatened forest resources;
- b) reviewing all existing rules and regulations on the exploitation of forest resources with a view of formulating guidelines for the systematic and efficient enforcement thereof;
- c) conserving threatened species of flora as well as increasing their rate of propagation; the banning of destructive modes of exploitation, kaingin, making or shifting cultivation, indiscriminate harvesting of minor forest products; the recycling methods of waste materials; and
- d) carrying out a continuing effort on reforestation, timber stand improvement, forest protection, land classification, forest occupancy management, agri-silviculture, range management, agri-silvicultural/kaingin management, industrial tree plantation, parks and wildlife management, multiple use forest, timber management and forest research.

Section 32. Management Policy on Soil Conservation. - The national government, through the Department of Natural Resources and the Department of Agriculture, shall likewise undertake a soil conservation program including therein the identification and protection of critical watershed areas, encouragement of scientific farming techniques, physical and biological means of soil conservation, and short-term and long-term researches and technology for effective soil conservation.

Section 33. Use of Fertilizers and Pesticides. - The use of fertilizers and pesticides in agriculture shall be regulated, prescribing therefor a tolerance level in their use. Their use shall be monitored by appropriate government agencies to provide empirical data for effective regulation.

CHAPTER IV

Flood Control and Natural Calamities

Section 34. Measures in Flood Control Program. - In addition to the pertinent provisions of existing laws, the following shall be included in a soil erosion, sediment and flood control program:

- a) the control of soil erosion on the banks of rivers, the shores or Lakes, and the sea-shores;
- b) the control of flow and flooding in and from rivers and lakes;
- c) the conservation of water which, for purposes of this Section shall mean forms of water, but shall not include captive water;
- d) the needs of fisheries and wildlife and all other recreational uses of natural water;
- e) measures to control the damming, diversion, taking, and use of natural water, so far as any such act may affect the quality and availability of natural water for other purposes; and
- f) measures to stimulate research in matters relating to natural water and soil conservation and the application of knowledge thereby acquired.

Section 35. Measures to Mitigate Destructive Effects of Calamities. - The national government, through the Philippine Atmospheric, Geophysical and Astronomical Services Administration, shall promote intensified and concerted research efforts on weather modification, typhoon, earthquake, tsunami, storm surge, and other tropical natural phenomena in order to bring about any significant effect to mitigate or prevent their destructive effects.

CHAPTER V

Energy Development

Section 36. Policy. - Consistent with the environmental protection policies, the national government, through the Energy Development Board, shall undertake an energy development program encouraging therein the utilization of invariant sources such as solar, wind and tidal energy.

Section 37. Measures for Energy Development. - Measures for energy development program may include, but shall not be limited to, the following:

- a) setting up pilot plants utilizing invariant sources of energy;
- b) training of technical personnel for purposes of energy development; and
- c) concluding researches aimed at developing technology for energy development.

Section 38. Safety Measures on Energy Development. - Rules and regulations shall be promulgated to prevent or mitigate the adverse effects of energy development on the environment. For this purpose, all nuclear powered plants and plants exploring and utilizing geothermal energy, whether owned or controlled by private or government entities shall:

- a) observe internationally accepted standards of safety; and
- b) provide safety devices to ensure the health and welfare of their personnel as well as the surrounding community.

CHAPTER VI

Conservation and Utilization of Surface Ground Waters

Section 39. Management Policy. - In addition to existing laws, the national government through the National Water Resources Council in coordination with other appropriate government agencies, shall prescribe measures for the conservation and improvement of the quality of Philippine water resources and provide for the prevention, control and abatement of water pollution.

CHAPTER VII

Mineral Resources

Section 40. Management Policy. - The national government, through the Department of Natural Resources, shall undertake a system of gainful exploitation and rational and efficient utilization of mineral resources and shall encourage citizen participation in this endeavor.

Section 41. Measure for Exploitation and Utilization of Mineral Resources. - Measure for the gainful exploitation and rational and efficient utilization of such mineral resources may include, but shall not be limited to, the following:

- a) increasing research and development in mineral resources technology;
- b) training of additional technical manpower needed in geology, geophysics, mining engineering, and related fields;
- c) regulating the exploitation of identified mineral reserves;
- d) accelerating the exploitation of undiscovered mineral deposits; and
- e) encouraging the establishment of processing plants for refined metal.

TITLE V

Waste Management

Section 42. Purposes. - The purposes of this Title are:

- a) to set guidelines for waste management with a view to ensuring its effectiveness;
- b) to encourage, promote and stimulate technological, educational, economic and social efforts to prevent environmental damage and unnecessary loss of valuable resources of the nation through recovery, recycling and re-use of wastes and waste products; and
- c) to provide measures to guide and encourage appropriate government agencies in establishing sound, efficient, comprehensive and effective waste management.

CHAPTER I **Enforcement and Guidelines**

Section 43. Waste Management Programs. - Preparation and implementation of waste management programs shall be required of all provinces, cities and municipalities. The Department of Local Government and Community Development shall promulgate guidelines for the formulation and establishment of waste management program.

Every waste management program shall include the following:

- a) an orderly system of operation consistent with the needs of the area concerned;
- b) a provision that the operation will not create pollution of any kind or will constitute public nuisance;
- c) a system for a safe and sanitary disposal of waste;
- d) a provision that existing plans affecting the development, use and protection of air, water or natural resources shall be considered;
- e) schedules and methods of implementing the development, construction and operation of the plan together with the estimated costs; and
- f) a provision for the periodic revision of the program to ensure its effective implementation.

Section 44. Responsibility of Local Government. - Each province, city or municipality shall provide measures to facilitate collection, transportation, processing and disposal of waste within its jurisdiction in coordination with other government agencies concerned. For this purpose, the national government shall provide the necessary subsidy to local governments upon request made through the National Environmental Protection Council and subject to such terms and conditions as the latter may provide.

CHAPTER II **Methods of Solid Waste Disposal**

Section 45. Solid Waste Disposal. - Solid waste disposal shall be by sanitary landfill, incineration, composting, and other methods as may be approved by competent government authority.

Section 46. Sanitary Landfills. - Local governments, including private individuals, corporations or organizations may operate or propose to operate one or more sanitary landfills. Any entity proposing to operate a sanitary landfill shall submit to the appropriate government agency an operational work plan showing, among other things, a map of the proposed work location, disposal areas for rubbish, garbage, refuse and other waste matter; and the equipment or machinery needed to accomplish its operations. In no case shall landfill or work locations under this Section be located along any shore or coast-line, or along the banks of rivers and streams, lakes, throughout their entire length, in violation of any existing rules and regulations.

Section 47. Incineration and Composting Plants. - The installation and establishment of incineration or composting plants, or the alternation/modification of any part

thereof shall be regulated by the local governments concerned in coordination with the National Pollution Control Commission.

Section 48. *Disposal Sites.* - The location of solid waste disposal sites shall conform with existing zoning, land use standards, and pollution control regulations.

Section 49. *Dumping into the Sea and Other Navigable Waters.* - The dumping or disposal of solid wastes into the sea and any body of water in the Philippines, including shore-lines and river banks, where the wastes are likely to be washed into the water is prohibited. However, dumping of solid wastes or other materials into the sea or any navigable waters shall be permitted in case of immediate or imminent danger to life and property, subject to the rules and regulations of the Philippine Coast Guard and the National Pollution Control Commission.

Government agencies and private entities which are undertaking solid waste management programs shall make consultations with the government agencies concerned with respect to the effects of such dumping to the marine environment and navigation.

CHAPTER III **Methods of Liquid Waste Disposal**

Section 50. *Liquid Waste Disposal.* - Wastewater from manufacturing plants, industries, community, or domestic sources shall be treated either physically, biologically or chemically prior to disposal in accordance with the rules and regulations promulgated by proper government authority.

Section 51. *Applicability of Section 49.* - The provisions of Section 49 hereof shall likewise apply to the dumping or disposal of liquid waste into the sea and other bodies of water.

TITLE VI **Miscellaneous Provisions**

Section 52. *Population-Environment Balance.* - In the assessment of development projects, the National Environmental Protection Council, hereinafter referred to in this Title as the Council, shall take into consideration their effect on population with a view to achieving a rational and orderly balance between man and his environment.

Section 53. *Environmental Education.* - The Department of Education and Culture shall integrate subjects on environmental education in its school curricula at all levels. It shall also endeavor to conduct special community education emphasizing the relationship of man and nature as well as environmental sanitation and practices.

The Council and other government agencies implementing environmental protection laws in coordination with public information agencies of the government shall undertake public information activities for the purpose of stimulating awareness and encouraging involvement in environmental protection.

Section 54. *Environmental Research.* - The Council shall undertake and/or promote continuing studies and research programs on environmental management and shall, from time to time, determine priority areas of environmental research.

Section 55. Monitoring and Dissemination of Environmental Information of Foreign Origin. - The Council shall keep itself informed of current environmental developments by obtaining information and literature from foreign sources through the Department of Foreign Affairs, government agencies and other entities, both domestic and foreign. Such information and literature shall be given the widest dissemination possible.

Section 56. Incentives. - To operate the installation and the utilization of pollution control facilities, the following incentives are hereby granted:

- a) exemption to the extent of fifty (50) percent of tariff duties and compensating tax for importation of pollution control equipment, devices, spare parts and accessories for a period of five (5) years from the effectivity of this Decree subject to the conditions that will be imposed by the Council;
- b) a tax credit equivalent of fifty (50) percent of the value of the compensating tax and tariff duties that would have been paid on the pollution control equipment, devices, spare parts and accessories had these items been imported shall, within a period of seven (7) years from the effectivity of this Decree, be given to the person or firm who or which purchases them from a domestic manufacturer, and another tax credit equivalent to twenty-five (25) per cent thereof shall be given to the said manufacturer subject to such conditions as may be imposed by the Council; and
- c) deductions equivalent to fifty (50) per cent of the expenses actually incurred on research projects undertaken to develop technologies for the manufacture of pollution control equivalent which have been proven effective and commercially reproducible, from the taxable income of the person or firm actually undertaking such projects subject to the conditions that may be imposed by the Council.

The pollution control equipment, devices, spare parts and accessories acquired under this Section shall not be sold, transferred or disposed within five (5) years from the date of acquisition without the prior approval of the Council otherwise the importer or purchaser shall pay twice the amount of the tax exemption or tax credit granted.

Section 57. Financial Assistance/Grant. - Financial assistance/grant for the study, design and construction of environmental protection facilities especially for waste disposal in favor of cities, municipalities, small and medium scale industries may be granted on case-to-case basis subject to such conditions as may be imposed by the Council.

Section 58. Participation of Local Government Units and Private Individuals. - It shall be the responsibility of local government units as well as private individuals to actively participate in the environmental management and protection programs of the government.

Section 59. Preservation of Historic and Cultural Resources and Heritage. - It shall be the duty of every person to help preserve the historic and cultural resources of the country such as sites, structures, artifacts, documents, objects, memorials and priceless trees.

Section 60. Government Offices Performing Environmental Protection Functions. - Government agencies vested by laws to exercise environmental management powers, shall continue to function as such within their respective jurisdictions.

The Council may, however, in the exercise of its powers and functions under Presidential Decree No. 1121, inquire into any action or issue of environmental significance.

Section 61. Public Hearings. - The Council may, whenever it deems necessary, conduct public hearings on issues of environmental significance.

Definition of Terms. - As used in this Code.

- a) **"Ambient Air Quality"** means the average atmospheric purity as distinguished from discharge measurements taken at the source of pollution. It is the general amount of pollution present in a broad area.
- b) **"Emission"** means the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.
- c) **"Water Quality"** means the characteristics of water which define its use in terms of physical, chemical and biological contents;

TITLE VII **Final Provisions**

Section 63. Separability of Provisions. - If any provision of this Code, or the application of such provisions to any person or circumstance, is declared unconstitutional, the remainder of the Code or the application of such provisions to other persons or circumstances shall not be affected by such declaration.

Section 64. Effectivity. - This Code shall take effect upon its approval.

Done in the City of Manila, this 6th day of June in the year of Our Lord, nineteen hundred and seventy-seven.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines

By the President.

(Sgd.) JUAN C. TUVERA
Presidential Assistant

CERTIFIED COPY

(Sgd.) MELQUIADES T. DELA CRUZ
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