



DENR Administrative Order

No. 2017 - 15

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**SUBJECT: GUIDELINES ON PUBLIC PARTICIPATION UNDER THE
PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT
(EIS) SYSTEM**

Consistent with the State Policies and Principles of the Philippine Constitution on the right of the people to a balanced and healthful ecology and on encouraging non-governmental, community-based, or sectoral organizations that promote the welfare of the nation, the provisions of PD 1151 and PD 1586 on the implementation of the Philippine EIS System and the 1992 Declaration of United Nations Conference on Environment and Development (UNCED) emphasizing that environmental issues are best handled with the participation of all concerned citizens as well as with the thrust of the Department of Environment and Natural Resources (DENR) to promote social justice, the following guidelines on Public Participation are hereby promulgated.

**ARTICLE I
BASIC POLICY AND PRINCIPLES, OBJECTIVES, SCOPE AND
DEFINITION OF TERMS**

Section 1. Basic Policy and Principles

It is hereby declared a policy that amidst the country's economic development initiatives, common good shall be promoted through public participation in the implementation of the Philippine EIS System. It shall employ the following basic principles.

- a) Public Participation should be initiated early and sustained at the various stages of the EIA Process.
- b) Public Participation should be well planned and should involve the stakeholders in the assessment, management and monitoring of environmental impacts
- c) Timely public disclosure of all necessary relevant information especially to the stakeholders who shall be made to understand and appreciate the specific purpose and context of their participation for each stage of the process.

Section 2. Objectives and Outcome

The objective of this Administrative Order is to improve and rationalize Public Participation under the Philippine EIS System by incorporating best practice principles and standardizing the procedures and requirements.

The intended outcome of this order is to achieve meaningful public participation under the Philippine EIS System at the various stages of the EIA Process through:

- a) An adequate, timely and effective information disclosure and feedback mechanism for:
 - The gathering of all relevant baseline data / information, issues and concerns that should be included in the EIA study
 - The review of the contents of the EIS

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- The management and monitoring of environmental impacts of projects/undertakings
- b) Consideration of the needs of the vulnerable and disadvantaged and of gender concerns.
- c) Discussion of relevant views of the affected people and other stakeholders for incorporation into the decision-making, such as project alternatives/design, mitigation measures, the sharing of development benefits and opportunities and implementation issues.
- d) Defined roles and empowered citizens in taking responsibility in environmental protection

Section 3. Scope of Public Participation Requirement

Public participation under the Philippine EIS system shall be required for the entire EIA Process from social preparation prior to scoping to impact management and monitoring during project implementation/abandonment.

Section 4. Definition of Terms

For purposes of this Guideline, the following definitions shall be applied:

Compliance Monitoring Report (CMR) – a semi-annual report submitted by the project proponent to EMB to report its self-monitoring of compliance with the requirements under the Philippine EIS System.

Compliance Monitoring and Validation Report (CMVR) – a semi-annual monitoring report form for MMTs for submission to EMB.

Environment- shall refer to the totality of the external conditions affecting life, development and survival of organisms including the surrounding air, water (both ground and surface), land, flora, fauna, humans and their interrelations.

Environmental Aspects – elements of an organization's activities, products or services that can interact with the environment.

Environmental Compliance Certificate (ECC) – is a document that may be issued after 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 (EMP) to address the environmental impacts and to operate within the best environmental practice.

Environmental Impact Assessment (EIA) – a process that involves predicting, monitoring and evaluating the 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 to address these consequences to protect the environment and the community's welfare.

Environmental Impact Assessment Review Committee (EIARC) - a body of independent technical experts and professionals of known probity from various fields organized by the EMB to evaluate the EIS and other related documents and to make appropriate recommendations regarding the issuance or non- issuance of an ECC.

Environmentally Critical Project (ECP) - project or program that has high potential for significant negative environmental impacts as defined under Presidential Proclamations 2146 (1981) and 803 (1996) and described under existing EMB guidelines and such other projects that may be declared by the President.

Environmental Impact Statement (EIS) – an EIA Report type that is required to be submitted for ECC application for proposed ECPs and other project types that are expected to have a high degree of environmental impact significance.

Environmental Management Plan/Program (EMP) – is a section in the EIS that details the prevention, mitigation/management and monitoring measures to enhance

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positive impacts and minimize negative impacts and risks of a proposed project or undertaking. It also includes contingency and compensation plan for environmental impacts and risks.

Environmental Monitoring Plan (EMoP) – a part of the EMP which indicates specific parameters to be monitored for identified environmental aspects and impacts, the sampling and measurement plan and the corresponding management scheme.

Environmental Monitoring Fund (EMF) – 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 of the multi-partite monitoring team formed for ECPs. It shall be immediately accessible and easily disburseable.

Environmental Performance Report and Management Plan (EPRMP) - an EIA Report type that is required to be submitted for ECC application for single projects that are already operating. It includes a documentation of the actual cumulative environmental impacts, a report on the effectiveness of measures that are currently being implemented and additional management measures to enhance the effectiveness of the current measures or address additional impacts from proposed expansion/modification of the project/undertaking as necessary.

Focus group discussion (FGD) is a rapid assessment, semi-structured data gathering method in which a purposively selected set of participants gather to discuss and deliberate on a specific topic. It has normally a small number of participants, just enough to generate rich discussion.

Impact Management Plan (IMP) – a part of the EMP which indicates the prevention/mitigation measures for identified environmental aspects and impacts. It also indicates the responsible entity/ies, costs and guarantee/financial arrangements for the implementation of the prevention and/or mitigation measures

Key Informant Interview (KII) – is an interview of people selected for their firsthand knowledge about the topic of interest designed to allow free flow of ideas.

Multipartite Monitoring Team (MMT) - an independent entity whose membership represents primarily the stakeholders / public that is intended to assist the DENR in monitoring environmental impacts and compliance 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.

Programmatic Environmental Impact Statement (PEIS) - an EIA Report type that is required to be submitted for ECC application for proposed co-located projects intending to undergo programmatic compliance. It includes a documentation of comprehensive studies on environmental baseline conditions of a contiguous area and an assessment of the carrying capacity of the area to absorb impacts from co-located projects such as those in industrial estates or economic zones (ecozones).

Programmatic Environmental Performance Report and Management Plan (PEPRMP) - an EIA Report type that is required to be submitted for ECC application for existing co-located projects with programmatic ECC and intending to expand or modify scope of project as described in the programmatic ECC. It includes a documentation of the actual cumulative environmental impacts, a report on the effectiveness of measures that are currently being implemented and additional management measures to enhance the effectiveness of the current measures or address additional impacts from proposed expansion/modification as necessary.

Procedural Review - phase in the ECC application review process to check for the completeness of the required documents.

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

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Proponent - any natural or juridical person intending to implement or implementing a project or undertaking

Public –refer to the people of the country, province, district, city, municipality, barangay/Sitio which the government serves.

Public Consultation involves the gathering of information, concerns, opinions and suggestions from the public through meetings, interviews, focused group discussions and other similar means.

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.

Public Participation(PP) – 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.

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

Significant Impacts – impacts which damage the environment to the point that the environmental resource loses its capacity to sustain life or to continue functioning within baseline levels and efficiency. It refers to impacts needing action through prevention, mitigation or other interventions to protect the environment from being harmed at levels that reduce its functionality for its users or dependent biota.

Social Preparation – a preliminary activity for information disclosure carried out before the scoping to prepare the stakeholders for meaningful participation in the EIA Process.

Stakeholders – 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, industry, local government units (LGUs), National Government Agencies (NGAs) and non-government organizations (NGOs) and people's organizations (POs).

Stakeholder Involvement–working directly with stakeholders to 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

ARTICLE II PUBLIC PARTICIPATION IN DEFINING THE SCOPE AND IN THE ACTUAL CONDUCT OF THE EIA STUDY

Stakeholder involvement shall be initiated early through information and education campaign (IEC) prior to scoping. In addition to the stakeholders, the general public may participate the public scoping. The following requirements and procedures for the integration of public participation (PP) in defining the scope and in the actual conduct of the EIA Study shall be implemented.

Section 5. Initial Stakeholder Identification

Initial stakeholder identification shall be done to identify target groups for the IEC

5.1 The IEC shall be conducted in the project area and the area where all project facilities are proposed to be constructed/situated and where all operations are proposed to be

undertaken.(e.g. in mining projects, this can include the entire block proposed to be mined and areas outside the block where auxiliary facilities may be sited such as power plant, access roads, administrative building site, any coastal stockyard, pier/causeway, anchorage area, quarry area, crusher or batching plant, tailings storage facilities). This shall be the EIA Study Area.

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

- a) Local government units in areas where all 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 specifically related to the type and impacts of the proposed undertaking/project
- d) households, business activities, 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

Section 6.Information and Education Campaign (IEC)

6.1 Information and Education Campaign (IEC)shall be conducted in preparation for the public scoping by providing them with information about the project, the proponent and the scoping process.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 & objectives
- c) Alternatives being considered by the project proponent on the following:
 - project type,components and size
 - process/technology (including toxic chemicals that will be used or produced and may be released to the environment)
 - 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) Preliminarily identified environmental aspects for each alternative

6.2 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, meetings with traditional and political leaders, informal dialogues with community members, community meetings or “talakayang barangay”. At the minimum, key informant interviews (KIIs) shall be conducted.
- b) Use of appropriate IEC materials such as film or video showing, printed media or local radio. Other forms of information dissemination that can be used include streamers, exhibits and leaflets/flyers.

6.3 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.

Section 7. Requirements prior to the Public Scoping

Scoping determines the coverage, focus, depth and extent of the environmental assessment to be undertaken and the basis of review. As such, an effective IEC shall have been conductedat the minimum with the initially identified stakeholders prior to the Public Scoping. The following guideline describes the specific requirement prior to public scoping.

7.1 Request for public scoping shall be submitted for approval to the EMB Office with jurisdiction over the processing of the ECC applicationwithin 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
 - Documentation of FGDs conducted, at the minimum, represented by stakeholder groups identified based on the guidelines in Section 5.
 - Documentation of IEC including a proof of receipt of IEC materials by LGU and other stakeholders
- 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) containing at the minimum, the following information:
 - 1) Need for the project, its goals & objectives,
 - 2) Alternatives being considered by the project proponent on the following:
 - project type, components and size
 - process/technology (including toxic chemicals that will be used or produced and may be released to the environment)
 - resource utilization (water, energy, etc.)
 - 3) Proposed location of project facilities/components and alternatives considered in the decision
 - 4) A Map (e.g. google) showing the project site/s and the proposed EIA Study Area.
 - 5) Aerial photos of the project site taken not more than 90 days from submission, at the minimum, showing households, business activities and industries that will be displaced as well as local institutions (schools, churches, hospitals)
 - 6) Project Proponent (indicate incorporators, subsidiaries)
 - 7) Projected timeframe of the project phases
 - 8) Preliminarily identified environmental aspects for each alternative
- d) Proposed list of invitees for the public scoping, at the minimum representing the groups listed in Section 5.2.
- e) Draft invitation letter (to be signed by EMB) and IEC materials in preparation for the public scoping.
- f) Draft presentation of the project during public scoping

7.2 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.

7.3 The EMB shall decide on the approval of request on the conduct of the public scoping within five (5) working days and shall post an announcement for the public in the EMB Website at least 10 days before the public scoping containing the following information *along with the e-copy of the PDS*:

- Importance of EIA particularly the scoping process
- Date and venue of public scoping
- Instructions and deadline for the registration of intent to comment
- Instructions and deadline for submitting comments

The proponent shall simultaneously disseminate these information in the Project Area. The PDS shall remain in the Website until the submission of the ECC application.

Section 8. Public Participation during Public Scoping

The proposed scope of the EIA Study shall be disclosed to the general public and

the following guidelines and requirements shall apply:

- 8.1 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.
- 8.2 The public scoping shall be facilitated by the EMB-RO and at the minimum, shall have the following agenda:
- a) Brief Presentation by the EMB-RO of the EIA Process focused on the Scoping process and the objective of the Public scoping
 - b) Presentation by the project proponent of the Project Description as outlined in item c) of Section 7.1 in Filipino/local language and/or in English.
 - c) Open Forum (at least 2 hrs.)
 - d) Presentation of the summary of concerns raised during the open forum by the EMB RO representative
 - e) Proponent's response regarding what concerns can be integrated in the EIA and how will these concerns be tackled including possible modes of participation of stakeholders in the actual conduct of the EIA. The EMB-RO representative shall act as mediator in this discussion.
 - f) EMB-RO shall close the public scoping by summarizing agreements and presenting succeeding steps.
- 8.3 The proponent shall prepare the Public Scoping Report (PSR) which at the minimum contains the following:
- a) attendance of stakeholders & the general public (description of stakeholder sectoral representation during the public scoping vis-à-vis the identified stakeholders based on Section 5)
 - 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 (to be discussed during the technical scoping).
- 8.4 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.
- 8.5 The technical scoping to be convened by EMB with the 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.
- 8.6 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 public scoping report (PSR)
- 8.7 The EIS shall be submitted for procedural screening not later than a year after the approval of the scope of the EIS unless otherwise specified.

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Section 9. Stakeholder involvement 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. The following briefly describes how the public can participate in the EIA Study:

9.1 Stakeholders in the community may perform the role of research partners, community mobilizers, or as key informants in *baseline data gathering*. Their specific involvement can include the following:

- Participation in rapid appraisals for the identification of affected communities, for the general rating of the level of development in terms of economic status of each population categories (farmers, fisherfolks, laborers, etc.), for assessing the affected population's need or demand for the project, in assessing absorptive capacity and in the conduct of perception surveys
- As source of information on the biophysical environment and could provide environmental indicators for the assessment of changes/trends in their own environment (ex. occurrence of flooding, reduced river flows, decline in fishery production, etc.), presence or disappearance of wild animals or birds and other ethnobiological information
- Participation in community validation meetings or workshops to check the accuracy of the results obtained from the survey and to gather additional issues and concerns

9.2 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 open to relevant concerns from the general public. The participatory method to be used should be adapted to the social organization of the impacted communities and should consider the following in determining specific format:

- 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 the existing conditions in the project location in view of the Free and Prior Informed Consent (FPIC) requirement of the National Council for Indigenous Peoples (NCIP).
- Language and representation issues as well as access to communication technology/media.

9.3 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.

Section 10. Updating of Stakeholder Identification and Stakeholder Analysis

Once the EIA is completed, stakeholder identification shall be updated based on the delineation of the Direct Impact Area (DIA) and the Indirect Impact Area (IIA) for the proposed undertaking's impacts on air, water, land and people.

10.1 The DIA shall be delineated based on the results of the assessment of the project's impact on air, water, land and people. The following examples are provided for illustration purposes and may be applicable to certain types of projects.

a) DIA for Air Quality Impacts

- Areas with projected Ground Level Concentration (GLCs) of emissions higher than the ambient standard based on air dispersion/transport modeling studies (worst case scenario).

b) DIA for Water Quality & Quantity Impacts

- The extent of water body/ies areas where the water quality are projected to exceed the ambient standards based on relevant worst case scenario discharge modeling studies (sediment and pollutant discharges)
- Areas using the groundwater that could possibly be contaminated by project activities involving the use and disposal of toxic chemicals and hazardous waste or construction of underground facilities.
- Areas where there are existing users of the same source of natural resources (e.g. water) that the proposed project will be using.

c) DIA for impacts on Land

- Areas directly vulnerable to potential flooding or inundation that may be caused by the project
- Areas where there will be disturbance of habitat

d) DIA for impacts on People

- Directly affected areas based on the results of the socio-economic impact assessment studies conducted including ancestral domain of indigenous communities that may be affected, if any.

The concerned EIA Specialist shall be responsible in identifying relevant parameters for the identification of the DIA for the specific project.

10.2 The IIA on the other hand, shall be delineated for impacts on people and shall include those in the vicinity of the DIA who will either benefit or be affected indirectly by the project.

10.3 Individuals, sectors, groups or organizations living, working or owns a property within the DIA as classified in Section 5.2 are given priority as stakeholders to participate in the succeeding stages of the EIA process. They shall be represented as member of the Multipartite Monitoring Team (MMT) which may be created for the monitoring of project impacts. The general public who were not identified as stakeholders are still welcome to participate during public hearings.

10.4 The analysis of actual stakeholder/public participation vis-à-vis the above guidelines shall be reported as part of the EIA Process documentation in the EIS. The stakeholder groups and representing individuals who participated shall be listed along with the objective, type, methods and timeframe of participation.

ARTICLE III

PUBLIC PARTICIPATION IN THE REVIEW OF THE ENVIRONMENTAL IMPACT ASSESSMENT (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 per existing guidelines.

Section 11. Overview of Public Participation in the review of EIA Reports

11.1 The EIA Report shall contain a documentation of the public participation processes conducted prior to and during the ECC application. It shall likewise include discussion on how the stakeholders' and the public's views were considered in choosing from the project alternatives.

11.2 EIA Reports including a simplified summary shall be made available to the general public through the website, Effective information dissemination on the review of the EIA shall likewise be implemented especially in the DIA.

11.3 The identified stakeholders shall be invited to actively be involved in review through the following:

- participating in the public hearing/s
- providing relevant written comments that the EIARC should consider in the review of the EIA Report through online feedback or submitting hard copy to

EMB within the set timeframe.

- 11.4 The public participation process undertaken as well as its outputs shall be considered in the review of the EIA Report by the EIARC and in the review of the ECC application by the EMB.
- 11.5 After the public hearing, the draft EIS shall be revised incorporating the following key aspects of the public hearing documentation along with other concerns raised during EIARC Meeting/s:
- Attendance of stakeholders & the general public (description of stakeholder sectoral representation)
 - What and how the information was disseminated to various stakeholder groups and the chronology of activities conducted in compliance with the requirements.
 - Segregated comments, issues raised and suggestions based on the main modules of the EIA: Project Description, Land, Water, Air, People including issues raised on project alternatives. Sector or Representatives who raised the comments, issues or suggestions along with the proponent's/DENR's response
 - Summary of issues raised that are beyond the mandate of the EMB, identifying agencies with mandate on these issues

The Revised EIS shall be posted in the EMB Website for further public comments.

- 11.6 The documentation of the public participation highlighting the stakeholder involvement shall be included in the review process report (RPR) of EMB. It shall be posted in the EMB Website

Section 12. Public Information / Disclosure

- 12.1 To enable meaningful public participation in the review of the EIA Report, an EIS Summary for the Public (ESP) in English and in Filipino shall be submitted along with the other requirements for ECC Application. The ESP shall contain the following information:

- Project Description including the following:
 - Project type, components and size
 - process/technology (including toxic chemicals that will be used or produced and may be released to the environment)
 - resource utilization (water, energy, etc.)

It should include a discussion on the process and criteria in choosing from the alternatives including how the public / stakeholders influenced the selection

- Proposed location with vicinity map (current) of the project facilities /components and the criteria and process of decision making in choosing from the alternatives
- Project Proponent (indicate incorporators, subsidiaries)
- Projected timeframe of the project implementation
- Concise integrated summary of the major impacts and residual effects after mitigation
- Identified stakeholders based on Section 10
- Project proponent's statement of commitment and capability to implement necessary measures to prevent adverse negative impacts
- Information on where to get a copy of the EIS for further information

- 12.2 The Draft EIS for review and the ESP shall be posted in the EMB Website at least 20 days before the public hearing along with the Notice of Public Hearing. The website

- 12.3 The project proponent at its own expense shall cause the publication of the Notice of Public Hearing upon approval by the EMB Office with jurisdiction over the processing of the ECC application. The Notice shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks, the second publication of which shall be at least seven (7) days before the scheduled public hearing. At the minimum, the Notice should contain the following:
- a) The objective of the Public Hearing
 - b) Need for the project, its goals & objectives
 - c) A brief description of the project components, size and proposed location
 - d) Project proponent
 - e) Date and venue of public hearing
 - f) Instructions and deadline for the registration of intent to attend the public hearing and/or give comment/s or position papers
 - g) Instructions and deadline for submitting comments or position papers
 - h) Contact person/s for further inquiries
- 12.4 Notices shall likewise be posted in conspicuous places in the municipality and barangay where the project is proposed to be located at least 15 days prior to the scheduled hearing and distribution of flyers shall be done especially in places where the reading of newspapers is not a common practice.
- 12.5 If there are identified primary stakeholders who have no access to written means of information, the project proponent shall, in addition, disseminate information through non-written means such as radio, public address system or other similar means for two (2) consecutive days at least seven (7) days before the public hearing.
- 12.6 The Revised EIS incorporating the key aspects of the public hearing documentation as described in Section 11.5 shall be posted in the EMB Website for seven (7) days for further public comments. Comments submitted after this 7-day period shall no longer be considered in the review of the ECC application.
- 12.7 A copy of the ECC, the EMP (IMP & EMoP) and the documentation of the public participation shall be posted in the EMB Website. and shall contain the following:
- a) Chronology of PP conducted
 - social preparation, scoping, public consultations, FGDs, KIIs and public hearings other means of public participation
 - b) the key issues raised and how this was responded to by the project proponent and considered in the review of the ECC application
 - indicate the stage of the EIA process when these issues were raised
 - c) related issues that were raised but are beyond the mandate of the EMB-DENR

Section 13. Public Hearing

- 13.1 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.
- 13.2 The EMB Office with jurisdiction over the processing of the ECC application shall plan, initiate and conduct Public Hearing. Sufficient information dissemination shall be ensured prior to the conduct of public hearing as prescribed in Section 12.
- 13.3 Efficient exchange of information and views between and among the project proponent, the EMB-DENR, relevant agencies, LGUs and other stakeholders on the environmental impacts assessment, management and monitoring for proposed projects applying for an ECC shall be ensured.
- 13.4 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.

13.5 The EMB Director or Regional Director shall designate a hearing officer with the following qualifications:

- Of known probity and independence
- Has familiarity with the Philippine EIS System and the rules and procedures in the conduct of public hearing
- Is skilled in dispute and conflict resolution

13.6 The following are the major functions of the Hearing Officer:

- a) shall direct the proceedings of the public hearing towards the aim of eliciting feedback on the assessment, management and monitoring of environmental impacts of the specific project to support the substantive review by the EIARC of the EIS in relation to the ECC application.
- b) shall ensure that the participants especially the identified stakeholders are given the opportunity to ventilate their positions/concerns and ensure that these concerns are adequately discussed during the hearing.
- c) shall endeavor to identify options for possible resolution of issues and conflicts.
- d) may be called upon by the EIARC to give a verbal report even prior to the submission of the formal report for purposes of facilitating the review process. The report shall be an assessment of issues discussed or events that transpired during the public hearing, and the findings or recommendation of the public hearing officer.
- e) shall ensure orderly and systematic conduct of the hearing within the planned period of time.
- f) prepare hearing officers report within 10 days after the hearing.

13.7 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
- g) Next steps

The open forum shall be at least 3 hours to provide sufficient time for stakeholders to ventilate 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 approval prior along with the copy of the notice of public hearing.

13.8 The full documentation of the public hearing shall be prepared by the project proponent and validated by EMB. It should contain at least the following:

- a) Attendance of stakeholders & the general public (description of stakeholder sectoral representation)
- b) What and how the information was disseminated to various stakeholder groups
- c) Segregated comments, issues raised and suggestions based on the main modules of the EIA: Project Description, Land, Water, Air, People. Sector or Representatives who raised the comments, issues or suggestions along with the proponent's/DENR's response.
- d) Summary of issues raised that are beyond the mandate of the EMB, identifying agencies with mandate on these issues
- e) Transcription of the Proceedings
- f) Video documentation of the proceedings of the public hearing
(items a, to d shall be incorporated in the revised EIS)

13.9 The timeframe from the publication of the Notice until the acceptance of the full documentation of Public Hearing shall not be included in the processing timeframe.

Section 14. Roles and Obligations in the Public Participation Process

In order to have the optimum benefit from public participation in the review and evaluation of ECC applications, the project proponent, the DENR-EMB and the stakeholders including the LGUs, NGOs, NGAs and POs shall perform their respective roles and obligations summarized as follows.

14.1 The project proponent shall ensure that all relevant concerns gathered from the public participation process are adequately addressed and reflected in the following documents to be submitted to EMB:

- a) Public Scoping Report
- b) Draft EIS
- c) EIS Summary for the Public (ESP)
- d) Revised EIS (to be submitted to EMB after the public hearing)

14.2 The stakeholders including the LGUs, NGOs, NGAs and POs shall participate in the process by providing all necessary and truthful information within the set deadlines and timeframe.

14.3 The EMB-DENR shall ensure that the procedures and requirements for public participation from scoping to public hearing are complied with.

14.4 The decision by the EMB-DENR on the ECC application shall consider relevant inputs from the public participation process along with the results of the assessment of impacts on the biophysical environment as evaluated by the Environmental Impact Assessment Review Committee (EIARC). The following criteria shall be used to assess the validity and relevance of an issue raised:

- a) It is based on correct and updated information
- b) It is directly relevant to the project being assessed
- c) It is related to the assessment, management and monitoring of the environmental impacts of the proposed project subject of the ECC application.
- d) It puts public interest over personal interest

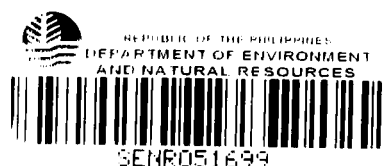
ARTICLE IV

PUBLIC PARTICIPATION IN MONITORING OF IMPACTS OF PROJECTS WITH ECC

During the implementation of the project, compliance to the ECC and other commitments of the project proponent as reflected in the EIA Report especially the Environmental Management Plan (EMP) shall be ensured. Through the monitoring and evaluation activities under the Philippine EIS System, the EMB shall ensure that the actual environmental impacts are monitored and managed by ensuring the sustained effectiveness of the measures instituted. Public participation in this process shall be guided by the following provisions.

Section 15. Overview of Public Participation in the Monitoring of Impacts of Projects with ECC

The vigilance of the public especially stakeholders living or working near the project site shall be used as tool in effectively monitoring and managing environmental impacts of projects.



15.1 The Public especially the stakeholders shall be encouraged participate in the monitoring of environmental impacts by visiting the EMB Website for relevant information about projects that are being implemented in their respective areas including monitoring reports and providing relevant feedback. Among the information that shall be made available through the EMB Website are the following:

- Updated status of proponent's compliance with the requirement to submit CMR
- The latest MMT report as described in Section 16
- Updated EMP, as needed
- Amendments, if any
- Cancellation, if any

Online feedback mechanisms shall be instituted.

15.2 For ECPs, the Multi-partite Monitoring Teams (MMTs) shall continue to serve as a venue for promoting greater stakeholder vigilance and providing appropriate check and balance mechanisms in monitoring project impacts as well a venue for empowering the communities in taking responsibility for environmental protection, as a third party entity.

15.3 The EMB shall conduct periodic monitoring of the proponent's compliance with the ECC and other commitments and requirements of projects under the Philippine EIS System based on the environmental risk-based prioritization scheme. Projects that were issued ECCs but are no longer covered based on the existing guidelines shall be relieved from ECC commitments and shall no longer be monitored by EMB.

15.4 MMTs for ECP whose significant environmental impacts do not persist after construction phase or whose impacts could be regulated through the regular monitoring activities conducted by other government agencies, shall be terminated upon certification of completion by the lead government agency (e.g. roads, reclamation, etc.). The EMB RO shall transmit to the relevant agency/ies this information along with remaining environmental concerns for integration into their monitoring and inspection activities.

Section 16. Rationalization of the Multi-Partite Monitoring Team (MMT) Existence, Composition and Leadership

To address issues that have been raised through the years and to enhance the participatory feature of the MMT System, the following changes shall be implemented:

16.1 MMTs shall only be for ECPs. All other MMTs including clustered MMTs shall be deemed automatically dissolved. ECC condition on the creation of MMTs for Non-ECPs shall be deemed invalid.

16.2 The project proponents and EMB-DENR shall no longer be member of the MMT. The EMB-DENR shall provide oversight guidance to the MMT and consider its reports and recommendations in its impact and compliance evaluation. It shall conduct regular performance audit of the MMTs. The project proponent shall provide funds for the MMT activities based on the Annual Work and Financial approved by the EMB.

16.3 The composition of the MMT shall be rationalized to be representative of relevant stakeholders groups as identified based on Section 10. For it to be a truly independent third party entity, the following shall compose the reconstituted MMT:

- a. The LGU representatives
- 1 Representative each from the 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 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 may be designated as representative to the MMT.

- the Rural Health Unit (RHU) Chief and
- concerned Barangay Captain

All existing LGU representatives to the MMT shall be replaced by these officers or their representatives.

- 1 representative from the LGU-accredited local 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.
- Maximum of 2 representatives from Locally recognized community leaders who can represent vulnerable sectors including indigenous populations, women and senior citizens and representatives from the academe may be included as member of the MMT in addition to the LGU-accredited NGO
- Maximum of 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 where the location of project facilities covers more than one (1) Barangay. In such cases, the additional member shall come from the additional Barangay/s and MENRO.

- 16.4 As a general rule, the representative from the MENRO/City ENRO, the PG-ENRO or the representative from the lead government agency (e.g. DOE for energy projects, DOT for Tourism Projects) shall serve as the MMT Chair. In cases where the said representatives do not accept the chairmanship, the members of the MMT elect among themselves and specify the procedures in its Manual of Operations (MOO).
- 16.5 The existing MMTs for ECPs shall reconstitute themselves accordingly. A Memorandum of Agreement (MOA) between the EMB-CO and Proponent shall be executed with conformity by the members identified based on Section 16.3 of this Order. Appropriate EGF provisions shall be integrated into the new MOA with the EMB CO Director as Chairperson of the EGF Committee. The pro-forma MOA shall be provided by EMB and shall be executed within one (1) year, otherwise, these MMTs shall be deemed automatically dissolved until such time that such requirement is submitted.
- 16.6 In the case of existing MMTs for Mining Projects, the EMB representatives shall likewise be removed as member of the MMT. The MMT shall regularly submit to EMB CMVR format report including report on compliance with the EPEP (based on EMB-approved EMP) and the EMB shall similarly conduct its monitoring activities independent of the MMT.

Section 17. Functions of the Multi-Partite Monitoring Team (MMT)

As an independent entity whose membership represents the stakeholders / public, the MMT is expected to add credibility by being open and transparent in monitoring environmental impacts and compliance with the Philippine EIS System requirements. The MMT shall have the following specific functions:

- a) Conduct quarterly ocular site 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 2nd 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.

Section 18. MMT Formation and Operationalization

18.1 After the issuance of ECC for ECPs, the project proponent shall initiate the formation of the MMT based on the above policy updates in compliance to the relevant ECC condition. A Memorandum of Agreement (MOA) between EMB-CO and PROPONENT based on a pro-forma to be provided by EMB shall be executed with conformity of members of the MMT as identified based on Section 15.3 of this Order. The MOA signed by the proponent and the new members the project proponent shall submitted to EMB CO for final approval within the deadline specified in the ECC.

18.2 A MMT Manual of Operations (MOO) shall be formulated / updated based on these policy updates. The MOO shall guide the MMT in planning its activities, operationalizing its functions and managing its performance. It should contain at least the following:

- Membership: selection process, code of ethics, suspension/removal, resignation/replacement process
- Organization : structure, leadership, roles & responsibilities
- Fund Administration & Management
- Activities: meetings, monitoring activities, records keeping, public disclosure, operations & performance enhancement

An MMT without an updated MOO submitted within a year from the signing of the MOA by DENR shall be suspended until such time that the requirement is submitted and approved.

18.3 In the conduct of its quarterly site visit, the MMTs shall implement the usual procedures including a closing meeting where the MMT findings shall be discussed with the representative of the project proponent.

18.4 MMTs who do not submit the required reports, those who fail to submit its report before the deadlines or submits incomplete reports for one (1) year shall be suspended until such time that such requirements are complied with.

18.5 Individual MMT Members who violate the code of ethics shall be subject to suspension/removal/replacement by the chairman of MMT or any other disciplinary action as indicated in the MOO.

18.6 All other existing guidelines consistent with the provisions of this DAO shall still be in effect.

Section 19. Environmental Monitoring Fund (EMF)

19.1 The 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

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- 19.2 The EMF administration and management shall be prescribed in the MOO and should contain at the minimum, the following provisions:
- Eligible Expenses and Standards
 - Preparation & Approval of Work and Financial Plan for the establishment of the amount of EMF
 - Management of Fund
 - Disbursement and Auditing Procedures
- 19.3 The mode of fund administration shall be decided upon by the project proponent in consultation with the MMT and should consider the MMT's independence. The Fund Administrator shall accept the fund administration and management responsibilities as reflected in the MOO and shall be liable for any misapplication or inappropriate disbursements allowed to be charged against the EMF.
- 19.4 The Fund Administrator shall open an account with a government accredited bank, with the elected Chairperson or Treasurer of the MMT as signatory **AND** the representative of the Fund Administrator as counter signatory.
- 19.5 The Proponent shall release the amount of funds based on the EMB-approved AWFPIinitially, equivalent to the projected expenses for the first three quarters and succeeding releases shall be done semi-annually upon liquidating expenses and validating submission of the MMT Report to EMB for the previous reporting period. The proponent shall conduct regular audit of the EMF and apprise EMB on irregularities, if any.
- 19.6 MMT members especially those who will lose their opportunity to earn while participating in MMT activities shall receive an honoraria of not more than PhP 2000.00 per quarter for their participation charged to the EMF. A contingency of not more than 50% of the total amount allotted for the honoraria and for logistical expenses for regular activities may be allotted emergency meetings, capability building and other related activities.

ARTICLE V GRIEVANCE REDRESS MECHANISMS

As check and balance for the proper implementation of the requirements and procedures for a meaningful and systematic public participation through this administrative order, following guidelines shall apply to the following types of grievance:

Section 20. Non-inclusion among the identified stakeholders of the project

A letter addressed to 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 the environmental impacts of the project. The EMB shall include the complainant among the invitees during the public hearing if found to be a legitimate stakeholder.

Section 21. 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.

Section 22. 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.

Section 23. Non-compliance with this guidelines by EMB

A letter complaint addressed to the EMB/DENR Office 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.

ARTICLE VI SUPPLEMENTAL RULES AND REGULATIONS

Supplemental rules and regulations may be issued by the EMB consistent with this administrative order.

ARTICLE VII EFFECTIVITY AND TRANSITORY PROVISIONS

This Order shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

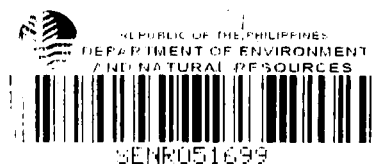
All Articles shall apply to relevant projects that have not yet conducted public scoping as of the date of effectivity of the DAO. The applicability of the provisions for projects that are currently at the different stages of the EIA Process shall correspond to the relevant provision of the DAO for the specific stage where the project is currently in as of the effectivity of the DAO.

For existing mechanisms/systems for PP which needs restructuring/reconstitution including the existing MMTs, one (1) year transition period will be given for these to fully adopt the relevant provisions of this Administrative Order.

ARTICLE VIII REPEALING CLAUSE

All rules and regulations found inconsistent herewith shall be superseded by this Administrative Order.


REGINA PAZ L. LOPEZ
Secretary



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