

VOLUME III

ADMINISTRATIVE PROCEDURES

*Handbook for the Application of the
Enhanced Environmental Performance
Monitoring and Audit System of the
Philippine Environmental Impact
Assessment System*

**HANDBOOK FOR THE APPLICATION OF THE ENHANCED ENVIRONMENTAL
PERFORMANCE MONITORING AND AUDIT SYSTEM OF THE PHILIPPINE
ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM**

VOLUME III:

ADMINISTRATIVE PROCEDURES

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- 3-8 MMT Operations Audit Form

List of Acronyms/ Terminologies

AD	Assistant Director
AO	Administrative Order
AWFP	Annual Work and Financial Plan
BOI	Board of Investments
CH	Case Handler
CDO	Cease and Desist Order
COC	Chain of Custody
CMVR	Compliance Monitoring and Validation Report
CNC	Certificate of Non-Compliance
CO	Central Office
CL	Clearance Letter
COE	Code of Ethics
CRDF	Complaint Resolution Declaration Form
DAO	Department Administrative Order
DENR	Department of Environment and Natural Resources
ECA	Environmental Critical Area
ECC	Environmental Compliance Certificate
ECP	Environmental Critical Project
EGF	Environmental Guarantee Fund
EIA	Environmental Impact Assessment
EIAMD	Environmental Impact Assessment and Management Division
EIS	Environmental Impact Statement
EMAF	Environmental Monitoring and Audit Fund
EMAM	Environmental Monitoring and Audit Manual
EMAP	Environmental Monitoring and Audit Plan
EMAP/M	Environmental Monitoring and Audit Plan / Manual
EMB	Environmental Management Bureau
EMF	Environmental Management Fund
EMP	Environmental Management Plan
EMS	Environmental Management System
EPIC	Environmental Management Program for Industrial Competitiveness
EPRMP	Environmental Performance Report and Management Plan
EQD	Environmental Quality Division
EZA	Economic Zone Administrators
FI	Financing Institutions
GA	Government Agency
HEEPMAS-	Handbook on the Enhanced Environmental Performance Monitoring
PEISS	and Audit System of the Philippine Environmental Impact Statement System

IEC	Information, Education, and Communication
IEE	Initial Environmental Examination
IRR	Implementing Rules and Regulations
ISO	International Standards Organization
KRA	Key Result Areas
LGU	Local Government Unit
LO	Lifting Order
EMA	Monitoring and Evaluation
EMA	Monitoring and Audit
MACOM	Monitoring and Audit Committee
MMT	Multipartite Monitoring Team
MOO	Manual of Operations
NOI	Notice of Inquiry
NTH	Notice of Technical Hearing
NOV	Notice of Violation
OSEC	Office of the Secretary
PAEAP	Philippine Association of Environmental Assessment Professionals
PD	Presidential Decree
PDs	Project Descriptions
PEARA	Philippine Environmental Auditors Registration Association
PEISS	Philippine Environmental Impact Statement System
PEMAPS	Project Environmental Monitoring and Audit Prioritization Scheme
RPA	Recommendation for Proactive Action
RD	Regional Director
RO	Regional Office
SEPMES	Strengthening the Environmental Performance Monitoring and Evaluation System
SMR	Self-monitoring Report
TH	Technical Hearing
THR	Technical Hearing Report
UNDP	United Nations Development Programme

Administrative Procedures

I. PART 1: Review and Validation of the EMA Documents (EMAP, EMAM, SMR MOO, AWFP, CMVR)

A. CONTENTS OF PART 1 OF THE AP HANDBOOK

Part 1 of the AP Handbook contains the procedures, timelines, institutions, personnel, and forms for the review and validation of the six EMA documents presented in Volume 1 and Volume 2 of the HAPEPMAS-PEISS. These documents as prepared by the project Proponent and the MMT are shown below:

1. Proponent
 - EMAP - Environmental Monitoring and Audit Plan
 - EMAM - Environmental Monitoring and Audit Manual
 - SMR - Self-monitoring Report (EIA Module)
2. MMT
 - MOO – Manual of Operations
 - AWFP – Annual Work and Financial Plan
 - CMVR - Compliance Monitoring and Validation Report

The procedural reviews of documents are presented here as modules in consideration of the conversion of the existing MMTs to their autonomous status. Under ideal situations, documents are chronologically generated as follows:

- Proponent EMAP/EMAM
- MMT MOO
- MMT AWFP
- Proponent SMR
- MMT CMVR

At the MMT formation stage, EMAP/M are bases for MMT MOA, MOO, and AWFP. Once these documents have been approved, the regular EMA activities are limited to the following: a) preparation of the Proponent's semiannual SMR, b) the preparation of the MMT's CMVR as a result of its SMR Validation, and c) the preparation of the MMT's annual WFP. Modifications to EMAP/M, MOA, and MOO will require corresponding review and approvals from EMB.

B. GOALS AND OBJECTIVES OF THE REVIEW PROCESS

The goals of the review process are as follows:

- a) To establish effectiveness and efficiency of the performance of the project, the Proponent, MMT, and EMB in achieving the outcomes of the EMA system in terms of

improving the environment, improving project design and operations, promoting public participation and enhancing partnerships among the project stakeholders; and

- b) To derive learnings from the monitoring information as basis for addressing current performance issues and instituting continual improvements in the preparation and review of documents as well as the general EMA process.

The specific objectives of the review process to achieve the goals are as follows:

- a) For EMB to decide whether to approve the document for adoption or not (in the case of EMAP, EMAM, MOO, AWFP), or to obtain information for the preparation of another document (by MMT in the case of EMAP/M as reference for MOO and AWFP), or to derive a certain performance rating (by EMB for the Proponent's SMR, and by EMB for the MMT's CMVR);
- b) To provide another avenue of public participation and informed decision-making through MMT in its review of EMAP, EMAM, and SMR;
- c) To institute check and balance as in the Proponent's review for comments on MMT MOO, CMVR, and AWFP; and
- d) To check the conformance of documents in form and substance with the prescriptions of HAEEP MAS-PEISS to obtain consistency of document structure for data banking.

C. APPLICATION AND TARGET USERS OF PART 1 OF THE AP HANDBOOK

Part 1 of the AP Handbook is intended to be applicable to the review and validation of documents from any project covered by PEISS. Thus, the review of post-ECC monitoring reports from both the EIS-based and IEE-based projects is covered by this Handbook. For administrative procedures at the pre-ECC stage of the project, only ECPs are covered by EMA requirements integrated during the Scoping Phase, e.g., BEMAP/M, list of SRU EMA requirements, preliminary PEMAPS rating.

With respect to the MMT monitoring, teams could be formed not just for ECPs but also for small and medium enterprises (NECPs) if DENR or the EMB Regional Director finds justifiable merit. Thus, the Handbook's procedures for review by MMTs and of MMT reports can also cut across the regulated PEISS community, with single-project and cluster MMTs.

All stakeholders can find practical use of Part 1 of this AP Handbook –a) the proponent to be adequately prepared for review and validation of its EMA document by either MMT or EMB, and to comment on the MMT's validation reports and AWFPs; b) MMT to be appropriately armed with the guidelines, procedures, forms, and review criteria for its validation of the proponent's SMR, preparation of its AWFP, and occasional review of revisions of the Proponent's EMAP/M, with possible implications/amendments in its MOO; c) EMB to be able to manage the review and validation process more effectively and efficiently, considering its limited resources to undertake direct EMA of both big and small projects; and d) all other interested parties to be aware and know the operational details of how review

and validation of various monitoring documents are being done for more informed participation and contribution to decision-making.

D. GENERAL GUIDE IN THE REVIEW PROCESS

1. General Review Process

Table 1-1 and **Figure 1-1** show the general guide in the review process of the EMA documents. **Table 1-1** provides guidance on the triggers for submission of EMA documents, frequency of submission, stakeholders' role/functions, EMB deciding authority, and duration of EMB review. **Figure 1-1** shows how the EMA requirements are integrated throughout the project life cycle and various stages of the EIA process.

2. Number and Distribution of Copies

EMA Documents During the Scoping Phase. In the Scoping Application and Scoping Report, the Proponent includes the baseline EMAP and EMAM (BEMAP/M). BEMAP/M replaces the Environmental Monitoring Plan (EMoP) of DAO 96-37 and DAO 03-30 Procedural Manual. BEMAP/M shall be submitted together with the following documents which provide basis or rationale for the coverage and depth of BEMAP/M: a) a prechecked list of EMA requirements from the various sectoral regulatory units which have direct mandates on the project, and b) a preliminary rating of the environmental risk level of the project proposal based on the checklist and point system of PEMAPS (Project Environmental Monitoring & Audit Prioritization Scheme), described in HAEPMAS Volume 1 on Technical Guidelines. Only one hard copy and one electronic copy of the application and report need to be submitted by the Proponent to EMB. The Proponent additionally prepares an adequate number of copies commensurate to the number of participating entities in the scoping process. As deemed necessary, EMB may require additional copies from the submitting party. Consistent with the DAO 03-30 Procedural Manual, the Scoping exercise shall be Proponent-driven, with the EMB's participation focused on procedural and policy guidance, and as government witness, authentication of the scoping process that was initiated and facilitated by the Proponent.

EMA Documents During the EIS Preparation and Submission Phase. EMAP and EMAM are documents which are integrated in EMP of EIS being submitted for EMB review. These are submitted together with the two other documents (reviewed and endorsed by the Review Committee and EMB to the DENR management) which provide basis or rationale for the coverage and depth of EMAP/M: a) the confirmed list of EMA requirements from the various sectoral regulatory units which have direct mandates on the project, and b) the final pre-ECC rating of the environmental risk level of the project proposal based on the checklist and point system of PEMAPS, normally supported and validated through an Environmental Risk Assessment (ERA) for ECPs. EMAP and EMAM shall be prepared for the (i) Preconstruction Phase, (ii) Construction Phase, (iii) Operation Phase, and (iv) Abandonment Phase. Consistent with the DAO 03-30 Procedural Manual, seven copies for single-project/regular EIS shall be submitted for EMB use, and an additional copy to be retained by the Proponent all to be stamped officially received by EMB upon procedural screening. For Programmatic EIS, 10 copies shall be submitted to EMB as provided for in the DAO

03-30 Procedural Manual. For both single-project EIS and Programmatic EIS, all print copies shall be submitted with three none-editable electronic copies. For Additional Information pertinent to EMAP/M details, and the final EIS EMAP/M version, EMB shall determine the appropriate number and type of copies depending on the number of reviewers of the information.

EMA Documents During Post-ECC Phase. Whether the document is prepared by the project Proponent or by MMT, a total of two print copies together with two non-editable electronic copies shall be prepared by either submitting party. The submitting party handles photocopying the procedurally-approved version of the document to provide MMT or the Proponent with their copies for review and validation. EMB may at its discretion, require the Proponent or MMT to submit additional copies of the EMA documents as deemed necessary, e.g., copies for external MACOM.

3. Timelines

As much as possible, reasonable targets for the review have been set depending on the document to be reviewed, on the timely use of the document, and the perceived capability of the stakeholders. The speed of the review would depend among others on the availability and skills of lead reviewing entities (EMB, MMT, Proponent), including the technical resource pool they may access such as the members of MACOM, third party auditors, sectoral regulatory units (SRUs), and other experts.

For review of the EMA documents during the pre-ECC issuance phase, the timelines in the review are integrated within the timeframe of the EIS review and ECC issuance as provided for by AO 42 and DAO 03-30 and its Procedural Manual. The enhanced monitoring and audit documents are not expected to lengthen the review process while ensuring better quality monitoring documents and process during the project's implementation.

For review of the EMA documents during the post-ECC phase, the estimated timeline for EMB involvement ranges from 5 to 8 days, the latter with a maximum of 3-day field validation work. MMT is estimated to participate in the validation process for a maximum of 9 days, twice a year, excluding the time they spend for joining the Proponent in the monitoring activities every quarter. The details are presented in the subsequent discussions in the following pages.

4. Roles of the Stakeholders and Decision on the Document

The development of procedures on the review of documents is dependent, among others, on the needed actions or decisions by the stakeholders in the preparation and final adoption of the EMA documents, as listed below:

- a) The Proponent's EMAP/M are reviewed by EMB for its approval: (i) as part of the EIA document for application for an ECC, and (ii) as an offshoot of the proposed changes in the project operations within the existing ECC coverage. MMT will also review EMAP/M mainly for its MOO and AWFP formulation.
- b) The Proponent's SMR is reviewed by MMT as the documentary basis for conducting validation activities, and by EMB for evaluating the Proponent's compliance and performance against the ECC conditions and its EMP/EMAP/M, and

Table 1-1. Summary information on the review and validation of the EMA documents.

Document	Trigger	Frequency of Submission	Stakeholder's Role/Action			EMB Deciding Authority	EMB Review Duration	Remarks
			Proponent	MMT	EMB			
Proponent's EMAP/M in EIS for all project phases, together with: a) list of EMA requirements from SRUs; b) PEMAPS checklist, points & rating	Enhanced PEISS EMA Policy requirement	One time, subject to review and approval, as part of Scoping Report for Baseline EMAP/M, and as integrated in EIS EMP for the rest of project phases	Preparation (with or without a consultant EIS Preparer)	Public may provide comments during EIS review period (DENR-approved EMAP/M used as basis for the MMT MOO, MOA, AWFP, Organization)	Screening, Substantive Review & Approval (with or without EIA RevCom)	EMB RO EIAMD Chief	Within 120 days for EIS max; Within 180 for ProgEIS maximum (includes 2-day joint field inspection by EMB, EIS)	Pre-ECC EMA documents review and approval are integrated in EIS review
Proponent's subsequent revision & resubmission of EMAP/M	Significant change in project operation, management measures, monitoring program and technologies within the ECC coverage	As necessary after the first draft	Preparation (with or without the services of a consultant auditor)	Substantive Review (with or without the services of a consultant expert/auditor)	Screening, Substantive Review & Approval (with optional MACOM)	EMB RO EIAMD Chief	8 net-days within 12 working days (includes 2-day joint field inspection with MMT and Proponent)	The review is proponent-triggered. Only relevant portions of the document which need revisions, or are affected by such, need to be submitted for review.
Proponent's SMR on EIA Module w/ updated PEMAPS points & rating	Required Regular Reporting	Semi-Annual (based on ECC anniversary or EMB Review Schedule or mid/yr-ended)	Preparation (with or without the services of a consultant expert/auditor)	Reviewer & Validator through the CMVR (with or without the services of a consultant expert/auditor)	Screening & Substantive Review (for projects with and without MMT) for: a) Compliance, Non-compliance evaluation, b) Endorsement for updated PEMAPS Rating, c) Recommendation for Ecowatch rating (Note: EMB may devolve SMR review of low risk NECP's to pre-qualified EMA partner institutions such as selected LGUs, EUs, or other private sector monitors.)	EMB RO EIAMD Chief	8 net-days within 12 working days (includes 2-day joint field inspection with MMT and Proponent)	

Table 1-1. Summary information on the review and validation of the EMA documents
(continuation).

Document	Trigger	Frequency of Submission	Stakeholder's Role/Action			EMB Deciding Authority	EMB Review Duration	Remarks
			Proponent	MMT	EMB			
MMT MOO	MMT Formation or Improvement	As necessary for formation; as necessary after the first draft	Substantive Review for comments	Preparation	Screening, Substantive Review and Approval	EMB RO EIAMD Chief	5 working days, desk review	
MMT CMVR	Required Regular Monitoring & Validation of SMR	semiannual	As reviewee or "auditee" in the review & validation process	Preparation Substantive Review (as public's monitor, reviewer, or "auditor" in the regular MMT monitoring/validation) (with	For Selected/Prioritized Projects only (e.g., High/Medium Risk-rated Projects) Screening & Substantive Review for Comment/action on MMT's findings and recommendations, and Endorsement for MMT Performance Rating	EMB RO EIAMD Chief	8 working days (includes 2-day joint field validation with MMT and Proponent)	a) The draft CMVR shall reflect in writing the Proponent's response to the issues raised or observed in the field by MMT; Absence of the Proponent during validation foregoes its opportunity to comment/respond; b) CMVR to be submitted by the local MMT to EMB at the end of the 2 to 3 day validation period of the SMR.
MMT AWFP	Regular request for budget allocation from Proponent	Annual (Year-end)	Substantive Review for comments	Preparation (in consultation and Coordination with the Proponent)	Screening, Substantive Review and Approval	EMB RD	5 working days, desk review, or can be integrated (as the 3 rd day activity) in the year-end 3-day field validation of the SMR	AWFP review is ideally done by the EMB with the presence of the Proponent and the MMT to lessen recycling & approval of the proposals

Figure 1-1. Summary process flow of the enhanced project-based EMA Procedure
(Note: Scoping applies only to ECPs).

See Adobe Illustrator

- for confirming the Proponent's self-assessed PEMAPS rating. EMB also uses its evaluation as input to the Proponent's Ecowatch rating, for a more holistic picture of the proponent's performance;
- c) The MMT's MOO and AWFP are reviewed by the Proponent for comments; and by EMB for approval;
 - d) The MMT's CMVR is reviewed by the Proponent as an auditee for integration of its responses to the MMT observations; and by EMB for comments or action on the MMT's findings and recommendations on the Proponent's performance/compliance, as well as for the EMB's endorsement as an input to the MMT Performance Rating;
 - e) The final endorsing or approving authority of the EMA documents is EMB.

E. THE EMB REVIEW PROCEDURES FOR EMA DOCUMENTS DURING THE PRE-ECC PHASE

Figure 1-2a and **Figure 1-2b** present the procedural process of the proposed enhanced EMA procedure focused on the integration of EMA requirements in the pre-ECC issuance phase of the project. EMA documents submission, review, and approval particularly the EMAP/M covering all project phases are to be integrated in the upstream process of the PEIS System, along with other enhancements.

The review and approval by EMB of the Pre-ECC issuance EMA documents will be incorporated within the processing period of the application for an ECC as provided for by AO 42 and DAO 03-30. The key actors in the pre-ECC process the Proponent, EMB, and EIA RevCom.

1. Key Features of the EMA Requirements during the Pre-ECC Phase

From Screening to Scoping

- a) Any new project which has been screened and determined to be covered by PEISS is presumed to be subject to monitoring and audit. As such, the following requirements apply.
- b) The list of other agency requirements that need EMA will be integrated into the Proponent's submission of a Project Description (PD) as part of the Scoping Report. In the institutional level, other DENR divisions/bureaus/attached agencies, and other agencies/sectoral regulatory units (SRUs) will be asked to submit their list of environment-related EMA requirements to DENR for integration in the EMB's standard Scoping Guidelines/Checklist. Hence, every project scoping will refer to the list for determining applicable EMA requirements.
- c) The Proponent will conduct a preliminary evaluation of its PEMAPS rating, subject to confirmation thru ERA.
- d) A BEMAP/M will have to be submitted with the Proponent's PD for scoping, to establish the coverage and describe the methods and procedures for collection of baseline information during the conduct of EIA. This is equivalent to the baseline data gathering phase of EIA but is more focused on significant parameters that need to be monitored and evaluated during project implementation.
- e) Identification of stakeholders and participation issues shall also be done during Scoping in preparation for a more meaningful and substantive formation of MMT

before project implementation.

- f) Consistent with the DAO 03-30 Procedural Manual, the Scoping process is a Proponent-driven activity. As such, correspondence to EMB and other community stakeholders will have to be initiated by the Proponent. The Proponent also provides the necessary logistical and financial resources in the conduct of Scoping activities. The EMB representative authenticates the process and participation of the various stakeholders.

From Impact Assessment to EIS Preparation

- g) For ECPs, a confirmation of the project's PEMAPS points and rating shall be done after the Proponent's ERA, to be submitted with the EIS document. For other project categories, the confirmation shall be done by EMB or its RevCom.
- h) EMAP/M which is an enhanced EMoP shall be integrated in the EMP of the EIS documents. EMAP/M covers all project phases (Baseline or Preconstruction, Design, Construction, Operation, and Abandonment) with identification of SEAI, ESRS, and EQPL with corresponding event-action plans. EMAP/M for project alternatives/options is also preferably prepared to minimize the need to secure subsequent approvals from EMB for likely changes in EMAP/M in EIS.
- i) Preparation by the Proponent of Annual EMA Work and Financial Plans (AWFP) as part of EMAP/M, at the least for the first two years from ECC issuance, which includes the formation and capacitation period for both the Proponent and its MMT, if the latter is required to be formed.

EIS Review

- j) There are at least three options as to who conducts the review: 1) EMB; 2) partial designated third party for the technical evaluation (e.g., economic zone administrator such as the PEZA) and partial EMB for the decision phase; and 3) completely designated or accredited third party review such as by other DENR bureaus, DENR attached agencies such as LLDA (DAO and Presidential AO already issued), other EUs (such as the DOE or DPWH) or the LGUs (for small projects within their jurisdiction).

The third party review designation will lighten the administrative load of EMB, particularly in its functions of forming and managing the RevCom as well as ensure that the technical issues are addressed by the third party. The designated entity is intended to process all comments by the RevCom members, the public (through the website or other means of communication) and even those referred by EMB. For partial external review, the RevCom Chair will provide EMB a report with its recommendations (including a draft ECC) not later than 75% of the processing time required in AO 42 and DAO 2003-30. For 100% third party ECC processing, the ECC shall be issued by the party given the mandate to issue the certification.

- k) The internal specialists of DENR on sectoral environmental concerns, will be the priority members of the Review Committee to facilitate EMA linking/coordination between EIAMD/EMB with other DENR bureaus and divisions when the project is already at the implementation phase.

Figure 1-2a. Proposed Enhanced EMA Procedure: *Integration of EMA Requirements from Screening to EIS Preparation.*

See Adobe Illustrator

Figure 1-2b. Proposed Enhanced EMA Procedure: *Integration of EMA Requirements from EIS Submission to ECC issuance.*

See Adobe Illustrator

- l) Comments/AIs of RevCom and EMB/DENR are to be integrated in EMP/EMAP/M. The reviewed and approved version of EIS/EMP/EMAP/M is to be submitted in a finalized version, as a prerequisite to either ECC issuance or start-up of construction.

2. Document Chain-of-Custody

As a generic review protocol within EMB RO, any document submitted to EMB shall be routed through different layers of authority involving receiving, review, and decision-making tasks, as briefly shown in **Table 1-2**.

Table 1-2. List of the EMB RO EIAMD personnel and their respective actions involved in the review of BEMAP/M in Scoping Report and EMAP/M within the EMP of the EIA Document/ ECC Application.

EMB Personnel	Action
A. SCOPING	
1. Screening	
a) Screening Officer	§ Scoping Proper : Screens BEMAP, list of EMA requirements & preliminary PEMAPS points/rating, submitted with the PD for completeness of topics, order of topics, and clarity of print, and checks Proponent’s EMA requirements list with own list of permits
b) Records Officer	§ Post-2 nd Level Scoping: Accepts Scoping Report with BEMAP/M, list of EMA requirements and preliminary PEMAPS points/rating, and endorses for substantive review § Stamps document as “Received”
2. Substantive Review	
c) Case Handler (with assistance of RevCom)	§ Does substantive review of BEMAP/M and PEMAPS points/rating
3. Decision	
d) Monitoring Section Supervisor	§ Endorses Scoping Report (with BEMAP/M & PEMAPS points/rating) to EIAMD Chief
e) EIAMD Chief	§ Approves the Scoping Report (with BEMAP/M & PEMAPS Rating)
B. EIS SUBMISSION with EMAP/M	
1. Screening	
a) Screening Officer	§ Receives EIS and does procedural review
b) Records Officer	§ Stamps EIS document as “Received”
2. Substantive Review	
c) Case Handler (with assistance of RevCom)	§ Organizes RevCom for EIS Substantive Review § For EMA requirements: Conducts review of sectoral list of EMA requirements, EMAP/M, and PEMAPS points/rating in EIS § Assists RevCom in the use of EMAP/M review forms § Collates both EMB and RevCom comments on sectoral list of EMA requirements, EMAP/M and PEMAPS points/rating in EIS
3. Decision	
d) Monitoring Section Supervisor	§ Endorses approval of EIS (with sectoral list of EMA requirements, EMAP/M and PEMAPS points/rating) for all project stages
e) EIAMD Chief	§ Approves EIS and endorses for ECC issuance

3. Receiving

EMB shall officially receive a document when the document passes a screening phase, which is handled by a Screening Officer (SO). SO shall quickly check the document (e.g., Scoping Application or Scoping Report with Project Description, BEMAP/M, list of SRU EMA requirements and preliminary PEMAPS scoring and rating; EIA Document either an EIS or IEE with validated PEMAPS based on ERA for ECP, and with EMAP/M for all project phases) against three screening criteria, as follows: (a) completeness of required content of the document, (b) correct order of contents, and (c) clarity of prints. The procedural review will be immediately conducted upon receipt by EMB, using proforma documents provided in this Handbook.

SO then sends the document to the Records Officer who shall stamp the document as received. Once the document passes the screening, the submitting party provides EMB with the required number of documents in print and electronic form (e.g., one hard copy and one electronic copy for scoping documents; seven print + 3 electronic copies for single-project EIA documents, and ten print + 3 electronic copies for programmatic EIS, consistent with the requirements of the DAO 03-30 Procedural Manual). The Proponent will be responsible for providing additional copies of procedurally-approved documents to interested parties or as requested by EMB.

4. Substantive Review

Once the document has been officially received, it will then be subjected to substantive review (e.g., during technical and community scoping meetings; for EIA documents, during the technical meetings with EMB and RevCom). At this stage, SO can be redesignated as the Case Handler (CH). A Substantive Review Form will be used to facilitate the review. The reviewers can ask for a maximum of two Additional Information (AI) for the entire EIA document review, including the EMA requirements. After evaluation, the reviewers can recommend returning the document for revision or acceptance of the EIA document, which includes the EMA Plan/Manual, and the PEMAPS scoring & rating for the project. The substantive review shall ensure that the submitted documents are compliant in substance, content, and context with the Volume 1 of this Handbook.

5. Decision-Making and Liabilities

CH shall be the lead staff until a decision on the document has been reached and a decision instrument to the submitting party has been distributed. The decision by the EMB Director or the DENR Secretary may confirm or revise the recommendations made by the reviewers (EIAMD and EIA RevCom). The ultimate liability on the decisions will accrue to EMB as the issuing authority for ECC. However, the Proponent and its consultants who prepared the EIA documents, and the EIAMD personnel and the EIA Revcom who took part in the substantive review also share in the liabilities within the level and extent of their participation and recommendations. Thus, for the Proponent and the Preparers, there is a need to sign notarized certification on the authenticity and correctness of their submitted information, while the RevCom officially submits signed comments, recommendations, and a Final Report to EMB.

6. Review Forms

For BEMAP/M, a separate Procedural Review Form and Substantive Review Form were developed. For EMAP/M on the rest of the project life stages, the review and approval will be facilitated by a generic procedural and substantive form (**See Appendix 1-1**). The forms, generally contain six parts, as follows: (1) title, (2) document ID, (3) project ID, (4) submitting party ID, (5) document content analysis checklist, and (6) evaluation and decision. The heart of the review is the review criteria under the analysis checklist portion of the form. These are generally based on the required specifications in HAEEP MAS-PEISS.

7. Modes of Review

The initial review is normally a desk review, progressing into a field inspection or validation during the second Level Scoping and EIA document review. During this period all stakeholders involved are expected to provide all relevant comments for input to the Proponent's improvement of EMAP/M and its PEMAPS scoring/rating.

F. THE EMB REVIEW PROCEDURES FOR EMA DOCUMENTS DURING THE POST-ECC PHASE

1. Key Features of the EMA Requirements during the Post-ECC Phase

Preconstruction Phase/Design Phase (Figure 1-3a)

- a) Distribution of ECC copies by EMB (electronic or hard copy) to agencies/entities with relevant EMA requirements on the proponent;
- b) Proponent implements the following activities, at the minimum, based on the approved First Year EMA Work & Financial Plans:
 - MMT formation;
 - Baseline monitoring;
 - Other ECC Conditions/EMP/EMAP commitments
- c) Proponent's revision/resubmission to the EMB Regional Office of EMAP/M if there are significant changes in project design for review and approval by EMB with optional MACOM and/or MMT review;
- d) Proponent's submission to EMB and MMT of semiannual SMR on ECC Compliance including documentary proof of compliance with other agency EMA requirements (Note: The second semiannual report is the Annual EMA Report and Annual EMA Work & Financial Plans);
- e) Formation of the community-based MMT (applicable only for new MMTs with ECCs issued for projects pursuant to the revised version of the DAO 03-30), to be initiated by the proponent and EMB RO, with the latter approving the Work & Financial Plans of MMT, with due consideration to the proponent's review/comments. For existing MMTs prior to DAO 03-30 amendment, these remain covered by the PD 1586 IRR effective at the time ECC was issued for such projects. Existing or old MMTs opting to adopt the new MMT provisions in the amended DAO 03-30 shall be allowed pursuant to a generic amendment which provides for the MMT transformation.
- f) EMF will be managed through any of three options: a) by the Proponent (per DAO 03-30 Procedural Manual; b) by a qualified third party fund administrator, as evalu-

ated and approved by EMB, with comments from the Proponent; or c) by any of the qualified member organization of the community-based MMT, as evaluated and approved by EMB, with comments from the Proponent.

- g) EGF will still be consistent with DAO 03-30 Procedural Manual, which includes the option of insurance coverage for any environmental damage or disasters attributable to the project.
- h) The community-based MMT, in its first organizational meetings/planning, drafts a Code of Ethics and a Manual of Operations (MOO) based on the Proponent's EMAP/M, and will be used as the MMT's guide in validating the Proponent's SMR and formulating its annual WFP.

Construction to Operation Phase (Figure 1-3b)

- i) Proponent implements self-monitoring and continues semiannual reporting to both EMB and MMT.
- j) EMB only selectively validates submitted SMRs/AWFPs of proponents, preferably of the high/medium risk projects which contribute most to the improvement of the regional environmental status.
- k) EMB may delegate or devolve validation of SMRs of low-risk projects to LGUs or other qualified public and private entities such as other DENR bureaus, attached agencies, other lead government agencies with environmental units, economic zone administrators, academe, industry associations, and other similar bodies.
- l) Each community-based MMT validates each proponent's SMR. It has the option to access/check with other agencies on the proponent's proof of compliance with the other EMA requirements;
- m) The community-based MMT reports its SMR validation through the CMVR which contains the clarification and responses of the Proponent on the observations and issues raised against its performance as reported in SMR.
- n) MMT, during its quarterly activities, joins the Proponent in the latter's compliance and impact monitoring activities (e.g., sampling and measurements) to make actual observations and collect information as a basis for its formal semiannual validation of the Proponent's SMR. MMT, per standard procedures, will not repeat the sampling of the Proponent during the SMR validation period. MMT uses the monitoring information gathered during the period covered by SMR as the major basis for its validation of the Proponent's performance.
- o) MMT also has an option to call upon external auditors and other experts (preferably from government agencies and academe) it deems necessary for validation of the SMR, or to validate the impact monitoring done by the Proponent.
- p) EMB/IAMD Regional Office reviews and acknowledges environmental performance of the proponent and MMT through the proponent's SMR and the CMVR. Thus, it is desired that field validation by EMB be undertaken simultaneously with that of the field validation by MMT of the proponent's SMR. The EMB approval of the Proponent's AWFP and MMT will also be facilitated with prereconciled assumptions and proposals during the field validation.
- q) In cases where acceptable to EMB, the proponent has option to submit DENR-accredited environmental auditors' report on ECC Compliance as part of, or alternative to SMR;
- r) The Proponent may opt to subject itself to a Project Environmental Performance Audit by a DENR-accredited environmental auditor for the purpose of establishing

- good performance or basis for recognition;
- s) EMB or MMT may also opt to subject the proponent to an environmental performance audit;
 - t) The EMB's recognition of the proponent's environmental performance is proposed to be expressed through the Ecowatch rating recommendation on the ECC compliance. Furthermore, EMB may offer to the proponent the PEPP Track 1 if the latter has sustained three-year excellent performance, or PEPP Track 2 if the proponent is in violation status.
 - u) Either the proponent in its SMR or MMT in its CMVR or EMB in its review may recommend the stoppage/termination of EMA or the monitoring by MMT, pursuant to guidelines in DAO 2003-30, and its Procedural Manual.

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Figure 1-3a. Proposed Enhanced EMA Procedure: *Integration of EMA Requirements from ECC Issuance to Preconstruction Phase.*

Procedure: Integration of EMA Requirements During Construction/ Operation Phase

See Adobe Illustrator

Figure 1-3b. Proposed Enhanced EMA Procedure: Integration of EMA Requirement
During Construction/ Operation Phase (*continuation*).

See Adobe Illustrator

Table 1-3 and **Figure 1-4** present the eight-step review and validation procedure. EMB will be directly involved for 5 to 8 days, assuming in the latter that it decides to join the field validation by MMT. MMT will need to devote a total of 9 days to prepare for and conduct the actual field validation. All the MMT reports will be completed in the field while EMB follows through with its final deliberation on the issues and recommendations raised by MMT. The entire process is spread over a 12-working day.

The preliminary individual reviews (third step) shall be for the purpose of determining the focus of the detailed review, determining if there is basis to avail of an internal/external MACOM and the basis and coverage of the field validation. The substantive review planning (fourth step) shall include the schedules, venue, stakeholders, other logistics and cost for MACOM and/or joint field validation. The actual field validation may actually take only 2 days if there is no AWFP to be reviewed (which is scheduled at the end of each year only). **Figures 1-5 and 1-6** show the 2- to 3-day field validation procedure (with and without an AWFP review), detailing the activities and tasks to be observed by each participating entity and the corresponding outputs at the end of each process.

The validation procedure assumes either an autonomous community-based MMT (for new MMT's formed pursuant to the amended DAO 03-30) or an existing multisectoral MMT with the Proponent and EMB as members (for MMT's formed pursuant to DAO 03-30 and previous DAOs). The presence of all parties or at least a joint review and validation of the EMA documents by the local community and the Proponent is proposed to ensure early and fast resolution of issues and concerns. EMB is the lead entity in the review and validation as the government's witness that the process has been appropriately followed; the Proponent is responsible for providing administrative and logistics support for the review i.e., venue, transport, meals, and sound system as well as for providing technical explanations/clarifications to issues raised against its performance/compliance. The local stakeholders comprising MMT shall be responsible for validating mostly nontechnical aspects of the Proponent's performance.

It is assumed that MMT has earlier done its job (e.g., quarterly participation in the Proponent's sampling and measurements) of observing the monitoring activities of the Proponent which is covered by the SMR document which MMT is currently validating. MMT will not need to conduct another sampling during its SMR validation, unless there is gross violation by the Proponent, or strong basis for MMT to do so. MMT will independently deliberate their observations (no presence of the Proponent and EMB in the MMT meeting) but can call upon EMB and the Proponent to clarify issues or for EMB to provide policy and technical guidance. In the long-term, with both the Proponent and the community maturing on their EMA functions, the role of EMB will be less necessary. The partnership between the Proponent and the community is expected to grow over the years, with trust and confidence in each other developed over time, based on a scientific, systematic, objective, and transparent process of evaluating the project's performance in protecting the environment and meeting its commitments to the community.

Table 1-3. Eight-step Review and Validation Period of the Proponent's EMA Reports.

STEP	ACTIVITY	CUMULATIVE DAY OF REVIEW & VALIDATION	ACTUAL DAY OF EMB INVOLVEMENT IN REVIEW	ACTUAL DAY OF MMT INVOLVEMENT IN REVIEW
1	Proponent submits prescreened document	0	0	0
2	EMB receives document	1	1st	1st
3	Initial independent substantive review	2	2nd	2nd
4	Individual planning for the joint review	3-6	3rd	3rd-6th
5	Joint review proper	7-9	4th-5th	7th-9th
6	EMB Final Deliberation/Report Writing	10-11	6th	
7	EMB Decision	11-12	7th	
8	EMB's feed back to the concerned stakeholders	12	8th	

Figure 1-4. Generic process for the review of the Proponent or MMT Monitoring and Audit documents (Plans, Manuals, and Reports).

See Adobe Illustrator

Figure 1-5. Joint field validation/site inspection process for EMAP/M and SMR.

See Adobe Illustrator

Figure 1-6. Combined field validation procedure of EMB and MMT for SMR Validation.

See Adobe Illustrator

3. Document Chain-of-Custody

As a generic review protocol within EMB RO, any document submitted to EMB shall be routed through different layers of authority involving receiving, review and decision-making tasks, as briefly shown in **Table 1-4**. The Chain-of-Custody (COC) Form is presented in **Appendix 1-1**. COC is a specialized routing form to indicate the route of the EMA documents to the different layers of authority in EMB. The form is intended to ensure a systematic transfer of documents from one staff to another, and to ensure the traceability of responsibilities and accountabilities. MMTs, on the other hand, can develop their own chain-of-custody form, patterned after **Appendix 1-1**, after it has agreed among its members on reporting/communication lines and limits of authorities

4. Receiving

EMB shall officially receive a document when the document passes a screening phase, which is handled by an SO who shall quickly check the document against three screening criteria, as follows: (a) completeness of required content of the document, (b) correct order of contents, and (c) clarity of prints. A proforma procedural review form will be used in this activity.

If the document meets the screening criteria, the officer fills out the Chain-of-Custody Form then sends the document to the Records Officer who shall stamp the document as received. Once the document passes the screening, the submitting party provides EMB two print copies to be stamped “received” and two electronic copies. The submitting party will be responsible for providing the other reviewing entity (e.g., Proponent or MMT) with a copy of the procedurally –approved version of the document.

5. Substantive Review

Once the document has been officially received, it will then be subjected to substantive review. At this stage, SO can be redesignated as the CH. CH is tasked to prepare, get clearance, and execute a review plan, which identifies different modes of review such as desk review, third party experts’ review, and joint review or field visits with the Proponent and MMT. Substantive review forms, as briefly discussed below, will be used to facilitate the review. The reviewers can recommend returning the document for revision, acceptance of the plans and manuals, declaring compliance or noncompliance with the ECC conditions or other laws, and rating the status of the project (PEMAPS) and performance of the Proponent and MMT. The basis of recommendations should be traceable through the attachments and summarize in the remarks portion of the review form.

6. Decision-Making and Liabilities

CH shall be the lead staff until a decision on the document has been reached and a decision instrument to the submitting party has been distributed. The decision may confirm or revise the recommendations made by the reviewers. According to the sensitivity of the decisions, the Regional Director shall decide on AWFP, while the Chief of the EMB Regional EIAMD shall decide on the other documents.

Table 1-4. List of EMB RO EIAMD personnel involved in the review of Post-ECC EMA documents and their respective actions.

EMB Personnel	Action
RECEIVING/SCREENING	
a) Screening Officer	Screens document for completeness of topics, order of topics, and clarity of print, and endorses the document for Substantive Review
b) Records Officer	Stamps document as "Received"
c) Case Handler	Prepares substantive review plan (e.g., logistics for MACOM formation and field visit arrangements)
d) Monitoring Section Supervisor	Endorses review plan to EIAMD Chief
e) EIAMD Chief	Approves the review plan
f) Monitoring Section Supervisor	Gives final instruction on review plan
g) Case Handler	Executes substantive review plan (Joint Desk Review or Joint Field Validation of EMB, MMT and Proponent; Prepares final report
DECISION	
h) Monitoring Section Supervisor	Endorses final report to EIAMD Chief
i) EIAMD Chief or EMB RD	Approves final report
j) Records Section	Officially receives and archives all documents on review
k) Case Handler	Provides copy of decision document to Proponent/MMT

As in the pre-ECC phase, the ultimate liability on the decisions will accrue to EMB as the final deciding authority on the EMA documents. However, the Proponent and its consultants who prepared the EMA documents, and the EIAMD personnel and MACOM who took part in the substantive review also share in the liabilities within the level and extent of their participation and recommendations.

7. Review Forms

The review shall be aided with review forms, generally containing six parts, as follows: (1) title, (2) document ID, (3) project ID, (4) submitting party ID, (5) document content analysis checklist, and (6) evaluation and decision. The heart of the review is the review criteria under the analysis checklist portion of the form. These are generally based on the required specifications in the HAEPMAS-PEISS. (**See Appendix 1-1**)

To aid the field validation activity, an EMA Document Field Validation Form has also been developed for use by EMB in validating the Proponent's and MMT's submitted EMA documents. This form shall also be used by MMT in validating the Proponent's EMAP/M and SMR. Unless a field validation or inspection has been identified by EMB or MMT, the use of the form would not be necessary.

8. Modes of Review

The initial review will be a desk review and may progress to a field inspection or validation. To minimize cost and save time, MMT and EMB can conduct a joint review of documents, with the understanding that each of them shall have separate preliminary deliberations and prepare their own report using a proforma EMA Document Field Validation Form. MMT can hire the services of an external party like a third-party auditor in the review and validation of the SMR. EMB has the option to avail of MACOM services. EMB also reserves its discretion to preselect and prioritize which projects' SMRs and CMVRs will be reviewed, guided basically by the PEMAPS rating of the projects.



Preparation of sampling containers for the joint MIRANT Pagbilao and MMT quarterly marine water quality monitoring survey.

II. PART 2: ADMINISTRATIVE INVESTIGATION AND ENFORCEMENT

A. INTRODUCTION

Upon assessment of the strengths and weaknesses of the formal and actual procedure in resolving complaints and violations pertinent to PD 1586, the proposed model for handling complaints and violation is developed. Enhancements were introduced in light of encouraging good environmental performance and proactive compliance of Proponents. The salient features of the proposed enhanced process include the defined roles and responsibilities of stakeholders; defined timeframes at each stage; issuance of Notice of Inquiry instead of immediate NOV; issuance of Recommendation for Proactive Action for invalid complaints; incorporation of the PEPP alternatives; progressive update to complainant; follow up mechanisms on compliance to case orders; and the proforma forms, among others.

In summary, the issuance of a Decision Document after a complete resolution process (i.e., complaint receipt, assessment, validation, and technical hearing) for complaints filed directly to EMB RO should take at the latest 49 calendar days from the date the complaint was received.

For those filed through other DENR Offices or LGUs the case decision should have been issued at the latest 52 days from the receipt of complaint or violation information, 55 days if filed through EMB EIAMD CO, and 59 days if filed through MMT. The processing of Motions for Reconsideration and subsequent Appeals if any is targeted to be acted and decided upon at the maximum within 30 calendar days regardless of the complaint pathway.

The differences are due to the time elapsed before EMB EIAMD RO receives the complaint information since in the enhanced process EMB EIAMD RO is designated to process all complaints for verification and issuance of fines and penalties. PD 1586-related complaints received by other DENR Offices and LGUs will have to be automatically transmitted to EMB EIAMD RO while those filed through EMB EIAMD CO would involve preliminary assessment. MMT on the other hand, may conduct its own independent validation and would need to submit a report to EMB EIAMD RO, hence the longest case resolution period.

B. SYSTEM CHARACTERISTICS

The adjudication system must provide for a just, fair, and efficient processing of complaints, issues or any cause for violation of ECC or EMP or any other rules and regulations of the EIS System. To provide for an expeditious and streamlined process, procedures must be explicitly clear and simple. All parties involved must be provided legal protection from invalid or nuisance counter-suits. The Complainant and the regulatory agency personnel, who often lack resources, must be provided with adequate legal support by the government to defend themselves in pursuing their complaints or conduct of

work. On the other hand, the Proponent-respondent must be provided with optimum venue to show cause and appeal any decision on the case.

The system should be time-bound. Specific time frames at each stage of the processing of complaints and or perceived violations should be provided and enforced. This would allow for effective and efficient response to complaints and discovered violations. Deadlines, grace period, and decisions should be explicitly identified/stated and consistently and promptly enforced.

The system should have feedback mechanisms. Feedback allows information to flow in a two-way process. It keeps all parties well informed on actions being undertaken by appropriate authorities and those that are still to be carried out, and active involvement of all concerned specially the source of information or complaints. The Complainant should also be rightfully informed of the final result of the proceedings. A timely and adequate feedback mechanism makes the adjudication system more credible and transparent.

The system should be formal and standard across authority levels i.e., Central to Regional Offices. In like manner that the issuance of ECC had been streamlined, the process involving complaints and violation within the Monitoring and Evaluation System of the PEISS should also be streamlined and standardized. Protocols should be institutionalized through department or special orders, or better, incorporated as part of the procedural manual of the implementing rules and regulations of PD 1586.

C. RESPONSIBILITIES OF MAJOR STAKEHOLDERS

The five major stakeholders identified to have responsibilities in the proposed enhanced Administrative Investigation and Enforcement process are as follows:

- a) the EMB Central Office (i.e., EMB Director, Asst. Director, and EIAMD CO);
- b) the EMB Regional Offices (i.e., EMB RD and EIAMD RO);
- c) the Multipartite Monitoring Team (MMT);
- d) the Proponent (i.e., Respondent); and
- e) the Complainant (e.g., private individuals, group of individuals, LGU, and MMT).

1. EMB EIAD Central Office

The following shall be the responsibility of the CO:

- a) initial assessment of any complaint directly lodged in its office or referred to by other central-based offices such as the OSec; national public issue (critical enough to merit an investigation) or findings in its system-level monitoring (e.g. review of project-level reports of the regional offices or MMT) likely to be a violation;
- b) the transfer of the comprehensive assessment/validation and hearing of the complaint lodged or referred to its office to the appropriate DENR-EMB Office (EMB-CO shall be held liable for informing the Complainant that the case had been

- transferred to the proper office. All original documents such as the complaint letter and other supporting papers, including the initial information collated by CO shall be transferred to the jurisdiction of RO);
- c) assisting in field investigation, hearings, and documentary support, upon request;
 - d) processing of Motions for Reconsideration filed by the Proponent-respondent directly at EIAD CO or referred by EMB RO (CO may either uphold or amend the decision document served by RO. For entertaining motions to reconsider, CO may or may not call for a hearing based on its assessment of the case and all transmitted documents by RO. CO shall be held liable to all the provisions of the second level decision document);
 - e) assisting the OSec, upon request, for any appeal to be filed at that level by the Proponent-respondent or Complainant; and
 - f) providing the necessary assistance to ROs to develop the technical capability of their staff, and improve their jurisprudence as the regulatory party.

The hearing of all complaints shall be delegated as the main responsibility of RO where the project is located, regardless of who issued ECC. Assistance from CO may be provided as requested by RO especially for controversial and highly technical cases and those for which ECC was issued in CO. Support may be in the form of technical expertise, provision of supporting documents such as performance record and report submissions of the project, or additional legal advice. RO will be responsible for the following:

- a) initial assessment of any complaint directly lodged in its office; regional public issue (critical enough to merit an investigation) or finding of any regional/MMT monitoring likely to be a violation;
- b) necessary networking especially when validating regional records on PEISS dataBase with that of EMB CO;
- c) the transfer of the comprehensive assessment/validation and hearing of the complaint lodged in its office to the appropriate EMB division or other DENR Bureau;
- d) conducting field investigation;
- e) processing of complaints/hearing of violation,
- f) serving all decision documents at first level investigation (equivalent to all decision prior to any motion for reconsideration);
- g) transmission of complete and organized case proceedings and pertinent documents to CO in cases of referred decision on motions to reconsider; and
- h) continual information update of the case to the Complainant, Proponent-respondent and to whoever referred the case to EMB such as MMT, LGU or any other stakeholder. Progressive updates on the development of the case should be served to all directly concerned parties.

RO as the investigating party shall be held liable to the veracity and reliability of all samples/data collected during field validation. It shall also answer to any flaw or in the comprehensive assessment of the case, fair decision, and lawful fines and penalties. RO shall also answer to the public and to its higher office if it fails to act accordingly and timely.

3. Multipartite Monitoring Team (MMT)

The following will be the responsibility of MMT:

- a) upon discovery of potential violation to PEISS and or any of the ECC conditions during the conduct of its functions, inform the corresponding EMB RO through writing within three days from the date the observation was noted;
- b) submit in full documentation to EMB RO (if possible), or in detailed written description the observation pertinent to the perceived violation to PEISS or any of the stipulated ECC conditions
- c) upon receipt of a complaint (only if the complaint is specific to a project with which MMT is associated), conduct independent field investigation within seven days (special monitoring) to initially address the veracity of the issue raised;
- d) upon conduct of an investigation pertinent to the complaint received, submit a comprehensive investigation findings report complete with the necessary documentation (e.g., pictures, videos if any, laboratory results for effluent and emission standards), to the concerned EMB RO within three days after the conduct of field investigation. If laboratory results will take more than three days to acquire, MMT still has to submit the report the findings within the same timeframe noting that the laboratory findings are to follow and will be submitted not later than three days after the release of laboratory results;
- e) in cases when the complaint is not attributable with any project associated with MMT, the team, inform the concerned EMB RO for appropriate action in writing, within three days upon knowing the complaint,; and
- f) MMT will also be responsible in informing the Complainants on its actions pertinent to the complaint, until such time that it has turned over the complaint to EMB RO, which shall then handle Complainant feedback;
- g) disseminate to the public the final EMB findings and decision on complaint or issues related to the project where MMT is associated;
- h) assist EMB RO in compliance monitoring of Proponent-respondent on NOV provisions and case resolution commitments i.e., immediately report to EMB RO on noncompliance of Proponent-respondent as observed either during regular MMT monitoring or as reported by the public.

4. Proponent-respondent

The following will be the responsibility of the Proponent as respondent to EMB/Complainant:

- a) respond to issues either from a complaint or findings of monitoring within the timeframe specified;
- b) provide EMB with all documents/information pertinent to the complaint or discovered violation as required by the responsible authority;
- c) attend to scheduled Technical Hearing(s) (TH);
- d) implement all recommendations/sanctions/measures prescribed by EMB through the Case Decision Document;
- e) pay the fines as defined by EMB within the period specified for compliance;
- f) submit a compliance report to EMB on the progress of implementation of all recommendations/sanctions/measures prescribed by EMB through the Case Decision Document; and
- g) appraise the Complainant on all actions being taken in compliance with the order issued by EMB.

5. Complainant

The following will be the responsibility of the Complainant :

- a) provide EMB with basic information on the complained party, i.e., project's name, address, and contact number, to allow EMB to track down the responsible Proponent-respondent and its ECC;
- b) provide EMB with basic information on the complaint, i.e., nature of the complaint/issue, when observed, basis/support documents and substantiations to the complaint;
- c) participate in the investigation process, whenever possible, i.e., field investigation;
- d) participate in the case resolution, whenever possible, i.e., Technical Hearing; and
- e) assist EMB in monitoring the compliance of the Proponent-respondent with the Case Decision Document (CDD).

Other offices such as the LGUs, GAs, Funding Institutions, or even other DENR Bureaus or EMB division shall transmit all received PEISS-related complaints to EIAMD CO or directly to EIAMD RO for administrative investigation under the PEIS law. Such however does not prevent any of the said offices from conducting its own separate investigation or case resolution for related issues covered by or under its mandated functions, and rules and regulations.

D. THE ENHANCED PROCESS AND SYSTEM COMPONENTS

1. Discovery of Violation

There are at least four ways by which a 'probable violation' can be looked into or investigated. These are as follows:

- a) Upon receipt of complaint of the EMB Central or Regional Office in the form of formal letter, electronic mail, text, phone call or issues indirectly or informally raised through any media channels;
- b) Through the Proponent-respondent's SMR, although there is less likelihood that the Proponent-respondent will incriminate itself with self-reporting of exceedance or nonconformances unless it is done under PEPP DAO;
- c) Through designated third party monitoring reports such as the MMT's CMVR or the accredited environmental auditors' reports may also be sources of information on likely non-compliance; and
- d) From EMB RO/CO compliance monitoring through field inspection or desk monitoring may result to the discovery of a probable violation.

As presented in **Appendix 2-1** the proforma PD 1586 Complaint Form (CF) is proposed to be made available in the website and all EMB offices as well as in EMA partner-institutions of DENR. A standardized and complete request form ensures relevant information is provided in a manner which renders assessment, decision making, data processing, data banking, and records keeping effective and efficient.

For issues or complaints which are received through text or phone calls, the receiver of the message should ensure that the Complainant provides the minimum information necessary for EMB to make a reliable determination whether to pursue the

complaint for initial assessment or not. EMB will have to prioritize its attendance to issues/complaints due to the limited resources it can deploy for accomplishing this task. EMB can refer issues to other entities such as LGUs, Economic Zone Administrators, Lead Agencies, industry associations, and other designated EMA partners to undertake preliminary investigations, after which the assessment and recommendation report will be forwarded to EMB for appropriate decision and proper action.

2. Initial Assessment of Complaints

Figure 2-1 presents the detailed procedures and timelines for the initial assessment of complaints before field validation is undertaken.

a) Complaints lodged directly at the EMB Director's Office

Complaints lodged directly with the EMB Director's office, will be immediately referred to the Office of the Assistant Director (OAD) or the Director's Executive Staff (DES). OAD assesses within the day of receipt of complaint from the Office of the Director (OD) if issue or complaint is appropriately EMB's. If not, referral to other bureaus will be done within the same day. If the complaint is validated to be mainly EMB's concern, then AD/DES determines which division within EMB should handle the case. Within a day from receipt of the complaint by EMB, AD/DES will have forwarded the documents either to EIAMD CO (for general ECC concerns) or to EQD (for pollution-related concerns which fall under the purview of PAB). EIAMD will only handle complaints traceable to a specific Proponent-respondent issued a valid ECC. However, the EMB Director or any designated authority is not limited to form an Integrated Investigating Team to address a complaints referring to an areawide environmental issue.

Both divisions will review the related documents to the complaint (e.g., past environmental performance/cases) and provide an initial assessment of the case on the third day of its case receipt, to the EMB Director through AD/DES. The EMB Director transmits the assessment to the concerned EMB RO within a week (seven days) from the receipt of the complaint by DENR.

b) Complaints lodged directly to EMB RO

If the complaint is lodged at EMB RO— see discussion in **Section 4**, for management of complaints directly or indirectly received but referred to EMB RO for resolution.

c) Complaints lodged at the DENR Field Offices (CENRO/PENRO) or LGU

Complaints involving violations of PD 1586 filed with LGU or the DENR Field Offices (i.e., PENRO/CENRO) should be referred to the EIAMD Regional Office of EMB within three days from receipt of the complaint. This however does not limit LGU in implementing its local policies applicable to the complaint. Should there be an existing MOA between the DENR and LGU, the handling of the complaint by LGU shall be consistent with the MOA provisions.

d) Complaints received by MMT

If the complaint is received by MMT it should inform EMB RO of the matter within

Figure 2-1. Proposed schematic diagram for the referral of issues from MMT, LGU, Other Offices or DENR/EMB CO to EMB RO

See Adobe Illustrator

three days, to state that it has received a complaint and that it will do preliminary determination whether or not the complaint is pertinent to PEISS/ECC to the project with which it is associated, and if so, that it will pursue the investigation and submit a report to EMB RO within 10 days from the date the complaint was received (MMT to conduct investigation and prepare and submit to EMB RO all the necessary documentations within this period). This does not however limit EMB RO from conducting a separate investigation of the complaint. In this regard, the findings is considered a supporting information on the Complainant's party. If the MMT findings suggest otherwise, an investigation report should still be submitted to the concerned EMB RO within the same timeframe.

If in the course of MMT investigation, an additional potential violation is discovered, the team shall forward the matter to the respective EMB RO for appropriate action together with the findings pertinent to the received complaint.

3. Initial Feedback to the Complainant

Cases referred by the EMB Director to other bureaus will be given feedback to the Complainant within five days after the other bureaus have received a copy of the complaint and have done initial assessment on the issue.

Cases handled by EMB itself will be given feedback to the Complainant within seven days from receipt of the complaint, a day after the transmittal of the EMB CO to EMB RO of its initial assessment. Electronically-received complaints may be responded to earlier than the default timeline of response. The Complainant will be advised (through a proforma [Letter of Action Taken on Complaint](#) (LATC), presented as **Appendix 2-2** that the matter has been assessed to be within the purview of EMB and the specific division (e.g., EIAMD or EQD), and/or that the matter has been referred to the appropriate regional office of EMB with which the Complainant will have to coordinate from then on.

Complaints brought to the attention of MMT shall be given feedback within seven days upon receipt of the complaints within which the investigation should have been conducted.

For complaints originating from those filed through LGUs or the DENR Field Offices, EMB RO feedbacks to the Complainant on the third day of its assessment of the matter, which is effectively within a week since the complaint was first raised to LGU or the DENR Field Office.

4. Conduct of Main Assessment and Validation by EIAD RO

Figure 2-2 presents the detailed procedures and timelines for the validation and case resolution by EMB RO.

a) Main Assessment of potential violation/ complaints

Assessment refers to the action taken to appropriately appraise complaints or findings. This involves the following:

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- i. looking at the points of the issues raised;
- ii. outlining the corresponding law or policy potentially violated for each issue; and
- iii. gathering of both metadata information and environmental performance record of the project or firm, i.e., looking at submitted monitoring reports (e.g., SMR, CMVR, and Audit Reports), if any.

Upon receipt and assessment within three days by EMB RO of complaints, MMT reports and/or findings from the desk monitoring and field inspection of EMB office, a **Notice of Inquiry (NOI)** shall be issued by EMB RO instead of immediate issuance of Notice of Violation, which implicates judgment prior to the conduct of due process. At this stage, the perceived violation is placed in the context of 'suspicion' - that is innocent until proven guilty.

If the case originated from the results or findings of the EMB RO Monitoring or the MMT Monitoring, EMB RO can exercise its discretion to issue an NOI or go direct to the issuance of a Notice of Technical Hearing (NTH). EMB RO may further opt to set aside the field validation, particularly if the issue was observed during the EMB RO Monitoring. NOI may be opted to request for additional substantiating information, or to notify the Proponent-respondent of a field validation, should EMB RO assess the need to revalidate the MMT's recommendations.

NOI shall be used to encourage/promote active participation of the Proponent-respondent in resolving the issue at hand. It shall contain the following:

- i. specific issues raised by the Complainant i.e., public, or MMT, and pertinent authority i.e., EMB CO or RO;
- ii. summary of the findings of initial assessment;
- iii. nature of initial action which will be taken by the concerned authority such as field validation (Note: The schedule of field validation is preferably disclosed. Only in most sensitive cases, at the discretion of EMB RO, may the disclosure be withheld);
- iv. request for specific project information relevant to the issues raised by the Complainant to be submitted to EMB through express mail, electronic mail or personally delivered within five days upon receipt of NOI. Failure of the Proponent-respondent to provide EMB with timely information as requested may be subject to additional fines and penalties.

Projects operating without an ECC

If the project is found to have been operating without an ECC after comprehensively checking on all available database, the same notice shall be used. In this case, NOI shall contain the following:

- i. request for detailed project information and operation history;
- ii. the reason why the project had been operating without an ECC; and
- iii. the deadline within which the Proponent-respondent should reply.

If found covered by PEISS after the assessment of the documents submitted, and field validation, then in the absence of any hearing, a CDO may be issued with the corresponding fines and penalties. However, EMB may opt to conduct a

Technical Hearing prior to issuance of any decision document. CDO may be immediately issued without prejudice to the Proponent-respondent's compliance to ECC requirements and payment of penalties (Source: Section 6a of Article IX, DAO 96-37).

The PEPP Option

A PEISS-covered project found operating without an ECC and poses no grave environmental threat may not be issued a CDO if the Proponent-respondent agrees to enter into an Environmental Consent Agreement (ECONA) under the PEPP DAO procedures, an alternative to the standard Administrative Process in Handling Complaints and Violation to PEISS.

b) Validation of supposed violation/complaints

Validation refers to the actions made to substantiate the initial findings made during the assessment of complaints or discovered noncompliance. This includes field inspection or investigation i.e., photo-documentation, collection of samples, and interviews with the community affected. At this stage the nature of violation has been verified as being covered by PD 1586 or other environmental laws such as water and air quality. As such, the complaint may be further entertained or transmitted to other authority within EMB such as EQD or to any other concerned agencies within the department.

At the discretion of EMB RO, the validation schedule may be announced (during the issuance of NOI), or the exact date may not be disclosed, particularly for Proponent-respondents who have a history or reputation of covering up issues. Disclosure of the field validation schedule is preferred to ensure the presence of the Proponent-respondent's top management and availability of documents during the site inspection, thus, facilitating resolution of the matter at hand. On the concern that the Proponent-respondent may mask or cover up the issue during the field validation, the Proponent-respondent shall carry the burden of proof to nullify the initial proofs of alleged violation submitted by the Complainants. Various approaches in assuring a balanced and comprehensive checking of the situation will also make it difficult for the Proponent-respondent to hide the cause or effects of the issues. The Proponent-respondent will be required to be operational during the time of the validation, particularly if the issue is with respect to its operation or process. The Field Validation Form (FVF) to be used by EMB is presented in **Appendix 2-3**.

A successful validation depends substantially on the completeness and accuracy of the information by the Complainants at the time the observations of seeming or potential violation were made. Thus, there should be a thorough prevalidation training for stakeholders to ensure obtained data can stand up as solid evidence in any investigation.

For the smoothness of the operation, EMB RO may opt to coordinate with other DENR Offices e.g., FMB or MGB, LGU concerned, particularly its Environmental Officer and police authority. The Complainant's participation in the validation will be required, unless there is a concern on the Complainant's

safety, whose presence will then be at the option of the Complainant. The validation is scheduled simultaneous with the submission of the documents by the Proponent-respondent on the 10th day after NOI has been issued by EMB RO.

5. Issuance of initial decision document based on validation findings

All post-validation decision documents (i.e., CDO, IMO, NTH, RPA, or transmittal to other offices) shall also be issued within five days after the conduct of field validation. Within this period, the EMB RO investigating team shall also be expected to have prepared the Field Validation Report.

Issuance of a CDO. If the findings suggest or there is *prima facie* evidence that the project may cause grave and irreparable damage to environment, a CDO shall be issued by EMB RO. The order shall be made effective upon issuance and receipt of the Proponent-respondent, and will only be lifted until such time that the conditions stipulated in a CDO Resolution has been fully complied with. All available linkages for the effective implementation of the order shall be used i.e., collaboration with LGU, police, and or any concerned government agency.

Issuance of an IMO. If based on the findings of field validation there are issues which requires immediate preventive of mitigating measures, but does not merit an issuance of a CDO, an Immediate Mitigating Order (IMO) shall be issued by EMB RO instead. Such issues will be carried and discussed during the Technical Hearing for possible fines and penalties.

Issuance of NTH. Based on the results of validation and review of the documents submitted by the Proponent-respondent, a Notice of Technical Hearing (NTH) is then issued. This is to serve as venue for discussion of issues or complaints considered as valid/meritorious likewise to determine the corresponding fines and penalties as provided for by PD 1586 and related rules and regulations. Only those complaints pertaining to noncompliance to ECC conditionality or any of the policies governing the PEIS System shall be considered valid for processing under the jurisdiction of EIAMD. NTH shall be given to the proponent and the complainant/s including other parties such as the LGU if needed, and shall contain the following:

- i. a summary of the findings of EIAMD or the EMB Investigating Team during field validation vis-à-vis the issues raised by the Complainant;
- ii. list of potential offenses of Proponent-respondent with respect to PEISS/ECC as gleaned from field validation findings;
- iii. request for explanation document from the Proponent-respondent why such impact was not mitigated or prevented, or why an ECC conditionality or EMP was not implemented; and
- iv. initial schedule of 'Technical Hearing.'

The conduct of TH shall be scheduled, at the latest, on the 16th day from the date the NTH was issued. This is on the assumption that NTH will take five days to be received by the Proponent-respondent, as it is sent through registered mail, and the Proponent-respondent is given seven days to prepare its counter statements. As such the Proponent-respondent's reply to NTH shall be submitted to EMB on the 12th day from

the date of NTH issuance. EMB RO EIAMD and its Legal Office in effect have three days to review the documents submitted by the Proponent-respondent, before the TH proper.

Note that the fines and penalties are not yet indicated in NTH. This is because the corresponding fines and penalties will be indicated in the Case Decision Document after the conduct of a Technical Hearing.

A possible “**No Technical Hearing Scenario**” may occur in the following situations:

- i. there is admittance of violation on the part of Proponent-respondent, hence EMB RO proceeds with the issuance of NOV, or if the Proponent-respondent opts to be covered by the by PEPP DAO, EMB RO initiates ECONA;
- ii. the issues raised by the Complainant are not within the purview of PEISS/ECC hence is to transferred to appropriate authority for resolution (e.g., pollution control related matters such as those falling within the mandate of EQD will be pursued by EMB through the Pollution Adjudication Board or PAB); and
- iii. the issues raised by the Complainant are invalid; and
- iv. the issues raised are not attributable to the project which is the subject of complaint. Thus, issues will be referred to the offices or agencies with mandates on the management of area sources of pollution, e.g., EQD within EMB/DENR, or LGU, within its area of jurisdiction.

Issuance of RPA. If the issue is found not valid or cannot be attributed to the facility or company suspected, then a Recommendation for Proactive Action (RPA) is given to the Proponent-respondent. This document shall contain the proposed actions by the EMB authority to the Proponent-respondent to check its environmental management plan or EMS, and prevent similar or likely negative perception by the public, which can be caused by the project’s lack of transparency and communication on its activities and accomplishments on its operations and environmental management actions. Thus, it shall also state recommended actions towards strengthening the Proponent-respondent’s IEC campaign program.

Transfer Letter. A Transfer Letter to appropriate DENR office shall be issued for complaints confirmed as not under the jurisdiction of EMD EIAMD. The Complaint Form and list of issues not for EMB EIAD resolution, including other documents/documentations relevant should be attached.

6. Formal Resolution of the Case by the EMB Regional Office

The overview of the resolution process is graphically presented in **Figure 2-2** for the first Case Decision Document. Since time-boundedness of the process is necessary for a streamlined and expeditious resolution of complaints and potential violations, specific time frames are presented in each stage of the issue resolution process as presented and summarized in **Table 2-1**. A summary of the milestones of case resolution are presented in **Table 2-2**.

a) Conduct of Technical Hearing

During the TH proper, all concerned parties, i.e., Proponent-respondent, Complainant, and EMB EIAMD through CH, are expected to present their sides of

the issue. As currently being practiced by some EMB ROs, the participation of other parties such as LGU can be maintained as part of the enhanced process. The absence however of an LGU representative, other concerned parties, or even the Complainant is not deterrence toward conducting TH as scheduled. Each party is expected to act in accordance with the House Rules and Regulations as set by EMB RO.

If the Proponent-respondent fails to attend the scheduled TH, EMB RO (i.e., EIAMD and the Legal Office), in the presence of the Complainant and other parties involved shall pursue with TH. In such cases, EMB RO shall finally resolve the issues at hand based on the written documents submitted by the Proponent-respondent.

Only one TH is held for each case. Additional documents may be required of the Proponent-respondent, at the discretion of EMB RO.

b) Preparation of Technical Hearing Report and Case Decision Document

After the TH proper, within four days, EMB RO EIAMD and CH shall prepare the Technical Hearing Report (THR). THR shall contain the following details:

- i. comprehensive summary of case history from receipt of complaint or discovery of violation to the date of closing of TH proper;
- ii. technical basis for establishing the violation (and a basis for the legal sanctions);
- iii. the agreements arrived at during TH, e.g., commitments of Proponent-respondent and requirements of EMB; and
- iv. list of all individuals who had been involved in the case resolution process.

The Legal Office, as currently practiced, will prepare the legal details and basis of the sanctions to be imposed, within a three-day period. These shall be appended to THR.

The case decision document, to be issued three days later, for a total of a 10-day period after the TH proper, can either be a 'Clearance Letter' (CL) or a 'Notice of Violation' (NOV).

Issuance of CL. CL shall serve as an order clearing the Proponent-respondent of any offense pertinent to PEISS or ECC. This decision document may either clear the Proponent-respondent of the entire complaint or only select issues thereof.

Issuance of NOV. NOV shall mandate the Proponent-respondent to abide by all sanctions as determined by EMB. NOV shall specify the **Corrective Action and Penalties/Fines by EMB RO including the timetable of compliance**. If some issues are found meritorious, and some are not, two decisions may be issued - an NOV for specific issues, and a CL for those that are invalid.

At the end of this process, EMB RO has taken 1.6 calendar months in resolving the case and providing feedback to the Proponent-respondent and the Complainant, reckoned from the first day that EMB RO received the complaints or the referrals of other parties such as the other DENR bureaus (+ three days), LGUs

or other entities (+ three days), EMB CO (+ three to six days) and MMT (+ 10 days). The issues referred by MMT appears the longest to resolve because of two major reasons: a) MMT needs additional seven days to do site investigation and prepare a report for submission to EMB, and b) the option of EMB RO to validate the output of the MMT's investigation was integrated in the resolution process, considering the proposed set-up wherein DENR-EMB is not anymore an MMT member. Otherwise, the duration would be the same as the rest, who have an allocated three days for preliminary assessment of the issue prior to its referral to EMB RO.



For efficiency in documenting system, the EMB-EIA Division clusters the EIS-ECPs reports by year of application in a filing cabinet.

7. Filing and Hearing of Motion for Reconsideration and Appeals

The Motion for Reconsideration (MFR) is differentiated from the Appeal such that MFR is filed to the same Hearing Office from which the first case decision emanate, while an Appeal is a form of MFR submitted or filed to a higher office e.g., from EMB RO to the EMB CO.

The Motion for Reconsideration

The filing of MFR shall not excuse or stay the Proponent-respondent in implementing the corrective actions in NOV or other decision documents. Particularly those which pertain to the abatement of further environmental damage, implementation of the ECC conditions, and other measures duly determined by EMB as for immediate implementation by the Proponent.

An MFR can only be filed once in the Regional Office. It should be filed to the same hearing office within five days upon issuance/receipt of Case Resolution by the Proponent-respondent. Beyond this period no reconsideration shall be entertained.

Appeals

On its own, the Proponent-respondent may only appeal within five days to the higher office, i.e., CO, only upon receipt of the decision document issued by RO on MFR. The higher office shall then review the appeal document and determine whether the decision of the lower office shall be upheld or revised based on the merits of the appeal. There shall be no more hearing held on the appeal to EMB CO. The decision may however be appealed again to the Office of the DENR Secretary. In such case, the USec for Legal (with the Legal Division of DENR) shall be responsible in assessing whether the decision of EMB CO shall be upheld or be brought to the table of the Secretary. The Secretary shall issue a decision document through a resolution as prepared by the Legal Office. The decision of the Secretary shall be final and unappealable. No further motion shall be entertained by the Office of the Secretary. The schematic representation of the process with the corresponding timelines is presented in **Figure 2-3**.

Timeframes

The total appeals process on three levels (EMB RO, EMB CO, and DENR Secretary) would take a total of 30 days, thus, would only add 1 calendar month to the investigation procedure from the time the original decision on the case was arrived at by EMB RO.

At this stage, the entire administrative investigation process totals about 2.6 calendar months for complaints directly filed with EMB RO; 2.8 months, for issues referred by EMB CO or LGUs or other entities who have no field investigation prior to referral to EMB RO; and three months, for complaints referred and preliminarily investigated by MMT but for which EMB RO reserves the right to revalidate in the field to ensure accuracy and completeness of basis for making the final decision on the case.

Figure 2-3. Schematic diagram of proposed process for processing motion for reconsideration and appeal to decision

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Table 2-2. Summary of the Cumulative Timeframe of Administrative Investigation of PEISS-related Complaints by the EMB RO (*continuation*)

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The EMB-EIA Division regularly updates its EIS Monitoring Database to monitor compliance for issued ECCs to ECP.

8. Follow-Up

Follow-up documents stating the measures or actions taken by the Proponent-respondent in compliance of the provisions of the Resolution should be submitted within the period identified by the issuing authority. This is in addition to the optional follow up inspection by EMB to check compliance with the decision document. As presented in **Figure 2-4** EMB RO may conduct follow-up within five days after expected receipt of Proponent-respondent of the following documents (within which EMB RO should have received a Compliance Report from the Proponent-respondent):

- i. CDO, based on the findings of the field validation;
- ii. NOV, to check whether the order stipulated therein has been adhered to, and fines and other penalties are properly addressed;
- iii. NOV Reiterating Order, to check compliance to the reiterating order and determine the need to issue a CDO; and
- iv. CDO, based on the findings of second Follow-up to check whether the project or its part had complied with the closure order.

a) Decision on First Follow-Up Results

If the project management failed to comply (first failure), then an 'NOV Reiterating Order with Additional Fines' shall be issued (additional Fines and Penalties is recommended to be defined by EMB). If with compliance, EMB shall issue a

letter to recognize the actions by the Proponent-respondent with the CDD i.e., acceptance of the Compliance Report.

b) Decision on Second Follow-up results

Failure to comply within the period stated in the reiterating order as validated during the conduct of the Second Follow-up shall justify the issuance of CDO including additional fines and penalties. CDO shall only be lifted upon full compliance of the conditions stated in the NOV e.g., implementation of measures to prevent/abate environmental damage, implementation of ECC conditions, submission of compliance report, among others.

A permanent closure order shall be issued should the Proponent-respondent fails to comply three times with the order.

9. Progressive Feedback/Information Flow

Progressive updates to the Complainant should be made available by the hearing office. This is preferably in the form of a communication letter (hard copy or electronic mail), stating the action being taken by the hearing authority and the important developments of the case. The update may not necessarily have appended proceedings and other case document. It will simply be a brief notice of the milestones of the case. The hearing office through RO should provide the Complainant a copy of each decision document/resolution issued to the Proponent-respondent. MMT may also serve to inform the community regarding the resolution of the case. A copy of the resolution and summary of case proceedings should be submitted by RO to CO within 10 days. For the purpose of transparency and responsiveness of the Proponent-respondent, a copy of the Compliance Report/Actions Taken Report should be given to the complaining party, particularly to MMT, LGU/s, EZAs or any other designated EMA-partners of EMB. This system component is described in **Figure 2-5**.

10. Documentation of the Case

All pertinent documents for each case filed should be compiled properly. Each document (e.g., from the Complaint Form, Notices, Technical Hearing Report, Decision documents, Follow-up documents, among others.) must be organized in chronological order. A Complaint Resolution Documentation Form (CRDF) presented in **Appendix 2-4** is proposed to prepare the comprehensive summary of the case resolution process. This form should be at the first part of the case folder.

III. PART 3: EMA SYSTEM AND PERFORMANCE AUDIT PROTOCOLS

A. RATIONALE AND OBJECTIVES OF THE EMA SYSTEM AND PERFORMANCE AUDIT

EMB's move towards adopting an integrated system approach in managing the various EMA activities under the EIS System has been facilitated by two factors:

- One factor is the issuance of AO 42 in November 2002 invoking a “*systems-oriented and integrated approach in the analysis and solution to environmental concerns vis-à-vis national development programs ...*”
- The other factor is EMB's recent certification with the ISO 14001 (Environmental Management System or EMS) in managing its own environmental aspects.

Furthermore, pursuant to AO 42, DENR has adopted into its DAO 2003-30 Section 1 on the Basic Policy and Operating Principles the provision which states that “*Consistent with the principles of sustainable development, it is the policy of the DENR to implement a systems-oriented and integrated approach to the EIS system to ensure a rational balance between socio-economic development and environmental protection for the benefit of present and future generations*”. Section 13 also provides that “*In the EMB Central Office, there shall be a Systems Planning and Management Section. It shall ensure that a continually improving systems-oriented and integrated approach is followed in implementing the Philippine EIS System vis-à-vis national development programs.*”

EMB actually felt the pressing need for improved system management much earlier due to the increasing gap between the number of projects issued ECCs (21,286 ECCs partially accounted as of August 2003) and the number of projects monitored (about 18% of total ECCs as of end 2002). The relatively poor performance of the projects against the EMP requirements in EIS (SEPMES PEIS EMA System Assessment Report, May 2004) and the actual degraded state of the Philippine environment, further stress the urgent need to periodically evaluate the PEIS EMA System, particularly the implementation of the system's core project-based functions and the system management functions. ***The periodic evaluation can be called a system audit.***

The ***purpose of an audit*** is to objectively collect proof of compliance or conformance with sets of standards or planned courses of action or system specifications so that the results can be a basis for corrective actions and continual improvement of the system under audit.

In summary, by developing the Guidance Manual on the EMA System Audit Protocols, the following are being aimed at:

- § Provision of standardized tools for determining the completeness and status of the EMA System elements at EMB CO and ROs; and
- § Standardization of procedures and protocols for evaluating the effectiveness, efficiency and productivity of DENR in its management of the PEIS EMA System;

B. OVERVIEW OF THE PEIS EMA SYSTEM FRAMEWORK

This subsection provides a description of the elements and functions of the system, partially or wholly, which will be subjected to the system audit.

1. Rationale of the PEIS EMS System Framework

The PEIS EMA System Framework was developed for four reasons:

- First, it is an aid to identify the components or elements of the system to be evaluated for construction, maintenance, modification or improvement;
- Second, as described in the recently concluded PEIS M&E System Assessment Report, the representation has been deemed necessary to situate the other proposed enhanced models depicting the areas for enhancements in the system;
- Third, it is also an aid in the efficient and effective analysis of the system as in the identification of the specific areas of achievement, strengths and weaknesses, and prospects for enhancements.
- And fourth, it can be used as a common frame of reference for all the stakeholders on how to view the system.

2. PEIS System and its EMA Subsystem as Management Systems

The proposed PEIS EMA System Framework was developed on the premise that both PEISS and its EMA subsystem are depicted as management systems according to the definitions of the PEIS System in DAO 21-92 and DAO 96-37 [Box 3-1]. Other considerations were factored in, as follows:

- It must show the environmental objective (outcome) of PEISS and the associated core functions and outputs;
- It must show the system core elements, their relations and areas for enhancements; and
- It must show the need for feedback for continual improvement.

3. Framework Construction

Given the above considerations, the PEIS System Framework (**Figure 3-1**) was conceived as an Input-Process-Output-Outcome Model. The relations depicted by the arrows allow a more efficient way to visualize the pathway towards the achievement of good environmental performance of development projects that is presumed to achieve the ecological sustainable development objectives of the Philippine EIS System. The model also presents feedback arrows to represent continual improvement in the system.

Box 3-1. Definition of the PEISS and the PEIS M&E System

The PEIS System was first defined, as a management system, in the third IRR of the PD1586, the DAO 21-92, 15 years after the law's issuance in 1977, i.e., "*The entire process of organization and administration, and procedures institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment.*"

The enhanced definition in the DAO 96-37 specified the environmental components likely to be affected, and expressly added into the system the design of preventive, mitigating, and enhancing measures, rendering a proactive character to the system. The definition reads as follows: "*The entire process of organization and administration, and procedures institutionalized for the purpose 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.*" There is no equivalent definition in the new IRR, DAO 2003-30.

It is worth noting that assessment of the significance of projects' impacts can be interpreted to apply, not only to the EIS document preparation but also to the entire EIA process (including EMA) and to the project life cycle. In effect, the PEIS System already integrates a core M&E function of impact monitoring, impliedly validated by the provisions in DAO 21-92 (in its policy statement) and DAO 96-37 (Revised Procedural Manual, second edition).

The PEIS M&E System can be defined based on the preceding definition of the PEIS System, the objectives of monitoring provided in DAO 96-37, and based on the policy objective provided in DAO 21-92 on impact monitoring, as well as from the rationalization of the PEISS in PD 1151:

PEIS M&E System is the entire process of organization and administration of environmental performance of regulated projects to the Philippine EIS System at all project phases for the purposes of (a) continued profiling of the baseline and control project environment, (b) compliance with the ECC conditions, EMP, environmental laws, rules and regulations, and (c) evaluation of actual impacts against EIS predictions and against the continuing changes in project design or operations, in order to effect timely corrective actions, improvement of future projects and achievement of the PEISS development objectives

4. PEIS EMA System Core Elements

There are nine core elements of PEISS earlier identified in the framework. Each of the listed elements can be regarded as subsystems. These nine core elements are: (1) PEISS directions, (2) profile of the regulated community or projects, (3) regulatory requirements for the projects, (4) process and procedures, (5) stakeholders, (6) resources, (7) tools, (8) output, and (9) outcome. The first seven (7) listed elements are considered input elements:

- The EIS EMA **Directions** governing the projects (e.g., policies, legislations, rules and regulations, partnership/coordinative agreements, including goals, targets). These provide the legal basis and the regulatory framework for the implementation of the PEIS EMA System, as well as the specific goals/outcomes and targets (measured in terms of outputs) set in the near-, medium- or long-term.
- The profile of **Regulated Community or Projects** covered by the EIS System (e.g., project coverage and distribution, statistics on the regulated community, and profile of project performance/sanctions). Collective project management of single-project profiles provides the nature, size, and distribution over space and time of the regulated community for assessment of EMA performance and proper matching of resource requirements such as manpower expertise needed per project type; manpower complement/financial allocation/other resource requirements per region.
- The EMA **Regulatory Requirements** imposed on the projects which determine the scope, technical complexity, extent and nature of public participation, amount of financial guarantees and monitoring funds needed to operationalize the EMA plans and programs. These major requirements are ECC, EMP, EMAP, EMAM, SMR, MMT/COE/MOO, CMVR, AWFP, EMAF, and EGF.
- The EMA **Processes and Procedures** for the regulatory agency (DENR EMB), its designated monitoring unit such as the MMT, and that of the proponent, both at the project- and system-level, both during normal operating conditions (e.g., regular validation of SMRs at the project level; performance audit at the system level) and issue-initiated EMA (e.g., validation of complaints or emergency situations or deviations observed during regular EMA).
- The **Stakeholders** (focused on the lead monitoring units– the proponent, regulatory agency, multisectoral monitoring teams, as well as other EMA stakeholders, such as LGUs, government agencies, who are current and potential partner-institutions of DENR in EIS EMA)
- The basic **Resources** needed to implement EIS EMA (e.g., manpower, budget, equipment, and facilities);

- The support **Tools** to facilitate the system implementation (e.g., manuals, checklists, forms, data base management, communication systems, and record-keeping).
- The **Outputs** of EIS EMA are a measure of the process (e.g., KRA performance indicators as in number of projects monitored, projects complying, projects issued NOVs/CDOs/LOs; and volume and quality of information gathered). These are compared against the targets set in the Key Result Areas (as part of the PEISS Directions Element).
- The **Outcomes** of EMA System are the measures of the outputs (e.g., resultant or net compliance and performance of the projects after EMA efforts— excellent performance, average, below par, violation). These can also be measured in terms of percent contribution of EIS EMA to the goal of cleaner air, cleaner water, more forests maintained or established, more livelihood generated, among others.

5. PEIS EMA System Core Functions

PEISS core functions refer to the activities involving the compliance of projects to regulatory requirements (Element number 3 above), having expected outputs, which are deemed translated to the good environmental performance of covered projects. Conceptually, the process starts from planning (in the management process box at the left center of the diagram), then downward towards the implementation of the core functions, then proceeds horizontally to the right of the diagram showing outputs and outcomes expected of PEISS in the national environmental protection program.

The process box of the model shows the central theme of PEISS involving five core functions listed in the management process box, as follows:

- Administration of environmental certification (ECC/CNC issuance)
 - Administration of post-certification issuance requirements
 - Project environmental performance monitoring and audit
 - Surveillance of covered projects without ECCs, and
 - Administration of environmental performance issues
- Except for the certification function, all the listed functions above belong to the PEIS EMA System.

6. PEIS EMA System Management Process

PEISS management system process attempts to show a system approach in managing PEISS inasmuch as the scope of work and attention of the stakeholders are not entirely towards the execution of the core functions alone but also on the enabling elements for such functions as in the provision of policies, organization, procedures, and resources, among others. For the continual improvement of the system, the system management process depicts an iterative vertical process in the management process box of the diagram, involving the system design planning, system construction, system maintenance, system audit, and system improvement actions.

see adobe illustrator

The system management process is intended to define the specifications and relations of the core elements and the ways and means to achieve the desired specifications. It also expected to define how the elements interact to give optimum performance of the core functions largely influenced by the limits of resources. At the end of one cycle, findings in the system evaluation are used to feedback into policies and plans, for example, improvements in future project applications for ECC, enhancements in the conduct of EMA, or further streamlining of the management of environmental performance issues.

B. EMB-EIAMD SYSTEM AUDIT

1. Specific Objective of EIAMD EMA System Audit

EMA system audit will provide EIAMD with feedback and guidance as to how well the system has been effective and efficient in achieving its key expected outcome, that is, improving project design and operations so that the project can sustainably better protect the environment where it operates in the spirit of cooperation and partnership with the local community.

The system audit will also surface information on the strengths and weaknesses of the system, the likely interventions needed to bridge the gap to meet current standards, or the considerations for elevating or changing the standard for the system's continual improvement or for the system's strategic shift of direction.

2. EIAMD EMA System Audit Policy

The following shall be the EIAMD EMA System Audit Policy:

- All EMB-EIAMD offices (CO and ROs) shall undertake an internal audit for continual self-improvement and to serve as a periodic warning mechanism for what may go wrong or where problems in the system may become worse;
- EMB-EIAMD CO shall periodically conduct a system audit of EMB-EIAMD ROs, for the main purpose of assisting each region complete and render functional the system elements;
- EMB-EIAMD CO shall periodically conduct a performance audit of the EMB-EIAMD ROs, their KRAs against their mandates and AWFP, with a specific focus on their new role as organizer, coach, and nurturer of MMT. The EMB RO staff will be assessed as to how well they have guided MMT in its formative stage in the drafting of the generic and detailed/operational MOA, Transition Action Plan for existing MMTs to convert to the new MMT membership and operations, Code of Ethics (COE), Manual of Operations (MOO) and AWFP.
- EMB may be comprehensive or selective in the scope of its system and performance audits.

3. Scope of EIAMD EMA System Audit

The scope of audit shall cover partially or all of the system elements in the PEIS EMA System Framework. On the first audit, a comprehensive scope is recommended followed by focused audits. However, this Manual provides protocols

only for the conduct of an audit on the following:

- the completeness and level of functionality of the EIS EMA System elements;
- the EIAMD RO's Performance against their annual KRAs; and
- the EIAMD RO's specific performance as an organizer and coach of MMT during its formation phase and early operational stage.
- the audit by EMB-EIAMD CO of the performance of the established MMTs in every region against their mandates and their KRAs (Due to the major role of MMT as the lead EMA partner of EMB, the MMT Performance Audit will be discussed as a major chapter in the succeeding section of this Manual).

However, the lack of forms and guidelines for audit of other system elements such as other core functions (e.g., administrative investigation process) or other input elements (e.g., other stakeholders' such as LGUs and GAs with which EMB has MOAs) do not preclude EMB from undertaking an audit of the systems or performance of these elements.

4. Audit Criteria

The PEIS EMA system elements and specifications shall be evaluated against pre-defined criteria. References for criteria setting include the DENR policy issuances, Procedural Manuals, the Handbook on the Enhanced EMA System and its Technical Guidelines, the System Handbook on EMB Administrative Procedures, the Multistakeholder Participation Handbook, Memorandum of Agreement on MMT, among other documents which establish the standards with which EMB-EIAMD reckon its performance against.

5. Audit Frequency and Schedule

Each EMB RO is preferably audited annually or every two years. The frequency and schedule depends on the availability of manpower and other resources it has allocated in its AWFP. The system and performance audit schedule may include other PEIS EMA stakeholders, should budget, time, and other EMB resources allow.

6. Organization and Responsibilities

EIAMD in EMB CO shall be the main unit responsible for maintaining and implementing the PEIS EMA System Audit Program. EIAMD CO shall serve as auditor for all EIAMD ROs. At least two EIAMD CO staff can form an Audit Team. Preferably both should be familiar with the audit process and has developed analytical, communication, and documentation skills. The auditors can come from any field of expertise as long as they have been trained on auditing and are familiar with PEISS, particularly on the EMA protocols.

EIAMD CO audit does not preclude EIAMD RO from conducting its own internal

assessment, which would be desired as a proactive approach of RO to any external audit it can be subjected to.

It is highly desirable that both central and regional EMB offices be manned by at least one focal audit person who is registered with the Philippine EMS Auditors Registry under the ad hoc administration of the Philippine Association of Environmental Assessment Professionals (PAEAP) under the UNDP-assisted BOI project called “Environmental Management Program for Industrial Competitiveness” or EPIC. When the project ends this year, the EMS Auditors Registry will be managed by the Philippine Environmental Auditors Registration Association (PEARA), formed by PAEAP as an independent body targeted to secure recognition from the BOI’s national personnel accreditation scheme. The estimate of costs for each EMB office will be as follows:

- five-day training program: PhP 25,000
- Application for registration : PhP 500
- Annual membership as a registered auditor: PhP 2,000
- Annual continuing training/education: PhP 5,000

While DENR remains the lead agency in the accreditation of environmental auditors (from which PEARA will also secure recognition in the future for its environmental auditors registry), it would be very professional and ethical for the EMB personnel or auditors to be EMS-registered by an external body which has been accredited by another government agency. This setup lends more credence to the results of its internal audit.

7. Audit Procedure

The entire audit cycle shall include planning, site visit, and post-visit follow through activities, as shown in **Figure 3-2**. These activities shall be done in three days, five days and days, in that order, for an audit cycle, say, in one region. The assumption is that this is the regular focused audit. Normally, the first comprehensive audit will take much longer because it will assess not only completeness but also the status of each EMA element in the system framework, with the view of assisting the auditee complete or upgrade the element to acceptable levels.

8. Audit Forms

For the comprehensive system audit, the sample checklist in **Appendix 3-1** has been assessed to sufficiently cover all general audit concerns on all elements of the PEIS EMA system. It can be used as a basis for preparing customized or modular checklists, reflecting the criteria for evaluation of specific audit parameters.

The EIA Regional Audit Form (**Appendix 3-2**) is a support document to the generic checklist. EMB’s EmForm5 focuses on the evaluation of the EMB ROs’ performance against their KRAs on project-based EMA functions. This form will be revised, as necessary, after the SEPMEs project-based model/s have been

Figure 3-2. Proposed PEIS EMA System Audit Procedure.

See Adobe Illustrator

finalized and the EIAMD CO's and ROs' new functions and KRAs have been delineated.

Meanwhile, the new functions of the EMB ROs as organizers and coaches of MMTs will be audited using forms in **Appendix 3-3** on the MMT MOA, **Appendix 3-4** on the MMT Code of Ethics and **Appendix 3-5** on MMT MOO. These last three forms will assess the following: a) how effective was EMB RO in tailor-fitting the generic MOA to meet the intent of EMB in partnering with MMT, b) how effective was EMB in coaching MMT to have as complete a COE as possible, reflecting the values and principles which uphold the MMT's commitment to sincerely protect the environment in the service of the community while promoting a harmonious relation with the proponents who would be a part of their community for years to come, and c) how effective was EMB RO in coaching MMT in the formulation of MOO which is the MMT's bible of management, administratively, operationally, and financially.

a) EMA System Audit Checklist

The EMA System Audit Checklist (**Appendix 3-1**) has seven (7) parts, namely:

- General Information
- Audit Checklist proper
- Other Observations
- Comments & Recommendations
- Agreements
- Sign-off of Auditor
- Conformance of Auditee

The General Information portion identifies the auditee region, bureau, division, section and the actual staff interviewed, its position and the inclusive dates of the audit.

The Audit Checklist Proper has five major system elements which is subjected to audit:

- EMA Policy – EMA mandate, vision-mission
- EMA Planning -EIA EMA Functions, Legal & Other Requirements, Objectives and Targets, Programs
- EMA Implementation and Operation – Structure and Responsibility, Training, Awareness and Competence, Communication, System Documentation, Document Control, Operational Control, Preparedness and Response to Conflicts, Controversies and Complaints
- Checking and Corrective Action-Monitoring and Measurements , Non-conformance, Corrective and Preventive Action, EMA Records Management, EMA System Audit
- Management Review

Each element in the Audit Checklist Proper is subjected to the following request for data:

- Who the responsible person is for the element being audited
- Response to the audit question on presence or absence and functional status: a simple Yes or No or Not Applicable
- Supporting documents to show proof of performance or compliance
- Any remarks explaining answer of “NO”, circumstances on absence or deviation

The Other Observations section and the Comments and Recommendations document the observed status of the elements, the analysis of the auditee and the suggestions on how to achieve the specific objective of the audit.

The Agreements portion lists down the agreed actions between the auditee (EMB RO) and the auditor (EMB CO).

The Sign-off portion shows the signature space for the Auditor and the Conformer of the Auditee, in confirmation of the agreements made on the auditor’s observations and recommendations.

b) EMB Regional Audit Form

The EMB Regional Audit Form (**Appendix 3-2**) is intended to evaluate the implementation of the PEISS. The form has seven parts, namely:

- General Information
- EIA Review and Assessment
- ECC Compliance Monitoring
- Problems Encountered in PEISS Implementation
- Suggestions of the EMB Regional Office to strengthen the implementation
- Findings and Remarks by the EMB Central Office
- Sign-off Space for Auditor

The General Information portion specifies when the audit was done, what EMB RO was audited, who the current EMB Regional Director was at the time of the audit, where the office is located, and what quarter of the year the audit covered. It would be best to add the name of the auditee/s if other than EMB RD.

The EIA Review and Assessment portion has three sub-sections, namely:

- *Procedures and Requirements* - specified the following: i) number of projects which went through Scoping and Procedural Screening, ii) type of IEE checklist most frequently used, iii) Comments on the IEE Checklist Format
- *Information on the Review Process* – asks for information on the following: i) number of IEE applications, consultations and site inspections; ii) number of upgraded IEEs to EIS, number of EIARC meetings, data on public consultations or hearings and site inspections; iii) number of IEE Checklist, IEE Report and EIS submitted by sector for EMB review, the

average processing time, and number of ECCs processed within and beyond time frame as well as the reasons for the delay.

- *Decisions* – asks about number of certifications issued (ECC and CNC), number denied and how many are still pending.

The ECC Compliance Monitoring portion requires the following information from the EMB RO auditee:

- Number of projects monitored with ECCs (issued by CO and by RO) and without ECCs
- Number of Complaints acted upon as endorsed by EMB CO, Osec and as directly received by the EMB RO
- NOVs issued for projects with and without ECCs
- Technical Hearings conducted per project and over-all
- Number of CDOs issued
- Number of ECCs cancelled or revoked and the reasons why
- Fines and Penalties collected for operating without ECC and for violations of the ECC conditions
- Fines and Penalties compromise/negotiated, basis, range of amounts negotiated
- Number of MMTs established for both ECPs and ECA-based projects, MOAs signed, number of active and inactive
- Procedures and Processes involved in the issuance of NOV, CDO and Revocation/Cancellation of ECC
- Use of the Environmental Revolving Fund and Problems Encountered

EMB needs to add for its next audit question items on the EMF and EGF.

The portion on the EMB RO's Problems Encountered in the implementation of the PD 1586 and the Suggestions portion to strengthen the system focus on the a) EIA Review Process and the b) ECC Compliance Monitoring, as well as other aspects which may not be covered by the two (2) core functions of the PEISS.

The Findings/Remarks portion by EMB CO presents the observations, analysis and recommendations of the auditing team.

The Sign-off Part of the form provides space only for the EIA staff. It would be best for the form to also provide sign-off spaces for the direct supervisors and the EIAMD chiefs so that the audit findings and recommendations will be immediately appreciated and will find mentors in the upper management.

c) **EMB-MMT MOA Audit Form**

The MMT MOA Audit Form (**Appendix 3-3**) is a tool for assessing whether the contents of the submitted MOO conforms to the standards set by the Multistakeholder Participation Handbook/ policy. It also intends to compare KRAs actually targeted in the Transition Action Plan with the actual accomplishments of MMT during the MMT Formation Phase. (Note: The Transition Action Plan (**Appendix 3-6**) details the activities, duration and participating

entities in the first two years of implementation of the enhancements to the EMA System. The applicable parts applicable to MMT MOA Audit are those activities which precede the AWFP preparation.)

The MMT MOA Audit Form has seven parts namely:

- General Information
- Audit Guide
- Amendments to MOA
- Problems encountered and solutions undertaken in the preparation and implementation of MOA
- Suggestions and Recommendations on the improvement of MMT Pro-Forma MOA
- Final Remarks and Recommendations by the Auditor (EMB EIAMD)
- Signature

The General Information includes the (a) inclusive date of audit proper and audit period coverage, (b) the document control number, (c) the project name and location as stated in ECC, (d) name of proponent as stated in ECC, (e) the name of the MMT as stated in the MOA, (f) the MMT contact person, his/her position in the MMT, mailing address, and contact numbers including e-mail address if any, and (g) the date the MMT MOA was signed.

The Audit Guide portion for the MOA Preparation section has five columns. The first column provides the list of KRAs in MOA preparation. The second column is the performance standard per KRA based on the Multistakeholder Participation Handbook/ Policy. The third and fourth columns provide the MMT's actual AWFP-based target and actual accomplishments in MOA preparation, respectively. The last is the remarks column.

For the MOA Design section, the audit guide is divided into four major columns. KRAs in the first column will be assessed whether or not the contents of the submitted MOA conforms to the required contents of MOA based on the Multistakeholder Participation Handbook as presented in the second column. The third column will answer this part of the assessment with a Y subcolumn and N subcolumn. All remarks will be entered in the fourth column.

The Amendments to the MOA part presents the history of amendments to the MOA. The first column presents the amendments proposed (if any), the second column is the reason of the amendments, the third one is the date the amendment was proposed and acted upon and the fourth column is the process followed.

The fourth part is the Problems Encountered and Solutions undertaken by the MMT in 1) MOA drafting, 2) MOA signing and implementation, and 3) MOA amendment.

The fifth part is the Suggestion and Recommendation of the MMT on the improvement of MMT Proforma MOA. On the substantive aspect, the Auditor makes a general evaluation and recommendation on how much more effective and efficient the MOA could be in capturing the spirit and intent of the covenant between the government and public in ensuring a participative, transparent and objective monitoring of the environmental performance of development projects.

The sixth part is the Final Remarks and Recommendations by the Auditor (EMB EIAMD) on the 1) efficiency and effectiveness in MOA preparation, 2) orderliness of the MOA contents (main body and attachments), 3) completeness and structure (how crafted) of provisions, among others.

The seventh and last includes the name and signature of the Auditors and the date the audit form was signed.

d) **EMB-MMT Code of Ethics Audit Form**

The MMT Code of Ethics (COE) Audit Form (**Appendix 3-4**) is a tool for assessing whether the contents of COE conforms to the standards set by the Multistakeholder Participation Handbook/ Policy. It also intends to compare the key result areas (KRAs) actually targeted in the Transition Action Plan with the actual accomplishments of the MMT. It has eight parts namely:

- General Information
- Audit Guide
- Proposed Amendments in COE
- Activities conducted faithful adherence of MMT members to the COE
- Problems encountered and solutions undertaken
- Suggestions and Recommendations on the improvement of MMT Performance as Guided by the COE
- Final Remarks and Recommendations by the Auditor (EMB EIAMD)
- Signature

The General Information includes the (a) inclusive date of audit proper and audit period coverage, (b) the document control number, (c) the project name and location as stated in ECC, (d) name of proponent as stated in ECC, (e) the name of MMT as stated in MOA, and (f) the MMT contact person, his/her position in MMT, mailing address, and contact numbers including e-mail address if any, and (g) the date MOA was signed.

The Audit Guide portion for the COE Preparation section has five columns. The first column provides the list of KRAs. The second column is the performance standard per KRA based on the Multistakeholder Participation Handbook/ Policy. The third and fourth columns provide the MMT's actual AWWP-based target and actual accomplishments in COE preparation, respectively. The last is the remarks column.

For the COE Design section, the audit guide is divided into four major columns.



WB-SEPMES Team member Ms Rowie Garcia presents on the enhanced PEIS System Framework before a multisectoral audience.

KRAs in the first column will be assessed whether or not the contents of the submitted COE conforms to the required contents of COE based on the Multistakeholder Participation Handbook as presented in the second column. The third column will answer this part of the assessment with a Y subcolumn and N subcolumn. All remarks will be entered in the fourth column.

The Proposed Amendments part presents the history of amendments to COE. The first column presents the amendments proposed (if any), the second column is the reason of the amendments, the third one is the date the amendment was proposed and acted upon and the fourth column is the process followed.

The fourth part of the audit guide, the activities conducted faithful adherence of MMT members to COE, has four columns. The first column lists the activities of MMT. The second column is the reason or what triggered the activity. The third column is the date the activity was conducted and the fourth column is the outcome of the activity.

The fifth part is the Problems Encountered and Solutions undertaken by MMT in 1) COE preparation, revision/amendment, and 2) COE implementation.

The sixth part is the Suggestion and Recommendation of MMT on the improvement of MMT Performance as guided by COE.

The seventh part is the Final Remarks and Recommendations by the Auditor (EMB EIAMD) on the 1) efficiency and effectiveness in COE preparation, 2) orderliness of the COE (main body and attachments), 3) completeness and structure (how crafted) of provisions, among others.

The eight and last part includes the name and signature of the Auditors and the date the audit form was signed.

e) **EMB-MMT Manual of Operations Audit Form**

The MMT MOO Audit Form (**Appendix 3-5**) is a tool for assessing whether the contents of MOO conforms to the standards set by the Multistakeholder Participation Handbook/ policy. It also intends to KRAs actually targeted in the Transition Action Plan with the actual accomplishments MMT. (Note: The Transition Action Plan is only used as reference until the first AWFP is drafted, which for existing MMTs has to adopt the Transition Action Plan to bring the existing MMT towards MMT reconstitution targets.)

The MMT MOO Audit Form has eight parts namely:

- General Information
- Audit Guide
- Proposed Amendments in MOO
- Activities towards integration with other MMTs
- Problems encountered and solutions undertaken
- Suggestions and Recommendations on the improvement of MMT Performance as Guided by the MOO
- Final Remarks and Recommendations by the Auditor (EMB EIAMD)
- Signature

The General Information includes the (a) inclusive date of audit proper and audit period coverage, (b) the document control number, (c) the project name and location as stated in ECC, (d) name of proponent as stated in ECC, (e) the name of MMT as stated in MOA, (f) the MMT contact person, his/her position in MMT, mailing address, and contact numbers including e-mail address if any, and (g) the date MOA was signed.

The Audit Guide portion for the MOO Preparation and Approval section has 5 columns. The first column provides the list of KRAs. The second column is the performance standard per KRA based on the Multistakeholder Participation Handbook/ Policy. The third and fourth columns provide the MMT's actual AWFP-based target and actual accomplishments in MOO drafting, respectively. The last is the remarks column.

For the MOO Design section, the audit guide is divided into four major columns.

KRAs in the first column will be assessed whether or not the contents of the submitted MOO conforms to the required contents of MOO based on the Multistakeholder Participation Handbook as presented in the second column. The third column will answer this part of the assessment with a Y subcolumn and N subcolumn. All remarks will be entered in the fourth column.

The Proposed Amendments part presents the history of amendments to MOO. The first column presents the amendments proposed (if any), the second column is the reason of the amendments, the third one is the date the amendment was proposed and acted upon and the fourth column is the process followed.

The fourth part of the audit guide, Activities towards integration with other MMTs has four columns. The first column lists the activities of MMT. The second column is the reason or what triggered the integration with other MMTs. The third column is the date the activity was conducted and the fourth column is the outcome of the integration.

The fifth part is the Problems Encountered and Solutions undertaken by MMT in 1) MOO preparation, submission, revision/amendment, and 2) MOO implementation.

The sixth part is the Suggestion and Recommendation of MMT on the improvement of MMT Performance as guided by MOO.

The seventh part is the Final Remarks and Recommendations by the Auditor (EMB EIAMD) on the 1) efficiency and effectiveness in the MOO preparation, 2) orderliness of MOO contents (main body and attachments), 3) completeness and structure (how crafted) of provisions, among others.

The eight and last includes the name and signature of the Auditors and the date the audit form was signed.

9. Contents of the Audit Report

The audit report shall be bound and shall contain the following:

- Cover Transmittal Letter to deciding authority, copy furnished the auditee
- Cover page
- Executive Summary
- Table of Contents, List of Figures (if any) and List of Annexes
- The Audit Objectives
- Major Findings
- Explanations of the major or important deviation from the normal standards
- Audit Conclusion
- Recommendations for corrective actions, including any separate section on recommendations for improvement of the audit procedures and revision of this document and its annexes
- The completed Audit Instruments along with necessary attachments including maps and photographs
- Signatures of the Auditor and the Auditee

10. Application of the Audit Results

The recommendations for corrective actions or improvements in the Audit Report shall not be considered binding unless formally adopted or enforced by management through an enabling memorandum to the concerned unit/office or personnel. The internal audit shall in no way be used to check up or be used against appraisal of personnel.

11. Document Control and Repository

All audit documents shall be treated confidential. A preliminary list of the EMA documents, responsible personnel and retention schedule will need to be prepared by EMB. No copies of official documents shall be distributed except to those who will be identified with authority to receive so. Corresponding accountabilities and liabilities need to be defined for unauthorized leakages. It is desirable that the EIS EMA document control is consistent and integrated with the entire EMB Records Management System, for both hard copies and electronic files for easy and systematic filing and retrieval.

12. Updates and Revisions of the Guidance Notes on EMB EMA System

The Prototype PEIS EMA System Audit Guidance Notes shall be reviewed annually and may be updated or revised as the need arises. It is desired to be upgraded into a full-fledged System Audit Manual which details the step-by-step approaches in the conduct of each activity, supported by forms for complete documentation of observations, results, comments, conclusions, recommendations and resource requirements (e.g. cost, manpower) for continual improvement of the manner with which it would serve to measure the effectiveness and efficiency of the PEIS EMA System.

D. MMT PERFORMANCE AUDIT

1. Rationale and Objectives of the MMT Performance Audit

The creation of MMT to assist EMB conduct compliance monitoring is firmly institutionalized in the provisions of PD 1586 Implementing Rules and Regulations starting from DAO 21 in 1992 up to DAO 30 of 2003. However, to date, there exists no planned system of assessing whether or not MMT as a public participation mechanism and as an EMB EMA-partner has been effective. The contributions of MMTs in promoting good environmental performance of project proponents have not been sufficiently evaluated.

In line with the proposed improvements in the current MMT setup and its operations, an MMT Performance Audit is proposed to complement the enhancements. The audit would allow EMB to evaluate the MMT's effectiveness and efficiency in meeting its objectives. While the audit results are primarily to be used for the MMT's continual improvement, such may also be applied to commend exemplary MMTs, or at worst, to administratively sanction those who have compromised public interest by not abiding with the MMT Code of Ethics or by not implementing their commitments in the Manual of Operations and MOA entered into with the government and industry.

2. MMT Performance Audit Policy

The following shall be the EMB's Performance Audit Policy:

- All MMTs shall undertake an internal performance audit for continual self-improvement and to be able to address early enough the deviations or nonconformances before these become major or gross violations;
- EMB shall audit any of MMTs, prioritizing MMT who lack the most skills and perform below standards as these need most guidance and assistance to conduct community-based EMA of the proponent;
- EMB will periodically audit exemplary MMTs for documentation of best practices and formulation of strategies to disseminate and integrate such best practices to other MMTs; and
- MMT may be subject to either performance recognition or administrative actions as the case may be depending on the result and the intent of the audit.

3. Scope of the MMT Performance Audit

The scope of the audit shall cover the MMT's legal, administrative, technical, operational, and financial management systems. The audit shall cover KRAs in all its defined functions as provided for in the Multistakeholder Participation Handbook and the Implementing Rules and Regulations of the PD 1586.

The scope of audit shall cover the following:

- the MMT's outputs in the implementation of its core functions (CMVR, AWFP, IEC materials, Complaint Reports, and Actions Taken), audited through the outputted documents; and
- all the MMT procedures followed to implement the functions and to formulate the documents, particularly the public participation process which were observed in the implementation of such functions.

4. Audit Criteria

The MMT performance audit shall be evaluated against predefined criteria/parameters. References for criteria setting include the DENR policy and procedural issuances, the Enhanced PEIS System Handbook on the Enhanced EMA System and its Technical Guidelines, the System Handbook on EMB Administrative Procedures, the Multistakeholder Participation Handbook, Code of Ethics, MOA, and MOO.

5. Audit Frequency and Schedule

MMTs can be audited ideally every year. All audit items or only selected aspects may be audited according to the schedule of such audit items, and shall form part of AWFP of EMB.

Based on the 2004 EMB survey of the EMB Regional Offices (**Figure 3-3**), there are about 237 established MMTs in the various regions, 173 or 73% of which are operational. EMB should consider this baseline population size of MMTs when formulating

see adobe illustrator

five days, while the Post-Site Visit Activities takes longest, about five to seven days, since this is when all observations are formally documented and analyzed, from which the recommendations will be derived for referral to upper management and to the auditee. Normally, the first comprehensive audit will take a little longer because it will assess not only presence and completeness but also the status of all EMA elements, with the view of assisting the auditee (MMT) complete or upgrade the element to acceptable levels.

8. Audit Forms

The MMT audit forms have been developed, and can be revised as necessary, to facilitate the auditing and uniformity in assessing the performance of MMTs. Two inception audit forms have been prepared, covering the operational aspects in the implementation of the core functions of the team. These forms are as follows:

- MMT CMVR Audit Form
- MMT Operations Audit Form

The use of these forms, especially in the assessment of the actual performance with the performance standards or criteria, should be guided by the objective of the audit. In other words, the auditor must be keen which of the entries should indeed be relevant to meet the objective of the audit.

The audit forms for the MMT's MOA, Code of Ethics, and MOO have earlier been integrated under the audit of EMB ROs to evaluate the latter's performance as to its effectiveness in guiding MMT form itself into a team and reach the operationalization phase.

a) MMT CMVR Audit Form

The MMT CMVR Audit Form (**Appendix 3-7**) is a tool for assessing whether the contents of the CMVR conforms to the standards set by the Handbook on the EIAS EMA System and Technical Guidelines. It also intends to compare KRAs actually targeted in AWWP with the actual accomplishments of MMT. It has six parts namely:

- General Information
- Audit Guide
- Problems encountered and solutions undertaken
- Suggestions and Recommendations on the improvement of the CMVR System
- Final Remarks and Recommendations by the Auditor (EMB EIAMD)
- Signature

The General Information includes the (a) inclusive date of audit proper and audit period coverage, (b) the document control number, (c) the project name and location as stated in ECC, (d) name of proponent as stated in ECC, (e) the name of MMT as stated in the MOA, (f) the MMT contact person, his/her position in MMT, mailing address, and contact numbers including e-mail address if any, and (g) the date MMT MOA was signed.

The Audit Guide portion for the CMVR preparation, submission and approval section has five columns. The first column provides the list of KRA in CMVR preparation and submission. The second column is the performance standard per KRA based on the Multistakeholder Participation Handbook/ Policy. The third and fourth columns provide the MMT's actual AWP-based target and actual accomplishments in CMVR preparation, respectively. The last is the remarks column.

For the CMVR Design section, the audit guide is divided into 4 major columns. KRAs in the first column will be assessed whether or not the contents of the submitted CMVR conforms to the required contents of CMVR based on the Multistakeholder Participation Handbook as presented in the second column. The third column will answer this part of the assessment with a Y subcolumn and N subcolumn. All remarks will be entered in the fourth column.

The third part is the Problems Encountered and Solutions undertaken by MMT in 1) field validation as a pre-CMVR preparation activity, and 2) CMVR preparation, submission and revision.

The fourth part is the Suggestion and Recommendation of MMT on the improvement of the CMVR System.

The fifth part is the Final Remarks and Recommendations by the Auditor (EMB EIAMD) on the 1) efficiency and effectiveness in the CMVR preparation, 2) orderliness of the CMVR (main body and attachments), 3) completeness and structure (how crafted) of provisions, among others.

The sixth and last includes the name and signature of the Auditors and the date the audit form was signed.

b) MMT Operations Audit Form

The MMT Operations Audit Form (**Appendix 3-8**) is a tool for assessing the actual MMT operations (after the MOA, MOO and COE have been approved), from planning (AWFP preparation) to implementation of core and management functions, based on the performance standard set in the Multi-stakeholder Participation Handbook and existing policies. It also intends to compare KRAs actually targeted in AWP with the actual accomplishments of MMT. It has six parts namely:

- General Information
- Audit Guide
- Problems encountered and solutions undertaken
- Suggestions and Recommendations
- Final Remarks by EMB EIAMD Auditor
- Signature

The General Information includes the (a) inclusive date of audit proper and audit period coverage, (b) the document control number, (c) the date the MMT Operations Audit Form is submitted to EMB EIAMD (if audit was done by Independent

Auditor); (d) the project name and location as stated in ECC, (d) name of proponent as stated in ECC, (e) the name of MMT as stated in MOA, (f) the MMT contact person, his/her position in MMT, mailing address, and contact numbers including e-mail address if any, and (g) the date MMT MOA was signed.

The Audit Guide part has six columns. The first column provides the list of KRAs or audit parameters. The second column is the performance standard per KRA based on the Multistakeholder Participation Handbook/ Policy. The third column provides the MMT's actual target based on AWWP and the fourth/remarks column is for the explanations on the variance of the target against the Multistakeholder Participation Handbook or policy. The fifth column is the actual accomplishments of MMT in the implementation of its functions (AWWP preparation, review of revised EMAP/M, compliance monitoring, SMR validation, CMVR preparation, public disclosure/IEC, complaint verification and management, meetings, trainings/skills development, among other management functions).

The third part is the Problems Encountered and Solutions undertaken by MMT in the implementation of its functions.

The fourth part is the Suggestion and Recommendation of MMT to further strengthen the team as an EMB EMA institutional partner.

The fifth part is the Final Remarks by the EMB EIAMD Auditor which would include 1) commendation, 2) need for further organizational development, 3) reorganization, 4) dissolution and reconstitution as new MMT, 5) sanction, and 6) termination (if satisfies criteria).

The sixth and last includes the name and signature of the Auditors and the date the audit form was signed.

9. Contents of the Audit Report

The audit report shall contain the following:

- Cover Transmittal Letter to deciding authority, copy furnished the auditee
- Cover page
- Executive Summary
- Table of Contents, List of Figures (if any) and List of Annexes
- The Audit Objectives
- Major Findings
- Explanations of the major or important deviation from the normal standards
- Audit Conclusion
- Recommendations for corrective actions, including any separate section on recommendations for improvement of the audit procedures and revision of this document and its annexes
- The completed Audit Instruments along with necessary attachments including maps and photographs
- Signatures of the Auditor (EIAMD CO) and the Auditee

10. Application of Audit Results

a) Performance Rating

EMB has the option to apply the MMT audit results to a performance rating. The rating may be applied after the formative and early operationalization phase of MMT for a period of two years to allow both existing and new MMTs to adjust to their new organization and functions as a team.

The following performance indicators presented in **Table 3-1** were derived with the corresponding performance category and assigned color symbol or code. This is patterned after the EcoWatch Rating scheme of DENR (DAO 03-26) to align the MMT performance to that of the proponent.

Table 3-1. General Performance Indicators and Categories for the MMT Performance Rating.

Performance Indicator	Performance Category	Color Code
Effort level characterized as highly proactive	Superior	Gold
	Outstanding	Silver
Effort level sufficient to accomplish required KRA targets / functions	Very Good	Green
Effort level unstable, not regularly complying	Fair/Needs Improvement	Blue
Effort level insufficient to accomplish required KRA targets / functions	Poor	Red
	Very Poor	Black

It is important for EMB to emphasize to MMT that AWFP should be very realistic since the performance standards are set against the AWFP targets, with due consideration to the fact that AWFP should be consistent with MOA, MOO, and the Code of Ethics of MMT. KRAs in AWFP must be stated very clearly and are consistent with the performance parameters used in the MMT audit. By using AWFP, the MMT's performance is actually measured against the self-imposed standards of the community. It is also to the best interest of all stakeholders concerned for MMT and the proponent to level off yearly in the preparation of AWFP to ensure the targets set by MMT are also within the Proponent's own AWFP. The complementation will ensure two-way support of each other's activities, promoting cooperation, and contributing to the both achievement of a higher performance status. In the end, a win-win situation is achieved for the environment, the proponent, and the community.

Table 3-2 presents the specific performance standards for each performance category and corresponding color code.

b) Rating Scheme

Green to Gold Rating

After an initial two-year transition and capacitation period for each MMT, the "Green" rating can be obtained yearly thereafter for average performance. The assumption during this period is that EMB and the proponent closely guide MMT in its formative and early operationalization stages. This cooperative scheme optimizes the use of the resources allocated for MMT as well as ensures an optimal learning curve for MMT within the transition period.

Table 3-2. Detailed Performance Standards for the MMT Performance Rating Scheme.

Performance Indicator	Color Code	Specific Performance Standard
Effort level characterized as highly proactive (Superior Performance)	Gold	1) MMT has been rated “Silver” for three consecutive years, OR 2) MMT is rated “Gold” when all the following are achieved: <ol style="list-style-type: none"> All the requirements for “Silver” rating have been complied with in the year being subjected to rating; MMT has shown exemplary initiatives or interventions through which proponent’s environmental performance has been sustainably improved within the spirit of Harmonious Relationship, Partnership, and Cooperation between the Proponent and the Community; MMT has prove to be a model to other MMTs, e.g., taken the lead in integration with other MMTs in the same barangay, city/municipality or province; e.g., a model in the aspect of promoting wider community participation in addressing project-based issues as well as related area-wide issues affecting the community.
Effort level characterized as highly proactive (Outstanding Performance)	Silver	1) MMT has been rated “Green” for three consecutive years, OR 2) MMT is rated “Silver” when all the following are achieved: <ol style="list-style-type: none"> All the requirements for “Green” rating have been complied within the year being subjected to rating; MMT has formed an operational LGU-based Experts Registry available within the local community (GAs, Academe, Professional Organizations, Individual Experts) and updates the formal linkages with the experts, particularly on the availability status every year. MMT has built up a sustained environmental awareness and participation with other Community residents on EMA matters related to the project., particularly having mobilized others to serve as partners of MMT in the spirit of volunteerism and commitment. (Note: The EMA partners may be of help in EMA activities, such as in dissemination of environmental information, through assistance in the complaints management process, etc to reach out to more community residents); OR 3) MMT may also be rated “Silver” when all the performance standards under the “Green” rating are exceeded, such as: MMT was able to achieve more than a 100% of its core KRA targets within budget based on the AWFPP the previous year (Core targets include the compliance monitoring and validation of SMRs, disclosure and IEC and complaints management). Greater than 100% accomplishment includes the following performance standards per core function: <ol style="list-style-type: none"> MMT submitted on time at least two semiannual CMVRs and at least 2 other validation reports on the Proponent’s actual impact monitoring in between the SMR preparation; MMT submitted at least two procedurally complying and substantively conforming report to EMB the previous year without exceeding one (1) recycling; The IEC accomplishment must have reached more than 100% of its audience per AWFPP targets the previous year without additional expense to MMT or the Proponent; Any lodged complaint must have been attended to and provided feedback in less than seven days, with a ready report to EMB; MMT always had a quorum (50% +1 member) in all its planned regular meetings per AWFPP, and in its special/emergency meetings in the past year;

Table 3-2. Detailed Performance Standards for the MMT Performance Rating Scheme
(continuation).

Performance Indicator	Color Code	Specific Performance Standard
		<p>f) Fund disbursements and over-all fund management done within approved EMB guidelines within the past year, with voluntary release of financial reports;</p> <p>g) Administrative sanctions on MMT members have been acted immediately with due process within a quarter from discovery of the act</p>
Effort level sufficient to accomplish required KRA targets / functions (Very Good or Average Performance)	Green	<p>1) MMT was able to achieve a minimum of 90% of its core KRA targets within budget based on the AWFP the previous year (Core targets include the compliance monitoring and validation of SMRs, disclosure and IEC and complaints management), OR</p> <p>2) All of the following “must” have been complied with at the minimum:</p> <p>a) MMT submits at least two semiannual CMVRs per year (Reasonably delayed submissions still considered within Average Performance)</p> <p>b) MMT submitted at least one procedurally complying and substantively conforming report to EMB the previous year (Recycling of reports/plan still considered Average Performance)</p> <p>c) The IEC accomplishment must have reached a minimum 90% of its audience per AWFP targets the previous year.</p> <p>d) Any lodged complaint must have been attended to with timely feedback to the complainant (Tentative timeframe for reckoning of feedback is within seven days from receipt of complaint, regardless if complaint is resolved or not).</p> <p>e) MMT always had a quorum (50% +1 member) in all its planned regular meetings in the past year per AWFP (Simple majority and not 100% attendance required for Average Performance. Special Meetings not included in reckoning of Average Performance.)</p> <p>f) Fund disbursements and over-all fund management done within approved EMB guidelines within the past year.</p> <p>g) Administrative sanctions for MMT members with infractions against MOO or Code of Ethics have been acted internally in a timely manner and with due process within six months from discovery of the act.</p>
Effort level unstable, not regularly complying (Needs Improvement or Fair Performance)	Blue	<p>1) MMT could only achieve a maximum of 75% of its core KRA targets within a period of two years, OR</p> <p>2) Only the following were achieved at the maximum during the rating period:</p> <p>a) MMT submitted only at most two semiannual CMVRs within a period of two years</p> <p>b) MMT submitted only at most one procedurally complying and substantively conforming report to EMB within a period of two years</p> <p>c) The IEC accomplishment only reached a maximum 75% of its target audience within a period of two years based on its AWFP.</p> <p>d) Lodged complaints were attended to and given feedback to complainant only within three months from receipt of complaint, regardless if complaint is resolved or not.</p> <p>e) MMT had a quorum (50% +1 member) only in 75% of its planned regular meetings within a period of two years per</p>

Table 3-2. Detailed Performance Standards for the MMT Performance Rating Scheme
(continuation).

Performance Indicator	Color Code	Specific Performance Standard
		<p>AWFP. (Special Meetings not included in reckoning of performance.)</p> <p>f) Fund disbursements and fund management problems deviated from EMB guidelines but resolved within the year from discovery;</p> <p>g) Administrative sanctions for MMT members with infractions against MOO or Code of Ethics have been acted upon internally within a one year period from the discovery of the act of infraction.</p>
Effort level insufficient to accomplish required KRA targets/ functions (Poor Performance)	Red	<p>1) MMT has been rated "Blue" for three consecutive years, OR,</p> <p>2) MMT was able to achieve only a maximum of 50% of its core KRA targets within a period of three years, OR</p> <p>3) Only the following were achieved at the maximum during the rating period:</p> <p>a) MMT submitted only at the most two semiannual CMVRs within a period of three years</p> <p>b) MMT submitted at the most one procedurally complying and substantively conforming report to EMB within a period of three years</p> <p>c) The IEC accomplishment only reached a maximum 50% of its target audience within a period of three years based on its AWFP.</p> <p>d) Lodged complaint have been attended to and feedback given to complainant only within six months from receipt of complaint, regardless if complaint is resolved or not.</p> <p>e) MMT had a quorum (50% +1 member) only in 75% of its planned regular meetings within a period of two years per AWFP. (Special Meetings not included in reckoning of performance.)</p> <p>f) Fund disbursements and fund management problems deviated from EMB guidelines but resolved within the year from discovery;</p> <p>g) Administrative sanctions for MMT members with infractions against the MOO or Code of Ethics have been acted upon internally within one year from the discovery of the act of infraction.</p>
Effort level insufficient to accomplish required KRA targets/ functions (Very Poor Performance)	Black	<p>1) MMT has been rated "Red" for three consecutive years, OR,</p> <p>2) MMT was able to achieve only a maximum of 25% of its core KRA targets within a period of three years, OR</p> <p>3) Only the following were achieved at the maximum during the rating period:</p> <p>a) MMT submitted only at the most one semiannual CMVR within a period of three years</p> <p>b) MMT failed to submit any procedurally complying and substantively conforming report to EMB within a period of three years</p> <p>c) IEC accomplishment only reached a maximum 25% of its target audience within a period of three years based on its AWFP.</p> <p>d) Lodged complaint has been attended to and feedback given to complainant only within a year from receipt of complaint</p> <p>e) MMT had a quorum (50% +1 member) only in 50% of its planned regular meetings within a period of two years</p>

Table 3-2. Detailed Performance Standards for the MMT Performance Rating Scheme
(continuation).

Performance Indicator	Color Code	Specific Performance Standard
		<p>per AAFP. (Special Meetings not included in reckoning of performance.)</p> <p>f) Fund disbursements and fund management problems deviated from EMB guidelines and resolved only after two years from discovery</p> <p>g) Administrative sanctions for MMT members with infractions against MOO or the Code of Ethics have been acted upon internally within two years from the discovery of the act of infraction.</p>

The “Silver” rating can be obtained on the sixth year if MMT has consistently performed on the average during the preceding three-year period while at the same time implementing proactive strategies to involve more the community in addressing project-related and area-wide concerns. It is not desired to immediately award proactive MMTs with a “Silver” rating earlier than the 6th year since sustainability of initiatives on community-wide participation needs to be tested over time.

The “Gold” rating can be obtained ideally on the eight year from the time of the MMT’s formation, on the premise that the team has had “Silver” rating for the past three years. Again, earlier recognition of superior performance is advisable only after EMB has ascertained that MMT initiatives on area-wide monitoring and improvement in proponent’s environmental performance have been sustained for about two to three years.

Blue to Black Rating

A longer period of time is allocated for the gradation of an MMT’s status from below average or fair performance to very poor rating. This scheme recognizes the fact that MMT’s need to be given the opportunity to learn from their mistakes and be given time to undertake corrective actions.

A “Blue” rating can only be given starting from the fifth year of the MMT’s formation—two years for capacitation and two more years to observe the performance of the MMT before a judgment can be made on the fifth year for below-average performance. Low performance in the previous year can be balanced by improved performance in the next year to target a higher performance category. If the team performs the same for three consecutive years, it gets a “Red” rating as early as the seventh year, and eventually, a “Black” rating on the ninth year. If it performs way below average right after the capacitation period, then, it can reach the worst rating in only six years. Considering the assumption that EMB stayed close with it to coach and nurture it during its first two years and that the team has an internal policy to conduct an annual self-assessment, a “Red” or “Black” rating manifests serious lapses within the ranks of the team and EMB as well. EMB must have identified these MMTs while still in the “Blue” rating or early on during its capacitation phase to prevent their worsening condition.

Sample Progressive Rating

Table 3-3 shows how the ratings can progress from an average performance to an excellent one, and from a fair performance to a very poor MMT state of operations, as described in the preceding sections.

Table 3-3. Sample Progressive Rating Table.

Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9
TRANSITION/ CAPACITATION PERIOD (NO PERFORMANCE AUDIT)		1ST YR MMT OPERATION (NO AUDIT YET)	1ST AUDIT FOR 1ST YR MMT OPERATION	2ND AUDIT FOR 2ND YR MMT OPERATION	3RD AUDIT FOR 3RD YR MMT OPERATION	4TH AUDIT FOR 4TH YR MMT OPERATION	5TH AUDIT FOR 5TH YR MMT OPERATION	6^H AUDIT FOR 6TH YR MMT OPERATION
1) Gradation Scheme : Green to Silver to Gold			1 ST GREEN (AFTER 1 YEAR OF 90% ACCOM OF AWFP)	2 ND GREEN	3 RD GREEN: 1 ST SILVER	2 ND SILVER	3 RD SILVER: GOLD	
2) Gradation Scheme: Blue to Red to Black				1 ST BLUE (AFTER 2 YEARS OF 75% OF AWFP)	2 ND BLUE	3 RD BLUE: 1 ST RED	2 ND RED	3 RD RED: BLACK
3) Shortest Gradation: Red/ Black				RED OR BLACK (AFTER 3 YEARS OF 50%-25% OF AWFP)				

c) Performance Recognition

Under the good performance category, an MMT shall be awarded with a Certificate and will be posted in the DENR EMB website. EMB can develop an incentive or rewards program through the assistance of other agencies and industry associations. Recognition Awards may be initiated at the regional and national levels and can even be coordinated with the Bantay Kalikasan Foundation.

Those with poor ratings shall be subject to administrative actions as allowed by existing rules and regulations governing PEISS, ranging from written advice, warning, reprimand or at worst, an MMT may be dissolved and reorganized for delinquent performance.

d) Rating Procedures

The rating of MMT may vary per project sector depending on the preference of EMB EIAMD Office (Central or Regional). As the case may be, the results of PEMAPS may also be used to compose MMT membership to be subject to the performance audit system.

The ranking shall be done annually for the preceding year of the MMT's accomplishment, commencing on the 3rd year after each MMT has completed its capacitation and transition period. The results of the rating shall be made available to the public within a quarter after the conduct of MMT performance evaluation, or preferably in a regional or national MMT conference or summit wherein MMTs can also substantively share experiences.

c) Incentives

The good performance categories have corresponding incentive scheme options, such as follows:

- Commendation for work well done;
- Linkage with Bantay Kalikasan Foundation and other TV and radio programs for featuring the initiatives and accomplishments of MMTs;
- Posting of the MMT's accomplishments on the internet, maybe through its own website;
- Exposure Trips
- Advanced/Special Training
- Linkages with grant sources who will sponsor the MMTs' initiatives.

MMTs and the proponents shall be encouraged to propose their suggestions on motivating factors to enhance team performance.

11. Document Control and Repository

All audit documents shall be treated confidential. A preliminary list of the EMA documents, responsible personnel, and retention schedule will need to be prepared by EMB. No copies of official documents shall be distributed except to those who will be identified with authority to receive so. Corresponding accountabilities and liabilities need to be defined for unauthorized leakages. It is desirable that the EIAS EMA document control is consistent and integrated with the entire EMB Records Management System, for both hard copies and electronic files for easy and systematic filing and retrieval.

12. Updates and Revisions of the MMT Performance Audit Guide

These MMT Performance Audit guidelines shall be reviewed annually and may be updated or revised as the need arises for continual improvement of the manner with which it would serve to measure the effectiveness and efficiency of MMT toward more participatory, more transparent, and more objective monitoring and audit of the proponents' environmental performances.

REFERENCES

- Administrative Order 42. Rationalizing the implementation of the Philippine Environmental Impact Statement (EIS) system and giving authority, in addition to the Secretary of the Department of Environment and Natural Resources, to the Director and Regional Directors of the Environmental Management Bureau to grant or deny the issuance of Environmental Compliance Certificates
- Botengan, M.P. et al. September 2004. Multi-Stakeholder Participation Handbook. World Bank-DENR SEPMES PEISS Project (manuscript).
- DENR Administrative Order No. 21-92. Amending the Revised Rules and Regulations Implementing P.D. 1586 (Environmental Impact Statement System)
- DENR Administrative Order No. 96-37. Revising DENR Administrative Order No. 21, Series of 1992, To Further Strengthen the Implementation of the Environmental Impact Statement (EIS) System
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- Garcia, J.D. et al. January 2004. Consolidated PEISS System Assessment Report. World Bank-DENR SEPMES PEISS Project.
- Ibid.* April 2004. Inputs of the Institutional Specialist to the Handbook of Procedural and Technical Guidelines for the Implementation of the EIA Monitoring & Audit Model. World Bank-DENR SEPMES PEISS Project.



APPENDICES

- 1 EIA MA Form 1 - PD 1586 Project Document Chain-of-Custody Form
- EIA MA Form 2 - EMAP Procedural Screening Form
- EIA MA Form 3 - EMAP Substantive Review Form
- EIA MA Form 4 - SMR Procedural Screening Review Form
- EIA MA Form 5 - SMR Substantive Review Form
- EIA MA Form 6 - MMT MOO Procedural Screening Form
- EIA MA Form 7 - MMT MOO Substantive Review Form
- EIA MA Form 8 - MMT AWFP Procedural Screening Form
- EIA MA Form 9 - MMT AWFP Substantive Review Form
- EIA MA Form 10 - MMT CMVR Procedural Screening Review Form
- EIA MA Form 11 - MMT CMVR Substantive Review Form
- EIA MA Form 12 - Field Validation Form
- EIA MA Form 13 - CMVR Form
- 2-1 PD 1586 Complaint Form
- 2-2 Proforma Letter on Initial Action Taken of Complaint
- 2-3 Field Validation Form
- 2-4 Case Resolution Documentation Form
- 3-1 PEIS M&A System Audit Checklist
- 3-2 EMB Regional Audit Form
- 3-3 EMB-MMT MOA Audit Form
- 3-4 EMB-MMT Code of Ethics Audit Form
- 3-5 EMB-MMT MOO Audit Form
- 3-6 MMT Transition Action Plan
- 3-7 MMT CMVR Audit Form
- 3-8 MMT Operations Audit Form

APPENDIX 1-1 Review and Validation of EMA Documents

1.0 INTRODUCTION

This document contains the descriptions, guidance notes and copies of the self-instructive forms to be used for the review of EMA documents prepared and submitted by the project proponent or by the MMT. These EMA documents are listed and discussed in Volume 1 “Introduction and Technical Guidelines” and in Volume 2 “Multistakeholder Participation Handbook”.

2.0 THE LIST OF EMA REVIEW FORMS

The table below lists the names of the *review forms* and users of form for each EMA document submitted. The actual forms are presented as **Annexes “EIA MA Forms 1 to 12”**.

	Document Submitted	Review Form	Form User
1.	For all documents submitted	EIA MA Form 1: PD 1586 Project Document Chain of-Custody Form (COC)	EMB (SO)*
2.	Environmental Monitoring and Audit Plan/ Manual (EMAP/M)	EIA MA Form 2 EMAP/M Substantive Review Form EIA MA Form 3 Field Validation Form EIA MA Form 12. Field Validation Form	EMB (SO), MMT (for reference/ comments)
3.	Selfmonitoring Report (SMR)	EIA MA Form 4. SMR Procedural Screening Review Form EIA MA Form 4. SMR Substantive Review Form EIA MA Form 12. Field Validation Form	EMB (CH, reviewer), MMT (validator, for reference/ comments)
4.	MMT Manual of Operations (MOO)	EIA MA Form 4 MMT MOO Procedural Screening Review Form EIA MA Form 4. MMT MOO Substantive Review Form	EMB (CH, reviewer), Proponent (for reference/ comments)
5.	MMT Annual Work and Financial Plan (AWFP)	EIA MA Form 4. MMT AWFP Procedural Screening Review Form EIA MA Form 5. MMT AWFP Substantive Review Form	EMB (CH, reviewer), Proponent (for reference/ comments)
6.	Compliance Monitoring and Validation Report (CMVR) [EMA Form 13]	EIA MA Form 4. MMT CMVR Procedural Screening Review Form EIA MA Form 5. MMT CMVR Substantive Review Form EIA MA Form 12. Field Validation Form	EMB (CH, reviewer), Proponent (for reference/ comments)

*SO means the Screening Officer; CH means the Case Handler.

There are four (4) types of forms presented in the table above, as follows:

- a) Document routing form - refers to the PD 1586 Project Document Chain-of-Custody Form, which should sequentially identify the person to whom the document will go.
- b) Procedural screening form – is used to ensure that the document contains correctly ordered and readable discussion of topics, before the document is officially received and substantively reviewed.
- c) Substantive review form – is used to analyze the contents of the documents with a set of criteria based on the Volume 1 and Volume 2 of HEEPMA-PEISS.
- d) Field Validation Form – is used as support to the substantive review of the EMA documents such as the EMAPM for any project phases, the SMR, and the CMVR. The form is for noting and addressing observations or issues in the field pertinent to the EMA document undergoing substantive review.

1.0 PARTS OF THE FORMS AND GUIDANCE NOTES

The Chain-of-Custody form contains six (6) parts, as follows: the form title, document ID, project ID, proponent ID, chain-of-custody, and remarks. The procedural and substantive review form also contains six (6) parts, namely: the form title, document ID, project ID, proponent ID, document-analysis checklist, and recommendations and decision boxes. The procedural and substantive review forms differ only in the review criteria and the parties involved in the review and decision. These parts are described below:

3.1 Review Form Title (all forms)

A review form bears the name of the EMA document to be reviewed, in order to distinguish the forms from one another. A version number is provided as a common institutional practice to denote revisions made on the forms.

3.2 Document ID Data Fields (All forms)

This part is filled out by the Screening Officer in the COC and Procedural Screening Forms, and by the Case Handler in the substantive review forms. The document ID is used to identify the document to be reviewed (in the case of the COC); to provide a means of uniquely identifying the document as normally required in the electronic data banking for fast retrieval of document information; to provide a counter for accomplishment; to allow faster filing and retrieval of documents; to provide an indicator of a proponent's initiative based on the how many times the document has been revised and approved; to provide an indicator of the learning curves of the submitting parties based on the number of times the document is recycled or redrafted for the screening task. The status of the project is included to make sure the reviewer correctly anticipates what information should be expected in the document.

3.3 Project ID Data Fields (All forms)

This is filled out by the Screening Officer in the COC and Procedural Screening Forms, and by the

Case Handler in the substantive review forms. This part simply identifies the project correctly, and for the quick retrieval of related documents in the data bank of EMB. This also provides information on any possible change in the name and address of the project against the ECC so that an official documentation of such a change can be effected accordingly.

3.4 Proponent ID Data Fields (All forms)

This is filled out by the Screening Officer in the COC and Procedural Screening Forms, and by the Case Handler in the substantive review forms. This part ensures which company or person the EMB is dealing with, plus the correct address for mailing purposes. The telephone number, mobile phones number, fax number and email address provide adequate alternatives of timely resolution of minor concerns.

3.5 Chain-of-Custody Table (in the COC only)

To be filled out by the Screening Officer, this identifies the person to whom the document should go, the prescribed action, the confirmation that the staff received the document, and the document is acted upon on time.

3.6 Document-Analysis Checklist (All forms except COC)

To be filled out by the reviewer, this part contains an outline of the topics of the EMA document as they appeared in Volume 1 and 2. Preset review criteria are provided in question form of the specific requirements in Volume 1 and 2. The criteria should be revised in time along with the revisions in Volume 1 and 2. Check boxes of “Yes” or “No” are provided to indicate whether the content of a document satisfies the review criteria. An attachment column is provided for the reviewer to attach the detailed assessment and all other working documents generated by the reviewer. These include any site validation reports, communications and minutes of meeting, all of which should reflect the process on how the analyses have been made. It is important that the reviewer must not require the proponent more than what is required in Volume 1 and 2. All proposals for refinements in the criteria or in the Volume 1 and 2 should be attached and compiled by EMB for later revision or addendum of the Volume 1 and 2. Exemplary reporting over the minimum requirement should be stated as reference for performance rating of the proponent.

3.7 Field Observations, Recommendations, and Agreements (in FV Form only)

To be filled out by EMB and MMT using separate forms, and to be consolidated in one form by EMB, this part contains the observations which need the attention or action of EMB, the Proponent, and or MMT, the recommendations to the Proponent by EMB or MMT on each observations, and the agreements made with the Proponent to resolve or settle the issues.

3.8 Remarks Fields (in the COC and FV Form only)

This portion provides space for different kinds of notations such as special instructions, urgency of

the review, timing of decision, change in person in-charge, clarificatory notes and other notations. The remarking staff must sign and indicate the date of annotation.

3.9 Recommendation and Decision Fields (All forms except COC)

Provide decision options, special concerns, general statement on the reason for the recommended decision and signatures of the case handler, reviewers and decision makers, and date of signing.