



EMB MEMORANDUM CIRCULAR

No. 2020 - 31

SUBJECT: GUIDELINES ON THE FIVE (5)-YEAR VALIDITY OF ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) PURSUANT TO DENR ADMINISTRATIVE ORDER NO. 30 SERIES OF 2003

Pursuant to DENR AO No. 2003-30, 'The ECC of a project not implemented within five years from its date of issuance is deemed expired. The proponent shall have to apply for a new ECC if it intends to pursue the project. The reckoning date of project implementation is the date of ground breaking, based on the proponent's work plan as submitted to the EMB'. EMB Memorandum Circular No. 2 or the Revised Procedural Manual for DAO 2003-30 provides that the proponent can request extension within three months from the expiration of ECC. In view hereof, the following guidelines for the extension of ECC validity is hereby adopted.

SECTION I. OBJECTIVE

The objective of this Memorandum Circular is to provide guidelines in filing of extension for the five (5)-year validity of ECC and clarify requirements to proponent requesting extension.

SECTION II. SCOPE

These guidelines shall cover all projects defined under the Philippine Environmental Impact Statement System of PD 1586 and its Implementing Rules and Regulations.

SECTION III. PROJECT IMPLEMENTATION

The proponent shall implement the project within five (5) years from the date of issuance of ECC and shall submit a proof of commencement (together with attached documents, geotagged photos with time stamp, etc.) to concerned EMB within sixty (60) days from the start of implementation. Project implementation starts from site clearing of the project area including demolition of informal settlers within the project area or construction/installation of project facilities as provided in the ECC and Environmental Impact Assessment (EIA) Report. However, construction of fences (and other security enclosures) is not considered start of project implementation.



For projects which cannot be implemented due to involuntary suspension of implementation pursuant to policy issuances, Temporary Environmental Protection Order (TEPO), suspended or non-issuance of permits and clearances not attributable to the proponent, Cease and Desist Order (CDO), etc., the five (5)-year period shall be tolled from the time of issuance of the policy, TEPO, suspension or non-issuance of permits and clearances, CDO, etc. The five (5)-year period shall continue to run upon lifting of the same.

The updated baseline characterization and Environmental Management and Monitoring Plan shall be continuously submitted during the tolled period.

SECTION IV. REQUIRED DOCUMENTS FOR ECC EXTENSION

The following are the required documents to be submitted to EMB concerned for extension of ECC validity:

- a. Justifications may include any of the following:
 - i. Unforeseen financial capability of the proponent to continue the project within the original five (5)-year period;
 - ii. Operational constraints including dispute with surface owner (mining projects) or issues with informal settlers and peace and order; or
 - iii. Force majeure events (natural or human-made calamities)
- b. Updated baseline characteristics of the environment of the project area;
- c. Updated Environmental Management and Monitoring Plan if there is a significant change in the baseline characteristics;
- d. Updated Sworn Statement of Accountability of the Proponent;
- e. Updated Sworn Statement of Accountability of Preparer, if any; and
- f. Revised Implementation Plan in Gantt Chart for non-mining projects or Development Work Program duly received by MGB for mining projects.

SECTION V. PROCEDURES IN FILING OF REQUEST FOR ECC EXTENSION VALIDITY

Request for extension of ECC validity shall be filed to EMB Office where the ECC was issued/originated. The following are the procedures in filing of request:

1. The proponent shall file its request for extension of ECC validity not later than ninety (90) days prior to ECC expiration. Request for extension not filed within the aforesaid period shall not be accepted.
2. Request of proponent shall include the documents as stipulated in Section IV of this Circular.
3. The EMB shall convene a technical conference with the proponent within thirty (30) days upon receipt of the request for ECC extension.
4. The EMB shall issue approval or disapproval of the request for extension twenty (20) days from the submission of complete documents based on technical conference conducted and payment of processing fee.



SECTION VI. MAXIMUM PERIOD OF ECC EXTENSION

The Bureau shall not be precluded in providing additional conditions in the letter of approval should the EMB approves the extension of the ECC validity. The period of extension shall depend on all submitted documents but in no case shall exceed a period of five (5) years. Finally, no further extension shall be approved beyond the accumulating to five (5) year and the proponent shall be required to apply for a new ECC.

SECTION VII. REPEALING CLAUSE

All provisions in the Memorandum Circular No. 2007-02 and other issuances inconsistent herewith are deemed repealed, superseded and/or modified accordingly.

SECTION VII. SEPARABILITY CLAUSE

If any provision of this Memorandum Circular is declared unconstitutional or invalid by a competent court, other sections or provisions hereof which are not affected thereby shall continue to be in full force and in effect as if the provisions/sections so canceled had never been incorporated herein.

SECTION VIII. EFFECTIVITY

This Memorandum Circular shall take effect immediately after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administration Registrar (ONAR), UP Law Center.

Issued this 28th day of July 2020.



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OIC - Director

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