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DENR ADMINISTRATIVE ORDER
No. 2018 - 18

SUBJECT : ESTABLISHING A CENTRALIZED MANAGEMENT AND COORDINATIVE MECHANISM AT THE REGIONAL OFFICES OF DENR, MGB AND EMB, AND DESIGNATING THE DENR REGIONAL DIRECTOR AS THE REGIONAL EXECUTIVE DIRECTOR PROVIDING OVERALL COMMAND OF REGIONAL OPERATIONS

Pursuant to the power of the Secretary to establish policies and standards for the efficient and effective operations of the Department¹ and to promulgate rules, regulations and other issuances necessary in carrying out the Department's mandate, objectives, policies, plans, programs and projects², a centralized coordinative mechanism at the regional offices of DENR, Mines and Geosciences Bureau (MGB), and Environmental Management Bureau (EMB) is hereby established.

I. OBJECTIVE

The establishment of a centralized coordinative mechanism at the regional offices of DENR, MGB, and EMB is aimed to ensure effective coordination at the Regional level in the supervision of the regional offices and in the enforcement of environmental laws, rules and regulations.

II. ESTABLISHMENT OF CENTRALIZED MANAGEMENT AND COORDINATIVE MECHANISM

A. MANAGEMENT OF THE REGIONAL OPERATIONS

1. DENR Regional Director (RD) as Regional Executive Director (RED)

The DENR RD is hereby designated as the Regional Executive Director (RED).

As the designated Regional Executive Director, he/she shall have over-all command of regional operations to enforce environmental laws, rules and regulations.

He/She shall have the authority to supervise the Regional Office of the EMB and MGB, as defined in this Department Administrative Order (DAO).

2. Responsibilities of Provincial Environment and Natural Resource Officer (PENRO) & Community Environment and Natural Resource Officer (CENRO)

¹ Section 8 (2), Chapter 2, Title XIV, Book IV, Executive Order No. 292, s. 1987

² Section 8 (3), Chapter 2, Title XIV, Book IV, Executive Order No. 292, s. 1987

Under the supervision of the RED, the PENRO and CENRO shall act as the field commander in their respective area of jurisdiction. He/she shall exercise powers and functions to implement the mandate of the DENR, as defined in this DAO.

B. REGIONAL EXECUTIVE COMMITTEE

The Regional Executive Committee (Execom) shall be composed of the following:

1. DENR Regional Executive Director;
2. DENR Assistant Regional Directors;
3. MGB Regional Director; and
4. EMB Regional Director.

The Regional Execom shall serve as venue to discuss, among others:

On mining-related matters:

1. Issues and Updates on the policies and guidelines involving or affecting administration and disposition of mineral lands and mineral resources such as issuance of area clearance;
2. Issues and Updates on the permitting issuances by the MGB such as Exploration Permits (EPs), Ore Transport Permits (OTPs), mineral agreements, etc. being processed, approved, renewed, expanded, transferred, assigned, cancelled, revoked, terminated, etc.;
3. Enforcement and operational issues especially those issues involving potential political and social impact of mining activities and environmental concerns, violations by mining companies, and conflicts involving local governments, among others; and
4. Other related policy matters involving enforcement of mining laws, rules and regulations.

On environment-related matters:

1. Issues and Updates on the policies and guidelines on the streamlining of processes, procedures and applications for permits/certificates/clearances on environmental management;
2. Issues and Updates on the permitting issuances of EMB related to Environmental Impact Assessment (EIA), air quality, water quality and hazardous waste such as ECC, discharge permits, and other relevant permits;
3. Enforcement and operational issues especially in the management of Air Quality Monitoring and Information Network, Water Quality Management Areas (WQMA) and Non-Attainment Areas, compliance of local government units (LGUs) to the Solid Waste Management Act, conduct of inspections of establishments and confiscation and impounding of toxic and hazardous chemicals;
4. Monitoring of compliance of project proponents to ECC terms and conditions; and
5. Other related policy matters involving reinforcement of environmental laws, rules and regulations.

III. ROLES AND RESPONSIBILITIES OF DENR REGIONAL OFFICES IN RELATION TO MGB REGIONAL OFFICES

A. DEPUTIZATION OF DENR REGIONAL OFFICE

In accordance with Section 9³ of Republic Act No. 7942 (RA 7942) and in close coordination with MGB, the DENR Regional Executive Director, Assistant Regional Director for Technical, Provincial Environment and Natural Resources Officer (PENRO) and Community Environment and Natural Resources Officer (CENRO) are hereby authorized to police mining activities.

1. Power to Issue Orders

The MGB Regional Director, in the exercise of its power, under Section 67⁴ of RA 7942,:

- a. to issue orders requiring the mining companies to remedy any practice connected with mining or quarrying operations, which is not in accordance with safety and anti-pollution laws and regulations;
- b. In case of imminent danger to life or property, to summarily suspend the mining or quarrying operations until the danger is removed, or appropriate measures are taken by the mining companies,

shall report the actions to be taken or to be undertaken to the DENR Regional Executive Director. Any action/s shall be conducted in close coordination with the EMB RD, PENRO and CENRO concerned.

2. Power of Arrest and Seizure

The DENR RED, Assistant Regional Director for Technical, PENROs and CENROs are hereby authorized to arrest offenders and confiscate/seize illegally-sourced mineral/mineral products and the tools, equipment and conveyance used in the commission of illegal mining in accordance with Section 118⁵ of DENR Administrative Order No. 2010-21 (DAO 2010-21) or the Revised Implementing Rules and Regulations (IRR) of RA 7942. Such authority shall be exercised in close coordination with MGB RD.

B. OTHER FUNCTIONS OF PENROS AND CENROS RELATED TO ENFORCEMENT OF ENVIRONMENTAL LAWS, RULES AND REGULATIONS

The PENROs and CENROs shall provide additional manpower and technical support to the MGB Regional Office in the following:

³ Section 9. Authority of the Bureau. – xxx The Director may deputize, when necessary, any member or unit of the Philippine National Police, barangay, duly registered nongovernmental organization (NGO) or any qualified person to police all mining activities.

⁴ Section 67. Power to Issue Orders. – The mines regional director shall, in consultation with the Environmental Management Bureau, forthwith or within such time as specified in his order, require the contractor to remedy any practice connected with mining or quarrying operations, which is not in accordance with safety and anti-pollution laws and regulations. In case of imminent danger to life or property, the mines regional director may summarily suspend the mining or quarrying operations until the danger is removed, or appropriate measures are taken by the contractor or permittee.

⁵ Section 118. Basis of Arrests and Confiscations/Seizures. xxx The Bureau officers which include the Regional Director and other Bureau personnel, duly authorized by the Director, DENR personnel duly authorized by the Secretary, Permittee, Contractor, Permit Holder and other duly deputized personnel shall have authority to arrest offenders, and confiscate/seize illegally-sourced minerals/mineral products and the tools, equipment and conveyance used in the commission of offense.

1. Issuance of Order of Survey under Section 9⁶ of RA 7942;
2. Monitoring of compliance of mining companies to environmental laws, rules and regulations to ensure attainment of environmental protection objectives under Section 167 of DAO 2010-21 or the Revised IRR of RA 7942, to wit:
 - (a) Maintenance of sustainable environmental conditions at every stage of the mining operation;
 - (b) Establishment of a functional post-disturbance land use capability;
 - (c) Preservation of downstream freshwater quality;
 - (d) Preservation of sea water quality and natural habitats for marine life;
 - (e) Prevention of air and noise pollution; and
 - (f) Respect for the traditional and/or sustainable management strategies concerning natural resources of ICCs and other communities.
3. Assistance to the EMB in the processing or conduct of Environmental Impact Assessment in mining projects pursuant to Section 7(g)⁷ of DAO 2010-21 or the Revised IRR of RA 7942;
4. Establishment, disestablishment or modification of boundary of a mineral reservation pursuant to Section 9⁸ of DAO 2010-21 or the Revised IRR of RA 7942.

C. COORDINATION BETWEEN DENR REGIONAL OFFICE AND MGB

The MGB RD shall coordinate appropriately with the DENR Regional Executive Director, through PENRO/CENRO, on the following:

1. Verification of control maps on whether the area being applied for is free/open for mining applications in accordance with Sections 20⁹, 37¹⁰, 54¹¹, 75¹², 83¹³ and 90¹⁴ of DAO 2010-21 or the Revised IRR of RA 7942;

⁶ Section 9. Authority of the Bureau. - The Bureau shall have direct charge in the administration and disposition of mineral lands and mineral resources and shall undertake geological, mining, metallurgical, chemical, and other researches as well as geological and mineral exploration surveys. Xxx

⁷ Section 7. Organization and Authority of the Bureau. xxx The Bureau shall have the following authority, among others: (g) To assist the Environmental Management Bureau (EMB) under the Department and/or the Department Regional Office in the processing or conduct of Environmental Impact Assessment in mining projects.

⁸ Section 9. Establishment, Disestablishment or Modification of Boundary of a Mineral Reservation. - In all cases, the Director shall conduct public hearings allowing all concerned sectors and communities, interested Nongovernmental and People's Organizations, as well as LGUs, to air their views regarding the establishment, disestablishment or modification of any Mineral Reservation. Xxx

⁹ Section 20. Area Status and Clearance. Within fifteen (15) working days from receipt of the Exploration Permit application, the Regional Office(s) concerned shall check in the control maps if the area is free/open for mining applications. xxx

¹⁰ Section 37. Area Status and Clearance. Within fifteen (15) working days from receipt of the Mineral Agreement application, the Regional Office(s) concerned shall check in the control maps if the area is free/open for mining applications. Xxx

¹¹ Section 54. Area Status and Clearance. Within fifteen (15) working days from receipt of the FTAA application, the Regional Office(s) concerned shall check in the control maps if the area is free/open for mining applications. Xxx

¹² Section 75. Area Status and Clearance for a Quarry or Sand and Gravel Permit Application. xxx Within fifteen (15) working days from receipt of the permit application, the Regional Office(s) concerned shall check in the control maps if the area is free/open for mining applications. Xxx

¹³ Section 83. Area Status and Clearance for a Guano Permit Application. xxx Within fifteen (15) working days from receipt of the permit application, the Regional Office(s) concerned shall check in the control maps if the area is free/open for mining applications. Xxx

2. Issuance of the necessary area status/consent/clearance to the mining companies under the same provisions; and
3. Membership of PENRO and CENRO in the Regional Investigation and Assessment Teams to assist in the investigation and assessment of the claims for compensation for damages as provided under Section 198¹⁵ of DAO 2010-21 or the Revised IRR of RA 7942.

D. MEMBERSHIP AND PARTICIPATION IN COMMITTEES UNDER ENVIRONMENTAL LAWS, RULES AND REGULATIONS

The DENR Regional Executive Director shall participate pro-actively as member of the Mine Rehabilitation Fund Committee (MRFC) and the Multipartite Monitoring Team (MMT) pursuant to Sections 183¹⁶ and 186¹⁷ of DAO 2010-21 or the Revised IRR of RA 7942, respectively.

The PENROs and CENROs shall participate effectively in the MMT which serves as the monitoring arm of the MRFC.

IV. ROLES AND RESPONSIBILITIES OF DENR REGIONAL OFFICES IN RELATION TO EMB REGIONAL OFFICES

In close coordination with EMB Regional Office, the DENR RED, PENRO and CENRO shall have the following roles and responsibilities:

- A. **Under Presidential Decree No. 1586 (PD 1586) entitled “Establishing An Environmental Impact Statement System Including Other Environmental Management Related Measures And For Other Purposes” and DENR Administrative Order No. 2003-30 (DAO 2003-30) entitled “Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System”:**
 1. The PENRO and CENRO shall participate in the Multipartite Monitoring Team (MMT) formed pursuant to Section 9.1¹⁸, Article II of DAO 2003-30 which is tasked to undertake monitoring of compliance with ECC conditions as well as the EMP.
 2. Aside from the EMB Director and EMB Regional Director, the DENR RED is hereby authorized to issue Cease and Desist Order under Section

¹⁴ Section 90. Area Status and Clearance for a Gemstone Gathering Permit Application. xxx Within fifteen (15) working days from receipt of the permit application, the Regional Office(s) concerned shall check in the control maps if the area is free/open for mining applications. xxx

¹⁵ Section 198. The Regional Investigation and Assessment Teams. To assist the CLRF Steering Committee in the investigation and assessment of the claims for compensation for damages, there shall be a RIAT, which shall be composed of representatives from the Regional Offices and other member agencies whose services are deemed needed. xxx

¹⁶ Section 183. Composition of the MRF Committee. The MRF Committee shall be composed of the following: xxx b. RED of the Department as Co-Chair; xxx

¹⁷ Section 186. The Multipartite Monitoring Team (MMT). An MMT shall be deputized by the MRF Committee, as provided for in Section 182 hereof, to serve as the monitoring arm of said Committee and shall be composed of the following: xxx b. Representative from Department Regional Office as Member; xxx

¹⁸ Section 9.1. For projects under Category A, a multi-partite monitoring team (MMT) shall be formed immediately after the issuance of an ECC. Proponents required to establish an MMT shall put up an Environmental Monitoring Fund (EMF) not later than the initial construction phase of the project.

The MMT shall be composed of representatives of the proponent and of stakeholder groups, including representatives from concerned LGU's, locally accredited NGOs/POs, the community, concerned EMB Regional Office, relevant government agencies, and other sectors that may be identified during the negotiations. The team shall be tasked to undertake monitoring of compliance with ECC conditions as well as the EMP. The MMT shall submit a semi-annual monitoring report within January and July of each year.

16¹⁹, Article IV of DAO 2003-30 based on violations under the Philippine EIS System to prevent grave or irreparable damage to the environment. Such authority shall be exercised in cases where there is inaction or refusal to act on the part of the EMB RD which would warrant intervention by the DENR RED.

B. Under Republic Act No. 9275 (RA 9275) or the Philippine Clean Water Act of 2004 and DENR Administrative Order No. 2005-10 (DAO 2005-10) or the IRR of the Philippine Clean Water Act of 2004:

1. The DENR RED, PENRO and CENRO, upon the order of the Pollution Adjudication Board (PAB), shall enforce the order of closure, suspension of development or construction or cessation of operations or, where appropriate disconnection of water supply, in accordance with Section 28²⁰ of RA 9275, until such time that proper environmental safeguards are put in place and/or compliance with the Clean Water Act or its IRR are undertaken.
2. Pursuant to Section 23²¹ of RA 9275, the DENR RED, PENRO and CENRO are authorized to: (a) enter any premises or to have access to documents and relevant materials; (b) inspect any pollution or waste source, control device, monitoring equipment or method required; and (c) test any discharge.
3. Whenever there is any act or omission that has caused pollution of a water body, the DENR RED, PENRO and CENRO are authorized to issue an order for the perpetrator of the act or omission to contain, remove or clean-up the pollution at his own expense. (see footnote 22)
4. The DENR RED may deputize other government agencies as well as private volunteers to conduct containment and clean-up under Rule 16²² of DAO 2005-10.
5. The DENR RED, PENRO and CENRO are authorized to issue an order to the Local Water District or private water supplier to disconnect the water service of the violator in accordance with Rule 27.6²³ of DAO 2005-10.
6. The DENR RED, PENRO and CENRO shall institute administrative proceedings against any person who violates standards, limitations provided by the Clean Water Act or any order, rule or regulation issued by it with respect to such standard or limitation pursuant to Rule 27.7²⁴ of DAO 2005-10.

¹⁹ Section 16. Fines, Penalties And Sanctions. xxx The EMB Director or the EMB-RD may issue a Cease and Desist Order (CDO) based on violations under the Philippine EIS System to prevent grave or irreparable damage to the environment. Such CDO shall be effective immediately. An appeal or any motion seeking to lift the CDO shall not stay its effectivity. However, the DENR shall act on such appeal or motion within ten (10) working days from filing. xxx

²⁰ SEC. 28. Fines, Damages and Penalties. – xxx Provided, That the Secretary, upon recommendation of the PAB may order the closure, suspension of development or construction, or cessation of operations or, where appropriate disconnection of water supply, until such time that proper environmental safeguards are put in place and/or compliance with this Act or its rules and regulations are undertaken. This paragraph shall be without prejudice to the issuance of an ex parte order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case.

²¹ SEC. 23. Requirement of Record-keeping, Authority for Entry to Premises and Access to Documents. xxx Pursuant to this Act, the Department, through its authorized representatives, shall have the right to: (a) enter any premises or to have access to documents and relevant materials as referred to in the herein preceding paragraph; (b) inspect any pollution or waste source, control device, monitoring equipment or method required; and (c) test any discharge. Xxx

²² Rule 16. Clean-Up Operations. Whenever the Department discovers any act or omission that has caused pollution of a water body, the Department shall issue an order for the perpetrator of the act or omission to contain, remove or clean-up the pollution at his own expense. If the perpetrator fails to act within the period specified in the order, the Department may undertake the clean-up and deputize other government agencies as well as private volunteers to conduct containment and clean-up.

²³ 27.6 The Secretary may issue an order to the Local Water District or private water supplier to disconnect the water service of the violator.

²⁴ 27.7 Upon verified complaint by any person, or on its own instance, the Department, through the Secretary, Undersecretaries, Regional Directors and PENROs, shall institute administrative proceedings against any person who violates standards, limitations provided by this act or any order, rule or regulation issued by it with respect to such standard or limitation.

C. Under Republic Act No. 8749 or the Philippine Clean Air Act of 1999 and DENR Administrative Order No. 2000-81 (DAO 2000-81) or the IRR for RA 8749:

1. The DENR RED, PENRO and CENRO, upon the order of the PAB, shall enforce the order of closure, suspension of development, construction or operations of the stationary sources until such time that proper environmental safeguards are put in place pursuant to Section 45²⁵ of RA 8749.
2. The EMB RD in the exercise of its power to suspend or revoke any existing and valid permit under RA 8749 on any of the grounds provided under Section 10 of the same Act ²⁶, may tap the assistance of the PENRO and CENRO for its effective enforcement.
3. The DENR RED, the PENRO and CENRO, are hereby authorized to exercise the right of entry to any premises, inspection of any pollution or waste source, etc., and testing of any emission under Section 2²⁷, Rule XXIV, Part VI of DAO 2000-81.

D. Under Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000 and DENR Administrative Order No. 2001-34 (DAO 2001-34) or the IRR of RA 9003:

1. The DENR RED, PENRO and CENRO are hereby authorized to exercise the visitorial powers of the Department, particularly the right to access and copy records and the right of entry, inspection and investigation under Section 4²⁸, Rule V, Part II of DAO 2001-34.
2. Subject to the approval of the National Solid Waste Management Commission and in accordance with Section 5²⁹, Rule XIX, Part V of

²⁵ Section 45. Violation of Standards for Stationary Sources. xxx In addition to the fines, the PAB shall order closure, suspension of development, construction, or operations of the stationary sources until such time that proper environmental safeguards are put in place: Provided, That an establishment liable for a third offense shall suffer permanent closure immediately. This paragraph shall be without prejudice to the immediate issuance of an ex parte order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case upon prima facie evidence that there is imminent threat to life, public health, safety or general welfare, or to plant or animal life, or whenever there is an exceedance of the emission standards set by the Department and/or the Board and/or the appropriate LGU.

²⁶ Section 10. Grounds for Suspension or Revocation of Permits. After due notice and hearing, the Department through the Bureau may suspend or revoke any existing and valid permit on any of the following grounds:

- (a) Non-compliance with, or violation of any provision of Act, these Rules and Regulations, and/or permit conditions;
- (b) False or inaccurate information in the application for permit that led to the issuance of the permit;
- (c) False or inaccurate information in the monitoring data or in reports required by the Permit to Operate;
- (d) Refusal to allow lawful inspection conducted by the Department through the Bureau of duly authorized personnel;
- (e) Non-payment of the appropriate fees;
- (f) Other valid purposes.

²⁷ Section 2. Right of Entry, Inspection and Testing. Pursuant to the Act, the Bureau, through its authorized representatives, shall have the right of:

- (a) entry or access to any premises including documents and relevant materials as referred to in the herein preceding paragraph;
- (b) inspect any pollution or waste source, control device, monitoring equipment or method required; and
- (c) test any emission.

²⁸ Section 4. Visitorial Powers of the Department

a) Reports and records requirements

The Department or its duly authorized representative shall have access to, and the right to copy therefrom, all records required to be maintained pursuant to the provisions of the Act.

b) Right of entry, inspection and investigation

The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation of the provisions of the Act. The Department within three (3) months following the effectivity of this Rules and Regulations shall issue the specific protocols that will be observed in involving visitorial powers authorized under the Act.

²⁹ Section 5. Deputization of Solid Waste Management Officers

The Commission shall be authorized to deputize persons, individuals or entities to be Solid Waste Management Officer, giving them authority to effect the arrest of violators in accordance with the law, for purposes of enforcing and implementing the Act, its IRRs and other rules and regulations governing solid waste management. Provided however, that no person is deputized until they have completed the necessary training and capacity building, required by the NEC, for the effective implementation of the Act and its IRRs.

DAO 2001-34, PENROs and CENROs are hereby deputized as Solid Waste Management Officers, with authority to effect the arrest of violators in accordance with law for purposes of enforcing and implementing RA 9003.

3. The DENR RED shall have the authority to order the closure or suspension of developments, construction or operation of solid waste management facilities pursuant to Section 8³⁰, Rule XIX, Part V of DAO 2001-34.

E. Under Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 and DENR Administrative Order No. 1992-29 or the IRR of RA 6969:

1. Pursuant to Section 8.1 of DAO 1992-29, the DENR RED, PENRO and CENRO, are hereby deputized as Environmental Protection Officers to exercise the powers provided under Section 8.2³¹ of the same Administrative Order such as:
 - a. Inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and any premises in which chemicals are being generated, stored, processed, reprocessed, recycled, treated and/or disposed of.
 - b. Inspection, examination and removal of any vehicle or boat used for the transport of chemical substances and hazardous and nuclear wastes.
 - c. Monitoring and prevention of the entry of hazardous and nuclear wastes and their disposal into the country.
 - d. Issuance of subpoena to witnesses and documents to carry out the provisions of RA 6969 and its IRR.
2. Upon receipt of a report in accordance with Section 10³², Chapter II of DAO 1992-29, the DENR RED, PENRO and CENRO are hereby authorized to order an investigation to determine violation of any of the provision of RA 6969 and its IRR.

The deputization shall be upon the recommendations of the Provincial Solid Waste Management Board and City/Municipal Solid Waste Management Boards. The Commission shall deputize only those persons of known integrity and probity, who have completed the aforementioned training and capacity building of the National Ecology Center. Further, the Commission shall formulate the necessary guidelines for the protocol and procedures for deputization within six (6) months following the effectivity of these Rules and Regulations.

³⁰ Section 8. Closure or Suspension of Operations of Solid Waste Management Facilities

1. The Department shall have the authority to order the closure or suspension of developments, construction or operation of solid waste management facilities pursuant to existing laws, rules and regulations.

³¹ Section 8.2. Delegation of Powers and Functions of the Secretary. The Secretary may delegate his powers to:

- (a) conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
- (b) conduct inspection of any premises in which hazardous wastes are being generated, stored, processed, reprocessed, recycled, treated and/or disposed of and to make recommendations to the proper authorities;
- (c) stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that is believed to being or likely to be used for the transport of chemical substances and hazardous and nuclear wastes subject to pertinent provisions of these Rules and Regulations;
- (d) monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;
- (e) subpoena witnesses and documents and to require other information if necessary to carry out the provisions of these Rules and Regulations.

³² Section 10. Confiscation, Impoundment and Imposition of Administrative Fines. Upon receipt of a report from a duly authorized inspector or upon a verified complaint from a private person, the Secretary or his duly authorized representative shall order an investigation or inquiry in such a manner as he may determine on the alleged violation of any of the provision of RA 6969 and these Rules and Regulations. If after investigation there appears to be a violation of any of the provisions of RA 6969 or these Rules and Regulations, the Secretary or his duly authorized representative shall issue summons informing respondent/s of nature of charges against him and requiring the said respondent or respondents to appear before him or his duly designated representative for a conference for the purpose of determining whether an Order for confiscation or impoundment or fine should be issued.

3. Upon prima facie evidence that a violation presents unreasonable risk and/or injury to health or the environment, the DENR RED, PENRO and CENRO are hereby authorized to issue an Ex-Parte Order of confiscation or impoundment, subject to the provisions of Section 11³³ of DAO 1992-29.

V. ADMINISTRATIVE SUPERVISION OF DENR RED OVER EMB AND MGB REGIONAL OFFICES

The MGB RDs and EMB RDs shall continue to exercise its supervision over their respective regional offices.

To operationalize unity of command and carry out command responsibility, the DENR RED shall recommend jointly with the MGB and EMB Director to the Secretary, through the Supervising Undersecretary for Environment and the Supervising Undersecretary for Mining:

- A. reassignment/recall/designation of EMB and MGB Regional Directors;
- B. appointment of EMB and MGB RDs;
- C. filing of administrative complaints against EMB and MGB RDs.

VI. CAPACITY BUILDING

The PENRO and CENRO shall undergo continuing capacity building on technical matters in mining and enforcement of environmental laws, rules and regulations to be able to perform its functions effectively and efficiently.

VII. REPEALING CLAUSE

All Orders, Memoranda and Circulars inconsistent herewith are hereby deemed repealed or modified accordingly.

VIII. EFFECTIVITY

This Order takes effect fifteen days (15) after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the National Administrative Register (ONAR), UP Law Center.


ROY A. CIMATU
Secretary



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³³ Section 11. Ex-Parte Order of Confiscation or Impoundment. Whenever the Secretary or his duly authorized representative finds a prima facie evidence that the violation presents unreasonable risk and/or injury to health or the environment, the Secretary or his duly authorized representative may issue an Ex-Parte Order of confiscation or impoundment, provided that the respondent files his Motion for Reconsideration within ten (10) days from date of confiscation or impoundment which Motion for Reconsideration shall be resolved within fifteen (15) days from receipt of the same.