

EMB Memorandum Circular

Series 2022, No. ____

SUBJECT: STREAMLINING OF PROCEDURES AND REQUIREMENTS FOR ECC REQUIRING IEE ON ITS APPLICATIONS THROUGH THE EMB ONLINE SYSTEM

Section I. Rationale

On June 9, 2015, EMB Memorandum Circular No. 2015-008 was issued for the implementation of online processing of Environmental Compliance Certificate (ECC) applications for Category B Projects requiring Initial Environmental Examination (IEE) Checklist Report. Since 2015, no updating of procedures and requirements of the established ECC online system was made.

In response to the Ease of Doing Business and Efficient Government Service Delivery Act (RA 11032) that mandates each government agency to establish effective practices for the efficient delivery of government services by simplifying requirements and procedures that will reduce red tape and expedite the business transaction in government, the procedures and requirements for ECC applications filed through the online system shall be streamlined.

Section II. Objectives

The objectives of this Memorandum Circular are the following:

1. Streamline the procedures and requirements of ECC requiring IEE on its applications.
2. Simplified the procedures and meet the twenty (20) working days requirements pursuant to RA 11032.

Section III. Coverage

This Order only covers the following:

1. Applicable for ECC requiring IEE on its applications.
2. Applicable for new and single projects filed through the online system.

Section IV. ECC Minimum Documentary Requirements

The following are the minimum documentary requirements for ECC applications filed through the online system:

1. Proof of authority over the project site
 - a. For projects within NIPAS - PAMB Clearance
 - The system will not accept the ECC application without attaching the PAMB Clearance.
 - For the list of NIPAS, refer to Annex 1.
 - b. Sand and Gravel Project – Approved Area Status Clearance
 - c. Reclamation Projects – Notice from DENR RED that the project can proceed with ECC application
 - d. Mining projects – valid Mineral Agreement or Exploration Permit
 - e. **Offshore Mining Projects - Approved Area Clearance from MGB Central Office**
 - f. For projects within the DENR tenurial instruments (ie. Forest Land Use Agreement (FLAg), Forest Land Use Agreement for Tourism Purposes (FLAgT), Foreshore Lease Agreement (FLA), Special Use Agreement in Protected Area (SAPA), the establishment of an ostensible authority (*application duly received by the DENR concerned for the tenurial instrument*) over a particular protected area or land of public domain (Attachment 1 – DENR Memorandum dated 16 Nov. 2018) is sufficient as proof of authority. However, the project shall not be allowed to commence if the said instrument was not issued in favor of the ECC applicant/proponent.

- g. For projects within the ancestral domain, the proponent is required to submit a received letter filed to NCIP on their intent to use the ancestral domain.
However, the project shall not commence the implementation if Free Prior Inform Consent (FPIC) was not issued to the proponent. The said FPIC shall be submitted to EMB prior to the implementation.
 - h. Other projects - land title/s, lease contract, deed of absolute sale or notarized Memorandum of Agreement between the proponent and the owner of the project area
 - i. For government road projects and irrigation projects, there is no need for proof of authority since the government has the power to take private property for public use (eminent domain). However, if said projects traverse in a public/ancestral domain, the proponent shall comply with the requirements under item “a” and/or “f” and/or “g”.
2. Certification from LGU on the compatibility of the proposed project with existing land use plan and/or zoning certificate and/or Sangguniang Bayan Resolution on Land Reclassification
 3. Project Description including project components
 4. Geotagged photographs of the project site (North, South, East and West quadrant) taken for the last 30 days.
 5. Fillable Environmental Impact and Management Plan (EMP) checklist
 6. Proof of Payment (Bank Receipt) for the Application Fee
 7. Project layout overlay in Google map or Site Development Plan signed by registered professionals or Survey Plan for CSAG/Quarry projects.
 8. Duly accomplished project environmental monitoring and audit prioritization scheme (PEMAPS) questionnaire
 9. Notarized Sworn Statement of Accountability of Proponent (Attachment 2). Submission of notarized Sworn Statement of Accountability of Proponent
 10. Other Requirements for the following projects:
 - a. Sand and gravel project – Geological Assessment Report (EMB MC 2020-27)
 - b. Subdivision projects – Geohazard Identification Report
 - c. Sanitary Landfill – EMB Central Office Clearance

Section V. ECC Online Application Streamlined Procedures

1. Visit the EMB website (www.emb.gov.ph) and register to have an ECC online account by filling up forms providing proponent information.
2. Encode the project information and fill up the online checklist in the ECC online system.
3. Upon submission of all the requirements on the online system, the EMB shall proceed on the procedural screening and substantive review to determine the authenticity/appropriateness of the submitted documents in the online system.

The system only allows one (1) time procedural screening and substantive review.

4. The EMB will notify you of the results of procedural/substance of the document in your ECC online account within three (3) working days,

If acceptable, they will advise you to pay the processing fee through the following channels:

1. Pay to nearest Landbank (Over-the-Counter Collection Facility)
2. Pay via the internet using the Electronic Payment Portal of Landbank using any Bancnet Debit card.

The proof of payment shall be submitted online within seven (7) days from receipt of notification. The online system will generate acknowledgment that your ECC application was received.

If not Acceptable, the EMB will provide you the list of lacking documents based on the requirements in Section IV. Failure to submit the lacking documents including the proof of payment within twenty (20) working days, the application

will be dropped from the online system. However, the proponent has the option to re-file their application.

Once the lacking documents are submitted, the online system will automatically receive your ECC application and acknowledgment of receipt will be generated by the system. Day one (1) of ECC application processing shall commence upon issuance of acknowledgment receipt to proponent.

5. Auto-forwarding of the ECC Application on the online system

NUMBER OF DAYS	RESPONSIBLE PERSON	ACTIVITY
Day 1		Acceptance of ECC application
Day 1-6	Case Handler	Substantive review
Day 7-12	Section Chief	Validation of the substantive review by the Case Handler
Day 13-17	Division Chief	Review of the recommendation by the Section Chief
Day 18-20	Regional Director	Decision of the ECC Application (Approval or denial) based on the recommendation of the Division Chief

Section VI. Decision of the ECC Application

The EMB Regional Office may deny or approve the ECC application within twenty (20) working days from receipt of the application, and the issuance thereof can be printed online. *If no action from the EMB RO was made, the online system shall automatically issue the ECC within twenty (20) working days from the acceptance of the ECC Application.*

Section VII. Basis of Denial of ECC applications

The ECC application filed through the online system can be denied by EMB based on the following criteria:

1. Misrepresentation of submitted documents in the online system.
2. The submitted documents were found not appropriate as required in Section IV (e.g. Certificate of Title as proof of ownership is required for submission but instead, the proponent submits a Tax Declaration, application of tenurial instrument is not duly received by the DENR etc.)
3. Invalid proof of payment. Upon verification the proof of payment was already used in another ECC application or payment was not paid upon verification at Landbank.

If the Official Receipt (OR) was already registered in the system, the proponent must attach a letter from the EMB Regional Office that they can still use the OR.

4. Any complaint filed relevant to the environmental impacts and mitigating measures of the proposed project within the application period which is not acted by the proponent within the twenty (20) working days processing of ECC.

Note: Other complaints not relevant to environmental impacts and mitigating measures can be included as post ECC conditions (e.g. boundary issues, permit from other government agencies, overlap of project area, among others).

Section VIII. Processing Fee of ECC application

The proponent shall pay the amount of PhP 5,070 for the online processing of the ECC application. In case of denial of ECC application, the proponent can use the processing fee within the calendar year of the date of payment (eg. payment posted on June 1, 2022, is still valid until December 31,

2022) for ECC re-application of the same project. Payment on ECC application processing is not refundable.

Section IX. Certified True Copy of ECC

The proponent has an option to obtain a certified true copy of ECC issued online from the EMB Region concerned.

Section X. Repealing Clause

All orders, circulars, memoranda, and other issuances inconsistent herewith are hereby repealed, amended, and/or modified accordingly.

Section XI. Separability Clause

If any provision of this Order is declared unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in full force and in effect.

Section XII. Effectivity

This Order shall take effect fifteen (15) days 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.

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ENGR. WILLIAM P. CUÑADO
Director

REPUBLIC OF THE PHILIPPINES)
CITY OF _____)S.S

SWORN STATEMENT OF ACCOUNTABILITY

I, (Name of Proponent), of legal age, Filipino, a resident of (Proponent Address), and the (indicate the position of the applicant either Owner/President/Manager etc.) of (indicate the name of the project/establishment) located at (indicate the address of project/establishment), after being sworn to in accordance with law, do hereby depose and say that:

1. I declare, confirm and affirm the authenticity and truthfulness of the information stated herein and undertake to perform the following:
 - a) To the best of my knowledge, there is no complaint, opposition or protest against the establishment of the proposed (indicate the name of the project/establishment) prior to the submission of the online ECC application;
 - b) The Proponent recognized and hereby consent to the authority of EMB to deny the ECC application in case of proven misrepresentation or material falsehood on the submitted IEE Checklist Report.
 - c) The project Proponent authorized and/or caused the processing of the ECC and thus, duly informed of the Account Name and the corresponding Password of the Online ECC application;
2. All information and commitments in the Initial Environmental Examination (IEE) Checklist Report are accurate and complete to the best of my knowledge. That the undersigned Proponent and/or authorized representative of the Proponent shall implement all commitments, mitigating measures and monitoring requirements indicated in the IEE Checklist Report; and
3. I will take full responsibility and accountability in complying with all the terms and conditions of the Environmental Compliance Certificate (ECC) that will be issued emanating from the said IEE;
4. I am executing this Sworn Statement of Accountability ~~affidavit~~ to attest to the foregoing statements, and to comply with the requirements of P.D. 1586 and its Implementing Rules and Regulations (IRR).

Done this ___ day of _____ in _____.

Affiant

SUBSCRIBED AND SWORN to before me this ___ day of _____ in _____, affiants personally appeared before me exhibiting their Community Tax Certificates.

Name	CTC No.	Issued on/at
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Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of _____