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SCOPE OF VIOLATIONS AND GUIDELINES FOR THE IMPOSITION OF PENALTIES FOR VIOLATIONS UNDER THE PHILIPPINE EIS SYSTEM (P.D. 1586)

DENR MEMORANDUM CIRCULAR NO. 2002-15, November 25, 2002

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Consistent with the DENR's thrust to strengthen the procedure in the imposition of fines and penalties upon persons or entities found violating provisions of P. D. 1586 or its implementing rules and regulations, the following procedures and guidelines shall be implemented:

SCOPE OF VIOLATIONS

A. Projects which are established and/or operating without an ECC

a. For projects classified as Environmentally Critical ECP and other projects classified as critical based on the nature of activity/process posing significant environmental risk (i.e. hazardous waste disposal facility, sanitary landfills, etc.) found operating without a valid ECC and after observing the due process shall be ordered closed, through a Cease and Desist Order (CDO) as cited in Section 6.0 of DAO 96-37. However, for projects that pose danger to life and property, a Cease and Desist Order (CDO) shall be immediately issued.

b. For projects located in Environmentally Critical Areas (ECAs)

The following criteria for the reduction of the Php 50,000.00 maximum penalty shall be implemented for projects located in an ECA:
1. Nature of ECC Application

25% reduction of the maximum penalty if the proponent has applied for an ECC before issuance of Notice of Violation (NOV).

2. % Completion

10% reduction of the maximum penalty if the project is not more than 25% completed; and

5% reduction of the maximum penalty if the project is more than 25% completed but less than 50% completed.

No reduction if project is more than 50% completed.

Note; The proponent shall submit a certified scope of work with supporting documents. In case the proponent submitted an unverified certification, it cannot avail of the above reduction.

3. Project Cost

20% reduction of the maximum penalty if the project cost is less than or equal to Php5.0M; and

10% reduction of the maximum penalty if the project cost is not more than Php10M-

Note: A certification from the proponent shall be submitted regarding the project cost with supporting documents, i.e., SEC Registration showing capitalization. In case the proponent submitted an unverified

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certification, it cannot avail of the above reduction.

4. Project Impact on the Environment

25% reduction of the maximum penalty if the project does not cause adverse environmental impacts.

A maximum of 80% reduction in penalty can only be imposed provided that the project ponent meets all of the above criteria.

B. Projects Violating ECC conditions or rules and regulations

Projects violating any of the conditions in the ECC or rules and regulations pertaining the EIS System shall be subject to suspension or cancellation of its ECC and/or a fine an amount not to exceed Php50,000.00 for every violation of the ECC condition or the FIS System rules and regulations for projects classified as ECP and ECA.

This excludes the penalty for Telecommunication Projects found operating without an ECC as per Memorandum Circular No. 02, Series of 2000.

This Memorandum Circular shall take effect immediately.

Adopted: 25 Nov. 2002

(SGD.) HEHERSON T. ALVAREZ
Secretary

Recommending Approval:

(SGD.) JULIAN D. AMADOR
EMB Director

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