

DENR-PEZA Memorandum of Agreement

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement executed and entered into this 25th day of August, 1999 in Manila, Philippines by and between:

The **Department of Environment and Natural Resources**, created and duly organized pursuant to Executive Order No. 192, Series of 1987, with principal office address at Visayas Avenue, Quezon City, represented herein by its Secretary, **ANTONIO H. CERILLES**, hereinafter referred to as "**DENR**";

~and~

The **Philippine Economic Zone Authority**, created and duly organized pursuant to Republic Act No. 7916, with principal office address at Almeda Bldg., Roxas Blvd. corner San Luis St., Pasay City, represented hereinafter referred to as "**PEZA**";

WITNESSETH:

WHEREAS, there is an expressed concern on the need for the streamlining of the current Environmental Impact Statement (EIS) System administrative set-up and permitting system with regard to the Environmental Compliance Certificate (ECC) applications of all environmentally critical projects as well as development permit applications involving the proclaimed economic zones;

WHEREAS, Presidential Decree No. 1151, otherwise known as the Philippine Environmental Policy "requires all agencies and instrumentalities of the National Government including Government Owned and Controlled Corporations (GOCCs) as well as private corporations, firms and entities to undertake an Environmental Impact Assessment (EIA) of their project activities or undertakings which may significantly affect the quality of the environment";

WHEREAS, DENR Administrative Order No. 37, Series of 1996, provides that: "(a) Environmentally Critical Projects shall be submitted to the Environmental Management Bureau (EMB); and (b) Projects that are not environmentally critical but within Environmentally Critical Areas shall be required an Initial Environment Examination to be submitted to the concerned DENR Regional office without prejudice to the submission of an EIS as may be further required by the Regional Executive Director;

WHEREAS, Section 33 of Republic Act No. 7916, otherwise known as the "The Special Economic Zone Act of 1995" as amended by Republic Act No. 8748 provides that "The PEZA in coordination with appropriate government agencies, shall take concrete and appropriate steps and enact proper measures for the protection of the local environment";

WHEREAS, Rule XXIV, Section 2, of Republic Act No. 7916 provides that as a matter of policy, PEZA shall enter into a Memorandum of Agreement with the DENR, NWRB and other concerned government agencies for an integrated and

simplified implementation, regulation, resource conservation, compliance monitoring and development control;

WHEREAS, Section 3 of Executive Order No. 291, Series of 1996, requires the environmental units of the national government agencies and GOCCs to assist in the preparation of the EIS, ensure that their respective Agencies/ GOCCs meet the procedural requirement of the EIS System, facilitate the screening of the Environmental Compliance Certificate (ECC) and ensure the project's compliance with the conditionalities of the ECC;

WHEREAS, the PEZA through its specialized Departments and its Environmental Safety Division, have the capabilities to assist the DENR in facilitating the processing and issuance of ECC for industries to be located inside the economic zones; and the local government units in the processing and issuance of development permits;

NOW, THEREFORE, for and in consideration of the foregoing and the terms and conditions hereinafter set forth, it is hereby agreed and declared as follows;

I. GENERAL PROVISIONS

1. The DENR and the PEZA shall jointly formulate and implement rules, regulations and procedures to ensure compliance by economic zone management with environmental policies and regulations. These will include the joint formulation of a systems flow for the management of ecozones which will also serve as reference/guide to ecozone developers and locators. The systems flow shall be attached as Annex of this Agreement.
2. The DENR and the PEZA shall jointly conduct training, information dissemination, researches and other activities necessary for the implementation of the above mentioned rules, regulations and procedures.

II. RIGHTS AND OBLIGATIONS OF THE DENR

The DENR shall:

1. Provide the PEZA with copies of all relevant rules, regulations and procedures on the implementation of the Philippine EIS system;
2. Assist the PEZA in reviewing its rules, regulations and procedures on environmental protection to integrate them into the implementation of the Philippine EIS System;
3. Train PEZA officials/staff in the implementation of the Philippine EIS System as provided for by PD 1586 and DAO 96-37;

4. Assist the PEZA on the establishment and operationalization of its Environmental Unit;
5. Invite technical expert/s from the PEZA to serve as member of the EIA Review Committee in the conduct of the scoping, review and evaluation of the IEE/EIS documents submitted by economic zone developers and locators;
6. Spearhead coordination with PEZA regarding the formulation and implementation of rules, regulations and procedures on the sustainable management of economic zones in compliance with related Philippine environmental policies and regulations;
7. Decide on the ECC application of PEZA development projects within the specified timeframe as provided for by DAO 96-37;
8. Inform the PEZA on the status of ECC compliance of each development project within their jurisdiction relative to any administrative or legal measures/remedies that maybe necessary to enforce the terms and conditions of the ECC, PD 1586, DAO 96-37 and other pertinent laws; and
9. Ensure that the development permits for proclaimed economic zones issued by PEZA are considered in the issuance of the verified survey returns.

III. RIGHTS AND OBLIGATIONS OF THE PEZA

The PEZA shall:

1. Assist the DENR in the implementation of environmental policies and regulations specifically the Philippine EIS System (PD 1586; DAO 96-37) through its Environmental Unit;
2. Provide the necessary funds, facilities and administrative assistance in the conduct of training of PEZA officials/staff on the implementation of the EIS System and its policies and procedures on sustainable management of economic zones;
3. Provide the necessary inputs to the scoping and substantive review of the IEE/EIS documents particularly on matters relative to economic zone development and other aspects that the PEZA have expertise on;
4. Assist the DENR in ensuring compliance of PEZA project developers and locators to ECC conditionalities;
5. Coordinate with the DENR in the formulation and review of environmental policy, guidelines or procedures that may affect the planning and implementation of PEZA programs and projects.

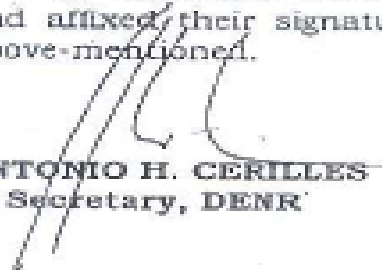
IV. AMENDMENTS


1. No modifications of this MOA or any part thereof shall be made except upon execution of a written instrument duly signed by both parties;
2. Should circumstances necessitate the revision of the agreements embodied in this MOA, the concerned parties shall, prior to such revision and grant a reasonable grace period of implementation of such revision.

V. EFFECTIVITY


This Memorandum of Agreement shall take effect upon signing by the parties to the Agreement.


IN WITNESS WHEREOF, the parties, have hereunto and affixed their signatures on the date and place herein above-mentioned.



ANTONIO H. CERILLES
Secretary, DENR



LILIA B. DE LIMA
Director General, PEZA


WITNESSES:


ROSELLER S. DE LA PEÑA
Undersecretary, DENR


GLORIA JUMAMIL-MERCADO
Deputy Director General, PEZA


RAMON P. PAJE
Undersecretary, DENR


MARY HARRIET O. ABORDO
Deputy Director General, PEZA


PETER ANTHONY A. ABAYA
Director, EMB

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
Manila) S.S.

BEFORE ME, this 25th day of August, 1999 at
Manila Philippines, personally appeared:

NAME	COMMUNITY TAX CERTIFICATE	DATE/PLACE ISSUED
ANTONIO H. CERILLES	9426710-E	07 January 1999/ Sumadat, Dumalinao, Zamboanga del Sur
LILIA B. DE LIMA	16621560	19 March 1999/ Pasay City

known to me and to me known to be the same persons who executed the foregoing instrument, and they acknowledged to me that the same is their free act and deed and that of the agency or entity which they respectively represent.

This instrument consists of seven (7) pages, including the page on which this acknowledgement is written, all pages hereof had been signed by the parties executing this instrument and their witness, and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto affixed my signature the day, year, and place above written.

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ATTY. B. MARC A. CANUTO
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