

PROVIDING FOR THE REVISION OF REPUBLIC ACT NO. 3931, COMMONLY KNOWN AS THE POLLUTION CONTROL LAW, AND FOR OTHER PURPOSES.

WHEREAS, there is a need to modify the organizational structure of the NATIONAL POLLUTION CONTROL COMMISSION to make it more effective and efficient in the discharge of its functions and responsive to the demands of the times occasioned by the accelerative phase of the country's industrialization program;

WHEREAS, there is an imperative need to strengthen this Commission to best protect the people from the growing menace of environmental pollution; and

WHEREAS, it is urgently necessary to maintain the role of the Commission as the primary agency responsible for the prevention and control of the environmental pollution;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the revision of the Republic Act No. 3931, to be known as the "National Pollution Control Decree of 1976," to read as follows:

SECTION 1. Statement of Policy.---It is hereby declared a national policy to prevent, abate and control pollution of water, air and land for the more effective utilization of the resources of this country.

SECTION 2. Definitions.--- As used in this decree:

- a) "Pollution" means any alteration of the physical, chemical and biological properties of any water, air and/or land resources of the Philippines, or any discharge thereto of any liquid, gaseous or solid wastes as will or is likely to create or to render such water, air and land resources harmful, detrimental or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.
- b) "Sewage" means the water-carried human or animal wastes from residencies, buildings and industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage and industrial wastes or other wastes as hereafter defined shall also be considered "sewage."
- c) "Industrial waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting of any process of industry manufacturing trade or business or from the development, processing or recovery of any natural resources which may cause or tend to cause pollution, or contribute to the pollution of the water, air and land resources of the Philippines.
- d) "Other Waste" means garbage, refuse, wood residues, sand, lime cinders, ashes, offal, night-oil, tar, dye stuffs, acids, chemicals and other substances not sewage or industrial waste which may cause or tend to cause pollution; or contribute to the pollution of the water, air and land resources of the Philippines.
- e) "Sewage System or Sewerage System" means pipe line or conduits, pumping stations, force mains, constructed drainage ditches, and all other constructions, devices, and appurtenances

used for collecting or conducting sewage, and industrial wastes or other wastes to a point of treatment, discharge or ultimate disposal.

f) "Treatment Works" means any method, construction device or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial waste or other wastes, or for the recovery of by-product from such sewage, industrial waste or other wastes.

g)"Sewage Works" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage, industrial waste or other wastes or for the recovery of by-products from such sewage, industrial waste or other wastes.

h) "Outlet" means the terminus of a sewage works or point of emergence in the water, air and land resources of the Philippines of any sewage, industrial waste or other wastes.

i) "Commission" Means the National Pollution Control Commission.

j)"Person" or "Persons" includes any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.

SEC. 3. Creation of the National Pollution Control Commission; Members.--- There is hereby created and established a National Pollution Control Commission under the Office of the President.

The Commission shall be headed by one full-time commissioner, one of whom shall be responsible for standard-setting and monitoring and the other for enforcement.

The Commissioner shall be a man of proven executive ability. The Deputy Commissioner for Standard-Setting and Monitoring shall be preferably be a sanitary engineer, while the Deputy Commissioner for Enforcement shall preferably be a lawyer. The Commissioner and Deputy Commissioners must have technical expertise in the field of pollution control.

The Commissioner and the Deputy Commissioners shall be appointed by the President of the Philippines.

SECTION 4. Inter-Agency Advisory Council.--- There is created an Inter-Agency Advisory Council, attached to the Commission, which shall be composed of representatives designated by the Secretaries of the Department of Agriculture, Health, Industry, Justice, Labor, Local Government and Community Development, National Defense, Natural Resources, and Public Works, Transportation and Communications; the heads of the Laguna Lake Development Authority, the National Economic and Development Authority, the National Science Development Board and the Human Settlements Commission. The Commissioner shall head the Inter-Agency Advisory Council. Representatives from the private sector as may be affected, may be invited to the deliberations of the Council.

SECTION 5. Organization of the Commission.--- The Commission shall have a Water Pollution Control Division, an Air Pollution Control Division, a Research and Development Division, a Legal Division, an Administrative Division and such other divisions or units as may be approved in the General Appropriation Act. Nothing herein contained shall be construed as to automatically terminate or abolish any existing position in the Commission nor shall it be construed as a prohibition against termination of any position.

The Commission shall also be establish such regional offices as may be necessary.

The Commission shall provide such technical, scientific and other services, including the necessary laboratory and other facilities as may be required to carry out the provisions of this Decree; Provided, That the Commission may secure such services as it may deem necessary from other agencies of the National Government, and they make arrangements for the compensation of such service. The Commission may also employ and compensate, within appropriations available therefor, such consultants, experts, and advisers, or assistants on a full or part-time basis as may be necessary, coming from government or private business entities, associations, or from local or foreign organizations, to carry out the provisions of this decree and may prescribe their powers, duties and responsibilities.

The Commission may conduct scientific experiments, investigations and research to discover economical and practical methods of preventing water, air and land pollution. To this end, the Commission may cooperate with any public or private agency in the conduct of such experiments, investigations and research, and may accept sums of money, for and in behalf of the National Government, given by any international, national or other public or private agency for water, air and land pollution control activities, surveys or programs.

SECTION 6. Powers and Functions.---The Commission shall have the following powers and functions:

- a) Determine the location, magnitude, extent, severity. causes, effects and other pertinent information regarding pollution of the water, air and land resources of the country; take such measures, using available methods and technologies, as it shall deem best to prevent or abate such pollution; and conduct continuing researches and studies on the effective means for the control and abatement of the pollution.
- b) Develop comprehensive multi-year and annual plans for the abatement of existing pollution and the prevention of new or imminent pollution, the implementation of which shall be consistent with the national development plan of the country. Such plans shall indicate priorities and programs during the year.
- c) Issue standards, rules and regulations to govern the approval of plans and specifications for sewage works and industrial waste disposal system and the issuance of permits in accordance with the provisions of this Decree; inspect the construction and maintenance of sewage works and industrial waste disposal system for compliance to plans.
- d) Adopt, prescribe, and promulgate rules and regulations governing the procedures of the Commission with respect to hearing, plans, specifications, designs and other data for sewage works and industrial waste disposal system, the filing of reports, the issuance of permits, and other rules and regulations for the proper implementation and enforcement of this Decree.
- e) Issue orders or decisions to compel compliance with the provisions of this Decree and its implementing rules and regulations only after proper notice and hearing.
- f) Make, alter or modify orders requiring the discontinuance of pollution specifying the conditions and the time within which such discontinuance must be accomplished.
- g) Issue, renew, or deny permits, under such conditions as it may determine to be reasonable, for the prevention and abatement of pollution, for the discharge of sewage, industrial waste, or for the installation or operation of sewage, works and industrial disposal system or parts thereof: Provided, however,, That the Commission, by rules and regulations, may require subdivisions,

condominium, hospitals, public buildings and other similar human settlements to put up appropriate central sewerage system and sewage treatment works, except that no permits shall be required of any new sewage works, except that no permits shall be required of any new sewage works or changes to or extensions of existing works that discharge only domestic or sanitary wastes from a single residential building provided with septic tanks or their equivalent. The Commission may impose reasonable fees and charges for the issuance or renewal of all permits herein required.

h) After due notice and hearing, the Commission may also revoke, suspend or modify any permit issued under this decree whenever the same is necessary to prevent or abate pollution.

i) Set up effluent, stream, ambient and emission standards and promulgate rules and regulations therefor: Provided, That local governments, development authorities, and other similar government instrumentalities or agencies may set up higher standards subject to the written approval of the Commission.

j) Serve as arbitrator for the determination of reparations, or restitutions of the damages and losses resulting from pollution.

k) Deputize in writing or request assistance of appropriate government agencies or instrumentalities for the purpose of enforcing this Decree and its implementing rules and regulations and the orders and decisions of the Commission.

l) Consult, participate, cooperate and enter into an agreement with other agencies of the government, and with affected political groups, political subdivisions, and enterprises in the furtherance of the purpose of this Decree.

m) Collect and disseminate information relating to water, air and land pollution and the prevention, abatement and control thereof.

n) Authorize its representative to enter at all reasonable times any property of the public dominion and private property devoted to industrial, manufacturing, processing or commercial use without doing damage, for the purpose of inspecting and investigating conditions relating to pollution or possible or imminent pollution.

o) Prepare and submit sixty days after the close of each calendar year an annual report to the President and such periodic reports of activities as may be required from time to time. The annual report shall include the extent to which the objectives in the plans referred to under Sec. 6 (b) have been achieved.

p) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities to carry out its duties and responsibilities under this Decree.

SECTION 7 a) Public Hearing.--- Public hearings shall be conducted by the Commissioner, Deputy Commissioners or any senior official duly designated by the Commissioner prior to issuance or promulgation of any order or decision by the Commissioner requiring the discontinuance of discharge of sewage, industrial wastes or other wastes into the water, air or land resources of the Philippines as provided in this decree: Provided, That whenever the Commission finds a prima facie evidence that the discharged sewage or waste are of immediate threat to life. or exceeds the allowable standards set by the Commission, the Commissioner may issue an ex-parte order directing the discontinuance of the same or the temporary suspension or cessation of operation of establishment or person generating such sewage or wastes without the necessity of a prior public hearing. The said ex-parte order shall be immediately executory and shall remain in force until said establishment or person prevents or abates the said pollution within the allowable standards, or modified or nullified by a competent

court.

All records of the proceedings of said hearings shall be filed with the Commission. All inquiries, hearings, investigations and proceedings conducted by the Commission shall be governed by rules adopted by the Commission, and in the conduct thereof the Commission shall not be bound by technical rules and evidence: Provided, That the Commissioners or any of the duly designated Hearing Officers may summarily punish for contempt, by a fine not exceeding two hundred pesos, any person committing such misconduct in the presence of any of the Commissioners or any of the duly designated Hearing Officers, or so near to them as to seriously interrupt any hearing or session or any proceeding, or any person will fully fails or refuses, without just cause, to comply with a summon, subpoena, or subpoena duces tecum issued by the Commissioners or by the duly designated Hearing Officers or, being present at a hearing, session or investigation, refuses to be sworn as a witness or to answer questions when lawfully required to do so. The Sheriff or other police agencies of the place where the hearing or investigation is conducted, shall , upon request of the Hearing Officer, assist in the enforcement of the provisions of this paragraph.

b) Appeal to Courts.---Any decision of the Commission, in the absence of an appeal therefrom as herein provided, shall become final fifteen days after the date of notification, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted the remedies before the Commission. The Commission shall deemed to be a party to any judicial action involving any decision.

c) Court Review.---The decision of the Commission upon any disputed matter may be reviewed both upon the law and the facts of the case by the Court of Appeals. For purposes of such review, the procedure concerning appeals from the Court of First Instance shall be followed. Appeal of the decision of the Commission must be perfected within fifteen days from notification of such decision: Provided, however, That any decision of the Commission involving only questions of law, shall be appealed to the Supreme Court. No appeal shall stay the execution of any order or decision of Appeals or the Supreme Court so orders.

d) Execution of Decision.--- Any decision or order of the Commission, after the same has become final and executory, shall be enforced and executed in the same manner as decisions of Courts of First Instance, and the Commission shall have the power to issue to the City or Provincial Sheriff or duly constituted authorities whom it may appoint, such writs of execution as may be necessary for the enforcements of such decision, or order and any person who shall fail or refuse to comply with such decision, order, or writ, after being required to do so shall, upon application by the Commission, be punished by the proper court for contempt.

SECTION 8. Prohibitions.---No person shall throw, run, drain, or otherwise dispose into any of the water, air and/or land resources of the Philippines, or cause, permit, suffer to be thrown, run, drain, allow to seep or otherwise thereto any organic or inorganic matter or any substance in gaseous or liquid form that shall cause pollution thereof.

No person shall perform any of the following activities without first securing a permit from the Commission for the discharge of all industrial wastes and other wastes which could cause pollution:

1) the construction, installation, modification or operation of any sewage works or any extension

or addition thereto;

2) the increase in volume or strength of any waste in excess of the permissive discharge specified under any existing permit;

3) the construction, installation or operation of any industrial or commercial establishments or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of waste directly into the water, air and/ or land resources of the Philippines or would otherwise alter their physical, chemical or biological properties in any manner not already lawfully authorized.

SECTION 9. Penalties.---a) Any person found violating or failing to comply with any order, decision or regulation of the Commission for the control or abatement of pollution shall pay a fine not exceeding five thousand pesos per day for every day during which such violation or default continues; and the Commission is hereby authorized and empowered to impose the fine after the notice and hearing.

The fines so imposed shall be paid to the Government of the Philippines through the Commission, and failure to pay the fine in any case within the time specified in the above-mentioned Order or Decision shall be sufficient ground for the Commission to order the closure of the stoppage in the operation of the establishment being operated and/or managed by said person or persons until payment of the fines shall have been made . The Commission shall have the power and authority to issue corresponding writs of execution directing the City or Provincial Sheriff or other peace officers whom it may appoint to enforce the fine or the order of closure or stoppage of operations.

Payment of fines may also be enforced by appropriate action in a court of competent jurisdiction. The remedies provided in this sub-section shall not be a bar to, nor shall affect any other remedies provided for in this Decree but shall not be cumulative and additional to such remedies.

b) Any person who shall violate any of the provisions of Section Eight of this Decree or its implementing rules and regulations, or any Order or Decision of the Commission, shall be liable to a penalty of not to exceed one thousand pesos for each day during which the violation continues, or by imprisonment, of from two years to six years, or by both fine and imprisonment, and in addition such person may be required or enjoined from continuing such violation as hereinafter provided.

c) Any person who shall refuse, obstruct, or hamper the entry of the duly authorized representatives of the Commission into any property of the public domain or private property devoted to industrial manufacturing, processing or commercial use during reasonable hours for the purpose of inspecting or investigating the conditions therein relating to pollution or possible or imminent pollution, shall be liable to a fine not exceeding two hundred pesos or imprisonment of not exceeding one month or both.

Done in the City of Manila, this 18th day of August, in the year of Our Lord , nineteen hundred and seventy-six.