Presidential Decree No. 1152, s. 1977

Signed on June 6, 1977

PRESIDENTIAL DECREE No. 1152

PHILIPPINE ENVIRONMENT CODE

WHEREAS, the broad spectrum of environment has become a matter of vital concern to the Filipino people and nation;

WHEREAS, the national leadership has taken a step towards this direction by creating the Philippine Environmental Policy Commission under Presidential Decree No. 1151;

WHEREAS, it is necessary that the creation of the Council be implemented with the promulgation of environmental guidelines and environmental management systems;

WHEREAS, such a program can assume tangible and meaningful significance only by integrating the various environmental concerns and safeguarding environmental quality as a necessary prerequisite in meeting development needs;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order:

SECTION 1. Short Title. — This Decree shall be known and cited as the "Philippine Environment Code."

TITLE I

Air Quality Management

SECTION 2. Purposes. — The purposes of this Title are:

a) to achieve and maintain such levels of air quality as to protect public health; and

b) to prevent the degradation of air quality so as to protect the environment, including the quality of the property, and promote the social and economic development of the country.

CHAPTER I

Definitions

SECTION 3. Definitions. — For purposes of this Title, the following terms and phrases shall be defined as follows:

a) "Ambient Air Quality Standards." — Those that are established pertinent to air quality standards which shall prescribe the maximum concentration of air pollutants permissible in the general environment for the protection of public health and welfare.

b) "Air Pollution." — Any alteration of the quality of the atmosphere which results in or contains among others such factors as toxic or injurious or noxious or offensive or irritating or obnoxious gases, vapors, smoke, particulate matter, dust, fumes, mists, odors, radioactive substances, or any combination thereof, which may be detrimental to human health or welfare, or to animal life, or to plant life, or to property, or to the environment.

c) "Emission." — Any discharge, release, or escape of air pollutants into the atmosphere.

d) "Emission Standards." — Those that are established pertinent to air quality standards which shall prescribe the maximum allowable emission of air pollutants from any source.

e) "Emission Standards for Mobile Pollution Equipment." — Those shall be established or adopted which shall prescribe the maximum allowable emission of air pollutants from any mobile pollution equipment, pertinent to air quality standards which shall prescribe the maximum allowable emission of air pollutants from any mobile pollution equipment.

f) "Emission Standards for Stationary Pollution Equipment." — Those shall be established or adopted which shall prescribe the maximum allowable emission of air pollutants from any stationary pollution equipment, pertinent to air quality standards which shall prescribe the maximum allowable emission of air pollutants from any stationary pollution equipment.

g) "Environmental Impact Statement." — Those shall be established or adopted which shall prescribe the environmental impact statement, such as air quality impact assessment, pertinent to air quality standards which shall prescribe the environmental impact statement, such as air quality impact assessment.

h) "Fuel." — Any solid, liquid, or gaseous material, including fuel, which is burned to produce heat or energy.

i) "Fuel Burning Equipment." — Any equipment, device or apparatus which is used for burning fuel for the purpose of generating heat, steam, or power.

j) "Incinerator." — Any equipment, device or apparatus which is used for burning of wastes for the purpose of reducing the volume and weight of wastes.

k) "Mobile Pollution Equipment." — Any equipment, device or apparatus which is used for the purpose of transportation.

l) "Stationary Pollution Equipment." — Any equipment, device or apparatus which is used for the purpose of production, processing, or any other purpose.

m) "Pollutant." — Any substance which is discharged into the atmosphere and causes or contributes to air pollution.

n) "Particulate Matter." — Any material except uncombined water which exists in the atmosphere or gas as a dispersed solid or liquid.

o) "Particulate Matter Standards." — Those that are established pertinent to air quality standards which shall prescribe the maximum allowable emission of particulate matter from any source.

p) "Source." — Any place, person, or thing from which pollutants are released.

q) "Stationary Source." — Any source which is not a mobile source.

r) "Mobile Source." — Any source which is not a stationary source.

s) "Ambient Air." — That portion of the atmosphere, external to buildings, to which the general public has access.

t) "Ambient Air Quality." — The concentration of pollutants in the ambient air.

u) "Air Quality Management." — The management of air quality through the control of pollution from all sources.

v) "Air Quality Management Area." — A contiguous area which shall be designated by the Department of Natural Resources which shall be a center of industrial activity or concentration of industries or which shall be a center of population.

w) "Ambient Air Quality Monitoring." — The continuous or periodic measurement of pollutants in the ambient air.

x) "Air Quality Monitoring Station." — A station at which ambient air quality is monitored.

y) "Air Quality Monitoring Network." — A network of air quality monitoring stations.

z) "Air Quality Monitoring Program." — A program for the monitoring of ambient air quality.

aa) "Air Quality Management Plan." — A plan for the management of air quality in a specified area.

bb) "Air Quality Management Zone." — A specified area for which there are defined, ambient air quality standards and emission standards.

cc) "Air Quality Management Region." — A specified area for which there are defined, ambient air quality standards and emission standards.

dd) "Air Quality Management District." — A specified area for which there are defined, ambient air quality standards and emission standards.

ee) "Air Quality Management District Boundary." — A line that delineates the boundaries of an air quality management district.

ff) "Air Quality Management Area Boundary." — A line that delineates the boundaries of an air quality management area.

gg) "Air Quality Management Region Boundary." — A line that delineates the boundaries of an air quality management region.

hh) "Air Quality Management Zone Boundary." — A line that delineates the boundaries of an air quality management zone.

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TITLE VI

Miscellaneous Provisions

SECTION 52. Population-Environment Balance. — In the assessment of development projects, the National Environmental Protection Council, hereinafter referred to in this Title as the "Council" shall take into consideration their effect on population with a view to achieving a rational and orderly balance between man and his environment.

SECTION 53. Environmental Education. — The Department of Education and Culture shall integrate subjects on environmental education in its school curricula at all levels. It shall also endeavor to conduct special community education emphasizing the relationship of man and nature as well as environmental sanitation and practices.

The Council and other government agencies implementing environmental protection laws in coordination with public information agencies of the government shall undertake public information activities for the purpose of stimulating awareness and encouraging involvement in environmental protection.

SECTION 54. Environmental Research. — The Council shall undertake and/or promote continuing studies and research programs on environmental management and shall, from time to time, determine priority areas of environmental research.

SECTION 55. Monitoring and Dissemination of Environmental Information of Foreign Origin. — The Council shall keep itself informed of current environmental developments by obtaining information and literature from foreign sources through the Department of Foreign Affairs, government agencies and other entities, both domestic and foreign. Such information and literature shall be given the widest dissemination possible.

SECTION 56. Incentives. — To operate the installation and the utilization of pollution control facilities, the following incentives are hereby granted:

a) exemption to the extent of fifty (50) per cent of tariff duties and compensating tax for the importation of pollution control equipment, devices, spare parts and accessories for a period of five (5) years from the effectivity of this Decree subject to the conditions that will be imposed by the Council;

b) a tax credit equivalent to fifty (50) per cent of the value of the compensating tax and tariff duties that would have been paid on the pollution control equipment, devices, spare parts and accessories had these items been imported shall, within a period of seven (7) years from the effectivity of this Decree be given to the person or firm who or which purchases them from a domestic manufacturer, and another tax credit equivalent to twenty-five (25) per cent thereof shall be given to the said manufacturer subject to such conditions as may be imposed by the Council; and

c) deductions equivalent to fifty (50) per cent of the expenses actually incurred on research projects undertaken to develop technologies for the manufacture of pollution control equipment which have been proven effective and commercially reproducible, from the taxable income of the person or firm actually undertaking such projects subject to the conditions that may be imposed by the Council.

The pollution control equipment, devices, spare parts and accessories acquired under this Section shall not be sold, transferred or disposed of within five (5) years from the date of acquisition without the prior approval of the Council otherwise the importer or purchaser shall pay twice the amount of the tax exemption or tax credit granted.

SECTION 57. Financial Assistance/Grant. — Financial assistance/grant for the study, design and construction of environmental protection facilities especially for waste disposal in favor of cities, municipalities, small and medium-scale industries may be granted on a case to case basis subject to such conditions as may be imposed by the Council.

SECTION 58. Participation of Local Government Units and Private Individuals. — It shall be the responsibility of local government units as well as private individuals to actively participate in the environmental management and protection programs of the government.

SECTION 59. Preservation of Historic and Cultural Resources and Heritage. — It shall be the duty of every person to help preserve the historic and cultural resources of the country such as sites, structures, artifacts, documents, objects, memorials and priceless trees.

SECTION 60. Government Offices Performing Environmental Protection Functions. — Government agencies vested by law to exercise environmental management powers, shall continue to function as such within their respective jurisdictions. The Council may, however, in the exercise of its powers and functions under Presidential Decree No. 1121, inquire into any action or issue of environmental significance.

SECTION 61. Public Hearings. — The Council may, whenever it deems necessary, conduct public hearings on issues of environmental significance.

SECTION 62. Definition of Terms. — As used in this Code:

a) "Ambient Air Quality" means the average atmospheric purity as distinguished from discharge measurements taken at the source of pollution. It is the general amount of pollution present in a broad area.

b) "Emission" means the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.

c) "Water Quality" means the characteristics of water which define its use in terms of physical, chemical and biological contents; hence the quality of water for domestic use is different from industrial use.

d) "Water Quality Surveillance" means a close and continuous supervision of the water quality to detect developments, movements or changes in the characteristics of the water.

e) "Water Quality Standard" means a plan that is established by governmental authority as a program for water pollution prevention and abatement. Such a standard may include water use classification and the criteria to support the uses of the water.

f) "Effluent Standards" means restrictions established to limit levels of concentration of physical, chemical and biological constituents which are discharged from point sources.

g) "Clean-up Operations" refers to activities conducted in removing the pollutants discharged or spilled in water to restore it to pre-spill condition.

h) "Accidental Spills" refers to spills of oil or other hazardous substances in water that result from accidents involving the carriers of such substance such as collisions and grounding.

i) "Areas of Critical Environmental Concern" are areas where uncontrolled development could result in irreparable damage to important historic, cultural, or aesthetic values or natural systems or processes of national significance.

j) "Hazardous Substances" means elements or compounds which when discharged in any quantity present imminent or substantial danger to public health and welfare.

k) "Areas Impacted by Public Facilities" refers to areas where the introduction of public facilities may tend to induce development and urbanization of more than local significance or impact.

l) "Environmental Impact" is the alteration, to any degree, of environmental conditions or the creation of a new set of environmental conditions, adverse or beneficial, to be induced or caused by a proposed project.

m) "Government Agencies" refers to national, local and regional agencies and instrumentalities including government-owned and controlled corporations.

TITLE VII

Final Provisions

SECTION 63. Separability of Provisions. — If any provision of this Code, or the application of such provisions to any person or circumstance, is declared unconstitutional, the remainder of the Code or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SECTION 64. Effectivity. — This Code shall take effect upon its approval.

DONE in the City of Manila, this 6th day of June, in the year of Our Lord, Nineteen Hundred and Seventy-Seven.

Published in the *Official Gazette*, Vol. 73 No. 32 Page 7363 on August 8, 1977.

Source: **CDAsia**

RESOURCES

- [PDF] Presidential Decree No. 1152, June 6, 1977

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