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Citizen's Environment Monitoring:
The Environmental Impact Assessment System
As A Venue

by

Agerico M De Villa
In this paper I discuss some aspects of the Philippine Environmental Impact Statement (EIS) System\(^2\) to highlight the system itself as a venue for settling environment related conflicts between managing institutions of industries and affected publics. In the first part of this paper, I discuss the assumptions and the mechanics involved with the system. In the second part, I discuss in particular the socio-economic parameters addressed by the system and the norms involved in assessing issues within these parameters. In the third part, I discuss, at random, some cases involving the system that I am certain are of interest to the seminar participants.

We begin here with the assumption that our Republic shall pursue a policy to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."\(^3\) Though we ourselves have not voiced this, we have given it our own imprimatur nevertheless.\(^4\)

Elsewhere it has been declared that it is the policy of the State to:

1. "(a) create, develop, maintain and improve conditions

\(^1\)Paper to be delivered at the Asian Mass Communication Research and Information Center ASEAN conference, "Seminar, Participatory Communication in Environmental Management," March - 2 April 1993.

\(^2\)Also referred to at times as the Environmental Impact Assessment (EIA) System.


\(^4\)The Commission that has drafted the Constitution from which this has been taken has been convened not by election but by appointment by a government under emergency powers. The resulting constitution that has been drafted, however, has been approved by some 87% of the Philippine voting population.
under which man and nature can thrive in productive and enjoyable harmony with each other, (b) to fulfill the social, economic and other requirements of present and future generations of Filipinos, and (c) to insure the attainment of an environment quality that is conducive to a life of dignity and well-being."

2. "attain and maintain a rational and orderly balance between socio-economic growth and environmental protection."

Although it has been former Pres. Ferdinand E. Marcos* that has declared these, they nevertheless remain as a state policies. On the basis of these assumptions, the Department of Environment and Natural Resources (DENR) itself declares that it is its policy objectives, among others, to:

1. "ensure the success of development projects through finding ways to reduce unacceptable impacts and prescribe the most appropriate and cost-effective mitigating measures,"* and,

2. "involve as much as possible a wide spectrum of concerned sectors and the adjacent communities who will be affected by the project development in the exchange of views, information and concerns in order to effect projects that are beneficial to the majority and acceptable to the community."*

To satisfy all these objectives, the DENR has established the Environmental Impact Statement System, meaning, an "entire process of organization, administration and procedure institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment."\^\^ The Environmental Impact Statement (EIS) "is a mechanism to

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*Presidential Decree No. 1151: The Philippine Environmental Policy, Section 1: Policy (6 June 1977).


*Ousted dictator.

*Department of Environment and Natural Resources Administrative Order No. 21, Series of 1992, Section 2.

*Ibid.

*\^\^ Ibid.
ensure that major projects or programs undergo comprehensive review prior to construction or implementation." It involves a multidisciplinary approach to assessment of proposed projects or programs for possible amenable and adverse impacts. The projects or programs may involve such low impact activities as those involving small scale dive resorts to such high impact projects as large scale coal-fired power generating plants.

There are generally two topics discussed here: (1) physical, and (2) socio-economic parameters. As per the guidelines of the Environmental Management Bureau (EMB), the scope of the physical parameters, on one hand, include:

1. Climate,
2. Terrain,
3. Hydrology,
4. Oceanography,
5. Atmosphere,
6. Vegetation, and,
7. Fish and Wildlife.

The scope of the socio-economic parameters, on the other hand, include:

1. Land and Resource Use which covers, among other concerns, assessment of "existing land use plans and patterns" and of sensitivity of the site and vicinity in terms of areas of "religious, historic and cultural significance;"
2. Economic and Demographic patterns of the population in the site and vicinity which covers among other things, geographic, sociological, anthropological and health service data,
3. General Perception of the project by the population within the site and vicinity, and,
4. Aesthetic concerns.

All of these topics are assessed in terms of the following dimensions:

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13 Ibid.

14 Ibid.
1. Current state,
2. Prediction of the environment condition without the project or program, and,
3. Prediction of the probable impacts of the project or program.  

An Environmental Compliance Certificate (ECC) is awarded to the proponent of the project or program that pass, as per the assessment of the EMB Environmental Impact Assessment Review Committee (Review Committee), the standards of the EMB.

The steps in the review and evaluation of the EIS are quite simple.

1. The DENR determines that the project shall be subject to an EIS, and provides the guidelines involved for the project or program;
2. The proponent, upon completion of the EIS, submits at least fifteen legible copies to DENR;
3. The DENR Environmental Impact Assessment (EIA) Unit evaluates the document as to its content and completeness as per the guidelines involved and decides within thirty days whether or not the information contained is sufficient for a thorough evaluation;
4. The EIA unit refers the project or program to the Review Committee which makes appropriate recommendations to the DENR Secretary for action.

The Review Committee itself is composed of representatives from the DENR and other government agencies, public and private sectors, and, to great extent, well established academic institutions such as the University of the Philippines. All of them act as consultants for the EMB. A typical list of consultants for an energy generating plant, for instance may consist of a representative from the DENR regional office from the general area concerned, a meteorologist, a geographer, a biologist, a couple of engineers, a representative from a non-governmental organization (NGO), and someone from the social sciences or philosophy to handle the socio-economic concerns. Almost always, it is only the DENR and NGO representative that are not from the academe.

The Review Committee assessment proceeds at the following levels:

1. Meeting is held for initial comments on the EIS;
2. Meeting is held for comments on the response of the proponents to initial comments made -- this is made with the proponents present and, when necessary, with representatives of those adversely affected;

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See Appendix A.

Ibid.
3. "When a great number of people are affected or when there is mounting public opposition against the proposed project," public hearing is convened in the area concerned;
4. Meeting is held for final recommendations.

It is stipulated that

A notice of public hearing shall be published once a week for two (2) consecutive weeks in any newspaper of general circulation at least twenty (20) calendar days prior to the scheduled hearing. Notice shall likewise be posted in a conspicuous place in the municipality or baranggay where the project is to be located. All expenses incurred for the notices shall be charged to the project proponent.\textsuperscript{17}

The novelty of the approach here is easily identified when it is noted that no ECC is granted when the standards concerning the socio-economic parameters are not met, in spite of compliance with all technical requirements, such as engineering designs, as per the physical parameters involved. For instance, if the perception survey within in the site and vicinity involved indicates that a significant majority of the population is not amenable to the project, no ECC is granted. In cases when an ECC is granted despite indication in the perception survey of ambiguity of the position of the population involved, conditionalities are required to ensure some control from the position of this population such as Memorandum Of Agreement (MOA) between those adversely affected, the proponents, and the government. This aspect of the EIS System is not at all present in, say, the United States' own system.

The socio-economic norms are founded, first and foremost, on acceptability of the project or program on the part of the population of the site and vicinity involved. In practical terms, there are basically four reasons for this.\textsuperscript{18} Each of these reasons fuel disaffection with proponents of change in their environs and resistance to any government intervention even before actual project or program proposals are actually made.

1. Increase in technological and natural disasters. The Amoco Cadiz, Bhopal and Chernobyl incidents are classic examples of international import. The Bataan oil spillage some years back and the Malayan Strait oil spillage only

\textsuperscript{17} Ibid.

\textsuperscript{18} Ibid., Section 2.3.1.

recently are examples of local incidents. The loss of some 3000 lives from flash floods resulting from forest denudation in Ormoc City a couple of years back is another grim reminder of such disasters noted here. More sinister are the silent, yet usually more devastating, disasters that result from ill-administered development initiatives.

A clear instance of these silent disasters is what seems to await one of our provinces, Pangasinan. According to a report by an agency of geologists contracted by the Philippine government, of some 3,177 artesian wells surveyed in Pangasinan in 1988, only 1,025 or 23% have yielded water. On the basis of this and some other indicators, they predict Pangasinan is expected to feel the first apparent signs of desertification around 2029. The culprit has been identified as largely the denudation of the forests of the Cordillera Mountains that overlook the province. This has been the source of some estimated 10 trillion tons of silt accumulated over the years all over the province.

2. Erosion of trust in expertise. The Philippine Nuclear Power Plant-1 case is quite illustrative here.

In February 1976, the Philippines, through the National Power Corporation General Manager Conrado Del Rosario contracted the Westinghouse Electric Corporation to build a nuclear power plant, then referred to as the Bataan Nuclear Power Plant-1. The project has been the result of a battery of experts assigned Pres. Ferdinand E. Marcos in 1971 to lay down the groundwork. The experts have included among others some from the University of the Philippines, the U.N. Development Program, the Philippine Atomic Energy Commission, the Manila Electric Company, the Electrowatt Engineering Services Ltd. of Zurich, the Lundy Engineers of Chicago, and the EBASCO Overseas Corporation of New York. The project has cost the Republic some $1.1 billion in 1983. The plant, however, has yet to operate. The so-called experts have failed to consider some technical aspects regarding the possible event of volcanic eruptions or other similar natural disasters, on one hand, and some socio-economic aspects pertaining to social acceptability, on the other. Mt.

20"Erosion threatens to turn Pangasinan into a desert," Philippine Daily Inquirer, 8 Feb 89, Front Page.

21Ibid.

22Ibid.

23The account here is from the briefing papers provided by the National Power Corporation provided during the "Technical Conference-Workshop on the Philippine Nuclear Power Plant No. 1," at the University of the Philippines, 5-7 June 1992.
Pinatubo has erupted the prospects of ever operating the plant has been practically nil, even assuming that a compromise between the Philippine government and Westinghouse is reached.

3. Politicisation of risk. The Philippine population, it seems at least in some sectors, is now in the process of learning to correlate the performance of their community leaders with environmental protection or degradation. Community members, it seems, are now relatively more apt to consult their political leaders on environment matters that traditional sources of information such as school teachers and tri-media practitioners.

Only recently, in a study meant to account for the environmental awareness of the people living within the vicinity of the Pasig River, particularly their awareness on the deteriorating state of the Pasig River,\(^2\) it has been established that,

1. When queried as to where to get additional information on Pasig River, the sample response has been

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2. When queried as to where to get additional information on the environment, the sample response has been

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4. Media attention. Certainly, the environment is going to be a neverending concern in the coming century for everybody

and media agencies are well aware of this.25

In quite academic terms, the justification for socio-economic concerns is illustrated in the following discussion.26

Many occasions we think it has to take a strong leader to secure democracy for us. We think as if it can be handed to us on a silver platter. All we have to do, it is thought, is to find the right formula of leadership. As time goes by, we keep on wishing and wishing that finally we shall stumble upon this formula. We cannot be more self-contradicting and incoherent than this.

We do not doubt that the most basic aspect of democracy is that it pertains in a society to the people in general. This presupposes that democracy by its very nature cannot be anything that is dependent on an individual or a select few. It always has, by definition, to relate to all citizens in a society. In short, it is universal in nature.

Should we insist that what is needed to establish democracy is a strong leader, we are unwittingly going to demolish this very democracy that we aim for in the very same breath we state this need. A democracy can never be dependent merely on an individual or a select few; to insist that it can is to contradict its universal character. Despots that have been to known to the civilized world have more often than not taken power in the name of democracy -- this type that presupposes that it takes a strong leader to establish one. To insist that democracy can be established by an individual or a select few is to insist that there is nothing wrong when an individual or a select few seizes a societal institution. When such a principle is established, it is not going to matter whether the institution involved is democracy or some other institution. No democracy can withstand such a state of affairs in the long end. The choice to establish a democracy is no less than everybody’s choice.

Does this mean that no democracy can really be established and that democracies are really contingent matters of history? How then is a democracy established? To the former question, we answer not really! It takes a longer explanation, however, to answer the latter.

A democracy is established only through a cooperative enterprise between the leaders of a society and its people. The most that a leader on his own or a populace on its own can do is to initiate a move towards establishing a democracy. To initiate however means here simply to present an alternative — keeping in mind that nobody can force the populace, either through coercion or through highly intricate machination of events, to make a choice. This would be contrary to the very definition of democracy. In a manner of speaking, the best anybody can do is to offer a glimmer of light somewhere in the forest in such a way that when time comes that one community’s source of light finally is extinguished, some new source can be sought out from which new ones can be established.

Development initiatives, as always noted in classic academic terms27, are neverending sources of conflict between the managing institutions and the affected publics. The aim of the Review Committee, it is assumed, is, borrowing an expression, to “facilitate understanding and provide a route out of the every-

25I leave this matter to our colleagues from the media who I assume are with us here.


growing bitterness of clashes between the parties here involved. To bring this about, two philosophies serve as watermarks between which equilibrium is sought. The following adumbrates the dialectic involved between these philosophies.

Supposing upon arrival from work one finds five nephews in his house. Supposing also that ten candies are bought for these nephews one of whom already has three, another already has two and the rest have none. At least two alternative ways of distributing the candies can be taken.30

First, the candies may be distributed equally. It can be argued that since all men have equal rights, correspondingly the nephews must be treated equally. Second, the candies may be distributed differentially: none for the first who already has three, one for the second who already has two and three each for those who have none. It can be argued that equality here is best served when all have equal number of candies.

Supporting the first option, it can be insisted that whatever manner of distribution that is considered, nobody has any right to consider the candies already possessed by the first and second nephews. These are their private properties. Private properties must be respected. Private properties are essentially rewards that a society gives its citizens for behavior it deems necessary to be encouraged. Survival is for the most part a function of the kind of adjustments an individual or a community may take in accommodating changes in its environment. The less one can accommodate these changes, the less chances for survival; the more one can accommodate, the more chances of survival. The environment, unfortunately never ceases to change.31 For a given species of living organisms, the capability to adjust to these changes is itself a function of competition within the species.32 The more competition there is, the better the capability to adjust -- this capability, in turn, becomes part of the genetic inheritance of the species. By definition, this translates into a stronger form of the species. For a community, the capability to adjust is a function of the technology available within the community. This technology is itself a function, again, of competition; the more competition there is, the better the technology there is. Competition within the community becomes possible only when rewards, in this case private properties, are available. Between individuals, between species, or between communities, competition is inerminably taking place. To disregard private ownership, is to disregard this competition. It is to endanger one's chances of survival; it is also to endanger one's community's chances of survival.

Supporting the second option is more difficult; to start with, consider our environment. It has been noted earlier that

28Ibid.

27From Agerico M. De Villa, Social Political . . ., Ibid.

30One of the dilemmas developed by Prof. Andresito E. Acuna for the institution of Philo 120, Department of Philosophy, University of the Philippines in Diliman. The following response to the dilemma, however, has been developed by this author.

31At any given year, for instance, about 100,000 metric tons of cosmic dust enter our atmosphere. This translates almost immediately upon entry to corresponding changes in climate in many areas of the world.

32Darwin's theory simply.

There are plenty of evidences available from which it can be concluded that in the next century much of the life supporting resources on Earth are going to be depleted to a very critical point. Four important conclusions we can make at this point: (1) We shall lose our tropical forests, (2) Our atmosphere shall be a lot more warmer, (3) Our surroundings shall be much more replete with wastes and pollution from human activities, and (4) Our population shall have doubled.

The Philippines, which has only about 300,000 km² in area, has 63.2M people. This gives the Philippines a denser population distribution than China. At its current rate of population growth of about 2.4% per annum, this population is expected to balloon to 130.7M by the year 2020. Disaster, it seems, awaits the Philippines.

This bleak future that faces our next generations call for change, in particular, in the way resources are distributed in our communities. The wealthiest 20% of our population take 51.1% of our national income. Our poorest 20% take only 5.7% of the same income. Our wealthiest 10% take 36.4% while our poorest 10% take a measly 2.0%. These figures are indicative of the assumption that there is nothing wrong when some members of a society end up with almost no share of the resources available to the population; it is simply, it is assumed, that some individuals are productive and some are not. This assumption, however, hold only when the resources available are held inexhaustible -- when everybody's need does not necessarily affect someone else's. With the decline in the life supporting character of the environment, it is expected that management of communities is going to be more difficult. This is easily indicated in the rise of crime rate in areas where the imbalance between the population and resources is quite acute. What this means is simply that it is quite probable that to insist on

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34 "RP Has 63.2M People," IBON Facts and Figures, 15 Jan 89, Ibon Data Bank: Manila, P. B. This puts it at roughly 47 m² per Filipino.

35 546 individuals per m² for the Philippines and 295 individuals per m² for China.

36 Ibid.


38 Ibid.

39 Ibid.

40 "The Philippine Constabulary (now the Philippine National Police) estimates annual rise in crime rate from 1977 to 1987 at 7.4%. Maria Elena Ang and Awi Cayon, "RP Crime Rate Going Up," We Forum, 28-30 Apr 89, P. 3."
current liberal democratic trends in distribution of resources for a period where there is acute decline
in the life supporting character of the environment is to court disaster, perhaps anarchy. From all
indications, the tug-of-war between a very dominant select few and the general public involving our
constantly diminishing resources can only lead to disaster in a context of acute shortage in the coming
decades.

When the limits of societal management under liberal democratic assumptions have been reached,
this is time we might have to highlight the more sociocentric features of our conventions. These
sociocentric features are not at all absent in our societies. We do not, for sure, as a rule dispose with
even the vilest of criminals that we once in a while encounter. Nor do we dispose with even the lowliest
braindead babies that are once in a while born. Simply because they are members of the human race,
irrespective of whether they are productive or not, we count them as rightful members of our societies.
To prepare the nephews here concerned for such a time, it just might be important to teach them how to
share their candies in a manner perhaps yet new to them and even to us. To distribute differentially is
thus not necessarily irrational.

How then should distribution take place? On one hand, it cannot be denied that competition as
earlier adumbrated has to be maintained. On the other hand, a certain level of sociocentric disposition
might also have to be maintained. This, of course, is not anymore a matter of candies; it is now a matter
of political philosophy. This is the contradiction that our generation will have to hurdle.

To support the proponents view, almost certainly, is to support the liberal democratic philosophy adumbrated here. To
support the adversely affected publics, almost certainly, is to support the sociocentric philosophy also adumbrated here. What the
Review Committee, in practice, seeks is to find a balance somewhere between these two.

When consulted by project or program proponents before any
initiative is taken, the EMB refers the proponents to the DENR DAO
No. 21 Series of 1992*2 which contain the implementing guidelines
of P.D. 1586.*3 In addition, when the project or program
involved is highly environmentally critical, scoping
guidelines,*4 tailored by the EMB staff and Review Committee
according to the specific needs of the program, are furnished.

As noted earlier, when indicated, a public hearing is
conducted. The hearing is meant to bring out and iterate all the
arguments for and against the project or program. No counting of
heads are made during the hearings however. When all that has to
be said has been said, the brought out are again deliberated upon
by the Review Committee.

The hearing is generally meant to bring about a rational and
just decision. In addition, attempt is made to bring about a route
out of the conflict, often in the form of an MOA*5 that contains
among other things, monitoring schemes and plans of action.
Furthermore, the hearing is meant to serve as an important impetus

*2 See Appendix B.
*3 See Appendix C.
*4 See Appendix D.
*5 See Appendix E.
for (1) Bringing about environmental awareness specific to the site and vicinity concerned, and (2) Organizing citizen's groups where there are none, or enhance the presence of these groups when already established."

At times, the Review Committee recommends provision of an environmental guarantee fund.** There is, however, no clear legal basis for this. The final agreement with the proponent involved largely depends on the argumentation provided by the Review Committee itself.

In practice, almost invariably it is the members of the academe that dominate the deliberations and there are a number of advantages to this state-of-affairs, namely that:

1. The academe provides state-of-the-art information regarding the multiple issues concerned. The staff of the EMB is still at its initial stages of its training program meant to meet the special needs of the unit. For the most part, the staff relies mainly on the word of the consultants, for instance, on which norms regarding the physical parameters are acceptable to the local or international communities of scientists or which are not. The consultants also provide information as to which perception or attitudinal survey** instruments are currently employed within these local or international communities.

2. The academe assists in the structuring of the decision procedures for both the physical and socio-economic parameters for each case involved. Each EIS is context sensitive. Since the staff the significant members of the staff have only basic training in engineering and natural sciences,** and none have training in the social sciences, again the staff relies mainly on the consultants as to needs in configuring the decision procedures to meet the specific characteristics of the EIS at hand — the standards are at times too general for more practical purposes.

3. The academe ensures the integrity of the body that unfortunately for many government units is suspect. Members of the Review Committee have been chosen not only for their meritorious work in their different fields but also, equally important, for their proven capacity to resist overtures involving graft and corrupt practices. They are often

**See Appendix F.

**'See Appendix G.

**See Appendix H.

**There seems to be only two with graduate degrees at the EMB EIA Processing Unit.
nominees of presidents of universities, deans of colleges, and established national and international institutions.

4. The academe altogether provides a formidable force to contend with, either at the national level or at the international level, that neither government officials including those from the military, corporate people, nor activists are willing to confront whenever possible. Since a significant number of the members of the Review Committee have published works that, on many occasions, serve as standard student and professional materials in their own fields. They are therefore often relatively popular, at least in some important circles. All of them are well-connected in government institutions such as the Senate or the Lower House, on one hand, or the corporate world, on the other.

5. The academe serves as a body of consultants for the publics. Members of the Review Committee have been known to go out of their way to assist, for instance, affected publics. In cases when the affected publics need attention, in some cases, it is the members of the Review Committee on their own that seek the assistance of concerned public officials or media practitioners.

6. The academe provides continuity for the EIS System. It has been axiomatic for the Review Committee to expect that the leaders of the EMB are going to change as the political atmosphere changes. In a little over a one year period, for instance, the EMB has had a change of leadership on four different occasions — together with this has been a change in leadership in the EIA Processing Unit, that unit that oversees the entire EIS System. The staff itself has not been immune from turnovers; this is mainly due to the pressing need to meet of the ever-expanding industry that is itself learning only belatedly that securing the ECC is a serious matter. In the past three years or so, it seems that it is only the constituency of the Review Committee that has remained unchanged as far as the personnel of the system is concerned."

The history of the Review Committee, in its attempt to seek this balance, is, on many occasions, heartrending, on one hand, and heartwarming, on the other, in both its failures and successes. The following open letter by the Department Secretary whose term has recently ended speaks for itself. The letter here has come in the face of an open declaration last summer from President Corazon Aquino herself that ECCs for a number of energy generating projects

\[\text{From mid-1990 to mid-1991.}\]

\[\text{Quite ironic.}\]
are going to be granted -- even before deliberations are completed by the EMB itself. The Former Secretary states:

During the last few days, it has been suggested by some that the Department of Environment and Natural Resources (DENR) may be as much to blame for the current spate of brownouts as the other energy-producing agencies involved in this controversy. These quarters say that the DENR's reluctance in issuing environmental clearance certificates (ECCs) has caused delays in implementing energy projects.

We in the DENR disagree, for such perceptions are quite inaccurate, and could only undermine government's efforts at instilling environmental responsibility among industrial and government sectors, and the general public. Allow us therefore, to clarify matters in fairness to all concerned.

The issuance of ECCs is a regulatory feature of the Environmental Impact Assessment (EIA) system, which the DENR is mandated to implement under P.D. 1586 of 1978. Under this law, projects such as the construction of power and industrial plants are supposed to be evaluated in terms of their respective environmental impacts, so that their harmful effects on the environment and the public could be minimized and result in minimum environmental and socio-economic dislocation.

The EIA system, however, was not fully implemented by the Marcos regime for various political reasons. Nevertheless, PD 1586's good intentions cannot be denied, and it is for this reason that the DENR has stepped up its proper implementation as part of its efforts to rehabilitate and conserve the environment.

During the dictatorship, so many projects did not go through the EIA process, with dire consequences for the environment and the public. Tiwi Geothermal and Calaca I come to mind, as both have met considerable public opposition. The Chico River Dam project too is a painful reminder of government's non-implementation of EIA. Such was its disregard of public opinion, especially those coming from the people of Cordillera, that it helped fan the flames of insurgency in the North. The DENR firmly believes that we should not have any more of this.

Given the urgency of the power situation, however, the DENR would have been more than willing to work with the power-generating agencies so that their projects would be able to pass the technical and socio-economic tests under the EIA system. Unfortunately, it was not until recently that the proponents of these projects seriously considered the requirements of the EIA system so that they could be issued their respective ECCs.

For example, the ECC for Calaca II was issued only last 24 April 1992. Additional requirements requested several months back which NAPOCOR submitted three days earlier, on 21 April 1992. As late as March 1993, NAPOCOR was still working out technical and socio-economic concerns such as the payment of realty taxes to the local government as well as the development of an environmental guarantee fund to be used for the benefit of local residents should something go wrong with the project. Thus in the case of Calaca II, the DENR or the EIA system cannot be faulted.

Similarly, the case of the Mt. Apo Geothermal Project, and the resulting delays in the implementation of the project can be traced to the lack of EIA orientation from the planning stage with predictable results. The indigenous cultural communities around Mt. Apo were not adequately informed nor consulted about the project, causing considerable public opposition. It was not until further consultations were conducted that the lumads agreed, on the condition that mitigating measures were adopted. One such measure is the creation of an environmental and tribal welfare trust fund similar in intent to the fund created for Calaca II. Thus the ECC for the Mt. Apo Geothermal project was granted last 14 January 1992.

The resolution of the controversy over the Agus Hydroelectric project was similarly resolved with the ECC being granted last 14 January 1992.

With regard the Masinloc Coal-Fired Plant project in Zambales, a joint committee composed of DENR, NAPOCOR, and the NEDA-Project Management Staff (PMS) has been formed in order to work full time toward the resolution of technical and social issues concerning the project. Though local opposition continues, the committee will be working closely with the local government officials of Masinloc to iron out social acceptance problems.

The lesson to be learned from the aforementioned projects is that the Environmental Impact
Assessment system should be worked into every project, from the very first day of its planning, all the way to implementation.

Our people are now sufficiently aware of environmental issues that they know that unchecked pollution from such power plants is unconscionable, and that long term consequences are more important than short term gain.

As we have heard from those who oppose the reactivation of the NAPOCOR Rockwell Plant in Makati, they are willing to tolerate the brownouts, but they are not willing to tolerate sulfur dioxide in their, and their children's lungs.

Buoyed by the people's courage, the DENR, too has not intention to compromise. While we strongly believe that energy projects are important, we strongly believe that the energy projects are important, we strongly believe too that the environment conservation is even more important in improving our quality of life, and ensuring the future of our children.

Thank you.

Very Truly Yours,

PULGENCIO S. FACTORAN
Secretary
(7 June 1992)

Fairly recent developments are quite illustrative of the extreme difficulty the Review Committee has to bear on many occasions. Take the case of the Philippine National Oil Corporation (PNOC) Mt. Apo Geothermal Power Plant project. After more than two years of deliberations and public hearings, the proponents involved have been granted an ECC with 28 conditionalities that includes establishment of a MOA, with Pres. Fidel V. Ramos as one of the signatories, and a Tribal Welfare Trust Fund. No doubt the 548-megawatt power plant when operational is going to alleviate the power shortage of Mindanao that is short, on the average, of 20% its power needs.

On the occasion of the launching of the project, in the face of residual opposition, mainly from some tribal leaders and members of the clergy, Pres. Ramos insists that oppositors have nothing to fear because of PNOC's reinjection scheme meaning that whatever toxic and hazardous materials that may be extracted from the geothermal sources are, as guaranteed by the PNOC, going to be injected back into the sources themselves and not allowed to pollute the environment of the area. What Pres. Ramos does not state, however, is that PNOC executives, months earlier, on account of the Leyte "A" Geothermal projects, have requested the Review Committee for exemptions from the EMB effluent and emission standards for exploratory reinjection wells precisely because PNOC


cannot guarantee that effluents and emissions are not going to contaminate some areas as acceptable reinjection wells take some time to find and establish. They report.

We would want to reiterate that we can only implement our zero discharge program when the steam gathering systems and the power plants will start operation. This is expected in 1997. However, prior to commercial operation and during the exploration and development phase of our project, we would like to request that we would be allowed a best effort strategy in our capability to implement a zero discharge system for our project. Our constraint is very real during the early part of our exploration when the capability to implement a closed system operation such as the conduct of an early reinjection of effluent, is extremely difficult. . .

The request here has, without much deliberation, been rejected and upon query by some members of the Review Committee, the PNOC representatives have admitted that such information has not been made available in the public hearings involving the Mt. Apo Geothermal Plant project.

Not all is lost however. The EIS System provides for an annual assessment of the project or program involved under its monitoring schemes. These monitoring schemes are, as in the case of the Mt. Apo Geothermal Plant, incorporated into the MOAs involved. It is going to depend however on the leaders of the Local Government Units (LGUs) to insist on the mitigation efforts needed.

The ECCs, are, it seems as per experience of the Review Committee, largely as good only as the quality of the leaders of the LGUs involved. Some cases, this state-of-affair has taken on an amenable turn. Take the case of the National Power Corporation (Napocor) Masinloc Power Project where the participation of the LGU leaders has proven crucial.

Although the . . . (DENR) issued last December 17 the (ECC) for the Masinloc project after a two-year delay, (Napocor chairman Delfin) Lazaro said there are still other conditionalities accompanying the ECC that they have to comply with.

The conditionalities have virtually compelled Napocor to go back to square one of making sure the full social acceptability of the project to its host community.

One requirement is a municipal council resolution

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34 N.C. Vasquez, PNOC Vice-President, in a letter to the EMB, 20 April 92, EIA 5-9204-245.

33 This indicates the urgent need of the public to view the electoral process in correlation literally with the quality of their environment.
approving the project, Lazaro said.

The ECC also required Napocor not to construct any facility at Barangay Bani in Masinloc unless it can secure the necessary permits, including the mayor's permit.

In addition, the DENR has required Napocor not to engage in any dredging activity in any water area around the project site.  

While the municipal council, has passed a resolution paving the way for the construction of the 600-megawatt coal-fired plant, the mayor, Jesus Edora, has "vetoed the resolution on the grounds that the project had not yet gained public approval and can still be considered prejudicial to the welfare of residents." It should be noted that earlier, it has been a consensus among the provincial and municipal leaders — the governor and his council, on one hand, and the mayor and his council, on the other hand — to reject the project; it has only been after an invitation to a meeting with Pres. Ramos that the leaders, except for the mayor, have all changed their position.

This has paved the way, perhaps in anticipation of a stand-off on the matter, for the Overseas Economic Cooperation Fund (OECF) of Japan, a major contributor to the funds for the project, to require the proponents "to buy from a Japanese firm an anti-pollutant equipment ... to contain the emission of sulphur from the coal-fired plants," Fortunately for all concerned, it seems the funds needed for the projects are going to the made available by the Japanese side.

Some cases, however, this state of affair has taken on a turn for the worse. Take the case of the Batangas Port Development Project. The Ateneo De Manila University based Institute on Church and Social Issues reports:

In 1984, the Batangas Port Expansion Project (BPEP) formulated by the Japan International Cooperation Agency (JICA) was approved by the government. Amenable to the port expansion, the people began to consider relocating to nearby areas. In 1986, a special committee composed of local government officials and representatives of the Sta. Clara community was

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formed to do a survey of the affected families, evaluate alternative resettlement sites, and facilitate the relocation of the people. . .

The people were excluded from the final process of selecting the relocation site. Another committee, composed solely of heads of agencies involved in the BPEP, chose the Balete property which was never considered by the (earlier) special committee. . .

The Philippine Ports Authority (PPA), which became the BPEP implementing agency in 1990 by virtue of E.O. 431, told the people about the site only in September 1991, a good four months after they bought the Balete property.

On May 26, 1991, it has been recommended by the Review Committee* that a public hearing on the matter would be required prior to granting of any ECC. The PPA, however, has taken one whole year before complying as it has been only in September, 1992 that the hearing has been called. The hearing itself has been held under very suspicious circumstances** where possible representation from the community involved has been rendered useless by declaring default. This has been made possible on the strength of the word of the community's own barangay leader*** stating that the community leaders, despite his own prodding, are not interested in any public hearing.

This case is not at all isolated. The following is another proof of such a state-of-affair.

At present, the project site forms a part of the secondary forest cover of the La Mesa Reservoir catchment basin. The vegetation is relatively dense with limited species diversity. The abundant vegetation also provides refuge to some animal species. The area is practically idle and serves no other major function.

The Payatas area has been identified by the Quezon City government as an economically potential area and was therefore declared through a city ordinance as a socialized housing and mini-commercial/industrial site for the landless residents of the city.

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**I myself have insisted on this.

***See Appendix I.

Mr. Alejandro Diaz.

From an EIS submitted by the Quezon City Government for its proposed housing and commercial project within the grounds of the La Mesa Dam Watershed Reservation.
These comments, it must be noted have been made by the Quezon City Government and are about some portions within the La Mesa Dam Watershed Reservation.

The movement towards industrialization in the Philippines it seems, despite its near-crisis energy situation, is about to take a relatively fast pace. Only recently, the Central Bank, on the basis of its recent studies, has declared that most Manila-based firms are bullish about the economy -- though cautiously as only less than half are pursuing expansion plans during the first semester this year.*

According to the survey, the optimism of the majority of the respondents could be attributed to positive developments such as political stability brought by the peaceful elections in May, the deregulation of foreign exchange transactions, and the moderation in inflation rates and domestic interest rates.

Despite power crisis, most industries projected a brighter business outlook this semester compared with the first half of 1992.

The expectations of the financing, insurance, real estate and business services improved from 62.7 percent to 69.8 percent; wholesale and retail trade, from 51.7 percent to 68.2 percent; construction, from 43.6 percent to 50.3 percent.

For both semesters, 60 percent of the respondents from mining and quarrying group expected an improving business outlook.**

The Board of Investments (BOI) itself, reports a similarly rosy outlook.*** According to the BOI, investments "during the first two months of 1993 rose by 210 percent to P31.93 billion from only P10.3 billion in the same period last year."**** The number, of registered projects, it is reported, has risen by 225.26 percent.

These only mean that more development initiatives are about to be made. More vigilance is therefore indicated.

No doubt the EIS System, as it is, has in its implementation yet much room for improvement. To date, for instance, the much vaunted and publicized over a hundred hectare Southwoods Golf Course and its equally daunting sister project have yet to secure an ECC each. The same is true of the Second Phase of the Ayala

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**Ibid.


****Ibid.
Land Incorporation Laguna Technopark in Sta. Rosa, Laguna. The same is true, it seems, of a number of large-scale logging companies still operating in Northern Luzon as the Monte Alto Timber Resources Corporation. The same is true of a state-of-the-art desiccated coconut firm Coco Manila Food Corporation in Sta. Cruz, Laguna.

This failure, however, may not be all on account of the nature of the system itself. The system has so far worked for the residents of the site and vicinity of the SKK steel smelting plant in Pampanga. The same is true of the Leadpure Manufacturing Corporation project in Pasig. The same is true of the Club Paradise resort in Coron, Palawan. The same is true of the Manila Bay North MCCRRP Sector Reclamation Project. These and quite a number of other projects or programs have all involved public clamor that in the end has dominated the decisions that have finally been rendered.

In a survey by the Social Weather Station** as regards "taking care of the environment, e.g., the air, water and aspects of the environment," on the basis of the questions as

"We would also like to ask your opinion about the performance of the PRESENT ADMINISTRATION. How satisfied or dissatisfied are you as regards the present administration's performance in (activity). Would you say that you are Very Satisfied/ Satisfied/ Maybe Satisfied, Maybe Not/ Not Satisfied/ Not at All Satisfied?"

the following have been established for the Philippine population in general.

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<td>Very satisfied</td>
<td>7%</td>
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<tr>
<td>Satisfied</td>
<td>36%</td>
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<tr>
<td>Maybe Satisfied, Maybe Not</td>
<td>29%</td>
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<tr>
<td>Not Satisfied</td>
<td>22%</td>
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<tr>
<td>Not at all satisfied</td>
<td>6%</td>
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For those involved in the resuscitated form of the EIS System for the past three years or so, the system itself undoubtedly partly accounts for such confidence as exhibited here.

As it now stands, some of the grounds that have made this system not only quite unique in the world but more importantly beneficial to a number of publics, are about to be lost, and perhaps lost for good. The reasons are rooted in many places including the Review Committee itself.

1. Declining public support. It seems that this has been

partly due to the kind of decisions that the Review Committee has been making. Almost certainly, decisions are made in the form of some compromise and generally the communities involved are not at all prepared to compromise.

2. Pressure from the President. Deliberations are now in the process both at the Senate and the Lower House to assess the request of Pres. Ramos that emergency powers be granted unto his office to overcome the impasse that has saddled important power generating projects. The powers noted are expected to allow Pres. Ramos to dispense with much socio-economic concerns as required with the ECCs.

3. Mounting criticism from the media. Certainly, the EMB has come under much criticism from the media regarding its handling of the EIS System. One quite columnist has even claimed that there is "integrity shortage" in the midst of the EMB where, the columnist claims "delays in the release of environmental certificates, even in projects whose financing have been confirmed" are rampant.70

4. Intervention from foreign funding agencies whose interests are with the protection of the remaining forest resources in the country and not with control of development initiatives. There are quite a lot of concern from foreign institutions in environmental protection in the Philippines. These are however largely confined to studies of "forestry, fisheries and soil management."71 The unwanted effect here is neglect of the aspects of environmental protection pertaining to industries.

5. Compromise taken by the Review Committee on too many occasions. A clear example here is the case of two adjacent towns, Minalin and San Simon, in the province of Pampanga. On the strength of appeals from local leaders who cite the recent Mt. Pinatubo debacle, the Review Committee has recommended granting of ECCs for a couple of steel smelting plants within the vicinity of a private secondary school, within some fifty meters from a public elementary school. It turns out, however, that several other corporations have interest in setting-up the same project in the same general area. To date, Superior Iron Steel Mills, Inc., SKK Steel Corporation, Asia Pacific Integrated Steel Corporation, and Malayan Steel Industries, Inc. have already established their projects in the area involved, surrounding the secondary and elementary schools.

70 Mr. Adrian Cristobal "Integrity Shortage" (PDI, 22 Oct. 92).
71 Barber Conable, President, World Bank, in a speech before Philippine business leaders on February 16, 1987.
There is still time to learn. There has been much ground covered where few have gone. For whatever this is worth, it is hoped that this paper has been in the direction of the preservation of these grounds gained.