



Environmental Ombudsman

A Briefing Paper

The Environmental Ombudsman Team may take cognizance of any act or omission committed by any public official, employee, office or agency mandated to protect the environment and conserve natural resources that appears to be illegal, unjust, improper or inefficient, or any malfeasance, misfeasance or nonfeasance committed by any public officer or employee, including co-conspirator private individuals, if said act or omission involves any violation of environmental laws or concerns or relates to environmental protection or conservation (*Sec. 13, Art. XI of the 1987 Constitution; Secs. 13, 15 and 16 of Rep. Act No. 6770; Office Order No. 244, s. 2012*).

*Mandate of the Envi OMB

*Punitive

- Fact-Finding
- Preliminary Investigation
- Administrative Adjudication
- Prosecution

*Preventive

- Persuasion
- Promotion
- Education

*Approaches

Under Office Order No.148, Series of 2013, the 30-man environmental team has been authorized to maintain one hundred (100) high-impact, high-value, and high-profile cases in its docket system at any given time at whatever stage. Cases that are not deemed priority cases may be referred by the Team Leaders to the appropriate area/sectoral office for appropriate action.

*Case Workload of Envi OMB

Firmly believing that Republic Act No. 9003 (Ecological Solid Waste Management Act) is a good law that has to be fully implemented, the Office of the Ombudsman, the National Solid Waste Management Commission (NSWMC), the Department of Environment and Natural Resources (DENR), the Department of Interior and Local Government (DILG), the United Nations Development Programme (UNDP), Zero Waste Philippines, Mother Earth Foundation and Bangon Kalikasan launched the “Solid Waste Management Law Voluntary Compliance Assessment and Promotion Program” in April 2013.

The Program is in consonance with the constitutional mandate of the Ombudsman to mobilize state resources, improve governance and promote the rule of law.

ESWM Compliance Program



* OMB at the Launch



*Enxi OMB at the Launch



* Partners in Motion



[Handwritten signatures and notes:]

- James J. [unclear] 4/22/13*
- M.M.D. 4/22/13*
- J.H.K. [unclear]*
- R.W.P.*
- C.R. [unclear]*
- Amended NW 1/4 Sec 8*
- Harold G. Merriam*
- Chad S.C. 4-22-13*
- John G. [unclear]*

*The Pledge

Letters were sent to various local governments requesting them to rate themselves in the following areas:

Solid Waste Management Compliance Self-Assessment Report

Key Legal Provisions under Rep. Act No. 9003	Level of Compliance	Justification for Rating	Corrective Steps/Action
Mandatory Segregation of Wastes (Sec. 21)			
Materials Recovery Facilities (MRF) (Sec. 32)			
No Segregation/No Collection Rule (Sec. 48)			
Closure & Rehabilitation of Open/ Controlled Disposal Facility (Sec. 37)			
Use of Sanitary Landfill or Alternative Technology (Sec. 41)			
Submission of 10-Year Solid Waste Management Plan (Sec. 16)			

The following ratings were utilized for the heading ‘Level of Compliance’: 1 - Fully Compliant; 2 - Highly Compliant; 3 - Fairly Compliant; 4 - Poorly Compliant; and, 5 - Non-Compliant.

Of the approximately 1,600 letters sent, 545 responded by sending their self-assessed reports. Some of the letters were returned back to the Office as ‘RTS’.

Mechanics of Program

The members of the Technical Working Group (TWG) of the project have unanimously agreed to validate the self-assessed compliance reports submitted by the LGUs, and confer excellence awards for the compliant LGUs in accordance with Rep. Act No. 9003 (Ecological Solid Waste Management Act). The TWG agreed that this would be germane to the preventive approach being utilized by the Office to spur recalcitrant LGUs into acting on their respective solid waste management problems.

The TWG further agreed that punitive action may be initiated against LGU chiefs who continue to defy the provisions of RA 9003.

The Ecological Solid Waste Management (ESWM) Excellence Awards has been tentatively set in January 2015 to coincide with the declaration of January as 'Zero Waste Month' under Proclamation No. 760 dated 5 May 2014 of His Excellency, President Benigno S. Aquino III.

 **Future of Program**

The United States Department of Justice - Office of Overseas Prosecutorial Development and Assistance Training (USDOT-OPDAT) sponsored the seminar 'Environmental Crime Scene Investigation for the Successful Prosecution of Environmental Crimes Involving Public Officials and Employees' held in Sugarland Hotel, Bacolod City last 19-23 May 2014.

The training was a capacity-building initiative of the Environmental Ombudsman to provide the participants with the proper skills and techniques in the documentation of environmental crimes committed or abetted by public officials and employees tasked to protect or conserve the environment, including the employment of the camera as a tool in gathering the requisite evidence.

Participants were the investigators and prosecutors of the Environmental Ombudsman Team and the personnel of the Presidential Anti-Organized Crime Commission (PAOCC).

 **Environmental CSI**



* Speakers



*Activities