

The Right to Cleaner Air: Strategies for the Control of Air Pollution from Stationary Sources in the Light of Existing Laws

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The Note aims to evaluate the efficacy of current environmental laws, rules, and regulations, map out a legal strategy which may be used by persons who are aggrieved by problems of pollution. The Author does this by making a survey of existing laws that deal with pollution from stationary sources, as well as other related laws, rules, and regulations. In addition, the Author analyzes the cases that interpret these laws, rules, and regulations. The Note begins with a discussion on the main governmental agencies involved in pollution control, and the role and enhanced powers of the local governments in the task of pollution control, as provided in the Local Government Code of 1991. The Author concludes that the basic framework for air pollution control has been set in place and makes several recommendations for the more effective use of the law in air pollution control.

The Note is divided into six Chapters. The first Chapter is devoted to giving the reader an overview of the severity of the problem of air pollution in the Philippines and its consequences. This is to emphasize the importance of quick and effective action against pollution. The second and third Chapters deal with the laws and administrative rules and regulations of air pollution. Chapter two concentrates on the pertinent constitutional provisions and the laws which direct central government agencies to deal with pollution. Chapter three, meanwhile, discusses the laws empowering local governments to confront the problem of pollution. Both Chapters four and five cover the administrative and judicial remedies, respectively, available to persons aggrieved by the problems of pollution, based on an integration of the existing laws and administrative rules and regulations discussed. Lastly, Chapter six contains the conclusions derived from the Author's research as well as the recommendations for making the present laws and their implementation more effective. The recommendations of the Author include providing a higher budgetary allocation and the creation of an air pollution control fund from the proceeds of licenses and permits issued by the Environmental Management Bureau (EMB). Furthermore, enforcement of the inspection should be strictly enforced, and a re-examination of the

exclusive jurisdiction granted to EMB for the determination of the existence and commission of acts of pollution should be done.