

ENVIRONMENT AND WATER ADVOCACY PAPER 2018



EU - PHILIPPINES
BUSINESS NETWORK

ABOUT EPBN



OUTREACH



SUPPORT SERVICES



ADVOCACY

The EU-Philippines Business Network (EPBN) established in January 2014, is a project co-funded by the European Union and implemented by a consortium of European business organizations based in the Philippines. Led by the European Chamber of Commerce of the Philippines (ECCP), partner chambers include the Belgian-Filipino Business Club, British Chamber of Commerce Philippines, French Chamber of Commerce of the Philippines, German-Philippine Chamber of Commerce and Industry, Italian Chamber of Commerce of the Philippines, Nordic Chamber of the Philippines, and Spanish Chamber of Commerce of the Philippines.

The overarching objective of EPBN is to support European companies, especially small-medium enterprises, to increase exports to and investments in the Philippines by facilitating market access and ensuring a level playing field for all companies.

Adopting a threefold approach of outreach, support services and advocacy, EPBN provides a strong support system at every stage of entry to the Philippine market for European businesses. In delivering these services, EPBN cooperates closely with its partner organizations in other Association of South East Asian Nation (ASEAN) countries to provide information on ASEAN as a market, promoting the Philippines as a gateway to the region.



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Positions expressed in the advocacy papers are the result of the activities of the 14 Sector Committees working under the EU-Philippines Business Network.

METHODOLOGY

The 2018 edition of the EPBN Advocacy Papers features issues and recommendations formed after extensive discussions between members of the EPBN sector committees, dialogues and meetings with representatives from the Philippine Government, the EU Delegation to the Philippines and other EU national chambers and embassies. The EPBN has also taken into consideration the information gathered from organizing different events, participating in numerous hearings and committee meetings in both chambers of the Philippine Congress, as well as in private sector consultations held by several executive and regulating agencies of the government.

Further, the recommendations stated in each paper were created based on the discussions during the quarterly sector committee meetings, most of which were conducted with a representative from a concerned government agency based on the issues to be discussed. In close cooperation with the sector committee leaders and members, the EPBN secretariat thoroughly analyzed every issue and advocacy recommendation to ensure that they are in line with EU business interests and priorities. Once the secretariat has finalized the first draft of each sector paper, it was then circulated to the Committee members, Market Access Team Meeting for consultation and subsequently, gathered inputs to be included in the final draft of the papers.

The assessment of the status of each recommendation included in 2017 EPBN Advocacy Papers were examined under the following criteria:

Completed/Substantial Progress: Recommended action has either been completed or there has been significant progress towards the realization of the recommendation.

Some Progress: Movement towards realizing the recommendation has been made, but substantial work still needs to be done to fully achieve and complete the proposed measure.

No Progress/Retrogression: Minimal progress or no movement towards attaining the recommended reforms were done, or the status of the issue has worsened and has evolve to an even bigger bottleneck for EU businesses in the former year.

ABOUT THE THEME



EU AND THE PHILIPPINES: Jointly Pursuing Competitiveness for Inclusive Growth

Since its launch in January 2014, the EU-Philippines Business Network (EPBN) has strived to create an attractive investment and trade environment for EU businesses in the Philippines.

This 2018, we look at how the current administration's initiatives and programs in line with its Socioeconomic Agenda and priorities have substantially progressed – Build, Build, Build Program, tax reform, ease of doing business, labor protection furthered through the Executive Order on Contractualization, sustainable development and climate adaptation, and universal healthcare, among many others. In addition, the Philippines' economy is maintaining steady growth, the EU continues to be one of the top trading partner of the Philippines, and the EU-Philippines Partnership Cooperation Agreement has been put into force – a major milestone for the EU-Philippine relations.

With this, the EU-Philippines Business Network (EPBN) is organizing the EU-Philippines Business Summit 2018 with the theme "EU and the Philippines: Jointly Pursuing Competitiveness for Inclusive Growth" on 18 October 2018, at Solaire Resort Hotel, Paranaque. During the Summit, EPBN will hand over the 4th edition of the EPBN Advocacy Papers which contains a wish list of reforms towards a competitive, fair and more inclusive economic environment. We sincerely hope that the EU-Philippine economic ties will be deepened further. Rest assured that European business community will remain as the Philippine government's partner in achieving competitiveness and inclusive growth.

MESSAGE FROM THE AMBASSADOR

H.E. Franz Jessen
Head of Delegation,
Delegation of the European Union of the Philippines



The EU sees trade and investment as part of the answer to challenges faced in the country in terms of inclusive and pro-poor growth. Indeed, the EU and its industries have a positive agenda that is values-based and comes with an open dialogue to ensure nobody is left behind in strengthening its trade relations. It also recognizes the importance of opening new markets that contributes to growth on both ends. This is why the EU has even in times of economic turmoil led global efforts to fight protectionism, and promoted open trade and investment at home and abroad.

The EU economy grew at its fastest rate in 10 years in 2017 at 2.4%. For the first time since 2007, all EU member states saw their economies expand. Robust growth is facilitating further reduction in government deficit now at less than 1% of GDP as well as debt levels and an improvement in labour market conditions with unemployment rate of 7.6% falling to almost the pre-crisis level. More important to our trading partners is the fact that our trade continues to grow strongly resulting to an 8% growth in EU imports and exports of goods to the world.

This shows that the EU economy is competitive, yet open and it will remain so and continue to benefit Philippines' development agenda. Philippines total trade with the EU increased by 16% in 2017 due to the remarkable 32% growth of PH exports to the EU market partly thanks to the increasing utilisation of the GSP+ preferences. Strong growth is particularly seen in sectors benefiting from GSP+ trade preferences, such as agri-food products. On top of this, sizable portion of all newly reported approved investments in the Philippines were sourced from the EU – contributing to the creation of more quality jobs.

The economic expansion in Europe is set to continue at a solid pace in 2018 and next, supporting further job creation. However, the EU also recognizes risks on the horizon. That is why the EU is working hard to make its economy even more resilient through many useful and necessary reforms – necessary to further improve productivity and investment as well as to ensure a more inclusive growth model.

I look forward continuing to work together to the benefit of effective value chains and supply chains so that the Philippines can take advantage of its position in the region and of its competitive skills and people. I warmly welcome this advocacy book as a good basis of our continued collaboration in our pursuit of enhancing and strengthening EU-Philippine trade and commercial relations.

MESSAGE FROM THE STEERING COMMITTEE CHAIRMAN

Mr. Guenter Taus
EPBN Steering Committee Chairman



The EU-Philippines Business Network (EPBN) is pleased to present to you the 4th edition of its Advocacy papers with the theme, “EU and the Philippines: Jointly Pursuing Competitiveness.” Pursuing competitiveness and sustainable growth has been at the front and center of our agenda.

The European business community has always looked towards close cooperation with the Philippine Government to achieve mutually beneficial goals, which strengthen the country’s investment and trade environment in support of increased competitiveness and long term, sustainable and inclusive growth.

Several positive reforms in 2018 were the Ease of Doing Business Act, the Build Build Build Program, the implementation of Universal Healthcare and the issuance of Memorandum Order No. 16, which eases restrictions on certain investment areas.

Despite these improvements, there are still several key barriers stifling EU-Philippine trade and investment. In particular, we look forward to passage of the Amendments to the Public Services Act of 1936 into law. These Amendments result in an open market coupled with stronger regulations which in turn will increase the quality of public services while lowering costs.

Moreover, we advocate for the reassessment of the licensing requirements from the Philippine Contractors Accreditation Board. A level playing field in infrastructure paves the path for the realization of the “Golden Age of Infrastructure” envisioned by President Duterte.

Finally, we strongly urge the government to consider the massive economic growth and job creation that fiscal incentives under the Philippine Export Zone Authority have brought about. An ambitious corporate income tax reduction in addition to other incentives will aid the Philippine in competing with other countries in the region.

These amendments would be a game-changer for the Philippines and they assist in EU investments contributing to Philippine development. It is in this context that the EPBN presents its recommendations towards a competitive, fair and more inclusive economic environment for the benefit of the Philippines and the EU.



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MESSAGE

Greetings to the European Union-Philippines Business Network (EPBN) on the publication of the *EPBN Advocacy Papers 2018*!

This is the fourth edition of this annual publication, since the establishment of the EPBN in 2014. The *EPBN Advocacy Papers* have become a much-awaited resource because of their incisive commentaries, situationers, and policy recommendations on a broad range of vital sectors, including environment and water. This publication has become a valuable guide not only to investors from the EU and their potential local partners, but also to our policymakers, legislators, regulatory agencies, and stakeholders.

EU is a valuable economic partner of the Philippines. Environmentally, Europe boasts of some of the world's highest standards and best practices and most competitive technologies, from which we have much to learn and gain.

May collaborations between EU and the Philippines, through the EPBN, flourish toward our mutual pursuit of sustainable development and all-inclusive growth.

Mabuhay!

ROY A. CIMATU
Secretary

ENVIRONMENT AND WATER



INTRODUCTION

While water is a finite resource, the demand for water is infinite as it is a basic necessity for human survival. Unfortunately, due to several factors including natural disasters, inefficient resource management system, population growth, among others, available water supply continuously decreases in the country.¹ According to the Environmental Management Bureau (EMB), out of the sampled 127 freshwater sources, only 47% proved to have satisfactory water quality while the remaining 53% showed fair to poor water quality.² Domestic wastewater contributed 33% to the total water pollution in 2016, followed by agricultural-livestock wastewater at 29% and industrial wastewater at 27% in Metro Manila.³ Only 10% of the country's wastewater is reported to have received primary treatment prior to being discharged in water bodies.⁴

Global water demand projections are estimated to increase to 55% by 2050 while world population is projected to increase to 10 billion as reported by the Asian Development Bank (ADB).⁵ The Philippines, despite having twice the per capita water availability of other Asian countries, came in 57th place out of the listed 167 countries posting a water stress score of 3.01. Further, the complexity and ambiguity provided by the Philippines' lack of an overseeing agency in the water sector, involving over 30 separate agencies, is one of the country's major hindrances to fully achieving water security.

Another significant environmental issue faced by the country is the alarming increase of waste generation nationwide. Data from the National Solid Waste Management Commission (NSWMC) shows that waste generation in Philippines has consistently increased from 37,427.46 tons in 2012 to 40,087.45 tons in 2016, posting a daily estimate average of 0.40 kg per capita waste generation for rural and urban areas. Three main sources of solid wastes in the country are residential, institutional, and industrial wastes accounting for 57%, 12% and 4% of the total solid wastes, respectively.

Legally, waste disposal in the country remains to be limited to the use of sanitary landfills. Open dumping was banned by the enactment of Republic Act 9003 in 2000 which required all LGUs to close all open dumpsites three years after the enactment of the law.⁷ Despite the increase of sanitary landfills from 48 in 2010 to 135 in 2018, our landfills remain to be insufficient as the volume of waste is now threatening to surpass the available space in dumpsites.

1 House Bill No. 2457

2 Greenpeace. (2010). *The Problem*. Retrieved on 19 June 2018 from: <http://www.greenpeace.org/seasia/ph/What-we-do/Toxics/Water-Patrol/The-problem/>

3 Tuddao, V. & Gonzales, E. (n.d.). *Updated on Water Environment Management in the Philippines*. Retrieved on 20 June 2018 from http://wepa-db.net/3rd/en/meeting/20161130/PDF/11%20Philippines_Country%20updates_FINAL%20PHILIPPINE%20REPORT%20Updates%20on%20Water%20Environment%20Management%20FINAL%20REVISED.pdf

4 Asian Development Bank. (2016). *Asian Development Water Outlook 2016*. Retrieved on 21 June 2018 from <https://www.adb.org/sites/default/files/publication/189411/awdo-2016.pdf>

5 Asian Development Bank. (2016). *Asian Water Development Outlook 2016*. Retrieved on 19 June 2018 from <https://www.adb.org/sites/default/files/publication/189411/awdo-2016.pdf>

6 TUCP. (2015). *New Study: Philippines to Face 'High' Level of Water Shortage by 2040*. Retrieved on 18 July 2018 from <http://tucp.org.ph/2015/09/new-study-philippines-to-face-high-level-of-water-shortage-by-2040/>

7 Republic Act 9003

RECENT REFORMS AND INDUSTRY DEVELOPMENTS

The following developments relevant to the environment and water sector were seen:

- On 20 January 2017, the government formed the National Water Summit and Roadmap Steering Committee composed of seven teams assigned to tackle water related issues encountered by seven sectors. Following this, seven pre-summits were held in Luzon, Visayas, and Mindanao to gather concerns from industry stakeholders and discuss possible solutions to these issues.⁸
- In September 2017, the House of Representatives formed a joint technical working group (TWG) tasked to deliberate on the bills for the establishment of an overseeing agency for the water sector. The joint TWG, co-versed by Public Works and Highways Committee Chair Rep. Celso Lobregat and Committee on Government Reorganization member Rep. Christopher De Venecia, is now in the process of harmonizing the said bills.⁹
- On 7 August 2018, House Speaker Gloria Macapagal Arroyo filed House Bill (HB) No. 8068 which intends to harmonize government efforts and water-related activities through the creation of the Department of Water, Irrigation, Sewage and Sanitation Resource Management.¹⁰
- In 2016, the National Economic Development Authority (NEDA) commissioned the creation of the Philippine Water Supply, Sanitation and Sewerage Master Plan which shall act as a guide for the country in addressing issues such as water insecurity and set out short term, mid-term and long term goals for the sector.¹¹ According to the Infrastructure subcommittee on water infrastructure, the draft masterplan was submitted to NEDA for their comments and approval. The masterplan is set to be published on 30 November 2018.
- On 29 January 2018, HB 6893 which aims to promote the usage of thermal and other treatment technologies for waste disposal¹² was approved by the House on the third reading and was referred to the Senate on 31 January 2018.

8 NWRB. (n.d.). *NWRB Conducts Water Pre-Summits Towards a Comprehensive National Water Plan*. Retrieved on 28 August 2018 from: <http://www.nwr.gov.ph/index.php/news-articles/674-nwr-conducts-water-pre-summits-towards-a-comprehensive-national-water-plan>

9 House Press and Public Affairs Bureau. (2017). *House Moves to Avert Water, Sewerage Crisis*. Retrieved on 14 June 2018 from: <http://congress.gov.ph/press/details.php?pressid=10273>

10 House Bill No. 8068

11 NEDA. (n.d.). *Consultancy Services for the Formulation of the Philippine Water Supply and Sanitation Master Plan (PWSSMP)*. Retrieved on 18 July 2018 from: http://www.neda.gov.ph/wp-content/uploads/2017/03/PWSSMP_Terms-of-Reference.pdf

12 House Bill No. 6893

EPBN ADVOCACY

To address environment and water issues in the country and cultivate a more competitive business environment for the sector, EPBN has set forth the following recommendations:

1. IMPROVEMENT OF GOVERNANCE AND FORMULATION OF A LONG-TERM VISION FOR THE WATER SECTOR

- **ESTABLISHMENT OF THE DEPARTMENT OF WATER**

A clear delineation of tasks and powers, and harmonization of all water-related laws are needed. To this end, the EPBN actively advocates for the passage of HB 2457 otherwise known as the “Water Resources Management Act of 2016”, which proposes the establishment of Department of Water, Sewage, and Sanitation with the intention of harmonizing the water programs and plans of the government, and provide a clear order of operations in the water sector.

The establishment of an overseeing body mandated to formulate policies for the water sector and manage the usage of water resources is imperative to achieve water security in the country. The EPBN believes that having an executive water department to rationalize the management of water would not only help in solving water scarcity in the country, but would also aid in the establishment and operation of businesses and attract new investors.

- **PROPER IMPLEMENTATION OF THE PHILIPPINE WATER SUPPLY, SANITATION AND SEWERAGE MASTERPLAN**

Efficiency of water management system must be ensured in order to ameliorate the global issue of water scarcity. To this end, the EPBN recommends the effective implementation of the Philippine Water Supply, Sanitation and Sewerage Masterplan to help attain the targets set out in the Millennium Development Goals (MDG) and Sustainable Development Goals (SDG), including the realization of an accessible potable drinking water, and sanitation and hygiene.

2. ESTABLISH WATER QUALITY STANDARDS THAT ARE ACHIEVABLE AND CAN BE PROPERLY IMPLEMENTED BY ALL CONCERNED

- **PHASED IMPLEMENTATION OF THE DAO 2016-08**

While the EPBN recognizes the need for water quality and effluent standards to be improved, the sudden implementation of Department Administrative Order (DAO) 2016-08, which is a giant leap from its predecessor DAO Nos. 34 and 35 series of 1990, is not realistic. In fact, DAO No. 2016-08 proposes new standards and timelines that are even more stringent than those in the ASEAN region.

The five-year grace period provided by the law is not sufficient for the private sector and the government to upgrade their facilities, adopt new technologies and educate and train the labor force, which are all essential to meet the new standards and be

compliant with the new guidelines. It is, therefore, recommended for DAO 2016-08 to be implemented in phases or stages to ensure the efficient implementation of the new standards and guidelines. Moreover, we recommend for the government to conduct training and seminars on the necessary technologies, expertise, and financial requirements to effectively meet the new standards to allow the bidding process for water infrastructures to be fair, suitable and be in line with the desired outcome of the new standards.

- **ESTABLISH REGULAR PUBLIC-PRIVATE DIALOGUE**

The EPBN remains committed in providing for an active dialogue between the private and public sector. The current issues on water are problems that concern everyone. and the private and public sector must work in close collaboration to resolve these. Regular public-private dialogues allow exchange of insights, coordination effective solutions on water-related issues, including the proper implementation of the DAO 2016-08.

EPBN, through its Environment and Water Committee, warmly welcomes any engagement with the DENR to discuss issues pertaining to the water sector. To this end, EPBN can establish a technical working group (TWG) with the DENR, and other concerned government agencies, in which the stakeholders can actively discuss their concerns and recommendations in order to have a more holistic perspective and approach in the implementation of the policies and programs relating to water.

3. UTILIZATION OF ALTERNATIVE WASTE DISPOSAL TO SOLVE WASTE ISSUES IN THE COUNTRY

- **EMPLOYMENT OF INTEGRATED RECYCLING PLANTS IN PURSUIT OF SOLVING THE WASTE PROBLEM IN THE COUNTRY AND HAVE A CLEAR POLICY ON WASTE-TO-ENERGY (WTE)**

Throughout the years, there have been various interpretations of the laws regarding the ban on incineration. While some environmental groups states that the Clean Air Act of 1999 and the Ecological Solid Waste Management of 2000 impose a complete ban on incineration, others stand by the Supreme Court's final ruling in the Metro Manila Development Authority (MMDA) vs. Jancom Environmental Corporation Case¹³ which, in reference to the statement of the Court of Appeals, declares that "*Section 20 of the Clean Air Act does not absolutely prohibit incineration as a mode of waste disposal; rather only those burning processes which emit poisonous and toxic fumes are banned.*"

With mountains of garbage piling up and the deteriorating quality of waste disposal facilities in the country, the EPBN recommends that the government enacts a clear policy and framework for the utilization of waste-to-energy facilities. Further, we strongly urge for a more stringent implementation of reusing, reducing, and recycling (3R's) garbage. In this manner, we maximize our resources well before resorting to Waste-to-Energy (WTE) technologies, allowing wastes that do not qualify under the 3R's to undergo the said process exclusively. To this end, we also advocate for the establishment of more recycling plants all over the country to help address waste management issues in the

13 Supreme Court. (2002). *Metropolitan Manila Development Authority, Petitioner VS. Jancom Environmental Corporation and Jancom International Development Projects PTY. Limited of Australia, Respondents*. Retrieved on 5 July 2018 from: <http://sc.judiciary.gov.ph/jurisprudence/2002/jan2002/147465.htm>

Philippines and provide livelihood for the community where the recycling plants will be established.

Through these measures, the Philippines will be able to have a clear and sound framework for waste management and will also finally settle the long-standing dispute, as mentioned above, on the use of WTE in the country.

EPBN INTERVENTIONS

The EPBN recognizes the importance of a healthy environment to businesses and to the country. To this end, it has held several meetings with concerned government agencies including the DENR and the National Solid Waste Management Council (NSWMC). On 1 August 2016, the EPBN held a meeting with then DENR Assistant Secretary Atty. Juan Miguel Cuna concerning the abrupt implementation of DAO 2016-08. Prior to this, the EPBN has also written a letter to now Undersecretary Cuna detailing the concerns in the said DAO.

On 14 June 2017, the EPBN, together with the European Chamber of Commerce of the Philippines (ECCP), held the “Water Challenge Forum.” It aims to raise awareness for key issues in water resource management faced by the Philippines and to provide a balanced platform for all key stakeholders. This forum was well-received that the 2nd Water Challenge Forum on 30 August 2018 was organized with the theme, *“Partnering with Stakeholders in Building a Sustainable Water Future”*.

The EPBN also warmly supports the government in its pursuit of addressing the solid waste management concerns in the country. In line with this, the EPBN, on 20 February 2018, called a committee meeting with NSWMC Secretariat Chief and Executive Director, Engr. Eligio Ildefonso and National Water Roadmap Secretary-General, Mr. Ernesto Ordonez to discuss the government’s upcoming plans and policies for the water sector and waste management initiatives.

The Waste Management Forum held on 22 March 2018 zeroed in on the benefits of a circular economy. It gathered key speakers from the government including Senator Cynthia Villar, NSWMC Engr. Eligio Ildefonso, MMDA Gen. Danilo Delepuz Lim, and Deputy Ombudsman Atty. Gerard Mosquera along with other key actors from the private sector such as Engr. Jess Reyes, Mr. Crispian Lao, Ms. Irma Parcela among all others. The European Union was also represented in the event by His Excellency, Ambassador Franz Jessen and Mr. Giovanni Serritella.



ASSESSMENT OF RECOMMENDATIONS

Advocacy	Recommendations	Completed	Substantial Progress
<p>Improvement of governance and formulation of a long-term vision for the water sector.</p>	<p>Creation of a Department of Water</p>		
	<p>Proper implementation of the Philippine Water Supply, Sanitation and Sewerage Masterplan</p>		
<p>Establish water quality standards that are achievable and can be properly implemented by all concerned.</p>	<p>Revise DAO 2016-08 so that the implementation of the new standards will be made in phases and will be more realistic and achievable.</p>		

Some Progress	No Progress	Retgression
<p>Two bills on the creation of a separate executive body governing the water industry is pending in the House of Representatives. A joint TWG is now in the process of harmonizing the two bills.</p> <p>SBN No. 245 which seeks to establish the Water and Sanitary Regulatory Authority was filed in the Senate on 4 July 2016.</p>		
<p>The government formed the National Water Summit and Roadmap Steering Committee composed of seven teams assigned to tackle water issues encountered by seven different sectors.</p>		
	<p>Ø</p>	







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This project is co-funded
by the European Union

