Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 8170

Introduced by
BAYAN MUNA Representatives EUFEMIA C. CULLAMAT,
CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
GABRIELA Women’s Party Representative ARLENE D. BROSAS,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

AN ACT
STRENGTHENING AND INSTITUTING MECHANISMS FOR THE DEFENSE
OF THE ENVIRONMENT AND THE FILIPINO PEOPLE’S RIGHT TO
A BALANCED AND HEALTHFUL ECOLOGY

EXPLANATORY NOTE

Boasting of diverse ecosystems and natural riches, the Philippines has long been a hotbed for widespread natural resources exploitation leading to the destruction of not just the environment but also the domestic economy and social fabric of countless communities. In the face of a socio-economic and political system that traps the country in the so-called ‘resource curse,’ environmental defenders such as indigenous people, small farmers, scientists, and advocates are the first and last line of defense of the environment—and as such are met with grave reprisals.

According to monitoring by the Kalikasan People’s Network for the Environment (Kalikasan PNE), 272 environmental defenders were killed from 2001 to 2019 over a variety of environmental conflicts. Detailed in a submission to the United Nations Office of the High Commissioner for Human Rights, the group said the following:

They hail from the most marginalized sectors in the rural countryside, with 48.2% coming from small farmers and landless agricultural workers, and 33.8% coming from indigenous people.

The large-scale mining sector has been a consistent driver of environment-related killings. Attacks against anti-mining advocates comprise 54.4% of the monitored killings. This is followed by land defenders opposing agribusiness plantations who comprise 25.4% of the total, and forest defenders campaigning against deforestation comprising 17.3% of the total.

Where are these murders being perpetrated? The province of Compostela Valley has long been the ‘ground zero’ of environmental defender killings with 33 victims. Other hotspots include the provinces of Bukidnon, Negros Palawan, Bukidnon, South Cotabato, Negros Oriental, and Negros Occidental.

Mindanao was observed to be the deadliest island group with 49% of all monitored cases occurring in its
minerals, forest, and soil-rich landscapes.

Kalikasan PNE has not monitored any sufficient resolution in these cases up to the present.

Of the 272 recorded, 157 or 58% of the victims perished under the administration of President Rodrigo Duterte. The report further expounded the situation experienced under President Duterte from July 2016 up to the end of 2019:

Majority of these violations comprise a trend of red-tagging, vilification, and other forms of threats and harassment of defenders, including the inclusion of a number of prominent defenders in a ‘terror list’ released by the Department of Justice (DOJ), and a significant number of illegal arrests and detention mostly based on trumped-up criminal charges that prevent defenders from posting bail.

The largest scale of violation is the physical and socio-economic dislocation of environmental defenders and their communities mainly because of the militarization of their lands and territories.

Small farmers and agrarian workers are increasingly becoming targets as they comprise 62.4% of the murders under Duterte, which is more than 14 percentage points above the 2001-2019 average. Indigenous people represent 26.8% of all monitored victims. In a similar fashion, plantation-related killings are markedly on the rise, comprising 39.5% of the monitored victims.

There are varying levels of demographic disaggregation available for the other forms of violations. In forced evacuations, 14,725 people or 77% were from communities in conflict with agribusiness plantations, while 7,678 or 40% were confronting large-scale mines. Around 1,000 or 5% were opposing legal logging operations within Integrated Forest Management Areas or IFMAs.

The cases of enforced disappearances involved 10 indigenous Lumad farmers confronting coal mining threats in Sultan Kudarat province (Annex A Table 2), and Honey Mae Saway, former secretary general of Karapatan Southern Mindanao, who has supported various anti-mining and land rights movements. In the cases of terror listings, 54% of the victims worked on agribusiness plantations, 39% on mining, 19% on renewable energy land grabs, 17% on coal power plants, and 17% on dams.

In the cases of illegal arrests, 55% were linked to mining, 35% to deforestation and logging, 25% on agribusiness plantations, 34% on other land conflicts, and 14% on other issues.

Compostela Valley, a mineral resource-rich province, remains the most dangerous province under President Duterte. This is followed by agribusiness corridors in Bukidnon, Negros Oriental, and Negros Occidental.

The monitoring and documentation of these rights violations are most likely conservative estimates, and also represent only the more extreme section of the entire spectrum of rights violations experienced by environmental defenders.

For example, an in-depth assessment of the human rights track record of land reclamation projects across Manila Bay documented cases range from civil and political, economic social and cultural, and particularly environmental rights violations. These include rights to life, information, public participation, livelihood, jobs, housing, property, and a balanced and healthful ecology.

The report linked these trends to “economic policies on mining, agribusiness, forestry, and other industries under Duterte have provided guarantees, incentives, and rights to big businesses, overriding the ancestral lands, protected areas, and agrarian reform areas. This conflict results in
the various violations of fundamental rights of individuals, organizations, and communities opposed to the entry of these economic interests.”

It was also observed that the State’s military and other internal security policies functioned as ‘investment guarantees’ for big businesses and projects operating in environmental conflict areas. The report said “state security forces such as soldiers, police, and their auxiliary ‘force multipliers’ such as paramilitary groups and Civilian Auxiliary Force Geographical Unit (CAFGU) elements are either suspected or confirmed to be behind 65% or 144 of the total number of environmental defenders killed since 2001. Under Duterte, this has risen to 69%.”

Kilikasan PNE made a rough estimation was made of the area coverage and ecological value of what environmental defenders that suffered human rights abuses stood for. The environmental defenders affected by human rights violations under the Duterte administration were found to have operated in landscapes and seascapes roughly covering 6.2 million hectares of mountains, forests, watersheds, agricultural lands, coasts, and seas. They explain:

Mountainous rainforest areas amount to 3.3 million hectares. This is equivalent to the sequestration of 22.1 million tons of carbon dioxide per year, which offsets more than a fifth of the country’s recorded annual carbon emission production in 2012.

Every ton of carbon sequestered is estimated to have a social cost capturing the long-term economic damage it will incur through global warming and climate change. Using the median global social cost of carbon, the amount of sequestration these forests represent is equivalent to PHP 469.2 billion per annum.

This is also equivalent to 13,381.2 million liters per year or PHP 158.1 billion per year worth of water supplies, enough to provide for the daily water needs of 137 million Filipinos based on current average individual water consumption levels. The total area also represents a potential loss of 461.7 million tons of valuable topsoil valued at PHP 8.6 billion per year, and in terms of non-timber forest products value reaches an average productivity of PHP 56.7 billion annually.

Meanwhile, defended agricultural lands amount to 1.1 million hectares. Should these farmlands be successfully transformed in agro-ecological practices, this would potentially result in PHP42.4 billion revenue in terms of increased productivity, including revenues saved through disaster resiliency.

For the 1.8 million hectares of coastal, small-island, and marine ecosystems under defense, it is estimated, using the average ecosystem value of five different coastal ecosystem types, that we stand to lose PHP 303.6 billion annually should these ecosystems be lost. Coastal and marine ecosystems include fisheries and other provisioning services, ecological regulation, shoreline protection, pollution control, and tourism and recreation.

As such, a rough estimate of the total damages we will be experiencing should these landscapes and seascapes be degraded or destroyed would amount to a total of PHP 1.04 trillion annually, or equivalent to 28% of the country’s national budget in 2019. This demonstrates how the work of environmental defenders are crucial to achieving the Philippines’ targets for climate resiliency through protecting carbon sinks, climate risk mitigating factors, and even poverty-vulnerability alleviation.

It is in this light that a law that strengthens existing regulations and institutes new mechanisms that will improve the vital work of environmental defense and uphold the constitutional right of the Filipino people to a balanced and healthful ecology.
Approved,

REP. ECOFEMIA C. CULLAMAT
Bayan Muna Partylist

REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. ARLENE D. BROSAS
Gabriela Women’s Party

REP. FERDINAND R. GAITÉ
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A BALANCED AND HEALTHFUL ECOLOGY

Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:

Chapter I
General Provision

SECTION 1. Short Title – This Act shall be known as the “Environmental Defense Act of 2020”

SECTION 2. Declaration of Policy – Pursuant to Article 2, Section 16, of the 1987
Constitution obliging the State to protect and advance the right of the people to a balanced and
healthful ecology, the State shall institute the necessary mechanisms to protect the life and liberty
of the individuals, groups, and organizations who are involved in enforcing and guaranteeing the
protection of the country’s environment and national patrimony.

The State adopts baselines, standards, and objectives in achieving a balanced and healthful ecology
through its adoption of various international environmental agreements such as the UN
Convention on Biological Diversity, UN Convention on International Trade in Endangered
Species of Wild Fauna and Flora, Basel Convention, Ramsar Convention on Wetlands of
International Importance especially as Waterfowl Habitat, UN Treaty on the Non-Proliferation of
Nuclear Weapons, UN Framework Convention on Climate Change, UN Declaration on the Rights
of Indigenous People, UN Declaration on the Rights of Peasants and Other People Working in
Rural Areas, and others.

The State also implemented and interpreted several environmental laws that gives constitutional
guarantees to the issues on a balanced and healthful ecology through local republic acts such as
Solid Waste Management of 2002, Philippine Clean Water Act of 2004, Climate Change Act of

Additionally, the state recognizes that the right of the Filipino people to a healthy and balanced
ecology is ultimately linked to the realization of other human rights, expressed in treaties the
Philippines has signed such as the Declaration of the United Nations Conference on the Human
Environment and the UN Treaty on Economic, Social, and Cultural Rights, many of which have
been further articulated in succeeding international policy frameworks such as the UN Guiding
Principles on Business and Human Rights and the UN Human Rights Special Procedures

Thus, the State acknowledges and adopts as its responsibility and duty to enact all the mechanisms,
conditions, and legal guarantees necessary to ensure that individuals, groups, and organizations
engaged in the promotion of environmental protection and its actual defense, are able to exercise
their rights and freedoms in practice.

SECTION 3. Definitions - For the purposes of this Act, the following terms shall mean:

a) Access Rights - refers to the public’s right to access environmental information, the right
of public participation in the environmental decision-making process, and the right of
access to justice and judicial remedies in environmental matters and violations of
environmental rights especially those involving vulnerable groups or individuals as defined
herein.

b) Right to Resources - refers to the right to land and natural resources containing both
freedoms and entitlement, this includes but not limited to the right to maintain existing
access to, use and management of land and natural resources necessary for the realization
of the rights to an adequate standard of living, to health and to participate in cultural life,
the right to be free from interference, such as the right to be free from forced evictions or
from contamination and destruction of water bodies and fisheries.

c) Right to solicit, receive, and utilize resources - refers to the right, individually and in
association with others, to solicit, receive and utilize resources for the express purpose of
promoting and protecting environmental rights.

d) Ecological profile – geographic-based instruments and tools for planners and decision-
makers which present an evaluation of the environmental quality and carrying capacity of
an area, including manner by which the area’s ecological interactions and dynamics would
be affected by a particular or set of activity/ties, project/s, program/s, policy/cies, or
enterprise/s

e) Ecology - the totality or pattern of relationships between organisms and their environment
within a defined geographical area

f) Environment – refers to the totality of all the external conditions, processes, dynamics,
and biological and chemical interactions and relationships affecting the life, development
and survival of an organism or organisms, such as human beings, flora, and fauna, living
within a defined geographical area.

f) Environmental Defender – refers to any individual, groups of people, or organization who
is practicing the defense of environmental rights, including defense of constitutional rights
to a clean and healthy environment, when the exercise of those rights is being threatened,
whether or not the individual or group explicitly identifies themselves as advocates of such
rights, in accordance with United Nations Declaration on Human Rights Defenders.
h) Environmental Information - any information that is written, visual, audio, and electronic, or recorded in any other format, regarding the environment and its elements and natural resources, including information related to environmental risks that would arise, have arisen from, or are already arising from the implementation of a particular or set of activity/ties, project/s, program/s, policy/cies, or enterprise/s, and any possible adverse impacts affecting or likely to affect the environment and health that would result or have resulted from the implementation of a particular or set of activity/ties, project/s, program/s, policy/cies, or enterprise/s, as well as information related to environmental protection and management; also includes but is not limited to Environmental Impact Assessment, maps, ecological profile, statistics, findings and results of technical studies and research, rehabilitation plans, development plans, and Environmental Impact Statement, among others.

i) Environmental Organization – any non-government organization or association which has the protection of environmental rights and/or environment and/or ecology and/or organisms living within a particular environment as their main purpose

j) Environmental Rights – refers to the Constitutionally-ensured right of any individual, organization, or state to a balanced and healthful ecology and to the Constitutionally-mandated conservation and development of national patrimony, including the Oposa v. Factoran ruling which includes the future generations’ entitlement to a balanced and healthful ecology, as well as entitlements arising from the promulgation of the Supreme Court’s Rules of Procedure for Environmental Cases as a Special Civil Action (otherwise known as ‘Writ of Kalikasan’), and entitlements arising from the obligations that the State has to implement from being a ratifying party of any of the international environmental treaties it has entered into, such as the Convention on Biological Diversity; Convention on International Trade in Endangered Species of Wild Fauna and Flora, Basel Convention, Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, Treaty on the Non-Proliferation of Nuclear Weapons, and others.

k) Environmental Rights Violation – refers to any act committed by government personnel and/or government unit, corporations, or individual persons that infringes or trespasses upon the environmental rights or deprives the environmental rights of any individual, group, or organization registered or otherwise, from which injury and damages arise and are experienced by the individual, group, or organization’s physical and/or mental state, property.

l) Environmental and Social Impact Assessment Plan (ESIAMP) – refers to a document required to be submitted by businesses, organizations, associations, and government units who are to undertake a particular or set of activity/ties, project/s, program/s, policy/cies, or enterprise/s containing the means, methods, processes, timelines, and schedules by which the business owner, organization, association, or government unit/s shall conduct its/their operations, prevent and/or mitigate negative environmental impacts and social impacts, and upholding environmental rights of affected communities and vulnerable groups

m) Environmental Violation – any violation of environmental laws, such as but not limited to, anti-pollution laws and laws delineating conservation and protected areas, through deliberate activity or willful negligence leading to degradation of the qualities of the
environment of an area, regardless of whether or not environmental rights of any persons has been violated in the process or the activity’s aftermath.

n) Government Personnel – refers to all persons currently employed in government whether appointed or elected, whether contractual or permanent, including those serving as its consultants.

o) Government Unit – refers to all and any particular, but is not limited to agencies, departments, bureaus, commissions, courts, tribunals, offices, councils or sanggunian of each of the various local territorial jurisdictions and hierarchies, task force groups, authorities, administrations, centers such as health centers and research centers, institutes, state universities and colleges, local government units, any grouping of the Armed Forces of the Philippines, Philippine National Police, and other state security forces, including a patrol of three military, police personnel, paramilitary or military assets or units as defined herein.

p) Head of Government Unit – refers to the highest responsible officer of a named Government Unit.

q) Human Rights – any of the entitlements inherent to any individual, organization, or state enumerated in the Bill of Rights, provisions on Social Justice and Human Rights, and Declaration of Principles of the Philippine Constitution, the rule on Habeas Corpus, the Rule on Writ of Amparo, the Rules on the Writ of Habeas Data, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention against Torture, the Rome Statute on the International Criminal Court, and other similar or pertinent international instruments or conventions.

r) Human Rights Violation – refers to any act committed by government personnel and/or government unit, military affiliate, paramilitary, police and/or military element/s, or any agent of the state or an individual acting on its behalf, that infringes or trespasses upon the human rights or deprives the human rights of any individual, group, or organization registered or otherwise, from which injury and damages arise and are experienced by the individual, group, or organization’s physical and/or mental state, property, reputation, and/or privacy.

s) National Patrimony – refers to the totality of all of the country’s monetary and nonmonetary wealth, including natural and mineral resources and reserves, and cultural heritage.

t) Protected Areas – refers to portions of land and water set aside by law by reason of their unique physical and biological significance and managed to enhance and protect the existing biodiversity and natural features against destructive exploitative human enterprises.

u) Protected landscapes, seascapes, and marine sanctuaries – refers to geographical areas set aside by law by reason of national significance characterized by the harmonious interaction of humans and the environment while providing recreation opportunities for public enjoyment within the bounds of the normal lifestyle and carrying capacity of these areas.

v) Precautionary Principle – refers to a stance or strategy to cope with possible risks arising from or to avert environmental disaster in cases or situations where scientific
understanding is not yet complete. According to the Rio Declaration of 1992: “in order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

w) Public - one or more natural or legal persons and the associations, organizations or groups established by those persons, that are nationals or that are subject to the national jurisdiction of the government

x) Strategic Legal Action against Public Participation (SLAPP) – refers to any legal action, whether civil, criminal, or administrative, filed by an individual, organization, corporation, or government unit intended to harass, vex, or stifle legal resources of citizens complaining against environmental violations, environmental rights violations, and/or human rights violations, and/or violations of this Act

y) Superior Officer – refers to a particular Head of Government Unit who has supervisory and/or exercises control powers over another Head of Government Unit or government personnel to whom the latter reports and holds accountability, and shall include, but not limited to, the president, the department secretaries, the chief of staff of the Armed Forces of the Philippines, the commanding generals, admirals, or rear admirals, of any service, branch, or unit within the Armed Forces of the Philippines; the director-general of the Philippine National Police, directors, and superintendents, of any branch, unit, or group within the Philippine National Police

z) Vulnerable groups and individuals – refers to those persons or groups that face particular difficulties in fully exercising their access rights and environmental rights because of the social, cultural, political, and economic circumstances within the Philippines’ national context, particularly, but not limited to, those sectors and individual members of said sectors identified in the provisions under Article 13 of the Philippine Constitution: such as labor, farmers, farmworkers, subsistence fishermen, urban poor, paupers, persons with disabilities, senior citizens, women, children, indigenous people, as well as Lesbians, Gays, Bisexuals, Transgender, and Queers (LGBTQ).

SECTION 4. Presumptions and Prohibitions – The following shall be presumed under this Act:

1. A Mission Order (MO) is a proof of being involved in a military operation

2. A person held accountable for a human rights violation is presumed to be government personnel, or a military affiliate, or a paramilitary, or a military asset when any government personnel who is asked in their official capacity about the identity of the former denies in general terms the designation, position and assignment of the same without giving any information that will lead to the identification of the suspected human rights violator.

3. Any act of false labeling or name-calling an environmental defender/defenders or organizations, or accusing him/her/it/them of any offense, or any other kind of vilification, shall be presumed to be the act of the government personnel reported to have labeled, name-called, accused or vilified the human rights defender, if within three days from being notified of having made such act, said
government personnel does not make any public disclaimer of his reported labeling, name calling or accusation.

4. Any act of surveillance against an environmental defender reported to the proper government office shall be presumed to be an act of a government agent, if within three days from being notified of such act, the government office to whom the act of surveillance was reported does not identify the individual who is doing the act of surveillance, and the latter's designation, position or assignment.

5. Any act of threat and intimidation against an environmental defender through mobile phone, landline phone, or the internet reported to the proper government office shall be presumed to be an act of a government agent, if within three days from being notified of such act, the government office does not identify the possible perpetrators of said act of threat or intimidation.

6. Any bona fide member of an environmental defender organization shall be presumed to be environmental defenders within the meaning of this act.

7. Any complaint for environmental and human rights violations is presumed to be true and valid, unless proven otherwise. This presumption, however, does not include the criminal, civil, or administrative liability of the individual/s accused to have perpetrated the said violation, which liability shall be proven by evidence beyond reasonable doubt, preponderance of evidence or substantial evidence, as the case may be.

8. Any denial of any document or refusal to produce or present said document by the government personnel or office or unit who has custody of the same when required to be presented by any competent authority pursuant to any of the provisions of this Act shall establish the allegation to which the said document is offered to prove.

9. Any human rights violation perpetrated by business enterprises, whether private or state-owned or controlled, operating within the legal jurisdiction of the Philippines States shall be considered an obligation to which the State as primary duty bearer is responsible and accountable.

10. The following shall not be applicable or cannot be invoked in any criminal, civil, and administrative complaint for any violation of this Act:
   1. Presumption of regularity in the performance of duty;
   2. Presidential immunity from suit;
   3. Confidentiality of any military activity, or that it is or affects national security interests, if the issues raised are related to the work of environmental defenders; and
   4. Executive privilege as a defense.

Chapter II
The Rights of Environmental Defenders

SECTION 5. Bill of Environmental Rights – Pursuant to the constitutionally-enshrined right of the Filipino people and their future generations to a healthy and balanced ecology, the following
are hereby declared the environmental rights of the Filipino People and that of Environmental
defenders:

(a) All of the stipulations already listed under the Bill of Rights of the Constitution, such
as the right to life and personal integrity, right to freedom of opinion and expression,
right to peaceful assembly and association, and right to free movement. Deprived of
these fundamental human rights, the Act recognizes that any individual, groups, or
organizations cannot exercise their environmental rights

(b) Right to promote Environmental Protection, Defense of National Patrimony, and
Environmental Rights. Environmental defenders have the right to conduct public
seminars, forum discussions, focus group discussions, research, workshops, outreach,
conventions, summits, and other relevant activities meant to propagate to the Public’s
consciousness their positions on environmental issues. This includes but is not limited
to preserving, developing, and safeguarding national patrimony, renewable energy
resources, biodiversity, protecting against pollution, weapons of mass destruction,
climate change, promoting a sustainable and eco-friendly economy, development, and
science and technology.

(c) Right to develop and promote ideas pertaining to environmental protection and
environmental rights. Environmental defenders have the right to conduct public
seminars, forum discussions, focus group discussions, research, workshops, outreach,
conventions, summits, and other relevant activities meant to develop their ideas and
positions on environmental issues and make the public aware of them.

(d) Right to solicit, receive, and utilize resources. Environmental defenders, individually
and in association with others, have the right to solicit, receive, and utilize resources
for the express purpose of promoting and protecting environmental rights, the
environment, and fundamental freedoms, in accordance with Article 3 of the present
United Nations Declaration on Human Rights Defenders.

(e) Access Rights. Environmental defenders, individually and in association with others,
have the right to freely access environmental information from government units
including but not limited to the ecological profile, Environmental Impact Assessment
of projects, enterprises or activities, Comprehensive Land Use Plans, Comprehensive
Development Plans, among others, to have environmental information held by
government units be fully disclosed to the public for free at all times and/or upon
request, to freely use environmental information obtained from government units and
other sources in the advancement and promotion of environmental protection.

Communities, vulnerable groups and individuals affected or set to be affected by environmental
destruction have the right to freely access and make use of environmental information from
government units especially for purposes of consultation and obtaining their consent concerning
the entry and/or operation of a particular or set of activity/ties, project/s, program/s, policy/cies,
or enterprise/s in their area, such as during “Free Prior Informed Consent” proceedings for
indigenous cultural communities.

They also have a right to access documents of military and other government units and
personnel, paramilitary units and personnel, and military affiliates and other
government assets pertaining to any environmental defender or organization and their
activities and any document of such kind, including but not limited to an order of
battle. These shall not be considered nor classified, cannot partake of executive
privilege or cannot cite national security, and shall be open to public scrutiny.

As Access Rights includes access to justice, indigents and vulnerable groups and
individuals shall be exempt from payment of administrative and court fees, including
docket fees, for the filing of a case, and shall have the right to be provided lawyers
from the Public Attorney's Office and receive travel and subsistence allowance during
litigation proceedings concerning environmental and environmental rights violation
cases involving them.

(f) Right to Resources. Environmental Defenders, have the right to land and natural
resources containing both freedoms and entitlement, this includes but not limited to
the right to maintain existing access to, use and management of land and natural
resources necessary for the realization of the rights to an adequate standard of living,
to health and to participate in cultural life, the right to be free from interference, such
as right to be free from forced evictions or from contamination and destruction of
water bodies and fisheries.

(g) Right to solicit, receive, and utilize resources. Environmental Defenders, individually
and in association with others, have the right to solicit, receive and utilize resources for
the express purpose of promoting and protecting environmental rights.

(h) Right to unhindered access to and communicate with other environmental and human
rights bodies, environmental defenders, and media. Environmental defenders have the
right to confer and communicate with local, regional, or international environmental
bodies, as well as media organizations on matters concerning environmental and
human rights issues.

(i) Right to participate in public affairs. Environmental defenders, whether individually or
in association with others, have the right to engage government units on environmental
concerns and participate and register or submit their inputs, positions, or insights in
planning, crafting of policies, proceedings, consultations, and hearings held by
government units, without discrimination or exclusion by the latter.

(j) Right to participate in activities against environmental and human rights violations. —
Environmental defenders have the right to participate in activities expressing their
position against environmental destruction and violations of environmental rights.

(k) Right to provide paralegal or legal assistance. — Environmental defenders, individually
and in association with others, have the right to offer and provide professionally
qualified paralegal or legal assistance or other relevant advice and assistance in
defending environmental rights and fundamental freedoms.

(l) Right to establish a sanctuary to environmental defenders at risk and/or their families.
— Environmental defenders, individually and in association with others, have the right
to establish sanctuaries for any environmental defender and/or their immediate
families in imminent danger.

Said sanctuary shall be considered established if and when they give confidential notice to the
Commission on Human Rights that said place, building or area has been constituted as a sanctuary,
and as such, entry to the said place, building or area including an area of a radius of 100 meters
around the said place, building or area shall be prohibited to any government personnel, military asset, military affiliate, military unit, or paramilitary unit.

(m) Right of environmental organizations to file complaints, petitions, or legal actions against environmental and human rights violations as complainants. – Environmental defenders are not to be hindered or prevented from filing complaints or petitions against environmental or human rights violations brought or to be brought about by a particular or set of activity/ties, project/s, program/s, policy/cies.

However, the consent of any victim/s on behalf of which these actions are made must first be obtained as much as possible. In the absence of such consent, the environmental defender or its organization may proceed with filing the action if the lack or absence of consent is based on the threat to the life, liberty, or security of the victim or his/her family.

(n) Right to be protected from SLAPP suits. – Environmental defenders are not to be hindered, stopped, or scared away from their advocacy, organizing work, or campaign, through lawsuits whose nature falls under Strategic Legal Actions against Public Participation (SLAPP) that may be filed by government units, government personnel, corporations, or individuals against them, in accordance with the Anti-SLAPP Act of 2011.

(o) Right to be protected from damage to the environment and ecology that is brought about by illegal and unsustainable exploitation of natural resources and/or operation of enterprises. – Environmental defenders have the right to seek and obtain the writ of Kalikasan and other protective writs, orders, injunctions, and other measures in response to activities that threaten to damage or are already damaging the environment and ecological balance in an area, especially in protected areas and protected landscapes, seascapes, and marine sanctuaries, to prevent environmental destruction or halt environmental destruction already happening.

(p) Right to seek compensation for damage to environment and ecology that is brought about by illegal and unsustainable exploitation of natural resources and/or operation of enterprises. – In cases where a particular or set of activity/ties, project/s, program/s, policy/cies have already brought damage to the environment or ecology of a particular area, environmental defenders have the right to seek monetary and/or nonmonetary compensation through a civil suit against the perpetrator/s of the damage and/or heads of government units deemed responsible for allowing the damage to happen whether through deliberate approval of the culprit’s activity/ties, project/s, program/s, policy/cies or through passive neglect.

Chapter III
Obligations of the Government

SECTION 6. The government shall have the following obligations:

(a) To take all precautionary measures to ensure the protection of all environmental defenders against any violence, threats, harassments, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of their rights and duties as environmental defenders.
(b) To prohibit, under pain of administrative, civil, and criminal sanctions, government units, heads of government units, and government personnel, especially its armed security forces such as the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), and or paramilitary units, to commit human rights violations against environmental defenders, through acts such as, but not limited to, extrajudicial killing, torture, forced disappearance, illegal detention, intimidation and threat, social media harassment, vilification, food blockade, and forced evacuation from their sites of struggle; through abetting human rights violations against environmental defenders; as well as through failure to act upon cases of human rights violations committed against environmental defenders.

(c) To hold superior officers of government units and government personnel, especially superior officers of its armed security forces such as the AFP, PNP, and paramilitary units liable for administrative and/or criminal sanctions, for compelling their subordinates to carry out their orders that have violated or led to the violation of the environmental rights of an environmental defender/s or have threatened and/or punished their subordinates who have refused to do so.

(d) It shall be the duty of any government personnel, unit, government asset, paramilitary and military affiliate to put into writing any instructions, orders, or commands he or she or it issues to a subordinate or received by him or her or it from a higher officer or body including the head of the government unit, and to document any action he or she or it takes in response to said instruction, order, or command including but not limited to an operation report, spot report, evaluation report, and accomplishment report or any report or documentation submitted to the commanding or superior or higher officer issuing said instruction, order or command, and that a logbook or journal shall be maintained listing all instructions, orders, commands, issued and/or received, and all responses to said instructions and all reports in compliance to said instructions, orders, commands in the said book or journal in a day-to-day, month-to-month, and year-to-year order, and the said documents and logbooks and/or journals shall not be disposed of unless and until the Commission on Human Rights shall allow otherwise.

(e) To prevent enterprises, projects, programs, and activities that are seen to damage the environment or ecology of an area from beginning or from being implemented before they are yet to start or even as environmental information is lacking or unavailable, applying the Precautionary Principle and the Principle of Intergenerational Responsibility. Legal questions or disputes must be resolved in accordance with these principles.

(f) To generate and/or provide free, effective, and convenient access to environmental information to the public at all times, especially to communities and vulnerable groups and individuals, and disclose all environmental information as may be needed and/or required during the conduct of public participation processes such as Environmental Impact Assessment and Free Prior Informed Consent proceedings; so as to compel, under pain of administrative and/or criminal sanctions, superior officers, as well as rank-and-file personnel, of relevant government units to make environmental information available to the public for free at all times.

(g) To respect the right to self-determination of indigenous cultural communities/indigenous peoples (ICCs/IPs) by ensuring free, prior and informed consent and respect of customary laws of the ICCs/IPs pertaining to environmental protection and
environmental rights and submitting to the processes of the same, provided that these laws are not contrary to the provisions of the Constitution.

(h) To undertake and finance scientific technical investigations where environmental information is lacking, and to make the results of said investigation available to the Public for free at all times. In addition, the use of science and technology for environmental protection, improvement, and rehabilitation shall be supported through programs, policies, and efforts including but not limited to, funding research and development efforts being undertaken or to be undertaken with preference by local scientists.

(i) To penalize, suspend, stop and/or close enterprises, projects, programs, and activities that are violating environmental and human rights regulations.

(j) To utilize diplomatic channels and international fora to demand just compensation and assistance from states which are historical and present largest greenhouse gas emitters and contributors to environmental destruction, to cope with adverse Climate Change effects.

(k) To bring to justice perpetrators of human rights violations against environmental defenders, and towards this obligation provide free, quality legal assistance for vulnerable groups and communities with cases concerning the violation of their environmental rights, including lawyers from the Public Attorney’s Office, and fare and food allowances for litigants coming from far-flung areas or low economic strata, and exempt them from paying administrative and court fees such as docket fees.

(l) To swiftly determine whether a legal action or case being filed against an environmental defender is SLAPP in nature, and dismiss the same if accordingly found to be a SLAPP, in accordance with the Anti-SLAPP Act of 2011. The defendant or the accused shall be given the right to file legal action or a SLAPPback against the complainant to recover separate damages, litigation costs, attorney’s fees, and other reliefs warranted by the circumstances of the case.

(m) To implement, improve the implementation of, update, and improve already existing legislation and other legal issuances and orders pertaining to environmental protection, protected areas, and protected landscapes, seascapes, and marine sanctuaries, as well as environmental awareness education in all formal education levels.

(n) To build the capacity of government units, the public, and vulnerable groups and individuals to prevent, mitigate, stop, and/or reverse environmental destruction, as well as to rehabilitate areas that are experiencing or have experienced environmental destruction, and/or cope with their effects, including crafting and implementing sustainable and environmentally-friendly economic policies and livelihood programs.

(o) To require environmental and human rights education as an obligatory curriculum in the primary and secondary levels, with an actual week spent with an environmental defender in the locality, as well as a six-unit subject (three as a lecture course and three as a laboratory subject which may include 20 hours work with any environmental defender organization in the locality) in all colleges and universities, with due consideration of relevant provisions in the National Environmental Awareness and Education Act of 2008.
SECTION 7. The Commission on Human Rights and the Department of Environment and Natural Resources shall be mandated as the lead agencies in ensuring that the obligations enumerated herein are adhered to by all government units and personnel.

Chapter IV:
Remedies to Enforce the Rights

SECTION 8. Opening Access to Environmental Information — A request to compel a government unit and/or business enterprise to provide access to any environmental information, including any document that pertain to any environmental defender, defenders and/or organizations and his/her/its/their activities, shall be made through the following channels:

(a) Written and/or Online Request letter addressed to the head of the government unit or head of the corporation or business enterprise holding or bearing the environmental information being requested.

(b) In cases where the request is denied, a petition may be filed before court in accordance with the Rules of Amparo and/or Rules of Habeas Data to compel a respondent government unit, head of government unit, or corporate body to release the environmental information being requested.

Any government unit, including its superior officers and heads of government units, shall upon receipt of the request and/or order of the court shall immediately furnish the said document or require their subordinate units or personnel to do so, under pain of administrative, civil, and/or criminal sanctions.

SECTION 9. Any description of the class, kind, nature, or function of the environmental information or for which the environmental information will be used is sufficient for the purposes of the request or petition and the respondent must deliver all documents as defined by the requesting member of the Public.

SECTION 10. Release to One, Release to All. — For purposes of streamlining requests for environmental information, once environmental information has been made available to an individual and/or organization through request or court order for information, the said environmental information shall also be published in electronic form through websites such as but not limited to the website of the government unit or corporation or business releasing the information, Official Gazette website, and website of the Department of Environment and Natural Resources or its attached and subordinate units, as well as published in paper form through the information desks of the government unit releasing the information and their subordinate units.

SECTION 11. Clearing house of environmental information. — The Department of Environment and Natural Resources shall create or designate an attached agency that will serve as the central repository and archive of all environmental information held and released by the various government units, as well as that environmental information submitted by private entities to various government units as part of their projects', activities', or businesses' compliance with existing laws. The said agency is required to make available electronic, online, and physical copies of the environmental information it holds to the public at all times.

SECTION 12. Establishment of Multi-Sectoral Environmental Defense Council — To closely monitor the review and approval of proposed environmental clearance, permits, and other agreements, the Multi-Sectoral Environmental Defense Council shall be established. This is to ensure that environmental rights and laws are properly followed, with respect to the democratic
rights of various sectors especially vulnerable groups and individuals. The Multi-Sectoral
Environmental Defense Council will be composed of representatives from the government sectors
concerned and affected community/ies in relation to the agreement at hand.

SECTION 13. Environmental and Social Impact Assessment and Mitigation Plan –
Contractors required to secure environmental clearance, permits, and other agreements as per
existing laws shall be required to submit an Environmental and Social Impact Assessment and
Mitigation Plan (ESIAMP) containing the means, methods, processes and schedule by which the
contractor shall conduct its operations and mitigate negative environmental and social impacts.
Social impact shall include possible impacts on the enjoyment and exercise of human rights,
economic social and cultural rights, and the right to a balanced and healthy ecology. The ESIAMP
shall include but is not limited to provisions on the rehabilitation, regeneration and restoration of
environmentally degraded areas; aquaculture, watershed development and water conservation; the
relocation and return of displaced populations; and provisions for alternative livelihood and
socioeconomic development.

The ESIAMP shall also contain a Social Development Plan which shall likewise contain the plans
of the proponent for the development of the community through the establishment of
infrastructures and programs that shall be sustainable even after the closure of the projects in
question.

SECTION 14. Establishment of Green Courts – To expedite the delivery of justice pertaining
to the enforcement of environmental rights and environmental law, the Supreme Court may create
new or designate already existing courts as a “green court” with the sole purpose of hearing and
trying cases related to violations of environmental rights and environmental laws and regulations.

Among the judicial relief mechanisms that aggrieved parties can seek from the green courts are the
following:

(a) Writ of Preliminary Injunction
(b) Status Quo Ante Order
(c) Temporary Environmental Protection Orders (TEPOs) with a minimum validity of 72
hours and can be extended by the courts indefinitely until final resolution of the litigation
process
(d) Writ of Kalikasan
(e) Dismissal of SLAPP complaints
(f) Filing of SLAPPback

SECTION 15. Environmental Affirmative Action Goals and Legal Assistance (EAGLE)
Program – The government shall provide an annual appropriation to support indigent
environmental defenders and members of vulnerable groups who are going to enter into litigation
processes concerning the violation of their environmental rights. Such an appropriation will go
towards supporting travel, accommodation, and subsistence costs of the indigent and vulnerable
litigators, printing and photocopying of litigation documents, as well as for sustaining the
protection of witnesses to their case, and financing technical investigations to be conducted by a
third-party. Under the EAGLE Program, indigent litigants are to be provided free services of
lawyers from the Public Attorney’s Office.

Towards this end, the government shall incentivize new lawyers covered by the Community Legal
Aid Service Rule to provide their 120-hour free legal services to environmental defenders.
SECTION 16. Waiving of administrative and court fees for indigent litigants – Indigent litigants are no longer required to pay for administrative and court fees, such as docket fees, in filing a complaint.

SECTION 17. Motion to Dismiss Criminal Complaint – An environmental defender may file with any court a motion to dismiss a criminal complaint suspected to be a SLAPP in nature. The investigating prosecutor or court shall immediately determine within a period of thirty (30) days from the receipt of such motion whether or not a legal action against a respondent is SLAPP in nature and accordingly dismiss the same.

SECTION 18. Establishment of the Office of the Environmental Ombudsman – To expedite the accountability of government officials to the enforcement of environmental rights and environmental law, the Office of the Ombudsman is to institutionalize its Environmental Ombudsman Team into the Office of the Environmental Ombudsman, a dedicated subsection mandated to 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 official 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 and conservation.

The Office of the Environmental Ombudsman will also be specifically mandated to look into concerns involving the civil, political, economic, social, or cultural rights of environmental defenders.

SECTION 19. Greening the role of the Commission on Human Rights (CHR) – The CHR is to create a Desk specifically focused on entertaining and investigating the human rights concerns of environmental defenders, as well as focused on cases of violations of environmental rights.

The government would also allocate annual appropriations to the CHR for the purpose of extending legal assistance to environmental defenders who have been victims or are experiencing human rights violations and/or their families, such as for the conduct of fact-finding investigations.

The results of CHR’s investigations may be used as evidence in litigation proceedings.

Added to the mandates of the CHR is to raise the Public’s awareness on environmental rights and the rights of environmental defenders. The CHR will tap the support of or partner with Civil Society Organizations (CSOs), Environmental Organizations, and People’s Organizations in the implementation of this mandate.

SECTION 20. Petition for Temporary Protection Order – A request for a Temporary Protection Order in favor of an environmental defender and against any government personnel and units, paramilitary personnel and units, military assets or affiliates, shall be made through a petition to the CHR.

The Commission shall immediately issue forthwith a Temporary Protection Order after a petition shall be filed before it, and which can only be revoked after there is finding that said petition is without any ground. However, a petitioner’s well-grounded belief that he/she is under threat because of his/her work as an environmental defender shall constitute sufficient ground for a Temporary Protection Order to be maintained and not revoked.
SECTION 21. **Rapid-response mechanism** – The CHR is to set up a task force of its personnel that can respond anytime to cases of human rights violations of environmental defenders in order to curb or stop the perpetration of said violations; document the circumstances surrounding the incident of human rights violation including gathering and safekeeping of evidence and witnesses; and/or to apprehend the perpetrators of said violations. The Philippine National Police is mandated to extend its full assistance to the CHR when it activates its rapid-response mechanism protocols.

SECTION 22. **Environment and Human Rights Protection Fund** – Business enterprises are required to allocate 1/12th of their annual gross income intended for insurance against environmental disasters and human rights impacts which could stem from their operations, as well as for separate funds intended for calamity prevention and response, environmental rehabilitation, and human rights protection respectively.

These allocations shall be deposited in an escrow fund with the Land Bank of the Philippines (LBP) and shall be utilized in the event that the operations of the said enterprise have caused environmental degradation, have led to disaster, to prevent disaster, and/or have caused the violation of environmental rights. Compliance will be checked at the beginning of the next fiscal year and will be made one of the basis for the renewal of environmental clearances, business, and operation permits or the non-renewal or cancellation or suspension thereof.

SECTION 23. **Surmounting the corporate veil and the use of third-party security agencies** – When the separate personality of the corporation from its shareholders is being invoked as defense in order to perpetuate a crime, fraud, evade liability, and conduct other machinations, the separate personality of the corporation shall be set aside. Civil, criminal, and administrative actions may thus be filed directly against the members of the Board of Directors, officers, and the individual stockholders.

Corporations and their members of the Board of Directors, officers, and individual stockholders are also to be held liable for environmental rights violations perpetrated against an environmental defender by the personnel of the third-party security agency or by security forces of the government that their corporation hired or contracted out to provide for the security of the corporation’s asset, project, business, or activity.

SECTION 24. **Citizen Suit.** – For the purpose of enforcing the provisions of this Act and its implementing rules and regulations, any citizen may file appropriate civil, criminal, and administrative suits against any of the following:

(a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations

(b) Any government personnel, head of government unit, or superior officer issuing orders, rules, and regulations contrary to and/or inconsistent with this Act

(c) Any government personnel, head of government unit, or superior officer who willfully or grossly neglects the performance of an act specifically enjoined as an obligation of the government by this Act or its rules and regulations

(d) Any government personnel, head of government unit, or superior officer who abuses authority in the performance of obligations of the government under this Act or its rules and regulations
The court shall exempt Citizen Suits from the payment of filing fees, except fees for actions not capable of pecuniary estimation, and shall likewise, upon prima facie showing of non-enforcement or violation complained of, will exempt the plaintiff from filing an injunction bond for the issuance of a preliminary injunction.

The court shall determine whether or not the complaint is malicious or baseless and shall accordingly dismiss the suit within 30 days upon the filing of the case.

Chapter V
Protection of Witnesses of Violations of this Act

SECTION 25. Protection of any informant under this Act. — Any individual who shall provide information and/or testify in any proceedings about any violations of this Act shall have the rights and protections provided in this Act or its implementing rules and regulations, and shall be considered for the purpose of his/her protection and only for such information and/or testimony an environmental defender. Bribery, harassment, and/or attempted killing of an informant shall constitute a violation of this Section by the perpetrator.

SECTION 26. How any threat to a witness shall be considered — Any act that shall threaten or attempt to threaten, stifle or attempt to stifle, harass or attempt to harass in any manner any individual who shall testify or have testified against some government personnel, superior officer, or any other violator of this Act, in any proceedings under this Act, shall render the perpetrator of the threatening, stifling, and/or harassing act liable for criminal and/or civil sanctions.

SECTION 27. Protection for government personnel and subordinate personnel of superior officers who provide evidence against human rights violations of environmental defenders and/or violations of environmental rights — No head of a government unit or superior officer may bribe, discharge, demote, suspend, dismiss, censure, threaten, harass, sanction, or discriminate in any manner against government personnel because of any lawful act done by the government personnel or subordinate to provide information, cause information to be provided, or initiate, or assist in an investigation regarding any conduct which the government personnel or subordinate of the superior officer reasonably believes constitutes a violation of any provision prescribed in this act.

Chapter VI
Penal Provisions

SECTION 28. Penalty for the violations of Sections 5 to 10 and of Section 27 of this Act — The penalty of prision mayor in its maximum period to prision temporal in its medium period without the privilege of parole AND a fine of AT LEAST FIVE MILLION PESOS (PhP 5,000,000.00) AND civil indemnities to the victims or their immediate family shall be imposed upon any violator of the provisions of this Act.

Following the lifting of the corporate veil as provided for by Section 23 of this act, individual investors, stockholders, and/or board of directors officials, are to suffer the penalty of prision mayor in its maximum period to prision temporal in its medium period without the privilege of parole AND a fine of AT LEAST FIVE MILLION PESOS (PhP 5,000,000.00) AND civil indemnities to the victims or their immediate family if their corporation, or the subordinate personnel of their corporation, including their corporation’s security forces, whether the latter are regular employees of the corporation or are working as employees of a security agency/agencies
contracted by the corporation, are found guilty for violating environmental rights of environmental
defenders as provided for under Sections 5 to 10.

SECTION 28. Penalty for destroying, altering, or falsifying records, documents, and any
other form of environmental information – The penalty of prison temporal in its minimum to
its medium period or a fine of ONE HUNDRED THOUSAND PESOS (PhP100,000.00) or
both, at the discretion of the court, shall be imposed upon any individual or group of individuals
who impede, obstruct, or influence any form or process of investigation and/or petition, by
altering, destroying, mutilating, concealing, omitting, withholding, falsifying, covering up, or
making false entries in any record, document, or form of environmental information or specimen
thereof, relevant to any matter involving the investigation and/or trial of violations of
environmental right violations perpetrated against environmental defenders.

SECTION 29. Grounds for the cancellation of business permits, environmental permits
and clearances, and venture agreements, and disqualification from opening and operating
businesses - Businesses and corporations found guilty of violating any of Sections 5, 8, 10, 23,
and 26 of this Act will lead to the cancellation of their business permits, environmental clearances
and permits, business venture agreements/contracts with the government. They will also be
perpetually blacklisted from opening and operating any other business.

Individual investors, stockholders, and/or board of director officials of corporations found
guilty of violations of any of Sections 5, 8, 10, 23, and 26 of this Act shall be also perpetually
blacklisted from opening and operating any other business.

SECTION 30. Nature of other Sanctions for Businesses/Corporations that have violated
provisions of this Act - Businesses and corporations found guilty of violating any of Sections 5,
8, 10, 23, and 26 of this Act would also be required to pay for the rehabilitation, restoration, or
clean-up of the impacts of such violations as well as for the civil indemnities of environmental
defenders and/or individuals whose environmental and human rights have been violated by the
business/corporation or its hired security personnel, with the amount to be paid to be determined
by discretion of the court upon the latter’s consultation with independent accountants and
investigators.

Individual investors, stockholders, and/or board of directors officials of corporations found guilty
of violations of any of Sections 5, 8, 10, 23, and 26 of this Act would also be required to pay for
the rehabilitation, restoration, or clean-up of the impacts of such violations as well as for the civil
indemnities of environmental defenders and/or individuals whose environmental and human
rights have been violated by the business/corporation or its hired security personnel, with the
amount to be paid to be determined by discretion of the court upon the latter’s consultation with
independent accountants and investigators.

The equipment, bank accounts, and property of the businesses/corporations found guilty of
violating any of Sections 5, 8, 10, 23, and 26 of this Act shall also be forfeited in favor of the
State.

SECTION 31. Non-application of the corporate veil. – Any person violating the provisions
of Commonwealth Act No. 108, or the Anti-Dummy Law of the Philippines as amended, or is
found to have used the corporate structure to skirt the provisions of this Act shall suffer the
penalty of five million pesos (PhP 5,000,000.00) AND shall be also perpetually blacklisted from
opening and operating any other business.
SECTION 32. Vitiation of FPIC. — Any person found to have vitiated the consent of the
ICCs/IPs through bribery, threat, force, and/or intimidation, or any other similar means, shall
suffer the penalty of prison mayor in its maximum period to prison temporal in its medium period
without the privilege of parole and a fine of AT LEAST TWO MILLION PESOS (PhP
2,000,000.00)

SECTION 33. Heads of government units and/or superior officers found guilty of violating any
provisions of this act, including vitiation of FPIC, will be perpetually disqualified from taking and
holding office or position in any branch, office, or unit of government, and shall be disqualified
from receiving other benefits by virtue of their positions.

SECTION 34. Reinstatement of revoked permits — After public notice and hearing, revoked
business and environmental permits that have undergone due process may be reinstated, provided
that it may only be reinstated once.

SECTION 35. Violations of this Act as aggravating circumstances — Any violation of any
provisions of this Act committed on the occasion of a commission of a crime defined in any penal
laws shall be considered an aggravating circumstance in the imposition of the penalty in said crime.

SECTION 36. Non-applicability of the Probation Law — Any violations of any of the
provisions of this Act which shall constitute the main crime or as an aggravating circumstance shall
not entitle the guilty offender to the privileges of probation under the probation law.

SECTION 37. Penalty for any other violations of this Act — The penalty of prison temporal
in its minimum period or a fine of ONE HUNDRED THOUSAND PESOS (PhP 100,000.00)
or both, at the discretion of the court, shall be imposed upon any individual who violates any other
provisions of this Act where pain of sanctions has not been explicitly mentioned.

Chapter VII
Final Provisions

SECTION 38. Repealing Clause — All laws, presidential decrees, executive orders, rules and
regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby
repealed, amended, or modified accordingly.

SECTION 39. Separability Clause — If any part or provision of this Act shall be held
unconstitutional or invalid, other provisions, which are not affected thereby, shall continue to be
in full force and effect.

SECTION 40. Effectivity Clause — This Act shall take effect fifteen (15) days after its
publication in a national newspaper of general circulation.

Approved,