

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 33.81% 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*

1 minerals, forest, and soil-rich landscapes.

2  
3 *Kalikasan PNE has not monitored any sufficient resolution in these cases up to the present.*

4  
5 Of the 272 recorded, 157 or 58% of the victims perished under the administration of President  
6 Rodrigo Duterte. The report further expounded the situation experienced under President  
7 Duterte from July 2016 up to the end of 2019:

8  
9 *Majority of these violations comprise a trend of red-tagging, vilification, and other forms of threats and*  
10 *harassment of defenders, including the inclusion of a number of prominent defenders in a 'terror list'*  
11 *released by the Department of Justice (DOJ), and a significant number of illegal arrests and detention*  
12 *mostly based on trumped-up criminal charges that prevent defenders from posting bail.*

13  
14 *The largest scale of violation is the physical and socio-economic dislocation of environmental defenders and*  
15 *their communities mainly because of the militarization of their lands and territories.*

16  
17 *Small farmers and agricultural workers are increasingly becoming targets as they comprise 62.4% of the*  
18 *murders under Duterte, which is more than 14 percentage points above the 2001-2019 average.*  
19 *Indigenous people represent 26.8% of all monitored victims. In a similar fashion, plantation-related*  
20 *killings are markedly on the rise, comprising 39.5% of the monitored victims.*

21  
22 *There are varying levels of demographic disaggregation available for the other forms of violations. In forced*  
23 *evacuations, 14,725 people or 77% were from communities in conflict with agribusiness plantations,*  
24 *while 7,678 or 40% were confronting large-scale mines. Around 1,000 or 5% were opposing legal*  
25 *logging operations within Integrated Forest Management Areas or IFMAs.*

26  
27 *The cases of enforced disappearances involved 10 indigenous Lumad farmers confronting coal mining*  
28 *threats in Sultan Kudarat province (Annex A Table 2), and Honey Mae Suazo, former secretary*  
29 *general of Karapatan Southern Mindanao, who has supported various anti-mining and land rights*  
30 *movements. In the cases of terror listings, 54% of the victims worked on agribusiness plantations, 39%*  
31 *on mining, 19% on renewable energy land grabs, 17% on coal power plants, and 17% on dams.*

32  
33 *In the cases of illegal arrests, 55% were linked to mining, 35% to deforestation and logging, 25% on*  
34 *agribusiness plantations, 34% on other land conflicts, and 14% on other issues.*

35  
36 *Compostela Valley, a mineral resource-rich province, remains the most dangerous province under*  
37 *President Duterte. This is followed by agribusiness corridors in Bukidnon, Negros Oriental, and Negros*  
38 *Occidental.*

39  
40 *The monitoring and documentation of these rights violations are most likely conservative estimates, and*  
41 *also represent only the more extreme section of the entire spectrum of rights violations experienced by*  
42 *environmental defenders.*

43  
44 *For example, an in-depth assessment of the human rights track record of land reclamation projects across*  
45 *Manila Bay documented cases range from civil and political, economic social and cultural, and*  
46 *particularly environmental rights violations. These include rights to life, information, public participation,*  
47 *livelihood, jobs, housing, property, and a balanced and healthful ecology.*

48  
49 The report linked these trends to “economic policies on mining, agribusiness, forestry, and other  
50 industries under Duterte have provided guarantees, incentives, and rights to big businesses,  
51 overriding the ancestral lands, protected areas, and agrarian reform areas. This conflict results in



1 the various violations of fundamental rights of individuals, organizations, and communities  
2 opposed to the entry of these economic interests.”  
3

4 It was also observed that the State’s military and other internal security policies functioned as  
5 ‘investment guarantees’ for big businesses and projects operating in environmental conflict areas.  
6 The report said “state security forces such as soldiers, police, and their auxiliary ‘force  
7 multipliers’ such as paramilitary groups and Civilian Auxiliary Force Geographical Unit  
8 (CAFGU) elements are either suspected or confirmed to be behind 65% or 144 of the total  
9 number of environmental defenders killed since 2001. Under Duterte, this has risen to 69%.”  
10

11 Kalikasan PNE made a rough estimation was made of the area coverage and ecological value of  
12 what environmental defenders that suffered human rights abuses stood for. The environmental  
13 defenders affected by human rights violations under the Duterte administration were found to  
14 have operated in landscapes and seascapes roughly covering 6.2 million hectares of mountains,  
15 forests, watersheds, agricultural lands, coasts, and seas. They explain:  
16

17 *Mountainous rainforest areas amount to 3.3 million hectares. This is equivalent to the sequestration of*  
18 *22.1 million tons of carbon dioxide per year, which offsets more than a fifth of the country’s recorded*  
19 *annual carbon emission production in 2012.*  
20

21 *Every ton of carbon sequestered is estimated to have a social cost capturing the long-term economic damage*  
22 *it will incur through global warming and climate change. Using the median global social cost of carbon,*  
23 *the amount of sequestration these forests represent is equivalent to PHP 469.2 billion per annum.*  
24

25 *This is also equivalent to 13,381.2 million liters per year or PHP 158.1 billion per year worth of water*  
26 *supplies, enough to provide for the daily water needs of 137 million Filipinos based on current average*  
27 *individual water consumption levels. The total area also represents a potential loss of 461.7 million tons*  
28 *of valuable topsoil valued at PHP 8.6 billion per year, and in terms of non-timber forest products value*  
29 *reaches an average productivity of PHP 56.7 billion annually.*  
30

31 *Meanwhile, defended agricultural lands amount to 1.1 million hectares. Should these farmlands be*  
32 *successfully transformed in agro-ecological practices, this would potentially result in PHP42.4 billion*  
33 *revenue in terms of increased productivity, including revenues saved through disaster resiliency.*  
34

35 *For the 1.8 million hectares of coastal, small-island, and marine ecosystems under defense, it is estimated,*  
36 *using the average ecosystem value of five different coastal ecosystem types, that we stand to lose PHP*  
37 *303.6 billion annually should these ecosystems be lost. Coastal and marine ecosystems include fisheries*  
38 *and other provisioning services, ecological regulation, shoreline protection, pollution control, and tourism*  
39 *and recreation.*  
40

41 *As such, a rough estimate of the total damages we will be experiencing should these landscapes and*  
42 *seascapes be degraded or destroyed would amount to a total of **PHP 1.04 trillion annually**, or*  
43 *equivalent to 28% of the country’s national budget in 2019. This demonstrates how the work of*  
44 *environmental defenders are crucial to achieving the Philippines’ targets for climate resiliency through*  
45 *protecting carbon sinks, climate risk mitigating factors, and even poverty-vulnerability alleviation.*  
46

47 It is in this light that a law that strengthens existing regulations and institutes new mechanisms  
48 that will improve the vital work of environmental defense and uphold the constitutional right of  
49 the Filipino people to a balanced and healthful ecology.  
50  
51


1 *Approved,*

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8 **REP. EUFEMIA C. CULLAMAT**  
9 *Bayan Muna Partylist*

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11   
12  
13 **REP. CARLOS ISAGANI T. ZARATE**  
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**AN ACT**  
**STRENGTHENING AND INSTITUTING MECHANISMS FOR THE DEFENSE**  
**OF THE ENVIRONMENT AND THE FILIPINO PEOPLE'S RIGHT TO**  
**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 Hazardous and Nuclear Waste Control Act of 1990, Philippine Clean Air Act of 1999, Ecological Solid Waste Management of 2002, Philippine Clean Water Act of 2004, Climate Change Act of 2009, and the Writ of Kalikasan in 2014.

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 Framework Principles on Human Rights and Environment.

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.
- g) 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.

- 1  
2 h) Environmental Information - any information that is written, visual, audio, and electronic,  
3 or recorded in any other format, regarding the environment and its elements and natural  
4 resources, including information related to environmental risks that would arise, have  
5 arisen from, or are already arising from the implementation of a particular or set of  
6 activity/ties, project/s, program/s, policy/cies, or enterprise/s, and any possible adverse  
7 impacts affecting or likely to affect the environment and health that would result or have  
8 resulted from the implementation of a particular or set of activity/ties, project/s,  
9 program/s, policy/cies, or enterprise/s, as well as information related to environmental  
10 protection and management; also includes but is not limited to Environmental Impact  
11 Assessment, maps, ecological profile, statistics, findings and results of technical studies  
12 and research, rehabilitation plans, development plans, and Environmental Impact  
13 Statement, among others  
14
- 15 i) Environmental Organization – any non-government organization or association which has  
16 the protection of environmental rights and/or environment and/or ecology and/or  
17 organisms living within a particular environment as their main purpose  
18
- 19 j) Environmental Rights – refers to the Constitutionally-ensured right of any individual,  
20 organization, or state to a balanced and healthful ecology and to the Constitutionally-  
21 mandated conservation and development of national patrimony, including the Oposa v.  
22 Factoran ruling which includes the future generations’ entitlement to a balanced and  
23 healthful ecology, as well as entitlements arising from the promulgation of the Supreme  
24 Court’s Rules of Procedure for Environmental Cases as a Special Civil Action (otherwise  
25 known as ‘Writ of Kalikasan’), and entitlements arising from the obligations that the State  
26 has to implement from being a ratifying party of any of the international environmental  
27 treaties it has entered into, such as the Convention on Biological Diversity, Convention on  
28 International Trade in Endangered Species of Wild Fauna and Flora, Basel Convention,  
29 Ramsar Convention on Wetlands of International Importance especially as Waterfowl  
30 Habitat, Treaty on the Non-Proliferation of Nuclear Weapons, and others.  
31
- 32 k) Environmental Rights Violation – refers to any act committed by government personnel  
33 and/or government unit, corporations, or individual persons that infringes or trespasses  
34 upon the environmental rights or deprives the environmental rights of any individual,  
35 group, or organization registered or otherwise, from which injury and damages arise and  
36 are experienced by the individual, group, or organization’s physical and/or mental state,  
37 property.  
38
- 39 l) Environmental and Social Impact Assessment Plan (ESIAMP) – refers to a document  
40 required to be submitted by businesses, organizations, associations, and government units  
41 who are to undertake a particular or set of activity/ties, project/s, program/s, policy/cies,  
42 or enterprise/s containing the means, methods, processes, timelines, and schedules by  
43 which the business owner, organization, association, or government unit/s shall conduct  
44 its/their operations, prevent and/or mitigate negative environmental impacts and social  
45 impacts, and upholding environmental rights of affected communities and vulnerable  
46 groups  
47
- 48 m) Environmental Violation – any violation of environmental laws, such as but not limited  
49 to, anti-pollution laws and laws delineating conservation and protected areas, through  
50 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



1 understanding is not yet complete. According to the Rio Declaration of 1992: “in order to  
2 protect the environment, the precautionary approach shall be widely applied by States  
3 according to their capabilities. Where there are threats of serious or irreversible damage,  
4 lack of full scientific certainty shall not be used as a reason for postponing cost-effective  
5 measures to prevent environmental degradation.”  
6

- 7 w) Public - one or more natural or legal persons and the associations, organizations or groups  
8 established by those persons, that are nationals or that are subject to the national  
9 jurisdiction of the government  
10
- 11 x) Strategic Legal Action against Public Participation (SLAPP) – refers to any legal action,  
12 whether civil, criminal, or administrative, filed by an individual, organization, corporation,  
13 or government unit intended to harass, vex, or stifle legal resources of citizens complaining  
14 against environmental violations, environmental rights violations, and/or human rights  
15 violations, and/or violations of this Act  
16
- 17 y) Superior Officer – refers to a particular Head of Government Unit who has supervisory  
18 and/or exercises control powers over another Head of Government Unit or government  
19 personnel to whom the latter reports and holds accountability, and shall include, but not  
20 limited to, the president, the department secretaries, the chief of staff of the Armed  
21 Forces of the Philippines, the commanding generals, admirals, or rear admirals, of any  
22 service, branch, or unit within the Armed Forces of the Philippines; the director-general  
23 of the Philippine National Police, directors, and superintendents, of any branch, unit, or  
24 group within the Philippine National Police  
25
- 26 z) Vulnerable groups and individuals – refers to those persons or groups that face particular  
27 difficulties in fully exercising their access rights and environmental rights because of the  
28 social, cultural, political, and economic circumstances within the Philippines’ national  
29 context, particularly, but not limited to, those sectors and individual members of said  
30 sectors identified in the provisions under Article 13 of the Philippine Constitution: such  
31 as labor, farmers, farmworkers, subsistence fishermen, urban poor, paupers, persons with  
32 disabilities, senior citizens, women, children, indigenous people, as well as Lesbians, Gays,  
33 Bisexuals, Transgender, and Queers (LGBTQ).  
34

35 **SECTION 4. *Presumptions and Prohibitions*** – The following shall be presumed under this  
36 Act:  
37

- 38 1. A Mission Order (MO) is a proof of being involved in a military operation  
39
- 40 2. A person held accountable for a human rights violation is presumed to be  
41 government personnel, or a military affiliate, or a paramilitary, or a military asset  
42 when any government personnel who is asked in their official capacity about the  
43 identity of the former denies in general terms the designation, position and  
44 assignment of the same without giving any information that will lead to the  
45 identification of the suspected human rights violator.  
46
- 47 3. Any act of false labeling or name-calling an environmental defender/defenders  
48 or organizations, or accusing him/her/it/them of any offense, or any other kind  
49 of vilification, shall be presumed to be the act of the government personnel  
50 reported to have labeled, name-called, accused or vilified the human rights  
51 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



1 battle. These shall not be considered nor classified, cannot partake of executive  
2 privilege or cannot cite national security, and shall be open to public scrutiny.

3  
4 As Access Rights includes access to justice, indigents and vulnerable groups and  
5 individuals shall be exempt from payment of administrative and court fees, including  
6 docket fees, for the filing of a case, and shall have the right to be provided lawyers  
7 from the Public Attorney's Office and receive travel and subsistence allowance during  
8 litigation proceedings concerning environmental and environmental rights violation  
9 cases involving them.

10  
11 (f) Right to Resources. Environmental Defenders, have the right to land and natural  
12 resources containing both freedoms and entitlement, this includes but not limited to  
13 the right to maintain existing access to, use and management of land and natural  
14 resources necessary for the realization of the rights to an adequate standard of living,  
15 to health and to participate in cultural life, the right to be free from interference, such  
16 as right to be free from forced evictions or from contamination and destruction of  
17 water bodies and fisheries.

18  
19 (g) Right to solicit, receive, and utilize resources. Environmental Defenders, individually  
20 and in association with others, have the right to solicit, receive and utilize resources for  
21 the express purpose of promoting and protecting environmental rights.

22  
23 (h) Right to unhindered access to and communicate with other environmental and human  
24 rights bodies, environmental defenders, and media. Environmental defenders have the  
25 right to confer and communicate with local, regional, or international environmental  
26 bodies, as well as media organizations on matters concerning environmental and  
27 human rights issues.

28  
29 (i) Right to participate in public affairs. Environmental defenders, whether individually or  
30 in association with others, have the right to engage government units on environmental  
31 concerns and participate and register or submit their inputs, positions, or insights in  
32 planning, crafting of policies, proceedings, consultations, and hearings held by  
33 government units, without discrimination or exclusion by the latter.

34  
35 (j) Right to participate in activities against environmental and human rights violations. –  
36 Environmental defenders have the right to participate in activities expressing their  
37 position against environmental destruction and violations of environmental rights.

38  
39 (k) Right to provide paralegal or legal assistance. – Environmental defenders, individually  
40 and in association with others, have the right to offer and provide professionally  
41 qualified paralegal or legal assistance or other relevant advice and assistance in  
42 defending environmental rights and fundamental freedoms.

43  
44 (l) Right to establish a sanctuary to environmental defenders at risk and/or their families.  
45 – Environmental defenders, individually and in association with others, have the right  
46 to establish sanctuaries for any environmental defender and/or their immediate  
47 families in imminent danger.

48  
49 Said sanctuary shall be considered established if and when they give confidential notice to the  
50 Commission on Human Rights that said place, building or area has been constituted as a sanctuary,  
51 and as such, entry to the said place, building or area including an area of a radius of 100 meters

1 around the said place, building or area shall be prohibited to any government personnel, military  
2 asset, military affiliate, military unit, or paramilitary unit.

- 3  
4 (m) Right of environmental organizations to file complaints, petitions, or legal actions  
5 against environmental and human rights violations as complainants. – Environmental  
6 defenders are not to be hindered or prevented from filing complaints or petitions  
7 against environmental or human rights violations brought or to be brought about by a  
8 particular or set of activity/ties, project/s, program/s, policy/cies.  
9

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

- 15  
16 (n) Right to be protected from SLAPP suits. – Environmental defenders are not to be  
17 hindered, stopped, or scared away from their advocacy, organizing work, or campaign,  
18 through lawsuits whose nature falls under Strategic Legal Actions against Public  
19 Participation (SLAPP) that may be filed by government units, government personnel,  
20 corporations, or individuals against them, in accordance with the Anti-SLAPP Act of  
21 2011.  
22

- 23 (o) Right to be protected from damage to the environment and ecology that is brought  
24 about by illegal and unsustainable exploitation of natural resources and/or operation  
25 of enterprises. – Environmental defenders have the right to seek and obtain the writ  
26 of Kalikasan and other protective writs, orders, injunctions, and other measures in  
27 response to activities that threaten to damage or are already damaging the environment  
28 and ecological balance in an area, especially in protected areas and protected  
29 landscapes, seascapes, and marine sanctuaries, to prevent environmental destruction or  
30 halt environmental destruction already happening.  
31

- 32 (p) Right to seek compensation for damage to environment and ecology that is brought  
33 about by illegal and unsustainable exploitation of natural resources and/or operation  
34 of enterprises. – In cases where a particular or set of activity/ties, project/s,  
35 program/s, policy/cies have already brought damage to the environment or ecology  
36 of a particular area, environmental defenders have the right to seek monetary and/or  
37 nonmonetary compensation through a civil suit against the perpetrator/s of the  
38 damage and/or heads of government units deemed responsible for allowing the  
39 damage to happen whether through deliberate approval of the culprit's activity/ties,  
40 project/s, program/s, policy/cies or through passive neglect.  
41  
42

### 43 Chapter III 44 Obligations of the Government

#### 45 SECTION 6. *The government shall have the following obligations.*

- 46  
47  
48 (a) To take all precautionary measures to ensure the protection of all environmental  
49 defenders against any violence, threats, harassments, retaliation, de facto or de jure adverse  
50 discrimination, pressure, or any other arbitrary action as a consequence of their legitimate  
51 exercise of their rights and duties as environmental defenders.

- 1  
2 (b) To prohibit, under pain of administrative, civil, and criminal sanctions, government units,  
3 heads of government units, and government personnel, especially its armed security forces  
4 such as the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP),  
5 and or paramilitary units, to commit human rights violations against environmental  
6 defenders, through acts such as, but not limited to, extrajudicial killing, torture, forced  
7 disappearance, illegal detention, intimidation and threat, social media harassment,  
8 vilification, food blockade, and forced evacuation from their sites of struggle; through  
9 abetting human rights violations against environmental defenders; as well as through  
10 failure to act upon cases of human rights violations committed against environmental  
11 defenders.  
12
- 13 (c) To hold superior officers of government units and government personnel, especially  
14 superior officers of its armed security forces such as the AFP, PNP, and paramilitary units  
15 liable for administrative and/or criminal sanctions, for compelling their subordinates to  
16 carry out their orders that have violated or led to the violation of the environmental rights  
17 of an environmental defender/s or have threatened and/or punished their subordinates  
18 who have refused to do so.  
19
- 20 (d) It shall be the duty of any government personnel, unit, government asset, paramilitary and  
21 military affiliate to put into writing any instructions, orders, or commands he or she or it  
22 issues to a subordinate or received by him or her or it from a higher officer or body  
23 including the head of the government unit, and to document any action he or she or it  
24 takes in response to said instruction, order, or command including but not limited to an  
25 operation report, spot report, evaluation report, and accomplishment report or any report  
26 or documentation submitted to the commanding or superior or higher officer issuing said  
27 instruction, order or command, and that a logbook or journal shall be maintained listing  
28 all instructions, orders, commands, issued and/or received, and all responses to said  
29 instructions and all reports in compliance to said instructions, orders, commands in the  
30 said book or journal in a day-to-day, month-to-month, and year-to-year order, and the said  
31 documents and logbooks and/or journals shall not be disposed of unless and until the  
32 Commission on Human Rights shall allow otherwise.  
33
- 34 (e) To prevent enterprises, projects, programs, and activities that are seen to damage the  
35 environment or ecology of an area from beginning or from being implemented before  
36 they are yet to start or even as environmental information is lacking or unavailable, applying  
37 the Precautionary Principle and the Principle of Intergenerational Responsibility. Legal  
38 questions or disputes must be resolved in accordance with these principles.  
39
- 40 (f) To generate and/or provide free, effective, and convenient access to environmental  
41 information to the public at all times, especially to communities and vulnerable groups and  
42 individuals, and disclose all environmental information as may be needed and/or required  
43 during the conduct of public participation processes such as Environmental Impact  
44 Assessment and Free Prior Informed Consent proceedings; so as to compel, under pain  
45 of administrative and/or criminal sanctions, superior officers, as well as rank-and-file  
46 personnel, of relevant government units to make environmental information available to  
47 the public for free at all times.  
48
- 49 (g) To respect the right to self-determination of indigenous cultural communities/indigenous  
50 peoples (ICCs/IPs) by ensuring free, prior and informed consent and respect of  
51 customary laws of the ICCs/IPs pertaining to environmental protection and



1 environmental rights and submitting to the processes of the same, provided that these laws  
2 are not contrary to the provisions of the Constitution.

- 3
- 4 (h) To undertake and finance scientific technical investigations where environmental  
5 information is lacking, and to make the results of said investigation available to the Public  
6 for free at all times. In addition, the use of science and technology for environmental  
7 protection, improvement, and rehabilitation shall be supported through programs, policies,  
8 and efforts including but not limited to, funding research and development efforts being  
9 undertaken or to be undertaken with preference by local scientists.
- 10
- 11 (i) To penalize, suspend, stop and/or close enterprises, projects, programs, and activities that  
12 are violating environmental and human rights regulations.
- 13
- 14 (j) To utilize diplomatic channels and international fora to demand just compensation and  
15 assistance from states which are historical and present largest greenhouse gas emitters and  
16 contributors to environmental destruction, to cope with adverse Climate Change effects.
- 17
- 18 (k) To bring to justice perpetrators of human rights violations against environmental  
19 defenders, and towards this obligation provide free, quality legal assistance for vulnerable  
20 groups and communities with cases concerning the violation of their environmental rights,  
21 including lawyers from the Public Attorney's Office, and fare and food allowances for  
22 litigants coming from far-flung areas or low economic strata, and exempt them from paying  
23 administrative and court fees such as docket fees.
- 24
- 25 (l) To swiftly determine whether a legal action or case being filed against an environmental  
26 defender is SLAPP in nature, and dismiss the same if accordingly found to be a SLAPP, in  
27 accordance with the Anti-SLAPP Act of 2011. The defendant or the accused shall be given  
28 the right to file legal action or a SLAPPback against the complainant to recover separate  
29 damages, litigation costs, attorney's fees, and other reliefs warranted by the circumstances  
30 of the case.
- 31
- 32
- 33 (m) To implement, improve the implementation of, update, and improve already existing  
34 legislation and other legal issuances and orders pertaining to environmental protection,  
35 protected areas, and protected landscapes, seascapes, and marine sanctuaries, as well as  
36 environmental awareness education in all formal education levels.
- 37
- 38 (n) To build the capacity of government units, the public, and vulnerable groups and  
39 individuals to prevent, mitigate, stop, and/or reverse environmental destruction, as well as  
40 to rehabilitate areas that are experiencing or have experienced environmental destruction,  
41 and/or cope with their effects, including crafting and implementing sustainable and  
42 environmentally-friendly economic policies and livelihood programs.
- 43
- 44 (o) To require environmental and human rights education as an obligatory curriculum in the  
45 primary and secondary levels, with an actual week spent with an environmental defender  
46 in the locality, as well as a six-unit subject (three as a lecture course and three as a laboratory  
47 subject which may include 20 hours work with any environmental defender organization  
48 in the locality) in all colleges and universities, with due consideration of relevant provisions  
49 in the National Environmental Awareness and Education Act of 2008.
- 50
- 51

**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 healthful 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 1/12<sup>th</sup> 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

1 The court shall exempt Citizen Suits from the payment of filing fees, except fees  
2 for actions not capable of pecuniary estimation, and shall likewise, upon prima  
3 facie showing of non-enforcement or violation complained of, will exempt the  
4 plaintiff from filing an injunction bond for the issuance of a preliminary  
5 injunction.

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

## 8 Chapter V

### 9 Protection of Witnesses of Violations of this Act

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

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

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

## 31 Chapter VI

### 32 Penal Provisions

34 **SECTION 28. *Penalty for the violations of Sections 5 to 10 and of Section 27 of this Act*** –  
35 The penalty of prision mayor in its maximum period to prision temporal in its medium period  
36 without the privilege of parole AND a fine of AT LEAST FIVE MILLION PESOS (PhP  
37 5,000,000.00) AND civil indemnities to the victims or their immediate family shall be imposed  
38 upon any violator of the provisions of this Act.

40 Following the lifting of the corporate veil as provided for by Section 23 of this act, individual  
41 investors, stockholders, and/or board of directors officials, are to suffer the penalty of prision  
42 mayor in its maximum period to prision temporal in its medium period without the privilege of  
43 parole AND a fine of AT LEAST FIVE MILLION PESOS (PhP 5,000,000.00) AND civil  
44 indemnities to the victims or their immediate family if their corporation, or the subordinate  
45 personnel of their corporation, including their corporation's security forces, whether the latter are  
46 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.

1 **SECTION 32. *Vitiation of FPIC.*** – Any person found to have vitiated the consent of the  
2 ICCs/IPs through bribery, threat, force, and/or intimidation, or any other similar means, shall  
3 suffer the penalty of prison mayor in its maximum period to prison temporal in its medium period  
4 without the privilege of parole and a fine of AT LEAST TWO MILLION PESOS (PhP  
5 2,000,000.00)

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

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

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

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

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

23 **Chapter VII**  
24 **Final Provisions**

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

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

31  
32 **SECTION 40. *Effectivity Clause*** – This Act shall take effect fifteen (15) days after its  
33 publication in a national newspaper of general circulation.  
34  
35

36 *Approved,*  
37