

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 845



Introduced by **CHRISTOPHER S. CO** and **RODEL M. BATOCABE**

EXPLANATORY NOTE

This bill seeks to prohibit the issuance of temporary restraining order, preliminary injunction, or preliminary mandatory injunction against administrative officials or bodies in the enforcement of environmental laws, rules, and regulations, and in the issuance, approval or disapproval, revocation or suspension of concessions, licenses, permits, patents, or public grants of any kind in connection with the disposition, exploitation, utilization, exploration, and/or development of the natural resources of the Philippines

Needless to state, the protection and preservation of the environment for the present and future generation is of the highest national interest and paramount concern of the State which shall always take precedence over and above private rights and interest. Indeed, the exploitation and wanton destruction of our natural resources have deleterious consequences.

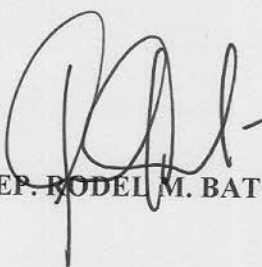
The practice of issuing temporary restraining order, preliminary injunction, or preliminary mandatory injunction against the enforcement of environmental laws and other governmental actions creates an opportunity to exploit the environment and natural resources which in the long run, impedes the economic development.

Furthermore, such issuance deters the State, and its administrative bodies, from exercising their mandate to protect the environmental and natural resources in favor of individuals seeking the protection of their private interests in the courts.

The law recognizes the principle that courts should defer to the technical expertise of administrative agencies. Unless, the issue involves a regulation or action that exceeds the jurisdiction of the administrative agency, judicial review is proscribed.

In light of all these circumstances, the swift passage of this bill is earnestly sought.


REP. CHRISTOPHER S. CO


REP. RODEL M. BATOCABE

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**AN ACT TO IMPLEMENT THE EFFECTIVE ENFORCEMENT OF
ENVIRONMENTAL LAWS BY PROHIBITING LOWER COURTS FROM ISSUING
RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS OR PRELIMINARY
MANDATORY INJUNCTIONS PROVIDING PENALTIES FOR VIOLATIONS
THEREOF, AND FOR OTHER PURPOSES**

Section 1. Declaration of Policy. It is the policy of the State that environmental protection and preservation shall take precedence over private interests. The State shall ensure that administrative agencies, mandated by law and by the Constitution to protect and preserve natural resources, are empowered to enforce them.

Section 2. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions and Preliminary Mandatory Injunctions. No court, except the Supreme Court, shall have jurisdiction to issue any temporary restraining order, preliminary injunction, or preliminary mandatory injunction in any case or dispute involving the enforcement of environmental laws, rules, and regulations, issuance, approval or disapproval, revocation or suspension of, or any action by a proper administrative official or body on concessions, licenses, permits, patents, or public grants of any kind in connection with the disposition, exploitation, utilization, exploration, and/or development of the natural resources of the Philippines.

This prohibition shall not apply in the following circumstances:

- a. In cases involving a constitutional issue that is of extreme urgency such that unless a temporary restraining order, preliminary injunction, or preliminary mandatory injunction is issued, grave and irreparable injury will arise;
- b. In cases involving grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the administrative officer or agency.

Section 3. Nullity of Writs and Orders. Any temporary restraining order, preliminary injunction, and preliminary mandatory injunction issued in violation of Section 3 hereof is void and of no force and effect.

Section 4. Penal Sanction. In addition to any civil and criminal liabilities which a judge may incur under existing laws, a judge who shall issue a temporary restraining order, preliminary injunction, or preliminary injunction in violation of Section 3 hereof, shall suffer the penalty of suspension of at least sixty (60) days without pay.

Section 5. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, other parts of provisions hereof not affected thereby shall continue to be of full force and effect.

Section 6. *Repealing Clause.* All laws, orders, decrees, instructions and rules and regulations inconsistent with this Act are hereby repealed and/or set aside or modified accordingly.

Section 7. *Effectivity Clause.* This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved.