

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session

House Bill No. **7128**



Introduced by **Representative JOEY SARTE SALCEDA**

AN ACT
TO PROMOTE THE RIGHTS OF NATURE IN THE PHILIPPINES

EXPLANATORY NOTE

The world is in a current state of ecological crisis. After experiencing the hottest decade in history yet brought by climate change, we are perceived to continue the long trend of hottest global temperatures that humanity has ever faced. The Philippines is nowhere near safe. As of 2020, Philippine forests cover 24% of our total area, only a percent higher than the 2015 cover (Forest Management Bureau, 2021). We rank as the fourth country in the Asia-Pacific in terms of highest number of threatened species. We are also classified as a biological hotspot, meaning areas of highest biological importance that are at high risk of degradation.

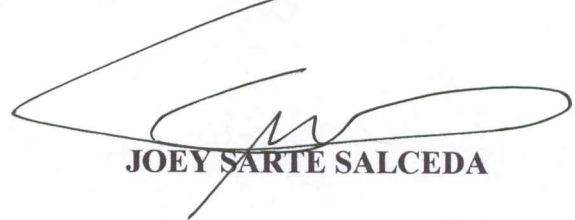
The COVID pandemic, climate crisis, fluctuations in production, shortages, poverty, and inflation – all can be rooted down to a most critical factor: the management of our natural resources. The zoonotic nature of COVID stemming from displacement of fauna due to massive deforestation and the worsening effects of climate change, which threatens economic production, destroys infrastructures, and aggravates social inequality, are inevitably linked with the systematic and rampant destruction of our environment. The crisis we are experiencing is essentially the world facing the consequences of unabated environmental devastation and resource extraction. Any pursuit of development that is solely for the sake of economic growth, devoid of understanding of the interconnectedness among nature and all systems depending on it, will not be able to push desired long-term and sustainable changes. This can only be attained through giving utmost prioritization of that which gives life and the resources to survive. At its core, a thriving nature is a prerequisite to a thriving society.

The Rights of Nature bill seeks to recognize natural ecosystems, populations, and processes as legal entities to certain inherent and inalienable rights, such as those related to their existence, regeneration and restoration. Since 2006, recognizing the legal rights of nature has been enacted and being fought for by various communities, ecosystems, and countries around the world such as in ten (10) US states, Ecuador, and the Himalayas.

Section 16, Article II of the 1987 Constitution stipulates that “The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the

rhythm and harmony of nature.” The proposed bill departs from the usual utilitarian perspective towards nature as objects to exploit and as an afterthought to ‘development,’ but rather as a living system with an inherent right to thrive. It introduces a holistic development perspective that is integral in the creation of an economic, legal, and cultural transformation anchored on environmental conservation and respect for biodiversity, community development, participation, democratic governance, social justice, and sustainability.

In view of the foregoing, the approval of this bill is urgently sought.



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

SECTION 1. *Short Title.* – This Act shall be known as the “*Rights of Nature Act*”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to recognize and protect natural ecosystems and processes, or distinct and identifiable portions thereof, as legal entities possessing certain fundamental and inalienable rights. The State shall provide simple, effective and expeditious mechanisms for the protection and enforcement of these rights. Such rights shall be founded on the following:

(a) *Interconnectedness* of all creation bound by a common living source and all activities in the ecosystem – land, air, water, and sea – live and function according to their respective roles to create and sustain the web life shall at all times be respected;

(b) *Harmony.* All human activities, within the framework of plurality and diversity, should achieve a dynamic balance with the cycles and processes inherent in nature;

(c) *Collective Good.* The interests of society shall be fulfilled consistent with the rights of Nature and shall involve all human activities;

(d) *Guarantee of the Regeneration of Nature.* The State, at its various levels, and society, in harmony with the common interest, must ensure the necessary conditions in order that Nature may regenerate, recognizing that ecosystems are limited in their ability to regenerate, and that humans are limited in their ability to undo their actions;

(e) *Multiculturalism.* The exercise of the rights of Nature requires the recognition, recovery, respect, protection, and dialogue of the diversity of feelings, values, knowledge, skills, practices, skills, transcendence, transformation, science, technology and standards, of all the cultures of the world who seek to live in harmony with nature;

(f) *Co-existence of Human Rights and Rights of Nature*. All rights guaranteed under the Constitution and international human rights treaties and laws, shall be exercised in harmony and consistent with the Rights of Nature. Nothing in this Act shall diminish or prejudice the rights of peoples and communities whose livelihoods are based on utilization of natural resources provided the same are conducted and pursued in accordance with the objectives of this Act; and

(g) *Promotion of Ecologically-Sound Innovation*. The promotion of ecologically sound innovation shall be in line with the rights of Nature and shall be actively pursued by the State.

SEC. 3. *Definition of Terms*. – As used in this Act, the following terms are defined as follows:

(a) *Nature* refers to the physical world, which encompasses all the biotic and abiotic components and their interactions. It also refers to the meanings in which different groups attribute to the physical environment to make sense of the world.

(b) *Natural Ecosystems* refer to the complex and dynamic communities of plants, animals, microorganisms and other beings and their environment, both living and non-living, where human communities and the rest of nature interact as a functional unit under the influence of climatic, physiographic, and geological factors, as well as production practices, Filipino cultural diversity, and the worldviews of nations and indigenous peoples/indigenous cultural communities.

(c) *Ecological renewal and restoration* refers to the process that will enable the recovery of an ecosystem previously damaged by natural or anthropogenic causes.

(d) *Ecological debt* refers to what a country incurs when their ecological footprint exceeds their biocapacity. This means that the countries make use of resources of other countries to fulfill their consumption needs.

SEC. 4. *The Fundamental Rights of Nature*. – Natural ecosystems shall have the right to exist; to the maintenance of the vital cycles, functions and processes that ensure their continued sustainability and well-being; to the conditions necessary for their ecological renewal and restoration; and to adequate and effective representation vis-à-vis the protection and enforcement of these rights. These rights shall be in addition to, and shall not impair or limit, any other right or remedy available under existing law, administrative regulations or jurisprudence. A violation of any existing environmental law or regulation shall be deemed a prima facie violation of these rights.

The State likewise recognizes that there are limits on the ability of natural ecosystems and processes to regenerate as well as on the ability of humanity to undo and reverse any damage it has caused to the environment. Thus, all development that affects or modifies natural ecosystems and processes must be sustainable, ensure the maintenance of critical ecosystem services, and respect intra- and intergenerational equity.

The rights protected in this Act shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on the natural ecosystems and processes.

SEC. 5. *Legal Personality of Natural Ecosystems and Processes*. – The legal

personality of natural ecosystems and processes, including all of their living and non-living elements, as well as any distinct and identifiable portions, aggregations or components thereof, shall be recognized under law. In any action for the protection or enforcement of the rights recognized herein, the natural ecosystem or process involved shall be considered the real party-in-interest.

SEC. 6. *Obligations of the Government.* – The Government shall take all necessary actions to protect and enforce the rights recognized by this law including, but not limited to, the following:

(a) Develop and implement policies and regulations for prevention, early warning, protection, and precaution to prevent human activity from causing the extinction of living populations, the alteration of the cycles and processes that ensure life, and the destruction of livelihoods and cultural systems that are intertwined with natural ecosystems and processes;

(b) Promote balanced forms of production and patterns of consumption that, while satisfying the needs of the Filipino people, safeguard the regenerative capacity and integrity of natural ecosystems and processes;

(c) Protect natural ecosystems and processes from the exploitation of its components, the commodification of living systems or the processes that support them, and the structural causes and effects of global climate change;

(d) Ensure long-term energy sovereignty, increased efficiency and the gradual incorporation of clean and renewable alternative sources into the energy matrix;

(e) Demand international recognition of ecological debt through the financing and transfer of clean technology compatible with the rights recognized in this Act;

(f) Promote peace and the elimination of all weapons of mass destruction; and

(g) Promote the recognition of the rights of natural ecosystems and processes in multilateral, regional and bilateral international relations.

SEC. 7. *Obligations of Juridical Persons.* – All juridical persons shall take all necessary actions to protect and enforce the rights recognized by this law including, but not limited to, the following:

(a) Embed the Right of Nature policy in their by-laws and organizational processes upon submission of their application for registration to the Securities and Exchange Commission (SEC);

(b) Undertake a regular reporting to the Department of Environment and Natural Resources (DENR) of their impacts on specific ecosystem where they are conducting their business operations; and

(c) Conduct environmental and human rights assessment prior to conducting their operations or whenever there is major change in their operations such as merger or closure of business, Provided, that, such assessment shall be a prerequisite for the issuance of the Environmental Compliance Certificate (ECC) by the DENR.

SEC. 8. *Representation and Standing.* – Any Philippine resident may file an action to enforce the rights or obligations recognized under this Act. Upon the filing of any such action, the Court shall issue an order which shall contain a brief description of the cause of action and the reliefs prayed for, requiring all interested parties to manifest their interest to intervene in the case within a reasonable amount of time from notice thereof.

SEC. 9. *Reliefs.* – If warranted, the court shall issue a judgment in favor of the natural process or ecosystem on whose behalf an action for the protection and enforcement of the rights recognized herein was filed, which shall include measures for its protection, preservation, ecological renewal and restoration, as well as the payment of attorney's fees, costs of suit and other litigation expenses. Monetary damages to be awarded shall be the amount necessary to rectify or repair the damage done to natural ecosystems and processes by the defendant.

SEC. 10. *Trust Fund.* – Any monetary award that may be awarded by any Court in defense of the rights of Nature shall not accrue to the benefit of the representative but it will be deposited to a Trust Fund, Provided, however, that any expenses incurred by the representative shall constitute a lien to the monetary award.

All monetary award shall be deposited in the Trust Fund under the administration of the Conservation Committee provided for in this Act, which shall be used to implement the measures for protection, preservation, ecological restoration, or renewal ordered by the court.

SEC. 11. *Appointment of Conservation Committee.* – To administer the trust fund and implement the measures necessary for protection, preservation, or ecological renewal and restoration of the natural ecosystem or process on whose behalf an action pursuant to this Act was filed, the Court shall appoint a conservation committee from the stakeholders concerned. The Court shall give preference to indigenous cultural communities from the same area, people's organization, non-governmental organization, or any public interest group accredited by or registered with any government agency. Under no circumstances shall a person or entity responsible for a violation of the rights recognized herein be appointed to a conservation committee.

SEC. 12. *Designation of Courts and Promulgation of Procedural Rules.* – The Supreme Court shall designate the court or courts that will hear and resolve cases brought under this Act and shall promulgate the rules of pleading, practice and procedure to govern the proceedings brought under this Act.

SEC. 13. *Strategic Lawsuits against Public Participation.* – A Strategic Lawsuit against Public Participation (SLAPP) is any action filed to harass, vex or exert undue pressure against any person or legal entity that has taken legal action or made a public communication of any kind in connection with the enforcement or protection of the rights recognized herein or any other environmental law or regulation. The defendant in a SLAPP may file a special motion to dismiss at any point of the proceedings alleging that the case is a SLAPP. This special motion to dismiss shall be resolved within thirty (30) days after it is heard. If the court dismisses the SLAPP, it shall award damages, attorney's fees and costs of suit. The dismissal shall be with prejudice.

SEC. 14. *Education.* – The Department of Education and the Commission on Higher Education shall integrate into the curriculum of all levels the respect for and recognition of the

inherent and inalienable rights of natural ecosystems.

SEC. 15. *Penalties.* – Any person who violates any of the provisions of this Act or its Implementing Rules and Regulations shall, upon conviction by final judgment, be punished by imprisonment of not less than six (6) months nor more than two (2) years or a fine of not less than Five Million pesos (PhP5,000,000), nor more than Ten Million pesos (PhP10,000,000), or both, at the discretion of the court. If the violation is committed by a juridical person, the officer responsible therefor shall serve the imprisonment when imposed. If violation is committed by an alien, he or she shall be immediately deported after service of sentence, without need of further proceedings.

SEC. 16. *Appropriations.* – The amount necessary for the immediate implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 17. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the DENR Secretary shall, in consultation with other concerned government agencies, the industry representatives and nongovernment organizations, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 18. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SEC. 19. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.

Approved,