



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10490



Introduced by Representatives EDCCEL C. LAGMAN, SR., PABLO JOHN F. GARCIA, SAMUEL S. VERZOSA, JR., ZIAUR RAHMAN A. ADIONG, and ROBERT ACE S. BARBERS

AN ACT
AMENDING SECTION 47 OF COMMONWEALTH ACT NO. 613, OTHERWISE
KNOWN AS THE "PHILIPPINE IMMIGRATION ACT OF 1940"

EXPLANATORY NOTE

The Pacific islands of Kiribati, Vanuatu and Fiji are in imminent danger of being underwater in the next decade due to the rise of sea levels. It is home to some 65 million people. From now until that perilous period, its people will suffer intense storms, flooding, salination of ground water and land degradation caused by climate change. We come from the same Austronesian origins hence, they are our distant relatives. In our culture, we do what we can to protect our family.

There is, however, a legal gap. First, our own Immigration Act, C.A. No. 613, Section 47 (b), only "*admit aliens who are refugees for religious, political, or racial reasons,*" not "climate refugees" or "environmental migrants." Second, the International Convention and Protocol Relating to the Status of Refugees, [July 28, 1951]) limits the relevant coverage of refugees to persons who have a "*well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*"

In 2015, Ioane Teitiota, a Kiribati citizen, filed an appeal with the New Zealand High Court over his denial of refugee status. The High Court determined that Teitiota "*does not, if returned, face "serious harm" and there is no evidence that the Government of Kiribati is failing to take steps to protect its citizens from the effects of environmental degradation to the extent that it can.*" It found that "*the provisions of the [International Covenant on Civil and Political Rights] (ICCPR 1966) have [no] application to these facts.*" (Teitiota v. Chief Executive of the Ministry of Business Innovation and Employment [2015] NZSC 107 [20 July 2015].

Teitiota then brought a case against New Zealand at the UN Human Rights Commission (HRC), claiming that New Zealand violated his right to life under ICCPR. Article 6(1) of the Covenant provides that: 'Every human being has an inherent life to life. This shall be protected by law. No one shall be arbitrarily

deprived of his life' (Teitiota v. New Zealand, CCPR/C/127/D/2728/2016. UNHRC, 7 January 2020). The HRC concluded that there was no violation of Article 6 of the ICCPR because:

1. There was no arbitrariness or error in the New Zealand authorities' assessment of a real, personal, and reasonable foreseeable risk of a threat to Teitiota's right to life as a result of violent acts resulting from overcrowding or private land dispute in Kiribati (par. 9.7);
2. Teitiota provided insufficient information to indicate a reasonably foreseeable threat of a health risk as a result from inaccessible, insufficient or unsafe supply of fresh water that would impair his right to enjoy a life with dignity or cause his unnatural or premature death (par. 9.8);
3. Teitiota provided insufficient information to indicate a reasonable foreseeable risk that he would be exposed to a situation of indigence, deprivation of food, and extreme precarity that would threaten his right to life (par. 9.9); and
4. Although the Committee accepted that sea level rise to render Kiribati inhabitable, it found that the time frame of 10 to 15 years:

could allow for intervening acts by Kiribati, with the assistance of the international community, to take affirmative measures to protect and, when necessary, relocate its population. The Committee notes that the State party's authorities thoroughly examined that issue and found that Kiribati was taking adaptive measures to reduce existing vulnerabilities and build resilience to climate change-related harms (par. 9.12).

Although Teitiota lost this case, Amnesty International hailed this ruling as a "landmark case for people displaced by climate change". The landmark statement in this ruling is:

The Committee is of the view that without robust national and international efforts, the effects of climate change in receiving States may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the non-refoulment obligations of sending States. Furthermore, given that the risk of an entire country becoming submerged under water is such an extreme risk, the conditions of life in such a country may become incompatible with the right to life with dignity before the risk is realized (par. 9.11).

We cannot hide from legalistic hair-splitting when people are in imminent threat of drowning. We will not argue on who caused climate change, or who should eventually bear the responsibility of sheltering these soon to be displaced persons. Ours is an immediate call of humanitarian duty.

Do we need to act on this issue? President Manuel Quezon could have refused the European Jews. Immigration then was America's jurisdiction. We are not at all responsible for their persecution or genocide. But he acted and admitted some 10,000 jews, when no other nation wanted them. President Elpidio Quirino could have refused the "white Russians," (Russian refugees fleeing Bolshevik persecution). We were still reconstructing our nation after the war. But he acted and admitted 8,000 of them. President Ferdinand Marcos, Sr. could have refused the Indo-Chinese. But he acted and admitted some 400,000 refugees in Bataan and Palawan. In sum, our nation has become a beacon of hope for refugees and this is our challenge today.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



EDCEL C. LAGMAN, SR.



PABLO JOHN F. GARCIA



SAMUEL S. VERZOSA, JR.



ZIAUR RAHMAN A. ADIONG



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AN ACT
AMENDING SECTION 47 OF COMMONWEALTH ACT NO. 613, OTHERWISE KNOWN AS THE “PHILIPPINE IMMIGRATION ACT OF 1940”

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

1 **Section 1.** A new paragraph designated as **Section 47 (c)** is hereby
2 inserted in Commonwealth Act No. 613, otherwise known as the “Philippine
3 Immigration Act of 1940,” to read as follows:

4 **“Section 47.** Notwithstanding the provisions of this Act, the
5 President is authorized —

6 (a) xxx xxx xxx

7 (b) For humanitarian reasons, and when not opposed to the public
8 interest, to admit aliens who are refugees for religious, political, or racial
9 reasons, in such classes of cases and under such conditions as he may
10 prescribe.

11 **(C) HE MAY ALSO ADMIT ALIENS WHO ARE ENVIRONMENTAL**
12 **MIGRANTS FROM THE SMALL ISLAND DEVELOPING STATES IN THE**
13 **PACIFIC, WHO SEEK PROTECTION FROM CLIMATE CHANGE-**
14 **RELATED HARM, IN SUCH CLASSES OF CASES AND UNDER SUCH**
15 **CONDITIONS AS HE MAY PRESCRIBE.”**

16
17 **Section 2.** Implementing Rules and Regulations (IRR). – The IRR
18 Committee shall be composed of the Department of Justice, Department of
19 Foreign Affairs, and Commission on Human Rights. The Secretary of Justice
20 shall serve as the Chairperson, and the Commissioner of the Bureau of
21 Immigration as the Secretariat.

22 The members of the IRR Committee may designate their respective
23 alternates whose acts shall be considered the act of their principals.

24 The IRR Committee shall promulgate the IRR within ninety (90) calendar
25 days from the effectivity of this Act. Any amendments to the IRR shall take effect
26 fifteen (15) days after its complete publication in the Official Gazette or in a
27 newspaper of general circulation.

1 **Section 3. Separability Clause.** – If any part or provision of this Act is
2 held unconstitutional or invalid, the other parts or provisions not otherwise
3 affected shall remain in full force and effect.

4 **Section 4. Repealing Clause.** – All laws, orders, rules and regulations,
5 and other issuances, or parts thereof, which are inconsistent with this Act are
6 hereby repealed, amended, or modified accordingly. ‘

7 **Section 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days
8 after its complete publication in the Official Gazette or in a newspaper of general
9 circulation

Approved,