



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Twentieth Congress
First Regular Session

HOUSE BILL NO. 133

Introduced by Representative Arnan C. Panaligan

EXPLANATORY NOTE

According to Section 16, Article II of the 1987 Constitution, “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.” Further, Section 2, Article XII states that, “All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State.” This bill ensures that these provisions in the Constitution are effectively enforced by the State by giving nature a legal entity. This bill ultimately ensures that the recognition of intergenerational responsibility and intergenerational justice are fully articulated into law.

According to the Department of Science and Technology, human activities have resulted to observed increase in greenhouse gas emissions. The effects are felt gradually across the globe but have become increasingly destructive. For instance, there have been extreme trends in daily events such as temperature and rainfall in the Asia Pacific region. From the period of 1951 to 2010, there has been temperature anomalies observed indicating an increase of 0.648 degree Celsius. Further, according to the Global Peace Index 2019, the Philippines is the most susceptible country to climate hazards such as earthquakes, tsunami, floods, tropical cyclones and drought.

Unless the State takes urgent action to protect its natural ecosystem, environmental degradation will continue to threaten the well-being and safety of future generations. Nature has borne the brunt of this systematic abuse for a long time, without any legal standing to contest it. Recently however, more and more countries, including several Latin American countries, are recognizing that nature has certain inalienable and inherent rights in and of itself. By giving legal entity to nature, this bill urges all individual or collective member of the State to promote

harmony with Nature in all areas of its relationship with other human communities and the rest of nature in ecosystems.

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



ARNAN C. PANALIGAN

- 1 c. Collective good. The interests of society shall be fulfilled consistent with
2 the rights of Nature and shall involve all human activities.
- 3 d. Guarantee of the regeneration of Nature. The State, at its various levels,
4 and society, in harmony with the common interest, must ensure the
5 necessary conditions in order that Nature may regenerate, recognizing
6 that ecosystems are limited in their ability to regenerate, and that humans
7 are limited in their ability to undo their actions.
- 8 e. Multiculturalism. The exercise of the rights of Nature requires the
9 recognition, recovery, respect, protection, and dialogue of the diversity of
10 feelings, values, knowledge, skills, practices, skills, transcendence,
11 transformation, science, technology and standards, of all the cultures of
12 the world who seek to live in harmony with nature.
- 13 f. Co-existence of Human Rights and Rights of Nature. All rights
14 guaranteed under the Constitution and international human rights treaties
15 and laws, shall be exercised in harmony and consistent with the Rights of
16 Nature. Nothing in this Act shall diminish or prejudice the rights of
17 peoples and communities whose livelihoods are based on utilization of
18 natural resources provided the same are conducted and pursued in
19 accordance with the objectives of this Act.
- 20 g. Promotion of ecologically-sound innovation. The promotion of
21 ecologically sound-innovation shall be in line with the rights of Nature
22 and shall be actively pursued by the State.

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

- 25 a. *Nature* refers to the physical world, which encompasses all the biotic and
26 abiotic components and their interactions. It also refers to the meanings
27 in which different groups attribute to the physical environment to make
28 sense of the world.
- 29 b. *Natural Ecosystems* refer to the complex and dynamic communities of
30 plants, animals, microorganisms and other beings and their environment,
31 both living and non-living, where human communities and the rest of

1 nature interact as a functional unit under the influence of climatic,
2 physiographic, and geological factors, as well as production practices,
3 Filipino cultural diversity, and the worldviews of nations and indigenous
4 peoples/indigenous cultural communities.

5 c. *Ecological renewal and restoration* refer to the process that will enable
6 the recovery of an ecosystem previously damaged by natural or
7 anthropogenic causes.

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

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

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

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

28 **Section. 5. *Legal Personality of Natural Ecosystems and Processes.*** The
29 legal personality of natural ecosystems and processes, including all of their living
30 and non-living elements, as well as any distinct and identifiable portions,

1 aggregations or components thereof, shall be recognized under law. In any action
2 for the protection or enforcement of the rights recognized herein, the natural
3 ecosystem or process involved shall be considered the real party-in-interest.

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

- 7 a. Develop and implement policies and regulations for prevention, early
8 warning, protection, and precaution to prevent human activity from
9 causing the extinction of living populations, the alteration of the cycles
10 and processes that ensure life, and the destruction of livelihoods and
11 cultural systems that are intertwined with natural ecosystems and
12 processes;
- 13 b. Promote balanced forms of production and patterns of consumption that,
14 while satisfying the needs of the Filipino people, safe-guard the
15 regenerative capacity and integrity of natural ecosystems and processes;
- 16 c. Protect natural ecosystems and processes from the exploitation of its
17 components, the commodification of living systems or the processes that
18 support them, and the structural causes and effects of global climate
19 change;
- 20 d. Ensure long-term energy sovereignty, increased efficiency and the
21 gradual incorporation of clean and renewable alternative sources into the
22 energy matrix;
- 23 e. Demand international recognition of ecological debt through the
24 financing and transfer of clean technology compatible with the rights
25 recognized in this Act;
- 26 f. Promote peace and the elimination of all weapons of mass destruction;
27 and
- 28 g. Promote the recognition of the rights of natural ecosystems and processes
29 in multilateral, regional and bilateral international relations.

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

- 4 a. Embed the Right of Nature policy in their by-laws and organizational
5 processes upon submission of their application for registration to the
6 Securities and Exchange Commission (SEC);
- 7 b. Undertake a regular reporting to the Department of Environment and Natural
8 Resources (DENR) of their impacts on specific ecosystem where they are
9 conducting their business operations;
- 10 c. Conduct environmental and human rights assessment prior to conducting
11 their operations or whenever there is major change in their operations such
12 as merger or closure of business, *Provided*, that, such assessment shall be a
13 prerequisite for the issuance of the Environmental Compliance Certificate
14 (ECC) by the DENR.

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

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

28 **Section. 10. *Trust Fund.*** Any monetary award that may be awarded by any
29 Court in defense of the rights of Nature shall not accrue to the benefit of the
30 representative but it will be deposited to a Trust Fund, *Provided*, however, that any

1 expenses incurred by the representative shall constitute a lien to the monetary
2 award.

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

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

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

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

1 **Section. 14. *Education.*** The Department of Education and the Commission
2 on Higher Education shall integrate into the curriculum of all levels the respect for
3 and recognition of the inherent and inalienable rights of natural ecosystems.

4 **Section. 15. *Implementing Rules and Regulations.*** The Secretary of
5 Environment and Natural Resources, in coordination with the Commission on
6 Human Rights, the Department of Social Welfare and Development, Department of
7 Education, Commission on Higher Education Department of Agriculture,
8 Department of Agrarian Reform, National Commission on Indigenous Peoples,
9 Climate Change Commission, and associations or organizations representing
10 environmental advocates shall issue the Implementing Rules and Regulations
11 necessary for the effective implementation of this Act within ninety (90) days from
12 the effectivity thereof.

13 **Section. 16. *Appropriations.*** The amount necessary for the initial
14 implementation of the provisions of this Act shall be charged against the current
15 year's appropriations of the Department of Environment and Natural Resources.

16 **Section. 17. *Penalties.*** Any person who violates any of the provisions of this
17 Act or its Implementing Rules and Regulations shall, upon conviction by final
18 judgment, be punished by imprisonment of not less than six (6) months nor more
19 than two (2) years or a fine of not less than Five Million pesos (PhP5,000,000), nor
20 more than Ten Million pesos (PhP10,000,000), or both, at the discretion of the
21 court. If the violation is committed by a juridical person, the officer responsible
22 therefor shall serve the imprisonment when imposed. If violation is committed by
23 an alien, he or she shall be immediately deported after service of sentence, without
24 need of further proceedings.

25 **Section. 18. *Separability Clause.*** If any provision or part hereof is held
26 invalid or unconstitutional, the remainder of the law or the provision not otherwise
27 affected shall remain valid and subsisting.

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29 **Section. 19. *Repealing Clause.*** Any law, presidential decree or issuance,
30 executive order, letter of instruction, administrative order, rule or regulation

contrary to or inconsistent with the provisions of this Act are hereby repealed,
modified or amended accordingly.

Section. 20. Effectivity. - This Act shall take effect fifteen (15) days after its
publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,