

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5766



Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

EXPLANATORY NOTE

Republic Act No. 8975 (RA 8975) was enacted to eliminate delays and ensure the expeditious completion of critical national government infrastructure projects by generally prohibiting lower courts from issuing temporary restraining orders (TROs) or injunctions against them. While the goal of efficient project execution is laudable, the current absolute prohibition often overlooks the fundamental right of Local Government Units (LGUs) and their constituents to a balanced and healthy ecology, as enshrined in the Constitution.

The implementation of major national projects, such as highways, dams, or power plants, and flood control, can sometimes proceed without adequate consultation or full consideration of their localized, negative externalities. These unintended consequences may include severe environmental degradation, irreversible damage to cultural heritage sites, or significant adverse impacts on public health, which could cause irreparable harm far outweighing the national benefit of the project's speedy completion.

This amendatory bill seeks to introduce a limited and carefully controlled exception to the prohibition under RA 8975. It acknowledges the LGUs' role as the authority closest to the affected communities and their mandated responsibility to protect their local environment and public welfare under the Local Government Code of 1991 (RA 7160).

The bill specifically amends Section 3 of RA 8975 by adding a proviso that allows a court to issue a TRO or Preliminary Injunction against a project, *exclusively* upon the petition of the LGU with primary jurisdiction, and if the action is supported by a duly enacted Resolution passed by a majority of all members of the local Sanggunian. This ensures the intervention reflects a

collective, institutional decision and prevents politically motivated delays by a single local executive.

This amendment is designed to strike a balance between the government's need for efficient infrastructure development and the constitutional imperative to protect the environment and local communities from unmitigated harm. It empowers LGUs to serve as a critical check and balance against potentially destructive national projects, while maintaining the necessary safeguards to prevent abuse of the judicial process.

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



SALVADOR A. PLEYTO, SR.

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AN ACT AMENDING REPUBLIC ACT NO. 8975, ENTITLED "AN ACT TO ENSURE THE EXPEDITIOUS IMPLEMENTATION AND COMPLETION OF NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS BY PROHIBITING LOWER COURTS FROM ISSUING TEMPORARY RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY INJUNCTIONS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES," TO ALLOW LOCAL GOVERNMENT UNITS TO INTERVENE ON GOVERNMENT INFRASTRUCTURE PROJECTS IN THEIR LOCALITIES WHICH THEY DEEM TO CAUSE IRREPARABLE HARM

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

SECTION 1. *Amendment of Section 3.* - Section 3 of Republic Act No. 8975 is hereby amended to read as follows:

"SEC. 3. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions. – No court, except the Supreme Court, shall issue any temporary restraining order, preliminary injunction, or preliminary mandatory injunction against the government, or any of its subdivisions, officials, or any person or entity, whether public or private, acting under the government direction, to restrain, prohibit, or compel the following acts:

(a) Acquisition, clearance, and development of the right-of-way and/or site or location of any national government project;

(b) Bidding or awarding of contract/ project of the national government as defined under Section 2 hereof;

(c) Commencement prosecution, execution, implementation, operation of any such contract or project; *lawphil.net*TM

(d) Termination or rescission of any such contract/project; and

(e) The undertaking or authorization of any other lawful activity necessary for such contract/project.

PROVIDED, THAT THIS PROHIBITION SHALL NOT APPLY TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION UPON THE PETITION OF A LOCAL GOVERNMENT UNIT (LGU) WITH PRIMARY JURISDICTION OVER THE LOCALITY WHERE THE PROJECT IS SITUATED, UNDER THE FOLLOWING EXCLUSIVE CONDITIONS:

(1) THE LGU PASSES A DULY ENACTED RESOLUTION, SUPPORTED BY AT LEAST A MAJORITY OF ALL THE MEMBERS OF THE SANGGUNIAN, DECLARING THAT THE INFRASTRUCTURE PROJECT, AS PLANNED OR BEING IMPLEMENTED, POSES AN IMMEDIATE THREAT OF SEVERE AND IRREPARABLE DAMAGE TO THE ENVIRONMENT, PUBLIC HEALTH, OR CULTURAL HERITAGE WITHIN ITS TERRITORIAL JURISDICTION; AND

(2) THE LGU PRESENTS CLEAR AND CONVINCING EVIDENCE, INCLUDING EXPERT STUDIES OR REPORTS, TO THE COURT THAT THE PROJECT'S IRREPARABLE HARM OUTWEIGHS THE PUBLIC BENEFIT OF ITS IMMEDIATE COMPLETION.

IN ALL SUCH CASES OF LGU INTERVENTION, THE COURT MUST RESOLVE THE APPLICATION FOR A TEMPORARY RESTRAINING ORDER WITHIN SEVENTY-TWO (72) HOURS FROM FILING, AND IF ISSUED, ITS EFFECTIVITY SHALL NOT EXCEED TWENTY (20) DAYS, AFTER WHICH NO EXTENSION SHALL BE GRANTED, UNLESS THE COURT IS PREPARED TO RULE ON THE APPLICATION FOR A PRELIMINARY INJUNCTION OR THE MAIN CASE IMMEDIATELY THEREAFTER."

SEC. 2. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 3. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,