

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9090



**AN ACT CRIMINALIZING ECOCIDE AND PROVIDING PENALTIES
FOR THE COMMISSION THEREOF**

**INTRODUCED BY REP. KENNETH PAOLO TERENG and
REP. DANTE S. GARCIA**

EXPLANATORY NOTE

The increasing frequency and severity of environmental degradation in the Philippines and across the globe underscore the urgent need for stronger legal mechanisms to prevent large-scale ecological destruction. From deforestation and biodiversity loss to pollution and resource depletion, these acts often result in irreversible damage that threatens not only ecosystems but also human life, livelihoods, and future generations.

Existing environmental laws, while comprehensive in scope, are often limited in their ability to address large-scale, systemic, and irreversible environmental harm. Accountability gaps persist, particularly in cases where corporations, financial institutions, and even regulatory bodies contribute whether directly or indirectly to environmental destruction. There is therefore a compelling need to explicitly define and penalize ecocide as a distinct and grave offense under Philippine law.

This proposed “Ecocide Prevention Act” seeks to fill this gap by recognizing ecocide as a crime committed through unlawful or wanton acts or omissions with knowledge of the likelihood of severe, widespread, or long-term environmental damage. It establishes clear standards and definitions to guide enforcement, while incorporating the precautionary principle and recognizing both scientific and indigenous knowledge systems in determining environmental harm.

The bill further strengthens accountability by expanding liability beyond direct perpetrators to include those who facilitate, finance, or negligently permit acts leading to ecocide. It introduces a shift in the burden of proof for corporations, ensuring that entities engaged in environmentally impactful activities demonstrate due diligence in preventing harm. It also removes the

defense of mere regulatory compliance when actual environmental damage is evident.

To ensure meaningful deterrence, the measure imposes stringent penalties, including corporate dissolution, substantial fines, imprisonment of responsible officers, and mandatory environmental rehabilitation. It also integrates ecosystem valuation, consistent with Republic Act No. 11995 or the Philippine Ecosystem and Natural Capital Accounting System (PENCAS), in determining fines and damages.

Beyond punitive measures, the bill promotes proactive environmental governance by requiring corporations to adopt environmental risk management systems, conduct independent audits, maintain rehabilitation funds, and ensure board-level accountability. It also provides incentives for voluntary disclosure and early remediation of environmental harm.

Importantly, the bill recognizes the Rights of Nature, affirming that ecosystems and species have the right to exist, persist, and regenerate. It empowers citizens, communities, and organizations to act as stewards of the environment by granting them legal standing to enforce these rights.

The measure likewise upholds the rights of Indigenous Peoples and local communities by mandating Free, Prior, and Informed Consent (FPIC), ensuring public participation in environmental decision-making, and safeguarding customary sustainable practices from being mischaracterized as ecocide.

Finally, the proposed Act ensures that government agencies and regulators are not exempt from accountability. It provides mechanisms to hold public officials liable for negligence or complicity in environmental destruction, thereby reinforcing integrity and responsibility in environmental governance. In sum, this bill represents a transformative step toward environmental justice. By criminalizing ecocide, strengthening accountability, and promoting sustainable stewardship, it aims to protect the nation's natural heritage and secure a livable future for generations to come.

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


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Section 1. *Title.* This Act shall be known as the "Ecocide Prevention Act"

Section 2. *Declaration of Policy.* It is the policy of the State to protect and preserve the environment for present and future generations. Recognizing the irreversibility of large-scale environmental destruction, the State declares ecocide as a crime and commits to holding perpetrators accountable, including corporations, financial institutions, and government agencies that facilitate, permit, or negligently fail to prevent ecocide.

The State further recognizes the special relationship of Indigenous Peoples and local communities with ecosystems and ensures that customary sustainable practices shall not be considered ecocide under this Act.

Section 3. *Definition of Ecocide.* For purposes of this Act, "Ecocide" refers to any unlawful or wanton act or omission committed with knowledge that there is a substantial likelihood of severe, widespread, or long-term damage to the environment.

Section 3.1 Ecocide includes but is not limited to:

- a. Large-scale deforestation and rapid land use conversion leading to significant biodiversity and habitat loss;
- b. Widespread pollution of air, water, or soil affecting human and ecosystem health;

- c. Mass destruction of fauna and flora due to industrial, mining, or extractive activities;
- d. Over-exploitation of natural resources causing significant ecological imbalance;
- e. Ecological distortion by introduction of destructive, parasitic, or invasive species;
- f. Negligent regulatory approval or issuance of permits that facilitate acts leading to ecocide.
- g. Any other acts leading to severe and long-term environmental degradation.

Section 3.2. For the purpose of this Act:

- a. "Wanton" means reckless disregard for environmental damage that is clearly excessive in relation to social and economic benefits anticipated.
- b. "Severe" means damage involving grave harm to any element of the environment, including serious threats to human life, natural, cultural, or economic resources.
- c. "Widespread" means damage beyond a limited geographic area, crossing municipal, provincial, or national boundaries, or impacting an entire ecosystem or species.
- d. "Long-term" means irreversible damage or harm persisting beyond one generation (at least 25 years) or exceeding the natural recovery capacity of the affected area.
- e. "Knowledge" means awareness, whether actual or constructive, that an act or omission is likely to result in severe, widespread, or long-term environmental damage. There shall be a presumption of knowledge if the environmental damage is scientifically proven or physically observable, including local or indigenous cultural methods, taking into consideration the precautionary principle.

Section 4. *Prohibited Acts.* It shall be unlawful for any person, corporation, financial institution, government agency, or entity to:

- a. Commit acts defined as ecocide under Section 3 of this Act;
- b. Facilitate, finance, or support the commission of ecocide;
- c. Negligently allow or fail to prevent acts leading to ecocide if the person or entity has the power and responsibility to do so;
- d. Negligent implementation of monitoring and evaluation of development projects of both private companies and responsible government agencies resulting to significant, substantial, or irreversible negative impacts to ecosystems; and
- e. Failure to faithfully implement the environmental management plan and/or to rehabilitate areas affected by the activities of the accused.

Section 5. Penalties. Any person or entity found guilty of committing ecocide shall face the following:

- a. For corporations, partnerships, associations, and other juridical entities:
 - i. Dissolution or forfeiture of its assets, cancellation of permits, and blacklisting of the corporation and its incorporators in all succeeding applications for environmental compliance certificates;
 - ii. Imprisonment of not less than five (5) years but not more than ten (10) years for the officers directly responsible for the decision-making or execution of ecocide;
 - iii. A fine of not less than Ten Million Pesos (Php 10,000,000) but not more than One Hundred Million Pesos (Php 100,000,000);
 - iv. Mandatory environmental rehabilitation and restoration of the affected area.
- b. For individuals and other entities not listed above:
 - i. Civil liability suits and mandatory rehabilitation and restoration obligations as determined by the appropriate regulatory bodies and/or as ordered by the court

Section 6. Burden of Proof Shift. Corporations shall bear the burden of proving that their activities did not cause or contribute to ecocide. Regulatory approvals or permits shall not serve as a defense if actual environmental harm is proven.

Section 7. Collection of Fines. The amount of fine shall take into consideration the ecosystem valuation of the affected area, in accordance with Republic Act No. 11995, or Philippine Ecosystem and Natural Capital Accounting System (PENCAS) Act. Penalties collected in violation of this Act shall be used for environment rehabilitation activities.

Section 8. Non-retroactivity Clause. No criminal liability shall be imposed for acts resulting in ecocide commenced prior to the enactment of this Act. However, if the destructive effect and negative environmental impact of their acts resulting in ecocide remain, responsible parties may be subject to civil liability suits and mandatory rehabilitation and restoration obligations as determined by the appropriate regulatory bodies and/or as ordered by the court. Failure to rehabilitate or restore shall result in criminal liability under Section 4 of this Act.

Section 9. Proactive Corporate Environmental Responsibility and Accountability. All persons, corporations, partnerships, associations, and other juridical entities engaged in activities with significant environmental impact shall prioritize proactive environmental stewardship and responsible corporate governance towards ecological restoration by performing the following:

- a. Mandatory Environmental Prevention and Risk Management Systems
 - i. Establish and implement an Environmental Risk Prevention and Management Plan (ERPMP), subject to approval and periodic review by the appropriate regulatory agency;
 - ii. Conduct regular independent environmental audits by accredited third-party auditors;
 - iii. Maintain an environmental rehabilitation bond, insurance mechanism, or similar financial assurance sufficient to cover potential restoration costs;
 - iv. Integrate environmental oversight into board-level governance, including designation of a responsible Environmental Compliance Officer; and
 - v. Submit periodic environmental risk and impact disclosure reports to the appropriate regulatory agency.
- b. Voluntary Disclosure and Early Remediation Incentives
 - i. Voluntarily disclose of environmental harm prior to the commencement of formal investigation;
 - ii. Immediate termination of the environmentally harmful activity;
 - iii. Prompt and adequate rehabilitation and restoration measures; and

- iv. Full cooperation with regulatory authorities
- c. Restorative Sanctions and Ecological Compensation.
 - i. Full rehabilitation and ecological restoration of the affected area;
 - ii. Long-term environmental monitoring and maintenance obligations;
 - iii. Establishment of environmental trust funds dedicated exclusively to ecosystem recovery and community rehabilitation; and
 - iv. Implementation of enhanced environmental safeguards to prevent recurrence.
- d. Corporate Governance Responsibility
 - i. Directors and officers shall exercise due diligence in ensuring compliance with environmental laws and risk prevention measures;

Section 10. *Rights of Nature.* The environment, ecosystems, and species shall have the right to exist, persist, regenerate, and be restored. Any citizen, community, or organization may file a legal action on behalf of the environment to enforce these rights.

Section 11. *Civil Damages and Liability.* Any individual, community, or entity affected by acts of ecocide shall have the right to file a civil suit for damages against perpetrators, including corporations, financial institutions, and government agencies. The court may award:

- a. Compensatory damages for direct and indirect harm suffered by affected individuals and communities.
- b. Restorative damages to fund environmental rehabilitation projects.
- c. Punitive damages to deter future offenses, considering the severity and extent of damage.
- d. Class-action suits may be initiated by affected communities, Indigenous groups, or environmental organizations.

Section 12. *Public Participation and Indigenous Peoples' Rights.* The State shall ensure meaningful participation of citizens in environmental decision-making, including:

- a. Mandatory public hearings before approving projects with potential ecological impact;

- b. Free, Prior, and Informed Consent (FPIC) for projects affecting Indigenous territories; and
- c. Access to environmental data and legal remedies to challenge permits and projects that may cause ecocide.

Section 13. *Role of Regulators and Government Agencies.* Government agencies that negligently approve or fail to prevent ecocide may be held liable as co-defendants. Regulators may be charged with criminal negligence for issuing permits or exemptions that lead to environmental destruction. Any evidence of corruption related to environmental approvals shall lead to automatic investigation and prosecution.

Section 14. *Implementing Rules and Regulations.* The Department of Environment and Natural Resources (DENR), Department of Justice (DOJ), in coordination with the Commission on Human Rights and in consultation with civil society, shall promulgate rules to implement this Act within 90 days of its enactment.

Section 15. *Separability Clause.* If any provision of this Act is declared unconstitutional, the remaining provisions shall continue in force.

Section 16. *Repealing Clause.* All laws inconsistent with this Act are repealed or amended accordingly.

Section 17. *Effectivity.* This Act shall take effect 15 days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,