



HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH (20th) CONGRESS
First Regular Session

HOUSE BILL NO._____

Introduced by _____

AN ACT TO RECOGNIZE AND PROTECT THE RIGHTS OF NATURE IN THE PHILIPPINES

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."

Section. 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.
- 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.
- h. Indispensable role of the IPs/ICCs. The State recognizes the indispensable role of the indigenous peoples/indigenous cultural communities in the protection and promotion of the rights of nature

Section 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, species, 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* refer 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 its ecological footprint exceeds its biocapacity. This means that the countries make use of the resources of other countries to fulfill their consumption needs.
- e. *Indigenous Peoples/Indigenous Cultural Communities* (refer to the definition of IPRA)

Section 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 guarantee and uphold the rights secured in this Act, be sustainable, ensure the maintenance of critical ecosystem services, and respect intra- and intergenerational equity.

Section 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. Only natural ecosystems as defined in this Act, including those under Section 13, shall be deemed to have legal personality and entitled to protection under this Act. Likewise, the rights of nature secured in this Act shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on nature.

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

- a. Develop and implement policies and regulations to guarantee and uphold the rights recognized in this Act, including, but not limited to, decision making criteria for all, government actions and authorized activities that will guarantee and uphold these rights, including prevention of harm to natural ecosystems and processes before harm happens, early warning systems to ensure any potential or ongoing harm is

- stopped, robust enforcement of these rights in courts of appropriate jurisdiction, protection and restoration of natural ecosystems and processes, and the exercise of precautionary measures 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 their 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.
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Section 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 regular reporting to the Department of Environment and Natural Resources (DENR) of their impacts on specific ecosystems where they are conducting their business operations;
- c. Conduct environmental and human rights assessment prior to conducting their operations or whenever there is significant change in their operations such as merger or closure of business, which demonstrate that their activities are not violating the rights recognized in this Act or harming nature, *Provided*, that, such assessment –

demonstrating that the rights of nature are not being violated - shall be a prerequisite for the issuance of the Environmental Compliance Certificate (ECC) by the DENR.

Section 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.

Section 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 fully rectify or repair the damage done to natural ecosystems and processes by the defendant.

Section 10. Trust Fund. Any monetary award that any Court may award 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 awards 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.

Section 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.

Section 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.

Section 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.

Section 14. Territories of Life. All ancestral domains of the IPPs/ICCs shall be deemed as Territories of Life, as it is grounded on nature's intrinsic value and their customary belief in the sanctity of the land and oneness with nature. As such, all ancestral domains shall be deemed to have rights as provided under Section 4 and 5 hereof. Likewise, all protected areas declared under the E-NIPAs, including those declared by the local government units (LGUs) as protected areas, are deemed Territories of Life subject to the protection under this Act. National development planning under the NEDA and Local development planning of the LGUs shall integrate the appropriate development framework consistent with the rights of nature. The Protected Area Management Board shall ensure that the management plans in all PAs are aligned with the objectives of the Act.

Sec. 15. Role of the Indigenous Political Structure (IPS). All IPS where present, as mandated by existing law, shall have the following duties and functions in relation to the protection of the rights of nature and implementation of this Act:

- a. Represent the interest of ecosystems and processes within the respective jurisdiction of the LGUs where their AD is located, including the participation in the local development planning;
- b. Ensure that IPs are consulted and give Free, Prior and Informed Consent (FPIC) for any development that may affect ecosystem in the Territories of Life;

- c. Promote indigenous ecological values and practices by coordinating with the Department of Education for its inclusion in the e
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Sec. 16. *Allocation of funds from other sources.* The DENR is hereby mandated to allocate funds for the implementation of this Act sourced from the various funds that the existing law allows it to collect and disburse, such as the Integrated Protected Area Fund (IPAF) under the E-NIPAS and the Forestry Code, among others.

Section 17. *Protection of individuals and communities dependent on the environment for their livelihood.* Nothing in this Act shall be interpreted to diminish or limit the rights of those whose livelihoods are dependent on the benefits derived from the environment such as IPs, fisherfolk, farmers and the like, except to the extent that their acts violate the rights of nature provided in this Act. They shall likewise be deemed stewards of nature in areas where they habitually reside, taking into account their local knowledge and practices in enhancing the health and protection of nature. Any development projects, whether public or private, shall undergo the consultation required under Sections 26 and 27 of the Local Government Code of 1991. Individuals and communities referred to in this Section shall be indispensable parties in any consultation or conduct of any study in relation to the proposed development project.

Section 18. *Review of the Environmental Impact Assessment Study System.* The DENR in consultation with the public and private sector, including the IPMRs and local communities referred under Section 19 shall conduct a review of the EIASS to align this System with the rights under the provisions of this Act, to ensure that no public or private projects or activities are approved or authorized which would violate the rights secured in this Act.

Sec. 19. *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. 20. *Enforcement and the Implementing Rules and Regulations.* The provisions of this Act shall be effective immediately upon its adoption. The Secretary of Environment and Natural Resources, in coordination with the Commission on Human Rights, the Department of Social Welfare and Development, Department of Education, Commission on Higher Education, Department of Agriculture, Department of Agrarian Reform, National Commission on Indigenous Peoples, Climate Change Commission, and associations or organizations representing environmental advocates shall issue the Implementing Rules and

Regulations to guide the efficient implementation of this Act within ninety (90) days from the effectivity thereof.

Sec. 21. Appropriations. The amount necessary for the initial implementation of the provisions of this Act shall be charged against the current year's appropriations of the Department of Environment and Natural Resources.

Sec. 22. 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. 23. Separability Clause. If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 24. Repealing Clause. Any law, presidential decree or issuance, 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.

Sec. 25. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,