



# RIGHTS — OF — NaturePH

## BILLS PRIMER

### SENATE BILL 1097

An Act Recognizing the Rights of Natural Ecosystems,  
Populations, and Processes and Providing Mechanisms for the  
Protection and  
Enforcement Thereof

or

**Rights of Nature Act of 2019**

Introduced by  
**Senator Risa Hontiveros**

### HOUSE BILL 5603

An Act to Promote the Rights of Nature in the Philippines  
or  
**The Rights of Nature Act**

Introduced by  
**Rep. Jose Christopher Y. Belmonte**





# RIGHTS OF NaturePH

## SENATE BILL 1097

It is hereby declared the policy of the State to recognize natural ecosystems and processes, or distinct and identifiable portions thereof, including populations of plant and animal species, as legal entities sui generis possessing certain fundamental and inalienable rights. The State shall provide simple, effective and expeditious mechanisms for the protection and enforcement of these rights.

## HOUSE BILL 5603

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Such rights shall be founded on the following:

- Interconnectedness
- Harmony
- Collective Good
- Guarantee of the regeneration of Nature
- Multiculturalism
- Co-existence of HR and RoN
- Promotion of ecologically sound innovations





# IMPLEMENTING RULES AND REGULATIONS

The Secretary of Environment and Natural Resources (DENR), in coordination with the **Commission on Human Rights (CHR)**, **Department of Science & Technology (DOST)**, **Department of the Interior & Local Government (DILG)**, **Department of Education (DEPED)**, **Commission on Higher Education (CHED)**, and associations or organizations representing environmental advocates shall issue the **Implementing Rules & Regulations** necessary for the effective implementation of this Act within ninety (90) days from the effectivity thereof.

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** necessary for the effective implementation of this Act within ninety (90) days from the effectivity thereof.



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SENATE BILL 1097

HOUSE BILL 5603

## 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 & Natural Resources. Thereafter, the funds necessary for the purposes of this Act shall be included in the General Appropriations Act.

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# RIGHTS OF NaturePH

SENATE BILL 1097

HOUSE BILL 5603

## EDUCATION

Respect for and recognition of the inherent and inalienable rights of natural ecosystems and processes shall be integrated into all levels of the educational system.

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.







# RIGHTS OF NaturePH

SENATE BILL 1097

HOUSE BILL 5603

## DESIGNATION OF COURTS AND PROMULGATION

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.

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## STRATEGIC LAWSUITS AND 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.

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SENATE BILL 1097

HOUSE BILL 5603

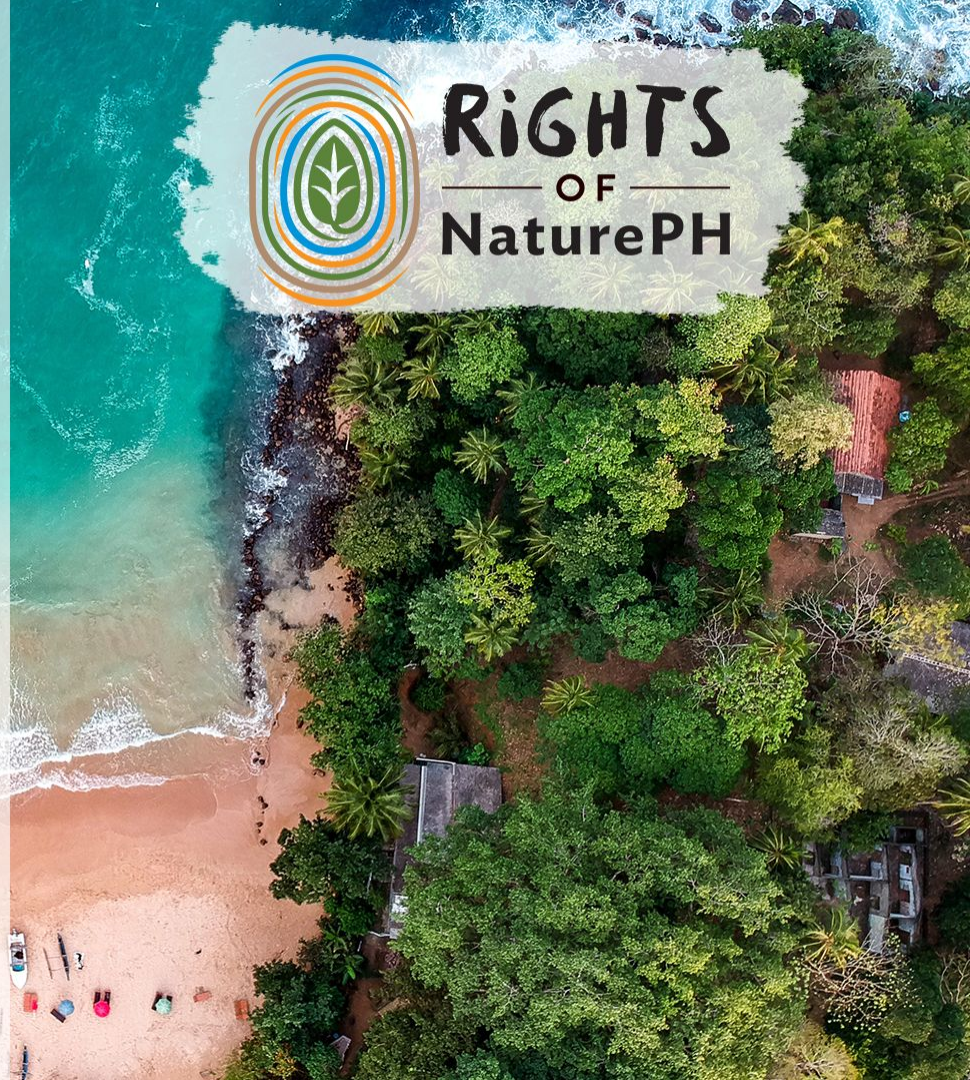
## FUNDAMENTAL RIGHTS OF NATURE

Natural ecosystems, populations, and processes 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 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.



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OF  
**NaturePH**





SENATE BILL 1097

HOUSE BILL 5603

## FUNDAMENTAL RIGHTS

Thus, all **human** development that **alters**, affects or modifies natural ecosystems, **populations** or processes must be sustainable, ensure the maintenance of critical ecosystem services, **allow for renewal and restoration**, and respect intra- and intergenerational equity.

Thus, all development that affects or modifies natural ecosystems and processes must be sustainable, ensure the maintenance of critical ecosystem services, and respect intra- and intergenerational equity.

## REPRESENTATION AND STANDING

Any Philippine resident may file an action to enforce the rights or obligations recognized under this Act **on behalf of the natural ecosystem, population, or process concerned**, which shall be the real party-in-interest.

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**RIGHTS**  
— OF —  
**NaturePH**

SENATE BILL 1097

HOUSE BILL 5603

## LEGAL PERSONALITY OF NATURAL SYSTEMS AND PROCESSES

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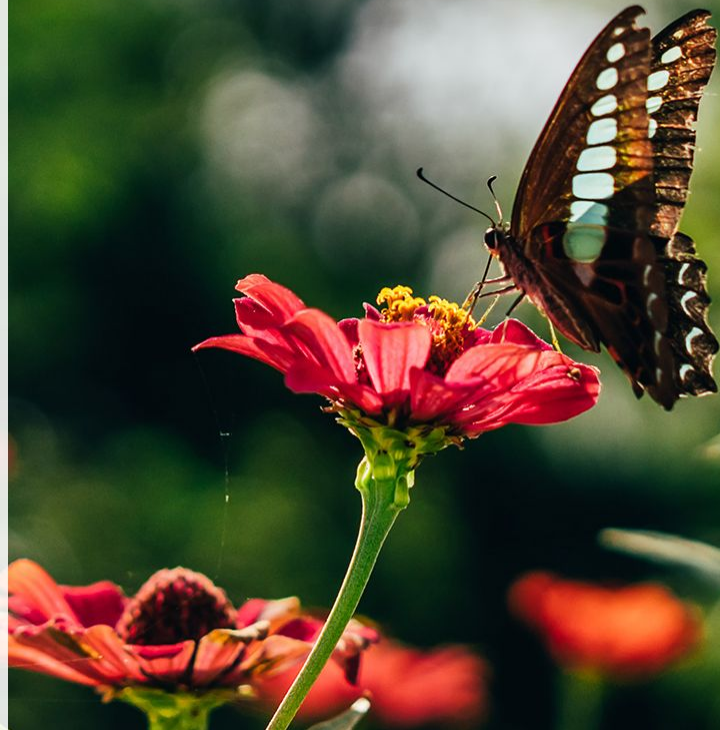
## RELIEFS

If warranted, the court shall issue a judgment in favor of the natural ecosystem, population, or process on whose behalf an action for the protection and enforcement of the rights recognized herein was filed, which shall include measures for its continuing protection, preservation, restoration, or renewal. Monetary damages to be awarded shall be those necessary to **support the continuous and complete** rectification or repair of the damage done to natural ecosystems, populations or processes by the defendant. **Attorney's fees, costs of suit and other litigation expenses shall be awarded to the party or parties who instituted the action for the protection and enforcement of the rights recognized herein.**

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



**RIGHTS**  
— OF —  
**NaturePH**







# RIGHTS OF NaturePH

SENATE BILL 1097

HOUSE BILL 5603

## TRUST FUND

Fines, damages or any other monetary awards imposed upon the defendant shall be held and administered in trust by the conservation committee provided for in this Act on behalf of the natural ecosystem, population, or process considered the real party-in-interest of the action, and used to implement the measures for protection, preservation, restoration, or renewal ordered by the court.

> Any monetary award that may be awarded by any Court 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 award 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.



## APPOINTMENT OF CONSERVATION COMMITTEE

...the court shall appoint a conservation committee from the stakeholders concerned, in accordance with the implementing rules and regulations of this Act. The court shall give preference to residents and indigenous cultural communities from the area, local government units, and people's and other non-governmental organizations or public interest groups accredited by or registered with any relevant 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.

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