



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



Nineteenth Congress
First Regular Session

HOUSE BILL NO. 7165

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


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AN ACT TO PROMOTE THE RIGHTS OF NATURE IN THE PHILIPPINES

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

2 **Section 1. Short Title.** This Act shall be known as the “*Rights of Nature Act.*”

3 **Section 2. Declaration of Policy.** It is hereby declared the policy of the State to recognize
4 and protect natural ecosystems and processes, or distinct and identifiable portions thereof, as legal
5 entities possessing certain fundamental and inalienable rights. The State shall provide simple,
6 effective and expeditious mechanisms for the protection and enforcement of these rights. Such
7 rights shall be founded on the following:

- 8 a. Interconnectedness of all creation bound by a common living source and all activities
9 in the ecosystem—land, air, water, and sea live and function according to their
10 respective roles to create and sustain the web life shall at all times be respected.
- 11 b. Harmony. All human activities, within the framework of plurality and diversity, should
12 achieve a dynamic balance with the cycles and processes inherent in Nature.
- 13 c. Collective good. The interests of society shall be fulfilled consistent with the rights of
14 Nature and shall involve all human activities.
- 15 d. Guarantee of the regeneration of Nature. The State, at its various levels, and society, in
16 harmony with the common interest, must ensure the necessary conditions in order that
17 Nature may regenerate, recognizing that ecosystems are limited in their ability to
18 regenerate, and that humans are limited in their ability to undo their actions.

- 1 e. Multiculturalism. The exercise of the rights of Nature requires the recognition,
2 recovery, respect, protection, and dialogue of the diversity of feelings, values,
3 knowledge, skills, practices, skills, transcendence, transformation, science, technology
4 and standards, of all the cultures of the world who seek to live in harmony with nature.
- 5 f. Co-existence of Human Rights and Rights of Nature. All rights guaranteed under the
6 Constitution and international human rights treaties and laws, shall be exercised in
7 harmony and consistent with the Rights of Nature. Nothing in this Act shall diminish
8 or prejudice the rights of peoples and communities whose livelihoods are based on
9 utilization of natural resources provided the same are conducted and pursued in
10 accordance with the objectives of this Act.
- 11 g. Promotion of ecologically-sound innovation. The promotion of ecologically sound-
12 innovation shall be in line with the rights of Nature and shall be actively pursued by
13 the State.

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

- 16 a. *Nature* refers to the physical world, which encompasses all the biotic and abiotic
17 components and their interactions. It also refers to the meanings in which different
18 groups attribute to the physical environment to make sense of the world.
- 19 b. *Natural Ecosystems* refer to the complex and dynamic communities of plants, animals,
20 microorganisms and other beings and their environment, both living and non-living,
21 where human communities and the rest of nature interact as a functional unit under the
22 influence of climatic, physiographic, and geological factors, as well as production
23 practices, Filipino cultural diversity, and the worldviews of nations and indigenous
24 peoples/indigenous cultural communities.
- 25 c. *Ecological renewal and restoration* refer to the process that will enable the recovery
26 of an ecosystem previously damaged by natural or anthropogenic causes.
- 27 d. *Ecological debt* refers to what a country incurs when their ecological footprint exceeds
28 their biocapacity. This means that the countries make use of resources of other
29 countries to fulfill their consumption needs.

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

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

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

8 **Section 5. *Legal Personality of Natural Ecosystems and Processes.*** The legal personality
9 of natural ecosystems and processes, including all of their living and non-living elements, as well
10 as any distinct and identifiable portions, aggregations or components thereof, shall be recognized
11 under law. In any action for the protection or enforcement of the rights recognized herein, the
12 natural ecosystem or process involved shall be considered the real party-in-interest.

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

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

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

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

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

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

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

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

32 **Section 11. *Appointment of Conservation Committee.*** To administer the trust fund and
33 implement the measures necessary for protection, preservation, or ecological renewal and
34 restoration of the natural ecosystem or process on whose behalf an action pursuant to this Act was

1 filed, the Court shall appoint a conservation committee from the stakeholders concerned. The
2 Court shall give preference to indigenous cultural communities from the same area, people's
3 organization, non-governmental organization, or any public interest group accredited by or
4 registered with any government agency. Under no circumstances shall a person or entity
5 responsible for a violation of the rights recognized herein be appointed to a conservation
6 committee.

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

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

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

22 **Section 15. *Implementing Rules and Regulations.*** The Secretary of Environment and
23 Natural Resources, in coordination with the Commission on Human Rights, the Department of
24 Social Welfare and Development, Department of Education, Commission on Higher Education
25 Department of Agriculture, Department of Agrarian Reform, National Commission on Indigenous
26 Peoples, Climate Change Commission, and associations or organizations representing
27 environmental advocates shall issue the Implementing Rules and Regulations necessary for the
28 effective implementation of this Act within ninety (90) days from the effectivity thereof.

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

32 **Section 17. *Penalties.*** Any person who violates any of the provisions of this Act or its
33 Implementing Rules and Regulations shall, upon conviction by final judgment, be punished by
34 imprisonment of not less than six (6) months nor more than two (2) years or a fine of not less than

1 Five Million pesos (PhP5,000,000), nor more than Ten Million pesos (PhP10,000,000), or both,
2 at the discretion of the court. If the violation is committed by a juridical person, the officer
3 responsible therefor shall serve the imprisonment when imposed. If violation is committed by an
4 alien, he or she shall be immediately deported after service of sentence, without need of further
5 proceedings.

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

9
10 **Section 19. Repealing Clause.** Any law, presidential decree or issuance, executive order,
11 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the
12 provisions of this Act are hereby repealed, modified or amended accordingly.

13
14 **Section 20. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
15 the *Official Gazette* or in a newspaper of general circulation.

16 *Approved*