

RETROACTIVITY & ONGOING HARM

- No criminal liability for acts commenced prior to enactment
- If destructive effects remain, responsible parties may face civil liability
- Mandatory rehabilitation/restoration
- Failure to rehabilitate or restore trigger criminal liability under Section 4.

RIGHTS AND REMEDIES

- **Rights of Nature (Sec. 7)**
 - Ecosystems and species have the right to exist, persist, regenerate, and be restored. Any citizen/ community/ organization may sue on behalf of the environment
- **Civil Damages (Sec. 8)**
 - Compensatory, restorative, and punitive damages may be awarded.
 - Class actions available for affected communities, Indigenous groups, and environmental organizations.

PARTICIPATION & INDIGENOUS PEOPLES' RIGHTS (SEC. 9)

- **Public participation**
 - Mandatory public hearings for projects with potential ecological impact.
 - Access to environmental data and legal remedies to challenge permits/projects.
- **Indigenous Peoples**
 - FPIC required for projects affecting Indigenous territories.
 - Customary sustainable practices are not considered ecocide under the Act

REGULATORS' ROLE & ACCOUNTABILITY (SEC. 10)

- Agencies that negligently approve or fail to prevent ecocide may be co-defendants
- Regulators may be charged with criminal negligence for permits/exemptions that lead to destruction.
- Evidence of corruption related to approvals triggers investigation and prosecution.

IMPLEMENTATION & EFFECTIVITY (SEC. 11-14)

- DENR and DOJ (with CHR; in consultation with civil society) to issue IRR within 90 days of enactment. Separability and
- repealing clauses Effectivity: **15 days after publication** in the Official Gazette or at least two newspapers of general circulation.

ECOCIDE PREVENTION ACT

Criminalizing Ecocide and Providing Penalties for the Commission Thereof



RIGHTS
OF
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PURPOSE OF THE BILL

- Criminalize ecocide and provide penalties for its commission.
- Hold accountable individuals and entities that commit, facilitate, finance, permit, or negligently fail to prevent ecocide.
- Protect the environment for present and future generations, recognizing irreversibility of large-scale destruction.

DEFINITION (SEC. 3)

Sec. 3 of the Independent Expert Panel (IEP) convened by the Stop Ecocide Foundation (2021). Ecocide refers to the act of deliberately causing severe, widespread, or long-term damage to the environment.

- For this bill, **"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. This damage will be recognized as a crime.
- **Wanton** means reckless disregard for environmental damage that is clearly excessive in relation to social and economic benefits anticipated.
- **Severe** means damage involving grave harm to any element of the environment, including serious threats to human life, natural, cultural, or economic resources.

- **Widespread** means damage beyond a limited geographic area, crossing municipal, provincial, or national boundaries, or impacting an entire ecosystem or species.
- **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.
 - **"Long-term": damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time.**
- **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.

WHAT IS CONSIDERED AS ECOCIDE?

- Large-scale deforestation with significant biodiversity loss. Widespread pollution of air, water, or soil
- Mass destruction of fauna and flora from industrial/ mining/ extractive activities
- Over-exploitation causing ecological imbalance. Introduction of destructive/ parasitic/invasive species.
- Negligent regulatory approvals or permits that facilitate ecocide. Other acts leading to severe and long-term environmental degradation.
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PROHIBITED ACTS (SEC. 4)

Unlawful for any person, corporation, financial institution, government agency, or entity to:

- Commit acts defined as ecocide under Section 3 of this Act;
- Facilitate, finance, or support the commission of ecocide;
- Negligently allow or fail to prevent acts leading to ecocide if the person or entity has the power and responsibility to do so.
- Failure to faithfully implement the environmental management plan and/or to rehabilitate areas affected by the activities of the accused.

PENALTIES (SEC. 5)

For persons / entities

- Imprisonment: 12 to 20 years
- Fine: Php 10,000,000 to Php 100,000,000.
- Mandatory environmental rehabilitation and restoration.

Corporation or Government Official

- Corporate officers directly responsible may be held liable.
- Possible dissolution/forfeiture, permit cancellation, and blacklisting for ECC applications.
- For government officials: dismissal and perpetual disqualification from public office.

BURDEN OF PROOF SHIFT (SEC. 6)

- Corporations bear the burden of proving their activities did not cause or contribute to ecocide. Permits and regulatory approvals are not a defense if actual environmental harm is proven.