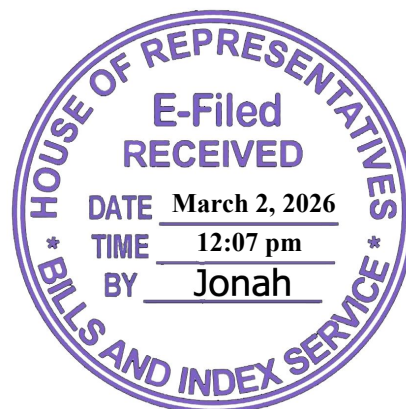


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 8189

**Introduced by AKBAYAN Representatives PERCIVAL V. CENDAÑA,
JOSE MANUEL TADEO "CHEL" I. DIOKNO, and DADAH KIRAM ISMULA and
Dinagat Islands Representative KAKA BAG-AO**

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

EXPLANATORY NOTE

Ecocide is defined as "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"¹. This term emerged in the 1970s due to inadequacy of accountability mechanisms to companies and individuals that abuse the environment, which we still experience today.

Although Section 16, Article II of the 1987 Constitution mandates that "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" and we have recently passed laws protecting the environment from severe damage such as the Expanded National Integrated Protected Areas System Act of 2018 (Republic Act 11038), we still lack policies that strictly enforce accountability to entities that abuse the environment.

At the international level, there were proposals on adopting ecocide as an international crime under the Rome Statute, since an environmental crime is only limited to being penalized as a war crime according to Article 8(2)(b)(iv) of the Rome Statute². The current policy limits the enforcement of ecocide if there is only an international armed conflict, so pushing for ecocide as an international crime would

¹ Stop Ecocide International, 'Legal Definition of Ecocide' (2021)

² <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

make perpetrators liable for investigation and prosecution before the International Criminal Court.³

Thus, this bill is filed which aims to 1) define acts that are considered as ecocide, 2) provide a regulatory mechanism to change behavior of entities and individuals away from ecocide activities, and 3) encourage meaningful participation especially to communities, groups, and sectors who are usually affected by acts of ecocide.

Hence, the immediate passage of this measure is earnestly sought.

PERCIVAL V. CENDAÑA
Akbayan Representative

JOSE MANUEL TADEO
"CHEL" I. DIOKNO
Akbayan Representative

DADAN KIRAM ISMULA
Akbayan Representative

KAKA J. BAG-AO
Dinagat Islands Representative

³ <https://lawcenter.law.upd.edu.ph/ICL/icl-post-sample-copy/>

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**AN ACT CRIMINALIZING ECOCIDE AND PROVIDING PENALTIES
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*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 **Section 1.** *Title.* This Act shall be known as the "Ecocide Prevention Act"
2

3 **Section 2.** *Declaration of Policy.* It is the policy of the State to protect and
4 preserve the environment for present and future generations. Recognizing the
5 irreversibility of large-scale environmental destruction, the State declares ecocide as
6 a crime and commits to holding perpetrators accountable, including corporations,
7 financial institutions, and government agencies that facilitate, permit, or negligently
8 fail to prevent ecocide.
9

10 The State further recognizes the special relationship of Indigenous Peoples and
11 local communities with ecosystems and ensures that customary sustainable practices
12 shall not be considered ecocide under this Act.
13

14 **Section 3.** *Definition of Ecocide.* For purposes of this Act, "Ecocide" refers to
15 any unlawful or wanton act or omission committed with knowledge that there is a
16 substantial likelihood of severe, widespread, or long-term damage to the environment.
17

18 **Section 3.1** Ecocide includes but is not limited to:
19

- 1 a. Large-scale deforestation and rapid land use conversion leading to significant
2 biodiversity and habitat loss;
3
- 4 b. Widespread pollution of air, water, or soil affecting human and ecosystem
5 health;
6
- 7 c. Mass destruction of fauna and flora due to industrial, mining, or extractive
8 activities;
9
- 10 d. Over-exploitation of natural resources causing significant ecological imbalance;
11
- 12 e. Ecological distortion by introduction of destructive, parasitic, or invasive
13 species;
14
- 15 f. Negligent regulatory approval or issuance of permits that facilitate acts leading
16 to ecocide.
17
- 18 g. Any other acts leading to severe and long-term environmental degradation.
19

20 **Section 3.2.** For the purpose of this Act:

- 21
- 22 a. "Wanton" means reckless disregard for environmental damage that is clearly
23 excessive in relation to social and economic benefits anticipated.
24
- 25 b. "Severe" means damage involving grave harm to any element of the
26 environment, including serious threats to human life, natural, cultural, or
27 economic resources.
28
- 29 c. "Widespread" means damage beyond a limited geographic area, crossing
30 municipal, provincial, or national boundaries, or impacting an entire ecosystem
31 or species.
32
- 33 d. "Long-term" means irreversible damage or harm persisting beyond one
34 generation (at least 25 years) or exceeding the natural recovery capacity of the
35 affected area.
36
- 37 e. "Knowledge" means awareness, whether actual or constructive, that an act or
38 omission is likely to result in severe, widespread, or long-term environmental
39 damage. There shall be a presumption of knowledge if the environmental
40 damage is scientifically proven or physically observable, including local or
41 indigenous cultural methods, taking into consideration the precautionary
42 principle.

1
2 **Section 4. *Prohibited Acts.*** It shall be unlawful for any person, corporation,
3 financial institution, government agency, or entity to:

- 4
5 a. Commit acts defined as ecocide under Section 3 of this Act;
6
7 b. Facilitate, finance, or support the commission of ecocide;
8
9 c. Negligently allow or fail to prevent acts leading to ecocide if the person or entity
10 has the power and responsibility to do so;
11
12 d. Negligent implementation of monitoring and evaluation of development
13 projects of both private companies and responsible government agencies
14 resulting to significant, substantial, or irreversible negative impacts to
15 ecosystems; and
16
17 e. Failure to faithfully implement the environmental management plan and/or to
18 rehabilitate areas affected by the activities of the accused.
19

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

- 22 a. For corporations, partnerships, associations, and other juridical entities:
23 i. Dissolution or forfeiture of its assets, cancellation of permits, and
24 blacklisting of the corporation and its incorporators in all succeeding
25 applications for environmental compliance certificates;
26 ii. Imprisonment of not less than five (5) years but not more than ten
27 (10) years for the officers directly responsible for the decision-making
28 or execution of ecocide;
29 iii. A fine of not less than Ten Million Pesos (Php 10,000,000) but not more
30 than One Hundred Million Pesos (Php 100,000,000);
31 iv. Mandatory environmental rehabilitation and restoration of the affected
32 area.
33
34 b. For individuals and other entities not listed above:
35 i. Civil liability suits and mandatory rehabilitation and restoration
36 obligations as determined by the appropriate regulatory bodies and/or
37 as ordered by the court
38

39 **Section 6. *Collection of Fines.*** The amount of fine shall take into consideration
40 the ecosystem valuation of the affected area, in accordance with Republic Act No.
41 11995, or Philippine Ecosystem and Natural Capital Accounting System (PENCAS) Act.

1 Penalties collected in violation of this Act shall be used for environment rehabilitation
2 activities.

3
4 **Section 7. *Non-retroactivity Clause.*** No criminal liability shall be imposed for
5 acts resulting in ecocide commenced prior to the enactment of this Act. However, if
6 the destructive effect and negative environmental impact of their acts resulting in
7 ecocide remain, responsible parties may be subject to civil liability suits and mandatory
8 rehabilitation and restoration obligations as determined by the appropriate regulatory
9 bodies and/or as ordered by the court. Failure to rehabilitate or restore shall result in
10 criminal liability under Section 4 of this Act.

11
12 **Section 8. *Proactive Corporate Environmental Responsibility and***
13 ***Accountability.*** All persons, corporations, partnerships, associations, and other juridical
14 entities engaged in activities with significant environmental impact shall prioritize
15 proactive environmental stewardship and responsible corporate governance towards
16 ecological restoration by performing the following:

17 a. Corporate Governance Responsibility

- 18 i. Establish and implement an Environmental Risk Prevention and
19 Management Plan (ERPMP), subject to approval and periodic review by
20 the appropriate regulatory agency;
- 21 ii. Conduct regular independent environmental audits by accredited third-
22 party auditors;
- 23 iii. Maintain an environmental rehabilitation bond, insurance mechanism, or
24 similar financial assurance sufficient to cover potential restoration costs;
- 25 iv. Integrate environmental oversight into board-level governance,
26 including designation of a responsible Environmental Compliance Officer;
27 and
- 28 v. Submit periodic environmental risk and impact disclosure reports to the
29 appropriate regulatory agency.

30 b. Early Remediation Incentives

- 31 i. Voluntary disclosure of environmental harm prior to the commencement
32 of formal investigation;
- 33 ii. Immediate termination of the environmentally harmful activity;
- 34 iii. Prompt and adequate rehabilitation and restoration measures; and
- 35 iv. Full cooperation with regulatory authorities.

36 c. Restorative Sanctions and Ecological Compensation.

- 37 i. Rehabilitation and ecological restoration of the affected area;
- 38 ii. Long-term environmental monitoring and maintenance obligations;
- 39 iii. Establishment of environmental trust funds dedicated exclusively to
40 ecosystem recovery and community rehabilitation; and
- 41 iv. Implementation of enhanced environmental safeguards to prevent
42 recurrence.

1 **Section 9. *Rights of Nature.*** The environment, ecosystems, and species shall
2 have the right to exist, persist, regenerate, and be restored. Any citizen, community,
3 or organization may file a legal action on behalf of the environment to enforce these
4 rights.

5
6 **Section 10. *Civil Damages and Liability.*** Any individual, community, or entity
7 affected by acts of ecocide shall have the right to file a civil suit for damages against
8 perpetrators, including corporations, financial institutions, and government agencies.
9 The court may award:

- 10
11 a. Compensatory damages for direct and indirect harm suffered by affected
12 individuals and communities.
13
14 b. Restorative damages to fund environmental rehabilitation projects.
15
16 c. Punitive damages to deter future offenses, considering the severity and extent
17 of damage.
18
19 d. Class-action suits may be initiated by affected communities, Indigenous groups,
20 or environmental organizations.

21
22 **Section 11. *Public Participation and Indigenous Peoples' Rights.*** The State
23 shall ensure meaningful participation of citizens in environmental decision-making,
24 including:

- 25
26 a. Mandatory public hearings before approving projects with potential ecological
27 impact;
28
29 b. Free, Prior, and Informed Consent (FPIC) for projects affecting Indigenous
30 territories; and
31
32 c. Access to environmental data and legal remedies to challenge permits and
33 projects that may cause ecocide.

34
35 **Section 12. *Role of Regulators and Government Agencies.*** Government
36 agencies that negligently approve or fail to prevent ecocide may be held liable as co-
37 defendants. Regulators may be charged with criminal negligence for issuing permits
38 or exemptions that lead to environmental destruction. Any evidence of corruption
39 related to environmental approvals shall lead to automatic investigation and
40 prosecution.

1 **Section 13. *Implementing Rules and Regulations.*** The Department of
2 Environment and Natural Resources (DENR), Department of Justice (DOJ), in
3 coordination with the Commission on Human Rights and in consultation with civil
4 society, shall promulgate rules to implement this Act within 90 days of its enactment.

5
6 **Section 14. *Separability Clause.*** If any provision of this Act is declared
7 unconstitutional, the remaining provisions shall continue in force.

8
9 **Section 15. *Repealing Clause.*** All laws inconsistent with this Act are repealed
10 or amended accordingly.

11
12 **Section 16. *Effectivity.*** This Act shall take effect 15 days after its publication
13 in the Official Gazette or in at least two (2) newspapers of general circulation.

14
Approved,