Senate
Office of the Secretary

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

26 OCT 26 P4 :43

RECEIVED BY:

SENATE
S.B. No. 2579

Introduced by Senator Raffy T. Tulfo

AN ACT
CRIMINALIZING ECOCIDE AND PROVIDING PENALTIES FOR THE COMMISSION THEREOF

EXPLANATORY NOTE

Article II, Section 16 of the 1987 Constitution declares it the policy of the State to protect and advance the people's right to a balanced and healthful ecology in accord with the rhythm and harmony of nature. This duty is reinforced by Article XII, Section 2, which places the exploration, development, and utilization of the country's natural resources under the full control and supervision of the State, and by Article XIII, Section 1, which directs Congress to give the highest priority to measures that promote social justice and improve the quality of life of all people. These constitutional commands require the State not only to regulate environmental harm, but also to impose meaningful accountability where acts or omissions cause grave, widespread, or long-term ecological destruction.

Philippine environmental law contains important protections against particular forms of pollution, illegal extraction, habitat destruction, and other environmental violations. Yet large-scale ecological harm may result from a combination of activities, decisions, financing arrangements, regulatory failures, or deliberate disregard of known environmental risks. Where the resulting damage is severe, widespread, or long-term, ordinary regulatory sanctions may be inadequate to reflect the magnitude of the injury to ecosystems, affected communities, and future generations.

The Supreme Court has consistently recognized the enforceable character of the constitutional right to a balanced and healthful ecology. In *Oposa v. Factoran*, the Court described the right as carrying the correlative duty to refrain from impairing the environment for present and future generations.[1] In *Metropolitan Manila Development Authority v. Concerned Residents of Manila Bay*, the Court emphasized the obligation of public agencies to protect and restore the environment.[2] These principles support a legal framework that addresses not only direct perpetrators, but also persons and entities that knowingly facilitate, finance, authorize, or negligently fail to prevent grave environmental destruction within their responsibility and control.

This measure creates the offense of ecocide for unlawful or wanton acts or omissions committed with knowledge of a substantial likelihood of severe, widespread, or long-term environmental damage. It provides for criminal, civil, restorative, and corporate-accountability mechanisms; requires rehabilitation of damaged ecosystems; strengthens public participation and the protection of Indigenous Peoples' rights; and recognizes that environmental permits cannot excuse actual ecological harm. It likewise promotes preventive environmental governance through risk-management systems, independent audits, financial assurance mechanisms, and transparent disclosures by environmentally significant enterprises.

By establishing a clear legal response to the most serious forms of environmental destruction, the proposed measure seeks to uphold the Constitution, protect communities and biodiversity, and ensure that economic activity does not proceed at the irreversible expense of the country's ecological integrity and the welfare of generations yet unborn.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

RAFFY T. TULFO

[1] *Oposa v. Factoran, Jr.*, G.R. No. 101083, July 30, 1993, 224 SCRA 792, 805.
[2] *Metropolitan Manila Development Authority v. Concerned Residents of Manila Bay*, G.R. Nos. 171947–48, December 18, 2008, 574 SCRA 661, 696–697.

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AN ACT
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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

Section 2. Declaration of Policy. It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology, to safeguard the country's natural resources, and to preserve ecological integrity for present and future generations. The State recognizes that severe, widespread, and long-term environmental damage may cause irreparable injury to ecosystems, biodiversity, public health, livelihoods, culture, and the welfare of generations yet unborn.

Accordingly, the State shall prevent, punish, and redress ecocide; ensure the rehabilitation and restoration of damaged ecosystems; and hold accountable natural persons, juridical entities, and responsible public officers who commit, direct, knowingly authorize, finance, facilitate, or recklessly disregard acts resulting in ecocide.

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

Section 3. Definition of terms. For purposes of this Act:

a) "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. It includes but is not limited to:
    i. Large-scale deforestation and rapid land use conversion leading to significant biodiversity and habitat loss;
    ii. Widespread pollution of air, water, or soil affecting human and ecosystem health;
    iii. Mass destruction of fauna and flora due to industrial, mining, or extractive activities;
    iv. Over-exploitation of natural resources causing significant ecological imbalance;
    v. Ecological distortion by introduction of destructive, parasitic, or invasive species;
    vi. Negligent regulatory approval or issuance of permits that facilitate acts leading to ecocide.
    vii. Any other acts leading to severe and long-term environmental degradation.
b. "Wanton" means reckless disregard for environmental damage that is clearly excessive in relation to social and economic benefits anticipated.
c. "Severe" means damage involving grave harm to any element of the environment, including serious threats to human life, natural, cultural, or economic resources.
d. "Widespread" means damage beyond a limited geographic area, crossing municipal, provincial, or national boundaries, or impacting an entire ecosystem or species.
e. "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.
f. "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.

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

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

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

a. For corporations, partnerships, associations, and other juridical entities:
    i. Dissolution or forfeiture of its assets, cancellation of permits, and blacklisting of the corporation and its incorporators in all succeeding applications for environmental compliance certificates;
    ii. Imprisonment of not less than five (5) years but not more than ten (10) years for the officers directly responsible for the decision-making or execution of ecocide;
    iii. A fine of not less than Ten Million Pesos (Php 10,000,000) but not more than One Hundred Million Pesos (Php 100,000,000);
    iv. Mandatory environmental rehabilitation and restoration of the affected area.

b. For individuals and other entities not listed above:

i. Civil liability suits and mandatory rehabilitation and restoration obligations as determined by the appropriate regulatory bodies and/or as ordered by the court

Section 6. *Burden of Proof Shift.* Corporations shall bear the burden of proving that their activities did not cause or contribute to ecocide. Regulatory approvals or permits shall not serve as a defense if actual environmental harm is proven.

Section 7. Collection of Fines. The amount of fine shall take into consideration the ecosystem valuation of the affected area, in accordance with Republic Act No. 11995, or Philippine Ecosystem and Natural Capital Accounting System (PENCAS) Act. Penalties collected in violation of this Act shall be used for environment rehabilitation activities.

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

Section 9. Proactive Corporate Environmental Responsibility and Accountability. All persons, corporations, partnerships, associations, and other juridical entities engaged in activities with significant environmental impact shall prioritize proactive environmental stewardship and responsible corporate governance towards ecological restoration by performing the following:

a. Mandatory Environmental Prevention and Risk Management Systems

i. Establish and implement an Environmental Risk Prevention and Management Plan (ERPMP), subject to approval and periodic review by the appropriate regulatory agency;

ii. Conduct regular independent environmental audits by accredited third-party auditors;

iii. Maintain an environmental rehabilitation bond, insurance mechanism, or similar financial assurance sufficient to cover potential restoration costs;

iv. Integrate environmental oversight into board-level governance, including designation of a responsible Environmental Compliance Officer; and

v. Submit periodic environmental risk and impact disclosure reports to the appropriate regulatory agency.

b. Voluntary Disclosure and Early Remediation Incentives

i. Voluntarily disclose of environmental harm prior to the commencement of formal investigation;

ii. Immediate termination of the environmentally harmful activity;

iii. Prompt and adequate rehabilitation and restoration measures; and

iv. Full cooperation with regulatory authorities

c. Restorative Sanctions and Ecological Compensation.

i. Full rehabilitation and ecological restoration of the affected area;

ii. Long-term environmental monitoring and maintenance obligations;

iii. Establishment of environmental trust funds dedicated exclusively to ecosystem recovery and community rehabilitation; and

iv. Implementation of enhanced environmental safeguards to prevent recurrence.

d. Corporate Governance Responsibility

i. Directors and officers shall exercise due diligence in ensuring compliance with environmental laws and risk prevention measures;

Section 10. Rights of Nature. The environment, ecosystems, and species shall have the right to exist, persist, regenerate, and be restored. Any citizen, community, or organization may file a legal action on behalf of the environment to enforce these rights.

Section 11. Civil Damages and Liability. Any individual, community, or entity affected by acts of ecocide shall have the right to file a civil suit for damages against

perpetrators, including corporations, financial institutions, and government agencies. The court may award:

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

Section 12. Public Participation and Indigenous Peoples' Rights. The State shall ensure meaningful participation of citizens in environmental decision-making, including:

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

Section 13. Role of Regulators and Government Agencies. Government agencies that negligently approve or fail to prevent ecocide may be held liable as co-defendants. Regulators may be charged with criminal negligence for issuing permits or exemptions that lead to environmental destruction. Any evidence of corruption related to environmental approvals shall lead to automatic investigation and prosecution.

Section 14. Implementing Rules and Regulations. The Department of Environment and Natural Resources (DENR), Department of Justice (DOJ), in coordination with the Commission on Human Rights and in consultation with civil society, shall promulgate rules to implement this Act within 90 days of its enactment

Sec. 11. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

Sec. 12. *Repealing Clause.* – All laws, presidential decrees, executive orders, letters of instructions, proclamations or administrative regulations that are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,