Public Interest Litigation in Environmental Cases: The Philippines

Justice Estela M. Perlas-Bernabe
Supreme Court of the Philippines
Liberalized Approach to Legal Standing in Environmental Public Interest Litigation

- Oposa v. Factoran
- Resident Marine Mammals of the Protected Seascape Tañon Strait v. Reyes
Procedural Issue: Whether or not petitioners’ complaint should be dismissed on the ground of lack of a cause of action?

Ruling: No, since the complaint adequately showed a cause of action for violation of petitioners’ right to a balanced and healthful ecology.

Additional Point: Whether or not, in a class suit, the petitioners may represent not only themselves, but also those generations yet unborn?

Ruling: Yes, they may, based on the concept of intergenerational responsibility as adopted in the 2010 Rules of procedure for Environmental Cases.
Rule II, Section 5 provides:

“Any Filipino citizen in representation of others, including minors or generations yet unborn, may file an action to enforce rights or obligations under environmental laws.”
Resident Marine Mammals of the Protected Seascape Tañon Strait v. Reyes
April 21, 2015

Procedural Issue: Whether or not the marine mammals can be represented by the stewards of nature?

Ruling: The stewards themselves are real-parties-interest in a suit to enforce environmental laws.

Substantive Issue: Whether or not the service contract for the exploration, development, and exploitation of petroleum resources within the Tañon Strait is valid?

Ruling: It is null and void for having violated the Philippine Constitution and its domestic laws.
Innovations and Best Practices that spur Public Interest Litigation in the field of Environmental Law

- Writ of Kalikasan
- Precautionary Principle
- Strategic Lawsuit Against Public Participation
A special remedy against environmental damage of such magnitude as to prejudice the life, health, or property of inhabitants in two or more cities or provinces.
Applies only when the link between the cause, that is the human activity sought to be inhibited, and the effect, that is the damage to the environment, cannot be established with full scientific certainty.

Precautionary Principle
The Precautionary Principle was not applicable because the petroleum leak and the harm to the environment and to the residents of the affected area were not disputed by the pipeline operator.
The Writ of Kalikasan was denied since the petitioners failed to prove the grave environmental damage caused by the construction and operation of the power plant on the affected area.
A defense which an environmental advocate may raise against an action that is meant to harass, vex, exert undue pressure, or stifle any legal recourse that such advocate has taken or may take in the enforcement of environmental laws or the protection of the environment.
Thank you!