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SENATE

HECEIVED BY:

P. S. Res. No. 285

Introduced by Senators JUAN MIGUEL F. ZUBIRI

RESOLUTION COMMENDING THE SUPREME COURT OF THE PHILIPPINES ON THE CREATION OF THE ENVIRONMENTAL "GREEN" COURTS AS SPECIAL COURTS FROM AMONG FIRST AND SECOND LEVEL TRIAL COURTS FOR THE SPEEDY ADJUDICATION AND RESOLUTION OF ENVIRONMENTAL CASES

Whereas, the health and well-being of every Filipino is the result of the quality of food that he partakes, water he drinks and uses and the air that he breathes;

Whereas, there are laws governing the protection of the environment as a totality and of its components such as air, water consisting of inland, ground and marine water resources, soil and land resources with corresponding standards such as the Clean Air Act (Republic Act 8749), Clean Water Act (RA 9275), Solid Waste Management Act (RA 9003), Toxic, Hazardous and Nuclear Wastes Management (RA 6969), among others;

Whereas, violations or non-compliance with laws on natural resource use and exploitation such as the National Integrated Protected Areas System Act (NIPAS) or RA 7586, Mining Act (RA 7942), Indigenous People's Rights Act (RA 8371), Caves and Cave Resources Act (RA 9072), Wildlife Resources and Conservation Act (RA 9147), and the Fisheries Code (RA 8550), among others, give rise to deep-seated conflicts between and among different stakeholders consisting of but not limited to directly-affected communities like indigenous tribes, the agriculture sector, minerals, energy, transport, housing and health sectors;

Whereas, the plethora of devolved functions including protection of the environment and natural resource use generate conflict and compliance issues between national policy and local governments to the detriment of people, flora and fauna and various ecosystems including critical and protected areas;

Whereas, existing international conventions, treaties and agreements on environmental protection and natural resource use should be reflected and interpreted for the promotion of Filipinos' health and well-being at all times to achieve food, water and energy security for the present and future generations;

Whereas, the government should place a high priority on the protection of the environment based on the finite nature of natural resources and the potential of irreversible damages not only to the Philippine archipelago but to the planet as well arising from environmental crimes;

Whereas, environmental emergencies have been brought by affected communities and stakeholders to the attention of the Senate that in turn held inquiries but could only transmit its findings and recommendations to the Executive;

Whereas, there exist huge backlog in the resolution and adjudication of environment-related cases languishing in the dockets of regular courts;

Whereas, the resolution of conflicts concerning the environment need technical expertise and specialization that can only be achieved by the setting up of the Green courts;

Whereas, the creation of the Environmental "Green" Courts will be an instrument to harmonize environmental justice with the country's goals to promote human rights, obliterate social inequity and eliminate poverty;

NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate of the Philippines commend the Supreme Court of the Philippines for the creation of the Environmental "Green" Courts as Special Courts from among first and second level trial courts for the speedy adjudication and resolution of environmental cases.

Adopted,

JUAN MIGUEL F. ZUBIRI