Category: **Obligation to Provide Access to Legal Remedies**

Sub-Category: Improving Access to Courts

Name of Good Practice: Rules of Procedure for Environmental Cases

Key Words: Accountability, Access to Justice, Defamation, SLAPP Suits

Implementing Actors: Court: Supreme Court of the Philippines

Location: Philippines

Description: The Supreme Court of the Philippines has enacted Rules of Procedure for Environmental Cases that include many mechanisms to facilitate petitioners to bring cases before the Court. The Rules, which list as an objective “[t]o protect and advance the constitutional right of the people to a balanced and healthful ecology,” include a broad standing provision for citizens to bring cases before the Court. The Rules state, “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.” For such citizen suits, the Court will also defer the payment of any filing or other legal fees until after the Court issues a judgment.

The Rules also address strategic lawsuits against public participation, also known as SLAPP suits, which the Rules define as “legal action[s] filed to harass, vex, exert undue pressure or stifle any legal recourse that any person, institution or the government has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.” The Rules give the opportunity for plaintiffs to raise cases that they believe are SLAPP suits with the Court, and the Court then shifts the burden on the defendant to demonstrate that the counter suit is not a SLAPP suit. The Rules set short timetables for the resolution of such law suits and if the Court dismisses the SLAPP suit, it may award damages, attorney’s fees and costs of suit under a counterclaim if such has been filed.

**F**urther Information: Republic of the Philippines Supreme Court, Rules of Procedure for Environmental cases, A.M. No. 09-6-8-SC, 29 April 2010: http://www.law.pace.edu/sites/default/files/IJIEA/Rules\_of\_Procedure\_for\_Environmental\_Cases.pdf; *see* *also* UNDP’s website for a summary of the rules: <http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/projects_and_initiatives/environmental-justice-philippines/>.