

ENVIRONMENTAL HUMAN RIGHTS DEFENDER'S GUIDE

Against Abusive Lawsuits in the Philippines



COMMUNITY LEGAL HELP AND PUBLIC INTEREST CENTRE, INC.
NUCLEAR AND COAL FREE BATAAN MOVEMENT • 350 PILIPINAS
GLOBAL CLIMATE LEGAL DEFENSE

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Acknowledgement

This Guide is the fruit of our collaboration and dedication. We extend our deepest solidarity with the Filipino Environmental Human Rights Defenders (EHRDs) whose courage, persistence, and unwavering commitment to environmental justice are the very reasons this resource exists. Their struggle against abusive lawsuits serves as both a painful reminder of the risks they face and an inspiring testament to their vital work.

We are profoundly thankful for the invaluable reviews, support, and contributions of colleagues from the Environmental Law Alliance Worldwide (ELAW).

Special appreciation goes to the community organizers, campaigners, and countless volunteers who contributed their time, knowledge, and experience during EHRD Guide test trainings in Bataan, Cavite, Cebu, and Quezon City to refine the content and structure of this document. Your collective effort has made this Guide a comprehensive and practical tool for those on the frontlines of environmental defense in the Philippines.

Foreword



Orlando S. Mercado

*Former Senator and Secretary of National Defense,
Chair of the Board of Trustees,
Community Legal Help and Public Interest Centre, Inc.*

In the face of mounting environmental challenges, this guide arrives as both a timely resource and a call to action. It speaks not only to the urgency of our ecological crisis but also to the enduring power of informed, community-driven solutions.

Throughout my years in public service and advocacy, I have witnessed how environmental protection is inseparable from social justice, disaster preparedness, and national development.

As a legislator, I championed laws that sought to institutionalize environmental stewardship, including measures on ecological solid waste management, disaster risk reduction, and sustainable development. But beyond policy, I have always believed that real change begins at the grassroots, with empowered citizens, who understand their role as stewards of the land, air, and water.

This guide embodies that spirit. It equips educators, students, and community leaders with the tools to understand, communicate, and act on the environmental issues that affect their daily lives, from flooding and pollution to reclamation and resource extraction. It bridges science, law, and civic engagement in a way that is accessible, practical, and deeply rooted in the Philippine context.

I commend the authors and advocates behind this initiative for their clarity of purpose and commitment to truth. In an era of disinformation and ecological neglect, this guide is a beacon, grounded in facts, driven by compassion, and animated by hope.

May it inspire a new generation of environmental defenders who will not only speak out, but also build, protect, and heal.

Messages

Lori Maddox

*Deputy Executive Director,
Environmental Law Alliance Worldwide (ELAW)*

Around the world, communities are rising to protect their environment, their health, and their future. In the Philippines, this movement is vibrant and courageous, driven by advocates who challenge destructive projects, defend ecosystems, and uphold the rights of those most affected. This guide is a testament to that spirit.

At ELAW, we have the privilege of working alongside grassroots lawyers and scientists who champion environmental justice. We've seen firsthand how legal tools, when placed in the hands of communities, can transform landscapes and lives. This guide reflects that power. It distills complex legal frameworks into accessible strategies, equipping advocates to challenge reclamation, quarrying, mining, and other threats to Manila Bay and beyond.

What makes this guide exceptional is its grounding in local realities. It doesn't just explain the law, it connects it to the lived experiences of fisherfolk, youth, and residents who depend on clean water, healthy ecosystems, and disaster-resilient communities. It offers practical steps for engaging agencies, filing complaints, and mobilizing public support. And it does so with clarity, courage, and hope.

I commend the authors and contributors for their dedication. Their work strengthens the legal backbone of environmental advocacy in the Philippines. It empowers defenders to speak truth to power, demand accountability, and protect what matters most.

May this guide inspire action, foster collaboration, and help build a future where environmental rights are not just recognized but realized.



Roberto Eugenio T. Cadiz

*Former Commissioner, Commission on Human Rights of the Philippines
President, Climate Action and Human Rights Institute*

In the Philippines—where communities are increasingly confronted by the intersecting crises of ecological degradation, land dispossession, and shrinking democratic space—upholding human dignity in the midst of these challenges, especially of the most vulnerable sectors, demands extraordinary effort and vigilance.

During my term as Commissioner of the Commission on Human Rights of the Philippines from 2015 to 2022, I had the honor of leading the National Inquiry on Climate Change (NICC). Initiated in response to the courageous petition of Filipino typhoon survivors, Greenpeace Southeast Asia, and other community-based organizations, the inquiry found that major fossil fuel companies—despite decades-old knowledge of the harms associated with their products and driven by corporate interests—engaged in coordinated efforts to obscure climate science and undermine the urgent transition to clean, renewable energy.

So also, in 2019, the Commission conducted a National Inquiry into the Situation of Human Rights of Indigenous Peoples in the Context of Large-Scale Mining and Other Development Projects. It documented an alarming pattern of disregard: projects pursued without genuine environmental and social impact assessments; violations of the requirement of Free, Prior, and Informed Consent (FPIC) with grave repercussions for cultural survival and livelihoods; widespread encroachment into ancestral territories; and intimidation and violence against environmental human rights defenders. These findings revealed systemic and persistent failures—by both State and corporate actors—to respect, protect, and fulfill human rights obligations.

There were two more landmark inquiries held by the Commission during my term: The Inquiry on the Situation of the Lumad People in Haran, Mindanao (The Haran case) and the Inquiry on the Situation of Human Rights Defenders in the Philippines – both of which I also had the privilege of handling.

In all these, we have established that States have a primary duty under International Law to Human Rights. Part of that obligation is to regulate the behavior of non-State actors within their jurisdictions to ensure that the latter do not abuse human rights. The UN Guiding Principles on Business and Human Rights unequivocally declare that private enterprises - such as those who have contributed substantially to the climate and environmental crises - also have clear responsibilities to human rights. Part of this responsibility is to conduct due diligence impact assessments, mitigate climate and environmental harm, and provide access to remedy for victims.

This Guidebook builds on the findings and recommendations of the above inquiries and reflects the Philippines' contribution to a rapidly evolving regional and global human rights landscape, underscored most recently by the adoption of the ASEAN Declaration on Environmental Rights (ADER). It affirms the central role of environmental human rights defenders, Indigenous Peoples, and other vulnerable sectors in the shaping of a just and sustainable future and forms part of our collective march towards environmental justice. It reinforces, as well, the essential pillars of environmental democracy—access to justice, access to information, and meaningful public participation—without which rights remain merely aspirational.

This Guide will no doubt serve as an active bridge between the law and the lives it is meant to protect; empower communities; and strengthen the collective, uncompromising advocacy for development that uplifts, not destroys; respects, not violates; and heals, not harms.

Environmental rights are human rights. They are inextricably linked to each other and should never be sacrificed at the altar of short-term, unsustainable development. We are stewards of our planet not only for the present, but also for future generations.



Preface

This Guide is designed as a practical and accessible resource for Environmental Human Rights Defenders (EHRDs) in the Philippines, a community that stands at the intersection of environmental conservation and personal risk. In their vital mission to safeguard nature and uphold the fundamental right to a healthy ecology, EHRDs often become targets of legal harassment, most commonly in the form of Strategic Lawsuits Against Public Participation (SLAPPs).

This document provides a framework for understanding these abusive lawsuits, detailed steps for legal risks assessment and management (LRAM), and actionable strategies for defense, including the use of "SLAPP-back" mechanisms under the Philippine Rules of Procedure for Environmental Cases. It also outlines essential processes for filing complaints with the Commission on Human Rights (CHR), and for other mandatory legal framework and legal obligations for operating a non-governmental organization (NGO) in the Philippines.

Our intent is not only to inform EHRDs of their rights and legal defenses but also to empower them to continue their work with greater confidence, vigilance, and resilience. By demystifying complex legal procedures and providing practical tools, we hope to mitigate the chilling effect of SLAPPs and strengthen the movement for environmental justice in the Philippines. This Guide is a testament to the belief that courageous advocacy should never be met with legal intimidation.

Zelda Soriano

*Founder and Pro bono Executive Director
Community Legal Help and Public Interest Centre, Inc.*

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Background

Filipino Environmental Human Rights Defenders (EHRDs) are vital in empowering communities and safeguarding ecosystems. However, their courageous efforts often make them vulnerable to harassment, arrest, lawsuits, assault, and even death.

The United Nations (UN) defines environmental human rights defenders as “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna.”¹

The Community Legal Help and Public Interest Centre, Inc. (C-Help), supports EHRDs through its Defenders Programme by:

- ◆ Training EHRDs in precautionary measures and risk mitigation strategies to reduce their vulnerability to Strategic Lawsuits Against Public Participation (SLAPP) suits.
- ◆ Serving as their defense attorneys.
- ◆ Advocating for environmental human rights and stronger protections for those who defend these rights.

This Guide aims to help EHRDs in the Philippines minimize their risk of abusive lawsuits. It draws on years of experience defending EHRDs in legal cases and collaborating with grassroots communities and civil societies on environmental and public interest issues.

While primarily intended for Filipino EHRDs, this Guide will also benefit legal professionals, civil servants, policymakers, university students, and researchers dealing with environmental human rights issues in the Philippines and other countries. No prior knowledge of the topic is required to use this Guide.

Outline

The Guide comprises four substantive sections, each estimated to require at least 8 hours of learning time.

Section 1	Framework and Key Concepts What are environmental human rights (EHRs) Characteristics and sources (international and national) Who are EHRDs Definition and examples of SLAPP, abusive lawsuits Definition and examples of SLAPP-back
Section 2	Legal Risks Assessment and Management (LRAM) Definition and examples of LRAM Pointers during search and arrest
Section 3	Bringing a Case to the Commission on Human Rights (CHR) About CHR Cases being handled by the CHR Filing a complaint
Section 4	NGO Registration, Legal Compliances, and Other Considerations Registration and reportorial requirements Tax exemption and obligations Labor and other statutory compliances

¹ United Nations General Assembly Report of the Special Rapporteur on the situation of human rights defenders (3 August 2016) UN Doc A/71/281, 4, available at <https://docs.un.org/en/A/71/281> (last accessed November 24, 2025).

SECTION 1

FRAMEWORK AND CONCEPTS

Environmental Human Rights (EHR) extend basic human rights to encompass the right to a safe, clean, and healthy environment². These rights are fundamental for the enjoyment of other human rights, including:

 The right to life, health, food, water, and sanitation.

 The right to live, work, study, and recreate in non-toxic environments.

 The right to access information.

 The right to participate in decision-making.

 The right to access justice and effective remedies.

 The right to act responsibly when utilizing natural resources.

² United Nations (UN) General Assembly Resolution on The human right to a clean, healthy and sustainable environment (28 July 2022) UN Doc A/RES/76/300, available at <https://docs.un.org/en/a/res/76/300> (last accessed November 24, 2025).

Environmental Human Rights (EHR)

EHRs are fundamental for human survival. A safe, clean, healthy, and sustainable environment is essential for the full enjoyment of a wide range of human rights, including the rights to life, health, food, water, and sanitation. Without a healthy environment, we cannot fulfill our aspirations or meet minimum standards of human dignity.³ This is why environmental human rights are considered a fundamental right.

The significance of healthy ecosystems cannot be overstated. Without robust biodiversity and functional ecosystems, we would lack clean air, safe drinking water, and nutritious food.⁴

EHRs are fundamental to every individual, irrespective of nationality, sex, ethnicity, race, religion, language, or any other status. These rights encompass everything from the most basic, such as the right to life, to those that enrich life, like the right to food, education, work, and liberty.⁵

Under the Philippine Constitution, EHRs are safeguarded as part of the state's duty to uphold the people's right to a healthy environment. Intrinsic to this right is the right to health, as detailed in the subsequent sections:

Article II: Declaration of Principles and State Policies

- ◆ **Section 15.** The State shall protect and promote the right to health of the people and instill health consciousness among them.⁶

³ Id.

⁴ Boyd, David. Human rights depend on a healthy biosphere. (n.d.). <https://www.ohchr.org/sites/default/files/2022-02/BiosphereSummary.pdf>

⁵ UN Office of the High Commissioner of Human Rights (OHCHR), What are human rights?, available at <https://www.ohchr.org/en/what-are-human-rights> (last accessed November 6, 2024).

⁶ PHIL. CONST. Art. II § 15.

- ◆ **Section 16.** 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.⁷

In the landmark case of *Oposa, et. al. vs. Factoran, et. al.*⁸, the Supreme Court affirmed the fundamental right to a healthy environment. The Court underscored the State's duty to protect this right for future generations, emphasizing each generation's responsibility to preserve the environment for those who follow.

The Supreme Court further clarified the intrinsic link between environmental rights and the right to health in *Gemma C. Dela Cruz, et. al. vs. Manila Electric Company (Meralco), et. al.*⁹ The Court elucidated that the right to a balanced and healthful ecology is inherently connected to the right to health.

Characteristics of EHR

Like all human rights, EHRs share several key characteristics:

- 1. Inherent:** Environmental human rights are fundamental and belong to a person from birth. They are a birthright, requiring no specific law for their possession or enjoyment.¹⁰
- 2. Universal and Inalienable:** EHR applies to all people, everywhere, as clearly stated in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights."¹¹ Furthermore, EHR are inalienable, meaning they cannot be taken away or transferred.

⁷ PHIL. CONST. Art. II § 16.

⁸ G.R. No. 101083, July 30, 1993.

⁹ G.R. No. 197878, November 10, 2020.

¹⁰ UN OHCHR, supra note 5.

¹¹ Id.

3. Indivisible: Environmental rights are inextricably linked to other human rights. Regardless of their connection to civil, cultural, economic, political, or social issues, all human rights hold equal status. Denying one right often hinders the enjoyment of others; for instance, compromising the right to an adequate standard of living can undermine the right to health or education.¹²

4. Interdependent: Environmental rights are interconnected and mutually reliant.¹³ Every human right acknowledges an individual's dignity by addressing their physical, psychological, developmental, and spiritual needs. The fulfillment of one right frequently depends, entirely or in part, on the fulfillment of other rights. For example, the right to health may depend on the right to education or the freedom to pursue personal passions, among other rights.

Sources of EHR

EHRs are intricately linked to and influenced by other categories of human rights, including:

- ◆ First Generation Rights: Civil and political rights.
- ◆ Second Generation Rights: Economic, social, and cultural rights.
- ◆ Third Generation Rights: Collective rights.¹⁴

These rights are articulated in the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on December 10, 1948. The UDHR draws upon two pivotal international treaties:

¹² Id.
¹³ Id.
¹⁴ Id.

EHRDs are individuals and groups who, in a personal or professional capacity and in a peaceful manner, work to protect and promote human rights related to the environment. This encompasses rights concerning water, air, land, and biodiversity (flora and fauna).

the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Collectively, these three international instruments constitute the International Bill of Human Rights¹⁵ and serve as foundational sources of Environmental Human Rights.

The Philippines is a signatory to eight (8) core international human rights treaties:

- ◆ ICCPR (October 23, 1986)
- ◆ ICESCR (June 7, 1974)
- ◆ International Convention on the Elimination of All Forms of Racial Discrimination (September 15, 1976)
- ◆ International Convention on the Elimination of All Forms of Discrimination against Women (August 5, 1981)
- ◆ Convention on the Rights of the Child (August 21, 1990)
- ◆ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (April 30, 1986)

¹⁵ Id.

- ◆ International Convention on the Protection of the Rights of All Migrant Workers and their Families (November 13, 1993)
- ◆ International Convention on the Rights of Persons with Disabilities (April 15, 2008)¹⁶

These international treaties establish norms recognized as customary international law, which are automatically integrated into the Philippines' national laws through Article II, Section 2 of the Constitution. This article states: "The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as part of the law of the land..."¹⁷

The Philippine Constitution's Bill of Rights primarily outlines civil and political human rights. Economic, social, and cultural rights are addressed in various constitutional provisions concerning National Economy and Patrimony; Social Justice and Human Rights (including Labor, Agrarian and Natural Resources Reform, Urban Land Reform and Housing, Health, Women, and Rights of People's Organizations); Education, Science and Technology, Arts, Culture, and Sports;¹⁸ and the Family Code of the Philippines.¹⁹

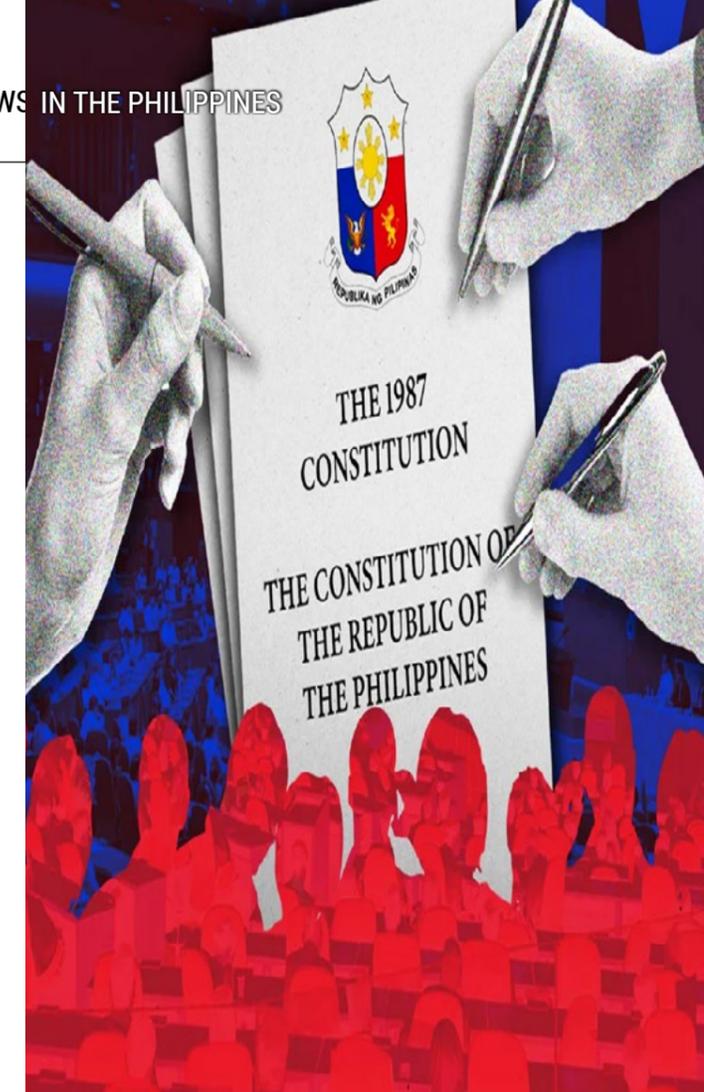
EHRs, specifically, are detailed in Sections 15 and 16 of Article II of the Constitution.

¹⁶ Atty. Isobel G. Barroso, Human Rights: A Primer: Mainstreaming Human Rights in the Public Sector, available at <https://phrcs.gov.ph/human-rights-a-primer/> (last accessed November 6, 2024).

¹⁷ PHIL. CONST. Art. II § 2.

¹⁸ UN OHCHR, supra note 5.

¹⁹ Executive Order No. 209.



The inclusion of these rights in fundamental legal instruments underscores the need for them to be respected, protected, and fulfilled. States are obligated to enact effective laws, regulations, and measures within their jurisdictions to guarantee the exercise of these rights. Beyond national borders, the Rio Declaration emphasizes the duty of States to respect human rights, requiring every state not to cause harm beyond its jurisdiction,²⁰ to meet the environmental needs of present and future generations,²¹ and to consider environmental protection as an integral part of development.²² This

²⁰ Rio Declaration on Environment and Development, Principle 2, available at <https://www.cbd.int/doc/rio-declaration.shtml> (last accessed November 6, 2024).

²¹ Rio Declaration on Environment and Development, Principle 3, available at <https://www.cbd.int/doc/rio-declaration.shtml> (last accessed November 6, 2024).

²² Id.

highlights that environmental protection is a core component of sustainable development.

The Rio Declaration also acknowledges the importance of citizen involvement in addressing environmental challenges, with particular attention to the roles of women, youth, and Indigenous Peoples. These groups are recognized as key actors in achieving sustainable development through a rights-based approach.²³

The Indigenous Peoples Rights Act of 1997 is another source of EHRs. This landmark legislation recognizes and protects the rights of indigenous cultural communities or indigenous peoples (ICCs/ IPs), including their right to own, possess, and manage their ancestral lands, as well as their unique justice systems.²⁴

A rights-based approach is crucial in the context of legal actions. It enables individuals to litigate based on their right to a healthy environment, similar to how they litigate for violations of their civil and socioeconomic rights.²⁵ This approach encourages public participation in the legal process and ensures access to justice for those affected by environmental harm.²⁶

To support this approach, strong laws, policies, and legal procedures are essential. As recognized by legal experts, Environmental Justice is realized through adequate laws and policies, effective implementation, and the availability of accessible and effective remedies for those

²³ UNDP, Citizen's Handbook on Environmental Justice, 2014, available at <https://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2013/02/s-HanBook-CC1.pdf> (last accessed November 5, 2024).

²⁴ Republic Act No. 8371.

²⁵ Supra note 1.

²⁶ Id.

affected by violations of environmental laws and regulations.²⁷

Environmental Human Rights Defenders (EHRDs)

EHRDs are individuals and groups who, in a personal or professional capacity and in a peaceful manner, work to protect and promote human rights related to the environment. This encompasses rights concerning water, air, land, and biodiversity (flora and fauna).²⁸

EHRDs can be lawyers, journalists, community leaders, Indigenous Peoples, or local farmers. They engage in diverse activities, including peaceful protests, challenging inadequate government or business practices, and advocating for greater access to environmental information. Their work primarily focuses on safeguarding the environment from harm caused by resource extraction, waste disposal, infrastructure projects, and land appropriation. They also contribute to addressing the impacts of climate change and ensuring that the rights of local communities are respected.²⁹

The UN Human Rights Council has acknowledged the vital role and significant challenges faced by EHRDs, observing

²⁷ Supra note 23. I

²⁸ Supra note 1.

²⁹ Id.

that they frequently encounter serious risks such as harassment, lawsuits, violence, intimidation, and even death.³⁰

In the Philippines, EHRDs “risk their lives every time they go out in the field to do scientific research. Despite their genuine intention to protect ecosystems and empower communities, environmental defenders experience unjust labeling as

³⁰ Id.

dangerous threats to national security and are subjected to various forms of harassment and attacks.”³¹ Nevertheless, they continue to peacefully exercise their rights to freedom of speech, association, and assembly.³²

³¹ Statement of CHR, Safeguarding the rights of environmental defenders, March 4, 2020, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-safeguarding-the-rights-of-environmental-defenders/> (last accessed November 12, 2024).

³² Id.



Definition and examples of SLAPP

To intimidate EHRDs, a common tactic is the filing of lawsuits, often called a Strategic Lawsuit Against Public Participation (SLAPP). As defined by the Rules of Procedure for Environmental Cases (RPEC):

- **“SLAPP is a legal action 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.”³³**

A SLAPP can be civil, criminal, or administrative, as long as its intent is to silence EHRDs in their advocacy for the protection of environmental human rights.

In *FCF Minerals Corporation vs. Joseph Lunag, et al.*,³⁴ the Supreme Court extensively discussed the nature, background, and legal remedies associated with SLAPP.

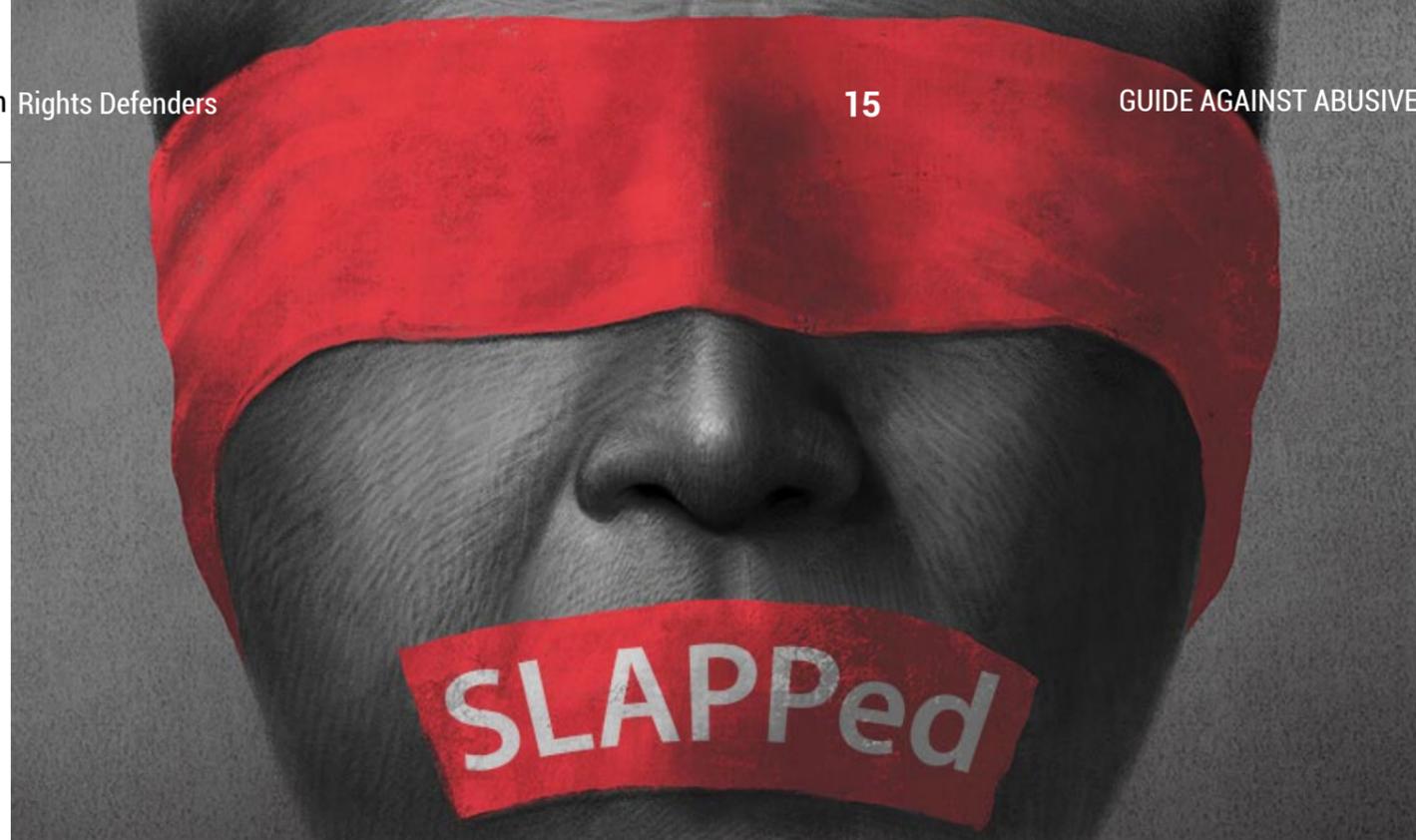
The Court clarified that SLAPP actions are designed to suppress political activities rather than to resolve genuine disputes.

The concept of SLAPP was first introduced by American legal sociologists George Pring and Penelope Canan in the late 1980s.³⁵ They observed a growing trend of damages suits filed by wealthy individuals and corporations against citizens involved in public issue debates. These lawsuits effectively stifled public participation by

³³ Rules of Procedure for Environmental Cases (AM No. 09-6-8-SC), April 13, 2010, Rule 6, Section 1.

³⁴ G.R. No. 209440, February 15, 2021.

³⁵ Id., citing Penelope Canan, et al., *Studying Strategic Lawsuits against Public Participation: Mixing Quantitative and Qualitative Approaches*, 22 *LAW AND SOCIETY REVIEW*, 385 (1988); see also Thalia Anthony, *Quantum of strategic litigation-quashing public participation*, 14(2) *AUSTRALIAN JOURNAL OF HUMAN RIGHTS*, 3 (2009).



intimidating defendants and depleting their resources.³⁶

Pring and Canan identified the following developmental stages of SLAPP suits:

- **i) Stage 1: A citizen addresses the government on a matter of public concern, expressing a viewpoint contrary to that of another individual or group. This action threatens the latter's interests, often financial.**

- **ii) Stage 2: Those whose interests are threatened by the communication to the government file a lawsuit to intimidate the citizen, who is then compelled to expend time and money on their defense.**

- **iii) Stage 3: The defendant-citizen must assert that their communication to the government was constitutionally protected.³⁷**

³⁶ Id., citing Thalia Anthony, *Quantum of strategic litigation - quashing public participation*, 14(2) *AUSTRALIAN JOURNAL OF HUMAN RIGHTS*, 3 (2009).

³⁷ Id., citing George W. Pring, et al., *SLAPPS: Getting Sued for Speaking Out*, 10 (1st ed., 1996); Alice Glover, et al., *SLAPP Suits: A First Amendment Issue and Beyond*, 21 *NORTH CAROLINA CENTRAL LAW REVIEW*, 124 (1995).

In essence, the plaintiff in a SLAPP suit uses the judicial process not to genuinely win the case, but to silence the defendant. Such a lawsuit is atypical because it does not treat the courts as a normal decision-making body. Instead, it leverages court authority to unilaterally empower one side of a political conflict.

Regardless of the outcome, SLAPP suits achieve their goal by inflicting damage and hardship on defendants forced to engage in litigation.³⁸ This not only silences those involved in EHR activities but also creates a chilling effect, discouraging others from similar actions.³⁹

What distinguishes SLAPP suits from common intimidation tactics in commercial disputes, labor issues, or regulatory conflicts is their retaliatory nature, leveraging the legal system to suppress citizen efforts to influence government or the electorate on matters of public significance.⁴⁰

³⁸ Id., citing and paraphrasing J. Reid Mowrer, *Protection of the Public Against Litigious Suits (“PPALS”): Using 1993 Federal Rule 11 to Turn SLAPPS Around*, 38 *NATURAL RESOURCES JOURNAL*, 466-467 (1998).

³⁹ Id.

⁴⁰ Id., citing and paraphrasing Alice Glover, et al., *SLAPP Suits: A First Amendment Issue and Beyond*, 21 *NORTH CAROLINA CENTRAL LAW REVIEW*, 126 (1995).

Given their prohibitive cost, SLAPP suits are often initiated and sustained by individuals or corporations with significant resources.

These lawsuits are designed to overwhelm targets with legal expenses until they abandon their advocacy. The plaintiff's objective is not necessarily to win the case but to compel the defendant to cease their public advocacy through intimidation, fear, or exhaustion.

A SLAPP typically involves: i) a civil claim or counterclaim seeking monetary damages and/or injunctive relief; ii) a lawsuit filed against a non-governmental entity or individual; and iii) the claim arises from a communication with a government agency, official, or the public regarding a matter of public interest or concern.

Examples of SLAPPs include:

- **A mother facing cyberlibel charges for questioning the legality of a nuclear power plant's revival in her province through a social media post.**

- **A man arrested and charged with terrorism for organizing local fishermen and coastal communities to protest seabed quarrying and reclamation projects.**

- **An administrative violation charge against a local government officer who denied a coal mine expansion permit.**

In some cases, SLAPPs are strategically disguised. For instance, an EHRD or an Environmental Defenders' Organization



(EDO) might face a seemingly unrelated tax violation case. While appearing disconnected from the EHRD/EDO's campaign against environmentally harmful genetically modified organisms in agriculture, such a case can effectively cripple their capacity to continue the environmental campaign.

In recent years, scholars, legal practitioners, and activists have undertaken significant efforts to revisit and redefine the concept of SLAPP, particularly within the unique political and socio-economic contexts of Global South countries and the Philippines. These initiatives aim to clarify how SLAPPs manifest in regions

where legal systems, resource constraints, and threats to civic participation differ markedly from those in the Global North. In the Philippines, these efforts have focused on addressing the ways SLAPPs are used to intimidate journalists, environmental defenders, and human rights advocates, taking into account local challenges such as judicial inefficiencies, political pressures, and the prevalence of grassroots activism.

By tailoring the definition and understanding of SLAPPs to reflect these realities, stakeholders hope to develop more effective legal protections and advocacy

strategies that empower communities facing unjust litigation designed to silence dissent and stifle participation.

Defense against SLAPP and SLAPP-back Strategies

In the Philippines, the Supreme Court's 2010 Rules of Procedure for Environmental Cases offer crucial protections against SLAPP suits. These rules allow for the dismissal of SLAPP suits after a summary hearing, preventing lengthy and costly trials. A person targeted by a SLAPP can raise this as a defense, triggering a five-day, non-extendable period

for the plaintiff to prove the case is not a SLAPP. A summary hearing must then be resolved within 30 days.

To achieve dismissal, the defendant must provide substantial evidence⁴¹ that their environmental advocacy is a legitimate act for protection, preservation, and rehabilitation. Conversely, the plaintiff filing the challenged action must demonstrate by a preponderance of evidence⁴² that their claim is valid and not a SLAPP.

These anti-SLAPP provisions underscore the courts' commitment to upholding the constitutional right to a balanced and healthful ecology. They connect this right to existing laws, international agreements, best practices, freedom of speech and assembly, and the right to petition the government. However, the limited case law on anti-SLAPP provisions presents challenges for legal practitioners.

Another strategy against SLAPP suits is a "SLAPP-back," a counter-legal action. While a SLAPP aims to silence or intimidate EHRDs through legal costs, a SLAPP-back uses specific legal mechanisms to not only dismiss the original lawsuit but also hold the plaintiff accountable, potentially through damages or legal cost recovery.

Despite these provisions, SLAPP cases are often handled in ordinary court proceedings due to sometimes unclear distinction between SLAPP and legitimate legal violations. Therefore, it is

⁴¹ Office of the Ombudsman v. Manalastas, 791 Phil. 557 (2016). Substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. It is satisfied when there is a reasonable ground to believe, based on the evidence presented, that the respondent is responsible for the misconduct complained of.

⁴² FEBTC v. Chante, 719 Phil. 221, 234 (2013). Preponderance of evidence is the evidence that is of greater weight, or more convincing, than the evidence offered in opposition to it. It is proof that leads the trier of facts to find that the existence of the contested fact is more probable than its non-existence.

vital to increase awareness among EHRDs, particularly those in frontline and grassroots communities, about the subtle differences between legitimate actions and SLAPP suits. This will help reduce their vulnerability to abusive lawsuits.

Steps

To mount a successful SLAPP-back strategy, a thorough understanding of the country's legal framework is essential, as it offers specific, albeit limited, defenses against SLAPPs. While the Philippines lacks dedicated anti-SLAPP statutes found in some other nations, the anti-SLAPP provisions within the Environmental Rules enable an EHRD facing a SLAPP to raise this defense as

an affirmative claim. If the court finds merit in the defense, it can lead to the expedited dismissal of the SLAPP and even an award for damages, attorney's fees, and costs of suit.

An effective SLAPP-back strategy can be developed by following these steps:

Step 1: Identify if the lawsuit is a SLAPP

When confronted with a lawsuit, the first crucial step is to determine if it qualifies as a SLAPP under the Philippine law. This means the lawsuit must be related to an action taken or being taken by an EHRD to protect the environment.

Step 2: Gather evidence to prove the lawsuit is a SLAPP

When defending against a SLAPP, providing compelling evidence is a critical step in demonstrating that the lawsuit is an attempt to silence protected public participation rather than a legitimate legal claim. Among other things, the evidence must:

- ◆ Demonstrate that the lawsuit was filed in response to the advocacy, in order to harass or unduly pressure the EHRD into silence rather than to secure a legitimate legal claim.
- ◆ Expose the plaintiff's claim as legally and factually baseless.
- ◆ Show that the activity taken or to be taken by the EHRD addresses a matter of public interest.

In the Philippines, the evidence must specifically pertain to an environmental law or concern to activate the SLAPP defense under the Rules of Procedure for Environmental Cases.

Step 3: Immediately consult with a lawyer specializing in environmental or human rights law

It is imperative to promptly secure legal counsel from an attorney specializing in environmental law or human rights litigation, as the SLAPP defense in the Philippines is highly specific. A lawyer with expertise in these areas is essential for accurately assessing whether a lawsuit aligns with the legal definition of a SLAPP and for providing guidance on the appropriate procedural course of action.

Step 4: Implement the SLAPP-back strategy

With the help of legal counsel, the SLAPP-ed EHRD should proactively participate in the implementation of the appropriate SLAPP-back strategy, which could include raising the SLAPP defense as an affirmative defense.

If the court, after a summary hearing, finds that the lawsuit is indeed a SLAPP, it will dismiss the case. More importantly, the rules provide a legal avenue for the defendant to be awarded damages and attorney's fees. This final step is what makes it a true SLAPP-back. The court can grant various remedies, including compensatory and exemplary damages,



and legal costs, effectively turning the legal harassment back on the original plaintiff. This serves as a significant deterrent and provides a degree of legal protection for those fighting to uphold environmental laws.

Another SLAPP-back strategy could be filing a counter-charge against the SLAPP-er, which is a more aggressive approach than just seeking to dismiss the SLAPP. This strategy can be effective because it puts the original plaintiff on the defensive, forcing them to incur legal costs and potentially face damages. It also sends a clear message that such tactics will not be tolerated.

Sample of SLAPP-back

To understand how a SLAPP-back strategy works, consider the following brief information about a SLAPP-back suit filed by an EHRD who was criminally charged by a large corporation:

Antecedent Facts:

Ms. A, an EHRD advocate and barangay treasurer, refused to sign vouchers for barangay projects due to questionable expenditures, straining her relationship with the Barangay Chairman. Subsequently, after she publicly voiced strong opposition to ABC Corporation's pipeline construction project traversing her barangay, criminal cases were filed against her.

Suit filed against EHRD by the SLAPPer (the SLAPP):

The Barangay Chairman filed multiple cyberlibel complaints against her, stemming from an earlier dispute regarding her refusal to sign vouchers due to questionable Barangay funds.

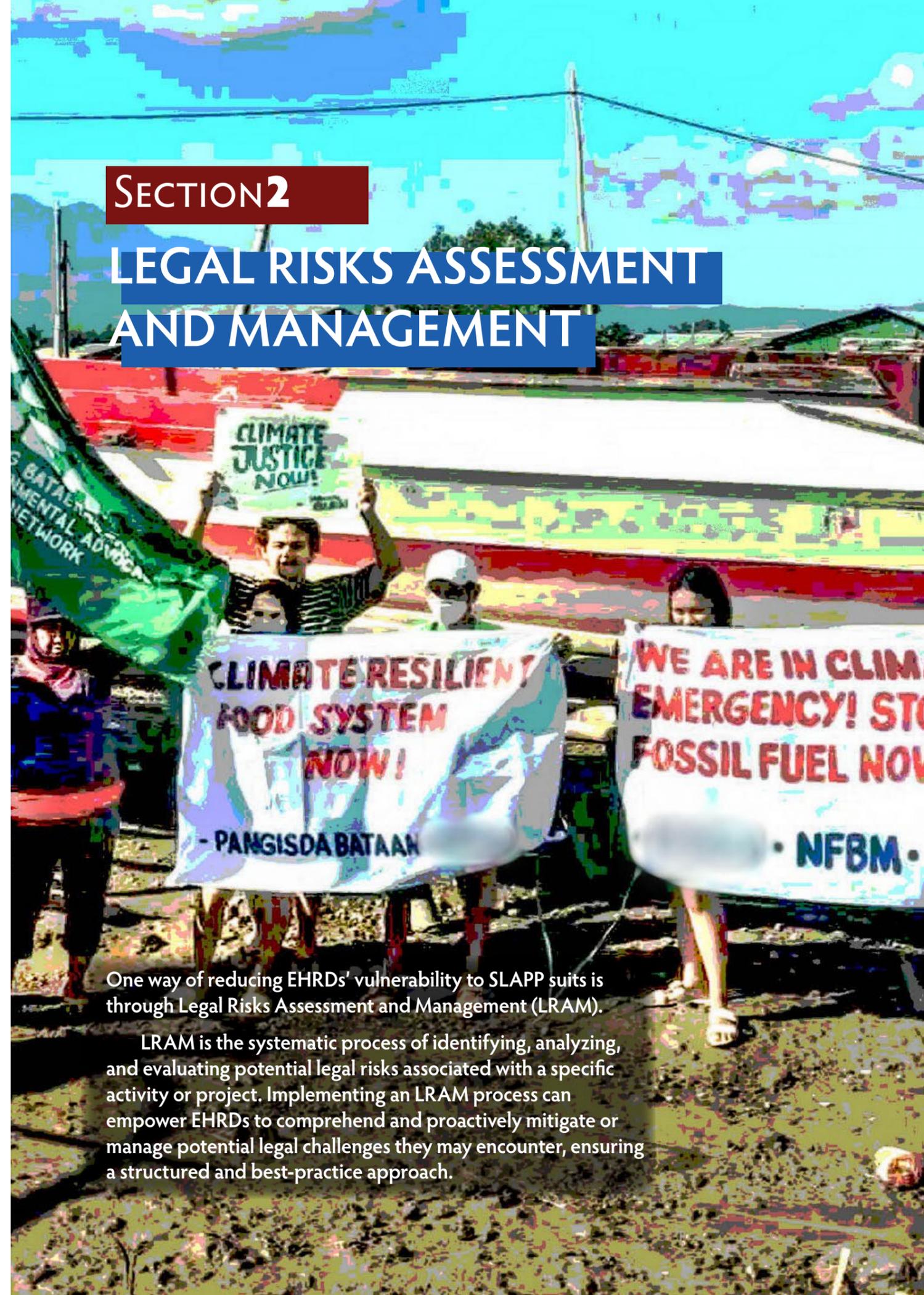
Suit filed by the EHRD against the SLAPPer (the SLAPP-back):

Ms. A filed a complaint with the Commission on Human Rights against ABC Corporation and the Barangay Chairman. The complaint alleged that ABC Corporation's construction project was implemented without the required public consultation, causing damages and posing serious health and safety hazards to affected residents.

"In recent years, scholars, legal practitioners, and activists have undertaken significant efforts to revisit and redefine the concept of SLAPP, particularly within the unique political and socio-economic contexts of Global South countries and the Philippines."

SECTION 2

LEGAL RISKS ASSESSMENT AND MANAGEMENT



One way of reducing EHRDs' vulnerability to SLAPP suits is through Legal Risks Assessment and Management (LRAM).

LRAM is the systematic process of identifying, analyzing, and evaluating potential legal risks associated with a specific activity or project. Implementing an LRAM process can empower EHRDs to comprehend and proactively mitigate or manage potential legal challenges they may encounter, ensuring a structured and best-practice approach.

Steps to Legal Risks Assessment

Because the threats and risks faced by EHRDs vary, an effective security strategy must begin with a risk assessment. This process involves identifying potential threats and evaluating them against existing capacities (strengths) and vulnerabilities (weaknesses) to determine the level of risk for EHRDs and those they work with. Through this, EHRDs can take steps to reduce risks and respond to threats if they occur.⁴³

Prevention is the most effective form of protection and can take various forms, such as “undertaking protection risk assessments before situations become violent, addressing the underlying causes of violence (e.g., disputes over the use of natural resources, corruption, and discrimination), putting in place structures, strategies, and tools that strengthen self- and collective protection of EHRDs, allowing for risk monitoring and early responses that mitigate threats or reacting swiftly to imminent threats to avoid their escalation.”⁴⁴

These significant steps include:

1. **Identifying all potential threats EHRDs might face during their work.**
2. **Identifying EHRDs' strengths (capacities) and weaknesses (vulnerabilities).**
3. **Assessing the risk level.**

4. **Considering the impact of potential threats on stakeholders (individuals or groups).**
5. **Identifying risk mitigation actions to reduce EHRDs' vulnerabilities.**
6. **Identifying ways to respond to potential threats by formulating contingency actions.**
7. **Creating an action plan for implementation.⁴⁵**

First, EHRDs must identify all potential threats to themselves, their families, colleagues, and community members, including risks to their data, assets, and property. A comprehensive understanding of possible threats is crucial for developing an effective protection strategy.

⁴⁵ Id.



Second, they must determine the available protection options for themselves and those they work with. Knowing accessible resources enables EHRDs to make informed decisions when responding to potential threats.

Third, to accurately assess the level of risk, EHRDs must weigh the threat against existing capacities and vulnerabilities. It is also important to consider the likelihood of a threat occurring and its potential impact. This helps them prioritize which threats warrant the most attention and resources. A simple way to assess likelihood and impact is by using a scale from 0 to 5, or categories like Low, Medium, and High. Threats with higher potential impact will have more serious consequences and thus require a greater level of planning, especially if their likelihood is medium or high. If a threat has a high likelihood of occurring and a high impact, EHRDs should prioritize their response to it. It is crucial for EHRDs to remain vigilant in reducing risk and responding to identified threats.

Fourth, EHRDs must be aware of potential threats. Due to the unique nature of their work, authorities or other actors often investigate the personal information of EHRDs. The impact on EHRDs can be significant, depending on the accessibility of this information, as it may expose details about their colleagues, plans, and strategies.

Fifth, EHRDs should enhance their capacities and reduce their vulnerabilities. Risk mitigation actions are preventive measures taken to lessen



vulnerabilities associated with a potential threat. There are various ways to mitigate risk; some common examples include:

- ◆ To mitigate the risk of being charged with oral defamation, avoid using expletives against individuals during protests. It is also advisable to develop a communication strategy and, if possible, rehearse key messages. Ensure each participant thoroughly understands the protest's messages.
- ◆ To avoid charges of illegal possession of deadly weapons, refrain from carrying any during protests.
- ◆ To negate criminal liability for malicious mischief, avoid destroying property during protests.

Sixth, beyond risk mitigation, contingency plans are essential. Contingency actions do not alter the likelihood or impact of a threat but rather aim to manage the associated risk with appropriate, effective, and realistic responses. These include:

⁴³ Earth Rights International, Security and Protection of Earth Rights Defenders - Facilitation Toolkit, March 24, 2022, available at <https://earthrights.org/wp-content/uploads/Security-Protection-of-Earth-Rights-Defenders-Facilitation-Toolkit-EN.pdf> (last accessed November 13, 2024).

⁴⁴ UN, Guidance Note for United Nations, Resident Coordinators and Country Teams: Supporting Government to Better Respect, Promote and Protect Environmental Human Rights Defenders, November 2023, available at <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/information-materials/SGC2A-EHRDs-Guidance-Note-Nov-2023-web.pdf> (last accessed November 13, 2024).

- ◆ Contacting a lawyer who is on standby.
- ◆ Informing one's network and family members of one's attendance at a protest in case of apprehension.
- ◆ Knowing one's rights during search and arrest.

Finally, implementing risk mitigation and contingency actions is often more challenging than identifying them. Therefore, it is crucial to develop a solid plan, assigning specific responsibilities for risk mitigation and contingency actions to individuals and groups, with clear deadlines. This ensures that tasks are completed. These may include:

- ◆ Installing adequate security tools and backup systems on office computers or other digital devices to protect personal or sensitive information.
- ◆ Implementing sufficient padlocks, alarm systems, or other security measures at the EHRDs' office premises.
- ◆ Establishing contacts with law enforcement authorities and building good community relations with local leaders who may be able to vouch for the EHRD or EDO.

To effectively implement risk mitigation or contingency actions, it is crucial to meticulously consider each step rather than attempting to address all issues at once, ensuring they are achievable.⁴⁶

LRAM should be qualitative and deliberative, incorporating the perspectives of EHRDs. It should also be based on a human rights, gendered, and psychosocial-

⁴⁶ Supra note 28.



informed approach. This risk assessment approach has become an integral tool for addressing the protection of EHRDs globally, with its adoption growing rapidly due to the persistent risks they face.⁴⁷

EHRDs are often the first to identify human rights risks and their adverse impacts, making their meaningful participation in the risk analysis process crucial. Stakeholders should be involved from the outset, including in the design and implementation of risk mitigation actions. This collaborative approach enables them to effectively identify and integrate findings from risk assessments and security arrangements, ensuring EHRDs and those they work with know how to respond to threats and attacks. Accessible and safe grievance mechanisms must be an overriding consideration.⁴⁸

Furthermore, LRAM should be conducted by specifically trained individuals who presume the good faith of EHRDs. It must adhere to the "Do No Harm principle" and involve periodic updates and evaluations of the risk analysis.⁴⁹

⁴⁷ Protection International, Risk Analysis and Protection Plan Principles, January 26, 2021, available at <https://www.focus-obs.org/resources/riskanalysisandprotectionplanprinciples/#:~:text=Part%2011:%20Principles%20for%20risk%20analysis&text=A%20risk%20analysis%20should%20be%20updated%20and%20evaluated%20periodically,creating%20an%20adequate%20protection%20plan> (last accessed November 13, 2024).

⁴⁸ Supra note 28.

⁴⁹ Id.

Different Methods of Legal Risks Assessment

EHRDs may utilize various widely accepted methodologies for conducting risk assessments. It is imperative to differentiate between potential and hypothetical risks. It remains crucial to acknowledge that an improbable risk could nonetheless materialize into a tangible event and a significant challenge.⁵⁰ The following are the most prevalent methods employed in LRAM:

Risk Assessment Matrix⁵¹

A risk matrix serves as a visual instrument that employs values to evaluate both the likelihood and severity of risks. This tool assists in determining the level of risk an organization is prepared to tolerate.

- ◆ Likelihood: What is the probability of the risk occurring?
- ◆ Severity: What would be the gravity of the consequences?

This matrix facilitates the prioritization of risks based on their probability and potential impact.

Quantitative Assessments⁵²

In complex systems, this method proves valuable for assessing the likelihood and

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

severity of potential risks. Consequently, mathematical and statistical approaches are employed for risk evaluation. This method is more structured and relies on available data to generate numerical values.

Qualitative Assessments⁵³

When quantitative data is unavailable, or the risk assessment pertains to novel technology, it is advisable to utilize this method, which incorporates subjective or "narrative" evidence. Such evidence may include expert opinion, experience, and professional judgment. This approach offers greater flexibility, particularly for scenarios lacking clear numerical data.

Methods for assessing hypothetical risks

Sometimes, it's necessary to assess hypothetical risks or those tied to new projects or initiatives. Here are some useful methods:

What-if analysis⁵⁴

What-if analysis is useful in pinpointing potential risks associated with new projects or initiatives. This can be done by asking a series of "what if" questions to identify and evaluate potential risks and their

⁵³ Id.

⁵⁴ Popov, G., Lyon, B.K., Hollcroft, B., Lyon, B. and Popov, G. (2021). "What-if" Analysis Methods. In Risk Assessment (eds G. Popov, B.K. Lyon and B. Hollcroft). <https://doi.org/10.1002/9781119798323.ch7> (last accessed Nov. 25, 2025).

consequences, especially those that might not be immediately apparent. This method deviates from conventional designs to thoroughly ascertain all potential risks and their consequences.

For example:

- ◆ “What if the protestors are denied entry to the protest location?”
- ◆ “What if the protest is escalated by law enforcement?”

Scenario analysis⁵⁵

This approach helps stakeholders identify risks and prepare contingency plans and actions to mitigate them. It considers hypothetical scenarios that might occur and determines all the risks associated with each scenario, aiding in the preparation of contingency plans and decisions on actions to mitigate those risks.

⁵⁵ Id.

Who	EHRD AAA (a non-profit organization) and its members and supporters, and BBB Bank as the concerned institution.
When	The protest coincides with the Energy Forum
Where	In front of BBB bank’s headquarters, located in the country’s capital.
What	A protest action against BBB Bank for financing fossil fuel–dependent and harmful energy projects and aimed at advocating for renewable energy investments.
Why	Public financial institutions, such as BBB Bank, play a crucial role in directing resources to help its clients reduce their reliance on fossil fuels and to achieve Paris Agreement goals. BBB Bank should prioritize funding renewable energy projects and offering technical assistance to support its clients in their transition to a low-carbon economy.
How	<p>The action will be an organized protest action involving public assembly, use of effigy, placards, chants, and other lawful forms of expression.</p> <p>EHRD AAA will gather at BBB’s banks headquarters for the creative protest action featuring a 5-foot, two-sided globe effigy. One side will depict harmful energy projects and climate impacts, while the other will showcase renewable energy and its benefits.</p> <p>A central switch will allow the globe to spin, symbolizing the shift to renewables. Twenty to thirty activists will march from the adjacent XYZ Mall parking lot, deploying the globe effigy and unfurling a 9-foot banner that reads, “Power Up a Just Energy Transition! Flip the switch to renewables.”</p> <p>The event will include a short program where activists will activate the globe effigy’s switch and present a letter to BBB bank’s representative, demanding:</p> <ul style="list-style-type: none"> ▶ The complete exclusion of harmful energy projects, prioritizing investments in renewable energy. ▶ Transparent, accountable, and equitable investments with full disclosure of social and ecological impacts. ▶ Prioritization of grants over loans for financing energy transition projects. ▶ Community consultation and consent in all energy projects, ensuring local community involvement and protection of their rights and livelihoods.

For example, imagining a scenario where authorities escalate the protest versus one where there’s peaceful negotiation. Each scenario would have different risks, requiring different responses.

Examples of LRAM

The following illustrates how EHRDs can apply the LRAM to assess risks associated with a protest action.

1. PROTEST ACTION

First, gather the 5Ws (What, Where, When, Who, and Why) and the 1H (How) of the activity., as follows: For purposes of discussion, let’s use the following scenario:

EHRD AAA, a non-profit organization, intends to organize a protest action against BBB Bank, a public financial institution, for its role in funding projects heavily relying on fossil fuels and other harmful energy sources.

FIRST STEP: Gather the 5Ws and 1H of EHRD AAA’s protest action:

With the basic details established through the 5Ws and 1H, the next step is to assess and evaluate the legal risks linked to the activity through methods such as a risk matrix or what-if analysis. Some what-if analysis questions may include:

- ◆ What if the protest escalates due to violent intervention by law enforcement?
- ◆ What if the protestors face charges of illegal assembly or property damage?

- ◆ What if a SLAPP lawsuit is filed against the organizers by BBB or other stakeholders?

By following these steps, EHRDs can methodically identify and address the potential legal risks of their actions. It is essential for activists to anticipate these challenges, plan their responses, and minimize harm.

SECOND STEP: Identifying the legal risks of EHRD AAA’s protest action and the possible mitigation measures to lessen the occurrence of the legal risks:

Component, Activity or Incident <small>(List all aspects of the activity, as detailed as possible)</small>	Legal Risk/s <small>(Law, regulation, ordinance that may be violated or that may be alleged as violation)</small>	Chance of the Legal Risk Occurring <small>(On a scale of 1-10, 10 being the highest.)</small>	Proposed Mitigation, Management of the Legal Risk/s
<ol style="list-style-type: none"> 1. Marching along national, city, or public roads. Demonstrating by carrying effigy, placards or similar paraphernalia. 2. Assembling in front of BBB Bank or along nearby public or city roads. <p>Holding of a program while assembled or participants are gathered.</p>	<ol style="list-style-type: none"> 1. MMDA Resolution No. 20-010 s 2000 Declaring a No permit No Rally in the Metropolitan Manila Area; 2. Public Assembly Act⁵⁶ 3. Section 133b of Ordinance No. 358, s-2005⁵⁷ 4. Art. 155. Alarms and scandals of the Revised Penal Code⁵⁸; and 5. Nuisance⁵⁹ (when holding the program) Civil Damages 	5-7	<ol style="list-style-type: none"> 1. Preferably, EHRD AAA secures a written rally permit from the Office of the City Mayor where the intended protest will be held. 2. If protesters are numerous, avoid completely blocking public roads. 3. Avoid obstructing passageways of businesses located near and around BBB bank.
<p>Carrying of the effigy during the protest action, including the effigy itself, the elements it used, use of colors, logo, and symbols, and the meaning or message of part or entirety of the effigy</p>	<ol style="list-style-type: none"> 1. Violation of Chapter 6, Section 48, Paragraph 1 of RA 9003⁶⁰ 2. Criminal liabilities under the relevant provisions of the Revised Penal Code on libel and defamation 	1-3	<p>Ensure that no trash, materials, or remnants of the effigy are left at the site during or after the activity, and that the area is fully cleaned before dispersal.</p> <p>Avoid defamatory statements, infringing element, symbol or word in the actual effigy.</p> <p>In parody, add a disclaimer.</p>

⁵⁶ Batas Pambansa 880.

⁵⁷ No assembly consisting of 200 or more persons are allowed to march or proceed along any street except in accordance with a permit issued by the traffic and management Office.

⁵⁸ Any person who within any town or public place, shall discharge any firearm, rocket, firecracker, or other explosives calculated to cause alarm or danger.

⁵⁹ Rana vs. Wong, et. al., G.R. No. 192861, June 30, 2014. PERLAS-BERNABE, J. [Second Division]. Under Article 694 of the Civil Code, a nuisance is defined as “any act, omission, establishment, business, condition of property, or anything else which: [...] (4) Obstructs or interferes with the free passage of any public highway or street, or any

⁶⁰ Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same.

<ol style="list-style-type: none"> Speaking, chanting, and shouting during the protest action; and Answering media questions during the action 	<ol style="list-style-type: none"> Para. 1 of Art. 154. Unlawful use of means of publication and unlawful utterances.⁶¹ Oral defamation.⁶² 	<p>5-7</p>	<p>Ensure that all messages, statements, and activities during the assembly remain focused on the issues being raised, rather than on individuals.</p>
<p>Taking picture or video recording the action</p>	<ol style="list-style-type: none"> Unjust vexation,⁶³ Defamation/libel/ cyberlibel, or harassment,⁶⁴ If violative of private rights: <ol style="list-style-type: none"> Violation of Data Privacy⁶⁵, Unauthorized use of photos or footage/video⁶⁶ Violation of Anti-wiretapping⁶⁷ Civil damages⁶⁸ 	<p>2-3</p>	<p>Only take photos or record videos only of the participants of the action.</p> <p>Avoid capturing images or footage of non-participants whose privacy may be compromised by being included in the documentation.</p> <p>Refrain from recording individuals, whether participants or bystanders, who are engaged in private phone conversations or other activities that reasonably expect privacy.</p>
<ol style="list-style-type: none"> Issuing of press statements Posting of messages, pictures, and videos of the action on social media and other online platforms 	<ol style="list-style-type: none"> Defamation/libel/ cyberlibel, or harassment,⁶⁹; and Unlawful use of means of publication and unlawful utterances⁷⁰ 	<p>3-4</p>	<p>Ensure all messages and materials remain focused on the issues being raised, rather than on personalities.</p> <p>Verify the accuracy of all facts and information prior to publication to avoid misinformation and minimize legal or reputational risks.</p> <p>Refrain from using indecent, offensive, or inappropriate graphic depictions in any publication materials, whether online or print.</p>



61 Any person who by the same means, or by words, utterances or speeches shall encourage disobedience to the law or to the constituted authorities or praise, justify, or extol an act punished by law.
 62 Revised Penal Code, Article 358.
 63 Revised Penal Code, Article 287.
 64 Revised Penal Code, Articles 353-362, Republic Act No. 10175, Section 4(c)(4) and Republic Act No. 10627.
 65 Republic Act No. 10173.
 66 Republic Act No. 9995.
 67 Republic Act No. 4200.
 68 New Civil Code, Article 26.
 69 Supra note 61.
 70 Revised Penal Code, Article 154.

71 Revised Penal Code, Article 151.
 72 Revised Penal Code, Article 148.
 73 Revised Penal Code, Article 149.
 74 Batas Pambansa Blg. 880.
 75 "Maximum tolerance" means the highest degree of restraint that the military, police and other peace keeping authorities shall observe during a public assembly or in the dispersal of the same.
 76 Section 11, B.P. 880.
 77 Id.
 78 Id.
 79 Id.
 80 Id.
 81 Revised Penal Code, Article 282.
 82 Revised Penal Code, Article 283.

<p>Negotiating in situations where the:</p> <ol style="list-style-type: none"> Authorities are asking EHRD AAA or any of the participants to the action to disperse, stop the action, leave; Authorities are arresting any of the members of EHRD AAA or any of the participants; or Effigy is being removed by the authorities. 	<ol style="list-style-type: none"> Resistance and disobedience to a person in authority or the agents of such person⁷¹; Direct assault⁷²; Indirect assault⁷³; and Violation of the Public Assembly Act of 1985⁷⁴ 	<p>2-4</p>	<p>Explain the purpose of the action and ensure that all messaging remains focused on the issues being raised.</p> <p>Insist and firmly request the use by authorities of "Maximum Tolerance," as required by the Public Assembly Act of 1985.⁷⁵</p> <p>Be familiar with the procedure for dispersal of public assembly with permit::</p> <p>(a) At the first sign of impending violence, the ranking officer of the law enforcement contingent shall call the attention of the leaders of the public assembly and ask the latter to prevent any possible disturbance.⁷⁶</p> <p>(b) If actual violence starts to a point where rocks or other harmful objects from the participants are thrown at the police or at the non-participants, or at any property causing damage to such property, the ranking officer of the law enforcement contingent shall audibly warn the participants that if the disturbance persists, the public assembly will be dispersed;⁷⁷</p> <p>(c) If the violence or disturbances prevailing as stated in the preceding subparagraph should not stop or abate, the ranking officer of the law enforcement contingent shall audibly issue a warning to the participants of the public assembly, and after allowing a reasonable period of time to lapse, shall immediately order it to forthwith disperse;⁷⁸</p> <p>(d) No arrest of any leader, organizer or participant shall also be made during the public assembly unless he violates during the assembly a law, statute, ordinance or any provision of this Act. Such arrest shall be governed by Article 125 of the Revised Penal Code, as amended.⁷⁹</p> <p>(e) Isolated acts or incidents of disorder or breach of the peace during the public assembly shall not constitute a group for dispersal.⁸⁰</p>
	<ol style="list-style-type: none"> Grave threats⁸¹; Light threats⁸²; Other light threats⁸³; Threat to commit terrorism⁸⁴; 	<p>2-4</p>	<p>Explain the purpose of the action and ensure that all messaging remains focused on the issues being raised.</p> <p>In the event that any participant is arrested, the organizers and support teams should refer to the Guidelines for PNP Arrest, Detention, and Investigation to ensure that proper procedures and rights protections are observed.</p>
	<ol style="list-style-type: none"> Libel⁸⁵ Cyberlibel⁸⁶ Slander⁸⁷ 	<p>2-4</p>	<p>Explain the action, focus on the issues. When arrested, see Guidelines for PNP Arrest, Detention, and Investigation.</p>
<p>Burning, commotion, violence instigated by non-AAA</p>	<ol style="list-style-type: none"> Burning - Violation of Clean Air Act Alarms and Scandals⁸⁸ 	<p>2-4</p>	<p>Marshal participants of the activity, record the actions of the non-AAA who join the action. Seek police help to remove the non-AAA instigators.</p>

83 Revised Penal Code, Article 285.
 84 Republic Act No. 11479, Section 5.
 85 Revised Penal Code, Article 353.

86 Republic Act No. 10175, Section 4(c)(4).
 87 Revised Penal Code, Article 358.
 88 Any person who within any town or public place, shall discharge any firearm, rocket, firecracker, or other explosives calculated to cause alarm or danger.

2. FILING OF A LEGAL CASE

Another example of a possible activity undertaken by an EHRD is the filing of a legal case against government agencies.

Scenario: EHRD CCC, acting as the legal representative and advocate for a community affected by environmental degradation, plans to file a case against two government agencies, XXX and YYY for their alleged violation of environmental human rights.

FIRST STEP: Gather the 5Ws and 1H of EHRD CCC, which would appear as follows:

Who	Another example of a possible activity undertaken by an EHRD is the filing of a legal case against government agencies. Scenario: EHRD CCC, acting as the legal representative and advocate for a community affected by environmental degradation, plans to file a case against two government agencies, XXX and YYY for their alleged violation of environmental human rights. FIRST STEP: Gather the 5Ws and 1H of EHRD CCC, which would appear as follows:
When	Earth Day.
Where	Regional Trial Court, Court of Appeals, or Supreme Court.
What	This case concerns a lawsuit filed against two government agencies, XXX and YYY, for violating the environmental human rights of indigenous communities residing near a protected forest area.
Why	Government agencies, XXX and YYY, stand accused of failing to enforce environmental protection laws, leading to deforestation and the destruction of Indigenous Peoples' lands, in violation of both local and international environmental rights and international environmental rights. <ul style="list-style-type: none"> Claim: Environmental human rights violations stemming from illegal resource extraction permits, inadequate environmental impact assessments (EIAs), and infringement upon the constitutional right to a balanced and healthful ecology (Philippine Constitution, Article II, Section 16). Demands: The EHRD CCC seeks an injunction to halt destructive activities, compensation for affected communities, and a clear mandate for future consultations and environmental protection.
How	EHRD CCC intends to file a lawsuit alleging that government agencies XXX and YYY have neglected their duties to safeguard the environment and uphold the rights of Indigenous Peoples. Claim: Environmental human rights violations stemming from illegal resource extraction permits, inadequate environmental impact assessments (EIAs), and infringement upon the constitutional right to a balanced and healthful ecology (Philippine Constitution, Article II, Section 16). Demands: The EHRD CCC seeks an injunction to halt destructive activities, compensation for affected communities, and a clear mandate for future consultations and environmental protection.

SECOND STEP: Next, proceed with a legal risk assessment of the planned case filing.

- Examples of "what-if" questions include:
- What if the case is dismissed on technical grounds (e.g., lack of standing or procedural errors)?
 - What if government agencies file a Strategic Lawsuit Against Public



Identify all potential risks, evaluate the likelihood of each threat occurring, and determine mitigation steps based on potential impact, as follows:

Legal Risks	Chance (On a scale of 1-10, 10 being the highest)	Proposed Mitigation
1. Defamation, perjury, malicious prosecution, etc.	5-7	<ol style="list-style-type: none"> To ensure the authenticity and proper collection of evidence, conduct leader's training on evidence-gathering protocols. Hold Anti-SLAPP workshops with EHRD CCC or /communities to strengthen their understanding of legal protections against retaliatory suits. The legal team may develop a Communications Guide to assist EHRD CCC and its partners in publicly discussing ongoing cases, thereby mitigating risks such as defamation and contempt of court under the sub judice rule.
2. Counterclaim in the same complaint or civil case against the complainants.	5-6	<ol style="list-style-type: none"> The petition must contain strong and well-supported statements of facts and evidence. Maintain clear documentation of all interactions and transactions to refute baseless counterclaims. With consent, video-record the signing of the Special Power of Attorney (SPA) and affidavit-taking of witnesses.
3. SLAPP against petitioners, partners, and the legal team	7-8	<ol style="list-style-type: none"> Advocate within legal frameworks, highlighting the significance of public involvement in environmental issues. Establish a dedicated legal helpline and a rapid response legal team specifically for SLAPP cases. Organize anti-SLAPP workshops and develop component plans with EHRD CCC to help communities identify potential SLAPP cases. Allocate a budget specifically for SLAPP defense. Prepare a counterclaim or SLAPP-back strategy as part of the legal defense, ensuring readiness to respond to retaliatory or abusive litigation, highlighting the strategic intent of the lawsuit in court and seeking dismissal under anti-SLAPP provisions.
4. Financial pressure (targeting funders and supporters of petitioners and the legal team)	5-6	<ol style="list-style-type: none"> Maintain consistent communication and provide regular reports to funders and supporters regarding the case's progress. "Internationalize" the case by engaging regional and global mechanisms, networks, and advocacy platforms.

- Participation (SLAPP) against CCC and community leaders?
- What if crucial evidence (e.g., environmental degradation reports or consent documents) is intentionally suppressed or destroyed by government agencies or other parties?
 - What if the case is delayed or prolonged due to corruption or political pressure on the courts?

5. Political pressure and interference	6-8	<ol style="list-style-type: none"> To minimize opportunities for political interference, ensure all communications and actions related to the case are conducted transparently and ethically. Ideally, the case is demonstrably part of a mass campaign with visible links to collective actions, community mobilization, and sustained public advocacy. Identify political champions/advocates for statements and actions of solidarity. "Internationalize" the case by engaging regional and global mechanisms, networks, and advocacy platforms.
6. Administrative hurdles and bureaucracy - dealing with government agencies as defendants could lead to administrative delays, bureaucratic hurdles, and procedural complexities that may prolong the litigation process.	7-8	<ol style="list-style-type: none"> Utilize modes of discovery under the relevant rules of procedure. If faced with administrative delays or bureaucratic hurdles, invoke the 15-day government response rule and explore legal options, such as petitions for mandamus, to compel government agencies to adhere to statutory timelines and procedures. Proactively develop a case management strategy to anticipate and address potential administrative challenges, including closely monitoring deadlines and requirements imposed by government agencies, to prevent escalation.
Other side effects of litigation		
Resort to delaying tactics such as: a. filing motion/s to postpone/ reset the case b. filing motion/s to dismiss the case c. filing motion/s to extend filing necessary pleadings d. paper dumping e. filing of third party interventions f. fake or insincere settlement offers	7-8	<ol style="list-style-type: none"> Identify the easiest opportunities or goals to achieve in a case with minimal effort. Oppose dilatory motions by strictly adhering to rules and procedures. Move for sanctions to deter further delays and ensure compliance with court orders. Vigilantly monitor case timelines and deadlines, promptly addressing any delays or procedural violations. Maintain meticulous documentation of all case-related communications and activities to refute any claims of misconduct. Seek court intervention or appeal to higher authorities if necessary to expedite proceedings and prevent abuse of process. Require prior submission of written proposals with achievable settlement terms to avoid wasting time on insincere offers.
2. Raise jurisdictional challenge in the case (i.e. jurisdiction to try the case, improper venue/ forum, lack of standing, etc.	7-8	<ol style="list-style-type: none"> Clearly establish jurisdiction in the petition by providing solid legal arguments and evidence supporting the court's authority to hear the case. Thoroughly research potential jurisdictional challenges and address them proactively in the initial filing. Consult with experts and lawyers to ensure proper legal standing and strengthen the case. If necessary, file amicus curiae briefs to gain wider support.
3. Bribery and corruption, including attempts by opposing parties or intermediaries to influence, delay, or derail the case through unlawful payments or improper favors.	6-7	<ol style="list-style-type: none"> If there are credible concerns about the impartiality or integrity of those presiding over the case, file motions for inhibition. Strengthen community awareness and advocacy to build public support for the case and mitigate the influence of bribery and corruption. Ensure transparency and accountability in all dealings with stakeholders, including government officials and regulatory bodies. Document and report any suspicious or unethical behavior observed during litigation to relevant authorities for investigation and prosecution.

4. Corporations may use the media to sway public opinion.	7-8	<ol style="list-style-type: none"> Launch extensive public awareness campaigns across social media, traditional media, and community outreach programs to combat misinformation. Utilize alternative platforms and communication channels to disseminate accurate information and counter false narratives. Harness internal resources and media connections to amplify community voices and advocate for the cause. Closely monitor traditional and social media for any attempts to suppress or distort the truth, and promptly respond with factual information and evidence.
5. Influencing regulations and regulatory system by means of project partnerships/ sponsorships	5-6	<ol style="list-style-type: none"> Strengthen campaigns for public awareness and support. Collate evidence to demonstrate potential bias or conflicts of interest within the regulatory system, including instances of undue influence by project partnerships or sponsorships. File motions to inhibit decision-makers involved in regulatory proceedings if there are legitimate concerns about impartiality or conflicts of interest. Mobilize community support and grassroots activism to pressure regulators to uphold the public interest and resist undue influence from corporate interests. Collaborate with human rights organizations to gain international support and highlight any delays or injustices.
6. Intentional suppression or destruction of key evidence by government agencies or other parties	5-6	<ol style="list-style-type: none"> Ensure that all evidence is properly documented and safeguarded (e.g., through independent environmental reports, media coverage, or photographs). Seek witness testimonies from affected communities, environmental scientists, and other third parties.

To ensure the effective execution of the mitigation actions and contingency plans identified, the following measures could be implemented:

- ◆ Assigning roles and responsibilities to specific individuals (e.g., lead lawyer, media coordinator, community liaison) to ensure coordinated action.
- ◆ Establishing deadlines for each phase of case preparation to maintain momentum and track progress.
- ◆ Providing regular updates on legal progress and security measures for CCC and the affected communities to keep all stakeholders informed and prepared.
- ◆ Continuously monitoring potential threats to the case and adjusting plans as needed to ensure all actions are appropriate.

By implementing the LRAM process, EHRD CCC can effectively identify and mitigate potential risks associated with pursuing legal action against government agencies XXX and YYY. This structured methodology helps to preserve the integrity of the case, protect EHRD's legal entitlements, and ensure the robust defense of environmental and Indigenous Peoples' human rights.

This example demonstrates the application of LRAM principles to a legal case concerning environmental human rights violations, thereby assisting EHRDs like CCC in navigating the intricate legal landscape and minimizing potential hazards.

3. ONLINE CAMPAIGNS THROUGH PRESS RELEASE STATEMENTS AND SOCIAL MEDIA POSTS

The final example is an LRAM designed for EHRD DDD whose goal is to strengthen their information drive against single-use plastics through press statements, social media, and other platforms.

Legal Risk	Legal Basis	Level of Risk	Mitigation Measure
Adverse party may use the photo as evidence to question the legal standing of EHRD in the case, alleging that they are advocates (and not victims or injured parties).	<p>Article 2176 of the Civil Code of the Philippines provides that "[w]hoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done.</p> <p><i>Huang v Philippine Hoteliers, Inc. et. al.</i>⁸⁹ laid down the requirement for a claim for damages under Art. 2176 or quasi-delict/ tort:</p> <ul style="list-style-type: none"> a) damages suffered by the plaintiff; b) fault or negligence of the defendant, or some other person for whose acts he must respond; and c) the connection of cause and effect between the fault or negligence of the defendant and the damages incurred by the plaintiff. 	5-6	State that the photo or statement is an expression of protest. Substantiate their claims of damages as injured parties..
<p>The adverse party may allege that EHRD is merely using the case for judicial legislation, which could reduce the chance of winning the civil case.</p> <p>Additionally, there's a risk that the civil case could be viewed by the court as an attempt to achieve policy reform through judicial decision.</p>	<p>In the recent case of <i>Calleja v. Executive Secretary</i>⁹⁰, "judicial legislation" was defined as a court "engraft[ing] upon a law something that has been omitted which [the court] believes ought to have been embraced," contrasting it with the liberal construction used to determine a statute's true meaning.</p> <p>In <i>National Transmission Corporation v. COA</i>⁹¹, we cannot, in the guise of interpretation, enlarge the scope of a statute or include, under its terms, situations that were not provided nor intended by the lawmakers.</p>	3-4	<p>For a court to consider a case, it must be justiciable, meaning it falls within the court's jurisdiction and can be resolved through legal processes.</p> <p>In <i>KMP, et all vs. Aurora Pacific Economic Zone and Freeport Authority</i>⁹², "a case is justiciable if the following are present: "</p> <p>(1) an actual case or controversy over legal rights which require the exercise of judicial power; [...]"</p> <p>As a mitigation measure, the following may be done:</p> <ol style="list-style-type: none"> 1. In this action, highlight the effects or impacts of single-use plastics and sachets, rather than focusing on legislative or policy gaps. 2. Add a statement/caption that volunteers are taking this action to compel corporations to do actions on plastics otherwise will be constrained to file a legal action.

⁸⁹ Huang v. Philippine Hoteliers, Inc., et. al., G.R. No. 180440, December 5, 2012.
⁹⁰ G.R. No. 252578, December 7, 2021.

⁹¹ G.R. No. 246173, June 22, 2021.
⁹² G.R. No. 198688, November 24, 2020. En Banc.

The adverse party might leverage a photo opportunity to suggest EHRD's bad faith, thereby undermining a negotiation.	In <i>Magbanua et al. v. Uy</i> ⁹³ , a compromise agreement must not contravene law, morals, good customs, or public policy, and must be freely and intelligently executed by all parties. For it to possess the force of law between the parties, it must satisfy the requirements and principles of contracts. Once entered into, it acquires the effect and authority of <i>res judicata</i> upon the parties.	4-5	Only those discussed in the negotiation are typically covered by confidentiality. EHRD cannot be prevented from speaking or campaigning on the environmental issue.
	In <i>Heirs of Gonzales vs. Spouses Basas and Romeo Munda</i> ⁹⁴ , it was held that a contract "is the law between the contracting parties and obligations arising therefrom have the force of law between them and should be complied with in good faith." As a rule, courts will refrain from interfering with the rights of consenting parties unless it is clearly shown that fraud, mistake, or any other vice vitiated consent on either or both parties, or that a contract includes any stipulation contrary to law, morals, good customs, public order, or public policy.		

Common Charges Against EHRDs and Potential Defenses

EHRDs commonly encounter numerous occupational hazards and risks, including physical assaults, beatings, torture, summary executions, arbitrary detention and arrest, politically motivated prosecutions and unjust trials, intimidation, defamation, harassment through "red-tagging," and restrictions on fundamental freedoms such as movement, expression, association, and assembly. They also face sexual harassment and other forms of violence and discrimination. Furthermore, EHRDs are vulnerable to the criminalization of their activities, often as a tactic to silence them, and the use of lawsuits to deplete

their financial resources and deter their advocacy.⁹⁵

These offenses are frequently perpetrated with impunity by government and corporate entities. Among the most vulnerable defenders are women, farmers, indigenous peoples, and those who oppose large-scale agribusinesses and development projects.⁹⁶

Here are examples of common lawsuits or legal actions, and potential defenses (in addition to SLAPP defense), that may be brought against EHRDs:

⁹⁵ UN, The United Nations Permanent Forum on Indigenous Issues: Together We Achieve, Available at <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/Indigenous-Human-Rights-Defenders.pdf> (last accessed November 26, 2024)

⁹⁶ Id.

⁹³ G.R. No. 161003, May 06, 2005.
⁹⁴ G.R. No. 206847, June 15, 2022.

Common Charge/s	Definition	Possible Defense/s
Libel	A public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead. ⁹⁷	Truth - The statement is truthful, well-intentioned, and made for a justifiable reason. This defense applies solely to charges concerning public officials or matters of public interest. Lack of malice - The accused must demonstrate that the statement was made without malice or ill intent. This can be challenging to prove, particularly if the statement was publicly disseminated without justification.
Cyberlibel	An act of publishing defamatory statements about a person or entity online, such as on social media, blogs, or websites. ⁹⁸ It is considered a form of libel, which is defined in the Revised Penal Code as the malicious imputation of a crime, vice, or defect to a person. Cyber libel is different from traditional libel because it can reach a wider audience through online platforms. ⁹⁹	Privileged communication - Statements made in the context of judicial, legislative, or executive proceedings are exempt from libel charges. Absolute privilege - statements made in judicial or legislative proceedings are protected, even if they are defamatory. Qualified privilege - statements made in good faith on a matter of public interest, or statements made in defense of an interest, are protected.
Oral defamation	An act of publicly, maliciously, and orally alleging a fault, crime, or flaw about a person, living or dead, that could cause dishonor. ¹⁰⁰	Absence of publication - If the defamatory content was not shared with a third party, the case may not satisfy the publication requirement. Consent - The alleged victim consented to the publication. Lack of identifiability - The subject of the defamatory statement cannot be identified.
Trespass to dwelling	An act of entering someone's property without their permission or staying on the property after being told to leave. ¹⁰¹	Necessity -The trespasser entered the property to prevent imminent danger or harm. Lawful circumstances - The trespasser entered the property under lawful circumstances. Accident - The trespasser entered the property by accident.
Malicious mischief	It occurs when someone intentionally damages another person's property out of spite, revenge, or ill will. ¹⁰²	Not the author of the crime - the accused did not commit the crime. Exempt from criminal liability - if the accused acted together with certain relatives, such as: ▶ Spouses ▶ Ascendants and descendants ▶ Relatives by affinity in the same line ▶ Widowed spouses in regard to property that belonged to the deceased spouse ▶ Brothers, sisters, brothers-in-law, and sisters-in-law who live together.
Unlawful detainer/ Forcible entry	Unlawful detainer - act of unlawfully withholding the possession of any land or building after the expiration or termination of the right to hold possession. ¹⁰³ Forcible entry - act of depriving someone's possession of any land or building by force, intimidation, threat, strategy, or stealth. ¹⁰⁴	Lawful possession by virtue of ownership, contract, or permission. Lapse of the prescriptive period to file the case. Violation of due process.

97 Revised Penal Code, Article 353.

98 Cybercrime Prevention Act of 2012, Section 4c (4).

99 Id.

100 Revised Penal Code, Article 358.

101 Revised Penal Code, Article 280.

102 Revised Penal Code, Article 327.

103 Revised Rules of Court, Rule 70, Section 1.

104 Id.

Illegal possession of firearms	Act of carrying or having in possession of firearm and ammunition without the proper license, registration, or permit. ¹⁰⁵	Absence/lack of the required witnesses at the time of seizure, marking and inventory of the firearm and/or ammunition. Absence of, or belated marking of the seized firearm and/or ammunition. Absence of, or belated taking of inventory and photograph.
Terrorism	Acts intended to cause death or serious bodily injury to any person, or endangers a person's life; ¹⁰⁶ Acts intended to cause damage or destruction to a government or public facility, public place or private property; ¹⁰⁷ Acts intended to cause extensive interference with, damage or destruction to critical infrastructure; ¹⁰⁸ Developing, manufacturing, possessing, acquiring, transporting, supplying or using weapons, explosives or biological, nuclear, radiological or chemical weapons; and ¹⁰⁹ Releasing of dangerous substances, or causing fire, floods or explosions. ¹¹⁰ The purpose of such act/s is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety. ¹¹¹	Not the author of the crime - the accused did not commit the offense. Legitimate Organization - the person joined a legitimate organization. The activity is an advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause of death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety.
Inciting to commit terrorism	Act of inciting others to the execution of any acts of terrorism by means of speeches, proclamations, writing, emblems, banners or other representations. ¹¹²	
Recruitment to and membership in a terrorist organization	Act of recruiting another to join, participate, or support terrorism, or terrorist individual, organization, association or group. ¹¹³ Act of organizing or facilitating the travel of individuals to a state other than their state of residence or nationality for the purpose of recruitment, which may be committed through recruitment, or publication of advertisement or propaganda for recruitment (including information in relation to the application thereof, etc.), or performing any other act with intention of facilitating or promoting recruitment, in order to serve in the armed force of a foreign state. ¹¹⁴	Not the author of the crime - the accused did not commit the offense. Legitimate Organization - the person recruited another to join, participate or support a legitimate organization.

105 R.A. 10591.

106 The Anti-Terrorism Act of 2020 (R.A. 11479), Section 4 (a).

107 The Anti-Terrorism Act of 2020, Section 4 (b).

108 The Anti-Terrorism Act of 2020, Section 4 (c).

109 The Anti-Terrorism Act of 2020, Section 4 (d).

110 The Anti-Terrorism Act of 2020, Section 9.

111 The Anti-Terrorism Act of 2020, Section 10.

112 Id.

113 The Anti-Terrorism Act of 2020, Section 10.

114 Id.

Providing material support to terrorist	Act of providing material support to any terrorist individual, organization, association or group.	<p>Not the author of the crime - the accused did not commit the offense.</p> <p>Legitimate Organization - the person provided material support to a legitimate organization.</p> <p>This activity encompasses advocacy, protest, dissent, work stoppages, industrial or mass actions, and similar exercises of civil and political rights. It is not intended to cause death or serious physical harm, endanger a person's life, or create a serious risk to public safety.</p>
Trademark infringement	An act of an unauthorized use of a registered trademark or a copy of it, in a way that could confuse, cause mistake or deceive consumers. This includes using any reproduction, counterfeit, or colorable imitation of a registered mark in connection with the sale, distribution, advertising, or offering for sale of goods or services, and reproduction, counterfeit, or colorable imitation of a registered mark and applying the same to labels, signs, prints, packages, wrappers, receptacles or advertisements for commerce or in connection with the sale, distribution, advertising, or offering for sale of goods or services. ¹¹⁵	<p>The mark is not likely to cause confusion or deceive the public.</p> <p>The mark is not used in commerce.</p> <p>The trademark is invalid or abandoned.</p> <p>The challenging mark was not previously registered.</p> <p>The mark has been used in good faith before the registered mark was filed.</p> <p>The person has a property right in the goodwill created, even if they don't have a registered mark.</p> <p>Others: Estoppels, Laches, and Lack of intent to deceive.</p>
Traffic violations	Infraction of law that governs the operation of motor vehicles on public roads. These include: reckless driving, driving without a license, allowing an unlicensed person to drive, and refusing service as a public utility vehicle. ¹¹⁶	Some possible defenses include: absence of proper notice, presence of procedural deficiencies in the issuance or processing of the ticket, and insufficiency of evidence to prove the violation.
Tort or delict	Wrongful or negligent act that caused damage or loss to another party. ¹¹⁷ Damages can be compensatory, general, or punitive. The type of damages awarded depends on the circumstances of the case. ¹¹⁸	<p>Contributory negligence - when the plaintiff's actions showed a lack of ordinary care and foresight.</p> <p>Assumption of risk - when the plaintiff knowingly accepts the risk of harm.</p> <p>Fortuitous event - When the cause of damage was unforeseeable or inevitable.</p> <p>Violation of statute - when the victim violates a statute, which may be treated as negligence <i>per se</i>.</p> <p>Prescription - An action based on quasi-delict prescribes four years from the date of the accident.</p> <p>Involuntariness - The tort or quasi-delict was committed involuntarily.</p> <p>Self-defense - when the defendant can show unlawful aggression, reasonable necessity to prevent or repel the aggression, and lack of sufficient provocation.</p>

115 The Intellectual Property Code of the Philippines, Section 155.
 116 MMDA, Traffic Violations and Penalties.
 117 New Civil Code of the Philippines, Art. 2176.
 118 New Civil Code of the Philippines, Article 2197.



Malicious prosecution	An erroneous accusation of crimes or civil claims through baseless or ill-intentioned legal actions. ¹¹⁹	<p>Lack of malice - The prosecution did not act with legal malice (i.e. improper or sinister motive).</p> <p>Advice of counsel - The prosecution was instituted in reliance in good faith on such advice, given after a full and fair statement of all the facts to the attorney.¹²⁰</p> <p>Presence of probable cause - The prosecutor acted with probable cause in bringing the action.</p> <p>Conviction- The action resulted in the conviction of the accused</p>
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Managing Situations Involving Security Guards, Traffic Officers and Police

When engaging in non-violent direct actions (NVDA) and protest activities, EHRDs frequently interact with security guards, traffic officers, and police. Effectively navigating these encounters necessitates a thorough grasp of the roles, powers, and responsibilities of these officers.

Security Guards

Security guards are responsible for crowd control and maintaining order at large gatherings such as political rallies, religious assemblies, and parties. Their role is to ensure the safety of people and property and prevent riots or other dangerous situations.¹²¹

119 G.R. No. 232677, June 08, 2020.
 120 G.R. No. L-15512, February 28, 1962.
 121 Basic Security Guards Training.

Traffic Officers

While law enforcement agencies are generally prohibited from interfering with public assemblies;¹²² traffic police officers are mandated to ensure free traffic flow during peaceful mass concerted actions, particularly when a picket, strike, or lockout area is near a public thoroughfare.¹²³

Police

As outlined in the *PNP Guidebook on Human Rights-based Policing*, the police are prohibited from using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, they are permitted to use force only to the minimum extent necessary.¹²⁴

122 Batas Pambansa 880, Section 9.
 123 Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities
 124 PNP Guidebook on Human Rights-based Policing (2009), Standard 4. Policing Non-Violent Assemblies, 21-22, available at <https://akg.gov.ph>

Specifically, the guidebook instructs the police to:

- a. **If feasible, schedule a meeting with** protest leaders/organizers before the demonstration. An open dialogue can help the police establish ground rules and communication channels, which are crucial for preventing misunderstandings and potential violence.¹²⁵
- b. **When appropriate, deploy properly** trained and equipped female CDM personnel as frontliners. Past experience indicates that this approach leads to less agitation among protesters and a lower incidence of violence.¹²⁶
- c. **Advise crowd control elements** (CDM personnel) that when using batons or truncheons, they should only aim for fleshy areas like the arms, torso, legs, and thighs. Strikes to the head, face, neck, shoulder blades, elbows, fingers, groin, knees, and ankles must be avoided due to the risk of serious, permanent injury, or even death.¹²⁷ Additionally, arrested protesters must be properly restrained/handcuffed using scientific control methods and then safely transported to the police station for processing. Protesters who have been arrested must not be subjected to kicking, punching, or dragging by their hair or feet.¹²⁸
- d. **When deploying fire trucks for** crowd control, ensure that appropriate fire hoses are used to prevent excessive water pressure, which could lead to serious or permanent injury.¹²⁹

pnnp.gov.ph/wp-content/uploads/2023/01/pnp_guidebook_on_human_rights_based_policing1.pdf (last accessed November 25, 2025).

125 Id.
126 Id.
127 Id.
128 Id.
129 Id.



When Searched

First, EHRDs must ascertain whether the person conducting the search has the legal authority to do so by requiring the presentation of a valid search warrant and proof of their authority. Generally, a search conducted by a peace officer without a legal warrant issued by a competent authority is unlawful. Exceptions to this include: (a) searches incidental to a lawful arrest; (b) searches conducted with the consent of the person being searched; (c) emergency situations posing an immediate threat to life or property; and (d) when the object, being contraband, is in plain view of the legal officer.

Second, they must ask for and demand a search warrant, then check if it contains the correct and complete address of the premises to be searched and a detailed description of the specific object(s) to be seized.

- ◆ The search warrant must also pertain to a single offense. For example, if the allegation involves illegal possession of firearms and explosives, two separate search warrants are required, as these constitute two distinct offenses.

committed, and the exact court, name, and signature of the issuing judge.

A valid warrantless arrest can only occur under the following circumstances: (a) the person to be arrested has been caught in the act of committing a crime, is actually committing one, or is about to commit one; (b) the arrest is made in hot pursuit; or (c) the person to be arrested is an escapee.

In any event, the arresting officer must state the reason for the arrest and recite the Miranda Rights.

Third, in cases of forcible arrest or raids in a home or office, EHRDs can immediately create a public scene to attract attention. They may inform bystanders or witnesses of their names and other relevant information, or use smartphones and other digital tools to publicize and document the incident through social media.

Fourth, if threatened during an arrest while outside the residence/office, EHRDs can immediately empty their bag in public to demonstrate they are not in possession of any firearms, explosives, deadly weapons, or illegal items. This helps EHRDs avoid the risk of authorities planting evidence in their belongings.

Fifth, it is crucial for EHRDs not to sign anything without the presence of their chosen lawyer, a guaranteed right under the Constitution. They can refuse any legal services offered by the police or military.

Sixth, EHRDs may refuse to be photographed, fingerprinted, subjected to a bodily search, or perform any act that may incriminate them (e.g., physical examination) until their chosen lawyer is present.

- ◆ No search of a house, room, or any other premises shall be conducted except in the presence of the lawful occupant or a member of their family, or two witnesses of legal age residing in the same locality.¹³⁰

Finally, the search warrant must be issued by the judge with jurisdiction over the offense charged. Without the judge's approval, EHRDs can respectfully decline to honor the search warrant.¹³¹

When Arrested

Similarly, during an arrest, EHRDs must take the following actions:

First, EHRDs must verify the authority of the person implementing the warrant of arrest by demanding to see the warrant, ensuring it expressly authorizes the individual to conduct the arrest, and having them explain the grounds for the arrest.

Second, they can request a copy of the warrant of arrest and scrutinize it to ensure it contains the full name of the person to be arrested, the specific offense allegedly

130 Revised Rules of Criminal Procedure, Rule 126, Section 8.
131 G.R. No. 204419, November 07, 2016.

Seventh, they can also refuse to answer any questions asked during apprehension, as they have the right to remain silent.

Seventh, EHRDs should note the name(s) and rank(s) of the arresting officer(s), the number of officers, and their physical descriptions (e.g., height, weight, complexion, identifying marks). They should also note the license plate number and other descriptions (e.g., color, model) of the vehicle used.

Eighth, they may demand to call any immediate family members, relatives, a lawyer, doctor, priest, pastor, or human rights organization/network.¹³²

Additional Tips

If a search is imminent or ongoing, EHRDs can record their surroundings to document the events. This can serve as crucial evidence and help protect against false accusations or abuse.

EHRDs should try to memorize details of an arrest, such as the faces and behavior of arresting officers, descriptions of the surroundings, and the location and sequence of events. Writing down or recording these details immediately after the incident can be vital for later legal action or advocacy.

It is also equally important for EHRDs to remain calm and non-confrontational. They should focus on gathering evidence and protecting their rights without provoking violence.

If the situation becomes threatening or their rights are violated, EHRDs should inform local human rights organizations or international bodies. Having a network of legal and advocacy support can make a significant difference in ensuring their safety and holding authorities accountable.

¹³² Republic Act No. 7438, Section 2(f).

Checklist: What To Do Before, During and After Rallies

Rallies and demonstrations are vital expressions of democratic rights. However, EHRDs must be aware that arrest is a real possibility and thus, preparation is essential. Understanding their rights and knowing exactly what to do before, during, and after detention is the best way to ensure their safety and protect their legal interests.

The guide below serves as a critical checklist that EHRDs should observe in handling arrest or searches during rallies.

1. Preparation Before Attending

Pre-planning is crucial for EHRD's safety and legal protection

- ◆ **Carry Critical Documents:** Bring valid identification (if possible), a list of emergency contacts, and necessary medical information (allergies, medications, pre-existing conditions).



- ◆ **Travel Light and Avoid Weapons:** Only carry what you absolutely need (e.g., cash, keys). Crucially, do not carry any item that could be misconstrued as a weapon by law enforcement, regardless of its intended use.
- ◆ **Memorize Key Numbers:** Phones may be confiscated or run out of battery, making digital contacts useless. Memorize the phone numbers for one trusted emergency contact and your legal representative/aid.
- ◆ **Paper Backup is Crucial:** As a secondary measure, write these vital numbers—including your local embassy if you are a foreign national—on a small piece of paper and keep it somewhere secure on your person.
- ◆ **Establish a Check-In:** Arrange a “check-in” time and meeting point with your friends or protest group. If you are detained, this system ensures someone knows you are missing.

- ◆ **Designate a Non-Attending Contact:** Share your precise location, route, and intentions with a trusted person who is NOT attending the event. This person should be the one to initiate follow-up calls or contact legal counsel if you fail to check in.

2. Actions During an Arrest or Search

Focus on staying calm, asserting your rights clearly, and avoiding resistance.

- ◆ **Stay Calm and Composed:** Being arrested is stressful, but panicking can escalate the situation. Take a deep breath and remain as composed as possible.
- ◆ **Comply Peacefully and Do Not Resist:** Do not run, resist, or physically argue with law enforcement officers. Resistance will likely lead to additional charges or injury. Follow their verbal instructions.
- ◆ **Invoke Your Right to Silence Immediately:** You are only required to provide your name and identifying information. If questioned, clearly state, “I am exercising my right to remain silent.” Do not answer any other questions.
- ◆ **Request a Lawyer:** Ask to speak to a lawyer as soon as possible by stating, “I want a lawyer.” Do not sign any documents or make any statements *without* legal advice.
- ◆ **Do Not Consent to Searches:** If officers ask for permission to search you or your property, state clearly, “I do not consent to a search.” Officers may still search you, but withholding consent can be crucial in later legal proceedings.

- ◆ **Ask for Clarification:** Politely ask the officer, “What am I being arrested for?” You have the right to know the charges against you.
- ◆ **Document Details of the Arrest:** If it is safe to do so, try to memorize or note the arresting officers’ badge numbers, names, and the specific details of the arrest (location, time, and how you were treated).
- ◆ **Identify Witnesses:** If possible, look for nearby people who may have witnessed your arrest and could testify to your treatment. If you are with someone, ask your friend or companion to document the arrest details for you.

3. Rights While in Detention

When you are in custody, these are the fundamental rights you must firmly and repeatedly assert:

- ◆ **Right to Legal Counsel (Non-Negotiable):** Request a lawyer immediately and do not waive this right under any circumstances.
- ◆ **Right to Silence (Beyond Identification):** Beyond providing your name, you **do not** have to answer questions or give details about the rally, your activities, or other participants. State: “I am exercising my right to remain silent.”
- ◆ **Right to Know the Charges:** You are legally entitled to be informed promptly of the reason for your detention and the specific charges being brought against you.

- ◆ **Right to Medical Attention:** If you are injured, feel unwell, or require medication, immediately ask for medical assistance.
- ◆ **Right to Humane Treatment:** You have the right to be treated respectfully and must not be subjected to violence, threats, or humiliation.
- ◆ **Right to Make a Phone Call:** Many jurisdictions allow at least one phone call. Use this opportunity to contact your lawyer or a trusted friend/ emergency contact immediately.

4. What to Avoid During an Arrest

These actions can lead to injury or additional charges.

- ◆ **Avoid Physical Resistance:** Do not resist physically, even if you believe the arrest is unlawful. Resistance can lead to injury or further charges.
- ◆ **Avoid Making Statements:** Do not discuss your activities or those of others at the rally. Anything you say may be used against you.
- ◆ **Avoid Signing Documents:** Do not sign any statements or documents without legal counsel present.
- ◆ **Avoid Arguments and Retaliation:** Remain respectful. Arguments with law enforcement rarely result in positive outcomes. Do not make threatening or aggressive gestures; remain passive and calm.



5. After the Arrest: Steps for Legal and Personal Safety

Once released, focus on documentation, well-being, and follow-up.

Legal and Documentation

- ◆ **Contact Legal Aid:** Reach out to a lawyer or legal aid organization as soon as permitted. They will guide you and protect your rights.
- ◆ **Record Your Experience:** As soon as possible, write down all details of the arrest, your treatment, and any witness information for future use.
- ◆ **Consider Filing a Complaint:** If you experienced mistreatment, consult your lawyer about filing a complaint with appropriate authorities or oversight organizations.

Personal Well-being

- ◆ **Inform Trusted Contacts:** Let someone know your whereabouts and status once you have the opportunity.
- ◆ **Seek Medical Attention:** If you experienced any injury, seek prompt medical care and obtain documentation of your condition.
- ◆ **Take Care of Your Well-being:** Arrest and detention can be traumatic. Seek support from friends, family, or professional counselors.

6. Additional Tips for Vulnerable Groups

- ◆ **Foreign Nationals:** Contact your embassy or consulate immediately for assistance.

- ◆ **Minors:** Request to have a guardian or parent present during questioning.
- ◆ **LGBTQ+, Disabled, or Other Marginalized Groups:** Firmly assert your rights and seek support from advocacy organizations if possible.

7. Legal and Safety Resources

- ◆ Know the contact details of local human rights organizations.
- ◆ Keep information about legal aid hotlines accessible.
- ◆ Connect with groups offering support to arrested protesters.

8. When Searched But Not Arrested

If stopped but not taken into custody:

- ◆ **Stay Calm and Refuse Consent:** Stay calm and avoid physically resisting the search. Clearly state that you do not consent to the search, but do not obstruct it.
- ◆ **Ask for Justification:** Politely ask the authorities to explain the reason for the search and if they have legal grounds or a search warrant.
- ◆ **Document Details:** Take note of the officers’ names and badge numbers. If possible, ask witnesses to observe or document the interaction.
- ◆ **Protect Belongings:** Do not surrender your personal belongings unless it is legally required.
- ◆ **Follow Up:** After the search, make a written record of what happened. Seek legal advice, especially if your rights were violated or your property was confiscated.

SECTION 3

BRINGING A CASE TO
THE COMMISSION ON
HUMAN RIGHTS (CHR)**About CHR**

The Commission on Human Rights (CHR) is an independent constitutional office in the Philippines, established under the 1987 Philippine Constitution. Its primary mandate is to promote and protect the human rights of all individuals within the country and Filipinos abroad, with a special focus on vulnerable and marginalized groups.¹³³ The CHR was established in response to human rights violations during the Martial Law era, with its primary functions including the following¹³⁴:



Investigating human rights abuses, specifically those involving civil and political rights.



Providing legal assistance to the underprivileged.



Monitoring compliance with international human rights treaties.



Conducting research and education on human rights.



Visiting and inspecting jails and other detention facilities.

The CHR primarily envisions a Philippine society where every individual can fully enjoy their human rights and fundamental freedoms. This ideal state is characterized by a government that actively respects, protects, and fulfills these rights, aligning with universal human rights principles and the country's obligations under international human rights treaties. It also envisions a nation where the dignity and rights of all are upheld as a core priority.¹³⁵

In contrast, the CHR functions as an independent human rights institution, primarily dedicated to upholding the supremacy of all human rights. Its commitment lies in safeguarding, advancing, and ensuring the realization of these rights for everyone. The Commission operates on core tenets of equality and non-discrimination, with a particular emphasis on protecting the rights of vulnerable and marginalized communities.¹³⁶

Cases being handled by the CHR

As an independent constitutional office, the CHR's mandate is to handle complaints concerning specific human rights violations, primarily those committed by state agents or non-state actors with state complicity.

The CHR's primary role is to investigate civil and political rights violations. These

¹³³ COMMISSION ON HUMAN RIGHTS (August 19, 2015), About Us. Commission on Human Rights, available at <https://chr.gov.ph/about-us/> (last access November 25, 2025).

¹³⁴ Id.

¹³⁵ See <https://www.dbm.gov.ph/wp-content/uploads/NEP2016/CHR.pdf>.
¹³⁶ Id.

fundamental rights safeguard individual liberty against government infringement. The CHR accepts and handles cases including:

- ◆ **Extrajudicial Killings and Arbitrary Deprivation of Life:** This encompasses summary executions, enforced disappearances, and killings perpetrated by state agents or groups with state complicity.
- ◆ **Illegal Arrest and Detention:** Cases involving arrest without a warrant or legal basis, or detention exceeding the legally prescribed period.
- ◆ **Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment:** The CHR investigates all forms of physical or psychological torture committed by public officials, such as police or military personnel.
- ◆ **Violations of Due Process:** Complaints concerning the denial of a person's right to a fair trial, legal counsel, or other procedural safeguards.
- ◆ **Abuse of Authority by Public Officials:** Any instance where a government official or employee misuses their power to violate a citizen's human rights.

Filing a complaint

In May 2024, the CHR launched its digital portal, MISMO (Management Information System for Monitoring and Organizing), to streamline the complaint process.¹³⁷

The CHR MISMO platform marks a significant transformation in how the Commission manages complaints and



requests. This digital system empowers victims of human rights violations to submit complaints online by providing necessary information for case assessment. Once submitted, the platform automatically directs the complaint to the appropriate CHR offices for review and action. Additionally, the system boosts transparency and accountability by allowing clients to track the real-time status and progress of their cases.

To address any user's uncertainty regarding the portal, a dedicated "Need Help?" button provides 24/7 access to a Citizens' Help and Assistance Desk (CHAD) officer. The Client feedback mechanisms are also integrated into the system to facilitate continuous service improvement.¹³⁸

To file a complaint using the CHR MISMO online portal¹³⁹, the following are the steps to take:

1. Access the dedicated CHR MISMO portal, typically found via a link on the official CHR website (chr.gov.ph), labeled as "File a Complaint" or "MISMO."
2. Within the portal, complete the forms with the following essential details:
 - ◆ **Complainant's Information:** Full name, contact details, and address.
 - ◆ **Victim's Information:** If filing on behalf of another, provide their personal details.

¹³⁸ Id.

¹³⁹ CHR launches MISMO, the new online complaint and request portal for Filipinos – CHR Philippines –. (n.d.). https://chr.gov.ph/2024/statements/chr-launches-mismo-the-new-online-complaint-and-request-portal-for-filipinos/?utm_source= (last accessed November 26, 2025).

¹³⁷ CHR (July 1, 2024), CHR launches MISMO, the new online complaint and request portal for Filipinos, available at <https://chr.gov.ph/2024/statements/press-statement/chr-launches-mismo-the-new-online-complaint-and-request-portal-for-filipinos/> (last accessed November 25, 2025).

- ◆ **Perpetrator's Information:** Full name, position, and office of the alleged perpetrator(s).
 - ◆ **Case Details:** A detailed narrative of the incident, including the date, time, and specific location of the human rights violation. Be as specific and factual as possible.
3. Upload all supporting digital documents (photos or scans), which are crucial for the CHR's case assessment. Prepare:
 - ◆ **Complaint-Affidavit:** A formal and sworn statement outlining the case facts.
 - ◆ **Medical Certificates:** (If applicable)
 - ◆ **Photos, Videos, or Audio Files:** Any relevant multimedia evidence.
 - ◆ **Police Reports:** If the incident was reported to law enforcement authorities
 - ◆ **Witness Affidavits:** Sworn statements from individuals who witnessed the event.
 4. Submit the completed forms and uploaded evidence through the portal. The system will automatically forward the complaint to the appropriate CHR offices for review and action.
 5. Utilize the MISMO portal's real-time update feature to track the status and progress of your case after submission, ensuring transparency and accountability.

The CHR offers both online filing through its CHR MISMO portal which is designed for accessibility, particularly in remote regions, and traditional in-person filing at their physical offices.

For reference, the following are the relevant links:



CHR MISMO

platform for filing of complaint or request

<https://mismo.chr.gov.ph/complaint/request>

Sample request for assistance forms (for walk-in complaint or request)

<https://chr.gov.ph/about-us/chr-forms/>

To file a complaint in person, an individual may visit a CHR office, either the Central Office in Quezon City or any of the CHR's regional offices located nationwide.

Here are the general steps and requirements:

1. **Prepare a written, sworn statement (complaint-affidavit) detailing the facts of the case.** This should include:
 - ◆ The full name and address of the victim and the complainant.
 - ◆ The full name, position, and office of the alleged perpetrator(s).
 - ◆ A detailed narrative of the incident, including the date, time, and location.
 - ◆ The specific human rights violated.



- 2. Bring all relevant evidence.** This may include the following:
- ◆ Medical certificates or medico-legal reports.
 - ◆ Photos, videos, or audio recordings.
 - ◆ Affidavits from witnesses who can attest to the incident.
 - ◆ Police reports or any other official documents related to the case.
- 3. Go to the nearest CHR office and present the complaint and all supporting documents to the Public Assistance and Complaints Desk.** A CHR officer will assist in reviewing the documents and officially accept the complaint. They may also conduct an initial interview to clarify the details of the case.

This personal approach is particularly helpful for those who may lack internet access or are more comfortable with face-to-face assistance.

Grounds and Evidence Needed

When filing a complaint, a violation of civil and political rights must be alleged. These rights include, but are not limited to, the following:

- a) right to life;
- b) right to liberty;
- c) right to security;
- d) right to respect for one's dignity;
- e) freedom from slavery and involuntary servitude;
- f) freedom from torture, cruel, inhuman or degrading treatment and punishment;
- g) right to protection from enforced disappearance;
- h) freedom from arbitrary interference with one's privacy, family, home, or correspondence;
- i) freedom from arbitrary arrest, detention or exile;
- j) freedom of movement and residence;
- k) freedom of thought, conscience and religion;
- l) freedom of the press, speech, opinion and expression;
- m) freedom from discrimination;
- n) right to marry and to found a family; and
- o) right to own property.¹⁴⁰

¹⁴⁰ CHR, Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses, and the Provision of CHR Assistance, available at https://pinoyfilecabinet.wordpress.com/wp-content/uploads/2014/07/chr-procedures-final_approved_8-31-2012.pdf (last accessed November 25, 2025)

For example, the following cases are currently under investigation by the CHR:

- ◆ **Violations of the right to life:** Such as extrajudicial killings or enforced disappearances.
- ◆ **Violations of the right to liberty and security:** This includes illegal arrests, arbitrary detention, or torture.
- ◆ **Violations of the right to due process:** Cases where there is a denial of justice or fair trial.

CHR's Rules of Procedure

CHR operates on its own rules of procedures, which govern the entire process from the filing of a complaint to the final resolution. Key points of the procedure include:

1. Filing a Complaint with the CHR

Complaints regarding human rights violations can be filed with the CHR by individuals, groups, organizations, victims, their relatives, or non-governmental organizations.

- ◆ **Requirements:** A complaint must be submitted in writing (e.g., a letter, affidavit, or pleading). The complainant will also be required to complete a standard Complaint Sheet (CHR Form 9) and a Sworn Statement with the assistance of a CHR officer. For cases involving children, an additional form (CHR Form 10) must be filled out. The CHR also accepts complaints through its MISMO online portal.
- ◆ **Anonymous Complaints:** Anonymous complaints are not immediately dismissed. The CHR will conduct an

initial evaluation and verification. If the complaint appears to have merit, the Commission can initiate its own investigation (*motu proprio*), even if the complainant's identity is unknown.

- ◆ **Where to File:** Complaints can be filed in person at the main CHR office, any of its regional offices, or even with a Barangay Human Rights Action Center (BHRAC). Complaints sent to the Chairperson's Office will be forwarded to the appropriate regional office for processing.

2. The Investigation Process

The investigation process unfolds in several stages, beginning with an initial evaluation and potentially advancing to a comprehensive investigation.

- ◆ **Preliminary Evaluation:** A CHR officer conducts an initial evaluation to determine if the complaint falls within the CHR's mandate. If not, the case is referred to the appropriate government agency.
- ◆ **Dialogue or Conference:** The CHR may convene the involved parties for a dialogue to explore potential remedies or resolutions.
- ◆ **Investigation Proper:** A formal investigation commences no later than 15 days after the initial evaluation. The CHR is empowered to issue notices, invitations, and subpoenas to compel appearances and document submissions from parties and witnesses. Respondents are granted 10 days to submit a Sworn Answer; failure to respond may result in the investigation proceeding without their input.

- ◆ Investigation Reports: The entire investigation is meticulously documented through an Investigation Report, comprising an Initial Report, Progress Reports, and a Final Investigation Report, which forms the basis for the final resolution.

3. Resolution and Finality of Cases

The CHR's resolution process aims to provide findings and recommendations rather than legally binding judgments.

- ◆ Resolution of the Case: The CHR is mandated to issue a final resolution within 15 days from receiving the conclusive investigation report. This resolution shall assess the substantial evidence indicating whether human rights violation exists and will propose appropriate actions, such as initiating criminal or administrative charges, or implementing new policies.
- ◆ Appeals and Reconsideration: Should a party be dissatisfied with a Regional Office's resolution, they may file a motion for reconsideration within 15 days. If this motion is denied, an appeal can be lodged directly with the Commission en banc (the full commission). The Commission en banc also reserves the right to review cases motu proprio (on its own initiative), particularly those of national significance or involving egregious violations.
- ◆ Finality: A resolution from a Regional Office becomes final if no motion for reconsideration is filed within 15 days. Similarly, a resolution from the Commission en banc achieves finality if no motion for reconsideration is submitted within 15 days. The CHR may also dismiss or archive cases that cannot be concluded within one year due to insufficient evidence or other circumstances beyond the investigators' control.

SECTION 4

REGISTRATION AND LEGAL COMPLIANCES

EHRDs can also reduce their vulnerability to abusive lawsuits by ensuring that their organization is legally sound. This can be achieved by registering and complying with regulatory requirements.



Registering Organizations

While unregistered organizations are legal and valid, acquiring legal personality is crucial for EDOs. This enables them to seek public funding, open bank accounts, sign contracts, and qualify for tax credits and deductions on donations. Legal status also allows them to file and defend lawsuits, receive funds, and participate in government initiatives. Therefore, registering EDOs offers significant benefits.

Section 35 of the Revised Corporation Code of the Philippines¹⁴¹ provides that every corporation incorporated under this Code has the power and capacity:

- a) To sue and be sued in its corporate name;
- b) To have perpetual existence unless the certificate of incorporation provides otherwise;
- c) To adopt and use a corporate seal;
- d) To amend its articles of incorporation in accordance with the provisions of this Code;
- e) To adopt bylaws, not contrary to law, morals or public policy, and to amend or repeal the same in accordance with this Code;
- f) In case of stock corporations, to issue or sell stocks to subscribers and to sell treasury stocks in accordance with the provisions of this Code; and to admit members to the corporation if it be a non-stock corporation;
- g) To purchase, receive, take or grant, hold, convey, sell, lease, pledge, mortgage, and otherwise deal with such real and

141 Republic Act No. 11232.



Government Agencies for Primary Registration of Organizations

Registration can be an overwhelming and tedious process for applicants. Nevertheless, it is a crucial step for establishing legal status. To simplify the process, the table below is a quick guide on the fundamentals of registration with the appropriate government agency, outlining who may register, the required documents, and its legal implications.

- h) To enter into a partnership, joint venture, merger, consolidation, or any other commercial agreement with natural and juridical persons;
- i) To make reasonable donations, including those for the public welfare or for hospital, charitable, cultural, scientific, civic, or similar purposes: Provided, That no foreign corporation shall give donations in aid of any political party or candidate or for purposes of partisan political activity;
- j) To establish pension, retirement, and other plans for the benefit of its directors, trustees, officers, and employees; and,
- k) To exercise such other powers as may be essential or necessary to carry out its purpose or purposes as stated in the articles of incorporation.

Government Agencies	Who may register	Requirements	Remark/s
Securities and Exchange Commission (SEC)	1) EDOs and other non-governmental organizations 2) People's organizations 3) Farmer's associations 4) Athletic and sports associations 5) Social welfare 6) Civic clubs ¹⁴²	General Information Sheet (GIS)	Upon registration, the entity attains juridical personality, endowed with all rights and powers as stipulated by the Revised Corporation Code of the Philippines. ¹⁴³
		Articles of Incorporation (AOI)	
		By-laws (BL)	
		Cover Sheet	
		Additional Requirements: Endorsement/ Clearance from other government agencies, if applicable.	
Department of Labor and Employment	1) Labor unions 2) Labor federations 3) Rural workers' associations	Complete the application form.	Upon registration, the entity is obligated to comply with and operate within the bounds of the law, including adherence to minimum wage, benefits, occupational safety, and other labor standards. Non-registration may lead to legal repercussions, such as fines and sanctions.
		Provide a certified true copy (CTC) of the CSO's DTI/SEC registration and articles of incorporation.	
		Provide a CTC of a valid mayor's or business permit.	
		Provide a notarized list of up to three (3) authorized personnels to transact with the DOLE.	
		Pay the required fees	

142ADB (2013), Civil Society Brief Philippines, available at <https://www.adb.org/sites/default/files/publication/30174/csb-phi.pdf> (last accessed November 25, 2025).

143Republic Act No. 11232.

Cooperative Development Authority (CDA)	A Cooperative with at least 15 Filipino members, with the following qualifications: 1) Must be of legal age; 2) Must share a common interest; and 3) Must be residents or workers in the place where the cooperative will operate.	Four (4) copies of Economic Survey	Once registered, the cooperative shall enjoy the following: 1) It establishes a cooperative as a formal legal entity, granting it various legal benefits. 2) It is eligible for tax exemptions. 3) It can access government programs. 4) It can extend credit and provide other services to its members.
		Four (4) copies of Articles of Cooperation and By-Laws	
		Four (4) copies of Treasurer's Affidavit	
		Four (4) copies of Surety bond of Accountable Officers	
		Four (4) copies of Approved Cooperative Name Reservation Slip; and	
Four (4) copies of Certificate of PMES			
Department of Human Settlements and Urban Development from the merger of the of the Housing and Urban Development Coordinating Council (HUDCC) and the Housing and Land Use Regulatory Board (HLURB)¹⁴⁴, with the former becoming defunct and the latter reorganized as the Human Settlements Adjudication Commission (HSAC)	Homeowners associations with at least five (5) incorporators- to grant them juridical personality.	Sworn Application for Accreditation;	Upon registration, these entities generally acquire juridical personality, endowed with all the rights and powers stipulated in the Magna Carta for Homeowners and Homeowners' Associations. ¹⁴⁵
		Applicant's Organizational Profile consisting of history, key programs and activities, organizational structure and list of current board members and officers	
		Certified true copies of its SEC Certificate of Registration, Articles of Incorporation, By-laws, including all amendments thereto, and latest General Information Sheet	
		A copy of its latest Audited Financial Statement and its latest Income Tax Return, if applicable;	
		Proof of completion of the required number of units produced, i.e., either the certified true copies of the Certificate/s of Completion (COC) of the socialized housing project/s where the required total number of produced units are located or certification from any of the RFOs stating the completion of the required number of socialized housing units produced, if applicable;	
		Certification from each RFOs that the developer has no pending COO, unpaid fees, fines, or penalties imposed by it against the developer on any of its projects; and	
Copy of the official receipt evidencing payment of the accreditation fee.			

¹⁴⁴Department of Human Settlements and Urban Development (April 13, 2023), Downloadable forms, available at <https://dhsud.gov.ph/resources/downloadable-forms/> (last accessed November 25, 2025)
¹⁴⁵Republic Act No. 9904, July 27, 2009.

Reportorial Requirements of SEC-Registered Organizations

Adhering to post-organization registration requirements is essential for regulatory compliance, fostering transparency and accountability, ensuring public awareness, and preventing fines, penalties, and other sanctions.¹⁴⁶

Generally, corporations and entities holding primary licenses are required to submit a General Information Sheet (GIS) and Audited Financial Statements (AFS), along with:



Organization Type	Types of Document/s to be Submitted	Due date
Domestic Non-Stock Corporation	General Information Sheet (4 copies)	Within 30 calendar days from the date of the actual annual members' meeting. If amended GIS, 7 days from the date of amendment.
	Audited Financial Statements (4 copies) (Stamped "received" by the BIR)	Within 120 calendar days after the end of the fiscal year, as indicated in the Financial Statements.
Branch office & Representative	General Information Sheet (4 copies)	Within 30 days from the date of issuance of SEC License
	Audited Financial Statements (4 copies) (Stamped "received" by the BIR)	Within 120 calendar days after the end of the fiscal year, as indicated in the Financial Statements.
	Notification Update Form 1) Accomplished and signed under oath by the president or resident agent; 2) Contain all information subject of any change in: 2.1 Principal office address 2.2 Accounting period 2.3 List of directors and officers, subsidiaries and affiliates 2.4 Other notification to the SEC	Within 30 days from the occurrence of the change.

¹⁴⁶SEC Memorandum Circular ("MC") No. 6, series of 2024.

Foundation ¹⁴⁷	General Information Sheet (4 copies)	Within (30) days after the annual meeting
	Audited Financial Statements (4 copies) (Stamped "received" by the BIR)	Fiscal Year ending December 31, the due date is based on the pertinent memorandum circular issued every year by the SEC. Fiscal year not ending on December 31: the due date is within 120 days from the end of the fiscal year
	Statement of Sources and Application of Funds (SSAF) 1) Sworn statement of the President and Treasurer on the itemized; 2) Sources and Amount of funds; 3) Program/Activity planned, on going and accomplished with complete name, address and contact number of project, officer-in-charge and the project office; and 4) Application of funds	
	Certification of Existence of Programs/Projects/Activities (CEP) 1) Certification from: Office of the Mayor or Office of the Barangay Captain or Head of either the Department of Social Welfare and Development or Department of Health *on the existence of the subject Program/Activity in the locality on which it exercises jurisdiction or if from Head/Officers of private institutions or actual beneficiaries/recipients of the program/activity. The same should be notarized.	

The SEC further mandates the disclosure of the organization's respective beneficial owners in the GIS, in accordance with existing laws, rules, and regulations.¹⁴⁸

As defined in SEC Memorandum Circular No. 17, Series of 2018, as amended¹⁴⁹, a "beneficial owner" refers to any natural person who ultimately owns, controls, or exercises effective control over a corporation. This definition distinguishes such natural persons, who actually own or control the

¹⁴⁷SEC, Procedures, Submissions, and Other Requirements to Operate a Foundation, available at <https://www.sec.gov.ph/foundations/procedures-submissions-and-other-requirements-to-operate-a-foundation/#gsc.tab=0> (last accessed November 18, 2024).¹⁴⁴ Republic Act No. 9904, July 27, 2009.
¹⁴⁸SEC Memorandum Circular No. 15, Series of 2019.
¹⁴⁹Id.

corporation, from the legal owners as defined herein. Beneficial ownership may be determined based on the following criteria:

- A. Natural persons owning, directly or indirectly, or through a chain of ownership, at least 25% of the voting rights, voting shares, or capital of the reporting corporation, without prejudice to ownership thresholds that may be imposed by other regulators.
- B. Natural persons who exercise control over the reporting corporation, alone or together with others, through any

- contract, understanding, relationship, intermediary, or tiered entity.
- C. Natural persons having the ability to elect a majority of the board of directors/trustees or any similar body of the corporation.
- D. Natural persons having the ability to exert a dominant influence over the management or policies of the corporation.
- E. Natural persons whose directions, instructions, or wishes in conducting the affairs of the corporation are carried out by a majority of the members of the board of directors of such corporation who are accustomed or under an obligation to act in accordance with such person's directions, instructions, or wishes.
- F. Natural persons acting as stewards of the corporations' properties, where such properties are under the care or administration of said natural persons.
- G. Natural persons who actually own or control the reporting corporation through nominee shareholders or nominee directors acting for or on behalf of such natural persons.
- H. Natural persons ultimately owning or controlling or exercising ultimate effective control over the corporation through other means not falling under any of the foregoing categories.
- I. Natural persons exercising control through positions held within a corporation (i.e., responsible for

strategic decisions that fundamentally affecting business practices or the general direction of the corporation, such as members of the board of directors or trustees or a similar body within the corporation, or exercising executive control over the daily or regular affairs of the corporation through a senior management position). This category is only applicable in exceptional cases where no natural person is identifiable, who ultimately owns or exerts control over the corporation, the reporting corporation having exhausted all reasonable means of identification and provided there are no grounds for suspicion.

Beneficial owners of corporations or organizations are required to provide the following information in the General Information Sheet (GIS):

1. Complete name (surname, given name, middle name, and name extension, e.g., Jr., Sr., III)
2. Specific residential address
3. Date of Birth
4. Nationality
5. Tax identification number
6. Percentage of ownership, if applicable

To ensure protection, such information will not be uploaded to the SEC's publicly accessible electronic database. However, it will be made accessible in a timely manner to competent authorities for law enforcement and other lawful purposes.¹⁵⁰

¹⁵⁰Id.

Registration with BIR and Application for Tax Exemption

Upon registration with the SEC, DOLE, CDA, or HLURB, EDOs must also register with the BIR.¹⁵¹ This is a mandatory step for any organization to operate in the Philippines, as a Tax Identification Number (TIN) is essential and can only be obtained through BIR registration.

BIR registration ensures organizations comply with tax and other relevant laws, as the government relies on these means to operate for its citizens' benefit. In return, citizens are expected to enjoy the State's protection.

The specific requirements for BIR registration are contingent upon the organization's structure. For EDOs which are usually Civil Society Organizations (CSOs) classified as Non-Governmental Organizations (NGOs) or Non-Profit Organizations (NPOs), the following documentation is required:¹⁵²

1. BIR Form No. 1903, accompanied by the Certificate of Incorporation from the SEC, Certificate of Registration from the CDA, Certificate of Registration from the HLURB, or Certificate of Registration from the DOLE.
2. Articles of Incorporation, Articles of Cooperation, Articles of Association, or the Constitution and By-Laws for applicant unions, labor organizations, associations, or groups of unions or workers.

3. BIR Printed Invoices or a final and clear sample of principal invoices.
4. Other applicable documents, subject to appropriate fees.

Applications for Tax Exemption and Revalidation

Only corporations or associations duly qualified under Section 30 of the Tax Code, as amended, shall be granted Tax Exemption Rulings in accordance with Revenue Memorandum Order No. 20-2013. This order prescribes the policies and guidelines for issuing tax exemption rulings to qualified non-stock, non-profit corporations and associations under Section 30 of the National Internal Revenue Code of 1997, as amended. To qualify for a tax exemption determination under Section 30(E) of the revised Tax Code, corporations or associations must satisfy the following requirements:

1. They must be a non-stock corporation or association organized and operated exclusively for religious, charitable, scientific, athletic, cultural, or veteran rehabilitation purposes.

2. They must meet the ORGANIZATIONAL TEST, meaning their purpose should be limited to one or more described in Section 30(e) of the Tax Code, as amended.
3. They must meet the OPERATIONAL TEST, which mandates that the regular activities of the corporation or association be exclusively devoted to accomplishing the purposes specified in paragraph (E) of Section 30 of the NIRC, as amended. A corporation or association will fail this test if a substantial part of its operations can be considered "activities conducted for profit."
4. All net income or assets of the corporation or association must be devoted to its purpose/s, and no part of its net income or asset may accrue to or benefit any member or specific person. Any profit must be reinvested and used entirely for the furtherance of the purpose for which the corporation or association was organized.
5. They must not be a branch of a foreign non-stock, non-profit corporation.

General Documentary Requirements for Application

General Documentary Requirements. – A corporation or association shall submit the following documents:

- a. Original copy of application letter for issuance of Tax Exemption Ruling. The letter shall cite the particular paragraph of Section 30 of the NIRC, as amended, under which the application for exemption/revalidation is being based;
- b. Certified true copy of the latest Articles of Incorporation and By-Laws issued by the Securities and Exchange Commission;
- c. Original copy of Certification under Oath by an executive officer of the corporation or association as to:
 - i. all previous amendments/changes in the Articles of Incorporation and By-Laws,
 - ii. manner of activities, and
 - iii. the sources and disposition of income, if any, of the subject corporation or association. If there are no amendments/changes, the Certification shall state this fact;
- d. Certified true copy of the Certificate of Registration with the BIR;
- e. Original copy of the Certification under Oath by the Treasurer of the corporation or association as to the amount of income, compensation,



¹⁵¹Bureau of Internal Revenue (BIR).

¹⁵²Application for Taxpayer Identification Number (TIN), Corporations, Partnerships, Cooperatives, Associations (Taxable or Non-taxable), available at <https://www.bir.gov.ph/primary-registration> (last accessed November 18, 2024).

salaries or any emoluments paid by the corporation or association to its trustees, officers and other executive officers. Provided, that, a corporation sole, which, by its nature, does not have trustees, corporate officers or executive officers need not submit the certification required under this subparagraph.

- f. Original copy of the Certification issued by the RDO where the corporation or association is registered that the corporation or association is not the subject of any pending investigation, on-going audit, pending tax assessment, administrative protest, claim for refund or issuance of tax credit certificate, collection proceedings, or a judicial appeal; or if there be any, the Original copy of the

Certification issued by the RDO on the status thereof;

- g. Certified true copies of the Income Tax Returns or Annual Information Returns and Financial Statements of the corporation or association for the last three (3) years; and
- h. Original copy of a statement under Oath by an executive officer of the corporation or association as to its modus operandi which shall include:
- A full description of the past, present, and proposed activities of the corporation or association;
 - A narrative description of anticipated receipts and contemplated expenditures; and
 - A detailed description of all revenues which it seeks to be exempted from income tax. All other revenues which are not included in the statement/application shall be subject to income tax.

Various organizational structures are exempt from income tax, including non-stock corporations established exclusively for the promotion of religion, charity, science, sports, culture, or veteran rehabilitation; civic leagues or organizations operating solely for the advancement of social welfare; and non-stock, non-profit educational institutions.¹⁵³

These entities are exempt from income tax on donations, grants, and gifts, provided that no individual or private shareholder benefits from the organization's net revenue. Otherwise, business profits are subject to

¹⁵³ ADB's NGO and Civil Society Center (2007), NGO Civil Society Brief – Philippines, available at <https://www.adb.org/sites/default/files/publication/28972/csb-phi.pdf> (last accessed November 25, 2025).



taxation, regardless of how the money is spent.¹⁵⁴

Validity of Tax Exemption Ruling (CTE)

A CTE issued under this Order is valid for three (3) years from its effective date, unless revoked or canceled earlier. It may be revalidated for an additional three-year period following the same procedure.¹⁵⁵

The Tax Exemption Ruling is considered revoked if material changes in the corporation's or association's character, purpose, or method of operation are inconsistent with the basis for its income tax exemption. The revocation becomes effective on the date of the material change.¹⁵⁶

Employer's Registration with SSS, PhilHealth and Pag-ibig

Registration is crucial because it grants an organization legal personality, establishing it as a distinct entity, organization, or association. As a result, it is recognized as an employer to its members and must comply

with mandatory legal requirements such as SSS¹⁵⁷, PhilHealth, and Pag-Ibig.

The new national government's Central Business Portal (CBP) project now facilitates employer registration through a single, streamlined platform for all business-related information, particularly for new business applicants. The CBP encompasses agencies such as SSS, Philhealth, and Pag-ibig, among others.¹⁵⁸

The CBP portal features a Unified Employee Reporting Module for SSS, PhilHealth, and Pag-IBIG. This eliminates the need for employers to access separate websites for application forms from each government agency. The CBP system consolidates these application forms, allowing for one-time data capture of employer information. Consequently, SSS has issued the following policies regarding CBP registration:

1. CBP-registered Employers are no longer required to submit the Employer Registration Form (SS Form R-1) or its supporting document⁷

¹⁵⁴ Id.

¹⁵⁵ REVENUE MEMORANDUM ORDER NO. 38-2019.

¹⁵⁶ Id.

¹⁵⁶ Social Security System (SSS)

¹⁵⁸ SSS, available at <https://www.sss.gov.ph/employer/> (last accessed November 20, 2024).



2. Employers with or without Date of Coverage (DOC) are eligible to register on My.SSS website
 - ◆ The SSS will automatically send a registration link to the company's email address to facilitate employer web registration.
 - ◆ The employer shall provide the required information to complete the web registration process.
3. Reporting of initial employees may be submitted through the CBP or through the My.SSS portal.
 - ◆ The employment report will initiate the update of the employer's DOC.
 - ◆ The employer's DOC will be determined by the earliest employment date of its employees.
4. The following information shall be captured from the CBP database:

Employer:

- ◆ Tax Identification Number (TIN)
- ◆ Name/s of Owner/s
- ◆ Company email address
- ◆ Mobile and Telephone Numbers
- ◆ Philippine Standard Industrial Classification (PSIC)

Employee:

- ◆ SSS Number
- ◆ Employee Name
- ◆ TIN
- ◆ Philippine Standard Occupational Classification (PSOC)

The employer record should be appropriately tagged to identify the source of employer's registration.



With the advent of the CBP, employer registration with SSS, Philhealth, and Pag-IBIG is now easier and more convenient, subject to specific further requirements from each government agency.

Registration with LGU

Civil Society Organizations (CSOs) are encouraged to seek accreditation from their respective Local Government Units (LGUs) to become partners in achieving local autonomy and delivering basic services, by securing representation in the Local Special Services Bodies (LSBs).

This initiative stemmed from the LGUs' mandate to foster the establishment and operations of people's organizations, non-governmental organizations, and the private sector as active partners in their various plans, programs, and activities.¹⁵⁹

¹⁵⁹Implementing Rules and Regulations of the Local Government Code of 1991, Rule III, Article 62.

To become an accredited CSO, whether new or existing, the following requirements must be submitted to the LGU's Sanggunian:

1. Letter of Application;
2. Duly accomplished Application Form for Accreditation;
3. Duly approved Board Resolution signifying intention for accreditation for the purpose of representation in a local special body;
4. Certificate of Registration or existing valid Certificate of Accreditation from any NGA (or in the case of IPOs, certification issued by NCIP);
5. List of current officers;
6. For CSOs that have been in operation for at least one (1) year, Minutes of the Annual Meetings of the immediately preceding year as certified by the organization's Board Secretary or Certification from the Board Secretary certifying the annual meeting's conduct, including the date, location, attendees, and agenda;

7. For CSOs that have been in operation for at least one (1) year, Annual Accomplishment Report immediately preceding year;
8. For CSOs that have been in operation for at least one (1) year, Financial Statement, at the minimum, signed by the executive officers of the organization, also of the immediately preceding year, and indicating therein other information such as revenue, expenses and the source/s of funds.

This accreditation with their respective LGUs will ensure equal public participation in planning the developmental trajectory of each locality.¹⁶⁰

Optional Registration with PCNC

The PCNC¹⁶¹ is a private accrediting body for NGOs and foundations. It certifies those that meet established standards for good governance and management and demonstrate compliance with existing regulatory requirements.¹⁶²

For NGOs and Foundations to be registered with the BIR as qualified donee institutions for tax exemption, PCNC accreditation is a prerequisite¹⁶³. Therefore, NGOs/NPOs that do not engage in fundraising activities may choose not to register with PCNC, thereby avoiding the burdensome accreditation process, associated requirements, and fees.

¹⁶⁰ DILG, Guidelines on the Accreditation of Civil Society Organizations and Selection of Representatives to the Local Special Bodies - Memorandum Circular No 2022-083, June 15, 2022, available at <https://dilg.gov.ph/issuances/mc/Guidelines-on-the-Accreditation-of-Civil-Society-Organizations-and-Selection-of-Representatives-to-the-Local-Special-Bodies/3585> (last accessed November 18, 2024).

¹⁶¹ The Philippines Council for NGO Certification, Inc. (PCNC).

¹⁶² PCNC, Our Purpose, available at <https://www.pcnc.com.ph/about-us/#purpose> (last accessed November 18, 2024).

¹⁶³Id.

An NGO applicant is evaluated based on six dimensions¹⁶⁴ of organizational performance:

1. **Organizational Purpose.** This pertains to the organization's purpose(s) as stated in its Articles of Incorporation and their coherence with its mission, vision, goals, and core values. The organization's mission and goals should clearly justify its existence.
2. **Governance and Leadership.** This component includes the organization's governance structure, direction-setting, strategic planning, policy creation, institutional performance management, and internal control and risk-management procedures.
3. **Program/Operations Management.** This concerns the policies, procedures, and practices for managing the delivery of the organization's programs or services, including program/service design and planning, implementation, monitoring, evaluation, and learning.
4. **Collaboration.** This pertains to the linkages or partnerships that the organization establishes with other organizations in pursuing a common development agenda.
5. **Administration.** This dimension assesses the organization's administrative policies, processes, and practices related to human resources, procurement, asset management, safety and security, and other support services.
6. **Financial Management and Sustainability.** This dimension includes

the sufficiency and appropriateness of the organization's policies, procedures, and practices for the efficient and effective management of its financial resources, anchored on the principles of accountability, transparency, and sustainability.

Upon evaluation, an NGO may receive certification for one, three, or five years, which can then be used to claim tax exemption on certain income from the BIR.

Insurance Considerations for EDOs

As part of their operational and risk management strategy, EDOs should consider various types of insurance to protect themselves against lawsuits (including SLAPP lawsuits) and other legal risks. Insurance not only offers financial protection but also provides peace of mind, enabling EDOs to concentrate on their advocacy work.

Directors and Officers Liability Insurance (D&O Insurance):

Directors and Officers Liability (D&O) Insurance protects an organization's board members and executives from legal expenses, settlements, and judgments arising from claims made against them in their leadership roles. This coverage is especially important for EDOs, as many legal challenges are directed at an organization's leadership rather than the entity itself.

Why D&O Insurance is Important for EDOs:

- ◆ **Protection Against SLAPPs and Other Lawsuits:** D&O insurance can cover the legal defense costs and potential damages in cases where

the organization's leadership is sued, particularly in response to the organization's advocacy work. This includes protection against spurious claims or SLAPP lawsuits.

- ◆ **Personal Asset Protection:** For board members and key officers, D&O insurance ensures their personal assets are not at risk if a lawsuit is filed against them individually.
- ◆ **Coverage for Employment Practices:** D&O policies often extend to include coverage for claims related to employment practices, such as discrimination, wrongful termination, or harassment, which may be relevant to the organizational context.

Considerations for EDOs:

- ◆ Ensure that the policy covers both legal defense costs and settlements, which can be substantial in SLAPP suits.
- ◆ Review the terms to confirm that environmental advocacy activities, especially those involving public policy and governmental decisions, are covered.
- ◆ Look for policies with broad definitions of "wrongful acts" to include advocacy and public interest actions.

General Liability Insurance:

General liability insurance protects an organization from third-party claims related to bodily injury, property damage, and personal injury, including defamation, that result from its operations.



¹⁶⁴PCNC, Accreditation, available at <https://www.pcnc.com.ph/accreditation/> (last accessed November 18, 2024).



Why it is important for EDOs:

- ◆ **Protection Against Lawsuits:** This policy can cover legal fees, settlements, and judgments if an EDO is sued for causing physical or reputational harm or damage.
- ◆ **Protection Against Defamation Claims:** EDOs engaged in public advocacy are more susceptible to defamation claims, especially from dissenting parties. General liability insurance typically covers claims of defamation, libel, and slander, which is vital for organizations involved in contentious legal and social issues.

Considerations for EDOs:

- ◆ Ensure the policy covers “personal injury” claims like defamation and false statements, which are significant risks for EDOs.
- ◆ This coverage is especially useful when facing parties who might try to damage the EDO’s reputation in response to environmental advocacy.

Legal Expense Insurance (or Legal Protection Insurance):

Legal expense insurance covers the costs of legal representation, including court fees, lawyer fees, and other associated expenses, should an organization face litigation.

Why it is important for EDOs:

- ◆ **Access to Legal Resources:** This insurance provides immediate access to legal expertise, crucial for responding to lawsuits quickly and effectively.
- ◆ **Coverage for Various Legal Issues:** It can cover a wide range of potential legal issues, such as contract disputes, employment-related claims, environmental regulations, and defense against SLAPP lawsuits.

Considerations for EDOs:

- ◆ Verify that the policy covers environmental-specific legal issues, including compliance with environmental laws, permitting, and disputes over land rights or use.

- ◆ Ensure the policy includes coverage for any potential legal challenges arising from the organization’s advocacy or public actions.

Employment Practices Liability Insurance (EPLI):

Employment Practices Liability Insurance (EPLI) covers organizations against claims arising from employment-related issues, such as wrongful termination, discrimination, harassment, and retaliation.

Why it is important for EDOs:

- ◆ **Workplace Issues:** Many EDOs have a small or closely-knit workforce, which can make them susceptible to disputes related to employment practices (e.g., wrongful termination or harassment). EPLI protects the organization and its leadership from the legal costs associated with such claims.
- ◆ **Protection for Employees:** EDOs often work closely with employees and volunteers who are deeply passionate about their causes. It is crucial to ensure that any workplace-related legal disputes are adequately covered to prevent further damage to the organization’s mission and reputation.

Considerations for EDOs:

- ◆ Seek policies that offer comprehensive coverage for a wide range of employment-related issues.
- ◆ Ensure that the coverage extends to claims brought by employees, volunteers, and even independent contractors, including those that may arise within the context of activism or organizational activities.

Cyber Liability Insurance:

Cyber liability insurance protects organizations from risks associated with data breaches, cyber-attacks, or unauthorized access to sensitive information.

Why is it important for EDOs:

- ◆ **Protection Against Data Breaches:** EDOs frequently handle sensitive information related to their advocacy, donors, or supporters. A data breach or cyber-attack could expose this information, leading to significant reputational and financial harm.
- ◆ **Legal Costs for Data Privacy Violations:** In the event of legal action or regulatory fines stemming from a data breach or cyber-attack (e.g., under GDPR or other data protection laws), cyber liability insurance can cover associated legal costs and penalties.

Considerations for EDOs:

- ◆ Ensure the policy covers not only the breach itself, but also subsequent legal and public relations costs.
- ◆ This coverage is crucial if your EDO collects personal or sensitive data from donors, volunteers, or community members.

Property Insurance:

Property insurance protects against loss or damage to an organization’s physical assets, including buildings, equipment, and supplies.

Why is it important for EDOs:

- ◆ **Protection of Physical Assets:** For organizations owning property or assets (e.g., office equipment, supplies, vehicles),

property insurance provides financial recovery from physical damage caused by fire, natural disasters, vandalism, or theft.

Considerations for EDOs:

- ◆ Evaluate the need for specific coverage for your office, equipment, or other physical assets. Tailored property insurance may be necessary if your EDO operates from a rented facility or in areas prone to environmental risks (e.g., floods or wildfires).
- ◆ Consider including business interruption coverage to mitigate the impact of events that disrupt operations.

By strategically implementing appropriate insurance coverage, EDOs can safeguard their operations, reduce the financial impact of legal battles, and ensure they can continue their mission to protect the environment and human rights.

Other Considerations for Mitigating Organizational Risk

NGOs and EHRDs frequently encounter legal hurdles, including lawsuits pertaining to tax, labor, and other regulatory infractions. While



some of these cases may be legitimate, many are, in fact, SLAPPs. In such instances, non-compliance with regulations can be exploited to create undue hardship and legal pressure.

To mitigate the risk of SLAPPs and other legal actions, it is imperative for NGOs and EHRDs to ensure stringent adherence to various legal and labor regulations. This includes:

Labor Standards: Compliance with wage laws, working conditions, employee benefits, and safety regulations as stipulated in the Labor Code is crucial for preventing labor-related disputes or violations that could be leveraged against the organization.

Labor Relations Provisions: Adherence to the Labor Code's provisions concerning labor relations, including those on employee rights, unionization, and dispute resolution, is vital for safeguarding both the organization's operations and its employees.

Legal and Regulatory Compliance: While complying with laws can be burdensome, ensuring that EDOs are legally registered and in compliance with relevant regulations is critical to reducing the risks of SLAPPs and operational challenges. Here is how EDOs can strengthen their legal standing:

- 1. Registration with Appropriate Authorities:** Proper registration with relevant government bodies (e.g., SEC, BIR, local government units) is crucial to confer legal status and prevent operational interruptions.
- 2. Documented Compliance:** Maintain up-to-date records of all required documents, including tax filings,



financial statements, and employee's records. Transparency in organizational activities enhances credibility and offers protection against legal challenges.

Tax Exemption Registration: If eligible, seek tax exemption status with the Bureau of Internal Revenue (BIR) to mitigate the risk of tax-related legal challenges.

Streamlining Administrative Procedures: To counteract the negative impact of overly burdensome reporting and registration requirements, EDOs can implement several strategies to streamline administrative procedures

- ◆ **Centralized Record Keeping:** Establish a centralized system to meticulously track and organize all registration, compliance, and reporting documents. This ensures your organization can swiftly respond to regulatory demands, optimizing resource allocation.

- ◆ **Adopt Digital Platforms:** Whenever feasible, integrate digital solutions or leverage government-provided portals (such as the Central Business Portal, CBP, in the Philippines) to simplify the registration, compliance, and reporting processes across multiple agencies.
- ◆ **Policy Advocacy for Regulatory Reform:** Actively advocate for reforms that aim to reduce excessive reporting requirements or create a more conducive regulatory environment for the operations of EDOs. By engaging in policy discussions, EDOs can actively contribute to shaping a more supportive legal framework.
- ◆ **Focus on Long-Term Sustainability:** Develop a comprehensive and sustainable financial plan that incorporates diverse funding sources. Diversifying funding streams enables EDOs to better withstand the financial pressures imposed by stringent regulations.

Engage in Strategic Communication: Mitigate risks through effective and transparent communication:

- ◆ **Clear Messaging:** Develop clear, consistent messaging regarding the organization's mission, activities, and legal compliance to counteract misinformation or malicious attacks.
- ◆ **Proactive Public Relations:** Invest in proactive public relations to highlight the organization's positive societal and environmental contributions. Positive public perception can help to protect against SLAPP lawsuits and legal challenges.

Consider Advocacy and Public Awareness Campaigns: Building public awareness is a key strategy for both protecting EDOs and amplifying their message. Public support can:

- ◆ Deter potential threats from powerful adversaries, such as governments or corporations, who may be reluctant to attack organizations with widespread public backing.
- ◆ Raise the profile of the organization's work, making it harder for attacks or false allegations to succeed.

Consider International Advocacy: EHRDs often face threats from local or national actors. International attention can be a powerful tool to protect their rights through:

- ◆ Engaging with UN bodies, such as the UN Special Rapporteur on Human Rights and the Environment, to highlight threats faced by EDOs and demand action.
- ◆ Filing complaints or petitions with international human rights bodies when local remedies prove insufficient.

Foster Organizational Resilience: Building organizational resilience is critical for enduring legal and operational challenges:

- ◆ **Develop a Crisis Management Plan:** Create a crisis management plan outlining responses to legal threats or public attacks, including SLAPP lawsuits. This prepares the organization for swift and strategic action.
- ◆ **Strengthen Internal Governance:** Ensure robust internal governance structures, including transparent decision-making

processes and accountability measures. This minimizes the risk of internal issues escalating into external legal problems.

Engage in Legal Monitoring and Preparedness: EDOs should consider establishing a legal monitoring system to track developments that could threaten their activities, including:

- ◆ Proposed laws or regulations that might impact environmental protection or limit freedom of expression.
- ◆ Ongoing lawsuits (e.g., SLAPP suits) or potential legal threats from corporate or government actors.
- ◆ Changes to judicial systems that could affect the rights of environmental defenders, such as shifts toward less independent or more hostile courts.

Diversify Funding Sources: Financial independence is crucial for the sustainability of EDOs and their ability to combat lawsuits or retaliation. EDOs should:

- ◆ Diversify funding sources to reduce dependency on a single donor or revenue stream, preventing undue influence or threats from powerful funders.
- ◆ Develop transparent financial practices to ensure effective fund management and availability for defense against legal or security risks.
- ◆ Seek out alternative funding mechanisms such as crowdfunding campaigns, which can generate resources quickly and demonstrate public backing.



Page no.	References
Cover	Downloaded from Unsplash.com by Saif71.com
8	C-Help marked its presence at the 'Baha sa Luneta' on September 21, 2025, standing in solidarity with Filipinos in the call to end government corruption. The organization served as a visible force for accountability and compassion, actively extending legal assistance to those in need. Photo by: Community Legal Help and Public Interest Centre, Inc.
11	Photo downloaded from constitution.net: "Unconstitutional Moments: The 2024 Attempts to Change the Philippine Constitution" Link: https://constitutionnet.org/news/voices/unconstitutional-moments-2024-attempts-change-philippine-constitution
12-13	Magsasaka at Siyentipiko Para Sa Pag-Unlad ng Agrikultura (MASIPAG) filed a landmark petition before the Supreme Court of the Philippines on October 17, 2022 to stop the commercial propagation of genetically modified organisms (GMOs), specifically Golden Rice and Bt eggplant. Photo by: Community Legal Help and Public Interest Centre, Inc.
14-15	Commissioner for Human Rights: "Time to take action against SLAPPs" https://www.coe.int/en/web/commissioner/-/time-to-take-action-against-slapps
16-17	Consumer advocates filed a formal complaint at the Department of Trade and Industry (DTI) Fair Trade Enforcement Bureau-Mediation and Adjudication Bureau, urging action against Coca-Cola, PepsiCo, Nestlé, Unilever, Procter & Gamble, Colgate-Palmolive, and Universal Robina Corporation on November 15, 2022. Photo by Leo Sabangan II / 350 Pilipinas
18-19	A national organization of small fishermen, an environmental group, and advocates filed before the Supreme Court on December 11, 2024 Petitions for Writ of Kalikasan and Writ of Continuing Mandamus (with Damages for Personal Injury under the Writ of Continuing Mandamus) questioning the massive reclamation projects in Manila Bay. Photo by Community Legal Help and Public Interest Centre, Inc.
21	Bataan Anti-Coal Protest: Climate justice advocates in Bataan, Philippines held a protest demanding accountability for coal-related environmental harm. The groups staged the symbolic protest to call for climate-resilient food systems, an end to fossil fuels, and urgent action on the climate emergency. Photo by: Community Legal Help and Public Interest Centre, Inc.
22	College students protest to defend press freedom in Manila after the government cracked down on Rappler, an independent online news site. https://www.npr.org/sections/parallels/2018/01/17/578610243/a-fraught-time-for-press-freedom-in-the-philippines Photo by: Noel Celis/AFP/Getty Images
23	In time of the World Fisheries Day on November 31, 2025, fishers' group Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas (PAMALAKAYA), along with coastal residents from Zambales and Ilocos Sur, held a street conference at the Department of Environment and Natural Resources (DENR), to demand accountability over the "continued corporate plunder" of marine and aquatic resources. Photo by: PAMALAKAYA-Pilipinas Facebook Link: https://www.facebook.com/Pamalakaya/photos/d41d8cd9/1240735244753146/
24-25	Environmental groups gather for a case conference following the filing of a plastic consumer complaint at the Department of Trade and Industry (DTI). United in purpose, groups call for corporate responsibility and stronger consumer protection against plastic pollution. Photo by Leo Sabangan II / 350 Pilipinas
30-31	Fishers' group Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas (PAMALAKAYA) and environmental network Save Laguna Lake Movement (SLLM) in Muntinlupa City held a fluvial protest in time of the National Fisherfolks Day on May 31, 2025. Photo by: PAMALAKAYA-Pilipinas Facebook Link: https://www.facebook.com/photo?fbid=1097380142421991&set=pcb.1097380505755288
39	What It Takes To Be a Security Guard: A Career Information Link: https://www.corinthiansgroup.com/what-it-takes-to-be-a-security-guard-a-career-information/

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40-41	Police block activists during a rally at the Commission on Human Rights in Quezon City (Copyright 2022 The Associated Press. All rights reserved) Link: https://www.independent.co.uk/asia/southeast-asia/philippines-police-kidnap-tourists-court-b2557048.html
42-43	Human Rights Watch: Philippines: Supreme Court Rejects 'Red-Tagging' Protesters against "red tagging" gather in Quezon City, Philippines, on July 25, 2022. © 2022 Larry Monserate/Sipa via AP Photo Link: https://www.hrw.org/news/2024/05/08/philippines-supreme-court-rejects-red-tagging
46	Commission on Human Rights of the Philippines Link: https://www.facebook.com/photo.php?fbid=1211523587668890&set=pb.100064337815476.-2207520000&type=3
48	Philippine Information Agency: Filing human rights complaints now just a click away Link: https://pia.gov.ph/regions/filing-human-rights-complaints-now-just-a-click-away/
50	Greenpeace International Landmark human rights hearings against fossil fuel companies begin in the Philippines Link: https://www.greenpeace.org/international/press-release/15575/landmark-human-rights-hearings-against-fossil-fuel-companies-begin-in-the-philippines/
53	C-Help lawyer leads a case orientation meeting in Imus, Cavite. Photo by: Community Legal Help and Public Interest Centre, Inc.
54-55	Women-led organization, Kababaihang Bataëno para Kalikasan, Karapatan at Pagbabago (KaBaRo), held a Women's Rights Festival to mark International Women's Day and advocate for environmental and social justice. Photo by: Community Legal Help and Public Interest Centre, Inc.
57	Community feedback during the pilot testing of the EHRD Guide in Bataan (July 15-16, 2024) helped enhance the Guide. The activity was facilitated by C-HELP, PANGISDA, and YOUNGBEAN, with vendors joining the SLAPP-back Seminar. Photo by: Community Legal Help and Public Interest Centre, Inc.
60-61	Photo downloaded from Pixabay courtesy of Steve Buissonne https://pixabay.com/photos/coins-currency-investment-insurance-948603/
62	Anti-SLAPP training conducted by C-Help in Quezon City. Photo by: Community Legal Help and Public Interest Centre, Inc.
63	C-Help conducted a SLAPP-back Seminar with PANGISDA, YOUNGBEAN, and local vendors in Bataan on July 15-16, 2024. Photo by: Community Legal Help and Public Interest Centre, Inc.
64	Photo downloaded from Pixabay courtesy of aymane jdidi https://pixabay.com/photos/laptop-office-hand-writing-3196481/
67	Case meeting of environmental advocates in Cavite. Photo by: Community Legal Help and Public Interest Centre, Inc.
68	Nuclear-Free Bataan Movement (NFBM), Young Bataënos Environmental Advocacy Network, and local vendors during a SLAPP-back Seminar held in Bataan on July 15-16, 2024. Photo by: Community Legal Help and Public Interest Centre, Inc.
70	Photo downloaded from Pixabay courtesy of Naor Eliyahu Link: https://pixabay.com/photos/signing-paper-document-stamp-deal-6598540/
71	Photo downloaded from Pixabay courtesy of Jana Schneider Link: https://pixabay.com/photos/bureaucracy-file-folder-paperwork-2106924/
72	United Nations Human Rights Office of the High Commissioner: "Environmental human rights defenders must be heard and protected" Link: https://www.ohchr.org/en/stories/2022/03/environmental-human-rights-defenders-must-be-heard-and-protected

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Community Legal Help and Public Interest Centre, Inc. (C-HELP) is a non-profit advocacy organization in the Philippines that provides legal aid, research, policy assistance, and training to empower grassroots communities and disadvantaged persons. Its work advances human rights and environmental protection by bridging communities and institutions through accessible legal support and collaborative advocacy.



The Nuclear/Coal-Free Bataan Movement, is a province-wide network of organizations and individuals that supports communities in defending their rights against the perils of dirty and harmful sources of energy and campaigns for climate justice.



Tres Cincuenta Pilipinas Inc. (350 Pilipinas) is a Philippine-registered non-profit based in Quezon City and an affiliate of 350.org. A volunteer-driven network, 350 Pilipinas advances the climate movement by empowering communities toward a just, equitable, and sustainable future.



Global Climate Legal Defense (CliDef) provides exclusive legal support for the climate movement, offering advice, strategy, coordination, and funding. Through its hybrid model as legal experts and regranters, CliDef focuses on high-impact areas facing repression, delivering emergency response and proactive litigation. Its leadership brings decades of human rights and environmental law experience to protect climate defenders worldwide.

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The Guide will soon be available in additional Filipino languages.

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