

Republic of the Philippines
COMMISSION ON HUMAN RIGHTS
Diliman, Quezon City

In Re:

**National Inquiry on the Impact of
Climate Change on the Human Rights of
the Filipino People and the
Responsibility therefor, if any, of the
“Carbon Majors”**

CHR-NI-2016-0001

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EX-PARTE
MANIFESTATION AND MOTION
FOR URGENT RESOLUTION OF THE PETITION

Petitioners, by the undersigned Legal Representatives, respectfully state:

1. On 22 September 2015, petitioners filed the world’s first *Petition* requesting for an investigation on the responsibility of respondent Carbon Majors for human rights violations or threats thereof resulting from the impacts of climate change. The world, not only the country, followed the groundbreaking legal action. To this day, both national and international communities and institutions await the conclusion with mixed enthusiasm and concern regarding the seeming delay in the issuance of the resolution or final report.

2. To recall, **it has been over a year and half since the Focal Commissioner Roberto Eugenio T. Cadiz announced the preliminary findings on the National Inquiry and indicated that the resolution or final report would be issued.** On 19 September 2019, petitioners filed their memorandum dated 18 September 2019.¹ On 09 December 2019 during a side event at COP25 in Madrid, Spain, entitled “Addressing Access to Remedy and the Business and Human Rights Dimension of Climate Change,” the Focal Commissioner shared the Honorable Commission’s preliminary findings on this National Inquiry².

¹ *Petitioners’ Memorandum* dated 18 September 2019, available at <https://chr-observatories.uwazi.io/en/document/31gh218l6ja?page=1>, last accessed on 04 June 2021.

² Business and Human Rights Resource Centre, “*Carbon Majors Can Be Held Liable for Human Rights Violations, Philippines Commission Rules*,” available at <https://www.business-humanrights.org/en/latest-news/carbon-majors-can-be-held-liable-for-human-rights-violations-philippines-commission-rules/>, last

3. The announcement of preliminary findings by the Focal Commissioner gave petitioners a glimmer of hope after more than five years of battling against the “goliaths” of our time (respondent Carbon Majors). The Focal Commissioner explained that the National Inquiry had found that the respondent Carbon Majors have played a clear role in anthropogenic climate change and its resulting impacts. Additionally, the Focal Commissioner highlighted that the respondent Carbon Majors have an obligation to respect human rights in the climate context and may be held legally and morally responsible.³

4. Following the public announcement of the preliminary findings, petitioners anxiously waited for the issuance of the resolution or final report. Sadly, no resolution or final report was issued after the COP25 in December 2019, breaking the hearts not only of the petitioners, but also the Filipinos and the global climate justice community, who are all waiting for the landmark resolution or final report that could help shape jurisprudence on the compelling issues tackled in the National Inquiry, specifically the evidence and findings that would shed light on respondent Carbon Majors’ responsibility for climate-related human rights harms.

5. Since then, the Focal Commissioner has participated in various international⁴ and local⁵ fora and has been interviewed by local⁶ and

accessed on 04 June 2021; also see Center for International Environmental Law, “*Groundbreaking Inquiry in Philippines Links Carbon Majors to Human Rights Impacts of Climate Change, Calls for Greater Accountability*,” available at <https://www.ciel.org/news/groundbreaking-inquiry-in-philippines-links-carbon-majors-to-human-rights-impacts-of-climate-change-calls-for-greater-accountability/>, last accessed on 04 June 2021.

³ European Union, “*EU Programme of Side Events COP25 - UN Climate Change Conference, Addressing Access to Remedy and the Business and Human Rights Dimension of Climate Change, Focal Commissioner Roberto Eugenio T. Cadiz*,” available at https://ec.europa.eu/clima/sites/calendar/0138/calendar_en.htm#schedule, last accessed on 04 June 2021; The Climate Docket (09 December 2019), “*Carbon Majors can be held liable for Human Rights Violations, Philippines Commission rules*,” available at www.climatedocket.com/2019/12/09/philippines-human-rights-climate-change-2/, last accessed on 04 June 2021. See also Amnesty International (Press release, 09 December 2019), “*Philippines: Landmark decision by Human Rights Commission paves the way for climate litigation*,” available at www.amnesty.org/en/latest/news/2019/12/landmark-decision-by-philippines-human-rights-commission-paves-way-for-climate-litigation/, last accessed on 04 June 2021.

⁴ Cadiz, Roberto Eugenio T. (06 May 2021), “*Business, Human Rights and the Environment - Survey Summary*,” organized by UNDP Business and Human Rights in Asia Programme (B+HR Asia), UNEP and European Union; Cadiz, Roberto Eugenio T. (18 November 2020), “*9th UN Forum on Business and Human Rights*,” organized by UN Working Group on Business and Human Rights and the Office of the UN High Commissioner for Human Rights (OHCHR), video recording available at <http://webtv.un.org/search/building-back-better-forum-on-business-and-human-rights-2020/6210581945001/?term=&lan=english&cat=Meetings%2FEvents&page=1>, last accessed on 04 June 2021; Cadiz, Roberto Eugenio T. (10 June 2020), “*Moving the Needle on Climate Change: Business Actions for a 1.5°C Future*,” organized by SWITCH-Asia, video recording available at <https://www.youtube.com/watch?v=RFibaeaeBBs>, last accessed on 04 June 2021.

⁵ Cadiz, Roberto Eugenio T. (29 July 2020), “*Human Dignity and Environment: National Inquiry on Climate Change*,” organized by Living Laudato Si’, Commission on Human Rights and Archdiocese of Manila, see <https://fb.me/e/12FdMnLFb> and video recording available at <https://www.facebook.com/chrgovph/videos/1791382307677155/>, last accessed on 04 June 2021.

⁶ Cadiz, Roberto Eugenio T., interview by Lian Buan, “*Law of Duterte Land Podcast (Episode 22)*,” Rappler, available at <https://podcasts.apple.com/tz/podcast/episode-22-where-philippines-stands-in-fight-for-climate/id1503855454?i=1000497322570>, last accessed on 04 June 2021.

international⁷ media about the preliminary findings of the National Inquiry and its recommendations to governments, private business entities, and other stakeholders. This indubitably confirms the national and global importance of this landmark National Inquiry and the highly anticipated resolution or final report.

6. Five and a half years after the start of this landmark National Inquiry, the petitioners remain hopeful that the Honorable Commission will conclude what has already been a groundbreaking legal effort and issue the resolution or final report without further delay.

7. The petitioners would also like to take this opportunity to commend the Honorable Commission for all that it has accomplished to date, for example:

- a) Asserting jurisdiction to conduct a National Inquiry into the business responsibilities of multinational fossil fuel and cement companies;⁸
- b) Conducting fact-finding missions in Tacloban; Tanauan, Batangas; Libon, Albay; and Ilagan, Isabela;⁹
- c) Holding inquiry hearings and consultations, hearing witnesses, and taking evidence in the Philippines, United States, United Kingdom, and Netherlands;¹⁰ and
- d) Launching the Climate Change Observatory¹¹, a first of its kind initiative in the world that is a profoundly useful resource for the public and which addressed one of the prayers and recommendations of the petitioners. This initiative, which “continues to assess the impact of the Philippine government’s compliance with International Treaty obligations, especially those relating to environmental protection and climate change and makes policy recommendations to policymakers and administrators, as

⁷ Cadiz, Roberto Eugenio T. (19 July 2020), interview by Jane Lee, “*Climate in the Courtroom Part 3: Big Energy, Big Typhoons and a Big Fight for Justice*,” ABC Radio National, available at <https://www.abc.net.au/radionational/programs/sciencefriction/12466738>, last accessed on 04 June 2021.

⁸ Sta. Lucia, R. (08 March 2018), “*Update on the ‘Carbon Majors’ Petition: The Role of the Philippine Commission on Human Rights*,” Columbia Law School, available at <http://blogs.law.columbia.edu/climatechange/2018/03/08/update-on-the-carbon-majors-petition-the-role-of-the-philippine-commission-on-human-rights/>, last accessed on 04 June 2021.

⁹ Republic of the Philippines Commission on Human Rights, Press Release (26 March 2018), “*CHR to conduct first hearing investigating possible contribution of carbon to climate change and its impact on human rights*,” available at <https://chr.gov.ph/chr-to-conduct-first-hearing-investigating-possible-contribution-of-carbon-to-climate-change-and-its-impact-on-human-rights/>, last accessed on 04 June 2021.

¹⁰ See <http://chr.gov.ph/nicc-resources/> and <https://chr-observatories.uwazi.io/page/e4igfcf46wp>, both last accessed on 04 June 2021.

¹¹ See <https://chr-observatories.uwazi.io/page/e4igfcf46wp>, *supra*.

warranted by its findings,”¹² will serve as an authoritative resource when the resolution or final report is released.

8. The foregoing gains would be best appreciated if the Honorable Commission urgently issues the resolution or final report, as this would put to rest the different issues raised in the National Inquiry. Petitioners believe that the resolution will have deep implications in restoring the dignity of Filipinos who are exposed to the injustices of having to bear the worst impacts of climate change, and that its issuance will hopefully give concrete answers not just to the petitioners, but also to all Filipinos similarly situated and the global community, all of whom are anxiously awaiting the final results.

9. **Petitioners’ arguments and submissions in this National Inquiry and this motion for urgent resolution of the *Petition* are bolstered by the landmark climate judgment in *Milieudefensie et al. v. Royal Dutch Shell plc*.** The District Court of the Hague ordered Royal Dutch Shell (“Shell”) to reduce emissions across its value chain (Scopes 1 through 3) by 45% by the year 2030 relative to 2019 emissions.¹³ The Court based its order upon the goals of the *Paris Agreement* and the unwritten standard of care of the Dutch Civil Code (Book 6 Section 162) as informed by international human rights principles.¹⁴

9.1. Of particular significance, the Court held in the *Milieudefensie* case that international human rights and other “soft” law instruments are properly applied to Carbon Majors when evaluating their obligations with regard to climate change. The Court took guidance from a variety of international frameworks, including the UN Guiding Principles (UNGP) and the International Covenant on Civil and Political Rights (ICCPR), noting, “The UNGP constitute an authoritative and internationally endorsed ‘soft law’ instrument, which set out the responsibilities of states and businesses in relation to human rights.”¹⁵ The Court continued:

“The responsibility of business enterprises to respect human rights, as formulated in the UNGP, is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights. Therefore, it is not

¹² Climate Change Observatory, <https://chr-observatories.uwazi.io/page/e4igfcf46wp>, *supra*.

¹³ *Milieudefensie et al. v. Royal Dutch Shell plc.*, judgment of 26 May 2021 (English translation), The Hague District Court, par. 5.3, available at https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2021:5339&showbutton=true&keyword=shell#_dd69bcea-b686-4197-9d71-c429f2e238a7, last accessed on 04 June 2021.

¹⁴ *Id.*

¹⁵ *Id.* at 4.4.11.

enough for companies to monitor developments and follow the measures states take; they have an individual responsibility.”¹⁶

9.2. The Court emphasized the affirmative and individual responsibilities of Carbon Majors, independent of governments and other parties in society, explaining that their obligations apply both to “actions and omissions”¹⁷ and that respecting human rights “is not an optional responsibility for companies. It applies everywhere, regardless of the legal context, and is not passive[.]”¹⁸

9.3. The Court also noted that in the climate context, “there has been broad international consensus about the need for non-state action, because states cannot tackle the climate issue on their own. The current situation requires others to contribute to reducing CO₂ emissions[.]”¹⁹ Emphasizing the point for Shell, the Court held, “Due to the compelling interests which are served with the [emissions] reduction obligation, RDS [Royal Dutch Shell] must do its part with respect to the emissions over [which] it has control and influence. It is an individual responsibility that falls on RDS, of which much may be expected. Therefore, RDS must do more than monitoring developments in society and complying with the regulations in the countries where the Shell group operates.”²⁰

9.4. The Court also underscored that the responsibilities of Carbon Majors extend through their entire value chain, including their products used by consumers (Scope 3 emissions). The Court held that “The responsibility to respect human rights encompasses the company’s entire value chain,” including “entities with which it [the company] has a direct or indirect business relationship and which either (a) supply products or services that contribute to the enterprise’s own products or services, or (b) receive products and services from the enterprise.”²¹

9.5. The Court explained that “the end-users of the products produced and traded by the Shell group are at the end of RDS’ [Royal Dutch Shell’s] value chain. RDS’ responsibility therefore also extends to the CO₂ emissions of these end-users (Scope 3).”²² The Court also observed that the need to consider

¹⁶ *Id.* at 4.4.13.

¹⁷ *Id.* at 4.4.17.

¹⁸ *Id.* at 4.4.15.

¹⁹ *Id.* at 4.4.26.

²⁰ *Id.* at 4.4.52.

²¹ *Id.* at 4.4.17.

²² *Id.* at 4.4.18.

a company's product (Scope 3) emissions "is more keenly felt where these emissions form the majority of a company's CO₂ emissions, as is the case for companies that produce and sell fossil fuels. In the case of the Shell group, approximately 85% of its emissions are Scope 3 emissions."²³

9.6. The Court held that the goals of the *Paris Agreement* represent an accepted and reasonable standard for evaluating the actions of the Carbon Majors with respect to climate change, explaining, "the goals of the *Paris Agreement* represent the best available scientific findings in climate science, which is supported by widespread international consensus. The non-binding goals of the *Paris Agreement* represent a universally endorsed and accepted standard that protects the common interest of preventing dangerous climate change."²⁴

9.7. In particular, the Court explained that it "assumes that it is generally accepted that global warming must be kept well below 2°C in 2100, and that a temperature rise of under 1.5°C should be strived for. The court also assumes that this requires a limitation of the global concentration of greenhouse gases of up to 450 ppm in 2100 and that a maximum greenhouse gas concentration of 430 ppm must be pursued."²⁵ The Court followed this standard to inform its order that Shell reduce emissions across its value chain by 45% by the year 2030, relative to 2019 levels.²⁶

9.8. The Court also noted that increasing global energy demand does not absolve Carbon Majors of their obligations with respect to climate change. In the context of Shell's obligations, the Court explained that "the importance of access to reliable and affordable energy [...] and the Shell groups' role in it, have no bearing on RDS' [Royal Dutch Shell's] reduction obligation. That interest [of providing energy] must always be served within the context of climate targets."²⁷ In particular, the Court noted that the UN Sustainable Development Goals regarding access to energy do not "detract from the *Paris Agreement*" or "interfere with these [climate] goals."²⁸

9.9. Finally, the Court took note that Shell "has for a long time known of the dangerous consequences of CO₂

²³ *Id.* at 4.4.19.

²⁴ *Id.* at 4.4.27.

²⁵ *Id.* at 4.4.27.

²⁶ *Id.* at 5.3.; See also *Id.* at 4.4.38 ("In the foregoing, the court has considered that in its interpretation of the unwritten standard of care [see legal ground 4.4.29], it has included the consensus that in order to limit global warming to 1.5°C, reduction pathways that reduce CO₂ emissions by net 45% in 2030, relative to **2010 levels**, and by net 100% in 2050, should be chosen.") [emphasis added].

²⁷ *Id.* at 4.4.40.

²⁸ *Id.* at 4.4.42.

emissions and the risks of climate change[.]”²⁹ In particular, the Court observed that the company possessed internal reports regarding the dangers of climate change as early as the 1980s.³⁰

9.10. As scholars have documented, other Carbon Majors in addition to Shell also possessed knowledge of the dangers of climate change, which they concealed from the public.³¹ Recent research has also demonstrated that ExxonMobil has systematically deployed language that downplays the reality and seriousness of climate change and diverts attention away from the company’s role in perpetuating climate change and onto individual consumers, mirroring misleading messaging used by the tobacco industry.³² This context of documented, decades-long deceptive activity by Carbon Majors is particularly relevant given the Court’s holding that corporate human rights responsibilities apply both to “actions and omissions[.]”³³

10. The foregoing findings in the *Milieudéfensie* case seem to have validated and cemented even further the Honorable Commission’s preliminary findings, particularly the role and responsibility of respondent Carbon Majors in anthropogenic climate change and its resulting impacts, and respondent Carbon Majors’ legal responsibilities to dramatically reduce greenhouse gas emissions across their entire value chain.

11. During the global Covid-19 pandemic, climate change impacts have worsened and the precarious situation of the petitioners and all Filipinos has been exacerbated. The World Meteorological Organization’s *State of the Climate Report 2020* found that “the pandemic-related economic slowdown failed to put a brake on climate change drivers and accelerating impacts.”³⁴ Covid-19 is also affecting those who are already disproportionately impacted by the climate crisis, such as women, children, Indigenous Peoples, workers, displaced persons, and those living in extreme poverty and/or with disabilities.

12. Covid-19 exposes pre-existing structural injustices and makes us rethink what needs to be done legally to usher in systemic changes, as we continue to navigate through a “new normal” and help craft a #BetterNormal where a green and just transition is at the core of government interventions

²⁹ *Id.* at 4.4.20.

³⁰ *Id.* at 2.5.9.

³¹ Franta, B. (2021), “*Early oil industry disinformation on global warming*,” *Environmental Politics*, 30:4, 663-668, DOI: 10.1080/09644016.2020.1863703.

³² Supran, S. and Oreskes, N. (2021), “*Rhetoric and frame analysis of ExxonMobil’s climate change communications*,” *One Earth*, 4:5, 696-719, available at <https://doi.org/10.1016/j.oneear.2021.04.014>, last accessed on 04 June 2021.

³³ *Milieudéfensie et al. v. Royal Dutch Shell plc. supra* at 4.4.17.

³⁴ World Meteorological Organization (19 April 2021), “*Climate change indicators and impacts worsened in 2020*,” available at <https://public.wmo.int/en/media/press-release/climate-change-indicators-and-impacts-worsened-2020>, last accessed on 04 June 2021.

and reins in corporate power that is undermining solutions to multiple crises and public institutions.³⁵

13. While Covid-19 and climate change may appear to be distinct challenges to human survival today, they are in fact ongoing and intersecting crises and accelerating one another. There are parallels and lessons that can be drawn from the response to the pandemic for addressing the climate crisis. They are both global challenges -- respecting no national boundaries -- with very specific and localized harm; they both require humanity to heed the science and to prevent public and private actors -- government and corporations -- from undermining the science; and they both require urgent and ambitious solutions using multidimensional lenses, primarily, the climate justice lens which offers long-term just, sustainable, and peaceful solutions. But the climate crisis poses an even greater threat to public health than Covid-19³⁶, and will have deeper and more lasting impacts on people and the planet.

14. Since the conclusion of the hearings of the National Inquiry way back in December 2018, mounting evidence is confirming the link between the past and present conduct of fossil fuel companies and climate impacts and ocean acidification.

14.1. A Union of Concerned Scientist-led peer reviewed study published in 2019 in the prestigious *Environmental Research Letters* found that the 88 largest industrial carbon producers are responsible for over 50% of the measured increase in global ocean acidification since 1965.³⁷ The scientific research on corporate conduct and accountability today is even clearer and supports the conclusions that addressing climate change and ocean acidification is an urgent matter that is the direct responsibility of corporations, especially the respondent Carbon Majors responsible for the significant portion of GHG emissions.

14.2. A new Climate Accountability Institute dataset “quantifying how much each of the largest oil, natural gas, and coal companies has contributed to the climate crisis from 1965 to 2018” found that the top twenty companies have collectively contributed 493 billion tonnes of carbon dioxide and methane,

³⁵ Greenpeace Southeast Asia-Philippines, “*Help Shape a #BetterNormal*,” available at <https://www.greenpeace.org/philippines/act/betternormal/>, last accessed on 04 June 2021.

³⁶ Health Policy Watch (18 November 2020), “*Climate Change is an Even Bigger Health Threat than Covid-19 - International Red Cross*,” available at <https://healthpolicy-watch.news/climate-change-country-risk-behind/>, last accessed on 04 June 2021.

³⁷ Licker R., et al. (2019), “*Attributing ocean acidification to major carbon producers*,” *Environmental Research Letters*, 14(12), p. 124060, available at <https://iopscience.iop.org/article/10.1088/1748-9326/ab5abc>, last accessed on 04 June 2021.

chiefly from the combustion of their products, equivalent to 35% of all fossil fuel and cement emissions worldwide since 1965.”³⁸

14.3. The year 1965 was used as a “starting point for this new data because recent research has revealed that by mid 1960s the climate impact of fossil fuels was known by industry leaders and politicians.”³⁹ This dataset underscores the respondent Carbon Majors “significant moral, financial, and legal responsibility for the climate crisis and a commensurate burden to help address the problem.”⁴⁰

15. The abovementioned studies and publications are especially important given the rhetoric and framing strategies used by some of the respondent Carbon Majors, in particular ExxonMobil, to “justify fossil fuels” and “blame consumers,”⁴¹ which include framing climate change as a risk rather than a reality⁴² in order to downplay the seriousness of the climate crisis.

15.1. Respondent ExxonMobil has downplayed the importance of its own production and promotion of fossil fuels and pointed to consumer demand for energy, as opposed to, corporate supply as the reason for coal, gas, and oil production and associated GHG emissions.⁴³

Collectively, the new research reinforces the legal responsibilities of respondent Carbon Majors to urgently:

- a) Mitigate all climate pollution from their products and operations;
- b) Remediate and compensate for losses and damages in the Philippines; and
- c) Fund climate preparedness efforts in the Philippines.⁴⁴

³⁸ Climate Accountability Institute (09 December 2020), “*Press Release: Update of Carbon Majors 1965-2018*,” available at <https://climateaccountability.org/pdf/CAI%20PressRelease%20Dec20.pdf>, last accessed 04 June 2021.

³⁹ *supra* note 38.

⁴⁰ *supra* note 38.

⁴¹ Supran, S. and Oreskes, N. (2021), “*Rhetoric and frame analysis of ExxonMobil's climate change communications*,” *One Earth*, 4, Abstract, *supra* note 32.

⁴² Supran, S. and Oreskes, N. (2021), “*Rhetoric and frame analysis of ExxonMobil's climate change communications*,” *One Earth*, 4, p. 709, *supra* note 32.

⁴³ Supran, G. and Oreskes, N. (2021), “*Rhetoric and frame analysis of ExxonMobil's climate change communications*,” *One Earth*, 4, pp. 696, 706, 710, *supra* note 32.

⁴⁴ *Petitioners' Memorandum*, page 145, *supra*.

Continued failure of the respondent Carbon Majors to take these steps is unlawful and harms the fundamental human rights of the Filipino people.

16. In response to investor and community advocacy, fossil fuel companies are issuing climate commitments, while still investing in new fossil fuel projects. Unclear and non-transparent corporate net-zero commitments “enable greenwashing.”⁴⁵ Even with these commitments, fossil fuel companies plan to continue exploring, extracting, producing, and marketing coal, oil, and gas products that contribute to human rights harms.

16.1. Following a complaint alleging the failure of BP, one of the respondent Carbon Majors, to adhere to the OECD Guidelines for Multinational Enterprises,⁴⁶ ClientEarth and environmental investigators with DeSmog conducted an analysis finding that “[m]any companies are responding to the climate crisis with ‘green’ marketing, while their core business remains fossil fuels.”⁴⁷ The analysis shows that advertisements use “greenwashing to distract the public from the harm their products cause to people and planet.”⁴⁸

16.2. Any attempts by companies to rewrite reality and absolve themselves of a responsibility that is clearly theirs are dangerous because they obstruct the energy transition and, therefore, endanger human rights in the Philippines and around the world.⁴⁹

16.3. Even the International Energy Agency, an influential international organization, recently warned that the world must immediately halt approvals of new oil and gas projects to be “consistent with efforts to limit the long-term increase in average global temperatures to 1.5°C”⁵⁰ and has now

⁴⁵ New Climate Institute (22 October 2020), “*Navigating Nuances of Net-Zero Targets*,” page 4, 7, 11, 57, available at <https://newclimate.org/2020/10/22/navigating-the-nuances-of-net-zero-targets/>, last accessed on 04 June 2021.

⁴⁶ Government of United Kingdom website (16 June 2020), “*Decision - Initial Assessment: ClientEarth complaint to the UK NCP about BP*,” available at <https://www.gov.uk/government/publications/client-earth-complaint-to-the-uk-ncp-about-bp/initial-assessment-clientearth-complaint-to-the-uk-ncp-about-bp>, last accessed on 04 June 2021.

⁴⁷ ClientEarth (2018-2021), “*The Greenwashing files*” available at <https://www.clientearth.org/the-greenwashing-files/>, last accessed on 04 June 2021.

⁴⁸ ClientEarth (2018-2021), “*The Greenwashing files*” available at <https://www.clientearth.org/the-greenwashing-files/>, *supra*; See for example “*Greenwashing Files: Shell*,” available at <https://www.clientearth.org/the-greenwashing-files/shell/> and “*Greenwashing Files: Total*,” available at: <https://www.clientearth.org/the-greenwashing-files/total/>, all were last accessed on 04 June 2021.

⁴⁹ ClientEarth (2018-2021), “*The Greenwashing files (The Problem with Greenwashing)*,” *supra*.

⁵⁰ International Energy Agency (IEA) (18 May 2021), “*Net Zero by 2050: A Roadmap for the Global Energy Sector*,” p. 13, available at <https://www.iea.org/reports/net-zero-by-2050>, last accessed on 04 June 2021.

accepted there is “no need for investment in new fossil fuel supply” for a net zero pathway.⁵¹

16.4. Yet, some of the respondent Carbon Majors have “adopted a wide range of tactics to try and control the level of disruption to prevent them having to undermine their core business of exploration for and extraction of oil and gas,” as documented in a recent publication by Dario Kenner of the Global Sustainability Institute and Richard Heede of the Climate Accountability Institute.⁵²

17. Given that companies and their senior executives and directors are not rising to the challenge of an effective energy transition, external pressure is necessary to secure a climate-stable world⁵³ and protect Filipinos’ fundamental rights to dignity, to life, to a clean and healthy environment (or to a balanced and healthful ecology), including the right to a safe climate, to the highest attainable standard of physical and mental health, to self-determination and development, to food, to water and sanitation, to work and social security, to equality and non-discrimination, and to culture, particularly by vulnerable groups like women, children, those living in extreme poverty, Indigenous Peoples, and local communities.⁵⁴

18. When the preliminary findings were publicly announced in December 2019 during COP25, the Honorable Commission recognized that the respondent Carbon Majors have significantly contributed to global climate pollution playing a clear role in anthropogenic climate change and the resulting impacts.⁵⁵ The petitioners are now concerned that past and current attempts by the fossil fuel industry to shift the blame to consumers for climate change, similar to the tactics employed by the tobacco industry to escape liability,⁵⁶ could undermine the findings of the resolution or final report of the National Inquiry.

19. **To be clear, the petitioners have not claimed that the respondent Carbon Majors are solely responsible for the climate emergency.** What the petitioners firmly assert is that the respondent Carbon Majors are responsible for their significant role in contributing to the climate crisis -- as backed by science and the overwhelming evidence submitted during the course of the National Inquiry -- including limiting the choice of

⁵¹ International Energy Agency (IEA) (18 May 2021), “*Net Zero by 2050: A Roadmap for the Global Energy Sector*,” p. 21, *supra*.

⁵² Kenner, D. and Heede, R. (2021), “*White knights, or horsemen of the apocalypse? Prospects for Big Oil to align emissions with a 1.5°C pathway*,” Energy Research & Social Science, p. 102052, available at: <https://doi.org/10.1016/j.erss.2021.102049>, last accessed 04 June 2021.

⁵³ Kenner, D. and Heede, R. (2021) “*White knights, or horsemen of the apocalypse? Prospects for Big Oil to align emissions with a 1.5 °C pathway*,” Energy Research & Social Science, p. 102049, *supra*.

⁵⁴ *Petitioners’ Memorandum*, page 88, *supra*.

⁵⁵ *supra* note 2.

⁵⁶ Climate Docket, available at <https://www.climatedocket.com/2018/06/28/climate-liability-cases-consumers/>, last accessed on 04 June 2021.

energy consumers. Furthermore, the respondent Carbon Majors should do their fair share of remediating climate harms and take all steps necessary to reduce or eliminate climate risks, as informed by the best available science.

20. Simply put, as stated by the International Energy Agency (IEA) in its new report, *Net Zero by 2050: a Roadmap for the Global Energy Sector*, “[t]he energy sector is the source of around three-quarters of greenhouse gas emissions today and holds the key to averting the worst effects of climate change, perhaps the greatest challenge humankind has faced.”⁵⁷ The same cannot be said for the ability of individual consumers to protect humanity from the climate crisis, as confirmed by a Dutch court’s landmark judgment in a climate case against Shell (*Milieudefensie et al. v. Royal Dutch Shell plc*).

20.1. The Dutch Court’s judgment in the *Milieudefensie case* puts to rest the question of whether Carbon Majors have legal responsibilities with regard to the climate crisis. The District Court observed that fossil fuel companies must do their part, noting that the existence of other parties in the fossil fuel economy and the uncertainty of whether states and society will achieve the goals of the Paris agreement “do not absolve RDS [Royal Dutch Shell] of its individual responsibility regarding the significant emissions over which it has control and influence.”⁵⁸

20.2. To be clear, consumers had little choice but to use fossil fuels as a source of energy, and the fossil fuel industry’s past and current conduct contributes to that lack of choice.

20.3. As stated in the *Petitioner’s Memorandum* dated 18 September 2019, the respondent Carbon Majors have been aware of the risks of climate change and their product’s role in exacerbating those risks since the 1950s or the 1960s, at the latest. Instead of enabling consumers, communities, and investors to make informed choices on the intrinsic risks associated with the use of their fossil fuel products, the respondent Carbon Majors promoted disinformation, engaged in climate denial, and sought to delay climate action and solutions.⁵⁹

20.4. Indeed, recent peer-reviewed research has demonstrated that American Petroleum Institute, a major fossil fuel industry trade association, engaged in deceptive conduct regarding the reality and seriousness of climate change and the

⁵⁷ International Energy Agency, Press Release (18 May 2021), “*Pathway to critical and formidable goal of net-zero emissions by 2050 is narrow but brings huge benefits according to IEA special report*,” available at <https://www.iea.org/news/pathway-to-critical-and-formidable-goal-of-net-zero-emissions-by-2050-is-narrow-but-brings-huge-benefits-according-to-iea-special-report>, last accessed on 04 June 2021.

⁵⁸ *Milieudefensie et al. v. RDS*, District Court of the Hague, 26 May 2021, ECLI:NL:RBDHA:2021:5337, para. 4.4.52, *supra*.

⁵⁹ See *Petitioners’ Memorandum*, pp. 41-67, *supra*.

damaging effects of their fossil fuel products as early as 1980, all while promoting new fossil fuel infrastructure that would remain in operation for decades around the globe -- in effect locking in the global warming many of the Carbon Majors themselves foresaw.⁶⁰

20.5. Most -- if not all -- respondents failed to communicate honestly about the seriousness of climate change or deploy the technologies that would have helped prevent the climate crisis and support action to address climate change in the Philippines or at the global level.⁶¹

21. The communities' legal struggle to hold the big polluting fossil fuel companies and laggard national and local governments accountable continues. Abroad, more and more communities are seeking to hold governments and corporations accountable. In the Philippines, practical and financial setbacks concomitant with the current pandemic are creating additional barriers for communities in filing cases and seeking redress for climate harms, which unequivocally affect the vulnerable sectors of the society.

22. Petitioners would also like to draw the attention of this Honorable Commission to the recent legal developments that have confirmed climate change is a human rights matter and the courts have the power and responsibility to adjudicate on these issues. High courts in the Netherlands, France, Germany, and Australia examined plaintiffs' claims regarding their states' failure to address climate change through necessary targets and the decrease of GHG emissions. They found that current plans to address climate change, which were not ambitious enough, violated plaintiffs' human rights.

22.1. On 20 December 2019, the Dutch Supreme Court decided that the failure to adequately address the urgency and effects of climate change through appropriate measures and targets resulted in a breach of peoples' human rights. The Court considered that the plaintiffs could rely on international treaties that guaranteed their right to life and right to private and family life, which could only be protected by taking suitable measures in response to the threats posed by climate change. The Dutch Supreme Court also found it had a clear mandate to protect people and their human rights and ensure that government decisions on climate change remained within the law.⁶²

⁶⁰ See Franta, B. (2021), "Early oil industry disinformation on global warming," *Environmental Politics*, 30:4, 663-668, DOI: 10.1080/09644016.2020.1863703, available at <https://www.tandfonline.com/doi/full/10.1080/09644016.2020.1863703>, last accessed on 04 June 2021.

⁶¹ See *Petitioners' Memorandum* paragraphs 8.210-8.212, p. 141, *supra*.

⁶² *Urgenda v. The Netherlands (Ministry of Economic Affairs and Climate Policy)*, Supreme Court of the Netherlands (Civil Division), (20 December 2019), No 19/00135, available at <https://www.urgenda.nl/wp->

22.2. Similarly, on 03 February 2021, a French administrative Court found that plaintiffs' interests had not been respected due to the ongoing failure to fight against climate change through measures necessary to limit global temperature increase to 1.5°C below industrial levels.⁶³

22.3. On 29 April 2021, the German Constitutional Court found that climate protection is a human right. The Court considered that legislators had to present coherent and credible emissions reduction plans, and that issues that arose regarding these plans and their ability to protect the climate would be justiciable "today and in the future."⁶⁴

22.4. On 27 May 2021, the Federal Court of Australia found that "the Environment Minister has a duty of care to protect young people from climate harms." In the powerful and precedent setting judgment, Justice Mordecai Bromberg wrote:

"It is difficult to characterise in a single phrase the devastation that the plausible evidence presented in this proceeding forecasts for the Children. As Australian adults know their country, Australia will be lost and the World as we know it gone as well. The physical environment will be harsher, far more extreme and devastatingly brutal when angry. As for the human experience – quality of life, opportunities to partake in nature's treasures, the capacity to grow and prosper – all will be greatly diminished. Lives will be cut short. Trauma will be far more common and good health harder to hold and maintain. None of this will be the fault of nature itself. It will largely be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest inter-generational injustice ever inflicted by one generation of humans upon the next."⁶⁵

content/uploads/ENG-Dutch-Supreme-Court-Urgenda-v-Netherlands-20-12-2019.pdf, last accessed on 04 June 2021.

⁶³ *Association Oxfam France and others v. France*, Administrative Court of Paris (4th section, 1st chamber), (3 February 2021), N°s 1904967-1904968-1904972-1904976, available https://notreaffaireatous.org/wp-content/uploads/2021/02/1098681180_1904967_1904968_1904972_1904976.pdf?utm_source=sendinblue&utm_campaign=Victoire_historique_!Etat_condamn_pour_inaction_climatique_!&utm_medium=email, last accessed on 04 June 2021.

⁶⁴ German Federal Constitutional Court, Press Release No. 31/2021 (29 April 2021), "*Constitutional complaints against the Federal Climate Change Act partially successful*," available at <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2021/bvg21-031.html>, last accessed on 04 June 2021; Verheyen, R. and Wollenteit, U., "*The German Federal Constitutional Court: Climate protection is a human right!*," Summary of the decision of 24 March 2021 (29 April 2021), available at <https://germanwatch.org/sites/default/files/Summary%20of%20the%20BVerfG%20climate%20decision.PDF>, last accessed on 04 June 2021.

⁶⁵ Sharma by her litigation representative *Sister Marie Brigid Arthur v. Minister for the Environment* [2021] FCA 560, para. 293, available at https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2021/2021fca0560?fbclid=IwAR17zXvBrYMYtiigGtqLr58dMBKzW1M6n1XFqJPGnT3_fFzXhaGEhHNtzLU, last accessed on 04 June 2021.

23. Significantly, there is also a notable trend in the increase of community lawsuits against corporations, as individuals and government authorities have called for accountability regarding corporate conduct that cause climate change and interfere with the enjoyment of human rights.⁶⁶ Given the international recognition that companies have an independent responsibility to respect human rights, as reflected in the Guiding Principles on Business and Human Rights,⁶⁷ corporations must mitigate GHG emissions of their entire value chain in order to live up to corporate human rights obligations.⁶⁸

24. Communities are also calling for fossil fuel companies to be held accountable for past conduct and seeking to recover the costs of climate change. In the United States alone, there are twenty (20) pending cases brought by communities, including cities, counties, states, and a commercial fishing industry trade group against the world's largest investor-owned fossil fuel companies, as well as many of the respondents, for "deceiving the public and policymakers about the dangerous climate impacts their products would cause."⁶⁹

24.1. Many of the cases involve claims that defendant fossil fuel companies are "liable for public nuisance due to their production and marketing of fossil fuels, and that the companies are liable for failure to warn the public and consumers about the foreseeable harm their products cause."⁷⁰

24.2. There has not been a decision on the merits in any of these cases in the U.S. Some of the lawsuits filed by states against some of the respondent Carbon Majors include claims based on consumer protection laws and the allegations that they have been defrauding consumers about the damages they knew their products would cause.⁷¹

24.3. The Massachusetts' Attorney General brought a lawsuit against ExxonMobil asserting that it misled both

⁶⁶ UN Environment Programme and Sabin Centre for Climate Change Law at Columbia Law School (2020), "*Global Climate Litigation Report: 2020 Status Report*," available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/34818/GCLR.pdf?sequence=1&isAllowed=y>, last accessed on 04 June 2021.

⁶⁷ United Nations Human Rights Council (21 March 2011), "*Report of the Special Representative of the Secretary General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*," Seventeenth Session, available at: <http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf>, last accessed on 04 June 2021.

⁶⁸ See e.g. Office of United Nations High Commissioner (15 March 2021), Frequently Asked Questions on Human Rights and Climate Change, Fact Sheet no. 38 pp. 36-38, available at https://www.ohchr.org/Documents/Publications/FSheet38_FAQ_HR_CC_EN.pdf, last accessed on 04 June 2021.

⁶⁹ Center for Climate Integrity, "*Climate Liability Litigation: Cases underway to make climate polluters pay*," available at <https://payupclimatepolluters.org/cases>, last accessed on 04 June 2021.

⁷⁰ UN Environment Programme and Sabin Centre for Climate Change Law at Columbia Law School (2020), "*Global Climate Litigation Report: 2020 Status Report*," *supra*.

⁷¹ Center for Climate Integrity, "*Climate Liability Litigation: Cases underway to make climate polluters pay*," *supra* note 69.

investors and consumers in Massachusetts.⁷² Consumer protection lawsuits have also been filed against ExxonMobil and other fossil fuel companies by the Attorneys General in Minnesota and Washington, D.C.⁷³

25. In a different type of claim, non-profit organizations in the United States have also filed a Federal Trade Commission (FTC) complaint against Chevron for “unlawfully deceptive advertisements which overstate investment in renewable energy and its commitment to reducing fossil fuel pollution.”⁷⁴

26. Cases have also been brought against other GHG emitting companies, including energy and utility companies. Claimants across the world, from France to New Zealand, argued companies’ emissions are contributing to climate change, thereby breaching corporate duties and raising questions of liability and responsibility.

26.1. French plaintiffs brought a case against the oil company, Total. In this ongoing climate litigation case, which has now cleared its first jurisdictional hurdle, legal proceedings were brought against Total for its failure to respect the French Duty of Vigilance Law in regard to its oil projects in Uganda and rely on the Court’s power to order measures that can stop or prevent environmental damage under Article 1252 of the Civil Code.⁷⁵ The plaintiffs emphasized Total’s “major contribution to climate change” and its inadequate measures “to prevent the resulting human rights, health and safety, and environmental damage.”⁷⁶

26.2. The judge found that the French Duty of Vigilance Law “reveals that the preservation of human rights and Nature in general cannot be satisfied with the market-based regulation (...) but requires judicial control. And this can only be achieved through strong social control made possible by the publicity of the vigilance plan and by a broad definition of legal standing.”⁷⁷

⁷² *Commonwealth v. Exxon Mobil Corporation*, No. 19-3333 (Mass. Super Ct., 24 October 2019).

⁷³ *State v. American Petroleum Institute*, No. 62-CV-20-3837 (Minn. 2nd Dist. Ct. June 24, 2020); *District of Columbia v. Exxon Mobil Corp.*, No. 2020 CA 002892 B (D.C. Super. Ct., 25 June 2020).

⁷⁴ Earthworks, Press Release (16 March 2021), “*Accountability groups file first of its kind FTC complaint against Chevron for misleading consumers on climate action*,” available at <https://www.earthworks.org/media-releases/accountability-groups-file-first-of-its-kind-ftc-complaint-against-chevron-for-misleading-consumers-on-climate-action/>, last accessed on 04 June 2021.

⁷⁵ Business and Human Rights Resource Centre (26 March 2021), “*First Court decision in the climate litigation against Total: A promising interpretation of the French Duty of Vigilance Law*” available at <https://www.business-humanrights.org/en/blog/first-court-decision-in-the-climate-litigation-against-total-a-promising-interpretation-of-the-french-duty-of-vigilance-law/>, last accessed on 04 June 2021.

⁷⁶ *supra* note 75.

⁷⁷ *Association Notre Affaire à tous and others v. Total* (Order confirming judicial tribunal’s jurisdiction), Nanterre Judicial Tribunal, (11 February 2021), N° RG 20/00915, pp.10-11, (in French), available at <https://www.asso-sherpa.org/wp-content/uploads/2021/02/110221-MINUTE-Total-climat-compe%CC%81tence.pdf>, last accessed on 04 June 2021.

26.3. In 2020, a New Zealand Court allowed a case to move forward where a plaintiff is arguing that corporations have an “inchoate duty to cease contributing to climate change.”⁷⁸

27. In other cases, plaintiffs have brought claims against government authorities and corporations for their failure to adapt, and sought damages where these entities ignored or failed to foresee climate risk.⁷⁹

27.1. In Germany, a Peruvian farmer and mountain guide brought a case against the energy company RWE seeking compensation, relying on the company’s liability arising from its contribution to climate change. While this case has been delayed due to Covid-19, the claim will be heard on its merits following an evidence gathering stage, as a Higher Regional Court in Germany found the case was admissible on the basis that “climate damages can give rise to corporate liability.”⁸⁰

27.2. In Poland, a district court ruled in 2019 in favor of shareholders questioning the coal investment of Enea, the project co-owner of a planned major coal power-plant.⁸¹ The plaintiffs brought the case on the grounds that the company had not adequately considered the climate-related financial risks posed by the investment, and that this in turn may breach fiduciary duties of due diligence and to act in the best interests of the company and its shareholders.⁸²

28. While communities around the world are taking legal action to hold laggard governments and corporations accountable for the climate crisis, Filipinos await the Honorable Commission’s resolution or final report to support their efforts to secure access to justice and to have their climate concerns decided upon.

Translation from Business and Human Rights Resource Centre (26 March 2021), “*First Court decision in the climate litigation against Total: A promising interpretation of the French Duty of Vigilance Law,*” available at <https://www.business-humanrights.org/en/blog/first-court-decision-in-the-climate-litigation-against-total-a-promising-interpretation-of-the-french-duty-of-vigilance-law/>, last accessed on 04 June 2021.

⁷⁸ *Smith v. Fronterra Co-Operative Group Ltd*, High Court of New Zealand, [2020] NZHC 419, p. 26 available at http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2020/20200306_2020-NZHC-419_opinion-1.pdf, last accessed 04 June 2021.

As seen in UN Environment Programme and Sabin Centre for Climate Change Law at Columbia Law School (2020), “*Global Climate Litigation Report: 2020 Status Report,*” pp. 22-23, *supra* note 66.

⁷⁹ UN Environment Programme and Sabin Centre for Climate Change Law at Columbia Law School (2020), “*Global Climate Litigation Report: 2020 Status Report,*” pp. 25-26, *supra* note 66.

⁸⁰ GermanWatch, “*Saúl versus RWE - The Huaraz Case,*” available at <https://germanwatch.org/en/huaraz>, last accessed on 04 June 2021; See also *Lliuya v. RWE* (Order of the Regional Court of Hamm), Hamm Higher Regional Court (5th Civil Senate), (7 February 2018), available at <https://germanwatch.org/sites/default/files/announcement/21168.pdf>, last accessed on 04 June 2021.

⁸¹ *ClientEarth v. Enea*, 2019, Regional Court of Poznan, available at <http://climatecasechart.com/climate-change-litigation/non-us-case/clientearth-v-enea/>, last accessed on 04 June 2021.

⁸² ClientEarth (20 September 2018), “*Briefing: Ostrołęka C: Energa’s and Enea’s Board Members’ Fiduciary Duties to the Companies and Shareholders,*” last accessed on 04 June 2021.

29. In the Philippine context, the National Energy Plan⁸³ still heavily relies on the use of coal. There appears to be absence of genuine political will to implement the National Climate Change Action Plan, Renewable Energy Act, and other climate-related laws despite President Rodrigo Duterte's recent speech before the United Nations General Assembly last September 2020 emphasizing the need to address climate change with the same urgency required to fight Covid-19.⁸⁴

30. With the continuing delay in the issuance of the resolution or final report, Filipinos' basic rights to life, livelihood, and a healthy and safe environment, among others, are continuously threatened and/or infringed due to the ongoing destructive activities and operations of respondent Carbon Majors, which are fueling climate change and causing climate-related impacts.

31. To recall, typhoon Molave (locally known as "Quinta") struck the country on 25 October 2020. It caused at least twenty-two (22) deaths, thirty-nine (39) injuries, and affected a million of people more or less.⁸⁵

32. Shortly thereafter, super typhoon Goni (locally known as "Rolly") made its landfall on 01 November 2020, killing at least twenty (20) people, displacing 400,000, and affecting two million people. Goni was recorded as the strongest tropical cyclone in the country, comparable to super typhoon Haiyan ("Yolanda") in 2013.⁸⁶

33. Barely two (2) weeks from Goni's wrath, the country was again devastated by typhoon Vamco (locally known as "Ulysses") on 11 November 2020, killing seventy-three (73) people, injuring eighty-two (82), affecting over four (4) million people, and damaging twenty-five million dollars (\$25 million) in agriculture.⁸⁷

34. These series of destructive and deadly typhoons made worse by climate change all the more validate petitioners' cry for climate justice and the urgency to address this call and seriously look into the accountability of big polluting companies, like the respondent Carbon Majors. The petitioners -- and the Filipinos at large -- cannot just keep on counting dead bodies and damages in agriculture, housing, and infrastructures after every typhoon.

⁸³ See Department of Energy Website, "*Philippine Energy Plan 2012-2030*," available at <https://www.doe.gov.ph/pep/philippine-energy-plan-2012-2030?ckattempt=1>, last accessed on 04 June 2021.

⁸⁴ Parrocha, A., Philippine News Agency, "*Climate change must be addressed as urgently as Covid-19: PRRD*," available at <https://www.pna.gov.ph/articles/1116322>, last accessed on 04 June 2021.

⁸⁵ Center for Disaster Philanthropy (19 November 2020), "*Super Typhoons Goni and Typhoons Molave and Vamco*," available at <https://disasterphilanthropy.org/disaster/super-typhoon-goni/>, last accessed on 04 June 2021.

⁸⁶ *Id.*

⁸⁷ *Id.*

35. Thus, in this extraordinary time, petitioners are roaring loudly through this manifestation and urgent motion to respectfully remind the Honorable Commission of its constitutional mandate and duty to uphold human rights and the dignity of the Filipino people, who will certainly be affected and seriously devastated by a series of typhoons, which are currently being experienced and are likely to hit again anytime soon.

36. Given the foregoing discussions, petitioners reiterate their position that respondent Carbon Majors must immediately align their business models to a global average temperature level that avoids or minimizes dangerous anthropogenic interference with the climate system as evidenced by the best available science and, at the very minimum, with the politically agreed 1.5°C temperature goal in the *Paris Agreement* and a carbon budget that provides the greatest possibility of keeping warming below 1.5°C.

37. As discussed, the new IEA report mentioned above has found, **“[e]xploitation and development of new oil and gas fields must stop this year and no new coal-fired power stations can be built if the world is to stay within safe limits of global heating and meet the goal of net zero emissions by 2050.”**⁸⁸ Through the issuance of the National Inquiry’s resolution or final report, the Honorable Commission has the opportunity to put the respondent Carbon Majors on notice that if they continue to promote the exploration, extraction, use, marketing of, as well as investment in, new coal, oil, and fossil gas, in light of the IEA and IPCC reports and the overwhelming scientific consensus on the impacts of temperature rise of 1.5°C or higher, then respondent Carbon Majors are in violation of their responsibility to respect human rights.

38. Finally, with all due respect, the Honorable Commission should take its cue from the urgency of addressing climate change as detailed above and as further highlighted by the House of Representatives when it adopted House Resolution No. 1377⁸⁹ on 25 November 2020, “declaring a climate and environmental emergency, and calling for the mobilization of government agencies and instrumentalities and local government units, towards the effective implementation of environmental, climate change adaptation and mitigation, and disaster risk reduction and management laws.”

39. Notably, the House Resolution included a “call on the major carbon emitters, locally and abroad, to take responsibility for climate change and to reinvest in renewable and sustainable energy.”⁹⁰

⁸⁸ The Guardian, “No new oil, gas or coal development if world is to reach net zero by 2050, says world energy body,” available at <https://www.theguardian.com/environment/2021/may/18/no-new-investment-in-fossil-fuels-demands-top-energy-economist>, last accessed on 04 June 2021.

⁸⁹ See https://congress.gov.ph/legisdocs/second_18/HR01377.pdf, last accessed on 28 April 2021.

⁹⁰ *Id.*

40. The petitioners neither believe nor pretend that the Honorable Commission's decision alone will solve the climate crisis. However, a final finding that the respondent Carbon Majors can and should be held legally and morally responsible for their significant contribution to climate change is a major step towards achieving climate justice. But the first step to making that a reality is through the immediate issuance of the resolution or final report.

41. **With due respect, any more delay in the issuance of the resolution or final report raises a human rights concern, as "justice delayed is justice denied."** Thus, petitioners humbly manifest the foregoing and move for the urgent resolution of their *Petition*, which was filed more than five years ago.

PRAYER

WHEREFORE, petitioners respectfully pray for the urgent resolution of their *Petition*.

Petitioners pray for such other reliefs, as may be deemed just and equitable under the premises.

Quezon City, Philippines, 11 June 2021.

By:



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(valid until 14 April 2022)

NOTICE OF HEARING

Clerk of the Commission
National Inquiry on Climate Change
Commission on Human Rights
Quezon City

GREETINGS:

Please submit the foregoing *Ex-Parte Manifestation and Motion for Urgent Resolution of the Petition* dated 11 June 2021 for the approval of this Honorable Commission without further argumentation.


ATTY. HASMINAH D. PAUDAC