

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* MOTION**
FOR URGENT RESOLUTION OF THE PETITION

Petitioners, by the undersigned Legal Representatives, respectfully state:

1. On 11 June 2021, or almost six (6) months ago, petitioners filed an *Ex-Parte Manifestation and Motion for Urgent Resolution of the Petition* informing the Honorable Commission of recent scientific and legal developments regarding climate change and the role and responsibilities of respondent Carbon Majors in fueling the climate crisis.

2. Significantly, the petitioners cited the landmark climate judgment in *Milieudefensie et al. v. Royal Dutch Shell plc*¹ which puts to rest the question of whether Carbon Majors have legal responsibilities with regard to the climate crisis. Specifically, the judgment found 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 [respondent Royal Dutch Shell] of its individual responsibility regarding the significant emissions over which it has control and influence.”²

3. Petitioners also drew 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, particularly citing High courts in the Netherlands,

¹ *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 30 November 2021.

² *Milieudefensie et al. v. RDS*, District Court of the Hague, 26 May 2021, ECLI:NL:RBDHA:2021:5337, para. 4.4.52, *supra*.

France, Germany, and Australia which found that current plans to address climate change, which were not ambitious enough, violated plaintiffs' human rights.³

4. The continued delay in the issuance of the final report presents a similar predicament. Filipinos' basic rights to life, livelihood, and a healthy and safe environment, among others, are continuously being 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.

5. Petitioners further respectfully draw the attention of this Honorable Commission to the United Nations Human Rights Council *Resolution 48/13* dated 08 October 2021 which provides, *inter alia*:

- a. *Recognizes* the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights;
- b. *Notes* that the right to a clean, healthy and sustainable environment is related to other rights and existing international law; and
- c. *Affirms* that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law.⁴

6. Further, with due respect, the right to access justice is being infringed by the inordinate delay of the issuance of the final report. **Section 16, Article III of the 1987 Constitution** provides: "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies."

7. In the case of *Capt. Roquero v. The Chancellor of UP-Manila, et al.*,⁵ the Supreme Court held that "[t]he constitutional right to a 'speedy disposition of cases' is not limited to the accused in criminal proceedings, but extends to all parties in all cases, including civil and administrative cases, and in all proceedings, including judicial and quasi-judicial hearings. Hence,

³ See discussions on pp. 13-14, paragraphs 22.1 to 22.4, of the *Ex-Parte Manifestation and Motion for Urgent Resolution of the Petition* dated 11 June 2021.

⁴ See *Resolution* adopted by the Human Rights Council on 8 October 2021, available at <https://undocs.org/A/HRC/RES/48/13>, last accessed on 02 December 2021.

⁵ G.R. No. 181851, 09 March 2010; also available at https://lawphil.net/judjuris/juri2010/mar2010/gr_181851_2010.html, last accessed on 02 December 2021.

under the Constitution, any party to a case may demand expeditious action by all officials who are tasked with the administration of justice.”⁶

8. The Supreme Court, in that same case of *Capt. Roquero v. The Chancellor of UP-Manila, et al.*,⁷ also expounded that “[t]he adjudication of cases must not only be done in an orderly manner that is in accord with the established rules of procedure, but must also be promptly decided to better serve the ends of justice. **Excessive delay in the disposition of cases renders the rights of the people guaranteed by the Constitution and by various legislations inutile.**”⁸

9. To underscore, it has been more than six (6) years since the petitioners started this legal action before the Honorable Commission. Three (3) of the petitioners, namely, Carlos Celdran, Constanca Lopez, and Isagani Serrano of the Philippine Rural Reconstruction Movement died without seeing the final outcome of their fight for climate justice.

10. Petitioners hope that no additional soul will lay to rest without getting answers to their questions and pleas to their cries for accountability. Hence, petitioners reiterate their motion for the urgent resolution of their *Petition*.

11. The Honorable Commission, in its own words, “commits to deliver prompt, responsive, accessible, and excellent public service for the protection and promotion of human rights in accordance with universal human rights principles and standards.”⁹ Petitioners trust that the Honorable Commission will put meaning to these words by concluding promptly what has already been a groundbreaking national inquiry.

12. Finally, tomorrow, the international community is celebrating Human Rights Day. This day is better appreciated and worth-celebrating if the Honorable Commission will do its constitutional mandate and duty to uphold human rights and the dignity of the Filipino people by issuing the final report without further delay.

PRAYER

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

⁶ *Capt. Roquero v. The Chancellor of UP-Manila*, G.R. No. 181851, 09 March 2010, citing *Lopez, Jr. v. Office of the Ombudsman*, 417 Phil. 39, 49 (2001), which cited *Cadalin v. POEA’s Administrator*, G.R. No. 104776, 05 December 1994, 238 SCRA 721, 765.

⁷ *Supra* note 5.

⁸ *Capt. Roquero v. The Chancellor of UP-Manila*, G.R. No. 181851, 09 March 2010, citing *Matias v. Plan*, A.M. No. MTJ-98-1159, 03 August 1998, 293 SCRA 532, 538-539.

⁹ About the Commission, “Who we are,” <https://chr.gov.ph/about-us/>, last accessed on 02 December 2021.

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

Quezon City, Philippines, 09 December 2021.

By:



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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 Motion for Urgent Resolution of the Petition* dated 09 December 2021 for the approval of this Honorable Commission without further argumentation.

ATTY. HASMINAH D. PAUDAC