



ENVIRONMENTAL LAW

“Pagtanom han PAGLAUM”: AN SPSPS LEX ADVOCATUS’ TREE PLANTING INITIATIVE

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I. BACKGROUND AND RATIONALE

The overarching principle of SPSPS JD-4 Lex Advocatus is to promote legal justice beyond the walls of the classroom. The Lex Advocatus organized and conducted activities since 2021 to extend legal aid to the society. On October 2021, the Lex Advocatus held a Seminar and Legal Consultation for DAR beneficiaries and tenants in collaboration with the Department of Agrarian Reform Provincial Office at Abuyog, Leyte with the guidance of the esteemed Agrarian Reform Law and Social Legislation professor and CLEP 1 Advisor, Atty. Henry Inopiquez. On August 2022, the class led by a seasoned lawyer Atty. Leo S. Giron, Alternative Dispute Resolution professor, in partnership with the Local Government Unit of Brgy. Abucay, Tacloban City held an Orientation of Katarungang Pambarangay Law to the members of Lupon ng Tagapamayapa of the aforementioned barangay. The JD-4 SPSPS students, likewise, actively participated in Legal Missions and outreach programs, indeed truly upholding its name as law advocates.

The Natural and Environmental Resources Law (NATREL) opened an avenue for Lex Advocatus to extend its vernal principle in its advocacy for the preservation and protection of the environment. The lectures of the class’s NATREL Professor Atty. Henry Inopiquez inspired the JD-4 students to act in concert towards mitigation of the apparent environmental degradation. The Lex Advocatus, through a consensus of the class, voted for a tree planting activity.

Pagtanom han PAGLAUM is a project of SPSPS JD-4 enthused by Article II Sec. 16 of the 1987 Constitution, to wit:

“Art. II, Sec. 16. The State shall protect and advance

the right of the people to a balanced and healthy ecology in accord with the rhythm and harmony of nature.”

Further, the Lex Advocatus, with absolute certainty, hold that the generation of today shoulders the responsibility of preserving the environment for a better tomorrow. As the Court ruled in the case of *Oposa vs Factoran*:

“...it is a continuing policy of the state:

a) to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other;

b) to fulfill the social, economic and other requirements of present and future generations of Filipinos; and

c) to insure the attainment of an environment quality that is conducive of life of dignity and well-being.

[...] it speaks of the responsibilities of each generation as trustee and guardians of the environment for succeeding generation.”

Hence, protecting and preserving the environment is an inter generational duty. An obligation that no person is exempt. And the Lex Advocatus, acknowledges this responsibility with a promise of playing a determinative role as stewards of the environment, strengthened by legal conviction.

It is without doubt that the world is combating environmental challenges. Illnesses caused by

contaminated air, increasing mean temperature evidenced by continuous rise of heat index in various areas in the country, and catastrophic typhoons is the present reality and apparent proof of the environment's degradation.

Climate change, while primarily affecting humans, also poses immense risk to the ecosystem. Studies show that reduction of forest area depletes ecosystem services from imbalanced biodiversity, impure water and higher carbon rates. Climate change likewise is one of the reasons behind the rapid decline of endemic species of flora and fauna and others are suffering from risk from extinction.³

The Department of Environmental and Natural Resources mentioned in an article that tree planting is one of the answers to mitigating environmental degradation. Trees augment quality of life and are essential in averting the perilous effect of climate change. By planting and growing trees, forests are restored and preserved thereby improving air quality, enhancing water purity, lowering heat index and providing protection against natural calamities.⁴

Succinctly, a tree planting activity, though a simple and small act, has a huge impact on minimizing the adverse consequences of climate as well as humanity's actions against the environment. As stewards of nature, and to uphold the inter-generational duty of preserving and protecting the environment, the Lex Advocatus proposed a tree planting activity at Lake Danao Natural Park.

The tree planting initiative was approved and supported by the Saint Paul School of Professional Studies Faculty of Law in partnership with the Department of Environment and Natural Resources (DENR), Provincial Environmental and Natural Resources Office (PENRO), City Environmental and Natural Resources Office (CENRO) Ormoc and Lake Danao Natural Park organization.

Republic Act No. 11038 (An Act Declaring Protected Areas and Providing their Management, Amending R.A. 7586, otherwise known as the National Integrated Protected Areas Systems Act (NIPAS) of 1992) is one of the panoply of laws that aims to protect the country's rich biodiversity. The NIPAS Act is the answer of the government to combat the profound impact of human activities towards the environment. Sec. 2 of R.A. 11038 recognizes the importance of protecting and maintaining the natural, biological and physical diversity of the environment, especially in areas with biologically unique features to sustain human life and development of plant and animal life.

The NIPAS encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wet-

land or marine, which shall be designated as protected areas. The law recognizes the conservation areas and management regimes implemented by Local Government Units, local communities and indigenous peoples (IPs).⁵

Lake Danao and its vicinity with an area of 2, 193 hectares was declared by former President Fidel V. Ramos through Proclamation No. 1155, s.1998 as a protected area pursuant to Republic Act No. 7586 (NIPAS ACT OF 1992), naming it as Lake Danao Natural Park.⁶

LDNP is a biodiversity hotspot. It is home to several endemic species in the Philippines and a transitory site for migratory birds. Regrettably, some of the species found on LDNP is threatened to become extinct in the future if its surrounding area is not maintained and preserved.⁷

On this ground, Lex Advocatus chosen Lake Danao Natural Park as the location for the tree planting initiative. The JD-4 sees the significance of preserving the biodiversity of the area for the future generation.

II. MISSION AND VISION of Pagtanum han PAGLAUM

Environmental maintenance and preservation are obligations not only of the state, but a duty bestowed upon all generations. Each Filipino citizen shoulders the responsibility of protected the environment of the country, for a productive harmony between humanity and nature, and to ensure a healthier and better earth for the next generation.

To uphold this duty, Lex Advocatus laid down the Mission and Vision of Pagtanum hand PAGLAUM Tree Planting Initiative:

Mission. To plant a tree to mitigate climate change, promote community engagement and advocate for sustainable practices.

Vision. To foster a greener, healthier environment for all.

III. PROJECT OBJECTIVES

The NIPAS Act strengthens the implementation of conservation, protection and management of protected areas. This legal foundation served as an impetus for Local Government Units, the local communities and private organizations to act in preserving the areas covered by NIPAS Act.

Albeit, the NIPAS Act persuades the national government and LGUs to act, the responsibility of protecting the environment is a yoke that the government could not act on alone. The implementation of laws, rules, regulations on environmental

preservation requires the attention and action of the citizens. The spirit and ideals of the environmental laws shall flourish only when the authorities concerned, and the citizens, work hand-in-hand on its implementation, and consequent integration to the society.

The SPSPS JD-4 commits to be the prime mover in encouraging law students and communities to work in maintaining and ensuring a healthy ecology.

To achieve the goals of this project, JD-4 Lex Advocatus laid down the following objectives of Pagtanum han PAGLAUM Tree Planting Initiative which includes:

- 1) To plant tree seedlings at Lake Danao Natural Park, a proclaimed NIPAS area;
- 2) To maintain and preserve the rich biodiversity and balanced ecosystem of Lake Danao Natural Park;
- 3) To promote the paramount significance of environmental preservation by applying the inter-generational principle;
- 4) To encourage community engagement in protecting the environment; and
- 5) To advocate sustainable practices for a balanced harmony between humanity and nature.

Adopting Art. II, Sec. 16 of the 1987 Constitution, the intergenerational principle, and the provisions of R.A. 11038, the Lex Advocatus tree planting project at LDNP encourages a good partnership between the SPSPS Faculty of Law, PENRO Leyte and CENRO Ormoc for the success of this long-term project.

IV. STAKEHOLDERS INVOLVED

Government agencies and local government units are involved in the preservation and protection of the NIPAS covered area. The tree planting initiative of Lex Advocatus shall not prosper without the hand of these stakeholders. Moreover, the success of this initiative rests on the perpetual partnership between SPSPS JD students and these agencies.

The government agencies involved in the tree planting initiative includes:

- 1) Department of Environmental and Natural Resources- Sec. 4, of E.O 192, the Department and Natural Resources is mandated to be the primary agency responsible for the formulation and implementation of policies, guidelines and rules related to environmental management, as well as the management and conservation of the country's natural resources. The DENR also shall implement rules and regulations governing the exploration, development, extraction, disposition and use of for-

ests, minerals, wildlife and other natural resources;

- 2) PENRO – The DENR office headed by the Provincial Environment and Natural Resources Officer appointed by the DENR Secretary, shall act as the field commander in their respective area of jurisdiction. The office shall be responsible for the implementation of DENR policies, programs and projects of in the province;

- 3) CENRO – The DENR office headed by the City Environment and Natural Resources Officer, who shall act as a field commander in their respective area of jurisdiction. The office carries the responsibility of implementing DENR policies, programs and projects in the city;

- 4) Protected Area Management Office – the PAMO is established under R.A. 11038 to be headed by the Protected Area Superintendent (PASU) who shall supervise the management, protection and administration of the protected area.

V. ACTIVITY NARRATIVE REPORT

The tree planting initiative commenced on April 7, 2024, at 6:00 in the morning at Lake Danao Natural Park (LDNP), the location of the activity as approved by the SPSPS Faculty of Law, PENRO and CENRO Ormoc.

Prior to the schedule of the tree planting activity, the designated advance party visited the LDNP to conduct an ocular inspection to survey and prepare the location of the program, and examine the overall condition of the area. The party, likewise, appeared for a courtesy call with Mr. Baldomero Nuñez, CENR Officer of Ormoc, taking the opportunity to convey the class' intention for an amiable partnership with the office in hopes of

conducting more activities in the future for the preservation of the environment.

On April 7, 2024, at 3:00 AM, the class gathered at Palo, Leyte to travel to Lake Danao, Ormoc Leyte. The class headed by Vice Dean Atty. Felma Freda Lopez and NATREL Professor Atty. Henry Inopiquez arrived at 6:00 AM at the LDNP designated planting area and welcomed by Forester Julie A. Cruzada along with CENRO Ormoc Foresters.

Ms. Jennifer S. Carcagente, Forest Extension Officer CENRO Ormoc gave instructions on how to accurately plant the Bayog seedlings (*Pterospermum acerifolium*), an endemic tree at Leyte. Immediately after the instructions were delivered, each one began planting with the assistance of Mr. Christopher Domael, Forester II/CENRO Ormoc NGP Coordinator.

Forty (40) JD-4 students participated in the tree planting activity together with Atty. Henry Inopiquez and Atty. Felma Freda Lopez. The Pagta-

num han PAGLAUM project successfully planted One Hundred (100) Bayog seedlings.

The tree planting activity was followed by a program at the LDNP pavilion. The program began around 8:00 in the morning attended by all JD-4 students who participated in the tree planting activity, and with the presence of Atty. Henry Inopiquez, Atty. Felma Freda Lopez, Mr. Jose Darwin O. Encarnacion (FT-I/Assistant PASU CENRO Ormoc), Mr. Felix G. Dedace (Forest Extension Officer PENRO Leyte), Ms. Jennifer S. Carcagente (Forest Extension Officer CENRO Ormoc), Mr. Christopher Domael (Forester II/CENRO NGP Coordinator), and Ms. Julie Cruzada (DMO-II/Provincial NGP Coordinator PENRO Leyte).

In the program, Lex Advocatus honored the support of PENRO Leyte, CENRO Ormoc and SPSPS Faculty of Law for the success of the activity. Atty. Inopiquez pointed out that Philippines has been at the forefront in creating relevant environmental laws. He also emphasized that as stewards of nature, we are to face head on the unprecedented challenge being posed by climate change. The simple act of tree planting is a critical step towards a greener future, a giant leap in the protection and preservation of the environment.

He ended by saying that today “we planted a tree, we gave hope to the future generations.” This was accentuated by Lika Mejido, the class representative, when she said that, “[...] just like a small and single tree, individual efforts, if done together, will create a ripple in a pond, a whisper in the forest that will be heard all over the nation and the world.”

Lika propounded a challenge to the class to continue to be advocates of the environment, and our small sacrifices today such as waking up early in the morning after a bout with the Finals exam is a powerful indication of our disposition to care for the environment.

Vice Dean Atty. Felma Freda Lopez shared that it was extra special day because it was the first time in SPSPS that an Environmental Law subject went out of the four walls of the classroom and taught its students the practical way of preserving the environment. She said that “just like in law school, starting on the first year, we are planting you and preparing your future, we will be proud if in the future you will grow to be imposing and influential trees that carries the values of the institution.” She ended by saying that **“we might not pass this way again, but if you have the opportunity, try to check if indeed the saplings that you saw will grow into trees.”** The whole activity ended at 10:00 in the morning.

VI. CONCLUSION

The Lex Advocatus Pagtanum han PAGLAUM tree planting activity conducted at Lake Danao Natu-

ral Park, Ormoc City was intended for practicing the spirit of environmental laws and principles to create, develop, maintain, improve and preserve the conditions of the environment to attain environmental quality conducive to a life of dignity and well being.

Forty JD-4 students of SPSPS with NATREL Professor Atty. Henry Inopiquez and Atty. Felma Freda Lopez, Vice Dean of SPSPS Faculty of Law was present at the activity. Lex Advocatus successfully planted one hundred (100) Bayog seedlings in the designated planting area. The activity was supported by PENRO Leyte, CENRO Ormoc and LDNP.



VII. RECOMMENDATIONS

The Pagtanum han PAGLAUM tree planting initiative is only the beginning of future environmental projects by SPSPS JD students. Learning the environmental laws and jurisprudence should not remain within the doors of the classroom. Actively practicing the ideals of environmental laws is the true learning.

Thus, Lex Advocatus strongly recommend the following matters for the benefit of SPSPS JD students, communities and the next generation;

1) A continued partnership with SPSPS Faculty of Law and DENR and PENRO for future environmental protection and preservation activities to maintain and improve the conditions of nature;

- 2) Strengthen the connection of SPSPS Faculty of Law with LDNP for more projects in the future;
- 3) Connect with other NIPAS covered area in Leyte to extend the advocacy of inter-generational preservation of the environment;
- 4) Encourage law students' personal involvement on pro environment activities; and
- 5) Promote and increase the awareness of communities on the significance of protecting the environment from the adverse effect of humanity's actions through practicing the ideals of environmental laws.

1 G.R. No. 101083, July 30, 1993, Juan Antonio, Anna Rosario and Jose Alfonso Oposa represented by their parents Antonio and Rizalina Oposa vs The Honorable Fulgencio S. Factoran Jr. in his capacity as Secretary of the Department of Environment and Natural Resources

2 Lasco, et al, Climate Change and Forest Ecosystems in the Philippines: Vulnerability, Adaptation and Mitigation; Journal of Environmental Science and Management; June 2008, p. 1-2.

3 Ibid, cited Summary for Policy Makers. Intergovernmental Panel on Climate Change; IPCC Working Group I 2007, p. 1.

4 Tree Planting Improves Quality of Life, DENR Official Page, URL: <https://denr.gov.ph/news-events/tree-planting-improves-quality-of-life/>.

Sec. 2, para. 3, R.A. 11038, amending Sec. 2 of R.A. 7586, July 24, 2017.

Declaring Lake Danao and its vicinities situated in the City of Ormoc, Province of Leyte, as Protected Area Pursuant to Republic Act No. 7586 (NIPAS ACT OF 1992) and shall be known as Lake Danao Natural Park, Proclamation No. 1155, s. 1998. URL: <https://www.officialgazette.gov.ph/1998/02/03/proclamation-no-1155-s-998>.

7. Ladio, et al, Lake Danao Natural Park (LDNP) Fauna Resource Assessment, Ormoc City, Leyte, Philippines, cited CITES listing of UNEP-WCMC 2012 and DAO 2004-15, n.d., p. 22.

Department of Environment and Natural Resources, Tree Planting Improves Quality of Life, URL: <https://denr.gov.ph/news-events/tree-planting-improves-quality-of-life/> retrieved April 8, 2024.

IPCC Working Group I, Summary for Policy Makers, Intergovernmental Panel on Climate Change; 2007, 18pp.

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Ladio, et al, Lake Danao Natural Park (LDNP) Fauna Resource Assessment, Ormoc City, Leyte, Philippines, n.d., p. 22.

Lasco, Rodel D., et al, Climate Change and Forest Ecosystems in the Philippines: Vulnerability, Adaptation and Mitigation; Journal of Environmental Science and Management 11 (1); June 2008, p. 1- 2.

Proclamation No. 1155, Declaring Lake Danao and its vicinities situated in the City of Ormoc, Province of Leyte, as Protected Area Pursuant to Republic Act No. 7586 (NIPAS ACT OF 1992) and shall be known as Lake Danao Natural Park, 1998. URL: <https://www.officialgazette.gov.ph/1998/02/03/proclamation-no-1155-s-1998>. Retrieved: April 8, 2024.

Republic Act No. 11038, An Act Declaring Protected Areas and Providing for their Management, Amending for this Purpose Republic Act No. 7586, Otherwise Known as the "National Integrated Protected Areas System (NIPAS) Act of 1992" and for other purposes. Sec. 2; July 24, 2017.

UNEP-WCMC 2012, UNEP-WCMC Species Database: CITES-Listed Species. <http://www.unep-wcmc-apps.org/isdb/CITES>.

