

A close-up photograph of a woman with dark hair, wearing a light blue surgical face mask. She is looking slightly to her right and speaking into a silver, mesh-covered microphone held in her right hand. The background is a solid, muted green color. The overall image has a green tint.

A DISCUSSION PAPER

Weaponizing the Law: SLAPPs and the Erosion of Public Discourse and Participation in the Philippines





**Weaponizing the Law: SLAPPs and the Erosion
of Public Discourse and Participation in the
Philippines A Discussion Paper 10 | 2025**

© 2025

Legal Rights and Natural Resources Center
– Friends of the Earth Philippines

With support from the Alternative Law Groups.

LRC is a legal services, research and policy, and advocacy institution that works for the recognition and protection of the rights of indigenous peoples and upland rural poor communities to land and environment. LRC is the Philippines member of Friends of the Earth International.

Reproduction of this publication for educational purposes, especially for local communities, is permitted provided the source is fully acknowledged. This material, in whole or in part, may not be reproduced for sale or other commercial purposes.

Cover photo by Alyansa Tigil Mina

Back cover photo by Social Action Center Diocese of Marbel

WEAPONIZING THE LAW: SLAPPS AND THE EROSION OF PUBLIC DISCOURSE AND PARTICIPATION IN THE PHILIPPINES

A DISCUSSION PAPER



TABLE OF CONTENTS

6 Introduction

8 A. What is a Strategic Lawsuit Against Public Participation (SLAPP)?

10 B. Constitutional guarantees for the protection against SLAPP

14 C. Environmental activism: The right to freedom of expression and comment on corporate activities

16 D. SLAPP protection under the RPEC and other environmental laws

23 E. Anti-SLAPP proposed bills

25 F. Philippine jurisprudence on SLAPP

28 G. Challenges and gaps in Philippine SLAPP protection

33 H. Discussion: Expanding SLAPP protections beyond environmental cases

38 Annex 1



Photo by Social Action Center - Marbel

Weaponizing the Law: SLAPPs and the Erosion of Public Discourse and Participation in the Philippines

INTRODUCTION

Marilou Verano grew up in Aroroy, Masbate, a once-idyllic town in the heart of the Philippines, where she witnessed the profound changes brought about by large-scale open-pit mining. Families lived in constant fear that the tailings dam looming over their homes would one day collapse. Dust from mining operations hung heavy in the air, coating their surroundings and seeping into their lungs. Over time, residents developed severe respiratory illnesses. But whenever someone was hospitalized, they were quietly transferred to another province, as if their suffering needed to be hidden—an apparent effort to downplay the growing health crisis in Aroroy (Raw, 2024).

In 2019, Marilou Verano turned to the media to raise their concerns about the mining company's use of carcinogenic chemicals. She approached two radio stations and publicly condemned Filminera Resources Corporation, a mining company partially owned by the Canadian firm B2Gold. On air, she boldly accused the mining company of polluting the town's air, releasing toxic waste into its rivers, and harming the livelihoods of farmers and fisherfolk. In turn, she faced two libel charges—one in March 2019 and another in October 2019—resulting in warrants for her arrest (ALG, 2024).

Over the next three years, Marilou endured relentless legal battles. Alongside fellow environmental activists, she faced repeated court hearings, mounting legal expenses, and the constant fear of conviction. During the trial, a lawyer even challenged her qualifications, questioning how she could speak of environmental destruction without a scientific background. She responded (Raw, 2024): ¹

“[A]lthough I am not a scientist, I am not a biologist, I am not a chemist, and I am an accountant by profession, I am a human being. I have eyes that can see the destruction of the environment; I have a nose to smell the toxic chemicals the mining company is using; and I have ears to hear when the people in the community cry because of the effects of the mining operation. So, that’s why I won the case.”

After years of exhausting litigation, she won her case—but victory came at a steep price. She and her co-accused spent large sums on legal fees, posted bail, and traveled days just to attend all of the hearings in Metro Manila. The financial and emotional toll was immense. Although the court ruled in her favor, the mining company had already achieved its goals: draining activists’ financial resources, lowering their morale, intimidating the community, and silencing dissent. As a result, many community members grew afraid to speak out, fearing they too might be charged.

Marilou’s case illustrates how mining companies in the Philippines can use the legal system to stifle opposition. Corporations frequently file libel cases against environmental defenders, often in central cities like Manila or Makati, where company headquarters are based. This forces advocates—many of whom are farmers or local community leaders—to travel long distances at great cost, sacrificing weeks of income just to attend court hearings.

¹ An interview from exile with Marilou Verano. Nouse.<https://www.nouse.co.uk/articles/2024/12/02/an-interview-from-exile-with-marilou-verano>.

A. What is a Strategic Lawsuit Against Public Participation (SLAPP)?

A Strategic Lawsuit Against Public Participation or SLAPP is the weaponization of legal action or procedure, often initiated by a more powerful entity against a less powerful individual or group, among them businesspersons, politicians, public figures, and corporations. The legal pressure is intended to silence, intimidate, cover up, or deter public involvement. SLAPPs are cases that “**masquerade as ordinary lawsuits**” but are “**generally meritless suits brought by large private interests to deter common citizens from exercising their political or legal rights** or to punish them for doing so” (Wilcox v. Superior Court, 1984)

Legal sociologist George W. Pring describes SLAPPs as “classic ‘dispute transformation’ devices, a use of the court system to empower one side of a political issue, giving it the unilateral ability to transform both the forum and the issue in dispute,” which he refers to as a “role reversal.” Concerned citizens are increasingly being sued for speaking out politically, facing charges simply for calling out government or corporate harms. Individuals and groups are often met with lawsuits demanding overwhelming monetary claims, leading to severe social, political, economic, and psychological consequences. Even when those who initiate SLAPPs lose in court, they still achieve their political goal: leaving “their targets devastated and depoliticized—‘chilled’” (Pring, 1989).

Since the 1970s, there has been growing public concern with increasing litigation aimed at penalizing or suppressing the use of free speech or right to petition. SLAPPs were initially conceived as a violation of the principle of public participation guaranteed by the Constitution—specifically the rights to freedom of speech, assembly, and petition (Tebo, 2005). These rights enable and guarantee individuals and groups to express their views, advocate for policies, and participate in decision-making processes. It was observed that powerful individuals and corporations were using lawsuits to suppress public participation by intimidating and financially draining citizens engaged in public advocacy.

Globally, SLAPPs are on the rise. Between February 2015 and May 2021 alone, over 3,100 cases worldwide were filed against human rights defenders, including human rights groups, resulting in physical threats and court harassment. About 355 SLAPPs were found to be initiated by business actors (Business and Human Rights Resource Centre. (2020). Journalists are also frequent targets: the Thomson Reuters Foundation reported that 47.6% of respondents said they or their media organization had been threatened with legal action because of their reporting (Simon & Flores, 2023).

A survey of SLAPPs in the United States found the suits encompassing the entire spectrum of **permissible political action**, from circulating a petition to boycotts. SLAPPs were also found to target ordinary citizens petitioning with claims of ordinary torts, such as defamation, interference with commercial benefit, and nuisance (Canan & Pring, 1988).

The European Court of Human Rights adds another element in the appreciation of SLAPPs, regarding them as **a breach of the right to a fair trial** as a consequence of those under suit lacking of access to legal aid, the length of the proceedings, and the inequality of arms between the parties (the differences in financial resources, in knowledge of institutional processes, or in the quality of legal representation or the ability to retain lawyers) (European Parliament's Committee on Civil Liberties, Justice and Home Affairs, 2023).

In Southeast Asia, only three countries have anti-SLAPP legislation or processes: Indonesia, the Philippines, and Thailand. In Indonesia and the Philippines, anti-SLAPP laws are only utilized for environmental cases. Meanwhile, Thailand exclusively applies anti-SLAPP procedures in criminal proceedings involving an individual plaintiff. Notably, only the Philippines provides a specific definition of SLAPP (United Nations Development Programme, 2023).

In the Philippines, the Rules of Procedure for Environmental Cases (RPEC) and various environmental laws include SLAPP protections that empower courts to dismiss cases identified as SLAPPs. Despite these safeguards, legal proceedings can drag on for years, imposing a heavy financial and emotional burden on environmental activists. The Philippine legal definition of a SLAPP in the RPEC covers: *“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 shall be treated as a SLAPP and shall be governed by these Rules.”*²

² Rules of Procedure for Environmental Cases (RPEC), Rule 6, Section 1.

SLAPPs often take the form of civil lawsuits or criminal charges and may be initiated by private individuals or by the State. Human rights and environmental defenders, journalists, and others who speak on matters of public interest are frequent targets. Even legitimate public participation, such as exposing polluting activities or corporate wrongdoing, can trigger a SLAPP. They are frequently used by corporations to suppress dissent, especially when communities raise concerns about environmental or human rights issues (Environmental Law Alliance Worldwide, 2024).

Marginalized communities and their representatives and leaders who speak out against corporate interests are often harassed with both civil and criminal cases, from trespassing to arson, murder, theft, violation of special laws, and terrorism, among many others. Many of them have been detailed under false charges. In fact, farmers, fisherfolk, and indigenous peoples have denounced SLAPP suits filed against them and demanded accountability from government entities and corporate actors responsible for these (Legal Rights and Natural Resources Center, 2024). Their experiences highlight a key feature of SLAPPs: the stark power imbalance between claimant and defendant.

B. Constitutional guarantees for the protection against SLAPP

The Philippines is a signatory to several human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR); Covenant on Economic, Social, and Cultural Rights; Universal Declaration of Human Rights;³ and General Comments issued by United Nations Treaty Bodies and Special Mandate Holders. These instruments protect both freedom of expression and public participation.⁴ Thus, the Philippines, as a signatory to the ICCPR, is bound by international duties to respect, preserve, and fulfill these rights. This involves providing freedom to participate in public life and express ideas without constraints or fear of retaliation for all. Both freedoms are enshrined in Section 4 of the 1987 Philippine Constitution Bill of Rights, which guarantees *“freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.”* These safeguards ensure democratic participation and open interchange of ideas, which are fundamental for a healthy and functional society.

³ The Philippines signed and ratified the International Covenant on Civil and Political Rights on December 19, 1966, and October 23, 1986, respectively.

⁴ Included in the UDHR are: Article 19 – Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers; and Article 20 – (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

In developing anti-SLAPP provisions, the Philippine Supreme Court looked into the US litigation practice in dealing with SLAPP. The Court cited that SLAPP protections were rooted in the First Amendment of the US Constitution, which provides citizens with “the right to free speech and the right to petition the government to redress grievances of public matter.”⁵ The First Amendment also mirrors the Bill of Rights guarantee in Section 4.

Moreover, anti-SLAPP protections in the US were enacted to prevent powerful entities from using litigation as a tool to silence critics. While some states, such as Florida, limit these protections to cases involving government agencies, others, such as Oregon, extend them to lawsuits filed by private parties, including corporations. A narrowly constructed anti-SLAPP law may protect citizen communications with government officials but does little to prevent suits targeting citizens for speech not directed at government authorities.

The Philippines adopted the Oregon model, which allows anti-SLAPP protections to be invoked even against private entities, such as corporations involved in environmental harm. This aligns with the constitutional commitment to a balanced and healthful ecology, as enshrined in Article II, Section 16, which states:⁶

“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.”

The Philippine Supreme Court, likewise, incorporated anti-SLAPP provisions in the RPEC, as these cases are usually brought in the Philippines to stifle opinion in the enforcement of environmental rights. SLAPPs are usually filed by private companies having financial interests in the exploitation of an area against nongovernment individuals or groups opposing large-scale projects. In fact, the International Center for Not-for-Profit Law reported a “*surge of reported SLAPPs relating mainly to advocacy against mining operations*” in the Philippines (Dutta, 2020). SLAPPs pose a particular threat to environmental advocacy by targeting and silencing critics, especially those challenging powerful corporations or advocating for sustainable practices.

⁵ A.M. No. 09-6-8-SC, Rationale to the Rules of Procedure for Environmental Cases, p. 95.

⁶ Ibid, pp. 87–88.

Hence, the Court introduced SLAPP defenses to protect those fighting for environmental causes. It recognized that SLAPP suits are being used in the Philippines to drain activists financially and discourage them from speaking out. By including an anti-SLAPP provision, the Court aimed to empower people to participate in environmental advocacy without fear of being silenced by costly and baseless harassment lawsuits (*FCF Minerals Corporation v. Lunag, et al.*, 2021). In crafting the rules, the Supreme Court recognized the importance of including SLAPP protection from private interests, such as “polluting corporations.”⁷ The Court explained that the inclusion of anti-SLAPP protection from private corporations is necessary for upholding the constitutional right to a balanced and healthful ecology:

“The web of players in environmental issues includes several private and public entities or persons. The Court recognizes **the simple reality that private corporations threaten the exercise of environmental rights as much as government agencies that fail to fulfill their duties.** In the Philippines, assessing methods to uphold the constitutional right to a balanced and healthful ecology cannot be done in the abstract and without regard for the real obstacles to enforcement. Other aspects of environmental protection under the Rules of Procedure, such as speedy disposition of the case and the precautionary principle **only accentuate the urgency to establish measures against vexatious behavior and harassment.** Thus, the Court recognizes the need for **innovative and groundbreaking legal solutions such as prohibiting SLAPP cases,** regardless of whether SLAPP plaintiffs are public or private persons” (emphasis supplied).

The Supreme Court has reaffirmed the primacy of human rights, including freedom of expression, over property rights. It emphasized that economic loss of businesses could be remedied, but the suppression of fundamental freedoms causes lasting harm to human dignity, to wit (*Philippine Blooming Mills Employment Organization v. Philippine Blooming Mills Co. Inc.*, 1973):

“x x x the primacy of human rights—freedom of expression, of peaceful assembly and of petition for redress of grievances—over property rights has been sustained. Emphatic reiteration of this basic tenet as a coveted boon—at once the shield and armor of the dignity and worth of the human personality, the all-consuming ideal of our enlightened civilization—becomes our duty, if freedom and social justice have any meaning at all for him who toils so that capital can produce economic goods that can generate happiness for all.”

⁷ A.M. No. 09-6-8-SC, Rationale to the Rules of Procedure for Environmental Cases, pp. 89.

While the above ruling was not in the context of environmental cases, it is especially relevant to SLAPP cases, where powerful entities may attempt to stifle dissent by weaponizing litigation. Just as the Court affirmed that free speech must take precedence over economic interests, anti-SLAPP protections are essential in ensuring that environmental defenders are not silenced or financially burdened by baseless legal challenges.



Photo by Social Action Center

C. Environmental activism: The right to freedom of expression and comment on corporate activities

The recent report of the High Commissioner for Human Rights Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite—*Justice is Not for Sale: The Improper Influence of Economic Actors on the Judiciary* (hereinafter referred to as the *Special Rapporteur Report*)—highlights the “calculated exploitation of the outsized power of wealthy actors within justice systems through the use of SLAPPs” (Office of the High Commissioner for Human Rights, 2024).

Environmental defenders, journalists, and affected communities must be free to speak out against harmful business practices—particularly since corporations, by their nature, function as public figures. Companies with large-scale operations or significant environmental impacts wield substantial influence over society, public policy, and the economy. In this context, environmental defenders and civil society advocates serve as watchdogs, ensuring corporate accountability for human rights and environmental violations.

However, SLAPPs threaten to undermine this role by targeting and silencing critics, particularly those who challenge powerful corporations or advocate for environmental protection. These lawsuits often weaponize defamation or other legal claims, seeking damages or injunctions that impose significant financial and emotional strain on defendants. Given their substantial influence on public life, corporations should be held to a higher standard, similar to the threshold for public figures, rather than using libel cases to suppress legitimate criticism and accountability.

The US Supreme Court’s decision in *New York Times Co. v. Sullivan* (1964) has been a formative case in balancing freedom of expression with the protection of reputations. The Court introduced the “actual malice” standard, holding that public officials could not recover damages for defamation unless the statement was made with knowledge of its falsity or reckless disregard for the truth. This standard was later extended to include all “public figures,” including corporations, recognizing their ability to use media to correct false impressions due to their public influence.

Because the Philippine Supreme Court has drawn on US jurisprudence in formulating the anti-SLAPP provisions of the RPEC, US case law serves as persuasive authority in interpreting Philippine laws on freedom of expression, especially in cases involving environmental activism and corporate accountability.

The Supreme Court has expanded the application of the actual malice rule, recognizing that the distinction between “public figures” and “public officials” has become increasingly irrelevant in modern society, where the boundaries between government and the private sector are blurred. The Court emphasized that the public has a legitimate and substantial interest in the actions of influential individuals and entities, stating (*Guinguing v. Court of Appeals*, 2005):

“Our citizenry has a legitimate and substantial interest in the conduct of such persons, and freedom of the press to engage in uninhibited debate about their involvement in public issues and events is as crucial as it is in the case of ‘public officials.’ The fact that they are not amenable to the restraints of the political process only underscores the legitimate and substantial nature of the interest, since it means that public opinion may be the only instrument by which society can attempt to influence their conduct.”

This doctrine affirms the principle that **corporations and other powerful private entities should not be insulated from public scrutiny**, especially when their actions or operations have substantial environmental impacts. Just as environmental activists and affected community members have the right to expose and criticize harmful corporate practices, the public has an equal right to receive and access information about the environmental and social impacts of business and corporate operations.

In *Ayer Productions Pty. Ltd. v. Capulong* (1988), the Philippine Supreme Court ruled that public figures include not only celebrities but also anyone who has gained attention due to their actions or position in society, including well-known businesspersons and even ordinary citizens who have become widely recognized. Applying this definition to a large-scale corporation, such as a mining company, would clearly classify it as a public figure. Hence, a corporation’s extensive operations and influence on local communities, particularly in matters concerning environmental harm, qualify it as a subject of public scrutiny.

Even if a corporation is not explicitly classified as a public figure, the right to comment on matters of public concern remains protected. As affirmed in *Borjal v. Court of Appeals* (1988), individuals engaging in public discourse cannot be held liable for defamation merely because their criticism is directed at an entity that is not a recognized public figure. What matters is not the identity of the subject but the broader public significance or impact of their actions.

For corporations, particularly those whose operations significantly affect communities through pollution, the public has the right to report on and critique their activities. The right to comment on and criticize matters of public concern, including business operations and environmental issues, is fundamental to a healthy democracy. Affected communities and activists must be able to freely express concerns about harmful corporate practices without fear of legal retaliation. When corporations significantly impact the environment, their actions should be open to public scrutiny, and individuals must be able to hold them accountable in the court of public opinion.

D. SLAPP protection under the RPEC and other environmental laws

1. SLAPP under the RPEC

The Philippine Supreme Court has transplanted the concept of SLAPP protections from US anti-SLAPP laws and incorporated them into its procedural framework through its rule-making authority under the 1987 Constitution. These SLAPP protections were provided in the RPEC,⁸ promulgated in 2010. These aim to prevent the misuse of legal processes to silence individuals and groups advocating for environmental protection.

⁸ The RPEC provides for two other protective writs, namely:

- The Writ of Kalikasan under Rule 7, “Section 1: Nature of the writ. The writ is a remedy available to a natural or juridical person, entity authorized by law, people’s organization, non-governmental organization, or any public interest group accredited by or registered with any government agency, on behalf of persons whose constitutional right to a balanced and healthful ecology is violated, or threatened with violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.”
- Rule 8, the Writ of Continuing Mandamus, “Section 1: Petition for continuing mandamus. When any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations. The petition shall also contain a sworn certification of non-forum shopping.” See: https://sc.judiciary.gov.ph/wp-content/uploads/2023/05/A.m.No._09-6-8-SC_Rules_of_Procedure_for_Env_Cases.pdf.

Under the RPEC, defendants in cases related to the enforcement of environmental laws may invoke the SLAPP defense, shifting the burden onto the plaintiff to prove that the case is not intended to stifle public participation in environmental advocacies. Further, the SLAPP defense may still be invoked in non-environmental cases, such as defamation, if the ultimate and underlying issue involves the protection of environmental rights.

However, these SLAPP protections are formally limited to cases involving environmental causes, leaving activists, human rights defenders, and other advocates vulnerable to harassment and retaliatory lawsuits in areas such as agrarian reform and indigenous rights. Expanding SLAPP protections beyond environmental cases remains an important legal concern, particularly given the increasing threats and legal harassment faced by activists and human rights advocates.

SLAPPs in civil cases

The RPEC provides a dedicated framework for addressing SLAPPs in both civil and criminal cases. In civil cases, Rule 6 of the RPEC defines a SLAPP as a legal action intended to harass, vex, exert undue pressure, or stifle any legal recourse taken in the enforcement of environmental laws, protection of the environment, or assertion of environmental rights.

The following are the legal innovations in the RPEC that would theoretically allow for the early dismissal of civil cases involving the protection of the environment:

a. Shifting of burden of proof. The defendant in a SLAPP may invoke the SLAPP defense by raising it in their answer, supported by documentary evidence, such as affidavits and other relevant papers.

b. Higher evidentiary threshold. The defendant is only required to prove by substantial evidence that the case is a SLAPP. Meanwhile, the plaintiff must prove by preponderance of evidence⁹ that the action is not a SLAPP and is a valid claim before the courts. This higher evidentiary threshold ensures that civil cases brought against environmental defenders are scrutinized to a higher threshold to prevent the misuse of litigation as a tool for harassment or intimidation.

⁹ By “preponderance of evidence” means that the evidence as a whole adduced by one side is superior to that of the other (G.R. No. 91869. October 19, 1992. [Per J. Cruz, J., First Division]). In other words, if a claim can be shown to be more likely to be true than false, the burden of evidence is satisfied.

c. Prioritization of resolution. The court conducts a summary hearing on the SLAPP defense within 15 days from the filing of the opposition. Thereafter, the court must resolve the case within 30 days after a summary hearing on whether or not the case is a SLAPP.

d. Counterclaim of damages. The defendant may pray for damages, attorney's fees and costs of suit. Unlike SLAPP protections in the Fisheries Code, the Clean Air Act, and Solid Waste Management Act, the RPEC does not state double damages to be awarded to the defendant.

e. Dismissal with prejudice. If the court grants the SLAPP defense, the case is dismissed with prejudice, meaning it cannot be refiled. If the SLAPP defense is denied, the evidence presented during the hearing becomes part of the case record, and the litigation proceeds under the regular Rules of Court.

SLAPPs in criminal cases

Human rights activists and environmental defenders are commonly targeted with criminal charges, such as libel and cyberlibel; but, in some cases, they face more serious accusations, including murder or violations of anti-terrorism laws. In the Philippines, there have been documented instances where activists and human rights defenders were charged under the Anti-Terrorism Act (Beltran, 2024).

Under the RPEC, those facing criminal charges may seek dismissal by invoking the SLAPP defense, provided that the charges are ***ultimately linked to their environmental advocacy***.

Rule 19 of the RPEC allows an accused to file a motion to dismiss before arraignment, arguing that the criminal case was filed to harass, intimidate, or stifle legitimate environmental work. The court then conducts a summary hearing, where the accused must present substantial evidence proving that their actions were a lawful exercise of environmental law enforcement. Meanwhile, the prosecution bears the burden of proving by preponderance of evidence that the case is not a SLAPP and constitutes a valid criminal charge. If the court grants the motion, the case is dismissed; otherwise, the proceedings move forward to arraignment.

Similar to the legal innovations for the civil cases, the RPEC also provides for legal protections for SLAPPs filed as criminal cases.

a. Shifting of burden of proof. The defendant in a SLAPP must file the motion to dismiss that the criminal action is a SLAPP prior to the arraignment. It is not clear if a SLAPP dismissal may be granted if the defense has been interposed after the arraignment.

b. Higher evidentiary threshold. Similar to civil cases, the defendant is only required to prove by substantial evidence that the case is a SLAPP. Meanwhile, the plaintiff must prove by preponderance of evidence that the action is not a SLAPP and is a valid claim before the courts. However, it is unclear if the dismissal will be granted by the court, given that the prosecution, in theory, should have assessed that there is reasonable certainty of conviction.

c. No period for court's resolution on the SLAPP defense. The court conducts a summary hearing on the SLAPP defense. However, unlike civil cases, there is no rule-mandated period for the court to resolve the SLAPP defense.

d. No provision for counterclaims of damages. Unlike in civil cases, the RPEC does not explicitly allow for the award of damages in favor of the defendant if a case is dismissed on the ground of SLAPP. This omission leaves defendants without a clear legal basis for seeking compensation for harm suffered due to abusive litigation.

e. Dismissal with prejudice. The RPEC does not specify whether dismissal on SLAPP grounds is with prejudice. However, the Philippine Constitution protects against double jeopardy, which prevents the refile of the same action once dismissed. This constitutional safeguard suggests that a SLAPP-dismissed case cannot be revived.

Among the various methods for restricting SLAPPs, summary dismissal of the case stands out as the most effective. Corporate plaintiffs often have vast financial resources, and if they are willing to file meritless suits solely to silence critical speech, the costs of litigation are unlikely to deter them. For such plaintiffs, these expenses are simply part of the cost of doing business. Thus, courts may order summary dismissal in recognition of the huge disparity of available resources between private corporations, especially mining corporations, and ordinary citizens seeking to protect the environment.¹⁰

¹⁰ Page 87. Rationale to the Rules of Procedure for Environmental Cases. Retrieved from: https://philja.judiciary.gov.ph/files/learning_materials/A.m.No.09-6-8-SC_rationale.pdf.

2. SLAPP protections under environmental laws

Even before its inclusion in the RPEC in 2010, the concept of SLAPP had already been integrated into various environmental laws in the Philippines. These include the Philippine Fisheries Code, the Tubbataha Reefs Natural Park Act of 2009, the Ecological Solid Waste Management Act of 2000, and the Philippine Clean Air Act of 1999. Across these laws, there are several common features:

First, the laws establish a summary hearing process, which mandates that the defense of a SLAPP claim be resolved within 30 days. This expedited timeline aims to prevent unnecessary delays in addressing potential SLAPPs.

In terms of remedies, the laws provide for the award of damages, including double damages in the Fisheries Code, the Clean Air Act, and Solid Waste Management Act, as well as attorney's fees and costs. This ensures that those wrongly targeted by SLAPP suits are compensated and that the financial burden is placed on those bringing frivolous claims.

Furthermore, these laws extend protection to public officers acting within their official capacity, provided there is no grave abuse of authority. This is particularly significant, as it shields government officials from SLAPP suits related to their enforcement of environmental laws.

Lastly, the Philippine Fisheries Code specifies that any SLAPP case dismissed will be done with prejudice, which means it cannot be refiled, serving as a strong deterrent against repetitive, malicious lawsuits.

The relevant portions of these laws are presented below:

a. Republic Act No. 10654 (The Philippine Fisheries Code of 1998)

"Section 139. SLAPP in the Enforcement of this Act. 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 this Code shall be treated as a SLAPP.

The hearing on the defense of a SLAPP shall be summary in nature, the affirmative defense of a SLAPP shall be resolved within thirty (30) days after the summary hearing. If the court dismisses the action, the court may award damages, attorney's fees, and costs of suit under a counterclaim if such has been filed. The dismissal shall be with prejudice.

If the court rejects the defense of a SLAPP, the evidence adduced during the summary hearing shall be treated as evidence of the parties on the merits of the case. The action shall proceed in accordance with the Rules of Court.

The RPEC shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Code including actions treated as a SLAPP as provided in this section.”

b. Republic Act No. 10067 (Tubbataha Reefs Natural Park Act of 2009)

“Section 38. Suits and SLAPP and the Enforcement of this Act. Where a suit is brought against a person who filed an action as provided in Section 37 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the court, as the case may be, shall dismiss the complaint. In addition, the court shall award the attorney’s fees and double the amount of damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.”

c. Republic Act No. 9003 (Ecological Solid Waste Management Act of 2000)

“Section 53. Suits and SLAPP and the Enforcement of this Act. Where a suit is brought against a person who filed an action as provided in Sec. 52 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the complaint and award the attorney’s fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.”

d. Republic Act No. 8749 (Philippine Clean Air Act of 1999)

“Section 43. Suits and SLAPP and the Enforcement of This Act. Where a suit is brought against a person who filed an action as provided in Sec. 41 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the case and award attorney’s fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, their being no grave abuse of authority, and done in the course of enforcing this Act.”

These provisions aim to protect individuals, institutions, and government agencies from lawsuits intended to stifle public participation in environmental enforcement. Through the SLAPP provisions, the government ensures that those taking action to enforce environmental laws are not deterred or harassed by baseless legal claims.



Photo by Social Action Center Marbel

E. Anti-SLAPP proposed bills

There have been attempts to enact legislation expanding SLAPP protections. Notably, Senate Bill 3080 was introduced by Senator Ramon Bong Revilla, Jr., in 2011. In 2022, a similar measure was refiled in Congress as House Bill No. 5592 by Representatives France L. Castro of the ACT Teachers Party-List, Arlene D. Brosas of the Gabriela Women's Party, and Raoul Dannel A. Manuel of the Kabataan Party-List. Both bills contain identical and verbatim provisions aimed at strengthening safeguards against SLAPPs.

The proposed Senate Bill 3080 (2011) and House Bill No. 5592 (2022), both titled the *Anti-SLAPP Act*, seek to provide stronger and broader protections against SLAPPs compared to existing safeguards under the RPEC. These bills include:

1. Expanded coverage of public interest cases. Unlike the RPEC, which limits SLAPP protections to environmental issues, these bills extend safeguards to all matters of public concern, encompassing freedom of speech, press, assembly, and petition.

2. Proactive dismissal mechanism. The bills introduce a mandatory assessment requirement, directing courts, prosecutors, and administrative bodies to determine whether a case is a SLAPP and dismiss it *even without a motion from the defendant*. This mechanism implicitly shifts the burden of identifying SLAPP cases to the tribunal, rather than placing it entirely on the accused.

3. Broader scope of application to administrative and investigatorial phase. The bills extend SLAPP protections beyond judicial proceedings to administrative and criminal cases, ensuring that SLAPPs are dismissed at earlier stages of litigation and preventing them from progressing further.

4. SLAPPBack actions. The bills empower courts to award damages, litigation costs, and attorney's fees, while also granting defendants the right to file SLAPPBack actions to recover additional compensation for wrongful lawsuits.

However, some gaps remain in the proposed anti-SLAPP bills, such as:

1. Lack of a clear timeframe for resolving SLAPP cases. The bills merely state that SLAPP cases should be decided *immediately*, but they do not specify a mandatory period for resolution. In contrast, the RPEC provides a clear timeframe within which courts must decide whether a case is a SLAPP.

2. Absence of an explicit liberal interpretation clause. The bills do not include a provision directing courts to interpret SLAPP protections liberally in favor of defendants, which could strengthen safeguards against abusive litigation.

3. Limited appeal mechanisms. While direct appeals of SLAPP dismissals are barred, defendants may still challenge rulings through a special civil action under Rule 65 for grave abuse of discretion. However, this remedy may not offer the same level of protection as a direct appeal.

Despite these gaps, the proposed bills represent a significant step forward in preventing the misuse of the legal system and protecting public participation in matters of public interest.



Photo by Warlit Semgulang

F. Philippine jurisprudence on SLAPP

1. *Mercado v. Judge Lopena, et al.* (2018): SLAPP is limited to environmental cases and could not be extended to cases involving domestic violence.

Ma. Sugar M. Mercado petitioned the Supreme Court to declare the cases filed against her by her estranged husband as SLAPP. She argued that these cases violated constitutional rights, public policy, and gender equality protections under Republic Act No. 9262. The dispute arose from a domestic conflict, leading to multiple legal cases between the parties.

The Supreme Court ruled that its rule-making power could not be invoked through a Rule 65 petition. Mercado sought to expand the concept of SLAPP beyond its established application in environmental cases to include cases involving domestic violence. However, the Court emphasized that SLAPP protections, as defined under Administrative Matter No. 09-6-8-SC, apply strictly to environmental litigation. Since Republic Act No. 9262 does not fall within this scope, SLAPP could not be invoked as a defense.

Additionally, the Court clarified that Rule 65 is limited to correcting jurisdictional errors by tribunals and does not serve as a means to introduce new legal doctrines or procedural innovations. Allowing SLAPP as a defense in domestic violence cases would require legislative action, not judicial intervention via certiorari or prohibition.

2. *Aquino v. ATOM Development Corporation* (2023): To invoke SLAPP and the RPEC, the case must ultimately involve the protection of environmental rights.

The Supreme Court emphasized that the SLAPP defense under the RPEC may be invoked even in cases that are not strictly environmental, such as defamation or civil damages suits. However, for the RPEC to apply, the case must still *ultimately* involve the protection of environmental rights or the enforcement of environmental laws.

Accordingly, the scope of the RPEC, in applying SLAPP should be limited to cases which have the ultimate objective of: “(a) protecting a party’s constitutional right to a balanced and healthful ecology; (b) enforcing or vindicating a party’s environmental right or duty under Philippine or international law; or (c) enabling the courts or other government agencies to monitor and exact compliance with orders and judgments in environmental cases.”

In this case, ATOM's primary objective was to gain possession of a seaside lot, not to assert or protect any environmental right. It conceded that its claim was driven by investment and profit losses from losing control over the property. Since the case did not involve the enforcement of environmental laws or the protection of environmental rights, the application of the RPEC was improper.

3. *Dayrit v. Norquillas* (2021): SLAPPs should extend to agrarian reform cases (based on the concurring opinion of Justice Leonen).

In his concurring opinion in *Dayrit v. Norquillas* (2021), Justice Leonen asserted that the defense against SLAPP should not be confined to environmental cases. *Dayrit v. Norquillas* involved a landlord who filed both a forcible entry suit and a petition for the cancellation of Certificates of Land Ownership Award before the Department of Agrarian Reform Adjudication Board. The disputed land, spanning 16.7 hectares, had been distributed to tenant-occupants under the Comprehensive Agrarian Reform Program. The petitioner initiated multiple legal actions against the respondents, effectively obstructing their enjoyment of rights over the awarded land.

Justice Leonen highlighted the inherent power imbalance between landlords and tenant-farmers. He emphasized that, as understood both locally and internationally, SLAPP protections should extend beyond environmental cases to include agrarian reform disputes, where litigation is often used as a tool to intimidate and suppress the rights of marginalized farmers.

4. *FCF Minerals Corporation v. Joseph Lunag, et al.* (2021): SLAPP provisions cannot be invoked by corporations against ordinary citizens to demand damages.

In *FCF Minerals Corporation v. Lunag* (2021), the Supreme Court ruled that corporations cannot invoke the SLAPP provisions awarding damages against ordinary citizens who filed a case for the enforcement of environmental laws. It emphasized that anti-SLAPP defense should not be misused by corporations or powerful entities to silence ordinary citizens advocating for environmental justice.

Lunag and other respondents, who identify as indigenous peoples from the Ifugao, Kalanguya, and Cordillera communities, filed a writ of kalikasan petition before the Supreme Court, challenging the open-pit mining operations of FCF Minerals in Nueva Vizcaya. They argued that the mining activities would destroy their ancestral lands, which include virgin forests and sacred burial grounds. They also claimed that excavation occurring just 50 to 100 meters from their homes exposed them to landslide risks.

The Court of Appeals dismissed the case, ruling that Lunag and the other petitioners were small-scale miners operating without permits and had filed the petition to protect their private interests rather than out of genuine environmental concern.

In response, FCF Minerals sought PHP 10.7 million in damages, citing lost management time, legal fees, and costs for aerial and ground photography. The mining company also alleged that the petitioners were small-scale miners affected by its operations. The Court of Appeals denied the claim, emphasizing that awarding damages would contradict the purpose of anti-SLAPP defense, which is meant to protect public participation and the right to seek legal redress.

The Supreme Court ruled that corporations cannot invoke SLAPP provisions to seek damages from individuals. The SLAPP protection allowing for damages applies exclusively to individuals sued for their environmental advocacy. Given their huge financial resources, corporations cannot use these same provisions to retaliate against critics of their operations.

In its ruling, the Court discussed the history of SLAPP and how it was transplanted into Philippine court procedures. The Court explained that the concept of SLAPPs originated from the US, where it was first identified by Pring and Canan in the late 1980s. They observed that powerful individuals and corporations were using lawsuits to suppress public participation by intimidating and financially draining citizens engaged in public advocacy. These lawsuits abused the judicial process and the courts by turning political disputes into private legal battles. Regardless of the case's outcome, the mere burden of hiring lawyers and setting up a legal defense can deter not only the defendant but also the public from participating in public advocacy, creating a chilling effect.

In this case, the mining company is not exercising its right to free speech but enforcing its mining rights. The enforcement of a mining concession is not an activity covered by SLAPP protections; therefore, its claim for damages must be denied.

G. Challenges and gaps in Philippine SLAPP protection

According to Turk and Brander (2023), an effective anti-SLAPP legislation must incorporate several key features to adequately protect freedom of expression. They emphasize that such laws should first have a broad scope, encompassing a wide definition of “public interest” to ensure diverse forms of speech and civic engagement are shielded from strategic lawsuits. Second, there must be a shift in the burden of proof, that is, once a defendant demonstrates that their actions pertain to a matter of public interest, the plaintiff must meet a high threshold to establish the substantial merit of their case and show that the defendant lacks a valid defense. Third, to mitigate financial pressure on defendants (because a SLAPP is intended to also exhaust them financially), proceedings should be stayed while a motion to dismiss is pending, thereby preventing the accumulation of legal costs before resolution. Additionally, courts should presumptively award costs to defendants who are able to successfully dismiss a SLAPP, but not to plaintiffs if the motion fails. This is in the spirit of recompense for having been dragged into court on an unfounded action primarily meant to curtail public participation. Another feature is expedited hearings and the right to immediate appeal, with set timelines to prevent protracted legal battles. Furthermore, provisions for additional damages can serve as a deterrent against future frivolous suits, and the legislation should be interpreted broadly to maximize protections for public participation.

The following discussion looks into the gaps in Philippine SLAPP protections.

1. SLAPP defense in criminal cases is only available before arraignment

The RPEC allows an accused to file a motion to dismiss on the ground of SLAPP before arraignment. However, it is respectfully suggested that this remedy should also be available during trial, with the court conducting a summary hearing on the SLAPP defense at any stage of the proceedings. **In many cases, accused individuals do not have access to legal counsel before arraignment and are instead assigned a counsel de oficio, whose role is primarily to assist with the arraignment process.** As a result, they may not be fully informed of their right to invoke the SLAPP defense at this early stage. Allowing the motion to be raised later in the trial would provide greater access to justice and ensure that environmental defenders are not wrongfully prosecuted due to lack of legal representation or awareness of available legal remedies.

2. Venue manipulation in libel cases adds multiple burdens to defendants.

In the case of Marilou Verano, she and several farmer leaders spoke out against the pollution caused by a mining company operating in Aroroy, Masbate. As a retaliation of the company, they were criminally charged with libel. Further, instead of filing the case in Masbate, where the company's operations and alleged environmental damage occurred, the mining company chose to file it in Makati, where its headquarters was located.

As a result, she and her fellow co-accused had to endure long and costly trips, traveling nearly an entire day just to attend hearings. They had to pay for transportation, food, and lodging—financial resources that were already scarce for them as breadwinners. Aside from the financial burden, they were forced to leave their families and livelihoods behind. Even after the case's dismissal three years later, the experience demoralized the community, discouraging others from speaking out against the mining company's environmental violations.

In criminal cases, **venue is jurisdictional**. Thus, a criminal case may only be litigated where the elements of the crime were committed. The legislative history of libel laws reflects this principle, restricting venue to only two options: **(1) the complainant's place of residence or (2) the place of first publication** (i.e., traditionally referring to the location of a newspaper's publication). However, with the rise of social media and digital platforms, the concept of "publication" has become unclear, as online content can be accessed anywhere.

In *Bonifacio v. RTC Makati City (2010)*, the Supreme Court addressed this issue, warning that if cyber libel cases were allowed to be filed based on where an article was first accessed, then **a writer could be sued anywhere in the country**, depending on where the complainant claims to have read the article. This could lead to forum shopping and venue manipulation, with complainants deliberately filing cases in far locations to harass the accused. To prevent such, the Court ruled that the proper venue should be **the complainant's actual residence at the time of the offense**. For corporate entities, this means that they could file libel cases in their headquarters, usually centered in Metro Manila.

To prevent the misuse of libel cases as tools for legal harassment, the rule for litigating libel cases filed by corporations should be amended **to align with the residence of the defendant, rather than the location of the complainant's corporate headquarters**. As demonstrated in the case of Marilou Verano, corporations can strategically file libel cases in jurisdictions far from its actual operations.

This forces defendants, often individuals with limited financial resources, to spend costs in travel and legal fees. Such legal and harassment tactics disproportionately affect marginalized groups and environmental activists who may struggle to sustain protracted litigation in far-flung courts.

To address this, the venue for cyberlibel and defamation cases should be restricted to the defendant's place of residence when the plaintiff is a corporation. This would prevent unnecessary burdens on individuals sued by corporations for their activism. A model similar to the *Small Claims Rule* could be adopted. In the said Rules, if the plaintiff is a corporation with a branch in the municipality or city where the defendant resides, the case may be filed there.

In summary, for libel cases filed by corporations, the Supreme Court could promulgate a rule requiring the case to be filed in the defendant's place of residence, ensuring a more equitable and accessible process for those facing lawsuits filed by corporations.

3. Lawyer's signature should certify that the pleading or action was not frivolous.

The 2019 Amendments to the Rules of Court further impose an obligation on lawyers and law firms to ensure that their filings are not frivolous, misleading, or for improper purposes. Specifically, Rule 7, Section 3¹¹ requires that every pleading be signed, with the signature serving as a certificate that, following a reasonable inquiry, the pleading:

- Is not presented for an improper purpose (e.g., to harass or cause delay);

¹¹ Rule 7. Section 3. Signature and address. (a) Every pleading and other written submissions to the court must be signed by the party or counsel representing him or her. (b) The signature of counsel constitutes a certificate by him or her that he or she has read the pleading and document; that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) The claims, defenses, and other legal contentions are warranted by existing law or jurisprudence, or by a non-frivolous argument for extending, modifying, or reversing existing jurisprudence; (3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after availment of the modes of discovery under these rules; and (4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. (c) If the court determines, on motion or motu proprio and after notice and hearing, that this rule has been violated, it may impose an appropriate sanction or refer such violation to the proper office for disciplinary action, on any attorney, law firm, or party that violated the rule, or is responsible for the violation. Absent exceptional circumstances, a law firm shall be held jointly and severally liable for a violation committed by its partner, associate, or employee. The sanction may include, but not limited to, non-monetary directives or sanctions; an order to pay a penalty in court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation, including attorney's fees for the filing of motion for sanction. The lawyer or law firm cannot pass on the monetary penalty to the client (emphasis supplied).

- Contains claims and defenses warranted by existing law or by a non-frivolous argument for legal reform;
- Has factual contentions that are or will likely be supported by evidence; and
- Contains denials of factual assertions that are supported by evidence or reasonable belief.

If a violation is found, the court may impose sanctions on the responsible attorney, law firm, or party. Notably, the amendments establish joint liability for both the signing lawyer and their law firm, underscoring a collective duty to uphold ethical standards and prevent misuse of the judicial process.

In *Intestate Estate of Jose Uy (2015)*, the Court held that a counsel's signature on a pleading is not a mere formality but a declaration of professional responsibility and ethical compliance. By signing, a lawyer certifies that they have read the pleading; that it is legally and factually grounded; and that it is not intended to harass, delay proceedings, or unnecessarily increase litigation costs.

Although these measures aim to deter lawyers from facilitating SLAPPs, the current threshold is minimal, requiring only that a pleading not be frivolous and meet basic legal standards. This low bar permits well-resourced entities to file lawsuits, such as cyberlibel actions, that are technically valid yet effectively serve as SLAPPs.

The Special Rapporteur Report pointed out that contrary to their responsibility to prevent retaliatory actions, some law firms facilitate the misuse of legal systems by influential economic entities by filing and arguing SLAPP lawsuits on their behalf. Since the recipients of SLAPP lawsuits are often less economically or politically powerful, they struggle to find and afford legal representation. In some jurisdictions, nongovernmental organizations, with their limited resources, can only offer assistance to those who are facing criminal charges and are overburdened with the number of persons and communities they need to represent.

To close this gap, stronger enforcement mechanisms are needed. SLAPPs waste government resources, consuming the time and energy not only of those accused but also of judges, prosecutors, and public defense attorneys who administer justice. Potential reforms include stricter judicial scrutiny, penalty, and fines for attorneys and parties who file SLAPPs in bad faith, thereby deterring the abuse of legal procedures and ensuring that court processes remain a genuine avenue for justice.

4. Cases may be dismissed on the grounds of forum shopping.

Section 5, Rule 7 of the 2019 Amendments to the Rules of Court provides that cases may be dismissed on the grounds of forum shopping. This provides that if a litigant is facing multiple cases arising from the same set of facts and legal issues, they may move for the dismissal of the subsequent cases on this basis. The rule provides:

“Section 5. Certification against forum shopping. — x x x Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. x x x If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.”

However, this rule has limitations in the context of SLAPP cases. If only one SLAPP case is filed against a person, the forum shopping defense cannot be invoked, as it requires the existence of multiple cases filed in different courts or tribunals. Furthermore, corporations can file separate cases for each alleged defamatory statement made by an individual, effectively circumventing forum shopping rules. For instance, in the case of Marilou Verano, the mining corporation filed two separate libel cases simply because she spoke on two different radio programs. This tactic allows corporations to weaponize legal proceedings, subjecting environmental defenders and activists to multiple cases that, while technically distinct, serve the same purpose of harassment and intimidation. In fact, the Special Rapporteur Report even identifies forum shopping as a hallmark of the global trend characterizing SLAPPs.

Environmental advocacy often requires sustained, long-term campaigning, involving repeated statements across various platforms: radio, television, social media, and public forums. Under current rules, **a corporation can file a separate case for each statement or social media post, fragmenting what is essentially a single advocacy effort into multiple legal battles.** As each case is tied to a distinct act of expression, forum shopping cannot be invoked as a defense, leaving activists vulnerable to prolonged legal harassment.



Photo by LRC

H. Discussion: Expanding SLAPP protections beyond environmental cases

International human rights agencies now recognize SLAPPs as a human rights violation that entails both negative and positive state duties: on one hand, states must prevent or discourage SLAPPs, investigate suspected cases, and censure or penalize perpetrators; on the other, they must provide remedies to victims, as with other human rights violations (United Nations Working Group on Business and Human Rights, 2016 & 2021).

While the RPEC provide strong protections against SLAPP suits, these are limited in scope, applying only to environmental cases. Its key provisions include a shift in the burden of proof to favor defendants, a 15-day hearing requirement to prevent delays and excessive legal costs, and the potential for awarding costs and damages to successful defendants for civil cases. SLAPP motions must also be decided within 30 days after a summary hearing for civil cases. However, the RPEC lacks an immediate right to appeal and does not explicitly address deterrent damages for frivolous lawsuits. Additionally, it does not contain a provision for broad interpretation of SLAPP protections, which limits its effectiveness in some areas.

Further, the RPEC should be amended to allow the accused to file a motion to dismiss on the ground of SLAPP at any stage of the proceedings, rather than limiting this remedy to before arraignment. Courts should be required to conduct a summary hearing on the SLAPP defense whenever it is raised to ensure that environmental defenders can access this protection even if they were initially unaware of it. Many accused individuals lack legal representation before arraignment. As a result, they may not be fully informed of their right to invoke the SLAPP defense at an early stage. Expanding the availability of this remedy would enhance access to justice and prevent wrongful prosecutions based on procedural limitations rather than the merits of the case.

Venue manipulation in libel cases must also be addressed to prevent corporations from using forum shopping as a tool for harassment. The case of Marilou Verano illustrates how corporations exploit venue rules by filing cases in distant locations, forcing defendants to endure long and costly legal battles. To prevent this misuse, the jurisdictional rule for libel cases filed by corporations should be amended to align with the defendant's place of residence rather than the complainant's corporate headquarters. Adopting a model similar to the Small Claims Rule, where a corporation with a branch in the defendant's locality must file the case there, would ensure a fairer and more accessible process. In sum, the need to institute liability for filing SLAPP suits, both against the petitioners and their counsels, must be instituted to prevent malicious prosecutions and better enable action for damages.

More broadly, on expanding the application of anti-SLAPP, on 28 November 2024, Justice Singh of the Philippine Supreme Court shared the judicial practices to protect freedom of expression, especially against SLAPPs filed against journalists (Philippine Supreme Court, 2024). She shared that the Philippine judiciary has incorporated the anti-SLAPP defense in its rules, specifically the RPEC promulgated in 2010. She echoed the stand of Senior Associate Justice Marvic Leonen in advocating for its extension to other areas beyond environmental cases.

In addition to the anti-SLAPP provisions within the RPEC, Justice Singh emphasized the inclusion of rules against forum shopping in the Rules of Court, which enable the dismissal of frivolous cases. She concluded by stressing the role of the Integrated Bar of the Philippines and various bar associations in preventing the misuse of the legal system to file SLAPPs, ensuring that legal procedures and courts are not used to silence or intimidate individuals.

In the survey conducted by the Center for Free Expression, anti-SLAPP laws worldwide have been enacted in Australia, three Canadian provinces (Ontario, British Columbia, and Quebec), and 32 US states, plus the District of Colombia. The laws vary in terms of their form and effectiveness.¹²

- The State of California passed a broad anti-SLAPP law, which covers not only communications to government agencies but also to **any matter of public concern expressed in public**.¹³
- Ontario, in 2015, passed the Protection of Public Participation Act, which was enacted to encourage and promote public engagement in areas of public concern. The Act, on the application of a defendant, allows the court to dismiss a case if it is demonstrated that “the proceeding arises from an expression made by the person... [which] **relates to a matter of public interest**.”
- Australia, in 2008, passed the Protection of Public Participation Act, which sought “to protect public participation, and discourage certain civil proceedings that a reasonable person would consider [to] interfere with engagement in public participation.” Moreover, it provided that civil damages may be awarded if it is proven in court that “the defendant’s conduct is public participation, and the proceeding is started or maintained against the defendant for an improper purpose.”

What is clear from these legislations is that anti-SLAPP protections extend to public participation beyond environmental cases—unlike in the Philippines, where such protections remain confined to the RPEC.

¹² See <https://cfe.torontomu.ca/publications/global-anti-slapp-ratings-assessing-strength-anti-slapp-laws>.

¹³ Section 425.16 of the California Civil Code sought “to encourage participation in public interest matters and [to] avoid the chilling of such participation through abuse of judicial process.” See <https://casetext.com/statute/california-codes/california-code-of-civil-procedure.part-2-of-civil-actions.title-6-of-the-pleadings-in-civil-actions.chapter-2-pleadings-demanding-relief.article-1-general-provisions.section-42516-operative-until-112023-california-anti-slapp-law>.

Legislation to broaden the scope of anti-SLAPP is a positive prospect. Over the past two decades, there have been efforts to legislate protective measures against SLAPPs. As early as 2009, anti-SLAPP proposals have been filed in Congress. In 2011, Senate Bill 3080—also known as the “*Anti-Strategic Lawsuits Against Public Participation Act of 2011*” or the “*Anti-SLAPP Act of 2011*”¹⁴—was filed in the Senate. More recently, in 2022, House Bill 5592,¹⁵ with the same title, was filed in the House of Representatives. Both legislative proposals sought to broaden the application of anti-SLAPP measures to all matters of public participation—specifically those “arising out of their exercise of freedom of speech, expression, or of the press, or of the right of the people peaceably to assemble, or petition the government for redress of grievances **in matters of public concern xxx**” (emphasis provided). They also provided for the “right to file legal action and recover separate damages, litigation costs, attorney’s fees, and other reliefs.” Unfortunately, neither proposal advanced.

Legislation on SLAPPs could also build on existing causes of action to disincentivize SLAPP cases. For instance, anti-SLAPP legislation could focus on strengthening the causes of action on malicious prosecution by providing for strict liability of damages based on gross income. In addition, strict liability for malicious prosecution may be extended to cover persons for whom a corporate entity is responsible, including damages caused by their employees in the filing of SLAPPs. Administrative sanctions may also be imposed on the part of the corporate entity. On the procedural aspect, however, SLAPP framework may be strengthened by providing for presumptions, which shifts the burden of evidence to the defendant corporate entity.

In 2024-2025, the Supreme Court held consultations on the possible amendments of its Rules, including the introduction of stronger anti-SLAPP measures—an initiative eagerly awaited by legal advocates. In a workshop-dialogue conducted by the International Court of Justice (2023), titled “The Role of Administration of Judicial Authorities and Legislators in the Fight against SLAPPs in Southeast Asia,” 70 international experts—including judges, public prosecutors, lawyers, members of civil society organizations and the academe, and representatives from executive and state institutions from Indonesia, Malaysia, the Philippines, and Thailand—unanimously called for action against the proliferation of SLAPP suits.

¹⁴ See House Bill 3080, otherwise known as “Anti-Strategic Lawsuits Against Public Participation Act of 2011” or the “Anti-SLAPP Act of 2011”: <https://legacy.senate.gov.ph/lisdata/1254310602!.pdf>

¹⁵ The Bill was first filed in 2009.

They pointed that “robust legal frameworks and policies that prevent the filing SLAPPs in the first place and allow relevant authorities to identify, call out, and dismiss them as soon as they are filed.” The Philippine Judicial Academy and the Supreme Court were collaborators in the said regional dialogue. Clearly, there is a recognition of the inimical impacts of SLAPPs, and judiciaries are cognizant of this.

Corollary to efforts to further develop anti-SLAPP policies, their true efficacy is ultimately measured by how they are applied and implemented. This necessitates administrators of justice to be more cognizant of the challenges to access to justice and the conditions under which this plays out, recognizing the realities of public participation.

The Special Rapporteur Report underscores that most judicial systems are still struggling with the proper appreciation of anti-SLAPP measures. First, although anti-SLAPP rules or legislations exist, prosecutors and courts do not implement them effectively. Deficits in knowledge impede the timely and efficient settlement of SLAPPs. Second, many judges and prosecutors are not well-trained in SLAPP matters and, as a result, may overlook the human rights implications of these instances and handle them as typical civil or criminal proceedings. Similarly, if lawyers are not well-versed in identifying SLAPP situations, they may be unaware of possible defenses for their clients. Third, prosecutors and judges are often reluctant to dismiss cases early, partly because of the heavy burden of proving a SLAPP claimant’s intent, and partly because judges who terminate cases at the preliminary stage may face scrutiny from colleagues or pressure from court leadership to justify their decisions. Thus, whether as legislation or part of the rules of court, legal education on SLAPP is integral for justice administrators to truly apply anti-SLAPP measures.

Ultimately, SLAPPs reveal great economic disparity. The Philippines needs stronger legal protections against SLAPPs to ensure that public opinion is not silenced and communities can continue speaking out on urgent issues. After all, it is part of the government’s duty to fulfill its responsibility under international law. This would entail putting legal mechanisms in place to identify and eliminate SLAPP cases, penalize those who file SLAPP suits, and provide compensation to their victims. Legal professionals must recognize SLAPPs for what they are, uphold accountability, and prioritize necessary actions to prevent the misuse of the legal system to intimidate, silence, and diminish human rights. Otherwise, they become complicit to human rights violations when they willfully instigate these for their clients.

SLAPPs violate the fundamental right to free speech and weaken democracy by stifling dissent and silencing persons and communities that seek to hold public office and corporations accountable for violations, including environmental and human rights abuses. SLAPPs are an affront to justice. It is also a challenge to the rule of law.

Reforms in the law, better access to justice and legal aid for marginalized groups, and the strict enforcement of anti-SLAPP measures are necessary to promote public participation and free expression. An ethos that genuinely upholds freedom and justice must be developed. The exercise of these rights is not an end by itself; participation without fear strengthens good governance, safeguards democratic processes, and enables the realization of other human rights: social, economic, cultural, political, and environmental.

Annex 1

Following after Turk and Brander’s (2023) metrics of Anti-SLAPP protections, the RPEC provisions and the previously proposed bills are jointly evaluated as follows:

Factor	RPEC (Civil Cases)	RPEC (Criminal Cases)	Senate Bill 3080 or the <i>Anti-SLAPP Act Of 2011</i> and House Bill 5592 or the <i>Anti-SLAPP Act of 2022</i>
<p>Broad scope: The definition of what is considered to be “public interest” should be wide, ensuring a broad range of speech and activities are protected from SLAPP suits.</p>	<p>WEAK: The current SLAPP protection is weak, as it is limited to environmental cases. While the Civil Code includes provisions safeguarding individuals’ rights to free speech, peaceful assembly, petition the government, and access to the courts, it does not specifically address SLAPP suits in other areas of the Philippine legal system.¹⁶</p> <p>The SLAPP provisions under the RPEC apply to a range of lawsuits, but they are ultimately restricted to those involving the protection of environmental rights or the enforcement of environmental laws.¹⁷ These anti-SLAPP protections remain confined to environmental cases and do not extend to other public interest matters.*</p> <p>*Justices Singh and Leonen have advocated for expanding these protections to cover broader public interest issues, acknowledging the importance of shielding individuals who champion causes beyond environmental protection.</p>		<p>STRONG: The bills offer strong protection, as they both define public concern broadly, covering freedoms of speech, press, assembly, and petition, without limiting protection to environmental issues. Unlike existing SLAPP provisions under the RPEC, which are limited to environmental rights, the two bills expand protections across all public interest matters. In both bills, “public concern” means anything that involves matters of public, social, or community issues, significance, interest, importance, or welfare.</p>

¹⁶ FCF Minerals Corporation v. Lunag, et al., G.R. No. 209440. February 15, 2021.

¹⁷ G.R. No. 214926. January 25, 2023. (Per J. Gaerlan, Third Division).

Factor	RPEC (Civil Cases)	RPEC (Criminal Cases)	Senate Bill 3080 or the <i>Anti-SLAPP Act Of 2011</i> and House Bill 5592 or the <i>Anti-SLAPP Act of 2022</i>
Shifting the burden of proof: The defendant needs only to show their actions relate to a matter of public interest, and the plaintiff must then meet a high threshold to prove the claim has merit.	<p>STRONG: The plaintiff has higher burden of proof to prove that the case is not a SLAPP.</p> <p>Under both civil and criminal cases, the defendant must present substantial evidence to show that the case is a SLAPP. In contrast, the plaintiff carries a heavier burden, needing to prove by preponderance of evidence that the lawsuit is not a SLAPP and is instead a legitimate claim.</p>		<p>STRONG: Both the proposed bills do not explicitly mention a shift in the burden of proof in determining whether a case is a SLAPP. However, certain provisions suggest an implicit burden-shifting mechanism, as they impose a duty for the court and prosecutor to determine whether the action is a SLAPP upon receipt of a complaint, even without a motion from the defendant/respondent. This suggests that the initial burden is on the tribunal to identify SLAPP cases rather than requiring the defendant to prove it outright.</p>
Staying proceedings: Legal proceedings between the parties should be paused while a motion to dismiss is being heard, which would prevent defendants incurring substantial legal costs before a case is resolved.	<p>STRONG: In civil cases involving SLAPP, the rule explicitly requires the court to set a summary hearing within 15 days from the filing of the plaintiff's opposition (or lapse of the deadline), preventing undue delays.</p>	<p>AVERAGE: In criminal cases involving SLAPP, the court must conduct a summary hearing for the SLAPP defense. However, it is unclear if the court is authorized to invoke the SLAPP defense after arraignment. As the RPEC currently provides, it might not be feasible.</p>	<p>STRONG: The bills' protections are stronger than the RPEC. The bills require courts, prosecutors, and officers to immediately assess whether a case is a SLAPP and order dismissal, even without the motion of the respondent/defendant. It prevents defendants from being burdened by legal costs and lengthy litigation while the case is pending.</p> <p>Unlike the SLAPP provisions under the RPEC, which limit dismissal only to cases before the courts, the proposed bills extend this protection to administrative and criminal cases at the prosecutorial level. Under the bills, prosecutors and public officers handling administrative complaints are explicitly mandated to determine whether a case qualifies as a SLAPP and to dismiss it immediately.</p> <p>This expansion strengthens safeguards against SLAPPs by preventing their progression at earlier stages of legal proceedings, thereby reducing the burden on defendants and deterring the misuse of litigation to suppress public participation.</p>

Factor	RPEC (Civil Cases)	RPEC (Criminal Cases)	Senate Bill 3080 or the <i>Anti-SLAPP Act Of 2011</i> and House Bill 5592 or the <i>Anti-SLAPP Act of 2022</i>
Presumptive award of costs to the defendant: Courts should be allowed to award costs to the defendant if the motion to dismiss a suit succeeds, but not to the plaintiff if it fails.	STRONG: In civil cases, the court may award damages, attorney's fees and costs of suit under a counterclaim if such has been filed. The dismissal shall be with prejudice.	WEAK: In criminal cases, the protection is weak, as there is no provision for the award of damages for SLAPP cases involving criminal cases.	STRONG: The court may award damages, litigation costs, attorney's fees, and other relief if the court finds the action to be a SLAPP. It also grants the defendant, respondent, or accused the right to recover damages, litigation costs, attorney's fees, and other relief through a separate SLAPPBack action.
Expedited hearing: Anti-SLAPP motions should be heard on an expedited basis to avoid unnecessary delays and costs for defendants.	STRONG: The RPEC specifically states that the case must be decided within 30 days after a summary hearing.	WEAK: There is no prescribed period for the court to decide SLAPP defenses in criminal cases.	WEAK: The bills suggest urgency in handling SLAPP cases by requiring their immediate resolution. However, they do not establish a clear and enforceable timeframe for resolving them, leaving room for potential delays.
Right to immediate appeal: Defendants should have the right to an immediate appeal if the motion to dismiss is denied, with clear timelines for the appeal set out in the legislation.	WEAK: There is no immediate right to appeal if the court rules that a case is not a SLAPP. However, in theory, the defendant may file a petition for review, arguing that the judge committed grave abuse of discretion. While this legal remedy exists, it is not explicitly provided for under the Anti-SLAPP protections.		WEAK: The bills prohibit direct appeal of a motion to dismiss SLAPP suits. Instead, they allow the filing of a special civil action (Rule 65) if there is grave abuse of discretion. While this provides a legal remedy, an explicit right to appeal would strengthen protections for defendants.
Additional damages provision: Courts should be allowed to award damages or sanctions to deter plaintiffs from filing similar frivolous actions in the future.	WEAK: There is no specific statement on the grant of damages to deter plaintiffs from filing SLAPP cases. The RPEC does not explicitly state that damages should be awarded to deter plaintiffs from filing frivolous lawsuits. However, even in the absence of such a provision, the court may still grant exemplary damages under the Civil Code, serving as a deterrent against the abuse of legal processes.		STRONG: Section 6 states that if a case is determined to be a SLAPP, the court shall order its dismissal and award "damages, litigation costs, attorney's fees, and other relief as warranted by the circumstances of the case" to the defendant or accused. Additionally, Section 10 establishes the right to file a SLAPPBack action, enabling the wrongfully sued party to seek "separate damages, litigation costs, attorney's fees, and other relief" upon the final and executory dismissal of the SLAPP.

Factor	RPEC (Civil Cases)	RPEC (Criminal Cases)	Senate Bill 3080 or the <i>Anti-SLAPP Act of 2011</i> and House Bill 5592 or the <i>Anti-SLAPP Act of 2022</i>
Statutory interpretation provision: The legislation should be written to ensure a broad or liberal interpretation of its provisions to maximize its protections.	WEAK: There is no statement as to the liberal interpretation of the SLAPP provisions.		WEAK: There is no statement as to the liberal interpretation of the SLAPP provisions.

References

- Alternative Law Groups. (2024, February 27). The fight for justice of a woman environmental defender. <https://alternativelawgroups.ph/the-fight-for-justice-of-a-woman-environmental-defender/>
- Aquino v. ATOM Development Corporation, G.R. No. 214926 (Supreme Court of the Philippines, January 25, 2023). <https://sc.judiciary.gov.ph/214926-rosemarie-aquino-vs-atom-development-corporation/>
- Ayer Productions Pty. Ltd. v. Capulong, G.R. No. 82380 (Supreme Court of the Philippines, April 29, 1988). https://lawphil.net/judjuris/juri1988/apr1988/gr_82380_1988.html
- Borjal v. Court of Appeals, G.R. No. 126466 (Supreme Court of the Philippines, January 14, 1999). https://lawphil.net/judjuris/juri1999/jan1999/gr_126466_1999.html
- Business & Human Rights Resource Centre. (2020). Strategic Lawsuits against Public Participation: Southeast Asia cases & recommendations for governments, businesses, & civil society. https://media.business-humanrights.org/media/documents/SLAPPs_in_SEA_2020_Final_TRddA8a.pdf
- Bonifacio v. RTC Makati City, G.R. No. 184800 (Supreme Court of the Philippines, May 5, 2010). https://lawphil.net/judjuris/juri2010/may2010/gr_184800_2010.html
- Business & Human Rights Resource Centre. (2021). SLAPPED but not silenced: Defending human rights in the face of legal risks. <https://www.business-humanrights.org/en/from-us/briefings/slapped-but-not-silenced-defending-human-rights-in-the-face-of-legal-risks/>
- Canan, P., & Pring, G. W. (1988). Strategic Lawsuits against Public Participation. *Social Problems*, 35 (5), 506–519. <https://doi.org/10.2307/800625>
- Centre for Free Expression. (2023). Global Anti-SLAPP Ratings: Assessing the strength of anti-SLAPP laws. Toronto Metropolitan University. Retrieved December 2, 2024, from <https://cfe.torontomu.ca/publications/global-anti-slapp-ratings-assessing-strength-anti-slapp-laws>
- Dayrit v. Norquillas, G.R. No. 201631 (Supreme Court of the Philippines, December 7, 2021). https://lawphil.net/judjuris/juri2021/dec2021/gr_201631_2021.html
- Dutta, N. (2020, July). Protecting activists from abusive litigation: SLAPPs in the Global South and how to respond. International Center for Not-for-Profit Law. <https://www.icnl.org/wp-content/uploads/SLAPPs-in-the-Global-South-vf.pdf>

- Environmental Law Alliance Worldwide. (2024, June 14). Strategic lawsuits against public participation (SLAPP) & undue influence on the judiciary. <https://elaw.org>
- European Parliament's Committee on Civil Liberties, Justice and Home Affairs. (2023). Open SLAPP cases in 2022 and 2023: The incidence of Strategic Lawsuit Against Public Participation, and regulatory responses in the European Union. [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/756468/IPOLE_STU\(2023\)756468_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/756468/IPOLE_STU(2023)756468_EN.pdf)
- FCF Minerals Corp. v. Lunag, G.R. No. 209440 (Supreme Court of the Philippines, February 15, 2021). https://lawphil.net/judjuris/juri2021/feb2021/gr_209440_2021.html
- Guingguing v. Court of Appeals, G.R. No. 128959 (Supreme Court of the Philippines, September 30, 2005). https://lawphil.net/judjuris/juri2005/sep2005/gr_128959_2005.html
- International Commission of Jurists. (2023, June 17). Southeast Asia: Governments must act to counter abusive lawsuits brought by businesses targeting human rights and public interest advocates (SLAPPs). <https://www.icj.org/tag/strategic-lawsuits-against-public-participation-slapps/>
- Intestate Estate of Jose Uy, A.C. No. 10525 (Supreme Court of the Philippines, September 1, 2015). https://lawphil.net/judjuris/juri2015/sep2015/ac_10525_2015.html
- Legal Rights and Natural Resources Center. (2024). State of Indigenous Peoples Address Report 2024. https://www.lrcksk.org/_files/ugd/dc2292_03550a9d18ed413da620508a14ee687a.pdf
- Mercado v. Lopena, G.R. No. 230170 (Supreme Court of the Philippines, June 6, 2018). https://lawphil.net/judjuris/juri2018/jun2018/gr_230170_2018.html
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964). <https://www.oyez.org/cases/1963/39>
- Pring, G. W. (1989). SLAPPs: Strategic Lawsuits against Public Participation. *Pace Environmental Law Review*, 7 (1), 3–7. <https://digitalcommons.pace.edu/peir/vol7/iss1/1>
- Raw, E. (2024, December 2). An interview from exile with Marilou Verano. *Nouse*. <https://www.nouse.co.uk/articles/2024/12/02/an-interview-from-exile-with-marilou-verano>
- Simon, J., Lauría, C., & Flores, O. (2023, April). Weaponizing the law: Attacks on media freedom. Thomson Reuters Foundation. <https://www.trust.org/contentAsset/raw-data/9b379d8f-9b4f-4c3f-9b3a-8e8c8a8c7c7e/file>
- Supreme Court of the Philippines. (2024, November 28). Justice Singh shares Philippine judiciary's good practices on freedom of expression, particularly in addressing SLAPPs against journalists. <https://sc.judiciary.gov.ph/justice-singh-shares-philippine-judiciarys-good-practices-on-freedom-of-expression-particularly-in-addressing-slapps-against-journalists/>
- Supreme Court of the Philippines. (2010). Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC). <https://sc.judiciary.gov.ph/rules-of-procedure-for-environmental-cases/>
- Tebo, M. G. (2005, February). Offended by a SLAPP: As lawsuits against citizens expand, countermeasures are rolled out. *ABA Journal*, 91 (2), 16.
- United Nations Development Programme. (2023). Laws and measures addressing Strategic Lawsuits Against Public Participation (SLAPPs) in the context of business and human rights. https://www.undp.org/sites/g/files/zskgke326/files/2023-07/eng_slapp_text_30_june_online_final.pdf
- United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises. (2021). The guiding principles on business and human rights: Guidance on ensuring respect for human rights defenders (A/HRC/47/39/Add.2). United Nations Human Rights Council. <https://media.business-humanrights.org/media/documents/G2116149.pdf>
- United Nations Working Group on Business and Human Rights. (2016). Guidance on national action plans on business and human rights. Office of the United Nations High Commissioner for Human Rights. https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf
- Wilcox v. Superior Court, 27 Cal. 3d 809 (1984).



f b i d @lrcphl



www.lrcksk.org



lrckskfoeph@gmail.com