

TRANSCRIPT OF PROCEEDINGS:
NATIONAL INQUIRY ON THE IMPACT OF CLIMATE
CHANGE ON THE HUMAN RIGHTS OF THE FILIPINO
PEOPLE, AND THE RESPONSIBILITY OF THE “CARBON
MAJORS,” IF ANY, SIXTH HEARING, DECEMBER 11 TO
12, 2018

ATTY. TRISHA ISABELLE F. FERNANDEZ (CLERK OF THE PANEL):

Good afternoon, everyone. This is the sixth round of public hearings of the National Inquiry being conducted by the Commission on the impact of Climate Change on the Human Rights of the Filipino People. This proceeding stems from a petition filed before the Commission docketed as CHR case number CHR-MI-2016-0001. The solemnity of the public hearing shall be upheld at all times. Respect should be accorded to everyone present. The clapping of hands and unnecessary remarks shall not be allowed and maybe regarded as direct contempt of the Inquiry Panel. Cellphones should be turned off or put on silent mode while proceedings are going on. All rise.

The Panel for today’s proceedings are: Inquiry Panel Chairman, the Honorable Commissioner Roberto Eugenio T. Cadiz, Honorable Commissioner Karen Lucia S. Gomez-Dumpit, and Dr. Pedro Walpole, SJ, who assists the Commission on the Human Rights of the Philippines in this Inquiry.

COMMISSIONER CADIZ, CHAIR OF THE INQUIRY PANEL:

[Bangs gavel]

CLERK OF THE INQUIRY:

Everyone may now be seated.

ATTY. MAYO-ANDA:

Good afternoon, Your Honors. Grizelda Mayo-Anda, respectfully appearing for the petitioners.

ATTY. PAUDAC:

A pleasant afternoon, Your Honors. Hasminah D. Paudac, respectfully appearing for the petitioners.

PANEL CHAIR CADIZ:

Are there other counsels representing Parties to this case?

There being none, we continue to encourage the Respondents to come. You may now proceed.

ATTY. PAUDAC:

Your Honors, before we proceed with the presentation may we have some manifestations, your Honors?

PANEL CHAIR CADIZ:

Go ahead.

ATTY. PAUDAC:

Your Honors, we would like to manifest that on December 7 we submitted an *ex parte* manifestation and submission, where we requested submissions from petitioners and their resource persons, and recently peer-reviewed articles on the oil industry's knowledge of Carbon Dioxide and Global Warming, dated November 26, 2018, wherein we requested the following documents be marked or pre-marked accordingly as follows: (1) the Statement by Atty. Kristin Casper consisting of two pages as Exhibit "YYYYYYYYY" or "YYYYYYYYY" to "YYYYYYYYY-2;" Supplementary memorandum to the Commission by resource person Katherine Lofts, Research Associate of the Law, Government and Society Lab at McGill University, consisting of 180 pages as Exhibit "ZZZZZZZZ" to "ZZZZZZZZ-171;" Cited study in Dr. Allen's PowerPoint presentation entitled "Climate Change Effects on the Worst-Case Storm Surge: A Case Study of Typhoon Haiyan," by Izuru Takayabu et. al. 2015 in Environ. Res. Lett. 064011, consisting of 11 pages as "AAAAAAAAA" to "AAAAAAAAA-10;" a peer-reviewed article by Mr. Benjamin Franta entitled "Early Oil Industry Knowledge of Carbon Dioxide and Global Warming," which was published in Nature Climate Change consisting of two pages as exhibit "BBBBBBBBBB" to "BBBBBBBBBB-1;"

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and (5) Dr. Myles Allen's updated PowerPoint presentation entitled "Attributing Harm to Greenhouse Gas Emissions: Principles and Current Status," consisting of 14 pages, marked as "RRRRRRRR" to "RRRRRRRR-13." Further Your Honors, in compliance with the Honorable Commissions' directive, we would like to manifest that we submitted on December 4 the transcription and translation of testimonies – from Filipino to English translation – of testimonies of select petitioner-witnesses of the August 29-30 public hearings, namely: Arthur Golong, Eliser Lauce, Delia Tulagan, Buucan Handaan, Dalia Naliw, and William Mamanglo, through an ex-parte manifestation and submission dated December 3, 2018. And finally, Your Honors, for these two-day public hearings we will be presenting three community-witnesses from Iligan City, Camotes Island, Cebu, and Zamboanga del Sur.

May we be allowed to ask questions in the vernacular, in the language the witnesses are more comfortable with? And for the questions and answers to be recorded verbatim in such language. We are going to submit the transcript and translation from Filipino to English for these community-witnesses after the public hearings. That will be all, Your Honor.

PANEL CHAIR CADIZ:

Alright. May we request Atty. Esguerra to confirm the manifestations of counsels for Petitioners regarding the marking of exhibits?

ATTY. ESGUERRA:

I confirm the manifestation of the Counsel for the petitioners, except for one clarification as to the document referring to Mr. Myles Allen: was that submitted during the last time? It's not on the table of exhibits given to me. May I confirm with the petitioners, Your Honor?

ATTY. PAUDAC:

RRR to RRR, sorry, "RRRRRRRR" to "RRRRRRRR-11." It was updated to "RRRRRRRR-13." Just some additional slides, Your Honors.

ATTY. ESGUERRA:

I confirm the manifestations of the Counsel for the petitioners, Your Honor, except for one clarification as to the document referring to Mr. Myles Allens.

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Was that submitted last time? It is not on the table of exhibits given to me? I guess it was updated. Your Honor, may I confirm with the petitioners?

ATTY. PAUDAC:

Yes, we submitted separately through a manifestation in the exhibits and this is not included in our new binder of exhibits because it was part of the old one, so it was just re-marked, Your Honor.

PANEL CHAIR CADIZ:

So the original marking was Exhibit what?

ATTY. PAUDAC:

“RRRRRRRR” to “RRRRRRRR-11,” it was updated to “RRRRRRRR-13.” Just an addition of some slides, Your Honors.

PANEL CHAIR CADIZ:

So, updated? There is no change in marking?

ATTY. PAUDAC:

Yes, only updated markings because of the additional slides inserted during the presentation.

PANEL CHAIR CADIZ:

And the additions are marked as exhibits?

ATTY. PAUDAC:

The whole document was re-marked as “RRRRRRRR” to “RRRRRRRR-13,” it was previously marked as “RRRRRRRR” to “RRRRRRRR-11.”

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PANEL CHAIR CADIZ:

So it is now “RRRRRRRR-13?”

ATTY. PAUDAC:

Yes, your Honor.

PANEL CHAIR CADIZ:

So now what was added was “RRRRRRRR-12 to 13.” Alright.

Atty. Esguerra, have you taken note of that?

ATTY. ESGUERRA:

Yes, your Honor. I have taken note of it and I will make the necessary changes, Your Honor.

PANEL CHAIR CADIZ:

Alright, thank you very much. And then the Commission takes note of your manifestations with regard to the submission of the translation of the earlier testimonies of the witnesses earlier adverted to.

You may now proceed to present your first witness for the day.

ATTY. MAYO-ANDA:

Good afternoon again, your Honors. We would like to present our first witness for today, Ms. Amalia Bahian.

PANEL CHAIR CADIZ:

Alright, please.

ATTY. MAYO-ANDA:

Bahian, I'm sorry it's Ms. Amalia Bahian.

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PANEL CHAIR CADIZ:

Please bring the witness to the witness table, and may we request that she be sworn-in.

ATTY. MAYO-ANDA:

We would like to request for a seat for the translator, your Honors.

PANEL CHAIR CADIZ:

So, as I understand it, the witness will be testifying in the Bisayan language?

ATTY. MAYO-ANDA:

In Bisaya, then it will be translated to Filipino or Tagalog,

PANEL CHAIR CADIZ:

Not to English?

ATTY. MAYO-ANDA:

Not to English, sir.

PANEL CHAIR CADIZ:

Alright. And then later on, you will submit an English translation of the Filipino translation.

ATTY. MAYO-ANDA:

Yes, your Honors.

PANEL CHAIR CADIZ:

Alright.

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ATTY. ESGUERRA:

Ms. Witness, kindly raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth in this hearing?

MS. AMALIA BAHIAN:

Opo, yes.

ATTY. MAYO-ANDA:

Your Honors, please, before I proceed... Just two quick manifestations, we would like to request first for a moment of silence because Ms. Amalia's sister just died at 1:00 am today. She is also in grief. The sister, Cangensita Dulais died of stroke. So just a moment of silence.

PANEL CHAIR CADIZ:

A moment of silence.

ATTY. MAYO-ANDA:

Thank you, Your Honors. The second manifestation relates to the translator, Ms. Tess Gante, she is the one translating from Visayan to Tagalog or Filipino. Ms. Amalia Bahian, we apologize for the incorrect spelling. Ms. Bahian, a victim of Tropical storm Sendong, or Washi as internationally called, hails from Iligan City, Lanao del Norte. We are presenting her Your Honors to share her experience, as a mother, of the wrath of Tropical storm Sendong in Iligan City on December 2011, where she lost three children and four grandchildren, including a son-in-law. She will also share how such experience impacted her and her family's basic human rights and how it changed her life as a survivor.

Before we proceed your Honors, may we be allowed to ask preliminary questions in relation to the documents she submitted?

PANEL CHAIR CADIZ:

Please proceed.

ATTY. MAYO-ANDA:

Magandang hapon. (Good afternoon). We also would like to explain your Honors that while she can understand Tagalog, she could not actually convey and converse in Tagalog.

Meron pong dokumento na apat (4) ang pahina, na nagngangalang “Salaysay ni Gng. Bahian” paki-tingnan po ito at paki suri kung ito ay naaalala ninyo. (There is a document consisting of four (4) pages entitled “Statement of Mrs. Bahian” please look into the document and see if you remember it.)

MS. BAHIAN:

Ito po ang aking kuwan, ito ay akin. (This is mine.)

ATTY. MAYO-ANDA:

Sa pahina pang-apat iyong pirma po dito sa taas ng pangalang Amalia Bahian, puwede niyo pong paki-tingnan kung kaninong pirma ito? (At page four of this document there is a signature above the name Amalia Bahian, can you identify whose signature this was?)

MS. BAHIAN:

Opo, akin ito. (Yes, this is mine.)

ATTY. MAYO-ANDA:

Pinapatunayan ninyo po ba bilang si Amalia Bahian na ang nilalaman ng “Salaysay ni Ginang Amalia Bahian,” ay pawang katotohanan at isinagawa po ninyo ng kusang loob? (Are you confirming and affirming the contents of the document entitled “Statement of Mrs. Amalia Bahian,” is based on the truth and voluntarily given?)

MS. BAHIAN:

Katotohanan. (This is the truth.)

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ATTY. MAYO-ANDA:

Now another manifestation your Honors, we apologize that in the first page with reference to her age, this is in the second Tagalog paragraph, this has already been corrected to reflect that her current age which is fifty-four (54) years old has already been reflected in her *salaysay* (statement). Because in the first document this was stated as thirty-six (36) years old, so this has already been revised and marked in page one (1) in the original document and that has already been submitted to Atty. Martin.

Now we would also like to manifest your Honors that the statement entitled "*Salaysay in Ginang Amalia Bahian*," (Statement of Mrs. Amalia Bahian) has already been pre-marked as "CCCCCCCCC" and the signature from "CCCCCCCCC-3" and the signature has been pre-marked as "CCCCCCCCC-3-A" last December 7, 2018. So may we request the Clerk to confirm this.

ATTY. ESGUERRA:

I would like to ask if the counsels would like also to mark the corrections because I believe it hasn't been marked separately.

ATTY. MAYO-ANDA:

Yes, your Honors. We therefore request that the correction in page one (1) with respect to her age be marked as "CCCCCCCCC-3-A-1" I'm sorry Your Honor, "CCCCCCCCC-3-B." Thank you. Atty. Martin.

PANEL CHAIR CADIZ:

So all the corrections have been made and properly marked... you may now proceed to examining your witness.

ATTY. MAYO-ANDA:

Thank you your Honors. So Ms. Amalia Bahian is now ready to make her presentation.

MS. BAHIAN (through a translator):

Magandang hapon sa lahat. Ako si Amalia Bahian limangpu't apat (54) na taong gulang, nakatira sa Bayanihan Village Santa Elena Iligan City at meron akong pitong anak, ang tatlo nawala dahil sa Sendong.

Nagpapasalamat ako sa Greenpeace International, sa CHR, at sa mga sponsors dahil sa pagkakataong ito para aking maibahagi ang aking karanasan sa Sendong. Noong wala pa ang Sendong masaya kami kasama ang aming mga anak. Nakatira kami sa tabing-ilog na kasama ang aking pamilya at nang dumating ang bagyong Sendong nasira at natangay ang aming bahay.

(Good afternoon, everyone. My name is Amalia Banian fifty-four (54) years old, currently residing at Bayanihan Village Santa Elena, Iligan City. I had seven (7) children but lost three (3) of them because of typhoon Sendong. I would like to thank Greenpeace International, CHR, and the sponsors for giving me the chance to share what I have gone through during typhoon Sendong. Before typhoon Sendong we were living a simple but happy life as a complete family. Our house was near the river, where my entire family was residing, and when typhoon Sendong came our house was destroyed and washed away in the flood.)

Nagtrabaho ako bilang labandera at ang asawa ko nagtrabaho sa Abaca Traders, at nagpunta kami kasama ang aking anak para kumuha ng bigas sa pinagtrabahuhan ng asawa ko. Sinabihan ko sila na mag madali dahil malaki na ang ulap at malapit nang umulan. Umuwi kami kasama ang aming anak at nangyari ang malakas na hangin at ulan. Sinabihan ko ang aking anak na magmadali at tunakbo kami sa aking asawa at para hindi siya matamaan ng niyog. Kina-gabihan sinabihan ko ang aking anak na may asawa na huwag umalis dahil malakas na ang ulan at hangin. Kinagabihan, naamoy ko ang amoy lupa sa tubig, lumabas ako doon sa pintuan ng aming kusina at doon nakita ko ang malakas na tubig baha. At doon lumipat kami sa kongkretong bahay ng aming kapitbahay para maisalba ko ang aking mga anak kasama yung mga anak kong may asawa. Lumakas na ang ulan at tila wala kaming magagawa. Malakas na ang tubig at sinira na lang namin ang bubungan ng bahay para doon na lang kami magpunta sa itaas ng bubungan ng aking mga anak. Nagkaproblema ako dahil inisip ko kung nasaan na ang aking anak na may asawa pero nandoon na pala sila sa bubungan ng bahay. Sinabihan ako ng anak ko na, akyat ka na mama! Dahil mataas na ang tubig at mula sa bubungan ng bahay ay nakita ko ang maraming troso.

(I used to work as a laundry woman while my husband worked at Abaca Traders. During the time of typhoon Sendong, one of my children and I went to where my husband used to work to get rice and then I told my husband and child that we needed to hurry to get home since the clouds are getting dark and that it was about to rain soon. On our way home, it started raining heavily that was why I kept on telling my child to hurry and even run already to where his father was because I was afraid that he will be hit by the falling coconuts. Later that night, I told my child who was already married to not leave the house since it was already raining heavily and the wind was blowing hard. Then I noticed that there was muddy water inside the house because the flood

has already reached our house that was why we decided to go to the concrete house of our neighbor to be able to save ourselves. Strong rainfall continued on and we couldn't do a lot about it that was why we decided to make a hole on roof to get to the top of the house so that we could be at a much higher place, but at the back of my mind I was worried about my husband and other children who weren't with us. From the roof of the house we saw that the water was already high and that there were so many logs being carried by the flood.)

Ang mga troso ang sumira sa mga bahay naming at kami ay bumagsak sa tubig. Naanod ako sa baha at doon nakita ko ang aking pamangkin at sinalba ko siya, kinuha ko siya. Wala akong nagawa dahil hinampas kami ng malakas na alon at nabitiwan ko siya, nawala siya. Hindi ko na siya nakita at naanod na ako sa laot. Habang nandoon ako sa laot tumatawag ako sa Panginoon, Panginoon tulungan mo kami! Ikaw lang ang bahala sa buhay namin ngayong gabi, tulungan mo ako. Naanod ako doon sa laot at doon ko lang na-experience mahampas ng mga kahoy kaya ang sakit ng katawan ko. Nakita ko na malapit na at halos katabi ko na ang dagat at doon ako pumunta. Nakapunta ako sa tabi at sumigaw ako ng tulong! tulungan ninyo ako! Sinabihan ako ng mga tao na wala kaming magawa, tulungan mo ang sarili mo dahil malakas ang baha. Sabi ng tao itaas mo yung kamay mo dahil hindi ka namin makita at natabunan ka ng mga troso. Kaya itinaas ko ang kamay ko. Nakita ako ng mga tao at sinabihan ako na magsikap ka para makapunta ka rito sa tabi para maligtas ka. Tinulungan nila ako at hinawakan nila ang kamay ko para ako maligtas. Hinawakan nila ang aking kamay at hinila nila ako papunta sa tabi.

(The logs carried by the floods were the ones that wrecked the house we were at which caused us to fall into the flood. We were washed away in different, then I saw my nephew and I reached out to him, but because the flood water was already high and strong I lost my hold into him and was washed further away. I was so scared and just kept praying because I am nearing the ocean, I kept on praying to God to help me and my family. I talked to God and said that You are the only one who knows our faith tonight, please help us. I was hit by the logs while being flooded which caused me body pain. Then I was washed away into the ocean where some people saw me but yelled that they couldn't help me because of the flood. Fortunately, I was able to swim into the shore then people shouted for me to raise my hands because they can't see me due to the logs scattered all over then finally someone was able to reach me and pull me out of the flood.)

Dinala nila ako sa E.N.R. Hospital dahil nawalan na ako ng malay. Nagkamalay ako nang marinig ko ang boses ng aking kapitbahay na nanghihingi ng "tulong! Tulong!". Naalala ko na ako pala ay naanod sa isang bagyo. Noong pumunta ang aking mga kapitbahay, sinabihan ko sila na hanapin niyo ang aking mga kapatid, anak, ang aking pamilya. Sa bandang

hapon, nagpunta ang aking anak nagkita kami at tinanong ko kung nasaan ang kanilang ama at hanapin nila. Alam ng aking anak na ang kanilang ama ay nandoon sa City Hospital at na-injured, nabali, napilayan sa paa. Pagkatapos ng isang lingo, sabi ko sa doktor na lalabas na ako para makita ang aking pamilya. Ayaw pa ng doktor dahil mataas ang aking blood pressure.

(The people who rescued me brought me to E.N.R. Hospital because I already lost consciousness. I regained consciousness when I recognized the voice of my neighbor and suddenly remembered what had happened in the flood. Then I talked to my neighbor and ask for him/her to look for my siblings, my children, and my husband. In the afternoon, one of my children finally found me in the hospital; I then asked my child to look for their father all along knowing that their father was in the City Hospital and had injured his foot. After a week, I asked the doctor to let me leave the hospital because I needed to see my family but I was not allowed because my blood pressure was still high.)

Pero nagpunta ako sa City Hospital para makita ko ang totoong sitwasyon ng aking asawa. Doon nagsabi ang aking anak na “mama wala na sila ma, nawala na sila.” At doon ako nakaramdam ng sakit, noong nalaman ko na marami sa aking pamilya ang, na walo (8) silang nawala.

(When I was finally discharged from the hospital, I went to the city hospital where my husband was confined to see his condition. There my child told me that we lost eight (8) family members and right then there I felt the pain of the lost brought by the tragedy.)

Pagkatapos ng dalawang (2) linggo, umalis na kami sa City Hospital at nagpunta na sa aking kapatid. Hindi namin kaya na maglakad nang matagal, tapos mahal ang pangbayad ng taxi papuntang Bayug Island. Nagsikap ako para makakuha kami ng tent. Nabigyan kami ng tent pero naghirap talaga kami dahil isang (1) taon na walang hanapbuhay ang aking asawa.

(After two weeks we left the City Hospital to head to my sibling’s house. We couldn’t walk as much since we still felt weak but couldn’t ride a cab to get to Bayug Island because it was expensive. We worked hard to be approved to move into the Tent City. We were given a tent but life remained very difficult especially since my husband was not able to work for a year.)

Nagtrabaho ako bilang isang labandera para mabuhay ko ang aking pamilya. Meron akong anak na nag-eeskwela na grade 6. Naka-graduate sya ng grade 6 at nakuha siya ng first year high school sa Sagip Kapamilya para makapag-high school. Pero nahinto ang tulong mula sa Sagip Kapamilya noong second year high school siya dahil mababa ang kanyang naging grado. Hanggang

ngayon wala pa rin kaming saktong hanapbuhay. Nabigyan kami ng bahay galing sa San Miguel pero nahihirapan kami dahil tumutulo tuwing umuulan.

(I was able to find work as a laundry womans to be able to provide for my family. I had a child who was in grade six (6) and was able to graduate elementary school who then received a scholarship from Sagip Kapamilya to be able to continue studying in first year high school, but my child lost the scholarship for second year because of not being able to maintain high grades. Until now my husband and I still do not have a stable job. We were given housing by San Miguel but we are still having problems with it because the roof would leak every time it rains.)

Ngayon bumalik sa pagtatrabaho ang aking asawa sa Abaca dahil gumaling na ang kanyang paa pero hindi pa sapat ang kanyang kita para sa aming pamilya. Nagpapasalamat ako sa lahat dahil nabigyan ako ng pagkakataon para maibahagi ang istorya ng aking buhay.

(At present, my husband has been able to go back working in the abaca company since his foot had already healed but his earnings are still not sufficient to provide for all the needs of our family. Lastly, I am really thankful for this chance to share the story of my life.)

ATTY. MAYO-ANDA:

Maraming salamat po, Ginang Amalia Bahian. (Thank you, Mrs. Amalia Bahian.)

Your Honors, may we be allowed to ask a few questions?

PANEL CHAIR CADIZ:

Please go ahead.

ATTY. MAYO-ANDA:

Kamusta po kayo Ginang Amalia ngayong lumipas na ang pitong (7) taon? (How are you Mrs. Amalia now that seven years had passed since the typhoon?)

MS. BAHIAN (through translator):

Naghihirap lang, hirap pa rin. (I am still undergoing hardships, it is still difficult.)

ATTY. MAYO-ANDA:

Bukod po sa binanggit ninyong epekto sa inyong kabuhayan, ano pa hong ibang epekto ng bagyong Sendong sa inyong buhay at sa inyong pamilya? (What are the other effects of the typhoon Sendong in your life and your family's life, aside from the livelihood problem that you mentioned earlier?)

Ulitin ko lang po, bukod po sa binanggit ninyong epekto sa inyong kabuhayan, mayroon pa po bang ibang epekto ang naturang bagyo, ang bagyong Sendong sa inyo? (I'll just repeat, are there other effects of the Typhoon Sendong in your life aside from the livelihood problem that you mentioned earlier?)

Binanggit po ninyo sa inyong salaysay na nakaranas kayo ng trauma, baka puwede pong pakihiwatig pa nang dagdag? Puwedeng paki-translate po. (You mentioned in your submitted statement that you encountered trauma after the typhoon, could you enlighten us more on what you experienced?)

Nabanggit ninyo po ang trauma, baka puwede pong ipaliwanag pa po ito. (You mentioned a while ago that you experienced trauma, could you explain further about it?)

MS. BAHIAN (through a translator):

Natakot ako sa ulan, sa hanggin, at ayaw ko nang tumingin sa ilog. (I easily get scared whenever it is raining or when the wind is blowing, I also still can't look at river.)

ATTY. MAYO-ANDA:

Meron po ba kayong gustong mensahe, na ipahiwatig sa mga kapwa mamamayan din na nakakaranas po ng ganitong karanasan? (Do you have any message to anyone who has also gone through the same tragedy that you have experienced?)

MS. BAHIAN (through translator):

Gusto kong iparating sa kanila na ihinto na, kung hindi sila makahanap nang paraan na hindi masisira ang kalikasan. (I wanted to tell to stop the things that they are doing that is destroying the environment.)

ATTY. MAYO-ANDA:

Kanino ninyo po gustong iparating ang mensahe ninyo? (To whom would you like to send that message to?)

MS. BAHIAN (through translator):

Gusto kong ipaabot sa mga negosyante may mga plantang nakasira sa kalikasan. (I wanted to send this message to those with businesses especially those with plant or factories that are harming the environment.)

ATTY. MAYO-ANDA:

That will be all, Your Honors. *Maraming salamat po.* (Thank you.)

PANEL CHAIR CADIZ:

Thank you.

Dr. Walpole, do you have questions? I have no questions also for the witness.

But I wish to relay my condolence on the death of her sister just a few hours ago... it is very brave of her to continue on with her testimony relaying a tragic incident that happened seven (7) years ago and another tragic incident that happened just a few hours ago. So please accept our condolences and thank you very much for coming here.

ATTY. MAYO-ANDA:

May we request your Honor that the resource person be excused.

PANEL CHAIR CADIZ:

The witness is excused. *Maraming salamat po.* (Thank you very much.)

MS. BAHIAN:

Maraming salamat! (Thank you very much!)

PANEL CHAIR CADIZ:

Counsels, are you ready to present your next witness?

ATTY. PAUDAC:

Yes, your Honors. Our next witness is via Skype because she is currently attending an important work-related seminar, so she extends her apologies for not being here today. She is Monica Picera-Tan, a super-typhoon Yolanda or Haiyan survivor and a research and planning officer at the Disaster and Risk Management Office of the Municipality of San Francisco, Camotes Island, Cebu. May we know from our I.T., if Monica is already online?

ATTY. PAUDAC:

Magandang hapon, Monica. (Good afternoon, Monica.)

MS. MONICA PIQUERO TAN:

Hello, good afternoon. Good afternoon *po sa lahat, pasensya na po at hindi ako nakarating personally kasi meron po akong importanteng seminar sa trabaho.* (Good afternoon, everyone. I would like to apologize for not being able to personally attend the Inquiry as I have an important work-related seminar to be at.)

ATTY. PAUDAC:

Monica, nakikita mo ba kami sa inyong Skype? (Monica, can you see us on the screen?)

Naririnig at nakikita mo ba kami, Monica? (Can you see and hear us, Monica?)

MS. TAN:

Opo, opo yan po nakikita ko po. Naririnig ko po. (Yes, I can see and hear you.)

ATTY. PAUDAC:

Salamat Ms. Monica. (Thank you, Monica.) Your Honor, there is just a delay.

Your Honor, we are presenting Ms. Monica Picera-Tan to share her experience as a single-parent with two (2) kids who survived the wrath of super-typhoon Yolanda or Haiyan on November 8, 2013. And her experience in Disaster Risk Reduction and Management in her community, to help us understand how they have zero-casualty.

Your Honors, before we proceed I would like to ask some preliminary questions regarding the documents that Ms. Monica Tan submitted to this honorable commission.

PANEL CHAIR CADIZ:

Go ahead. Will you not identify first the pre-markings that have been made on the documents?

ATTY. PAUDAC:

Yes, Your Honor. May we ask for Ms. Monica Tan to confirm the submission because I cannot personally show her the document but she has the document before?

PANEL CHAIR CADIZ:

Alright, please go ahead.

ATTY. PAUDAC:

Ms. Monica, do you confirm and affirm that you have submitted before this Honorable Commission a document entitled "Statement of Ms. Monica Piquero Tan," dated December 3, 2018 that consists of eight (8) pages.

MS. TAN:

Yes.

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ATTY. PAUDAC:

Is this your signature on the 8th page above the name Monica Piquero Tan?
Do you confirm your signature on that page?

Hello, Monica?

MS. TAN:

Yes po.

ATTY. PAUDAC:

Your Honor, may we manifest that this statement or Exhibit of Ms. Monica Picera-Tan dated December 3, 2018 consisting of eight (8) pages we pre-marked as “EEEEEEEE” and this has been pre-marked as “EEEEEEEE-7-A”? May we ask from the court for a confirmation of this pre-marking?

ATTY. ESGUERRA:

For the record Your Honor, Confirming the pre-marking as manifested by counsel of the petitioners.

ATTY. PAUDAC:

Ms. Monica, maari na po kayong magsalita at ibahagi ang inyong kuwento.
(Ms. Monica, you may now speak and share your story.)

MS. TAN:

Ok po, pasensya na po kasi minsan medyo choppy. (Yes, I’m sorry the line is quite choppy.) I am Ms. Monica Piquero-Tan, I have two kids. *Iyong isa ay fourteen (14) years old, tapos iyong isa...* (One is 14-years old, and the other is...)

ATTY. PAUDAC:

Sige lang Monica, naririnig ka namin. (Go ahead Monica, we can hear you.)

MS. TAN:

I am presently working as a research and planning officer in the newly created office at the Municipality of San Francisco Camotes Island, Cebu.

ATTY. PAUDAC:

Monica, *tanggalin mo na lang ang headset mo, naririnig ka namin, dire-direcho lang natin. Salamat!* (You may want to remove your headset, we can hear you, you can speak continuously. Thank you!)

MS. TAN:

Yes Ma'am. Ah, sige, sige po. Okay. Naka-experience ako ng dalawang (2) typhoon, yung first na typhoon was when I was twelve (12) years old wherein nakikita ko talaga yung, because we're living near the coastal shore, kung paano siya ka-devastating, tapos kung paano mabuhay ng walang kuryente, walang tubig, tapos yung pagkain po for the area na noong time na iyon yung government natin hindi pa siya masyadong experienced sa disaster and risk management. Then the second disaster that I experienced was the typhoon Yolanda, wherein na nagtatrabaho na ako bilang research and planning officer in the new office in the Disaster and Risk Reduction Management Office wherein hindi ganoon kahirap kasi yung opisina ay bago. Tapos yung mga preparations for Yolanda is grabe kasi nasa ano kami, coastal areas wherein based on the typhoon tracker na malakas na typhoon na sinabing super-typhoon pero yung first na observation namin sa mga typhoon tracker is sa hapon pa siya, but late in the afternoon, gabi na noong tumawag iyong friend ko from Albay na earlier kung бага mag-arrive iyong typhoon Yolanda as earlier as expected.

(I am presently working as a planning officer. I experienced two (2) super typhoons in my life. The first typhoon was when I was twelve (12) years old wherein I saw how devastating the situation was because we lost electricity, there was no water, and then the distribution of relief foods during that time was not efficient since our government was still not experienced with disaster and risk management. Then the second disaster that I experienced was typhoon Yolanda, wherein I was already working as a planning officer in the Disaster and Risk Reduction Management Office which wasn't that difficult since we had a new office with the much needed tools to go about our work. In addition, our municipalities' preparation for typhoon Yolanda was really good since our community is considered a coastal area and we found out from the typhoon tracker that typhoon Yolanda will be a super typhoon. My first observation was that the heavy rains started in the afternoon, I even received

a call from my friend in Albay late in the afternoon regarding the super-typhoon which came earlier than expected.)

Kinabahan ako kasi nasa coastal municipalities kami, na merong mga preparations na dapat at na i-save namin yung mga communities including yung mga vulnerable families living in the coastal shores, na kailangang malipat na sila sa safety evacuation areas. Meron pa rin na mga families na hard-headed na hindi nag evacuate at kailangan pa naming i-evacuate early in the morning na hindi na namin puwedeng magawa kasi wala na kaming oras. Tapos imbes na nakakatulong sa vulnerable kasi noong malakas na yung hanggin, ano na siya wala na ring kuryente. So nakikita ko talaga at bumalik yung trauma ko noong unang bagyo tapos at the same time ganito na naman yung super-typhoon Yolanda wherein ang trauma ko way back thirty-two (32) years ago yung nangyari yun mas kinabahan ako dahil I have my kids na, meron akong dalawang (2) anak.

(Although we have had several preparations for the super-typhoon I still felt uneasy since we were in the coastal municipalities. At that time there were vulnerable families living in the coastal shores needing to be evacuated. In spite of our initiatives to do early evacuations, there were still families who were hard-headed which needed to be evacuated early in the morning when it was already raining heavily. It was difficult to help the vulnerable ones because when the wind was already blowing hard also, we lost electricity. That was why during that time I recalled the trauma I experienced thirty-two (32) years ago, but the fear and worry that I felt in Yolanda was more since I already have two children.)

Tapos yung responsibility ko to keep safe the almost 50,000 population of the entire island at 15 barangays. Kailangan mo na mai-safety sila at the same time yung mga responders na nasa area na prone sa disaster risk, so kailangan mo siyang pag-planuhan. Tapos, even nung 2013, yung panahon ng Yolanda hindi pa masyadong oriented yung mga tao, yung mga local Disaster and Risk Reduction Management Council on how to handle that. Hindi pa masyadong well oriented at kung magrely ka sa NDRMMC. Kulang din yung tao compared sa population ng tao with the respective barangays. Yung kaba ko at saka yung past, yung pressure for being alive, saka yung municipalities kailangan walang mamatay kasi parang nakatingin lahat yung mga international communities na ito yung sa risk reduction so dapat walang mamatay. Pero hindi lang yun, ang una talaga is the safety of the communities especially for the vulnerable families. Nakita ko how big is the responsibility tapos meron pa kaming mga kapitbahay na nag-evacuate sa amin.

(In addition to having my children to worry about, part of my responsibility as a planning officer is to keep the safety of almost 50,000 populations in the island with 15 barangays. I was worrying about their safety and coordinating the work of our responders since we are in the disaster risk area. Everything

has to be planned to secure the people, unlike before wherein we still are inexperienced and unprepared to handle a disaster of this magnitude. I felt different emotions from nervousness because of the current situation and the trauma caused by the past disaster, and the pressure to keep everyone alive. We made it a point to achieve zero casualty from our municipality since the international communities are also monitoring us in terms of risk reduction efforts. But it wasn't just that, it was really about the safety of the communities especially the vulnerable families. I saw first-hand how big was my responsibility during that disaster plus I still have neighbors that evacuated to our place.)

Tapos around 7:00 o'clock in the morning, natandaan ko pa na yung mga responders naming, they did a suicidal mission wherein kailangan pa nilang i-rescue yung ibang families.

(At around 7:00 in the morning, our responders had to go into suicidal mission to rescue families that did not evacuate early.)

ATTY. PAUDAC:

Continue Monica, naririnig ka namin. (Continue Monica, we can hear you.)

MS. TAN:

Tapos nung nalaman ko na nag-storm surge na yung Tacloban, doon ako mas lalong kinabahan kasi merong mga pamilya pa na nasa-coastal areas na hindi pa nag evacuate. So yung kaba ko lang na paano ba iha-handle yung ganito ka laking responsibilidad as a solo-parent and at the same time you have your community to oversee, tapos meron ka pang mga responders na kailangan mong tingnan. How they fuction. At saka yung mga kapitbahay mo na hindi rin sila handa.

(My fear intensified when I found out that there was a storm surge in Tacloban since we have families living in the coast. The worry stems from the weight of the responsibility that I have in terms of taking care of my children as a solo-parent, worrying about our responders, overseeing the situation in the community, and our neighbors who still weren't prepared.)

Although we are doing a pre-emptive evacuation, meron din kaming family preparedness but these are not enough to face a catastrophe as big as typhoon Yolanda. So around 12:00 o'clock in the afternoon, first thing na pagkatapos na tiningnan ko is yung hangin. Naglakad ako sa may residence point operations center to make sure kung nanduon ba lahat ng mga responders, nakabalik na ba sila at the same time to monitor yung 15 barangays, kung

safe ba sila including the families at the coastal shore. At the same time nakikita ko devastated yung lugar, yung maraming bahay na nasira, ang una kong naisip ay kung papaano papakainin yung more than 10,000 household, na more than 10,000 families ay nasa evacuation centers. Yung food namin is dependent on the mainland. Pero you have a big responsibility during those times, kahit meron kaba kailangan mong ipakita na strong ka, so that you can manage the impact of the , also manage your responsibilities kasi kailangan mo yun eh, you need to be strong for your kids, your neighbors kasi umaasa sa iyo, yung mga responders na kumukuha ng order at direkta from you, saka yung ka-buuang safety ng municipality.

(Although we are doing a pre-emptive evacuation and family preparedness, these are not enough to face a catastrophe as big as typhoon Yolanda. That was why at around 12:00 noon, the first thing I looked at was how hard the wind was blowing. I went to the emergency operations center, to check if all our responders were there, at the same time monitor the fifteen (15) barangays, especially if the families in the coastal areas were safe. One of the first things I noticed were the many houses that were destroyed, then thought of a way on how to feed the more than 10,000 households that are in the evacuation centers. Even if I was afraid during that time, I thought to myself that I must remain calm and strong because my kids, my neighbors, the responders and the whole municipality are my responsibility.)

So yun kailangan harapin ng buong tapang. So I think lastly, kailangan na given sa naging effect ng typhoon Yolanda, marami yung mawalan ng kuryente, internet, nawalan ng tubig at maraming bahay nasira. Tapos yung lugar ko nasa poblasyon, kasi malapit kami sa ospital kailangan diretso kasi nasa lifeline kami. Tapos makikita mo na tumataas pa yung mga bilihan dahil nasa coastal kayo tapos wala pang pagkain na dumating. So mga days pa after the typhoon, nang nakarating yung mga food packs. Hindi ka naman puwedeng kumuha ng food packs kung walang kang assist and help. So yung bulk ng responsibility of being a single mother, tapos doing those jobs na sabihin natin hindi talaga pambabae kung hindi panglalaki talaga na responsibilidad. So nakita ko na I was given the opportunity also to inspire. Yung San Francisco, plus research and planning officer, nung nakayanan namin harapin yung Yolanda at saka yung family preparedness lalung-lalo na yung sa entire municipality, it really helped in achieving the zero-casualty. Wherein nag-inspire din sa akin to teach, to reach out, and conduct some trainings, helping sa municipalities like Tacloban, Cayguyan, which also affected by typhoon Yolanda, in conducting planning, family preparedness in response to typhoon. So yung mga ganoon na kahit na sa low ka, it really helps to reach out to other municipalities na nangangailangan ng tulong. It really helped other municipalities, it will help to strengthen yung pagkatao mo pag tumulong ka sa tao o communities that are in need. So ang pinaka take ko doon ay ang fulfillment mo na kahit nababae ka, kahit single-parent ka, kahit mother ka na kailangan mo pa rin gampanan yung trabaho, na nakayanan mo

ngang gampanan yun big responsibilities if you really give your best to ensure the safety of your community. I think that is all.

(You have to face such situation head on. Lastly, the immediate effect of typhoon Yolanda were the loss of electricity, loss of internet, water, a lot of houses were wrecked, and unfortunately the prices of commodities were going up especially since we are in the coastal area, also due to this distance the delivery of the food packs came several days after the super-typhoon. In San Francisco we achieved zero casualty because of the family preparedness initiatives we have done prior to the super-typhoon and I believe that if we can do it in our community others will be able to do it as well. It also inspired me to teach and reach out to other municipalities and conduct trainings as well to help other municipalities like Tacloban, Caygiuan, in planning and teaching about family preparedness. Helping and reaching out to other municipalities will help in strengthening your faith and your core as a person. And so my key take away from this experience is that even if you are a woman and a single-parent, you still need to continuously do your role since you have a big responsibility for the safety of your entire community. I think that is all.)

ATTY. PAUDAC:

Maraming salamat (Thank you very much), Monica. Your Honors, may we be allowed to ask some questions to Monica?

PANEL CHAIR CADIZ:

Please go ahead.

ATTY. PAUDAC:

Hi Monica, *magtatanong lang ako ng questions.* (I will just ask questions.) You mentioned earlier that you are a solo-parent during that time,

MS. TAN:

Nag-eecho kasi sya. (It is echoing.)

ATTY. PAUDAC:

Nakaandar ba yung live streaming mo Monica? Patayin mo lang yung live streaming. Pakinggan mo lang ako sa skype Monica, salamat. Okay na

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Monica? (Is your live streaming on Monica? Please turn it off and just listen to me in skype Monica, thank you. Is it okay now Monica?)

So you mentioned that you were solo parent at that time. Sorry to ask this, how does being a single-parent in times of calamities look like?

MS. TAN:

Yes po. Okay po. Mahirap siya, sobrang hirap kasi kailangan mong maging matatag for your kids. Kailangan mo rin maging matatag for your communities that you work in, at saka sa mga kapitbahay mo. Mahirap talaga siya. (Yes, it was really difficult because you need to be brave and strong not just for your children but also for your community including your neighbors who are also relying on you for support.)

ATTY. PAUDAC:

Monica, you also mentioned earlier some government projects that you implemented in your municipality, do you think these government projects were sufficient?

MS. TAN:

No, it is not enough to address the negative impacts of climate change. *Yung mga programa natin sa government hindi talaga yun enough to address the problem of climate change.* (The government programs that we have in place are not enough to be able to address the impact of climate change.)

ATTY. PAUDAC:

What conditions or recommendations would you like this Commission to put forward to support communities impacted by climate change like your community? Monica, *narinig mo ba yung kaninang tanong ko?* (Did you hear my question?)

MS. TAN:

Pakiulit po ma'am. (Please repeat ma'am.)

ATTY. PAUDAC:

What recommendations would you like this Commission to put forward to support communities impacted by climate change, since earlier you mentioned that the programs that government have were not enough.

MS. TAN:

Siguro is, yung recommendation na puwede kong ibigay kailangan siguro ng Commission will come up with policies on carbon emitters. Meron kasi yung mga local government na kasama sa comprehensive planning in a local development plan. I think kailangan ng ano, mga carbon major emitters, they should be a part in the preparation of the planning so they also know the negative impacts of climate hazards in the respective municipalities. If they are part of the planning, they will know the roles and their contribution, kasi hindi naman lahat ng programs and activities kailangan suportahan ng government, we need help also from private institutions, especially the business sectors doing their responsibilities in using the CSR. in the implementation of some adaptive capacity and helping the enhancement of some adaptive capacities of the local government.

(Policies are needed to be put in place by the Commission, and make sure to include the local communities in the planning and decision-making because they are the once that are directly experiencing the hardships and disasters. Involving the community is also one way of not just educating them but also gaining their cooperation regarding government programs. Carbon major emitters should also be part of the preparation of the planning so they also know the negative impacts of climate hazards in different municipalities. It is also important for the private institutions especially the business sector to help out in implementing community programs.)

ATTY. PAUDAC:

Thank you Monica. I would like to ask, how are you today? *Kamusta ka* (How are you) after the super typhoon Haiyan? And, can you say that you have fully recovered from the impact of the super typhoon with your family and kids?

MS. TAN:

I think hindi pa fully recovered, siguro sa mga kids medyo nag-a-adjust pa rin sila pero meron pa rin silang takot tuwing merong typhoon. Sa akin siguro, I'm more sensitive doon sa conduct ng trainings especially sa mga areas na

very affected ng typhoon Haiyan. Yung mga nakikita ko na mga different videos, we have videos na pinapakita namin sa mga trainings na we conduct with our disaster risk management plan, naiiyak pa rin ako. I'm very sensitive because hindi pa ganoon ka ready, ka prepared yung government in responding to disaster especially due to climate change. Hindi pa tayo ganoon ka ready to face typhoon. So kailangan pa nating maraming gawin to make us ready, to make families ready in preparing for the impact of climate change. So naiiyak pa ako pag narerecall ko yung mga videos na nakikita ko from time to time pag nagconduct kami ng trainings.

(I think I still haven't fully recovered especially the kids because they easily get scared whenever there is a typhoon. I noticed that I become more sensitive and emotional whenever I would see videos of the victims of typhoon Yolanda. It still causes me to tear up when I watch the videos because we have a video compilation that we show whenever we conduct trainings. I am aware that our government is not yet fully ready and capable of handling such a huge disaster especially due to climate change. So at this point we have to work double to make plans and get ourselves ready to face the impact of climate change.)

ATTY. PAUDAC:

Monica, do you have a message to mothers like you who also experienced this kind of devastating event?

MS. TAN:

I think para sa mga nanay na kahit nag-iisa kayo, basta you have a great faith in God, kasi iba-iba tayo ng purpose in life, kami kasi kailangan natin na maging mas-matatag para sa mga anak natin. Tapos kailangan natin na i-educate yung mga bata doon sa impact ng climate change, at the same time how to re-live at kailangan i-orient yung mga bata on the impact of the different environmental hazards as well as communities. Isa pa sigurio, kailangan din ituro especially for the nanay to teach their kids on family preparedness so that kung hindi man ma-address ng government lahat na mga dapat gawain. Para in case there is a disaster, sa family level alam na nila kung ano yung gagawin nila. Because that family preparedness really helped the municipality of San Francisco to have zero-casualty.

(My message for the mothers especially for the single-parents is as long as we have a strong faith in God since we have different purposes in life, then we will be able to face any challenge and that no matter what happens we need to be strong for our children. We also need to educate the youth about the impact of climate change, we have to orient the youth and the different communities

on the impact of the different environmental hazards. One more, it is that every family especially the mothers must be taught the elements of the family preparedness program because the family preparedness program initiative that we have done in San Francisco was the main reason why we achieved zero casualty during typhoon Yolanda.)

ATTY. PAUDAC:

Maraming salamat, Monica. Yun lang ang katanungan ko sa iyo. Ibibigay kita sa Komisyon kung meron silang karagdagang katanungan. (Thank you very much, Monica. That is all my questions for you. I will then pass you to the Commission if they have additional questions.)

Your Honors?

PANEL CHAIR CADIZ:

Thank you. Dr. Walpole do you have questions for the witness? Dr. Walpole has no questions also.

Thank you very much, Monica for testifying today.

MS. TAN:

Thank you po.

PANEL CHAIR CADIZ:

Counsels, you may now proceed. *Salamat Monica ulit.* (Thank you Monica again.)

ATTY. MAYO-ANDA:

Yes, your Honors. A resource person will also make the presentation on skype, Ms. Laura Gyte. But we need to check your Honors if she is already available.

PANEL CHAIR CADIZ:

While our technical people are checking... we can take a five minute break.

Adjourn for five minutes.

[Break]

PANEL CHAIR CADIZ:

We shall now resume the Inquiry session.

ATTY. MAYO-ANDA:

Good afternoon again, Your Honors. Our third resource person and the last witness for today is Ms. Laura Gyte, senior legal advisor of campaigns at Oxfam International. We are presenting her as a witness and a resource person to share her expertise on the topic of just energy transition and the requirements that can be made by corporations to ensure that they act responsibly in relation to the climate risks and the impacts of their businesses. Before we proceed Your Honors, may we be allowed to ask preliminary questions?

PANEL CHAIR CADIZ:

Please proceed.

ATTY. MAYO-ANDA:

Good afternoon, Laura, good morning there. Can you hear me?

MS. LAURA GYTE:

Good afternoon. I can hear you well, thanks.

ATTY. MAYO-ANDA:

Okay. I would like you to confirm the three documents you submitted Laura. Can I call you, Laura?

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MS. GYTE:

Yes.

ATTY. MAYO-ANDA:

There is a document entitled “Statement of Resource Person Laura Gyte,” consisting of four pages. Do you confirm and affirm this document?

MS. GYTE:

Yes, I do.

ATTY. MAYO-ANDA:

And in the first page of this document, there is a signature which appears above the name Laura Gyte, is this your signature?

MS. GYTE:

Yes, it is.

ATTY. MAYO-ANDA:

Another document, before I proceed, the document “Statement of Resource Person Laura Gyte,” is premarked, Your Honors, as “FFFFFFFFF” to “FFFFFFFFF-3” and the signature as “FFFFFFFFF-3-A.” The next document, Ms. Laura, is a curriculum vitae consisting of one page. Do you confirm and affirm this document?

MS. GYTE:

I do.

ATTY. MAYO-ANDA:

This document curriculum vitae has been pre-marked as “GGGGGGGGG.” And the last document consisting of four pages is a printed

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PowerPoint presentation of Ms. Laura Gyte, consisting of four pages. Do you confirm and affirm the submission of the contents of this document?

MS. GYTE:

I do, yes.

ATTY. MAYO-ANDA:

The last document, Your Honors, have been pre-marked as “HHHHHHHHHH” to “HHHHHHHHHH-3.” And at this juncture, may we request Atty. Martin to confirm the pre-markings of these Exhibits last December 7, 2018.

ATTY. ESGUERRA:

Your Honors, confirming the manifestations of the markings as manifested by the Counsel.

PANEL CHAIR CADIZ:

Alright, thank you very much, Counsels. You may now proceed to present your witness.

ATTY. MAYO-ANDA:

Thank you, Your Honors. Ms. Laura, you may now proceed with your presentation.

MS. GYTE:

Thank you. First, I would like to thank the petitioners for the invitation to speak on behalf of Oxfam today. To introduce Oxfam a little first, Oxfam is a confederation of 20 independent charitable organizations focusing on the issues of poverty. Oxfam has been operating in the Philippines for 30 years in work addressing economic and gender inequalities that cause conflict, and in saving lives during emergencies. Oxfam responded with aid in the immediate aftermath of Haiyan – in securing access to water, sanitation and hygiene, in provisioning emergency livelihood, and ensuring that gender and protection were addressed during emergency response. The response of Oxfam is the biggest humanitarian response in the Philippines to date, reaching more than 800,000 people.

Since the emergency response, Oxfam's work focused on sustainable reconstruction, on housing and on livelihood. And, I'm sure the Commissioners are aware, Haiyan destroyed 33 million coconut trees and 30,000 boats. Oxfam's work recently has focused on repairing boats and nets, clearing trees and building housing. And after one month, Oxfam distributed 400,000 tonnes of rice seed.

So this is to demonstrate the work of Oxfam in relation to Typhoon Haiyan. Another important response from Oxfam is to make sure that the link between climate change and typhoon Haiyan has been cleared. Oxfam has been campaigning to governments and big companies to cut emissions, and to help communities deal with changing weather directly in response to what happened with typhoon Haiyan.

I understand that the Commission has heard directly the expert evidence of people who were impacted by Typhoon Haiyan. So we don't propose to say more on the human rights impacts, but instead we'll focus on just and inclusive energy transition, which we understand has come up in the hearings, and secondly on requirements that can be made to corporates on climate risk and impacts.

Turning to the next slide, and beginning to discuss just transition, I should say that I am presenting on behalf of Oxfam but I've worked with my colleagues in Oxfam-Philippines and private sectors to develop the materials for this presentation.

So now, Oxfam's analysis of the elements of a just and inclusive energy transition: this slide sets out some of the key definitions of just transition. And I should say at the outset that Oxfam supports this work; it's really been led by organizations such as the International Trade Union Confederation, something that Oxfam has taken into its work on energy.

Essentially, if the world does not limit climate to 1.5°, we risk real and imminent setbacks to the fight against hunger and poverty. Yet the choices we make to get there are equally important to achieving a world without hunger and poverty. Energy transition, in fact, represents an opportunity to mitigate the impacts of climate change. That's why Oxfam advocates for a just and inclusive energy transition that receives net zero emissions globally, in order to prevent the brutal impacts of climate change on hunger and poverty, yet it does this whilst meeting sustainable development goals, and without compromising poor people's access to energy, right to develop, or food and land security, and one that also guarantees workers a say in how to shape the transition.

So Oxfam supports the call for a just transition away from fossil fuels as defined by the International Trade Union Confederation, ie. the process

needed to ensure that workers are treated fairly during a transition to a low carbon economy. This could be economy-wide, led by governments, or the level of companies, might typically include measures to re-train workers, invest in alternative green jobs, responsibly manage closures of, for example, coal plants, guarantees social protections, or ensure that wider communities, for example communities in old industrial areas are not stranded as part of the transition. This should include workers, as well as affected communities impacted in the energy supply chain.

Most importantly these plans must be agreed upon by social dialog in which communities have a seat at the table and have a say on how the transitions should be managed.

These efforts would absolutely involve female workers, ensuring their voices are heard, giving support to women participation to energy innovation, entrepreneurship, and job creation. It is key in addressing women abuse and poverty. Legally, by achieving a social consensus on how to go about the low-carbon and energy transition, it will not only be better but faster.

Specifically, Oxfam calls for coal energy to be phased out in this manner as soon as possible between 2020 to 2030 in the richest countries, and 2040 for developing countries, and by 2050 for the rest of the world. And all fossil fuels phased out of electricity generation by 2050, accompanied by phase in of 100% renewable energy source. This must occur fastest in developed countries and amongst other non-state actors with most responsibility and capability. For developing countries with lower responsibility and capability, the transition will be possible only with financial, technological and capacity-building support.

Next slide please. So to turn to some key elements of a just transition: we've discussed transitioning away from fossil fuels to move on to energy access. Why energy access? We mean ensuring affordable, reliable, and quality energy for all. That's both electricity and clean cooking, as per Sustainable Development Goal 7.

Since 2014, governments have agreed on the 2030 agenda, which formalizes a commitment to reach universal energy access, Sustainable Development Goal 7. According to the latest figures from Sustainable Energy for All, the Philippines had reached 91% electricity access, and 45% access to clean cooking. Evidence shows that having affordable, reliable, safe access to electricity and clean cooking is particularly beneficial for women. Women and girls are typically responsible for collecting fuel and for preparing meals; if basic energy services were designed and directed to reduce arduous domestic workloads, the women and girls who do this work could have more time to engage in education, paid work, and political participation.

Progress has been made in defining meaningful energy access for productive use and beyond. The global tracking framework considers a number of attributes, recognizing that it is more complex than a binary measure of whether households have a connection or not. It's no good having electricity that only works for a few hours a day, or has repeated blackouts, or that people cannot afford to pay for. Likewise, while one solar lantern is better than nothing, a high level of energy services is required to lift people out of poverty.

Turning now to renewable energy, we shift from fossil fuels to renewable energy... maximizing the potential available for the Philippines to achieve universal access to all and to transition towards renewables comes at a time when the technologies and systems required are fast declining in cost. Renewable energy is becoming increasingly cost-competitive with fossil fuels, reaching parity or cheaper in numerous markets in both developed and developing countries. And this is before the externalities of fossil fuel energy generation are taken into account.

Oxfam estimates in a recent report that every dollar invested in a coal plant in Asia could result in 10 dollars of associated climate change damage in Asia alone, and up to a 100 dollars in local air pollution costs. The extent of the potential of renewables remains high in the Philippines. In 2014, approximately 71% of total final energy consumption came from fossil fuels, with 29% from renewables, and action on this is reflected in the 2008 Renewable Energy Act in the Philippines.

That concludes my opening submissions on just transition.

If you could move to the next slide? Thank you, we can look at requirements that can be made by the corporate sector on climate change risk. Oxfam recommends that companies, especially energy and financial companies, must:

- a) Measure and disclose climate risks and climate-related impacts in line with the Taskforce on Climate Financial Disclosure; and
- b) Publish their (scope 1, 2 and where relevant 3) greenhouse gas emissions and formulate reduction targets in line with the Paris Agreement.

So going to the Taskforce on Climate Financial Disclosure in a little more detail: this is an industry-led taskforce that was established by the Financial Stability Board, itself an international organization focusing on the global financial system that includes G20, the European Commission, and members of the previous Financial Stability Forum. The Taskforce is an industry-led taskforce, and it provides a model for the transparency requirements that can be made of companies on climate change.

The Taskforce recommendations are described as voluntary, consistent climate-related financial risk disclosures, for use by companies in providing information to investors, to lenders, insurers, and stakeholders. They cover physical, liability, and transition risks. As to whether these standards are voluntary or mandatory, Oxfam takes the position that many experts in the sector already take: that legal requirements and companies already cover a duty to disclose material risks. And this type of climate risk is a material risk to these companies, so rather than seeing the standards purely as voluntary, we would look to that legal duty and then see these guidelines set up by the Taskforce as best practice guidance on how to implement that duty.

In addition, Aviva and other large companies are also calling for the standards to be made more clearly mandatory. So they published their first report in June 2017, and they were clear in that report that, based on the Paris Agreement, this move needs to happen away from fossil fuels, and they recommended several key aspects. The first was that climate disclosure should be made in mainstream financial reports by companies, not in various bits and pieces through the year and in different documents. They recommended that key disclosures be made on four core areas: on risk, strategy, governance, and metrics and targets. And finally they recommended that companies also model climate-related scenarios, and report on that in their main reports also.

In September 2018, the Taskforce published its third status report. By this stage, the Taskforce recommendations had over 500 corporate supporters, and also the support of many governments. The review practice so far recognize that it had not been long since their initial reports, that the majority of companies were disclosing some information on climate risk, but the financial implications were often not disclosed, and there was most frequently no central report bringing together all of the climate-related information.

The Taskforce on Climate Financial Disclosure has an oil and gas provider forum; built of only four fossil fuel companies, the companies that had been most active in supporting the Taskforce. And those are: Eni, Equinor, Shell, and Total. And in the first status report, they reported slower progress on strategy, and on metrics and targets in their sector.

In addition to corporate reporting following the Taskforce guidelines, Oxfam recommends that central banks must require financial institutions to publish their social and environmental – including climate-change-related – risks, risk management strategies, their relevant climate policy scenarios, and formulate and publish greenhouse gas reduction targets in line with the Paris Agreement and the Taskforce on Climate Financial Disclosure as well.

Finally we recommend private banks should end support for all new coal extraction and delivery, and all new coal-fired power plant projects worldwide, and end support for all coal companies that plan new coal

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investments or which have existing investments in coal over a certain threshold.

And that concludes my presentation. I'm very happy to answer any questions.

ATTY. MAYO-ANDA:

Thank you, Ms. Laura, for your presentation. Your Honors, will we be allowed to ask a few questions?

PANEL CHAIR CADIZ:

Please proceed.

ATTY. MAYO-ANDA:

Thank you again Ms. Laura. How would the Filipinos benefit from the just transition and away from fossil fuels that you mentioned?

MS. GYTE:

Yeah, there are various benefits. The core one clearly is averting climate change with all the risks that it brings to the Filipino nation and people. Secondly, there are also job benefits; so in the transition away from coal, a recent UNAC report found that the investment potential for renewables in the Philippines was 20 billion dollars by 2030, and generally we expect significant jobs, both from construction of renewable energy plants and long term operational jobs. So there's a jobs benefit too.

In terms of energy security, currently the Philippines imports 90% of its fossil fuels; hence, locally generated renewables provides domestic energy security. And finally, air pollution is a really key benefit of a just transition to renewable energy. The World Health Organization in May 2018 ranked the Philippines third highest for number of deaths from air pollution, and it's well-established that pollution around coal plants and also unclean cooking fuels is a real health issue in the Philippines. From the figures that we gave earlier in the presentation about the costs of investing in coal to climate damage, we can see the scale of the savings that we would expect in terms of health and also mortality from the improvement in air pollution.

ATTY. MAYO-ANDA:

Thank you, Laura. For poor communities in the Philippines, who do not have adequate access to energy, how can they gain access to modern electricity and even clean cooking in the most cost-effective way, without conflicting with the 1.5°?

MS. GYTE:

The International Energy Agency recently found that universal energy access would only amount to carbon emissions equivalent to naught .2% of global emissions, which is then more than offset by the reduction in greenhouse gas emissions from the shift of biomass and other fuels to things like liquified petroleum gas for clean cooking. So it's well established that it's possible to provide energy access for all without endangering the 1.5 target. In terms of how that's done, that's a national planning process that needs to be participatory and transparent, or we could expect to see things like an integrated approach to energy planning, looking into decentralized systems, both on-grid and off-grid, and energy storage solutions. A big role for solar, PV most likely. And through that national process that involves people in designing their own energy access, information is that it is more than possible to achieve both of those objectives.

ATTY. MAYO-ANDA:

Thanks again. I have a question in relation to what you mentioned that there are four fossil fuel companies who have actually been part of the Taskforce on Climate Financial Disclosures? Did I get you right, are their certain fossil fuel companies involved?

MS. GYTE:

Yes. So, in terms of that Oil and Gas Provider Forum, there are four before that I listed. I'll have a look at the list of companies that are supporting the Taskforce guidance. As of September 2018, of the over 500 companies that are supporting the guidelines, only 14 are listed as energy companies, and of those I think seven are listed as respondents in the Commission's Inquiry. So it's a very low number, particularly given that these companies have the greatest climate responsibility and portfolios.

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ATTY. MAYO-ANDA:

Thank you. You mentioned also that the compliance has not been satisfactory. Could you elucidate further on that?

MS. GYTE:

Yes, so, even in the Oil and Gas Forum, where Shell and Total, Eni and Equinor have taken the lead, in their reporting back they described how difficult things like setting targets and metrics are for this type of company, and so that they expect to see more rapid progress on governance than they do on the real detail of the climate disclosure. And our position would be that's simply not fast enough; they're dragging their heels, and even within that forum the compliance is still not of a level that we think they're capable of.

ATTY. MAYO-ANDA:

Thank you, Ms. Laura. Your Honors, do the Commissioners have questions?

PANEL CHAIR CADIZ:

Thank you very much.

Dr. Walpole has a question for the witness.

DR. WALPOLE:

Thank you very much for this very precise presentation. I'm just looking at the situation where you're talking of the Taskforce on the one hand and the major oil companies... and the realities of where we're sitting in the Philippines where we're moving ahead with building 25 or 35 coal-fired plants primarily in Mindanao.

Yeah? They're going ahead, with various companies importing the coal. It doesn't affect any of these larger companies, and the investments made... these have a 25/50 year lifetime by the time you get your investments back. So, nobody is very cued into changing the style of business at the moment, as it seems to be very profitable, and the promise to have clean brushes on the chimney stacks... where do we breach that discussion with, shall I say, these smaller production operations and instructions?

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MS. GYTE:

I think that's where the discussion has been with investors and with people, because clearly there are short-term profit motives; but there are real short- and long-term financial, health, and other risks of those projects. So, the Taskforce guidelines set out the financial risk, and organizations like the World Health Organization and studies developed in the Philippines point out the health and other risks, and the benefits that communities are missing out on in terms of clean, sustainable jobs in alternative renewable energies. So I think Oxfam's position would be a national conversation subject that needs to happen with all of those actors, with those small companies, with the people investing in those companies and facilitating projects, and with the people who are then impacted.

DR. WALPOLE:

They're going to build in the coastal areas anyway... the coal is imported, so the sea breeze will blow it away... you know, they're not going to get caught up in smoke. So, it's hard to bring about the accountability, shall I say, that you speak of on a global level. How to bring that accountability from the global level to the local level? For example, many different corporations are involved in this, bring their technical expertise in... and it happens to be coal. So how to bridge that is a challenge locally, because we see that it's a very small contribution to the global, and it can be immediate. I don't know if you can address that?

MS. GYTE:

And so I think that the greatest responsibility lies with the companies and governments most responsible for historical climate change, and that's the starting point. But at the same time, there is real leadership in the Philippines on renewable energy and within civil society, and so, in a way, I wish my Oxfam colleagues in the Philippines were here with you to have that discussion about the national context and how to introduce (not necessarily) accountability, but the positive focus on the opportunities from climate change and the benefits that a shift away from fossil fuels to renewables could have, both for the economy, for health, and for energy security also.

DR. WALPOLE:

Thank you, thank you very much.

PANEL CHAIR CADIZ:

Commissioner Dumpit, do you have questions for the witness also? None?

Alright, I just have a few questions for you, Laura. First, I'm wondering how you arrived at the figure of "one is to ten" in terms of investments in coal plants and the value of damage attributable to climate change... \$100 valued in terms of air pollution? How did you arrive at these figures?

MS. GYTE:

So those figures are from a recent Oxfam report, from October 2018, so last month, couple of months ago, called "Powering Transition," and the methodology by which we arrived at those figures, I don't have that with me at hand, but I can certainly send in a note afterwards if that would be helpful.

PANEL CHAIR CADIZ:

Alright, so I will request the Counsels to have those materials or computations submitted before the Commission and marked as an exhibit.

My second question is... you mentioned that there seems to be now, in terms of development in technology, a parity in the cost of producing renewable energy versus fossil fuels, and even implied that it might be cheaper. Can you give us a timeframe on the advance in technology where it can definitely be said... if that is possible for you to do so... that at a certain point, X number of years from today, it will actually be cheaper to engage in renewable energy versus fossil fuels?

MS. GYTE:

Oxfam carried out detailed research on this just this year, and actually in many developing countries renewables are already at parity or cheaper than fossil fuels. There have been really significant cost reductions in the last few years, and actually I had put in a lot more detail about that but then took it out because I wasn't sure how much detail you'd want to get into on the renewable energy side... But again if that's the thing you're interested in following up in more detail, I can certainly put in a supplementary note with the extra detail on that in terms of some examples and what studies we used to show that.

PANEL CHAIR CADIZ:

Thank you very much. So, again, reminder to Counsels for Petitioners to submit those and properly mark them as exhibits.

In relation to that, would you be able to cite any of the Carbon Majors that have been implicated in this case as investors in this movement towards transitioning into renewable energy?

MS. GYTE:

So the detail on that isn't something I have. My sense of it is that most of them are not leading; but in terms of which are the outliers, I don't have that information. Again, my colleagues worked on that and I'm very happy to follow on that if that's helpful.

PANEL CHAIR CADIZ:

We request the Counsels to submit the materials or information on that matter. Then, the last point is that I'd like to hear more on Oxfam's take on that tension or moral debate regarding the urgency of transitioning from carbon fuels to renewable energy and, at the same time, the necessity of ensuring that the transition is just and inclusive. Could you enlighten us on this tension, on the need to strike a balance between these two important values or elements?

MS. GYTE:

Yeah, absolutely. So that's why Oxfam supports the call for a just energy transition, because how we transition is as important not only in terms of securing climate change impact, but also in terms of poverty and hunger, and the transition itself. And I think all of the detailed work Oxfam has done has been to show us that we do believe that the transition is feasible, whilst fully realizing the right to develop and ensuring that the transition is just for people and workers, and a lot of that is to do with the rapidly-falling cost in renewable energy and infrastructure.

So, because of that, we don't see that there's a conflict so much now, although we do still reflect in the rates of transition that we're calling for. As I pointed out in my statement, we called for a much earlier transition in countries with higher levels of development and technological capacity, and a staged transition reflecting a longer timescale for other countries with a full transition by 2050 for all generation globally.

PANEL CHAIR CADIZ:

And as pointed earlier by you, the cost of this transition is becoming cheaper, and it might even become cheaper than fossil fuel, which is a good thing to note in so far as this Panel is concerned, although we would need more data.

So I have no further questions for you, Laura. Thank you very much.

MS. GYTE:

Thank you.

ATTY. MAYO-ANDA:

May we request, Your Honors, that the witness be excused?

PANEL CHAIR CADIZ:

Yeah, the witness is excused. Thank you again.

ATTY. PAUDAC:

Thank you again, Ms. Laura. Your Honors, we do not have any other resource persons for today but we will have several resource persons tomorrow.

PANEL CHAIR CADIZ:

How many resource persons are we presenting tomorrow?

ATTY. PAUDAC:

We have six resource persons, three in the morning and three in the afternoon, Your Honors.

PANEL CHAIR CADIZ:

Six (6), all right. And you have no further manifestations before the Panel adjourns? That's the last, the fact that you will be presenting six (6) witnesses...

May we invite anybody from the audience who might be interested in manifesting anything?

Go ahead, Counsels.

ATTY. PAUDAC:

Your Honors, after the presentations of our six resource persons, may we also have a closing statement for the petitioners, Your Honors?

PANEL CHAIR CADIZ:

How long would it take you to do your closing remarks tomorrow?

ATTY. PAUDAC:

Your Honors, between 15 to 20 minutes.

PANEL CHAIR CADIZ:

This will essentially be summarizing your case?

ATTY. PAUDAC:

Yes, your Honors.

PANEL CHAIR CADIZ:

Alright, we would appreciate that, actually, you'd make our jobs easier. And then perhaps the Panel will also have a few statements to wrap up, because tomorrow will be the last day of our public hearing before we proceed to further consultations with other parties.

So is there any other manifestation from any of the Parties in the audience? We would like to end by enjoining... calling out again to the Respondents, if they would care to do so. They would be very welcome to make any presentations or manifestations, or present any witnesses tomorrow, our last day of public hearings.

We've no further matters to take... this session is now adjourned.

[Bangs gavel]

ATTY. TRISHA ISABELLE F. FERNANDEZ (CLERK OF THE PANEL):

Good morning, everyone. The sixth round of Public Hearings is being held as part of the National Inquiry being conducted by the Commission on the impact of climate change on the human rights of the Filipino people. This proceeding stems from a petition filed before the Commission, docketed as CHR Case Number *CHR-NI-2016-0001*.

The solemnity of the Public Hearing shall be upheld at all times. Respect shall be accorded to everyone present. The clapping of hands and unnecessary remarks shall not be allowed, and may be regarded as direct contempt of the Inquiry Panel. Cellphones should be turned off or put on silent mode while proceedings are going on.

All rise.

The Inquiry Panel for today's proceedings are: Inquiry Panel Chairman of the NICC, Honorable Commissioner Roberto T. Cadiz; and Honorable Commissioner Karen S. Gomez-Dumpit. Dr. Pedro Walpole, S.J. assists the CHR in this Inquiry.

Please remain standing for the National Anthem and the Ecumenical Prayer.

[National anthem]

DR. WALPOLE:

As we gather here this morning, we are aware of the grace of presence, the grace of love, and life. The very air we breathe, the very land we draw our

strength from, our food, our encouragement with our children, the joy we share in this landscape, we ask that we are truly able to celebrate life and God's presence amongst us. We are grateful for all of the blessings that we are given and we heartfully take today the challenge to care for all life and for our people. We ask the Almighty, our Creator, for his blessing. Amen.

CLERK OF THE INQUIRY:

Everyone may now be seated.

COMMISSIONER ROBERTO EUGENIO T. CADIZ (PANEL CHAIR):

Let's now begin our session. Can we now have the formal entries of appearance of counsels?

ATTY. MAYO-ANDA:

Good morning, Your Honors. Grizelda Mayo-Anda, respectfully appearing for the petitioners. We are ready.

ATTY. PAUDAC:

Good morning, Your Honors. Hasminah D. Paudac, respectfully appealing for the Petitioners. We are ready.

PANEL CHAIR CADIZ:

Are there other counsels representing parties to this case?

There being none, we continue to encourage the correspondents to come. They can come any time today and to make representations if they wish to speak with the Inquiry Panel in whatever form or... matters.

Counsels for Petitioners, are you ready to present your first witness?

ATTY. PAUDAC

Yes, Your Honors. May we call on our first witness, Ms. Honeylyn Gonzales.

PANEL CHAIR CADIZ:

Please swear-in the witness.

ATTY. PAUDAC:

Your Honors, Ms. Honeylyn Gonzales is a tropical storm Sendong or Washi survivor from Iligan City, Lanao Del Norte. She is currently now based in Zamboanga Del Sur. She's here now to share her experience as a youth who lost her parents and older brothers and was left with two (2) younger brothers to take care of during the tropical storm Sendong in Iligan City. She will also share how it impacted her and her younger brothers' basic human rights and changed her life as a survivor.

Your Honor, before we proceed with her presentation, may we be allowed to ask preliminary questions regarding a document that she submitted to this Honorable Commission?

PANEL CHAIR CADIZ:

Please proceed.

ATTY. PAUDAC:

Good morning, Ms. Honeylyn. Can I call you Honeylyn?

MS. HONEYLYN GONZALES:

Yes *po*.

ATTY. PAUDAC:

Yes. You understand English, right?

MS. GONZALES:

Yes *po*.

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ATTY. PAUDAC:

Ms. Honeylyn, there is this document entitled “*Salaysay ni Bb. Honeylyn Gonzales*,” (Statement of Ms. Honeylyn Gonzalez) consisting of five (5) pages. Please, kindly go over it and tell this Honorable Commission if you do recognize this document.

MS. GONZALES:

Yes *po*.

ATTY. PAUDAC:

On page five (5) of this document, there appears a signature above the name Honeylyn Gonzales dated November 29, 2018. Can you please go over this signature and tell this Honorable Commission whose signature is this?

MS. GONZALES:

Akin po ito. (This is mine.)

ATTY. PAUDAC:

Ms. Honeylyn, do you confirm and affirm the statements you mentioned in this document?

MS. GONZALES:

Yes *po*.

ATTY. PAUDAC:

Your Honors, we would like to manifest that this document entitled “*Salaysay ni Bb. Honeylyn Gonzales*,” (Statement of Ms. Honeylyn Gonzalez) consisting of five (5) pages dated November 29, 2018 is pre-marked as Exhibit “IIIIIIII” to “IIIIIIII-4.” The signature of Ms. Honeylyn Gonzales was pre-marked as “IIIIIIII-4-A.” May we ask a confirmation from the Clerk of the Commission?

PANEL CHAIR CADIZ:

Atty. Esguerra?

ATTY. ESGUERRA:

Your Honor, confirming the manifestation of the Counsel for Petitioners as regards to the markings.

PANEL CHAIR CADIZ:

Alright. Please proceed to examine...

ATTY. PAUDAC:

Your Honor, Ms. Honeylyn Gonzales will be sharing her story in our vernacular, Filipino. Ms. Gonzales, you can now proceed to share the highlights of your story.

MS. GONZALES:

Magandang umaga po sa inyong lahat. Bago ko po simulan, bago ko po ibahagi ang aking karanasan sa bagyong Sendong, gusto ko po munang magpasalamat sa oportunidad na ibinigay sa akin para ibahagi po ang aking karanasan sa bagyong Sendong.

(Good morning, everyone. Before I share my story regarding my experience during typhoon Sendong, I first would like to thank this Commission for the opportunity given to me to tell my experiences in typhoon Sendong.)

Ako po si Honeylyn Gonzales, dalawampu't-limang taong gulang, tubong Iliganon po at kasalukuyang naninirahan sa Legarda 2, Dinas, Zamboanga Del Sur. Kasama ko po ang dalawa kong kapatid at may isa po akong anak. Kasalukuyan po akong nag-aaral sa J.H. Cerilles State College at ang pinili kong kurso ay Bachelor in Education, first year college po.

(My name is Honeylyn Gonzales, twenty-five (25) years old, born in Iligan City and currently residing at Legarda 2, Dinas, Zamboanga Del Sur with my two (2) siblings and my child. I am currently a first year college Bachelor in Education student at J.H. Cerilles State College.)

Noong ako'y ipinanganak hanggang labing-walong taong gulang, nagkaroon po ako ng masaya at kumpletong pamilya. Kahit mahirap po, buo at masaya po kaming pamilya. May matatawag po akong nanay, may matatawag po akong tatay. May matatawag po akong mga kuya. Kahit mahirap po kami, nag-kakaisa po kami. Nararamdaman po namin iyong pagmamahal sa bawat isa.

(Ever since I was born until eighteen (18) years old I've had a happy and complete family. We have had a happy life with my complete family in spite being poor. I have my mother, I have my father, and I have my older brother. Even if we were poor we worked together and we can feel the love that we have for each other.)

Ang tatay ko po ay isang barbero, at iyong mama ko po, ay isang labandera. Pero kahit ganoon po ang estado ng buhay namin, masaya po kaming nabubuhay dito sa mundo. Dumating po iyong panahon, December 17, 2011, iyong buong pamilyang masaya, nag-kakatuwaan ay naging malungkot na.

(My father was a barber while my mother was a laundress. In spite of having a modest way of life we were living happily. On December 17, 2011, the complete happy family suddenly became sad and miserable.)

Noong ako'y labing-walong taong gulang, nag-tra-trabaho po ako sa isang department store bilang isang sales lady para po matustusan iyong pangangailangan ng pamilya ko po kasi po iyong tatay ko po ay isang disabled po sa dalawang paa. At saka iyong mama ko po, disabled po sa isang kamay kaya dapat po akong magtrabaho para po matustusan ang pangangailangan namin.

(At the age of eighteen (18) years old, I started working in a department store as a sales lady to help my family with our daily expenses since my father had a disability on both feet. My mother's one arm also had a disability that was why I really needed to work to be able to provide for my family.)

December 16 po, 7:00 pm, galing po ako ng trabaho noon. Sinundo po ako ng aking ina habang walang tigil ang pag-ulan. Pag-dating ko po sa bahay, iyong scenario po naming palaging tumatawa, nagbibiruan, kasi ganoon po kami kahit mahirap. May nararamdaman po kaming tuwa. Pagkaraan po ng mga 12:00 midnight, noong December 16, tumaas na po iyong tubig. Pumasok na po iyong tubig sa bahay namin. Mga baywang po noon, tapos kami pong pamilya ay nagkakatuwaan pa rin. Habang nag-ta-transfer po ng mga gamit patungo sa second floor ng bahay namin, sa gabing iyon po nakakayanan naming magbiruan kahit may tubig na sa bahay namin. Tapos po noong tumaas na po iyong tubig, mga dibdib na po, nag-decide po ako, sinabihan ko po iyong kuya ko na mag-evacuate po doon sa mataas na lugar ng bahay namin. Iyong waiting shed. Dala ko po iyong dalawa ko pong

kapatid tapos apat kaming naglalakad sa tubig na hanggang dibdib kasama iyong kuya ko at iyong dalawang nakakabata kong kapatid. Tapos pagkarating po namin sa waiting shed, nakita po namin doon na may tubig po hanggang dibdib, nag-decide po iyong kuya ko na ipatong kami sa bahay na meron second floor. Doon, iniwan niya po kami kasi babalikan niya po iyong parents ko para tulungan dahil nga po disabled iyong mga magulang ko. Pagkatapos po noon, hindi po sila nakaabot sa bahay na pinapatingan namin, doon po sila sa isang bahay na mataas din kasi may nakapag-sabi akin na isang survivor na sa bahay na iyon nandoon daw iyong pamilya ko.

(On December 16 at 7:00 PM my mother picked me up from work because the rain was pouring heavily. When we arrived at our house, just like any other day, we joked around, laughed about things, and felt happiness being with each other in spite of being poor. At around 12:00 AM on December 17, we noticed that the flood was rising and had reached inside our house. Then at noon, even if the flood was already at the hip level my family and I still had a jolly disposition which continued on while we transfer our things to the second floor of the house since the water was still steadily rising. And then when the water reached the chest level, I spoke with my older brother and told him that we needed to evacuate to a higher ground to which we saw a waiting shed. My older brother and I together with our two (2) other younger siblings decided to cross the street even if the flood was already at the chest level to get to the waiting shed. Then we saw a house with a second floor where we went to, after that, my older brother left us to go back to our parents to help them get to where we were at since our parents needed help too as they are disabled. My two (2) younger siblings and I wait for our parents and older brother but they never came, later on I found out from a neighbor who survived that the three of them were able to move to another house that was quite high.)

Mga 2:00 AM po ng December 17, nag-text po iyong kuya ko sa kapit-bahay namin. Kinukumusta niya po kami. Sabi nya, “Kumusta po iyong dalawang kapatid ko, tatlong kapatid ko?” Tapos po noong tinawagan po ng kapitbahay ko po iyong cellphone number ng kuya ko, hindi na po niya na-contact kasi bumagsak na po iyong tinutuluyan nilang bahay. Tapos nung pagka-umagang iyon, wala po sa isip namin na mawala iyong pamilya ko. Dali-dali kaming umalis sa lugar kung saan nagkaroon ng malaking baha. Kasama ko po iyong dalawang kapatid ko. Pagka-umaga, nakakita kami ng maraming patay. Wasak na wasak na lugar, wasak na mga bahay. Tapos nag-decide po ako na iwan ko po iyong dalawa kong kapatid sa simbahan kasi po para hanapin ko po iyong magulang ko po, iyong pamilya ko po.

(On December 17 at around 2:00 AM, my older brother sent our neighbor where the three of us where [a text message] to ask how we were doing, my older brother’s message was “how are my three (3) siblings?” Then our neighbor tried calling my older brother, but his phone could not be reached,

little did we know that the house where he and my parents were staying at had already collapsed. The following morning, together with my two (2) siblings we immediately left the place we stayed at to go to where my parents and older brother, while on our way there we never thought that they have died. While heading to the said place we saw a lot of dead people on the road, a lot of houses and properties were wrecked but didn't find our missing family members. Then I decided to temporarily leave my two (2) siblings in the Church to continue looking for my parents and older brother.)

Sa kabila po nang paghahanap ng isang araw, maski isa po, wala po akong makita. Mga ilang araw po na paghahanap ko, pinupuntahan ko iyong mga punerarya, mga lugar na sabi nilang may survivor doon pero wala po. Sa anim na missing po, wala po na kahit isa man lang na nakita ko po. Pagkatapos po ng ilang buwan, nabigyan po kami nang pagkakataon na tumira sa tent city. Sa tent city po sa Tambo terminal malapit. Doon po kami nanirahan, kaming tatlo. Kahit mahirap ang buhay doon namin, pinipilit po namin maging masaya. Tinatagan po namin iyong loob namin.

(After looking for the entire day, I still was not able to find any of them. We continued to look for them, we went to funeral homes, any place where people said that there were survivors, but no one from my six missing family members could be found. Then, after several months, my two siblings and I were finally given the opportunity to live at the tent city near Tambo terminal. Even if life was difficult we still chose to have a happy life and to stay strong in spite of what had happened.)

Nabuhay po kami sa tent city sa pamamagitan po ng mga relief goods. Tapos pagkatapos po sa tent city, nag-decide po ako na mag-boarding house po kami kasi po hindi ko po nasigurado iyong kaligtasan ng dalawa ko pong kapatid. Kasi iniisip ko po iyong kaligtasan nila, kasi iyong tent po, hindi po siguradong safe iyon. Madali pong ma-open kaya naghanap po ako ng boarding house. Sa ilang taon po, kaming tatlo po iyong nagsama-sama na wala pong iwanan.

(We lived and survived at the tent city with the relief goods being given. There came a point where I started to look for a boarding house to move in to because the situation in the tent city was not safe, especially for my siblings, since the tents can easily be opened by anyone. For several years, it was only the three (3) of us and we made sure that we stayed together.)

Tapos nag-decide po ako na magtrabaho sa isang fast food para po matususan iyong mga pangangailangan ng mga kapatid ko. Para po mabigyan ko po sila ng mga kinakailangan nila mga pagkain, mga kailangan sa school. Pero kahit ganoon po, bilib po kasi ako sa aking dalawang kapatid. Never po silang nag-stop sa kamilang pag-aaral kahit na po pumupunta sila sa paaralan na minsan walang kinain.

(One day I decided to work as a fast food crew to provide for the needs of my siblings, so that I will be able to feed them and send them back to school. Even if we've had a very difficult life and the tragedy that our family had went through, I am really proud of my two siblings because they continued their studies and never stopped even if there were days wherein they would go to school with an empty stomach.)

Malaki po iyong epekto ng bagyong Sendong sa aming buhay kasi po nagkaroon po ako ng malaking responsibilidad po sa buhay ko na hindi naman po dapat sana. Ako po iyong tumayong inay, tatay, at nakakatandang kapatid. Hindi ko po na-experience ang pagiging teenager po, kung paano po maging isang masayang dalaga kasi po kailangan ko pong gampanan ang pagiging ina at itay sa dalawa ko pong kapatid. Mas gugustuhin ko man pong mag-aral noon pero hindi ko po makakayanan kasi po mas prioridad ko po iyong pagtra-trabaho kasi po doon po kami kumukuha nang pang-araw-araw.

(Experiencing typhoon Sendong caused a huge effect in my life because I suddenly had a massive responsibility which should not be the case at my young age. I suddenly had to assume being the mother, father, and older sister to my two siblings in caring for them even if I was also still young. I was not able to experience the things that normal teenagers go through because I had to focus on being the breadwinner of our family. Even if I wanted to continue studying back then, I couldn't because I had to prioritize providing for my siblings and attending to their needs.)

Iyong malaki pong epekto sa buhay namin lalung-lalo na po sa dalawa ko pong kapatid, palagi po nilang sinasabi na mas maganda po iyong may mga parents kasi every meeting sa school, parents iyong nag-attend. May malaki po silang jealousy po sa mga batang may mga magulang. Kasi po sa araw ng kalungkutan, kailangan po na ipakita namin nandoon po kasi iyong mga magulang.

(The tragedy also had a huge effect on my two (2) siblings, they used to always say that it would have been better if we still have our parents especially when there are school meetings wherein their parents used to be the ones attending. They used to be jealous because their classmates would have their parents with them but for us we do not have them anymore.)

Sabi po ng kapatid ko pong babae na, "Ate, ga-graduate na ako ng high school, sayang wala iyong mga magulang natin na aakyat sana sa stage." Kaya binibiro ko nalang na, "Okay lang iyon, nandito naman iyong maganda mong ate." Sabi nya, "Nakakainggit eh, sana iyong parents iyong magdadala sa akin, sana si mama at si papa." Kaya po ngayon po ay humuhugot po ako ng lakas ng loob sa dalawa ko pong kapatid at sa aking anak. Kung naka-survive man po kami sa bagyong Sendong, makakayanan po naming ma-

survive ang kahirapan na aming naranasan po ngayon. Kahit wala pong magulang ay kakayananin po naming mabuhay.

(When one of my siblings graduated from high school, she said, “Big sister, I’m finally graduating from high school, but too bad mama and papa are no longer with us, who would have gotten to the stage with me.” To lighten the mood, I jokingly replied “It’s okay, your beautiful big sister will be there with you instead.” Then she said, “I just feel envious that mama and papa are not here to celebrate it with us.” That’s why now I draw my strength from my two (2) siblings and my own child. The way I see it now, if we were able to survive the devastating effects of typhoon Sendong, then whatever difficulties that would come our way, we still will be able to survive them, even if we no longer have our parents in our lives.)

Ngayon po, hindi na namin mararamdaman ang tunay na pagmamahal na galing sa magulang. Pero patuloy lang kami sa buhay. Sa pagdating ng panahon, makakapag-move-on at maka-aahon po kami. Hindi man ito sa ngayon.

(Now we no longer have a chance to experience the love and care of our parents, but in spite of that, we choose to continue living and fighting. Maybe one day we will finally be able to accept what had happened to our family and finally move on. But that day has not come yet for us.)

ATTY. PAUDAC:

Maraming salamat, Honeylyn sa iyong... Ang hirap magtanong. Honeylyn, gusto kong malaman kumusta ka ngayon matapos ang pitong taon nakalipas? (Thank you, Honeylyn. It is really difficult to ask questions after hearing such a tragic story. Honeylyn, I wanted to know how you are doing now that seven years had passed since the tragedy.)

MS. GONZALES:

Hindi ko po masasabi na okay po. Hindi ko po masasabi na fully recovered po ako kasi, every time po kasing umuulan, malakas po iyong ulan, may trauma pa po kaming tatlo. Nararamdaman pa po namin iyong sakit. Naalala pa rin po namin iyong mga karanasan namin noong gabing iyon.

(I couldn’t say that I am already okay. I couldn’t say that I have fully recovered, because until now, every time it’s raining, every time there is heavy rain, me and my siblings still feel traumatized. We can still feel the pain and we still remember and relive the things that we experienced that tragic night.)

ATTY. PAUDAC:

Paano ka nabago o ang pananaw mo dahil sa iyong karanasan sa Sendong?
(How have the experiences you've had during typhoon Sendong changed you and your views in life? ?

MS. GONZALES:

Naging matured po ako, naging nanay at tatay, at naging responsible po ako. Instead na kailangan ko pong mag-enjoy kasi isang dalaga, pero hindi ko po iyon nangyari. Mas nagpursigi po akong magtrabaho para po maibigay iyong mga pangangailangan ng mga kapatid ko. Iyong pong pang-araw-araw po naming mga pagkain at sa pag-aaral po nila.

(The experience suddenly forced me to mature because I needed to take up the responsibility of being the father and mother for my siblings. I was not able to experience and enjoy my teenage years, like any other normal teenager, because I needed to focus on raising and providing for my siblings, I needed to work hard so that I can buy us food, provide for our daily needs, and for them to be able to continue their studies.)

ATTY. PAUDAC:

Nabanggit mo iyong mga pangangailangan. Ano sa tingin mo itong mga pangangailangan na kailangan ng komunidad na dapat matugunan ng agaran ng pamahalaan o ng mga taong gustong magbigay tulong sa mga survivor na tulad mo? (What do you think are the immediate needs of the people in the community that the government should attend to, especially for those like you who's a survivor of a devastating typhoon?)

MS. GONZALES:

Unang-una po is iyong psychological, para po sa mga na-Sendongan. Pangalawa po iyong magco-conduct po ng seminars po para po ma-aware po, mapaghandaan po iyong mga kalamidad na darating. Iyon lang po. (First, it is important that the survivors of devastating tragedies like the one that happened in typhoon Sendong be given psychological support. Secondly, they should conduct seminars to help the people in the community on how to handle the situation when a natural calamity happens. That is all.)

ATTY. PAUDAC:

Nabanggit mo itong psychological, ang ibig mo bang sabihin dito ay iyong psycho-social briefing ba? (You mentioned psychological, do you mean psycho-social briefing?)

MS. GONZALES:

Opo. (Yes.)

ATTY. PAUDAC:

Dumaan ka ba sa ganoong prosesong? (Did you go through the said process?)

MS. GONZALES:

Hindi po. (I did not.)

ATTY. PAUDAC:

Bilang isang survivor, Honeylyn, huling tanong, mayroon ka bang mga mensahe sa katulad mong kabataan, na marahil hindi ka nag-iisa sa ganitong karanasan lalo nang sumapit ang bagyong Sendong. Mayroon ka bang mesaheng gustong sabihin? (Last question, Honeylyn as a survivor, do you have any message to people, especially the youth who might have had a similar experience such as yours?)

MS. GONZALES:

Tatagan na lang po ang loob nila; na kahit ano mang pagsubok ang darating sa buhay, huwag po tayong susuko. (They have to choose to be strong, that regardless of any and all hardships that may come their way, they should never give up.)

ATTY. PAUDAC:

Maraming salamat (thank you), Honeylyn. Your Honors, that would be all. If you do have questions, the witness is ready to answer them.

PANEL CHAIR CADIZ:

Commissioner Karen Dumpit will ask questions for the witness.

COMMISSIONER KAREN GOMEZ-DUMPIT:

Magandang umaga, Honeylyn. Nakikiramay kami sa inyo. Sa mga nawala mo sa buhay, sa mga kamag-anak na nawala mo sa buhay. Gusto ko lang malaman, doon sa pag salaysay mo ng kwento, parang hindi ko po narinig iyong paggawa ng gobyerno bago nagkaroon ng Sendong, sa evacuation... Mayroon ka bang narinig o nalaman na pinapa-evacuate na kayo ng gobyerno, ng lokal na gobyerno?

(Good morning, Honeylyn. We are sorry for your loss, for the loss of your family and all the others. I wish to know: when you were telling your story, I don't think I heard about what the government did before Sendong arrived, regarding evacuation; did you hear or were you informed about anything about the government or local government telling you to evacuate?)

MS GONZALES:

Wala po ma'am. Bali late po iyong information nila. (There wasn't any, ma'am. The information they provided was already late.)

COMM. GOMEZ-DUMPIT:

Gaano ka-late? (How late?)

MS. GONZALES:

Pag baha na po tapos nawalan po kasi ng kuryente, wala na... hindi na po namin alam na ganoon na po iyong pong kalakas na bagyo. (We lost electricity when it was already flooding, we had no idea how strong the typhoon was.)

COMM. GOMEZ-DUMPIT:

Pero sa radio ba mayroon kang narinig? O kung nakinig ba kayo ng radio noon, alam niyo ba na mas-severe o mas malakas iyong bagyong Sendong? (But did you hear anything from the radio, or if you were listening to the radio, would you have known that the intensity of Typhoon Sendong was severe?)

MS. GONZALES:

Alam po namin na may bagyo po pero hindi po namin narinig na ganoon po kalakas iyong bagyong Sendong. (We know that there will be a typhoon but we had no idea of typhoon Sendong's intensity.)

COMM. GOMEZ-DUMPIT:

Tapos noong nag-evacuate kayo, walang umikot? Hindi nakaikot? Walang nag-survey sa area? (After you evacuated, was there no-one roaming the area? Were they able to survey the area? Did no-one survey the area?)

MS. GONZALES:

Wala na po kasi hindi po iyon, hindi po makapasok iyong mga rescuer po sa lugar namin. (There wasn't any of that because vehicles couldn't get through our area.)

COMM. GOMEZ-DUMPIT:

Noong nag-transfer kayo, hindi ba two-storey house nandoon kayo. Noong inilipat mo yung mga kapatid mo sa simbahan, paano mo nalaman na doon dapat pupunta? (When you moved to the two-storey house and then moved to the church, how did you know that was where to go?)

MS. GONZALES:

Kasi doon po kami nagsisimba. (Because that Church was the place we go to to attend mass.)

COMM. GOMEZ-DUMPIT:

So inisip mo lang na mas-safe sila doon? Habang naghahanap ka sa iyong mga kapamilya? (So you figured they were safe there while you looked for your family?)

MS. GONZALES:

Yes *po*.

COMM. GOMEZ-DUMPIT:

After doon sa simbahan, ilang araw bago kayo lumipat sa tent city? (After staying at the church, how many days were you there before moving to the tent city?)

MS. GONZALES:

Mga...doon po kami nag-pa-pasko, hindi ko po ma-remember po kung ilang araw po kami doon. Kasi bago po yung sa tent city, bumalik po kasi kami sa likod ng lugar namin which is yung subdivision na mga sirang bahay. Kasi sumama kami sa isa kong tito na nabagyuhan din. Doon po kami nakatira tapos nabigyan po kami ng pagkakataon na mag apply daw po sa tent city, doon po kami nakatira sa tent city.

(We were able to spend Christmas at the tent city but I couldn't remember exactly how many days it took for us to move there because upon leaving the church we went back to our house that collapsed then stayed with our uncle who also survived the typhoon, then we were given the opportunity to apply to move to tent city.)

COMM. GOMEZ-DUMPIT:

So ilang araw o buwan kayong naglagi sa tent city? (How many days or months did you stay at the tent city?)

MS. GONZALES:

Halos mga isang taon. (Almost one year.)

COMM. GOMEZ-DUMPIT:

Meron bang mga lugar doon na tinatawag na safe space for women and children? Walang lugar na designated para magkaroon ng safer place within the tent city? (Were there areas designated as safe spaces for women and children within the tent city?)

MS. GONZALES:

Wala po, halu-halo na po kasi doon. ((There wasn't; men, women, children, and elderly lived all together.)

COMM. GOMEZ-DUMPIT:

Sinong nag-manage noong tent city? (Who managed the tent city?)

MS. GONZALES:

Hindi ko po maalala. Ay, DSWD pala. (I don't know. Oh, it's DSWD [Department of Social Welfare and Development])

COMM. GOMEZ-DUMPIT:

Wala na bang ibang naitulong? Kasi ang sinabi mo binigyan ng, dito sa salaysay mo, na nabigyan ng fifty thousand (Php 50,000.00) dahil nagtrabaho yung kapatid mo, yung kuya mo, sa isang kumpanya at binigyan kayo. Meron pa bang ibang nagbigay ng tulong sa inyo, sa gobyerno man o hindi?

(Did you get no further help? Here in your statement, you said you were given fifty thousand Pesos (PhP 50,000) by your brother's former employer. Did government or anyone else give you help?)

MS. GONZALES:

Meron pa po, hindi ko po maalala yung mga pangalan kasi sometimes merong magsasabi na, "uy merong magbibigay sa'yo ng pera." Kaya yun po yung istorya namin na parang magdo-donate sila ng four thousand Pesos (PhP 4,000), tapos yung mga councilors po ata doon sa syudad namin, yun po.

(Yes, there were other donations, but I couldn't recall all of their names because sometimes we would hear about someone donating, then we would go there and receive certain amounts like four thousand Pesos (PhP 4,000.00). Also, I believe the councilors in our area donated.)

COMM. GOMEZ-DUMPIT:

Wala na pong ibang naitulong ang gobyerno, bukod sa tent city tapos yung mga donations ng mga councilors? Wala ba silang mga programang naibigay sa inyo para makuha ninyo yung mga services?

(Did the government not provide any further help, apart from the tent city and the donations from the councilors? Did they not have programs that would enable you to avail of services?)

MS. GONZALES:

Yung sa Bayanihan po, yung pa-bahay. Kaso hindi ko po na-avail kasi po kinakailangan po na mag community service, yung cash for work, dapat po kasi araw-araw yun na attendance eh hindi ko po kasi yun magawa kasi mas inuuna ko po yung trabaho ko kaysa sa mga ganun po kasi yun po yung unang pangangailangan namin.

(There was a housing program called *Bayanihan* but I could not apply to it because they require community service. It is a cash for work program that required applicants to do daily community service with attendance, but I couldn't do that at that time because I was working, since I was the only one providing for all the needs of my siblings and myself.)

COMM. GOMEZ-DUMPIT:

Maraming salamat. (Thank you very much.)

PANEL CHAIR CADIZ:

I have no questions for the witness. Counsels, do you have follow-up questions for your witness?

ATTY. PAUDAC:

None, Your Honors.

PANEL CHAIR CADIZ:

Alright, the witness may now be excused. *Puwede ka nang... maraming salamat sa iyong pag-dalo dito at nakikiramay kami sa nangyari sa iyong pamilya.* (Thank you very much for attending this hearing and we really are sorry for what had happened to your family.)

Counsels, are you ready to present your next witness?

ATTY. MAYO-ANDA:

Good morning again, Your Honors. Our second resource person and witness for today is Dr. Glenn Paraso. May we call him to the witness stand?

PANEL CHAIR CADIZ:

Please swear-in the witness.

ATTY. MAYO-ANDA:

Your Honors, Dr. Glenn Paraso is the Executive Director of Mary Johnston Hospital. He is now the health expert of the National Technical Panel of experts of the Climate Change Commission. He will be presenting on the topic of climate justice, particularly in the health sector and in the development of a health adaptation strategy in relation to climate change. And before we proceed Your Honors, may we be allowed some preliminary questions?

PANEL CHAIR CADIZ:

Go ahead.

ATTY. MAYO-ANDA:

Good morning, Dr. Glenn.

DR. PARASO:

Good morning.

ATTY. MAYO-ANDA:

There is a document here consisting of twenty-one (21) pages, could you please take a look at this and identify if you recall the document?

DR. PARASO:

Yes, I was the one who did this study.

ATTY. MAYO-ANDA:

In the last page of this document there is a signature above your name, could you please check the signature?

DR. PARASO:

This is my signature.

ATTY. MAYO-ANDA:

Do you confirm and affirm the contents of this document?

DR. PARASO:

Yes.

ATTY. MAYO-ANDA:

So there is another document...

PANEL CHAIR CADIZ:

Before you proceed, Counsel, so that we will not get confused... There is a pre-marking there, right?

ATTY. MAYO-ANDA:

Yes.

PANEL CHAIR CADIZ:

This is marked as exhibit, what?

ATTY. MAYO-ANDA:

“JJJJJJJJ” and a ...

PANEL CHAIR CADIZ:

Our terminal concern would be matching later on... Just so we know that that document is the one that you are asking the witness to identify.

ATTY. MAYO-ANDA:

Thank you, Your Honor. And, this next document, Dr. Glenn, which has been pre-marked as “JJJJJJJJ” consisting of two (2) pages, could you please take a look at the document? So do you confirm and affirm the contents of this curriculum vitae?

DR. PARASO:

Yes.

ATTY. MAYO-ANDA:

The third document consists of thirty-five (35) pages and it is a PowerPoint presentation, marked as “LLLLLLLLL.” Could you please take a look at this document?

DR. PARASO:

Yes, it is.

ATTY. MAYO-ANDA:

And the last document pre-marked as “NNNNNNNNNN,” the Second (2nd) National Communications Report, consisting of fifty (50) pages, do you confirm and affirm the contents of this document?

DR. PARASO:

Yes, it is.

ATTY. MAYO-ANDA:

Your Honors, the “Statement of Dr. Glenn Paraso” has been pre-marked as “JJJJJJJJ” to “JJJJJJJJ-20” his signature as “JJJJJJJJ-20-A”. His curriculum vitae consisting of two (2) pages has been pre-marked as “KKKKKKKKKK” to “KKKKKKKKKK-1,” his printed PowerPoint presentation consisting of thirty-five (35) pages as “LLLLLLLLLL” to “LLLLLLLLLL-34.” Lastly, “The Second (2nd) National Communications Health Sector Report,” consisting of fifty (50) pages has been pre-marked as “NNNNNNNNNN” to “NNNNNNNNNN-49.” All of these, Your Honors, have been pre-marked on December 7, 2018.

PANEL CHAIR CADIZ:

Atty. Esguerra, can you confirm the pre-markings?

ATTY. ESGUERRA:

Confirming the pre-markings, Your Honors.

PANEL CHAIR CADIZ:

Alright, thank you very much. Please proceed with your witness.

ATTY. MAYO-ANDA:

Thank you, Your Honors. Dr. Glenn Paraso will now present.

DR. PARASO:

Your Honors, before you right now is a PowerPoint presentation looking at the climate change and health nexus. In as much as I'm only given some time to present this, I will try to cut some slides, which may not be so germane to our discussions right now.

So this is the climate change and health nexus, their relation. The outline is such that we will look at weather and climate, sources of greenhouse gases, and the climate change and health impacts. I hope to be fast with the science of this, so that we can get to the health impacts.

So, the next few slides will just show us the differences between weather and climate: weather is the "every day" that we see, but climate is more like over thirty (30) or fifty (50) years, or one hundred (100) years. Climate occurs over more seasons, and is set over a longer period of time.

The next slide will just show you some of the most destructive storms that we've had and how much they have cost our economy.

The next three slides will just show us what are greenhouse gases... and you can see there: carbon dioxide, methane, and nitrous oxide as the three most common greenhouse gases, and it has been stipulated that it is from the greenhouse gases where we get warming of the global temperature.

The next slide will show us that, in the Philippines, fifty-five percent (55%) of the greenhouse gases actually come from energy sources.

The next slide will show us that in that atlas, the Philippines is very small with regard to producing greenhouse gases. China is there at 7.71 gigatons. So we have... you see that square... that we are such a small country and contributor to the carbon dioxide emissions, and yet the effect of global climate warming is such that we are the ones that are at the forefront, as typhoons come and go... We experience twenty-one (21) typhoons per year in the Philippines.

So the effect is inversely proportional to our own carbon dioxide emissions. Just to show you, the IPCC report in the next few slides, has correlated greenhouse gases to human activity. So it's already considered anthropogenic in the IPCC report.

The next slide will show us that in the last three hundred thousand (300,000) years, carbon dioxide concentrations and temperature as it increases, are very much related to each other – there is a direct correlation between the two, based on the studies.

The next slide will now show us that global warming is definitely human-induced. There are three (3) lines here right now: the black line is the "observations" of the scientists. These are the three observation lines.

The blue line shows us volcanic and solar heat; these are the normal causes of heat. The red line shows us in addition to the natural sources, which are volcanic and solar heat, anthropogenic sources. And you will see that the red line is running away from the blue line, which should've been... if we did not have human-induced activity, the blue line would be where we are at right now. But you can see the Industrial Revolution and the use of all of these fossil fuels that human activity really added on to climate change and temperature change.

In the next two slides is the IPCC or the Intergovernmental Panel on Climate Change Report. The IPCC is an aggregation of scientists worldwide. In the next slide... reports have shown that anthropogenic activities have actually caused a one degree Centigrade (1°C) global warming since the Industrial Revolution. The following bullet points will show us what can happen, even as we project into the future: the fourth bullet point there says at two degrees Centigrade (2°C)... if there is a change of two degrees (2°) in temperature, the global annual catch of marine fisheries will be affected negatively. So you can see this happening, affecting the natural course of things.

In the next slide, at one point five (1.5) to two (2), which is specifically for health, says that it is going to affect human health, primarily through negative consequences as stated in the first bullet point. I'd like to highlight the fourth bullet: vector-borne diseases are projected to increase with a potential warming shift of one point five degrees (1.5°) to two degrees (2°). Also, in their geographic range, the mosquitoes are also able to fly farther off and replicate at a higher rate.

The next slide will show us how global temperatures are already going up, and in this report of the IPCC in the year 2000, they were aware that a point forty-five degree (0.45°) increase is already very uncomfortable for a lot of sectors in our society.

The next slide shows us, in the yellow highlights there, heavy rainfall events have become more frequent, and there has been an increase in intense tropical cyclones. These are very likely, but the first three lines there indicate fewer cold nights and days, more frequent hot days, and more frequent warm spells... all virtually certain and very likely to happen.

Let me skip over the next two slides, they're just looking at RCP (representative concentration pathways)... just to show you what the scenarios are going to be like, you can see the color is more intense at RCP 8.5.

Let's move on to the health impacts: you can see now that health is a determinant and indicates climate change impacts. It has two effects, your Honors, both direct and indirect. They have better assessments for the direct effects, but are having a harder time assessing the indirect effects. However, the indirect effects are the more dominant effects; and by their nature, indirect effects are harder to measure.

The next three slides will show you SDGs, the Sustainable Development Goals. So you see the Goal 2, Goal 3, Goal 6, Goal 7, and in the next slide, Goal 15 – all SDGs related to health, including climate action. So what am I saying? In the next slide, you will see that there is really no one-to-one linear correspondence between climate change and health, because it affects the other sectors. It's very complicated: health affects other sectors as they in turn affect health.

In our Philippine Constitution, in the next two (2) slides, we can see there that the right to health is stipulated in our state policies, as well as the concepts of social justice and human rights in Article 13. Specifically, for Section 11, it says that “the State shall adopt an integrated and comprehensive approach to health development, which shall endeavor to make essential goods, health, and other social services,” take note, “to all the people at affordable cost.” So there is a prioritization of the needs here for health. Sections 12 and 13 also establish an effective food and drug regulatory system, and Section 13 looks at establishing a special agency for the rehabilitation and development of disabled persons. These are all parts of the Constitution that stipulate the primacy of health.

The next slide is quite a busy slide, but it just shows us that the human right to health is also internationally-protected, in treaties which we are also signatories to. WHO, Article 22, and Article 24, Convention on the Rights of the Child... you can see that in those declarations, health is highlighted as a human right.

The next two (2) slides show us the key implications being brought about by climate change as it impacts health. Implication number one (1) shows that, in as much as there is a natural climate variability already, human-induced climate change has enhanced it; so *mas mabilis ngayon ang* effects *ng* frequent storms (the effects of frequent storms manifest quicker). *Hindi lang* (not just the) frequency - but more intense extreme weather events whether it is the cold part or the hot part. As I was saying, in the second (2nd) bullet, it says that while the health impacts are greatly indicated, there are also non-health impacts which are socio-economic determinants: poverty, education, gender, culture. These are other factors which complement the health factor. Sometimes, *hindi health ang dahilan* (health is not necessarily the cause). You're in poverty, you become more vulnerable to climate impacts. If you don't have the monies to go to the hospital, then your health is not supported

because you don't have the economic capacity. These are indicators of non-climate factors on health.

There are other environmental factors, like geography: the Philippines is an archipelagic country, so you can see that when climate change affects the whole of the Philippines, your situation is going to be very different based on where you are located. The other key implications on the next slide look into disease transmission dynamics. This is what I was telling you a while ago: the vector for malaria, for example, is the mosquito. If the mosquito can replicate faster because of a more conducive temperature range which the Philippines is in right now. That band of twenty-two degrees (22°) to thirty (30°) is where we are right now. I'm not saying that this specific mosquito will bite you and that it already carries the disease, but there are more chances of getting infected because of the rapid population increase, and consequently the increased chance that these mosquitoes will carry the disease as vectors. As I was saying a while ago, given the enabling environment, they might even be able to fly to the next *barangay* (village). If it's a virgin population and these mosquitoes can fly farther off because of longer droughts, their effective lifespan is longer, and they will heavily affect disease transmission.

Now also, our present state of health systems: public health services is something that we're still challenged with in the Philippines and the DOH. In context, on top of public health requirements, and on top of climate change, we already have tuberculosis, measles, and all of these diseases. You put that on an entity that is already burdened, and it becomes really hard to manage all of these given that we have limited resources for health services.

The third slide on key indicators: extreme weather events. We witnessed from Sendong in 2011, Ondoy in 2009, and Yolanda in 2013, the latest, which is five years ago. You can see now that extreme weather events are becoming more frequent. I remember it was only Typhoon Yoling in 1972, which was very remarkable, but now you know we have them every five (5) years or even every three (3) years. It's not only the frequency that has increased, but also the intensity. Yoling was Signal Number Two (2), but Yolanda was Category Five (5); likewise, the latest was also Category Five (5). It's very different; you can see the intensity nowadays is also different.

Third point - if we adapt to climate change and the health impacts, the process will be one of the drivers of sustainable development. If we're able to adapt and address the health impacts of climate change, we will also, in effect, be looking at sustainability.

The next slide will show you the social determinants of health. So we are seeing that climate change and impacts on health are actually impacted by these other factors: poverty; geographical isolation; access to health; even conflict - like in the southern areas, if there is conflict, it affects health;

educational attainment - on decision-making processes on better health-seeking behaviors, for example some people don't even want to wash their hands; and culture also has an effect.

The next two slides show that there are direct and indirect effects of climate on health, and I mentioned earlier that indirect parameters are harder to measure.

Let's go to the next slide: Climate Change and Health Pathways. Again, this slide shows you that number one there and number two there are direct and mediating processes. It's really a complicated relationship between health and climate change.

The next few slides will show you the health impacts on heat stress, food security, water security.

Next slide. Just to show you, heat stress incidents have increased over time because of the changing climate. Water-borne infections, vector-borne infections, cholera, typhoid; these other diseases have already manifested, but the cases of such has been increasing.

Let me go to that slide where we have typhoid fever cases, please. Next slide, next slide, go ahead. There is a graph there that will show you these other related diseases. Zika is also vector-borne, we did not have Zika before, but apparently local cases have begun to appear.

This case, typhoid fever cases, these DOH slides: number of cases is the red one, right? 1998, very significant year. Go ahead, next slide please. Next graph. Malaria cases, okay, and then the next slide. Alright, dengue cases. It all happened in 1998 - *na matataas lahat* [both had a high number of cases] - because there was a drought in 1998 and that was the longest drought that we had. I think it lasted around eight months. And all of these cases went up because of that increased temperature and, as I was telling you earlier, the timeframe really is very important because parasite development happened in that time.

Of course there's the indirect causes such as floods. Droughts are an indirect process which leads to malnutrition because food security is affected. Just to tell you again, particulate matter also affects us; these are small PPMs [parts per million], small dust particles in the air. They can fly farther away. In the last forest fires of Indonesia, *na nakaabot din po sila sa atin* [it also reached the Philippines] the PPMs managed to affect our level of air pollution.

Let me turn your attention to the gaps. These are the gaps that we see in the health sector: long-term data regarding health and climate is still a challenge for us, as well as availability of assessment tools. Not many correlation studies

have been done on health and climate. And then we also have a problem with integrating climate change and health in the planning process, because *ang hirap kasi i-budget* [it's difficult to budget for] because we don't know how much the effect of climate change would be. Integrated long-term surveillance is also a gap that we can see.

The next slide will show us adaptation strategies. If we're able to look at both climate-sensitive diseases and the burden of climate-sensitive diseases with a study, we will be able to come out with hopefully like in PhilHealth for example: a financing mechanism for climate-sensitive diseases. So that in areas where, you know, they are more vulnerable, PhilHealth will be able to fund a malaria or a dengue package, things like that. Of course, I do not want to belittle the behavior change, and climate and health education has to happen because we have to change our behavior as well.

For adaptation studies and strategies, there's the PPP (Public-Private Partnerships), because the government cannot do it alone. We should climate-proof our health facilities, and again, ensure access to safe drinking water and sanitation.

Second to the last slide, the uncertainty as we are experiencing right now is not an excuse. We should be preventive, and be proactive rather than reactive in our strategies.

The last slide there is the tipping point slide. While health is a right, the slide says that we don't know where the tipping point is because ultimately it's going to be irreversible. We don't know if two degrees (2°) is the tipping point, and if we reach it, we will not be able to reverse their effects on climate change and on all of the other sectors.

So, like fever, we have to have paracetamol as early as possible before you go into the antibiotics.

Thank you.

ATTY. MAYO-ANDA:

Thank you, Dr. Glenn. Your Honors, may we be allowed to ask questions?

PANEL CHAIR CADIZ:

Go ahead.

ATTY. MAYO-ANDA:

Thank you, Dr. Glenn, again for your presentation. You mentioned about the several gaps in the current public health efforts but you also mentioned about the preventive adaptation strategy. Could you give us a sense of where we are now in terms of our current actions, initiatives, as well as resources of the government?

DR. PARASO:

Thank you very much for the question. For policy, we already have existing policies on how to respond to climate change and health. Actually, the Climate Change Commission was brought into development, and is now doing the policy part, looking into ways we can respond to climate change. As part of the Climate Change Commission, we also have what we call the People's Survival Fund, PSF they call it. This is a fund that is being used right now for projects which can adapt and/or mitigate at the LGU level, so now I think there have been quite a number of proposals that have been approved on climate change, and part of that is the health response.

I think I answered the question of what the government does. And with regard to the DOH right now, there's already a policy which we were able to put in place in 2009, with regards to projects and programs in response to climate change and health impacts.

I guess another gap would be health financing. As I was saying a while ago, PhilHealth financing will only cover so much of diseases. If we can come up with enough financing specific to climate-sensitive diseases, then this will also lessen that vulnerability. You know, it's lessening the vulnerability because it's too expensive for us to be curative. Health financing is actually adaptive, it is an adaptation mechanism for us. That gives us a security net for climate change.

ATTY. MAYO-ANDA:

But besides the government, how about private initiatives? Are there efforts now or actions that in a way would address these gaps?

DR. PARASO:

We're still at the beginning because it's very hard to educate doctors with regard to climate change. The environment is something that we were not trained to look at – diseases coming from the environment. We were trained

to look at diseases as biological. That's why we prescribe antibiotics. But it's very hard to prescribe "change of place of living." Let's take, for example, asthma. Asthma is not a "disease." It is actually an allergy, which is affected by the environment. So you know, a change in the climate or weather, I should say, would trigger the condition, but we cannot give an antibiotic for that. In fact we'd give you antihistamines, something that would remove the itchiness, and yet that is a climate-sensitive disease. Now I do not know if PhilHealth covers allergies...I don't think so, *so ang hirap* [it's really difficult]. Therefore... the question is, I'm sorry...

ATTY. MAYO-ANDA:

The private sector...

DR. PARASO:

Yes, in the private sector, we already have, you know, we have our friends who are in the mining industry, in all of these industries, which are also potential polluters, or enhances the effects of all this climate change. While they have like, they call them CSRs or Corporate Social Responsibilities, *hindi lahat ay tinitingnan ang* [not all look into] climate effects, specifically on health. While some of them would just give you a token medical mission, there is no comprehensive response yet. "What does our industry contribute to the worsening of climate?" *Wala pa silang ganoon na efforts ang private sector* [The private sector still do not put in effort to help with climate change]. But again, we are in the education stage, but they have a lot of potential in terms of responding to the climate change effects.

ATTY. MAYO-ANDA:

Building on that comment, Doctor, what role would these corporations play? I think you're aware that in this particular case, the respondent companies are being made to answer in connection with the human rights impacts of climate change. Since you mentioned that, and you've mentioned as well that they are not adequately addressed, what role should they play?

DR. PARASO:

They should play a major role. If I'm an oil-producing company, fossil fuel is actually the cause of global warming. So if they can shift, looking at to renewables, then that will be a big change. *Baka* [maybe] later in the future, *hindi pa ngayon* [not now], but you can share with them the current benefits

of work, and compensation, and profits if you look at renewables rather than fossil fuels. And then you look at the health impacts of that. Well, their role is, they have a major role central to this: if they can shift their fossil fuel production rather to renewables or to solar energy even, and that's where they put their monies, then I think that will be good business sense for them, and it's going to profit them *kasi hindi naman natatanggal ang araw* [because the sun will never be gone]. It's here forever, so if they can finance that and go into renewables, it would be better overall.

ATTY. MAYO-ANDA:

Last question, do you have any models addressing health impacts relating to climate change and the efforts to actually pursue that change?

DR. PARASO:

As I was telling you, it's complicated. So *ngayon ang nangyayari na mga studies ay assessments* [at the moment, the studies being conducted are to assess the climate change impacts], because we also lack the tools, it is for the most part correlative. So you have to look at temperature, you have to look at rainfall, you have to look at these parameters as it relates to health. And then you put on top of that the social determinants: poverty, education...so it has to really be a model that is multi-disciplinary and multi-factorial.

So, are there studies? Yes, *pero ang ginagawa lang nila* are the number of diseases [the current studies are only able to look into the number of diseases]. It's very specific; beyond that, as I was telling you, what if one thousand mosquitos or even one hundred thousand of them; *hindi naman natin mabilang si mosquito* [we can't count the number of mosquitoes]. So *ang tinitingnan na lang ay ilan ang kaso ng* [what is being looked at is the number of malaria cases]. With this, they will be able to directly count the number of cases and then come up with an intervention.

So yes, modellings are happening, even at the international level, but there are climate-sensitive specific diseases.

ATTY. MAYO-ANDA:

In relation to that, because it is a good point, are there resources being allocated to pursue that pathway?

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DR. PARASO:

At the moment we are still burdened with public health and primary health care, so yes we've been talking with PCHRD (Philippine Council for Health Research and Development) and DOST (Department of Science and Technology) to look further into researches toward that track. We are only at the technical review stage but *hindi gamoon karani ang* [there are limited] studies on looking at climate change and its health impacts. It is very much a virgin territory and there's a lot of opportunities to learn from it.

ATTY. MAYO-ANDA:

Thank you, Dr. Glenn Paraso, Your Honors.

DR. WALPOLE:

Thank you, Dr. Paraso. This is very nice, to have it laid out in the Philippine context. If I can just try to update myself a little: what were the impacts of heat stress in 2017, what was the estimated impact, how many people were...

DR. PARASO:

I cannot give you that number, but what I can say is that it was considerably higher because 2017 was, I think on record, the hottest year also, and we were going through the cases both in Tuguegarao and in Nueva Ecija - and the different regional hospitals said there is an increase in the number of cases for heat stress. That's why we are coming up with a scoring system with PAGASA (Philippine Atmospheric, Geophysical, and Astronomical Services Administration) on heat stress, and coming up with an advisory system. Like with flooding, you know, if it's at Level 3, Yellow, or whatever, don't go out anymore.

PANEL CHAIR CADIZ:

Dr. Walpole?

DR. WALPOLE:

Yes, but they did not receive much awareness and much coverage. You were talking about water security, which are the most vulnerable cities in the Philippines to water insecurity?

DR. PARASO:

Water insecurity is an indirect impact of climate change. It can be caused by long levels of drought, lack of rainfall, and aquifer water levels going down. So, we would see that for water security, it would be those areas which are in the provinces. These are the areas that have, for the most part, rain-fed farms. Reports also have shown that areas like Tuguegarao and also Nueva Ecija are experiencing an increase in temperature and occurrences of drought. These are areas which are very much vulnerable in terms of water security.

DR. WALPOLE:

In relation to that, in the Philippines, is there really a tipping point in terms of food security? Is there a point where our lands will not produce 98%...

DR. PARASO:

That's a very good question because right now, our current solution is to import rice. So I guess there already is a shortage – I don't know if it's artificial or not – but there's a shortage because the yield right now is not that high. It has gone down, and food security in the end becomes an inter-country issue. So, in the Philippines, the mere fact that we're already importing rice means that the problem is either in the management of our lands, or effect of long-term drought.

DR. WALPOLE:

One last question, if I may. In terms of the IPCC's (Intergovernmental Panel on Climate Change) Special Report and the 1.5° threshold, does that give a greater urgency and accuracy to what you are saying, or do we just continue with the normal?

DR. PARASO:

It should not be "business-as-usual," but "business unusual" because responding and adaptation measures don't happen overnight. Yes, it is becoming serious because climate change is very insidious: before you know it, it's already here. And it's not in our consciousness to factor it into our budgets, and how it affects the health system. For consideration, yes, we should already be working now if we want to be preventive. But at this point

in time, it's already here, we have to adapt. And the degree of urgency is very serious because, as I was telling you, we don't know what the tipping point is, where our systems cannot anymore respond to the climate impacts.

DR. WALPOLE:

Thank you very much.

DR. PARASO:

Thank you also.

PANEL CHAIR CADIZ:

Doctor, I noticed that you're a member of the Panel of Technical Experts that work in collaboration with the Climate Change Commission. My first question is... how many and who are the members of this Technical Panel?

DR. PARASO:

We have a diverse set of people. Right now there's around fourteen (14) of us in the Panel. They're experts on oceans, energy, and forestry. We have engineers looking at oil... So these are the different parts and I'm in the health part.

PANEL CHAIR CADIZ:

How often do you meet... this Technical Panel?

DR. PARASO:

We meet on a quarterly basis.

PANEL CHAIR CADIZ:

And how would you describe the relationship between this Panel of Technical Experts and the Commission itself?

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DR. PARASO:

The Panel of Technical Experts acts as an advisory committee to the Climate Change Commission. What happens is that they will ask us the latest on, let's say forestry. How does it affect us in the future as to carbon sequestration and all of that? If there are projects or proposals that are being handled or given by the different LGUs (Local Government Units) to the Climate Change Commission, they let it pass through us so that we can comment on the technical aspects of it. So I comment on the health aspect, if there is a section that has to do with a health impacts. With a proposal on energy, someone else comments on that. So, we act as both a policy and technical experts advisory group to the Climate Change Commission.

PANEL CHAIR CADIZ:

And how are your recommendations being translated into policy changes... programs of action?

DR. PARASO:

Legislation on water use, legislation on energy and diversifying energy sources –that's where we give our comments and recommendations. In the latest Climate Change Consciousness Week, there are quite a number of policies which were given out where we were party to the technical aspect of drawing those policies, both locally and internationally. In the next conference of parties, there is a Philippine position, and we are fighting into putting input into that position.

PANEL CHAIR CADIZ:

How long have you been a member of this technical group?

DR. PARASO:

I think I was a member in 2009 or 2010? Up to the present...

PANEL CHAIR CADIZ:

And would you say are you personally satisfied with the recommendations to the Commission and their actions on it?

DR. PARASO:

Well, we know that there is a bureaucracy in place. While we are inputting into that, there are other legislators who are questioning that portion. So would I be satisfied? Ugh... that's my answer (Laughs). We still have to do it faster because we have a budget; the government has a budget for climate change, *malaki din yan* [it has a big budget] in the form of the People's Survival Fund. It depends if the province or an LGU will be able to give a proposal on climate change response; that's where that fund goes into. And that fund, I think it's One (1) Billion every year. It just adds up if there's no drawdown. It's very hard to access. I think its financial aspect is being managed by the Development Bank of the Philippines; but we input on the technical aspects of the proposals. So we're starting, we're learning because it's so hard to get a proposal up to those people. It's also hard because not all of the LGUs have proposal skills, because it is not their forte. So we also have to give them some sort of support mechanism for proposal-making. And then not all of the proposals are actually climate change-related. They ask for bridges to be built in the area. They think that a bridge is a response to climate change. That proposal is shot down immediately. You have to correlate the bridge to climate change.

PANEL CHAIR CADIZ:

If you were to make one (1) or two (2) important recommendations regarding the mandate and the exercise of mandate of the Climate Change Commission, what would they be?

DR. PARASO:

Okay, I think, one recommendation would be to really factor the policy into the budgets. I know this is starting already, a policy that mandates LGUs to put in the climate change impacts as part of their budgeting mechanism. Let's say I'm the mayor? I'm only there for three (3) years, right? Why will I budget for climate change? I'm out in three (3) years anyway. So if it was instituted that climate change response is not an overnight thing, preparing for the future is a duty of care and responsibility...

So my other recommendation, putting climate change and health in the budgets. And then, I think they're starting to tag budget items as climate change impacts already. That also is a very good recommendation from my end, the possibility of tagging items in the budgets which are related to climate change and health impacts. And lastly, of course for health, there should be

climate financing, specifically health insurance for climate change and health services.

PANEL CHAIR CADIZ:

Thank you very much, Dr. Paraso. Commissioner Karen Dumpit will have questions.

COMM. GOMEZ-DUMPIT:

Hi, good morning. I just wanted to have a better picture of how climate financing is. Do you have a model?

DR. PARASO:

Right now, for example there is GEF (Global Environment Facility), that's a big fund, the biggest fund that's here right now. There are other NGOs (Non-governmental Organizations) into this. The EU (European Union) is also giving funding for climate change thru the GIZ (*Deutsche Gesellschaft für Internationale Zusammenarbeit*). These are bilateral relationships that we have with them, government to government, where they look at climate financing. The Clean Development Mechanisms are still ongoing, CDM they call it, but it is getting smaller because that's like carbon taxing.

COMM. GOMEZ-DUMPIT:

Nothing on climate change impacts on health?

DR. PARASO:

No, that one is still under the works.

COMM. GOMEZ-DUMPIT:

Here in the Philippines? But in other countries, do they have that?

DR. PARASO:

Yeah, they already have like, for example, malaria and dengue studies, climate-sensitive diseases. So, they're more at the international level and have not really trickled down to Asia. Ours is more on the assessment type – vulnerability assessments of health, examining different factors affecting health as an impact of climate change. These assessment studies are starting, so we're not yet in the implementation stage. I guess the People's Survival Fund would cover the implementation part of the assessment studies.

COMM. GOMEZ-DUMPIT:

On the People's Survival Fund, who vets the proposal of the local government?

DR. PARASO:

It's usually through the Governor. They have a Committee on Health that drafts the proposals. And then they submit to the PSF through the Climate Change Commission.

COMM. GOMEZ-DUMPIT:

And then they approve... and they submit to?

DR. PARASO:

The PSF accepts proposals and approves them. The funding mechanism is the DBP. Depending on their proposal, how much it is going to cost, if it is multi-phased, three (3) years...

COMM. GOMEZ-DUMPIT:

And then it's the PSF that approves? So is there a board?

DR. PARASO:

Yes, PSF has a board.

COMM. GOMEZ-DUMPIT:

So who are the members of that board?

DR. PARASO:

I don't know. We only give inputs. The PSF will give it to us and then we'll say, "OK, this has a very good health component, approve this much, technically, this...." and then it goes back to them...

COMM. GOMEZ-DUMPIT:

You mentioned about coming up with heat signals similar to what we have in typhoon signals. Did I get you right? Is that going to be instituted yet?

DR. PARASO:

Right, but not yet. We are working on it with PAGASA and DOST.

COMM. GOMEZ-DUMPIT:

What is the timeline for that?

DR. PARASO:

I think the study itself is around three (3) years. We first have to get the core rate of temperatures over time and the number of cases at different government hospitals, then we are going to directly correlate. So yeah, that study will take around three years.

COMM. GOMEZ-DUMPIT:

And you've started that study?

DR. PARASO:

We're at the technical review stage –so we are still at year one. We still have studies on several pilot areas to determine which would have higher

temperatures, and if whether there is a meteorology station, so that we can correlate cases and temperature.

COMM. GOMEZ-DUMPIT:

In the Technical Panel you said there are 14 members. Are there members that represent, let's say, the education sector?

DR. PARASO:

At this point, I don't think so.

COMM. GOMEZ-DUMPIT:

Would you say that, perhaps, maybe we should also pay attention to public civic education about climate change and health impacts?

DR. PARASO:

I was saying that, also a while ago, a behavioral communications change should happen both with doctors and patients. It's not in our radar to look at the environment as a cause of diseases. Health education is definitely very important.

COMM. GOMEZ-DUMPIT:

Not only health-seeking behavior but also safety-seeking behavior.

DR. PARASO:

Yeah, let's say, in a flood, even before the flooding it gets reported on TV, right? But people aren't always watching the news, and dealing with flooding has become a way of life for us. Like, leptospirosis during floods. While there are advisories from DOH, everybody still goes swimming in the flood.

COMM. GOMEZ-DUMPIT:

And that's where behavioral communication comes in. It's not enough to issue advisories but to ensure that proper behavior comes after that. It's also a call to action.

DR. PARASO:

You know, it's an irony. For example, Malabon and Navotas are always inundated. So, what do I say in my health education when transportation is by boat from one place to the other. I just have to go to the market and I have to go through water. So it's also geography-specific. But, yes, health- and safety-seeking is a concern to change the behavior towards adaptation.

COMM. GOMEZ-DUMPIT:

Thank you, Doc.

PANEL CHAIR CADIZ:

Counsels, you have further questions?

Thank you very much, Doctor. You are excused.

DR. PARASO:

Thank you, Your Honors.

PANEL CHAIR CADIZ:

We're thirty minutes ahead of time. Do you want to have your third witness already and have an early lunch? Or have a coffee break first?

ATTY. PAUDAC:

Our third resource person is already here, may we call our third resource person, Your Honors?

PANEL CHAIR CADIZ:

Yes, please proceed.

ATTY. PAUDAC:

Our third resource person is not new to this conversation. She is Ms. Loretta Ann P. Rosales, a former Chairperson of the CHR. She also held a position as the Philippine representative to the ASEAN (Association of Southeast Asian Nations) Intergovernmental Human Rights Commission in 2016 and a three-term party-list representative of Akbayan Citizen's Action Party. She's currently a special lecturer at De La Salle College of St. Benilde, Chairperson Emeritus of Akbayan Citizen's Action Party, and among others, a member of the Philippine Coalition for the International Criminal Court, and a member of the ASEAN Working Group Mechanism. May we call on Ms. Rosales to the stand?

PANEL CHAIR CADIZ:

Welcome, ex-chairman Rosales. Thank you for coming here.

Can we have the witness sworn-in?

ATTY. ESGUERRA:

(swears-in witness)

PANEL CHAIR CADIZ:

Counsel, please proceed.

ATTY. PAUDAC:

Your Honors, Ms. Rosales was invited by the petitioners for her to share her expertise in the topic of why human rights and gender rights are important to the national narrative on major carbon producers and their impact on the Philippine environment and economy. Before we proceed with the presentation of Ms. Rosales, may we be allowed to ask preliminary questions regarding the documents that she submitted?

PANEL CHAIR CADIZ:

Please go ahead.

ATTY. PAUDAC:

Your Honors, Ms. Rosales submitted to us three documents which were pre-marked earlier this morning. First is the "Statement of Ms. Loretta Ann Rosales," consisting of two (2) pages, pre-marked as "NNNNNNNNNN" to "NNNNNNNNNN-1;" her signature as "NNNNNNNNNN-1-A;" her curriculum vitae, consisting of two (2) pages, as "OOOOOOOOO" to "OOOOOOOOO-1;" and finally, a printed PowerPoint presentation entitled "Climate Change and Human Rights," consisting of eight (8) pages, pre-marked as "PPPPPPPPP" to "PPPPPPPPP-7." Before we ask for the confirmation from the Clerk of the Honorable Commission, may we be allowed to present these to Ms. Rosales for her confirmation, Your Honor?

PANEL CHAIR CADIZ:

Please proceed.

ATTY. PAUDAC:

Good morning, Ms. Rosales, can I call you Ms. Rosales? Or Ma'am Etta?

MS. ROSALES:

Just call me Etta.

ATTY. PAUDAC:

I am not comfortable with just Etta I'll just add ma'am. Ma'am Etta, I have here three documents. Please go through them, and please tell the court if these are the same documents that you submitted earlier?

MS. ROSALES:

Yes, they are.

ATTY. PAUDAC:

Let us take this first document: the “Statement of Ms. Loretta Ann Rosales,” consisting of two (2) pages; there’s a signature above the name “Loretta Ann P. Rosales,” dated December 11, 2018, is this your signature?

MS. ROSALES:

Yes, that is mine.

ATTY. PAUDAC:

So, you confirm and affirm the document entitled “Statement of Ms. Loretta Ann Rosales?”

MS. ROSALES:

Yes.

ATTY. PAUDAC:

Thank you that will be all, Ms. Rosales.

PANEL CHAIR CADIZ:

Before you proceed... Atty. Esguerra, will you confirm the pre-markings?

ATTY. ESGUERRA:

Confirming the pre-markings as manifested by Counsel, Your Honors.

PANEL CHAIR CADIZ:

Alright, thank you. Please proceed now, Counsel.

ATTY. PAUDAC:

Ma'am Etta, you may now begin your presentation.

MS. ROSALES:

Okay, thank you very much.

First of all, may I express my appreciation for this invitation. Actually, I'd like to qualify the introduction: I have no expertise in this matter, I think I'm just as, you know, good as anybody else. We're all in the learning process with respect to cultivating human rights or giving human rights a gender lens in these terribly-complex issues of climate change.

So I've had some practice as a former Chairperson of the CHR. We have, as a matter of fact, come up with a primer on rights, responsibilities, and frameworks. I'll probably be using this, essentially. I shall start with what I feel I can contribute to—having been invited as a resource person—to the CHR.

I think that maybe my contribution can help in a proposal for civil society groups, and I've been talking to some of them a while ago. While I was listening to Dr. Paraso give a very comprehensive discussion on the role of the health sector with respect to climate change, and the role of government and the role of businesses... this can be a proposal on how civil society groups, in close collaboration with the CHR, can work together to use a human rights lens and a gender lens in protection against climate change, for this generation and thereafter. It's a tall order, but I think that maybe this is how I can contribute a little to this.

Okay, I read the documents that you gave me, and this was the prayer of the petition of Greenpeace to the CHR. Let me just run through this: essentially, it called for an investigation of carbon majors in relation to their responsibilities to the Filipino people. It sought the monitoring of vulnerable peoples and communities by the CHR, regarding the impact of climate change. It sought a policy recommendation on corporate reporting of human rights in relation to the environment. It asked for a policy recommendation from the CHR on the accountability mechanisms and access to remedies of victims. It also requested a notification of carbon majors, and requests plans on how to address the violations, and it also called for executive action, to call upon the home states of carbon majors to address climate change related to human rights, harms or violations.

So this was the prayer of Greenpeace to the CHR. And my response was, "Oh, my gosh! This is a narrative of David and Goliath!" Given the complex nature

of climate change and the CHR, which is here in the Philippines, as one of the commissions in Asia trying to address human rights violations. When you talk about human rights, and you talk about the entirety of human rights as pointed out by Dr. Paraso a while ago, he was only referring to the eco-social dimensions of human rights: the health question, the poverty question. And he didn't mention that conflicts or violations of civil and political rights can in fact contribute to the problems of climate change.

So, how can the CHR do it? Does it have the capacity, the mechanisms, the instruments to be able to address what is being asked for by Greenpeace? Let me try to go through the journey, let's process this whole thing. I'd like to give a very brief framework of the historical development of human rights, ten (10) to fifteen (15) minutes. I'll try to be very brief. Maybe we should, together, give a historical view of the evolution of human rights, because we have to be fair to the CHR in being asked to do the task it is supposed to do. It's part of its mandate, but can it do it?

The historical development of human rights, post-World War 2 to the present, showed us that the concept of human rights was institutionalized in the Declaration of Human Rights in 1948. In 1945, the United Nations organization was set up and it, for the first time, established and institutionalized the concept of human rights as a universal mandate that should be addressed by all members of the United Nations. It focused on transitional justice very briefly, from 1945 to 1948. By transitional justice, meaning, it was able to come up first with the United Nations organization – for the first time there was a global consensus for the winners – these would be the Allied powers - to come and seek remedies against the atrocities that were committed, at least in the Second World War. We hear about the massacres, the genocide committed by Hitler with the six million Jews that were killed, that included Jews, gypsies, Communists, persons with disabilities, the gay community – all of these were considered dysfunctional – the better to get rid of them so as to be able to enhance the Aryan race. That is the traditional, official position that we keep on hearing about.

When I was listening to Dr. Paraso a while ago, it reminded me of the truth about World War 2. It was not six (6) million, I mean, that's for Germany only. But the entire casualties as brought out by an American institution came to fifty (50) million casualties, including close to five hundred thousand (500,000), some would even say, a million, in the Philippines. There were atrocities that were committed in Samar, but that was only the casualties brought about by lethal weapons. Subsequently, 30 million more were killed because of the toxic effects of the bombs on the waters and the soil, wherever they were dropped. And these bombs came from both sides of the fence.

So transitional justice sought for a “never again” position against this. It came out with the Universal Declaration of Human Rights. There are thirty (30)

articles but I'd like to focus on just three (3) messages of the Universal Declaration of Human Rights. One is, never again, for the first time you should recognize the dignity of the human being, and the dignity of the human being can only be recognized when this human being is able to exercise and enjoy his or her human rights fully. The second point is that, never again should violence and lethal weapons be used in the settlement of disputes. There should be diplomacy, cooperation, and solidarity. Number three, the ultimate role of the United Nations is to bring about sustainable, enduring peace that will give rise to the development of the nations, of their economies, and finally to the enhancement of the human rights.

So this is fundamental in transitional justice. There were trials in Nuremberg, there were trials in Tokyo, and we contributed our own trials against General Yamashita, and contributed to the principle of command responsibility as a crime that had to be addressed. Okay, the right to environment was not addressed. Civil and political rights, economic, social, and cultural rights were subsequent parts of the International Human Rights Law that came from the Universal Declaration of Human Rights. But there was no focus on the right to environment, even given the fact that the environment was so damaged by the Second World War. So to me, that's important.

It is only now that we have –when was it, 2011? – the United Nations Guiding Principles adopted by the UN Human Rights Council. That was what started this whole thing about taking more seriously the question of environment from a human rights lens.

So that's the framework. We add to that: the Philippines is now a signatory to eight (8) of nine (9) international human rights instruments. That's something we should be proud of. We're the only one in Asia who can hold ourselves to that position as a matter of policy. We are rich in human rights. In fact, our Constitution is rich in human rights provisions. I don't have to go into that, but it is considered a human rights charter precisely because of its being an expression, a legal expression, against all the atrocities that were committed by the Marcos regime.

We are in the center, we are in the equator, the geographic and physical attributes of the Philippines puts us in the Ring of Fire. We have, how many, volcanoes, we have earthquakes, we have the twenty-one (21) typhoons; so we're right smack in the middle of this, which means to say that the government should put a central focus on how we can, in fact, adapt and mitigate the harm that is being done by climate change. But we are a developing country, as it was pointed out a while ago. We contribute very little to the carbon emissions, and yet we are the recipient of the harm done by carbon emissions that are produced by forty-seven (47) major carbon producers from the developed world.

In the post-Marcos era, we've had many environmental laws. I think a lot of NGOs have contributed to this, you're the experts on this –the NIPAS (National Integrated Protected Areas System) Act, IPRA (Indigenous Peoples' Rights Act), and so on and so forth. There is so much rich literature for the implementation of these laws for the benefit of the people. From our point of view, rights, differentiated responsibilities, and remedies in the context of common action is the main theme that I think we should be addressing.

Using the Ruggie Framework, we look into three (3) principles, the foundational and operational pillars. The first pillar is the State. Theoretically, it's in all our human rights laws: The State is the institution that is primarily responsible for the protection, the fulfillment, and the promotion of human rights. Therefore, when there is harm being done to our people, with respect to other state actors or non-state actors like businesses, it is the responsibility of the state to come up with legislation that should, in fact, exact accountability from the non-state actors.

Specifically, when we talk about non-state actors like business, again it was mentioned a while ago, we talk about its corporate responsibility, but more than just its corporate responsibility, what I understand with the lawyers here who understand that, you know, you're supposed to give an annual report on your financing; maybe it's high time that these businesses come up with non-monetary reports like their responsibility in their behavior with respect to health, with respect to poverty, with respect to environment, and so on and so forth. So that covers the rights of the people and the responsibility of the state and the businesses to come up with legislation that should protect the rights of the people.

But the third and very urgent question, and to me this is what it's all about, are the remedies. Whatever legislation, whatever responsibilities there are must match the action plans of the states and the businesses whenever the violations of the rights of the people are breached. So as far as the State is concerned, maybe the thing that we should do is a National Action Plan on Business and Human Rights? During my time, and Commissioner Karen is here now so she knows exactly what I'm talking about, we engaged in a National Action Plan.

It is not the CHR that makes the National Action Plan, it's not the civil society organizations, it is the State. We did our best to try and engage the State in coming up with a National Action Plan, and we did come up with one. We held it in Malacañang, we had several –a series, in fact – of meetings with the GOCCs (Government-Owned and Controlled Corporations), the CSOs (Civil Society Organizations). We had people in government attend a discussion on business and human rights. Maybe this is what is needed now because I understand there is no National Action Plan specifically on business and

human rights that is integrated into the Philippine Development Plan of the current administration.

Do we have that? I don't think we have that, specific to the environment, because if we don't have it, this is something that we have to address very specifically. But if we do that, you have to have a process that truly includes the national context. The series of hearings you've had –I don't know how many hearings you've had, you've had hearings even in the international community –that would serve as your baseline already. We have to have a baseline of facts and figures on human rights issues in relation to the environment.

You have your national context and the critical elements that should be looked into, that we should look into. It should always be based on the United Nations Guiding Principles. We should respond to the challenges. It was discussed a while ago, the witness in Sendong, I couldn't believe it, I mean, I know it is true but until you hear them, seven (7) or eight (8) years after Sendong, and she does not have closure. She did not even have psychosocial therapy, and so she was crying all throughout. I felt, you know, that is a gross violation of her human rights. How many witnesses of Sendong, how many people in Iligan have not had closure?

So there, you have to respond to these challenges. It has to be an inclusive process. There must be a system for monitoring and review, meaning, we have to go to them, we have to go to the local government units, we have to go to the local police, we have to go to the barangay Human Rights Action Centers. If there is none, we have to go to the Child Rights Committee, we have to go to the small areas, and we have to capacitate them. To me, that is precisely what the CHR can help do: go to the villages, go to the barangays.

So that's the National Action Plan that we have to challenge government to do. Number two: You have development planning and climate action. So what do we mean by that? A while ago, a number of SDGs were mentioned by Dr. Paraso. I think SDG 13 addresses the question of the urgent action to combat climate change and its impact. So he came up with very practical points, which I think should be addressed immediately and which I think should be supported by the CHR. This is just at the health part; when he was talking about budgeting by the PhilHealth or studies made by PhilHealth, and that should be budgeted on specific diseases - he was talking about malaria.

In my position, because I have COPD, my doctor whom I visit at the Lung Center all the time, tells me: "There are so many diseases right now that are not known to the doctors, and we try not to use antibiotics." I guess when the diseases are airborne and they come from the environment, you should not be using antibiotics but anti-allergy medicine. This was explained by Dr. Paraso. But the pulmonologist who was explaining this to me says that, even in the

Lung Center, they've had casualties from contagious disease carried by people from abroad, brought to the Intensive Care Unit (ICU), getting all ICU patients sick and eventually dead. So it's serious, no? So I really appreciate the importance of the health question here, to take urgent action to combat climate change and its impacts.

To do that, you have to capacitate your barangay health clinics for primary healthcare. You have to capacitate your regional hospitals. You have to put a lot of budget in there, rather than put budget in the military, although it is important for us, of course, to defend our territorial waters in the West Philippine Sea.

Okay, number three (3): Ensure equity on any climate action. I'm about to finish, I made it nice and short... In trying to secure the people, it should be non-discriminatory, but we should give emphasis to the vulnerable sectors: old people, like me, people with disabilities, like me, I also have disabilities, women, women like me. (Laughs) I'm just using myself as an example, *pero ito yung mga dapat binibigyan natin ng pansin* [but these are the people we should take notice of]. It should be non-discriminatory but we should give emphasis to the vulnerable sector. Ensure equity on any climate action: we should not be choosy, it should be non-discriminatory, everyone should be treated equally.

Ang dami ko nang naririnig [I have heard a lot of stories], whether it is the past administration or the current administration that distribution isn't efficient, isn't equal, but instead selective. What are the failings there: distribution becomes selective if the agencies concerned, like the DSWD or the local government, the mayor, et cetera, are acting selective. So, what do we need? The CHR. It should be equal. Everybody should be equal, under the law, and we give priority to those who've –what's that truism? –“Those who have less in life must have more in law.” So those who are needy should be listened to, but we should also go to them, not just talking and talking from the outside. We need to go directly to them. I just came from Kabangkalan and I learned so much, I spent my Human Rights day there, but otherwise I should have been here. But I learned so much from them because I took the initiative to go to them.

Number four (4): You have to have a coherent state policy on non-financial reporting from corporations, such as information on GHG (greenhouse gas) emissions and other culture risks. The CHR has no police power here. What can it say to these forty-seven (47) major carbon producers to make them respond? But the CHR is not alone. I think that the advantage of this Inquiry is that it is *suntok sa buwan* [an impossible task]. An impossible task, I said that it was like David and Goliath; and here's Totsie, he's a good friend of mine so I call him Totsie, Commissioner Cadiz, it's an impossible task. But that's what it's all about. Greenpeace, that's also an impossible task. We never

thought we would be able to get compensation and reparation for victims of human rights violations, but we were able to do it. There were plenty of problems, there were plenty of flaws, but we were able to do it.

So I still have plenty of ideas that I will propose for the current issue. We never thought we would be able to, at least, come out with a National Inquiry of this kind. But here it is, and I would strongly suggest that let's make this a baseline, let's establish a baseline here. And I know that when you go abroad, you do your international solidarity work and you get a lot of linkages, a lot of support from experts in developed states, like ways of measuring the carbon emissions because they have that kind of expertise. We don't have it here, but we can measure emitters like buses, anything that emits pollution, like you know, fuel emissions, the factories, and so on and so forth.

So maybe what we can do is to adapt what is possible here. Before I end, there is one thing that I think we should in fact be approaching right now more than anything else. I think that while we talk of a National Action Plan and these are the challenges we give government, I think we should start going to the locals, and we should always be guided by certain principles that are fundamental from the UNGP, and this is: to let people, the vulnerable sectors, have access to information and to participate actively. We must empower the people in the villages.

So first and foremost they have to have access, and they have to participate actively. Number two (2): there must be transparency and accountability in the work that is being done by government at the local level, at the national level, at every level, and also the businesses. Number three (3): it must be non-discriminatory. And number four (4): it must be sustainable and evidence-based. What do I mean by sustainable? And here, we are all at fault. We set up monitoring mechanisms, this thing here, this is a draft, it even has a CHR Development Code, et cetera. We set up our monitoring systems, but do we sustain the continuous regular reporting of these monitoring mechanisms? No.

The Hanjin workers... When I was Chairperson of the Commission on Human Rights, we went to Zambales, we went to Subic, and we were able to get the management of Hanjin, the DOLE (Department of Labor and Employment), the workers, the local government of Zambales, of Subic, to discuss accidental deaths and injuries. Hanjin workers were falling off the scaffolding, they die or are maimed, and the hospital is miles away. What sort of negligence is that, from the government, from the businessman, the Hanjin company itself? The risks involved for the workers were massive. So we worked on that and we said: "That is not acceptable. Occupational hazards should be addressed, there needs to be a nearby hospital, these risks cannot be allowed, and so on. That was way back in 2013. A few months ago, Hanjin workers still died, falling off the scaffolding. It's the same old story, and it goes on and on..."

Human rights impact assessment...I'm about to finish, just two examples: we worked hard against Tampakan, the B'laan, with the help of civil society groups. The ambassador even became a good friend of mine; I got him on my side because I sent him all the documents. This is what Glencore is doing, this is what the multi-nationals are doing here in Tampakan, open-pit mining cannot be allowed. So he was convinced. Finally one day, I was still Chairperson, he said: "Etta, guess what? Glencore has finally withdrawn!" "Really?" I replied. At that time, CHR was very busy talking to the security, we were having regional meetings with the PNP, with the military, with the B'laan tribes who were divided, with the local government, and then with the CSOs. So there was a lot of pressure that was going on.

But later on, he said that Glencore withdrew. Why? Not because of human rights, but because there was so much conflict. The government and the companies divided the B'laan and then made them fight each other, the IPs. It was evil. Because of that, they withdrew. We were glad of it, and so on. So anyway, now I think they are reviewing the idea of opening up the mining venture again. And I don't know if the issue of the Kaliwa dam, the river dams is being addressed...

I'm ending now. Human rights is never offered on a silver platter. There are plenty of us, more of us than these few, big businessmen and those in government who are interested in whatever investments. Investments are fine, but not if they violate human rights. Human rights are indivisible, universal, interrelated; you exercise your human rights, but never at the expense of others because that is your responsibility. Rights and responsibilities can never be dichotomized and separated from each other.

There's a lot of work to be done. I am inspired by the CHR, I am inspired by Greenpeace, it's a David and Goliath story, but I am used to these kinds of stories. But when we come together, one of these days, we shall be able to tell those major carbon producers: you better respect human rights, you better stop before it becomes too late.

All of us are involved in the survival of the planet. But believe it or not, it takes us: civil society organizations, people's organizations, experts like the Doctor [Paraso], and others to come together, and the CHR will have to be a ready collaborator in this effort. If we will do it, and we continue with this, I think we will survive. Thank you very much.

ATTY. PAUDAC:

Thank you, Ma'am Etta. Your Honors, may I be allowed to ask a few questions?

PANEL CHAIR CADIZ:

Please go ahead.

ATTY. PAUDAC:

I'd like to take on the last statement: Rights and responsibilities could never be dichotomized. You mentioned also in your statement regarding the Ruggie Principles, Pillars 1 to 3, specifically, I'll go to Pillar No. 2, wherein you said that: "Pillar 2, regarding the responsibility of business enterprises to respect human rights in the conduct of its business and to address adverse impacts of their operations." Do you think the respondent carbon majors who are operating or who have presence here in the Philippines like Shell, Chevron, Total, to name a few, are respecting the human rights of the Filipino people and/or are addressing the adverse impacts of their operations?

MS. ROSALES:

I'm very skeptical about multinationals. How do they look at the CHR? Maybe "just ignore them because they've always been like that." Because they're global in their operations, and the government, especially the government today, is not so keen on human rights. So the government today would be more interested in the kind of investments that can come in, and less on the negative or adverse impacts of the behavior of these businesses here in the Philippines. That is why, the National Action Plan is going to be a very big challenge because you're going to look at the supply chain, from upstream to downstream, at every step of the way, are human rights being respected? So that's the rigor of the documentation that we will have to be doing, and it is only such documentation can we get these guys to start paying attention to us. But we contribute to the efforts that are already being done by others from other countries against Chevron, against Shell, against these big guys. We will have to contribute to that.

At this point in time, what is necessary is for us to establish our baseline and remind government that this is our mandate and it is government's responsibility to come up with an integrated environment plan with sufficient budgeting (we talked about budgeting a while ago). In order to address this seriously, I think the CHR and the civil society groups will have to come together, and come up with a position addressing government. Then maybe you will have some businesses listening in. At least they will have their ears open. I'm sure they're listening to what is happening right now.

ATTY. PAUDAC:

Building on the National Action Plan, Ma'am Etta, what do you think can these carbon majors play a role in? On that National Action Plan, it's more of the government's, I think. What do you think would be the role of the private sectors, specifically the carbon majors in the National Action Plan?

MS. ROSALES:

Oh, definitely they have to respect human rights, they have to respect the legislation on environment here in the Philippines. We have to remind them of that. A while ago we were talking about the behavior of businesses, such behavior must be guided by respect and compliance to the requirements exacted by our legislation in the protection of our environment. They have to do that. We have a Corporation Code right now, and the way I understand, I've tried to consult some lawyers, they say that these businesses are not required to report on non-financial behavior or activities. Maybe this is the amendment that is needed in the Corporation Code. They have to report, there has to be an evaluation: how much contribution are you making to the carbon emissions, how much work are you doing for the reduction of your carbon emissions, and so on and so forth. This has to be done.

Now this necessitates technical support and expertise, but we have to address this and we can show them, we have to show them that we mean business. As pointed out a while ago, it's not business as usual for them, it's business unusual because there is more intensity and there is more frequency in the climate change now, whether it is El Niño on one hand or La Niña on the other. I never forgot that, that was the first Inquiry I attended that PAGASA taught and it registered: We cannot go back to it or reverse once it happens; that is why we need to let them know now, including the people.

ATTY. PAUDAC:

Last question, Ma'am Etta: You mentioned earlier about the Human Rights Action Center at the grassroots level. If I'm not mistaken, your recommendation would be to embed human rights impacts in the context of climate change, which the petitioners would also want to recommend to this Honorable Commission. My question is what do you think should be the components if there would be like a Human Rights and Climate Justice desk, if you may call it that, what should be the components of that kind of desk?

MS. ROSALES:

Of that kind of a desk, you know, under the current political climate, local government units are scared stiff. They're so scared. Even mentioning human rights gives them goosepimples. They're scared. But, if we do it openly, little by little, you will find a number of them quite interested. A desk maybe... we don't even have to call it "human rights." Let's call it "Peace and Order..." I think, at the barangay level or at the municipal level, they have a Peace and Order Council. Maybe within that Peace and Order Council, you can start off with a desk on climate monitoring, because if you have natural disasters, if you've got conflicts, and so on and so forth, it brings about instability and destabilization in that area. So the Peace and Order Councils, or even the Development Councils should be able to serve. You can have a program on Development Councils because the development must always be aligned along a rights-based approach to sustainable development. So I think either Peace and Order or Development Council can be used to put in your climate desk or environmental protection.

ATTY. PAUDAC:

That will be all, ma'am Etta. Thank you so much. Your Honors?

PANEL CHAIR CADIZ:

Thank you very much. Dr. Pedro?

Okay, we have no further questions for the witness. Thank you very much, ex-Chairperson Rosales.

MS. ROSALES:

Thank you.

PANEL CHAIR CADIZ:

Counsels, we are actually forty minutes ahead of time so we will have an early break, unless there are further manifestations on your part.

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ATTY. PAUDAC:

None, Your Honors. Our next resource person will be available at 1:00 p.m.

PANEL CHAIR CADIZ:

Alright, we would like to invite everybody. There is lunch prepared.

Do we have administrative matters to discuss, Atty. Fernandez?

CLERK OF THE INQUIRY:

None, Your Honor.

PANEL CHAIR CADIZ:

So we will now adjourn and resume at 1:00 pm.

[Bangs gavel]

[Lunch break]

CLERK OF THE INQUIRY:

All rise. The Honorable Inquiry Panel Chairman Commissioner Roberto Eugenio T. Cadiz still presiding. Kindly all be seated.

PANEL CHAIR CADIZ:

If you're all wondering why I am the only one here now at this important stage, two of our Commissioners are on travel abroad. Commissioners Leah Tanodra-Armamento and Gwen Pimentel-Gana are in Marrakesh to attend a conference on migration. Chairman Gascon is in Congress attending a Joint Session on the extension of Martial Law, and Commissioner Karen Gomez-Dumpit is set to leave to attend to an important school matter involving her daughter. So it is just your humble representation here and, of course, our consultant, Dr. Pedro Walpole, S.J. I hope you will forgive us for this.

Anyway, Counsels, are you ready to present your next case?

ATTY. MAYO-ANDA:

We're ready, Your Honors. Good afternoon again. First witness for this afternoon is Mr. Yeb Saño. He is one of the petitioners on this case. Can you please call him?

PANEL CHAIR CADIZ:

Please swear-in the witness.

Good afternoon Mr. Yeb Saño. We are happy to have you here with us this afternoon.

ATTY. ESGUERRA:

Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

MR. SAÑO:

I do so.

ATTY. MAYO-ANDA:

As I have mentioned, Mr. Naderev Saño is one of the petitioners in this case. He is currently the Executive Director of Greenpeace-Southeast Asia. He was a former Commissioner of the Climate Change Commission. We are offering his testimony, your Honors, to offer his insights about climate policy, in particular the gaps in the national or domestic policies. We are also asking him to share his experiences, from their work with some communities and places adversely affected by climate change through his global climate pilgrimage. He will also share his reflections regarding the momentum built-up in various sectors on climate accountability and climate justice issues, and he will expound on the reasons and motivation for this instant petition and relate the journey of petitioners from the time of the lodging of this petition with the CHR. Before we proceed with presenting the witness, may we ask him questions relating to some documents?

PANEL CHAIR CADIZ:

Please proceed.

ATTY. MAYO-ANDA:

Good afternoon, Mr. Saño, or shall we call you, Yeb?

MR. SAÑO:

Good afternoon, Counsel.

ATTY. MAYO-ANDA:

We'd like you to look into two (2) documents. The first document, the first statement consisting of twenty-two (22) pages, pre-marked as Exhibit "RRRRRRRRR" to "RRRRRRRRR-21," please take a look at it. Is this document familiar to you? Do you affirm and confirm the contents of this document?

MR. SAÑO:

Yes, Counsel. I affirm and confirm the contents are the same as the statement I submitted.

ATTY. MAYO-ANDA:

And in the last page of this statement, there is a signature which appears above your name. Whose signature could that be?

MR. SAÑO:

This is my signature, Madame Counsel.

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ATTY. MAYO-ANDA:

And, the next document is a curriculum vitae pre-marked as “SSSSSSSS” to “SSSSSSSS-11.” So is this the document you submitted? Do you confirm and affirm the contents?

MR. SAÑO:

Yes, this is the curriculum vitae that I submitted. I affirm and confirm the content of the Curriculum Vitae.

ATTY. MAYO-ANDA:

Okay, Your Honor please. The two (2) documents I mentioned have been previously marked and, I reiterate, the statement consisting of twenty-two (22) pages has been pre-marked as “RRRRRRRRR” to “RRRRRRRRR-21” the signature is “AAAAAAAAA” and the curriculum vitae consisting of twelve (12) pages as “SSSSSSSS” to “SSSSSSSS-11. This has been previously marked last December 07, 2018.

PANEL CHAIR CADIZ:

Atty. Esguerra, will you confirm the previous markings?

ATTY. ESGUERRA:

Yes, Your Honor, confirming the previous markings as manifested by the Counsel for Petitioners, Your Honors.

PANEL CHAIR CADIZ:

All right, Counsels. Please proceed to examine your witness.

ATTY. MAYO-ANDA:

Thank you. Mr. Saño, please make your presentation.

MR. SAÑO:

Thank you, Counsel. Good afternoon to the Honorable Commissioner and to Dr. Walpole, as well as to all of our friends and colleagues in the hall.

My name is Naderev Saño, I'm widely known in the environmental movement as "Yeb," and I'm truly honored to be providing insights to this National Inquiry.

I'd like to begin by reflecting on one of my favorite science novelists, Isaac Asimov, who wrote that: "The saddest aspect of life is that science gathers knowledge faster than society gathers wisdom." I think this is very true in the context of the climate change crisis; the science has become much clearer in focus and I think the scientific debate should be over by now, but the wisdom of our society in responding to this crisis is inadequate compared to what science demands. We now face, I believe, based on my experience of more than two (2) decades of working on this issue, we face one of the most pervasive challenges that humanity has ever faced, probably the most serious one that threatens the world as we know it. It is happening here and now, and there is really no doubt that climate change will further aggravate all of the factors that contribute to peoples' vulnerability, to marginalization of many sectors in society and other societal problems, and therefore posing a serious threat to social and human development.

One of my favorite ways of describing how we look at the issue of climate justice in relation to how people are being affected by climate change is how my scientist friend, Michael Mann, from the Pennsylvania State University, put it. He once told me that if someone asks how we can link super-typhoons like Sendong or Yolanda to climate change, we should offer the baseball player on steroids analogy, and this goes this way: take the case of a baseball player, or any athlete if you may in any sport, who converts a lot of homeruns in one season, perhaps let's say one hundred (100) home runs in one (1) season, and then later on he's found to have been using steroids. What the league will do, in reaction to this, is cancel or revoke all of these home runs, all one hundred (100) of those home runs. And that is the correct way of addressing that issue, that is the right response. You do not investigate each and every home run, and analyze whether each of them can be attributable to the steroids, you just simply declare that he is on steroids, and in our context, every single super-typhoon we will be facing is on steroids. It will have the fingerprint of a warmer planet. And because of climate change, that is what we are facing today, especially as a country that is vulnerable to climate change.

The climate change conversation also talks about two (2) key pillars: adaptation and mitigation. I'd like to simply put adaptation as basically

managing the unavoidable, and mitigation as avoiding the unmanageable. Unfortunately we're failing on both fronts: we're failing to avoid the unmanageable and we're failing to manage the unavoidable. That is the story of climate change, especially now that parties to the Climate Change Convention are meeting as we speak for the twenty-fourth (24th) year, and twenty-four (24) years of slow progress in the international policy arena has meant that the lasting solution to climate change is farther away from our reach.

I also want to emphasize that in the context of how the scientific community is weighing in on this issue, and for me this is one of the most alarming reasons why Isaac Asimov's words that I earlier quoted resonates so much for me: the IPCC has said that human activity is to blame for climate change, that it is extremely likely that human activity is to blame for climate change. When the IPCC uses terms like "extremely likely," they mean over ninety-five per cent (95%) sure. That is as sure as a medical doctor saying that if you smoke, it will cause cancer, and when the scientific community uses the term "extremely likely" but the politicians and the decision-makers are not following suit and are not paying attention, it is very, very worrying.

All of this put together means that climate change is really the defining issue of our generation, and one (1) of the reasons why we believe in this petition and the significance and the immensity of the responsibility around this petition is that we will be measured by how we respond to this crisis. We will be measured as a generation, and future generations will look up to this generation on how we respond to this challenge. And despite the big challenge that it is, it really offers all of us in this generation the rare but golden opportunity to solve it and to achieve transformative change, which I will expound on later. The climate change challenge, in my view, despite all of the problems that we see, despite all of the tragedies that we encounter, it will only make the world a better place because it's our only option. It's our only option for us to see a world that can continue to sustain all of us and sustain life.

I want to go now to the central theme of climate change discourse, which is the United Nations Framework Convention on Climate Change (UNFCCC). I have been requested by the petitioners to shed light on some of the international and national policy gaps. The ultimate objective of the Climate Change Convention is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. That's a mouthful but I'll elaborate on this one: the ultimate objective of the Convention as inscribed in Article 2 of the Climate Convention, the second sentence –of which many people forget – reads: "Such a level, the level of greenhouse gas concentration, should be achieved within a timeframe sufficient to allow ecosystems to adapt naturally to climate change to ensure that food production is not threatened, and to

enable economic development to proceed in a sustainable manner.” Again, there are a lot of elements to that, and so let me dissect the objective of this Convention.

When the Convention says that we need to stabilize greenhouse gas concentrations, it means that greenhouse gas concentrations are the main driver of the interference in the climate system, or the main driver of climate change. Second, if greenhouse gas concentrations are unstable, it can lead to levels that are dangerous. Article 2 uses the word “dangerous.” Third, that such interference is anthropogenic, or caused by human activities. So it’s very clear that the Climate Change Convention, especially its most important article, which is its objective, lays down the predicate for how we should be looking at this issue.

And then the second part of the objective of the Convention is also very important: it says that “such a level should be achieved within a timeframe,” it means there is a timeframe, there is a deadline, there is a time when we could not afford to reverse the problem, there is such a point that we can call a “tipping point,” because it talks about a timeframe. And that timeframe should be sufficient to allow ecosystems to adapt naturally, meaning if we do not achieve that within the timeframe, ecosystems cannot adapt naturally, or ecosystems will simply collapse, or ecosystems will need a lot of human help to adapt, which is expensive, impractical, and in most cases will further cause more problems to the environment.

It also says, “such a level should be achieved within a timeframe to ensure that food production is not threatened.” So the Convention talks about the importance of food production, and if we do not solve the problem as soon as we can, then it means implications on food, and of course, no human civilization has ever survived without food.

And the third aspect of this second part is that economic development must proceed in a sustainable manner. It talks about this timeframe of solving climate change, hand-in-hand with achieving our economic development objectives, and it’s also the two sides of the same coin. The other side of the same coin means that economic development must be allowed to proceed while pursuing the stabilization of greenhouse gas concentrations.

So I wanted to dissect this because this is the central theme of what is agreed by one hundred and ninety-five (195) nations, and this is the anchor of how we look at further policies on climate change, and therefore any regulations, any regimes or policy regimes that will emanate from the Climate Convention needs to be consistent or coherent with this objective.

When I was the lead negotiator for the Philippines for the UNFCCC, I directly worked on a wide range, very wide range of issues, and I emphasized the wide

range of issues because climate change is complex as a problem, and even within the UNFCCC discussions and negotiations, you could easily be dealing with around fifty (50) or so issues at the same time. In that sense, just to share - a limitation that many poor or developing nations have when we sit on the negotiating table, we do not have the resources to send in a battalion of negotiators. We usually send a very small team compared to, let's say, a hundred (100) negotiators from bigger countries.

Now, fast forward to 2015: the Paris Agreement was adopted, was agreed in Paris in 2015, and later on entered into force no more than a year later, which was quite fast for a treaty. But, the Paris Agreement had indeed brought renewed pragmatism in the international process. I think the long and short of it is that there remains important work to highlight and raise the level of ambition, noting that the Paris Agreement still is a framework agreement and details are being negotiated as we speak. In Poland right now, in COP24 (24th Conference of Parties to the UNFCCC), the countries are negotiating on the rules of how that's going to be implemented. For me, it's reminiscent of COP6, the first COP that I attended when we were negotiating the rulebook on the Kyoto Protocol three (3) years after the Kyoto Protocol was adopted. It was very similar. Now, three years (3) after the Paris Agreement, we are negotiating on the rulebook for the Paris Agreement.

It's very foreboding because COP6 is the only COP that failed, that collapsed, and was suspended. I have a very bad feeling about the meeting going on in Poland, because when countries negotiate a rulebook, it means putting details into an agreement. That is where it gets really, really difficult. I'm mentioning all of that because I think that the overall message around that is if we wait for governments to act, there is not enough time. If we wait for individuals to act, there is not enough time. But if we join hands together and act collectively as communities, there is just about enough time.

So, in the context of the gaps in international policy, I'm afraid it does not lend us any confidence that governments, especially with the more recent political developments around the world and in particular the pending abdication of the United States from the Paris Agreement, which does not help us at all in solving this problem and puts us much, much farther from what is needed. With respect to the Paris Agreement and the United States' President, Mr. Trump's abdication, the United States, to reflect back, is the bastion of the fossil fuel industry, and remains as the world's biggest cumulative emitter, accounting for more than 25% of all greenhouse gas concentrations that are already in the atmosphere. That is mind-boggling, for one country to be accountable for one-fourth (1/4) of all emissions, and with the US reneging on its obligations, and now clearly not just dragging its feet, but digging its heels and ultimately wishing to unsubscribe from the agreement, all of the political processes are really unraveling and the Paris Agreement, which is already incommensurate to what science demands, is in great risk.

So we are very worried about the prospects of the international community being able to solve climate change in a very meaningful way. And promises are best measured on how one proposes to achieve them; on this count, the Paris Agreement is big on good will, but very scarce on concrete actions, and right now all of the nationally-determined contributions - that's the technical term for what the countries promised to do in terms of concrete action - will lead us to a three point five degrees (3.5°) warmer world, which is very far from what is safe, and what is safe is much, much lower in terms of temperature thresholds. Even a one point five degree (1.5°) Celsius increase, as already described in the IPCC special report, released on October 8 of this year, shows that even one point five degrees (1.5°) could lead to catastrophic climate change.

I think what this essentially means is that the key to solving the climate crisis lies in concrete domestic and grassroots actions and solutions. Let me now go to the role of the country, of the Philippines, in addressing climate change and perhaps offer insights on how policies could be made better, but before I go there, and since I served in the Climate Change Commission previously, I do not pretend to have the monopoly of wisdom in how the country should address climate change, especially that the problem is so much bigger than all of us, 100 or 110 million Filipinos.

For the Philippines, my sense is that we have always said this as well: the Philippines has good policies on climate change, in fact more advanced than many countries. We created the first Inter-Agency Panel on Climate Change or Committee on Climate Change even before the Climate Convention was born in Rio. That goes to show that the Philippines understands this problem better than many other countries.

The Philippines also has the Climate Change Act, or Republic Act 9729 amended by Republic Act 10174, which also created the Climate Change Commission and the People's Survival Fund. This legislation also paved the way for supposedly better coordination among agencies on climate change and the mandate that has been given to the Climate Change Commission through Section Nine (9) of the law was quite ambitious, but also provided the Philippines with the necessary collaborative spirit that we needed to have. Also, just the context, the history around that: before the Climate Change Commission was created, there was a lot of tug-of-war between agencies on who should be dealing with climate change, and there was even the Presidential Commission on Climate Change and there was also the Presidential Adviser on Climate Change, and then the Department of Energy was fighting with the Department of Environment and Natural Resource on who should be leading the Philippine delegation and all of that happening, and so the Climate Change Commission creation was hoped to address all of that

and make sense of how the Philippines should be mainstreaming climate change into development planning and into every sector.

So, yes, the Philippines has quite relatively advanced policies on climate change, and there are a lot of ongoing initiatives led by the government on building resilience and also preparedness for climate-related disasters, as well as addressing risks. One salient feature of the climate change is the requirement for local government units to formulate their own local climate change action plans. Unfortunately, from my knowledge, I think there is not even more than twenty (20) LGUs that have finished formulating their local climate change action plans. This is very important also, as has been mentioned by Dr. Paraso in the morning, this is a requirement as well to access the People's Survival Fund. It's sort of a chicken and egg problem, where the most challenged local government units who do not have the capacity to develop their plans, of course, would be the ones who need more support and are unable to access resources that they truly need.

I also want to say, despite the policies that are already established in the Philippines, the severity of the impacts that we face and the continuing persistence of the climate problem will continue to infringe on our ability to even cope, and climate change as a problem is as such. It's a problem that cannot be solved by one country; it will require the actions of all countries and no single country can solve it.

But I also want to highlight some of the incoherence around the policies, nationally - as a country that's vulnerable to climate change, we could take that opportunity to play the moral leadership globally, and one way that we can do that is for us to leapfrog into clean development. Unfortunately, there is a lot of work to be done in the energy sector, which is the primary driver of climate change, and we always kind of say that the Philippines really masochistic, because we are the ones feeling the impacts of climate change, but we're not doing a lot on our energy sector towards cleaner energy. And I wish to illustrate that point regarding the premise of the current administration's reluctance to abandon fossil fuels as a means for running the engine of economic development.

We've heard a lot about the rhetoric on holistic vision for development, especially one that would benefit the poor, but currently the Philippines' energy plan points to maintaining a forty percent (40%) share for coal, which is the dirtiest fuel on Earth and is the main culprit for climate change.

For me, that's very alarming also because of the huge potential of the Philippines for renewable energy; we have more than four thousand megawatts (4,000 MW) potential for geothermal energy, which is a twenty-four seven (24/7) base load resource.

For wind, in fact if we just harness all of the wind that blows in the Philippines, which is more than seventy-thousand megawatts (70,000 MW) of power; that is seven (7) times what we are using up right now, so the answer might be blowing in the wind.

Hydro power is also available; we need it to be more environment-friendly, but there is more than ten thousand megawatts (10,000 MW) of hydro power resources.

Solar, the sun shines on the Philippines every day and there is more than five kilowatt hours (5 kW-h) per square meters per day in the Philippines potentially. And the ocean surrounding us; the Philippines sits right at the heart of ocean energy, whether it's ocean thermal energy, which is the difference of the surface temperature and deep water, or tidal energy. We have more than one hundred seventy thousand (170,000) megawatts. So we have vast resources, but unfortunately, we are not moving towards harnessing all of this.

But more importantly, the direction we see for the Philippines in the energy sector is contrary to the moral imperative of the climate crisis. So it's really in our best interest as a country to avoid these mistakes and maintain our moral leadership to fight against climate change, to rally and inspire the rest of the world, because this is a battle we cannot afford to lose. Clearly, confronting climate change by abandoning dirty energy is not akin to stepping on the brakes of economic development. It is a road less traveled, but that new road can lead us to a truly sustainable future.

Let me now go to the third part of my presentation, which is the last part, and which is how I have witnessed with my own eyes the kind of impacts that people face around the world with regard to climate change. At a very personal level, my own brother is here right now in this room, and I almost lost him to Super Typhoon Yolanda when he was in Tacloban, when the typhoon devastated the country. He lost a lot of friends, he lost loved ones, and for us this is a very personal issue because we are losing people we know, people we care about, people we love. And so from the tragedy, and not just Yolanda but Sendong, Pablo, and every other super typhoon we've seen, I have been traveling to many places, journeying to different places, and I've seen how extreme climate events have been affecting people, whether it's in Laguna, in Batangas, in Quezon, in Camarines Norte, Camarines Sur, Albay, Sorsogon, Northern Samar, Samar, Leyte, Cebu, Bohol, and many others. Even Northern Palawan is now being hit by storms when, I remember, it never had any typhoons before. It also gave me a chance to see communities in other countries in the South Pacific Islands, where the sea level is rising so that their homes are being eaten up by the sea, and they're also experiencing the most vicious cyclones that they've ever seen. And I was witness to their grief, but also their courage, how they're not giving up. The people of the Pacific have

shown us that kind of courage and bravery that despite the uncertainty of their future, they will not take it sitting down and they will not give up.

I've also been to the Great Barrier Reef, and I've seen the Great Barrier Reef dying with coral bleaching killing the biggest reef in the world. I've also seen how forests in Indonesia are being destroyed and how forest communities are facing that challenge with a lot of consternation. In Thailand I've also had the chance to meet people who were struggling with the floods and continuous perennial struggle around climate impacts on their agriculture and tourism sector. I also got to meet, of course, communities in India; and in India, they are struggling with both more intense cyclones and extreme heat waves that are melting roads and killing a lot of people as well. Also this journey has also brought me to the Arctic, where I saw with my own eyes the melting of ice, which is happening too fast, too much and too fast, and it led me to try to connect the dots on climate change because the Arctic is very far away from us here in the Philippines, but we live on one Earth and whatever happens there also affects us in very profound ways, and it is true because even in the Arctic, which is a very remote place, I saw a lot of plastic floating in the sea. I saw drops of oil in the ice, and it is alarming to know that in many parts of the Arctic, it goes into the ocean, and when that goes into the ocean, we know that the ocean connects us all.

Finally, your Honor, just to wrap up: today I have just returned from a one thousand five hundred (1,500) kilometer walk from Italy to Poland, joining other pilgrims, and we are carrying a more heightened sense of urgency. We've also learned how people in Europe, in seven (7) different countries along the route, are facing climate change in very compelling ways, also in a way that it is becoming a challenge in Europe because of climate refugees going into Europe. It is with this spirit that I am honored to be one of the petitioners in this instant petition, an urgency that we feel is not just scientific or political; it's very personal for most of us as we have witnessed in these proceedings.

And so I'd like to end by saying that I would offer a few recommendations. But before I offer them, please allow me to borrow a few words from one of my more favorite stories, the Lord of the Rings. It was when Gandalf and Frodo were resting after weaving their way through the peaks of Moria, and Frodo was very worried because he had received the Ring, and he said to Gandalf that: "*I wish it need not have happened in my time,*" meaning "I wish that all of this danger of the return of Sauron would not have happened in his time" as Frodo was saying. And Gandalf told him "*So do I, and so do all who live to see such times.*" And then he goes on to say: "*But that is not for them to decide. All we have to decide is what to do with the time that is given us.*"

I think that is also the message for all of us: it was not for us to decide whether climate change is a problem that will be in our hands today... I guess the

responsibility for that rests on powerful and wealthy forces, but we do need to decide what to do with the time given us. I believe that in the context of what needs to be done, I offer my humble recommendations: First is a mechanism, of course, so that we can monitor remote vulnerable communities threatened by climate impacts – at the local governmental level, especially. We do need to see a serious carbon abatement program, globally. It can be ideally a Carbon Tax, or at least a clearly-regulated cap or trade program where we only provide a realistic allowance for emissions. Third, is to establish a clear transparency system and a disclosure mechanism, so that corporations are able to report their emissions in a very transparent way. Fourth, is a just transition plan, internationally, and also domestically. My fifth recommendation is for the Philippines, in any of its delegations, to carry a strong human rights and climate justice position in any international or intergovernmental body such as the UNFCCC. And my sixth recommendation, which could very well be my only recommendation if I were asked to give one recommendation: If I am asked how do we solve climate change? We empower women. Thank you.

ATTY. MAYO-ANDA:

Thank you, Yeb. Your Honors, may I be allowed to ask questions?

PANEL CHAIR CADIZ:

Okay. Go ahead.

ATTY. MAYO-ANDA:

Thank you, Yeb, for your presentation. I'd like to start with the last part. Because you identified six recommendations, I'd like to get a sense from you on whether we have, in the Philippines, certain building blocks that we can build upon to pursue some of these recommendations? At least some of these recommendations...

MR. SAÑO:

Thank you, Madam Counsel. Whether we have the building blocks to pursue these recommendations... it's very hard to answer that question; for one, building blocks of solutions require a healthy democracy and the strength of institutions. If institutions are not strong because our democracy is weak, any kind of building block will never be sustainable; that's my view. But we do have institutions, we do have policies that are in place and I think what distinguishes the Philippines from many other countries is how we appreciate

the climate problem with a deeper understanding. So, we have a lot of experts who understand all of these issues, whether it's monitoring human rights, whether it's carbon abatement, whether it's transparency and disclosure, these things Filipinos are very good at. And one element as well that's important around these recommendations is the collaboration across sectors. We need government to be engaging civil society, and engagement with business and industry as well. This can only be possible if there is that strong collaboration, so I do feel that we have those elements in place, and if we work around strengthening those sectors, then I think these recommendations could very well be pursued.

I do have a big concern around empowering women; we've always talked about gender equity for many, many decades, we've always talked about mainstreaming gender. I think we've managed to mainstream gender in a very wrong way, and now we do live in a world where the gains of the Women's Movement, for instance, have been negated by the way our democracies have evolved, so I'm very worried about that.

ATTY. MAYO-ANDA:

On empowering women, what specific areas of work or specific programs need to be prioritized?

MR. SAÑO:

Women have always, since time immemorial, been marginalized, and I do not mean that to be interpreted as not paying attention to other genders. But women have always been the most marginalized sector in society and the patriarchal economy has led us to this climate change crisis, and it is my belief that if we change that and establish a different system, pursue a different system of economy that is based on truly an equitable society then we can. But that again is a very generic insight. It is very important that we pay attention to, for example, how women are being affected by climate-related disasters. There needs to be gender disaggregated data, there needs to be thorough analysis of how women are participating in decision-making around solutions for climate change, but also participating in reconstruction and rebuilding measures. And decision-making, of course, in government is crucial in the context of empowering women, but it should not merely be token empowerment. It needs to be truly a means to dismantle the patriarchal system. It's very clear, for me it's very clear that this is the big picture, but there are a lot of things that need to be done at the detail level.

ATTY. MAYO-ANDA:

Yeb, you acknowledged the role of National Human Rights Institutions in the global movement for climate justice. So I'd like to know from you, in conducting this climate Inquiry, what would be the significant contribution of the Philippine Commission on Human Rights in strengthening climate action?

MR. SAÑO:

Thank you for the question. The CHR, like many other National Human Rights Institutions, allow our vital voices to be heard. Given this instant Inquiry, it will go a long way in changing the dynamic around the climate change discourse; how climate change is seen. The CHR plays a very big role in allowing us to use the human rights approach to addressing climate change, whether it's in the energy sector and the transport sector, in the agriculture, in health, in education, in social development. If you have a human rights approach to all of this, then the CHR can play a very big role to that. Of course, the CHR could very well fulfill its overall general mandate, which is to protect and promote human rights as universally-recognized in accordance with the Paris Principles, and that is a mandate that will be very important in relation to climate change. SDGs, or the Sustainable Development Goals, have been strongly linked to human rights, and the CHR could also play an important role in leaving no-one behind, which is the mantra of the 2030 agenda. We can also talk about complaint-handling – the CHR obviously handles complaints and if there are any complaints related to climate change and human rights harms, the CHR should have the ability to entertain these complaints and handle them with dispatch and effectiveness. The CHR obviously has an advocacy role, and not just on social, political, and economic rights but in this case the CHR could very well be an advocate for environmental rights; in particular, any human rights that are harmed or threatened to be harmed in relation to climate change measures or because of the impacts of climate change.

I would also think that, as I have observed throughout the progress of this petition, the CHR has been very effective in bridging between government agencies and civil society and business, so that is a role it can also play. When we talk about climate change, it's a very wide range of issues, whether it's access to water, access to sanitation, the right to safe and adequate housing, the right to live, the right to food, all of these things are very important. So when we talk about this wide range of issues, the CHR obviously plays a very important role in advocating for better policies, and if there are policies or laws that are inimical to the interest of people in relation to human rights and climate change, then the CHR can recommend changing these laws.

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ATTY. MAYO-ANDA:

Thank you, Yeb. Your Honors?

PANEL CHAIR CADIZ:

Thank you.

Dr. Walpole?

DR. WALPOLE:

Okay, thank you very much for the sharing you have given us this afternoon. You gave us six (6) recommendations, so we seem to be struggling globally with mechanisms to monitor and seriously tax, carbon trade approach, transparency system, and just transitioning, I'm not sure that we're at a level of transitioning at the moment, we seem to be playing with the game at the moment, and number one (1), two (2), three (3) are not really working. Okay, you put the emphasis on a social dimension, to move the process. How would you describe that social dimension? For example, you've just come from COP24; what was the impact of the social dimension in that process, and what are people going to do when they go home?

MR. SAÑO:

Thank you, Dr. Walpole. Again, a difficult question to answer, because I would profess that I'm not in a position to measure that, the impact of any social engagement or mobilization. But I could talk to the notion of how governments who participate in such a process taking in the social dimension. Unfortunately, and as I mentioned earlier, it's the twenty-fourth (24th) COP, and do we need the twenty-fifth (25th), the twenty-sixth (26th), a thirtieth (30th), a fortieth (40th) COP, a COP50 before we solve this problem, and I know in my heart based on what I've experienced as a negotiator: people inside these conferences don't listen to the people outside. They are cogs in the machine, they have marching orders, they say what they're told, and the outcome of this conference and as we sit here, it is in shambles, there is no agreement with three (3) days remaining. It's not a good sign because they had three (3) years to put this together, and if three (3) years were not enough, three (3) days will never be enough. So they might have an outcome to save the political process – it will be a compromise, a compromise that is watered down, a compromise that will not move us any closer to solving climate change, or in particular a compromise that will not allow us to prevent a one-point-five degree (1.5°) scenario.

That's my honest opinion, but on the other hand, I find it very uplifting to see that so many people around the world and so many communities now are standing up on this issue. I was with a group of pilgrims who walked over many thousands of kilometers across many countries in Europe, and we see that there is a groundswell of concern around this issue. I must mention that I am excited with the prospects of a larger segment of society because faith communities are already being very active on this conversation, but not just the conversation but also in pushing for political solutions to this problem. I am very encouraged to see that spiritual leaders are weighing in very strongly. I'm also encouraged that many political leaders are following suit, but it's a very difficult situation because we do see a lot of world leaders being elected who would rather not see any solution, so a lot of work needs to be done. But in any case, we just have to keep trying.

DR. WALPOLE:

Thank you. We have been listening to horrendous life stories of people around the Philippines with the disasters that have happened. I'm beginning to summarize this as climate change is vulnerability. It's vulnerability of people, and, as you are saying, vulnerability of ecosystems. A few years ago, we were trying to map one thousand (1,000) of the most vulnerable barangays in the Philippines. Of course, whether it's one thousand (1,000) or two thousand (2,000), the story is the same. I mean, we heard stories even today of people whose lives have not been adequately addressed seven (7) or nine (9) years after? How do you see that voice playing a greater role? Your suggestion of complaint handling desks mirrors some other things that were said earlier, but do you have any further suggestions there?

MR. SAÑO:

Thank you again. Before the complaint handling element, I'd like to think, and I have been witness to this as well, that telling our stories is very powerful, and I have seen many extreme climate event survivors from the Philippines who have gone to different places around the world, who have engaged a lot of people through their stories, and some of them have been involved in this petition but also others who have survived different extreme events in the Philippines. They are reaching out to larger audiences and it's changing the way people see this problem because in many parts of the developed world, they only see climate change as shedding a few more winter clothes, or their wine is gonna get better, or they're gonna get less snow, and things like that. But for us it's very much a matter of life and death, and when they hear these stories, when they see these stories, it gives them a different perspective of the world, and if we manage to do that at a larger scale, I think we can turn the

tide of apathy around the climate issue, and that is for me very encouraging to see. We see that in the stories that we've heard here in this hall, but we also see that in the stories that have been told in many places.

And the Philippines is not alone in narrating these stories; we have our sisters and brothers from the Pacific, from Latin America, from Africa, from many different parts of the world. So I think this narrative needs to be out there, because the dominant narrative is also too powerful; the dominant narrative is complacency and business as usual, and we need to counter that.

On the particular element on complaint handling, maybe what I can offer is, indeed, yes, I think you are suggesting that the complaint handling responsibility of the CHR could very well be enhanced so that people who have suffered from impacts of climate change such as storms or even dry spells, and those who suffer every day because they have to fetch water from a very far place, I think needs to be integrated into a more local mechanism, but also, complaint handling is a two-way road; if there are no complainants, there's no complaint to handle, and if people don't understand that their rights are being harmed or being violated, then there will be no complaints. So I think it's really important that people become educated on when they suffer from super typhoons, that they see this also as a violation of their human rights.

DR. WALPOLE:

One last question: you lay out here the gross power generation in the Philippines and how we are maintaining and actually building new power plants at the moment. You see this as much a social process as, shall I say, a political process at the moment, how better can we get whose attention on this? Where does the discussion lie – is it just with government or do you see a process of engaging companies?

MR. SAÑO:

Thank you, again, Dr. Walpole. The idea of the Philippines avoiding the mistakes of the West, or the global North, if I may put it, as far as the energy sector is concerned, is both a domestic discussion and an international discussion. When the Climate Change Convention says that we must stabilize greenhouse gas concentrations at a level that allows to pursue economic development, it means that countries like the Philippines need to get that support. And the Paris Agreement also says that, that for developing countries, financial flows should happen so that we are also able to play a role in global climate change mitigation. It means that we need to continue asserting that right, that right for support, especially for financial flows, so that we don't

need to copy the mistakes of the West as they developed for one hundred fifty (150) years.

And we do have the resources, abundantly in terms of renewables; all we need is support so that we have that upfront investment, but already the math is quite clear, that renewables can be at parity with conventional fossil fuels, so it's really a matter of political will rather than technological advancement that is needed, and the Philippines has been blessed with so much abundance of these renewable resources, so it's a lame excuse really that we are not using them.

But yes, we do need to engage businesses as well because the bulk of the investments lie in the hands of business; the bulk of the wealth, in fact, of the financial wealth of the world lies in the hands of business, and unless business changes its trajectory, nothing that the government will do will ever put us at a trajectory that is required by science, in order to avert this crisis.

PANEL CHAIR CADIZ:

Thank you, Mr. Saño, for sharing your knowledge and experience with the Inquiry Panel. We have been observing what's happening in the COP in Poland. The UN Framework Convention of Human Rights clearly adapts the human rights lens as an important element of the climate change issue. But in the recent events happening now in Poland, in the drafting of the rulebook as Yeb referred to earlier, they seem to have taken away the phrase "human rights."

Is this just a matter of semantics or is there a symbolical undercurrent to this move on the part of the climate change negotiators?

MR. SAÑO:

Thank you, Your Honor. I'm afraid, it's the latter, that there is truly a political undercurrent around that. Indeed the phrase "human rights" has been deleted out of the text for the rulebook, and any reference to compensation or even any reference to the scientific community's latest report has been removed from the text, so it's very alarming that both human rights and science are being ignored at COP24.

My humble opinion around that is it's also a matter of how this game had been played since the beginning, and since the beginning, developed countries have always exerted their influence and power to dilute any agreement, and the Paris Agreement, which is the basis for today's negotiations, the current negotiations for its rulebook, was vague enough so that they were able to

accept that it was a diplomatic sleight of hand. Now we see ourselves at a stage where they need to go into the details and that's where it gets a bit more difficult. That is where they re-establish their old battle lines, and it's a pattern that has been there throughout the more than twenty-four (24) years of the UNFCCC. So they agree on an agreement, which is a framework agreement like the Paris Agreement, and then when the details are going to be negotiated, they either withdraw from it like the US did for the Kyoto Protocol, or they throw a monkey wrench into the process to weaken the process like the US did as well when the Kyoto Protocol was being negotiated, and then what we will end up with is a watered-down agreement and it will take out all of those references. Unfortunately, the reference to human rights in the Paris Agreement was in the Preamble only, and the Preamble is the least, I'd say robust, place in any agreement. A Preamble is exactly what it is: a preamble.

PANEL CHAIR CADIZ:

But the Preamble reflects the overall framework of the Agreement... so are the government delegates now in Poland saying that climate change is no longer a human rights issue? Is that the message that's being sent to the world?

MR. SAÑO:

I am afraid it is, Your Honor.

PANEL CHAIR CADIZ:

All right. Thank you very much. Counsels, do you have further questions?

ATTY. MAYO-ANDA:

Your Honor, please one question in relation to your question? Mr. Saño, given the unfortunate development in the Poland COP, do you think there is an opportunity here for the Philippine CHR to play, given that gap?

MR. SAÑO:

Thank you, Counsel. I'd start by saying the Paris Agreement stands. It is an agreement, so any reference to human rights in the Paris Agreement stands. Now any regression from that will be dealt with as a COP decision, which in the hierarchy of agreements is lower than the Paris Agreement. But that notwithstanding, I do believe that the Philippines, through perhaps this

Petition and Inquiry by the CHR, can serve as a model for integrity on the promotion of human rights as an important aspect of the climate change conversation. So we can set a leadership role, and I think this case is also inspiring a lot of cases around the world. It was humbling to hear that many new pieces of legal action and litigation that's happening around the world has been inspired by this petition. For me that's truly humbling, because when we filed this about three years ago, we never imagined that we would get to this point, and that more people and more communities around the world would start standing up for their rights and their future. So there is a lot of optimism – for me there's a lot of reasons for hope and reasons for optimism – despite what is happening to the international negotiations. It is, for me, even a bigger reason for us to take action within our community and the level of our institutions, and not wait for world leaders to act.

ATTY. MAYO-ANDA:

Thank you very much, Mr. Saño. Your Honors, we have no more questions.

PANEL CHAIR CADIZ:

Thank you very much. The witness may now be excused.

Counsels, do you prefer to go directly to your next witness or into a seven minute break?

ATTY. MAYO-ANDA:

Can we go to a five-minute break?

PANEL CHAIR CADIZ:

All right. We are going to a five minute break.

[Break]

CLERK OF THE INQUIRY:

All rise. The Honorable Inquiry Panel Chairman Commissioner Roberto Eugenio T. Cadiz still presiding.

PANEL CHAIR CADIZ:

Resuming our session.

Counsels, are your witnesses from South Africa... or London... ready?

ATTY. PAUDAC:

Good afternoon, Your Honor. May call on the fifth (5th) resource person, Mr. Kumi Naidoo? He will be presenting via Skype, Your Honor.

PANEL CHAIR CADIZ:

All right. He is online already. Please go ahead.

ATTY. PAUDAC:

Good afternoon, Kumi.

MR. NAIDOO:

Good afternoon, ladies and gentlemen. May I start on a light note by saying that having to follow Yeb Saño reminds me of a moment from the liberation struggle in South Africa where if you spoke as the last speaker, you spoke after somebody like Yeb, you started by saying: "Most of the really good points I wanted to make have been eloquently made by the previous speaker," and then you said: "I will repeat for emphasis" and then you spoke for two hours. I have a few minutes so let me launch straight into it.

ATTY. PAUDAC:

Kumi, can you see me? I will just briefly introduce you?

MR. NAIDOO:

Ah, yes, sorry, go ahead. Sorry, I thought you had done so already.

ATTY. PAUDAC:

Okay. I'd like to introduce Mr. Kumi Naidoo. He's the Secretary General of Amnesty International and former Executive Director of Greenpeace International. He is a lifelong social justice campaigner, hailing from South Africa. We are offering the presentation and testimony of Mr. Naidoo to hear his expertise on the topic of climate change and human rights, specifically human rights obligations and responsibilities related to climate change and related to the Commission on Human Rights of the Philippines in this global issue. Your Honors, before we proceed, we would like to have some preliminary questions and confirmations from Kumi regarding the documents that he submitted before this Honorable Commission.

Your Honors, for the record, Mr. Naidoo submitted two (2) documents. First is a statement of Kumi Naidoo, dated December 6, 2018, consisting of four (4) pages, pre-marked as "DDDDDDDDDD" to "DDDDDDDDDD-3," and his signature as "DDDDDDDDDD-3-A," and also a document entitled "Biography of Kumi Naidoo" consisting of one page, pre-marked as "EEEEEEEEEE." Mr. Naidoo, sorry, did I pronounce your surname right? Nai-doo? Nai... how is it pronounced?

MR. NAIDOO:

It's fine, thank you.

ATTY. PAUDAC:

Do you confirm that you submitted these documents – a document entitled a Statement of Research Person Kumi Naidoo, that bears your signature?

MR. NAIDOO:

Yes, I did.

ATTY. PAUDAC:

That will be all for the confirmation. May we ask for confirmation from the Clerk of this Honorable Commission as for the marking of the exhibits?

ATTY. ESGUERRA:

Confirming the marking as manifested by the Counsel, Your Honor.

ATTY. PAUDAC:

Mr. Naidoo, you can start with your presentation.

MR. NAIDOO:

Thank you very much. Your Honors, ladies and gentlemen: Climate change is a human rights issue, not only because its devastating impacts affect the enjoyment of human rights, but also because it is a man-made phenomenon which can be mitigated.

The solution to climate change has been known for decades now. The people of the Philippines and all around the world continue to experience unbearable losses because of climate change. It is because those with the obligation and responsibility to act have done nothing or far too little.

The primary obligation to protect people from human rights harms lies with states. The fact that the adverse effects of climate change clearly harm the enjoyment of a wide range of human rights of many people over a very long time give rise to duties of States to address the causes of climate change. States, therefore, have the obligation to mitigate the harmful effects of climate change by taking all reasonable steps to the full extent of their abilities to prevent or reduce greenhouse emissions within the shortest possible time-frame, both nationally and through international cooperation. States must also adopt all necessary measures to assist those within their jurisdiction to adapt to the foreseeable and unavoidable effects of climate change, thus minimizing the impact of climate change on their human rights. This is true regardless of whether the State is responsible for those effects, because States have an obligation to protect human rights from harms caused by third parties.

And sadly as we know, climate change does not respect national boundaries. The people of the Philippines, for example, are paying the price for carbon emissions that are happening very, very far away from their borders. Can we take a look at businesses specifically? Businesses have a responsibility to respect human rights as clearly outlined by the United Nations Guiding Principles on Business and Human Rights. However, to meet this responsibility, companies must assess the potential impact of their activities on human rights, and put in place measures to prevent negative impacts. They

must make such findings and any prevention measures public. The United Nations Guiding Principles also require businesses to take measures to remedy human rights abuses they cause or to which they contribute, either by themselves or in cooperation with other actors. Such responsibilities extend to human rights harms resulting from climate change.

In particular, corporations should implement due diligence processes to assess the climate change-related human rights impacts of their products and activities, and put measures in place to minimize greenhouse emissions, including in their activities abroad, and make relevant information about their emissions and mitigation efforts public. These efforts must extend to all their major subsidiaries and affiliates and, as far as reasonably practicable, entities in their supply chain.

The evidence brought before this Commission shows... I beg your pardon... shows that the respondents have failed to comply with their responsibility to respect human rights.

The forty-seven (47) Respondents are so-called “carbon majors.” And just to put it simply and just to make sure everybody understands, we’re simply talking about oil, coal, and gas companies that have, over a long period of time, played a major role in the emissions that we have seen. So they are responsible, through their products and operations, for a significant part of the carbon emissions produced in post-industrial times, and therefore have contributed to climate change. These fossil fuel companies have known for a long time that their emissions cause harm to people and the planet. In fact, it is not simply that they did not act to address it; they actively sought, by spending billions of dollars collectively, to falsify the science and contaminate the public debate, not dissimilar to how the tobacco industry did for a very, very long time.

There is evidence pointing at the fact that fossil fuel companies have not only failed to minimize greenhouse gas, despite their capacity to do so, but in many cases have been involved, as I just said, in casting doubts on the science. By failing to take these measures to minimize greenhouse gas emissions resulting from their activities and products, fossil fuel companies are contributing significantly to the human rights abuses from climate change.

I want to, at this point, pay tribute to the role of the Philippine Human Rights Commission. What you are doing here has implications way beyond the people or the realities in the Philippines: you are contributing to a development of climate litigation and to get us to a point where we’ll be able to win significant battles in court. As Yeb Saño said, “The Philippines case has inspired climate litigation.”

Just less than two (2) months ago, the IPCC confirmed that not exceeding a global warming of one-point-five degrees (1.5°) is an absolute imperative to protect human rights in the coming years. It also sent a new, compelling wake-up call, sadly, a wake-up call that has not yet been heard, has shown that we only have twelve (12) years to halve carbon emissions in order to aim for the one-point-five degree (1.5°) target. Continuing to rely on fossil fuel extraction and production will bring humanity to the brink of collapse and destruction. It is a selfish, short-sighted, and suicidal approach. Carbon majors cannot continue to put their economic interests before the public interest of human survival and respect for human rights.

In the face of this urgency, the Commission cannot afford any hesitation. It already gave an incredible proof of responsibility by recognizing its duty to inquire into this matter. It has now the potential and the capacity to recognize the legal responsibility of carbon majors for the harms against human rights that the people in the Philippines have suffered or might be exposed to in the future. This Commission can therefore become an inspiration for all human rights bodies and organizations, including other National Human Rights Institutions, especially for those that have remained unengaged in the face of human rights violations resulting from climate change.

In this moment, your Honor, ladies and gentlemen, we need everybody to live up to their responsibilities to act on climate change and protect human rights. This Commission has now the opportunity to play its part. By positively responding to the Petitioners' first Prayer and recognizing the legal responsibility of the respondent carbon majors for human rights abuses resulting from climate change, the Commission would take an historical step in meaningfully ensuring the right to remedy to all those who have suffered as the result of the actions of these companies, but also in ensuring that a different future is written for the people of the Philippines and for humanity as a whole.

In conclusion, your Honor, I think it is, to be honest, really important to note that people like Yeb Saño and myself who have been involved in the climate change movement have, for a long time, probably at some point said, "Save the planet, save the environment, save the climate." The good news is the planet does not need saving; if we continue on this suicidal trajectory that we are on, the end result will be we will be gone as a species, but the planet will still be here. Truth be said, once humanity becomes extinct as a species, the Earth will recover, the oceans will replenish, and so on.

So let's be clear - for our sake, we have to stop climate change. The struggle to avert catastrophic climate change is nothing more or nothing less than protecting our children, and their children.

Scientists just told us, the negotiations in Poland right now is characterized by cognitive dissonance, that is, the facts on the table ask them to act in urgency, and yet we have cognitive dissonance denying that reality, and sadly many of our leaders agree.

At this point it's worth reminding ourselves that the Paris Agreement adopted in November of 2015 is, by far, the most important document on climate change. While it did not have the level of ambition that we want, but it was a step in the right direction.

It is extremely sad to see that those who are left in the open range of vulnerability are definitely those who are the poorest, those who have the least resources.

So let me just conclude by thanking once again the Philippine Commission on Human Rights for taking this case. We hope that this will contribute substantially to the fight for human survival, which is what the fight for human rights and climate change means. I will end by reminding our politicians, our business leaders, and all who wield the power to make a difference - that nature does not negotiate.

Thank you very much.

ATTY. PAUDAC:

Thank you, Mr. Naidoo. Commissioner, may I ask just one question?

PANEL CHAIR CADIZ:

Go ahead.

ATTY. PAUDAC:

Mr. Naidoo, what recommendations can you give to this Honorable Commission as it concludes its public hearing today that you think will add value to this conversation, and that could be reflected in its Resolution that might be issued next year?

MR. NAIDOO:

Thank you very much. Firstly, I think that the Petitioners' request should be received and reflected upon, not only in positively general terms. I would urge

the Commission to reflect, very strongly, the tone of urgency, recognizing that we have a very small window of opportunity to transition from an economy driven by dirty fossil-fuel energy to an economy that driven by clean renewable energy. We have a very short, narrow, small window of opportunity that is fast closing. So bringing a tone of urgency would be extremely helpful.

Secondly, I would say that doing everything in your power, as far as Filipino law allows, to advance the complaints by the Petitioners, even with the knowledge that the carbon majors are more powerful than many governments around the world. I would say to the Commissioners, that people in virtually every country around the world are rooting for the Petitioners, hoping that their case would break new ground, and contribute to the overall fight to avert catastrophic climate change. Thank you.

ATTY. PAUDAC:

Thank you, Mr. Naidoo. That would be all, Your Honors.

PANEL CHAIR CADIZ:

Fr. Walpole?

DR. WALPOLE:

Now, if I may, I would like to ask about recommendations, but these recommendations would be coming out next year from the Commission. How best you might be, in a sense, communicated or taken off in a further global understanding of the challenge? How can they be utilized effectively? Usually recommendations are in the folder, there on the shelf and they gather dust.

MR. NAIDOO:

Thank you. As we all know globally. The area of mitigation is an area that is developing very fast but not from a huge body of incidents. I think that the question remains is the possibility of mitigation at certain international legal options. The question here is if we can convince the Filipino government, I am thinking, in terms of jurisdiction, in the halls of international justice and the possibility of mitigation at the international. However, I would say that what is more important is to explore whether the Filipino legal system to the maximum. The companies that made huge amounts of profits and impunity

and without accountability; in fact, we can hold these companies accountable, in the ideal world.

People in the Philippines that lost during those typhoons, and sadly some come to lose everything. We need the Commission to be able to help determine who has accountability, who has the competence for the dangerous energy source. In 1992, from that moment on, there has to be some accountability. Just to be clear for the carbon majors, we cannot hold them accountable for actions prior to 1992, a period when they may be unaware of the dangers of the fossil fuels. There has to be an accountability from that point, they have to think about it, in terms of harms to our people. There should be some compensation to rebuild lives. I realize that it is ambitious and brave down the line. But I think we should not waver in the near future. Thank you.

PANEL CHAIR CADIZ:

I have no questions for the witness. Thank you very much, Kumi, for taking time out to testify.

MR. NAIDOO:

Thank you.

PANEL CHAIR CADIZ:

Counsels, do you have more... further questions?

ATTY. PAUDAC:

None, Your Honor. May we request Mr. Naidoo be excused?

PANEL CHAIR CADIZ:

Okay. Mr. Naidoo is excused.

ATTY. PAUDAC:

Thank you, Kumi.

MR. NAIDOO:

Thank you, Commissioners.

PANEL CHAIR CADIZ:

Thank you. We are going on a ten minute break as we set up connection with your next witness.

[Bangs gavel]

[Break]

CLERK OF THE INQUIRY:

All rise. The Honorable Inquiry Panel Chairman Commissioner Roberto Eugenio T. Cadiz still presiding.

PANEL CHAIR CADIZ:

Session resumed.

Counsels, are you ready with your last witness?

ATTY. MAYO-ANDA:

Yes, Your Honor. Good afternoon, again, Your Honor and Dr. Pedro Walpole. Good afternoon Margaretha Singh.

DR. WEWERINKE-SINGH:

Good afternoon.

ATTY. MAYO-ANDA:

Can I call you Dr. Margaretha?

DR. WEWERINKE-SINGH:

Yes.

ATTY. MAYO-ANDA:

We are presenting, Your Honor, Dr. Margaretha Wewerinke-Singh, who is a Consultant of the Office of the United Nation's High Commissioner for Human Rights. She's also an advisor to the Ministry of Climate Change, Government of Vanuatu, and Assistant Professor of Public International Law at Leiden University in the Netherlands. Our resource person will share her expertise and insights on the Climate Compensation Act, that clarifies the principles for liability for large-scale greenhouse gas emitters, and which would be enacted by countries around the world. Before she proceeds with her presentation, Your Honor, we would like the witness to confirm and affirm certain documents. Good afternoon again, Dr. Margaretha.

We would like you to confirm and affirm certain documents which have been pre-marked. Do you confirm and affirm that you submitted to the Honorable Commission a statement pre-marked as "DDDDDDDDDD" to "DDDDDDDDDD-9" consisting of ten (10) pages?

DR. WEWERINKE-SINGH:

I confirm and affirm.

ATTY. MAYO-ANDA:

And on page ten (10) of this document, do you also confirm that you signed this statement?

DR. WEWERINKE-SINGH:

I confirm and affirm.

ATTY. MAYO-ANDA:

Thank you. The signature, Your Honor, has been pre-marked as "TTTTTTTTT-9-A." The second document is Dr. Margaretha's Curriculum Vitae consisting of three (3) pages pre-marked as "UUUUUUUUU" to "UUUUUUUUU-2." The third is a printed PowerPoint consisting of six (6)

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pages pre-marked as “VVVVVVVVVV” to “VVVVVVVVVV-5.” Do you confirm and affirm this to the Commission?

DR. WEWERINKE-SINGH:

I confirm and affirm.

ATTY. MAYO-ANDA:

And the last document refers to a fifty-one (51) page document entitled “Taking Climate Justice into Our Own Hands: A Modern Climate Compensation Act,” pre-marked as “WWWWWWWWW” to “WWWWWWWWW-50.” Do you confirm and affirm having submitted this to the Honorable Commission?

DR. WEWERINKE-SINGH:

I confirm and affirm.

ATTY. MAYO-ANDA:

At this juncture, can we request the Clerk of the Honorable Commission to confirm this?

ATTY. ESGUERRA:

For the record Your Honor, we confirm the markings as requested by Counsel.

PANEL CHAIR CADIZ:

All right, thank you very much, Counsels. Please proceed.

ATTY. MAYO-ANDA:

Thank you, Dr. Margaretha, you can now proceed with your presentation.

DR. WEWERINKE-SINGH:

Thank you and good afternoon again, Your Honors. It is an honor and a privilege for me to present to you today at this final hearing of the National Inquiry on Climate Change. My presentation consists of two main parts: the first part talks about a right to a remedy under international human rights law, the second part discusses the content of the Climate Compensation Act, including its legal basis, and I will conclude with some recommendations for the way forward. Starting with the right to a remedy. What is the legal basis for climate change victims' right to a remedy under international law? Of course, we must bear in mind that international human rights treaties do not...

ATTY. MAYO-ANDA:

Dr. Margaretha, are you still online?

PANEL CHAIR CADIZ:

May we ask our technical people where are the problems coming from? Is it from our end? It's from our end? What's the problem?

Alright, Margaretha, can you hear us? Nope. Alright, we'll take a five minute break.

[Bangs gavel]

[Break]

ATTY. MAYO-ANDA:

Your Honor, may we please proceed?

PANEL CHAIR CADIZ:

[Bangs gavel]

All right, we are now resuming our session. Please go ahead.

ATTY. MAYO-ANDA:

Margaretha, Dr. Margaretha, please proceed.

DR. WEWERINKE-SINGH:

Okay. So I'd like to reiterate that it's an honor and a privilege for me to present to you today at this final hearing of the National Inquiry on Climate Change. My presentation consists of two main parts: the first addresses the right to a remedy under international human rights law, and the second part discusses the concept of a Climate Compensation Act, including its legal basis. I'll conclude with some next steps and recommendations.

What is the legal basis for climate change victims or survivors' rights to a remedy? Of course, when it comes to the substantive rights, there is no right to a safe climate protected in any human rights treaty. But all the rights protected in those treaties are affected by climate change, including of course the right to self-determination, the right to life, the right to food, the right to housing, health, water, education, culture, and so on.

Now there is overwhelming support for the interpretation of human rights law as applying to climate change. That is because of a very basic rule of treaty interpretation, namely, a treaty must be interpreted in light of their objective purpose. And of course, for human rights treaties, the objective purpose of the treaty is the protection of human dignity and rights.

Now what is crucial here when it comes to the rights to a remedy is that human rights treaties must also be interpreted in a way that makes rights practical and effective, not academic or theoretical. That means that the substantive rights protected in the treaty must be optimally protected, and in case of doubts, the interpretation should favor the individual whose rights are at stake. When a right is actually violated, the law must be interpreted in a way that enables victims to access redress. Human rights law, in this sense, also clearly incorporates another basic principle of general international law: that where there is a right, there is a remedy.

Now, the right to remedy is also protected as substantive right under international law. So it's not only a right that emerges when a right is violated, but it is a substantive right in itself. It is protected under customary international law, as well as treaty law.

Now one of the clearest articulations of the right to a remedy is contained in the International Covenant on Civil and Political Rights, or the ICCPR, ratified by the Philippines on the 23rd of October 1986. So that's one of the clearest and also most detailed provisions on the right to remedy. Article 23

of the ICCPR stipulates that a remedy must be accessible, effective, and enforceable.

What is important to note is that the right to a remedy applies not on the *ex post facto*, when a violation has already occurred, but also when there is a threat of human rights violation. Of course, that is very important in the context of climate change, because the contributions to climate change that are made today will have an impact on the enjoyment of human rights in the future. So it's clear from existing human rights law that human rights law applies to what is going on today that affects the enjoyment of human rights in the future, and that it's part of the right to remedies of victims – or people who may become victims – of human rights violations. We have a right to try to do something about that before the violation occurs.

Of course, what we are discussing so far is international human rights law, and the obligations under international human rights law are primarily on the State. Now, the National Inquiry deals with the responsibilities of carbon majors, but here when it comes to providing remedies, the burden is really on the State. The State must ensure that victims or potential victims of human rights violations have access to remedies. That applies also when the human right violation or threat of violation is the responsibility of private actors. The State must ensure that victims can find redress for human rights violations or potential violations committed by private actors.

Now, for governments to actually do that to give effect to the right to remedy in the context of climate change, one possible way of helping to ensure that victims of climate change can access redress is through the adoption of national legislation, and that idea is discussed in the reports that I've provided as an annex to my statement. Together with Andrew Gage from West Coast Environmental Law, I have worked on a concept of a Climate Compensation Act, that can help victims to access remedies in the context of climate change.

Now, the aim of such a legislation would be to make clear the legal consequences for the failure on the part of major fossil fuel producers to reduce greenhouse gases through national courts. I'm on slide number five (5) now... The legal provisions that are contained in that model Climate Compensation Act are based on common law and statutory principles that exist in common law countries. To an extent, principles and laws from civil law countries are blended in as well.

Now, the concept of a Climate Compensation Act is based on two important propositions: first, it has never been legal to knowingly destroy property, lives, and indeed, nations, either in international law or national law. So in all our routes, we do not agree with the interpretation of this – put forward by some legal scholars – that greenhouse emissions are completely unregulated. The proposition is exactly the opposite: the assumption is that it's actually not

legal. The second proposition is a country has legal authority over harm that occurs within its borders, even if the causes of that harm are global. And of course, that aligns very much with the principles of international human rights law, that a State is responsible in any event for protecting the rights of persons within its territory and jurisdiction. Of course, there is also extraterritorial obligations of States under international human rights law, but what is very clear is that in any event, States have obligation to persons who reside within their own jurisdiction and territory.

Now, why would a country adopt a Climate Compensation Act? Now first of all, and this is most important – from a human rights perspective of course – to protect the rights of victims of climate change or to prevent human rights violations that would otherwise happen as a result of climate change. It would provide much needed clarity to the companies and entities that contribute the most to the harm, and of course the clarity can help accelerate the transition to a clean economy or clean forms of development because it discourages pollution and encourages other ways of production and consumption.

Even if a Climate Compensation Act merely clarifies existing law, it will help climate change cases to be resolved more quickly and cheaply. Because the rules are not clear, so it provides legal certainty to all parties involved - potential plaintiffs, as well as defendants, and the general public, and the government, etc.

Now there is precedent for adopting legislation of this kind: perhaps the most obvious precedent is legislation that was passed in the 1990s in relation to tobacco companies. This legislation changed the rules for liability in lawsuits against tobacco companies. So one example is the Tobacco Damages Act, 1997. It did several things that the Climate Compensation Act, as we have drafted, would also do - creating a course of action for governments and the public to rely upon in suits against tobacco companies for damages caused by their products, it would allow governments to sue tobacco companies on behalf of the public, and it also allows liability to be established based on an increase of the risk - that's damaging impact, in this case - health consequences of smoking would occur as a result of the activities of the companies.

But the legality of this act was challenged, unsurprisingly. But it was upheld by the Supreme Court, and here I'm talking about the Tobacco Damages Act 1997, filed by British Columbia. But there's several other similar acts passed in other jurisdictions.

In the report we also outlined a couple of other precedents in the field of environmental law. There is one precedent that I would like to highlight because it's probably closest to the model Climate Compensation Act that we have proposed, and that is Kenya's 2016 Climate Change Act. I'll discuss that in a bit more detail in a minute.

Now, what could a Climate Compensation Act do? Slide number nine (9). So, first of all, it gives a clarifying call for action, where plaintiffs can rely upon in climate change suits. So here, in the model Climate Compensation Act, the principal cause of action is “public nuisance,” so it makes it clear that activities that contribute to climate change interfere with the public right to a healthy atmosphere, so it creates a very clear cause of action, so there is no doubt about that. It also resolves the question of jurisdiction; it makes it very clear that national courts have jurisdiction over climate-related damages occurring within national boundaries. So this is a concept that is recognized in a whole range of jurisdictions, as we also discussed in the report, but not in all jurisdictions. So for example, in the United States, courts have generally rejected this notion that national courts can have jurisdiction over the suit based merely on the location of the damages. Now in the US that is probably not so much the problem because of the presence of many carbon majors and other major polluters within the jurisdiction, but if the US were to adopt a Climate Compensation Act for example, then it would change, and it would be clear that the location of the damages or the basis for jurisdiction for this kind of case.

The Climate Compensation Act clarifies who can be plaintiffs in these kinds of cases. So it lists governments, local and indigenous governments, and individuals. And it also says that there is a hierarchy of claims - so there are government suits on behalf of the people, and the people themselves cannot also sue in their individual capacity. It is assumed that the government represents those people, and that it precludes similar claims about the same damages. That is just for the sake of efficiency and avoiding duplication, and also in fairness to the defendants. Now who are the defendants in these kind of cases that could be brought over a Climate Compensation Act? What we have said is only major emitters can be defendants; that’s because, of course, we don’t want to create situations where on our Climate Compensation Act, you and I and everybody could be sued for our minor contributions that we make to climate change, and that would be completely impractical and unfair. So there’s limits. Only major emitters can be sued. What does it mean, major emitters? Well we have said it: major emitters are those whose contributions to atmospheric emissions are detectable.

So in practice that means that only major fossil fuel companies and other large fossil fuel producers, or those who contribute to emissions can be held to account.

And then, at slide number ten (10), the issue of causation. So causation, of course, is really a major potential hurdle to address for victims in these kinds of cases, and the likelihood of success that victims can actually expect in cases hinges on a significant extent on the kind of causation test that is adopted by courts. Now, right now we often don’t know what test the courts are going to

apply, and it's really guesswork, which isn't a desirable situation. The Climate Compensation Act clarifies the causation test, and here, when a country adopts the Climate Compensation Act, this is something to consider: what kind of causation test we want to choose.

In the model Climate Compensation Act, we have taken a radical approach, where we relied on common law and incorporated even the "but for" test. So if no contribution was made without the actions of the defendant, then there would be no causation. But the Climate Compensation Act does not prohibit the courts from establishing liability where there is no certainty about causation. Instead it takes a risk-based approach, just like what happened in the tobacco compensation legislation, where it says that where the conduct of a defendant doubles the risk that the harms suffered by the plaintiff would've occurred, then causation is established. So that requires courts to look into attribution science to see where indeed the risk that the harm would occur doubled as a result of the defendant's conduct. More radical approaches are also possible, as we see from the Kenya Climate Change Act that I mentioned before. So in Kenya, the Act says that no actual injury is needed; all that is needed to establish liability is to show that the defendant acted in a wrongful manner, and so it contributed to climate change in a manner prohibited under the Act. So there, no proof of injury is needed, and therefore actually it doesn't really require causation to be established at all. That is a different approach that also is worth considering.

Now what kind of remedies can we obtain according to the Climate Compensation Act? Of course, that's very much an open-ended question. In the model Climate Compensation Act, we have stipulated that plaintiffs should be able to access substantial damages from climate change-related harm, as well as all the remedies. So the Climate Compensation Act also allows for punitive damages, for example. The court could order defendants to pay more than the damage they have actually caused, for example, when it's clear that the defendants intentionally jumbled and hid information, or intentionally allowed harm to continue occurring, therefore not only punishing the defendant for that wrongful conduct but also disincentivizing similar behavior from other defendants.

The model Climate Compensation Act also would establish a Climate Compensation Fund. Now courts could order defendants to pay damages into that Fund, that is of course particularly useful where it is a government or a public authority suing on behalf of the public. So the damages awarded could go wholly or partially into a Climate Compensation Fund, and the money that is in that Fund could be allocated to all forms of redress, including mitigation, or atmospheric recovery, adaptation, disaster risk reduction, and other forms of redress for victims to restore the enjoyment of human rights.

Finally, the question of enforcement, and that is a big deal of course in a Climate Compensation Act that is based on the premise that courts can have jurisdiction over cases based on location of the damages, because that means that a domestic court can assume jurisdiction over a case even if the defendants are not located within the territory or jurisdiction – in the country where the suit is brought – and of course you are intimately familiar with this notion because of the nature of the Inquiry that you are carrying out. So here in the Climate Compensation Act, we make it clear that court orders made in one jurisdiction should be potentially enforceable in other jurisdictions.

Of course, if the Philippines adopts the Climate Compensation Act, that does not change anything directly in the laws of other jurisdictions where you want judgements to be enforced, but to an extent it does it indirectly; what it says in the Climate Compensation Act is that enforcement can happen on the basis of reciprocity. So if the Philippines adopts the Climate Compensation Act and another jurisdiction, let's say the UK, also adopts the Climate Compensation Act, then automatically the judgements made by courts in the Philippines would be enforceable in the UK and vice versa. So that means that these provisions on enforcement would become more and more powerful as more countries adopt this kind of legislation.

Finally, to conclude, slide number eleven (11). The Climate Compensation Act would make it for citizens and/or for local authorities in the Philippines to hold global fossil fuel companies accountable for human rights violations resulting from climate change. However, of course, before adopting such legislation, the potential legal, political, and economic consequences of such a law must be considered through the lens of human rights. A holistic assessment needs to be carried out to see what would happen, how the enjoyment of human rights in the Philippines would be affected by the adoption of such an act.

That concludes my presentation, and I would very much welcome your questions.

ATTY. MAYO-ANDA:

Thank you, Dr. Margaretha. Your Honor, may we be allowed to ask questions?

PANEL CHAIR CADIZ:

Proceed.

ATTY. MAYO-ANDA:

Thank you, Dr. Margaretha, for the interesting presentation. Okay. In relation to the Climate Compensation Act that you discussed, you mentioned about the drafting of a Climate Compensation Act. Do you have any recommendations to the Philippine Human Rights Commission in relation to that?

DR. WEWERINKE-SINGH:

Yes, my main recommendation here would be that the drafting of such an act should be a participatory process, because in the end it is victims or potential victims of human rights who know best what is needed to prevent violation of their human rights, and if the violation happens, what can be done to restore the enjoyment of human rights. It is really essential to include those whose rights are at stake in the process of designing this legislation so that when cases are actually brought, they will lead to the best possible outcome for victims or potential victims. So I think it would be ideal if the Commission thought that this would be a valuable idea, to establish a kind of mechanism which can be, perhaps, a working group of the Commission for example, that starts looking into this, considers the options that are there, and starts working with those, which of course logically includes the Petitioners in this case or in the Inquiry, to design legislation that works, especially the part that deals with what remedies will be available to victims or potential victims.

ATTY. MAYO-ANDA:

Thank you. The document you submitted, "Taking Climate Justice into Our Own Hands," I noticed that besides you, Andrew Gage also from Canada was involved. I was just curious whether there are efforts now in Vanuatu or Canada that actually ease efforts towards crafting a model Climate Compensation Act. Are there efforts, or in other countries?

DR. WEWERINKE-SINGH:

That is a wonderful question. There is certainly a great interest in the idea of a Climate Compensation Act. In Canada, a private members' bill that proposes a Climate Compensation has been tabled. In Vanuatu, the government is also actively looking into the option to enhance existing remedies for victims of climate change, including the possibility of adopting or amending national legislation to allow victims of climate change or potential victims to access redress.

ATTY. MAYO-ANDA:

Thank you. Based on your extensive research, Dr. Margaretha, to what extent can you extend human rights law to cover accountability of fossil fuel companies?

DR. WEWERINKE-SINGH:

That is a wonderful question. I would say it is not a question of extending human rights law, because the right to a remedy is so much at the heart of human rights law. If human rights law doesn't allow for victims of human rights violations to access redress, why is it there? It would be very empty language. It is very much the purpose of human rights law to ensure that those whose rights are violated can hold those who have caused the violation, who are responsible for it, to account. It is no longer controversial that the enjoyment of human rights is affected by climate change. The next logical step is to ensure that those whose rights are actually being violated or at risk of being violated can access redress. We can start thinking creatively what we need to do to remove some of the barriers to access to redress that currently exist.

ATTY. MAYO-ANDA:

Thank you. In pursuing this, are there options available to apportioning climate damages among multiple companies, for instance? If there are multiple companies that produce fossil fuels and they produce damages, are there options available to apportioning those damages among these companies?

DR. WEWERINKE-SINGH:

Certainly, there are a range of options available based on precedence from different areas of law. Of course, the option that fossil fuel companies would propose is that there can be no liability because everybody is responsible for a particular contribution or share of the damages, and we can never figure out for sure who contributed what, so according to defendants it should probably prevent courts from establishing liability. That's one extreme. The other extreme is to say that major emitters would be jointly and severally liable for climate change damages. That means that you could hold one major emitter to account for all climate damages that you can prove. Of course, that is in the context of climate change, unfair to the defendants because you could hold a relatively small emitter, as long as it's a major emitter, to account for all the

consequences of climate change. Of course, that is a burden that no individual entity could bear, even if it would be allowed, of course as it happens, as it's allowed when the law takes a joint or several liability approach, the defendant who was held liable for all the damages can then take action against other contributors and try to get their contribution to the damages back, in a way.

But what the Climate Compensation Act proposes is a more moderate approach that is also fair, namely, to allow courts to hold major emitters to account for damages proportionally to their contribution to the damages. So, for example, if the contribution of one major emitter to carbon emissions is two percent (2%), then that emitter would be liable for two percent (2%) of the damages.

Now, the Climate Compensation Act does contain two caveats there: the first one is that there can be no duplication because of the way the Act is designed. Major emitters can be held to account at various stages of the production and consumption process of fossil fuels, so if two defendants are responsible for the same damages, then of course they will not be both liable for the full amount of damages, but instead they will need to apportion the liability between them. Secondly, a court can also take into account all the factors such as the extent to which the defendant has tried to reduce its emissions, or not tried, the extent to which it may have contributed to misinformation about climate change and, generally, the care it has taken to prevent damages or the care it has not taken. So all these factors can be taken into account to either increase or decrease the share of liability in these cases.

ATTY. MAYO-ANDA:

Thank you very much, Dr. Margaretha. Your Honor, those were our questions; we give Dr. Margaretha to you.

PANEL CHAIR CADIZ:

All right. Thank you, Dr. Margaretha. I just have a few questions for you...

How would the Climate Compensation Fund be funded? Where will the money, that can be awarded to the victims, come from?

DR. WEWERINKE-SINGH:

That's a very important question, of course. So here, it could come from anywhere. In principle, should anyone want to make a donation into the Fund, that would be possible, but of course the main source of funding would be

court orders where a plaintiff has successfully sued a major emitter, then the damages award could be paid into the Climate Compensation Fund. That is particularly useful where a government, or local government, or another public authority suing on behalf of the public, then the proceeds of the suit can be put into the Fund and made available in a way that benefits the general public, whose rights were at stake in the suit.

PANEL CHAIR CADIZ:

So basically you are saying that the damages will be, of course, paid for by the respondents or the defendants who will be judged responsible or guilty by the court. There is no initial Fund that will be provided by the government creating the law?

DR. WEWERINKE-SINGH:

That's possible, actually, that's a very innovative approach. It is certainly something that the government could consider.

PANEL CHAIR CADIZ:

Alright. It's easy to understand the rights of victims of human rights abuses under international human rights law. It's also easy to understand the declarations or findings of responsibility, in this case, let's say, of private corporations, for these human rights abuses. The foundational principles are all there, under international human rights law. The issue, to my mind, is how does a court, created under domestic law, establish jurisdiction over parties that are not located within that jurisdiction? How does it compel... how does it proceed with the judicial process if it has no compulsory processes over the parties that are impleaded in the case?

DR. WEWERINKE-SINGH:

That's a really excellent question. What we have in our research, what we found is that a whole number of jurisdictions allow plaintiffs to sue defendants even if those defendants are located outside the jurisdiction based on the location of the harm, and that is a matter of law that is based on the concept of torts, where a tort is found – if you ask where is the tort that has been committed, actually located? Of course, in climate change, it's to an extent transnational, but what is emphasized when it comes to the question of jurisdiction in these cases is that the harm itself constitutes the tort. So not so much the wrongful act or the location of the defendant, but the harm itself,

that is what it's from, that is what is prohibited, and therefore courts that are located in that jurisdiction where harms occur can assume jurisdiction over a defendant, even if the defendant is located elsewhere. And, of course, the consequences that occur – if such a case results in a court order against the defendant, which can even happen even if the defendant does not recognize the jurisdiction of the court – then you have a court order that will need to be enforced in another jurisdiction, where the defendant carries out activities, or in its headquarters for example, and then that triggers then the question of how such a judgement from a foreign court can be enforced in another jurisdiction.

And that's another question that we have researched, looking at multiple jurisdictions, and we see that it is not straightforward. That is why it would be so useful to have a Climate Compensation Act to make it more straightforward, where we don't have many Climate Compensation Acts adopted in countries around the world, even today it would be possible to enforce these court orders in some jurisdictions, at least it seems, based on our research, and that is also based on well-established principles of private international law regarding the collection of debts internationally.

PANEL CHAIR CADIZ:

How does the domestic court, like, for example in this instance, the Philippine court, after finding that a party outside its jurisdiction has caused damages to its citizens... how could it enforce that liability if the country where the respondent resides, or is a citizen of, does not recognize the jurisdiction of our courts?

DR. WEWERINKE-SINGH:

That's a very important question, it's difficult to answer in the abstract because it really depends on the jurisdiction. Every jurisdiction has different rules on that, so in some jurisdictions it may be possible to get a domestic court to recognize the court order made in the Philippines.

There are several factors to look at when it comes to whether or not a judgement from the Philippine is enforceable in their domestic courts, and that will be, of course: due process, so the court order must resolve from a proper judicial proceeding; and also reciprocity may be taken into account. So the question: if a similar court order would be made in that jurisdiction against a defendant who is located in the Philippines, would the Philippines also recognize that foreign court order and be willing to enforce it? If that is the case, then it is more likely that that foreign court will also recognize the domestic court order from the Philippines.

But to make that even more clear, in the Climate Compensation Act, that could be clearly articulated so that there is no question about it, and especially common law countries where we need to interpret a precedent which are not always necessarily straightforward. It would be crystal clear that this is indeed the case in climate change cases. So in that sense, it's very useful. The approach that the Commission is taking with this Inquiry – to reach out to a global audience – is very useful. And, therefore, if I may make another recommendation, that would be to continue to reach out to a global audience. If the Commission chooses to proceed with this idea and start working out what a Climate Compensation Act for the Philippines could be, could look like... The Philippines' Climate Compensation Act could also help influence other countries to adopt similar legislation.

PANEL CHAIR CADIZ:

Yeah, that would be the ideal situation... if many countries adopt substantially the same law, recognizing the jurisdiction of the other countries for human rights violations resulting from climate change, then there would be no problem invoking the principle of reciprocity. But in the absence of that, it's very difficult.

I think it should be approached in a collaborative way among governments, among legislators from different jurisdictions. But countries operating in silos, passing their own laws might not be... It should be a global effort. The model that I see, that is perhaps an easier path, is the model of the establishment of the International Criminal Court, where state-parties would be signatories. That would be easy, because jurisdiction would be vested in that international court by the entry into that agreement. Or, perhaps, the establishment of an international human rights court that would recognize climate change as a human rights issue, and abuses arising therefrom will be recognized as human rights violations.

Let me go to the next question: who are involved in the drafting of this model law?

DR. WEWERINKE-SINGH:

That is mainly Andrew Gage, from West Coast Environmental Law, based in Canada, and myself. And I have also involved some students from different Pacific Island countries in drafting the reports. George Toaki, mentioned in the report, was the main contributor from the Solomon Islands. So in our research, we had looked at different jurisdictions in most common law countries, also in Pacific Island countries, given that this model of designing a Climate... The issue of jurisdiction based on location of the damages is, of

course, very relevant to Pacific Island countries, as it is to the Philippines, with massive human rights violations already being suffered as a result of climate change, difficulties for victims accessing redress, and grappling with this question of enforcement of judgement, given that most of these very climate-vulnerable communities or states don't have significant presence of major emitters in their jurisdictions.

PANEL CHAIR CADIZ:

I think you've made a very important initiative, although there is still a lot of hurdles ahead of you, but that's a very laudable effort. Have you vetted this idea with, let's say, the International Bar Association?

DR. WEWERINKE-SINGH:

Not with the International Bar Association, although if I remember correctly, the International Bar Association does highlight in a report that it published a couple of years ago on human rights and climate change that it would be desirable to have something like this, some kind of legislation like this. So it is perhaps a thing that still needs to be drawn, and thank you for the suggestion.

PANEL CHAIR CADIZ:

Because that would greatly facilitate collaboration among states, among the different domestic bar associations, to come up with a more refined model that would address issues of jurisdiction and enforcement of judgment... jurisdiction over subject matter, jurisdiction over parties... enforcement jurisdiction.

Anyway, you are a professor in the Netherlands, I believe?

DR. WEWERINKE-SINGH:

Yes, I've just moved to the Netherlands from Vanuatu. For the past three and half years, I've been based in the University of the South Pacific, School of Law in Port Vila, Vanuatu, and I recently joined Leiden University in the Netherlands, the Grotius Centre for International Legal Studies.

PANEL CHAIR CADIZ:

Our Inquiry Panel will be going to the Netherlands in January, and if you would happen to be there at the University of Nyenrode, we would be happy to sit down with you and explore and discuss this idea of yours, and perhaps adopt some of them in our recommendations. If you would find time, we will be there from January 15 to 19. We will be conducting consultative meetings with *amici* briefers and some other experts from the Netherlands and areas around that country.

So thank you very much again, we have no further questions. Counsels?

ATTY. MAYO-ANDA:

Your Honor, we would like to request that the resource person be excused. Thank you Dr. Margaretha.

PANEL CHAIR CADIZ:

Thank you very much, Dr. Margaretha.

Counsels, we are eager to listen to your closing arguments.

ATTY. PAUDAC:

I'm delivering this closing statement on behalf of the Petitioners and on behalf of my colleague and mentor here, Atty. Gerthie Mayo-Anda.

Good afternoon to everyone who are here and those watching us live online. To the Honorable Commissioner and to Dr. Walpole, a pleasant afternoon.

This week, as the world celebrates the seventieth (70th) anniversary of the Universal Declaration of Human Rights, that milestone in our evolution as a human family, we also arrive at the end of these public hearings for what has been a first in the world. A National Inquiry into the responsibility of major fossil fuel and cement companies - respondent carbon majors - for climate change and ocean acidification, and the impacts on human rights of Filipinos.

We have travelled together on an extraordinary journey this year, learned a great deal from experts in the fields of science, policy, the law, and from the stories of Filipinos from here and abroad who experienced, continue to experience, or are threatened by the impact of climate change firsthand. They have helped us understand the sometimes abstract concept of human rights

out of its legal frame, and invited us to view its meaning in the setting of everyday life. Please allow me to take you back.

A young indigenous woman of the Aeta Ambala, Rica Cahilig, shared with us her fear of losing cultural traditions of her people, because of forests, springs, and lands that could no longer provide the food and medicine they have always relied on. She told us about her father, a farmer unable to bear the extreme heat, forced to work shorter hours, and reduced income which made day-to-day survival even harder.

A rice farmer, Felix “Ka Jun” Pascua, invited us to see in a grain of rice, the symbol of a dream, a hope, and a dying family legacy, and now wretched livelihood. He illuminated the tragic irony of farmers, those who feed this country going without enough to eat, dragged deeper into poverty and debt to regenerate their fields after typhoons drowned the crops, only to worry about the drought that may come later. He laid bare for us the ingredients of life that climate change is taking away - food to eat, land to till, a home to live in. “*Nag-uulyanin na ang panahon*” (“the weather is getting more senile”), he said, and farmers are at its mercy.

A leader from the LGBTQIA community in Tacloban, Arthur Golong, helped us to understand how – it may appear to be simple, everyday luxuries for many of us –like a refrigerator, presented to her a dream conjured by years of sacrifice, determination, and hard work, only to be washed in the thunderstorm surge of Typhoon Yolanda, internationally known as Haiyan. The same super typhoon displaced a youth survivor, Mariel Bacason, who was forced to stand up for her family at a young age and work overseas, enduring loneliness just to help provide food on the table.

Far away from the countryside, we also heard about how climate change impacts peoples’ lives in this series. A surgeon who temporarily and frighteningly lost the use of her hands after infection from an unheard-of-mosquito-borne disease, after a typhoon. The jeepney driver who reaches for his bottle of water, already forced by extreme heat to work shorter hours, and stretch a smaller income. The way extreme health and air pollution stress the human body beyond its ability to cope. And we have heard too many stories all over the country, just like yesterday and today, from Amalia Baihan and Honeylyn Gonzales, of those who have lost their children, parents, brothers and sisters, friends, and neighbors they loved to the ever-fiercer typhoons and tropical cyclones, the shadows of which continue to steal their peace of mind, long after their loved ones have been laid to rest and life returns to some semblance of normalcy.

They have wanted us to ask: “Is this the kind of life all our children and their children will lead? Living in the shadow of fear and want?”

You might have noticed that what they want most from life is not riches or fame. They want what we all want – to feel safe, to have enough to eat, medicine when they are sick, a home to lay their heads down every night, to have work, to get an education, to send their children to school so they might enjoy better lives, to pass their culture down to the next generation, to realize a dream. Freedom from fear, freedom from want, dignity.

In reality these are basic human rights, so basic that we cannot help but question why they seem to be elusive, far-fetched dreams to many Filipinos? Some would call these hardships a tragedy, “just the way it is,” the hand of destiny, the cards some were dealt.

A favorite narrative of some carbon majors is that everyone is responsible for climate change. Do you agree? Of course not, but to take that deal would be to ignore big, inconvenient questions that loom around it: the responsibilities and obligations of those who have a hand in dealing these cards.

It would be easy to dismiss as too hard and impossible to answer, but the petitioners are boldly asking these questions. They’re asking: who is responsible, legally and morally? It is important to remember that these stories of indignity, piled upon injustice, were the result of conscious decisions, and “decisions” and “acts” by the carbon majors. At some point, a few people in positions of power effectively decided it would be acceptable to continue producing, burning, marketing, selling, and profiting from products that cause harm to untold millions of people for the present and for generations to come. Decisions made over and over again in defiance of science, of the law, and of conscience.

We’ve seen what the human cost of those decisions look like. The thing about great power is that it comes with great responsibility. Through this historic investigation, the Commission sought to answer some of the biggest, compelling, and most urgent scientific and legal questions of our time. Are the activities of respondent carbon majors and the fossil fuel industry as a whole linked to the harms Filipinos experienced, are experiencing, and will continue to experience? Do the carbon majors see these harms coming? Could they have avoided or reduced these harms? What can this Commission do about it? And what can the carbon majors do about it, now?

Let’s take the first question: are the activities of respondent carbon majors and the fossil fuel industry as a whole linked to the harms Filipinos experienced, are experiencing, and will continue to experience? The answer is a resounding “yes.” We learned about the ground-breaking research into historical production of fossil fuels that identified a group of entities, including investor-owned companies, the respondent carbon majors, were in, whose contribution to the climate crisis are identifiable, measurable, and significant. You may be familiar with many of these names on the list: ExxonMobil, Shell, BP,

Chevron, Total, BHP Billiton, and Suncor. They are the largest corporate contributors of greenhouse gas emissions that have caused, that are causing, and will continue to cause climate change, and they have the largest responsibility and the greatest ability to act with the urgency needed.

There is no industry in the world that could have the greatest impact on steering the fate of our country, our way of life, well-being, our future prosperity. Until recently, it was hard to distinguish the fingerprint of climate change in a way that would allow scientists to say with confidence that this drought or that storm bears the mark of climate change or was more likely to happen, but now with advanced attribution science, we can detect the fingerprint of climate change on these events. It's becoming clear that the once-called natural disasters are anything but natural.

Why is this important for us? Well, better science means more communities and individuals like those we heard from can better understand and prove the human rights harms they experienced and are experiencing in their day-to-day lives are connected to climate impacts. But simply understanding why a thing is happening is not enough. It's never enough. We have to ask who is responsible.

Scientists are even beginning to quantify the carbon majors' contributions to specific climate impacts, to individual extreme weather events, as the largest contributors of greenhouse gas emissions that cause climate change. The science is telling us that the activities of the carbon majors and those of the fossil fuel industry as a whole are linked to the human rights harms Filipinos are experiencing.

But do the carbon majors know about these risks and harms? Did they see this coming? Well, the answer is, again, a reverberating "yes." When did they see it coming? They had known for sixty (60) years or more. We learned that the carbon majors were aware of the climate risks, and the social and economic impacts associated with their businesses as early as 1954. And in fact, ExxonMobil, when it was known as Humble Oil, was also leading some of the world's earliest scientific research into climate change, publishing research that acknowledged the link between fossil fuels and atmospheric carbon dioxide as early as 1957. So not only did they know, they were among the first to know.

What's even more telling is that the industry was even coordinating and sharing the research among themselves. But what did companies do about the scientific knowledge they possessed? Did the carbon majors have an opportunity to avoid or reduce the climate risks posed to Filipino people? The answer is an unqualified "yes."

Respondent companies were uniquely placed with the knowledge, capacity, and skills to contribute to avoiding or minimizing the harms and/or threat of harms being suffered by Filipinos. If the adage held “do the best you can until you know better, then when you know better, do better,” then might there have been a moment over the past six (6) decades where they could have summoned and shared their knowledge and power, and helped steer our economies and the climate system to a safer track?

What did the companies do instead of making the morally- and legally-responsible actions towards the public, and address the climate pollution from their products? Unfortunately, we know how this story went instead. Over decades and even today, carbon majors like Shell and ExxonMobil choose to wage a war on climate science and climate action. For three (3) decades, they invested in a broad, deep, extensive, expensive, and sophisticated public campaign of deception, denial, and delay in an attempt to sow doubt to climate science and undermine meaningful action, a legacy we’re living with today. They penetrated the halls of academia and the US Congress, they sat at the tables of international fora, stifled renewable energy technologies, covered pages of elite media even while inside their own halls.

They were quietly using climate change projections in their operations. They were careful to protect their own infrastructure from rising seas, but chose to leave the most vulnerable people exposed to the impacts of unabated warming. Why, you may ask? To protect their profits, although they might say it was all for our prosperity, so we could live modern lives. More of their favorite narratives.

They chose to pit profit against human lives, like this was the only choice on the table. Imagine if Shell and the other carbon majors had chosen another path when it started researching and understanding the risks climate change posed to human beings and the planet in the 1950s, 1960s, 70s, and through the 2000s. What if they instead shared it with innovators, collaborated with governments to take meaningful, urgent, and effective action on the risks and harms they had identified?

How many lives could have been spared? How many people could have avoided the kinds of indignities and loss we heard about from our witnesses if different decisions were made? What are they doing about it today, now that they know better? Well, actions speak louder than words, and they are saying a lot these days but not doing better, and certainly not enough. Their investments in renewable energy are measly, at best. Carbon majors like Exxon and Shell continue to invest in developing new dirty projects like in the Patagonia, as if there is no end in sight to fossil fuel production. Shell tells its investors oil and gas consumption will at least continue at the same level for decades to come. Shell recently announced it would set carbon footprint targets, but these are all just words, because at the end of the time, the

company continues to spend on fossil fuels and ignore the risks facing communities.

ExxonMobil is planning for the dominance of oil and gas in the energy and transportation sectors, and is skeptical that policy will actually achieve a two-degree Celsius (2°C) scenario. It anticipates a two-point-four degree Celsius (2.4°C) instead, directly quoting from their report. As if they can play God and negotiate with air and water. I ask, “What planet are they living on?”

Here is what we know for sure: Mother Nature is a notoriously bad negotiator. She does not suffer fools gladly, and sadly the Respondents appear to be living in a world of fantasy, where they can bargain with the laws of physics and chemistry, as they may over pipeline contracts. These countries are not doing what is necessary to prepare for a zero carbon economy, but seem to want to loot the ship even as it burns. Should we allow these companies to play dice with our children’s future, in blatant disregard of human rights law?

They have yet to realize the real art of this deal is walking away with a livable planet for all. That means the drilling, the burning, the smoke and fumes, and the delay have to end. The carbon majors must meaningfully align their business models with the one-point-five degree Celsius (1.5°C) limit of the Paris Agreement, and integrate climate change considerations in their policies and practices, including their human rights due diligence processes in order to protect communities. Because at the end of the day and according to our Constitution, everyone has the right to life, and that right is to live a good life. What can or must the carbon majors do about it? How do we hold them accountable? This is why we initiated this petition, because States are not the only ones who must abide by human rights principles, standards, and laws. The respondent carbon majors, according to the UN Guiding Principles of Business and Human Rights, have a responsibility to respect human rights, including human rights harms resulting from climate change. And this responsibility is not optional. It arises from a global standard of expected conduct. Throughout this Inquiry, substantial, if not overwhelming evidence have been provided to prove the carbon majors are in breach of their corporate obligations to respect the rights of the Filipino people and the fundamental tenets of responsibility underlying the laws of tort in common law jurisdiction or non-contractual obligations in civil law countries.

The Respondent carbon majors are violating the human rights of Filipinos and the Commission has firm grounds to stand on for issuing recommendations that the respondent companies, including their directors and officers, meaningfully align business models with keeping global temperature rise to one-point-five degrees Celsius (1.5°C), to do their part over the worst impacts of climate change, and that they submit their plans on how human rights violations or threats of violations resulting from the impacts of climate change will be eliminated, remedied, or prevented in the future. The Commission may

recommend a policy for lawmakers to develop and adopt effective accountability mechanism that can be easily accessed by those whose rights are under threat or have been violated. To governments, including the Philippines and other countries where the investor-owned carbon majors are domiciled and/or are operating, the Commission may recommend that they strengthen or explore new ways to fulfill the international duty of cooperation to ensure that carbon majors take immediate steps to address the human rights implications of climate change.

This historic National Inquiry has amassed one of the largest collections of evidence in climate change, corporate responsibility, and human rights. The Commission can do the world a service and make this collection public for use by other National Human Rights Institutions, communities, and even corporations that are working to address the human rights implications of climate change. Seventy (70) years ago, when the Universal Declaration was born, it captured a broken but healing world's imagination with its dauntless hope of saving future generations from the scourge of war and untold sorrow.

The Petitioners hang themselves at the same gates of hope, shoulder to shoulder with all the rest around the globe who are drawing a line in the sand. From the youth in Canada and Colombia, to crab fishermen in California, more and more people are signing up for their rights against carbon majors. Filipino cities and municipalities experiencing climate impacts have issued resolutions in support of this investigation. We have Tacloban City; Palo, Leyte; Capalonga, Camarines Norte; Marawi City; and recently, Baguio City. The Commission is in good company, for living with courage.

Stories and the quest of justice go hand in hand. If injustice is not given voice, it cannot be healed. And if telling your story, as our witnesses have done, is in itself a choice about how to use the power you hold, choosing to listen is also a choice about how to use one's power. In holding spaces for these stories to be heard, and the faces to be seen, in taking an inclusive, creative, and global approach, grounded in the local threats faced by Filipinos, the Commission has chosen to host an unprecedented global dialogue about climate change, human rights, who is responsible, and what climate justice solutions are possible.

At the end of the day, our vision for a more beautiful tomorrow is simple: it is one where we bring the law ever closer to justice and protecting human dignity, and experience human rights very personally. A farmer without land, a fisherman without catch, children without schoolbooks, mothers without homes. It is a world where each of us and those who are in the vulnerable situations first have all they need to flourish. Victory will be achieved when we have a world of dignity for all. When the words "climate change" are placed firmly in the history books as a scourge from which we emerged, if not unscathed, wiser and braver.

Thank you, thank you very much.

PANEL CHAIR CADIZ:

Thank you very much, Atty. Paudac.

Before formally closing the public hearing phase of the Inquiry, I, as Chairman of the Panel, would like to deliver a few remarks.

This is not a speech, these are notes that I made that I would like to share at this junction.

First, climate change is a human rights issue, despite the recent development in Poland, where they have taken away the phrase “climate change” from the rules.

Proceeding from the UN Framework Convention on Climate Change, climate change is a human rights issue. Climate change is a global issue. Climate change is an existential issue. And the anthropogenic contribution to climate change is significant.

The CHR of the Philippines and this Panel are cognizant of the efforts around the globe to address this important issue of climate change and global warming. We take cognizance of the fact that governments are attempting to come together into an agreement to avert breaching that important threshold where this problem will no longer be reversible. We are cognizant of the fact that international bodies, such as the UN and many other international entities, are moving heaven and earth to address this issue. We are cognizant of the fact that many actions are taking place all over the globe - private parties suing governments, private parties suing private parties, governments suing companies, scientists and legal experts joining in on the dialogue in climate change. All these are important efforts, and they are necessary to address this important existential threat.

And the questions we ask ourselves as an NHRI is... what is our responsibility in contributing to this effort? How do we join in this global movement to avert this existential threat? Where do NHRIs locate themselves amidst this issue?

In 2015, the Petitioners filed this case before us, and we will be honest enough to admit that our initial impulse, when this case was presented before us, was not to accept it, partly because of our lack of familiarity with the scientific issues surrounding it at that time, partly because of our training as lawyers that, you know, raise issues of jurisdiction, enforcement, et cetera, and partly because it presented other numerous challenges, such as lack of resources.

We knew this would entail a lot of research, a lot of effort on our part... research in the fields of science and law, which we did not have. We looked around and we saw no legal precedent to help us navigate through this case... there were none. And we were swarmed by the lawyers of the respondents, challenging our jurisdiction. It was raised that we had no jurisdiction over the subject matter of the case. It was alleged that the case involved economic, social, and cultural rights, and that our jurisdiction only pertained to civil and political rights. And, of course, it was also raised that we had no jurisdiction over the parties, many of whom were not even doing business in the Philippines.

And so the easy way out for us was to decide not to accept the case. If we did so, nobody would've questioned that decision. But we looked at our mandate, we looked at our Constitution, and we saw that we had the mandate to investigate allegations of human rights violations, but it was specified therein that the human rights violations were in regard to civil and political rights. We looked at the petition again, and we did see that there were, in fact, allegations of violations of civil and political rights. So we had jurisdiction. We had the duty to fulfill our mandate.

But more than that distinction regarding violations is the realization of... the evolving human consciousness in the appreciation of human rights. The distinction between civil and political rights, on the one hand, and economic, social, and cultural rights, on the other, is a mere formal distinction. Human rights, as we now know, are not only universal... they are interrelated, they are interconnected, they are one. One cannot talk of civil and political rights without talking about economic, social, and cultural rights. There should no longer be debate about that.

There are old Supreme Court cases saying that our jurisdiction is just in regard to "civil and political." We look forward to revisiting this outdated notion, in case our mandate or jurisdiction over this subject matter is brought before the Supreme Court. But, as of today, our position is that, again, human rights are universal, they are interrelated, they are indivisible.

Thus, it is very clear to us that we have a duty to inquire into the petition brought before us. And we saw that our role was to find ways to fulfilling that mandate, that we should not come up with convenient excuses for doing business as usual.

And so we decided to accept the case, the Petition.

Despite all the challenges, and since there were no legal precedents, we sat down and imagined a process. How do we go about handling this Petition, knowing that we had no powers, really, to compel parties to appear before us?

We would have no powers to enforce our findings later on. So, first, we said that we will operate on the principle of persuasion, not compulsion. We immediately recognized that. We were going to invite parties, stakeholders, duty-bearers. We were not going to order them to appear before us. It would be foolish to do so. We said that our process would be dialogical, not confrontational, as you would normally see in courts. We do not want an adversarial process, we want to come up with a consensus, a solution where everybody will be a part of.

But it did not mean that because our process would be dialogical, we would be asking easy questions. It would be dialogical, but we will be asking hard questions, because we did recognize that this is a multi-layered problem, with multi-layered responsibilities and accountabilities. But, we also said that, even as we will be finding or making declarations on responsibilities, we will not be issuing orders to parties to pay damages. I hope that is clear to everybody... that we have no power to award damages in favor of parties and against parties.

So we said that this was going to be a global dialogue, because human rights was a global issue, even as this has been filed before a domestic... a small Commission, the Human Rights Commission of the Philippines. The subject matter of the petition involved climate change, which is a global issue, and, therefore, we will turn this Inquiry into a global dialogue. Thus, we reached out to *amici* briefers to help us navigate through this case.

We believe that we have established new paths by going outside of Manila, outside of the Philippines, by engaging the global community. We have had hearings outside of Manila... we had two hearings in New York, two hearings in London, and we will have further consultations outside Manila.

In this global dialogue that we have pursued, we are fully cognizant of our limitations, and the frustration of parties in seeking remedies before regular courts. And that is one of the reasons why we have opened up our processes. We believe that NHRIs can play a role in advancing the advocacy of addressing climate change challenges. Courts are bound by so many strict rules of procedure that do not apply to National Human Rights Institutions, such as our Commission, and, because of that, we are in a good position to advance this dialogue.

What are the ways forward, insofar as we are concerned? Henceforth, after the closure of our public hearings, we shall be taking stock and evaluating all the evidence, scientific... even legal theories, that have been brought before us. We shall be consulting with more experts. We shall be devoting the second quarter of next year to drafting a resolution with recommendations. We hope to be able to come out with it by the end of June 2019. And, despite the legal challenges, we believe that our report and recommendations will be judged

not by legal standards... I refer to those specifically technical legal arguments, although we will have legal justifications for our actions... but we will be judged more by the process that we have engaged in, which, I believe, has been fair and transparent, and our findings, I believe, will be supported by strong evidence.

At this point, we would like to thank all the parties, including the Petitioners, for challenging us to face up to this issue, for holding us accountable in fulfilling our mandate. We would like to acknowledge the international cooperation that have been lent to us by all parties all over the world. Some were solicited, some were not, and we are thankful for all the support... from the academe, the other NHRIs, from the Office of the High Commissioner on Human Rights, from the United Nations, from the International Bar Association and local bar associations, such as the New York Bar Association, which hosted us in New York, from academic institutions, the London School of Economics, which hosted us in London, the University of Nyenrode, who will be hosting us in January, from those who provided funding support... the European Union, the Spanish Aid Agency... and many other institutions who funded this process.

We hope that our effort to turn this into a global dialogue, and our effort to open our processes to hearing this petition, would also inspire other NHRIs in fulfilling their mandates.

In London, during one of the breaks, I happened to read this in one of the monuments to a human rights advocate, if I recall correctly, her name is... Millicent Fawcett, I almost forgot. She's a women's rights advocate. And there it was written, under her bust: "Courage everywhere calls to courage everywhere."

"Courage everywhere calls to courage everywhere." Everybody in this process has been courageous in treading new paths, in looking for solutions to this problem, despite all the challenges.

I would like to congratulate everybody - the witnesses, the Petitioners, those who helped us. And our final call is for all of us to continue to be courageous in rising up to the further challenges that lie ahead.

So thank you very much. We will be issuing the Transcript of Stenographic Notes... We will be coming up with the transcript, official transcript, of all the hearings. We have had, twelve hearings, including today's hearings. After we furnish the Petitioners - of course, the transcript will be made public - we will be furnishing the Petitioners... after which we request the Petitioners to come up with their memorandum summarizing their case and their evidence, hopefully within sixty days. And, after that - receiving your memorandum - we shall be coming out with our report and recommendations, as we've

mentioned, by the end of June 2019. So, I hope you will submit it early enough to give us more time to draft and finish it by June 30. So, that is another challenge to both of us.

So, again, thank you very much. With that, I formally close the public hearings to this Inquiry.

[Bangs gavel]
