

MEMORANDUM OF AGREEMENT
DEFENDING THE DEFENDERS PROJECT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement is entered into by and between:

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, with principal address at Visayas Avenue, Diliman, Quezon City, duly represented by **SECRETARY ELISEA G. GOZUN**, hereinafter referred to as **DENR**;

The **CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW**, with principal address at 1367 Connecticut Avenue, NW, Suite 300 Washington, D.C, duly represented Dr. OWEN J. LYNCH, hereinafter referred to as CIEL; and

TANGGOL KALIKASAN, with principal address at Room 403, CRM III Bldg., 106 Kamias Road, Quezon City, duly represented by its President, DR. HELEN N. MENDOZA, hereinafter referred to as **Tanggol**.

-WITNESSETH-

WHEREAS, the **DENR** is the lead government agency responsible for the conservation, protection, management, development and proper use of the country's environment and natural resources;

WHEREAS, the **DENR** can effectively perform its mandate if a strong legal support system is in place that responds both to the prosecution and defense needs of its environmental law enforcers;

WHEREAS, **CIEL** implements the Environmental Justice Project through a grant from the United States Agency for International Development (USAID), under which CIEL collaborates with **Tanggol**, other environmental law organizations and academic institutions through partnership agreements to provide legal assistance to local communities in support of the Philippine Government's community-based natural resource management program to protect biodiversity;

WHEREAS, **Tanggol**, as a public interest environmental law office, has the human resources, capacity and skill to develop an environmental law enforcement legal support program and test its viability on the ground to pave the way for a more comprehensive legal support program for environmental law enforcers;

WHEREAS, cognizant of the above, the establishment of an environmental legal support program is deemed appropriate by DENR, CIEL and Tanggol, to provide legal assistance in cases where DENR and its duly deputized law enforcers may be threatened, killed, or harassed with court cases for lawfully performing their duties as environmental law enforcers;

NOW THEREFORE, for and in consideration of the foregoing premises, and of the terms and conditions herein below contained, **DENR, CIEL and TANGGOL** agree as follows:

I. THE PROJECT. The "**Defending the Defenders Project**" is hereby established to provide legal services, through a network of trial lawyers, for DENR field personnel and its duly deputized agents who may be threatened, killed, or harassed with court cases for lawfully performing their duties as environmental law enforcers. The project shall prioritize five regions of DENR depending on the criteria set by the contracting parties. The network of trial lawyers shall include those from the Integrated Bar of the Philippines, alternative law groups and the academe. The project also aims to create awareness among policy makers of the need to provide resources to support the prosecution and defense needs of environmental law enforcers. Awareness building shall be done by engaging the print and broadcast media, holding of a forum or round table discussion on the issue, and submission of concept paper to the Legislature. Finally, the project covers the preparation of a more comprehensive environmental law enforcement legal support program for possible funding support from the government and other funding agencies.

II. DUTIES AND RESPONSIBILITIES

TANGGOL shall:

1. Develop the legal support program for environmental law enforcers;
2. Manage the entire implementation of the project;
3. Coordinate and consult with DENR, CIEL, and USAID on matters related to project implementation such as the formulation of criteria for area and case selection, and mechanics and guidelines for case acceptance;
4. Form a pool of trial lawyers who will actually handle the cases as lead counsel for DENR and its duly deputized environmental law enforcers. The trial lawyers shall work in partnership with DENR lawyers. The partnership shall include, but not be limited to case consultation and strategic planning;
5. Develop a system for case acceptance, which is responsive to the need for a speedy, efficient and adequate legal assistance for environmental enforcers of DENR and its duly deputized agents; and

7. Create awareness among policy makers of a need to provide resources for legal support to environmental enforcers.

CIEL shall:

1. Provide the general framework for project development and implementation; and
2. Make available to Tanggol twenty five thousand dollars (US \$25,000) to fund project implementation, which includes: 1) operating costs in the formation of a network of trial lawyers; 2) support for litigation; 3) support for policy research and advocacy; 4) purchase of supplies and materials; 5) transportation and communication costs; 6) expenses for monitoring of cases; 7) expenditures for assessment and evaluation of project implementation; and 8) other costs that may be incurred in the implementation of the project.

It shall be understood by the parties hereto, however, that this project and funds therefor of US \$25,000 are incorporated in the existing partnership agreement entered into by CIEL and Tanggol in February 2004. Hence, this agreement does not constitute an obligation of new funds nor a promise to provide additional funds.

DENR shall:

1. Provide the baseline data on the number of cases involving DENR personnel and its duly deputized agents who were killed or injured while in the line of duty or who were harassed with court cases due to the performance of their official tasks as environmental law enforcers;
2. Ensure the issuance of directives enjoining all DENR Regional Offices to provide support and assistance to Tanggol and the pool of lawyers in the handling of cases, which includes determination of the facts of each case, gathering of evidence, research on pertinent laws and other DENR rules and regulations, and case documentation;
3. Ensure sustainability of the program by designating a DENR lawyer to serve as co-counsel in every case accepted by the project. As co-counsel, the DENR lawyer shall keep his own record of the case, actively participate in case preparation and make strategic contributions for case handling and development; and
4. Facilitate awareness-building effort of "Tanggol on the need to create environmental legal support fund by:
 - 4.1. Providing access to DENR internal policies on legal support for its environmental law enforcers; and

4.2. Providing assistance in the holding of a forum to discuss the issue of legal support system for environmental law enforcers.

III. FINAL PROVISIONS

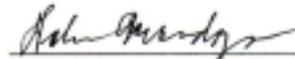
This project shall be effective as of 1 October 2003, and shall terminate on 30 September 2004.

The first six months, from 1 October 2003 to 31 March 2004, shall cover - project preparation, networking and coordination with DENR and legal practitioners from Integrated Bar of the Philippines, academe and alternative law groups, and gathering and developing baseline data. The next six months, from 1 April 2004 to 30 September 2004, shall cover actual case handling and evaluation of project implementation.

Any changes in the foregoing provisions under this agreement shall only be made and become effective upon mutual consultation and agreement of all parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 21st day of March, 2004 at villa Escudero, Tiaong, Quezon.

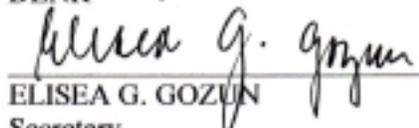
TANGGOL


HELEN MENDOZA
President, Board of Trustees

CIEL


OWEN J. LYNCH
Senior Attorney /Project Manager

DENR


ELISEA G. GOZUN
Secretary

WITNESSES:


RENATO DE RUEDA
Undersecretary for Field Operations
DENR


ASIS PEREZ
Southern Luzon Area Coordinator
Tanggol Kalikasan

