

ENVIRONMENTAL DEFENSE (EnDefense) PROGRAM



Guidelines for Proposals (2018)

The EnDefense Program is a funding mechanism for litigation and related legal actions that seek to protect the country's environment and natural resources. The program is part of the agreement between the Foundation for the Philippine Environment (FPE) and the Forest Foundation Philippines (formerly known as the Philippine Tropical Forest Conservation Foundation) to facilitate collaboration between them and their partners in areas of mutual interest in the Philippines, and to make available resources for projects that they will co-finance. The Alternative Law Groups (ALG) acts as the Administrator of the EnDefense Program.

Now on its fifth phase, the EnDefense Program supports cases that have a direct link to, or impact on, environmental conservation and protection. The program supports cases that pursue legal sanctions against environmental law violators, and those that seek to question, or defend, the constitutionality or validity of laws and policy issuance that affect the rights of communities, or that have a significant impact on environmental protection.

Proponent Criteria

1. The following are qualified proponents:
 - ❖ A Filipino legal-resource non-government organization (NGO) with a developmental legal program (whether or not a member of the Alternative Law Groups, Inc. [ALG]);
 - ❖ A Filipino non-government organization or people's organization (PO) working in partnership with a lawyer, law office or legal resource NGO (the EnDefense Program Administrator can help identify a lawyer or lawyers for organizations that are planning to submit proposals but have not yet engaged the services of a lawyer).
2. Qualifications. Proponents should have the following qualifications:
 - ❖ Has juridical personality, registered with the Securities and Exchange Commission (SEC) or other government registration or accreditation body



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(if the organization is not registered with any government office, a duly registered organization may act as co-proponent of the project);

- ❖ Has been operating for at least three (3) years before the submission of the proposal (an organization that will not qualify because of the absence of the three-year track record may still submit a proposal, provided that another organization that meets the track record requirement will act as co-proponent of the project).

3. Disqualifications. The following organizations are disqualified:

- ❖ Those with questionable track record or experience in implementing development projects;
- ❖ Those with delinquent performance (as regards program and/or financial requirements) in another project under the EnDefense Program, or under any other program of FPE, Forest Foundation, or ALG;
- ❖ Those that have already received the maximum amount of funding support under the EnDefense Program, unless there is a co-proponent that is still qualified to receive funding support under the program.

Cases/Activities covered

1. The following cases shall be eligible for funding support:

- ❖ Community cases. These are legal interventions that seek to (i) assert a community's environmental rights; (ii) pursue legal sanctions against environmental law violators; (iii) protect a community and its members, and government enforcers, from SLAPP suits or harassment suits; and (iv) remedy violations of human rights related to environmental protection.
- ❖ Policy Challenges. These are legal actions that seek to: (i) question, or defend, the constitutionality or validity of a law or ordinance, executive order, or any policy issuance that affects the rights of communities, or that has a significant impact on environmental protection; and (ii) compel government agencies to issue policy instruments that promote forest and natural resources conservation, and environmental rights.

These legal actions may be filed or pursued in courts, quasi-judicial bodies, administrative offices, or indigenous justice mechanisms.

The EnDefense Program prioritizes support for new cases that have not yet been filed or initiated in a court, office or tribunal. Support may be given to cases that have already been filed or initiated, and are already pending at the



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time the proposal is submitted, upon adequate justification of the necessity for EnDefense support for the on-going case.

2. General Criteria for Cases

A. Community cases

- ❖ Direct link to or impact on environmental conservation and protection;
- ❖ Presence of a community, aware and assertive of its rights and the rights of its members, but with a limited capacity to shoulder the costs of litigation, whether as complainants/plaintiffs or as respondents/defendants;
- ❖ If the case is in defense of a government enforcer, a person or an organization of known probity and integrity must vouch for the character of the officer, and such favorable endorsement must be submitted together with the proposal;

B. Policy challenges

- ❖ Direct link to or impact on environmental conservation and protection;
- ❖ Action will improve compliance with environmental laws, rules and regulations, and policies, and/or promote transparent and participatory resource management;

The program shall not support cases that promote inter-sectoral conflict between/among marginalized groups, or cases that unduly persecute or victimize members or leaders of poor and marginalized communities.

3. The following activities shall be eligible for funding support under the program:

- ❖ **Direct Litigation Activities** – activities directly related to litigation of eligible cases, including, preparation of pleadings and other legal documents, and actual appearance in court, quasi-judicial or administrative proceedings;
- ❖ **Related Non-direct Litigation Activities** – activities that are not direct litigation activities but are related to the handling of eligible cases, including, legal clinics, case conferences, consultation sessions, and evidence gathering;
- ❖ **Support Activities** – activities that are in support of the litigation, such as press conferences, public fora, and mobilizations for court hearings.



Funding Support

1. Amount of funding support.

Regular Grant - The funding support that can be given under a Regular Grant shall be based on actual projected costs for the eligible activity/ies, but not more than TWO HUNDRED THOUSAND pesos (P200,000.00) for every case (or set of consolidated cases, in the event that several cases or counts are consolidated as one case). Except for justified reasons, this amount shall be considered as the only funding support of the EnDefense Program for the case, until its final resolution.

As a general rule, cases at the trial court level may receive up to a maximum amount of TWO HUNDRED THOUSAND pesos (P200,000.00), while cases at the appellate level (on appeal) may receive up to a maximum amount of ONE HUNDRED FIFTY THOUSAND pesos (P150,000.00). Simple cases that are not expected to undergo full-blown trial or prolonged litigation (such as administrative cases) may be supported up to a maximum of ONE HUNDRED THOUSAND pesos (P100,000.00).

Proponents may receive support for more than one case, but in no case will a proponent organization receive more than FOUR HUNDRED THOUSAND Pesos (P400,000.00) within each EnDefense Program year. A legal-resource NGO may be the handling lawyer/counsel of two or more cases that are supported by the program regardless of the amount of funding support, but if a legal-resource NGO acts as the proponent organization, it shall be covered by the limitation on the maximum amount of grant funds that can be given to proponent organizations.

Emergency Small Grant - Emergency small grants up to a maximum amount of TWENTY THOUSAND pesos (P20,000.00) can be given to support urgent legal actions for cases that are not being supported by regular grants under the program, but which are qualified, based on the criteria for cases. This may include bail bonds, transportation and photocopying costs, and other litigation expenses.

Support for Case Build-up - Financial support up to a maximum amount of FIFTY THOUSAND pesos (P50,000.00) can be given to support activities for case development, i.e., preparatory activities that will help communities decide on the legal action to take concerning their issues. In this regard, the EnDefense program can serve as a facilitator that will link available legal support to communities that face issues concerning the environment. The support for case build-up activities is expected to help develop actual cases that can then be filed in court or in the proper tribunal, and may be the subject of a proposal for a regular grant.



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2. Eligible Costs and Cost limits

The costs of direct lawyers' fees, acceptance fees, legal fees, professional services, and other fees for the legal service, shall not exceed forty percent (40%) of the total grant.

The costs for Support Activities (such as press conferences, public fora, and mobilizations for court hearings) shall not exceed twenty five percent (25%) of the total grant.

The grant funds shall not be used for the payment of salaries and personnel benefits, or for administrative costs such as expenses for rent, utilities, and other overhead expenses.

The proponent shall be required to shoulder at least twenty five percent (25%) of the total project cost as counterpart funding. The total project cost is the sum of the EnDefense grant and the proponents' counterpart funds.

Requirements for Proposals

Regular Grants

The following requirements shall be submitted together with the proposal: ***(Please follow the prescribed format for proposals, Annex "A" and "B". To download formats, visit the ALG website: www.alternativelawgroups.ph)***

1. Case brief – identifying the facts, parties, issues, impact on environmental protection, venue, and other basic details of the case. The proposal shall include a description of previous/planned efforts for alternative dispute resolution (ADR).
2. Timeline / case plan – describing the projected status of the case within a given period, activities outside trial, and target results. (Please see Annex "C".)
3. Registration papers / profile of the proponent. (Please accomplish the Organizational Profile Form, Annex "D".)
4. If the proponent is not a legal-resource NGO, identification of the lawyer or legal resource NGO who/that will handle the case.

If the handling lawyer is not part of a legal resource NGO, the lawyer's profile or *curriculum vitae* shall be submitted together with the proposal. If the legal counsel is a legal resource NGO that is not a



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member of the Alternative Law Groups (ALG), the Organizational Profile of the legal resource NGO shall also be submitted, in addition to the Organizational Profile of the proponent organization. The proponent shall submit a retainer agreement with the lawyer or legal-resource NGO upon approval of the grant.

Emergency Small Grant and Support for Case Build-up

Emergency small grants and support for case build-up may be requested through a letter identifying the proponent organization, explaining the case or legal action and the need for funding support for the specified action, and submitting the relevant documents.

If the organization was a grant recipient for the first four phases, whether for regular grant or emergency small grant or support for case build-up, also provide an update of the case (narrative and financial). (Please see Annex "E".)

Deadline for Proposals

Proposals for Regular Grants may be submitted through e-mail or regular mail, and should be **received** by the Program Administrator on or before the **30th of September 2018**. After this regular round of proposal processing, proposals may still be submitted, but the processing and approval of such proposals shall be subject to the remaining available funds.

Requests for Small Grants and Support for Case Build-up may be submitted at any time.

Proposals/requests should be sent through e-mail to

endefense@alternativelawgroups.ph

copy furnished to fmybordey@gmail.com

or through regular mail to:

Fae Marie Y. Bordey
Litigation Coordinator
Environmental Defense Program (EnDefense)
Alternative Law Groups, Inc. (ALG)
Room 216, Institute of Social Order, Ateneo de Manila University
Loyola Heights, Quezon City



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Evaluation of Proposals

Proposals for regular grants will be evaluated by the Project Review and Approval Committee (PRAC), which is composed of representatives from the ALG, FPE and PTFCF.

To allow the fund to respond to emergency cases, the Project Director has the authority to evaluate and approve qualified requests for emergency grants, subject to the ceiling for funding support. The Project Director shall also evaluate and approve requests for support for case build-up activities.

Additional Information

For more information, please check the ALG website at

www.alternativelawgroups.ph

For inquiries, please contact us through

endefense@alternativelawgroups.ph

copy furnished to fmybordey@gmail.com

or call us at (632) 4268569 (direct line) or 4266001 loc. 4858.



ANNEXES

A - Proposal Format

B - Budget Format

C - Case Plan

D - Organizational Profile

E - Case/Project Update

To download the formats, please visit the ALG website:

www.alternativelawgroups.ph