

Limit of a Function: Calculating the Implications of *Oposa v. Factoran* in Saving the Pine Trees

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In January 2012, SM Prime Holdings Inc., began its operations to earth-ball and cut down 182 trees pursuant to its expansion plan for SM City Baguio. Not long after, various sectors vehemently protested, even obtaining a Temporary Environmental Protection Order for SM to halt its operations. The tumult that SM's acts elicited caused some to opine that the exercise to the right to a healthy environment was pushed too far.

Against this factual milieu, the Author traces the legal history on the environment. In international law, the environment has been categorized as a human right. Moreover, the United Nations has enacted several resolutions and convened a number of conferences all in pursuit of protecting the environment. Locally, the 1987 Constitution recognizes the right of the people to a balanced and healthful ecology as provided for in its Declaration of Principles and State Policies. Six years after, the curious case of *Oposa v. Factoran* petitioned by 40 children for the cancellation of all Timber License Agreements in the Philippines was decided upon. It was in this case that jurisprudence laid down the rule that the right to a balanced and healthful ecology did not necessitate further legislation for such right to be enforced. As it stands, environmental law in the Philippines has indeed developed as manifested by the presence of 117 environmental courts nationwide and the adoption of the Rules of Procedure for Environmental Cases in 2010.

With this in mind, the Author forwards that the right to a balanced and healthful ecology has evolved into a human right that may be enforced by any person. However, the Author notes that taken in the context of the SM City Baguio Trees Issue, the exercise of the right was overly stated considering that SM City Baguio complied with the requirements to pursue its expansion operations and the indubitable fact that it is the duty of the judiciary to be swift and vigilant in the protection of the rights of the people.