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Subject: LEGAL DTD 07/28/2022 CC ORDER CIVIL CASE NO. 6177 ROXANNE R. BARLAS, TEOFILO T. TREDEZ, CECILLE D. GARBINO AND REYLAND RODRIGUEZ, PETITIONERS VS. DPWH REP BY SEC. MANUEL M. BONOAN, DENR REP. BY ACTING SEC. JIM O. SAMPULNA, PCSD REP. BY EXEC. DIR. TEODORO JOSE S. MATTA, MUNICIPALITY OF NARRA REP. BY HON. GERANDY B. DANAOG, ST. TIMOTHY CONSTRUCTION CORP.,/PTK GROUP INC., AND THEIR OFFICERS AND AGENTS ACTING ON THEIR BEHALF, RESPONDENTS (W/ ATTACHMENTS)

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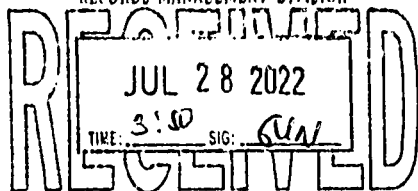
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28 JUL 2022

LCPM, Jeanette

Republic of the Philippines
**REGIONAL TRIAL COURT OF PALAWAN
AND PUERTO PRINCESA CITY**

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION



Fourth Judicial Region
BRANCH 51

Puerto Princesa City
rtc1prp051@judiciary.gov.ph
+639084164058

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BY: [Signature]
DATE: 07-08-2022 22-6126

ROXANNE R. BARLAS, TEOFILO T.
TREDEZ, CECILLE D. GARBINO AND
REYLAND RODRIGUEZ,

CIVIL CASE NO. 6177

Petitioners,

for

-versus-

DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS REP. BY SEC. MANUEL M.
BONOAN, DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REP. BY ACTING SEC. JIM O.
SAMPULNA, PALAWAN COUNCIL FOR
SUSTAINABLE DEVELOPMENT REP. BY
EXEC. DIR. TEODORO JOSE S. MATTA,
MUNICIPALITY OF NARRA REP. BY HON.
GERANDY B. DANAOS; ST. TIMOTHY
CONSTRUCTION CORP./PTK GROUP, INC.,
AND THEIR OFFICERS AND AGENTS
ACTING ON THEIR BEHALF,

ENVIRONMENTAL PROTECTION
ORDER AND WRIT OF
CONTINUING MANDAMUS With
Prayer for TEMPORARY
PROTECTION ORDER

Respondents.

X-----X

ORDER

For resolution of the Court is a prayer for the immediate issuance of a 72-hour Temporary Environmental Protection Order (TEPO) in the verified Petition for Environmental Protection Order and Writ of Continuing Mandamus filed by the petitioners seeking, among others, to direct the respondent St. Timothy Construction Corp. or PTK Group, Inc. to temporarily cease and desist from implementing its execution of the seawall project at Brgy. Calategas, Narra, Palawan, and to direct the respondent Palawan Council for Sustainable Development (PCSD) to temporarily cease and desist from acting upon any application for SEP Clearance by the respondent corporation.

The petitioners allege that the respondents unlawfully failed and neglected to impose strict environmental protection requirements in the issuance of permits for the implementation and execution of the seawall with access road project at Brgy. Calategas, Narra, Palawan, especially the requirement for public consultations, transparency and prior informed consent. The petitioners also aver that the respondents unlawfully excluded the petitioners from the use or enjoyment of their rights to a healthy environment, specifically, a healthy mangrove area, littoral (seashore) zone, and coral reefs, and caused petitioners to sustain incalculable

damage to their fishing area and environment. Further, petitioners state that the subject access road and seawall project will result and has already resulted in several adverse impacts such as destruction of mangrove forest and impairment of marine ecosystem services.

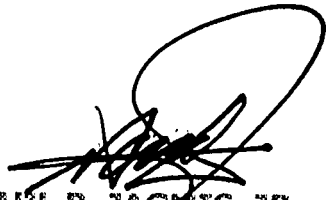
It appearing from the verified Petition that the matter is of extreme urgency and that the petitioners will suffer grave injustice and irreparable injury, the Court grants petitioners' prayer for the issuance of TEPO.

WHEREFORE, premises considered, the Court hereby issues a TEMPORARY ENVIRONMENTAL PROTECTION ORDER against respondents **Department of Public Works and Highways, Department of Environment and Natural Resources, Palawan Council for Sustainable Development, Municipality of Narra, St. Timothy Construction Corp./PTK Group, Inc.**, and their officers and agents acting on their behalf and enjoining them to **CEASE and DESIST** from performing acts in connection with the construction and execution of seawall with access road project at Brgy. Calategas, Narra, Palawan.

This TEPO shall be effective for only seventy-two (72) hours from the date of its receipt by the respondents.

IT IS SO ORDERED.

This 7th day of July 2022 in Puerto Princesa City.



PAUL B. JAGMIS, JR.
Acting Presiding Judge

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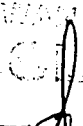
Atty. Julius M. Concepcion
DPWH
DENR
PCSD
Municipality of Narra
St. Timothy Construction Corp.
File

EMB- CNC

Republic of the Philippines
**REGIONAL TRIAL COURT OF PALAWAN
AND PUERTO PRINCESA CITY**

Fourth Judicial Region
BRANCH 51
Puerto Princesa City
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ROXANNE R. BARLAS, TEOFILO T. TREDEZ,
CECILLE D. GARBINO AND REYLAND RODRIGUEZ,
Petitioners,

CIVIL CASE NO. 6177

for

-versus-

DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS REP. BY SEC. MANUEL M. BONOAN,
DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES REP. BY ACTING SEC. JIM O.
SAMPULNA, PALAWAN COUNCIL FOR
SUSTAINABLE DEVELOPMENT REP. BY EXEC. DIR.
TEODORO JOSE S. MATTA, MUNICIPALITY OF
NARRA REP. BY HON. GERANDY B. DANAOS; ST.
TIMOTHY CONSTRUCTION CORP./PTK GROUP,
INC., AND THEIR OFFICERS AND AGENTS
ACTING ON THEIR BEHALF,

ENVIRONMENTAL
PROTECTION ORDER AND
WRIT OF CONTINUING
MANDAMUS With Prayer for
TEMPORARY PROTECTION
ORDER

Respondents.

X-----X


ORDER

During the summary hearing on the extension of the 72-hour TEMPORARY ENVIRONMENTAL PROTECTION ORDER (TEPO), the Court admitted the expertise of witness Dr. Jean Beth S. Jontila subject to the presentation of the documents evidencing her expertise. After the hearing, the petitioners, then, presented to the Court the required documents such as diplomas, dissertation, PRC ID's and certificate of trainings.

A reading of the said documents confirms that Dr. Jontila is indeed an expert witness. Consequently, the Court hereby ADMITS the expertise of the said witness.

IT IS SO ORDERED.

This 11th day of July 2022 in Puerto Princesa City.


PAUL B. JAGMIS, JR.
Acting Presiding Judge

Copy furnished:

Atty. Julius M. Concepcion
DPWH
DENR
PCSD
Municipality of Narra
St. Timothy Construction Corp.
File

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Republic of the Philippines
Fourth Judicial Region

BY:
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REGIONAL TRIAL COURT OF PALAWAN

Branch _____
Puerto Princesa City

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**ROXANNE R. BARLAS, TEOFILO T.
TREDEZ, CECILLE D. GARBINO AND
REYLAND RODRIGUEZ**

Petitioners,

- Versus -

**CIVIL CASE NO. 6177
FOR: ENVIRONMENTAL
PROTECTION ORDER AND
WRIT OF CONTINUING
MANDAMUS With Prayer for
TEMPORARY PROTECTION
ORDER**

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS REP. BY SEC.
MANUEL M. BONOAN, DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REP. BY ACTING SEC.
JIM O. SAMPULNA, PALAWAN COUNCIL FOR
SUSTAINABLE DEVELOPMENT REP.
BY EXEC. DIR. TEODORO JOSE S.
MATTA, MUNICIPALITY OF NARRA
REP. BY HON. GERANDY B. DANAOS;
ST. TIMOTHY CONSTRUCTION
CORP./PTK GROUP, INC., AND THEIR
OFFICERS AND AGENTS ACTING ON
THEIR BEHALF,**

Respondents.

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**PETITION FOR ENVIRONMENTAL PROTECTION
ORDER AND WRIT OF CONTINUING MANDAMUS
(WITH APPLICATION FOR THE ISSUANCE OF
TEMPORARY ENVIRONMENTAL PROTECTION ORDER)**

PETITIONERS, by counsel, most respectfully state the
following:

NATURE OF THE PETITION

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This petition for an **ENVIRONMENTAL PROTECTION ORDER AND WRIT OF CONTINUING MANDAMUS** is in the nature of a **CLASS SUIT** and an **ENVIRONMENTAL CASE** filed under A.M. 09-6-8-SC, seeking judgment commanding the respondents to **CEASE AND DESIST** from continuing the execution and construction of the Calategas Seawall and Access Road Project, **REHABILITATE** the mangrove area and shoreline destroyed caused by the said project until the judgment is fully satisfied, and to **PAY** nominal damages sustained by the petitioners by reason of the respondents' malicious neglect to perform their duties to prevent the continuing destruction of the Calategas shoreline under existing laws, rules or regulations (Rule 8, Section 1).¹

THE PARTIES

Petitioners **ROXANNE R. BARLAS, TEOFILO T. TREDEZ, CECILLE D. GARBINO AND REYLAND RODRIGUEZ** are Filipinos, of legal ages, married and single, and residents of Barangay Calategas, Narra, Palawan.

Petitioners are residents, constituents, inhabitants and taxpayers of Barangay Calategas, Municipality of Narra, Palawan. They are entitled to the full benefit, use and enjoyment of the natural resources, specifically the mangrove and seashore area in Brgy. Calategas, Narra, Palawan which is the source of their meager livelihood of fishing which is barely sufficient to support their families. The present petition is filed for themselves and others who are equally concerned about the preservation of the said natural resources and are affected by the construction of the seawall with access road but are so numerous that it is impracticable to bring them all before the Court.

All petitioners may be served with notices, orders and other processes of this Honorable Court through their counsel at the address given at the end portion of this petition.

¹ When any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations. The petition shall also contain a sworn certification of non-forum shopping.



Respondent **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS** is a department of the executive branch of the national government tasked with the construction and maintenance of public works and highways and represented by its Secretary the **Hon. MANUEL M. BONOAN**, with principal address at Bonifacio Drive, Port Area, Manila where it may be served with summons, notices, orders and other processes of this Honorable Court;

Respondent **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES** is a department of the executive branch of the national government tasked with the protection of the environment and the utilization of natural resources and represented by its Acting Secretary the **Hon. JIM O. SAMPULNA**, or the incumbent secretary, with principal address at Visayas Ave., Quezon City where it may be served with summons, notices, orders and other processes of this Honorable Court;

Respondent **PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT** is a multi-sectoral and inter-disciplinary body created by Republic Act (R.A.) No. 7611, which is charged with the governance, implementation and policy direction of the Strategic Environmental Plan (SEP) for Palawan represented by its Executive Director **TEODORO JOSE S. MATTA** with principal address at Sta. Monica Heights, Puerto Princesa City;

Respondent **MUNICIPALITY OF NARRA** is a local government unit where the subject Road and Seawall Construction as well as the subject mangrove destruction is located which is represented by its Mayor, the **HON. GERANDY B. DANA** with principal address at Poblacion, Narra, Palawan where it may be served with summons, notices, orders and other processes of this Honorable Court;

Respondents **ST. TIMOTHY CONSTRUCTION CORP.** and **PTK GROUP, INC.**, are private domestic corporations engaged in public works with principal addresses at 35 Tatco Compound, Jacinto St, 1600 Pasig City, Metro Manila, and locally at Narra Ave., Narra, Palawan where they may be served with summons, notices, orders and other processes of this Honorable Court.

STATEMENT OF FACTS

1. The Department of Public Works and Highways (DPWH) has funded a Flood Control Mitigation Structure or Seawall Project with an access road on a mangrove area in Calategas, Narra, Palawan, which is currently executed and constructed by



Respondent St. Timothy Construction Corporation and PTK Group Inc. and supposedly due to be finished by December 2021.

- 1.1 The DPWH was able to secure a Certificate of Non-Coverage from the Department of Environment and Natural Resources - Environmental Management Bureau (DENR-EMB), which classified the project purportedly as an Environmental Enhancement or Direct Mitigation Project (Category C) thereby purportedly exempting it from the Philippine Environmental Impact Statement (EIS) System (PD 1586).
- 1.2 The DENR certification issued to DPWH Region IV-B was specifically for the construction of a flood mitigation structure (scan-rail) in Calategas, Narra, Palawan based on the Environmental Management Bureau's certification as a Category C (Environmental Enhancement or Direct Mitigation) project and not covered by the Philippine EIS System (PD. 1586).
- 1.3 The project includes an access road, traversing a mangrove area, connected to the barangay road and leading to the seawall project site. It is approximately 198 meters in length and 8 meters wide. Based on actual measurements conducted, 78 meters of the access road traversed into a mangrove stand.
- 1.4 As for the sea wall proper, Respondents have already established an embankment laid out with rocks and boulders measuring 158 meters in length along the shoreline. Copies of photographs at various stages of the execution of the project are shown and attached hereinbelow.
2. Due to Respondent DENR's Certificate of Non-Coverage and classification as an Environmental Enhancement or Direct Mitigation Project, the project's proponents did not bother to actually submit the same to public consultation/ hearing among the residents including herein Petitioners, mostly fishermen of Barangay Calategas and members of indigenous peoples (IPs) groups in the said barangay who find no need for the said project as there had been observed neither flooding nor sea surge prior to the execution of the project in their area which has adjacent coral reefs and mangrove areas as shown



in the study² by Dr. Jean Beth S. Jontila and Lyca Sandra G. Castro (a copy of which is attached herewith and marked in anticipation of the pre-trial as **Exhibits “A” to “A-11”**).

- 2.1 Respondent DPWH, however, maintained that there were community consultations purportedly conducted on 23 April 2021 and 10 June 2021 long after the supposed approval and commencement of the project, and even refers to attendance sheets of barangay tanods and volunteers and not residents to support such claim. The latter, however, utterly fails to comply with requirements for consultations before, and not after, the approval of a project among the direct stakeholders and for their informed consent under the New Local Government Code, the Indigenous Peoples' Rights Act (IPRA) law, and the PD 1586.
 - 2.2 The very first time that the residents learned about the project and came to know of the identity of the proponents thereof was at the very time when the respondent contractor arrived with its workers to commence the construction of the access road on the mangrove area and dumped filling materials along the shoreline without even making the necessary studies required by the EIS system and to apprise the residents in a consultation meeting of the basis of the security, safety, the total benefits of the project to the community, and its possible effects on their lives and marine resources from which they derive their livelihood.
 - 2.3 The Calategas Barangay Council through the Barangay Captain, as the head recommender, miserably failed to officially convey to the residents and to the community as a whole the existence and imminence of the said project prior to its commencement.
 - 2.4 The absence of such prior information and consultation resulted in the absence of the proper objectives and the execution of a Memorandum of Agreement (MOA) between the respondents and the community, specifically of those living in the area and are affected or as the beneficiary of the project:
3. The project did not have the necessary Strategic Environmental Plan (SEP) Clearance from the Palawan Council for Sustainable Development (PCSD, as shown by the report of

² Assessment of Impacts of Flood Control Mitigation Structure (Seawall) Project in Calategas, Narra, Palawan, p. 8 (Assessment of Seawall Project)

the Municipal Environment and Natural Resources Officer (MENRO) who made a finding in its Letter, dated 14 July 2021, that "In addition, no ECAN Board Endorsement was requested which is required to secure the SEP Clearance from the PCSDS" (a copy of which communication is referred to with its proper marking hereinbelow).

4. The area is also part of ancestral domain of the Pala'wan tribe, who reportedly have not given their free and prior informed consent (FPIC) prior to the construction to the said project in compliance with the IPRA LAW, despite the finding that the area is alienable and disposable.
5. No personnel from the Respondent DPWH also ever came to conduct Survey Works, Site Investigations, Soil & Foundation Investigation and Construction Materials investigation on site thereby indicating the respondent project proponents' failure to comply with RA 9184 or the Government Procurement Reform Act, which specifically requires a Project Detailed Engineering Activities or PDEA to justify any government public works project.
6. Considering that the whole of Palawan is a Mangrove reserve under Presidential Proclamation 2152 and any destruction of it is similarly prohibited and punishable in both the Forestry and Fishery codes, PD 705 section 69, and RA 8550, as amended by RA 10654, section 99, the road construction resulting to the destruction of the mangrove area is a clear violation of the aforesaid laws, specifically Section 43 of P.D. 705 which states, to wit:

Strips of mangrove forest bordering numerous islands which protect the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons shall be maintained and shall not be alienated. Such strips must be kept from artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding and inundation of cultivated areas in upstream. All mangrove swamps set aside for coast-protection purposes shall not be subject to clear cutting-operation (underlining for emphasis).

7. Additionally, the road constructed over a mangrove area is a reclaimed area and a government property. It, therefore, requires the necessary approval of the government agencies concerned prior to its construction and its present use. Despite such requirements, the Calategas Barangay Council



allowed the contractor to access and operate the reclaimed roadway.

8. The Constitutional and legal protection from and the prohibition against the construction of the subject seawall project is very obvious in view of the specific characteristics of the site of the project, such as the following:

8.1 As a coastline of Bgy. Calategas, Narra, Palawan, it is classified as a bay as it is a naturally-sheltered area, has a vast intertidal area covered by seagrasses, sand bars, and mangroves that serve as natural breakwaters or natural barriers or protection against strong wave actions (**"A-3"**). Seagrass beds also play a major role in dissipating waves and in preventing coastal erosions by stabilizing the sediments while mangroves filter run-offs and trap debris from the upland aside from the fact that seagrass beds and mangroves also serve as habitats, feeding, and breeding grounds of many marine organisms such as fishes and invertebrates including marine mammals like sea cows (*Dugong dugon*). Both ecosystems also sequester carbon, thereby mitigating pollution and global warming.

8.2 The coastline has mangroves on the left coast of the bay and at the mouth of the river towards the mainland (**A-3-A**);

8.3 It has a river with an inlet on the right side that traverses the back portion of the bay which also has fringing mangroves (**"A-4-A"**).³

8.4 Beyond the seagrass beds are coral reefs that serve as fishing grounds of the community based on reports by the fishermen in the area.⁴

9. The national government's flood control mitigation structure or seawall project subject of this Petition includes an access road approximately measuring 10 meters with an area of 0.13 hectares cutting across the riverine-basin mangrove forest and flattened earth filings (rocks and boulders) for the construction of seawall (looks more like a road at its present state) covering an area of 0.76 has. along the coast and approximately 580 meters long.

10. Residents said that there was no public consultation conducted before the construction of the seawall project. They

³ Ibid. par 1, p 3

⁴ Ibid. par 1, p 3



added that the Barangay Council only called them for a meeting when the project already started. Residents were also informed that the seawall project is purportedly for their benefit as protection against tsunamis and storm surges that might happen in the future.

11. Petitioners requested the assistance of the Environmental Legal Assistance Center to assist them in voicing out their objection to the subject flood control mitigation project, which center then sent communications to respondent DPWH and COA and then to the PENRO and PCSD (copies of which are attached herewith and marked in anticipation of the pre-trial as **Exhibits "B" and "C"**).
12. Petitioners also requested the assistance of the Palawan NGO Network (PNNI) in a letter, which also sent communications to the PENRO and PCSDS and another one to the DENR and DPWH (copies of which are attached herewith and marked in anticipation of the pre-trial as **Exhibits "D", and "E"**).
13. Petitioners also directly wrote the private contractor PTIK to stop the project (a copy of which letter is attached herewith and marked in anticipation of the pre-trial as **Exhibits "F"**).
14. Respondent DENR gave a response to the PNNI, the PCSDS to ELAC, the MENRO to ELAC, and the DPWH to ELAC (copies of which written communications are attached herewith and marked in anticipation of the pre-trial as **Exhibits "G", "H", "I" and "J"**), but which only supported the continuation of the project.
15. Realizing that their requests to the said government agencies were to no avail, as the said respondents justified and allowed the execution of the subject project, Petitioners consolidated all their documents and the responses of the said respondents in a Complaint-Affidavit which they filed with the PCSD to object against the project and oppose the issuance of the necessary SEP clearance (a copy of which is attached herewith and marked in anticipation of the pre-trial as **Exhibit "K"**).

[The foregoing will be testified to by Petitioners CECILLE D. GARBINO, REYLAND RODRIGUEZ, ROXANNE R. BARLAS, and TEOFILO TORRANIO TREDEZ in their Judicial Affidavits



attached herewith and marked in anticipation of the pre-trial as Exhibits "M", "N", "O", and "P" .]

GROUND FOR THE ALLOWANCE OF THE PETITION


I.

Respondents DENR, DPWH, PCSD, and MUNICIPALITY OF NARRA unlawfully failed and neglected to impose strict environmental protection requirements in the issuance of permits for the implementation and execution of the seawall with access road project at Brgy. Calategas, Narra, Palawan, especially the requirement for public consultations, transparency, and prior informed consent. The performance of such duties is specifically enjoined by the law and by virtue of Respondents' offices, trust or station in connection with the enforcement or violation of environmental laws, rules or regulations, or rights therein.

16. The landmark case of *Oposa v. Factoran*⁵ defines the environmental right claimed by herein Petitioners as the right to a balanced and healthful ecology, in consonance with the "rhythm and harmony of nature." Nature means the created world in its entirety. Such rhythm and harmony indispensably include, *inter alia*, the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations. Needless to say, every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology.

16.1 Petitioner's right to a balanced and healthful ecology in consonance with the "rhythm and harmony of nature" was violated by the respondents' injudicious disposition, utilization, management, renewal and conservation of the Calategas' forest, land, waters, fisheries, wildlife, off-shore areas and other natural resources such that its exploration, development and utilization is not equitably accessible to the present as well as future generations of residents of the area, as will be shown hereinbelow.

⁵G.R. No. 101083 July 30, 1993.



16.2 Respondents failed in their responsibility to both the present and the next generation to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology by the subject project implementation and continuation.

17. The Supreme Court further declares in its Decision in *CORDILLERA GLOBAL NETWORK, ET AL. V. SECRETARY RAMON J.P. PAJE, ET AL.* (G.R. No. 215988; April 10, 2019) that “the words in Article 11, Section 16 of the Constitution are not mere shibboleths, which section states, to wit:

SECTION 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The Court in the same Decision explains that:

While the provision does not contain a specific act required by the State, it certainly mandates the sensitivity of both the Department of Environment and Natural Resources and our courts to acquire a standpoint that is protective of our ecology. Shortcuts into the process through which the State assures minimal impact on the environment, weighed against the profits to be generated by businesses, must not be tolerated (underlining for emphasis).

18. The foregoing Constitutional principles merely affirmed the then-existing PRESIDENTIAL DECREE No. 1586 (*ESTABLISHING AN ENVIRONMENTAL IMPACT STATEMENT SYSTEM, INCLUDING OTHER ENVIRONMENTAL MANAGEMENT RELATED MEASURES AND FOR OTHER PURPOSES*) which requires an environmental impact statement (EIS) from all agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms, and entities, for every proposed project and undertaking, whether which significantly affect the quality of the environment in section 2 thereof in the state’s “pursuit of a comprehensive and integrated environmental protection program” which “necessitates the establishment and institutionalization of a system whereby the exigencies of socio-economic undertakings can be reconciled with the requirements of environmental quality;

18.1 As will be shown hereinbelow, respondent DENR failed to exercise sensitivity to act from “a standpoint that is protective of our ecology” when it decided not only to shortcut the process through which the State assures

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minimal impact on the environment, weighed against the profits to be generated by businesses, but closed its very eyes to the fact that the subject project will create havoc in the fragile balance between development and preservation.

- 18.2 Respondent DENR, for all its vaunted expertise in marine ecosystem conservation, refused to recognize that the project involves changes in the structure of the coastline that could contribute to the changes in the physical and biological characteristics of the same. Coastal structures such as seawalls destroy the finely-tuned connectivity necessary for maximum productivity between mangroves, seagrass beds, and coral reefs present in Calategas, Narra, Palawan aside from the fact that such project produces wave action that destroys by erosion the unprotective shoreline at both unprotected ends of the wall.
- 18.3 Respondent DENR's issuance of a Certificate of Non-Coverage, after classifying the project as an Environmental Enhancement or Direct Mitigation Project (Category C) and exempting it from the Philippine EIS System (PD 1586), fails to appreciate the environmental destruction resulting from the project and gross neglect of the performance of its duty to protect the environment enjoined as its duty resulting from its function in connection with the enforcement of the EIA law.
- 18.4 DENR-EMB RVI willfully and deliberately disregarded its duty to ensure that the environment is protected from harmful developmental projects because it performed only a cursory and superficial review of the documents submitted by the Respondent St. Patrick for an ECC, automatically classifying the project as not covered by the EIS merely by the word "mitigation" in the project's name and subsequently granted it a Certificate of Non-Coverage.
- 18.5 This is glaringly shown by the fact that Section 4 of EXECUTIVE ORDER NO. 74⁶ requires reclamation projects such as the construction of the project's access road over a mangrove (aquatic) area and environmental compliance certificate stating, to wit:

⁶ (REPEALING EXECUTIVE ORDER NO. 798, S. 2009 AND EQ NO. 145 (S. 2013) TRANSFERRING THE PHILIPPINE RECLAMATION AUTHORITY (PRA) TO THE OFFICE OF THE PRESIDENT (OP), DELEGATING TO THE PRA GOVERNING BOARD THE POWER OF THE PRESIDENT TO APPROVE RECLAMATION PROJECTS, AND FOR OTHER PURPOSES



Section 4. Environmental Compliance Certificate. No reclamation project shall be approved by the PRA without the required Area Clearance and Environmental Compliance Certificate to be issued by the DENR. The DENR shall ensure transparency and inclusivity in the conduct of the Environmental Impact Assessment which shall include public disclosure and multistakeholder engagement (underlining for emphasis).

- 18.6 Respondent DENR's classification of the seawall project, as not covered by the ECC requirement, does not exempt the access road over the mangrove area in the site from an EIA considering that it is a reclamation project. Even without the access road, the seawall project can also be considered a reclamation project due to its dumping of filling materials along the shore as the foundation of the seawall. As such section 6 of the said Executive Order No. 74 states, to wit:

Section 6. Holistic Approach to Reclamation. All proposals for reclamation projects shall be evaluated by the PRA based on their cumulative impacts rather than on a specific project basis. Every proposed reclamation project shall be accompanied by hydrodynamic modeling, except for relatively small reclamation projects of less than five hectares, and detailed horizontal and vertical development plans.

- 18.7 Respondents DPWH DENR-EMB aided and abetted Respondent Municipality in ignoring the spirit and letter of the EMB Revised Procedural Manual which is intended to implement the various regulations governing the Environmental Impact Assessments (EIAs) to ensure that developmental projects are in line with sustainable development of natural resources. Respondent DENR immediately classified the project as not covered by the ECC requirement effortlessly and without any challenge.
- 18.8 While it is true that, as of now, the project has been issued a CNC, the entire project involves earth-moving activities in a mangrove area and a littoral zone, human activities that will modify water movements, and eventually destructive sedimentary movement and which should have been considered as a threat to the environment and resources of the project site.
- 18.9 As a project involving the destruction of mangrove areas and the littoral zone Respondent DENR should have required a full EIA (Environmental Impact Assessment) since the

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project is an environmentally critical one (ECP) which should be considered as such. Therefore, the Certificate of Non-Coverage and permit issued must be invalidated and cancelled.

19. Republic Act (R.A.) No. 7611 or the STRATEGIC ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT adopted a Strategic Environmental Plan (SEP) for Palawan, *i.e.*, a comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province (Section 4, R.A. No. 7611).

19.1 R.A. 7611 serves as the framework to guide the government agencies concerned in the formulation of plans, programs and projects affecting the environment and natural resources of Palawan; seeks to pursue the State' policy of the to protect, develop and conserve its natural resources towards which, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socioeconomic development goals of the country, that it shall support and promote the sustainable development goals for the provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis.


19.2 The SEP has for its general philosophy the sustainable development of Palawan, which is the improvement in the quality of life of its people in the present and future generations through the use of complementary activities of development and conservation that protect life-support ecosystem and rehabilitate exploited areas to allow upcoming generations to sustain development growth. The SEP has the following features:

(1) Ecological viability - The physical and biological cycles that maintain the productivity of natural ecosystems must always be kept intact.

(2) Social acceptability - The people themselves, through participatory process, should be fully committed to support sustainable development activities by fostering equity in access to resources and the benefits derived from them.



(3) Integrated approach - This allows for a holistic view of problems and issues obtaining in the environment as well as opportunities for coordination and sharing that will eventually provide the resources and political will to actually implement and sustain SEP activities.

- 19.3 Pursuant to the foregoing, a proponent who intends to implement a project which may have a significant impact on the environment in Palawan is required to secure a clearance from the respondent Palawan Council for Sustainable Development (PCSD), the administrative body responsible for the governance, implementation and policy direction of the SEP, as provided in Section 16, Chapter V of RA 7611.
- 19.4 Respondents flouted the foregoing provisions when they commenced and implemented the seawall project with an access road through a mangrove area by failing to secure a clearance from the respondent Palawan Council for Sustainable Development (PCSD) in gross violation of Section 16, Chapter V of RA 7611.
- 19.5 The seawall project fails to meet the test of sustainable development because it fails to establish compatibility between the protection and enhancement of the natural resources and the endangered environment of the province.
- 19.6 It fails to contribute to the improvement of the quality of life of people, both in the present and future generations, by the failure to use the complementary activities of development and conservation to protect the life-support ecosystems of mangroves, seagrass beds, and coral reefs in Calategas, Narra, Palawan to allow the present and upcoming generations to sustain development growth.
- 19.7 The seawall project is not ecologically viable because it destroys the physical and biological cycles that maintain the productivity of the natural mangrove, seagrass, and coral reefs ecosystems which must always be kept intact.
- 19.8 The seawall project fails the test of social acceptability as respondents refused and continually refuses to recognize petitioners' right to established participatory processes and utterly manifest the absence of any commitment to support sustainable development activities when it denies
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petitioners' right to equity in access to resources and to the benefits derived from them.

- 19.9 The seawall project fails the test and requirement of an integrated approach to sustainable development. The seawall project fails to express a holistic view of the perceived problems and issues (i.e. need for mitigation) obtained in the locality as well as opportunities for all stakeholders' coordination and sharing such that it dissipates the local resources and political will to actually implement and sustain SEP activities.
20. The PCSD also adopted the Revised Guidelines in the Implementation of SEP Clearance System (PCSD Administrative Order No. 06, October 24, 2014) which was to guide all projects being or intended to be implemented in Palawan and shall serve as a guide for all government instrumentalities mandated to issue permits, licenses, contracts, or agreements and other similar instruments.
- 20.1 Section 3 of the Revised PCSD Administrative Order No. 06 s. 2014⁷ covers "Any person or proponent, natural or juridical, who intends to implement a project in Palawan", thereby making no exemption for Respondent's seawall project with access road. In fact all projects fall into any of the four (4) categories, depending upon the location and expected environmental impact of which Respondents' project has very serious ones, under section 4 of the said Administrative Order.⁸ Even projects located outside of Environmentally Critical Areas but are pollutive, such as Respondents' project due to the sediment produced by the filling materials of both access road and seawall,⁹ and those with minimal impact, granted such is the case with the said project, must secure such SEP clearance.
- 20.2 After receiving protests over the project from Petitioners, Respondent PCSD through its executive arm conducted their own investigation and found the absence of any clearance from its office. There was a belated recommendation to procure such clearance from Respondent PCSD which, if granted, will make our

⁷ Revised Guidelines in the Implementation of the SEP Clearance System

⁸ **Section 4. Project Category.** For purposes of this Administrative Order, projects shall be grouped into four categories, namely: Category A, Category B, Category C and Category D. All other projects not included in any of the categories herein below listed shall be considered as falling under Category A.

⁹ **Section 4.1. Category A.**



environmental monitoring and protection systems ineffective and virtually useless.

21. All reclamation projects must be under a Reclamation Development Plan to which a reclamation project must be managed with the additional requirement of public consultations. Respondents' seawall project has no choice but to comply with such requirement under Section 7 of E.O. 74 which provides, to wit:

Section 7. Reclamation and Development Plan (RDP). The PRA, in coordination with the DENR, NEDA and affected local government units (LGUs), shall craft a National and/or Regional RDPs which take into consideration the environmental, social, and economic impacts of proposed reclamation projects. All RDPs shall undergo public consultation and shall be consistent with the greater public interest.

All proposals for reclamation projects covered by this Order must be compliant with these RDPs and the relevant master plan of the concerned national government agency.¹⁰

22. Section 26 of Republic Act No. 7160 (Local Government Code of 1991) imposes on national government agencies implementing and executing projects that affect the environment and natural resources in a locality the duty to conduct consultation activities with all stakeholders, to wit:

Section 26. *Duty of National Government Agencies in the Maintenance of Ecological Balance.* - It shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof (underlining for emphasis).

- 22.1 The requirement carries with it such strictness that no such project shall be executed without the requisite consultations, to wit:

Section 27. *Prior Consultations Required.* - No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26

¹⁰ Executive Order No. 74 s.2019



hereof are complied with, and prior approval of the sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution (underlining for emphasis).

22.2 Petitioners, as the most significantly-affected stakeholders in the matter involved, are clothed with participatory rights so as to ensure their involvement in matters that bear an impact on their health, environment, and ecology.

22.3 Respondent Municipality of Narra not only ignored Petitioners' opposition expressed as early as May 2021 but also presented a false public consultation meeting report with the attendance of people therein as the purported proof of the community's consent on April 23, 2021 after a Certificate of Non-Coverage has already been issued by Respondent DENR. Such was not a consultation but mere "project presentations".

22.4 Respondents failed in their Constitutional and legal duty as national agencies authorizing or involved in the planning and implementation of the seawall project which causes possible pollution, depletion of non-renewable resources, loss of mangrove forest cover, and extinction of animal or plant species, to consult with petitioners as stakeholders and sectors concerned and explain the goals and objectives of the seawall project, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.

23. Section 58 of Republic Act No. 8371 (IPRA)¹¹ mandates that areas necessary for resources conservation and environmental protection identified by government agencies shall be managed with the full participation of the resident indigenous peoples thereby necessitating their "free and prior informed and written consent" similar to that required in programs referred to in sections 29 to 37 of the same legislation. Section 58 reads thus, to wit:

Section 58. *Environmental Consideration.* - Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be

¹¹ (AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLE)



maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of the government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas, said decision must be made in writing. The consent of the ICCs/IPs should be arrived at in accordance with its customary laws without prejudice to the basic requirement of the existing laws on free and prior informed consent: Provided, That the transfer shall be temporary and will ultimately revert to the ICCs/IPs in accordance with a program for technology transfer: Provided, further, That no ICCs/IPs shall be displaced or relocated for the purpose enumerated under this section without the written consent of the specific persons authorized to give consent (underlining for emphasis).

23.1 Pursuant to the aforementioned provisions, a full barangay-wide discussion and interaction on the matter, aimed at having extensive local consultation involving all stakeholders so that the residents of the Barangay may have a direct voice in the action of the Sangguniang ~~Barangay~~ as part of the local process in granting permits to environmentally sensitive projects, is absolutely necessary without exemption.

23.2 The absence of any such public consultation involving the petitioners is an utter disregard of the petitioners' environmental rights because the respondent government officers and local government units shut down the required participatory process and turned a blind eye to the obviously harmful effects of the proposed seawall with access road through a mangrove area that the residents, inhabitants and other stakeholders in the area have been protesting against despite the fact that they only learned of the project when respondents arrived with their manpower and equipment to execute the subject project.

24. Republic Act No. 9184 (MODERNIZATION, STANDARIZATION AND REGULATION OF THE PROCUREMENT ACTIVITIES OF THE GOVERNMENT as amended), expressed in Section 17.6, Rule VI of its Implementing Rules and Regulations requires detailed engineering investigations, surveys, and designs, to wit:

RULE VI - PREPARATION OF BIDDING DOCUMENTS
Section 17. Form and Contents of Bidding Documents

17.6. Detailed Engineering for the Procurement of Infrastructure Projects. No bidding and award of contract for infrastructure projects shall be made unless the detailed engineering investigations, surveys and designs except for



design and build schemes wherein bidders shall be allowed to submit its detailed engineering designs as part of its bid, including the acquisition of the ROW, for the project have been sufficiently carried out and duly approved in accordance with the standards and specifications prescribed by the head of the procuring entity concerned or his duly authorized representative, and in accordance with the provisions of Annex "A" of this IRR-A.

24.1 In the present case there was no such detailed engineering investigation, as far as Petitioners are concerned, because Respondents' manpower and equipment were sighted in the vicinity on the very day that they commenced the execution of the project.

24.2 There was also no one among the residents who witnessed such investigations if indeed there was one. For such reason, Respondents have violated the foregoing provisions.

25. Section 99 of the Amended Fisheries Code (RA 8550 amended by RA 10654) prohibits the illegal conversion of mangroves for any purpose stating, to wit:

SEC. 99. Conversion of Mangroves. – It shall be unlawful for any person to convert mangroves into fishponds or for any other purpose.

Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to the ecological value of a hectare of mangrove based on available studies or administrative fine of Ten million pesos (P10,000,000.00) per hectare, whichever is higher: Provided, That if the area requires rehabilitation or restoration as determined by the Department, the offender shall also be required to restore or pay for the restoration of the damaged area.

Upon conviction by a court of law, the offender shall pay a base fine of Eighty thousand pesos (P80,000.00), a fine equivalent to the administrative penalties, and shall suffer the penalty of imprisonment of six (6) months and one (1) day to twelve (12) years: Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or pay for the restoration of the damage. The offender shall be liable for environmental damages computed at Five hundred thousand pesos (P500,000.00) per hectare per year until the area is restored. (aa)

25.1 Respondents' construction of an access road over a mangrove area is covered by the foregoing prohibition which even carries with it a penalty, including the restoration of the area to its former state.

II.

Respondents unlawfully excluded Petitioners from the use or enjoyment of their rights to a healthy environment,



specifically, a healthy mangrove area, littoral (seashore) zone, and coral reefs, and caused Petitioners to sustain incalculable damage to their fishing area and environment which must be shouldered by respondents.

26. The subject access road and seawall project will result and has already resulted, in the following adverse impacts to the community as reported by the findings of the WPU study on the project (**Exhibit "A"**), to be testified on by DR. JEAN BETH S. JONTILA, Ph.D., copy of which is attached herewith and marked in anticipation of the pre-trial as **Exhibit "R"**.

26.1 **Flooding.** Ironical to the flood control objective of the subject project, residents of Barangay Calategas have reported that they are presently experiencing floods with several houses submerged in water during extreme high tide and rainy days because the passage of water has been blocked by the access road, which flooding they have not experienced prior to the construction of the access road. This is shown by photographs in Purok Tabing Dagat, Bgy. Calategas, Narra, Palawan after the access road blocked the water passage, copies of which are attached herewith and marked in anticipation of the pre-trial as **Exhibit "A-4-B" and "A-4-C"**.

26.2 **Obstruction** to the resident fishermen's daily fishing activities. Fisherfolks can no longer bring their boats inshore for safety during stormy weather (such as during the recent Typhoon Odette where they had to seek refuge on another island for four days with much difficulty), regular repair, and construction because the seawall already blocked the beach area, as shown by a photograph after the commencement of the project showing the seawall making Fishermen it impossible for fishermen to bring their boats inshore and another photograph taken prior to the construction of the seawall when fishers can still bring their boats close to shore and photographs as of February 2022 (copies of which are attached herewith and marked in anticipation of the pre-trial as **Exhibits "A-5-C" and Exhibits "A-5-B"**). It is also difficult and hazardous for fishers now to bring their catch inshore, of fetching seawater and hauling nets inshore for cleaning and repair as they have to exert more effort in climbing the slippery rocks and boulders.

26.3 **Destruction of the mangrove forest** for the construction of the access road. The 2018 imagery of Google Earth shows

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that the current access road was covered with mangroves before, a copy of which google earth photograph is attached herewith and marked in anticipation of the pre-trial as **Exhibits "A-6-A"**, which condition was also confirmed by residents with a photograph taken on 31 August 2021 with both sides of the access road have intact mangrove forest when the access road was just recently constructed. This is contrary to the claim by Respondent DENR in its letter (**Exh. "G"**) and Respondent PCSDS' technical report (**Exh. "L"**) which deny the existence of such mangrove area.

26.3.1 Residents have also observed the destruction of some of the mangroves after they were covered with filling materials such as rocks and boulders by Respondent **ST. TIMOTHY CONSTRUCTION CORP./ PTK GROUP, INC.** for the construction of the access road as shown by the photographs which are contrary to the PCSDS findings that some parts of the mangrove area became sparse in 2018 and 2020 and that starting in 2016 there were no more mangrove forest in the entire stretch of the area. Petitioners stand with the photos they have taken during the construction of the access road showing by plain view the flourishing mangrove trees on both sides of the road which seems to have been deliberately missed by both the PCSDS and MENRO personnel. The latter agency specifically made the unbelievable finding in its report ("**L**") that no mangroves were cut and that only 'branches' were destroyed by the road construction.

26.4 Limited or blocked flow of seawater in the inner mangrove swamp blocks the migration, affects the recruitment and reproduction of marine organisms and decreased fish production in the area. The installation by

26. 5 Disappearance of fishes and shells (bivalves and univalves) due to the blocking by the access road of the entire mangrove area ecosystem. Certain species of mangrove trees, such as *Rhizophora spp.* which is common in the area, die when no longer hydrated by seawater similar to that resulting from the practice in some areas to remove and destroy mangrove forests via "natural death" before converting them to fish ponds. The seeming recruitment or sprouting of seeds and seedlings of mangroves (*Avicennia sp.*) spotted in some areas along the seawall (shown in a photo of sparsely scattered seedlings of mangrove *Avicennia spp.* sprouting along the beach covered by the seawall



mangrove seedlings, a copy of which is attached herewith and marked in anticipation of the pre-trial as **Exhibit "A-8-A")** cannot replace the loss of old mangrove stands in the original areas as the seedlings will likely die if seawater could no longer freely flow.


26.6 Blocking of sea turtle nesting grounds. Portions of the bay near the estuary that was already covered by the mounds of rocks and boulders used to be the nesting grounds of sea turtles. This is truly unfortunate considering that all species of marine turtles are threatened and requires the protection of their nesting ground as these are very vital for their existence.

26.7 Scouring and sand shifting. Alteration of the natural flow of the seawater will result in the scouring of the tide to cause lateral shore erosion that will not only alter the current terrain of the coast but diminish the land area of Barangay Calategas. The proposed project is only 595.35 meters long while the shoreline of Barangay Calategas is more or less 1500 meters. The project will result to severe coastal erosion in the areas adjacent to the seawall;

26.8 Impairment of marine ecosystem services. Marine ecosystems such as mangroves, seagrass, and coral reefs provide provisioning, regulation and maintenance, and cultural services that support the coastal communities that are reliant on such marine resources for living. The resulting disruption among the three vital ecosystems caused by the project, with their connectivity now blocked by the seawall and its access road, will create an existential threat to the food security of the small fisherfolk communities in the area.

26.9 The **loss of the beach** where children used to freely and safely swim is now covered by the seawall depriving them of an important part of their childhood and development as human beings.

26.10 The beach area where they built structures for drying and settlements was not there back in the 1980s. The sand present in the area was found to have just accumulated over the years proving that the bay is a sand deposition site.



This means that the movement of seawater or current is slow enough to allow the sediments or sand to settle and accumulate as shown by the several sand bars seen across the bay during low tide. The construction of the seawall will disrupt and destroy the slow accumulation of sand which is very important to the maintenance of the vital ecosystems present in the area.

27. Due to Respondents' acts of allowing the construction of the seawall with access road project Petitioners sustained incalculable damages to their economic, cultural, and personal lives as shown by the damage to their fishing area, the difficulty of their day-to-day lives as fishermen, the damage to their homes brought about by floodings as a result of the project structures, and the loss of the area where they beach their boats for repairs and refuge from the storms and where their children can engage in leisure and relaxation as an important part of a happy childhood they deserve. Respondents must bear the burden of such loss, to be determined by the Honorable Court during the trial, on the part of Petitioners.

III.

There is no other plain, speedy and adequate remedy available to the Petitioners in the ordinary course of law to stop the execution of the subject flood mitigation project (seawall and access road).


28. Despite all the protests and opposition by Petitioners (**Exhibit "M to P"**) as shown in the responses to such protests (**Exhibits "G" to "J"**), Respondents' sea wall and access road project is now wreaking havoc in this rich rhythm and harmony of nature in Narra, Palawan as shown in the most recent photographs of the project and the difficulties it has resulted in the Petitioner's lives (copies of which are attached herewith as Exhibits **"Q" to "Q-3"**) and their judicial affidavits attached herewith. Respondents even challenged Petitioners to procure a stoppage order if they can, callously ignoring the latter's just opposition.
29. Not having had the opportunity to resort to representations before all of the respondents to oppose the issuance of their permits, due to the absence of public consultations and not being privy to the respondent contractor's applications until its permits and clearances were long issued, Petitioners clearly have no other plain, speedy and adequate remedy

available to the Petitioners in the ordinary course of law to stop the execution of the subject flood mitigation project. Hence, the necessity of the present Petition.

30. Consequently, there is a necessity for the Executive Judge of this Honorable Court to immediately issue a 72-hour Temporary Environmental Protection Order (TEPO), under Section 8, Rule 2 of A.M. 09-6-8-SC, to enjoin the respondents, and ordering them to desist, from proceeding with the execution of the subject seawall project and to order the parties to maintain *the status quo ante*, that is, to hold in abeyance Respondent St. Patrick's application for SEP Clearance with PCSD, to stop the ongoing construction of the seawall at Calategas, Narra pending the resolution of the prayer for the issuance of Environmental Protection Order (EPO), and to extend such TEPO until the termination of this case, in accordance also with Section 8 of Rule 2 of A.M. 09-6-8-SC.
31. For the same reasons and disquisition pleaded above, it is also hereby prayed that after due proceedings, the TEPO issued be made permanent, in accordance with Section 3 of Rule 5 of A.M. 09-6-8-SC.

Prayer


WHEREFORE, the foregoing duly considered, it is most respectfully prayed of this Honorable Court that:

1. A 72-hour Temporary Environmental Protection Order (TEPO) be immediately issued directing the respondent **ST. TIMOTHY CONSTRUCTION CORP./ PTK GROUP, INC.** to **TEMPORARILY CEASE AND DESIST** from implementing its execution of the seawall project and consequently, ordering the maintenance of the *status quo* wherein such resolution has not been yet issued.
 2. A 72-hour Temporary Environmental Protection Order (TEPO) be immediately issued directing the respondent Palawan Council for Sustainable Development (PCSD) to **TEMPORARILY CEASE AND DESIST** from acting upon any application for SEP Clearance by the respondent DMCI Power Corporation; and consequently, ordering the maintenance of the *status quo* wherein such application is held in abeyance.
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3. A summary hearing be conducted in accordance with Section 8 of Rule 2 of A.M. No. 09-6-8-SC for the **extension** of the TEPO until the termination of the case.
4. After due proceedings, a **DECISION** be rendered:
 - 4.1. Converting the TEPO to be issued into a permanent Environmental Protection Order;
 - 4.2. **DECLARING NULL AND VOID** Respondent Department of Environment and Natural Resources - Environmental Management Bureau (DENR-EMB)'s issuance of Certificate of Non-Coverage, as a Category C (Environmental Enhancement or Direct Mitigation) project and not covered by the Philippine EIS System (PD. 1586) and Respondent DPWH's approval of funding the Flood Control Mitigation Structure or Seawall Project with an access road on a mangrove area in Calategas, Narra, Palawan;
 - 4.3. **ORDERING** the respondent Palawan Council for Sustainable Development (PCSD) to permanently **CEASE and DESIST** from approving respondent St. Patrick's application for Strategic Environmental Plan (SEP) Clearance and to direct the said agency to impose the necessary penalties, fines and dues for violating the regulations requiring the issuance of SEP Clearance prior to the execution and implementation of all development projects in Palawan.
 - 4.4. Ordering respondents to **PAY** petitioners an amount corresponding to the damages sustained by the Petitioners due to the project to their economic, cultural, and personal lives.

Other reliefs and remedies just and equitable under the premises are likewise prayed for.

Puerto Princessa City, 30 June 2022.


JULIUS M. CONCEPCION
Counsel for the Petitioners

25 Lomboy St., San Jose, PPC

E-mail: justifiedmaderighteous@yahoo.com

MOBILE NO. 09190005220
IBP Roll No. 38779
TIN 165-595-572
IBP NO. 154663;1.22.2021; IBP Main
PTR NO. 1631421; 1.06.22 PPC
MCLE Exemption No. VI-002706

Manifestation/Explanation

Pursuant to Section 6 of the Rules of Procedure on Environmental Cases, a copy of this petition has been furnished the Department of Environment and Natural Resources (DENR) through registered mail.


JULIUS M. CONCEPCION

Office of the DENR Secretary
- Registry Receipt No. RE 588478 635 ZZ

**VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING**

WE, ROXANNE R. BARLAS, TEOFILO T. TREDEZ, CECILLE D. GARBINO, AND REYLAND RODRIGUEZ, Filipinos, of legal ages, married and single, respectively, and residents of Barangay Calategas, Narra, Palawan, after having been duly sworn in accordance with law hereby state that:

1. We are the Petitioners in the foregoing Petition against the DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, et al.; we have caused the preparation, signed, and have fully read and understood the allegations therein which allegations are true and correct based on our **personal knowledge and on authentic documents/records** in our possession;
2. The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation: and
3. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
4. Further, we certify that we have not commenced any action or proceeding involving the same issue in the Supreme Court, the Court of Appeals or any other tribunal or agency; that to the best of my knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals or any other tribunal or agency, and that if we should learn thereafter that a similar action or proceeding has been filed or is pending before these courts or tribunal or agency, we undertake to report that fact to the Court within five (5) days therefrom.

Puerto Princesa City, 30 June 2022.


ROXANNE R. BARLAS

Affiant

Barangay Calategas ID No. CAL-011-389
Issued by: Barangay Calategas, Narra, Palawan


TEOFILO T. TREDEZ

Affiant

VIN: 5315-0062A-G1166TTT10000
Issued by: Commission on Elections


CECILLE D. GARBINO

Affiant

VIN: 5315-0065A-H0681CDG20000
Issued by: Commission on Elections

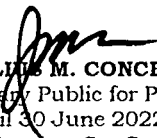

REYLAND RODRIGUEZ

Affiant

ID No: CAL-008-033
Issued by: Barangay Calategas, Narra, Palawan

SUBSCRIBED AND SWORN to before me this 30 June 2022 at Puerto Princesa City, Affiants exhibiting to me their means of identification.

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Book No. XXXVII
Series of 2022


JULIE M. CONCEPCION
Notary Public for Puerto Princesa
Until 30 June 2022
25 Lomboy St., San Jose, PPC
Mobile NO. 0919 000 5220
E-mail: justifiedmaderighteous@yahoo.com
IBP Roll No. 38779
IBP NO. 184236; 2.3.2022; IBP Main
PTR NO. 1631421; 1.06.22 PPC