

Title: ****Cordillera Global Network et al. vs. Secretary Ramon J.P. Paje, et al.****

Facts: This case involves several petitioners, including environmental and indigenous peoples' advocacy groups, as well as individuals representing ecological concerns and future generations, against the Department of Environment and Natural Resources (DENR) officials and SM Investments Corporation. The bone of contention was the SM City Baguio Expansion Project, which proposed the earth-balling and cutting of 182 trees on Luneta Hill to pave the way for an expanded mall. The project sparked widespread public outcry, leading to legal action aimed at halting the removal of trees. The case proceeded through various legal channels, starting with the Regional Trial Court (RTC) of Baguio City, which dismissed the environmental cases on procedural grounds and lack of scientific evidence supporting the environmental impact. The Court of Appeals affirmed the RTC decision. The Supreme Court was petitioned for review on certiorari, challenging the validity of permits and compliance with environmental laws.

Issues:

1. Whether the petition had a defective verification and certification against forum shopping.
2. Whether the petition improperly raised questions of fact not permitted under Rule 45 of the Rules of Court.
3. Whether the petitioners failed to observe the rule on exhaustion of administrative remedies and the doctrine of primary jurisdiction.
4. The validity and regularity of the permits issued in favor of the respondents for the tree felling activities associated with the Mall Expansion Project.

Court's Decision:

The Supreme Court partially granted the petition. The Court clarified the proper application of the rules on verification and certification against forum shopping, as well as the exceptions to the general rule that only questions of law should be raised in petitions for review under Rule 45. It also delineated the parameters for bypassing the rule on exhaustion of administrative remedies, especially in environmental cases of transcendental importance. Importantly, the Court found that a separate Environmental Compliance Certificate was required for the tree removal activities related to the Expansion Project and that the petitioners were not bound by the rule on exhaustion of administrative remedies as they were not parties to the application for environmental compliance certificates. Consequently, the previously issued Temporary Restraining Order was made permanent, effectively halting the tree cutting and earth-balling activities unless a new and separate

environmental compliance certificate that complied with all legal and regulatory requirements was obtained.

Doctrine:

This case reiterates the principle of transcendental importance in environmental cases, allowing for direct recourse to the courts in matters posing significant environmental impacts. It also underscores the necessity of obtaining a separate Environmental Compliance Certificate for significant modifications to projects that could bear upon the environment, rather than relying on amendments to previously granted certificates.

Class Notes:

- The principle of transcendental importance permits direct action when environmental damage is imminent, bypassing the exhaustion of administrative remedies.
- A separate Environmental Compliance Certificate is required for projects or project phases with potentially significant environmental impacts, distinct from original project approvals.
- Verification and certification against forum shopping aim to ensure the genuineness of the claims and to prevent multiple filings of cases based on the same issues. Substantial compliance can be applicable under specific circumstances.

Historical Background:

This case represents a significant moment in Philippine environmental jurisprudence, highlighting the tensions between development and environmental protection. The public outcry and legal challenges against the expansion of SM City Baguio underscored the growing environmental consciousness among Filipinos and the critical role of legal frameworks in balancing economic development with the imperative to protect ecological heritage.