

****Title:**** Citizens for a Green and Peaceful Camiguin, Sulog, Inc. et al. vs. King Energy Generation, Inc. et al.

****Facts:****

The petitioners, consisting of several environmental organizations and individuals, filed petitions before the Court of Appeals (CA) requesting the issuance of a Writ of Kalikasan and Writ of Continuing Mandamus. These petitions were aimed at halting the construction of a diesel power plant by King Energy Generation, Inc. (KEGI) in Sitio Maubog, Barangay Balbagon, Mambajao, Camiguin.

The petitioners argued that this construction contravenes their constitutional right to a balanced and healthful ecology and infringes upon multiple environmental laws. Public respondents from the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR), local governments of Barangay Balbagon, Mambajao, province of Camiguin, and the Camiguin Electric Cooperative (CAMELCO) were accused of improperly permitting this project. Key allegations included non-compliance with the requirement for an Environmental Compliance Certificate (ECC), violation of consultation requirements under the Local Government Code, and unauthorized land reclassification.

The CA dismissed the petitions, stating the petitioners did not demonstrate the environmental damage would affect lives across multiple cities or provinces, which is essential for the issuance of a Writ of Kalikasan, nor did it justify immediate CA jurisdiction over a writ of continuing mandamus.

Petitioners filed a Motion for Reconsideration which was similarly dismissed, prompting an appeal to the Philippine Supreme Court.

****Issues:****

1. Whether the CA erred in dismissing the petition for the issuance of a writ of kalikasan.
2. Whether the CA erred in dismissing the petition for the issuance of a writ of continuing mandamus.

****Court's Decision:****

- ****On the Writ of Kalikasan:****

The Supreme Court upheld the CA's dismissal. The Court emphasized that the environmental damage must be of such magnitude as to affect inhabitants of two or more

cities or provinces. The petitioners failed to show how the diesel power plant's construction would result in such widespread damage. They relied on broad claims about health risks and environmental hazards, including references to international press releases and Wikipedia articles, but provided no specific evidence demonstrating the required magnitude of harm.

- **On the Writ of Continuing Mandamus:**

Again, the Supreme Court upheld the CA's decision. The petitioners primarily challenged the procedural actions of several government agencies and local bodies, such as the EMB and local Sanggunian, in granting permits and licenses for the project. These challenges are more appropriately addressed through administrative remedies rather than a writ of continuing mandamus. The Court highlighted that mandamus should not be used to bypass executive or legislative functions and that petitioners failed to establish a direct link between the government's actions and significant environmental damage.

Doctrine:

The case reiterates the stringent requirements for issuing a writ of kalikasan, specifically the necessity for showing environmental damage affecting broad geographic areas. It also reinforces the principle that administrative channels must be exhausted before judicial remedies like a writ of continuing mandamus are pursued.

Class Notes:

1. **Requirements for a Writ of Kalikasan:**

- Environmental damage of such magnitude as to affect the life, health, or property of inhabitants in two or more cities or provinces.
- Concrete evidence of the widespread effect of the damage.

2. **Writ of Continuing Mandamus:**

- Intended to compel performance of an act mandated by law.
- Not a substitute for political or administrative remedies.

3. **Precautionary Principle in Environmental Law:**

- Applies in cases of scientific uncertainty.
- It does not eliminate the requirement to substantiate claims.

4. **Local Government Code and Public Consultation Requirements:**

- Sections 26 and 27 require public hearings before projects can proceed.
- Non-compliance with these sections does not inherently lead to environmental damage.

****Historical Background:****

This case falls within the Philippine judicial framework of elevating environmental rights to constitutional status, allowing citizens and organizations to challenge government actions that potentially threaten environmental health. The establishment and operational protocols for issuing environmental writs, such as the Writ of Kalikasan and Writ of Continuing Mandamus, were introduced to strengthen legal remedies in protecting ecological balance. This case underscores the judiciary's role in ensuring that these protocols are meticulously adhered to and are not misused to obstruct lawful administrative actions.