

**\*\*Title:\*\***

Republic of the Philippines v. City of Davao (2001)

**\*\*Facts:\*\***

On August 11, 2000, respondent, the City of Davao, filed an application for a Certificate of Non-Coverage (CNC) for its proposed Davao City Artica Sports Dome with the Environmental Management Bureau (EMB), Region XI. The application included:

1. A detailed location map of the project site;
2. A brief project description;
3. A certification from the City Planning and Development Office indicating the project is not in an environmentally critical area (ECA).

The EMB Region XI denied the application, determining the project was within an ECA and subject to the Environmental Impact Statement (EIS) System under Presidential Decree (PD) No. 1586 and PD No. 1151, requiring an Environmental Compliance Certificate (ECC) instead of a CNC.

Respondent filed a petition for mandamus and injunction in the Regional Trial Court of Davao (Civil Case No. 28,133-2000), arguing that the project was neither environmentally critical nor in an ECA and claiming that it was the DENR's ministerial duty to issue a CNC after submission of the required documents.

The Regional Trial Court ruled in favor of the respondent, directing the issuance of a CNC. Petitioner's motion for reconsideration was denied, leading to a petition for review by the Supreme Court. Meanwhile, a manifestation from the respondent City expressed agreement that securing an ECC was necessary, rendering the case seemingly moot.

**\*\*Issues:\*\***

1. Whether local government units (LGUs) are required to comply with the Environmental Impact Statement (EIS) System under PD No. 1586.
2. Whether the Artica Sports Dome Project is an environmentally critical project or located in an environmentally critical area, necessitating an ECC.

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

**\*\*Issue 1:\*\*** **\*\*LGU Compliance with EIS System\*\***

The Supreme Court held that LGUs are not exempt from compliance with the EIS System under PD No. 1586. The Court noted:

- According to Section 15 of Republic Act 7160 (Local Government Code), LGUs, which

perform dual governmental and proprietary functions, are juridical persons and deemed part of the national government.

- It is the duty of LGUs to promote a balanced ecology and protect the environment (Section 16, Local Government Code).
- The legislative intent of PD No. 1586 encompasses all entities, including government bodies, underscored by the comprehensive nature of environmental protection mandates.

**\*\*Issue 2:\*\* Environmental Status of the Artica Sports Dome Project\*\***

The Court agreed with the trial court's factual findings, supporting the claim that the project was neither environmentally critical nor situated in an ECA. The supporting evidence included:

1. Certification from the City Planning and Development Office,
2. Certification from the Community Environment and Natural Resources Office (CENRO-West),
3. Certification from PHIVOLCS.

Given these findings, the SC ruled that the issuance of a CNC by the DENR was mandatory and could be compelled by mandamus.

**\*\*Doctrine:\*\***

- **\*\*Inclusivity of EIS Laws:\*\*** Local Government Units are included within the scope of PD No. 1586 and must comply with the Environmental Impact Statement requirements.
- **\*\*Mandamus for Ministerial Duty:\*\*** If an LGU satisfies all requirements for a CNC, the issuance becomes ministerial, which can be compelled by writ of mandamus.

**\*\*Class Notes:\*\***

- **\*\*Environmental Impact Statement (EIS) System:\*\*** Under PD No. 1586, all agencies and instrumentalities, including LGUs, must comply if their projects significantly impact the environment.
- **\*\*LGU Functions:\*\*** As per RA 7160, LGUs have dual functions, with inherent responsibilities to protect the environment.
- **\*\*Mandamus:\*\*** Legal act compelling a government authority to fulfill a statutory duty, applicable when a party's right to a duty is clear, and the officer's duty is purely ministerial.

**\*\*Historical Background:\*\***

PD No. 1586 was issued during President Ferdinand Marcos's administration to institutionalize an EIS System ensuring environmental protection alongside developmental

activities. This case posits the evolving scope of environmental policy, integrating LGUs within this statutory framework to promote sustainable development symbiotically with national environmental policies.