

### Title:

Special People, Inc. Foundation vs. Environmental Management Bureau, Department of Environment and Natural Resources, et al.

### Facts:

1. Special People, Inc. Foundation (Petitioner) proposed a water-resource project in Barangay Jimilia-an in Loboc, Bohol, involving tapping and purifying water from the Loboc River and distributing it to Loboc and neighboring municipalities.
2. Petitioner applied for a Certificate of Non-Coverage (CNC) with the Environmental Management Bureau (EMB) - Region 7, to be exempted from the Environmental Compliance Certificate (ECC) requirement of Presidential Decree No. 1586.
3. December 4, 2001: Bohol Provincial Chief Nestor M. Canda determined the project required an Initial Environmental Examination (IEE) and proof of social acceptability.
4. January 11, 2002: Petitioner appealed to EMB Region 7 Director Bienvenido L. Lipayon (RD Lipayon), referencing the Loboc-Loay waterworks project by the DPWH, which had been granted a CNC.
5. April 3, 2002: RD Lipayon assigned Control No. CNC-02-080 to the petitioner's application but later requested additional documentation due to significant environmental impacts.
6. August 26, 2002: RD Lipayon required multiple certifications (e.g., from DENR PENRO, PAGASA, PHIVOLCS) to ascertain whether the project was within an environmentally critical area.
7. January 28, 2003: Petitioner submitted eight certifications, but failed to secure certification from the Mines and Geosciences Bureau (MGB) stating the project area was not a fault line or critical slope.
8. February 4, 2003: RD Lipayon declared the project within an environmentally critical area and denied the CNC.
9. March 27, 2003: Petitioner filed a petition for mandamus and damages with the RTC in Loay, Bohol, seeking the issuance of the CNC.
10. November 18, 2003: RTC dismissed the petition on grounds including the project's location in a critical area and petitioner's failure to exhaust administrative remedies.

### Issues:

1. Whether the respondents, particularly EMB Region 7 Director, were duty-bound to issue the CNC after the petitioner's compliance with the requirements.
2. Whether the petitioner exhausted all available administrative remedies through an appeal to the DENR Secretary.

3. Whether the petitioner is entitled to recover damages from the respondents in their personal capacities.

### ### Court's Decision:

1. **Improper Appeal**: The Supreme Court held that petitions for certiorari should raise purely legal questions, but the petitioner raised a factual matter concerning project location. The court refrains from re-examining factual determinations of lower courts or administrative agencies unless specific exceptions apply, none of which were present.
2. **Exhaustion of Administrative Remedies**: The petitioner failed to avail administrative remedies properly and prematurely pursued judicial intervention. Mandamus is used when there is no plain, speedy, and adequate remedy in the ordinary course of law, which did not apply in this case because the petitioner had a pending administrative appeal.
3. **Ministerial Duty vs. Discretionary Act**: Mandamus can compel only ministerial acts, not discretionary ones, such as the issuance of a CNC. The discretion exercised by EMB officials in environmental matters involves assessing the potential impacts, which is not a purely ministerial function. The project's location in an environmentally critical area inherently involves judgment and discretion based on technical assessments.

### ### Doctrine:

1. **Mandamus**: A writ of mandamus compels the performance of a ministerial duty—a duty involving no discretion. If the duty is discretionary, mandamus cannot compel the exercise of that discretion.
2. **Exhaustion of Administrative Remedies**: Judicial intervention requires that administrative remedies are first exhausted. Agencies must be given the opportunity to resolve administrative concerns within their expertise before courts intervene.

### ### Class Notes:

- **Mandamus Defined**: A remedy to compel performance of duties that are purely ministerial rather than discretionary.
- **Ministerial Act**: An act that an individual or body must undertake without the exercise of personal judgment.
- **Doctrine of Exhaustion**: Exhaust all administrative remedies before turning to the courts; it underscores the specialization and primary jurisdiction of administrative agencies.
- **Environmentally Critical Areas/Projects**: Governed under P.D. 1586 and Proclamation No. 2146, certain projects require ECCs due to their significant environmental implications.

### ### Historical Background:

The case context emphasizes the Philippines' efforts to balance development with environmental protection. The EIS System under Presidential Decree No. 1586 aims to regulate projects impacting the environment, entrenched at a time when environmental awareness and regulation were gaining prominence. The case underscores the challenges in implementing environmental policies while also addressing infrastructure and resource development needs.