

**WATER FOR ALL REFUND MOVEMENT, INC., REPRESENTED HEREIN
BY ITS PRESIDENT, RODOLFO B. JAVELLANA, JR., PETITIONER, VS.
MANILA WATERWORKS AND SEWERAGE SYSTEM, MAYNILAD
WATER SYSTEM...**

Ponente: CORALES, J.

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CORALES, J.:

On July 26, 2013, We dismissed petitioner Water For All Refund Movement, Inc.'s (WARM) petition for issuance of a Writ of Kalikasan.[1] The dispositive portion of the resolution reads:

WHEREFORE, the petition for issuance of a Writ of Kalikasan is DISMISSED without prejudice to the filing of any appropriate civil, criminal or administrative remedies warranted by the relevant circumstances.

SO ORDERED.

WARM filed a Motion for Reconsideration[3] and Supplemental Motion for Reconsideration³ on August 22 and October 2, 2013, respectively. WARM attached its November 3, 2011 Certificate of Incorporation[4] to the Motion for Reconsideration.

Private respondent Manila Water Company, Inc. (MWCI) filed its Comment/Opposition Ad Cautelam (Re: Motion for Reconsideration dated 22 August 2013)[5] on October 17, 2013 and its Motion to Admit to Expunge with Comment Ad Cautelam (Re: Supplemental Motion for Reconsideration dated 1 October 2013)[6] on November 13, 2013, while Manila Water System, Inc. (MWSI) filed its Comment/Opposition (To Motion for Reconsideration dated 22 August 2013) With Motion to Expunge (Petitioner's Supplemental Motion for Reconsideration dated 1 October 2013)[7] on October 29, 2013 and its Comment (On Supplemental Motion for Reconsideration dated 1 October 2013)[8] on December 17, 2013.

On the other hand, public respondent Manila Waterworks and Sewerage System (MWSS), filed its Comment on October 24, 2013[9] but did not comment on WARM's supplemental motion for reconsideration, as per Judicial Records Division report on February 10, 2014.[10] Thus, MWSS is deemed to have waived the filing of Comment on the supplemental motion.

We find that WARM has merely rehashed its earlier arguments and shown no cogent reason for Us to reconsider.

A petition for a writ of kalikasan must include, among others, the law, rule, or regulation violated or threatened to be violated; the act or omission complained of; the environmental damage of such magnitude as to prejudice the life, health, or property of inhabitants in at least two cities or provinces; and all relevant and material evidence consisting of affidavits of witnesses, documentary and object evidence, and scientific or other expert studies.[11] Moreover, a Temporary Environmental Protection Order may be granted only upon a showing of extreme urgency, grave injustice, and irreparable injury.[12] To reiterate Our findings in the assailed Decision, WARM has still failed to satisfy these requisites. Accordingly, its petition must fail.[13]

Without remedying the other flaws in its petition already stated in the assailed Decision, WARM merely argues that respondents have failed to secure Environmental Clearance Certificates, “because (they) are in no position to secure such certificates.”[14] WARM insists in its Motion for Reconsideration that “the environmental threat xxx is self-evident and requires no scientific study to establish”.[15] WARM claims that unlawful environmental damage results “when there is more rainwater than the system can handle”, [16] yet omits such material details as how much the system can in fact handle to begin with, and past incidents when rainwater in fact exceeded such capacity. To compound the confusion, WARM narrates first that “public respondent MWCI constructed three (3) sewerage treatment plants xxx all of which use combined sewerage-drainage systems” and “(t)he MTSP also called for the installation xxx of sewer systems”, then concludes that “the sewerage systems already installed are separate systems, not combined sewerage-drainage systems.”[17]

Furthermore, even assuming arguendo that WARM's contentions regarding the unlawfulness of a combined system are meritorious, there is still no showing of environmental damage or its links to the violations of law complained of. Nor can judicial notice supply these fatal deficiencies. It is axiomatic that judicial notice is mandatory only with respect to specific matters[18] and discretionary only for matters which are of public knowledge or are capable of unquestionable demonstration, or which ought to be known to judges because of their judicial functions.[19] We do not see, and WARM has not shown, how the alleged release of large amounts of raw sewage from the combined system due to heavy rainfall comes within the scope of judicial notice.[20]

Moreover, it is crystal clear from the very text of August 14, 2012 Decision in CA-G.R. SP No. 112023 that its factual and legal premises were significantly different from those upon which WARM pleads the instant case. Its factual and legal findings therefore find no relevance herein, contrary to WARM's strenuous claims.

Vague, unclear, or generic allegations, or mere conclusions of law unsupported by factual premises, render a petition insufficient in substance if not form. They unduly disadvantage the adverse party in providing an intelligent response, and the courts in deciding the case with appropriate dispatch. The name of the game is fair play, not foul play. The administration of justice is not a matter of guesswork. Rather, it demands a painstaking, not haphazard, preparation of pleadings.[21] Notably, in this case a motion for bill of particulars is prohibited and cannot be availed of to .[22]

WARM's attempt to enforce the writ of continuing mandamus warrants scant consideration. Suffice it to say that this Court shall not encroach on the continuing jurisdiction exercised by the Supreme Court over the agencies against which the writ was issued, in order to ensure its enforcement.[23]

WHEREFORE, the Motion for Reconsideration and Supplemental Motion for Reconsideration are hereby DENIED for lack of merit.

SO ORDERED.

Pizarro, J., Chairperson and Macalino, JJ., concur.

[1] July 26, 2013 Resolution, rollo, pages 1112-1116.

[2] Ibid., pages 1121-1143.

[3] Ibid., pages 1149-1168.

[4] Ibid., page 1144.

- [5] Ibid., pages 1200-1216.
- [6] Ibid., pages 1330-1344.
- [7] Ibid., pages 1282-1322.
- [8] Ibid., pages 1392-1410.
- [9]. Ibid., pages 1272-1276.
- [10] Ibid., page 1346.
- [11] See A.M. No. 09-6-8-SC, Rule 7, Section 2.
- [12] Ibid., Rule 2, Section 8.
- [13] Ibid., Rule 7, Section 5.
- [14] Ibid.
- [15] See Motion for Reconsideration, page 15, rollo, page 1136.
- [16] See Motion for Reconsideration, page 15, *ibid.*, page 1136.
- [17] Ibid., pages 1131-1132.
- [18] Rules of Court, Rule 129, Section 1. Judicial notice, when mandatory. – A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.
- [19] See Rules of Court, Rule 129, Section 2.
- [20] See Motion for Reconsideration, page 6, par. 14, rollo, page 1127.
- [21] See Republic v. Sandiganbayan, G.R. No. 148154. December 17, 2007.
- [22] See A.M. No. 09-6-08-SC, Rule 7, Section 9. See also Rule 2, Section 2.
- [23] See Boracay Foundation v. Province of Aklan, G.R. No. 196870. June 26, 2012; MMDA v. Concerned Residents, G.R. Nos. 171947. February 15, 2011 (Resolution).

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