

Title: Alyansa ng mga Grupong Haligi ng Agham at Teknolohiya para sa Mamamayan (AGHAM) vs. Japan Tobacco International (Philippines), Inc., et al.

Facts:

1. **Initial Seizure (March 6, 2017):**

- The Bureau of Customs (BOC) and Bureau of Internal Revenue (BIR) seized 4.7 million packs of cigarettes with counterfeit tax stamps from Mighty Corporation (MC).
- The brands of the cigarettes were “Mighty Mentol 100s,” “Marvels FK,” and “Marvels King Full.”

2. **Government Action:**

- The government filed charges against MC’s officers for tax violations but later settled for a payment of P25 billion, shutting down MC’s operations.
- Japan Tobacco International (Philippines), Inc. (JTI-Phil.) acquired MC’s assets in 2017.

3. **Destruction of Seized Goods:**

- In November 2017, the Department of Finance (DOF) and BIR initiated the destruction of the seized cigarettes at Holcim Philippines, Inc.’s facility in Davao City.
- Anticipated destruction included additional stockpiles in Pampanga, Bulacan, Tacloban, and Cebu.

4. **AGHAM’s Petition:**

- AGHAM, an organization advocating for science and technology, filed a petition for a Writ of Kalikasan, alleging that the destruction violated environmental laws (RA 6969, 8749, and 9003) and threatened the watershed areas of Angat and La Mesa Dams.

Procedural Posture:

- AGHAM’s petition sought the involvement of DOF, BIR, Holcim, and JTI-Phil., along with the Department of Environment and Natural Resources (DENR), for purported violations.
- The case proceeded to the Supreme Court to determine the issuance of a Writ of Kalikasan.

Issues:

1. **Ownership and Impleading of JTI-Phil.**

- Whether JTI-Phil. was correctly impleaded, given the claim that they did not own the seized cigarettes.

2. **Environmental Violation:**

- Whether the destruction method used by Holcim violated environmental laws and regulations.

3. **Sufficiency of Evidence:**

- Whether AGHAM provided sufficient evidence of environmental damage and legal violations to justify a writ of kalikasan.

Court's Decision:

1. **On JTI-Phil's Impleading:**

- The Court found that JTI-Phil. was improperly impleaded as they did not own the seized cigarettes. They had acquired MC's assets after the seizure.

2. **On Environmental Law Violation:**

- The Court determined that AGHAM did not specify any direct violation of RA 6969, 8749, or 9003 by respondents. Moreover, the co-processing method used was regulated and permitted under existing laws.

3. **On Sufficiency of Evidence:**

- AGHAM failed to provide concrete evidence of environmental harm that met the criteria for the issuance of the writ. The presence of government agencies and media during the destruction showed transparency and adherence to lawful methods.

Doctrine:

- The Court reiterated that for a writ of kalikasan to be issued, petitioners must prove:

1. A specific environmental law or regulation was violated.
2. The respondent's unlawful act or omission.
3. Environmental damage of such magnitude that impairs life, health, or property across multiple cities or provinces.

Class Notes:

- **Writ of Kalikasan Criteria:**

1. Violation of an environmental law.
2. Respondent's unlawful act/omission.
3. Significant environmental damage.

- **ISO Compliance:**

- Facilities engaging in co-processing must possess quality, environmental, and health as

per ISO standards (DAO 2010-06).

- **Environmental Compliance Certificate (ECC):**

- Required for projects with a potential environmental impact, indicating compliance with the Environmental Impact Statement (EIS).

Historical Background:

- This case is set against the backdrop of the government's crackdown on counterfeit goods and tax evasion. The significant settlement with Mighty Corporation marked a prominent move toward regulatory enforcement. The importance of environmental laws in industrial operations was highlighted, setting a standard for procedural and evidentiary requirements in environmental cases.