

EN BANC

[G.R. No. 215988, April 10, 2019]

CORDILLERA GLOBAL NETWORK, REPRESENTED BY ITS PRESIDENT, GLORIA ABAEO; CORDILLERA PEOPLES ALLIANCE, REPRESENTED BY ITS SECRETARY-GENERAL, ABIGAIL B. ANONGOS; CORDILLERA INDIGENOUS PEOPLES LEGAL CENTER, REPRESENTED BY ITS EXECUTIVE DIRECTOR, RHODA DALANG-GARCIA; CORDILLERA ECOLOGICAL PINE TREE CENTER, REPRESENTED BY ITS EXECUTIVE DIRECTOR, DR. MICHAEL BENGWAYAN; LEON ALTOMONTE, GABRIELA ALTOMONTE, AND AENEAS ALTOMONTE, REPRESENTED BY THEIR FATHER, KARLO MARKO ALTOMONTE; KATHLEA FRANCYNN GAWANI D. YAÑGOT AND LEANDRO KIERAN LUGAT D. YAÑGOT III, REPRESENTED BY THEIR MOTHER, CHERYL L. DAYTEC-YAÑGOT; ZACHARY T. DISTOR AND AGATHA ZITA T. DISTOR, REPRESENTED BY THEIR FATHER, MILO S. DISTOR; JUSTICE YVONNE D. DONAAL, REPRESENTED BY HER FATHER, CHRISTOPHER DONAAL, TRICIA KATRINA M. ARNEDO AND MARGARET JALREYE M. ARNEDO, REPRESENTED BY THEIR MOTHER, MA. TERESA M. ARNEDO; KENSWORTH CORPUZ, REPRESENTED BY CARLITO C. TAAWAN; MARIE A. BALANGUE, MIGUEL ARVISU, GIDEON OMER, PAUL ALLAIN R. ISICAN, KARMINN CHERYL DINNEY D. YANGOT, CRISTINA LAPPAO, NELSON LAPPAO, FLORENDA PEDRO, EDGAR Z. KAWIG, JUDITH G. FANAO, JULIO PUNAY, ARNOLD ABRIL, JEMELYN CORPUZ, MARY LEITH "SUMITRA" GUTIERREZ, ANDREA M. COSALAN, RHADA JUNE MANTILEZ, NELSON JOSEPH S. ALABANZA, RHIS BAYUCCA, JOSE OLARTE II, SONIA F. GALANG, SHIELO G. SABAOT, ANTHONY B. LAKING, DONATELA S.R. MOLINTAS, RUTH W. DEMOT, ROCKY A. CAJIGAN, RONALDO VILLAMOR, GLENN V. VILLAMOR, FIDEL DEMOT, SCOT MAGKACHI SABOY, ANNIELYN PUCKING, LUCIA B. RUIZ, CHESTER LAB-ING, MARISSA A. DERIJE FAITH MARIETTE DAO-AY, GABRIEL CRISTOBAL IV, ISIDRO GAYO, EDWIN A. NGINA, JASON DOMLING, J.P. PUNO, JULIA A. BAEYENS, WESLEY E. SAYUD, CLIFFORD M. LORENA, JERRY MAYONA, ZABRINA D. IBASCO, PRINCESS EUNICE CABURAO, ZITA J. GONGON, ALBERTO ROMAR R. ORDOÑA, MAURICIO PITAG, RYLYN JOHAN A. DANGANAN, JEFFREY C. CHIU, MICHAEL ANGELO A. SOTERO, LINDA ALISTO, GREGORY P. RUGAY, VANESSA B. OLARTE, BRIAN BATONG, MILAGROS LIWANAG JOSE, BABYLYNN M. DEGAY, EDEN JARLAW T. VIRGINIO, IVY JOY D. BUENAOBRA, RICO M. GUTIERREZ, JOHN PAWI, CARMELLIE ANJOY M. SALVADO, JOAN MULLER, ROBERTO R. OCAMPO, DINAH DAYTEC AGCAOILI, CARMEN DAYTEC, ERVEEN ROSS PALMA, BUMBO VILLANUEVA, KHRISTINE E. MOLITAS, KATHLEEN G. BUGNOSEN, GLORIA B. LIMPIN, REY ANGELO E. AURELIO, RESTITUTO REFUERZO,

MARCH FIANZA, FLORABEL M. SALES, DEAN MICHAEL CUANSO, BENJAMIN BIDANG, JR., JEANNIE MAY DAMOSLOG, JANICE M. DONAAL, CRISTOBAL SANTIAGO, ETHAN ANDREW VENTURA, MA. CRISTINA BALAJADIA, RODELIZA ABELLA ALTAMONTE, BEDE BAWAYAN, JR., CHRISTEL PAY SENG, PAUL LESTER DONAAL, VIROLABEL LADIO, HENDRIX SANCHEZ, GASPAR ELIZUR DONAAL, MICHAEL VINCENT CABRERA, SANTOS BAYUCCA, ELMER M. DATAYAN, ASH Y. VELASCO, POLEEN CARLA C. ROSITO, MIGHT GUPIT, JULIUS B. MANABENG, JENNY GRACE M. ABOEN, JOJO LA MARIA, VLADIMIR D. CAYABAS, JOHN LAKING, CHARLENE DAVID, GERALDINE D. CACHO, PERRY JOHN P. MENDOZA, HONORIO B. SAGMAYAO, RODOLFO "RUDZ" A. PARAAN, JOHN ERIC JOSEPH S. AGUILAR, CERI PAUL A. LOMAS-E, HECTOR ZARATE KAWIG, RICHARD DEAN F. BASA, MICHELLE B. SAMUEL, FERDY K. BAYASEN, AND SILVESTRE QUINTOS, PETITIONERS, VS. SECRETARY RAMON J.P. PAJE, IN HIS CAPACITY AS SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; ATTY. JUAN MIGUEL T. CUNA, IN HIS CAPACITY AS THE DIRECTOR OF THE ENVIRONMENTAL MANAGEMENT BUREAU OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND SM INVESTMENTS CORPORATION; SECRETARY ROGELIO SINGSON, IN HIS CAPACITY AS THE SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, RESPONDENTS.

JUDY LYN C. ADAJAR, RUBY C. ALTERADO, LEONOLYN M. ANAYASAN, MYLA A. APIGO, MARILOU N. ARAGON, LOIDA A. BACBAC, JULIET M. BADILLA, OLIVIA M. BALADLAD, ROXANNE K. BALANGCOD, MARIA JOCELYN J. BALDERAS, MARIVIC BALWAYAN, YVONNE F. BANGASAN, DIONISIA E. BANGLAY, RODEL E. BANIAGA, GRACIA D. BARIA, MA. ADA E. BASILIO, ESTRELLA C. BAUTISTA, EVA M. BAUTISTA, MARIBEL S. BINAY-AN, JOSEPHINE A. BORILLO, ANNIE MARIE B. BUENAFE, CHERRY H. BULONG, MARISOL B. CABUNAG, EDITH L. CALDITO, ANGELICA W. CAMBA, MARLON L. CAOILE, BRIGETTE M. CHALMAS, MYAN P. CUGA-AY, ELIZABETH A. DALAN, MA. GLENDA D. DE LA PENA, JESSICA A. DE VERA, JOHN PAUL A. DELA CRUZ, CARMILLA V. DELOS SANTOS, MARICRIS DIPASUPIL, BEATRIZ CONNIE M. ESCANO, DEBBIE B. ESGUERRA, PATRICIA PAULINE A. ESTOESTA, LADY DIANA D. ESTRADA, PRECILLA L. FUYAG, JANINA G. GALLEGOS, NOMER L. GINGO, JOCELYN T. BUMPENG, CECILIA G. GUNDRAN, JENNY M. HIPONA, LUNA C. IBAÑEZ, FLORIDA F. IDMILAO, JOE PIT R. LAURENCIO, AILENE M. LAYNO, JEANETTE S. MANANSALA, HILARIA M. MANUGUID, BRENNY MAY K. MENDOZA, DINAH D. NAVARRO, AMANDA M. PADER, SAMUEL A. PALEYAN, DENNIS JULIUS R. PANEDA, RUBY L. PARAZO, MARY GRACE A. PASTOR, DONNALYN F. PRADO, SHENNA APRIL V. QUINTO, ESPERANZA E. ROSIDO, ROSALINA N. SAMPAGA, JUDY P. SIA, MARY-AN L. SUPSUPIN, MARILOU A. TA-A, MARY ANN L. TABAO-EC, MICAH JOY H. MATAROMA, EUGENIA N. TAYABAN, RUBY L. TAYNEC, RITA M. TINIPAC, MICHELLE R. TUALLA, JOAN D. VALDEZ, RODRIGO B.

VALDEZ, HAZEL P. VALENTIN, VICTORIA A. VENTURA, ESTELITA A. WALLANG, AND VERONICA P. ZARATE, PETITIONERS, VS. SECRETARY RAMON J.P. PAJE, IN HIS CAPACITY AS SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; ATTY. JUAN MIGUEL T. CUNA, IN HIS CAPACITY AS THE DIRECTOR OF THE ENVIRONMENTAL MANAGEMENT BUREAU OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; DIRECTOR CLARENCE BAGUILAT, IN HIS CAPACITY AS THE REGIONAL EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-CORDILLERA ADMINISTRATIVE REGION; SECRETARY ROGELIO SINGSON, IN HIS CAPACITY AS THE SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS; HON. MAURICIO DOMOGAN, IN HIS CAPACITY AS MAYOR OF BAGUIO CITY; SM PRIME HOLDINGS AND SM SUPERMALLS, AND THEIR OFFICERS AND AGENTS ACTING ON THEIR BEHALF, RESPONDENTS.

DECISION

LEONEN, J.:

The depth, quality, and complexity of our forests' biodiversity is a marker of humanity's enlightenment. Every tree saved from being sacrificed in the name of profits matters.

Shortcuts in the processes prescribed by law to protect the endowments of nature should never be countenanced.

This resolves the Petition for Review on Certiorari^[1] filed by Cordillera Global Network, representing concerned residents of Baguio City, assailing the Court of Appeals December 12, 2014 Decision^[2] in CA-G.R. CV No. 100245. The Court of Appeals upheld the December 3, 2012 Decision^[3] of the Regional Trial Court in Civil Case Nos. 7595-R, 7629-R, and 7626-R.

On September 13, 2001, the Department of Environment and Natural Resources issued Environmental Compliance Certificate CAR0106-047-120^[4] to SM Investments Corporation for its SM Pines Resort Project. This mix-use, eco-tourism project would span 8.5 hectares and cover a shopping mall, a hotel, service apartments, a multi-purpose entertainment center, and other related structures.^[5]

Construction of SM City Baguio, located within the SM Pines Resort complex, was completed in November 2003. A few years later, SM City Baguio undertook to expand its existing mall on Luneta Hill (the Expansion Project) to increase parking and commercial spaces.^[6]

On December 29, 2010,^[7] SM Investments Corporation submitted an Environmental Performance Report and Management Plan to the Environmental Management Bureau-Cordillera Administrative Region as part of its application to amend its Environmental Compliance Certificate.

On April 5, 2011,^[8] the Environmental Management Bureau-Cordillera

Administrative Region requested that additional information on the inventory of the affected trees, among others, be included in the Environmental Performance Report and Management Plan.

On April 25, 2011,^[9] SM Investments Corporation submitted the revised Environmental Performance Report and Management Plan.^[10]

On September 22, 2011,^[11] the Department of Environment and Natural Resources granted SM Investments Corporation's request for the amendment of its Environmental Compliance Certificate.

On October 27, 2011,^[12] the Department of Environment and Natural Resources-Cordillera Administrative Region, with clearance^[13] from then Department of Environment and Natural Resources Secretary Ramon J.P. Paje (Secretary Paje), granted SM Investments Corporation's request for a permit to cut and earth-ball the Benguet pine, Alnus trees, and saplings that would be affected by the Expansion Project. However, the permit's issuance was subject to several conditions, including the conduct of public consultations with stakeholders and the procurement of an environmental compliance certificate.^[14]

On December 19, 2011,^[15] the City Planning and Development Office of Baguio City granted locational clearance for the Expansion Project.

On February 27, 2012, Cordillera Global Network filed a Complaint^[16] (first environmental case) against SM Investments Corporation, Secretary Paje, Atty. Juan Miguel Cuna, the director of the Environmental Management Bureau, and Secretary Rogelio L. Singson of the Department of Public Works and Highways.

Docketed as Civil Case No. 7595-R,^[17] the first environmental case prayed, among others, that a temporary environmental protection order be immediately issued to enjoin SM Investments Corporation from cutting and/or earth-balling the 182 Benguet pine and Alnus trees on Luneta Hill.^[18]

On March 19, 2012,^[19] SM Investments Corporation reiterated its request to cut or earth-ball the affected trees. On April 4, 2012,^[20] Regional Executive Director Clarence L. Baguilat (Regional Executive Director Baguilat) of the Department of Environment and Natural Resources-Cordillera Administrative Region gave the go-signal to earth-ball the trees.

On April 9, 2012, SM Investments Corporation began earth-balling the Benguet pine and Alnus trees.^[21]

Meanwhile, the trial court had begun conducting hearings on the prayer for a temporary environmental protection order. As this was pending resolution, Cordillera Global Network filed on April 10, 2012 an Urgent Motion for the Issuance of the Temporary Environmental Protection Order with a Prayer for the Conduct of an Ocular Inspection.^[22]

That same day, the trial court granted^[23] the Motion and issued a Temporary

Environmental Protection Order effective for 72 hours.

Upon receipt of the Temporary Environmental Protection Order on April 11, 2012, SM Investments Corporation ceased its earth-balling and transplanting operations.^[24]

On April 13, 2012, Cordillera Global Network filed a Motion to extend the Temporary Environmental Protection Order.^[25] That same day, the trial court^[26] extended the effectivity of the Temporary Environmental Protection Order to cover the pendency of the court proceedings in Case No. 7595-R.

Cordillera Global Network then filed a petition to cite SM Investments Corporation in contempt for violating the Temporary Environmental Protection Order. This was docketed as Civil Case No. 7626-R.^[27]

On April 13, 2012, Judy Lyn Adajar and 75 other concerned Baguio City residents (Adajar, et al.) filed a new Complaint^[28] (the second environmental case) against SM Supermalls, SM Prime Holdings, Inc., and Regional Executive Director Baguilat. It was docketed as Civil Case No. 7629-R.

The two (2) environmental cases and the contempt petition were consolidated.^[29]

Cordillera Global Network and Adajar, et al. both alleged that the cutting or earth-balling of the 182 trees on Luneta Hill would severely damage the environment and health of Baguio City residents. They also assailed the regularity of the permits issued, further claiming that the Expansion Project violated zoning and environmental laws.^[30]

Defendants asserted that the pertinent permits were issued only after strict compliance with the relevant rules and regulations. The public officials added that a team had been created to monitor the cutting and earth balling of the trees. They also emphasized that they immediately complied with the Temporary Environmental Protection Order upon receipt from the trial court and directed private defendants to pursue remedial measures over the affected trees.^[31]

In its December 3, 2012 Decision,^[32] the Regional Trial Court dismissed the consolidated cases.

The Regional Trial Court held that Cordillera Global Network and Adajar, et al. possessed the necessary personality to file the environmental cases under the principle of transcendental importance.^[33] However, their cases did not fall under any of the exceptions to the rule on exhaustion of administrative remedies. Thus, the cases were dismissible on procedural grounds.^[34]

Moreover, the trial court noted that while their witness, Dr. Michael A. Bengwayan, quantified the effects of removing 182 trees on Luneta Hill, his testimony appeared to be "mere conclusions of fact devoid of any scientific basis"^[35] and failed to prove that removing the trees would have a detrimental effect causing irreparable damage to the environment and Baguio City residents.^[36]