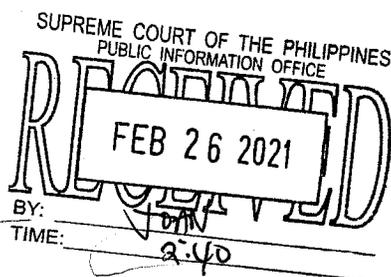




Republic of the Philippines
Supreme Court
Manila



EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **FEBRUARY 16, 2021**, which reads as follows:

“G.R. No. 199093 (Anislagan Bantay Kalikasan Task Force, Inc. (ABAKATAF), Represented by Its Chairperson, Lourdes O. Dapar; Lower Anislagan Farmers Irrigators Association (LAFIA), Inc., Represented by Its President, Daniel T. Gonzales; Lourdes O. Dapar; Daniel T. Gonzales; Manuel E. Tejada; and Mario E. Tejada, v. Hon. Evangeline S. Yuipco-Bayana, Presiding Judge, Branch 30, Regional Trial Court, Surigao City; Department of Environment and Natural Resources, Represented by the Hon. Secretary; Mines and Geosciences Bureau, Department of Environment and Natural Resources, Represented by the Hon. Director; Mines and Geosciences Bureau-Reg. XIII (CARAGA), Represented by the Hon. Regional Director; Manila Mining Corporation; Kalayaan Copper Gold Resources, Inc.; Silangan Mindanao Mining Corporation; Inc.) – This Petition for *Certiorari*¹ (Petition) assails the May 20, 2011 Order² of the Regional Trial Court (RTC) of Surigao City, Branch 30, requiring petitioners Lourdes Dapar (Dapar) and Daniel Gonzales (Gonzales) to represent petitioners ABAKATAF and LAFIA, INC., among others,³ in this case.

Antecedents:

The case stemmed from a Complaint for Injunction with Moral Damages and with Urgent *Ex Parte* Application for Temporary Environmental Protection Order and Environmental Protection Order filed by petitioners before the RTC on June 22, 2010.⁴

During pre-trial, petitioners filed an Omnibus Motion to present evidence *ex parte* or to declare respondents in default, and to set the case for trial,⁵ grounded on private respondents’ failure to serve their pre-trial briefs

¹ *Rollo*, Vol. I, pp. 5-57.

² *Id.* at 58-69; penned by Presiding Judge Evangeline S. Yuipco Bayana.

³ *Id.* at 67-68.

⁴ *Id.* at 20.

⁵ *Id.* at 25-26.

upon petitioners within three days before the hearing.⁶ In open court, the RTC denied the Omnibus Motion.⁷ Hence, petitioners moved for reconsideration.⁸

In resolving the motion for reconsideration, the trial court rendered the assailed May 20, 2011 Order, requiring petitioners (1) to submit a board resolution showing authority of petitioners Dapar and Gonzales to represent petitioners ABAKATAF and LAFIA, INC., respectively; (2) to comply with Section 17, Rule 3 of the Rules of Court on substitution of parties; (3) to amend the Complaint with respect to petitioner minor Jonathan Badillo; and (4) to submit proof of written authority of petitioners' counsel, Atty. Mary Grace Ellen Villanueva (Atty. Villanueva), to represent petitioners.⁹

Petitioners believed that the assailed Order had been rendered with grave abuse of discretion because it allegedly ran afoul with the objective of the Rules of Procedure for Environmental Cases to provide a simplified, speedy, inexpensive procedure in suits for the protection of the right to a balanced and healthful ecology.¹⁰ Thus, petitioners filed the Petition, praying that the assailed Order be nullified and that the Omnibus Motion be granted.¹¹

Petitioners likewise informed the Court in their Petition that the RTC already dismissed the Complaint through its August 15, 2011 Order.¹² The Order states that the dismissal was due to Atty. Villanueva's failure to appear during the pre-trial and trial hearing scheduled on June 13, 2011, as well as petitioners' failure to comply with the assailed Order.¹³ Petitioners likewise manifested that after they moved to reconsider the order of dismissal, they filed a Notice of Appeal before the Court of Appeals (CA).¹⁴

Respondents filed their respective Comments¹⁵ to the Petition. Thereafter, petitioners filed their Consolidated Reply.¹⁶

Meanwhile, the appellate court denied petitioners' appeal and affirmed the trial court's August 15, 2011 Order dismissing the Complaint.¹⁷ The CA found unjustifiable Atty. Villanueva's absence during the pre-trial and trial hearing, as well as her failure to comply with the assailed Order.¹⁸ Thus, the appellate court held that dismissal was proper under Section 7, Rule 3 of the

⁶ *Rollo*, Vol. II, pp. 1409-1410.

⁷ *Rollo*, Vol. I, p. 26.

⁸ *Id.* at 26-27.

⁹ *Id.* at 7.

¹⁰ *Id.* at 34-35.

¹¹ *Id.* at 51-52.

¹² *Id.* at 32.

¹³ *Rollo*, Vol. II, p. 1821.

¹⁴ *Rollo*, Vol. III, p. 1943.

¹⁵ *Id.* at 1963-1993, 1998-2085, 2114-2125.

¹⁶ *Id.* at 2194-2210.

¹⁷ *Id.* at 2414.

¹⁸ *Id.* at 2412-2414.

Rules of Procedure on Environmental Cases¹⁹ and Section 3, Rule 17 of the Rules of Court.²⁰

Petitioners moved to reconsider, but their motion was denied by the CA.²¹ Since petitioners no longer appealed the case to this Court, the dismissal attained finality on April 7, 2018.²² Accordingly, both parties manifested that the Petition should be dismissed for being moot and academic.²³

Our Ruling

In view of the developments in this case, We dismiss the Petition.

In *Flores v. Gonzales*,²⁴ We explained that where no practical relief may be granted to a party in view of a supervening event, this Court will refrain from making a declaration:

Where a declaration on an issue would have no practical use or value, this Court will refrain from expressing its opinion in a case where no practical relief may be granted in view of a supervening event. Thus, it is unnecessary to indulge in academic discussion of a case presenting a moot question, as a judgment thereon cannot have any practical legal effect or, in the nature of things, cannot be enforced.²⁵

Here, petitioners pray that the assailed Order be nullified and that petitioners' Omnibus Motion to present evidence *ex parte* or to declare respondents in default, and to set case for trial, be granted. However, considering that the Complaint has already been dismissed, and that petitioners no longer appealed the dismissal to this Court – leading to the order of dismissal attaining finality – there would no more be any practical relief to petitioners. Setting the case for trial is clearly no longer possible at this point.

¹⁹ Section 7. *Effect of Failure to Appear at Pre-Trial*. — The court shall not dismiss the complaint, except upon repeated and unjustified failure of the plaintiff to appear. The dismissal shall be without prejudice, and the court may proceed with the counterclaim.

If the defendant fails to appear at the pre-trial, the court shall receive evidence *ex parte*.

²⁰ *Rollo*, Vol. III, pp. 2412-2414. Section 3, Rule 17 of the Rules of Court reads:

Section 3. *Dismissal Due to Fault of Plaintiff*. — If, for no justifiable cause, the plaintiff fails to appear on the date of the presentation of his [or her] evidence in chief on the complaint, or to prosecute his [or her] action for an unreasonable length of time, or to comply with these Rules or any order of the court, the complaint may be dismissed upon motion of the defendant or upon the court's own motion, without prejudice to the right of the defendant to prosecute his [or her] counterclaim in the same or in a separate action. This dismissal shall have the effect of an adjudication upon the merits, unless otherwise declared by the court.

²¹ *Rollo*, Vol. III, p. 2419.

²² *Id.* at 2422-2423.

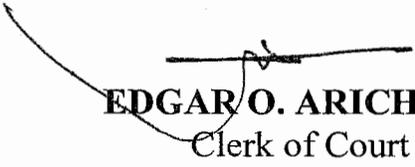
²³ *Id.*, unpaginated.

²⁴ 640 Phil. 694 (2010).

²⁵ *Id.* at 709, citing *Auto Prominence Corp. v. Winterkorn*, 597 Phil. 47, 58 (2009).

WHEREFORE, this Court resolves to **DISMISS** the Petition.”
Leonen, J., no part. (adv45)

By authority of the Court:



EDGAR O. ARICHETA
Clerk of Court

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