



MEMORANDUM

AUG 0 2 2021

TO : **All Bureau Directors  
All Regional Executive Directors  
All Assistant Regional Directors  
For Technical Services  
All Regional Directors of the Line Bureaus  
All Chiefs, DENR and Bureau Regional Legal Divisions**

FROM : **The Undersecretary  
Field Operations and Environment**

SUBJECT : **SUBMISSION OF DATA ON WRIT OF KALIKASAN CASES IN  
THE DIFFERENT REGIONAL OFFICES OR BUREAUS OF THE  
DENR**

This has reference to the mandate of the DENR Legal Affairs to conduct a continuing inventory of the "Writ of Kalikasan" and "Writ of Continuing Mandamus" Cases as part of its continued assistance to the Secretary, Bureaus and Regional Offices of DENR.

The Rules of Procedure on Environmental Cases<sup>1</sup> defines the following writs as follows, *viz*:

Part III  
Special Civil Actions  
Rule 7  
*Writ of Kalikasan*

SECTION 1. Nature of the Writ. — The writ is a remedy available to a natural or juridical person, entity authorized by law, people's organization, non-governmental organization, or any public interest group accredited by or registered with any government agency, on behalf of persons whose constitutional right to a balanced and healthful ecology is violated, or threatened with violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

xxx  
RULE 8

Writ of Continuing Mandamus

SECTION 1. Petition for Continuing Mandamus. — When any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person

<sup>1</sup> Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC, [April 13, 2010]

aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations. The petition shall also contain a sworn certification of non-forum shopping.

In order to complete the inventory of the cases which are pending in courts, you are hereby directed to submit updated inventories of the Writ of Kalikasan and Writ of Continuing Mandamus cases in your area of jurisdiction.

With regard to cases which are pending in courts within your area of jurisdiction, please indicate the following data in your report:

- a) Case title;
- b) Docket number;
- c) Venue;
- d) Ground relied upon for the filing of the Writ of Kalikasan and/or Writ of Continuing Mandamus;
- e) Handling lawyer or action officer in the Regional Office or Bureau and his/her counterpart in the Office of the Solicitor General;
- f) Status of the case;
- g) Current condition of the subject controversy; and
- h) Whether administrative case/s against DENR employees who were responsible in the malfeasance/misfeasance or nonfeasance that results in the filing of the Writ of Kalikasan and/or the Writ of Continuing Mandamus case has been instituted and the complete details thereof.

Please find Annex "A" for the template of inventory of "Writ of Kalikasan" and "Writ of Continuing Mandamus."<sup>2</sup>

With respect to violations of environmental and other related laws, rules and regulations that are pending investigation or warranting investigation for possible filing of Writ of Kalikasan, please incorporate the following information in your report.

- a.) Violations of Environmental and other Related Laws, Rules and Regulations;
- b.) The Act or Omission Complained of, and the Environmental Damage of Such Magnitude as to Prejudice the Life, Health or Property of Inhabitants in two or more Cities or Provinces;
- c.) Relevant and material evidence consisting of the affidavits of witnesses, documentary evidence, scientific or other expert studies, and if possible, object evidence;
- d.) Possible Ground or grounds for filing of the Writ;
- e.) Handling Lawyer/ Action Officer;
- f.) Status/Remarks.

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<sup>2</sup> Templates of the Writs of Kalikasan and Mandamus Inventory

Please find Annex "B" for the template of "Under investigation cases for possible filing of the Writ of Kalikasan Case."<sup>3</sup>

Your offices are directed to comply with the inventory templates attached, for the sake of uniformity. **Please submit your reports on or before, 30 September 2021 addressed to the Secretary, through the Assistant Secretary, Legal Affairs, copy furnished this Office.**

For your convenience, you may also submit a copy of your report to the Legal Affairs Service through: [las.denr@gmail.com](mailto:las.denr@gmail.com) and/or to [legal.cpmnd@denr.gov.ph](mailto:legal.cpmnd@denr.gov.ph).

For your preferential attention and immediate compliance.



ATTY. JUAN MIGUEL T. CUNA, CESO I

Copy furnished:

**The Undersecretary**  
Legal, Administration, Human Resources and  
Legislative Affairs

**The Assistant Secretary**  
Legal Affairs

**The Director**  
Legal Affairs Service

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<sup>3</sup> Template of Under Investigation Cases for Possible Filing of The Writ of Kalikasan Cases Inventory



**ANNEX "B"**

**UNDER INVESTIGATION CASES FOR POSSIBLE FILING OF THE WRIT OF KALIKASAN CASES**

(Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC, April 13, 2010)

(OFFICE, DATE)

<b>Violations of Environmental and other Related Laws, Rules and Regulations</b>	<b>The Act or Omission Complained of, and the Environmental Damage of Such Magnitude as to Prejudice the Life, Health or Property of Inhabitants in two or more Cities or Provinces</b>	<b>Relevant and material evidence consisting of the affidavits of witnesses, documentary evidence, scientific or other expert studies, and if possible, object evidence</b>	<b>Possible Ground/s for filing of the Writ</b>	<b>Handling Lawyer/Action Officer</b>	<b>Status/Remarks</b>