

**REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
8th JUDICIAL REGION
BRANCH 18, HILONGOS, LEYTE
rtc2hil018@judiciary.gov.ph**

**CONCERNED RESIDENTS
OF HILONGOS, PROVINCE
OF LEYTE,**

Petitioners,

SP. PROC. NO. H-516

-versus-

**SECRETARY, DEPARTMENT
OF ENVIRONMENT AND
NATURAL RESOURCES, et
al.,**

Respondents.

X-----X

*For: Issuance of
Environmental Protection
Order (EPO) with Prayer for
Temporary Protection Order
(TEPO) and Issuance of a
Writ of Continuing
Mandamus*

MANIFESTATION and MOTION

Public respondents, through the Office of the Solicitor General (OSG), to this Honorable Court, respectfully state that:

1. On 6 October 2021, the OSG requested for an additional period, or until 8 December 2021, to submit the signed Memorandum of Agreement (MOA) which will be the basis of a Consent Decree to be issued by this Honorable Court.

2. The final draft of the MOA has been routed to the parties and the following have already affixed their signatures:

- a. DENR Region VIII Regional Executive Director Tirso P. Parian, Jr., CESO IV;
- b. EMB Region VIII OIC-Regional Director Reynaldo B. Barra;

- c. MGB Region VIII Regional Director
Carlos A. Tayag, CESE;
- d. Rogelio F. Villahermosa;
- e. Conrada R. Villahermosa;
- f. Zelda V. Ogario; and
- g. Jose G. Fabular

3. Respondents Rodolfo Servacio and Myles Anthony Siao have already assigned their mining concession rights to third parties and asked to be excused from signing the MOA. Meanwhile, respondent Bernardo O. Sanchez could not be located despite earnest and diligent search. However, his mining concession rights have already expired.

4. The procurement of signatures took longer than was originally expected because the public respondents are currently working with a reduced workforce as a COVID-19 preventative measure and they also had to travel to locate some of the signatories.

5. Currently, the MOA is *en route* to Manila for the DENR Secretary's signature. The parties have agreed that after the MOA is signed by the respondents, the MOA will be submitted to this Honorable Court where the petitioners will affix their signatures.

6. Considering the foregoing, the OSG anticipates that the MOA may not be ready for submission on 8 December 2021.

7. Thus, without any intent to further delay the proceedings, the OSG most respectfully moves that the parties be given an additional period, or until 15 January 2022, within which to submit the signed Memorandum of Agreement.

PRAYER

Wherefore, the OSG most respectfully moves that the parties be given an additional period, or until 15 January 2022, within which to submit the signed Memorandum of Agreement.

Other reliefs that are just and equitable under the premises are likewise prayed for.

Respectfully submitted.

Makati City for Hilongos, Leyte, 7 December 2021.

JOSE C. CALIDA

Solicitor General

IBP Lifetime No. 015360 / Roll No. 24852

MCLE Exemption No. VII-OSG000228, 8 November 2019


SHARON E. MILLAN-DECANO

Assistant Solicitor General

IBP Lifetime No. 09132 / Roll No. 50521

MCLE Compliance No. VI-0027842, 18 July 2019


LEANNE MAUREEN S. APOLINAR

State Solicitor

IBP Lifetime No. 013205 / Roll No. 59511

MCLE Compliance No. VI-0019764, 28 March 2019

OFFICE OF THE SOLICITOR GENERAL

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region8@mgb.gov.ph

EXPLANATION

The foregoing ***Manifestation and Motion*** is being filed in court and served to the adverse parties via registered mail pursuant to Section 3, Rule 13 of the Rules of Court, as amended by A.M. No. 19-10-20-SC, and *via* electronic filing to ensure the speedy receipt of the instant pleading.


LEANNE MAUREEN S. APOLINAR
State Solicitor

REPUBLIC OF THE PHILIPPINES

AFFIDAVIT OF SERVICE

(Revised as of April 1992)

I, JOCAS M. NAIDAS, AOI 735- OFFICE OF THE SOLICITOR GENERAL ,
with Office address at 134 Amorsolo St., Legaspi Village Makati City, after being sworn to depose and say:

That on 12/09/2021 I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Manifestation and Motion

In case No. ENVIRONMENTAL CASE, entitled CONCERNED RESIDENTS OF HILONGOS, PROVINCE OF
VS. Sec., DENR, Regional Exec. Dir., DENR Region VIII, Regional Dir., Environmental Management Bureau

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

() By depositing a copy to the party or his/her attorney
on _____ as shown on p _____.

() By leaving a copy in his/her clerk or with a person
having charge thereof on _____ as shown on p _____.

() By delivering a copy to the Court/Tribunal Office on
_____ as shown on p _____.

By Registered Mail To:

() By depositing copy on _____ in the Post
Office at _____ as evidenced by Registry
Receipt(s) No.(s) _____ hereto attached and
indicated after the name (s) of the addressee(s), and
with instruction to the postmaster to return the mail to
the sender after (10) days if undelivered.

ATTY. ALTA FE GRACIA B. REUSSORA

Counsel for Rodolfo Servacio

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, , Philippines

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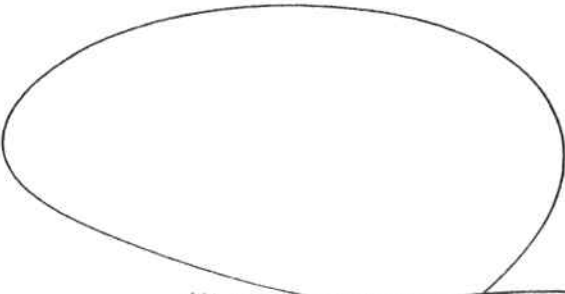
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THE REGIONAL EXECUTIVE DIRECTOR

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JULAS M. NAIDAS, AO
SSIS UMID # 011-1049-0735-4

DEC 09 2021

Makati, Metro Manila, Philippines

(Affiant)

SUBSCRIBED AND SWORN to before me this _____ of _____ at Makati
City, Philippines. Affiant exhibiting to me his _____ issued at Pasay City.



13-011427-0077


SSS CHERYL ANGELINE M. ROQUE-JAVIER

Solicitor, Officer Administering the Oath
Office of the Solicitor General