

REPUBLIC OF THE PHILIPPINES
NATIONAL CAPITAL JUDICIAL REGION
REGIONAL TRIAL COURT
BRANCH 101
QUEZON CITY

EARTH ISLAND INSTITUTE (EII)-
PHILIPPINES, PHILIPPINE ANIMAL
WELFARE SOCIETY, CARA WELFARE
PHILIPPINES, et. al.,
Petitioners,

-versus-

Civil Case No. Q-12-72100

HON. PROCESO ALCALA, et. al.,
Respondents.

X ----- X

VERY URGENT MANIFESTATION AND MOTION

Petitioners, by counsel, unto this Honorable Court, most respectfully state:

1. The event sought to be prevented by the petitioners through the extension of the TEPO has come to pass. Respondents have exported 11 dolphins subject of this Petition from their holding pens in Subic to Singapore. Respondents did not even have the decency to inform the Honorable Court about what that did during the hearing before the Honorable Court last November 19, 2012.

2. On November 19, 2012, no less than respondent RESORTS WORLD SENTOSA announced that the first group of bottlenose dolphins arrived this afternoon at Marine Life Park, where they will be quarantined. A hard copy of the webpage is attached hereto as Annex "A".

3. On the following day, November 20, 2012, the website of the Strait Times, a publication in Singapore, carried a picture of dolphins with the caption: "The dolphins arrived yesterday from the Philippines at RWS', Marine Life Park, where they will be quarantined and introduced slowly to their new home.

The public will be able to see them only next year.- PHOTO: RESORTS WORLD SENTOSA. A hard copy of the webpage is attached hereto as Annex "B".

4. Preliminary verbal reports from petitioners' sources in Subic Bay where the dolphins were kept provided information that respondents had spirited out the animals in two flights, one on November 17, 2012 and the other on November 19, 2012.

5. In other words, even before and while the Honorable Court was conducting a hearing on the Motion for Reconsideration on the TEPO, the respondents had already flown out 11 dolphins from the country in full defiance of the administration of justice in the Philippines. To make matters worse, we stress again that the Respondents did not even have the decency to inform the Honorable Court about that they had already taken out the eleven dolphins before the Honorable Court last November 19, 2012.

6. This makes a mockery of the proceedings in this case and is in brazen and utter contempt of this Honorable Court and the entire administration of justice in the country.

7. Indeed, no better argument is there for the immediate extension of the TEPO than the fact that respondents have already flown out 11 of these animals from the country without even giving the Honorable Court a chance to decide on the pending Motion for Reconsideration.

8. Unless this Honorable Court issues the TEPO immediately, there might not be any dolphins in the country left to be freed from captivity and released to the wild by the end of the month, as respondents have shown that their disrespectful and contemptuous actions in gross disregard for the pending proceedings in this case.

9. Indeed, petitioners' greatest nightmare that this case will be rendered moot and academic unless the TEPO is extended is now halfway through the process of becoming a reality, unless immediately enjoined by this Honorable Court.

10. Respondents should not be allowed to make a complete farce of these proceedings by the simple expedient of completing the re-export of the remaining dolphins in Subic Bay to Singapore.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that this Most Honorable Court immediately order that:

a. The Temporary Environmental Protection Order (TEPO) be extended to prevent the re-export of the remaining dolphins in Subic Bay to Singapore or in the alternative, that the Respondents be ordered to maintain the status quo and not to re-export the remaining dolphins to Singapore while the petitioners' Motion for Reconsideration is being heard; and.

c. The Honorable Court motu proprio initiate indirect contempt charges against those responsible for the re-export of the 11 dolphins based on Section 4 Rule 71 of the Revised Rules on Civil Procedure for "any improper conduct, tending directly or indirectly, to impede, obstruct or to degrade the administration of justice" under Section 3 of the same rule.

Petitioners pray for other reliefs just and equitable under the circumstances.

Quezon City, Metro Manila, 20 November 2012.

By:

AMELITO A. VELASCO
Counsel for the Petitioners
Roll of Attorneys No. 45401, May 3, 2000.
MCLE Compliance III No. 0017007, June 2, 2010.
IBP NO. 858395, Integrated Bar of the Philippines National Office
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NOTICE OF HEARING

The Branch Clerk
Regional Trial Court
Branch 101

The Office of the Solicitor General
134 Amorsolo Street, Legaspi
Village, Makati City

Cruz Enverga and Lucero
25th Floor Cityland 10 Tower 1
6815 Ayala Avenue North
Salcedo Village, Makati City

Kindly take notice that the undersigned will submit the foregoing for the consideration and the approval of the Honorable Court on November 26, 2012, Monday at 8:30 am.

Amelito A. Velasco

Copies Furnished:
(By personal service)

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