

**REPUBLIC OF THE PHILIPPINES
COMMISSION ON HUMAN RIGHTS
DILIMAN, QUEZON CITY**

**IN RE: NATIONAL INQUIRY
ON THE IMPACT OF
CLIMATE CHANGE ON THE
HUMAN RIGHTS OF THE
FILIPINO PEOPLE.**

CHR-NI-2016-001

X-----X

**SPECIAL APPEARANCE AND REJOINDER
(to Consolidated Reply dated 10 February 2017)**

Repsol, S.A. ("Repsol"), and Repsol Oil & Gas Canada Inc. (formerly Talisman Energy Inc.) ("Repsol Oil & Gas"), through counsel, by *SPECIAL APPEARANCE* for the sole purpose of questioning and objecting to the Honorable Commission's jurisdiction over their persons and moving to dismiss the Petition dated 9 May 2016, respectfully submit this *Rejoinder*¹ to Petitioners² "Consolidated Reply" dated 10 February 2017 ("Consolidated Reply"), as follows:

1. This Rejoinder is filed only as a measure of extreme caution and is not a submission, either expressly or impliedly, to the Honorable Commission's jurisdiction. The filing of this Reply should not be construed as a waiver of any of Repsol's / Repsol Oil & Gas' defenses and objections in their "Special Appearance and Motion to Dismiss" dated 22 September 2016 ("Motion to Dismiss").

2. Considering that the Consolidated Reply refers to and deals with the pleadings filed by all of the respondents in this case, Repsol / Repsol Oil & Gas will only respond to the arguments and allegations that are relevant to them and their Motion to Dismiss.

3. In particular, Repsol / Repsol Oil & Gas responds that the following arguments of Petitioners are without merit or baseless:

- a. Petitioners contend that the present proceedings before the Honorable Commission are investigative in character, and therefore, the requirement of acquiring jurisdiction over the

¹ In the Honorable Commission's Notice dated 16 March 2017, all respondents, including Repsol, were given until 5 May 2017 within which to file their respective responses to Petitioners' Consolidated Reply.

² Greenpeace Southeast Asia (Philippines), Philippine Rural Reconstruction Movement (PRRM), Dakila (Philippine Collective for Modern Heroism), Sentro ng mga Nagkakaisa at Progresibong Mangagawa or SENTRO, Mother Earth Foundation, Ecowaste Coalition, NIUGAN or The Nagkakaisang Ugnayan ng mga Magsasaka at Manggagawa sa Niyugan, Philippine Human Rights Information Center, Asia Pacific Movement

persons of the respondents in judicial proceedings do not apply here.³ As Repsol / Repsol Oil & Gas explain in paragraphs 4 to 5.4 below, Petitioners ignore the Honorable Commission's own requirement in the Commission on Human Rights Rules ("CHR Rules") that respondents be afforded due process and the incorporation of the Rules of Court into the CHR Rules that require the same.

- b. Petitioners contend that the Honorable Commission has the authority to investigate businesses, regardless of where they are registered/domiciled or doing/transacting business in the Philippines based on a number of international or foreign legal theories that have no precedential value and do not trump the clear due process requirement of the laws of the Philippines that apply to the Honorable Commission:
 - i. Petitioners argue that the Honorable Commission must adopt the enterprise theory of corporate personhood enshrined in the OECD Guidelines for Multinational Enterprises.⁴ As explained by Repsol / Repsol Oil & Gas in paragraphs 7.1 to 7.1.4, the OECD Guidelines by their terms are unenforceable, and there is no subsidiary in the Philippines for the Honorable Commission to extend the enterprise theory of liability in the first instance.
 - ii. The Petitioners argue that the Honorable Commission has the authority to investigate respondents based on the *territoriality principle* as discussed in the *S.S. Lotus Case* (1927 P.C.I.J. [Sec. A] No. 10).⁵ However, as explained in paragraphs 7.2 to 7.2.3, the *territoriality principle* does not relieve Petitioners of having to acquire jurisdiction over Repsol / Repsol Oil & Gas pursuant to due process in the first instance.
 - iii. Petitioners contend that the Honorable Commission may assert jurisdiction over the respondents based on the *effects doctrine*.⁶ But, as discussed in paragraphs 7.2 to 7.2.3, the effects doctrine is a controversial and limited doctrine and there is no basis to apply it to this case.
 - iv. Petitioners next contend that the authority to exercise jurisdiction over the respondents is bolstered by the *no harm principle*, established by the *Trail Smelter Arbitration* (U.S. vs. Canada, [1938, 1941] RIAA iii).⁷ The holding is limited because it involves two states and

³ Consolidated Reply, pp. 9-14.

not a corporate or private individual and Petitioners have not alleged a clear and convincing link to Petitioners' injuries.

- v. Petitioners assert that the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights ("Maastricht Principles") support the Honorable Commission's authority to conduct the investigation.⁸ However, as explained in paragraphs 7.4 to 7.4.5, the Maastricht Principles are not legally binding on the Philippines because, like many of the other provisions relied on by Petitioners, they are not a treaty nor an international agreement that has been transformed into domestic law.

- c. Finally, Petitioners argue that, under the *doctrine of necessity* elucidated in the case of *Van Breda v. Village Resorts Limited* (98 OR [3d] 721 [2010]), the Honorable Commission may accept a complaint where there is no feasible alternative human rights forum in other countries, or where the petitioners may be reasonably expected to bring the action.⁹ As set forth in paragraphs 8.1 to 8.4, Petitioners' arguments that it is impractical for them to bring actions in the home States of the respondent Carbon Majors falls far short of the "no feasible alternative" requirement.

As discussed below, these arguments are misleading and incorrect.

4. Petitioners' claim that the Honorable Commission does not need to acquire jurisdiction over the persons of the respondents, due to the allegedly "investigatory character" of the present proceeding -- is incorrect and belied by the CHR Rules and Petitioners' request for relief from the Honorable Commission that would impose substantial requirements and burdens on Repsol and Repsol Oil & Gas.

4.1. Section 12, Rule 4 (regarding "Investigation and Monitoring of Human Rights Violations Involving Civil and Political Rights") and Section 4, Rule 5 (regarding "Investigation and Monitoring Economic, Social and Cultural Rights Situation") of the CHR Rules -- which provide the procedure for "investigations" -- both require the service of summons on the respondents, thus:

**"Rule 4
INVESTIGATION AND MONITORING OF HUMAN
RIGHTS VIOLATIONS INVOLVING CIVIL AND
POLITICAL RIGHTS**

Section 12. Service of processes to parties, resource persons.-- The service of invitations, orders, subpoena, or summons to the parties, shall be done by personal service or by registered mail.

The party shall be identified as a respondent when the person is named/identified as such in the complaint or in the course of investigation. Resource persons shall also be summoned to the investigation, to shed light on the facts surrounding the investigation." (Underscoring and italics supplied.)

**"Rule 5
INVESTIGATION AND MONITORING OF ECONOMIC,
SOCIAL AND CULTURAL RIGHTS SITUATION**

x x x

Section 4. Applicability of the rules on investigation, conduct of public inquiry on violations of civil and political rights.—Whenever applicable, Rule 4 on the Investigation and Monitoring of Human Rights Violations Involving Civil and Political Rights and Rule 7 on Procedures In the Conduct of Public Inquiry shall apply in the investigation and monitoring of economic, social and cultural rights violations and/or situation of the underprivileged and other vulnerable or marginalized sectors of society. Provided, however, that all stakeholders and civil society groups concerned shall be given the opportunity to engage in the process." (Underscoring supplied)

4.2. Similarly, Section 22, Rule 7 of the CHR Rules (regarding the procedure in the conduct of public inquiries) provides that the Rules of Court -- which strictly requires the service of summons on the defendant / respondent -- shall apply in a suppletory character, thus:

**"RULE 7
PROCEDURES IN THE CONDUCT
OF PUBLIC INQUIRY**

x x x

"Section 22. Applicability of the Rules of Court.—In all matters of procedure not covered by the foregoing rules, the provisions of the Revised Rules of Court shall apply in a suppletory character."

4.2.1. Rule 14, Section 1 of the Rules of Court clearly requires summons to be issued in order for the court to acquire jurisdiction over the person of the defendant, thus:

"Section 1. *Clerk to issue summons.* Upon the filing of the complaint and the payment of the requisite legal fees, the

4.2.2. Jurisdiction over the person of the defendant is mandatory under the Rules of Court such that a Complaint may be dismissed if the same is absent. In this regard, Rule 16, Section of the Rules of Court provides:

"Section 1. *Grounds*. — Within the time for but before filing the answer to the complaint or pleading asserting a claim, a motion to dismiss may be made on any of the following grounds:

(a) That the court has no jurisdiction over the person of the defending party;

x x x"

4.3. Based on the foregoing, it is clear that the CHR Rules itself require that the Honorable Commission must acquire jurisdiction over the person of the defendant / respondent even in "investigations" or "public inquiries".

5. Petitioner's argument that "due process" under Rule 7 Section 10(a) of the CHR Rules merely requires that the respondent be given the opportunity to be heard, is erroneous.¹⁰

5.1. By claiming that respondents only need to be given the opportunity to be heard, Petitioners are creating a false distinction between due process, e.g. the opportunity to be heard, and jurisdiction. However, these two concepts are inextricably linked. Even in administrative proceedings, due process has been recognized to include "a tribunal vested with **competent jurisdiction** and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality."¹¹ Thus, **due process cannot exist if the tribunal has not acquired "competent jurisdiction" over the defendant / respondent.**

5.2. When the framers of the Constitution used the term "authority" instead of "jurisdiction" in defining the mandate of the Honorable Commission in Section 19 of Article XIII of the Constitution,¹² this was merely to distinguish between (a) the "jurisdiction of the regional trial courts [and] the municipal courts." i.e. the cases which should be heard by such courts; and (b) the "scope of the work of the commission", i.e. the investigation of human rights violations.¹³ Nowhere does it appear in the Constitutional deliberations that the Honorable Commission does not need to acquire "jurisdiction" over a defendant or respondent.

¹⁰ Consolidated Reply, pp. 10-12.

¹¹ *Fabella vs. Court of Appeals*, G.R. No. 110379, 28 November 1997; emphasis and underscoring supplied.

¹²

5.3. It bears stressing that the question of jurisdiction is always fundamental¹⁴ and any decision rendered without jurisdiction is void.¹⁵ In *Manotoc v. Court of Appeals*¹⁶, the Supreme Court ruled that: "[j]urisdiction over the defendant is acquired either upon a valid service of summons or the defendant's voluntary appearance in court. **When the defendant does not voluntarily submit to the court's jurisdiction or when there is no valid service of summons, 'any judgment of the court which has no jurisdiction over the person of the defendant is null and void'.**"

5.4. Petitioners' suggestion that the "investigatory character" of the proceeding does not merit judicial due process because it is somehow less than a judicial proceeding, is belied by Petitioners' information request to Respondents and the relief they seek from the Honorable Commission. Petitioners are seeking what amounts to substantial discovery from Respondents similar to a judicial proceeding and have asked the Honorable Commission to request it from Petitioners.¹⁷ Petitioners further are asking the Honorable Commission to "issue a finding on the responsibility of the [Respondents] for human rights threats and/or violations." Petitioners' request have all the trapping of a judicial inquiry and Respondents must be afforded due process as required by the CHR Rules and Rules of Court.

6. Petitioners' argument that the Honorable Commission has the authority to investigate businesses regardless of where they are registered/domiciled or transacting businesses, if it is believed that human rights harms are occurring in the Philippines¹⁸ -- is fundamentally flawed.

6.1. Petitioners' have not cited any legal basis to support their argument -- clearly because there is none. Contrary to Petitioners' contention, the prevailing doctrine in this jurisdiction is that for a court, tribunal or agency to acquire jurisdiction over a foreign corporation, the foreign corporation must either be: [i] licensed to do business in the Philippines; or [ii] doing business in the Philippines without a license but the fact of "doing business" must be "established by appropriate allegations" in the complaint or initiatory pleading.

6.2. Petitioners' empty claim "that human rights harms are occurring in the Philippines," and that the same may confer jurisdiction upon the Honorable Commission is unjustified.

¹⁴ *Director of Lands v. Court of Appeals*, 102 SCRA 370, 434 (1981).

¹⁵ *Arcelona, et al. v. Court of Appeals, et al.*, G.R. No. 102900, 2 October 1997; *Veneracion, et al. v. Mancilla, et al.*, G.R. No. 158238, 20 July 2006; *Galicia, et al. v. Manriquez, et al.*, G.R. No. 155785, 13 April 2007;

6.3. In addition, Petitioners have not shown any eventual link between the alleged human rights harms occurring in the Philippines and the business of Repsol / Repsol Oil & Gas.

7. Petitioners' reliance on the various international law theories / principles to confer jurisdiction on the Honorable Commission, is misplaced. Repeated references to sources such as the United Nations Report of the International Law Commission addressing the development of extraterritorial jurisdiction in the context of criminal and commercial law have little bearing on the Honorable Commission's exercise of jurisdiction here.¹⁹

7.1. Petitioners cannot rely on the "enterprise theory of corporate personhood", allegedly enshrined in the OECD Guidelines for Multinational Enterprises ("OECD Guidelines").

7.1.1. As a threshold matter, the OECD Guidelines by their terms are voluntary principles and are not enforceable:

"The Guidelines are recommendations jointly addressed by governments to multinational enterprises. They provide principles and standards of good practice consistent with applicable laws. Observance of the Guidelines by enterprises is voluntary and not legally enforceable."²⁰

Thus, the Guidelines do not provide a basis for this Honorable Commission to exert jurisdiction over corporations.

7.1.2. The "enterprise theory of corporate personhood", which according to Petitioners, "is useful in assessing the activities of a corporate unit, as opposed to the activities of parent entities and subsidiaries as separate legal entities"²¹ has not been applied by the Supreme Court in the Philippines.

7.1.3. In any case, the "enterprise theory" is irrelevant and inapplicable to Repsol / Repsol Oil & Gas, as Petitioners have not alleged, much less shown, that any subsidiary of Repsol / Repsol Oil & Gas does business in the Philippines or has otherwise acted in a manner that would provide for jurisdiction in the Philippines. Thus, it would be improper for this Honorable Commission even to consider extending liability to the enterprise as a whole where there is no jurisdiction over a subsidiary.

7.1.4. There is no legal precedent for the Honorable Commission, to substantively enforce the voluntary OECD Guidelines or use them to justify jurisdiction over corporate

parties and parent companies, especially where no Repsol or Repsol Oil & Gas subsidiary operates in the Philippines.

7.2. The territoriality principle and effects doctrine as enunciated in the *S.S. Lotus Case* (1927 P.C.I.J. [Sec. A] No. 10),²² are inapplicable here.

7.2.1. In the *S.S. Lotus Case*, there was no issue as to the jurisdiction over the person of the defendant/accused.²³ This is different from the present case, where Repsol / Repsol Oil & Gas have objected to the jurisdiction of the Honorable Commission over their person.

7.2.2. Even assuming *arguendo* that a State may exercise jurisdiction over certain acts that produce proven/real effects within its territory, even if committed abroad, this does not do away with the requirement of obtaining jurisdiction over the person of the defendant/respondent.

7.2.3. Besides, it must be noted that the extraterritorial reach of a country's laws on the basis of the "effects doctrine" is controversial, because there is no settled consensus on when the same should or should not be applied and its typical application is limited to antitrust and other commercial cases.²⁴

7.2.4. Rather, the exercise of extraterritorial jurisdiction over the issues of climate change, as Petitioners suggest, would be contrary to the practice of the international community.

In the Report of the United Nations Special Rapporteur On The Issue Of Human Rights Obligations Relating To The Enjoyment Of A Safe, Clean, Healthy and Sustainable Environment, he stated that it would be of "limited usefulness" to attempt to describe the extraterritorial human rights obligations of every State in relation to climate change. The international community has **not** attempted to address climate change "as a set of simultaneously occurring transboundary harms that should be addressed by each State trying to take into account its individual contribution to the effects of climate change in every other State in the world." The practical obstacles to such an undertaking are daunting and States have instead consistently treated climate change as a global problem

²² Consolidated Reply, pp. 31-33.

²³ See p. 11 of the Decision, available at http://www.icj-cij.org/pcij/serie_A/A_10/30_Lotus_Arret.pdf.

²⁴ See Boczek, Boleslaw A., *International Law A Dictionary*, p. 82. Examples of the exercise of extraterritorial jurisdiction which have been subject of diplomatic protests and protective measures by numerous countries are, the tightening of anti-Cuban sanctions by the US Cuban Liberty and Democratic

that requires a global response, which is in accord with and an application of the duty of international cooperation, thus:

"41. A possible response is to treat climate change as a matter of extraterritoriality — that is, to conclude that it implicates the obligation of each State to protect the human rights of those outside, as well as those within, its own jurisdiction. The Special Rapporteur is aware that the question of extraterritorial human rights obligations has been controversial in other contexts. **However, he believes that attempting to describe the extraterritorial human rights obligations of every State in relation to climate change would be of limited usefulness even apart from its potential for controversy. In the human rights context, climate change is probably not best understood as a set of simultaneously occurring transboundary harms that should be addressed by each State trying to take into account its individual contribution to the effects of climate change in every other State in the world. The practical obstacles to such an undertaking are daunting, and it is instructive that the international community has not attempted to address climate change in this way.**

42. Instead, from the creation of the Intergovernmental Panel on Climate Change in 1988, through the adoption of the United Nations Framework Convention on Climate Change in 1992, to the negotiation of the Paris Agreement in 2015, **States have consistently treated climate change as a global problem that requires a global response. This approach not only makes the most practical sense. It is also in accord with, and can be seen as an application of, the duty of international cooperation.**

43. The duty of international cooperation has support in the general practice of States and, more specifically, in the Charter of the United Nations. x x x"²⁵ (Emphasis supplied)

7.3. Petitioners' reliance in the *Trail Smelter Arbitration*,²⁶ is misplaced.

7.3.1. In the *Trail Smelter Arbitration*, the arbitral tribunal held that Canada was liable for the damage that the trail smelter caused by emission of fumes on the territory of the neighboring state of Washington, U.S.A., because Canada had a duty to insure that the smelter's activities conform to the obligations that international law places on each state relating to neighbor countries.²⁷

²⁵ Available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A%20HRC%2031%205>

7.3.2. Thus, the obligation to prevent trans-boundary harm and resulting liability for breach of that obligation, is placed on the State itself. This does not support Petitioners claims against private parties, such as Repsol / Repsol Oil & Gas.

7.3.3. More, in the *Trail Smelter Arbitration*, the arbitral tribunal held that:

"The Tribunal, therefore, finds that the above decisions, taken as a whole, constitute an adequate basis for its conclusions, namely, that, under the principles of international law, as well as of the law of the United States, no State has the right to use or permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties or persons therein, when the case is of serious consequence and the injury is established by clear and convincing evidence."²⁸

7.3.4. Thus, in order for a State to be responsible for injurious activities, the same must be "of serious consequence" and the injury must be "established by clear and convincing evidence."

7.3.5. None of the foregoing have been shown by Petitioners. In fact, Petitioners have even admitted in their Consolidated Reply that "[w]hile extreme weather events do not have a single cause, there are various contributing factors."²⁹ As such, Petitioners have no basis to claim that Repsol / Repsol Oil & Gas have caused the alleged injuries to Plaintiffs "by clear and convincing evidence".

7.4. Contrary to Petitioners' contention, the Maastricht Principles are not binding on the Philippines, as explained in 7.4.4.³⁰

7.4.1. Under the 1987 Constitution, international law can become part of domestic law either by transformation or incorporation.³¹

7.4.2. The transformation method requires that a treaty or an international agreement must be transformed into a domestic law through a local legislation (Article VII, Section 21 of the 1987 Constitution³²).

²⁸ See p. 1965 of the Award, available at [https://www.ilsa.org/jessup/jessup17/Batch%202/Trail%20smelter%20case%20\(United%20States,%20Canada\).pdf](https://www.ilsa.org/jessup/jessup17/Batch%202/Trail%20smelter%20case%20(United%20States,%20Canada).pdf).

²⁹ Consolidated Reply, p. 4.

³⁰ Consolidated Reply, pp. 35-36.

³¹

7.4.3. The incorporation method applies when, by constitutional declaration, international law is deemed to have the force of domestic law. For instance, Section 2, Article II of the 1987 Constitution³³ provides that the Philippines adopts the generally accepted principles of international law as part of the law of the land.

7.4.4. The Maastricht Principles are not legally binding on the Philippines, because they are neither a treaty nor an international agreement, which may be transformed into a domestic law. Nor are they accepted principles of international law, which may be deemed to be incorporated under Philippine law. At most, the Maastricht Principles are just opinions,³⁴ which cannot be a source of obligations.

7.4.5. The opinions that conform the Maastricht principles are directed only at state parties (i.e., the Philippines) and not private corporations, such as Repsol / Repsol Oil & Gas.³⁵

7.4.6. In any event, Principles 3,4, 25, and 37, cited by the Petitioners only require states to "adopt and enforce measures to protect economic, social and cultural rights" and to "ensure the enjoyment of the right to a prompt, accessible and effective remedy before an independent authority x x x for violations of economic, social, and cultural rights." They do not permit a State to disregard the basic requirements of jurisdiction and due process by requiring participation, information disclosure and adjudication of foreign corporations that have no jurisdictional connection to the Philippines.

8. Petitioners contend that the Honorable Commission may exercise its jurisdiction pursuant to the *doctrine of necessity* elucidated in the case of *Van Breda v. Village Resorts Limited*, (98 OR [3d] 721 [2010]). According to Petitioners, the commission on human rights of a country may accept a complaint where there is no feasible alternative human rights forum in other countries, or where the Petitioners may be reasonably expected to bring the action.

Petitioners cannot have their cake and eat it too.

³³ " The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

³⁴ This is because the Maastricht Principles were the result of the convention of a group of experts in international law and human rights, as it is clarified in its Annex " *The Principles were adopted by the experts in their individual capacity. Organisations are listed with the names of experts for the purpose of*

8.1. In the *Van Breda Case*, the doctrine of necessity was invoked only in relation to the exercise by a **court** of its jurisdiction. In invoking this doctrine, **Petitioners are clearly contradicting their argument that the Honorable Commission is not a court and therefore cannot be bound by the rules on jurisdiction.**

8.2. In any event, the forum of necessity doctrine is inapplicable here, because it is reserved for exceptional cases. In *Van Breda*, the Ontario Court of Appeals explained:

"[100] The post-Muscutt emergence of the forum of necessity doctrine has a direct bearing on this issue. The forum of necessity doctrine recognizes that there will be exceptional cases where, despite the absence of a real and substantial connection, the need to ensure access to justice will justify the assumption of jurisdiction. The forum of necessity doctrine does not redefine real and substantial connection to embrace "forum of last resort" cases; it operates as an exception to the real and substantial connection test. Where there is no other forum in which the plaintiff can reasonably seek relief, there is a residual discretion to assume jurisdiction. In my view, the overriding concern for access to justice that motivates the assumption of jurisdiction despite inadequate connection with the forum should be accommodated by explicit recognition of the forum of necessity exception rather than by distorting the real and substantial connection test."³⁶

8.3. Following *Van Breda*, the Ontario Court of Appeals revisited and defined the parameters of the forum of necessity in the case of *West Van Inc. v. Daisley*, 2014 ONCA 232, as follows:

"[40] As Sharpe J.A. made clear in *Van Breda*, the forum of necessity is reserved for exceptional cases. LeBel J.A. explained in *Lamborghini* that the "reasonableness" requirement is very stringently construed. The examples of the exceptional reasons why a proceeding could not be reasonably required in a foreign jurisdiction that he provided, while not exhaustive, are illustrative: "the breakdown of diplomatic or commercial relations with a foreign State, the need to protect a political refugee, or the existence of a serious physical threat if the debate were to be undertaken before the foreign court."[5] It is this type of claim that prompted this court to recognize the forum of necessity: see *Van Breda*, at para. 54. The doctrine is designed for cases like *Bouzari v. Bahremani*, which are very different from the case at hand."³⁷
(Underscoring supplied)

8.4. Clearly, the alleged reasons put forward by Petitioners for filing the present case with the Honorable Commission, i.e., the "impracticality" of having to file suit in multiple foreign jurisdictions, which would allegedly impose an extreme financial and technical

burden on them -- do not constitute "exceptional reasons" pursuant to the above criteria.

PRAYER

WHEREFORE, it is respectfully prayed that the Honorable Commission dismiss the Petition as against Repsol / Repsol Oil & Gas for lack of jurisdiction.

Taguig City for Quezon City, 4 May 2017.


QUISUMBING TORRES

12/F Net One Center
26th Street corner 3rd Avenue
Crescent Park West, Bonifacio Global City
Taguig City, Metro Manila
Telephone: +632 819-4700
Facsimile: +632 816-0080

By: 

MIGUEL ANTONIO H. GALVEZ

Roll of Attorney No. 47523
IBP Lifetime No. 05069; 01/10/05; Makati
PTR No. A-3255400; 01/03/17; Taguig City
MCLE Compliance No. V-0020141; 04/25/16

And by: 

MARVIN V. MASANGKAY

Roll of Attorney No. 52354
IBP Lifetime No. 06276; 01/09/07; RSM
PTR No. A- 3255428; 01/03/17; Taguig City
MCLE Compliance No. V-0020152; 04/25/16

And by: 

CAMILLE BIANCA M. GATMAITAN

Roll of Attorney No. 59772
IBP Lifetime No. 010566; 02/03/12; PPLM
PTR No. A- 3255420; 01/03/17; Taguig City
MCLE Compliance No. V-0020153; 04/25/16

Copy Furnished:

Atty. Zeldania DT Soriano
Atty. Hasminah D. Paudac
Co-Counsel / Co- Legal Representative
for Petitioners
Greenpeace Southeast Asia (Philippines)
Rooms 301-302 JGS Building
No. 30 Sct. Tuason, Brgy. Laging Handa
Diliman, Quezon City 1103

BY HAND

Atty. Grizelda Mayo-Anda
Co-Counsel / Co- Legal Representative
for Petitioners
Environmental Legal Assistance Center
Carlos Sayang Compound, Mitra Road
Brgy. Sta. Monica, Puerto Princesa City, Palawan

BY REG. MAIL

EXPLANATION

Due to distance, number of parties and lack of messengers, personal filing and service on the other parties are not practicable; thus, this pleading/motion/filing is served on the other parties by registered mail.


CAMILLE BIANCA M. GATMAITAN

REPUBLIC OF THE PHILIPPINES)
TAGUIG, METRO MANILA) S.S.

AFFIDAVIT OF SERVICE

I, ALFREDO YUMUL, with office address at 12th Floor, Net One Center, 26th Street, corner 3rd Avenue, Crescent Park West, Bonifacio Global City, Taguig, Metro Manila, after being sworn in accordance with law, hereby depose and state:

That on 4 May 2017, I served a copy of the following pleading:

SPECIAL APPEARANCE AND REJOINDER
(to Consolidated Reply dated 10 February 2017)

in Commission on Human Rights, Diliman, Quezon City, entitled "In Re: National Inquiry on the Impact of Climate Change on the Human Rights of the Filipino People", CHR-NI-2016-001, by registered mail, pursuant to Sections 3, 5, 7 and 13, Rule 13 of the Rules of Court., by depositing them with the post office, in a sealed envelope, plainly addressed to the party or his attorney at his office/residence with postage fully prepaid, as evidenced by the registry receipts, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

That the addresses are the following:

Atty. Zeldania DT Soriano
Atty. Hasminah D. Paudac
Co-Counsel / Co- Legal Representative
for Petitioners
Greenpeace Southeast Asia (Philippines)
Rooms 301-302 JGS Building
No. 30 Sct. Tuason, Brgy. Laging Handa
Diliman, Quezon City 1103

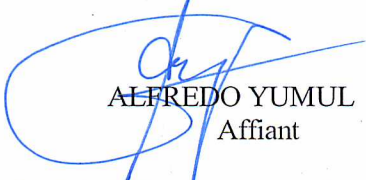
BY HAND

Atty. Grizelda Mayo-Anda
Co-Counsel / Co- Legal Representative
for Petitioners
Environmental Legal Assistance Center
Carlos Sayang Compound, Mitra Road
Brgy. Sta. Monica, Puerto Princesa City, Palawan

BY REG. MAIL

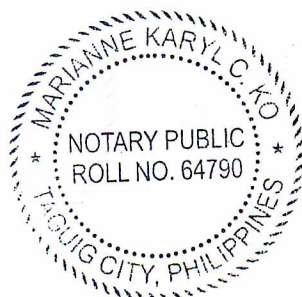
That on 4 May 2017 the pleading itself mentioned above is being filed with the Honorable Commission and is served on the other parties by registered mail.


Taguig, Metro Manila, 4 May 2017.


ALFREDO YUMUL
Affiant

SUBSCRIBED AND SWORN to before me by ALFREDO YUMUL, is personally known to me to be the same person who presented the foregoing instrument and signed the instrument in my presence, this 4TH May 2017, at Taguig City, Philippines, affiant exhibiting to me his SSS ID No. 03-6955362-5.

Doc. No. 65 ;
Page No. 14 ;
Book No. 11 ;
Series of 2017.




MARIANNE KARYL C. KO
Notary Public for Taguig City
Appointment No: 52 valid until 31 December 2017
12th Floor, Net One Center 26th Street corner 3rd Ave.
Crescent Park West, Bonifacio Global City Taguig City
Roll of Attorney No: 64790
IBP Lifetime No. 16U7064; 4-14-2015; Makati
PTR No. A-3255423; 01/03/17; Taguig City
MCLE Compliance No. V-0026142; 04-26-2016