



HINATUAN MINING

1 June 2021

We write in response to your letter of 28 May 2021 via email to our Mr. Antonio Resuera, Jr..

The Rules of Procedure for Environmental Cases issued by the Philippine Supreme Court (A.M. No. 09-6-8-SC) defines a strategic lawsuit against public participation (SLAPP) as "a legal action filed to harass, vex, exert undue pressure or stifle any legal recourse that any person, institution or the government has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights". The libel case filed by HMC against PMPI, which is still pending before the Philippine courts, does not fall under the definition of a SLAPP as it was filed in response to an article published on PMPI's website on 24 June 2015, directly imputing, among others, that a barge operated by HMC "intentionally ran over boats" manned by mining protestors, which is not true based on video evidence and eyewitness testimonies. To be clear, despite encountering many anti-mining protests over the years, HMC has never filed any case against any of them as they never imputed any crime on HMC, unlike PMPI. Furthermore, this case cannot be considered a SLAPP as it was filed in good faith and without any intent "to harass, vex, exert undue pressure or stifle". Lastly, to HMC's knowledge, PMPI has not taken any legal action against HMC to enforce environmental laws, to protect the environment, or to assert environmental rights.