

# COVER SHEET

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SEC Registration Number

S	E	M	I	R	A	R	A	M	I	N	I	N	G	A	N	D	P	O	W	E	R
C O R P O R A T I O N																					

(Company's Full Name)

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(Business Address: No. Street City/Town/Province)

<b>John R. Sadullo</b> (Contact Person)
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<b>(632) 888-3000/3055</b> (Company Telephone Number)
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1 2	3 1
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(Fiscal Year)

1 7 - C
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(Form Type)

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Month Day  
(Annual Meeting)

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(Secondary License Type, If Applicable)

<b>Corporate Finance Dept.</b> Dept. Requiring this Doc.
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Amended Articles Number/Section
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Total No. of Stockholders
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Total Amount of Borrowings	
Domestic	Foreign

To be accomplished by SEC Personnel concerned

File Number
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\_\_\_\_\_ LCU

Document ID
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\_\_\_\_\_ Cashier

S T A M P S
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SECURITIES AND EXCHANGE COMMISSION

SEC FORM 17-C  
CURRENT REPORT UNDER SECTION 17  
OF THE SECURITIES REGULATION CODE  
AND SRC RULE 17.2(c) THEREUNDER

1. July 14, 2016  
Date of Report
2. SEC Identification No.: 91447
3. BIR Tax Identification No.: 000-190-324-000
4. SEMIRARA MINING AND POWER CORPORATION  
Exact name of issuer as specified in its charter
5. Philippines  
Province, country or other jurisdiction of incorporation
6.  (SEC Use Only)  
Industry Classification Code:
7. 2/F, DMCI Plaza, 2281 Chino Roces Avenue, Makati City  
Address of principal office
- Postal Code: 1231
8. (632) 888-3000/3055 Fax No. (632) 888-3955  
Issuer's telephone number, including area code
9. Semirara Mining Corporation  
Former name or former address, if changed since last report
10. Securities registered pursuant to Sections 8 and 12 of the SRC or Sections 4 and 8 of the RSA  

<u>Title of Each Class</u>	<u>Number of Shares of Common Stock</u> <u>(Outstanding)</u>
<b>Common Shares</b>	<b>1,068,750,000</b>
11. Indicate the item numbers reported herein: **Item 5.**

As a background, this indirect contempt case is an off-shoot of the main case docketed as "*HGL Development Corporation vs. Semirara Mining Corporation (Civil Case No. C-146, RTC-Culasi, Antique, Branch 13)*," which is a case for recovery of possession of a parcel of land covering 367 hectares subject of the Forest Land Grazing Lease Agreement No. 184 issued by the DENR in favor of HGL Development Corporation (HGL) in Semirara Island, Antique with prayer for preliminary mandatory injunction.

The RTC-Antique in its Resolution dated September 16, 2004 resolved to grant in favor HGL the writ of preliminary mandatory injunction. The Writ was issued on October 6, 2004 after HGL posted bond. The issuance of the Writ was sustained by Court of Appeals-Cebu (CA-GR CEB SP No. 00035) on January 31, 2005. The case was elevated by Semirara Mining before the Supreme Court (SC GR No. 166854) and a TRO issued in favor of Semirara Mining on March 2, 2005. However, the Supreme Court on December 6, 2006 eventually denied Semirara Mining's Petition and lifted the TRO. Semirara Mining then filed a Motion for Reconsideration and Supplemental Motion for Reconsideration which were both denied with finality by the Supreme Court on February 14, 2007 and became final and executory on March 13, 2007.

On the basis of the denial of Semirara Mining's Petition, HGL filed a Motion to Execute the RTC-Antique's order for preliminary mandatory injunction. The Supreme Court remanded case to RTC-Antique for further proceedings. On March 26, 2007 Semirara Mining filed a Motion to Recall or Lift the October 6, 2004 Writ of Preliminary Mandatory Injunction and/or a Motion to Dismiss before the RTC-Antique seeking, among others, the dismissal of the case based on Forum

Shopping, which RTC-Antique granted with prejudice on July 18, 2007. HGL's Motion for Reconsideration was denied by RTC-Antique on November 20, 2007.

HGL did not appeal the case. However, it subsequently filed on February 6, 2008 a Petition for Indirect Contempt/Petition for Certiorari (*"HGL Development Corporation, represented by its President, Henry G. Lim, Petitioner vs. Hon. Rafael L. Penuela, in his capacity as Presiding Judge of RTC-Culasi, Antique, Branch 13, and Semirara Coal Corporation (now Semirara Mining and Power Corporation), Respondents, SC G.R. No. 181353"*).

HGL alleged, among others, that the dismissal of the RTC-Antique case constitutes indirect contempt as HGL was not able to implement the Supreme Court's decision dated December 6, 2006 and Resolution dated February 14, 2007, as RTC-Antique dismissed the main case on the ground of forum shopping.

Today, we received a copy of the Decision of the Supreme Court dated June 6, 2016 in the Indirect Contempt case. The Supreme Court ruled as follows:

1. That "[t]he Petition for Indirect Contempt is completely baseless." Semirara Mining in repetitively raising the issue of forum shopping through various motions and petitions and at different stages of Civil Case No. C-146, was tenacious, at worst, but not contumacious. Judge Penuela, for his part, acted in his official capacity and within the jurisdiction of his court when he issued the Orders dated July 18, 2007 and November 20, 2007. Although Judge Penuela erred in his finding that HGL committed forum shopping and in dismissing with prejudice Civil Case No. C-146 on the basis thereof, he merely made an error of judgment that was subject to appeal, and he did not in any way disobey or disrespect the Court for which he may be cited for indirect contempt.
2. Decision of RTC-Culasi in dismissing the case (Civil Case No. C-146) on the ground of forum shopping was a valid decision albeit erroneous. HGL instead of filing an appeal under Rule 41 to the Court of Appeals sought the remedy of a Petition for Indirect Contempt and in the alternative Certiorari under Rule 65. HGL likewise filed this petition two days beyond the allowed reglementary period under the Rules of Court.
3. Despite the defects of the Petition filed by HGL, the Court partly grants the same in the interest of substantive justice and equity. Thus it ruled:

"WHEREFORE, in consideration of the extraordinary circumstances and the interest of substantive justice and equity, the Court hereby partially grants the instant Petition. The Court reinstates Civil Case No. C-146 and remands it to the Regional Trial Court, Branch 13, of Culasi, Antique, for the specific purpose of hearing and determining the damages to be awarded to HGL for the non-enforcement of the Writ of Preliminary Mandatory Injunction dated October 6, 2004."

Semirara Mining shall advise the Commission and the Exchange on further developments of the case.

#### SIGNATURES

Pursuant to the requirements of the Securities Regulation Code, the issuer has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

Issuer : Semirara Mining and Power Corporation

Signature and Title :   
**JOHN R. SADULLO**  
VP Legal & Corporate Secretary

Date : July 14, 2016