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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

6.

1. September 28, 2023

Date of Report

2. SEC Identification No.: 0000091447 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

(SEC Use Only)
Industry Classification Code:

7. 2/F DMCI Plaza, 2281 Chino Roces Avenue, Makati City

1231 Postal Code

Address of principal office

8. **(632) 8888-3000**

Issuer's telephone number, including area code

9. **N.A.**

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

Title of Each Class

Number of Shares of Common Stock

Outstanding)

(Outstanding)

Common Shares

4,250,547,620

11. Indicate the item numbers reported herein: Item 5.

We refer to the case docketed as "HGL Development Corporation vs. Semirara Mining Corporation, Civil Case No. C-146, RTC-Culasi, Antique, Branch 13," filed by HGL Development Corporation (HGL) on November 17, 2003 against Semirara Mining Corporation (now Semirara Mining and Power Corporation or SMPC) 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 Department of Environment and Natural Resources (DENR) in favor of HGL located in Semirara Island, Antique with a prayer for the issuance of a writ of preliminary mandatory injunction.

The Regional Trial Court, Culasi, Antique, Branch 13 (RTC-Antique), in its resolution dated September 16, 2004, granted the issuance of a writ of preliminary mandatory injunction, which was issued on October 6, 2004, after HGL posted a bond. As the issuance of the writ was sustained by the Court of Appeals-Cebu (CA-GR CEB SP No. 00035) on January 31, 2005, SMPC appealed to the Supreme Court (SC GR No. 166854) for which a temporary restraining order (TRO) was issued in favor of SMPC on March 2, 2005. On December 6, 2006, the Supreme Court denied SMPC's petition and lifted the TRO. SMPC's motion for reconsideration and supplemental motion for reconsideration were both denied with finality by the Supreme Court on February 14, 2007. The Supreme Court's December 6, 2006 decision became final and executory on March 13, 2007.

Based on the denial of SMPC's petition, HGL filed a motion to execute the RTC-Antique's order for a preliminary mandatory injunction against SMPC. On March 26, 2007, SMPC opposed HGL's motion based on the supervening event, i.e., SMPC secured a 3-year DENR Temporary Special Land Use Permit over a 60-hectare portion of the property subject of the case valid until March 2010. SMPC instead sought the dismissal of the case based on forum shopping, which the RTC-Antique granted with prejudice on July 18, 2007. HGL's motion for reconsideration was denied 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 before the Supreme Court (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 the RTC-Antique dismissed the main case on the ground of forum shopping.

On June 6, 2016, the Supreme Court partially granted HGL's petition and reinstated Civil Case No. C-146 and remands it to RTC-Antique to determine the damages to be awarded to HGL for the non-enforcement of the writ of preliminary mandatory injunction dated October 6, 2004.

By way of an update, today we received a copy of the RTC-Antique resolution dated August 4, 2023, ordering SMPC to pay HGL the amount of P3,000,000.00 as temperate damages and P3,521,168.00 attorney's fees while the claim for moral damages was denied for lack of basis. All monetary awards shall earn 6% legal interest per annum from the finality of the resolution until its full satisfaction.

SMPC intends to file a motion for reconsideration before the RTC-Antique or avail of other remedies provided under the law and shall advise the Commission and the Exchange of 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 : September 28, 2023