SPP Guiding Case No. 256: People’s Procuratorate of Zhuhai, Guangdong Province v. Liang Moumou and seven others (civil public interest litigation for ecological damage)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Decided at the 69th meeting of the 14th Procuratorial Committee of the Supreme People’s Procuratorate on January 23, 2026; issued on February 26, 2026.

Keywords

Civil public interest litigation / illegal mining / eco-environmental damage / punitive damages

Holding

Where the main criminal suspect in a crime of damaging environmental and resource protection is at large, affecting the timely relief of the harmed social public interest, the procuratorial organ may separately file civil public interest litigation, apply the provisions of the Civil Procedure Law on trial by default and other provisions, and request the court to order the fugitive liable person to bear liability for eco-environmental damage compensation in accordance with law. For public interest damage caused by illegal mining, the integrated protection and systematic governance of mountains, rivers, forests, fields, lakes, grasslands, sand, and ice shall be adhered to, and the ecological functions and value carried by soil and matrix (bedrock) as core parts of the ecosystem shall be fully considered, so as to reasonably determine the amount of eco-environmental damage compensation.

Basic Facts

From 2003 to 2019, Liang Moumou, without obtaining a mining license or other lawful procedures, under the guise of cooperative development, site leveling, and greening projects, directed Huang Moumou, Jiang Moumou, and others to organize personnel to excavate a large amount of earth and rock at nine locations including Nanguanghoushan in Doumen District, Zhuhai City, Guangdong Province, mainly mineral resources such as granite, kaolin, and sand, gravel, and clay. During this period, the relevant departments repeatedly issued notices ordering the cessation of work in response to the illegal mining, but the illegal mining by the above personnel did not stop. The value of the illegally mined mineral products and the amount of illegal profits totaled more than 592 million yuan, and the local ecological environment was seriously damaged.

It was also found that on July 31, 2020, the People’s Procuratorate of Zhuhai City, Guangdong Province (hereinafter referred to as the Zhuhai Procuratorate) initiated a public prosecution against Huang Moumou, Jiang Moumou (the main criminal suspect Liang Moumou was at large), and five others for the crime of illegal mining before the Zhuhai Intermediate People’s Court, Guangdong Province (hereinafter referred to as the Zhuhai Intermediate Court). On October 9 of the same year, the Zhuhai Intermediate Court rendered a first-instance judgment, finding Huang Moumou, Jiang Moumou, and five others guilty of the crime of illegal mining and sentencing them to fixed-term imprisonments ranging from six years and six months to three years, and imposing fines totaling two million yuan. Huang Moumou, Jiang Moumou, and others appealed. On December 18 of the same year, the Guangdong Higher People’s Court rendered a second-instance ruling, rejecting the appeal and affirming the original judgment.

Procuratorate Performance of Duties

Discovery of clues. The Zhuhai Procuratorate discovered clues of eco-environmental public interest damage when handling the criminal cases such as the suspected illegal mining by Liang Moumou and others.

Case filing and investigation. In view of the long duration, wide geographical scope, and serious public interest damage of the ecological environmental damage in this case, and the fact that the fugitive main criminal suspect Liang Moumou had seized most of the illegal profits, separately filing civil public interest litigation could protect the social public interest in a timely and effective manner. On September 11, 2020, the Zhuhai Procuratorate decided to file the case for investigation as civil public interest litigation. The People's Procuratorate of Guangdong Province (hereinafter referred to as the Guangdong Procuratorate) established a special case team and handled the case in an integrated manner with the Zhuhai Procuratorate. The procuratorial organ conducted investigation through various forms such as on-site inspection, field visits, comparison of satellite images, and drone aerial photography. Upon investigation, it was found that Liang Moumou, to seek illegal profits, directed Huang Moumou, Jiang Moumou, and others to divide labor and cooperate to jointly commit the illegal conduct of illegal mining. The volume of illegally excavated earth and rock reached more than 18.93 million cubic meters, and the damaged land area reached more than 1.05 million square meters. The relevant mountains were damaged over a large area and their height sharply reduced, some mountains were leveled, regional soil erosion was serious, and a large number of forest vegetation, animals, and microorganisms disappeared, causing serious damage to the ecological environment.

To determine the amount of eco-environmental damage compensation, the Zhuhai Procuratorate entrusted the South China Institute of Environmental Sciences of the Ministry of Ecology and Environment to conduct an eco-environmental damage assessment. In October 2020, the assessment institution issued an assessment report determining the eco-environmental restoration costs to be more than 3.744 billion yuan and the loss of service functions during the eco-environmental period to be more than 27 million yuan, totaling more than 3.77 billion yuan.

Pre-litigation procedure. On September 11, 2020, the Zhuhai Procuratorate issued an announcement. Upon expiration of the announcement period, no qualified subject filed a lawsuit, and the right holder for compensation for eco-environmental damage had not initiated the compensation procedure, and the social public interest remained in a state of harm.

Filing civil public interest litigation. On December 29, 2020, the Zhuhai Procuratorate filed civil public interest litigation before the Zhuhai Intermediate Court against eight persons including Liang Moumou, Huang Moumou, and Jiang Moumou as defendants, requesting that the defendants be ordered to jointly and severally compensate for the eco-environmental restoration costs and the loss of service functions during the eco-environmental period totaling more than 3.77 billion yuan, and to make a public apology to society.

During the trial of the case, the Civil Code of the People's Republic of China (hereinafter referred to as the Civil Code) formally came into effect. Although the tortious conduct involved in this case occurred before the Civil Code came into effect, the defendants had not taken effective measures to restore the ecological environment, and the ecological environment remained damaged. According to the Several Provisions of the Supreme People's Court on the Time Effect of the Application of the Civil Code of the People's Republic of China, the provisions of the Civil Code on punitive damages could be applied. Because the defendants' subjective malice was great, the consequences of the eco-environmental damage were serious, and the amount of illegal profits was huge, on April 15, 2021, the Zhuhai Procuratorate decided to use the loss of service functions during the period from the damage to the eco-environment to the completion of restoration, more than 27 million yuan, as determined in the assessment report, as the calculation base, to increase the litigation claim and require the defendant Liang Moumou and others to jointly bear punitive damages for damaging the ecological environment.

Judgment result. On September 28, 2022, the Zhuhai Intermediate Court held a public hearing in this case, and on November 9 of the same year rendered a first-instance judgment, ordering the defendants to jointly and severally compensate for the eco-environmental restoration costs and the loss of service functions during the period from the damage to the eco-environment to the completion of restoration totaling more than

3.77 billion yuan, ordering the relevant defendants to bear punitive damages of more than 54 million yuan for damaging the ecological environment, and to make a public apology to society. After the first-instance judgment was pronounced, none of the defendants appealed. After the judgment took effect, because the defendants failed to voluntarily perform the judgment, the Zhuhai Intermediate Court lawfully transferred the matter for enforcement. The enforcement has now been substantially completed.

Guiding Significance

(1) Where the main criminal suspect is at large, affecting the timely and effective restoration of the harmed ecological environment, the people's procuratorate may separately file civil public interest litigation. To timely restore the harmed social public interest and prevent the continued expansion of the damage, the people's procuratorate may separately file civil public interest litigation against a fugitive criminal suspect. When filing civil public interest litigation, it shall comprehensively consider the suspect's subjective malice, status and role, and illegal profits in the tort, and, in accordance with the provisions of the Civil Procedure Law on trial by default and other provisions, and on the premise of fully safeguarding the defendant's litigation rights, request the people's court to order the suspect to bear the corresponding civil liability, so as to lawfully and comprehensively protect the social public interest.

(2) For public interest damage caused by illegal mining, the people's procuratorate shall fully consider the ecological functions and value carried by soil, matrix (bedrock), and other core parts of the ecosystem, so as to reasonably determine the amount of eco-environmental damage compensation. The earth and rock illegally mined not only have economic value but are also the core parts sustaining the relevant ecosystem, carrying important ecological functions and value such as ecological barriers, biodiversity protection, and water conservation. In handling cases of illegal mining and other damage to environmental resources, the integrated protection and systematic governance of mountains, rivers, forests, fields, lakes, grasslands, sand, and ice shall be adhered to, and in determining the amount of eco-environmental damage compensation, the complexity of environmental elements and the integrity of the ecosystem shall be comprehensively considered. At the same time, based on the degree of malice of the infringer and the severity of the consequences of the infringement, punitive damages shall be claimed, so as to deter illegal crime while restoring the harmed ecological environment and demonstrate the unique institutional value of procuratorial public interest litigation.

Relevant Legal Provisions

Articles 1168, 1229, 1232, and 1235 of the Civil Code of the People's Republic of China (effective 2021).

Articles 18, 20, 21, 22, and 32 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Environmental Civil Public Interest Litigation Cases (effective 2015) (currently Articles 18, 20, 21, 22, and 32 of the 2020 Amendment apply).

Articles 10 and 12 of the Interpretation of the Supreme People's Court on the Application of Punitive Damages in Eco-environmental Tort Disputes (effective 2022).

Articles 12 and 13 of the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Procuratorial Public Interest Litigation Cases (effective 2018) (currently Articles 12 and 13 of the 2020 Amendment apply).

Article 1 of the Several Provisions of the Supreme People's Court on the Time Effect of the Application of the Civil Code of the People's Republic of China (effective 2021).

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