



SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECORDED
JUN 25 2019
BY: YCA
TIME: 3:14 pm

Republic of the Philippines
Supreme Court
Manila

EN BANC

ADVISORY

G.R. No. 246209 – MONICO A. ABOGADO, ROBERTO M. ASIADO, LARRY HUGO, ANGELO SADANG, NONELON BALBONTIN, SALITO LAGROSA, ARZEL BELIDAN, RONALD GRANDIA, TROY LAGROSA, RONEL BADILLA, ARCHIE GARCIANO, REGIDOR ASIADO, ELY LOPEZ, EXPEDITO MAGDAYAO, RENY MAGBANUA, ROMULO CANA, JR., ROGELIO HINGPIT, JONEL HUGO, ROBERT VALDEZ, RIZEN GALVAN, RICARDO NATURAL, SANNY BELIDAN, ROWL P. EJONA, FELIX ULZON, RAFFY M. ASIADO, PRIMO M. ASIADO, ADRIAN P. ABAYAN, RANDY DACUMOS, DANILO BELONO, ROMEO MALAGUIT, DENNIS BANIA, JASON VILLAMOR, GARY CASTILLOS, ALBERTO SONIO, DOLIE DUSONG, BJ PIRING, and JING MALINAO (collectively known as the “KALAYAAN PALAWAN FARMERS AND FISHERFOLK ASSOCIATION”), NILO LABRADOR, WILFREDO LABANDELO and ROLANDO LABANDELO, and INTEGRATED BAR OF THE PHILIPPINES, *petitioners* v. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, represented by SECRETARY HON. ROY A. CIMATU, DEPARTMENT OF AGRICULTURE, represented by HON. EMMANUEL PIÑOL, BUREAU OF FISHERIES AND AQUATIC RESOURCES, represented by NATIONAL DIRECTOR HON. EDUARDO B. GONGONA, PHILIPPINE NAVY, represented by FLAG OFFICER IN COMMAND HON. VADM ROBERT EMPEDRAD, PN, PHILIPPINE COAST GUARD, represented by Commandant HON. ADMIRAL ELSON E. HERMOGINO, PCG, PHILIPPINE NATIONAL POLICE, represented by CHIEF HON. PDG OSCAR ALBAYALDE, PNP MARITIME GROUP, represented by DIRECTOR HON. PCSUPT RODELIO B. JOCSON, and DEPARTMENT OF JUSTICE, represented by SECRETARY HON. MENARDO I. GUEVARRA, *respondents*.

X-----X

The Court resolved to conduct **Oral Arguments** on the above-entitled case on July 2, 2019 at 2:00 p.m.

For the orderly proceeding of Oral Arguments, the parties are required to observe the following guidelines:

- I. The parties shall limit their presentation for oral argumentation on the following issues:

- I. Procedural Issues**

- A. Whether or not petitioners violated the doctrine of the hierarchy of courts when they filed the Petition with this Court, instead of the Court of Appeals, which has concurrent jurisdiction over writs of *kalikasan*.
- B. Whether or not petitioners failed to exhaust administrative remedies when they failed to give notice to respondents, as required by Section 138 (c) of the Philippine Fisheries Code, before the filing of the Petition.
- C. Whether or not petitioners failed to comply with Rule 7, Section 2 of the Rules of Procedure for Environmental Cases considering that several petitioners failed to sign the verification.
- D. Whether or not petitioners state a cause of action.
- E. Whether this case presents a justiciable issue.

- II. Substantive Issues**

- A. Whether or not the issuance of a writ of *kalikasan* is the proper remedy for the enforcement of Philippine environmental laws against foreign nationals and/or respondents in Ayungin Shoal (Second Thomas Shoal), Panganiban Reef (Mischief Reef), and Panatag Shoal (Scarborough Shoal), or is the remedy political or diplomatic in nature.
- B. Whether or not, under the Rules of Procedure for

Environmental Cases for the issuance of a writ of continuing mandamus:

B.1. Petitioners have alleged sufficient basis for the issuance of the writ.

B.2. This Court has the jurisdiction to require the continuing compliance of respondents in the enforcement of Philippine environmental laws in Ayungin Shoal (Second Thomas Shoal), Panganiban Reef (Mischief Reef), and Panatag Shoal (Scarborough Shoal).

C. Whether or not petitioners have sufficiently discharged their burden of proof and evidence to support the grounds for their requested reliefs.

D. Whether or not the parties are entitled to the reliefs they requested.

II. The parties in this case are: the petitioners, MONICO A. ABOGADO, ROBERTO M. ASIADO, LARRY HUGO, ANGELO SADANG, NONELON BALBONTIN, SALITO LAGROSA, ARZEL BELIDAN, RONALD GRANDIA, TROY LAGROSA, RONEL BADILLA, ARCHIE GARCIANO, REGIDOR ASIADO, ELY LOPEZ, EXPEDITO MAGDAYAO, RENY MAGBANUA, ROMULO CANA, JR., ROGELIO HINGPIT, JONEL HUGO, ROBERT VALDEZ, RIZEN GALVAN, RICARDO NATURAL, SANNY BELIDAN, ROWL P. EJONA, FELIX ULZON, RAFFY M. ASIADO, PRIMO M. ASIADO, ADRIAN P. ABAYAN, RANDY DACUMOS, DANILO BELONO, ROMEO MALAGUIT, DENNIS BANIA, JASON VILLAMOR, GARY CASTILLOS, ALBERTO SONIO, DOLIE DUSONG, BJ PIRING AND JING MALINAO (collectively known as the "KALAYAAN PALAWAN FARMERS AND FISHERFOLK ASSOCIATION"), NILO LABRADOR, WILFREDO LABANDELO AND ROLANDO LABANDELO, and INTEGRATED BAR OF THE PHILIPPINES, and the respondents, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, represented by Secretary HON. ROY A. CIMATU, DEPARTMENT OF AGRICULTURE, represented by Secretary HON. EMMANUEL PIÑOL, BUREAU OF FISHERIES AND AQUATIC RESOURCES, represented by National Director HON. EDUARDO B. GONGONA, PHILIPPINE NAVY, represented by FLAG OFFICER IN COMMAND HON. VADM ROBERT

EMPEDRAD, PN, PHILIPPINE COAST GUARD, represented by Commandant HON. ADMIRAL ELSON E. HERMOGINO, PCG, PHILIPPINE NATIONAL POLICE, represented by CHIEF HON. PDG OSCAR ALBAYALDE, PNP MARITIME GROUP, represented by DIRECTOR HON. PCSUPT RODELIO B. JOCSON, and DEPARTMENT OF JUSTICE, represented by SECRETARY HON. MENARDO I. GUEVARRA.

- a. The Parties will be heard in the following order:
 1. Petitioners
 2. Respondents
 - b. Each side will be invited to summarize their opening statements in five (5) minutes before they will be interpellated by the Justices.
 - c. In case there will be more than one lawyer that will argue for a party, the lead counsel shall determine how to share this time allocation with their co-counsels.
- III. The interpellation by the Members of the Court will immediately follow after each presentation of arguments.
- IV. The time allotted for counsels to argue shall be exclusive of the time devoted to interpellation by the Members of the Court.
- V. The Members of the Court maintain their privilege to ask any question on any relevant matter or require submission of any document necessary for an enlightened resolution of this case.
- VI. Written copies of opening statements, tables of authorities, copies of any document to be presented and all slide presentations, if any, should be submitted to the Clerk of Court no later than 12:00 o'clock noon of Monday preceding the date of the oral arguments, or July 1, 2019. The parties should submit one (1) original, fourteen (14) printed copies, and digital copies in accordance with the Resolution dated September 10, 2013 in A.M. No. 10-3-7-SC. All opposing parties should also be served with these documents and slide presentations. All submissions will be posted in the Supreme Court website immediately before the oral arguments.

- VII. All other matters not covered by the oral arguments but properly raised in the pleadings shall not be considered eliminated as issues, but shall be discussed and argued in the written memoranda to be required of the concerned parties.
- VIII. All parties are advised to strictly comply with the Efficient Use of Paper Rule in A.M. No. 11-9-4-SC dated November 13, 2012, especially with respect to Supreme Court bound papers.
- IX. The Parties should file their respective memoranda within a non-extendible period of ten (10) days from the close of oral arguments.

Very truly yours,


ATTY. EDGAR O. ARICHETA
Clerk of Court

-*AW*-

HON. LUCAS P. BERSAMIN (x)
Chief Justice
HON. ANTONIO T. CARPIO (x)
HON. DIOSDADO M. PERALTA (x)
HON. MARIANO C. DEL CASTILLO (x)
HON. ESTELA M. PERLAS-BERNABE (x)
HON. MARVIC MARIO VICTOR F. LEONEN (x)
HON. FRANCIS H. JARDELEZA (x)
HON. ALFREDO BENJAMIN S. CAGUIOA (x)
HON. ANDRES B. REYES, JR. (x)
HON. ALEXANDER G. GESMUNDO (x)
HON. JOSE C. REYES, JR. (x)
HON. RAMON PAUL L. HERNANDO (x)
HON. ROSMARI D. CARANDANG (x)
HON. AMY CARILLO LAZARO-JAVIER (x)
HON. HENRI JEAN PAUL B. INTING (x)
Associate Justices
Supreme Court

ATTYS. ABDIEL DAN ELIJAH S. FAJARDO,
ANDRE C. PALACIOS and
GIL ANTHONY E. AQUINO (x)
The Integrated Bar of the Philippines
International Law and International Affairs Committee
IBP Bldg., No. 15 Julia Vargas Avenue
Ortigas Center, Pasig City

ATTY. JOSE MANUEL I. DIOKNO (x)
Collaborating Counsel for Petitioners
c/o Sanidad Law Office
77 Malakas Street, Brgy. Pinyahan
Quezon City

PUBLIC INFORMATION OFFICE (x)
JUDICIAL RECORDS OFFICE (x)
ROLLO ROOM (x)
Supreme Court

JOERY GAYANAN (x)
SC Supervising Judicial Staff Officer
Security Division
OAS – Supreme Court

ISIDRA ISMAEL (x)
Executive Assistant I
OCC – En Banc
Supreme Court

THE SOLICITOR GENERAL (x)
Office of the Solicitor General
Amorsolo St., Legaspi Village
Makati City

THE SECRETARY (x)
Department of Justice
Manila

THE SECRETARY (x)
Department of Environment and Natural Resources
DENR Compound, Visayas Avenue
Quezon City

THE SECRETARY (x)
Department of Agriculture
Elliptical Road, Diliman
Quezon City

THE DIRECTOR (x)
Bureau of Fisheries and Aquatic Resources
PCA Compound, Elliptical Road
Diliman, Quezon City

HON. VADM ROBERT EMPEDRAD, PN (x)
FOIC, PN
Headquarters Philippine Navy Station
Jose V. Andrada, 2335
Pres. M. Roxas Boulevard, Manila

HON. ADMIRAL ELSON E. HERMOGINO, PCG (x)
Commander, PCG
Headquarters Philippine Coast Guard
139 25th Street, Port Area
Manila

HON. PDG OSCAR ALBAYALDE (x)
Chief, PNP
PNP Headquarters, Camp Crame
Quezon City

THE DIRECTOR (x)
PNP-MG
Headquarters Maritime Group
PNP Headquarters, Camp Crame
Quezon City