

Republic of the Philippines
Supreme Court
Manila

EN BANC

ADVISORY

(As of August 22, 2023)

G.R. No. 256282 – REPUBLIC OF THE PHILIPPINES, represented by **THE DEPARTMENT OF AGRICULTURE, THE BUREAU OF FISHERIES AND AQUATIC RESOURCES, and THE NATIONAL TELECOMMUNICATIONS COMMISSION**, *petitioner, versus* **ROYALE FISHING CORPORATION, BONANZA FISHING AND MARKET RESOURCES, INC., RBL FISHING CORPORATION, and the HONORABLE RTC JUDGE ZALDY B. DOCENA, BRANCH 170, MALABON CITY**, *respondents*;

G.R. No. 256559 – REPUBLIC OF THE PHILIPPINES, represented by **THE DEPARTMENT OF AGRICULTURE, THE BUREAU OF FISHERIES AND AQUATIC RESOURCES and THE NATIONAL TELECOMMUNICATIONS COMMISSION**, *petitioner, versus* **ROYALE FISHING CORPORATION, BONANZA FISHING AND MARKET RESOURCES, INC., and RBL FISHING CORPORATION**, *respondents*;

G.R. No. 257049 – OCEANA PHILIPPINES INTERNATIONAL, PABLO R. ROSALES, and RONALDO P. REYES, *petitioners, versus* **ROYALE FISHING CORPORATION, BONANZA FISHING AND MARKET RESOURCES, INC., and RBL FISHING CORPORATION**, *respondents*.

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The Court has identified the following preliminary issues to guide the conduct of the Oral Arguments scheduled on **October 10, 2023 at 2:00 p.m.** at the *En Banc* Session Hall, Second Floor, Supreme Court Main Building:

A. Procedural Issues

1. Whether declaratory relief is the proper remedy in assailing the constitutionality of Fisheries Administrative Order (FAO) No. 266, series of 2020;
 - a. Whether Royale Fishing Corporation, Bonanza Fishing and Market Resources, Inc. and RBL Fishing Corporation (**Royale Fishing, et al.**) exhausted all available administrative remedies before filing the Petition for Declaratory Relief;
2. Whether Royale Fishing, et al. possesses *locus standi* to question the constitutionality of Sections 14 and 119 of Republic Act (R.A.) No. 8550, as amended, and implemented by FAO No. 266;
3. Whether the instant case presents issues of transcendental importance;
4. Whether the Regional Trial Court (RTC) of the City of Malabon, Branch 170, acted with grave abuse of discretion in issuing the Writ of Preliminary Injunction to enjoin the enforcement of FAO No. 266;
 - a. Whether the Rules of Procedure for Environmental Cases or R.A. No. 8550, as amended, will govern the issuance of writs of preliminary injunction in environmental cases;
 - b. Whether the RTC correctly appreciated the elements for issuance of writ of preliminary injunction; and
 - c. Whether the Petition for *Certiorari*, docketed as G.R. No. 256282, has been rendered moot and academic by the June 1, 2021 Decision of the RTC;
5. Whether the RTC erred in denying the Motion to Intervene filed by Oceana Philippines International, Pablo R. Rosales, and Ronaldo P. Reyes (**Oceana Philippines, et al.**);

- a. Whether Oceana Philippines, et al.'s direct resort to the Court is warranted; and
- b. Whether a citizen's suit under the Rules of Procedure for Environmental Cases is applicable.

B. Substantive Issues

1. Whether the RTC erred in declaring that FAO No. 266 violated the constitutional rights to privacy and against unlawful searches of Royale Fishing, et al.;
 - a. Whether Royale Fishing, et al., in applying for a fishing vessel license, agreed to comply with existing and future fishery rules and regulations;
 - b. Whether the State has a legitimate interest to prevent illegal, unreported, and unregulated fishing in Philippine waters;
 - c. Whether fishing companies enjoy any reasonable expectation of privacy when operating over Philippine waters, and the extent thereof;
 - d. Whether the information secured through the Vessel Monitoring System, especially the real time location of fishing vessels during the conduct of fishing activities, constitute trade secrets; and
 - e. Whether fishing grounds constitute trade secrets under Philippine Law;
2. Whether FAO No. 266 is a valid measure to safeguard the people's right to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
3. Whether the RTC erred in declaring that FAO No. 266 violated the equal protection clause of the Constitution for regulating only commercial fishing vessels and leaving the regulation of municipal fishing vessels to the discretion of their respective local government units;
4. Whether FAO No. 266 exceeded the bounds provided in Section 14 of R.A. No. 8550, as amended, as regards the monitoring,

control, and surveillance of Philippine waters of the Department of Agriculture;

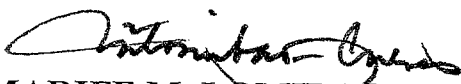
5. Whether the RTC erred in declaring that the constitutional rights of Royale Fishing, et al. to due process and to participate in the decision-making process were violated in the issuance of FAO No. 266;
6. Whether FAO No. 266 can be implemented without the delineation of municipal waters;
7. Whether the Philippines' utilization of Vessel Monitoring System is mandated by the Directorate-General for Maritime Affairs and Fisheries of the European Commission; and
8. Whether the declaration of the RTC that FAO No. 266 is unconstitutional contravenes the State's obligations under the pertinent international covenants, such as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

The **Preliminary Conference** will be held on **September 26, 2023, at 2:00 p.m.** at the *En Banc* Session Hall. For the efficient conduct thereof, the parties are required to observe the following:

- A. Only the following number of counsels shall be physically present at the *En Banc* Session Hall during the Preliminary Conference:
 - Two (2) counsels for the Republic;
 - Two (2) counsels for Oceana Philippines International;
 - Two (2) counsels for both Pablo R. Rosales and Ronaldo P. Reyes; and
 - Two (2) counsels each for respondents Royale Fishing Corporation, Bonanza Fishing and Market Resources, Inc. and RBL Fishing Corporation.
- B. Counsels who will be attending the Preliminary Conference are directed to submit to the Court their manifestations stating their names within five (5) days from notice.
- C. Counsels who intend to present audio-visual materials must submit manifestations to this effect so that the Court can make the necessary arrangements.

Other manifestations, additional comments or motions may be filed before the Court personally or via electronic mail at efile_jro.sc@judiciary.gov.ph on or before September 21, 2023, Thursday at 12:00 p.m.

By authority of the Court:


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Clerk of Court *Marife*

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THE PRESIDING JUDGE (x)
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