



Republic of the Philippines
Supreme Court
Manila

EN BANC

ADVISORY

(September 26, 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 REGIONAL TRIAL COURT 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*.

X-----X

The Court resolved to **NOTE WITHOUT ACTION** (1) the Opposition (to Respondents' Request for Transfer of Settings dated 06 September 2023), dated September 18, 2023, filed by the petitioner Republic of the Philippines (**Republic**); and, (2) the Comment/Opposition, dated September 18, 2023, filed by petitioners Oceana Philippines International, Pablo R. Rosales, and Ronaldo P. Reyes (**Oceana Philippines, et al.**).

The Court further resolved to **NOTE** (1) the Manifestation, dated September 21, 2023, filed by petitioners Oceana Philippines, et al.; and, (2)

Asc

the Manifestation, dated September 21, 2023, filed by respondents Royale Fishing Corporation, Bonanza Fishing and Market Resources, Inc., and RBL Fishing Corporation (**Royale Fishing, et al.**).

Lastly, as announced, the Court shall conduct **Oral Arguments** in the Consolidated Petitions on October 10, 2023 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:

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 there is a need for Royale Fishing, et al. to exhaust all available administrative remedies before filing a Petition for Declaratory Relief. If so, whether Royale Fishing, et al. complied with this requirement;
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, et al.;
- a. Whether Oceana Philippines, et al. availed of the proper remedy when they directly filed with the Court a Petition for Review on *Certiorari* under Rule 45 to assail the denial of their Motion to Intervene; 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.
- II. Any and all matters relating to the Republic's application for Temporary Restraining Order, including all documents specifically requested by the Members of the Court during the September 26, 2023 Preliminary Conference, shall be submitted on or before 3:00 p.m. on September 28, 2023. Thereafter, counsels for Royale Fishing, et al. shall be given twenty-four (24) hours, or until 3:00 p.m. of September 29, 2023, to file their Comment.
 - III. As discussed during the Preliminary Conference conducted last September 26, 2023, the parties shall be heard in the following manner:
 - A. Counsels for petitioners in the consolidated petitions will be heard jointly for thirty (30) minutes.
 1. The Office of the Solicitor General, representing the Department of Agriculture, the Bureau of Fisheries and Aquatic Resources, and the National Telecommunications Commission, shall be given twenty (20) of the thirty (30) minutes allotted for the petitioners.
 2. Counsels for Oceana Philippines, et al. shall be given the remaining ten (10) minutes.
 - B. Counsels for Royale Fishing Corporation, et al. shall be heard immediately after the completion of counsels for petitioners' arguments. Counsels for Royale Fishing, et al. shall similarly have a total of thirty (30) minutes to present their arguments.
 - C. Counsels for each side may coordinate with each other and thereafter submit to the Court a manifestation stating: (a) the names of the lawyers who will be attending for each side; (b) the name of the lawyer who will be presenting on

which issues; and (c) the time allotted for each lawyer which shall not exceed the time limit for both sides.

- D. The time allotted for counsels to argue shall be exclusive of the time devoted to interpellation by the Members of the Court.
- IV. The interpellation by the Members of the Court will immediately follow after both parties complete the presentation of their arguments. Either petitioners' or Royale Fishing et al.'s counsel, or both, may be called upon during the interpellations.
- V. The Members of the Court maintain their privilege to ask any question that they consider relevant to the resolution of this case. They may also require the submission of any document necessary for an enlightened resolution of the foregoing consolidated cases.
- VI. All other matters not covered by the Oral Arguments but not properly raised in the pleadings shall not be considered eliminated as issues. Instead, they may be discussed and argued in the written memoranda to be required of the concerned parties. They may also arise in the course of interpellation of parties by the Members of the Court.
- VII. The parties are required to submit: (1) a table of authorities, which shall list all laws, jurisprudence, and any other source of legal justification that the parties intend to raise or cite during the oral arguments; and (2) consistent with paragraph III(C), a list of lawyers who will argue and their assignments. The preceding documents must be submitted to the Clerk of Court in the form of a Manifestation no later than 12:00 noon of October 6, 2023.
- VIII. Any other document to be presented, including the written oral arguments and/or audio-visual materials, should be submitted to the Clerk of Court no later than noon of Monday preceding the date of Oral Arguments.
- IX. All submissions must be made in both physical and digital forms. Digital forms shall be via electronic mail at efile_jro.sc@judiciary.gov.ph.
- X. All parties are advised to strictly comply with the Efficient Use of Paper Rule in A.M. No. 11-9-4, dated November 13, 2012, for

the paper, table of authorities, and other documents mentioned in this Advisory. The parties are required to personally deliver copies of any submission to the other parties' counsels.

By authority of the Court:



MARIFE M. LOMBAO-CUEVAS
Clerk of Court *lmc*

THE SOLICITOR GENERAL (x)
Counsel for Petitioners DA, BFAR and NTC
Office of the Solicitor General
134 Amorsolo St., Legaspi Village
Makati City
docket@osg.gov.ph

LEFLEGIS LEGAL SERVICES (x)
(through Attys. Camille Ross G. Parpan and
Michael Christopher C. De Castro)
Counsel for Oceana Philippines International
Unit 403 FSS Building I, 20 Scout Tuazon Street
Corner Scout Castor Street
Brgy. Laging Handa, 1103 Diliman, Quezon City
admin@leflegis.com

MADERAZO VALERIO & PARTNERS (x)
(through Attys. Mario E. Maderazo and
Donatello M. Justiniani)
Counsel for Pablo Rosales and
Ronaldo P. Reyes
Unit 618, Pacific Century Tower
1472 Quezon Avenue, South Triangle
Quezon City
maderazovalerioandpartners@gmail.com

ATTY. DEMOSTHENES R. ESCOTO (x)
National Director
Bureau of Fisheries and Aquatic Resources (BFAR)
Fisheries Building Complex
BPI Compound, Brgy. Vasra
Visayas Avenue, Quezon City

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

THE SECRETARY (x)
The National Telecommunications
Commission (NTC)
BIR Road, East Triangle
Diliman, Quezon City

NAVAL FRANCISCO RAGUNJAN LAW OFFICE (x)
(through Attys. Arnold D. Naval,
Hilario Paul H. Ragunjan, Jr. and
Neil Marvin F. Genzola)
Counsel for Private Respondents in G.R. Nos. 256282,
256559 & 257049
Unit 836 - 837 City & Land Mega Plaza ADB Avenue
corner Garnet Road, Ortigas Center
1605 Pasig City

ROYALE FISHING CORPORATION (x)
Respondent
Block 17, Lot 24-34 Phase 2AB
Dalagang Bukid, Dagat-dagatan, Malabon City

BONANZA FISHING AND MARKET RESOURCES,
INC. (x)
Respondent
1112 M. Naval Street, San Jose
Navotas City

RBL FISHING CORPORATION (reg)
Respondent
65 Rizal Street corner Manalo Street
Brgy. Tenga-Tenga, Cuyo, Palawan

THE PRESIDING JUDGE (x)
Regional Trial Court, Branch 170
1470 Malabon City

DR. ELMER A. RUNEZ (x)
Supervising Medical Officer and Officer-in-Charge
Medical and Dental Services, Supreme Court

ATTY. JED SHERWIN G. UY (x)
Deputy Clerk of Court and
Chief Technology Officer
Management Information Systems Office
Supreme Court

JOERY GAYANAN (x)
SC Chief Judicial Staff Officer
Security Division
Office of Administrative Services, Supreme Court

ENGR. ANTONIO B. BAYOT, JR. (x)
Maintenance Division
Office of Administrative Services
Supreme Court

DOCKET RECEIVING (x)
Judicial Records Office
Supreme Court

PUBLIC INFORMATION OFFICE (x)
Supreme Court
chief.pio.sc@gmail.com
pio.sc@judiciary.gov.ph
pio@sc.judiciary.gov.ph