

Republic of the Philippines
SUPREME COURT
Manila

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REPUBLIC OF THE PHILIPPINES,
represented by DEPARTMENT
OF AGRICULTURE, BUREAU
OF FISHERIES AND AQUATIC RE-
SOURCE & NATIONAL
TELECOMMUNICATIONS
COMMISSION,

Petitioner,

-versus-

G.R. No. 256282 &
G.R. No. 256559

w/257049

ROYALE FISHING CORPORATION,
BONANZA FISHING AND MARKET
RESOURCES, INC., RBL FISHING
CORPORATION & HONORABLE
RTC JUDGE ZALDY B. DOCENA,
BRANCH 170, MALABON CITY,
Respondents.

x-----x

COMMENT
WITH
REQUEST FOR LEAVE

Private respondents ROYALE FISHING CORPORATION, BO-
NANZA FISHING AND MARKET RESOURCES, INC. and RBL
FISHING CORPORATION, by counsel, respectfully state:

1. Petitioner filed the Motion for Early Resolution (Re: Pray-
er for Issuance of a Temporary Restraining Order/Writ of Injunction)
citing the Philippine government's supposed international and re-
gional commitments,¹ particularly to the European Union (EU), and
attaching thereto² alleged communications from the EU.

¹ Motion for Early Resolution, p. 2, par. 8

² As Annexes A and B of the Motion for Early Resolution

2. Private respondents respectfully seek leave to file this Comment to reiterate the disconnect between the supposed compliances with the EU's regulations and the applications for preliminary injunction.

3. In their separate Comments in G.R. No. 256282 and G.R. No. 256559, private respondents strongly opposed the application for preliminary injunction and pointed out, among others:

91. [P]etitioner alleged that there is a supposed communication from the Directorate General for Maritime Affairs and Fisheries of the *European Commission* on the installation of VMS on Philippine commercial fishing vessels.³ But it is **important to note that the main concern of the supposed communication, as cited in the Petition, was that only 38% of the tuna national fleet and 7.4% of domestic commercial fleet are equipped with VMS.**

91.1. **The *European Commission* does not take into consideration the violations of the domestic commercial fishing operators' constitutional rights.** As a sovereign country, only our laws, especially our Constitution - the supreme law - should govern the operation and regulation of our fishing sector.

91.2. **The concern of the *European Commission* is limited only to the fish products entering or being traded into the European Union member states, specifically tuna caught by Philippine boats.** These tuna products mainly originate from Region 12, particularly in General Santos City. Fishing vessels which are in no way connected to the European trade must not be prejudiced.

91.3. **Although sizeable in quantity and value as a traded commodity, tuna does not account for a majority of the total Philippine fisheries production.** On the contrary, it belongs to the minority insofar as the total domestic fisheries production is concerned. Based on the Fisheries Situation Report from January to December 2020⁴ of the Philippine Statistics Authority, tuna species such as skipjack and yellowfin make up 8% (357,933.30 metric tons) only of the total annual fish production of the country in 2020 (4,403,709.08 metric tons). Consequently, **tuna products that are exported and traded across European Union markets account only for a fraction of the said 8% production since the rest are traded locally and to other non-European member states.**

91.4. **The allegations based on the supposed *European Commission* communication is misleading and**

³ Petition, pp. 45-47, par. 108

⁴ <https://psa.gov.ph/content/fisheries-situation-report-january-december-2020>

should, therefore, be viewed in its proper context, and do not in any way support the application for injunction.⁵

4. A reading of the supposed letters from the EU⁶ confirms that EU is merely concerned with the fish produce, specifically tuna, entering its union states caught by Philippine-flagged vessels. But the largest number of vessels under FAO 266 are commercial fishing vessels operating in the Philippine waters, like those of private respondents. And rightly so, the EU has nothing to do with the local fishing industry.

5. Finally, it is also worth reiterating that the graft complaint filed with the Office of the Ombudsman against several BFAR personnel, including concerned officers of a private foreign company, relative to the ₱2 billion deal for the VMS transceivers⁷ puts into more serious doubts the propriety and legality of the VMS installation, which petitioner seeks to continue even pending the final resolution of these petitions.

Prayer

WHEREFORE, private respondents respectfully pray that they be allowed to file this Comment and reiterate the DENIAL of the applications for injunctive writ.

Other reliefs, just and equitable under the premises, are likewise prayed for.

Pasig City, August 4, 2022.

**NAVAL FRANCISCO RAGUNJAN
LAW OFFICES**

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⁵ Comment on the Petition in GR No. 256559; highlighting supplied

⁶ As Annexes A and B of the Motion for Early Resolution

⁷ <https://www.twitter.com/@cgonzalesINQ>; <https://mb.com.ph/author/czarina-nicole-ong-ki>;
<https://www.philstar.com/authors/1804868/delon-porcalla>; <https://www.manilatimes.net/author/ma-reina-leanne-tolentino>



ARNOLD D. NAVAL

Roll 47616

IBP OR 560117 IBP LRN 03058; 04-16-02

PTR 8122023; 01-04-2022

MCLE Compliance VII-0012868; 03-18-2022



HILARIO PAUL B. RAGUNJAN, JR.

Roll 47283

IBP OR 734802, IBP LRN 07116

PTR 8122020; 01-04-2022

MCLE Compliance VII-0010096; 02-15-2022



NEIL MARVIN F. GENZOLA

Roll 73629

IBP OR 195936; 01-04-2022

PTR 8122021, 01-04-2022

MCLE Compliance VII-0009910 02-15-2022

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Regional Trial Court
Branch 170, Malabon City