

Republic of the Philippines
SUPREME COURT
Manila

EN BANC

REPUBLIC OF THE PHILIPPINES,
Petitioner,

-versus-

G.R. Nos. 256282
& 256559

ROYALE FISHING CORPORATION,
ET AL.,

Respondents.

x-----x

OCEANA PHILIPPINES
INTERNATIONAL, ET AL.,
Petitioners,

-versus-

G.R. No. 257049

ROYALE FISHING CORPORATION,
ET AL.,

Respondents.

x-----x

JOINT
COMMENT/OPPOSITION

Respondents ROYALE FISHING CORPORATION, BONANZA FISHING AND MARKET RESOURCES, INC., and RBL FISHING CORPORATION, by counsel, oppose petitioners' Motion for the Issuance of Status Quo Ante Order¹ in G.R. No. 257049 and petitioner Republic's Manifestation and Motion² in G.R. Nos. 256282 and 256559 and respectfully state:

Motion in G.R. No. 257049

1. Petitioners in G.R. No. 257049, as proposed intervenors, have no personality to challenge the Decision dated June 1, 2021 (Decision) of the Regional Trial Court Branch 170 of Malabon City

¹ Dated September 28, 2023, received on even date.

² Dated September 27, 2023, received on September 28, 2023.

(RTC Malabon), much less ask that its implementation be restrained. Allowing these petitioners to comment and argue on the substantial issues in G.R. Nos. 256282 and 256559 is a procedural shortcut that amounts to the grant of their petition.

2. The Motion nonetheless lacks merit. Petitioners claimed³ that the RTC Malabon's permanent injunction violates [a] Rule 2, Section 10 of the Rules of Procedure for Environmental Cases (RPEC), [b] Section 134 of Republic Act No. 8550, as amended by Republic Act No. 10654 (Fisheries Code), and [c] OCA Circular No. 87-2016.

2.1. The prohibition under the RPEC refers to the issuance of temporary restraining orders and preliminary injunction to **lawful actions** of government agencies:

Section 10. *Prohibition against temporary restraining order (TRO) and preliminary injunction.* - Except the Supreme Court, no court can issue a TRO or writ of preliminary injunction against **lawful actions** of government agencies that enforce environmental laws or prevent violations thereof.⁴

2.1.1. The RTC Malabon ruled that Fisheries Administrative Order No. 266 (FAO No. 266) is unconstitutional because it violates the rights to privacy, against unlawful searches, and to due process and equal protection clause, among others. Hence, FAO No. 266 is not a lawful action of a government agency.

2.2. The prohibition under Section 134 of the Fisheries Code expressly allows the issuance of a TRO and preliminary injunction by Municipal Trial Courts and Regional Trial Courts provided it is not *ex parte*:

Section 134. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.* - No injunction or restraining order from the Municipal Trial Courts and Regional Trial Courts shall lie against the Department and BFAR upon the ***ex parte* motion or petition** filed by any person or entity in the exercise by the Department and BFAR of its regulatory functions in support of the implementation of this Code.⁵

³ Petitioners-Intervenors' Motion dated September 28, 2023, p. 4, par. 12.

⁴ Rule 2, Section 10, Rules of Procedure for Environmental Cases; emphasis added.

⁵ Emphasis added.

2.2.1. Before the RTC Malabon rendered its Decision, the Bureau of Fisheries and Aquatic Resources (BFAR), Department of Agriculture (DA), and the National Telecommunications Commission (NTC), all represented by the Office of the Solicitor General (OSG), actively participated and presented their witnesses during the trial. The OSG likewise cross-examined private respondents' witnesses. The proceedings before the RTC Malabon that led to the issuance of a permanent injunction against FAO No. 266 is thus not *ex parte*.

2.2.2. Noteworthy is the fact that the amended Section 134 of the Fisheries Code took effect in 2015, five years after the issuance of RPEC in 2010. In case of conflict, the later enactment must prevail, it being the more recent expression of legislative will.⁶ What is more, Section 134 is the specific rule for cases involving fisheries laws and regulations. Where there are two acts, one of which is special and particular and the other general which, if standing alone, would include the same matter and thus conflict with the special act, the special law must prevail since it evinces the legislative intent more clearly than that of a general statute and must not be taken as intended to affect the more particular and specific provisions of the earlier act, unless it is absolutely necessary so to construe it in order to give its words any meaning at all.⁷

2.3. OCA Circular No. 87-2016 merely reiterated the prohibitions stated in RPEC and the Fisheries Code on the issuance of restraining orders against government agencies. Hence, the foregoing discussions similarly apply to this OCA Circular.

3. Petitioners' claim⁸ that private respondents have no clear and unmistakable right in *esse* is baseless. After a full-blown trial, private respondents sufficiently established a direct and personal injury as a consequence of the implementation of FAO No. 266:

[A]t best, the anxiety that their trade secrets might be divulged or accessed, which are commercially valuable, is not premature, speculative and purely anticipatory, but based on real fear which shows a threatened or direct injury to themselves. The

⁶ Republic vs Yahon, G.R. No. 201043, June 16, 2014.

⁷ OSG vs CA, G.R. No. 199027, June 9, 2014.

⁸ Petitioners-Intervenors' Motion dated September 28, 2023, pp. 5 to 6, pars. 16 to 22.

truth is that the installation of VMS in some fishing vessel has already been put into motion long before the passage of FAO 266. However, the probability of unauthorized acquisition, use or disclosure of such secret information gathered and recorded on the VMS and ERS by some individuals other than the officials and regular employees of the public respondents in a manner contrary to honest commercial practices is not nil but real. It is regarded as an unfair practice and a violation of the trade secret protection safeguarded by law and the Philippine Constitution.

Petitioners enjoy a right that is protected both by the Constitution and the statues. Their business is not only their property but their very life. The constitutional protection of the right to life is not just a protection of the right to be alive or to the security of one's limb against physical harm. The right to life is also a right to a good life, including the right to earn a living or the right to a livelihood fairly and squarely. Yet, by the passage of FAO 266, the right of the petitioners to conduct their lawful businesses or calling for the moment would be injuriously affected thereby.⁹

3.1. The trial court exhaustively discussed how FAO No. 266 infringed constitutional rights:

[D]espite the confidentiality of the data that Mabanglo's team can access, she and her entire team are not employees of BFAR. Worse, they did not sign any non-disclosure agreement for their contract with BFAR. (TSN, 13 January 2021, pp. 27 to 31)

The foregoing facts as established during trial constitute serious breaches to the security of the confidential and highly sensitive data that adversely infringe on petitioners' right to privacy. The right to privacy is enshrined in our Constitution and in our laws. (Spouses Hing v. Choachuy, Sr. and Choachuy, GR No. 179736, June 26, 2013)

....

The real time tracking of vessels using the ALC is violative of the constitutional rights against unlawful searches. As explained by the witnesses of the public respondents, the ALC device has the capability of knowing the precise location of the fishing vessel at any given time.

....

The Court is also confused as to why even prior to the issuance and implementation of FAO 266 in October 2020, public respondent BFAR had already started installing transceivers for those covered vessels. Section 16 of FAO 266 even listed the qualifications for the accreditation of suppliers for

⁹ Order dated January 22, 2021, RTC Malabon; emphasis added.

ALC and ERS devices. Thus, said section gives an impression that public respondent BFAR is still looking for private service providers for the VMS devices but in reality, they already have a service provider in as early as December 2018 when SRT Marine was granted with the VMS contract that amounted to “around two billion pesos”. (TSN, 7 May 2021, p. 16; Public respondents’ Very Urgent Manifestation and Motion dated May 12, 2021) One of public respondents’ witnesses likewise admitted to have the VMS installed in his vessel on August 19, 2020. (TSN, 15 January 2021, p. 9) Based on the foregoing, public respondents BFAR and DA, thus, failed to afford commercial fishing vessel operators, such as the petitioners, the right to participate in the formulation of the assailed administrative order since it was issued and implemented in violation of Rule 65.2.

....

The Court, therefore, finds that such exclusion of the municipal fishing vessels in the coverage of FAO 266 violates the right to equal protection of commercial fishing vessels specifically the smaller ones who just weigh a little heavier than the municipal fishing vessels. FAO 266 likewise contravenes the clear provision of Section 119 of the Fisheries Code. If the purpose of FAO 266 is to strengthen the monitoring, control and surveillance of the country’s fishery resources, there is no reason why municipal fishing vessels should not be included in its coverage, especially that the law itself includes it in the coverage.¹⁰

Petitioner Republic’s Manifestation and Motion

4. Petitioner Republic merely reiterated its supposed grounds for the issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction (WPI) against the RTC Malabon’s Decision. Like its multiple submissions before the Honorable Court, petitioner Republic anchored its Manifestation and Motion on the alleged international commitment of the Philippines to fully implement the Vessel Monitoring System (VMS).

5. Petitioner Republic, however, did not sufficiently address the justifications of the RTC Malabon in issuing the permanent injunction, but simply disregarded the constitutional violations, further alleging¹¹ that fishing is a mere privilege subject to the police power of the State. The RTC Malabon had valid bases to declare FAO No. 266 as unconstitutional when it held:

¹⁰ Decision dated June 1, 2021, RTC Malabon.

¹¹ Petitioner Republic’s Manifestation and Motion, p. 8, par. a.13.

While the public respondents issued the assailed FAO 266 with the goal of strengthening the monitoring, control and surveillance of the country's fishery resources, the same should not be done at the expense of the constitution. The Court is certain that there are other methods on how to implement Section 119 of the Fisheries Code without violating the protected constitutional rights of any person or entity. The Court is one with the public respondents in the promotion of a healthy and sustainable fishery resources in the country. However, if the means employed to achieve public respondents' goal go against the law and the constitution, the Court will not hesitate to strike it down.¹²

5.1. After the gross constitutional flaws of FAO No. 266 were established before the trial court, petitioner Republic can no longer claim that it still has a semblance of regularity or validity.

6. Petitioner Republic also claimed¹³ that the continued injunction against FAO No. 266 would work injustice to the State's duty to manage and protect the fishery resources. It then provided a list of cases supposedly filed against the DA, BFAR, and NTC in relation to FAO No. 266. But private respondents have nothing to do with the other cases. The supposed "mushrooming of cases" was not due to the RTC Malabon's permanent injunction, but to BFAR's continuous refusal to abide by the decision of the trial court. As private respondents pointed out in their Comment dated March 14, 2022, BFAR grossly and in bad faith disregarded the trial court's permanent injunction:

87. After the trial court's decision that also made the injunction permanent, the BFAR, through Director Gongona, still issued the Memorandum dated July 1, 2021 stating that despite the permanent injunction, "there is no legal obstacle to proceed with the implementation of FAO 266." Attached to the Memorandum is the Opinion dated June 30, 2021 from the Office of the Solicitor General that pertinently reads:

The Office of the Solicitor General, representing the Department of Agriculture, Bureau of Fisheries and Aquatic Resources and the National Telecommunications Commission, filed a Petition for Review (with prayer for Issuance of a TRO/Writ of Preliminary Injunction) under Rule 45 of the Revised Rules of Court before the Supreme Court on June 25, 2021, assailing the above-quoted Decision. **This Petition for Review is in relation to our earlier Petition for Certiorari assailing the writ of preliminary injunction issued by the same trial court.**

xxx

xxx

xxx

¹² Decision dated June 1, 2021, RTC Malabon; emphasis added.

¹³ Petitioner Republic's Manifestation and Motion, p. 8, par. B.

With the filing and pendency of the Petition for Review before the Supreme Court, the judgment rendered by the RTC, Branch 170, Malabon City has not yet attained finality and, therefore, execution cannot proceed forthright as a matter of right.

From the foregoing, **there is no legal obstacle to proceed with the implementation of FAO 266** unless and until the Supreme Court, as the final arbiter of all legal disputes, would rule against its validity and constitutionality.

88. While petitioner can seek the reversal of the assailed decision, the DA, BFAR and NTC, the concerned public agencies, have the corresponding obligation to obey the trial court's issuance while in force. *Lee v. CA* held:

An injunction or restraining order which is not void *must be obeyed while it remains in full force and effect, and has not been overturned*, that is, in general, until the injunction or restraining order has been set aside, vacated, or modified by the court which granted it, or until the order or decree awarding it has been reversed on appeal or error. The injunction must be obeyed irrespective of the ultimate validity of the order, and no matter how unreasonable and unjust the injunction may be in its terms. Defendant cannot avoid compliance with the commands, or excuse his violation, of the injunction by simply moving to dissolve it, or by the pendency of a motion to modify it.

89. With the tenor of the BFAR Memorandum and the OSG Opinion, petitioner's prayer for temporary restraining order and/or preliminary injunction is, with due respect, baseless after petitioner and its agents openly defied the trial court's preliminary injunction order and continue to disobey the standing permanent injunction. Petitioner cannot seek a relief that betrays and is grossly inconsistent with its actions and issuances. The continuous implementation of FAO 266 in disrespect of the trial court's orders, writ and decision does not give petitioner the right to question them and plead for an injunctive writ in the process. *Beumer v. Amores* held:

[T]he time-honored principle is that he who seeks equity must do equity, and he who comes into equity must come with clean hands. Conversely stated, he who has done inequity shall not be accorded equity. Thus, a litigant may be denied relief by a court of equity on the ground that his conduct has been inequitable, unfair and dishonest, or fraudulent, or deceitful.

90. In its Manifestation dated September 3, 2021 both for GR Nos. 256282 and 256559 (before the consolidation of the petitions), petitioner relayed the filing of an indirect contempt petition against the National Director of the BFAR for the continuous implementation of FAO 266.

90.1. The filing of the indirect contempt petition confirms that there is at least a charge for the continuous implementation of FAO 266 in violation of the trial court's preliminary and permanent injunctions. This shows that

petitioner's application for injunction seeks a reward for the gross violations of the trial court's orders and decisions. It is nevertheless illogical to use the contempt charge to justify the application for injunction in this Petition.¹⁴

7. Petitioner Republic also insinuated¹⁵ that the RTC Malabon was "friendly" to the cause of some of the petitioners in the listed cases.¹⁶ But it was the RTC Malabon's Decision that was violated, which justified the filing of contempt cases with it. If the former BFAR Director was adjudged guilty of indirect contempt, it was due to the fact that he continued to implement FAO No. 266 by requiring commercial fishing vessels to install the VMS as a requirement for the renewal of fishing license despite the permanent injunction.

8. Petitioner Republic claimed¹⁷ that there is only a minority of commercial fishing vessel operators who assail the validity of FAO No. 266 and that majority has complied with the installation of VMS. But the number of parties does not justify, cure, or affect in any way the constitutional defects of FAO No. 266. It is worthy to emphasize that those installed with VMS had no choice but to comply because BFAR will not renew their Commercial Fishing Vessel Licenses if they refuse.

9. Similar to its previous manifestations, petitioner Republic pointed out¹⁸ the supposed European Union (EU) Commitment to justify the implementation of FAO No. 266. Allegedly, there will be a risk that the country's fishery exports will be denied entry in other countries if BFAR fails to certify that they are not sourced from Illegal, Unreported, and Unregulated fishing (IUUF). These claims are misleading and give a false impression that the only solution to IUUF is the VMS. Moreover, commercial fishing operators, such as the private respondents, which perform deep sea fishing in Philippine waters, do not export any fishery products. Also, the petitioner Republic has not submitted a report on how much of the exported fishery products from the Philippines have not complied with the BFAR certification.

10. During the preliminary conference on September 26, 2023, petitioner Republic was asked to quantify the damages in fishery exports should the injunction on FAO No. 266 continue. The Republic, however, failed to give any concrete data or amount of the

¹⁴ Comment dated March 14, 2022 on the Petition in GR No. 256559; emphasis added.

¹⁵ Petitioner Republic's Manifestation and Motion, p. 14, par. b.4.

¹⁶ Petitioner Republic's Manifestation and Motion, pp. 9 to 13.

¹⁷ Petitioner Republic's Manifestation and Motion, p. 15, par. b.8.

¹⁸ Petitioner Republic's Manifestation and Motion, pp. 15 to 20.

supposed damages and just relied on pure conjectures and assumptions.

11. Private respondents sufficiently addressed in their Comment the supposed letter of the European Commission's Director General for Maritime Affairs and Fisheries:

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. 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 2020¹⁹ 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 should, therefore, be viewed in its proper context, and do not in any way support the application for injunction.**²⁰

¹⁹ <https://psa.gov.ph/content/fisheries-situation-report-january-december-2020>

²⁰ Comment dated March 14, 2022 on the Petition in GR No. 256559; emphasis added.

12. Petitioner Republic also quoted²¹ a portion of another supposed confidential communication from the European Commissioner for Environment Oceans and Fisheries, still pertaining to the installation of VMS. Aside from the fact that these supposed communications were never presented and offered before the trial court; hence, should not be considered at this point, it does not take into account the violations of the domestic commercial fishing operators' constitutional rights.

13. Petitioner Republic mentioned²² that these EU concerns were included in the testimonies of its witnesses, Zaldy P. Perez and Atty. Demosthenes Escoto. But none of these witnesses identified and presented any EU communication or letter on the country's supposed deliverables of deadline, more specifically the installation of VMS.

14. Mr. Perez merely testified that there was a demand to impose stringent measures against IUUF as required by the EU states, but failed to present any supporting document. Atty. Escoto likewise mentioned the previous "yellow card" issued by the European Commission to the Philippines but this was not related at all to the VMS installation. Atty. Escoto likewise did not present any supporting documents pertaining to the alleged EU's concerns on the VMS installation.

15. Both witnesses also mentioned the country's commitment to RFMOs such as the Western and Central Pacific Ocean Fisheries Commission (WCPFC), which required its members to operate VMS for its fishing vessels. But it is ironic that BFAR awarded the "around two billion pesos"²³ contract to SRT Marine, a non-accredited supplier of VMS by the WCPFC. In its Decision, the trial court emphasized:

[B]onnin also admitted that **SRT Marine is not accredited by the Western and Central Pacific Fisheries Commission (WCPFC) to be a VMS service provider** (TSN, May 7, 2021, p. 30). As mentioned by another witness of the OSG, Atty. Demosthenes Escoto, WCPFC is one of the international organizations where the Philippines is a member and has passed the resolution which required the installation of VMS (Judicial Affidavit of Atty. Demosthenes Escoto, p. 5, Answer 4). **It is, therefore, quite ironic that the public respondents wanted to honor its international commitments to**

²¹ Petitioner Republic's Manifestation and Motion, p. 17, par. b.11.1.

²² Petitioner Republic's Manifestation and Motion, pp. 18 to 20.

²³ TSN dated May 7, 2021, p. 16; *see also* Very Urgent Manifestation and Motion dated May 12, 2021 filed by the DA, BFAR and NTC with the Regional Trial Court

WCPFC, among others, yet its VMS service provider is not even one of the accredited service providers of the WCPFC.²⁴

16. Petitioner Republic submitted for the first time, as attachments to its Motion for Early Resolution dated June 6, 2022²⁵ filed with the Honorable Court, the supposed EU communications on VMS installation. While these communications, supposedly sent in 2018 and 2019, were already available few years ago and are purportedly of urgent concerns, petitioner Republic did not present and offer them to the trial court. At any rate, a reading of the supposed letters 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.

17. Petitioner Republic intimated that the EU gave a certain deadline for the installation of VMS or else another yellow card or red card warning may be issued to the country. A perusal of the EU communications does not provide any urgent warning, instead, it was BFAR who committed a self-imposed deadline to the EU. It is worth reiterating that any evidence relating to the “red card” issue was never presented nor offered in evidence in the trial court. Petitioner Republic was not able to produce any letter or document to support its claim of a “deadline” from the EU to justify its misleading claim of urgency.

18. The various memoranda issued by the executive department cannot also be used to support the issuance of a TRO and/or WPI because these are all self-serving. The latest memorandum dated June 23, 2023 of the Executive Secretary even excluded fishing operators that have been granted injunctive reliefs from the implementation of FAO No. 266.

19. Petitioner Republic also stressed²⁶ that there is an urgent need for the TRO/WPI to prevent irreparable injury. To support this claim, reference was made to an unverified report that supposedly provided an estimate of how much is lost from IUUF in the country. There was also another supposed study on the amount of money lost annually due to illegal fishing activities. These references are not only misleading but also unauthenticated. The estimated amounts stated

²⁴ Decision dated June 1, 2021, RTC Malabon; emphasis added.

²⁵ As Annexes A and B of the Motion for Early Resolution.

²⁶ Petitioner Republic’s Manifestation and Motion, p. 23, par. D.

also refer to those purportedly lost due to IUUF in general and not because of the lack of VMS alone.

20. It is clear that there is no compelling and urgent need to enjoin the RTC Malabon Decision as BFAR continues to implement FAO No. 266 despite the permanent injunction. Clearly, petitioner Republic seeks an injunctive relief amidst its continuous violation of the injunction of the RTC Malabon.

21. Finally, it is worth reiterating that the graft complaint filed with the Office of the Ombudsman against several BFAR personnel, including concerned officers of the private foreign company, relative to the ₱2 billion deal for the VMS transceivers²⁷ puts into more serious doubts the propriety and legality of the VMS installation.

Prayer

WHEREFORE, private respondents respectfully pray that the motions be DENIED for lack of merit.

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

Pasig City, September 29, 2023.

**NAVAL FRANCISCO RAGUNJAN
LAW OFFICES**

Counsel for
ROYALE FISHING CORPORATION,
BONANZA FISHING AND MARKET
RESOURCES, INC. &
RBL FISHING CORPORATION
836-837 City & Land Mega Plaza
ADB Avenue cor. Garnet Road
Ortigas Center, 1605 Pasig City
7914-0245; nfrlawoffices@gmail.com

ARNOLD D. NAVAL
Roll 47616

IBP OR 560117 IBP LRN 03058; 04-16-02
PTR 112906; 01-04-2023
MCLE Compliance VII-0012868; 03-18-2022

²⁷ <https://newsinfo.inquirer.net/1777487/fwd-omb-orders-ex-bfar-chief-4-others-to-respond-to-graft-complaints>

Amor mia J. Francisco

AMOR MIA J. FRANCISCO-NAVAL
Roll 47585; IBP LRN 06239
PTR 112907; 01-04-23
MCLE Compliance VII-0012857; 03-18-22

Neil Marvin E. Genzola

NEIL MARVIN E. GENZOLA
Roll 73629
IBP OR 265724; 01-03-2023
PTR 112905, 01-04-2023
MCLE Compliance VII-0009910 02-15-2022

Copy furnished:

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo St., Legaspi Village
Makati City
efile@osg.gov.ph


JUDGE ZALDY B. DOCENA
Regional Trial Court
Branch 170, Malabon City
rtc1mal170@judiciary.gov.ph

LEFLEGIS LEGAL SERVICES
Counsel for Oceana Philippines International
Unit 403 FSS Building I, 20 Scout Tuazon St.
Cor. Scout Castor St., Brgy. Laging Handa
1103 Diliman, Quezon City
admin@leflegis.com

ATTY. MARIO E. MADERAZO &
ATTY. DONATELLO M. JUSTINIANI
Counsel for Pablo Rosales and Ronaldo Reyes
207-208 West City Plaza Building
No. 66 West Ave., West Triangle, Quezon City

VERIFIED DECLARATION


I, BERNICE ANN F. BUENAVENTURA, hereby declare that the documents being submitted electronically in accordance with the Efficient Use of Paper are complete and true copies of the documents filed personally with the Supreme Court.


BERNICE ANN F. BUENAVENTURA
Paralegal
NAVAL FRANCISCO RAGUNJAN
LAW OFFICES
September 29, 2023

SUBSCRIBED AND SWORN TO before me this 29th day of September 2023 in Pasig. Affiant avowed to the whole truth of the contents of the foregoing document and exhibited her Unified Multi-Purpose ID No. CRN-0111-4832376-1.

Notary Public

Doc. No. 257
Page No. 52
Book No. xvi;
Series of 2023.


ATTY. ANTONIO B. BETITO
Notary Public-Pasig City
Commission No. 97(2023-2024)
709 Mega Plaza, ADB Ave., Pasig City
Attorney's Roll No. 27614
IBP No. 256460/12/30/22Rizal
PTR No. 8979008/1/03/23/Pasig City
MCLE Compliance No. VII-0008638
April 14, 2025

REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S.S.

AFFIDAVIT OF SERVICE

I, JOEL G. MORA, with office address at units 836-837 8th Floor City & Land Mega Plaza, ADB Ave. cor. Garnet road, Ortigas Center, Pasig City, after being duly sworn, depose and say

That on September 29, 2023, I served a copy of the following pleading/paper:

JOINT COMMENT/OPPOSITION

In G.R. Nos. 256282 & 256559 and G.R. No. 257049 , entitled "REPUBLIC OF THE PHILS vs. ROYALE FISHING CORPORATION ET AL and OCEANA PHILS INTERNATIONAL ET AL vs. ROYALE FISHING CORPORATION ET AL", pursuant to section 3,4,5 and 10 of Rule 13 of the Rules of Court, as follows:

By Personal Service:

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo St., Legaspi Village
Makati City

By personally serving a copy on September 29, 2023 as evidence by the notation hereto attached and indicated after the name of the addressee.

JUDGE ZALDY B. DOCENA
Regional Trial Court
Branch 170 Malabon City

By personally serving a copy on September 29, 2023 as evidence by the notation hereto attached and indicated after the name of the addressee.

LEFLEGIS LEGAL SERVICES
Unit 403 FSS Bldg. I, 20 Scout Tuazon St.
Cor. Scout Castor St., Brgy. Laging Handa
1103 Diliman, Quezon City

By personally serving a copy on September 29, 2023 as evidence by the notation hereto attached and indicated after the name of the addressee.

ATTY. MARIO MADERAZO &
ATTY. DONATELLO M. JUSTINIANI
207-208 West City Plaza Bldg.
No. 66 West Ave., West Triangle
1100 Quezon City

By personally serving a copy on September 29, 2023 as evidence by the notation hereto attached and indicated after the name of the addressee.

September 29, 2023, Pasig City


JOEL G. MORA
Affiant

THIS INSTRUMENT was personally subscribed and sworn to by the affiant before me this September 29, 2023 in Pasig City. Affiant, who is personally known to me, avowed under penalty of law to the whole truth of the contents of the foregoing instrument, and exhibited his Unified Multi-Purpose ID No. CRN-0034-0225306-7.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal on the date and place first above written.

Doc. No. 257;
Page No. 52;
Book No. XVI;
Series of 2023.


ATTY. ANTONIO B. BETITO
Notary Public-Pasig City
Commission No. 97(2023-2024)
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MCLE Compliance No. VII-0008638
April 14, 2025