

SUPREME COURT
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Republic of the Philippines
SUPREME COURT
Manila

En Banc

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OFFICE OF THE SUCITOR GENERAL

REPUBLIC OF THE PHILIPPINES,
represented by **THE DEPARTMENT**
OF AGRICULTURE, THE BUREAU
OF FISHERIES AND AQUATIC
RESOURCES and **THE NATIONAL**
TELECOMMUNICATIONS
COMMISSION,

Petitioners,

- versus -

G.R. No. 256282

ROYALE FISHING CORPORATION,
FISHING AND MARKET
RESOURCES, INC., RBL FISHING
CORPORATION, and **THE**
HONORABLE RTC JUDGE ZALDY
B. DOCENA, BRANCH 170,
MALABON CITY,

Respondents.

For: Petition for
Certiorari with Prayer
for Issuance of TRO
and/or WPI

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REPUBLIC OF THE PHILIPPINES,
represented by **THE DEPARTMENT**
OF AGRICULTURE, THE BUREAU
OF FISHERIES AND AQUATIC
RESOURCES and **THE NATIONAL**
TELECOMMUNICATIONS
COMMISSION,

Petitioners,

- versus -

G.R. No. 256559

ROYALE FISHING CORPORATION,
FISHING AND MARKET
RESOURCES, INC., and **RBL**
FISHING CORPORATION,

Respondents.

For: Petition for
Review with Prayer
for Issuance of TRO
and/or WPI

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w/ 257049

OPPOSITION

(to Respondents' Request for Transfer of Settings dated 06 September 2023)

Petitioner **Republic of the Philippines**, represented by the Department of Agriculture (DA), Bureau of Fisheries and Aquatic Resources (BFAR), and National Telecommunications Commission (NTC), through the Office of the Solicitor General (OSG), to this Honorable Court, respectfully avers:

1. In the "Request for Transfer of Settings" dated 06 September 2023 ("Request"), respondents Royale Fishing Corporation, Bonanza Fishing and Market Resources, Inc., and RBL Fishing Corporation ("respondents") seek to transfer the settings for preliminary conference and for oral arguments to later dates due to Atty. Hilario Paul H. Ragunjan, Jr.'s travel abroad.¹

2. Petitioner Republic respectfully submits that: (a) the urgency and transcendental importance of the subject matter of the above-entitled cases militate against further delay; and (b) such request is utterly without merit and justification.

3. It is respectfully submitted that the subject matter of the above-entitled cases, the legality and validity of Fisheries Administrative Order No. 266 ("FAO 266"), is urgent and of transcendental importance.

4. It is worthy to note that the urgency of the subject matter requires immediate resolution of the validity and constitutionality of FAO 266 as a policy to address illegal, unreported, and unregulated fishing ("IUUF"). The assailed RTC Decision continues to be used by other commercial fishing operators who resist the implementation of FAO 266. As previously manifested, fisheries in the Philippines are either at the limit of exploitation or are overfished, if management to rebuild fish stocks does not become effective, coastal communities and the national economy will continue to suffer.² If the fishery activities of Philippine commercial

¹ Request for Transfer of Settings dated 06 September 2023, pp. 1-2.

² Manifestation and Motion dated November 15, 2022.

fishing fleet will not be made subject to necessary regulations, such as the monitoring of their fishing activities and fish catch, then the state of our fisheries will continue to dwindle, to the prejudice of future generations of fishermen and our marine environment.³

5. Further, the transcendental importance of the subject matter is such that the management of the country's fishery resources in a sustainable manner for the benefit of present and future generations is in jeopardy without the implementation of the Vessel Monitoring System ("VMS"). The failure to install the VMS devices on Philippine flagged fishing vessels carries with it serious implications on the country's efforts to address IUUF.

6. Without the VMS, the Philippine-caught fishery products cannot be certified that they are **not** sourced through IUUF and may encounter possible ban from entering into international markets.

7. In view of the foregoing, it is respectfully submitted that there is utterly no merit or justification to the respondents' Request of Transfer of Settings. Under Section 12 (f), Rule 15 of the 2019 Amended Rules of Civil Procedure, **a motion for postponement is a prohibited motion** unless it is based on:

- a. acts of God;
- b. *force majeure*; and
- c. physical inability of the witness to appear and testify.

8. None of the enumerated exceptions apply to the request of respondents. The respondents' attempt to mislead this Honorable Court by intentionally calling their motion for postponement a Request to Transfer Settings should not be countenanced. The travel arrangements of respondents' lead lawyer are insignificant in the face of the urgency and transcendental importance of the subject matter of the above-entitled cases.

³ W. Campos, 'Report on the state of capture fisheries in the Philippines', dated 2021; Annex "B", Petitioner's Manifestation dated November 2, 2022.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court that the respondents' Request for Transfer of Settings dated 06 September 2023 be **DENIED** for utter lack of merit.

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

Makati City for the City of Manila, 18 September 2023.

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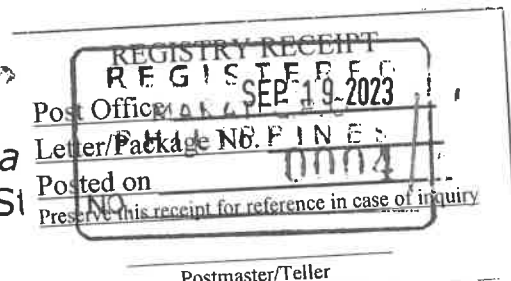
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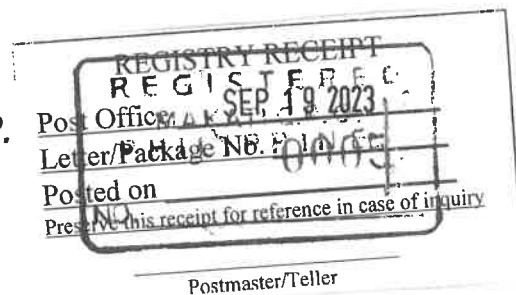
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National Director

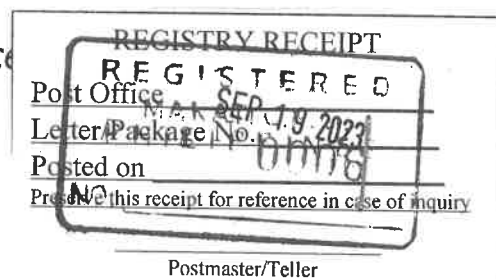
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SEP 19 2023



³ Admitted to the Philippine Bar on 20 May 2022.

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THE SECRETARY

Department of Agriculture

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THE SECRETARY

The National Telecommunications Commis

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ROYALE FISHING CORPORATION

Respondent

Block 17, Lot 24-34 Phase 2AB

Dalagang Bukid, Dagat-dagatan

Malabon City

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BONANZA FISHING AND MARKET RESOURCES INC.

Respondent

1112 M. Naval Street, San Jose

Navotas City

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RBL FISHING CORPORATION

Respondent

65 Rizal Street corner Manalo Street

Brgy. Tenga-Tenga, Cuyo, Palawan

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THE PRESIDING JUDGE

Regional Trial Court, Branch 170

1470 Malabon City

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EXPLANATION

The foregoing **Opposition** is being filed with this Honorable Court personally. However, copies of this pleading were served upon the other parties by registered mail pursuant to Section 3, Rule 13 of the 2019 Amendments to the Rules of Civil Procedure, personal filing not being practicable due to time constraints and lack of office personnel.


MELANIE P. PIMENTEL
Senior State Solicitor

erasc/mpp/atm: 20-017379