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Republic of the Philippines
Supreme Court
Manila

EN BANC

MONICO A. ABOGADO, G.R. No. 246209

ROBERTO M. ASIADO, LARRY

HUGO, ANGELO SADANG,

NONELON BALBONTIN,

SALITO LAGROSA, ARZEL

BELIDAN, RONALD GRANDIA,

TROY LAGROSA, RONEL

BADILLA, ARCHIE GARCIANO,

REGIDOR ASIADO, ELY LOPEZ,

EXPEDITO MAGDAYAO, RENY

MAGBANUA, ROMULO CANA,

JR., ROGELIO HINGPIT, JONEL

HUGO, ROBERT VALDEZ,

RIZEN GALVAN, RICARDO

NATURAL, SANNY BELIDAN,

ROWEL P. EJONA, FELIX

ULZON, RAFFY M. ASIADO,

PRIMO M. ASIADO, ADRIAN P.

ABAYAN, RANDY DACUMOS,

DANILO BELONO, ROMEO

MALAGUIT, DENNIS BANIA,

JASON VILLAMOR, GARY

CASTILLOS, ALBERTO SONIO,

DOLIE DUSONG, BJ PIRING and

JING MALINAO (collectively

known as the "KALAYAAN

PALAWAN FARMERS AND

FISHERFOLK ASSOCIATION"),

NILO LABRADOR, WILFREDO

LABANDELO and ROLANDO

LABANDELO, and INTEGRATED

BAR OF THE PHILIPPINES,

Petitioners,

Present:

BERSAMIN, J., *Chief Justice,*

CARPIO,*

PERALTA,

PERLAS-BERNABE,

LEONEN,

JARDELEZA,

CAGUIOA,

REYES, A., JR.,

GESMUNDO,

REYES, J., JR.,

HERNANDO,

CARANDANG,

LAZARO-JAVIER,

INTING, and

ZALAMEDA, JJ.

* No part per Resolution dated July 2, 2019.

-versus-

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, represented by Secretary HON. ROY A. CIMATU, DEPARTMENT OF AGRICULTURE, represented by Secretary HON. EMMANUEL PIÑOL, BUREAU OF FISHERIES AND AQUATIC RESOURCES, represented by National Director HON. EDUARDO B. GONGONA, PHILIPPINE NAVY, represented by FLAG OFFICER IN COMMAND HON. VADM ROBERT EMPEDRAD, PN, PHILIPPINE COAST GUARD, represented by Commandant HON. ADMIRAL ELSON E. HERMOGINO, PCG, PHILIPPINE NATIONAL POLICE, represented by CHIEF HON. PDG. OSCAR ALBAYALDE, PNP MARITIME GROUP, represented by DIRECTOR HON. PCSUPT RODELIO B. JOCSON, and DEPARTMENT OF JUSTICE, represented by Secretary HON. MENARDO I. GUEVARRA,

Respondents.

Promulgated:

September 3, 2019.

X-----X

RESOLUTION

LEONEN, J.:

Cases involving the public interest which seek to protect the marginalized and oppressed deserve more attention from their lawyers as compared with any other case. Those who have the least deserve to have more in law.

Before this Court is an Omnibus Motion with Manifestation¹ and Compliance with Motion² requesting, among others, the withdrawal of a Petition seeking writs of kalikasan and continuing mandamus.

On April 16, 2019, a Petition³ was filed by the Integrated Bar of the Philippines, Monico A. Abogado, Roberto M. Asiado, Larry Hugo, Angelo Sadang, Nonelon Balbontin, Salito Lagrosa, Arzel Belidan, Ronald Grandia, Troy Lagrosa, Ronel Badilla, Archie Garciano, Regidor Asiado, Ely Lopez, Expedito Magdayao, Reny Magbanua, Romulo Cana, Jr., Rogelio Hingpit, Jonel Hugo, Robert Valdez, Rizen Galvan, Ricardo Natural, Sanny Belidan, Rowel P. Ejona, Felix Ulzon, Raffy M. Asiado, Primo M. Asiado, Adrian P. Abayan, Randy Dacumos, Danilo Belono, Romeo Malaguit, Dennis Bania, Jason Villamor, Gary Castillos, Alberto Sonio, Dolie Dusong, BJ Piring, and Jing Malinao,⁴ all members of the Kalayaan Palawan Farmers and Fisherfolk Association, along with Nilo Labrador, Wilfredo Labandelo, and Rolando Labandelo, who were residents of Sitio Kinabuksan, Cawag, Zambales.

They sought the issuance of writs of kalikasan and continuing mandamus under A.M. No. 09-6-8-SC, or the Rules of Procedure for Environmental Cases, over Panatag Shoal (Scarborough Shoal), Panganiban Reef (Mischief Reef), and Ayungin Shoal (Second Thomas Shoal), located within the Philippines' exclusive economic zone.

Petitioners relied on the Permanent Court of Arbitration's findings in its July 12, 2016 Arbitral Award⁵ that Chinese fisherfolk and China's construction of artificial lands have caused severe environmental damage to the marine environment of these areas. They alleged that their "constitutional right to a balanced and healthful ecology"⁶ was being threatened and was being violated due to the "omissions, failure, and/or refusal of Respondents to enforce Philippine laws in Panatag Shoal, Ayungin Shoal, and Panganiban Reef."⁷

Respondents in this case include the Department of Environment and Natural Resources, represented by Secretary Roy A. Cimatu, the Department of Agriculture, represented by Secretary Emmanuel Piñol, the Bureau Of Fisheries and Aquatic Resources, represented by National Director Eduardo

¹ *Rollo*, pp. 836–846.

² *Id.* at 875–891.

³ *Id.* at 3–48.

⁴ Only 24 of 37 association members verified the Petition (*Rollo*, pp. 38–40). Rowel was sometimes spelled Rowl in the *rollo*.

⁵ *In the Matter of the South Sea China Arbitration*, PCA Case No. 2013-19, July 12, 2016, <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf> (last accessed on September 2, 2019).

⁶ *Rollo*, p. 32.

⁷ *Id.*

B. Gongona, the Philippine Navy, represented by Flag Officer In Command Robert Empedrad, the Philippine Coast Guard, represented by Admiral Elson E. Hermogino, the Philippine National Police, represented by Chief Oscar Albayalde, the Philippine National Police Maritime Group, represented by Director Rodelio B. Jocson, and the Department Of Justice, represented by Secretary Menardo I. Guevarra.

On May 3, 2019, this Court issued a Writ of Kalikasan and ordered respondents to file a verified return within a non-extendible period of 10 days from receipt of notice.⁸

On May 24, 2019, respondents, through the Office of the Solicitor General, filed their Verified Return with Comment.⁹ They argued that the Petition suffered from fatal procedural infirmities, which should have warranted its dismissal. They alleged that the Petition failed to state a cause of action since petitioners merely relied on the 2016 Arbitral Award as evidence and failed to attach the required judicial affidavits of witnesses.¹⁰

Respondents likewise made several factual allegations to substantiate their argument that they complied with environmental laws and regulations in the protection and preservation of Panatag Shoal (Scarborough Shoal), Panganiban Reef (Mischief Reef), and Ayungin Shoal (Second Thomas Shoal).¹¹ They submitted that since the case involved the conduct of foreign relations, the remedies sought by petitioners were diplomatic and political in nature, and hence “transcend[ed] mere enforcement of environmental laws.”¹²

On June 4, 2019, this Court issued a Resolution¹³ setting the case for oral arguments.¹⁴ Preliminary conference was held on June 18, 2019. On the same day, this Court issued the Advisory¹⁵ for oral arguments. Parties were informed to submit their written copies of opening statements, tables of authorities, copies of any document to be presented, and all slide presentations no later than July 1, 2019.¹⁶

On July 2, 2019, this Court issued a Resolution¹⁷ informing the parties that Associate Justice Antonio T. Carpio voluntarily inhibited from the case.

⁸ Id. at 227–229.

⁹ Id. at 235–283.

¹⁰ Id. at 243–244.

¹¹ Id. at 251–259.

¹² Id. at 259–260.

¹³ Id. at 588–597.

¹⁴ Oral arguments had initially been scheduled on June 25, 2019 but was later reset to July 2, 2019 (*rollo*, p. 639).

¹⁵ *Rollo*, pp. 621–626.

¹⁶ Id. at 624.

¹⁷ Id. at 770-A–770-E.

The first round of oral arguments was held on July 2, 2019. Petitioners' counsel Atty. Andre C. Palacios and collaborating counsel Atty. Jose Manuel I. Diokno presented their opening statements and were interpellated by this Court *En Banc*.¹⁸

On July 9, 2019, the oral arguments resumed, with Solicitor General Jose C. Calida (Solicitor General Calida) about to present respondents' arguments. However, before presenting his opening statement, he orally manifested that he be allowed to submit as additional compliance a Manifestation and Motion,¹⁹ along with its attached documents, to be admitted as part of the case records.²⁰

The documents attached to the Manifestation and Motion were affidavits²¹ executed by 19 of the 40 fisherfolk-petitioners before respondent Bureau of Fisheries and Aquatic Resources, requesting that their signatures be withdrawn from the Petition, which they claimed they did not read and was not explained to them before signing. They stated that they had been misinformed about the nature of the Petition filed before this Court. Thinking that the respondents would be the foreign nationals who caused the environmental damage, they said that they were surprised to hear that the case was instead filed against the Bureau of Fisheries and Aquatic Resources and the Philippine Navy, whom they considered allies.

In particular, the affidavits read:

[Sinumpaang Salaysay of petitioners Monico Abogado and Roberto Asiado, May 29, 2019]

1. Kami ay minsang kinausap ni Atty[.] Ann Fatima Chavez patungkol sa pag proteksyon sa lugar naming sa Pag-Asa laban sa mga dayuhan gaya ng mga intsik at Vietnamese na gumagamit ng cyanide at dinamita sa kanilang pangingsda;

2. May inilatag syang dokumento sa amin kung paano mapangalagaan ang kalikasan sa aming lugar at para sa aming ikabubuti bilang mangingsda. Ipinaliwanag pa sa amin kung ano ang mga nakasaad sa dokumento na ang layunin lamang ay ang pangalagaan ang karagatan na buong nasasakupan ng Kalayaan, at para rin sa kapakanan naming mga mangingsda;

....

6. *Walang nabanggit sa amin na kakasuhan ang ano mang ahensya ditto (sic) dahil kung nagkaganon, talagang di kami pipirma. Nagulat na lang*

¹⁸ Id. at 770-B-770-C.

¹⁹ Id. at 771-777. This document was physically distributed by the Office of the Solicitor General to the Court En Banc and to petitioners' counsels during oral arguments.

²⁰ Id. at 808-A.

²¹ Id. at 778-808.

kami nang malaman namin na tila ginagamit ang asosasyon namin sa Kalayaan upang kasuhan pala ang mismong mga ahensya na ito na syang katuwang namin doon;

7. Pagkatapos ng pag-uusap na iyon, ipinabatid naming sa aming mga kasamahan na may pipirmahan sila at suportahan namin ito dahil ang buong akala naman namin baka may donasyon o benepisyo para sa aming mga mangingisda at kasamahang magsasaka;

8. *Ang buod ng salaysay na ito ay upang ilahad ang katotohanan na iba ang paliwanag sa amin ni Atty. Chavez sa lumalabas ngayon na reklamo "daw" na mula sa amin. Ito po ay mariin naming pinapasinungalingan. Di po katanggap-tanggap sa amin na mismong navy at coast guard na siyang katuwang namin sa Pag-Asa ay kakasuhan namin ngayon. Wala kaming alam dito at di naming suportado and inihaing petisyon laban sa mga ahensyang ito;*

9. *Wala kaming kopya na nakuha dahil buong tiwala kami dun sa aming napag-usapan para sa aming benepisyo at kapakanan. Muli, walang nabanggit na pagsasampa ng reklamo laban sa katuwang naming mga ahensyang ito. Parang niloko po kami sa lagay na 'to e. Maganda ang samahan naming ng navy pero tila sinisira kami sa isa't isa.²² (Emphasis supplied)*

[Sinumpaang Salaysay of petitioner Monico Abogado, June 27, 2019]

8. Nagtungo ulit ako ng Navy sa sumunod na araw at doon ko na lang nalaman na pati pala ang mga ibang ahensiya ng gobyerno, kasali na ang BFAR, ay kinasuhan din pala gamit ang aming asosasyon bilang petitioner. At masakit sa loob ko na may isinama pang ibang pangalan na hindi naman myembro ng aming asosasyon tulad nina, NILO LABRADOR, WILFREDO LABANDELO at ROLANDO LABANDELO na hindi namin ka-myembro, at di namin kilala. Kami ay 37 lang na miyembro ng aming asosasyon at hindi sila kasali. *Para sa akin, isang malaking panlilinlang ito at panggagamit lamang sa aming asosasyon. Kaming mga maliliit ang naiipit dito.* Ngayong araw ko lang nalaman na ang nasabing tatlong mangingisda pala ay kasama naming napangalanan bilang petitioner pala at hindi pinapalabas bilang myembro ng aming asosasyon;

9. Pinapatunayan ko po na wala akong kinalaman sa petisyon na sinasabi nila laban sa mga ahensiya ng gobyerno. Wala akong nababasa na petisyon laban sa Navy, BFAR at ibang ahensiya. Wala akong pinipirmahan na petisyon laban sa mga ahensiya. Na sa pagkakatanda ko ay may nabanggit lamang si Atty. Chavez sa akin dati na petisyon laban sa mga dayuhang nangingisda sa Kalayaan ngunit ang petisyon na sinasabi niya ay hindi ko din nakita at pinirmahan.

....

14. Wala akong anumang hawak na kopya ng petisyon laban sa mga dayuhang mangingisda at wala din akong hawak na kopya ng petisyon laban sa mga ahensiya ng gobyerno. Muli, walang nabanggit sa akin na pagsasampa ng reklamo laban sa katuwang naming mga ahensyang ito.

²² Id. at 803-804.

Parang niloko yung asosasyon namin. Maganda ang samahan namin sa Navy at iba pang ahensiya pero tila sinisira kami sa isa't isa;

15. *Na ngayong araw ko lang nakita ang buong kopya ng sinasabing petisyon. Nagulat ako na may nakita akong katulad ng aking pirma duon sa baba ng "verification" ng parte ng petisyon. Muli, wala akong natatandaan na may pinirmahan akong ganun at wala din akong nababasang ganung papel[.]*²³ (Emphasis supplied)

[Sinumpaang Salaysay of petitioner Roberto Asiado, June 27, 2019]

4. May inilatag siyang dokumento sa akin kung paano mapangangalagaan ang kalikasan sa aming lugar at para sa aming ikabubuti bilang mga mangingisda. Ang sabi ni Atty. Ann Fatima Chavez akin (*sic*) ay dokumentong ito ay isang petisyon laban sa mga dayuhan, sa kanilang illegal na pangingsda at paninira sa ating karagatan. Ipinaliwanag pa sa akin kung ano ang mga nakasaad sa dokumento na ang layunin lamang ay ang pangalagaan ang karagatan na buong nasasakupan ng Pag-Asa, Kalayaan, Palawan, at para rin sa kapakanan naming mga mangingisda;

5. *Pinasadahan kong binasa ang dokumento na ito pero dahil maganda naman ang pagkapaliwanag at mahaba-haba siyang basahin at dahil malaki ang tiwala ko kay Atty. Ann Fatima Chavez, pumayag ako na pumirma dito kahit na di ko nabasa ang nilalaman ng petisyon;*

6. Dito ako pansamantalang nakabase sa Puerto Princesa, Palawan, at dahil ako ang president ng aming asosasyon, ako ang siyang kinausap patungkol sa sinasabing layunin na maprotektahan ang kapakanan naming mga mangingisda sa Pag-Asa, Kalayaan, Palawan;

7. Ako mismo ang naghatid ng napirmahang petisyon na galing sa Pag-Asa, Kalayaan, Palawan sa law office nina Atty. Chavez sa may gasoline station sa Malvar, Puerto Princesa, Palawan. Matapos noon, di na kami nagkita pa ni Atty. Chavez;

....

11. *Wala akong nakuhang kopya ng petisyon dahil buo ang tiwala ko kay Atty. Chavez. Muli, walang nabanggit na pagsasampa ng reklamo laban sa mga ahensyang ito. Parang niloko po kami ni Atty. Chavez sa lagay na ito. Maganda ang samahan naming ng BFAR, Philippine Navy at Philippine Coast guard pero tila sinisira kami laban sa isa't isa[.]*²⁴ (Emphasis supplied)

[Sinumpaang Salaysay of petitioner Arzel Belidan, June 27, 2019]

2. Noong mga February 2018, nasa opisina ako ng asosasyon namin dito sa Puerto Princesa. Pinatawag ako para utusang magpadala ng isang envelope papuntang Brgy. Pag-asa, Kalayaan, Palawan;

²³ Id. at 792-793.

²⁴ Id. at 796-797.

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3. Ang envelope na aking ipinadala ay naka seal ng masking tape, at naka address ito sa pangalan ni Nonelon Balbontin, myembro ng aming asosasyon na naka base sa Brgy. Pag-asa, Kalayaan, Palawaan noon;
4. Hindi ko nakita ang loob ng envelope. Hindi ko rin po binuksan ang envelope na iyon. Wala akong alam sa nilalaman na dokumento ng envelope na iyon, at kung ano na ang nangyari duon pagkatapos kong naipadala ito;
5. *Ngayon, nagulat nalang po ako na may petyon daw kaming inihain laban sa mga ahensya ng gobyerno, at ang pangalan ko ay nakasali sa mga nag rereklamo. Ako din ay nabigla ng may pirma ako sa nasabing petition. Sa katunayan wala akong pinipirmahan na petyon laban sa mga ahensya ng gobyerno kagaya ng BFAR, Philippine Navy, Philippine Coast Guard at iba pa;*
6. Wala naman po akong reklamo sa mga nasabing ahensya ng gobyerno dahil ang mga ito ang tumutulong at kaagapay at katuwang namin sa Brgy. Pag-Asa, Kalayaan, Palawan;
7. Marami pong naitulong ang BFAR, Philippine Navy at Philippine Coast Guard sa amin;
8. Ang buod ng salaysay na ito ay upang ilahad ang katotohanan na hindi ako pumirma sa nasabing reklamo laban sa mga ahensyang ito. Di po katanggap-tanggap sa akin na mismong BFAR, Philippine Navy at Philippine Coast Guard na siyang katuwang namin sa Pag-Asa ay kakasuhan namin ngayon. Wala kaming alam dito at di namin suportado ang inihaing petyon laban sa mga ahensyang ito[.]²⁵ (Emphasis supplied)

[Sinumpaang Salaysay of petitioner Angelo Sadang, July 4, 2019]

2. Na ako ay nautusang mag pa-ikot ng dalawang pahina ng papel para pirmahan ng mga kasama ko sa asosasyon;
3. *Ang pagkakaalam ko po ang papel na iyon ay para sa mga benepisyo ng ibibigay ng gobyerno para sa amin. Wala akong kaalaman na ang papel na iyon ay kaso pala laban sa gobyerno; at*
4. Noong nakaraang linggo ko lang nalaman sa president naming (*sic*) na meron palang isang petyon laban sa mga ahensiya ng gobyerno na kami daw ang nagsampa. Pinapatunayan ko po na wala akong kinalaman sa petyon at wala akong pinipirmahan na petyon laban sa mga ahensiya[.]²⁶ (Emphasis supplied)

[Handwritten letter of petitioner Randy Dacumos, July 4, 2019]

Ako[.] RANDY DACUMOS[.] resid[e]nte ng Bgy. Pag-Asa, Mun. of Kalayaan Member ng Samahan ng Fisher Fo[l]ks[.] Ako po ay nagulat ng (*sic*) malaman kong nadawit [ang aming] pangalan sa isinampa[ng] kaso[.]

²⁵ Id. at 800–801.

²⁶ Id. at 786.

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Gusto ko pong malaman nin[y]o na wala akong pin[i]rmahang papel [na] kinakas[u]han ang ibang [ahensya] ng go[by]erno.²⁷

[Handwritten letter of petitioner Larry Hugo, July 4, 2019]

Ako po si Larry Hugo nagmula po ako sa bayan ng Kalayaan. Ako yong Vice Prest. (*sic*) ng Samahan ng mga [illegible] na mangingisda ng Kalayaan[.] Hindi po totoo na kami po ay pumirma doon sa sinasabing [illegible] kas[u]han ang B[F]AR, NAVY[.] Inos[e]nt[e] po kami sa naturang problema[.] Nagamit lamang po ang aming Samahan para sa kanilang mga masamang plano kung ano man yon!²⁸

[Handwritten letter of petitioner Romulo Caña, Jr., July 4, 2019]

Ako po si Romulo C. Caña, Jr. taga Barangay Pag-asa Kalayaan Palawan[.] Wala po akong alam sa pirmahan nagulat nalang po ako na nadamay ang pangalan ko sa kaso. Ang alam kolang (*sic*) ay may ipamimigay sila sa amin [b]ilang tulong po sa amin. Wala talaga po akong alam diyan.²⁹

[Handwritten letter of petitioner Danilo Belono, July 4, 2019]

Ako si Danilo Belono.

May asawa at anak[.] Naninirahan sa Pag-Asa, Kalayaan, Palawan[.] Isa po ak[o]ng member sa Fish[er] Fo[lk.] Hindi po alam na ganon ang ma[n]gyayari[.] Hindi po kami nag pirma laban sa ibang samahan na t[u]m[tu]long saamin (*sic*) tulad po na BFAR at mga su[n]dalo[.]³⁰

[Pinagsamang Sinumpaang Salaysay of petitioners Regidor Asiado and Richard Galvan, July 5, 2019 and Pinagsamang Sinumpaang Salaysay of petitioners Dennis Bania, Felix Ulzon, Jing Malinao, Ronald Grandia, Expedito Magdayao, Robert Valdez, Raffy M. Asiado, Primo M. Asiado, Adrian P. Abayan, and Romeo M. Malaguit, July 5, 2019]

2. Na nalaman na lang namin mula sa mga kasamahan namin sa asosasyon na meron palang isang petisyon laban sa mga ahensiya ng gobyerno na kami daw ang nagsampa. *Pinapatunayan po naming (sic) na wala kaming kinalaman sa petisyon;*

3. Na hindi po naming (*sic*) kayang kasuhan ang mga ahensiya ng gobyerno dahil sila ang tumutulong sa aming mga mangingisda;

4. Walang nabang[g]it sa amin na kakasuhan ang ano mang ahensya ng gobyerno ng ating bansa dahil kung nag kaganoon, talagang di kami pipirma. Nagulat na lang kami nang malaman namin na tila ginagamit ang asosasyon namin sa Kalayaan upang kasuhan pala ang mismong mga ahensya na ito na syang katuwang namin sa Kalayaan[.]³¹ (Emphasis supplied)

²⁷ Id. at 805.

²⁸ Id. at 806.

²⁹ Id. at 807.

³⁰ Id. at 808.

³¹ Id. at 779 and 781. The contents of both affidavits were the same.

[Sinumpaang Salayasay of petitioners Wilfredo M. Labandelo and Nilo P. Labrador, July 5, 2019]

5. Noong Abril 2019, kami (Wilfredo Labandelo, Nilo Labrador) ay pinapatawag ng IBP sa kanilang tanggapan sa Maynila kung saan may pinakita sa aming Petition. Kung anuman ang nilalaman ng Petition na ito ay hindi namin nalaman noong pagkakataong iyon sapagkat di kami binigyan ng pagkakataon para mabasa ang nilalalman nito.

6. *Sinubukan rin naming manghingi ng kopya ng nasabing Petition sa IBP at pinangakuan na bibigyan nito subalit hanggang ngayon wala pa rin nakakarating sa amin. Sa dahilang ito, pinapatunayan namin na hanggang sa araw na ito ay hindi pa rin namin alam ang buong nilalaman ng Petition na ito.*

7. *Nalaman nalang namin sa news na aming napanood sa telebisyon at sa Rappler na ang Petition na aming pinirmahan pala ay tungkol sa mga nangyayaring problema sa West Philippine Sea.*

8. Pinapatunayan namin na wala kaming kinalaman sa naturang Petition na laban sa anumang ahensiya ng gobyerno sapagkat ito ay magkaiba sa kasalukuyang problema na inilapit namin sa IBP gaya ng pagpapasara ng paaralan, at ang pagpapaalis sa mga naninirahan sa Sitio Kinabukasan.

9. Lumapit po kami sa IBP na walang intensyong magreklamo o mag-file ng Petition laban sa mga ahensiya ng gobyerno gaya ng BFAR, DENR, DA, Philippine Coast Guard, at iba pa. Wala rin po nabanggit sa amin sa kahit anumang pagkakataon na magsasampa kami kasama ng IBP ng anumang kaso sa mga nasabing ahensiya.³² (Emphasis supplied)

Petitioners' counsels objected to Solicitor General Calida's Manifestation and Motion, arguing that it was unethical for respondent Bureau of Fisheries and Aquatic Resources to have conferred with petitioners without their counsels' knowledge.³³

In view of this development, the parties were required to move in the premises and submit their respective compliances by 4:30 p.m. on July 12, 2019.³⁴

On July 12, 2019, petitioners' counsels filed a Motion for Extension of Time to Confer with Clients and Obtain Special Authority.³⁵ Citing Rule 138, Section 23³⁶ of the Rules of Court, they requested a 10-day extension,

³² Id. at 784-785.

³³ Id. at 808-A-808-B.

³⁴ Id. at 808-C.

³⁵ Id. at 809-813.

³⁶ RULES OF COURT, Rule 138, sec. 23 provides:

SECTION 23. *Authority of attorneys to bind clients.* — Attorneys have authority to bind their clients in any case by any agreement in relation thereto made in writing, and in taking appeals, and in all matters of ordinary judicial procedure. But they cannot, without special authority, compromise their client's litigation, or receive anything in discharge of a client's claim but the full amount in cash.

or until July 22, 2019, to confer with their clients before proceeding with any action that would result in the termination of the case.

The Office of the Solicitor General, on the other hand, filed a Compliance (Re: Order to Move in the Premises).³⁷ It opposed the Motion for Extension of Time, saying that the pleading “will not cure the infirmity that the Petition was initiated by counsel without the full knowledge and understanding of the fisherfolk-petitioners.”³⁸ As such, it requested that the case be immediately dismissed.³⁹

On July 16, 2019, this Court issued a Resolution⁴⁰ granting the Motion for Extension of Time until 12:00 noon of July 19, 2019 and noting the Compliance. It also reminded counsels for all parties to observe the rule on *sub judice* and refrain from making statements about the case to the media or on social media.⁴¹

At 4:18 p.m. on July 19, 2019, petitioners’ counsels filed an Omnibus Motion with Manifestation.⁴² They informed this Court that they met with six (6) of the fisherfolk-petitioners, who signified that they no longer wished to pursue the case. They also signed a handwritten letter, which read:

Mga Ginoo,

Una po sa lahat ay nais naming magpasalamat sa inyong panahong ginugol sa pakikipagpulong sa amin.

Matapos po ang ating pag-uusap kahapon, isinangguni po namin ang usapin sa mga kapwa naming kasapi at aming napagkaisahang iatras nyo na lamang ang kaso, nang sa gayon ay maging tahimik na ang aming mga buhay.

Bilang mga kinatawan ng samahan ng Fisherfolks ng Kalayaan at upang patunayan ang kagustuhan ng nakararami, aming inilagda ang aming mga pangalan ngayong araw na ito sa Lungsod ng Pto. Princesa.⁴³

Petitioners’ counsels stated that the lawyers of the Integrated Bar of the Philippines-Palawan Chapter were able to meet with these six (6) fisherfolk-petitioners in Puerto Princesa City as they could not leave yet for Pag-asa Island due to engine trouble in their vessel. As for the 20 other fisherfolk-petitioners who had signed the Petition, the lawyers were unable to meet them as they were “on Pag-asa Island and the undersigned counsels

³⁷ *Rollo*, pp. 814–829.

³⁸ *Id.* at 816.

³⁹ *Id.* at 817.

⁴⁰ *Id.* at 830–832.

⁴¹ *Id.* at 831.

⁴² *Id.* at 836–846.

⁴³ *Id.* at 838.

cannot travel to meet them there; or . . . communicate with them as Philippine telephone companies have no or very weak network coverage there.”⁴⁴

Petitioners’ counsels also stated that despite “heavy rain, strong wind, and large waves[,]”⁴⁵ the lawyers of the Integrated Bar of the Philippines-Zambales Chapter exerted efforts to meet with the three (3) fisherfolk-petitioners in Sitio Kinabuksan, Zambales. However, they were only able to meet with petitioner Wilfredo Labandelo (Wilfredo), who informed them that his brother, petitioner Rolando Labandelo (Rolando), had already moved to Palawan on June 22, 2019 and that petitioner Nilo Labrador (Labrador) has since relocated to another place on July 12, 2019 but did not leave any contact details.⁴⁶ Petitioner Wilfredo also executed a handwritten letter stating:

Mga Ginoo:

Pakiurong nyo ang kaso namin Abogado vs DENR[.]⁴⁷

Petitioners’ counsels also informed this Court that on July 19, 2019, the Integrated Bar of the Philippines Board of Governors adopted resolutions requesting the Petition’s withdrawal.⁴⁸ Moreover, they again objected to the Office of the Solicitor General’s Manifestation and Motion dated July 9, 2019, which they said “has caused this case to become a media spectacle instead of being a case that presents important issues concerning the environment in the West Philippine Sea.”⁴⁹ Thus, they prayed that this Court:

1. GRANT the following Petitioners’ Motion to Withdraw the Petition for the following Petitioners:

1. MONICO ABOGADO
2. ROBERTO ASIADO
3. NONELON BALBONTIN
4. RANDY DACUMOS
5. ANGELO SADANG
6. RENY MAGBANUA
7. WILFREDO LABANDELO
8. THE INTEGRATED BAR OF THE PHILIPPINES

2. GRANT the undersigned counsels’ Motion to Withdraw as Counsel for the following Petitioners:

⁴⁴ Id. at 839. Counsels explained that lawyers of the Palawan Chapter were able to meet with petitioner Ricardo Natural on July 14, 2019, but he did not meet them on July 15, 2019 for the signing of the withdrawal letter.

⁴⁵ Id. at 840.

⁴⁶ Id. at 840–841.

⁴⁷ Id. at 840.

⁴⁸ Id. at 841 and 863.

⁴⁹ Id. at 842.

1. RICARDO NATURAL
2. LARRY HUGO
3. ARZEL BELIDAN
4. RONALD GRANDIA
5. RONEL BADILLA
6. EXPEDITO MAGDAYAO
7. JONEL HUGO
8. ROBERT VALDEZ
9. SANNY BELIDAN
10. ROWL P. EJONA (*sic*)
11. FELIX ULZON
12. RAFFY M. ASIADO
13. PRIMO M. ASIADO
14. ADRIAN P. ABAYAN
15. DANILO BELONO
16. ROMEO MALAGUIT
17. DENNIS BANIA
18. JING MALINAO
19. NILO LABRADOR
20. ROLANDO LABANDELO.

3. GRANT the Petitioners' Motion to Expunge from the Records Respondents' Manifestation [and] Motion filed on 9 July 2019.
4. NOTE the above manifestations.⁵⁰

In a July 30, 2019 Resolution,⁵¹ this Court deferred action on the Motion to Withdraw as Counsel and required petitioners' counsels to:

(a) exert more efforts to reach their clients through means of communication they have established when they engaged them as their clients; (b) provide adequate proof that the 20 other clients have actual knowledge of the contents of their petition; and (c) provide legal justification that the Motion to Withdraw as Counsel may be granted while leaving most of the petitioners without representation.⁵²

Petitioners' counsels were given a non-extendible period of seven (7) days⁵³ to comply with the Resolution.

On August 14, 2019, petitioners' counsels filed a Motion to Admit Compliance with Motion.⁵⁴ In it, they explained that while they were able to send through registered mail a copy of the Compliance to the Office of the Solicitor General on August 13, 2019, "the heavier-than-usual traffic"⁵⁵

⁵⁰ Id. at 843–844.

⁵¹ Id. at 865–867.

⁵² Id. at 865–866.

⁵³ Considering that this Court declared a work suspension on August 2, 2019 and early dismissal of its employees on August 9, 2019, the last equitable day for filing would be August 13, 2019.

⁵⁴ *Rollo*, pp. 872–874.

⁵⁵ Id. at 873.

caused their messenger to arrive a few minutes after 5:00 p.m. and fail to file the pleading before this Court. Hence, they prayed that the Compliance with Motion still be admitted by this Court.

In their attached Compliance with Motion,⁵⁶ petitioners' counsels explained that on August 4, 2019, members of the Integrated Bar of the Philippines-Zambales Chapter met with fisherfolk-petitioners Rolando and Labrador, who provided them with letters stating:

Mga ginoo!

Pakiurong nyo ang kaso naming Abogado vs. DENR

Rolano M. Labandelo
Aug. 4/ 2019 (*sic*)

.....

Mga ginoo:

Pakiurong nyo ang kaso namin Abogado vs. DENR

Nilo Labrador
Oua. 4/ 2019 (*sic*)⁵⁷

Petitioners' counsels likewise stated that Atty. Josefina Ela Bueno, the former president of the Integrated Bar of the Philippines-Zambales Chapter, executed an affidavit narrating how she and the other officers of the Chapter met with and explained the Petition's contents to the fisherfolk-petitioners, recounting how the latter voluntarily signed its Verification/Certification.⁵⁸ "However, due to logistical difficulties brought about by the inclement weather and the distance between Zambales and Manila,"⁵⁹ petitioners' counsels said that the affidavit could not be attached to the pleading. Hence, they prayed for additional time to file this affidavit.⁶⁰

To prove the difficulties in contacting their clients, petitioners' counsels attached a Certification⁶¹ from the Kalayaan Municipal Administrator, who stated that there had been no cellphone or internet service in Pag-asa Island from the third quarter of 2016 until July 27, 2019.⁶²

Petitioners' counsels further manifested that on August 2, 2019, in Puerto Princesa City members of the Integrated Bar of the Philippines-

⁵⁶ Id. at 875-883.

⁵⁷ Id. at 877.

⁵⁸ Id.

⁵⁹ Id. at 878.

⁶⁰ Id. at 878 and 882.

⁶¹ Id. at 889, Compliance with Motion, Annex "F."

⁶² Id. at 879.

Palawan Chapter met with fisherfolk-petitioner Ricardo Natural (Natural), who expressed his desire to withdraw the case.⁶³

Petitioners' counsels likewise manifested that at around 10:00 a.m. on the same day, they were able to videoconference with 12 of the fisherfolk-petitioners, namely, Arzel Belidan, Ronald Grandia, Expedito Magdayao, Jonel Hugo, Robert Valdez, Felix Ulson, Raffy Asiado, Adrian Abayan, Danilo Belono, and Jing Malinao. They did the same with two (2) other fisherfolk-petitioners, Romeo Malaguit and Dennis Bania, at 2:00 p.m. that day. While fisherfolk-petitioner Larry Hugo (Larry) was unable to join the video conference, he, together with the 14 fisherfolk-petitioners, executed a letter stating their desire to join the other fisherfolk-petitioners in withdrawing the Petition.⁶⁴

Petitioners' counsels alleged that Sanny Belidan (Sanny) and Rowel Ejona (Ejona), the remaining fisherfolk-petitioners who have yet to give their conformity to the Petition's withdrawal, could not be contacted despite several attempts through their mobile phones.⁶⁵ Leonila De Jesus, the officer-in-charge for Pag-asa Island, also confirmed that they were not in Pag-asa Island.⁶⁶ Petitioners' counsels maintained, however, that two (2) officers of the Kalayaan Palawan Farmers and Fisherfolk Association would execute an affidavit narrating the circumstances of their participation and their understanding of the Petition's contents. As such, they requested additional time to submit the affidavit.⁶⁷

In sum, petitioners' counsels prayed that this Court:

1. NOTE this Compliance;
2. GRANT the undersigned counsels' motion for additional time, or until 16 August 2019 (Friday) to file the affidavit of Atty. Josefina Ela Bueno and the letter from the officers of the Kalayaan Palawan Farmers and Fisherfolk Association; and
3. GRANT the Motion to Withdraw the Petition.⁶⁸

This Court resolves to grant the Motion to Withdraw the Petition. The Petition is dismissed, without passing upon any of the substantive issues raised. However, we take this occasion to discuss the following points.

⁶³ Id. at 879.

⁶⁴ Id. at 879-880.

⁶⁵ Id. at 881.

⁶⁶ Id. at 879.

⁶⁷ Id. at 881-882.

⁶⁸ Id. at 882.

I

The nature of a writ of kalikasan is stated in Rule 7, Section 1 of the Rules of Procedure for Environmental Cases:⁶⁹

SECTION 1. Nature of the writ. — The writ is a remedy available to a natural or juridical person, entity authorized by law, people's organization, non-governmental organization, or any public interest group accredited by or registered with any government agency, on behalf of persons whose constitutional right to a balanced and healthful ecology is violated, or threatened with violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

*Paje v. Casiño*⁷⁰ discusses the scope of the writ and the reliefs that may be granted under it:

The writ is categorized as a special civil action and was, thus, conceptualized as an extraordinary remedy, which aims to provide judicial relief from threatened or actual violation/s of the constitutional right to a balanced and healthful ecology of a magnitude or degree of damage that transcends political and territorial boundaries. It is intended “to provide a stronger defense for environmental rights through judicial efforts where institutional arrangements of enforcement, implementation and legislation have fallen short” and seeks “to address the potentially exponential nature of large-scale ecological threats.”

Under Section 1 of Rule 7, the following requisites must be present to avail of this extraordinary remedy: (1) there is an actual or threatened violation of the constitutional right to a balanced and healthful ecology; (2) the actual or threatened violation arises from an unlawful act or omission of a public official or employee, or private individual or entity; and (3) the actual or threatened violation involves or will lead to an environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

Expectedly, the Rules do not define the exact nature or degree of environmental damage but only that it must be sufficiently grave, in terms of the territorial scope of such damage, so as to call for the grant of this extraordinary remedy. The gravity of environmental damage sufficient to grant the writ is, thus, to be decided on a case-to-case basis.

If the petitioner successfully proves the foregoing requisites, the court shall render judgment granting the privilege of the writ of kalikasan. Otherwise, the petition shall be denied. If the petition is granted, the court may grant the reliefs provided for under Section 15 of Rule 7, to wit:

⁶⁹ A.M. No. 09-6-8-SC, April 13, 2010.

⁷⁰ 752 Phil. 498 (2015) [Per J. Del Castillo, En Banc].

Section 15. Judgment. — Within sixty (60) days from the time the petition is submitted for decision, the court shall render judgment granting or denying the privilege of the writ of kalikasan.

The reliefs that may be granted under the writ are the following:

- (a) Directing respondent to permanently cease and desist from committing acts or neglecting the performance of a duty in violation of environmental laws resulting in environmental destruction or damage;
- (b) Directing the respondent public official, government agency, private person or entity to protect, preserve, rehabilitate or restore the environment;
- (c) Directing the respondent public official, government agency, private person or entity to monitor strict compliance with the decision and orders of the court;
- (d) Directing the respondent public official, government agency, or private person or entity to make periodic reports on the execution of the final judgment; and
- (e) Such other reliefs which relate to the right of the people to a balanced and healthful ecology or to the protection, preservation, rehabilitation or restoration of the environment, except the award of damages to individual petitioners.

It must be noted, however, that the above enumerated reliefs are non-exhaustive. The reliefs that may be granted under the writ are broad, comprehensive and non-exclusive.⁷¹

Thus, a writ of kalikasan is an extraordinary remedy that “covers environmental damages the magnitude of which transcends both political and territorial boundaries.”⁷² The damage must be caused by an unlawful act or omission of a public official, public employee, or private individual or entity. It must affect the inhabitants of at least two (2) cities or provinces.⁷³

In civil, criminal, and administrative cases, parties are clear as to the quantum of evidence necessary to prove their case. Civil cases require a preponderance of evidence,⁷⁴ or “evidence which is of greater weight, or

⁷¹ Id. at 538–540 *citing* RULES OF PROCEDURE FOR ENVIRONMENTAL CASES and The Rationale and Annotation to the Rules of Procedure for Environmental Cases issued by the Supreme Court, pp. 78–79 and 133.

⁷² J. Leonen, Concurring Opinion in *Arigo v. Swift*, 743 Phil. 8, 94 (2014) [Per J. Villarama, Jr., En Banc] *citing* The Rationale and Annotation to the Rules of Procedure for Environmental Cases, p. 133.

⁷³ RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, Rule 7, sec. 1.

⁷⁴ *See* RULES OF COURT, Rule 133, sec. 1, which provides:

SECTION 1. Preponderance of evidence, how determined. — In civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all

more convincing, that which is offered in opposition to it[.]”⁷⁵ Administrative cases require substantial evidence,⁷⁶ or “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.”⁷⁷ Criminal cases require proof beyond reasonable doubt,⁷⁸ or “that degree of proof which produces conviction in an unprejudiced mind.”⁷⁹ In petitions for the issuance of a writ of kalikasan, however, the quantum of evidence is not specifically stated.

Other special civil actions such as certiorari,⁸⁰ prohibition,⁸¹ and mandamus⁸² must be filed by a party that is directly injured or will be injured by the act and omission complained of. However, a petition for the writ of kalikasan may be filed on behalf of those whose right is violated. The Rules of Procedure for Environmental Cases only requires that the public interest group is duly accredited.⁸³ Filing through representation is also allowed for other extraordinary writs such as *habeas corpus*,⁸⁴ *amparo*,⁸⁵ and *habeas data*.⁸⁶

This Court explained that “the Rules [of Procedure for Environmental Cases] do[es] not define the exact nature or degree of environmental damage but only that it must be sufficiently grave, in terms of the territorial scope of such damage[.]”⁸⁷ Every petition, therefore, must be examined on a case-to-case basis. It is imperative, however, that even before a petition for its issuance can be filed, the petition must be *verified* and must contain:

(a) The personal circumstances of the petitioner;

the facts and circumstances of the case, the witnesses’ manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

⁷⁵ *Jison v. Court of Appeals*, 350 Phil. 138, 173 (1998) [Per J. Davide, Jr., First Division] *citing* 7 Vicente J. Francisco, *The Revised Rules of Court in the Philippines, Evidence (Part II, Rules 131–134)*, 2–4, 542–543 (1973).

⁷⁶ *See Montemayor v. Bundalian*, 453 Phil. 158 (2003) [Per J. Puno, Third Division] *citing* *Lorena v. Encomienda*, 362 Phil. 248 (1999) [J. Panganiban, Third Division] and *Cortes v. Agcaoili*, 355 Phil. (1998) [Per J. Panganiban, En Banc].

⁷⁷ *Id.* at 167 *citing* *Enrique v. Court of Appeals*, 299 Phil. 194 (1994) [Per J. Quiason, En Banc].

⁷⁸ *See* RULES OF COURT, Rule 133, sec. 2, which provides:

SECTION 2. *Proof beyond reasonable doubt.* — In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

⁷⁹ RULES OF COURT, Rule 133, sec. 2.

⁸⁰ *See* RULES OF COURT, Rule 65, sec. 1.

⁸¹ *See* RULES OF COURT, Rule 65, sec. 2.

⁸² *See* RULES OF COURT, Rule 65, sec. 3.

⁸³ *See* RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, Rule 7, sec. 1.

⁸⁴ *See* RULES OF COURT, Rule 102, sec. 3.

⁸⁵ A.M. No. 07-9-12-SC (2007), sec. 2.

⁸⁶ A. M. No. 08-1-16-SC (2008), sec. 2.

⁸⁷ *Paje v. Casiño*, 752 Phil. 498, 539 (2015) [Per J. Del Castillo, En Banc].

(b) The name and personal circumstances of the respondent or if the name and personal circumstances are unknown and uncertain, the respondent may be described by an assumed appellation;

(c) The environmental law, rule or regulation violated or threatened to be violated, the act or omission complained of, and the environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

(d) All relevant and material evidence consisting of the affidavits of witnesses, documentary evidence, scientific or other expert studies, and if possible, object evidence;

(e) The certification of petitioner under oath that: (1) petitioner has not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and no such other action or claim is pending therein; (2) if there is such other pending action or claim, a complete statement of its present status; (3) if petitioner should learn that the same or similar action or claim has been filed or is pending, petitioner shall report to the court that fact within five (5) days therefrom; and

(f) The reliefs prayed for which may include a prayer for the issuance of a TEPO.⁸⁸

Parties that seek the issuance of the writ of kalikasan, whether on their own or on others' behalf, carry the burden of substantiating the writ's elements. Before private parties or public interest groups may proceed with the case, they must be ready with the evidence necessary for the determination of the writ's issuance.

In *LNL Archipelago Minerals v. Agham Party List*,⁸⁹ this Court denied the petition for the issuance of the writ filed by a party list group advocating for the protection of the environment. This was due to the group's failure to substantiate its allegations:

It is well-settled that a party claiming the privilege for the issuance of a Writ of Kalikasan has to show that a law, rule or regulation was violated or would be violated. In the present case, the allegation by Agham that two laws — the Revised Forestry Code, as amended, and the Philippine Mining Act — were violated by LAMI was not adequately substantiated by Agham. Even the facts submitted by Agham to establish environmental damage were mere general allegations.

Second, Agham's allegation that there was a "mountain" [levelled] in LAMI's port site was earlier established as false as the "mountain" was non-existent as proven by the testimonies of the witnesses and reports made by environmental experts and persons who have been educated and trained in their respective fields.⁹⁰

⁸⁸ RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, Rule 7, sec. 2.

⁸⁹ 784 Phil. 456 (2016) [Per J. Carpio, En Banc].

⁹⁰ Id. at 480.

This was, unfortunately, not the only time that environmental advocates have come to this Court unprepared. In *Paje*,⁹¹ this Court denied a petition filed against the construction of a coal-fired power plant in Subic Bay Industrial Park for the public interest group's failure to provide the necessary evidence:

The records of this case painfully chronicle the embarrassingly inadequate evidence marshalled by those that initially filed the Petition for a Writ of Kalikasan. Even with the most conscientious perusal of the records and with the most sympathetic view for the interests of the community and the environment, the obvious conclusion that there was not much thought or preparation in substantiating the allegations made in the Petition cannot be hidden. Legal advocacy for the environment deserves much more.⁹²

The imminence or emergency of an ecological disaster should not be, an excuse for litigants to do away with their responsibility of substantiating their petitions before the courts. As with any special civil action for extraordinary writs, parties seeking the writ of kalikasan must be ready with the evidence required to prove their allegations by the time the petition is filed. Hasty slipshod petitions, filed in the guise of environmental advocacy, only serve to undermine that advocacy:

Environmental advocacy is primarily motivated by care and compassion for communities and the environment. It can rightly be a passionately held mission. It is founded on faith that the world as it is now can be different. It implies the belief that the longer view of protecting our ecology should never be sacrificed for short-term convenience.

However, environmental advocacy is not only about passion. It is also about responsibility. There are communities with almost no resources and are at a disadvantage against large projects that might impact on their livelihoods. Those that take the cudgels lead them as they assert their ecological rights must show that they have both the professionalism and the capability to carry their cause forward. When they file a case to protect the interests of those who they represent, they should be able to make both allegation and proof. The dangers from an improperly managed environmental case are as real to the communities sought to be represented as the dangers from a project by proponents who do not consider their interests.⁹³

Environmental advocacy requires more than passion for saving the environment. Thus:

⁹¹ 752 Phil. 498 (2015) [Per J. Del Castillo, En Banc].

⁹² J. Leonen, Concurring and Dissenting Opinion in *Paje v. Casiño*, 752 Phil. 498, 715 (2015) [Per J. Del Castillo, En Banc].

⁹³ Id.

Certainly, there is a need for leaders, organizations, and dedicated movements that amplify the concerns of communities, groups, and identities which tend to be put in the margins of forums dominated by larger and more politically connected commercial interests. This includes forums that create and implement regulatory frameworks. Liberal democratic deliberations at times fail to represent the silenced majority as it succumbs to the powerful minority.

While acknowledging this reality, we also need to be careful that the chambers of this court do not substitute for the needed political debate on public issues or the analytical rigor required by truths in science. We are Justices primarily. While politics and science envelope some of our important decisions, we should not lose the humility that the Constitution itself requires of us. We are an important part of the constitutional order: always only a part, never one that should dominate. Our decisions have the veneer of finality. It should never, however, be disguised superiority in any form or manner.

Political debates indeed also mature when we pronounce the nature of fundamental rights in concrete cases. Before cases ripen — or, as in this case, when it has become moot — restraint will be the better approach. We participate in the shaping of the content of these fundamental rights only with the guidance of an actual case. This, among others, distinguishes the judicial function from the purely political engagement.

....

If any, the resolution of this case implies rigor in environmental advocacy. Vigilance and passion are the hallmarks of the public interest movement. There is no reason that the members of this movement should not evolve the proper skills and attitudes to properly work the legal system and understand the role of the judicial process. Environmental advocacy also requires an understanding of science and the locating of the proper place of various norms such as the precautionary principle. After all, representation of marginalized community voices deserves excellent representation and responsible leadership. Filing a judicial remedy almost two years too late and without the required scientific rigor patently required by the allegations and the arguments misses these standards.⁹⁴

A writ of kalikasan cannot and should not substitute other remedies that may be available to the parties, whether legal, administrative, or political. Mere concern for the environment is not an excuse to invoke this Court's jurisdiction in cases where other remedies are available:

The function of the extraordinary and equitable remedy of a Writ of Kalikasan should not supplant other available remedies and the nature of the forums that they provide. The Writ of Kalikasan is a highly prerogative writ that issues only when there is a showing of actual or imminent threat and when there is such inaction on the part of the relevant

⁹⁴ J. Leonen, Concurring and Dissenting Opinion in *International Service for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines)*, 774 Phil. 508, 721–722 (2015) [Per J. Villarama, En Banc].

administrative bodies that will make an environmental catastrophe inevitable. It is not a remedy that is availing when there is no actual threat or when imminence of danger is not demonstrable. The Writ of Kalikasan thus is not an excuse to invoke judicial remedies when there still remain administrative forums to properly address the common concern to protect and advance ecological rights. After all, we cannot presume that only the Supreme Court can conscientiously fulfill the ecological duties required of the entire state.⁹⁵

Moreover, there are other legal remedies available:

The writ of kalikasan is not an all-embracing legal remedy to be wielded like a political tool. It is both an extraordinary and equitable remedy which assists to prevent environmental catastrophes. It does not replace other legal remedies similarly motivated by concern for the environment and the community's ecological welfare. Certainly, when the petition itself alleges that remedial and preventive remedies have occurred, the functions of the writ cease to exist. In case of disagreement, parties need to exhaust the political and administrative arena. Only when a concrete cause of action arises out of facts that can be proven with substantial evidence may the proper legal action be entertained.⁹⁶

A writ of continuing mandamus, on the other hand, "is a special civil action that may be availed of 'to compel the performance of an act specifically enjoined by law.'"⁹⁷ Rule 8, Section 1 of the Rules of Procedure for Environmental Cases provides:

SECTION 1. Petition for continuing mandamus. — When any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations. The petition shall also contain a sworn certification of non-forum shopping.

⁹⁵ J. Leonen, Concurring and Dissenting Opinion in *Paje v. Casiño*, 752 Phil. 498, 714 (2015) [Per J. Villarama, Jr., En Banc].

⁹⁶ J. Leonen, Concurring Opinion in *Arigo v. Swift*, 743 Phil. 8, 71 (2014) [Per J. Villarama, Jr., En Banc].

⁹⁷ *Boracay Foundation, Inc. v. Province of Aklan*, 689 Phil. 218, 271 (2012) [Per J. Leonardo-De Castro, En Banc] citing The Rationale and Annotation to the Rules of Procedure for Environmental Cases, p. 45.

The rationale for the grant of the writ was explained in *Boracay Foundation, Inc. v. Province of Aklan*.⁹⁸

Environmental law highlights the shift in the focal-point from the initiation of regulation by Congress to the implementation of regulatory programs by the appropriate government agencies.

Thus, a government agency's inaction, if any, has serious implications on the future of environmental law enforcement. Private individuals, to the extent that they seek to change the scope of the regulatory process, will have to rely on such agencies to take the initial incentives, which may require a judicial component. Accordingly, questions regarding the propriety of an agency's action or inaction will need to be analyzed.

This point is emphasized in the availability of the remedy of the writ of mandamus, which allows for the enforcement of the conduct of the tasks to which the writ pertains: the performance of a legal duty.⁹⁹

While Rule 2¹⁰⁰ of the Rules of Procedure for Environmental Cases provides a civil procedure for the enforcement or violation of environmental laws, Rule 8 provides a distinct remedy and procedure for allegations of unlawful neglect in the enforcement of environmental laws or the unlawful exclusion in the use or enjoyment of an environmental right. As with the procedure in special civil actions for certiorari, prohibition, and mandamus, this procedure also requires that the petition should be sufficient in form and substance before a court can take further action. Failure to comply may be basis for the petition's outright dismissal.¹⁰¹

Sufficiency in the substance of a petition for a writ of continuing mandamus requires:

⁹⁸ 689 Phil. 218 (2012) [Per J. Leonardo-De Castro, En Banc].

⁹⁹ Id. at 271-272 citing The Rationale and Annotation to the Rules of Procedure for Environmental Cases, p. 76.

¹⁰⁰ See RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, Rule 2, secs. 4 and 5. They provide:

SECTION 4. *Who may file.* — Any real party in interest, including the government and juridical entities authorized by law, may file a civil action involving the enforcement or violation of any environmental law.

SECTION 5. *Citizen suit.* — Any Filipino citizen in representation of others, including minors or generations yet unborn, may file an action to enforce rights or obligations under environmental laws. Upon the filing of a citizen suit, the court shall issue an order which shall contain a brief description of the cause of action and the reliefs prayed for, requiring all interested parties to manifest their interest to intervene in the case within fifteen (15) days from notice thereof. The plaintiff may publish the order once in a newspaper of a general circulation in the Philippines or furnish all affected barangays copies of said order.

Citizen suits filed under R.A. No. 8749 and R.A. No. 9003 shall be governed by their respective provisions.

¹⁰¹ See *Dolot v. Paje*, 716 Phil. 458 [Per J. Reyes, En Banc]. See also RULES OF COURT, Rule 65 and Rules of Procedure for Environmental Cases, Rule 8.

. . . that the petition must contain substantive allegations specifically constituting an actionable neglect or omission and must establish, at the very least, a *prima facie* basis for the issuance of the writ, viz.: (1) an agency or instrumentality of government or its officer unlawfully neglects the performance of an act or unlawfully excludes another from the use or enjoyment of a right; (2) the act to be performed by the government agency, instrumentality or its officer is specifically enjoined by law as a duty; (3) such duty results from an office, trust or station in connection with the enforcement or violation of an environmental law, rule or regulation or a right therein; and (4) there is no other plain, speedy and adequate remedy in the course of law.¹⁰² (Citation omitted)

The writ is essentially a *continuing* order of the court, as it:

. . . “permits the court to retain jurisdiction after judgment in order to ensure the successful implementation of the reliefs mandated under the court’s decision” and, in order to do this, “the court may compel the submission of compliance reports from the respondent government agencies as well as avail of other means to monitor compliance with its decision.”¹⁰³

However, requiring the periodic submission of compliance reports does not mean that the court acquires supervisory powers over administrative agencies. This interpretation would violate the principle of the separation of powers since courts do not have the power to enforce laws, create laws, or revise legislative actions.¹⁰⁴ The writ should not be used to supplant executive or legislative privileges. Neither should it be used where the remedies required are clearly political or administrative in nature.

For this reason, every petition for the issuance of a writ of continuing mandamus must be clear on the guidelines sought for its implementation and its termination point. Petitioners cannot merely request the writ’s issuance without specifically outlining the reliefs sought to be implemented and the period when the submission of compliance reports may cease.

II

This Court likewise takes this occasion to pass upon the prior Motion for Withdrawal as Counsels for 20 of the fisherfolk-petitioners.

There are 41 petitioners here, consisting of 37 fishers from Palawan, three (3) fishers from Zambales, and the Integrated Bar of the Philippines.

¹⁰² Id. at 472.

¹⁰³ *Boracay Foundation, Inc. v. Province of Aklan*, 689 Phil. 218, 272 (2012) [Per J. Leonardo-De Castro, En Banc] citing *The Rationale and Annotation to the Rules of Procedure for Environmental Cases*, p. 45.

¹⁰⁴ See J. Leonen, Dissenting Opinion in *West Tower Condominium Corporation v. First Philippine Industrial Corporation*, 760 Phil. 304 (2015) [Per J. Velasco, Jr., En Banc].

Of the 37 fishers from Palawan, 13 did not verify the Petition.¹⁰⁵ Nineteen (19) of the 40 fisherfolk-petitioners from both Palawan and Zambales submitted affidavits¹⁰⁶ to respondent Bureau of Fisheries and Aquatic Resources disowning the Petition. In summary:

	Name of petitioner	Whether petitioner signed the Petition	Whether petitioner submitted an affidavit to the BFAR disowning the Petition	Whether petitioner requested to withdraw the Petition as of July 19, 2019	Whether petitioners' counsels asked to withdraw as counsels as of July 19, 2019
1.	Monico A. Abogado	Yes	Yes	Yes	
2.	Roberto M. Asiado	Yes	Yes	Yes	
3.	Larry Hugo	Yes	Yes		Yes
4.	Angelo Sadang	Yes	Yes	Yes	
5.	Nonelon Balbontin	Yes		Yes	
6.	Salito Lagrosa	No			
7.	Arzel Belidan	Yes	Yes		Yes
8.	Ronald Grandia	Yes	Yes		Yes
9.	Troy Lagrosa	No			
10.	Ronel Badilla	Yes			Yes
11.	Archie Graciano	No			
12.	Regidor Asiado	No	Yes		
13.	Ely Lopez	No			
14.	Expedito Magdayao	Yes	Yes		Yes
15.	Reny Magbanua	Yes		Yes	
16.	Romulo Cana, Jr.	No	Yes		
17.	Rogelio Hingpit	No			
18.	Jonel Hugo	Yes			Yes
19.	Robert Valdez	Yes	Yes		Yes
20.	Rizen	No	Yes		

¹⁰⁵ *Rollo*, pp. 38–40.

¹⁰⁶ *Id.* at 778–808.

	Galvan				
21.	Ricardo Natural	Yes			Yes
22.	Sanny Belidan	Yes			Yes
23.	Rowel P. Ejona	Yes			Yes
24.	Felix Ulzon	Yes	Yes		Yes
25.	Raffy M. Asiado	Yes	Yes		Yes
26.	Primo M. Asiado	Yes	Yes		Yes
27.	Adrian P. Abayan	Yes	Yes		Yes
28.	Randy Dacumos	Yes	Yes	Yes	
29.	Danilo Belono	Yes	Yes		Yes
30.	Romeo Malaguit	Yes	Yes		Yes
31.	Dennis Bania	Yes	Yes		Yes
32.	Jason Villamor	No			
33.	Gary Castillos	No			
34.	Alberto Sonio	No			
35.	Dolie Dusong	No			
36.	BJ Piring	No			
37.	Jing Malinao	Yes	Yes		Yes
38.	Nilo Labrador	Yes	Yes		Yes
39.	Wildredo Labandelo	Yes	Yes	Yes	
40.	Rolando Labandelo	Yes			Yes
41.	Integrated Bar of the Philippines	Yes		Yes	

On July 19, 2019, petitioners' counsels requested to withdraw as counsels for 18 of the fisherfolk-petitioners, namely, Natural, Larry, Sanny, Ejona, Arzel Belidan, Ronald Grandia, Ronel Badilla, Expedito Magdayao, Jonel Hugo, Robert Valdez, Felix Ulzon, Raffy M. Asiado, Primo M. Asiado, Adrian P. Abayan, Danilo Belono, Romeo Malaguit, Dennis Bania, and Jing Malinao, on the ground that they were "on Pag-asa Island and the undersigned counsels cannot travel to meet them there; or . . . communicate with them as Philippine telephone companies have no or very weak network

coverage there.”¹⁰⁷ As for two (2) of the fisherfolk-petitioners in Zambales, they reasoned that Labrador and Rolando have since moved away and did not leave any contact details.¹⁰⁸

Rule 138, Section 26 of the Rules of Court provides the rule on withdrawal of counsels:

RULE 138
Attorneys and Admission to Bar

.....

SECTION 26. Change of attorneys. — An attorney may retire at any time from any action or special proceeding, by the written consent of his client filed in court. He may also retire at any time from an action or special proceeding, without the consent of his client, should the court, on notice to the client and attorney, and on hearing, determine that he ought to be allowed to retire. In case of substitution, the name of the attorney newly employed shall be entered on the docket of the court in place of the former one, and written notice of the change shall be given to the adverse party.

A counsel may only be allowed to withdraw from the action either with the written consent of the client or “from a good cause.” In *Orcino v. Gaspar*:¹⁰⁹

The rule in this jurisdiction is that a client has the absolute right to terminate the attorney-client relation at any time with or without cause. The right of an attorney to withdraw or terminate the relation other than for sufficient cause is, however, considerably restricted. Among the fundamental rules of ethics is the principle that an attorney who undertakes to conduct an action impliedly stipulates to carry it to its conclusion. He is not at liberty to abandon it without reasonable cause. A lawyer’s right to withdraw from a case before its final adjudication arises only from the client’s written consent or from a good cause.¹¹⁰

Canon 22, Rule 22.01 of the Code of Professional Responsibility provides the “good causes” under which a counsel may withdraw without the written conformity of the client:

¹⁰⁷ Id. at 839.

¹⁰⁸ Id. at 840–841.

¹⁰⁹ 344 Phil. 792 (1997) [Per J. Puno, Second Division].

¹¹⁰ Id. at 797–798 citing *Rincoanda Telephone Company, Inc. v. Buenviaje*, 263 Phil. 654 (1990) [Per J. Medialdea, First Division]; REVISED RULES OF COURT, Rule 138, sec. 26(2); Martin, Legal and Judicial Ethics, p. 102 [1988]; Pineda, Legal and Judicial ethics, p. 266 [1994]; 7 C.J.S. 940; *Dais v. Garduño*, 49 Phil. 165, 169 (1925) [Per J. Ostrand, En Banc]; *Stork Country v. Mishel*, 173 N.W. 817, 820, 6 ALR 174 (1919); Agpalo, Legal Ethics, pp. 289–290 (1992); CODE OF PROFESSIONAL RESPONSIBILITY, Canon 22; and CANONS OF PROFESSIONAL ETHICS, Canon 44.

CANON 22 — A LAWYER SHALL WITHDRAW HIS SERVICES ONLY FOR GOOD CAUSE AND UPON NOTICE APPROPRIATE IN THE CIRCUMSTANCES.

Rule 22.01 A lawyer may withdraw his services in any of the following cases:

- a) When the client pursues an illegal or immoral course of conduct in connection with the matter he is handling;
- b) When the client insists that the lawyer pursue conduct violative of these canons and rules;
- c) When his inability to work with co-counsel will not promote the best interest of the client;
- d) When the mental or physical condition of the lawyer renders it difficult for him to carry out the employment effectively;
- e) When the client deliberately fails to pay the fees for the services or fails to comply with the retainer agreement;
- f) When the lawyer is elected or appointed to public office; and
- g) Other similar cases.

Failure to contact the client despite diligent efforts is not considered under this Rule as a "good cause" upon which a lawyer may withdraw from the case without first seeking the client's written conformity. Had this Court granted the Motion to Withdraw as Counsel, 20 fisherfolk-petitioners would be left without counsel to inquire if they were still pursuing the case.

Even if we were to apply liberality and consider the fisherfolk-petitioners' affidavits disowning the Petition as their written conformity to counsels' withdrawal, the other fisherfolk-petitioners who verified the Petition but submitted no affidavit would have been left without any representation:

1. Ronel Badilla
2. Jonel Hugo
3. Ricardo Natural
4. Sanny Belidan
5. Rowel P. Ejona
6. Rolando Labandelo

To recall, petitioners' counsels filed a Motion for Extension of Time to Confer with Clients and Obtain Special Authority,¹¹¹ citing as basis Rule 138, Section 23 of the Rules of Court, which reads:

¹¹¹ *Rollo*, pp. 809-813.

SECTION 23. Authority of attorneys to bind clients. — Attorneys have authority to bind their clients in any case by any agreement in relation thereto made in writing, and in taking appeals, and in all matters of ordinary judicial procedure. But they cannot, without special authority, compromise their client's litigation, or receive anything in discharge of a client's claim but the full amount in cash.

Counsels' filing of their Motion to Withdraw as Counsel without prior notice to the clients is a violation of the very rule they sought to uphold. The Petition's withdrawal compromises their clients' litigation, since the case will be dismissed without their consent and without prior notice. In *Natividad v. Natividad*.¹¹²

The cause of action, the claim or demand sued upon, and the subject matter of the litigation are all within the exclusive control of the client; and the attorney may not impair, compromise, settle, surrender, or destroy them without his client's consent.¹¹³

*Monteverde v. Court of Industrial Relations*¹¹⁴ likewise held:

The main issue is whether or not the Court of Industrial Relations correctly dismissed the case for unfair labor practice after it had rendered a decision dated March 21, 1968 on the motion of Atty. Juan G. Sison, Jr., counsel of the petitioners, without inquiring into the authority of the lawyer to ask for the dismissal of the case.

It was stated in the dissenting opinion of Judge Amando C. Bugayong that nowhere in the minutes of the hearing of July 23, 1969 does it appear that the complainants have admitted in open court that they had authorized their counsel, Atty. Juan G. Sison, Jr., to enter into a settlement with the FIBISCO. All that is recorded in the minutes is the request for the sending of a notice of hearing to Atty. Juan G. Sison, Jr. both at his known address at Rm. 313 de Leon Bldg., Rizal Avenue, Manila and at 745 Dos Castillas, Sampaloc, Manila.

It is elementary that lawyers "cannot, without special authority, compromise their client's litigation, or receive anything in discharge of a client's claim but the full amount in cash."

It is clear that the Court of Industrial Relations erred in dismissing the case on the motion of Atty. Juan G. Sison, Jr. alone without inquiring into his authority. The Court of Industrial Relations did not even bother to find out what kind of settlement was entered into between Atty. Juan G. Sison, Jr. and the FIBISCO.¹¹⁵

¹¹² 51 Phil. 613 (1928) [Per J. Malcolm, En Banc].

¹¹³ Id. at 619 *citing* 6 C. J. pp. 643, 646-648; 76 Am. Dec., p. 259 and *Holker vs. Parker* [1813], 7 Cranch, 436.

¹¹⁴ 169 Phil. 253 (1977) [Per J. Fernandez, First Division].

¹¹⁵ Id. at 256-257 *citing* REVISED RULES OF COURT, Rule 138, sec. 23.

Thus, in *Belandres vs. Lopez Sugar Central Mill Company, Inc.*:¹¹⁶

“The broad implied or apparent powers of an attorney with respect to the conduct or control of litigation are, however, limited to matters which relate only to the procedure or remedy. The employment of itself confers upon the attorney no implied or apparent power or authority over the subject matter of the cause of action or defense; and, unless the attorney has expressly been granted authority with respect thereto, the power to deal with or surrender these matters is regarded as remaining exclusively in the client.”

“The line of demarcation between the respective rights and powers of an attorney and his client is clearly defined. The cause of action, the claim or demand sued upon, and the subject matter of the litigation are all within the exclusive control of a client; and an attorney may not impair, compromise, settle, surrender, or destroy them without his client’s consent. But all the proceedings in court to enforce the remedy to bring the claim, demand, cause of action, or subject matter of the suit to hearing, trial, determination, judgment, and execution, are within the exclusive control of the attorney.”¹¹⁷

To prevent compromising the interests of the remaining fisherfolk-petitioners, this Court, instead of granting the Motion to Withdraw as Counsel, required counsels to exert more efforts in contacting their clients. In *Mercado v. Commission on Higher Education*:¹¹⁸

The rule that the withdrawal of a counsel with the written conformity of the client is immediately effective once filed in court, however, is not absolute. When the counsel’s impending withdrawal with the written conformity of the client would leave the latter with no legal representation in the case, it is an accepted practice for courts to order the deferment of the effectivity of such withdrawal until such time that it becomes certain that service of court processes and other papers to the party-client would not thereby be compromised — either by the due substitution of the withdrawing counsel in the case or by the express assurance of the party-client that he now undertakes to himself receive serviceable processes and other papers. Adoption by courts of such a practice in that particular context, while neither mandatory nor sanctioned by a specific provision of the Rules of Court, is nevertheless justified as part of their inherent power to see to it that the potency of judicial processes and judgment are preserved.¹¹⁹

¹¹⁶ 97 Phil. 100 (1955) [Per J. Labrador, First Division].

¹¹⁷ Id. at 104–105 *citing* 7 C. J. S. pp. 899–900 and 6 C. J. S., p. 643.

¹¹⁸ 699 Phil. 419 (2012) [Per J. Perez, En Banc].

¹¹⁹ Id. at 436.

Petitioners' counsels had the responsibility, right at the start of their engagement, to establish the modality of communication with their clients. Mere difficulty in contacting the client is not a sufficient reason for his or her counsel to abandon his or her cause, more so in this case where counsels are rendering legal aid *pro bono*. Counsels should exert the same amount of professionalism, regardless of their client's capacity to pay for their services.

Nonetheless, it would be unjust for this Court to compel the two (2) remaining fisherfolk-petitioners, Sanny and Ejona, to continue with this case without legal counsel. Petitioners' counsels have likewise manifested that they exerted earnest attempts to contact them on their cellular phones but were unable to as the two were no longer in Pag-asa Island. This Court also takes note of the six (6) fisherfolk-petitioners' handwritten letter dated July 15, 2019, in which they manifested their representation of the other members of the fisherfolk association:

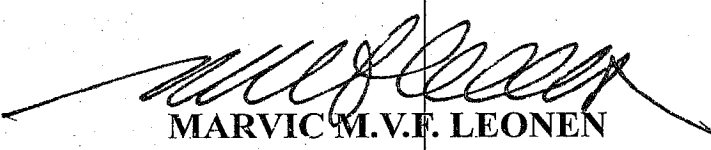
*Bilang mga kinatawan ng samahan ng Fisherfolks ng Kalayaan at upang patunayan ang kagustuhan ng nakararami, aming inilagda ang aming mga pangalan ngayong araw na ito sa Lungsod ng Pto. Princesa.*¹²⁰ (Emphasis supplied)

For this reason, this Court considers the Petition withdrawn as to *all* fisherfolk-petitioners. The case is considered dismissed, without passing upon any of the substantive issues raised.

WHEREFORE, the Motion to Withdraw the Petition is **GRANTED**. The case is considered **DISMISSED**, without passing upon any of the substantive issues raised.

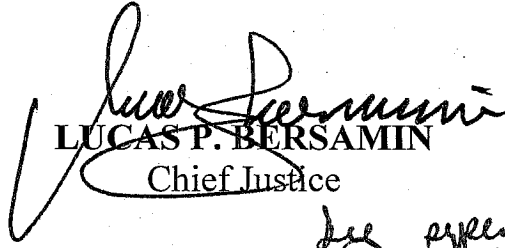
In view of the unusual procedural developments of this case, counsels of petitioners are **STERNLY WARNED** to be mindful of their duties and obligations under the Code of Professional Responsibility and that the same or similar infractions in the future shall be dealt with more severely by this Court.

SO ORDERED.

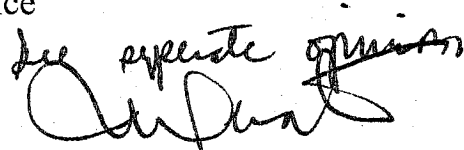

MARVIC M.V.F. LEONEN
Associate Justice

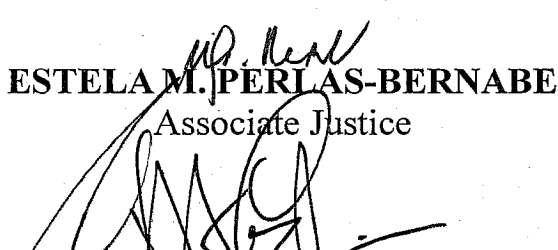
¹²⁰ *Rollo*, p. 838.

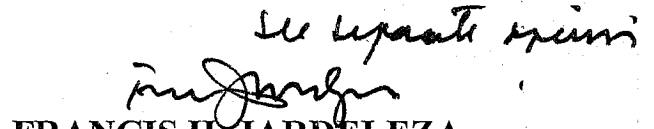
WE CONCUR:

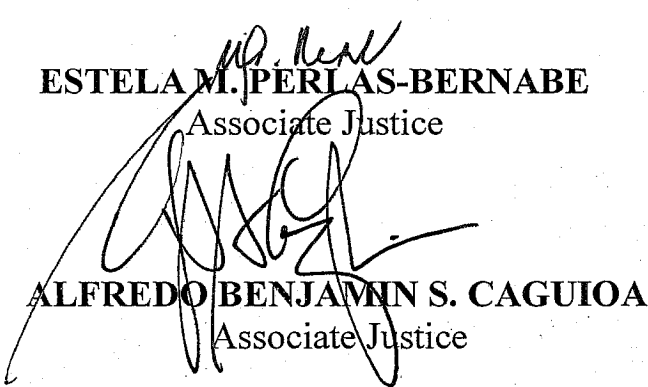

LUCAS P. BERSAMIN
 Chief Justice

(No part)
ANTONIO T. CARPIO
 Associate Justice

See separate opinion

DIOSDADO M. PERALTA
 Associate Justice

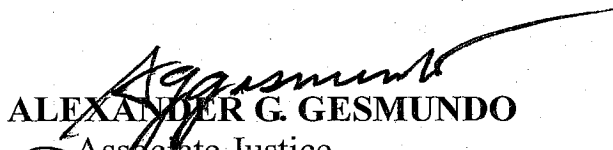
See separate opinion

ESTELA M. PERLAS-BERNABE
 Associate Justice

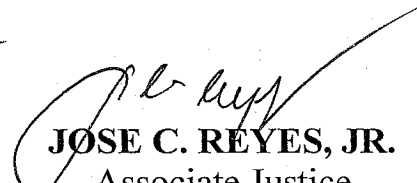
See separate opinion

FRANCIS H. JARDELEZA
 Associate Justice

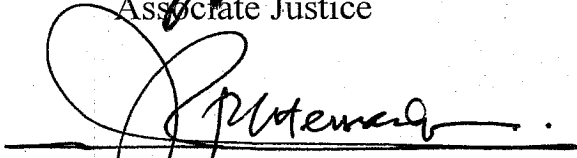

ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

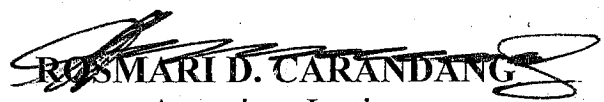
Reyes


ANDRES B. REYES, JR.
 Associate Justice

Aggusmund

ALEXANDER G. GESMUNDO
 Associate Justice

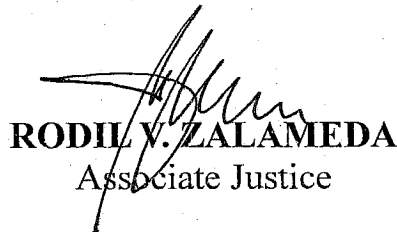
Reyes

JOSE C. REYES, JR.
 Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice


ROSMARI D. CARANDANG
 Associate Justice

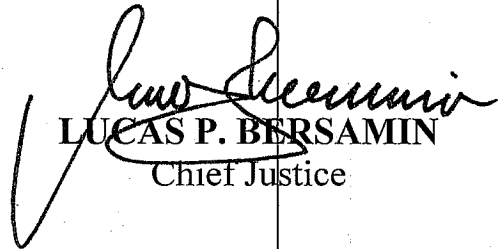

AMY C. LAZARO JAVIER
 Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice



RODIL V. ZALAMEDA
 Associate Justice

CERTIFICATION

I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the court.


LUCAS P. BERSAMIN
Chief Justice

CERTIFIED TRUE COPY


EDCARO O. ARICHETA
Clerk of Court En Banc
Supreme Court