

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 163
Coron, Palawan
Email Address :rtc2cnp163@judiciary.gov.ph
Contact No. 09-26-658-3038

BCT TRADING AND CONSTRUCTION
AND 428 HI-TECH GROUP, INC.,
Plaintiff,

CIVIL CASE NO. CRN-1084

-versus-

For

ROBERTO B. MAGALLANES AND
JOSE B. MAGALLANES, JR., ET. AL.
Defendant,

INJUNCTION AND DAMAGES

X-----X

ORDER

In today's hearing for the issuance of temporary restraining order/injunction filed by the plaintiffs, BCT Trading and Construction and 428 Hi-Tech Group, Inc., counsel for the plaintiff, Atty. Gwyn Gareth T. Mariano, appeared online from Makati City while counsel for the defendants Atty. Sheilla San Diego appeared online from Alabang Muntinlupa and collaborating counsel Atty. Robert Chan appeared online from Antipolo City.

Sought for comment on why there is a need to extend the injunction against the respondents, the plaintiff as earlier alleged during the preliminary hearing, that they are not furnished with the copy of the forfeiture order so that they could have acted accordingly nor they have been furnished with the notice that a forfeiture proceeding is to be conducted by the PRA. He remains steadfast in his belief that irreparable injury or damage will be suffered by plaintiffs if the injunction is not granted or extended.

Defendants counsel, Atty. Sheilla San Diego, informed the Court that it is not true that no forfeiture order was issued to the province and it is a duty of the province to inform BCT, as joint venture partner in the agreement, and that the BCT be furnished with the copy of the forfeiture order. Furthermore, Atty. San Diego, also informed the Court that the forfeiture order was issued due to the fact that no area clearance was issued, and that matter was even admitted by the plaintiff, and in fact the plaintiff just commenced with the excavation work without complying first with the necessary clearance certificate as provided in the Memorandum



of Agreement between the province and the Philippine Reclamation Authority. Atty. San Diego pointed to the counsel for the plaintiffs that PD 705 Section 43 provides, -Swamplands and Mangrove Forests – Strips of mangrove forest bordering numerous islands which protect the shoreline, the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated.


Atty. Chan, collaborating counsel for the defendants, added that counsel should also be reminded of Presidential Proclamation 2152 placing the entire Palawan Province as mangrove protected shore line.

When asked by the Court who owns now the reclaimed area, counsel for the defendants, Atty. San Diego, responded that it is the PRA which owns the area hence there is no reason for the extension of the temporary restraining order as plaintiffs no longer have rights or interests and therefore not the proper party to seek injunction from the Court.

Finding the arguments of both of the plaintiffs and the defendants counsel to be meritorious, the Court therefore requires the counsel for the plaintiff, who manifested for submission of written formal offer of exhibits which this Court grants, to submit any comment on the argument raised by the defendants by making the same argument in the written formal offer of exhibits to be submitted before this Court not later than Monday, March 27. The defendants counsel is likewise given five (5) days to file comment or opposition relative to the offer.

Parties are ordered to furnish the Court with the Forfeiture Order, the transcript of the meeting of the Inter Agency Task Force and other pertinent documents to determine the propriety of the extension of the Temporary Restraining Order.

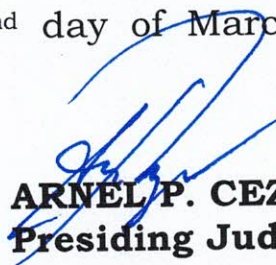
Meanwhile, considering that the Court is not yet armed with the necessary documents to act on the motion judiciously, the Court therefore issues **Status Quo Ante Order** effective immediately. Parties are therefore enjoined from performing any acts on the reclaimed area until such time that the Court has resolved the injunction. The parties are given until April 11, 2023 to submit their respective position papers pertaining to their arguments posited.



This order applies to all other respondents who were notified but did not appear in today's proceedings.

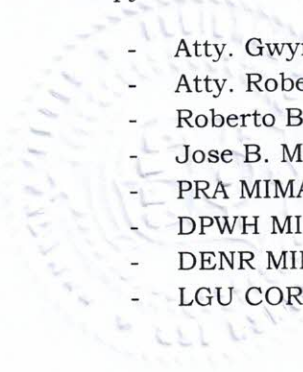
SO ORDERED.

GIVEN IN OPEN COURT, this 22nd day of March, 2023 at Coron, Palawan.



ARNEL P. CEZAR
Presiding Judge

Copy Furnished:

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- Atty. Gwyn Gareth T. Mariano;
 - Atty. Robert Chan/ Atty. Sheilla San Diego;
 - Roberto B. Magallanes;
 - Jose B. Magallanes, Jr.;
 - PRA MIMAROPA;
 - DPWH MIMAROPA
 - DENR MIMAROPA;
 - LGU CORON;