

Republic of the Philippines  
**REGIONAL TRIAL COURT OF CORON**  
Province of Palawan  
4<sup>th</sup> Judicial Region  
Branch 163

DENR MIMAROPA  
RECORDS SECTION  
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**JUN 22 2023**

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BY: \_\_\_\_\_ DATE NO. \_\_\_\_\_  
TIME: \_\_\_\_\_

**BCT TRADING & CONSTRUCTION  
And 428 HI-TECH GROUP, INC.,**

**Civil Case No. CRN-1084**

-versus-

for

**ROBERTO B. MAGALLANES and  
JOSE B. MAGALLANES, SR., styling  
Themselves AS "SAGIP PALAWAN",  
PHILIPPINE RECLAMATION AUTHORITY,  
DEPARTMENT OF ENVIRONMENT &  
NATURAL RESOURCES-MIMAROPA,  
DEPARTMENT OF PUBLIC WORKS &  
HIGHWAYS-MIMAROPA and THE LOCAL  
GOVERNMENT UNIT OF CORON,  
PALAWAN,**

**INJUNCTION & DAMAGES**

Defendants,

X-----X

**A N S W E R**

(In re: SUMMONS received on March 20, 2023)

COMES NOW, THE LOCAL GOVERNMENT UNIT OF CORON,  
PALAWAN, a nominal defendant and herein represented by the  
Municipal Mayor, unto this Honorable Court, most respectfully avers  
that:

1. Defendant is aware that there was a Contractual Joint Venture Agreement (CJVA) executed by and between the Provincial Government of Palawan and BCT Trading & Construction and 428 Hi-Tech Group, Inc.;
2. Apparently, the Local Government Unit (LGU) of Coron, Palawan is not a signatory, hence, not a privy to the said CJVA. Copy of the CJVA is hereto appended as **Annex "A"**;
3. Thus, All the allegations in the Complaint are denied for lack of knowledge or information sufficient to form a belief as to the veracity or falsity thereof, the allegations therein being matters only known to the parties of the said CJVA;
4. The basic principle of relativity of contracts is that *<sup>1</sup>contracts can only bind the parties who entered into it and cannot favor or prejudice a third person, even if he is aware of such contract and has acted with knowledge thereof;*
5. Further, relative to the doctrine of privity of contract, it provides that *"where there is no privity of contract, there is likewise no obligation or liability to speak about"*;
6. It bears stressing also that there is nothing in the provisions of the CJVA which state that the LGU of Coron, Palawan will

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<sup>1</sup> Article 1311 of the Civil Code of the Philippines; Integrated Packaging Corporation v. Court of Appeals, 388 Phil. 835, 845 (2000)

assume any obligation or liability in case of breach of any of the parties of the provision/s in the CVJA.

**P R A Y E R**

WHEREFORE, foregoing premises considered, it is most respectfully prayed unto this Honorable Court, that herein defendant be relieved from any liability or obligation to the plaintiff.

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

Coron, Palawan, Philippines, this \_\_\_\_ day of \_\_\_\_\_ 2023.

THE LOCAL GOVERNMENT UNIT  
OF CORON, PALAWAN, represented  
by:

  
**HON. MARIO T. REYES, JR.**

Defendant

Republic of the Philippines	)
Municipality of Coron	) S.S.
Province of Palawan	)



## **VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING**

I, **MARIO T. REYES, JR.**, of legal age, married, and a resident of Poblacion I, Coron, Palawan, after having been duly sworn to in accordance with law, do hereby depose and state:

1. I am the incumbent Municipal Mayor of the Local Government Unit (LGU) of Coron, Palawan. I am representing the LGU of Coron, Palawan which is a defendant in the instant case;
2. In my capacity as Municipal Mayor and on behalf of the LGU Coron, Palawan, I have caused the preparation of the foregoing Answer pursuant to the authority granted to me by the Local Government Code, and I hereby attest that the allegations therein are true and correct based on personal knowledge or authentic documents;
3. The Answer is not filed to harass, cause unnecessary delay or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support, or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. I have not commenced any action or filed any claim or proceeding on behalf of the LGU Coron, involving the same issues in any court, tribunal or quasi-judicial agency and to the best of my knowledge, no such other action or claim is pending therein;
6. If I should thereafter learn that the same or similar action, claim or proceeding has been filed or is pending, I shall report that fact to this Honorable Court within five (5) calendar days therefrom.

IN WITNESS WHEREOF, I have hereunto affixed my signature this  
\_\_\_\_\_ day of MAY 08 2023, 2023 at Coron, Palawan, Philippines.

  
**HON. MARIO T. REYES, JR.**

Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of  
MAY 08 2023 2023 in Coron, Palawan, Philippines, affiant  
exhibiting to me his \_\_\_\_\_ ID No. \_\_\_\_\_.

Doc No. 29;  
Page No. 07;  
Book No. 94;  
Series of 2023

  
**ATTY. ALBERT C. GARRAEZ**

Notary Public for the Province  
of Palawan  
Roll No. 57527

IBP Lifetime Member No. 012852  
PTR No. 1001438 April 1, 2022  
Edgetech Building, National Highway,  
Barangay IV, Coron, Palawan  
Valid until December 31, 2023

Copy Furnished:

1. **ALAMPAY AND TAMASE LAW OFFICE** - RF 469 575 274 22  
*Counsel for the Plaintiffs*  
12<sup>th</sup> Floor, PDCP Bank Centre cor.  
Corner Rufino & Leviste Streets  
Rufino and Leviste Sts., Salcedo Village, Makati City  
alampaytamase@gmail.com
2. **ROBERTO B. MAGALLANES** - RF 469 575 257 22  
**JOSE B. MAGALLANES**  
*Defendants*  
Nueva Street, Brgy. Poblacion IV,  
Coron, Palawan
3. **DEPARTMENT OF ENVIRONMENT &  
NATURAL RESOURCES-MIMAROPA** - RF 469 575 268 22  
*Defendant*  
1515 Roxas Blvd.,  
Ermita, Manila
4. **DEPARTMENT OF PUBLIC WORKS & HIGHWAYS  
MIMAROPA** - RF 469 575 265 22  
*Defendant*  
790 Epifanio de Los Santos Avenue,  
Diliman, Quezon City



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HIGHWAYS-MIMAROPA and THE LOCAL  
GOVERNMENT UNIT OF CORON,  
PALAWAN,**

**INJUNCTION & DAMAGES**

Defendants,

X-----X

**MOTION TO ADMIT ANSWER**

COMES NOW, THE LOCAL GOVERNMENT UNIT OF CORON, PALAWAN, a nominal defendant and herein represented by the Municipal Mayor, unto this Honorable Court, most respectfully avers that:

1. Defendant received Summons together with the copy of the Complaint on March 20, 2023, and thus, supposedly has until April 20, 2023 to submit Answer and/or responsive pleading;
2. Due to heavy work loads in the municipality, I inadvertently failed to seek the services of a lawyer to prepare an Answer and submit it within the reglementary period of time as provided in the Summons issued by this Honorable Court;

3. In a long line of cases, the Highest Court has consistently ruled that *<sup>1</sup>the procedural rules were conceived to aid the attainment of justice. If a stringent application of the rules would hinder rather than serve the demands of substantial justice, the former must yield to the latter,*

4. Hence, herein defendant begs the kind indulgence of this Honorable Court for its lapse and failure to timely file this Answer, and prays for Court's liberality in the application of the rules in the interest of justice;

5. Needless to state, the admission of the attached Answer is not intended to delay the proceedings of the instant case, nor will its granting prejudice the substantial and procedural rights of the parties.

### **PRAYER**

WHEREFORE, premises considered, in the interest of substantial justice, it is most respectfully prayed that the attached Answer be admitted by the Honorable Court.

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

Coron, Palawan, Philippines, this \_\_\_\_ day of \_\_\_\_\_ 2023.

THE LOCAL GOVERNMENT UNIT  
OF CORON, PALAWAN, represented  
by:

  
**HON. MARIO T. REYES, JR.**

Defendant



Copy Furnished:

1. **ALAMPAY AND TAMASE LAW OFFICE** - *R6 469 575 274 22*  
*Counsel for the Plaintiffs*  
12<sup>th</sup> Floor, PDCP Bank Centre cor.  
Corner Rufino & Leviste Streets  
Rufino and Leviste Sts., Salcedo Village, Makati City  
[alampaytamase@gmail.com](mailto:alampaytamase@gmail.com)
2. **ROBERTO B. MAGALLANES** - *R6 469 575 257 22*  
**JOSE B. MAGALLANES**  
*Defendants*  
Nueva Street, Brgy. Poblacion IV,  
Coron, Palawan
3. **DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES-MIMAROPA** *R6 469 575 288 22*  
*Defendant*  
1515 Roxas Blvd.,  
Ermita, Manila
4. **DEPARTMENT OF PUBLIC WORKS & HIGHWAYS-MIMAROPA** - *R6 469 575 265 22*  
*Defendant*  
790 Epifanio de Los Santos Avenue,  
Diliman, Quezon City

#### EXPLANATION

Copies of the foregoing Motion to Admit Answer and Answer were filed and served to the Honorable Court thru personal service, and served to the counsel for the Plaintiff by electronic mail due to distance, time, and manpower constraints.