

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 163, Coron, Palawan

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

Plaintiffs,

DENR MIMAROPA RECORDS SECTION RECEIVED	
MAY 03 2023	
<input type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING
BY: _____	DAYS NO. _____
TIME: _____	

- versus -

Civil Case CRN-1084
For: Injunction & Damages

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

Defendants.

X-----X

MOTION FOR EXTENSION OF TIME
(to file ANSWER)

Defendant **PHILIPPINE RECLAMATION AUTHORITY
(PRA)**, by counsel, respectfully states:

1. PRA received a copy of the Summons on 22 March 2023. Under the Rules, it has 30 days from 22 March 2023 or until **21 April 2023 within which to file its Answer.**

2. Under the 2019 Amendments to the Rules of Civil Court, the judicial affidavits of the witnesses intended to be presented shall be attached to the Answer. Section 6, Rule 7 states:

Section 6. Contents. - Every pleading stating a party's claims or defenses shall, in addition to those mandated by Section 2, Rule 7, state the following:

(a) Names of witnesses who will be presented to prove a party's claim or defense;

X-----X

(b) **Summary of the witnesses' intended testimonies, provided that the judicial affidavits of said witnesses shall be attached to the pleading and form an integral part thereof.** Only witnesses whose judicial affidavits are attached to the pleading shall be presented by the parties during trial. Except if a party presents meritorious reasons as basis for the admission of additional witnesses, no other witness or affidavit shall be heard or admitted by the court; and

(c) Documentary and object evidence in support of the allegations contained in the pleading. (Emphasis supplied)

3. The case has been referred to undersigned counsel's Office on 24 March 2023 only. However, the need to complete and collate documents to be attached to the Answer; the necessity of meeting with witnesses and other persons knowledgeable of the circumstances in this case; and the logistic limitations at this time due to the COVID-19, PRA anticipates that it will not be able to file its Answer during the original period and is constrained to pray for additional period of time.

4. Section 11, Rule 11 of the same amended rules allows for an extension of the Answer:

Section 11. Extension of time to file an answer. - A defendant may, for meritorious reasons, be granted an additional period of not more than thirty (30) calendar days to file an answer. A defendant is only allowed to file one (1) motion for extension of time to file an answer.

A motion for extension to file any pleading, other than an answer, is prohibited and considered a mere scrap of paper. The court, however, may allow any other pleading to be filed after the time fixed by these Rules.

5. Hence, PRA respectfully prays that it be given an additional period of 30 days from 21 April 2023, or until 21 May 2023, within which to file its Answer.

6. This *Motion* is prompted solely by the foregoing reasons and is not intended to delay the proceedings in the above-captioned case.

PRAYER

WHEREFORE, premises considered, PRA respectfully prays that it be given a period of 30 days from 21 April 2023, or until 21 May 2023, within which to file its Answer.

Other equitable reliefs are likewise prayed for.

Quezon City for Coron, Palawan, 19 April 2023.

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Counsel for PRA

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MCLE Compliance VII-0023846, 10/13/2022

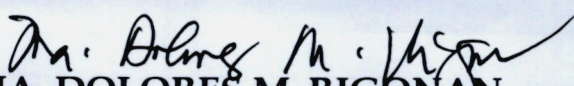
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MCLE Exemption VII-OGCC 002853; 2/16/21


MA. DOLORES M. RIGONAN


Assistant Government Corporate Counsel

Roll of Attorneys 36023

IBP Life Member Roll 06385; 11/08/08; Quezon City

MCLE Exemption VII-OGCC002860, 2/16/21

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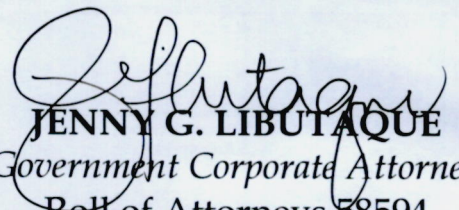

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MCLE Compliance VII-0004719, 11/12/21


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MCLE Compliance VII-0006098, 11/23/21

Copy furnished:

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ROBERTO B. MAGALLANES

JOSE B. MAGALLANES

Defendants

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Coron, Palawan

**DEPARTMENT OF ENVIRONMENT &
NATURAL RESOURCES-MIMAROPA**

Defendant

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**DEPARTMENT OF PUBLIC WORKS & HIGHWAYS-
MIMAROPA**

Defendant

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Diliman, Quezon City

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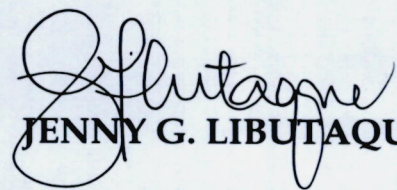
LOCAL GOVERNMENT OF CORON, PALAWAN
c/o OFFICE OF THE MAYOR

Defendant

Municipal Hall of Coron, Palawan

EXPLANATION

Due to constraints in time, distance and manpower, copies of the foregoing *Motion* shall be filed and served to the other parties by REGISTERED MAIL, personal service not being practicable under the circumstances. In accordance with par. 4 of Administrative Circular No. 41-2020 dated 29 May 2020, a copy of this *Motion* is also filed via EMAIL.


JENNY G. LIBUTAQUE

REPUBLIC OF THE PHILIPPINES
AFFIDAVIT OF SERVICE

I, **JOEL C. CALDERON**, of the Office of the Government Corporate Counsel, with office address at 3rd Floor, MWSS Administration Building, Katipunan Avenue, Old Balara, Quezon City, after being duly sworn to, depose and say:

That on 20 April 2023, I served a copy of the following pleading/paper:

NATURE OF PLEADINGS/PAPER
MOTION FOR EXTENSION OF TIME

In Civil Case CRN-1084 entitled "**BCT TRADING AND CONSTRUCTION AND 428 HI-TECH GROUP, INC., vs. ROBERTO B. MAGALLANES AND JOSE B. MAGALLANES, JR., ET AL.**" pursuant to Section 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By personal service to:

By Ordinary Mail to/Special Delivery to:
By Registered Mail to:

REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 163, Coron, Palawan

ALAMPAY AND TAMASE LAW OFFICE

ROBERTO B. MAGALLANES
JOSE B. MAGALLANES

**DEPARTMENT OF ENVIRONMENT &
NATURAL RESOURCES-MIMAROPA**

**DEPARTMENT OF PUBLIC WORKS &
HIGHWAYS-
MIMAROPA**

**LOCAL GOVERNMENT OF CORON,
PALAWAN**
c/o OFFICE OF THE MAYOR

By delivery personally a copy to the party of
his/her attorney on _____ as show up
on p. _____.

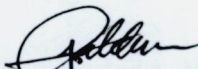
By leaving a copy of in his/her office with
his/her clerk or with a person having charge
thereof on _____ as
shown on p. _____.

By delivery a copy of the Court/Tribunal/Office
on _____ shown on p. _____.

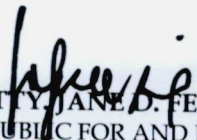
By depositing on _____ a copy in the
post office at _____ in a sealed envelope,
plainly addressed to the party or his/her attorney
at his/her office/residence with postage fully
paid and with instruction to the postmasters to
return the mail to the sender after ten (10) days if
undelivered.

By depositing a copy on _____ in the
post office at _____ as evidences
by Registry Receipts(s) No. (s) _____ of
the addressee(s) and with instructions to the
postmaster to return the mail to sender after ten
(10) days if undelivered.

Quezon City, for Coron, Palawan, 20 April 2023.


JOEL C. CALDERON
Affiant

SUBSCRIBED AND SWORN to before me this 20 April 2023, affiant personally appeared before me and exhibited to me his ID No. 125.


ATTY. JANE D. FERRERIA
NOTARY PUBLIC FOR AND IN QUEZON CITY
3RD FLR. MWSS BLDG., KATIPUNAN AVE., QUEZON CITY
ADM. MATTER NO. **NP-356**
ROLL NO. 69297
IBP LIFETIME NO. 016602; 05/23/2019; QUEZON CITY
PTR NO. 4401651; 03/21/2023; QUEZON CITY
MCLE COMPLIANCE NO. VII-0006112; 4/14/25
MY COMMISSION EXPIRES ON 31 DECEMBER 2023

Doc. No. 10;
Page No. 03;
Book No. VI;
Series of 2023.