



REPUBLIC OF THE PHILIPPINES
NATIONAL TELECOMMUNICATIONS COMMISSION
NTC Building, BIR Road, East Triangle, Diliman, Quezon City
Email: ntc@ntc.gov.ph; website: <http://www.ntc.gov.ph>

MEMORANDUM

TO: ALL REGIONAL DIRECTORS

SUBJECT: Permanent Injunction on the Issuance of Maritime Mobile Service Identity (MMSI) to Fishing Vessels Covered by DA-FAR FAO 266 series of 2020

DATE: 31 JANUARY 2022

On 01 June 2021, the Regional Trial Court Br. 170 of the City of Malabon (RTC) in the case docketed as SCA20-002-MAL entitled "*Royale Fishing Corp., et al. vs. Department of Agriculture, Bureau of Fisheries and Aquatic Resources, and the National Telecommunications Commission*" issued the following Decision:

xxx

WHEREFORE, the instant petition is GRANTED. Fisheries Administrative Order No. 266 Series of 2020 (FAO 266) is declared NULL and VOID for being UNCONSTITUTIONAL and thus ultra vires, illegal, void, and contrary to the provisions of RA 8550, as amended. Consequently, all memoranda, orders and other issuances to public respondents' regional offices and other government agencies issued pursuant to or in implementing FAO 266 are declared null and void.

The writ of preliminary injunction (dated January 22, 2021) previously issued by this Court prohibiting the public respondents from implementing or enforcing FAO 266 is hereby declared and made PERMANENT.

SO ORDERED.

xxx

On 25 June 2021, BFAR and NTC filed a Petition for Review (with prayer for the Issuance of Temporary Restraining Order and/or Preliminary Injunction) before the Supreme Court, which to date, has not issued any order restraining the immediate execution of the permanent injunction on the implementation of FAO 266.

In a letter dated 24 January 2022, the Inter-Island Deep Sea Fishing Association, Inc. (IDSFA) wrote the NTC regarding the RTC Order and was also furnished a copy of the letter to BFAR covering the same subject matter. IDSFA informed the NTC that BFAR has issued a series of letters, the latest containing an order to the addressees to apply for Marine Mobile Service Identity (MMSI) numbers with the NTC.

In view of the IDSFA vis-à-vis BFAR letters, the NTC endorsed the same to the Office of the Solicitor General (OSG), as the agency's statutory counsel, to request for an Opinion for the proper course of action in view of the RTC Order in relation to the issuance of MMSIs for the transceivers in BFAR's Integrated Marine Environment Monitoring System (IMEMS).

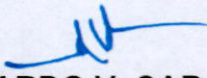
On 26 January 2022, the OSG issued a Legal Opinion, addressed to NTC and BFAR, which concluded:

Applying the rules and jurisprudence to the present circumstances, execution of FAO 266 is enjoined, without prejudice to any action or order of, or until final adjudication of the Supreme Court.

As to the scope of enforcement, the OSG opines that since the writ of permanent injunction is directed against the implementation of FAO 266 by BFAR and NTC, the same must be applied not only to the parties of the case but must be uniformly applied to all similarly situated entities affected by FAO 266. This is a necessary consequence of the RTC's ruling on the unconstitutionality of FAO 266, which is not limited to the parties but to all individuals or entities affected thereby.

In view of the foregoing premises, all NTC Regional Offices are hereby directed to comply with the Permanent Injunction, as directed in the Decision dated June 1, 2021. All applications and/or requests for MMSIs by commercial fishing vessels covered by FAO 266 shall be held in abeyance pending further orders of the Supreme Court on the matter.

For strict compliance.


EDGARDO V. CABARIOS
Deputy Commissioner