

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

EN BANC

MONICO A. ABOGADO, ET AL.,
Petitioners,

-versus-

G.R. No. 246209

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES, ET AL.,
Respondents.

x-----x

MOTION FOR EXTENSION OF TIME
TO CONFER WITH CLIENTS
AND OBTAIN SPECIAL AUTHORITY

PETITIONERS, by counsel, to this Honorable Court respectfully state that:

1. On July 9, 2019, the Honorable Court gave counsels for the parties until July 12, 2019 to move in the premises.
2. Counsel for petitioners, however, need more time to confer with their clients, in line with Section 23, Rule 138 of the Rules of Court, which provides:

*Sec. 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....***

3. It is well settled that Section 23, Rule 138 covers the dismissal or termination of cases upon motion of a party:

- a. *Natividad v. Natividad*, G.R. No. L-28296, March 2, 1928:

...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...**
[emphasis added]

- b. *Monteverde v. Court of Industrial Relations*, G.R. No. L-32915, September 30, 1971:

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.**

X X X

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." [citation omitted]

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. [emphasis added]¹

4. While counsel for petitioners have exerted and are exerting efforts to contact and confer with their clients, so far they have not been able to do so. All Palawan petitioners reside on Pag-Asa Island, a remote area

¹ See also, e.g., *Vicente v. Geraldez*, G.R. No. L-32473 July 31, 1973; *Luna v. Galarrita*, A.C. No. 10662, July 7, 2015; and *Republic v. Plan*, G.R. No. L-56962, August 21, 1982.

accessible only by boat. All Zambales petitioners reside on a remote island also accessible only by boat. As was pointed out, agreed upon and resolved by the Board of Governors of the Integrated Bar of the Philippines at their meeting yesterday, it is imperative that counsel for petitioners confer with all individual petitioners from Palawan and Zambales before proceeding with any action that may result in the termination of these proceedings.

5. Hence this motion for extension of time, which is not in any way intended to delay the proceedings but rather is necessitated by Section 23, Rule 138 of the Rules of Court as well as their ethical obligation to confer and obtain special authority from their clients, considering the circumstances pertaining in this case.

Prayer

WHEREFORE, foregoing premises considered, petitioners through counsel respectfully pray that the Honorable Court GRANT this motion for extension of time and GIVE counsel for petitioners ten (10) days from July 12, 2019 or until July 22, 2019, to confer with their clients and comply with the Court's July 9, 2019 directive to move in the premises.

Petitioners respectfully pray for such further or other relief as may be deemed just or equitable.

Pasig City for City of Manila, 11 July 2019.

THE INTEGRATED BAR OF THE PHILIPPINES
International Law and International Affairs Committee
IBP Buildings, No. 15 Julia Vargas Ave.
Ortigas Center, Pasig City

By:



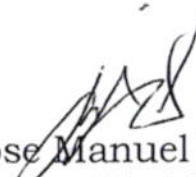
Andre C. Palacios
Roll No. 43511

PTR No. A-4278683, February 8, 2019, Taguig City
IBP No. 0110511, Lifetime, Aklan
MCLE Compliance No. VI-0027222, June 24, 2019

Gil Anthony E. Aquino
Roll No. 65698

PTR No. 7341157, January 7, 2019, Makati City
IBP No. 014871, Lifetime, May 19, 2016, Makati City
MCLE Compliance No. VI-0009094

In collaboration with:


Jose Manuel I. Diokno
c/o Sanidad Law Office
77 Malakas Street

Brgy. Pinyahan, Quezon City
Supreme Court Roll No. 35394
PTR No. 7575038-C, 01-29-19, Q.C.
IBP (Lifetime) No. 00236, 02-09-95, Pasig City
MCLE Exemption No. VI-000914 (Valid until 04-14-22)
BM2012 Mandatory Legal Aid Service
Exempt – Free Legal Assistance Group
Tel. No. 8779242 loc. 606
dioknolawcenter@gmail.com

COPY FURNISHED:

OFFICE OF THE SOLICITOR GENERAL
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Legaspi Village, Makati City

HON. ROY CIMATU
Secretary, Department of Environment
and Natural Resources (DENR)
DENR Compound, Visayas Avenue,

HON. EMMANUEL PIÑOL
Secretary, Department of Agriculture
Department of Agriculture, Elliptica
Diliman, Quezon City

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National Director, Bureau of Fisheries
Office of the National Director
Bureau of Fisheries and Aquatic Resources
PCA Building, Diliman, Quezon City

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HON. VADM ROBERT EMPEDRAD,
FOIC, Philippine Navy
Headquarters, Philippine Navy Nava
2335 Pres. M. Roxas Boulevard, City

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HON. ADMIRAL ELSON E. HERMO
Commander, Philippine Coast Guard
Headquarters Philippine Coast Guard
139 25th Street, Port Area, City of Manila

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HON. PDG OSCAR ALBAYALDE
Chief, Philippine National Police
PNP Headquarters, Camp Crame, Quezon City

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HON. PCSUPT RODELIO B. JOCOSO
Director, PNP Maritime Group
Headquarters Maritime Group, PNP
Camp Crame, Quezon City

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HON. MENARDO I. GUEVARRA
Secretary, Department of Justice
Department of Justice, Padre Faura
Ermita, City of Manila

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Explanatic

The foregoing Motion for Extension of Time was served on ~~the Office of the Solicitor General and~~ all the respondents by registered mail, due to time, distance and personnel constraints.

Gil Anthony E. Aquino