

OCA CIRCULAR NO. 87-2016, April 04, 2016

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TO :

ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT :

PROHIBITION AGAINST THE ISSUANCE OF INJUNCTIONS OR RESTRAINING ORDERS AGAINST GOVERNMENT AGENCIES ENFORCING ENVIRONMENTAL LAWS AND PREVENTING VIOLATIONS THEREOF

Acting on persistent reports of continuous violations of rules and laws prohibiting the issuance of injunctions or restraining orders against government agencies enforcing environmental laws and preventing violations thereof, all judges of first and second level courts are hereby ENJOINED to STRICTLY OBSERVE Rule 2, Section 10 of the Rules of Procedure for Environmental Cases, which provides:

Section 10. Prohibition against temporary restraining order (TRO) and preliminary injunction. —Except the Supreme Court, no court can issue a TRO or "writ of preliminary injunction against lawful actions of government agencies that enforce environment laws or prevent violations thereof. [1]

and Section 134 of the Philippine Fisheries Code of 1998, as amended by Republic Act No. 10654, which provides:

Section 134. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions. — No injunction or restraining order from the Municipal Trial Courts and Regional Trial Courts shall lie against the Department [Department of Agriculture] and BFAR [Bureau of Fisheries and Aquatic Resources] upon the ex parte motion or petition filed by any person or entity in the exercise by the Department and BFAR of its regulatory functions in support of the implementation of this Code. [2]

For your information and strict compliance.

4 April 2016

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

[1] Rules of Procedure for Environmental Cases, Rule 2, A.M. No. 09-6-8-SC, 13 April 2010.

[2] The Philippine Fisheries Code of 1998, Republic Act No. 8550 [1998] as amended by Republic Act No. 10654 [2015].

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