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SECOND DIVISION

[G.R. No. L-29480. March 14, 1979]

The DIRECTOR OF FORESTRY, The SECRETARY OF AGRICULTURE AND NATURAL RESOURCES AND STA. TERESITA WOOD INDUSTRIES, INC., *petitioners, vs.* **JUDGE FRANCISCO GERONIMO and WOODRICH INDUSTRIES, INC.,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; DISMISSAL OF PETITION; WHEN PROSPER. — A petition for *certiorari* may be dismissed where it raises questions that involve many facts alleged in the petition and denied the answer.

2. ID.; ID.; ID.; WHEN CONSIDERED MOOT AND ACADEMIC. — Where the petition for *certiorari* assails the court's order in giving due course to a special civil action and in admitting the respondent's supplemental petition therein; and during the pendency of the *certiorari* petition, the court *a quo* dismissed the respondent's petition and supplemental petition, which dismissal was affirmed by the Court of Appeals and by the Supreme Court, Held: that the subsequent dismissal of the petition and supplemental petition by the court *a quo* rendered the petition for *certiorari* moot and academic.

RESOLUTION

ABAD SANTOS, *J.*:

This is a petition for *certiorari* and prohibition with preliminary injunction directed against certain proceedings in Civil Case No. 71798[1] of the Court of First Instance of Manila. The

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[1] "Woodrich Industries, Inc., petitioner *versus* Teofilo A. Santos, Director of Forestry, Hon. Fernando Lopez, Secretary of Agriculture and Natural Resources and Jose Leido, Jr. Assistant Executive Secretary, Respondents" for *Certiorari* Prohibition, *Mandamus* with Injunction.

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petitioners herein are the respondent public officials therein and Sta. Teresita Wood Industries, Inc. (STAWOOD).

The petition questions the action of the respondent judge in (a) admitting the Supplemental Petition filed against STAWOOD; and (b) issuing the supplemental writ of preliminary mandatory injunction setting aside the permits for right-of-way, and for camp and log pond site made in favor of STAWOOD, stopping logging operations within the contested area and, barring the issuance of any license or permit to enter or utilize any part of said contested area. The grounds asserted in the present petition are that respondent Woodrich Industries, Inc. (WOODRICH) is not a real party in interest considering that it has no concession over the contested area; that the allegations of the Supplemental Petition have no factual basis according to the findings of the Director of Forestry, for the subject matter thereof is purely administrative in character and WOODRICH has not exhausted administrative remedies; and that the injunctive writ was improperly granted and was issued without any hearing.

The instant petition is directed against alleged abuse of discretion on the part of the respondent judge or the absence or excess of jurisdiction in issuing the order and writ complained of. But a review of the premises and arguments of the Petition, and consideration of the Answer thereto, fail to impress this Court that any such infirmities attached to the actions of the respondent judge.

The main proceeding in the court *a quo*, Civil Case No. 71798, is a petition for *certiorari* and *mandamus* with preliminary injunction which was instituted by WOODRICH against the Director of Forestry, the Secretary of Agriculture and Natural Resources, and the Assistant Executive Secretary, to annul the latter's decisions dated December 15, 1967, and March 1, 1968, denying its application for ordinary timber license and, instead, to order the execution of a decision previously rendered by Executive Secretary Ramon Diaz, dated December 10, 1965, approving its application for ordinary timber license.

Apparently to preserve the *status quo* over the contested area, the court *a quo* (presided by the herein respondent judge)

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issued the writ of preliminary injunction prayed for, dated May 7, 1968, enjoining the respondent public officials, pending the proceedings in the case, "from issuing any advertisement for bids over the forestry areas of 50,000 hectares located in the Municipality of Gonzaga, Lal-lo, Gattaran, Baggas and Peñablanca, all of the province of Cagayan."

Subsequently, WOODRICH filed, and the Court *a quo* admitted, the Supplemental Petition, containing a prayer for the issuance of a supplemental writ of preliminary mandatory injunction, impleading STAWOOD as party-respondent and asserting new facts, namely: the issuance in favor of STAWOOD of a road right-of-way traversing the contested timber area and a camp site located in the vicinity of the right-of-way but also within the contested area, on February 20, 1968, and May 8, 1968, respectively; the illegal cutting of trees by STAWOOD not only within the right-of-way and camp site but also in other areas inside the contested forestry area which, allegedly, was being allowed by respondents Director of Forestry and Secretary of Natural Resources, either intentionally or by deliberate laxity in the enforcement of forestry laws and regulations; that the logs so far illegally cut numbering two thousand, with a total value of ₱480,000, have been allowed to be shipped abroad by the said respondents; and, that in the event the court decides that WOODRICH is entitled to the forest concession, the right to the logs shall pertain to it; and, finally, unless the said respondents are enjoined to maintain the *status quo* the judgment in favor of WOODRICH would become ineffective as the contested area would have been denuded, either entirely or partially.

STAWOOD filed two successive motions to reconsider the admission of the Supplemental Petition and to lift the injunctive writ, alleging several legal and factual grounds. Both motions were denied, hence, the recourse to this Court. This Court issued a writ of preliminary injunction restraining the respondent judge from proceeding further on the Supplemental Petition and from implementing the questioned order and writ.

The point raised by petitioners that WOODRICH is not a licensee of the contested area and, therefore, does not have

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the personality to complain against the permits granted to STAWOOD merely iterates the defense of respondent public officials, herein petitioners, in the main petition. The issue, therefore, depends upon the validity of the executive orders that are the subject matter of the main petition.

The other grounds raised relative to the admission of the Supplemental Petition as well as to the propriety and legality of the injunctive writ, rest upon assertions of fact or inferences thereon, concerning official action, which are either denied or their relevance to the main petition would require the exercise of judgment by the court *a quo* after a hearing on the merits.

It is important to consider that the action in the court *a quo* was a petition for *certiorari* and *mandamus* under Rule 65 of the Rules of Court (Sections 1 and 3) to reinstate the decision of Executive Secretary Ramon Diaz granting the application of WOODRICH for timber license over the contested area. In this respect, the factual allegations of the Supplemental Petition, of facts within the knowledge of WOODRICH, are that STAWOOD was granted permits for right-of-way, and camp and log pond site within the contested area and that it was conducting alleged illegal logging operations thereon. These allegations constituted the factual basis for admitting the Supplemental Petition and for issuing the injunctive writ. The petitioners have posited the Order of the Director of Forestry, dated July 5, 1968, dismissing the complaint of WOODRICH against the alleged illegal logging operations of STAWOOD, as an administrative determination on the issue. But, on the contrary, the Order acknowledged the existence of logging operations within the contested area and the question as to its legality or illegality was for the court *a quo* to decide after a hearing on the merits as it appears that the factual allegations of the Supplemental Petition are relevant to the main petition. The admission of the Supplemental Petition and issuance of the injunctive writ as a provisional remedy therefor, did not constitute abuse of discretion or lack of or excess of jurisdiction.

Moreover, it appears from the Answer that the Order of the Director, dated July 5, 1968, who is a petitioner herein, was

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preceded by another order, obviously contradictory, cancelling the road right of-way in favor of STAWOOD and by a directive of the President of the Philippines stopping all logging operations within the contested area; that STAWOOD has two logging roads available to it; and, that the Supplemental Petition was admitted and the injunctive writ issued due hearing.

Considering that there are factual issues involved,[2] this Court is not disposed to rule that the respondent judge acted improperly in admitting the Supplemental Petition dated May 23, 1968, and in issuing the supplemental writ of preliminary mandatory injunction on July 6, 1968.

It should be stated in this connection that the Solicitor General who is counsel for petitioner public officials in this case has not made any manifestation before this Court regarding further developments in the main proceeding — Civil Case No. 71798. However, it appears from the archives of this Court in G. R. No. L-40023 entitled "*Woodrich Industries, Inc. versus the Court of Appeals, Director of Forestry, Secretary of Agriculture and Natural Resources, Executive Secretary*" which was dismissed by this Court for lack of merit in a minute resolution dated June 4, 1975, that a decision in Civil Case No. 71798 was rendered by the Court of First Instance of Manila, *dismissing the "petition and supplemental petition" of* WOODRICH; that the dismissal was appealed to the Court of Appeals in CA-G.R. No. 47693-R, which affirmed the dismissal. This decision of the Court of Appeals was the subject of G.R. No. L-40023 above mentioned and, for this reason, this instant petition would also appear to be moot and academic. Had the Solicitor General who is counsel for petitioner public officials in this instant petition and who was also the counsel for the same public officials — as party respondents — in G.R. No. L-40023 or the counsel for WOODRICH who was also counsel

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[2] See *BCI Employees and Workers Union v. Marcos*, L-21104, May 31, 1971, 39 SCRA 178 at 183 where this Court added as a ground for *dismissing the petition for certiorari* that the questions raised involve many facts alleged in the petition and denied in the answers.

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in Civil Case No. 71798 and CA-G.R. No. 47693-R promptly informed this Court as to the above-mentioned developments, this instant petition could have been easily disposed of long ago by this Court and, as stated in the case of *Chan Kian v. Angsin*, G.R. No. L-28131, February 28, 1972,[3] "the time needed by it to devote to the prompt disposition of meritorious cases need not have been thus dissipated." It was the duty of counsels, especially counsel for petitioners, to inform this Court regarding the progress of Civil Case No. 71798 considering that the subject of the present petition relates to the Supplemental Petition in said case and further proceedings on the supplemental petition was restrained by this Court's injunctive writ.

WHEREFORE, the instant petition is dismissed. No costs.

SO ORDERED.

Fernando (Chairman), Antonio, Concepcion Jr., and *Santos, JJ.*, concur.

Aquino, J., see opinion below.

Barredo, J., took no part.

AQUINO, *J., concurring:*

I concur in the result. The petition should be dismissed because it was rendered moot and academic by the decision of the Court of First Instance of Manila in Civil Case No. 71798, dismissing the petition and supplemental petition of Woodrich Industries, Inc. That dismissal was affirmed by the Court of Appeals in its decision in *Woodrich Industries, Inc. vs. Director of Forestry*, CA-G.R. No. 47693, December 12, 1974.

The appeal of Woodrich Industries, Inc. from that decision was not given due course by this Court (*Woodrich Industries, Inc. vs. Court of Appeals*, L-40023, Minute Resolution of June 4, 1975. See related case of *Agvid Construction Co, Inc. vs. Teofilo Santos, etc., et al*, L-39851, Minute Resolution of January 29, 1975 dismissing petition for review).

[3] 43 SCRA 295 at 300.