

Title:

Harbour Centre Port Terminal, Inc. v. Hon. Lyliha L. Abella-Aquino, et al.

Facts:

La Filipina Uygongco Corporation and Philippine Foremost Milling Corporation (La Filipina) filed a complaint in the Regional Trial Court (RTC) against Harbour Centre Port Terminal, Inc. (Harbour Centre) for failure to comply with their Memorandum of Agreement concerning dredging, priority berthing rights, and port and cargo handling charges. Harbour Centre countered that it was entitled to rental fees and overhang charges for La Filipina's use of cargo space at its port.

The RTC ruled in favor of La Filipina, ordering Harbour Centre to dredge the berthing area and navigational channel, abide by the agreed formula for port and cargo handling charges, honor the priority berthing rights, and to pay damages including liquidated, actual, and exemplary damages, plus attorney's fees.

La Filipina filed a Motion for Partial Reconsideration for further liabilities due to storage and trucking costs, while Harbour Centre filed a Notice of Appeal. La Filipina then filed a Motion for Partial Execution Pending Appeal, which the RTC granted regarding immediate dredging and crediting of amounts paid under protest for port and cargo handling charges.

Harbour Centre opposed the motion and later questioned the validity of the writ of partial execution in the Court of Appeals, which dismissed the petition for being moot and refused to issue a writ of prohibition, finding no justiciable controversy.

Harbour Centre then filed a Petition for Review on Certiorari before the Supreme Court, challenging the Court of Appeals resolution and insisting on the lack of good reasons for the writ's issuance.

Issues:

1. Validity of the motion for partial execution pending appeal.
2. Whether Harbour Centre engaged in forum shopping.

Court's Decision:

The Supreme Court partially granted the petition. It held the writ of execution as valid concerning the immediate requirement for Harbour Centre to dredge the berthing area and navigational channel but invalid regarding the crediting and release of amounts paid under protest for port and cargo handling charges. It found that Harbour Centre did not commit

forum shopping.

Doctrine:

- The Regional Trial Court has the discretion to allow execution pending appeal if it still possesses jurisdiction and is presented with good reasons, as stipulated in Rule 39, Section 2(a) of the Rules of Court.
- Execution pending appeal requires “superior circumstances demanding urgency” and “good reasons” which are equitable considerations that emphasize fairness or public benefit.

Class Notes:

- Execution Pending Appeal: The trial court may order execution of judgment before the expiration of the period to appeal, provided it retains jurisdiction and good reasons exist for such an order.
- Good Reasons for Execution Pending Appeal: Includes but not limited to the advanced age of the prevailing party, imminent danger of insolvency to the defeated party, dilatory appeal intentions, and risks of fraudulent acts by the losing party to defeat the ends of justice.
- Forum Shopping: The act of filing multiple cases based on the same cause of action, rights, or reliefs in different courts, either simultaneously or successively, seeking a favorable decision.

Historical Background:

This case highlights the complexity of contractual disputes in maritime operations, demonstrating the judicial consideration for immediate measures (such as dredging in this context) to avert operation disruptions and potential hazards, against the backdrop of the appeal processes in the Philippine judicial system.