

**\*\*Title:\*\*** Social Justice Society (SJS) v. Hon. Jose L. Atienza, Jr.

**\*\*Facts:\*\***

On November 20, 2001, the Sangguniang Panlungsod of Manila enacted Ordinance No. 8027, which was approved by Mayor Jose L. Atienza, Jr. on November 28, 2001, and it became effective on December 28, 2001, after proper publication. This ordinance reclassified certain industrial areas in Pandacan and Sta. Ana as commercial zones. Section 3 of the ordinance required businesses in the area to cease operations within six months.

Among the affected entities were the “Pandacan Terminals” of Caltex (Philippines), Inc., Petron Corporation, and Pilipinas Shell Petroleum Corporation. On June 26, 2002, the City of Manila and the Department of Energy (DOE) entered into a Memorandum of Understanding (MOU) with these companies to scale down operations rather than cease them entirely. The MOU called for the removal of 28 tanks, creation of buffer zones, and establishment of joint operations.

The Sangguniang Panlungsod ratified the MOU with Resolution No. 97, effective for six months from July 25, 2002. Later, Resolution No. 13 extended this validity to April 30, 2003, and paved the way for the issuance of special business permits to the oil companies.

On December 4, 2002, the Social Justice Society (SJS), represented by Vladimir Alarique T. Cabigao and Bonifacio S. Tumbokon, filed a petition for a writ of mandamus to compel Mayor Atienza to enforce Ordinance No. 8027 and order the removal of the oil terminals.

**\*\*Issues:\*\***

1. Whether respondent Mayor Atienza had a mandatory legal duty to enforce Ordinance No. 8027 and order the removal of the Pandacan Terminals.
2. Whether the MOU and the resolutions ratifying it can amend or repeal Ordinance No. 8027.

**\*\*Court’s Decision:\*\***

1. **\*\*Mandatory Legal Duty of Mayor Atienza:\*\***

- The Supreme Court ruled that Mayor Atienza had a mandatory legal duty under Section 455(b)(2) of the Local Government Code to enforce all laws and ordinances, including Ordinance No. 8027. The mayor’s role is executory, and he does not have the discretion to delay or refuse the enforcement of ordinances. The court emphasized that enforcing such

ordinances is a ministerial duty and not subject to personal discretion.

2. **Effect of the MOU and Resolutions:**

- The Court noted that the MOU and the resolutions ratifying it (Resolution No. 97 and Resolution No. 13) had only a temporary validity, which had already lapsed (ending on April 30, 2003). Therefore, they did not have a continuous legal standing to hinder the mayor's duty to enforce Ordinance No. 8027. Additionally, any temporary resolution or understanding cannot supersede a duly enacted ordinance unless expressly repealed by the Sangguniang Panlungsod or annulled by the courts.

**Doctrine:**

- An executive officer, such as a city mayor, has a ministerial duty to enforce ordinances and laws enacted by the legislative body and cannot refuse to perform this duty based on personal discretion or by temporary instruments like MOUs or resolutions unless these ordinances have been judicially declared unconstitutional or legally repealed.

- Legal instruments such as an MOU or specific resolutions cannot permanently alter the enforceability of a law unless formally legislated upon by the appropriate legislative body or annulled through due judicial process.

**Class Notes:**

**Key Elements:**

1. **Mandamus:** Compels the performance of a ministerial duty that the law specifically enjoins.
2. **Ministerial Duty:** An act performed in a prescribed manner without regard to personal judgment.
3. **Local Government Code (RA 7160):** This establishes that mayors must enforce laws and ordinances (Section 455[b][2]).

**Legal Provisions:**

- **Local Government Code (Section 455[b][2]):** Mandates city mayors to enforce laws and ordinances for city governance.

- **Practical Application:** Executive officials must perform duties without personal discretion when an ordinance has not been repealed or annulled.

**Historical Background:**

The context of the case reflected post-9/11 global security concerns, prompting the

enactment of protective measures to ensure public safety in residential and industrial zones. This defensive legislative action aimed to prevent potential catastrophic events similar to the September 11 attacks. The ordinance was part of larger efforts to promote urban planning and safety in light of contemporary threats.