

LAWYERS LEAGUE FOR BETTER PHIL., AND/OR OLIVER O. LOZANO, PETITIONERS, VS. NATIONAL PRICE CONTROL COUNCIL AND/OR SHELL PHILIPPINES, INC., CALTEX PHILIPPINES, INC., FILOIL REFINE...

G.R. No. L-33090. December 29, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

Pending before this Court are motions to dismiss by the respondent Oil Companies[1] on the ground that this petition for certiorari with prayer for preliminary injunction has become moot and academic.[2] Such a contention is predicated on the New Price Control Law approved on July 27, 1971[3] including, among the essential commodities covered by Section 1 thereof, "fuels, lubricants, crude oil and petroleum products, without prejudice to any action which the Oil Industry Commission may hereafter take under the provisions of Republic Act No. 6173." [4] Thus, in their opinion, it would be unnecessary for this Court to decide the petition to nullify the order of respondent Price Control Council of January 28, 1971 fixing the prices of regular grade gasoline, premium grade gasoline, automotive diesel fuel, industrial diesel oil, industrial fuel oil, liquified petroleum gas and asphalt. Such a point of view finds expression in the motion to dismiss of respondent Caltex Philippines, Inc. thus: "That, as this Honorable Court will note from the above-quoted sections, the new Price Control Law still covers 'fuels, lubricants, crude oil and petroleum products,' and that the maximum prices of the articles or commodities mentioned in Section 1 established by the Price Control Council under the old Price Control Law (R.A. No. 6124) and enforced as of June 30, 1971, are made effective by the new law without prejudice to any action which the new Price Control Council or the Oil Industry Commission may take after hearing. That in view of the reenactment of the Price Control Law freezing the prices of petroleum products at the levels established by the Price Control Council and enforced on June 30, 1971, the issue or issues in the above case, particularly the prayer of both petitioner and the Solicitor General for an injunction against respondents to prohibit them from increasing the prices of their petroleum products beyond the June 30, 1971 levels, have clearly already become moot and academic." [5] There was no satisfactory rebuttal from counsel for petitioner, Lawyers League for a Better Philippines. Likewise, the then Solicitor General, now Associate Justice, Felix Q. Antonio, on behalf of respondent Price Control Council, while likewise in opposition, did limit himself to this proposition: "The dismissal of the above-entitled case and with it the lifting of the restraining order at this stage when the Oil Industry Commission [has] not yet fixed new price ceilings in the prices of petroleum products could be misinterpreted and wrongfully availed of by respondent oil companies as a justification to increase unilaterally the price of their petroleum products contrary to the roll back provision of Sec. 3, R.A. No. [6361], otherwise known as the New Price Control Law. Moreover, the issues in the above-entitled case have been joined and the case is now submitted for decision." [6]

It is to be remembered that in our resolution of July 6, 1971, respondent Oil Companies, "effective immediately and until further orders from this Court, [were commanded] to desist forthwith from further enforcing the price

increases announced * * * midnight of June 30, 1971, and to maintain the prices of oil and petroleum products at the levels set forth in the Price Control Council's order of January 28, 1971." [7] Such a restraining order continued until the Oil Industry Commission began to hold hearings to determine whether price increases were justified. As a matter of fact, its determination is now the subject of pending petitions for review before us, with this Court again having issued a restraining order. [8] Under the circumstances, it would appear clear that the question sought to be litigated by petitioner has indeed become moot and academic. Whatever legal issues of consequence are sought to be ventilated are now within the ken of judicial cognizance in the proceedings for review appropriately before us.

WHEREFORE, the motions to dismiss of respondent Oil Companies are granted, and this petition is declared moot and academic.

Concepcion, C.J., Makalintal, Zaldivar, Teehankee, Barredo, Makasiar, and Esguerra, JJ., concur.

Castro and Antonio, JJ., did not take part.

[1] The respondents are the Shell Philippines, Inc., Caltex Philippines, Inc., Filoil Refinery Corporation, Mobil Oil Philippines, Inc., Getty Oil Philippines, Inc., and Esso Philippines, Inc.

[2] The motion to dismiss was filed by respondents Filoil Marketing Corporation and Filoil Refinery Corporation, by respondent Shell Philippines, Inc., and by respondent Esso Philippines, Inc., all on July 29, 1971; by respondent Caltex Philippines, Inc., on July 30, 1971; by respondent Getty Oil, Inc. on July 31, 1971, and by respondent Mobil Oil, Philippines, Inc. on August 2, 1971.

[3] Republic Act No. 6361.

[4] Ibid, Sec. 1, par. (5).

[5] Supplemental Motion to Dismiss on Grounds that Case is Now Moot and Academic filed by respondent Caltex Philippines, Inc., July 30, 1971, 2-3.

[6] Comment, December 10, 1971.

[7] Resolution, July 6, 1971.

[8] Cf. Ozaeta vs. Oil Industry Commission, G.R. Nos. L-35812-17.

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