

SC ADMINISTRATIVE CIRCULAR NO. 07-99, June 25, 1999

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T O : ALL JUDGES OF LOWER COURTS

SUBJECT : EXERCISE OF UTMOST CAUTION, PRUDENCE, AND JUDICIOUSNESS IN ISSUANCE OF TEMPORARY RESTRAINING ORDERS AND WRITS OF PRELIMINARY INJUNCTIONS

Despite well-entrenched jurisprudence and circulars regarding exercise of judiciousness and care in the issuance of temporary restraining orders (TRO) or grant of writs of preliminary injunction, reports or complaints on abuses committed by trial judges in connection therewith persist. Some even intimated that irregularities, including corruption, might have influenced the issuance of the TRO or the writ of preliminary injunction.

No less than the President of the Philippines has requested this Court to issue a circular reminding judges to respect P.D. No. 1818, which prohibits the issuance of TROs in cases involving implementation of government infrastructure projects. The Office of the President has likewise brought to the attention of this Court orders of judges releasing imported articles under seizure and forfeiture proceedings by the Bureau of Customs.

Judges are thus enjoined to observe utmost caution, prudence and judiciousness in the issuance of TRO and in the grant of writs of preliminary injunction to avoid any suspicion that its issuance or grant was for Hf considerations other than the strict merits of the case.

Judges should bear in mind that in *Garcia v. Burgos* (291 SCRA 546, 571-572 [1998]), this Court explicitly stated:

Section 1 of PD 1818 distinctly provides that "[n]o court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project x x x of the government, x x x to prohibit any person or persons, entity or government official from proceeding with or continuing the execution or implementation of any such project, x x x or pursuing any lawful activity necessary for such execution, implementation or operation " At the risk of being repetitious, we stress that the foregoing statutory provision expressly deprives courts of jurisdiction to issue injunctive writs against the implementation or execution of an infrastructure project.

Their attention is further invited to Circular No. 68-94, issued on 3 November 1994 by the OCA OIC Deputy Court Administrator Reynaldo L. Suarez, on the subject "Strict Observance of Section 1 of P.D. 1818 Envisioned by Circular No. 13-93 dated March 5, 1993, and Circular No. 20-92 dated March 24, 1992."

Finally, judges should never forget what the Court categorically declared in *Mison v. Natividad* (213 SCRA 734, 742 [1992]) that "[b]y express provision of law, amply supported by well-settled jurisprudence, the Collector of Customs has exclusive jurisdiction over seizure and forfeiture proceedings, and regular courts cannot interfere with his exercise thereof or stifle or put it to naught."

The Office of the Court Administrator shall see to it that this circular is immediately disseminated and shall monitor implementation thereof.

STRICT OBSERVANCE AND COMPLIANCE of this Circular is hereby enjoined.

25 June 1999.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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