

THE DIRECTOR OF FORESTRY, VALERIO O. ERGINO, AGUSTIN B. KAPUNO, FELICIANO BARRER, AND THE BUENO INDUSTRIAL AND DEVELOPMENT CORPORATION, PETITIONERS, VS. JUDGE JESUS S. RUIZ, AS ...

G.R. No. L-24882. April 30, 1971

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/525eaf39884f/>

CASTRO, J.:

On October 2, 1964, the Bueno Industrial and Development Corporation (hereinafter referred to as the BIDCOR) filed with the Director of Forestry (hereinafter referred to as the Director) a letter-complaint (dated September 29, 1964) against the R.C. Aquino Timber and Plywood Co., Inc. (hereinafter referred to as the TIMPLY) and its president, Rafael C. Aquino, asking for the immediate suspension and then cancellation of Timber License Agreement 68 in the name of the TIMPLY and of the Ordinary Road Right-of-Way Permit 237 in the name of Aquino and the TIMPLY. The BIDCOR alleged as grounds therefor TIMPLY's violation of the terms and conditions of its timber license agreement and ordinary road right-of-way permit, as well as its disregard of forestry laws, rules and regulations.

The TIMPLY, on October 8, 1964, moved to dismiss the letter-complaint. The Director, however, considered the numerous charges "worth looking into" and requiring "a thorough inquiry by an appropriate committee" for a determination of facts. In an order dated December 15, 1964, the Director deferred resolution on the TIMPLY's motion to dismiss until after proper hearing on the letter-complaint, and created a committee to conduct the necessary investigation.

Subsequently, on January 8, 1965, the TIMPLY moved to set aside the Director's order creating the investigation committee, which motion the Director denied in an order dated January 25, 1965. The Director also ordered the resumption of the investigation of the charges. The TIMPLY, in a letter dated January 8, 1965, appealed the aforementioned order of the Director (dismissing its motion to set aside the previous order creating the investigation committee) to the Secretary of Agriculture and Natural Resources, praying that the said Secretary order the Director to suspend or stop the investigatory hearings.

In the meantime, the committee convened by the Director continued proceedings on the BIDCOR's letter-complaint.

On January 29, 1965, the TIMPLY filed with the Court of First Instance of Agusan a petition entitled "Injunction with Preliminary Injunction and Damages," docketed as special civil case 185. The TIMPLY sought the ex parte issuance of a writ of preliminary injunction restraining the Director and five other forestry officials - three of whom belong to the investigating committee from continuing the hearing on the BIDCOR's charges. On the same day, presiding judge Jesus S. Ruiz of the CFI of Agusan issued an order giving due course to the petition and requiring the Director and other forestry officials and the BIDCOR to answer the petition. He also issued and granted, upon the filing of the requisite bond, a writ of preliminary injunction restraining and prohibiting the

Director, the other forestry officials, their agents, representatives, attorneys, or any other person acting in their behalf from continuing with the investigation of the charges filed by the BIDCOR against the TIMPLY, and issuing any order or resolution pertinent to the letter-complaint.

On February 5, 1965, the Director and the other forestry officials, through the Solicitor General, filed with the court a quo a motion asking for leave to file a motion to dismiss instead of an answer. Likewise, the BIDCOR filed a motion, seeking permission to file a motion to dismiss. Both motions sought the dismissal of the TIMPLY petition on the grounds of lack of jurisdiction of the CFI of Agusan and lack of cause of action due to non-exhaustion of administrative remedies.

The TIMPLY, on February 28, 1965, filed its opposition to the aforesaid motions for dismissal of its petition. On March 8, 1965, the BIDCOR filed its rejoinder to the TIMPLY's opposition.

Resolving the motions, Judge Ruiz, on March 31, 1965, issued an order denying the motions to dismiss for lack of merit. The forestry officials moved for reconsideration of this denial on April 23, 1965 and the BIDCOR did the same on April 28, 1965. The lower court denied these motions for reconsideration in an order dated July 12, 1965.

Hence, the present petition for certiorari and prohibition with preliminary injunction filed by the BIDCOR and the forestry officials.

To restrain and prohibit the respondents and their agents and their representatives from enforcing the lower court's order and writ of preliminary injunction, both dated January 29, 1965, and from conducting further proceedings re the petition filed by the respondent TIMPLY, this Court, at the instance of the petitioners, issued a preliminary injunctive writ on August 24, 1965, enjoining the respondents from committing the aforesaid acts.

The central question posed by the petition at bar is whether or not the Court of First Instance of Agusan has jurisdiction to issue a writ of preliminary injunction restraining administrative officers from proceeding with an official investigation outside of the province of Agusan.

The petitioners rely mainly on paragraph (h) of section 44 of Republic Act 296, as amended, to support their theory that the lower court has no jurisdiction to issue the injunctive writ in question. Paragraph (h) of section 44 provides that courts of first instance and their judges, or any of them, "shall have the power to issue writs of injunction, mandamus, certiorari, prohibition, quo warranto and habeas corpus in their respective provinces and districts, in the manner provided in the Rules of Court."

Interpreted and applied properly, the petitioners maintain, paragraph (h) limits the jurisdiction or authority of courts of first instance to control or restrain acts by means of the writ of preliminary injunction to those acts being committed or about to be committed within the territorial boundaries of their respective provinces and districts. Thus, the Court of First Instance of Agusan has no jurisdiction at all to enjoin the official investigation being conducted in the city of Manila of the charges by the petitioner BIDCOR against the respondent TIMPLY.

The petitioners also rely upon *Acosta et al. vs. Hon. Alvendia and De Santos Agricultural Development Inc.*[1] where this Court held that paragraph (h) defines and limits the jurisdiction of courts of first instance to issue writs of injunction.

This Court there stated that

"Under section 2, Rule 60[2] of the Rules of Court, a preliminary injunction may be granted by the Judge of the Court of First Instance 'in any action pending in his district.' These provisions clearly show that the jurisdiction or authority of courts of first instance to control or restrain acts by means of the writ of injunction is limited to acts which are being committed or about to be committed within the territorial boundaries of their

respective provinces and districts."

On the other hand, the respondents argue that the court a quo has jurisdiction to issue the writ of injunction involved herein, citing in support thereof section 3 of Rule 135 of the Rules of Court and *Gayacao vs. Hon. Executive Secretary of the President of the Philippines, et al.*[3] Section 3 of Rule 135 reads:

"Sec. 3. Process of superior courts enforced throughout the Philippines. - Process issued from a superior court in which a case is pending to bring in a defendant, or for the arrest of any accused person, or to execute any order or judgment of the court, may be enforced in any part of the Philippines."

According to the respondent TIMPLY, the aforesaid section permits the enforceability of any process for the execution of any order or judgment of courts of first instance throughout the Philippines.

To further strengthen its stand, the respondent TIMPLY asserts that the pronouncement of this Court in *Gayacao* is applicable to the case at bar. In said case, the respondent TIMPLY alleges, this Court held that the power of judicial review of courts should not be confined "to courts of first instance of the locality where the offices of respondents are maintained, to the exclusion of the courts of first instance in those localities where the plaintiffs reside, and where the questioned decisions are being enforced."

We find the contention of the respondent TIMPLY untenable.

A distinction exists between the ruling of this Court in *Gayacao* cited by the respondents and that in *Acosta* relied upon by the petitioners. This difference we have recognized in several cases.[4]

The petitioner in *Gayacao* sought judicial review of the decision of the Director of Lands and the subsequent affirmatory decisions of the Secretary of Agriculture and Natural Resources and the Executive Secretary by the Court of First Instance of Basilan City. "The remedy sought was the judicial review of the administrative decision in question and its annulment on account of errors of law allegedly committed." The sole point in controversy related to a determination of "whether the decision of the respondent public officers was legally correct or not." This Court therein stated that "the power of provincial courts of first instance to review administrative decisions of national officials has been consistently recognized."

We subsequently applied the same rule in *Zamboanga General Utilities Inc., supra*, wherein, similarly as in *Gayacao*, the party-litigants raised the question of whether or not the Court of First Instance of Basilan City has the power to review the decision of the Director of Lands and the affirmatory decision of the Secretary of Agriculture and Natural Resources. We also said in this case that a different rule applies to petitions for injunction seeking to control the actions of courts and officers, reiterating that the

"(J)urisdiction or authority of Courts of First Instance to control or restrain acts by means of the writ of injunction is limited to acts which are being committed or about to be committed within the territorial boundaries of their respective provinces or districts."

In *Palanan Lumber and Plywood Co., Inc., supra*, we re-affirmed the rule of non-jurisdiction of courts of first instance to issue injunctive writs in order to control acts outside of their provinces or districts. We went further and said that when the petition filed with the court of first instance not only questions the legal correctness of the decision of administrative officials but also seeks to enjoin the enforcement of the said decision, the court could not validly issue the writ of injunction when the officials sought to be restrained from enforcing the decision are not stationed within its territory.

To recapitulate, insofar as injunctive or prohibitory writs are concerned, the rule still stands that courts of first instance have the power to issue writs limited to and operative only within their respective provinces or districts.

The respondents also attempt to show that section 3 of Rule 135 of the Rules of Court sanctions the enforceability of the orders, processes and judgments of courts of first instance throughout the Philippines. We believe however that the provisions of paragraph (h) of section 44 of R. A. 296, as amended, preclude any such comprehensive construction of section 3 of Rule 135, for the former denies the courts of first instance authority to issue injunctive writs affecting acts or persons beyond the territorial boundaries of their respective provinces or districts.

Paragraph (h) of section 44 of R.A. 296, as amended, treats of the definition and limitation of the jurisdiction of courts of first instance, whereas section 3 of Rule 135 of the Rules of Court deals with the enforceability of the orders, judgments or processes of courts of first instance. Furthermore, section 2 of Article VIII of the Constitution lodges with Congress "the power to define, prescribe, and apportion the jurisdiction of the various courts." As a legislative act enacted pursuant to a constitutional mandate, paragraph (h) of section 44 of R. A. 296 defining the jurisdiction of courts of first instance re the issuance of writs of injunction, mandamus, certiorari, prohibition, quo warranto and habeas corpus, restricts the applicability of section 3 of Rule 135 promulgated by this Court whose rule-making power section 13 of Article VIII of the Constitution limits to matters concerning "pleading, practice, and procedure in all courts, and the admission to the practice of law."

In line, therefore, with the authorities aforecited limiting the power of courts of first instance to control or restrain by means of the writ of injunction to acts being committed or about to be committed within the territorial boundaries of their respective provinces and districts, we hold that the writ of preliminary injunction issued by the respondent judge of the Court of First Instance of Agusan restraining the continuation of the investigatory proceedings being conducted by the petitioning forestry officials in Manila, is null and void for want of jurisdiction.

ACCORDINGLY, the petition is hereby granted, and the writ of preliminary injunction dated August 24, 1965 restraining the respondent judge from enforcing the order and the writ of preliminary injunction, both dated January 29, 1965, is hereby made permanent. Costs against the respondent R.C. Aquino Timber and Plywood Co., Inc. and Rafael C. Aquino.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal Zaldivar, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] 109 Phil. 1017. Petitioners also cite *Samar Mining Co., Inc. vs. Arnado, et al.*, 2 SCRA 782, and *Central Bank of the Philippines, et al. vs. Cajigal, et al.*, 6 SCRA 1072.

[2] At present Section 2 of Rule 58 of the Rules of Court.

[3] 13 SCRA 753.

[4] *Zamboanga General Utilities, Inc. vs. Secretary of Agriculture and Natural Resources*, 20 SCRA 881; *Palanan Lumber and Plywood Co., Inc., et al. vs. Hon. Arranz and Palanan Logging Enterprises, Inc.*, 22 SCRA 1186; and *Macailing, et al. vs. Andrada, et al.*, 31 SCRA 126.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.