

PROVINCE OF PANGASINAN, PETITIONER, VS. REPARATIONS COMMISSION, THE HON. EXECUTIVE SECRETARY, THE HON. SECRETARY OF PUBLIC WORKS, THE HON. COMMISSIONER OF PUBLIC HIGHWAYS, THE P...

G.R. No. L-27448. November 29, 1977

Ponente: CONCEPCION JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/533bda4382d4/>

CONCEPCION JR., J.:

Petition for mandamus, with preliminary injunction, to compel the respondent Reparations Commission to execute the formal documents transferring certain reparations equipment and machinery to the petitioner, and to restrain the other respondents from excluding the petitioner from the use, control, and disposition of the said reparations equipment and machinery.

On November 25, 1963, the petitioner Province of Pangasinan filed with the respondent Reparations Commission an application for reparation goods worth US \$1,500,000.00, to be used for "non-revenue projects", such as equipment and machinery for road building, improvement of existing irrigation systems, and garbage collection for different municipalities.[1] As a pre-requisite, the petitioner was required to set aside sufficient amounts in its budget for maintenance of said equipment and machinery.[2]

On October 13, 1964, the respondent Reparations Commission forwarded to the President for approval, through the National Economic Council, the tentative schedule for the ninth reparations year.[3] Included therein, was the petitioner's application for road building equipment.[4]

On March 9, 1965, the National Economic Council, by its Resolution No. 96 (65), submitted to the President, for his final action, the tentative ninth year reparations schedule as revised by it.[5] In said revised schedule, the road building equipment applied for by the petitioner was not recommended as a "non-revenue producing project." [6]

On April 6, 1965, the President approved the tentative ninth reparations year schedule as revised and recommended by the National Economic Council,[7] and thereafter, returned the same to the Reparations Commission for implementation.[8]

The reparations goods and equipment arrived at the Port of Manila in October, 1966, and were released to the petitioner, upon payment by the latter, of the necessary inspection fee, bank commission, costs of publications, etc.[9]

On November 16, 1966, Atty. Panfilo M. Manguera, Reparations Adviser, Director and Head of the Legal Department of the Reparations Commission, forwarded to the Chairman of the Commission, for his signature, copies of the "Contract of Transfer of Reparations Goods" in favor of the petitioner, covering the road building equipment aforementioned.[10] The contract, however, was not acted upon despite representations made in behalf of the petitioner. Instead, on November 26, 1966, the respondent Reparations Commission required the petitioner to place the reparations goods in the custody of the Highway District Engineer until the petitioner is given

clearance by the Secretary of Finance, Auditor General, Budget Commissioner, and the Office of the President.[11] Concordantly, a telegram of similar import was received by the petitioner from the Office of the President,[12] and the Highway District Engineer of Pangasinan was likewise directed by the Secretary of Public Works to take custody of the said reparations goods.[13] Representations made in behalf of the petitioner with the respondent Reparations Commission[14] yielded no favorable results as the respondent Commission required pre-payment of the procurement costs before return of the reparations goods is made, the reparations goods in-question not having been classified as intended for non-revenue producing projects. Thereafter, the respondent Reparations Commission ordered the deletion and removal from the reparations goods of all inscriptions indicating the proprietary right of petitioner over said goods.[15]

The Provincial Governor of Pangasinan considered the action taken as politically motivated which deprives the province of its lawfully acquired right to own and enjoy the use of said reparations goods, and, accordingly, caused the filing of the instant petition.

The Court gave due course to the petition and issued a temporary restraining order on April 20, 1967, ordering the respondents to cease and desist from continuing acts of interference, use, control, and disposition of the road building equipment machineries and vehicles obtained by the petitioner through the Reparations Commission.[16]

The respondents seek the dismissal of the petition upon the grounds that mandamus is not the proper remedy to enforce contractual rights and that the reparations goods in question are not intended for "non-revenue producing projects" so that the petitioner has to pay its procurement costs, and since the petitioner has failed to pay the same, the reparations goods remain the property of the Government, subject to the control of the respondent Commission. The respondents also claim that the petitioner is not dispossessed, much less deprived, of the use of the reparations equipment since the reparations goods were merely placed in the custody of the respondent Highway District Engineer of Pangasinan, who is also an official of the petitioner province.

It should be emphasized that the present proceeding is a petition for mandamus under Rule 65, Section 3, of the Rules of Court, to compel "the defendant Reparations Commission to immediately execute the formal documents transferring the reparations equipment and machinery to the plaintiff Province of Pangasinan without costs." Under said section 3, Rule 65 of the Rules of Court, mandamus will lie: 1) in case any tribunal unlawfully neglects the performance of an act which the law specifically enjoins as a duty; 2) in case any corporation, board, or person unlawfully neglects the performance of an act which the law enjoins as a duty resulting from an office, trust or station; and 3) in case any tribunal, corporation, board or person un-lawfully excludes another from the use and enjoyment of a right or office to which such other is legally entitled; and there is no other plain, speedy and adequate remedy in the ordinary course of law.

Mandamus is employed to compel the performance, when refused, of a ministerial duty, this being its chief use. But, mandamus does not lie to require anyone to fulfill contractual obligations or to compel a course of conduct.[17]

The case under consideration, under the allegations of the petition, constitute an attempt to settle contractual rights and obligations, express or implied, between the petitioner and the respondent Reparations Commission and to regulate a course of conduct on the part of the respondent Commission. Accordingly, a mandamus is not the proper remedy.

It has also been held[18] that it is essential to the issuance of the writ of mandamus that the plaintiff should have a clear legal right to the thing demanded and it must be the imperative duty of the defendant to perform the act required. It never issues in doubtful cases. While it may not be necessary that the duty be absolutely express, it is necessary that it should be clear. The writ will not issue to compel an official to do anything which it is not his

duty to do or which it is his duty not to do, or give to the applicant anything to which he is not entitled, by law. The writ neither confers powers nor imposes duties. It is simply a command to exercise a power already possessed and to perform a duty already imposed.

A reading of the application in this proceeding discloses that there is an absence of adequate evidence that it is the duty of the respondent Reparations Commission to perform the act whose performance is prayed for in the petition. Thus, the basis of petitioner's complaint is that the reparations goods in question were awarded to the province to be used in non-revenue producing projects and, hence, the petitioner is not liable to pay the procurement costs pursuant to Sec. 12 of Republic Act No. 1789; wherefore, it is the duty of the respondent Commission to execute in petitioner's favor the formal documents of transfer.

Indeed, the petitioner applied for reparations road building equipment to be used in non-revenue producing projects. But, the record clearly shows that the road building equipment applied for were not ultimately classified as such. As a matter of fact, the petitioner had even agreed to con-vert its application to one intended for revenue producing projects as eloquently shown by Resolution No. 1532 of the Provincial Board of Pangasinan on May 17, 1965 wherein it was:

"RESOLVED, as it is hereby resolved, to make representation with the Reparations Commission, Manila, to transform the equipment requisitioned by the Province of Pangasinan, from non-revenue producing to revenue producing machineries, with the agreement that the province shall pay the said equipment on installment basis for a period from ten (10) to fifteen (15) years the first installment to be paid twenty four (24) months after the delivery." [19]

The reparations equipment being intended for revenue producing projects, it is not incumbent upon the respondent Reparations Commission to execute the formal transfer documents until after the petitioner shall have paid the procurement costs of the said reparations goods, and since the petitioner has not yet complied with its obligation, the respondent Reparations Commission has no ministerial duty to perform. Mandamus, therefore, will not lie.

WHEREFORE, the instant petition is hereby dismissed. The temporary restraining order heretofore issued is hereby set aside. No costs.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, Aquino, and Santos, JJ., concur.

[1] Rollo, p. 123.

[2] Id., p. 30.

[3] Id., p. 130.

[4] Id., p. 132.

[5] Id., p. 149.

[6] Id., p. 159.

[7] Id., p. 157.

[8] Id., p. 172.

[9] Annexes H, I, J, and K, pp. 34 et seq, rollo.

[10] Annexes A and B, rollo, pp. 24-27.

[11] Rollo, p. 296.

[12] Id., p. 297.

[13] Id., p. 40.

[14] Id., p. 44.

[15] Id., p. 46.

[16] Id., p. 86.

[17] Tabique vs. Duvall, 16 Phil. 324.

[18] Gonzales vs. Board of Pharmacy, 20 Phil. 367.

[19] Rollo, p. 195.

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.