

VICENTE DE LARA, JR., ET AL., PETITIONERS, VS. CLORIBEL, ET AL., RESPONDENTS.*G. R. No. L-21653. May 31, 1965*

Ponente: BAUTISTA ANGELO, J.

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On June 17, 1963, the P & B Enterprises Co., Inc. filed a complaint before the Court of First Instance of Manila for injunction and damages against Vicente de Lara, Jr. and the Bureau of Forestry. It was alleged that Vicente de Lara, Jr. was granted on August 5, 1957 a timber license to log over an area of about 300 hectares in Claveria, Misamis Oriental, for which he was authorized to annually about 600 cubic meters of timber. Although Lara failed to undertake any operation in the area covered by his license, he was, however, able to secure its renewal from year to year up to 1961, while his latest renewal for 1962 was rejected by the Bureau of Forestry.

During De Lara's period of non-renewal of his timber License, the application for a similar forest concession filed by P & B Enterprises Co., Inc. was processed, the same having been finally approved on September 25, 1961 over a forest area of approximately 25,000 hectares also situated in Claveria, Misamis Oriental. Immediately after the granting of its timber license, the company procured heavy equipment and introduced substantial improvements thereon consisting of access road, base camps, fuel facilities and the like, in compliance with the rules and regulations of the Bureau of Forestry. Likewise, by virtue of the authority granted by said Bureau to construct logging roads within the forest area covered by the license, the company commenced in December, 1961 the construction of a logging road of approximately 7 kilometers in length which extended not only along the plaintiffs concession but partially within the area covered by the latter's timber concession, which project cost the company approximately P139,000.00.

In the meantime, De Lara's petition for renewal of his license for 1963 was approved, which, as amended, included a portion of the forest concession area originally granted to P & B Enterprises Co., Inc., whereupon the latter protested against such approval insofar as the portion of the area in conflict is concerned, but the protest was overruled. Hence, the company appealed the Director of Forestry's decision to the Secretary of Agriculture and Natural Resources, but until now the appeal remains pending study and consideration by said official. Despite its protest and its appeal as above stated, however, De Lara, aided by his men as well as by Acting Governor Maximo G. Rodriguez of Misamis Oriental, continued his logging operation even if, in doing so, he trespassed upon and used the road constructed by the company in the transportation of his logs cut within the contested area. The protest of the company against such act and usurpation was at first heeded by the Director of the Bureau of Forestry by prohibiting De Lara to use the road constructed by the company, but the same was later countermanded, thus prompting the company to appeal to the Secretary of Agriculture and Natural Resources, who on June 7, 1963 issued an order prohibiting De Lara from entering and operating within the contested area until after the conflict existing between the two loggers shall have been finally decided. However, since despite this order De Lara continued to operate and cut logs within the contested area to the great damage and prejudice of the company, the latter comment the present action as stated in the early part of this decision.

According to plaintiff's request, respondent court issued ex parte the writ of preliminary injunction prayed for enjoining Vicente De Lara and his aids from cutting, hauling, shipping and exporting logs from the forest area covered by the timber license issued in plaintiff's favor. De Lara filed a motion to dismiss as well as to dissolve the injunction alleging, among other grounds, that the complaint fails to state a cause of action in that plaintiff has failed to exhaust its administrative remedies it appearing that the appeal taken to the Secretary of Agriculture and Natural Resources regarding the conflict in the fogging area of the litigants was still pending determination by said official. But respondent court denied both the motion to dismiss as well as the dissolution of the writ of preliminary injunction. As a consequence, defendant De Lara interposed the present petition for certiorari with a request for the issuance of a writ of preliminary injunction in order to maintain the status quo of the logging operation of the parties prior to the institution of the instant case.

This petition was given due course, and upon posting a bond of P5,000.00, this Court issued the injunction prayed for.

Respondents, in their answer, admitted the issuance by respondent court of an ex parte writ of injunction restraining petitioner De Lara from cutting, hauling, shipping and exporting logs from the contested forest area and from transporting his logs along the road constructed by respondent company exclusively for its use, but they averred that such injunction was necessary to prevent bodily injury and violence to the employees of respondent company in view of De Lara's threat to appropriate and utilize the private logging road constructed by said company through the use of force and political influence and in open defiance of an order of the Secretary of Agriculture and Natural Resources not to do so until the conflict existing between the two loggers shall have been finally decided. They prayed that the petition be dismissed and the writ issued dissolved.

The issue now to be resolved is: Has respondent court committed a grave abuse of discretion in issuing) ex parte the writ of preliminary injunction prayed for by respondent company?

It should be recalled that one of the grounds invoked by petitioner De Lara before respondent court in his motion to dismiss the complaint filed by respondent company is that the latter has failed to exhaust all its administrative remedies in that it filed said complaint before the appeal taken from the order of the Director of Forestry allowing De Lara to use the logging road constructed within the contested forest area could be finally acted upon by the Secretary of Agriculture and Natural Resources, thereby implying that such action was premature.[1] But this motion was denied excepting only insofar as it affects the logs already cut by De Lara on the uncontested area whose transportation was allowed to pass through the logging road constructed by the company.' And now it is contended that such denial constitutes a grave abuse of discretion.

While as a rule a petition for certiorari which is interposed to dispute the validity of an order or decision that may be rendered by an administrative official in pursuance of the powers and duties with which he is invested cannot be entertained if the party in interest fails to avail of the administrative remedies that the law affords to him under a particular situation upon the theory that administrative officials are the most competent to pass upon matters the exclusively come within their jurisdiction, such rule maybe relaxed when its application may cause great and irreparable damage which cannot otherwise be prevented except by taking the opportune appropriate court action. Stated otherwise, the rule is inapplicable if it should appear that an irreparable damage and injury will be suffered by a party if he should await, before taking court action, the final action of the administrative official concerned on the matter. This is the situation herein obtained. Because of the conflict existing between petitioner and respondent company regarding a portion of the logging area awarded to them, as well as the use of the logging road constructed by the company, the case was taken to the Secretary of Agriculture and Natural Resources for his final resolution, who in the meantime directed petitioner "to refrain from entering and operating within the contested area until the said case shall have been finally decided," but before such resolution could come De Lara

disregarded the directive and continued operating within the contested area to the irreparable damage and injury of the company. This act of defiance prompted the company to take the needed appropriate action. In the circumstances, we find the action taken by respondent court proper and justified even if no final decision has as yet been rendered by the Secretary of Agriculture and Natural Resources. Respondent court did nothing but to maintain and put into effect the directive issued by said official. Indeed, before the protest lodged by the company could be decided regarding the conflicting interests it is best that the status quo be maintained as was done by respondent court. We on this matter no abuse of discretion.

Wherefore, petition is dismissed with costs against petitioner Vicente De Lara, Jr. The injunction issued by the Court is hereby dissolved.

Bengzon, C. J., Reyes, J. B. L., Barrera, Paredes, Dizon, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

[1] Miguel, et al vs. Vda. de Reyes, et al. 93 Phil. 542; Lubugan, et al. vs. Castrillo, et al., L-10521, May 29, 1957; Geukeko vs. Araneta, 102 Phil. 706; Villanueva, et al. vs. Ortiz, et al. 103 Phil. 875.

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