

EMILIANO OZAETA, REMIGIO CASTILLO AND CONFERENCE OF INTER--ISLAND SHIPOWNERS AND OPERATORS, PETITIONERS, VS. OIL INDUSTRY COMMISSION, ESSO PHILIPPINES, INC., MOBIL OIL PHIL., IN...

G.R. Nos. L-35812-17. February 23, 1973

Ponente: FERNANDO, J.

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FERNANDO, J.:

The diligence and persistence with which petitioners pursued the question of lack of evidentiary support for the decision of respondent Oil Industry Commission, dated September 18, 1972, resulted in our resolution of December 29, 1972, remanding these cases to respondent administrative agency for the study and analysis of the pertinent data on factual and technical matters to enable it to render a new decision. Petitioners, however, in a pleading entitled Urgent Motion to Recall Order of Remand, dated January 14, 1973, would have us set aside what was decreed on December 29, 1972, alleging that respondent Oil Industry Commission was not disposed to follow the terms thereof. Subsequently, in their urgent omnibus motion of January 25, 1973, they asserted that it had rendered a new decision contrary to its terms. Both motions in effect seek a reconsideration of our resolution of December 29, 1972. Even if there were no comments on such motion subsequently filed, the very recital in both pleadings of petitioners would argue against their stand. It ill behooves a party who had elicited a favorable response to what is sought by it, thus lending credence to its claim of the lack of substantial evidence to support a ruling by an administrative agency, to seek a reversal. Petitioners should be aware that the law dictates the appropriate steps to be taken from determinations of administrative agencies. Certainly any attempt on the part of a party to thrust upon this Tribunal the resolution of what it calls "the merits of the petition" thus yielding the impression that it would be made to interfere in matters appropriate for administrative agencies to decide, is not likely to carry persuasion. This is not to say that if the pertinent legal questions are raised in the appropriate proceedings, this Court will not act in accordance with law. Such is not the case, however, We deny both the Urgent Motion to Recall Order of Remand and the Omnibus Motion.

The resolution of December 29, 1972 deserves to be quoted in full. It reads thus: "Acting upon the 'Joint Ex-Parte Urgent Motion For Remand' filed by all the private respondents in these cases on December 14, 1972, copy of which appears to have been received on December 18, 1972 by petitioners through registered mail, and it appearing (1) that petitioner has not filed any comment thereon or objection thereto, and (2) that it is in the best interest of justice that the data and analysis required of the said respondents by the Court at the hearing on December 11, 1972, namely: 'data on various factual and technical matters covering, among others, the following subjects: (a) Petitioners' allegations and observations regarding the actual financial condition of each of the respondent oil companies, particularly the petitioners' allegations and observations with respect to respondent oil companies' evidence of losses; (b) The validity and relevance of appraisal of fixed assets at replacement costs; (c) Cost by product, particularly manufacturing and marketing costs allocated/allocable to motor gasoline (regular and premium) and LPG (liquefied petroleum gas); and (d) The Costs used by the Oil Industry Commission in its

cost matrix which indicated under-recovery of costs in the amount of P0.02 per liter of product' as well as all other pertinent facts private respondents may wish to show, be submitted to the respondent Commission, instead of to the Court, for said Commission's further study and consideration, together with such other data, evidence and facts that the petitioner also may present before it, and, thereafter, that the respondent Commission render a new decision, in the light of petitioner's position challenging the legality of the 'across-the-board increase of not more than two centavos (P0.02) per liter in the current posted wholesale prices, ex-storage plant, of all locally refined petroleum products, except liquefied petroleum gas, the increase to be reflected as an upward adjustment of not exceeding two centavos (P0.02) per liter of product in the retail prices of the said products based on the actual retail prices prevailing as of September 15, 1972; provided, that, the prices both wholesale and retail of all imported petroleum products sold locally shall remain at levels prevailing as of the same date'; the Court resolved to grant the subject joint motion and to order as it hereby orders the remand of these cases to respondent Oil Industry Commission for the purposes aforementioned, the restraining order, heretofore issued in these cases to remain in force until after a new decision is rendered by the said respondent Commission." [1]

Both in the Urgent Motion to Recall Order of Remand of January 15, 1973 and in the Urgent Omnibus Motion of January 25, 1973, petitioners would indict respondent Oil Industry Commission with a failure to comply with the resolution of December 29, 1972. Their own Annex B to their latter motion, however, which is a copy of the decision on rehearing, militates against their pretension. Certainly, the mere perusal of such decision indicates the care and circumspection with which the various issues, to which reference was made in our December 29, 1972 resolution, had been considered and passed upon. This is not to say that this Court has determined that such a decision is free from any legal infirmity. It is merely to indicate that the reasons relied upon, in language of the utmost generality, and certainly conveying the impression of mere un-supported conjectures, would not suffice for the recall of our December 29 resolution. Parties are well-advised not to clutter their pleadings with minutiae or irrelevancies, especially so when, as is undeniable on questions coming before this Tribunal from administrative agencies, the presence of substantial legal points must be made quite apparent.

In the comments filed by respondent Oil Companies,[2] reference is made to the above decision, with particular emphasis laid on their submission on January 3, 1973 of their "Compliance" containing the schedules and exhibits bearing on matters relevant to our resolution of December 29, 1973.[3] To the extent that it cannot be concluded that there was a failure on the part of respondent Oil Industry Commission to abide by our resolution of December 29, 1973, the manifestation made by respondent Oil Companies is deserving of credence. It is to be made clear, however, that assuming that the proper petition involving matters of a juridical character could be lodged against either respondent Oil Industry Commission or any other administrative agency, of sufficient weight to call for determination by this Tribunal, then it is called upon to act. As was made mention of in *Philippine American Management and Financing Company v. Management and Supervisors Association*,[4] "there is no thought of disregarding the traditional line separating judicial and administrative competence, the former being entrusted with the determination of legal questions and the latter being limited as a result of its expertise to the ascertainment of the decisive facts." It is pertinent to recall what was said in *Sanchez v. Court of Industrial Relations*[5] referring to *Ang Tibay v. Court of Industrial Relations*. [6] It is still good law, as set forth therein by Justice Laurel, that when certain cardinal "primary rights" embraced in procedural due process are ignored, then this Tribunal is duty bound to set matters right and have the constitutional mandate obeyed.[7] Until such an occasion presents itself, however, the hand of this Court should be stayed. No valid or useful purpose would be served by a recall of our resolution of December 29, 1972.

WHEREFORE, the Urgent Motion to Recall Order of Remand of January 15, 1973 and the Urgent Omnibus Motion of January 25, 1973 are denied.

Concepcion, C.J., Makalintal, Zaldivar, Ruiz Castro, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.
Teehankee, J., took no part.

[1] Resolution, December 29, 1972.

[2] Respondent Caltex, Philippines submitted such pleading on January 29, 1973; respondent Shell, Philippines on February 9, 1973; respondent Filoil Refinery Corporation and Filoil Marketing Corporation on February 12, 1973; respondent Getty Oil, Philippines on February 12, 1973 and respondent Esso, Philippines on February 16, 1973.

[3] Comment of Respondent Esso, Philippines, Inc., par. 1(b).

[4] G.R. No. L-27953, November 29, 1972.

[5] G.R. No. L-26932, March 28, 1969, 27 SCRA 490.

[6] 69 Phil. 635 (1940).

[7] The Ang Tibay was followed in the subsequent cases of Antamok Goldfields Mining Co. v. CIR, 70 Phil. 340 (1940); Manila Trading & Supply Co. v. PLU, 71 Phil. 124 (1940); Mindanao Bus Co. v. MBC Empls. Asso., 71 Phil. 168 (1940); Manila Trading & Supply Co. v. PLU, 71 Phil. 578 (1941); Leyte Land Trans. Co. v. Leyte Farmers & Laborers' Union, 80 Phil. 842 (1948); Shell Co. v. NLU, 81 Phil. 315 (1948); Philippine Education Co. v. CIR, 94 Phil. 73 (1953); Lakas Ng Pagkakaisa sa Peter Paul v. CIR, 96 Phil. 63 (1954); Dimayuga v. CIR, 101 Phil. 590 (1957); NLU v. Sta. Ana, 102 Phil. 302 (1957); Ormoc Sugar Co., Inc. v. OSCO Workers Fraternity Labor Union, G.R. No. L-15826, Jan. 23, 1961, 1 SCRA 21; NDC v. Collector of Customs, G.R. No. L-19180, Oct. 31, 1963, 9 SCRA 429; Timbangcaya v. Vicente, G.R. No. L-19100, Dec. 27, 1963, 9 SCRA 852; Vigan Electric Light Co., Inc. v. PSC, G.R. No. L-19850, Jan. 30, 1964, 10 SCRA 46; Lustre v. CAR, G.R. No. L-19654, March 31, 1964, 10 SCRA 659; Commissioner of Immigration v. Hon. Fernandez, G.R. No. L-22696, May 29, 1964, 11 SCRA 184; Borja v. Moreno, G.R. No. L-16487, July 31, 1964, 11 SCRA 568; Santos v. Secretary of Public Works, G.R. No. L-16949, March 18, 1967, 19 SCRA 637; Philippine Air Lines, Inc. v. CAB, G.R. No. L-24321, July 21, 1967, 20 SCRA 727; Ermita-Malate Hotel & Motel Operators Asso. v. City Mayor, G.R. No. L-24693, July 31, 1967, 20 SCRA 849; Caltex (Phil.) Inc. v. Castillo, G.R. No. L-24657, Nov. 27, 1967, 21 SCRA 1071; Palanan Lumber & Plywood Co., Inc. v. Hon. Arranz, G.R. No. L-27106, March 20, 1968, 22 SCRA 1186; Caltex Filipino Mgrs. & Supvs. Asso. v. CIR, G.R. No. L-28472, April 30, 1968, 23 SCRA 492; Philippine Air Lines v. CAB, G.R. No. L-24219, June 13, 1968, 23 SCRA 992; Alalayan v. NPC, G.R. No. L-24396, July 29, 1968, 24 SCRA 172; Serrano v. PSC, G.R. No. L-24165, Aug. 30, 1968, 24 SCRA 867; and Gracilla v. CIR, G.R. No. L-24489, Sept. 28, 1968, 25 SCRA 242.

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