

MANUEL B. IMBONG AND MIGUEL M. MENDOZA, DOING BUSINESS UNDER THE NAME AND STYLE "LA SUERTE TAXI, INC.," PETITIONERS, VS. OIL INDUSTRY COMMISSION, ESSO PHILIPPINES, INC., MOBIL O...

G.R. Nos. L-34725-30. January 17, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

Soon after the filing on various dates in November 1971 by certain oil companies,[1] private respondents in these suits, of their separate applications for increase in prices of petroleum products with respondent Oil Industry Commission, petitioners on December 13, 1971 filed an opposition therein based principally on the absence of data as to the then value of the plants of the applicants and their other property, the amount of gas consumed, the cost of production, as well as the total profits earned by them, and on the further ground that cost increases, assuming there be any, could be absolved considering their immense and huge profits. To bolster their stand petitioners, in a pleading filed on January 11, 1972, would have respondent Oil Industry Commission allow them to inspect the books of account of respondent companies, more specifically their general ledgers, their general journals, the lists of existing machineries and equipments and other assets as were in their possession as well as such other data dealing with their exports and the manner of application of their funds on month to month basis from 1969 to the time of their motion. Upon the denial thereof as well as a motion for reconsideration, the present actions for mandamus to obtain such documents against the Oil Industry Commission and private respondents were instituted. Considering the strong plea of petitioners that their right to oppose would be rendered nugatory in an arbitrary manner contrary to the requirement of procedural due notice that must be observed by administrative agencies under the *Ang Tibay* ruling,[2] wherein Justice Laurel stressed the mandatory character of such a guarantee, this Court required respondents to answer. The answers as well as the memoranda of both parties were duly filed, and on January 22, 1973 the suits were submitted for decision.

In the meanwhile, however, respondent Oil Industry Commission continued with the hearings of the applications. The other oppositors duly presented their evidence. As far back as September 18, 1972, the price increases sought by private respondents were granted. The matter was taken to this Court in *Ozaeta vs. Oil Industry Commission*.^[3] The subsequent proceedings therein are set forth in detail in the opening of our decision in *Ozaeta*. Thus: "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 determination 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."^[4]

Under the circumstances then, with the question raised in effect having become moot and academic at least from the standpoint of the actual price increases sought to be avoided, it is understandable why on December 21, 1973, petitioners filed the following manifestation: "[Come now] petitioners, thru their undersigned counsel, and to this Honorable Court, most respectfully state that, although petitioners claim that there was a denial of due process by the refusal of respondent Oil Industry Commission to order the opening of the books of account of the respondent oil companies and that, consequently, if sustained, the proceedings before said respondent Commission would be null and void, and hence, the upward rate adjustment allowed by it would be without basis, however, petitioners cannot deny the fact that lately the posted price of petroleum products abroad have indeed, increased. In view thereof, petitioners manifest that they have no objection to the dismissal of their petition, without of course, foreclosing their right to raise anew the issues therein."^[5]

Such manifestation is well grounded and should be granted. It is equally obvious that this resolution does not in any way foreclose petitioners from raising such issues of significance anew if an appropriate case would present itself.

WHEREFORE, as prayed for, the petitions for mandamus are dismissed. No costs.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] The private respondents are Esso Philippines, Inc., Mobil Oil Philippines, Inc., Caltex Philippines, Inc., Getty Oil (Philippines) Inc., Shell Philippines, Inc., and Filoil Refinery Corporation and Filoil Marketing Corporation.

[2] Cf. *Ang Tibay vs. Court of Industrial Relations*, 69 Phil. 635 (1940).

[3] L-35812, February 23, 1973, 49 SCRA 409.

[4] *Ibid.*, 410-411.

[5] Manifestation of December 21, 1973.

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