

BUENO INDUSTRIAL AND DEVELOPMENT CORPORATION AND THE DIRECTOR OF FORESTRY, PETITIONERS, VS. R. C. AQUINO TIMBER AND PLYWOOD CO., INC., RAFAEL C. AQUINO, AND JUDGE MONTANO A. ORT...*G.R. No. L-25747. August 21, 1980*

Ponente: FERNANDO, C.J.

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The main grievance alleged by petitioners Bueno Industrial and Development Corporation and the Director of Forestry in this certiorari and prohibition proceeding was the resort by private respondents R. C. Aquino Timber and Plywood Co., Inc. and Rafael C. Aquino to what was referred to as "the highly dubious device of filing unmeritorious special civil cases in order to defeat the enforcement of Forestry laws, orders, and even the Decisions of the Supreme Court." [1] Reference was made to *Bueno Industrial and Development Corporation v. Hon. Montano Ortiz, Macario C. Conde, Rafael C. Aquino and R. C. Aquino Timber and Plywood Co., Inc.*, [2] *Bueno Industrial and Development Corporation v. R. C. Aquino Timber and Plywood Co., Inc. Rafael C. Aquino and Judge Jesus Ruiz*, [3] and *The Director of Forestry and the Bueno Industrial and Development Corporation v. Judge Jesus R. Ruiz, R. C. Aquino and Plywood Co., Inc. and Rafael C. Aquino*. [4] Then came Special Civil Case No. 199 filed with the Court of First Instance of Agusan, 15th Judicial District. The above action, so it is contended, is equally devoid of merit, amounting to no more than another devious tactic to enable private respondents, R. C. Aquino Timber and Plywood Co., Inc. and Rafael C. Aquino without color of law and in defiance of Supreme Court decisions to continue in their illegal use of a certain road right-of-way. This Court issued a resolution restraining further proceedings in Special Civil Case No. 199. The answer of private respondents, as could be expected, stressed the fundamental concept that a party who deems himself aggrieved, is entitled to go to court for the protection and vindication of his legal rights. That was their submission. When the case was set for hearing, counsel for petitioners were given a period of ten days within which to submit memorandum in lieu of oral argument and counsel for respondents were granted leave to submit a reply within ten days from their receipt of copy of petitioner's memorandum. Petitioners submitted a memorandum, but respondents did not make use of the opportunity to reply.

On the basis of the undisputed facts and the arguments set forth in the memorandum, we find for petitioners.

- To repeat, while there was, certainly on the face of the petition, cogency and force in the contention that the then respondent Judge appeared to be oblivious of the binding force of controlling decisions of this Tribunal in suits between the same parties, this Court deemed it best to afford respondents full opportunity to justify the filing of Special Civil Case No. 199 in the Court of First Instance of Agusan presided over by respondent Judge. This attitude characterized by what may appear to be extreme caution is in accordance with one of the basic legal concepts. Courts, it has been often observed, should display reluctance in taking any action that might render nugatory the right of any party to seek an adjudication of colorable claims. An oft-quoted opinion of the eminent Justice Cardozo explains why. Thus: "To enforce one's rights when they are violated is never a legal wrong and

may often be a moral duty. It happens in many instances that the violation passes with no effort to redress it - sometimes from praiseworthy forbearance, sometimes from weakness, sometimes from mere inertia. But the law which creates a right, can certainly not conclude that an insistence upon its enforcement is evidence of a wrong. A great jurist, Rudolf von Ihering, in his *Struggle for Law*, ascribes the development of law itself to the persistence in human nature of the impulse to resent aggression and maintains the thesis that the individual owes the duty to himself and to society never to permit a legal right to be certainly infringed."[5]

- The right to litigate, however, could be abused. It may lend itself to the filing of actions, which while impressed with deceptive plausibility, could upon closer scrutiny be shown to be utterly devoid of merit. This is one of them. In one of the cases cited in the petition referred to earlier, *Bueno Industrial and Development Corporation v. Ortiz*,[6] this Court in an opinion by the then Justice, later Chief Justice Makalintal, minced no words in narrating the persistence with which private respondents would seek to evade compliance not only with the applicable statutes and regulations but even with the decisions of this Tribunal efforts unfortunately encouraged by the failure of the then respondent Judge to abide by what the law commands. Thus: "The foregoing instruction of the Forestry Director, however, was soon frustrated. For on May 21, 1965 [R. C. Aquino Timber and Plywood Co., Inc.] filed a new complaint in the Court of First Instance of Agusan against the Philippine Constabulary and the Forestry officials with a prayer for preliminary injunction to restrain implementation of the letter of April 30, 1965 [Bueno Industrial and Development Corporation] which was not made a party defendant in that case, intervened and objected to the injunction prayed for on the ground that it would be contrary to the injunction issued by this Court in the instant case. Over said objection the Court of First Instance issued the injunction nevertheless, and after declaring the Constabulary in default for failure to answer the complaint rendered by a decision against it, making the injunction permanent. The aforesaid proceeding in this new case is now the subject of another petition for certiorari before us (G.R. No. L-24822), wherein we issued a preliminary injunctive writ; and we need not dwell at any length on this development other than express amazement that the trial Court should enjoin the Philippine Constabulary and the Forestry officials from performing their duties under the law and in accordance with the express terms of the alias writ of injunction issued by us on December 7, 1964 and of our resolution of March 23, 1965, of which the trial Court had due cognizance. It is, in our opinion, just and legal that where the license areas of [Bueno Industrial and Development Corporation] and [R. C. Aquino Timber and Plywood Co., Inc.] overlap, as found by the Bureau of Forestry, no logging operations should be conducted by either licensee. This is the import of the injunction we have issued against [R. C. Aquino Timber and Plywood Co., Inc.], considering that it is the party which insists on conducting such operations; and as far as Bueno Industrial and Development Corporation is concerned there is no showing that it is guilty of the same acts which should be similarly enjoined. The Bureau of Forestry operations imposed by it have never been ignored by [Bueno Industrial and Development Corporation]."[7]

- The principle of the law of the case thus calls for application. In *Kabigting v. Acting Director of Prisons*[8] this Court, again with the same jurist as ponente, pointed out: "It need not be stated that the Supreme Court, being the court of last resort, is the final arbiter of all legal questions properly brought before it and that its decision in any given case constitutes the law of that particular case. Once its judgment becomes final it is binding on all inferior courts, and hence beyond their power and authority to alter or modify."[9] Nor is it to be lost sight of that such a principle does not apply only to the express terms of a decision, but likewise to what is therein implicit, which must be implemented faithfully, no circumvention or evasion being allowed.[10] Our later decisions speak similarly.[11]

WHEREFORE, the writ of certiorari is granted and the order dated February 17, 1966 of respondent Judge is nullified. The writ of prohibition is likewise granted, and the Judge now assigned to the sala of the then respondent Judge Ortiz is perpetually restrained from acting on Special Civil Case No. 199, except to dismiss the

same. The restraining order issued by this Court on March 4, 1966, is hereby made permanent. Costs against private respondents.

Barredo, Concepcion, Jr., Guerrero, and De Castro, JJ., concur.

Aquino, J., concurs in the result.

Abad Santos, J., on leave.

[1] Petition, par. 8.

[2] G.R. No. L-23183, October 29, 1965, 15 SCRA 196. The private respondents included the present private respondents.

[3] G.R. No. L-24822 dismissed by resolution on January 9, 1970.

[4] G.R. No. 24882 decided on April 30, 1971, this Court granting the petition and making permanent the preliminary injunction issued.

[5] *Morningstar v. Lafayette Hotel*, 211 NY 465, 105 NE 651, 657 (1914).

[6] L-23183, October 29, 1965, 15 SCRA 196.

[7] *Ibid.*, 204-205.

[8] 116 Phil. 589 (1962).

[9] *Ibid.*, 594-595.

[10] Cf. *Sanchez v. Court of Industrial Relations*, L-26932, 27 SCRA 490. The Sanchez opinion cited *People v. Olarte*, L-22465, Feb. 28, 1967, 19 SCRA 494. The Olarte opinion in turn finds support in *Fernando v. Crisostomo*, 90 Phil. 585 (1951); *Padilla v. Paterno*, 93 Phil. 884 (1953); *Samahang Magsasaka, Inc. v. Chua Guan*, 96 Phil. 974 (1955); *People v. Pinuila*, 103 Phil. 992 (1958) and *Pomeroy v. Director of Prisons*, 107 Phil. 50 (1960).

[11] Cf. *Libudan v. Gil*, L-21163, May 17, 1972, 45 SCRA 17; *Palad v. Governor of Quezon Province*, L-24302, Aug. 18, 1972, 46 SCRA 354; *Rodriguez v. Director of Prisons*, L-35386, Sept. 28, 1972, 47 SCRA 153; *Mangayao v. De Guzman*, L-24787, Feb. 22, 1974, 55 SCRA 540; *National Shipyard and Steel Corporation v. CIR*, L-31852, June 28, 1974, 57 SCRA 642; *Cosmos Foundry Shop Workers Union v. Lo Bu*, L-40136, National Mines and Allied Workers Union v. Luna, L-46722, June 15, 1978, 83 SCRA 607; *Villanueva v. WCC*, L-44108, July 31, 1978, 84 SCRA 423; *Gokongwei, Jr. v. Securities and Exchange Commission*, L-45911, April 11, 1979, 89 SCRA 336.

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