

EXPORT PROCESSING ZONE AUTHORITY, PETITIONER, VS. THE COMMISSION ON HUMAN RIGHTS, TERESITA VALLES, LORETO ALEDIA AND PEDRO ORDOÑEZ, RESPONDENTS.

G.R. No. 101476. April 14, 1992

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

On May 30, 1980, P.D. 1980 was issued reserving and designating certain parcels of land in Rosario and General Trias, Cavite, as the "Cavite Export Processing Zone" (CEPZ). For purposes of development, the area was divided into Phases I to IV. A parcel in Phase IV was bought by the Filoil Refinery Corporation, formerly Filoil Industrial Estate, Inc. The same parcel was later sold by Filoil to the Export Processing Zone Authority (EPZA).

Before EPZA could take possession of the area, several individuals had entered the premises and planted agricultural products therein without permission from EPZA or its predecessor, Filoil. To convince the intruders to depart peacefully, EPZA, in 1981, paid a P10,000-financial-assistance to those who accepted the same and signed quitclaims. Among them were Teresita Valles and Alfredo Aledia, father of respondent Loreto Aledia.

Ten years later, on May 10, 1991, respondent Teresita Valles, Loreto Aledia and Pedro Ordoñez filed in the respondent Commission on Human Rights (CHR) a joint complaint (Pinagsamahang Salaysay) praying for "justice and other reliefs and remedies" ("Katarungan at iba pang tulong"). The CHR conducted an investigation of the complaint.

According to the CHR, the private respondents, who are farmers, filed in the Commission on May 10, 1991 a verified complaint for violation of their human rights. They alleged that on March 20, 1991, at 10:00 o'clock in the morning, Engineer Neron Damondamon, EPZA Project Engineer, accompanied by his subordinates and members of the 215th PNP Company, brought a bulldozer and a crane to level the area occupied by the private respondents who tried to stop them by showing a copy of a letter from the Office of the President of the Philippines ordering postponement of the bulldozing. However, the letter was crumpled and thrown to the ground by a member of Damondamon's group who proclaimed that: "The President in Cavite is Governor Remulla!"

On April 3, 1991, mediamen who had been invited by the private respondents to cover the happenings in the area were beaten up and their cameras were snatched from them by members of the Philippine National Police and some government officials and their civilian followers.

On May 17, 1991, the CHR issued an Order of injunction commanding EPZA, the 125th PNP Company and Governor Remulla and their subordinates to desist from committing further acts of demolition, terrorism, and harassment until further orders from the Commission and to appear before the Commission on May 27, 1991 at 9:00 a.m. for a dialogue (Annex A).

On May 25, 1991, two weeks later, the same group accompanied by men of Governor Remulla, again bulldozed the area. They allegedly handcuffed private respondent Teresita Valles, pointed their firearms at the other

respondents, and fired a shot in the air.

On May 28, 1991, CHR Chairman Mary Concepcion Bautista issued another injunction Order reiterating her order of May 17, 1991 and expanded it to include the Secretary of Public Works and Highways, the contractors, and their subordinates. The order reads as follows:

"Considering the sworn statements of the farmers whose farmlands are being bulldozed and the wanton destruction of their irrigation canals which prevent cultivation of the farmlands as well as the claim of ownership of the lands by some farmers-complainants, and their possession and cultivation thereof spanning decades, including the failure of the officials concerned to comply with the Constitutional provision on the eviction of rural 'squatters', the Commission reiterates its Order of May 17, 1991, and further orders the Secretary of Public Works and Highways, their Contractors and representatives to refrain and desist from bulldozing the farmlands of the complainants-farmers who have come to the Commission for relief, during the pendency of this investigation and to refrain from further destruction of the irrigation canals in the area until further orders of the Commission.

"This dialogue is reset to June 10, 1991 at 9:00 a.m. and the Secretary of the Department of Public Works and Highways or his representative is requested to appear." (p. 20, Rollo; underlining ours.)

On July 1, 1991, EPZA filed in the CHR a motion to lift the Order of Injunction for lack of authority to issue injunctive writs and temporary restraining orders.

On August 16, 1991, the Commission denied the motion.

On September 11, 1991, the petitioner, through the Government Corporate Counsel, filed in this Court a special civil action of certiorari and prohibition with a prayer for the issuance of a restraining order and/or preliminary injunction, alleging that the CHR acted in excess of its jurisdiction and with grave abuse of discretion in issuing the restraining order and injunctive writ; that the private respondents have no clear, positive right to be protected by an injunction; that the CHR abused its discretion in entertaining the private respondent's complaint because the issues raised therein had been decided by this Court, hence, it is barred by prior judgment.

On September 19, 1991, this Court issued a temporary restraining order, ordering the CHR to cease and desist from enforcing and/or implementing the questioned injunction orders.

In its comment on the petition, the CHR asked for the immediate lifting of this Court's restraining order, and for an order restraining petitioner EPZA from doing further acts of destruction and harassment. The CHR contends that its principal function under Section 18, Art. 13 of the 1987 Constitution, "is not limited to mere investigation" because it is mandated, among others, to:

"a. Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights;

"b. Adopt its operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with the Rules of Court;

"c. Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the under privileged whose human rights have been violated or need protection;

"d. Monitor the Philippine Government's compliance with international treaty obligations on human rights. (Underscoring ours.)" (p. 45, Rollo.)

On November 14, 1991, the Solicitor General filed a Manifestation and Motion praying that he be excused from

filing a Comment for the CHR on the ground that the Comment filed by the latter "fully traversed and squarely met all the issues raised and discussed in the main Petition for Certiorari and Prohibition" (p. 83, Rollo.)

Does the CHR have jurisdiction to issue a writ of injunction or restraining order against supposed violators of human rights, to compel them to cease and desist from continuing the acts complained of?

In "Hon. Isidro Cariño, et al. vs. Commission on Human Rights, et al.," G.R. No. 96681, December 2, 1991, we held that the CHR is not a court of justice nor even a quasi-judicial body.

"The most that may be conceded to the Commission in the way of adjudicative power is that it may investigate, i.e., receive evidence and make findings of fact as regards claimed human rights violations involving civil and political rights. But fact-finding is not adjudication, and cannot be likened to the judicial function of a court of justice, or even a quasi-judicial agency or official. The function of receiving evidence and ascertaining therefrom the facts of a controversy is not a judicial function, properly speaking. To be considered such, the faculty of receiving evidence and making factual conclusions in a controversy must be accompanied by the authority of applying the law to those factual conclusions to the end that the controversy may be decided or determined authoritatively, finally and definitively, subject to such appeals or modes of review as may be provided by law. This function, to repeat, the Commission does not have.

"xxx xxx xxx.

"Hence it is that the Commission on Human Rights, having merely the power 'to investigate,' cannot and should not 'try and resolve on the merits' (adjudicate) the matters involved in Striking Teachers HRC Case No. 90-775, as it has announced it means to do; and it cannot do so even if there be a claim that in the administrative disciplinary proceedings against the teachers in question, initiated and conducted by the DECS, their human rights, or civil or political rights had been transgressed. More particularly, the Commission has no power to 'resolve on the merits' the question of (a) whether or not the mass concerted actions engaged in by the teachers constitute a strike and are prohibited or otherwise restricted by law; (b) whether or not the act of carrying on and taking part in those actions, and the failure of the teachers to discontinue those actions and return to their classes despite the order to this effect by the Secretary of Education, constitute infractions of relevant rules and regulations warranting administrative disciplinary sanctions, or are justified by the grievances complained of by them; and (c) what were the particular acts done by each individual teacher and what sanctions, if any, may properly be imposed for said acts or omissions." (pp. 5 & 8.)

The constitutional provision directing the CHR to "provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection" may not be construed to confer jurisdiction on the Commission to issue a restraining order or writ of injunction for, if that were the intention, the Constitution would have expressly said so. "Jurisdiction is conferred only by the Constitution or by law (Oroso, Jr. vs. Court of Appeals, G.R. Nos. 76828-32, 28 January 1991; Bacalso vs. Ramolete, G.R. No. L-22488, 26 October 1967, 21 SCRA 519). It is never derived by implication, (Garcia, et al. vs. De Jesus, et al., G.R. No. 88158; Tobon Uy vs. Commission on Election, et al., G.R. Nos. 97108-09. March 4, 1992.)

Evidently, the "preventive measures and legal aid services" mentioned in the Constitution refer to extrajudicial and judicial remedies (including a preliminary writ of injunction) which the CHR may seek from the proper courts on behalf of the victims of human rights violations. Not being a court of justice, the CHR itself has no jurisdiction to issue the writ, for a writ of preliminary injunction may only be issued "by the judge of any court in which the action is pending [within his district], or by a Justice of the Court of Appeals, or of the Supreme Court. It may also be granted by the judge of a Court of First Instance [now Regional Trial Court] in any action pending in an inferior court within his district." (Sec. 2. Rule 58, Rules of Court). A writ of preliminary injunction is an ancillary remedy. It is available only in a pending principal action, for the preservation or protection of the rights and interests of a party thereto, and for no other purpose.

WHEREFORE, the petition for certiorari and prohibition is GRANTED. The orders of injunction dated May 17 and 28, 1991 issued by the respondent Commission on Human Rights, are hereby ANNULLED and SET ASIDE and the temporary restraining order which this Court issued on September 19, 1991, is hereby made PERMANENT.

SO ORDERED.

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Bidin, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.

Feliciano and Bellosillo, JJ., on leave.

Padilla, J., see dissenting opinion.

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DISSENTING OPINION

PADILLA, J.:

I dissent for the reasons stated in my separate opinion in "Hon. Isidro Carino, et al. vs. Commission on Human Rights, et al.," G. R. No. 96681, 2 December 1991. In addition, it is my considered view that the CHR has the unquestioned authority in appropriate cases to "provide for preventive measures and legal aid services to the under privileged whose human rights have been violated or need protection." (Section 18(c), Article XIII, 1987 Constitution).

If the CHR can not, by itself, issue any cease and desist order in order to maintain the status quo pending its investigation of cases involving alleged human rights violations, then it is, in effect, an ineffective instrument for the protection of human rights. I submit that the CHR, consistent with the intent of the framers of the 1987 Constitution, may issue cease and desist orders particularly in situations involving a threatened violation of human rights, which it intends to investigate, and such cease and desist orders may be judicially challenged like the orders of the other constitutional commissions, - which are not courts of law - under Rule 65 of the Rules of Court, on grounds of lack or excess of jurisdiction or grave abuse of discretion.

ACCORDINGLY, I vote to DISMISS the petition and to remand the case to the CHR for further proceedings (investigation).

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