

TALISAY-SILAY MILLING COMPANY, INC., PETITIONER AND APPELLEE, VS. VICENTE G. BUNUAN, ETC., ET AL., RESPONDENTS AND APPELLANTS.

G.R. No. 16933. July 30, 1965

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Before us is the motion filed by petitioner-appellee for reconsideration and clarification of our decision affirming that of the Court of First Instance of Manila:

"Commanding the respondents, particularly the respondent Sugar Quota Administrator, to give full force and effect to the realisation in question in favor of the petitioner of the 28,798.80 piculs of domestic 'B allotment,' by forthwith signing and delivering to petitioner or causing their authorized representatives and Permit Agents to forthwith sign and deliver to petitioner the corresponding ware house receipt-permits (Nos. B-44 688 and B-44 689) duly prepared by petitioner, in order to fill the aforesaid allocation . . ."

Petitioner points out that at the time the lower court rendered its judgment the signing and issuance of the warehouse receipt-permits aforementioned was the proper relief to which it was entitled, but that since then and because of the period during which the appeal was pending those receipt-permits (for the year 1956-1957) have become obsolete. Consequently, petitioner explains, the only way the redress granted to it in this case may be made effective "would be the signing and issuance, in replacement thereof, of the corresponding domestic (B) warehouse receipt-permits for the current year against, and out of, the current reserve (C) sugars of herein petitioner."

Respondents, commenting on the motion, say the same has become moot and academic because petitioner's reserve (C) sugar in question in this case must have been used by it to All reallocations (presumably of B sugar) granted to it in the years subsequent to the 1956-1957 crop year. The Solicitor-General quotes from a letter, dated March 1, 1965, of the incumbent acting Chief of the Sugar Quota Office, as follows:

"As the "B" allotment shortages in question were of the crop year 1956-1957, and formed portions of the domestic quota that was declared for the said crop year, it is believed that the giving of full force and effect to the re-allocation of said domestic shortages at this time almost 8 years later, is academic, specially if we consider the fact that the said re-allocation is intended to be Ailed 'out of the current reserve "C" sugar' and not of the "C" sugar of 1956-1957 then entitled to All the re-allocation."

Answering the foregoing comment, petitioner submits that C sugar, according to Section 1 (a) of the Sugar Limitation Law (Act No. 4166, as amended), is sugar "to be held as an emergency reserve to make up any deficiency in A sugar and B sugar or for marketing elsewhere than in Continental United States or the Philippines"; that in the absence of any deficiency in the other classes of sugar, the unused reserve (C) sugar produced or held by a quota-holder during any crop-year must necessarily be carried over and added to his C sugar of the succeeding years; that such accumulated reserve sugars are never separated from each other or

marked so as to indicate to what particular years they respectively correspond; and that when a deficiency in the other classes of sugar arises and has to be filled, any existing or available reserve (C) sugar left over and/or accumulated from previous crop years may be used to All such deficiency, regardless of the year it was produced.

Petitioner's position appears to us to be reasonable. We have affirmed the judgment of the lower court granting the writ of mandamus in view of the injustice done to petitioner when the deficiency allotment of 28,798.80 piculs of B sugar reallocated to it for the year 1956-67 was not filled from its then existing C sugar as a result of the unjustified action of respondent Secretary of Commerce and Industry. It would not do to render our decision nugatory and in effect allow the injustice to remain unredressed simply because the C sugar in question was supposed to cover the shortage in B sugar in the year 1956-57 and such shortage no longer exists at the present time. Otherwise no judicial recourse would be of practical value to a quota holder in a situation such as the one before us, for all respondents would have to do in order to avoid compliance with a peremptory writ that may be issued against them is to appeal therefrom: time would then do the rest—the time it usually takes before the appeal can be decided.

Respondents say that shortages in each class of sugar is determined by the Sugar Quota Office after the termination of the milling season in each mill district; that assuming that petitioner's C sugar in question may be availed of to All allotment shortages in B sugar for the present crop year the existence of such shortages will be determined after the current milling season in the Talisay-Silay mill district; and that even then petitioner's C sugar may be availed of only insofar as the shortages cannot be filled from C sugar pertaining to planters within the district. The explanation does not impress us to be of any decisive importance in this case. The amount of B sugar to be produced in any given year is not unalterably fixed by law. It is decided by the Sugar Quota Office with the approval of the Secretary of Commerce and Industry, and may be increased from time to time within the same year. In fact the record of this case shows that several increases were authorized in the year 1956-1957, when the abortive deficiency reallocation to petitioner which gave rise to this litigation was made. To implement the judgment herein would only mean, in effect, an increase in the amount of sugar that will be available for domestic consumption. And no law has been cited to us which would be violated by such increase.

WHEREFORE, the decision of this Court is clarified in the sense that the Sugar Quota Administrator is ordered to give full force and effect to the reallocation in favor of petitioner of 28,798.80 piculs of domestic (B) sugar by signing and issuing, or causing his authorized representatives or permit agents to sign and issue, the corresponding domestic (B) warehouse receipt-permits for the current year against, or out of, the current reserve (C) sugars of petitioner.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala, Bengzon, J. P., and Zaldivar, JJ., concur.

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