

AVELINO PULIDO, ERNESTO RAQUENO, GORGONIO RAZON, ARTURO MONTINO, REYNALDO TAGLE, LUISA CORUS, ELIZALDE BONDAL, MARCELO HONRADA, RUBEN HONRADA, DAMASO BONDAL, GERONIMO ALONZO, AN...

G.R. No. 57625. May 03, 1983

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

Petition for certiorari, prohibition and mandamus, and/or injunction, with a prayer for the issuance of a temporary restraining order to annul and set aside the Resolution of the respondent appellate court dated July 17, 1981, issued in case CA-G.R. No. SP-12311, entitled: "Avelino Pulido, et al., plaintiffs-appellants, versus Cornelio T. Rivera, et al., defendants-appellees," which lifted the restraining order it issued on May 14, 1981, upon the posting by the defendants-appellees of a bond in the amount of P500,000.00; and to prohibit the said respondents from bulldozing and/or converting their ricelands into industrial lots pending the final outcome of said case CA-G.R. No. SP-12311.

There is no dispute on the facts of the case. On May 30, 1980, the President of the Philippines, in Letter of Instruction (LOI) No. 1033, directed the establishment of the Cavite Export Processing Zone at the site "opposite the Filoil Refinery," "the specific location of which shall be submitted to (him) for prior approval". Thereafter, the President issued Proclamation No. 1980, reserving for the Cavite Export Processing Zone certain parcels of land of the private domain, situated in the municipalities of Rosario and Gen. Trias, with an aggregate area of 220.8898 hectares.[1] On September 19, 1980, the President, by Proclamation No. 2017, enlarged the reservation to cover an additional 55 hectares, making the total area of 275.8898 hectares.[2]

The reservation consists of 94 lots, 2 of which belong to the Government, and 49 to the Philippine National Oil Company (PNOC, for short), a corporation owned by the Government. The rest are owned by private landholders.

Immediately following the issuance of the proclamations, the Export Processing Zone Authority (EPZA, for short), took steps to implement the project and enlisted the aid of the Cavite Provincial officials who then advised the farmers cultivating the lands inside the reservation not to plant new crops anymore in view of the imminent EPZA take-over. The EPZA offered to pay the amount of P0.50 per square meter, or P5,000.00 per hectare to those farmers cultivating private lands, and P.30 per square meter or P3,000.00 per hectare to the farmers who are cultivating the PNOC's landholdings at its sufferance.[3] Some of those concerned abided with the request and executed affidavits of surrender, relinquishing possession and tillage of their lots in favor of the respondent EPZA, while some refused to give up their landholdings. Those who refused, appealed to the President and the Ministry of Agrarian Reform for assistance to preserve and protect whatever existing rights they might have acquired over the lands they are cultivating, under the agrarian land reform laws and decrees.[4]

The Ministry of Agrarian Reform, however, failed to act on their appeal, so that on February 27, 1981, the farmers, seventy-six (76) in number, and the Samahan Ng Magsasaka at Mamumuwisan sa Cavite, of which they

are members, filed a complaint against Cornelio T. Rivera, the officer-in-charge of the Cavite Export Processing Zone, and the J.H. Pajara Construction Corporation, the construction company hired by the EPZA to build the roads and drainage systems in Phase I of the project, before the Court of Agrarian Relations at Cavite, docketed therein as CAR Case No. 1097 '81, for Injunction with an urgent petition for the immediate issuance of a restraining order, praying that the defendants or their representatives be restrained "from entering in, and starting any works, such as planting concrete monuments, ports, landmarks, surveying, bulldozing, grading excavation or removal of existing rice paddies, and demolition of irrigation canals and distributory canals and any kind of initial construction of roads, bridges, industrial or commercial buildings on, or inside the subject 275 hectares riceland, and from otherwise molesting, harassing and preventing plaintiffs and their co-tenant farmers-tillers and their farm helpers thereon from planting, tilling and cultivating and harvesting their regular palay crops thereon during each cropping seasons, twice a year."[5]

On March 19, 1981, the Court of Agrarian Relations issued an order restraining the defendants from "performing any act that will tend to interfere in any way with the status quo."[6]

Then, after further hearings, or on March 30, 1981, the Court of Agrarian Relations dismissed the complaint for lack of jurisdiction and lifted the restraining order it previously issued, since "the lots in controversy were no longer agricultural when the complaint was filed with (the) Court on February 27, 1981 - as the same were converted into industrial lots on September 19, 1980 by operation of law."[7]

The farmers appealed to the Court of Appeals, docketed therein as CA-G.R. No. SP-12311, and on May 14, 1981, the said appellate court issued a temporary restraining order enjoining the defendants-appellees and/or their representatives from entering the portions within the 275 hectares of riceland subject of the litigation and from destroying dikes and any other improvements therein and from otherwise preventing them from conducting preparations, plantings and cultivation of their crops in their respective landholdings.[8] However, on July 17, 1981, the respondent Court of Appeals lifted the said restraining order upon the posting by the defendants-appellees of a bond in the amount of P500,000.00.

Hence, the present recourse, to annul and set aside the appellate court's resolution of July 17, 1981. As prayed for, the Court issued a temporary restraining order on August 13, 1981.[9]

On February 16, 1982, February 25, 1982, and March 2, 1982, however, the Court granted the motions of Bienvenido Gonzales, Nestor Colina, Rosendo Gonzales, Francisco Lapidario, Metodio Muyot, Carlos Monton, Gorgonio Razon, Alfredo Cuevas, Buenaventura Jimenez, Noel Primero, Danilo Monton, Papo Dumale, Ismael Monton, Conrado Reyes, Antonio Señaris, Ricardo Salud, Danilo Ilano, Eugenio Abutin, Joselito Saballegue, Faustino Abutin, Magno Policar, Virgilio Nocon, Edgardo Sintos, Renato Nocon, Francisco Saria, Edilberto Nocon, Maesac Moneda, Feliciano Aseo, Jose Esguerra, Artemio Honrada, Fortunato Morena, Alfredo Aledia, Teresita Valles, Eugenio Nocon, Angel Monton, Jose Maraan, Pedro Monton, Hernando Policar, Cirilo Abutin, Agrifino Enriquez, Leonardo Recasata, Guillermo Monton, Quirino Fernandez, Romulo Monton, Dominador Paulmino, Macario Bucao, Godofredo Honrada, Daniel Barbon, Ricardo Salud, Fernando Nocon, Luis Pascual, Rogelio Quinto, Rodolfo de Aro, Roberto Jimenez, Cipriano Luterio, Marcelino Cuello, Marlow Monton, Carlos Odviar, Gonzalo Nocon, Hector Jimenez, Eduardo Monton, Jimmy Salud, Ricardo Villanueva, Nomer Collantes, Juan Convento, Dominador Ricasata, Jerry Saballegue, Noelito Salud, Isaac Policar, Benita Poniente, Loreto Aro, Ernesto Raqueno, Victorino Alonzo, Felix Nazaire, Marciano Presa, Francisco Portuguese, Eugenio Bolante, Luisa Corus, Damaso Bondal, Leopoldo Poniente, Euducio Crisino, Julian Nazaire/Resare, Reynaldo Tagle, Florencio Montino, Arturo Montino, Juanito Cuevas, Martin Honrada, Ruben Honrada, Geronimo Alonzo, Anastacio Alonzo, Marcelo Honrada, Elizalde Bondal, Celedonio Gorgonia, Gregorio Magsaysay, Carlos Aro, Kennedy Bondal, Desales Loren, and Luciano Estandarte to withdraw their petition for the reason that they were no longer

interested in prosecuting their case since their respective claims had already been satisfied.[10]

Then, upon motion of the parties, the Court also lifted the temporary restraining order it issued on August 13, 1981, except as to the landholding of the petitioner Avelino Pulido who did not file any motion to withdraw and instead, manifested and prayed that his landholding should not be bulldozed and/or that said petitioner and/or his parents should not be dispossessed, ejected, ousted, evicted or removed therefrom, or likewise prohibited or molested in his possession and cultivation of palay and other agricultural crops thereon, without prejudice to, or until and unless the legal issues raised by the adverse parties in this case or the case between the petitioner Pulido and the respondent EPZA shall have been finally settled, either amicably or judicially.[11]

But, subsequently thereafter, Desales Loren wrote the Court asking that the order lifting the temporary restraining order be recalled and/or that another temporary restraining order be issued for the reasons that he and their counsel gave their conformity to the joint motion to lift the restraining order without asking the other petitioners whether or not they were paid the compensation due them; that the petitioners signed the said motions to withdraw the petition without the assistance of counsel or an employee of the Ministry of Agrarian Reform and without understanding the effects of their act; and that the signatures of the other petitioners in the motion to withdraw were forged.[12]

It appears, however, that the execution of the joint motion to lift the temporary restraining order was freely and voluntarily executed by counsel for the petitioners, so that there is no compelling reason to recall the order lifting the temporary restraining order. Ordered to comment on the letter of Desales Loren, Atty. Enrique C. Villanueva, counsel for the petitioners, described the circumstances surrounding the filing of the said joint motion to lift the restraining order. He stated, among others, that he "agreed to sign the same provided that co-petitioner, Mr. Desales Loren for himself and as tenant-leader, President of Samahan Ng Magsasaka at Namumuwis sa Cavite, signs it first, and provided furthermore, that respondent Governor Juanito Remulla and Atty. Jose Ricafrente themselves and for the principal respondent EPZA, signs the afore-mentioned 'NAPAGKAISAHANG KASUNDUAN' and provided furthermore, that said respondents guarantee, assure and agree in writing that the tenancy right of co-petitioner Avelino Pulido over his subject landholding shall not be disturbed or touched unless his right thereto is settled satisfactorily between the respondent EPZA and the Pulido family and/or until the legal issues raised in this case are decided by this Honorable Court. That, after these conditions were met and complied with, the undersigned affixed his signature on said prepared JOINT MOTION TO LIFT RESTRAINING ORDER." [13]

A client is bound by the action of his counsel on the conduct of a case and cannot be heard to complain that the result might have been different had he proceeded differently.[14]

With the withdrawal of the other petitioners, only the petition of Avelino Pulido remains to be settled.

The fundamental issue to be resolved in this case is whether or not the respondent Court of Appeals gravely abused its discretion in lifting the restraining order it previously issued pending the appeal of the herein petitioner from the order of the Court of Agrarian Relations. The questioned resolution of the respondent appellate court reads, as follows:

"Considering that at the hearing on July 10, 1981, counsel for plaintiffs-appellants manifested that 'the appellant's principal desire in this case is to be assured of compensation for their virtual ejectment from the land which they claim to be cultivating and manifestation of the Government Corporate Counsel that the Export Processing Zone Authority, the real party in interest in this case, is ready and willing to extend financial assistance to the plaintiffs-appellants for humanitarian consideration, and finding that extreme prejudice to public interest and third parties may result, as alleged by defendants-appellees in their 'Urgent Motion to Dissolve Temporary Restraining Order' the Court RESOLVED to lift the restraining order issued on May 14,

1981 upon the posting by the defendants appellees of a bond in the amount of P500,000.00." [15]

Petitioner Pulido claims that the lifting by the respondent Court of Appeals of its restraining order of May 14, 1981 would virtually allow respondents Cornelio T. Rivera, et al., to violate with impunity the existing status quo order of the President and of the security of tenure of tenant-farmers and actual tillers on rice and corn lands pending the promulgation of rules and regulations to implement P.D. 27; that Proclamation Nos. 1980 and 2017 upon which respondent Export Processing Zone Authority rely upon in support of its intended conversion into industrial and commercial purposes of the subject 275.8898 hectares flat irrigated ricelands have already been superseded by a later Presidential fiat prohibiting conversion of agricultural flat land into industrial purposes; and that to allow, respondent Export Processing Zone Authority and other respondents to convert the said subject riceland into industrial land pending the final determination of the aforementioned case before the Court of Appeals would not only inflict serious and irreparable damages and injuries to petitioners but deprive them of their constitutional rights to due process and equal protection of laws guaranteed under the new Constitution.

It would appear, however, that subsequent to the filing of this petition, a complaint for the expropriation of the property occupied by the petitioner Avelino Pulido had been filed with the Court of First Instance of Cavite, docketed therein as Civil Case No. N-4079, and the amount of P17,027.00, equivalent to 10% of the just compensation for the property had already been deposited with the Cavite Branch of the Philippine National Bank for the account of the landowners. [16] It further appears that the court having jurisdiction over the expropriation proceedings had already issued an order for the issuance of a writ of possession over the property occupied by Avelino Pulido, [17] so that the issue of whether or not the respondent Court of Appeals had abused its discretion in lifting the restraining order it issued is moot and academic.

Besides, the wisdom of converting their ricelands into an industrial site is within the proper exercise of Presidential prerogatives and the Court may not inquire into it. The necessity and expediency of exercising the right of eminent domain are questions essentially political and not judicial in their character. [18]

At any rate, since an application to condemn or appropriate had already been made directly to the court, the question of necessity of such condemnation should be raised before, and decided by, the court having jurisdiction over the expropriation proceedings.

It is unfortunate that the petitioner would be deprived of his landholdings, but his interest and that of his family should not stand in the way of progress and the benefit of the greater majority of the inhabitants of the country.

WHEREFORE, the petition should be, as it is hereby, DISMISSED. With costs against the petitioner.

SO ORDERED.

Guerrero, Abad Santos, De Castro, Melencio-Herrera, Escolin, Vasquez, Relova and Gutierrez, Jr., JJ., concur.

Teehankee (Acting C.J.), in the result.

Fernando, C.J., on official leave.

Makasiar, Aquino and Plana, JJ., took no part.

[1] Rollo, p. 40.

[2] Id., p. 41.

[3] Id., pp. 183, 184.

[4] Id., p. 43.

- [5] Id., p. 46.
- [6] Id., p. 80.
- [7] Id., p. 81.
- [8] Id., p. 86.
- [9] Id., p. 116.
- [10] Id., pp. 517, 525, 540.
- [11] Id., p. 528.
- [12] Id., p. 631.
- [13] Id., p. 671.
- [14] U.S. vs. Umali, 15 Phil. 33.
- [15] Id., p. 115.
- [16] Id., p. 587.
- [17] Id., p. 615.
- [18] City of Manila vs. Chinese Community of Manila, 40 Phil. 349.

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