Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

G.R. No. 79538 October 18, 1990

FELIPE YSMAEL, JR. & CO., INC., petitioner,
vs.
THE DEPUTY EXECUTIVE SECRETARY, THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES, THE DIRECTOR OF THE BUREAU OF FOREST DEVELOPMENT and TWIN PEAKS DEVELOPMENT AND REALTY CORPORATION, respondents.

Tañada, Vivo & Tan for petitioner.

Antonio E. Escober and Jurado Law Office for respondent Twin Peaks Development Corporation.

COURTS, *J.:*

Soon after the change of government in February 1986, petitioner sent a letter dated March 17, 1986 to the Office of the President, and another letter dated April 2, 1986 to Minister Ernesto Maceda of the Ministry of Natural Resources [MNR], seeking: (1) the reinstatement of its timber license agreement which was cancelled in August 1983 during the Marcos administration; (2) the revocation of TLA No. 356 which was issued to Twin Peaks Development and Realty Corporation without public bidding and in violation of forestry laws, rules and regulations; and, (3) the issuance of an order allowing petitioner to take possession of all logs found in the concession area [Annexes "6" and "7" of the Petition; Rollo, pp. 54-63].

Petitioner made the following allegations:

(a) That on October 12, 1965, it entered into a timber license agreement designated as TLA No. 87 with the Department of Agriculture and Natural Resources, represented by then Secretary Jose Feliciano, wherein it was issued an exclusive license to cut, collect and remove timber except prohibited species within a specified portion of public forest land with an area of 54,920 hectares located in the municipality of Maddela, province of Nueva Vizcaya ***** from October 12, 1965 until June 30, 1990;

(b) That on August 18, 1983, the Director of the Bureau of Forest Development [hereinafter referred to as "Bureau"], Director Edmundo Cortes, issued a memorandum order stopping all logging operations in Nueva Vizcaya and Quirino provinces, and cancelling the logging concession of petitioner and nine other forest concessionaires, pursuant to presidential

instructions and a memorandum order of the Minister of Natural Resources Teodoro Pena [Annex "5" of the Petition; Rollo, p. 49];

(c) that on August 25, 1983, petitioner received a telegram from the Bureau, the contents of which were as follows:

> PURSUANT TO THE INSTRUCTIONS OF THE PRESIDENT YOU ARE REQUESTED TO STOP ALL LOGGING OPERATIONS TO CONSERVE REMAINING FORESTS PLEASE CONDUCT THE ORDERLY PULL-OUT OF LOGGING MACHINERIES AND EQUIPMENT AND COORDINATE WITH THE RESPECTIVE DISTRICT FORESTERS FOR THE INVENTORY OF LOGS CUT PRIOR TO THIS ORDER THE SUBMISSION OF A COMPLIANCE REPORT WITHIN THIRTY DAYS SHALL BE APPRECIATED — [Annex "4" of the Petition; Rollo, p. 48];

(d) That after the cancellation of its timber license agreement, it immediately sent a letter addressed to then President Ferdinand Marcos which sought reconsideration of the Bureau's directive, citing in support thereof its contributions to alleging that it was not given the forest conservation and opportunity to be heard prior to the cancellation of its logging 531, but no operations (Annex "6" of the Petition; Rollo, pp. 50 favorable action was taken on this letter;

(e) That barely one year thereafter, approximately one-half or 26,000 hectares of the area formerly covered by TLA No. 87 was re-awarded to Twin Peaks Development and Reality Corporation under TLA No. 356 which was set to expire on July 31, 2009, while the other half was allowed to be logged by Filipinas Loggers, Inc. without the benefit of a formal award or license; and,

(f) That the latter entities were controlled or owned by relatives or cronies of deposed President Ferdinand Marcos. Acting on petitioner's letter, the MNR through then Minister Ernesto Maceda issued an order dated July 22, 1986 denying petitioner's request. The Ministry ruled that a timber license was not a contract within the due process clause of the Constitution, but only a privilege which could be withdrawn whenever public interest or welfare so demands, and that petitioner was not discriminated against in view of the fact that it was among ten concessionaires whose licenses were revoked in 1983. Moreover, emphasis was made of the total ban of logging operations in the provinces of Nueva Ecija, Nueva Vizcaya, Quirino and Ifugao imposed on April 2, 1986, thus:

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> It should be recalled that [petitioner's] earlier request for reinstatement has been denied in view of the total ban of all logging operations in the provinces of Nueva Ecija, Nueva Vizcaya, Quirino and Ifugao which was imposed for reasons of conservation and national security.

> The Ministry imposed the ban because it realizes the great responsibility it bear [sic] in respect to forest t considers itself the trustee thereof. This being the case, it has to ensure the availability of forest resources not only for the present, but also for the future generations of Filipinos.
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> On the other hand, the activities of the insurgents in these parts of the country are well documented. Their financial demands on logging concessionaires are well known. The government, therefore, is well within its right to deprive its enemy of sources of funds in order to preserve itself, its established institutions and the liberty and democratic way of life of its people.
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> [Annex "9" of the Petition, pp. 2-4; Rollo, pp. 65-67.]

Petitioner moved for reconsideration of the aforestated order reiterating, among others. its request that TLA No. 356 issued to private respondent be declared null and void. The MNR however denied this motion in an order dated September 15, 1986. stating in part:

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> Regarding [petitioner's] request that the award of a 26,000 hectare portion of TLA No. 87 to Twin Peaks Realty Development Corporation under TLA No. 356 be declared null and void, suffice it to say that the Ministry is now in the process of reviewing all contracts, permits or other form of privileges for the exploration, development, exploitation, or utilization of natural resources entered into, granted, issued or acquired before the issuance of Proclamation No. 3, otherwise known as the Freedom Constitution for the purpose of amending, modifying or revoking them when the national interest so requires.
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> xxx xxx xxx
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> The Ministry, through the Bureau of Forest Development, has jurisdiction and authority over all forest lands. On the basis of this authority, the Ministry issued the order banning all logging operations/activities in Quirino province, among others, where movant's former concession area is located. Therefore, the issuance of an order disallowing any person or entity from removing cut or uncut logs from the portion of TLA No. 87, now under TLA No. 356, would constitute an unnecessary or superfluous act on the part of the Ministry.
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> [Annex "11" of the Petition, pp. 3-4; Rollo, pp. 77-78.]

On November 26, 1986, petitioner's supplemental motion for reconsideration was likewise denied. Meanwhile, per MNR Administrative Order No. 54, series of 1986, issued on November 26, 1986, the logging ban in the province of Quirino was lifted.

Petitioner subsequently appealed from the orders of the MNR to the Office of the President. In a resolution dated July 6, 1987, the Office of the President, acting through then Deputy Executive Secretary Catalino Macaraig, denied petitioner's appeal for lack of merit. The Office of the President ruled that the appeal of petitioner was prematurely filed, the matter not having been terminated in the MNR. Petitioner's motion for reconsideration was denied on August 14, 1987.

Hence, petitioner filed directly with this Court a petition for certiorari, with prayer for the issuance of a restraining order or writ of preliminary injunction, on August 27, 1987. On October 13, 1987, it filed a supplement to its petition for certiorari. Thereafter, public and private respondents submitted their respective comments, and petitioner filed its consolidated reply thereto. In a resolution dated May 22, 1989, the Court resolved to give due course to the petition.

After a careful study of the circumstances in the case at bar, the Court finds several factors which militate against the issuance of a writ of certiorari in favor of petitioner.

1. Firstly, the refusal of public respondents herein to reverse final and executory administrative orders does not constitute grave abuse of discretion amounting to lack or excess of jurisdiction.

It is an established doctrine in this jurisdiction that the decisions and orders of administrative agencies have upon their finality, the force and binding effect of a final judgment within the purview of the doctrine of *res judicata*. These decisions and orders are as conclusive upon the rights of the affected parties as though the same had been rendered by a court of general jurisdiction. The rule of *res judicata* thus forbids the reopening of a matter once determined by competent authority acting within their exclusive jurisdiction [*See* Brillantes v. Castro, 99 Phil. 497 (1956); Ipekdjian Merchandising Co., Inc. v. Court of Tax Appeals, G.R. No. L-15430, September 30, 1963, 9 SCRA 72; San Luis v. Court of Appeals, G.R. No. 80160, June 26, 1989].

In the case at bar, petitioner's letters to the Office of the President and the MNR [now the Department of Environment and Natural Resources (DENR) dated March 17, 1986 and April 2, 1986, respectively, sought the reconsideration of a memorandum order issued by the Bureau of Forest Development which cancelled its timber license agreement in 1983, as well as the revocation of TLA No. 356 subsequently issued by the Bureau to private respondents in 1984.

But as gleaned from the record, petitioner did not avail of its remedies under the law, i.e. Section 8 of Pres. Dec. No. 705 as amended, for attacking the validity of these administrative actions until after 1986. By the time petitioner sent its letter dated April 2, 1986 to the newly appointed Minister of the MNR requesting reconsideration of the above Bureau actions, these were already settled matters as far as petitioner was concerned [See Rueda v. Court of Agrarian

Relations, 106 Phil. 300 (1959); Danan v. Aspillera G.R. No. L-17305, November 28, 1962, 6 SCRA 609; Ocampo v. Arboleda G.R. No. L-48190, August 31, 1987, 153 SCRA 374].

No particular significance can be attached to petitioner's letter dated September 19, 1983 which petitioner claimed to have sent to then President Marcos [Annex "6" of Petition, Rollo, pp. 50-53], seeking the reconsideration of the 1983 order issued by Director Cortes of the Bureau. It must be pointed out that the averments in this letter are entirely different from the charges of fraud against officials under the previous regime made by petitioner in its letters to public respondents herein. In the letter to then President Marcos, petitioner simply contested its inclusion in the list of concessionaires, whose licenses were cancelled, by defending its record of selective logging and reforestation practices in the subject concession area. Yet, no other administrative steps appear to have been taken by petitioner until 1986, despite the fact that the alleged fraudulent scheme became apparent in 1984 as evidenced by the awarding of the subject timber concession area to other entities in that year.

2. Moreover, petitioner is precluded from availing of the benefits of a writ of certiorari in the present case because he failed to file his petition within a reasonable period.

The principal issue ostensibly presented for resolution in the instant petition is whether or not public respondents herein acted with grave abuse of discretion amounting to lack or excess of jurisdiction in refusing to overturn administrative orders issued by their predecessors in the past regime. Yet, what the petition ultimately seeks is the nullification of the Bureau orders cancelling TLA No. 87 and granting TLA No. 356 to private respondent, which were issued way back in 1983 and 1984, respectively.

Once again, the fact that petitioner failed to seasonably take judicial recourse to have the earlier administrative actions reviewed by the courts through a petition for certiorari is prejudicial to its cause. For although no specific time frame is fixed for the institution of a special civil action for certiorari under Rule 65 of the Revised Rules of Court, the same must nevertheless be done within a "reasonable time". The yardstick to measure the timeliness of a petition for certiorari is the "reasonableness of the length of time that had expired from the commission of the acts complained of up to the institution of the proceeding to annul the same" [Toledo v. Pardo, G.R. No. 56761, November 19, 1982, 118 SCRA 566, 571]. And failure to file the petition for certiorari within a reasonable period of time renders the petitioner susceptible to the adverse legal consequences of laches [Municipality of Carcar v. Court of First Instance of Cebu, G.R. No. L-31628, December 27, 1982, 119 SCRA 392).

Laches is defined as the failure or neglect for an unreasonable and unexplained length of time to do that which by exercising due diligence, could or should have been done earlier, or to assert a right within a reasonable time, warranting a presumption that the party entitled thereto has either abandoned it or declined to assert it [Tijam v. Sibonghanoy, G.R. No. L-21450, April 15, 1968, 23 SCRA 29; Seno v. Mangubat, G.R. No. L-44339, December 2, 1987, 156 SCRA 113]. The rule is that unreasonable delay on the part of a plaintiff in seeking to enforce an alleged right may, depending upon the circumstances, be destructive of the right itself. Verily,

the laws aid those who are vigilant, not those who sleep upon their rights (*Vigilantibus et non dormientibus jura subveniunt*) [See Buenaventura v. David, 37 Phil. 435 (1918)].

In the case at bar, petitioner waited for at least three years before it finally filed a petition for certiorari with the Court attacking the validity of the assailed Bureau actions in 1983 and 1984. Considering that petitioner, throughout the period of its inaction, was not deprived of the opportunity to seek relief from the courts which were normally operating at the time, its delay constitutes unreasonable and inexcusable neglect, tantamount to laches. Accordingly, the writ of certiorari requiring the reversal of these orders will not lie.

3. Finally, there is a more significant factor which bars the issuance of a writ of certiorari in favor of petitioner and against public respondents herein. It is precisely this for which prevents the Court from departing from the general application of the rules enunciated above.

A cursory reading of the assailed orders issued by public respondent Minister Maceda of the MNR which were ed by the Office of the President, will disclose public policy consideration which effectively forestall judicial interference in the case at bar,

Public respondents herein, upon whose shoulders rests the task of implementing the policy to develop and conserve the country's natural resources, have indicated an ongoing department evaluation of all timber license agreements entered into, and permits or licenses issued, under the previous dispensation. In fact, both the executive and legislative departments of the incumbent administration are presently taking stock of its environmental policies with regard to the utilization of timber lands and developing an agenda for future programs for their conservation and rehabilitation.

The ongoing administrative reassessment is apparently in response to the renewed and growing global concern over the despoliation of forest lands and the utter disregard of their crucial role in sustaining a balanced ecological system. The legitimacy of such concern can hardly be disputed, most especially in this country. The Court takes judicial notice of the profligate waste of the country's forest resources which has not only resulted in the irreversible loss of flora and fauna peculiar to the region, but has produced even more disastrous and lasting economic and social effects. The delicate balance of nature having been upset, a vicious cycle of floods and droughts has been triggered and the supply of food and energy resources required by the people seriously depleted.

While there is a desire to harness natural resources to amass profit and to meet the country's immediate financial requirements, the more essential need to ensure future generations of Filipinos of their survival in a viable environment demands effective and circumspect action from the government to check further denudation of whatever remains of the forest lands. Nothing less is expected of the government, in view of the clear constitutional command to maintain a balanced and healthful ecology. Section 16 of Article II of the 1987 Constitution provides:

> SEC. 16. The State shall protect and promote the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Thus, while the administration grapples with the complex and multifarious problems caused by unbridled exploitation of these resources, the judiciary will stand clear. A long line of cases establish the basic rule that the courts will not interfere in matters which are addressed to the sound discretion of government agencies entrusted with the regulation of activities coming under the special technical knowledge and training of such agencies [See Espinosa v. Makalintal, 79 Phil. 134 (1947); Coloso v. Board of Accountancy, 92 Phil. 938 (1953); Pajo v. Ago, 108 Phil. 905 (1960); Suarez v. Reyes, G.R. No. L-19828, February 28, 1963, 7 SCRA 461; Ganitano v. Secretary of Agriculture and Natural Resources, G. R. No. L-21167, March 31, 1966, 16 SCRA 543; Villegas v. Auditor General, G.R. No. L-21352, November 29, 1966, 18 SCRA 877; Manuel v. Villena, G.R. No. L-28218, February 27, 1971, 37 SCRA 745; Lacuesta v. Herrera, G.R. No. L-33646, January 28, 1975, 62 SCRA 115; Lianga Bay Logging Co., Inc. v. Enage, G.R. No. L-30637, July 16, 1987, 152 SCRA 80]. More so where, as in the present case, the interests of a private logging company are pitted against that of the public at large on the pressing public policy issue of forest conservation. For this Court recognizes the wide latitude of discretion possessed by the government in determining the appropriate actions to be taken to preserve and manage natural resources, and the proper parties who should enjoy the privilege of utilizing these resources [Director of Forestry v. Munoz, G.R. No. L-24796, June 28, 1968, 23 SCRA 1183; Lim, Sr. v. The Secretary of Agriculture and Natural Resources, G.R. No. L-26990, August 31, 1970, 34 SCRA 751]. Timber licenses, permits and license agreements are the principal instruments by which the State regulates the utilization and disposition of forest resources to the end that public welfare is promoted. And it can hardly be gainsaid that they merely evidence a privilege granted by the State to qualified entities, and do not vest in the latter a permanent or irrevocable right to the particular concession area and the forest products therein. They may be validly amended, modified, replaced or rescinded by the Chief Executive when national interests so require. Thus, they are not deemed contracts within the purview of the due process of law clause [See Sections 3 (ee) and 20 of Pres. Decree No. 705, as amended. Also, Tan v. Director of Forestry, G.R. No. L-24548, October 27, 1983, 125 SCRA 302].

In fine, the legal precepts highlighted in the foregoing discussion more than suffice to justify the Court's refusal to interfere in the DENR evaluation of timber licenses and permits issued under the previous regime, or to pre-empt the adoption of appropriate corrective measures by the department.

Nevertheless, the Court cannot help but express its concern regarding alleged irregularities in the issuance of timber license agreements to a number of logging concessionaires.

The grant of licenses or permits to exploit the country's timber resources, if done in contravention of the procedure outlined in the law, or as a result of fraud and undue influence exerted on department officials, is indicative of an arbitrary and whimsical exercise of the State's power to regulate the use and exploitation of forest resources. The alleged practice of

bestowing "special favors" to preferred individuals, regardless of merit, would be an abuse of this power. And this Court will not be a party to a flagrant mockery of the avowed public policy of conservation enshrined in the 1987 Constitution. Therefore, should the appropriate case be brought showing a clear grave abuse of discretion on the part of officials in the DENR and related bureaus with respect to the implementation of this public policy, the Court win not hesitate to step in and wield its authority, when invoked, in the exercise of judicial powers under the Constitution [Section 1, Article VIII].

However, petitioner having failed to make out a case showing grave abuse of discretion on the part of public respondents herein, the Court finds no basis to issue a writ of certiorari and to grant any of the affirmative reliefs sought.

WHEREFORE, the present petition is DISMISSED.

SO ORDERED.

Fernan, C.J., Gutierrez Jr. and Bidin, JJ., concur.

Feliciano, J., is on leave.

Footnotes

* As a result of the creation of the province of Quirino the municipality of Maddela is now deemed part of the Quirino province.