

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 AUG -4 P 3:09

SENATE
S. B. No. 1640

RECEIVED BY: G

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 8, Section 1, provides:

The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

On the other hand, President Decree No. 605, Section 1, states:

No court of the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction or preliminary mandatory injunction in any case involving or growing out of the issuance, approval or disapproval, revocation or suspension of, or any action whatsoever by the proper administrative official or body on concessions, licenses, permits, patents, or public grants of any kind in connection with the disposition, exploitation, utilization, exploration, and/or development of the natural resources of the Philippines.

The evident purpose of P.D. No. 605 is to prevent the substitution of judicial judgments for those of public administrative officials in disputes involving the disposition or utilization of the natural resources of the country. The decree seeks to leave to administrative agencies the authority to decide controversies involving licenses, permits, patents or public grants in connection with natural resources, apparently relying on their expertise.

However, instead of facilitating the development and proper utilization of our natural resources, the existing prohibition in the issuance of preliminary injunctions by courts has abetted questionable and indiscriminate awarding of concessions, licenses, permits, patents, or public grants by the very officials tasked to protect our natural resources. Thus, there is a need to amend this law in the interest of transparency and fairness.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 AUG -4 P3:09

SENATE
S. B. No. 1640

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING PRESIDENTIAL DECREE NO. 605

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Presidential Decree No. 605, Section 1, is hereby amended to read as follows:

Section 1. No court of the Philippine shall have jurisdiction to issue any restraining order, preliminary injunction or preliminary mandatory injunction in any case involving or growing out of the issuance, approval or disapproval, revocation or suspension of, or any action whatsoever by the proper administrative official or body on concessions, licenses, permits, patents, or public grants of any kind in connection with the disposition, exploitation, utilization, exploration, and/or development of the natural resources of the Philippines, UNLESS THE MATTER IS OF THE EXTREME URGENCY INVOLVING NATIONAL INTEREST, SUCH THAT UNLESS A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR PRELIMINARY MANDATORY INJUNCTION IS ISSUED, GRAVE INJUSTICE AND IRREPARABLE INJURY WILL ARISE, AND PROVIDED THE APPLICANT SHALL FILE A BOND, IN AN AMOUNT FIXED BY THE COURT, TO THE EFFECT THAT SUCH BOND SHALL ACCRUE IN FAVOR OF THE GOVERNMENT IF THE COURT SHOULD FINALLY DECIDE THAT THE APPLICANT WAS NOT ENTITLED THERETO.”

SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

/1161 *lfd*