

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

SECRET

10 JUN 10 1975

SENATE

S. B. No. 2375

1975-06-10

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The rationale of P.D. 1818 was to protect areas of activities that are critical to economic development efforts of the country, thus prohibitions against the issuance of restraining orders and injunctions so as not to disrupt the pursuit of critical government projects. However, the same decree has been used as a protective mantle in attempts to check possible government excesses and corruption in the projects.

In short it is now being used to mock the justice system instead of serving its true purpose. Therefore, and in order to realize its original purpose, reasonable restrictions rather than absolute prohibition must be established. It is then in the interest of the nation that we request for early passage of this bill.

FRANCIS G. ESCUDERO

SENATE

IN REPLY TO

S. B. No. 2375

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
AMENDING SECTION 1 OF PRESIDENTIAL DECREE NO. 1818

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

1 SECTION 1. Section 1 of Presidential Decree No. 1818 is hereby amended
2 to read as follows:

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4
5 "Section I. No court of the Philippines shall have jurisdiction
6 to issue any restraining order, preliminary injunction or
7 preliminary mandatory injunction in any case, dispute, or
8 controversy involving an infrastructure project, or a mining,
9 fishery, forest or other natural resource development project
10 of the government, or any public utility operated by the
11 government, including among others public utilities for the
12 transport of the goods or commodities, stevedoring and
13 arrastre contracts, to prohibit any person or persons, entity
14 or governmental official from proceeding with, or
15 continuing the execution or implementation of any such
16 project, or the operation of such public utility, or pursuing
17 any lawful activity necessary for such execution,
18 implementation or operation EXCEPT WHEN THE
19 MATTERS OF EXTREME URGENCY INVOLVING
20 NATIONAL INTEREST, SUCH THAT UNLESS A
21 TEMPORARY RESTRAINING ORDER, PRELIMINARY
22 INJUNCTION, OR PRELIMINARY MANDATORY
23 INJUNCTION IS ISSUED, GRAVE INJUSTICE AND
24 IRREPARABLE INJURY SHALL ARISE. IN WHICH
25 CASE, NEVERTHELESS, THE APPLICANT SHALL
26 EXECUTE A BOND IN FAVOR OF THE GOVERNMENT,
27 IN THE AMOUNT TO BE FIXED BY THE COURT IN ITS
28 ORDER GRANTING THE INJUNCTION, TO THE
29 EFFECT THAT SUCH BOND SHALL ACCRUE IN
30 FAVOR OF THE GOVERNMENT IF THE COURT
31 SHOULD FINALLY DECIDE THAT THE APPLICANT
32 WAS NOT ENTITLED THERETO."
33

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

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6 **SEC. 3. Effectivity Clause.** - This Act shall take effect fifteen (15) days
7 after its publication in the Official Gazette or at least two (2) newspapers of
8 general
9 circulation.

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11 Approved,