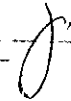


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

SENIOR
Office of the Secretary

75 SEP 28 P3:41

SENATE
S. No. 2969

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING PRESIDENTIAL DECREE NO. 605 BANNING THE ISSUANCE BY
COURTS OF PRELIMINARY INJUNCTIONS IN CASES INVOLVING
CONCESSIONS, LICENSES, AND OTHER PERMITS ISSUED BY PUBLIC
ADMINISTRATIVE OFFICIALS OR BODIES FOR THE EXPLOITATION OF
NATURAL RESOURCES

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, Presidential 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 public administrative issuances for those of judicial judgements in disputes involving the

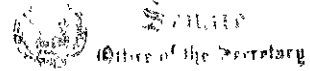
disposition or utilization of the natural resources of the country. The decree seeks to leave to administrative agencies the authority to decide controversies involving licenses, permits, patents or public grants in connection with natural resources, apparently relying on their expertise.

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.¹


MIRIAM DEFENSOR SANTIAGO
78

¹ This bill was originally filed in the Thirteenth Congress, First Regular Session

SIXTEENTH CONGRESS OF THE REPUBLIC)
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ADMINISTRATIVE OFFICIALS OR BODIES FOR THE EXPLOITATION OF
NATURAL RESOURCES

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

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

3 Section 1. No court of the Philippines shall have jurisdiction to issue
4 any restraining order, preliminary injunction or preliminary mandatory
5 injunction in any case involving or growing out of the issuance, approval or
6 disapproval, revocation or suspension of, or any action whatsoever by the
7 proper administrative official or body on concessions, licenses, permits,
8 patents, or public grants of any kind in connection with the disposition,
9 exploitation, utilization, exploration, and/or development of the natural
10 resources of the Philippines, **UNLESS THE MATTER IS OF THE**
11 **EXTREME URGENCY INVOLVING NATIONAL INTEREST,**
12 **SUCH THAT UNLESS A TEMPORARY RESTRAINING ORDER,**
13 **PRELIMINARY INJUNCTION, OR PRELIMINARY MANDATORY**
14 **INJUNCTION IS ISSUED, GRAVE INJUSTICE AND**
15 **IRREPARABLE INJURY WILL ARISE, AND PROVIDED THE**

1 **APPLICANT SHALL FILE A BOND, IN AN AMOUNT FIXED BY**
2 **THE COURT, TO THE EFFECT THAT SUCH BOND SHALL**
3 **ACCRUE IN FAVOR OF THE GOVERNMENT IF THE COURT**
4 **SHOULD FINALLY DECIDE THAT THE APPLICANT WAS NOT**
5 **ENTITLED THERETO.**

6 SECTION 2. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
7 portions thereof, which are inconsistent with the provisions of this Act, are hereby
8 repealed, amended or modified accordingly.

9 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
10 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/aml 2015