755 PHIL. 323

EN BANC

[G.R. No. 187836, March 10, 2015]

SOCIAL JUSTICE SOCIETY (SJS) OFFICERS, NAMELY, SAMSON S. ALCANTARA, AND VLADIMIR ALARIQUE T. CABIGAO, PETITIONERS, VS. ALFREDO S. LIM, IN HIS CAPACITY AS MAYOR OF THE CITY OF MANILA, RESPONDENT.

[G.R. No. 187916]

JOSE L. ATIENZA, JR., BIENVINIDO M. ABANTE, MA. LOURDES M. ISIP-GARCIA, RAFAEL P. BORROMEO JOCELYN DAWIS-ASUNCION, MINORS MARIAN REGINA B. TARAN, MACAILA RICCI B. TARAN, RICHARD KENNETH B. TARAN, REPRESENTED AND JOINED BY THEIR PARENTS RICHARD AND MARITES TARAN, MINORS CZARINA ALYSANDRA C. RAMOS, CEZARAH ADRIANNA C. RAMOS, AND CRISTEN AIDAN C. RAMOS REPRESENTED AND JOINED BY THEIR MOTHER DONNA C. RAMOS, MINORS JAZMIN SYLLITA T. VILA AND ANTONIO T. CRUZ IV, REPRESENTED AND JOINED BY THEIR MOTHER MAUREEN C. TOLENTINO, PETITIONERS, VS. MAYOR ALFREDO S. LIM, VICE MAYOR FRANCISCO DOMAGOSO, COUNCILORS ARLENE W. KOA, MOISES T. LIM, JESUS FAJARDO LOUISITO N. CHUA, VICTORIANO A. MELENDEZ, JOHN MARVIN C. NIETO, ROLANDO M. VALERIANO, RAYMUNDO R. YUPANGCO, EDWARD VP MACEDA, RODERICK D. VALBUENA, JOSEFINA M. SISCAR, SALVADOR PHILLIP H. LACUNA, LUCIANO M. VELOSO, CARLO V. LOPEZ, ERNESTO F. RIVERA,[1] DANILO VICTOR H. LACUNA, JR., ERNESTO G. ISIP, HONEY H. LACUNA-PANGAN, ERNESTO M. DIONISO, JR. AND ERICK IAN O. NIEVA, RESPONDENTS.

CHEVRON PHILIPPINES INC., PETRON CORPORATION AND PILIPINAS SHELL PETROLEUM CORPORATION, INTERVENORS.

R E S O L U T I O N

PEREZ, J.:

In the Decision[2] promulgated on 25 November 2014, this Court declared Ordinance No. 8187 **UNCONSTITUTIONAL** and **INVALID** with respect to the continued stay of the Pandacan Oil Terminals. The following timelines were set for the relocation and transfer of the terminals:

> [T]he intervenors Chevron Philippines, Inc., Pilipinas Shell Petroleum Corporation, and Petron Corporation shall, within a non-extendible period of forty-five (45) days, submit to the Regional Trial Court, Branch 39, Manila an updated comprehensive plan and relocation schedule, which

relocation shall be completed not later than six (6) months from the date the required documents are submitted. The presiding judge of Branch 39 shall monitor the strict enforcement of this Decision.[3]

Now before us are the following submissions of the intervenor oil companies, to wit: (1) Motion for Reconsideration[4] of the Decision dated 25 November 2014 filed by intervenor Pilipinas Shell Petroleum Corporation (Shell); (2) Motion for Clarification[5] filed by intervenor Chevron Philippines, Inc. (Chevron); and (3) Manifestation of Understanding of the Dispositive Portion of the Decision of 15 December 2014[6] (the correct date of promulgation is 25 November 2014) filed by intervenor Petron Corporation (Petron).

I

Shell seeks reconsideration of the Decision based on the following grounds:

1. Erroneous reliance on the factual pronouncements in G.R. No. 156052 entitled "Social Justice Society v. Atienza," which, it argues, were completely unsupported by competent evidence;

2. Adoption of "imagined fears, causes, surmises and conjectures interposed by the petitioners," which it also raises as totally unsupported by evidence because the petitions, which involve factual issues, were wrongfully filed with this Court;

3. Conclusion that there is no substantial difference between the conditions in 2001 and the present setup with respect to the oil depots operations; and

4. Failure to dismiss the petitions despite the enactment of Ordinance No. 8187, which, it maintains, has rendered the cases moot and academic.[7]

The Motion for Reconsideration must be denied.

It bears stressing that these cases were called in session several times to give the members of the Court time to study and present their respective positions. Before the Decision was finally promulgated, the Court had thoroughly deliberated on the arguments of the parties, including the basic issues herein raised – the rationale for upholding the position of the Court in G.R. No. 156052, on one hand, and the safety measures adopted by the intervenors, including the alleged "imagined fears, causes, surmises and conjectures interposed by the petitioners," on the other; the argument of whether or not the petition should have been filed with the trial court or at least referred to the Court of Appeals to receive evidence; and the issue on whether or not the enactment of Ordinance No. 8283 has rendered the instant petitions moot and academic. And for failure to reconcile diverse views on several issues, a Concurring and Dissenting Opinion was written.

The grounds relied on being mere reiterations of the issues already passed upon by the Court, there is no need to "cut and paste" pertinent portions of the Decision or re-write the *ponencia* in accordance with the outline of the instant motion.

As succinctly put by then Chief Justice Andres R. Narvasa in *Ortigas and Co. Ltd.*

Partnership v. Judge Velasco[8] on the effect and disposition of a motion for reconsideration:

> The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); i.e., the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, etc.[9]

II

Chevron, in its Motion for Clarification,[10] manifests that it has already ceased using the Pandacan terminals since June 2014. However, the Pandacan Depot Services, Inc. (PDSI), an incorporated joint venture of Chevron, Petron and Shell, and of which Chevron continues to be a shareholder, still maintains the operations through Petron and Shell. Thus:

> 2. At the outset, CHEVRON respectfully manifests that it has already completed the relocation of its depot and terminal operations from the Pandacan area, as it ceased using the Pandacan terminals for its fuel and lubricants operations last June 2014. CHEVRON currently has zero volume of lubricants and fuel products for commercial use stored at the Pandacan terminals and the supply requirements of its customers are being withdrawn from the other supply facilities available to CHEVRON.
>
> 3. While CHEVRON has ceased using the Pandacan terminals, it continues to be a shareholder as well as hold a governance role in Pandacan Depot Services Inc. ("PDSI"), the operator of the Pandacan terminals for fuels products operations. PDSI is an incorporated joint venture established pursuant to the joint venture agreements between CHEVRON, Petron and PSPC. Notwithstanding CHEVRON's ceasing to use the facility, Petron and PSPC continue to use the Pandacan terminals for their own commercial fuel and lubricant operation. This joint venture continues to exist until terminated and dissolved by the mutual agreement of CHEVRON, Petron, and PSP or as provided for in the agreements of the parties.[11]

With the withdrawal of its products from the Pandacan terminals yet with the continued operation of the PDSI, Chevron now pleads that this Court review and

clarify a portion of the Decision concerning what it understands as an unqualified statement that "all oil depots, in general, even those outside of Pandacan, have no place in any densely populated area."[12] The exact wordings in the Decision sought to be clarified read:

> Even assuming that the respondents and intervenors were correct, the very nature of the depots where millions of liters of highly flammable and highly volatile products [are stored], regardless of whether or not the composition may cause explosions, has no place in a densely populated area. Surely, any untoward incident in the oil depots, be it related to terrorism of whatever origin or otherwise, would definitely cause not only destruction to properties within and among the neighboring communities but certainly mass deaths and injuries.[13]

Stressing that a judgment should be confined to the *lis mota* of the case, Chevron posits that the paragraph sought to be clarified was a sweeping and categorical pronouncement sans factual basis or evidence against all oil depots inasmuch as the prevailing circumstances, types of products stored or the safety measures in place vary from one depot to another. If such is left as is, it claims that it would be tantamount to interference with the policy making of the political departments of the government.

We differ.

There are overwhelming reasons stated in the Decision to support the Court's pronouncement that the very nature of depots has no place in a densely populated area, among others, the very history of the Pandacan terminals where flames spread over the entire City of Manila when fuel storage dumps were set on fire in December 1941[14] and the other incident of explosion,[15] which were both considered in G.R. No. 156052.

Indeed, the bases of the assailed paragraph were confined to the *lis mota* of these cases, and no other depots were considered. But would the situation be different if, given the same composition of flammable and volatile products, the depots are placed in another densely populated area?

The answer was well explained in the Decision. Thus:

> For, given that the threat sought to be prevented may strike at one point or another, no matter how remote it is as perceived by one or some, we cannot allow the right to life to be dependent on the unlikelihood of an event. Statistics and theories of probability have no place in situations where the very life of not just an individual but of residents of big neighborhoods is at stake.[16]

Moreover, the Decision should be taken as a whole and considered in its entirety. The Decision is clear – it is the City's Ordinance No. 8187 that has been declared unconstitutional and invalid insofar as the continued stay of the Pandacan Oil Terminals is concerned.

For the same reasons, the allegation of encroachment on the policy making power of the political departments of the government is bereft of merit.