

EN BANC

G.R. No. 209271 – INTERNATIONAL SERVICE FOR THE ACQUISITION OF AGRI-BIOTECH APPLICATIONS, INC., Petitioner, **v. GREENPEACE SOUTHEAST ASIA (PHILIPPINES), MAGSASAKA AT SIYENTIPIKO SA PAGPAPAUNLAD NG AGRIKULTURA (MASIPAG), REP. TEODORO CASIÑO, DR. BEN MALAYANG III, DR. ANGELINA GALANG, LEONARDO AVILA III, CATHERINE UNTALAN, ATTY. MARIA PAZ LUNA, JUANITO MODINA, DAGOHOY MAGAWAY, DR. ROMEO QUIJANO, DR. WENCESLAO KIAT, JR., ATTY. H. HARRY ROQUE, JR., FORMER SEN. ORLANDO MERCADO, NOEL CABANGON, MAYOR EDWARD S. HAGEDORN, and EDWIN MARTHINE LOPEZ,** Respondents, **CROP LIFE PHILIPPINES, INC.,** Petitioner-in-Intervention.

G.R. No. 209276 – ENVIRONMENTAL MANAGEMENT BUREAU OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, BUREAU OF PLANT INDUSTRY AND THE FERTILIZER AND PESTICIDE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE, Petitioners, **v. COURT OF APPEALS, GREENPEACE SOUTHEAST ASIA (PHILIPPINES), MAGSASAKA AT SIYENTIPIKO SA PAGPAPAUNLAD NG AGRIKULTURA (MASIPAG), REP. TEODORO CASIÑO, DR. BEN MALAYANG III, DR. ANGELINA GALANG, LEONARDO AVILA III, CATHERINE UNTALAN, ATTY. MARIA PAZ LUNA, JUANITO MODINA, DAGOHOY MAGAWAY, DR. ROMEO QUIJANO, DR. WENCESLAO KIAT, JR., ATTY. H. HARRY ROQUE, JR., FORMER SEN. ORLANDO MERCADO, NOEL CABANGON, MAYOR EDWARD S. HAGEDORN, and EDWIN MARTHINE LOPEZ,** Respondents, **CROP LIFE PHILIPPINES, INC.,** Petitioner-in-Intervention.

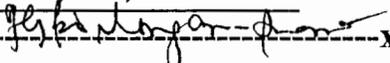
G.R. No. 209301 – UNIVERSITY OF THE PHILIPPINES LOS BAÑOS FOUNDATION, INC., Petitioner, **v. GREENPEACE SOUTHEAST ASIA (PHILIPPINES), MAGSASAKA AT SIYENTIPIKO SA PAGPAPAUNLAD NG AGRIKULTURA (MASIPAG), REP. TEODORO CASIÑO, DR. BEN MALAYANG III, DR. ANGELINA GALANG, LEONARDO AVILA III, CATHERINE UNTALAN, ATTY. MARIA PAZ LUNA, JUANITO MODINA, DAGOHOY MAGAWAY, DR. ROMEO QUIJANO, DR. WENCESLAO KIAT, JR., ATTY. H. HARRY ROQUE, JR., FORMER SEN. ORLANDO MERCADO, NOEL CABANGON, MAYOR EDWARD S. HAGEDORN, and EDWIN MARTHINE LOPEZ,** Respondents.

G.R. No. 209430 – UNIVERSITY OF THE PHILIPPINES LOS BAÑOS, INC., Petitioner, **v. GREENPEACE SOUTHEAST ASIA**

(PHILIPPINES), MAGSASAKA AT SIYENTIFIKO SA PAGPAPAUNLAD NG AGRIKULTURA (MASIPAG), REP. TEODORO CASIÑO, DR. BEN MALAYANG III, DR. ANGELINA GALANG, LEONARDO AVILA III, CATHERINE UNTALAN, ATTY. MARIA PAZ LUNA, JUANITO MODINA, DAGOHOY MAGAWAY, DR. ROMEO QUIJANO, DR. WENCESLAO KIAT, JR., ATTY. H. HARRY ROQUE, JR., FORMER SEN. ORLANDO MERCADO, NOEL CABANGON, MAYOR EDWARD S. HAGEDORN, and EDWIN MARTHINE LOPEZ, Respondents.

Promulgated:

July 26, 2016

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CONCURRING OPINION

LEONEN, J.:

I concur with the Resolution¹ penned by my esteemed colleague Associate Justice Estela M. Perlas-Bernabe. In addition to her points, I reiterate by reference the points I raised in my Concurring Opinion,² which was promulgated with the original Decision³ in this case.

I reserve opinion on whether the “exceptional character of the situation and the paramount public interest”⁴ can be a ground for ruling on a case despite it becoming moot and academic. In my view, a more becoming appreciation of the judiciary’s role in the entire constitutional order should always give pause to go beyond the issues crystallized by an actual case with a real, present controversy. Going beyond the parameters of a live case may be an invitation to participate in the crafting of policies properly addressed to the other departments and organs of government. I am of the belief that the judiciary should take an attitude of principled restraint.

¹ *International Service for the Aquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines), et al.* (Resolution), G.R. No. 209271, July 5, 2016 [Per J. Perlas-Bernabe, En Banc].

² J. Leonen, Concurring in Opinion in *International Service for the Aquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines), et al.*, G.R. No. 209271, December 8, 2015

<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/december2015/209271_leonen.pdf> [Per J. Villarama, Jr., En Banc].

³ *International Service for the Aquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines), et al.*, G.R. No. 209271, December 8, 2015 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/december2015/209271_leonen.pdf> [Per J. Villarama, Jr., En Banc].

⁴ *International Service for the Aquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines), et al.* (Resolution), G.R. No. 209271, July 5, 2016, p. 9 [Per J. Perlas-Bernabe, En Banc].

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Nonetheless, I agree with the ponencia that the exception is not involved in this case.

The constitutionality of Department of Agriculture Administrative Order No. 8, Series of 2002, was properly raised. In any case, there is now a new regulatory measure, the validity of which is not in issue. Whether the repealed Administrative Order was raised need no longer be discussed.

ACCORDINGLY, I join the grant of the Motions for Reconsideration.



MARVIC M.V.F. LEONEN
Associate Justice