



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PROFESSIONAL REGULATION COMMISSION, G.R. No. 254282

Petitioner, Present:

- versus -

GESMUNDO, C.J., Chairperson
CAGUIOA,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., JJ.

PHILIPPINE SOCIETY OF MECHANICAL ENGINEERS (PSME),

Respondent.

Promulgated:

SEP 14 2021

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DECISION

LAZARO-JAVIER, J.:

The Case

This Petition for Review on *Certiorari*¹ assails the following dispositions of the Court of Appeals in CA-G.R. CV No. 110943:

1. Decision² dated March 10, 2020 reversing the decision of the Regional Trial Court (RTC) – Manila, Branch 6 in Civil Case No. 16-135469 entitled “*Philippine Society of Mechanical Engineers represented by its incumbent President Murry F. Demdam v. Professional Regulation Commission, Acting Chairperson Angeline T. Chua Chiaco, Commissioner*”

¹ Petition for Review on *Certiorari* dated December 29, 2020, *rollo*, pp. 33-49.

² Penned by Associate Justice Ronaldo Roberto B. Martin with the concurrences of Associate Justices Manuel M. Barrios and Perpetua Susana T. Atal-Paño, *id.* at 53-61.

Yolanda Reyes” which granted petitioner’s Omnibus Motion to Dismiss on ground of mootness and *res judicata*; and

2. Resolution³ dated September 21, 2020 denying petitioner’s motion for reconsideration.

Antecedents

On October 21 to 25, 2015, respondent Philippine Society of Mechanical Engineers (PSME) held its 63rd National Convention and General Membership Meeting. The convention involved the election of the **2016 PSME National Board of Directors** which, in turn, had the authority to elect the **2016 PSME National Officers**.⁴

On October 25, 2015, the PSME Commission on Elections (PSME-COMELEC) through the 2015 PSME National President, Engr. Pablito Ocampo, confirmed the 2016 election results where fifteen (15) members won the seats in the board of directors.⁵

On October 26, 2015, however, Engr. Leandro A. Conti (Engr. Conti) filed a **letter-protest** before the PSME-COMELEC. He claimed that: (1) the Manila Chapter accepted ballots after the 5 o’clock deadline; (2) 3,500 ballots from the Manila Chapter were cast in favor of a single set of candidate; (3) the ballots contained a single penmanship with the same pen used; (4) there was a single sequence on how the candidates appeared on the ballots; (5) the list of voters in the Manila Chapter included names of inactive members; and (6) there was discrepancy in the tallying of votes in the entire National Capital Region affecting the order or position of candidates.⁶

On November 5, 2015, the 2015 PSME Executive Committee invited the incoming members of the 2016 Board for a special meeting on November 28, 2015. The purpose of the meeting was for the election of the **2016 PSME National Officers** to be supervised by the PSME-COMELEC.⁷

On November 7, 2015, the PSME-COMELEC called a meeting which was attended by the group of Engr. Murry F. Demdam (Engr. Demdam). There, PSME-COMELEC furnished Engr. Demdam with Engr. Conti’s letter-protest. In turn, Engr. Demdam’s group handed the PSME-COMELEC two (2) letters: (1) one pointing out the supposed lack of authority of the PSME-COMELEC to entertain the protest of Engr. Conti, and (2) another, demanding that the PSME-COMELEC proceed with the Special Board Meeting scheduled on November 28, 2015.⁸

³ *Id.* at 62-64.

⁴ *Id.* at 54-58.

⁵ *Id.*

⁶ *Id.* at 54.

⁷ *Id.*

⁸ *Id.* at 55.

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Thereafter, on November 14, 2015, the 2015 PSME National Board of Directors passed Resolution 2015-59 directing the PSME-COMELEC and the newly elected directors to attend the November 28, 2015 Special Board Meeting at the Philippine Columbian Association.⁹ But instead of complying therewith, the PSME-COMELEC issued its Omnibus Resolution dated November 22, 2015 resolving the protest in favor of Engr. Conti. Thus, the PSME-COMELEC annulled the tally sheets covering 999 votes from the NCR Chapter on ground of improbability;¹⁰ and (2) the members of the group of Engr. Conti were declared as the newly elected members of the 2016 Board of Directors.¹¹

Too, on November 25, 2015, the PSME-COMELEC conducted the election for the **2016 PSME National Officers** where Engr. Conti got elected as National President.¹² Immediately thereafter, Engr. Conti furnished the Professional Regulatory Commission (PRC) copies of the purported new set of the 2016 PSME National Officers.¹³ The following day, or on November 26, 2015, Engr. Conti's group filed an **intra-corporate case which got raffled to RTC Manila-Br. 24**. The case was against Engr. Demdam's group praying that the November 22, 2015 Omnibus Resolution of PSME-COMELEC as well as the November 25, 2015 election of the 2016 PSME National Officers be declared valid and effective.¹⁴

Despite these supervening events, the 2015 PSME National Board of Directors still proceeded with the scheduled **Special Board Meeting on November 28, 2015 for the election of the 2016 PSME National Officers. There, Engr. Demdam won as the 2016 PSME National President.**¹⁵

On December 18, 2015, however, the PRC through Acting Chairperson (AC) Angeline Chua Chiacco sent a letter addressed to the 2015 outgoing PSME President Engr. Ocampo, acknowledging Engr. Conti as the 2016 PSME National President.¹⁶ Thus, on December 21, 2015, PSME represented, by Engr. Demdam sought the recall of AC Chiacco's December 18, 2015 letter.

On February 10, 2016, the PRC nonetheless issued Office Order No. 2015-56 recognizing Engr. Conti as the 2016 PSME National President **solely for the purpose of issuing Certificates of Good Standing required for the PSME members applications for renewal of their Professional Identification Cards,**¹⁷ viz.:

OFFICE ORDER No. 2016-56
Series of 2016

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 56.

¹⁴ *Id.* at 55.

¹⁵ *Id.* at 56.

¹⁶ *Id.*

¹⁷ See Office Order dated No. 2016-56, *id.* at 96.

To: Chief, Registration Division
Central Office

Regional Directors

Re: REQUIREMENT ON THE PRESENTATION AND SUBMISSION OF THE CERTIFICATE OF GOOD STANDING (COGS) ISSUED BY THE PHILIPPINE SOCIETY OF MECHANICAL ENGINEERS (PSME) UNDER PRESIDENT LEANDRO A. CONTI FOR THE RENEWAL OF THE PROFESSIONAL IDENTIFICATION CARDS OF MECHANICAL ENGINEERING PRACTITIONERS

Date: February 10, 2016

As early as March 04, 2003, the Professional Regulation Commission and the Professional Regulatory Board of Mechanical Engineering have made as a condition for the renewal of the Professional Identification Cards (PICs) of all mechanical engineering practitioners, the presentation and submission of Certificate of Good Standing (COGS) issued by the Accredited and Integrated Professional Organization (AIPO) of mechanical engineers. To this date, it is the Philippine Society of Mechanical Engineers (PSME) which remains to be the AIPO for the mechanical engineering profession.

In light however of the ensuing conflict within the PSME leadership, the Commission extended recognition to Engr. Leandro A. Conti as the duly proclaimed National President pursuant to PSME COMELEC Resolution signed by its Chairman, Mr. Gilbert C. Fuentecilla and Member, Mr. Reynaldo P. Uy, with the concurrence of another member, Mr. Ely P. Bagtasus.

On the basis of such recognition, the Commission hereby directs the Registration Division-Central Office and all the Regional Offices to accept only the COGS issued and signed by PSME National President Leandro A. Conti for purposes of renewal of the PICs of the Professional Mechanical Engineers, Mechanical Engineers, and Certified Plant Mechanics. (emphasis supplied)

For strict compliance.

ANGELINE T. CHUA CHIACO
Acting Chairperson¹⁸

On March 7, 2016, the PSME filed a **petition for declaration of nullity of PRC Office Order No. 2016-56 which got raffled to RTC Manila–Br. 6.**¹⁹ The PSME posited that the aforesaid Order was contrary to Republic Act No. 8981²⁰ (RA 8981) which limits the power of the PRC to regulating the policies and practice of certain professions. The PRC did not have the authority to decide on who can sit as officers in a particular professional organization. Thus, it has no power to proclaim Engr. Conti as the 2016 PSME

¹⁸ PRC Letter dated February 10, 2016 (ANNEX “E” of the Petition for Review), *id.* at 96.

¹⁹ *Id.* at 18.

²⁰ PRC Modernization Act of 2000.

National President.²¹ More, Engr. Conti had no authority to sign the Certificates of Good Standing of the PSME members in 2016.

Meanwhile, **RTC Manila–Br. 24** rendered its Decision²² dated August 8, 2016 in the **intra-corporate dispute** declaring **valid** the November 22, 2015 Omnibus Resolution declaring the winners of the 2016 PSME National Board of Directors, but **void** the election of the 2016 PSME National Officers held on November 25, 2015 where Engr. Conti was declared as National President.²³ A writ of execution was thereafter issued on August 23, 2016.²⁴

Consequently, the PRC, through the Office of the Solicitor General (OSG), filed an Omnibus Motion to Dismiss the **petition for declaration of nullity of PRC Office Order No. 2016-56** pending before the **RTC Manila–Br. 6** on ground of mootness.²⁵ The PSME represented by Engr. Demdam filed its Comment/Opposition alleging that the complaint had not mooted the issue on the 2016 PSME National Presidency because the decision of the **RTC Manila–Br. 24** voided the election of Engr. Conti as the 2016 PSME National President.²⁶

The RTC's Ruling

By Resolution²⁷ dated August 31, 2017, the RTC Manila–Br. 6 **granted** the PRC's motion to dismiss. It ruled that the petition for declaration of nullity of PRC Office Order No. 2016-56 had been rendered moot and academic when the RTC Manila-Br. 24, in the intra-corporate case, affirmed the validity of the PSME Comelec Omnibus Resolution dated November 22, 2015 declaring Engr. Conti's group as winners in the 2016 PSME National Board of Directors. Thus, there was no more need to resolve the nullity complaint assailing PRC Office Order No. 2016- 56 which recognized Engr. Conti as the duly elected 2016 PSME National President.²⁸

In any event, under the *res judicata* concept, the judgment in the intra-corporate case barred the further adjudication of the nullity case.²⁹

The Court of Appeals' Ruling

On appeal, the Court of Appeals **reversed** under Decision³⁰ dated March 10, 2020.

The Court of Appeals held that RTC Manila-Br. 6 erred in dismissing the nullity case for being moot. The decision of the RTC Manila–Br. 24 in the

²¹ *Rollo*, p. 56.

²² Penned by Judge Maria Victoria A. Soriano-Villadolid. *Id.* at 121-141.

²³ *Id.* at 57.

²⁴ *Id.*

²⁵ *Id.* at 69.

²⁶ *Id.* at 57.

²⁷ Penned by Judge Jansen R. Rodriguez. *Id.* 147-149.

²⁸ *Id.* at 148.

²⁹ *Id.* at 148-149.

³⁰ *Id.* at 53-61.

intra-corporate dispute never declared Engr. Conti as the 2016 PSME National President. In fact, it declared **void** the 2016 PSME National Officers' election held on November 25, 2015 where Engr. Conti supposedly got elected as National President.³¹ Too, *res judicata* did not apply to the case below. There was neither identity of parties, causes of action, nor remedies prayed for. In the intra-corporate case, the parties were all PSME members while in the nullity case, the parties were the PSME through Engr. Demdam and the PRC including two (2) of its Commissioners. The subject matter in the former was the validity of the PSME-COMELEC's November 22, 2015 Omnibus Resolution, while the latter involved the nullity of the PRC Office Order No. 2016-56 recognizing Engr. Conti as the duly elected 2016 national president. Lastly, in the intra-corporate case, Engr. Conti and his group prayed that they be declared the duly elected 2016 PSME National Officers, while in the nullity case, Engr. Demdam prayed that PRC Office Order No. 2016-56 be declared void.³²

Consequently, the Court of Appeals remanded the petition for declaration of nullity of PRC Office Order No. 2016-56 to the RTC Manila-Br. 6 for resolution on the merits.³³

Per Resolution³⁴ dated September 21, 2020, petitioner's motion for reconsideration was denied.

The Present Petition

Petitioner through the OSG now seeks affirmative relief from the Court against the Court of Appeals' assailed dispositions. It claimed that the RTC Manila-Br. 6 correctly dismissed the petition for nullity **for being moot** since the PRC Office Order No. 2016-56 had been superseded by the decision of the RTC Manila-Br. 24 in the intra-corporate case.³⁵

Respondent, on the other hand, posits that the issue on the 2016 National Presidency has not all been mooted by the trial court's decision in the intra-corporate case.³⁶

Issue

Has the petition for declaration of nullity of PRC Office Order No. 2016-56 pending before the RTC Manila-Br. 6 been rendered moot in view of the decision of the RTC Manila-Br. 24 in the intra-corporate case declaring **void** the election of Engr. Conti as 2016 PSME National President?

³¹ *Id.* at 59.

³² *Id.* at 58-61.

³³ *Id.* at 61.

³⁴ *Id.* at 62-64.

³⁵ Petition for Review on *Certiorari* dated December 29, 2020, *id.* at 33-49.

³⁶ Comment/Opposition dated March 12, 2021, *id.* at 199-205.

Ruling

We grant the petition.

*So v. Tacla, Jr.*³⁷ decreed that a case becomes “moot” when it ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value. In such cases, courts of justice generally decline jurisdiction and no longer consider questions in which no actual interests are involved.³⁸ Courts will nonetheless decide cases, otherwise moot and academic, if: *first*, there is a grave violation of the Constitution; *second*, the exceptional character of the situation and the paramount public interest is involved; *third*, when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and *fourth*, the case is capable of repetition yet evading review.³⁹ None of these are present in this case.

Here, the petition for nullity pending before the RTC Manila–Br. 6 assailing the PRC Office Order No. 2016-56 insofar as it recognized Engr. Conti as the 2016 National President, is already moot. Consider:

First. There is no longer any justiciable controversy to be resolved here since the decision in the intra-corporate case has already rendered the PRC Office Order No. 2016-56 ineffective. In view of the decision of the RTC Manila–Br. 24 in the intra-corporate case declaring **void** the election of the 2016 PSME National Officers held on November 25, 2015 where Engr. Conti was declared as National President,⁴⁰ it follows that the PRC Office Order No. 2016-56 --- which recognized Engr. Conti as the 2016 PSME National President and official signatory in the Certificates of Good Standing of PSME members, is deemed cancelled. Thus, to still continue with the nullity case when no practical consequence will be achieved anyway is pointless. In effect, the Court can no longer grant any substantial relief to which the respondent may be entitled.⁴¹

Second. Respondent PSME will not obtain any actual or substantial relief in pursuing the declaration of nullity of PRC Office Order No. 2016-56. To recall, the subject of the PRC office order was merely to recognize Engr. Conti as the one who may sign and issue the Certificates of Good Standing which was then required of the PSME members for them to renew their Professional Identification Cards, *viz.*:

OFFICE ORDER No. 2016-56
Series of 2016

x x x x

³⁷ 648 Phil. 149, 163 (2010); citing *David v. Macapagal-Arroyo*, 522 Phil. 705, 753 (2006).

³⁸ *Vda. de Dabao v. Court of Appeals*, 469 Phil. 928, 937 (2004).

³⁹ *Quizon v. Commission on Elections*, 569 Phil. 323, 328-329 (2008).

⁴⁰ *Rollo*, p. 57.

⁴¹ *Portugues v. Candaba*, G.R. No. 176591 (Notice), March 25, 2019.

In light however of the ensuing conflict within the PSME leadership, the Commission extended recognition of Engr. Leandro A. Conti as the duly proclaimed National President pursuant to PSME COMELEC Resolution signed by its Chairman, Mr. Gilbert C. Fuentecilla, and Member, Mr. Reynaldo P. Uy, with the concurrence of another member, Mr. Ely P. Bagtasus.

On the basis of such recognition, the Commission hereby directs the Registration Division-Central Office and all the Regional Offices to accept only the COGs issued and signed by PSME National President Leandro A. Conti for purposes of renewal of the PICs of the Professional Mechanical Engineers, Mechanical Engineers, and Certified Plant Mechanics.⁴² (emphasis supplied)

Indeed, the PRC Office Order No. 2016-56 was only provisionally issued so that the renewal of the Professional Identification Cards of the PSME members will not be hampered despite the ongoing dispute among the PSME Board of Directors. The PRC was merely performing its mandate to administer and process the renewal of the identification cards of professionals under its jurisdiction. It would thus be absurd and illegal for the PRC to cease from processing the renewal of the professional licenses of mechanical engineers just because of the stand-off between the groups of Engr. Conti and Engr. Demdam. Clearly, the PRC Office Order No. 2016-56 was not issued and should not be interpreted to declare that Engr. Conti won as president during the 2016 PSME National Officers election.

At any rate, by letter dated February 5, 2016, the PRC had already clarified that the recognition was **“without” prejudice to the resolution of the pending case between the contending parties before the RTC Manila–Br. 24**, thus:

February 5, 2016

x x x x

The recognition was made in order to abate any confusion as to who is recognized by the Commission and to enable the PSME to carry out its functions and mandate as the Accredited Professional Organization for Mechanical Engineers. With this end on the mind of the Commission, they are therefore validly exercising a clear mandate from the law.

Similar to the case in 2007, the Commission recognizes the fact that the recognition issued by the Commission is without prejudice to the resolution of the pending case between the contending parties before the Branch 24 of the Regional Trial Court of Manila. x x x

As such, notwithstanding the petition for nullity before the RTC Manila–Br. 6, the PRC already signified its eventual adherence to the outcome of the intra-corporate case before RTC Manila–Br. 24.

⁴² PRC Letter dated February 10, 2016 (ANNEX “E” of the Petition for Review), *rollo*, p. 96.

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Further, as early as August 5, 2016, the PRC had issued Resolution No. 107 Series of 2016⁴³ suspending the implementation of the Certificate of Good Standing requirement for the renewal of the Professional Identification Cards of mechanical engineers and certified plant mechanics. This resolution, therefore, practically rendered ineffective the assailed PRC Office Order No. 2016-56 that was earlier issued on February 10, 2016.

Third. The 2016 National Officers' election had long taken place. PRC Office Order No. 2016-56 was further mooted when Engr. Conti got appointed as Chairman of the Professional Regulatory Board for Mechanical Engineers.⁴⁴ Too, since 2019, the incumbent PSME National President is already Engr. Jeffrey F. Singson.⁴⁵ The conclusion of the 2016 PSME National Election and the eventual appointment of the current set of officers in 2019 has now therefore removed any actual controversies between the parties. It has rendered the resolution of the nullity case superfluous. Thus, as ordained in *Philippine Sugar Institute v. Association of Philsugin Employees*⁴⁶ any decision upon the nullity case would serve no useful purpose⁴⁷ and the grant of any actual substantial relief is no longer feasible.

Simply put, no practical relief can be granted by the Court in this case. It would therefore be unnecessary to indulge in further academic discussion here since a judgment on the petition for nullity of PRC Office Order No. 2016-56 will not have any practical effect, or in the nature of things, cannot be enforced.⁴⁸

So must it be.

ACCORDINGLY, the petition is **GRANTED**. The Decision dated March 10, 2020 and Resolution dated September 21, 2020 of the Court of Appeals in CA-G.R. CV No. 110943 are **REVERSED** and **SET ASIDE**. Civil Case No. 16-135469 entitled "*Philippine Society of Mechanical Engineers represented by its incumbent President Murry F. Demdam v. Professional Regulation Commission, Acting Chairperson Angeline T. Chua Chiacco, Commissioner Yolanda Reyes*" is **DISMISSED** for being moot.

SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

⁴³ SUSPENSION OF THE IMPLEMENTATION OF THE AIPO CERTIFICATE OF GOOD STANDING (COGS) AND CONTINUING PROFESSION DEVELOPMENT (CPD) REQUIREMENTS IN THE RENEWAL OF THE PROFESSIONAL IDENTIFICATION CARDS (PICs) OF PROFESSIONAL MECHANICAL ENGINEERS (PMEs), MECHANICAL ENGINEERS (MEs), AND CERTIFIED PLANT MECHANICS (CPMS) dated August 5, 2016; *rollo*, pp. 188-189.

⁴⁴ <https://www.prc.gov.ph/mechanical-engineering>; <last accessed: July 22, 2021>.

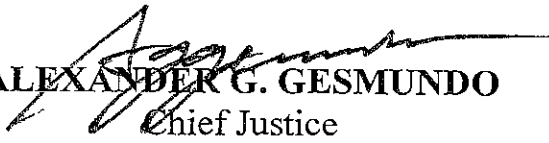
⁴⁵ <https://psme.org.ph/page/BOD>; <last accessed: July 22, 2021>.

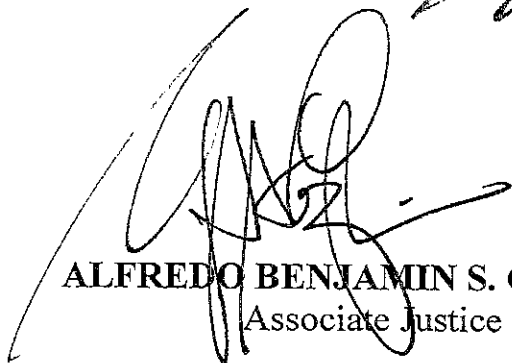
⁴⁶ 201 Phil. 416 (1982).

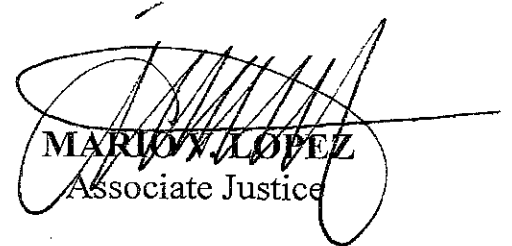
⁴⁷ *Id.*

⁴⁸ *Torm Shipping Philippines, Inc. v. Alacre*, G.R. No. 229228, January 26, 2021.

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

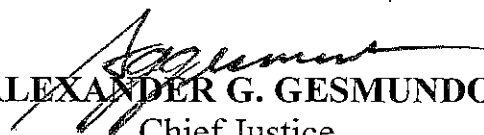

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


MARIO V. LOPEZ
Associate Justice


JHOSEP V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

