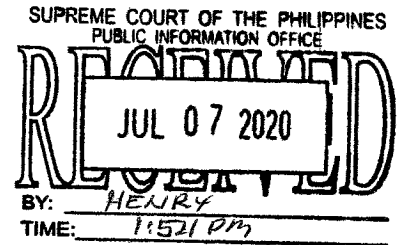




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 4, 2020**, which reads as follows:

“G.R. No. 199828 (The Interim Board Members of ZAMECO II headed by Engr. Dominador Gallardo and OIC General Manager Alvin Farrales v. Fidel S. Correa, Cleofe A. Lacuesta, Jose M. Gutierrez, Nolasco T. Cruz, Eddie D. Gutierrez, Mary Ann G. Venzon and Bernardo D. Tiong). – We **DENY** the appeal filed by the petitioners for failure to prove that the Court of Appeals (CA) committed any reversible error in rendering its May 11, 2011 Resolution,¹ whereby the CA dismissed the Petition for *Certiorari* because the petitioners had an available remedy.

Indeed, Section 1, Rule 65 of the Rules of Court provides that the Writ of *Certiorari* may only be availed of when “*there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law.*” Since the petitioners availed of a Motion for Reconsideration without waiting for the lower court to dispose the matter, they are precluded from filing a Petition for *Certiorari*.

The petitioners, however, claimed that the Motion for Reconsideration may be dispensed with because the matter involved an “*urgency of the need of the petitioners to get hold of the funds*”² under the account of Zambales Electric Cooperative II (*ZAMECO II*) which the banks had refused to release in their favor. However, the petitioners failed to present proof that the operations of *ZAMECO II* and the interest of its stakeholders had been, or would be, extremely prejudiced while the matter of injunction is pending resolution by the lower court.

Finally, the Court notes that the petitioners were appointed as interim members of the Board of Directors until October 12, 2009, and that they failed to present proof that their appointment had been extended. As such, this case had already become moot and academic because the lifetime of the Writ of Preliminary Injunction was co-extensive with the duration of the act sought to

¹ *Rollo*, pp. 26-27; penned by Associate Justice Ricardo R. Rosario with Associate Justices Hakim S. Abdulwahid and Danton Q. Bueser, concurring.

² *Id.* at 21.

be prohibited.³ Moot and academic cases cease to present any justiciable controversies by virtue of supervening events, and the courts of law will not determine moot questions, for the courts should not engage in academic declarations and determine a moot question.⁴

ACCORDINGLY, the Court **DENIES** the petition for lack of merit and **AFFIRMS** the Resolutions rendered by the Court of Appeals on May 11, 2011 and December 5, 2011⁵ dismissing the Petition for *Certiorari* in CA-G.R. SP No. 116961.

SO ORDERED.”

Very truly yours,

Misa DC Batt
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Division Clerk of Court *9/6/20*

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 74, Olongapo City
(Civil Case No. 163-0-09)

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³ See *Barayuga v. Adventist University of the Philippines*, 671 Phil. 403, 416 (2011).

⁴ *Id.* at 417.

⁵ *Rollo*, p. 40.