

ATTY. SILVESTRE H. BELLO III, COMPLAINANT, VS. ATTYS. JOSE ANSELMO I. CADIZ AND ESTELITA D. CORDERO, RESPONDENTS.

B.M. No. 1491. November 28, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

In a “Letter-Complaint/Petition/Request for Issuance of TRO”[1] dated 16 June 2005, addressed to Atty. Ma. Cristina B. Layusa, Deputy Clerk of Court and Bar Confidant, Atty. Silvestre H. Bello III (Atty. Bello), through the latter’s counsel, Yulo & Bello Law Offices, filed an administrative complaint against Atty. Jose Anselmo I. Cadiz (Atty. Cadiz), then National President of the Integrated Bar of the Philippines (IBP), the members of the IBP Board of Governors, Atty. Estelita Cordero (Atty. Cordero) “and any and all officers, employees and agents acting on their behalf, on account of the imminent nullification of the election of Atty. Bello as IBP Governor for Northern Luzon x x x.”[2]

From the records of the case, the following facts are undisputed:

On 26 February 2005, Atty. Bello was elected President of IBP Isabela Chapter during the election of its officers. Thereafter, he was nominated by the same chapter for Governor for the region of Northern Luzon. In the election for Governor for the pertinent region held on 4 June 2005, Atty. Bello won and was proclaimed as the Governor-elect for IBP Northern Luzon. Respondent Atty. Cordero, President of IBP Ilocos Sur Chapter, on the other hand, got the second highest number of votes.

On 6 June 2005, Atty. Cordero initiated an election protest. She moved for Atty. Bello’s disqualification to run for IBP Governor for Northern Luzon Region and the nullification of his subsequent election to that position, on the allegation that Atty. Bello is not a bonafide member of IBP Isabela Chapter, the latter being supposedly still a member of IBP Davao Chapter.

In a certification[3] dated 16 June 2005, Atty. Leonard de Vera, IBP National Executive Vice-President, certified that, by a vote of 6-3, the IBP Board of Governors resolved to (1) nullify the election of Atty. Bello III as Governor-elect for Northern Luzon on the ground that he was not a member of Isabela Chapter on the date of his election; and (2) declare Atty. Cordero as the Governor-elect for Northern Luzon.

Hence, Atty. Bello’s letter-complaint. He alleged that with the protest filed by Atty. Cordero on 6 June 2005, there was, essentially, an imminent danger that his election would be nullified. As a consequence thereto, he would be deprived of the chance to run for the position of National Executive Vice-President scheduled on 18 June 2005. He prays for a TRO to enjoin the holding of the said election pending the resolution of his administrative complaint.

On 21 June 2005, this Court resolved[4] to require Attys. Cadiz and Cordero, herein respondents, to file their separate comments on the letter-complaint.

In compliance with said Resolution, on 13 July 2005, Atty. Cordero filed her Comment to the letter-complaint.

She stated that she had been declared as the duly elected Governor for Northern Luzon as a result of the disqualification of Atty. Bello and on the basis of her garnering the second highest number of votes in the subject election.

For its part, the IBP Board of Governors, with Atty. Cadiz as National President, argued[5] that that the letter-complaint was in actuality a petition for certiorari under Rule 65, which failed to follow the basic requirements enunciated therein[6]; that except for 1997, Atty. Silvestre H. Bello, Jr. consistently paid his annual membership dues to the National Office of the Integrated Bar of the Philippines (IBP) in behalf of the Davao City Chapter from 1995 up to the present[7]; that the National Office of the Integrated Bar of the Philippines (IBP), the repository of the law list, was never informed of the supposed transfer of Atty. Silvestre H. Bello, Jr.; that no certification was issued by the secretary of the IBP Isabela Chapter of the supposed transfer of Atty. Bello in 1995, contrary to the requirements of Section 2 of the IBP Chapter By-Laws; that from the year 1995 up to the year 2005, the Davao City Chapter consistently received the chapter share of the annual membership dues of Atty. Bello, in other words, the Isabela Chapter did not receive any share in Atty. Bello's membership dues during that period[8]; and, considering that the votes cast in behalf of Atty. Bello during the Governor's Election last 4 June 2005 were stray votes, Atty. Estelita Cordero of the IBP Ilocos Sur Chapter who garnered the second highest number of votes, was proclaimed as the Governor of IBP Northern Luzon Region.[9]

In Reply[10] to the foregoing arguments, Atty. Bello insisted that the effort of his law office to update his yearly dues should not be construed to deny him membership in the IBP Isabela Chapter. He reiterated that he had already transferred to the Isabela Chapter way back in 1995 and that he had already sought to rectify the miscrediting of his dues to the Davao Chapter, but respondents Atty. Cadiz and the IBP Board of Governors refused to acknowledge such transfer notwithstanding the entry in the IBP National Law List showing him to be a member of the IBP Isabela Chapter.

In a letter dated 2 May 2006, addressed to then Chief Justice Artemio V. Panganiban, Atty. Cordero informed this Court of the assumption of office by Atty. Bello as General Manager of the Philippine Reclamation Authority[11] (PRA). She then moved that, in view of said appointment of Atty. Bello to a sensitive government position, she be allowed to take her oath as Governor for IBP Northern Luzon, assume the position and perform the duties and obligations pertinent thereto.

In the interregnum, there was an interminable exchange of pleadings by the parties hereto, each striving to justify their respective positions.

Bearing in mind the interval of time that has already lapsed, however, on 27 February 2007, this Court resolved to require the IBP to manifest or inform us whether or not there has been a change in the situation of the parties. On 14 August 2007,[12] this Court again obliged the IBP to manifest and inform us whether or not the 2007 IBP Elections for Governor for Northern Luzon had already been conducted; and in the event that it had been conducted, to manifest the result as well.

In compliance with the foregoing Resolution of this Court sitting En Banc, on 5 October 2007, Atty. Ma. Teresa M. Trinidad, National Secretary of the IBP, manifested that, based on the records of the IBP, the 2007 IBP Elections for the position of Governor for Northern Luzon had already been conducted on 21 April 2007. As a result of the voting conducted thereon, a new Governor for Northern Luzon was elected and proclaimed in the person of Atty. Abelardo Estrada (Atty. Estrada), who will sit as such for the term 2007-2009. The election and proclamation of Atty. Estrada as the new Governor-elect has been certified[13] by Hon. Edilberto T. Claravall, Executive Judge of the Regional Trial Court, Baguio City, and the Official Court Observer during the subject 2007 IBP Regional Elections.

In light of the foregoing development, this Court dismisses the present complaint on the ground of mootness.

As a result of the conduct of the 2007 IBP Elections for Governor for Northern Luzon, as well as the proclamation of the winner therein, the present complaint of Atty. Bello has been rendered academic or irrelevant. With the expiration of the tenure of the contested position subject of the present complaint, no practical or useful purpose would be served by passing on the merits of the contentions of the parties to the controversy. And this Court finds it unnecessary to indulge in academic discussion of a case presenting a moot question,[14] as a judgment thereon cannot have any practical legal effect or, in the nature of things, cannot be enforced.[15] Stated otherwise, this Court will not determine a moot question in a case in which no practical relief can be granted.[16]

NOW, THEREFORE, BE IT RESOLVED, as it is hereby Resolved, in accordance with the following discussion, that the present complaint of Atty. Silvestre H. Bello III is hereby DISMISSED on the ground of mootness. No costs.

SO ORDERED.

Ynares-Santiago, Acting C.J., Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Velasco, Jr., Nachura, and Reyes, JJ., concur.
Puno, C.J., and Quisumbing, J., on official leave.

* On official leave.

** Acting Chief Justice.

[1] Rollo, pp. 1-8.

[2] Id. at 1.

[3] Id. at 25.

[4] Id. at 66.

[5] Id. at 93-101.

[6] Id. at 93.

[7] Id.

[8] Id. at 94.

[9] Id.

[10] Id. at 162-169.

[11] Formerly Philippine Estates Authority.

[12] Rollo, p. 365.

[13] Id. at 379-380.

[14] Pepsi-Cola Products Philippines, Inc. v. Secretary of Labor, 371 Phil. 30, 43 (1999).

[15] Lanuza, Jr. v. Yuchengco, G.R. No. 157033, 28 March 2005, 454 SCRA 130, 138 (2005).

[16] Villarico v. Court of Appeals, 424 Phil. 26, 33-34 (2002).

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