

**PHILIPPINE SUGAR RESEARCH INSTITUTE FOUNDATION, INC.
(PHILSURIN), PETITIONER, VS. HON. BERNHARD B. BELTRAN, IN HIS
CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT
OF NAG...**

Ponente: CORALES, J.

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CORALES, J.:

This Petition for Certiorari and Prohibition[1] under Rule 65 of the Rules of Court seeks to annul and set aside the November 14, 2011[2] and February 28, 2012[3] Orders of the Regional Trial Court, Branch 24, Naga City (RTC Naga City) in Special Civil Case No. 2011-0061 which respectively denied the motion to dismiss filed by petitioner Philippine Sugar Research Institute Foundation, Inc. (PHILSURIN) and its subsequent motion for reconsideration.

The Antecedents

On September 14, 1995, the Sugar Regulatory Administration (SRA) issued Sugar Order No. 2, series of 1995-1996, as extended (Sugar Order No. 2),[4] imposing a lien of P2.00 on every LKG-Bag of raw sugar quedan-permit and on any other form of sugar, starting September 11, 1995 until August 31, 2005, in order to fund PHILSURIN.

On March 2, 2004, PHILSURIN lodged a complaint[5] for sum of money, docketed as Civil Case No. 04-239 (Makati City Case) and raffled to RTC, Branch 56, Makati City (RTC, Makati City), in order to collect from Peñafrancia Sugar Mill, Inc. (PENSUMIL) the lien imposed by Sugar Order No. 2 amounting to P2,378,338.16. PENSUMIL denied any liability thereto and disputed PHILSURIN's right to collect the lien provided in Sugar Order No. 2.[6] It also filed a Demurrer to Evidence[7] (demurrer) which was subsequently denied by the RTC, Makati City.

PENSUMIL later on filed before the RTC, Naga City a petition for prohibition and injunction (Naga City case) challenging the constitutionality of Sugar Order No. 2.[8] PHILSURIN and SRA were impleaded as respondents in the said case. Both respondents moved for the dismissal of this petition alleging that PENSUMIL committed forum shopping considering that the issues and causes of action in the Naga City case and the concurrently pending Makati City case are similar and the resolution of either would constitute res judicata to the other case.[9]

On the other hand, PENSUMIL moved for the suspension of the proceedings therein in view of the pendency of the Naga City case.[10]

The Ruling of the RTC Naga

In its November 14, 2011 Order,¹¹ the RTC Naga City denied PHILSURIN and SRA's respective motion to dismiss. The dispositive portion of this Order reads:

IN THE LIGHT OF THE FOREGOING, since the circumstances in this case do not fall squarely within the

concept of forum-shopping, the motions to dismiss filed by defendants PHILSURIN and SRA are hereby DENIED.

Let the hearing concerning the prayer for the issuance of the writ of preliminary injunction be set on December 12, 2011 at 8:30 o'clock in the morning.

x x x

PHILSURIN sought reconsideration[12] but the RTC denied the same through its February 28, 2012 Order.[13] Hence, this petition anchored on the following grounds:

25.1. THE REGIONAL TRIAL COURT OF NAGA CITY, BRANCH 24, COMMITTED GRAVE ERROR, AS WELL AS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION, IN CONCLUDING THAT PENSUMIL HAS NOT COMMITTED FORUM SHOPPING.

25.2. THE REGIONAL TRIAL COURT OF NAGA CITY, BRANCH 24, COMMITTED GRAVE ERROR, AS WELL AS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION, IN FINDING THAT THERE IS NO IDENTITY OF PARTIES IN THE NAGA CASE AND THE MAKATI CASE.

25.3. THE REGIONAL TRIAL COURT OF NAGA CITY, BRANCH 24, COMMITTED GRAVE ERROR, AS WELL AS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION, IN FINDING THAT NEITHER IS THERE IDENTITY OF ISSUES OR RELIEFS PRAYED FOR IN THE NAGA CASE AND THE MAKATI CASE.

PHILSURIN reiterates its argument as to the existence of forum shopping and claims that the validity of Sugar Order No. 2 has been raised by PENSUMIL as a counterclaim in the Makati City case yet it still filed the Naga City case which also challenged the legality of said order. It insists that there is an identity of parties between the Naga City and Makati City cases despite the inclusion of SRA as respondent in the Naga City case considering that these two (2) respondents share a community of interests in upholding Sugar Order No. 2.[14]

For its part, PENSUMIL contends that in its pleadings in the Makati City case, it has not specifically prayed for the invalidation of Sugar Order No. 2. It allegedly filed the Naga City case to directly attack the legality of Sugar Order No. 2 which could not be properly made in the Makati City case. It also argues that the parties involved, the rights asserted, and the reliefs sought in the two cases are different from each other and the issues raised therein, while possibly related, are still distinct, so that a decision in either case would not constitute *res judicata* in the other.[15]

On November 20, 2012, We already denied PHILSURIN's application for issuance of temporary restraining order and/or writ of preliminary injunction.[16]

Meanwhile, the SRA filed its own petition for certiorari and prohibition, docketed as CA-G.R. SP No. 124158, to assail the denial of its motion to dismiss. On April 19, 2013, the Fourth Division of this Court granted SRA's petition for certiorari. It nullified the November 14, 2011 and February 28, 2012 Orders of RTC Naga City and ordered the dismissal of PENSUMIL's petition for prohibition and injunction.[17] PENSUMIL elevated the case to the Supreme Court via petition for review on certiorari, docketed as G.R. No. 208660, entitled "Peñafrancia Sugar Mill, Inc. v. Sugar Regulatory Administration." Pending further developments, the RTC Naga City held in abeyance the proceedings before it.[18]

In the interim, the SRA issued Sugar Order No. 5, series of 2013-2014 (Sugar Order No. 5)[19] which expressly revoked Sugar Order No. 2 and directed mill companies to cease collecting the lien.[20] Citing this supervening

event, the Supreme Court in its March 5, 2014 Resolution resolved to dismiss G.R. No. 208660 for being moot and academic.[21]

This Court's Ruling

The enactment of Sugar Order No. 5, series of 2013-2014, which was considered by the Supreme Court in disposing of G.R. No. 208660, also rendered this petition moot and academic. The following disquisition in G.R. No. 208660 is apt:

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness. This is because the judgment will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.

In this case, the supervening issuance of Sugar Order No. 5, s. of 2013-2014 which revoked the effectivity of the Assailed Sugar Orders has mooted the main issue in the case a quo – that is the validity of the Assailed Sugar Orders. Thus, in view of this circumstance, resolving the procedural issue on forum-shopping as herein raised would not afford the parties any substantial relief or have any practical legal effect on the case.

On the basis of the foregoing, the Court finds it appropriate to abstain from passing upon the merits of this case where legal relief is no longer needed nor called for. (Citations omitted; emphasis supplied).

We find no reason to depart from the foregoing ratiocination of the Supreme Court. No other legal purpose could be served if We are going to rule on the propriety of the November 14, 2011 and February 28, 2012 Orders of the RTC Naga City denying PHILSURIN's motion to dismiss on the ground of forum shopping. Well-settled is the rule that a court will not determine a moot question or an abstract proposition, or express an opinion in a case in which practical relief can no longer be granted, it being unnecessary to indulge in such an academic discussion.[22]

WHEREFORE, the instant petition for certiorari and prohibition is hereby **DISMISSED** for being moot and academic.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Villon, J., Chairperson and Macalino, JJ., concur.

[1] Rollo, pages 3-24.

[2] Penned by Presiding Judge Bernhard B. Beltran, *ibid.*, pages 30-33.

[3] *Ibid.*, pages 28-29.

[4] See Sugar Order No. 2, *ibid.*, pages 87-88.

[5] See Complaint, *ibid.*, pages 100-104.

- [6] See Answer with Counterclaims, *ibid.*, pages 113-120.
- [7] *Ibid.*, pages 37-57.
- [8] See Petition for Prohibition and Injunction, *ibid.*, pages 62-83.
- [9] See Motion to Dismiss, *ibid.*, pages 91-98.
- [10] See Motion to Suspend Proceedings, *ibid.*, pages 58-61.
- [11] *Supra*, at note 2.
- [12] See Motion for Reconsideration, *rollo*, pages 137-155.
- [13] *Supra*, at note 3.
- [14] See Petition, Reply, and Memorandum, *rollo*, pages 3-24, 239-252, and 283-304, respectively.
- [15] See Comment and Memorandum for PENSUMIL, *ibid.*, pages 202-218 and 259-273, respectively.
- [16] See November 20, 2012 Resolution, penned by Associate Justice Vicente S.E. Veloso with the concurrence of Associate Justices Jane Aurora C. Lantion and Eduardo B. Peralta, Jr., *ibid.*, pages 221-222.
- [17] See April 10, 2013 Decision in CA-G.R. SP No. 124158, penned by Associate Justice Amelita G. Tolentino with the concurrence of Associate Justices Ramon R. Garcia and Danton Q. Bueser, Annex “B” of the Memorandum, *ibid.*, pages 308-315.
- [18] See May 20, 2013 Order, Annex “A” of the Memorandum, *ibid.*, page 307.
- [19] See Manifestation, *ibid.*, pages 316-320.
- [20] See Sugar Order No. 5, Annex “A” of the Manifestation, *ibid.*, page 321.
- [21] <http://sc.judiciary.gov.ph/jurisprudence/2014/toc/march.php>
- [22] See *Barayuga v. Adventist University*, G.R. No. 168008. August 17, 2011; *Oania v. People*, G.R. No. 150537. July 4, 2007.

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