



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 December 2020** which reads as follows:*

“G.R. No. 205545 (*Antenor Tulay Dominguez v. Manuela Corporation, Rehabilitation Receiver Marilou O. Adea, Securities and Exchange Commission, Union Bank of the Philippines, Allied Bank Corporation and RCBC Savings Bank*). – The petition assails the dispositions of the Court of Appeals which affirmed the trial court’s orders in the rehabilitation proceedings specifically those affecting the money claims of petitioner Antenor Tulay Dominguez (Dominguez) in the labor case below. Meantime, the rehabilitation proceedings got terminated, and the rehabilitation receiver, discharged from her duties as such. This means that whatever claims Dominguez has against Manuela Corporation (Manuela) in this case can no longer be enforced in the terminated rehabilitation proceedings. Notably, Manuela is no longer under rehabilitation as it has successfully transitioned and returned to its ordinary course of business.

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. Consequently, 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.¹ So must it be in the present case.

¹ *Peñafrancia Sugar Mill, Inc. vs. Sugar Regulatory Administration*, 728 Phil. 535, 540 (2014).

Nonetheless, all is not lost for Dominguez. The rehabilitation court found that Manuela was not financially distressed after all. It still has sufficient assets to meet its other liabilities, including the money judgment in favor of Dominguez and Elisa P. Escobar (Escobar). Notably, this money judgment had been included in the list of “going concerns” submitted by the rehabilitation receiver to the trial court, *viz.* :

4.0 Pending at the Courts

The following issues are still pending with the Courts and in the opinion of the Receiver will not deter nor affect materially and financially the viability of the Petitioner in going back as a “going concern”. A synopsis of each is enumerated:

x x x x

4.2 At the Court of Appeals

4.2.1 9th Division

(Civil Case No. LP 02-0028)

Antenor T. Dominguez

Elisa P. Escobar, Petitioners

C.A. G.R. SP No. 81816 RE: Petition for Annulment and/or Declaration of Nullity of Stay Order, etc. and for Damages with Prayer for TRO

Date Filed : January 26, 2004

Nature of Petition: Antenor R. Dominguez and Elisa P. Escobar filed at the Court of Appeals this petition for annulment of judgment under Rule 47 of the 1997 Rules of Civil Procedure and/or a Petition for Declaration of [N]ullity. The Receiver came to know of the existence of the labor claims of Antenor R. Dominguez and Elisa P. Escobar through the filing of this petition at the Court of Appeals.

On February 4, 2009, the Rehabilitation Receiver filed a Motion to Resolve.

On [October] 27, 2009, a Resolution was issued by the Court of Appeals to refer the case to the Philippine Mediation Center (PMC) for mediation.

On June 1, 2010, the Rehabilitation Receiver filed its Second Motion to Resolve.

On June 23, 2010, Dominguez and Escobar filed a Request for Admission of certain “matters”.

On July 2010 & July 21, 2010, the Rehabilitation Receiver and Petitioner filed their respective Objections to the Request for Admission.

Status: Pending

The Supreme Court issued on November 4, 2003 an entry of [j]udgment declaring the payment of the following amount as final and executory:

A[n]tenor T. Dominguez	Php 2,054,550.86
Elisa P. Escobar	15,479.24

	Php 2,070,030.10

The Petitioner’s formal proposal to pay said amount upon termination of proceedings is attached as ANNEX “D”.

x x x x

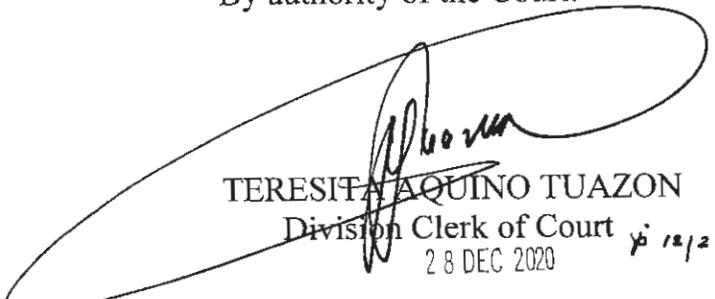
5.0 The freeing of the assets of the Petitioner from the stranglehold of the admitted secured creditors heralds the return of the Petitioner to a “going concern” status. Thus, whatever liabilities remain outstanding upon termination of proceedings will be paid by Petitioner within the ordinary course of business as a going concern, xxx.²

Suffice it to state that Manuela, too, has invariably acknowledged the money judgment and signified its willingness to pay the same. All Dominguez has to do is pursue its enforcement before the labor arbiter.

WHEREFORE, the petition is **DENIED** on ground of mootness.

SO ORDERED.” (Rosario, J., additional member per S.O. No. 2797 dated November 5, 2020; Perlas-Bernabe, SAJ, on official leave)

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court
28 DEC 2020

² Rollo, pp. 298-301.

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