

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
BRANCH 24, MANILA

ENGRS. LEANDRO A. CONTI,
JAIME JAJAY E. CRUZ, AND
VITALIANO F. MAMAWAL, III
Plaintiffs,

-versus-

CIVIL CASE NO. 15-135040

ENGRS. PABLITO C. OCAMPO,
MURRY F. DEMDAM, ROLANDO
C. SO, LEONARDO M. COMETA,
MANUEL L. PAULINO, ROGELIO
G. REYES, EDGARDO C.
CAMERING, LORENZO P.
LARION, LORETO G. CATALAN,
NARDITO M. CORNELIO, JR.,
WILLY C. BERMUDEZ,
EMMANUEL Y. DELA CRUZ,
DIOSDADO FETALVERO,
FELICIANO C. PERATER, JR. AND
ERNESTO J. CASIS,

Defendants.

x-----x

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ORDER

For resolution is the *Omnibus Motion* dated 31 August 2016 filed by plaintiffs Engineers Leandro A. Conti, Jaime Jajay E. Cruz, and Vitaliano F. Mawawal III praying for the following reliefs:

- a. Confirming that only the election of the 2016 PSME National Officers held on 25 November 2015 was declared void by the Honorable Court and that all the other actions of Plaintiffs Engrs. pursuant to the Omnibus Resolution dated 22 November 2016 are unaffected and therefore valid and binding, including the election held on 12 March 2016;



b. Declaring as invalid the supposed election of national officers held by Defendants Engrs. on 30 August 2016;

c. Directing the establishment of a Management Committee to secure the remaining funds of the PSME and to audit the disbursement of funds made by Defendants Engrs. amounting to at least Twenty Eight Million Pesos (₱28, 000,000.00).

The first two (2) reliefs sought are based on alleged facts occurring from January 2016 to 12 March 2016 which resulted to the purported removal from the PSME Board of Directors of defendants Engrs. Leonardo M. Cometa, Edgardo C. Camering, Nardito M. Cornelio, Jr., Diosdado F. Fetalvero, Murry F. Demdam, and Willy C. Bermudez ("defendants Cometa, *et. al.*"), the appointment of new directors to replace said defendants, and the subsequent election by the new set of board of directors of a new set of officers. Plaintiffs claim that despite the foregoing defendants Cometa, *et. al.* called for another election of officers on 30 August 2016.

The third claim is founded on plaintiffs' allegation that defendants Cometa, *et. al.* unlawfully disbursed Twenty Eight Million Pesos (₱28,000,000.00) from the coffers of PSME since they unlawfully assumed office as illegitimate board of directors.


Defendants filed a *Vehement Opposition (to Plaintiffs' Omnibus Motion dated 31 August 2016)* dated 21 September 2016.

It is clear from the Decision dated 8 August 2016 that the Court held valid the Omnibus Resolution passed on 22 November 2015 declaring the winners of the 2016 PSME National Board of Directors as follows:

National Capital Region

- (1) Leandro A. Conti
- (2) Jaime Jayjay E. Cruz
- (3) Edgardo C. Camering
- (4) Vitaliano F. Mamawal III
- (5) Murry F. Demdam

North Luzon Region

- (1) Willy C. Bermudez
 - (2) Diosdado F. Fetalvero
- 

South Luzon Region

- (1) Leonardo M. Cometa
- (2) Nardito M. Cornelio, Jr.

Visayas Region

- (1) Lemie S. Leonida
- (2) Joemarie A. Arib
- (3) Alipio N. Bacalso, Jr.

Mindanao Region

- (1) Roberto E. Sollano
- (2) Robert S. Dy
- (3) Alan E. Rufila

By such Decision, **only** the acts of the above individuals, which includes defendants Cometa, *et. al.*, **acting as a board** are likewise valid.

The matters raised by the plaintiffs in their Omnibus Motion and the issues relative thereto were never raised and litigated in this case. Plaintiffs cannot now raise said issues when the proceedings had long been terminated and a decision was already rendered in this case. Plaintiffs, therefore, cannot seek relief for the alleged new matters through the instant case.

Aside from raising matters which are beyond the scope of this case, through the Omnibus Motion, plaintiffs effectively seek to expand or modify the 8 August 2016 Decision of this Court. Said Decision became final and executory, no appeal having been filed by any of the parties.

WHEREFORE, the *Omnibus Motion* dated 31 August 2016 is DENIED.

SO ORDERED.

City of Manila, Philippines, 4 October 2016.



MARIA VICTORIA A. SORIANO-VILLADOLID
Presiding Judge

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