

Republic of the Philippines
REGIONAL TRIAL COURT
National Capital Judicial Region
Branch 22, Manila

PHILIPPINE INSTITUTE OF CIVIL
ENGINEERS, INC., and LEO CLETO
SAMOLO,

Petitioners,

-versus-

Civil Case No. 05-112502

THE HONORABLE HERMOGENES
EBDANE, JR., in his capacity as the
SECRETARY OF PUBLIC WORKS
AND HIGHWAYS,

Respondents.

UNITED ARCHITECTS OF THE
PHILIPPINES,

Respondent-Intevenor,

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
MANILA

DATE JUN 25 2009

CERTIFIED TRUE COPY:

JUNIFER H. DELA CRUZ BUENDIA
JUNIFER H. DELA CRUZ BUENDIA

Clerk of Court VII
& Ex-Officio Sheriff

ORDER

Part of the record is the Motion for Reconsideration filed by petitioners of the
Decision of the Court dated January 29, 2008, the dispositive portion of which states:

"WHEREFORE, the instant Petition is hereby DISMISSED, and the Writ of
Preliminary Injunction issued, is hereby lifted or dissolved."

On April 1, 2008, respondent - intervenor United Architects of the Philippines
(UAP), thru counsel, filed its Opposition (To Petitioners' Motion for Reconsideration).

Petitioners filed their Reply to the opposition on April 29, 2008, while respondent
- intervenor filed its Rejoinder on Petitioner's Reply on May 9, 2008.

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On May 16, 2008, respondent Secretary of Public Works and Highways, thru counsel, filed its Comment on the Motion for Reconsideration.

Pursuant to the order on March 7, 2008, both petitioners and respondent-intervenor filed their respective memorandums on June 30, 2008 and June 13, 2008, respectively.

On July 18, 2008, petitioners filed a manifestation on the dismissal of the Civil Case No. Q-05-55273 before Branch 219 of the Regional Trial Court of Quezon City.

On August 6, 2008, the Court granted the motion for leave to file the Reply-Memorandum of respondent-intervenor, United Architects of the Philippines (UAP).

Petitioners, in response thereto filed a Rejoinder on September 17, 2008.

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On December 22, 2008, petitioners filed a Motion to Admit Supplemental Motion for Reconsideration.

At the hearing on January 9, 2009, the Court ordered the respondents to file its comment and petitioners, their reply.

On January 26, 2009, respondent-intervenor filed its opposition. Petitioners, on the other hand, filed their Reply on February 9, 2009. In lieu of a Rejoinder, respondent-intervenor opted to file a Manifestation on February 24, 2009.

In the order of April 3, 2009, all incidents were considered submitted for resolution.

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There are two pending incidents in this case — the motion for reconsideration and the motion to admit supplemental motion for reconsideration, both filed by petitioners.

1. Relative to the motion for reconsideration, the Court, after a careful evaluation of the allegations contained in the pleadings, and considering that no new matters were raised and that the grounds and arguments advanced by petitioners in their motion for reconsideration are mere reiterations of those raised in the trial, resolves to deny the motion for reconsideration for lack of merit.

2. With respect to the motion to admit supplemental motion for reconsideration, and supplemental motion for reconsideration, petitioners contend, among others, that official acts of the legislative, executive and judicial departments are subject to mandatory judicial notice citing Section 1, Rule 129 of the Rules of Court, more particularly the explanatory note of former Sen. Robert Jaworski on Senate Bill 2590 [page 1 of Annex 2 of the Supplemental Motion for Reconsideration], the proposed Civil Engineering Law [page 2 of Annex 2 of the Supplemental Motion for Reconsideration], which however did not become a law, and one of the drafts of the IRR [Annex 3 of the Supplemental Motion for Reconsideration] but was not included in the final IDD. The bill reiterated the scope of authority of civil engineers in R.A. 544 (Civil Engineering Law) and PD 1096 (National Building Code). Petitioners also pointed to Sec. 43 of RA 9266 (Architecture Act of 2004), providing that the "Act shall not be construed to affect or prevent the practice of any other legally recognized profession."; and thus pray for the declaration of Sec. 302 [3] and [4] as null and void, the issuance of permanent injunction on the implementation thereof, and declaring that civil engineers have the right to prepare, sign and seal plans and specifications enumerated in Sec. 302 [3] and [4] of the new IRR.

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[Signature]
JUNEFERRA DELA CRUZ BUENDIA
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Respondent-intervenor on the other hand, contends that the motion is filed out of time, and that the legislative explanatory notes in Senate Bill 2590 and one of the drafts of the new IRR are not official acts of the legislative, executive and judicial departments, as they are mere documents with no binding or legal effect whatsoever.

3. The Court, after considering the motion to admit supplemental motion for reconsideration and the pleadings subsequently filed by the contending parties, finds no cogent reason to grant the same. Furthermore, the grounds of the supplemental motion sought to be admitted will have no effect on the resolution of the motion for reconsideration as the documentary evidence sought to be introduced may no longer be considered at this late stage of the proceedings, and even if admitted and considered by the Court, may not have any binding or legal effect whatsoever as pointed out by respondent-intervenor as they are mere drafts and proposals which did not ripened into rules and laws.

WHEREFORE, the motion for reconsideration and the motion to admit supplemental motion for reconsideration are hereby denied.

SO ORDERED.

Manila, May 4, 2009.



MARINO M. DELA CRUZ, JR.
Presiding Judge



/zac

Copy furnished: *177 6-18-09*

1. Tagle-Chua Cruz & Aquino
2. Poblador Bautista & Reyes
3. The Office of the Solicitor General

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BRANCH CLERK OF COURT *zsa*

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