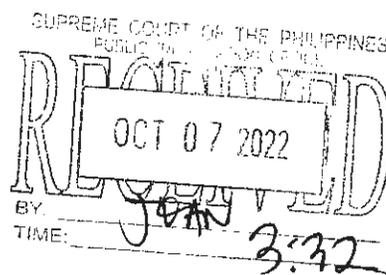




Republic of the Philippines
Supreme Court
Manila



EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **JULY 19, 2022**, which reads as follows:*

“G.R. No. 228726 (Pama P. Dimapanat v. Mujiv Hataman, in His Capacity as Regional Governor, and Datu Ombra Sinsuat, Jr.). – This petition for *certiorari* and prohibition¹ under Rule 65 of the Rules of Court assails the constitutionality of Chapter 2, Title XIII, Book IV of the Muslim Mindanao Autonomy Act No. 287 (MMAA No. 287) which created the office of the Regional Secretary of the Department of Transportation and Communication for the Autonomous Region of Muslim Mindanao (DOTC-ARMM). The petition also prays for the issuance of a Writ of Preliminary Injunction and/or a Temporary Restraining Order (TRO) against respondent Mujiv Hataman (respondent Hataman), in his capacity as Regional Governor, to prevent him from disbursing public funds in payment of the salary of the respondent Datu Ombra Sinsuat, Jr. (respondent Sinsuat), as Regional Secretary of the DOTC-ARMM.

The Antecedent Facts

Petitioner Pama P. Dimapanat (petitioner) filed this case in his capacity as Director IV of the DOTC-ARMM.²

Respondent Hataman is, at the time pertinent to the instant petition, the Regional Governor of the ARMM while respondent Sinsuat, is joined in this petition in his capacity as then incumbent Regional Secretary of the DOTC-ARMM.³

From 2002 to 2017, the petitioner instituted several actions before the courts and various administrative agencies in his quest to be declared as the head of the DOTC-ARMM and perform the powers and functions of such position.⁴

¹ *Rollo*, pp. 3-140.

² *Id.* at 4.

³ *Id.*

⁴ *Id.* at 46-78, 95-103, 137-140, 197-209, 211-220, 269-276, 357-362, 418-425.

The Court issued a Resolution⁵ on December 4, 2018 ordering the parties to file their respective memoranda. The petitioner filed his Memorandum⁶ on January 23, 2019. On February 6, 2019, the Office of the Solicitor General (OSG) filed a *Manifestation (In Lieu of Memorandum)*⁷ stating that since the petition seeks the declaration of the petitioner as the lawful head of the DOTC-ARMM, its participation can be dispensed with. Nonetheless, the respondents, represented by the Office of Attorney General of the ARMM filed their Memorandum⁸ on February 20, 2019.

On July 27, 2018, during the pendency of this petition, President Rodrigo Roa Duterte (President Duterte) signed into law Republic Act (R.A.) No. 11054, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*. It took effect on August 10, 2018. The Bangsamoro Organic Law was submitted to a two-part plebiscite and declared ratified by the Commission in Elections (COMELEC) on February 21, 2019.⁹

R.A. No. 11054 repealed the two previous organic acts of the Autonomous Region for Muslim Mindanao. It established a new political entity referred to as the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and provided for its basic structure of government.¹⁰

On October 28, 2021, President Duterte signed into law R.A. No. 11593, resetting the first regular elections in the BARMM and extending the transition period until June 30, 2025.¹¹

With these developments, the Court issued a Resolution¹² on December 7, 2021 directing the parties to move in the premises as to the following matters:

- A. Within the purview of Republic Act No. 11054:
1. Offices under the Autonomous Regional Government in Muslim Mindanao (ARMM) which have been 'phased out' and their respective counterparts, if any, under the Bangsamoro Government;
 2. Permanent/interim positions in the bureaucracy of the Bangsamoro Government and the current holders of the

⁵ Id. at 431-433.

⁶ Id. at 440-478.

⁷ Id. at 479-484.

⁸ Id. at 485-533.

⁹ Signing of Certification of Ratification of R.A. 11054, Available at <https://comelec.gov.ph/?r=References/ComelecResolutions/Plebiscites/PlebiscitesOrganicLaw2018/CertificationofRatificationofRA11054>; Last Accessed April 30, 2021; Reports by the National Plebiscite Board of Canvassers on the January 21, 2019 Bangsamoro Organic Law Plebiscite, Available at <https://comelec.gov.ph/php-tpls-attachments/References/ComelecResolutions/Plebiscites/PlebiscitesOrganicLaw2018/NPBCReports.pdf>, Last Accessed April 29, 2021.

¹⁰ REPUBLIC ACT NO. 11054, Articles V-IX.

¹¹ REPUBLIC ACT NO. 11593, Sections. 1-2.

¹² Id. at 589-590.

- positions, particularly in the Ministry of Transportation and Communications; and
3. Progress and/or actual state and details of the transition from the ARMM to the Bangsamoro Government;
- B. Update on petitioner Pama P. Dimapanat's position or status in the Bangsamoro Government; and
- C. Any other matter which the parties deem relevant in the resolution of the case.¹³

In compliance with the Court's Resolution, the respondents filed a *Manifestation with Motion to Dismiss*.¹⁴ The respondents averred that the case must be dismissed for being moot and academic. Respondents posit that with the subsequent ratification of R.A. No. 11054 through a plebiscite on January 25, 2019, all the agencies, offices, and instrumentalities of the ARMM, including the DOTC-ARMM were abolished. Consequently, the respondents submit that 'the issues on the alleged nullity of the creation of the Office of the Regional Secretary of the DOTC-ARMM as well as the alleged irregularity in the appointment of the respondent Sinsuat are no longer relevant under the current bureaucracy of the Bangsamoro Government.'¹⁵

The respondents manifest that with the extension of the transition period until 2025 pursuant to R.A. No. 11593, the Bangsamoro Transition Authority sits as the interim Parliament, with its members appointed by the President of the Philippines. Under this structure, the DOTC-ARMM is replaced by the Ministry of Transportation and Communications (MOTC), headed by a Member of the Parliament and a Deputy Minister, appointed by the Chief Minister. In each Ministry, the highest permanent career position is that of the Bangsamoro Director General.¹⁶

At present, the respondents noted that with the exception of the appointive employees in the Department of Health-ARMM, Department of Education-ARMM, and Department of Social Welfare and Development-ARMM who were absorbed and transferred to the Bangsamoro Government, employees of the ARMM, including herein petitioner, were already separated from service in 2019. There being no further extension of the phase-out schedule to date, all of the permanent employees of the MOTC are already qualified and regarded as permanent employees.¹⁷

Ultimately, the respondents submit that with the abolishment of the then DOTC-ARMM and the separation from service of the petitioner and the respondents, there is nothing left to enjoin or prohibit.¹⁸

¹³ Id. at 589.

¹⁴ Id. at 612-621.

¹⁵ Id. at 613-614.

¹⁶ Id. at 614-615.

¹⁷ Id. at 616-617.

¹⁸ Id. at 619.

The petitioner for his part, filed *Compliance w/ Manifestation*¹⁹ affirming that he is 'not connected, in any manner, with any public office under the Bangsamoro Government.'²⁰

The Issue

Synthesized from the parties' submissions, the main issue in this case is whether or not Section 5, Chapter 2, Title XIII, Book IV of MMAA No. 287 is unconstitutional. Corollary thereto, whether the appointment of the respondent Sinsuat should be nullified.

Ruling of the Court

The Petition should be dismissed for being moot and academic.

In *Osmeña III v. Social Security System of the Philippines*,²¹ the Court defined a moot and academic case as:

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 — save when, among others, a compelling constitutional issue raised requires the formulation of controlling principles to guide the bench, the bar and the public; or when the case is capable of repetition yet evading judicial review.²²

Applied in the case at bar, the thrust of the instant petition revolves around the validity of MMAA No. 287, passed by the Regional Legislative Assembly of the ARMM under R.A. No. 6734, as amended by R.A. No. 9054, the organic laws of the ARMM. With the passage of R.A. No. 11054 which superseded the previous organic laws of the ARMM and created a new political entity, that is the BARMM, the main issue of the validity of MMAA No. 287 has been rendered moot.

In the same vein, with the abolition of the entire administrative structure of the ARMM and the respondents' manifestation that the personalities involved are no longer connected with the BARMM, the resolution of the secondary issues of forum shopping and the legality in the appointments to the position of Regional Secretary of the DOTC-ARMM and the discharge of the functions of such office would not afford the parties any substantial relief or have any practical legal effect on the case. Delving upon the intricacies of devolution might only unnecessarily touch upon the validity of R.A. No. 11054.

¹⁹ Id. at 738-743.

²⁰ Id. at 738.

²¹ 559 Phil. 723 (2007).

²² Id. at 735.

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Thus, under the premises, the Court finds it best to abstain from passing upon the merits of this case where legal relief is no longer needed nor called for.²³ An academic discussion of the moot question involved in this case would have no practical legal effect as with the attendant factual circumstances, it can no longer be enforced.²⁴

WHEREFORE, in light of the foregoing disquisitions, the petition is hereby **DISMISSED** for being moot and academic.” Inting, J., no part. (61)

By authority of the Court:



MARIFE M. LOMIBAO-CUEVAS

Clerk of Court /*mm*

²³ *Peñafrancia Sugar Mill, Inc. v. Sugar Regulatory Administration*, 728 Phil. 535, 541 (2014).

²⁴ *Oclarino v. Navarro*, G.R. No. 220514, September 25, 2019.

ATTYS. TEDDY ESTEBAN F. RIGOROSO and
TRISTAN R. TURIANO (x)
Rigoro Galindez Rabino Laron Maristela Law Offices
Counsel for Petitioner Pama P. Dimapanat
901 Fil Garcia Tower, 140 Kalayaan Avenue
Diliman, 110 0Quezon City
rgrlawoffices@gmail.com

ATTY. DIDAGEN DILANGALEN (reg)
10 Kabuntalan Street, RH3 Cotabato City

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G.R. No. 228726
sarah 071922 (URes61) 100722

MUJIV HATAMAN (x)
Deputy Speaker
Representative of the Province of Basilan
House of Representatives
Quezon City

THE ATTORNEY GENERAL-BARMM (reg)
BARMM Compound
9600 Cotabato City

-and-

Bangsamoro Attorney General's Office
Counsel for BARMM
Office of the Chief Minister
Bangsamoro Autonomous Region in Muslim Mindanao
Bangsamoro Government Center, Gov. Gutierrez Ave.
Rosary Heights VII, Cotabato City

DATU OMBRA SINSUAT, JR. (reg)
Municipal Hall
Datu Odin Sinsuat Municipality
Poblacion Dalican
Province of Maguindanao

THE SOLICITOR GENERAL (x)
Office of the Solicitor General
134 Amorsolo St., Legaspi Village
Makati City

