Republic of the Philippines
Department of Trade and Industry
Securities and Exchange Commission
SEC Bldg. EDSA, Greenhills, Mandaluyong City

FELIPE JUDAN,

Petitioner,

-versus-

SEC En Banc Case No. 05-08-130

OFFICE OF THE GENERAL COUNSEL, AFP-RETIREMENT AND SEPARATION BENEFITS SYSTEM, and RIVIERA GOLD CLUB, INC.,

Respondents.

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RESOLUTION

For consideration of the Commission *En Banc* is a Petition for *Certiorari* With Urgent Prayer for Issuance of a Writ of Temporary Restraining Order or a Writ of Preliminary Injunction to annul and declare as void the Order dated 29 April 2008 of the Office of the General Counsel ("OGC") of the Commission.

As a brief background, the AFP-Retirement and Separation Benefits System filed a petition with the Commission praying that it be authorized to call a special stockholders' meeting of the Riviera Golf Club, Inc. ("Riviera"). Finding the petition meritorious the OGC issued the 29 April 2008 Order directing the officers and directors of Riviera to hold the annual stockholders' meeting and election of its new set of directors on 16 May 2008.

On 16 May 2008, the petitioner filed the instant petition alleging that the OGC issued the subject order without or in excess of its jurisdiction or with grave abuse of discretion, and further alleged that there is no plain, speedy or adequate remedy in the ordinary course of law.

The petition is unmeritorious.

There is no question that the OGC issued a final judgment on the petition for the calling of the meeting of Riviera's stockholders. Under the 2006 Rules of Procedure of the Commission, the proper remedy is an appeal from the questioned order.[1] Such remedy is available to the petitioner but he did not avail of the same.

[1] Rule XI- Appeals from Decisions or Orders of Operating Departments

"Sec. 11-1. Ordinary Appeal. – An appeal to the Commission En Banc may be taken from a decision, order, or resolution issued by an Operating Department if there are questions of fact, of law, or mixed questions of fact and law."

Instead, the petitioner filed the instant petition for *certiorari*. As explained by the Supreme Court, a *certiorari* is a remedy designed for the correction of errors of jurisdiction, not errors of judgment.[2] Thus, the instant petition must fail.

WHEREFORE, the petition is DENIED DUE COURSE for lack of merit.

SO ORDERED.

Mandaluyong City, 20 May 2010.

FE B. BARIN*
Chairperson

MA. JUANITA E. CUETO
Commissioner

RAUL J. PALABRICA
Commissioner

MANUEL HUBERTO B. GAITE
Commissioner

ELADIO M. JALA
Commissioner

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*on leave

[2] Madrigal Transport, Inc. vs. Lapanday Holdings Corporation, et al., G.R. No. 156067, August 11, 2004.