

[MTC RESOLUTION NO. 01, S. 2009, January 29, 2009]

DIRECTING THE IMMEDIATE EXECUTION OF THE DECISION AND RESOLUTION OF THE OFFICE OF THE PRESIDENT IN THE CASE OF PNTC VERSUS FEMFI

WHEREAS, the Office of the President (OP) through Executive Secretary Eduardo Ermita, rendered a Decision on 3 August 2007 setting aside the decision of the Department of Labor and Employment (DOLE) and the Maritime Training Council (MTC) in the case of Philippine Nautical Training College (PNTC) vs. Far East Maritime Foundation, Inc. (FEMFI), OP Case No. 06-3-364; OS-MTC 0504-2006-001 and MTC Case No. 06-01-01;

WHEREAS, in the said Decision, the accreditation of FEMFI was revoked without prejudice to re-application for accreditation before the MTC and the FEMFI was ordered to cease and desist from offering its MTC-regulated training courses pending re-evaluation of its application for accreditation;

WHEREAS, the Motion for Reconsideration to this Decision filed by FEMFI was denied by the OP in its Resolution dated October 21, 2008;

WHEREAS, a Petition for Review under Rule 43 filed by FEMFI with the Court of Appeals was outrightly dismissed by the Court;

WHEREAS, PNTC moved to implement the Decision and Resolution of the OP notwithstanding the motion for reconsideration of the dismissal of the Petition for Review filed by FEMFI with the Court of Appeals;

WHEREAS, under Rule 43 of the Rules of Court, a petition for review or appeal does not stay the execution of the decision subject of the petition unless a restraining order is issued by the Court;

WHEREAS, after lengthy and careful deliberation by the members of the Council of the oppositions, manifestations and counter-manifestation filed by the opposing parties, the Council decided to implement the directives of the OP pursuant to Section 12 of Rule 43 of the Revised Rules of Court in the Philippines.

NOW THEREFORE, in consideration of the foregoing premises, the Council resolves as it is hereby resolved to immediately implement the Decision of the Office of the President dated 3 August 2007 and its Resolution of 21 October 2008, respectively stated as follows: