

Republic of the Philippines
SUPREME COURT
Manila

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LEAGUE OF LOCAL PLANNING
AND DEVELOPMENT
COORDINATORS OF THE
PHILIPPINES INC.

Petitioner,

G.R. No.231367
CERTIORARI AND PROHIBITION
WITH APPLICATION FOR A
TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION

-vs-

The Congress of the Philippines and
The Honorable Office of the Executive
Secretary as represented by the
Office of the Solicitor General of the Republic of the Philippines.
Respondents.

X.....X

MOTION FOR LEAVE OF COURT

- 1. TO FILE AMENDED PETITION WITH ATTACHED AMENDED
PETITION**
- 2. TO FILE NOTICE OF SUBSTITUTION OF COUNSEL**

3. TO FILE NOTICE OF INFORMATION REGARDING THE NEW SET OF OFFICERS OF THE LEAGUE OF LOCAL PLANNING AND DEVELOPMENT COORDINATORS OF THE PHILIPPINES INC.

COMES NOW The Undersigned Law Firm most respectfully state:

1. That The Law Firm enter its appearance as counsel for The League Of Local Planning And Development Coordinators In The Philippines Inc. (The League) in substitution for Atty. Russel Mirafior in compliance with Board Resolution No. 2-B of the League hereto attached as Annex A;
2. In view of said resolution, it is respectfully requested that henceforth copies of all pleadings, notices order, decisions and other legal processes in behalf of the League be sent thru the undersigned Law Firm at its given address.
3. The Honorable Court is also most respectfully informed that based on the excerpts of the minutes of the meeting on July 13, 2017, a new set of officers were elected by the National Assembly. A copy of the Resolution is hereto attached as Annex B;
4. In compliance with Board Resolution No. 2-B, undersigned counsel most respectfully files herein motion for leave of court to file amended petition with attached amended petition.
5. The amended petition wish to reflect the proper representation in behalf of the League and amend the cause of action to concentrate only on the nullification of the provisions or wordings affecting the League specifically:
 - A. Sec 4 para a, the paragraph "also known as urban and regional planning, city planning, town and country planning and/or human settlement planning".
 - B. Sec 5 in so far as it overlaps the functions of the Local Development Officer under Section 476 of the Local government Code and
 - C. Sec 37 Transitory Provisions of R.A. NO. 10587

6. That such amendment simplifies the issues and shall serve the higher interest of substantial justice ;
7. The Honorable Court in *Tiu vs Phil. Bank of Communications*(G.R. No. 151932, August 19, 2009, 596 SCRA 432) stated to wit:

This Court has emphasized the import of Section 3, Rule 10 of the 1997 Rules of Civil Procedure in *Valenzuela v. Court of Appeals*, thus: Interestingly, Section 3, Rule 10 of the 1997 Rules of Civil Procedure amended the former rule in such manner that the phrase "or that the cause of action or defense is substantially altered" was stricken-off and not retained in the new rules.

The clear import of such amendment in Section 3, Rule 10 is that under the new rules, "the amendment may (now) substantially alter the cause of action or defense." This should only be true, however, when despite a substantial change or alteration in the cause of action or defense, the amendments sought to be made shall serve the higher interests of substantial justice, and prevent delay and equally promote the laudable objective of the rules which is to secure a "just, speedy and inexpensive disposition of every action and proceeding. The granting of leave to file amended pleading is a matter particularly addressed to the sound discretion of the trial court; and that discretion is broad, subject only to the limitations that the amendments should not substantially change the cause of action or alter the theory of the case, or that it was not made to delay the action.

Nevertheless, as enunciated in *Valenzuela*, even if the amendment substantially alters the cause of action or defense, such amendment could still be allowed when it is sought to serve the higher interest of substantial justice, prevent delay, and secure a just, speedy and inexpensive disposition of actions and proceedings.

The courts should be liberal in allowing amendments to pleadings to avoid a multiplicity of suits and in order that the real controversies between the parties are presented, their rights determined, and the case decided on the merits without unnecessary delay. This liberality is greatest in the early stages of a lawsuit, especially in this case where the amendment was made before the trial of the case, thereby giving the petitioners

all the time allowed by law to answer and to prepare for trial.

Furthermore, amendments to pleadings are generally favored and should be liberally allowed in furtherance of justice in order that every case, may so far as possible, be determined on its real facts and in order to speed up the trial of the case or prevent the circuitry of action and unnecessary expense.

8. While the local planning and development coordinators recognize the need to professionalize local planners, the questioned law specifically sec 4par.a specifically the paragraph," also know as **"urban and regional planning, city planning, town and country planning and/or human settlement planning,"**Sec. 5 in so far as it overlaps the functions of the Local Development Officer under Section 476 of the Local government Code and Sec 37 Transitory Provisions of R.A. NO. 10587diminishes their authority to practice their profession if not indirectly abolish their position as provided by Section 476, Article 6 of the Local Government Code of 1991 despite no specific provision repealing said position;
9. **RA 10587** otherwise known as "Environmental Planning Act of 2013" which was approved on May 27, 2013, by indirectly defining the term Environmental Planner to include **"urban and regional planning, city planning, town and country planning and/or human settlement planning**essentially requires local planning and development coordinators to take and pass the Environmental Planning Licensure Examination to become Certified Environmental Planners when it is not a requirement under Sec. 476 of the Local Government Code.
10. These matters will be further discuss in the amended petition.

PRAYER

WHEREOF,premises considered, it is most respectfully prayed:

1. That, herein motion for substitution be allowed,
2. That the motion for leave of court to amend petition with attached amended petition be admitted.

3. That the new set of officers of the League be noted.

Petitioner prays for such other relief and remedies available and just and proper in the premises.

05 January 2018 Iloilo City for Manila Philippines.



JOENARD B. PUEBLO

Counsel for Petitioner

St. Paul's Hospital Iloilo City

Credit and Collection Office

General Luna St. Iloilo City

Cell:09177229272/TIN915829010000

PTR No. 5800596 01/04/18; I.C.

IBP Lifetime No.014300

Roll No. 46546 05/02/02

MCLE Comp. No. VI-0003107;08/14/17

Valid until 08/14/2022

Email: jp46546@yahoo.com

**The Office of the Solicitor General
134 Amorsolo St. Legaspi Village Makati City.**

Registry Receipt No. _____

Date Received _____