

Title

Philippine National Construction Corp. vs. Pabion

Case

G.R. No. 131715

Decision Date

Dec 7, 1999

The Supreme Court affirms the jurisdiction of the Securities and Exchange Commission (SEC) over the Philippine National Construction Corporation (PNCC) and government-owned and controlled corporations (GOCCs), ruling that the SEC can compel PNCC to hold a stockholders' meeting and determine the corporate status of a corporation.

377 Phil. 1019

THIRD DIVISION

[G.R. No. 131715, December 08, 1999]

PHILIPPINE NATIONAL CONSTRUCTION CORPORATION, PETITIONER, VS. ERNESTO PABION AND LOUELLA RAMIRO, RESPONDENTS.

D E C I S I O N

PANGANIBAN, J.:

The Securities and Exchange Commission (SEC) has jurisdiction over corporations organized pursuant to the Corporation Code, even if the majority or controlling shares are owned by the government. Hence, it can competently order the holding of a shareholders' meeting for the purpose of electing the corporate board of directors. While the SEC may not have authority over government corporations with original charters or those created by special law, it does have jurisdiction over "acquired asset corporations" as defined in AO 59. Specifically, the Philippine National Construction Company (PNCC) may be ordered by SEC to hold a shareholders' meeting to elect its board of directors in accordance with its Articles of Incorporation and By-Laws as well as with the Corporation Code. The chairman and the members of the PNCC Board of Directors hold office by virtue of their election by the shareholders, not by their appointment thereto by the President of the Republic.

The Case

A Guide To The Pabion

Michael Hoelscher



A Guide To The Pabion:

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Table of Contents A Guide To The Pabion

1. Understanding the eBook A Guide To The Pabion
 - The Rise of Digital Reading A Guide To The Pabion
 - Advantages of eBooks Over Traditional Books
2. Identifying A Guide To The Pabion
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an A Guide To The Pabion
 - User-Friendly Interface
4. Exploring eBook Recommendations from A Guide To The Pabion
 - Personalized Recommendations
 - A Guide To The Pabion User Reviews and Ratings
 - A Guide To The Pabion and Bestseller Lists
5. Accessing A Guide To The Pabion Free and Paid eBooks
 - A Guide To The Pabion Public Domain eBooks
 - A Guide To The Pabion eBook Subscription Services
 - A Guide To The Pabion Budget-Friendly Options
6. Navigating A Guide To The Pabion eBook Formats

- ePub, PDF, MOBI, and More
- A Guide To The Pabion Compatibility with Devices
- A Guide To The Pabion Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of A Guide To The Pabion
 - Highlighting and Note-Taking A Guide To The Pabion
 - Interactive Elements A Guide To The Pabion
- 8. Staying Engaged with A Guide To The Pabion
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers A Guide To The Pabion
- 9. Balancing eBooks and Physical Books A Guide To The Pabion
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection A Guide To The Pabion
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine A Guide To The Pabion
 - Setting Reading Goals A Guide To The Pabion
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of A Guide To The Pabion
 - Fact-Checking eBook Content of A Guide To The Pabion
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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