Supreme Court E-Library

FIRST DIVISION

[G.R. No. L-47263. May 31, 1978]

HACIENDA DOLORES AGRO-INDUSTRIAL & DEVELOPMENT CORPORATION, *petitioner*, *vs.* **THE COURT OF APPEALS, EDMUNDO F. UNSON, ASTERIA L. UNSON and EMERITO DE JESUS**, *respondents*.

SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; ACTIONS; AMICABLE SETTLEMENT; GROUND FOR TERMINATION OF CASE. — The implication from the withdrawal by both parties of separate petitions filed by one against the other is that they have finally settled their differences, and the case may be closed and terminated.

RESOLUTION

MAKASIAR, *J.*:

In OUR, resolution dated January 27, 1978, WE granted the joint motion of the petitioners and private respondents herein, to defer the resolution of the instant petition and other pending incidents for three weeks to enable them to amicably settle all their differences (p. 436, rec.).

Again, in a resolution dated February 22, 1978, acting on the joint motion of petitioners and private respondents, the Court resolved to hold in abeyance the resolution of the instant petition and other pending incidents until the end of March, 1978 to enable the parties to solve their differences (pp. 437-439, rec.).

On March 30, 1978, petitioner, thru counsel, filed the following "Motion and Manifestation":

"1. That this Petition was filed primarily impugning the Resolution of the Honorable Court of Appeals dated November 3,

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1977 (Annex O of the Petition) incidental to CA-GR NO. SP-07206, wherein Private Respondents are Petitioners therein;

"2. That your Petitioner received on March 21, 1978, a Motion to Withdraw Petition dated March 15, 1978 (true copy attached herewith) filed by the Private Respondents as Petitioners in said CA-GR NO. SP-07206; wherein said Motion, Private Respondents prayed, thus:

> 'WHEREFORE, it is respectfully prayed that the Petitioner's Petition for *Certiorari* with Prayer for Mandatory Injunction and Restraining Order be considered withdrawn.'

"3. That since Private Respondents have withdrawn their Petition in the Court of Appeals, it is but logical that this Petition should also be withdrawn since there is no longer the legal necessity to proceed against a Resolution incidental to a Petition which has been withdrawn;

"4. That in said Motion to Withdraw Petition, there is no indication that Private Respondents notified this Honorable Court of such course of action;

"5. That in view of the foregoing, your Petitioner likewise moves to withdraw this Petition without prejudice to whatever disposition that the Court of Appeals takes with regard to the Motion to Withdraw filed by the Private Respondents as Petitioners in CA-GR NO. SP-07206.

"WHEREFORE, it is respectfully prayed of this Honorable Court that the Petition be considered withdrawn" (pp. 440-441, rec.).

Attached to the said motion is a true copy of the motion filed by counsel for herein private respondents to withdraw their petition in the Court of Appeals in CA-GR No. SP-07206 entitled "*Edmundo F. Unson, et al., petitioners, versus Honorable Mariano Castañeda, Jr., etc., et al.*" (p. 442, rec.).

In compliance with the resolution of this Court dated April 12, 1978, herein private respondents filed the following comment to the aforesaid motion of herein petitioners:

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"COME NOW the private respondents, through counsel, and in compliance with the resolution dated April 12, 1978 to this Honorable Court respectfully manifest that they truly and in fact filed with the Honorable Court of Appeals a motion dated March 15, 1978 to withdraw their petition in CA-G.R. NO. SP-07206. A copy of the aforesaid private respondents' motion was attached to the petitioner's motion and manifestation dated March 22, 1978" (p. 445, rec.).

The implication from the withdrawal by the herein petitioner of the instant petition and the withdrawal by private respondents of their petition in the Court of Appeals, both petitions involving as they do the same parties, is that the parties herein have finally settled their differences.

WHEREFORE, THIS PETITION IS HEREBY DEEMED WITHDRAWN, AND THIS CASE IS HEREBY CLOSED AND TERMINATED.

NO COSTS.

Teehankee (Chairman), Santos, Fernandez, and *Guerrero, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-47536. May 31, 1978]

WILLIAM H. QUASHA, *petitioner*, *vs.* **SECURITIES AND EXCHANGE COMMISSION and MANILA POLO CLUB, INC.**, *respondents*.

SYLLABUS

1. **REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; GRAVE ABUSE OF DISCRETION, NOT A CASE OF.** — Where the complaint filed with the Securities and Exchange Commission to prevent the latter from registering an amended Articles of