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**FIRST DIVISION**

[G.R. No. L-38137. July 17, 1975]

**JOSE M. CASTILLO,** *petitioner, vs.* **HON. COURT OF APPEALS and PHILIPPINE LONG DISTANCE TELEPHONE COMPANY,** *respondents.*

**SYLLABUS**

**REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; AMICABLE SETTLEMENT; A GROUND FOR DISMISSAL OF PETITION.** — Where, after their attention had been invited to the possibility of a settlement of their difference, the parties informed the Supreme Court, in a joint manifestation, that they "have amicably settled their differences" and asked that the petition for *certiorari* "be considered withdrawn," the Supreme Court granted the parties' request for withdrawal of the petition, there being no impediment, legal or otherwise, to granting the parties' request.

## RESOLUTION

**CASTRO, *J.*:**

On May 18, 1971 Jose M. Castillo (hereinafter referred to as the petitioner) instituted in the Court of First Instance of Bulacan Branch IV, an action for damages (civil case 255-B) against the Philippine Long Distance Telephone Company (hereinafter referred to as the PLDT) resulting from the disconnection by the latter of his residential telephone service at 8 Mango Road, Malabon, Rizal, from April 23 to May 6 of the same year because of alleged non-payment of an account of ₱242. The petitioner claimed that the PLDT discontinued his telephone service without sending him any prior statement of account and notice of disconnection. The PLDT answered the complaint after the court *a quo* denied its motion to dismiss on the ground of improper venue.

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On December 1, 1971 the petitioner received notice of another (disconnection of his telephone service. To forestall any actual disconnection, he immediately filed with the court a quo an urgent *ex-parte* motion seeking to restrain the PLDT from carrying out its threat to discontinue anew his telephone service. On December 3, 1971 the court *a quo* issued a restraining order directing the PLDT to desist from carrying out its threat to disconnect or from discontinuing the petitioner's telephone service.

Upon learning of the existence of the restraining order at the pre-trial of the case on March 27, 1973, the PLDT filed with the court *a quo* on May 15, 1973 a motion to lift the said order. The PLDT challenged the jurisdiction of the court *a quo* to restrain acts contemplated to be done beyond the territorial boundaries of Bulacan. This motion the court *a quo* denied on June 15, 1973 for lack of "legal and factual merit."

Aggrieved, the PLDT, on *certiorari*, petitioned the Court of Appeals to annul the order restraining it from carrying out the threatened disconnection of the petitioner's telephone service as well as the order denying its motion to lift the said restraining order issued by the court *a quo*. The PLDT claimed that the court *a quo* — a court of first instance of Bulacan — acted without jurisdiction in restraining an act sought to be done in Rizal. The PLDT also sought the issuance of a writ of preliminary injunction to restrain the court *a quo* from enforcing its restraining order.

The appellate court gave due course to the certiorari petition interposed by the PLDT and caused the issuance of a writ of preliminary injunction under bond.

On January 11, 1974 the Court of Appeals set aside the orders of the court *a quo* dated December 3, 1971 and June 15, 1973 and made permanent the writ of preliminary injunction it earlier issued. The appellate court upheld the theory of the PLDT that the court *a quo* lacked jurisdiction to restrain an act sought to be done beyond the territorial boundaries of Bulacan.

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Hence, the present petition for review on *certiorari* of the decision of the Court of Appeals dated January 11, 1974.

Without giving due course to the petition, the Court required the PLDT to comment thereon. The PLDT duly complied, and the Court subsequently gave due course to the petition and considered the comment it filed as its answer to the petition. The Court then required the parties to submit memoranda. Both the petitioner and the PLDT filed their memoranda on April 2, 1974. The PLDT thereafter filed its reply memorandum on April 8, 1974, the petitioner filed his on April 16, 1974.

At the hearing held on August 27, 1974, the Court invited the attention of the parties to the possibility of a settlement of their differences in the case at bar and in the case (civil case 255-B) pending in the court *a quo*.

Subsequently, on October 1, 1974, the petitioner and the PLDT, in a "Joint Manifestation," informed the Court that they "have amicably settled their differences" regarding the case at bar and civil case 255-B pending in the Court of First Instance of Bulacan and asked that the present petition "be considered withdrawn."

The Court finds no impediment, legal or otherwise, to granting the parties' request for the withdrawal of the present petition. Per their "Joint Manifestation," they have amicably settled their differences, and disown any intention to continue with further litigation.

**ACCORDINGLY**, the withdrawal of the petition in L-38137 is granted, and the Court of First Instance of Bulacan, Branch IV, is hereby directed to dismiss civil case 255-B. No costs.

*Makasiar, Esguerra, Muñoz Palma,* and *Martin, JJ.*, concur.

*Teehankee, J.*, is on leave.