



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 July 2020** which reads as follows:*

“G.R. No. 209273 (*Stronghold Steel Corporation vs. National Grid Corporation of the Philippines*). – For the Court’s consideration and approval is petitioner Stronghold Steel Corporation’s (petitioner) Motion to Withdraw with Prejudice¹ the Petition for Review² dated October 12, 2013.

At issue is the billing method/arrangement between petitioner and respondent National Grid Corporation of the Philippines (respondent) for the use of electricity in the business of petitioner as a steel manufacturer.

On October 16, 2013, petitioner filed a Petition for Review assailing the Court of Appeals’ Decision³ dated April 3, 2013 and Resolution⁴ dated September 11, 2013. The assailed Decision⁵ and Resolution⁶ granted the Petition for Review filed by respondent that reversed and set aside the Decision⁷ dated November 26, 2012 of the Energy Regulatory Commission in ERC Case No. 2011-060 MC.

Subsequently, on September 8, 2014, petitioner filed an Urgent Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction⁸ praying that the Court enjoin respondent

¹ *Rollo*, at 646-648.

² *Id.* at 3-42.

³ *Id.* at 252-268; penned by Associate Justice Isaias P. Dicedican and Associate Justices Michael P. Elbinias and Nina G. Antonio-Valenzuela, concurring.

⁴ *Id.* at 45-46.

⁵ *Id.* at 252-268.

⁶ *Id.* at 45-46.

⁷ *Id.* at 92-111; penned by Chairperson, Zenaida G. Cruz-Ducut and Commissioners Maria Teresa A. R. Castañeda, Jose C. Reyes, Alfredo V. Non, and Gloria Victoria C. Yap-Taruc.

⁸ *Id.* at 467-487.

from suspending and/or terminating its transmission services.

On September 24, 2014, respondent filed its Comment⁹ dated September 23, 2015 to the Urgent Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction.¹⁰

However, on September 25, 2018, petitioner filed the instant Motion to Withdraw with Prejudice,¹¹ manifesting that:

4. x x x it is no longer interested in prosecuting the instant Petition against respondent NGCP on account of the parties' agreement to amicably settle the instant case. Petitioner [SSC] hereby respectfully moves for the withdrawal of the instant Petition and the dismissal of the case.

5. This Motion to Withdraw shall be with prejudice to any subsequent action that may be brought based on the same subject matter.

In its Motion for Leave of Court to File Motion to Withdraw with Prejudice¹² dated September 19, 2018, petitioner explained that the parties commenced discussions and thereafter reached an agreement to amicably settle the instant case. Petitioner added that the terms of the settlement require it to file the present motion to withdraw.

In the Resolution¹³ dated September 4, 2019, the Court required the parties to move in the premises to determine whether supervening events transpired in the case, and to help the Court in its immediate disposition of the case. However, as of date, none of the parties complied with the directive.

As none of the parties informed the Court of any supervening fact or event material to the case at bar, the Court is constrained to assume that the agreement of the parties to withdraw the instant petition remains

⁹ *Rollo*, pp. 51-559.

¹⁰ *Id.* at 467-487.

¹¹ *Id.* at 646-648.

¹² *Id.* at 655-657.

¹³ *Id.* at 645.

unchanged.¹⁴

Article 1306 of the Civil Code of the Philippines provides that contracting parties may establish such agreements, as they may deem convenient, provided that they are not contrary to law, morals, good customs, public order, or public policy. An agreement whereby the parties make reciprocal concessions to avoid litigation, or put an end to one already commenced is an accepted, even desirable and encouraged, practice in courts of law.¹⁵

Finding the instant Motion to Withdraw with Prejudice to be the voluntary act of petitioner, and it appearing that petitioner intelligently deliberated and decided upon the withdrawal of its appeal, the Court considers the motion meritorious.

WHEREFORE, the Court resolves to:

1. **GRANT** petitioner's Motion for Leave of Court to file Motion to Withdraw with Prejudice dated September 19, 2018;
2. **GRANT** the Motion to Withdraw with Prejudice dated September 29, 2018, manifesting that petitioner is no longer interested to pursue the petition in view of the parties' agreement to amicably settle the instant case. Hence, the Petition for Review assailing the Court of Appeals' Decision dated April 3, 2013 and Resolution dated September 11, 2013 is deemed **WITHDRAWN**; and
3. **NOTE** the respondent's compliance dated October 30, 2019 relative to the Resolution dated September 4, 2019, stating the petitioner filed a Motion to Withdraw with Prejudice dated September 19, 2018 and that the same is pending resolution by the Court.


Let entry of judgment be issued immediately.

SO ORDERED." (GAERLAN, J., designated as additional member, per Special Order No. 2780 dated May 11, 2020).

¹⁴ See *Ulep v. Angeles*, G.R. No. 157441 (Notice), February 11, 2015.

¹⁵ See *California Manufacturing Co., Inc. v. The City of Las Piñas.*, 608 Phil. 254, 257-258 (2009).

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *huc 9/8*
10 SEP 2020

LEYNES LOZADA-MARQUEZ
LAW OFFICE (reg)
Counsel for Petitioner
15th Floor, Petron Mega Plaza
358 Sen. Gil Puyat Avenue
1200 Makati City

OFFICE OF THE GENERAL COUNSEL (reg)
National Grid Corporation of the Philippine (NGCP)
Power Center, Quezon Avenue corner BIR Road
Diliman, Quezon City

ENERGY REGULATORY COMMISSION (reg)
Pacific Center Building, San Miguel Avenue
Ortigas Center, Pasig City
(ERC Case No. 2011-060 MC)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 128380

Please notify the Court of any change in your address.
GR209273. 7/15/2020(104)URES