

**YU KHE THAI, DAVID SYCIP, ELIGIO TEEHANKEE, AND DALTON T. CHEN, PETITIONERS, VS. HON. GUILLERMO S. SANTOS, AS JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, YU KHE SIONG, YU KH...**

*G.R. No. L-29413. November 26, 1970*

Ponente: FERNANDO, J.

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**FERNANDO, J.:**

On August 28, 1968, petitioners[1] filed a special civil action for certiorari, prohibition and mandamus with a prayer for preliminary injunction against respondents[2] to set aside an omnibus order of respondent Judge, the Honorable Guillermo S. Santos, of July 25, 1968 insofar as it upheld the election as Directors of Northern Motors, Inc. of the other respondents, for being null and void. In the meanwhile, they would restrain such private respondents from assuming the office of Directors and performing the functions, duties and powers, pending the final determination of this proceeding. On the 29th day of August, 1968, a resolution was issued by us restraining the enforcement of all the orders issued by the respondent Judge, except that portion thereof reinstating the officers and directors of the Northern Motors, Inc., and requiring respondents to answer.

At the hearing on September 3, 1968, counsel for both petitioners and respondents appeared, the former being given a period of fifteen days within which to submit a memorandum in lieu of oral argument, and the latter, five days to reply from receipt of the copy of petitioners' memorandum. The memorandum for petitioners was duly filed on September 18, 1968. A reply memorandum for respondents was filed on October 7, 1968, respondents being previously given an extension of fifteen days from September 25, 1968 to file the same.

Then came, on November 22, 1968, a joint manifestation and motion by petitioners and private respondents, worded thus: "1. An amicable settlement of their dispute, subject matter of this case, will be to the mutual benefit and advantage of the parties litigants as well as other stockholders of Northern Motors, Inc.; 2. Negotiations for settlement of their dispute have resulted in an agreement on the terms of an amicable settlement. However, performance of the obligations of the parties is spread over a period of time and subject to certain conditions; 3. One of the terms of the agreement calls for the filing by the parties of a joint manifestation praying for suspension of these proceedings until consummation of the agreement; 4. Suspension of the proceedings in this case will assure consummation of the amicable settlement and thereby terminate the litigation." By virtue of the above joint manifestation and motion, this Court, on November 26, 1968, suspended action on the matter, and the hearing set for November 27, 1968 was cancelled.

A resolution was issued by this Court on April 8, 1970 to this effect: "L-29413 (Yu Khe Thai, et al. vs. Hon. Guillermo Santos, etc., et al.). - Considering that the proceedings in this case have been suspended by the resolution of July 24, 1968, upon the parties having jointly manifested to this Court that settlement was being negotiated between them, but it appearing that until now, neither party has moved, [the Court resolved] to require the parties in this case to comment on the matter within 10 days from notice hereof." There was this manifestation

by the parties of May 7, 1970: "[Come now] the parties thru counsels and respectfully manifest to this Honorable Court that while the major areas of dispute between them have already been settled amicably, one or two minor matters still have to be agreed upon. This agreement depends upon investigation and determination of facts and figures which are not yet available. It is estimated that it will take two or three months to settle these matters."

Finally, on October 30, 1970, came this joint manifestation and motion: "The parties, by their respective counsel, respectfully state: 1. They have, with the assistance of disinterested mediators, reached a compromise in this case, and that with respect to matters that may still have to be implemented, they have agreed to abide by the decision of the mediators; 2. This special civil action and Civil Case No. 72028 (Yu Khe Thai et al. vs. Yu Khe Siong et al.) of the Court of First Instance of Manila have become moot." The prayer is for an order declaring this special civil action moot.

WHEREFORE, the joint manifestation and motion of October 30, 1970 is granted, and this special civil action declared moot.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Barredo, and Villamor, JJ., concur.

Teehankee, J., took no part.

Dizon and Makasiar, JJ., on official leave.

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[1] The petitioners are Yu Khe Thai, David Sycip, Eligio Teehankee and Dalton T. Chen.

[2] The respondents are Hon. Guillermo S. Santos, as Judge of the Court of First Instance of Manila, Yu Khe Siong, Yu Khe Jin, Arthur Young, Yu Cheng Pho, Baldwin Young, Yu Tek Ti, Yu Cheng Kho and Yu Khe Tat.

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