

UNIVERSAL STEEL SMELTING COMPANY, INC., PETITIONER, V. HON. CHRISTINE A. JACOB, IN HER CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 100, LEMAN ...

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is petitioner's "MANIFESTATION"[1], through its authorized representative Joseph U. Lim, praying that the instant Petition for Certiorari[2] be dismissed.[3] Petitioner stated the following, among others:

"Petitioner UNIVERSAL STEEL SMELTING CO., INC., through its undersigned authorized representative, respectfully manifests that it is no longer interested in pursuing its case against respondents LEMAN COMMODITIES, S.A. and FAYETTE INTERNATIONAL HOLDING LTD[.], MERIDIAN ASSURANCE CORPORATION & BPI/MS INSURANCE CORPORATION for reason that an amicable settlement was already mutually agreed upon by all parties concerned. A copy of the Settlement Agreement is hereby attached xxx. Also attached xxx is the Secretary's Certificate attesting to the authority to file this present manifestation.

WHEREFORE, petitioner UNIVERSAL STEEL SMELTING CO., INC respectfully prays that its petition in the above-entitled case be dismissed."[4] (Emphasis supplied)

Attached to petitioner's Manifestation[5] was a "SECRETARY'S CERTIFICATE"[6], which stated the following, among others:

"I, ALEXANDER J. POBLADOR, xxx, being the duly elected and qualified Corporate Secretary of UNIVERSAL STEEL SMELTING CO., INC. xxx hereby certify that at the Special Meeting of the Board of Directors of the Corporation held on 23 January 2013, during which a quorum was present and acted throughout, the following resolution was approved:

'WHEREAS, Universal Steel Smelting Co., Inc. xxx had entered into an amicable settlement with Leman Commodities S.A. relating to the case entitled "Universal Steel Smelting Co., Inc. vs. Hon. Christine A. Jacob, et al.", docketed as CA-G.R. SP No. 97638 and pending before the Court of Appeals – Manila;

xxx

'WHEREFORE, IT IS RESOLVED, That the Corporation is hereby authorized to cause the dismissal of the aforementioned case;

xxx

'RESOLVED, FINALLY, That the Board of Directors of the Corporation hereby names and appoints the President, Mr. Joseph U. Lim, as the Corporation's true and lawful attorney-in-fact, for and in its name, place and stead, to cause the preparation and filing of any pleading, paper, document, evidence, representation or other matter involving or affecting the Corporation's rights under applicable laws in connection with aforementioned case, with full power and authority to execute, sign, subscribe and/or swear to, any pleading,

motion, petition, verification, certification against forum shopping, affidavit and such other document or statement as may be necessary or appropriate, and to take all the necessary steps to implement the foregoing resolution." [7] (Emphasis supplied)

Given that petitioner, in its Manifestation[8], sought the dismissal of the very Petition[9] it filed, then the dismissal of petitioner's Petition for Certiorari[10] is justified.

WHEREFORE, petitioner's prayer for the dismissal of its Petition for Certiorari[11] in its Manifestation[12] is GRANTED. The Petition[13] at bench is considered DISMISSED, and the case is deemed CLOSED and TERMINATED.

SO ORDERED.

De Leon[*] (Acting Chairman) and Dicedican, JJ., concur.

[*] New third member vice J. Paredes (inhibited) per raffled dated March 4, 2014

[1] Rollo, pp. 455-456.

[2] Rollo, 2-15.

[3] Rollo, p. 455.

[4] Rollo, p. 455.

[5] Rollo, pp. 455-456.

[6] Rollo, pp. 457-458

[7] Rollo, p. 457

[8] Rollo, pp. 455-456.

[9] Rollo, 2-15.

[10] Rollo, 2-15.

[11] Rollo, 2-15.

[12] Rollo, pp. 455-456.

[13] Rollo, 2-15.

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