

**PACIFIC TUG & SALVAGE CORPORATION OF PANAMA,
PETITIONER, VS. HON. RAMON O. NOLASCO, JUDGE OF BRANCH IX,
COURT OF FIRST INSTANCE OF MANILA; MACARIO M. OFILADA, IN
HIS CAPACITY AS...**

G.R. No. L-22226. October 14, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Before the Court is a "Joint Manifestation and Petition to Dismiss" dated September 14, 1968 and filed on October 1, 1968, as follows:

"JOINT MANIFESTATION

AND PETITION TO DISMISS

COME NOW the petitioner Pacific Tug & Salvage Corporation of Panama (hereinafter referred to as Pacific Tug) and respondent Bank of America National Trust and Savings Association (hereinafter referred to as Bank of America), and Top Service, Inc., through their respective undersigned counsel, and to this Honorable Court respectfully state:

1. That per a document entitled 'Transfer of Rights' executed on July 24, 1968, respondent Bank of America transferred, ceded and conveyed to Top Service, Inc. all their rights, interests and claims of whatever nature over the vessel 'PACIFIC RESERVE' subject of the instant petition and the action now pending in Branch IX of the Court of First Instance of Manila, entitled 'Bank of America National Trust and Savings Association vs. Pacific Tug & Salvage Corporation of Panama, et al.,' Civil Case No. 55484. A thermofax copy of said document is hereto attached as annex 'A' and made an integral part hereof.
2. That in accordance with said document, Top Service, Inc. filed a motion for substitution of party plaintiff Bank of America in the aforementioned case pending in the Court of First Instance of Manila, which was approved by the said Court per its order dated August 24, 1963, a thermofax copy of which is hereto attached as Annex 'B' and made an integral part hereof.
3. That petitioner Pacific Tug has no objection to the substitution of herein respondent Bank of America with Top Service, Inc., in the instant case.
4. That petitioner Pacific Tug and respondent Bank of America through its transferee, Top Service, Inc., have agreed to have their dispute over the vessel 'PACIFIC RESERVE' resolved and decided in the case now pending before branch IX of the Court of First Instance of Manila, as herein petitioner is no longer interested in prosecuting the instant case before this Honorable Court. It may be significant to point out that per the resolution issued by this Honorable Court dated July 24, 1968, the Writ of Preliminary Injunction which it issued on May 18, 1964 against respondents was dissolved for failure of herein petitioner to file the required bond.
5. That petitioner Pacific Tug and Top Service, Inc. (the latter as transferee of respondent Bank of America), in

order not to further delay the resolution of their dispute over the said vessel by Branch IX of the Court of First Instance of Manila, which has refused to continue the proceedings thereat in view of the pendency of the instant petition before this Honorable Court, have agreed to move for the dismissal of the instant petition including the claims of whatever nature which each of the parties had alleged therein against each other.

WHEREFORE, it is respectfully prayed by the herein parties that the instant petition be dismissed without pronouncement as to costs.

Manila, September 14, 1968.

PACIFIC TUG & SALVAGE BANK OF AMERICA

CORPORATION OF PANAMA NATIONAL TRUST & SAVINGS ASSO.

THE BRADMAN COMPANY,

INC. (in rubber stamp)

By: By:

(SGD.) ILLEGIBLE (SGD.) ILLEGIBLE

President (in rubber stamp)/Agents

ASSISTED BY: ASSISTED BY:

OZAETA, GIBBS & OZAETA LICHAUCO, PICAZO & AGCAOILI

By: By:

(SGD.) ILLEGIBLE SGD.) ILLEGIBLE

Counsel for Pacific Tug and Counsel for Bank of America

Salvage Corporation of Panama National Trust & Savings

7th Floor, Insurance Center Building Association

Gen. Luna Street 6th Floor, Padilla de los Reyes Bldg.

Intramuros, Manila Juan Luna Street, Manila

TOP SERVICE INC.

By:

(SGD.) ILLEGIBLE

ASSISTED BY:

TAÑADA, CARREON, & TAÑADA

By:

(SGD.) WIGBERTO E. TAÑADA

Counsel for Top Service, Inc.

6th Floor, Consolidated Mines Bldg.

126 Ayala Avenue, Makati, Rizal

P.O. Box 4349, Manila”

Wherefore, the petition herein is hereby dismissed without pronouncement as to costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Castro, Angeles, Fernando, and Capistrano, JJ., concur.
Zaldivar, J., is on leave.

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