



Republic of the Philippines
Supreme Court
Manila

SPECIAL THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 9, 2014**, which reads as follows:

“G.R. No. 156208 (NPC Drivers and Mechanics Association [NPC-DAMA], represented by its president Roger San Juan, et al. vs. National Power Corporation [NPC], et al.) - Acting on the:

- (1) **Letter dated 31 July 2014** from Atty. Perlita V. Ele (Clerk of Court and Ex-Officio Sheriff of the Regional Trial Court of Quezon City), Rolando G. Acal, Pedro L. Borja, and Edgar R. Lucas (Sheriffs of the RTC of Quezon City) requesting advice and guidance from the Court whether the January 7, 2010 *status quo* order is deemed lifted by the Court’s June 30, 2014 Resolution.
- (2) **Letter dated 5 August 2014** from Attys. Victoriano Orocio and Cornelio Aldon, opining that there is no necessity for a directive from the Court to implement its Decision and Resolutions in the case in view of the clear and unmistakable import and logical consequence of the June 30, 2014 Resolution, which effectively lifted and/or quashed the January 7, 2010 *status quo* order.
- (3) **MANIFESTATION AND MOTION** dated August 22, 2014, filed by the Office of the Solicitor General, stating, among others, that the Honorable Court’s ruling is a significant departure from settled doctrines and law relating to the voting requirements for the validity of corporate acts and that the magnitude of this case merits a non-discretionary referral to the Court *En Banc* and praying, among others, that the Court declares that this is an *En Banc* case pursuant to Rule 2, Section 3 of the Internal Rules of the Supreme Court, or alternatively, allow members of the Court *En Banc* to vote whether this case is of sufficient importance to merit the attention of the Court *En Banc*; and restrain the execution of the Court’s September 26, 2009 Decision and the Resolutions dated September 17, 2008, December 2, 2009, and

June 30, 2014 pending the resolution of this matter.

- (4) **MOTION FOR LEAVE TO FILE AND ADMIT SECOND MOTION FOR RECONSIDERATION** [of the Resolution dated June 30, 2014] **INCORPORATED IN PSALM'S OMNIBUS MOTION** dated August 22, 2014, filed by respondent Power Sector Assets and Liabilities Management Corporation (PSALM).
- (5) Aforesaid **OMNIBUS MOTION 1. FOR RECONSIDERATION OF THE 30 JUNE 2014 RESOLUTION** [which, among others, denied the National Power Corporation and PSALM's motions for reconsideration of the Resolution dated December 2, 2009]; **2. TO LIFT AND/OR QUASH THE "DEMAND FOR IMMEDIATE PAYMENT" DATED 28 JULY 2014 AND THE NOTICES OF GARNISHMENT ISSUED AGAINST PSALM;** and **3. FOR THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND/OR STATUS QUO ORDER** dated August 22, 2014, filed by respondent PSALM.
- (6) **LETTER** dated August 29, 2014 of Atty. Frederico P. Quevedo, Acting General Counsel of respondent PSALM, requesting permission to view the records of this case and to photocopy portions thereof.
- (7) **MOTION TO EXPUNGE** dated September 1, 2014, filed by petitioners, from the records of the case the National Power Corporation's Manifestation and Motion dated August 22, 2014 and PSALM's Motion for Leave to File and Admit Second Motion for Reconsideration Incorporated in PSALM's Omnibus Motion dated August 22, 2014 for reasons stated therein.
- (8) **SPECIAL APPEARANCE WITH URGENT MOTION FOR CLARIFICATION** filed by Manila Electric Company (MERALCO), by way of special appearance, stating that on August 14, 2014, MERALCO received a Notice of Garnishment ("*Notice of Garnishment*") from sheriff Edgar R. Lucas, Sheriff IV of the Regional Trial Court of Quezon City, issued pursuant to this Honorable Court's Resolution dated June 30, 2014.

the Court **RESOLVES** to:

- (a) **NOTE** the above submissions;

(b) **DEFER** the resolution of the requested referral of the present case to the Court *En Banc* pending the Special Third Division's full consideration of the above submissions;

(c) **REQUIRE** the National Power Corporation (NPC) and Power Sector Assets and Liabilities Management Corporation (PSALM) to separately comment on the Letter of July 31, 2014 of Atty. Perlita V. Ele and the Letter of August 5, 2014 of Attys. Victoriano Orocio and Cornelio Aldon, within ten (10) days from notice;

(d) **REQUIRE** the petitioners to comment on the Manifestation and Motion of the Office of the Solicitor General (OSG) dated August 22, 2014, within ten (10) days from notice;

(e) **REQUIRE** the petitioners to comment on the PSALM's Motion for Leave to File and Admit Second Motion for Reconsideration dated August 22, 2014, and the Omnibus Motion dated August 22, 2014, within ten (10) days from notice;

(f) **REQUIRE** the respondents to comment on the petitioners' Motion to Expunge dated September 1, 2014, within ten (10) days from notice;

(g) **REQUIRE** the petitioners to comment on the Letter of August 29, 2014 of Atty. Federico P. Quevedo, Acting General Counsel of respondent PSALM, within ten (10) days from notice;

(h) **REQUIRE** both the petitioners and the respondents to comment on the Special Appearance with Urgent Motion for Clarification of Manila Electric Company (MERALCO), within ten (10) days from notice;

(i) **DIRECT** Atty. Perlita V. Ele as Clerk of Court and Ex-Officio Sheriff of the Regional Trial Court of Quezon City, Rolando G. Acal, Pedro L. Borja, and Edgar R. Lucas (as Sheriffs of Quezon City) to (a) **DEFER** the implementation of the Decision of the Court of September 26, 2006 and the Resolutions of September 17, 2008, December 2, 2009 and June 30, 2014 pending consideration of the present submissions and until further notice from this Court; and (b) **LIFT**, under the same terms, the Notice of Garnishment of August 14, 2014 issued by Sheriff Edgar R. Lucas pursuant to this Court's Resolution of June 30, 2014;

(j) **DIRECT** the petitioners and respondents to **SUBMIT**, within forty-five (45) days from receipt of this Resolution, their separate lists of NPC employees as of January 31, 2002, showing the following data:

- i. the full name;
- ii. date of hire;
- iii. last date of uninterrupted service after date of hire;
- iv. position and salary as of last date of service;
- v. if termination or separation pay has been received at anytime from NPC, the amount of termination or separation pay received and date of receipt.

(k) **DIRECT** Clerk of Court Perlita V. Ele to **SUBMIT**, within fifteen (15) days from notice, the list of employees submitted by the parties to her Office in the course of the proceedings for the execution of the Decision of September 26, 2006, the Resolutions of this Court of September 17, 2008, December 2, 2009 and June 30, 2014.

SO ORDERED.”

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court
9/11/14

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Resolution
Special Third Division

- 6 -

G.R. No. 156208
September 9, 2014

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Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

- (1) *With copy of letters dated July 31, 2014 & August 5, 2014.*
- (2) *With copy of letter dated August 29, 2014.*
- (3) *With copy of MERALCO'S Special Appearance.*
- (4) *With copy of OSG's Manifestation and Motion dated August 22, 2014.*

156208

2. (1)