



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 30, 2014 which reads as follows:*

**"G.R. No. 213234 (SM Prime Holdings, Inc. vs. The Light Rail Transit Authority and The Department of Transportation and Communications).**- After deliberating on the petition for injunction with prayer for temporary restraining order and writ of preliminary injunction against the implementation of the Light Rail Transit Authority (LRTA) and the Department of Transportation and Communications (DOTC) decision to build the Common Station interconnecting the LRT Taft, the MRT EDSA and the forthcoming MRT 7 in front of the Trinoma Mall in violation of a Memorandum of Agreement dated September 28, 2009 between petitioner and the LRTA to construct the same in front of SM City North EDSA, the Court, without giving due course thereto, resolves to require the respondents to **COMMENT** thereon (not to file a motion to dismiss) within a **NON-EXTENDIBLE** period of ten (10) days from notice hereof.

The Court further resolves to require petitioner to **SUBMIT** within five (5) days from notice hereof:

- (1) a sufficient verification of the petition pursuant to Sec. 4, Rule 7, 1997 Rules of Civil Procedure, as amended, which provides:

SEC. 4. *Verification.*- Except when otherwise specifically required by law or rule, pleadings need not be under oath, verified or accompanied by affidavit.

A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

A pleading required to be verified which contains a verification based on "information and belief," or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned pleading.

and

- over - (two [2] pages)..

- (2) a proof of service of the petition (e.g., written admission of the party served or affidavit of the party serving together with the registry receipts) on the adverse parties pursuant to Sec. 5(d), Rule 56 and Sec. 13, Rule 13, 1997 Rules of Civil Procedure, as amended.

Acting on the prayer for the issuance of a temporary restraining order and writ of preliminary injunction, the Court furthermore resolves to **ISSUE a TEMPORARY RESTRAINING ORDER**, as prayed for, effective immediately and continuing until further orders from this Court, enjoining the respondents, their agents and representatives, from proceeding with the transfer of the Common Station in front of SM City North EDSA to the new site in front of Trinoma Mall in North Avenue, Quezon City.”

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

**128**

ATTY. ARTURO S. SANTOS (x)  
Counsel for Petitioner  
6/F TRIDA Building,  
now Parkview Plaza  
T.M. Kalaw cor. Taft Ave.,  
Ermita, Manila

\*THE SOLICITOR GENERAL (x)  
Makati City

\*OFFICE OF THE ADMINISTRATOR (x)  
LIGHT RAIL TRANSIT AUTHORITY  
Respondent  
Administration Building,  
Light Rail Transportation Authority Compound  
Aurora Blvd., Pasay City

\*HON. SECRETARY (x)  
THE DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS  
Respondent  
Columbia Tower, Ortigas Avenue,  
Barangay Wack-Wack  
Mandaluyong City

\* with copy of petition w/ annexes.



Republic of the Philippines  
Supreme Court  
Manila

First Division

SM PRIME HOLDINGS, INC.,  
Petitioner,

G.R. No. 213234

- versus -

TEMPORARY RESTRAINING  
ORDER

THE LIGHT RAIL TRANSIT AUTHORITY  
AND THE DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS,  
Respondents.

X ----- X

TO: OFFICE OF THE ADMINISTRATOR (x)  
LIGHT RAIL TRANSIT AUTHORITY  
Administration Building,  
Light Rail Transportation Authority Compound  
Aurora Blvd., Pasay City

HON. SECRETARY (x)  
THE DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS  
Columbia Tower, Ortigas Avenue,  
Barangay Wack-Wack  
Mandaluyong City

**GREETINGS:**

*WHEREAS*, the Supreme Court, on July 30, 2014, adopted a resolution in the above-entitled case, to wit:

- over – three (3) pages...

July 30, 2014

**"G.R. No. 213234 (SM Prime Holdings, Inc. vs. The Light Rail Transit Authority and The Department of Transportation and Communications).-** After deliberating on the petition for injunction with prayer for temporary restraining order and writ of preliminary injunction against the implementation of the Light Rail Transit Authority (LRTA) and the Department of Transportation and Communications (DOTC) decision to build the Common Station interconnecting the LRT Taft, the MRT EDSA and the forthcoming MRT 7 in front of the Trinoma Mall in violation of a Memorandum of Agreement dated September 28, 2009 between petitioner and the LRTA to construct the same in front of SM City North EDSA, the Court, without giving due course thereto, resolves to require the respondents to **COMMENT** thereon (not to file a motion to dismiss) within a **NON-EXTENDIBLE** period of ten (10) days from notice hereof.

The Court further resolves to require petitioner to **SUBMIT** within five (5) days from notice hereof:

- (1) a sufficient verification of the petition pursuant to Sec. 4, Rule 7, 1997 Rules of Civil Procedure, as amended, which provides:

SEC. 4. *Verification.*— Except when otherwise specifically required by law or rule, pleadings need not be under oath, verified or accompanied by affidavit.

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A pleading required to be verified which contains a verification based on "information and belief," or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned pleading.

and

- (2) a proof of service of the petition (e.g., written admission of the party served or affidavit of the party serving together with the registry receipt) on the adverse parties pursuant to Sec. 5(d), Rule 56 and Sec. 13, Rule 13, 1997 Rules of Civil Procedure, as amended.

Acting on the prayer for the issuance of a temporary restraining order and writ of preliminary injunction, the Court furthermore resolves to **ISSUE** a **TEMPORARY RESTRAINING ORDER**, as prayed for, effective immediately and continuing until further orders from this Court, enjoining the respondents, their agents and representatives, from proceeding with the transfer of the Common Station in front of SM City North EDSA to the new site in front of Trinoma Mall in North Avenue, Quezon City."

July 30, 2014

***NOW, THEREFORE***, you, the Light Rail Transit Authority and the Department of Transportation and Communications, and/or all persons acting upon your orders or, in your place or stead, effective immediately and continuing until further orders from this Court, are hereby ***ENJOINED*** from proceeding with the transfer of the Common Station in front of SM City North EDSA to the new site in front of Trinoma Mall in North Avenue, Quezon City.

***GIVEN*** by the ***Hon. Chief Justice MA. LOURDES P. A. SERENO***, Chairman of the First Division, Supreme Court of the Philippines, this 30<sup>th</sup> day of July, two thousand and fourteen.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

**128**

Copy furnished:

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