

FIRST DIVISION

[**G.R. No. 196171, January 15, 2014**]

RCBC CAPITAL CORPORATION, PETITIONER, VS. BANCO DE ORO UNIBANK, INC. (NOW BDO UNIBANK, INC.), RESPONDENT.

[**G.R. NO. 199238**]

BANCO DE ORO UNIBANK, INC., PETITIONER, VS. COURT OF APPEALS AND RCBC CAPITAL CORPORATION, RESPONDENTS.

[**G.R. NO. 200213**]

BANCO DE ORO UNIBANK, INC., PETITIONER, VS. RCBC CAPITAL CORPORATION AND THE ARBITRAL TRIBUNAL IN ICC ARBITRATION REF. NO. 13290/MS/JEM AND/OR RICHARD IAN BARKER, NEIL KAPLAN AND SANTIAGO KAPUNAN, IN THEIR OFFICIAL CAPACITY AS MEMBERS OF THE ARBITRATION TRIBUNAL, RESPONDENTS.

R E S O L U T I O N

VILLARAMA, JR., J.:

Before the Court are: (1) the *Joint Motion and Manifestation* dated October 1, 2013 filed in **G.R. Nos. 196171 & 199238** by RCBC Capital Corporation ("RCBC Capital"), BDO Unibank, Inc. ("BDO"), and George L. Go, in his personal capacity and as attorney-in-fact of the individual stockholders as listed in the Share Purchase Agreement dated May 27, 2000 ("Go/Shareholders"), thru their respective counsels; and (2) the *Joint Motion and Manifestation* dated October 1, 2013 filed in **G.R. No. 200213** by BDO and RCBC Capital thru their respective counsel.

All three petitions emanated from arbitration proceedings commenced by RCBC Capital pursuant to the arbitration clause under its Share Purchase Agreement (SPA) with EPCIB involving the latter's shares in Bankard, Inc. In the course of arbitration conducted by the Tribunal constituted and administered by the International Chamber of Commerce-International Commercial Arbitration (ICC-ICA), EPCIB was merged with BDO which assumed all its liabilities and obligations.

G.R. No. 196171 is a petition for review under Rule 45 seeking to reverse the Court of Appeals (CA) Decision dated December 23, 2010 in CA-G.R. SP No. 113525 which reversed and set aside the June 24, 2009 Order of the Regional Trial Court (RTC) of Makati City, Branch 148 in SP Proc. Case No. M-6046. The RTC confirmed the Second Partial Award issued by the Arbitration Tribunal ordering BDO to pay RCBC Capital proportionate share in the advance costs and dismissing BDO's counterclaims.

G.R. No. 199238 is a petition for certiorari under Rule 65 assailing the September 13, 2011 Resolution in CA-G.R. SP No. 120888 which denied BDO's application for the issuance of a stay order and/or temporary restraining order (TRO)/preliminary injunction against the RTC of Makati City, Branch 148 in Sp. Proc. Case No. M-6046. Acting upon RCBC Capital's urgent motion, the RTC issued on August 22, 2011 a writ of execution for the implementation of the court's order confirming the Final Award rendered by the Arbitration Tribunal on June 16, 2010.

On the other hand, G.R. No. 200213, filed on February 6, 2012, is a petition for review under Rule 45 praying for the reversal of the CA's Decision dated February 24, 2011 and Resolution dated January 13, 2012 in CA-G.R. SP No. 113402. The CA denied BDO's petition for certiorari and prohibition with application for issuance of a TRO and/or writ of preliminary injunction against the RTC of Makati City, Branch 148 in Sp. Proc. Case No. M-6046. By Order dated June 24, 2009, the RTC denied BDO's motion for access of the computerized accounting system of Bankard, Inc. after Chairman Richard Ian Barker had denied BDO's request that it be given access to the said source of facts or data used in preparing the accounting summaries submitted in evidence before the Arbitration Tribunal.

G.R. Nos. 196171 & 199238 were consolidated and a Decision was rendered by this Court on December 10, 2012, the dispositive portion of which states:

WHEREFORE, premises considered, the petition in G.R. No. 199238 is DENIED. The Resolution dated September 13, 2011 of the Court of Appeals in CA-G.R. SP No. 120888 is AFFIRMED.

The petition in G.R. No. 196171 is DENIED. The Decision dated December 23, 2010 of the Court of Appeals in CA-G.R. SP No. 113525 is hereby AFFIRMED.

SO ORDERED.^[1]

Both RCBC Capital and BDO filed motions for partial reconsideration of the above decision.

Meanwhile, in G.R. No. 200213, RCBC Capital filed its Comment, to which a Reply was filed by BDO. By Resolution dated July 22, 2013, both parties were directed to submit their respective memoranda within 30 days from notice.

In their Joint Motion and Manifestation filed in G.R. Nos. 196171 & 199238, the parties submit and pray that –

5. After negotiations, the Parties have mutually agreed that it is in their best interest and general benefit to settle their differences with respect to their respective causes of action, claims or counterclaims in the RCBC Capital Petition and the BDO Petition, with a view to a renewal of their business relations.

6. Thus, the parties have reached a complete, absolute and final