



SMC GLOBAL POWER

20 September 2019

Philippine Dealing & Exchange Corp.

37th Floor, Tower 1, The Enterprise Center
6766 Ayala Avenue corner Paseo de Roxas
Makati City

Attention: **Atty. Joseph B. Evangelista**
Head – Issuer Compliance and Disclosure Department

Gentlemen:

Further to the disclosure made by SMC Global Power Holdings Corp. (the “Corporation”), dated 02 August 2019, relating to the above-captioned subject, we advise that the Court of Appeals, Fifth Division, in a Resolution dated 23 August 2019, a copy of which we received from our external counsel on 19 September 2019, dismissed the Petition for Certiorari filed by the Power Sector Assets and Liabilities Management Corporation (“PSALM”) against South Premiere Power Corp. (“SPPC”). The relevant portions of the Resolution are quoted below:

“Upon perusal of the Petition and its annexes, the Court rules to dismiss the Petition in view of the following infirmities:

- a. PSALM failed to state the names and addresses of the parties in this case, as required under Section 3, Rule 46 of the Rules of Court;
- b. PSALM failed to furnish a copy of the Petition to SPPC, as required under Section 3, Rule 46 of the same rules issued by the Supreme Court of the Philippines, Mandatory Continuing Legal Education (MCLE) Office;
- c. The MCLE Compliance with number IV-0026098 of Atty. Tomas N. Baga, Jr. (Atty. Baga), who notarized the attached Verification and Certification and Affidavit of Service is not updated, as required under Resolution No. 03-2006;
- d. PSALM failed to indicate the date of issuance of Atty. Baga’s MCLE, as required under Bar Matter No. 1922 (*Re: Number and Date of MCLE Certificate of Completion/Exemption Required in all Pleadings/Motions*); and
- e. PSALM failed to implead the RTC, the public respondent in this case, as required under Section 5, Rule 65 of the Rules of Court.

Anent PSALM’s prayer for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, the Court rules to deny the same.

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WHEREFORE, the Petition for *Certiorari* is **DISMISSED** due to the above-mentioned infirmities. Accordingly, the Prayer for a Temporary Restraining Order and/or Writ of Preliminary Injunction is **DENIED.**"

SPPC, a wholly-owned subsidiary of the Corporation, continues to be the IPP Administrator for the Ilijan Power Plant.

Very truly yours,

SMC GLOBAL POWER HOLDINGS CORP.

By:


ELENITA D. GO
Corporate Information Officer