

## **ASB REALTY CORPORATION, PLAINTIFF-APPELLEE, VS. SPOUSES NERY O. SUNGA AND SUSANA M. SUNGA, DEFENDANTS-APPELLANTS.**

Ponente: CRUZ, J.

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### **CRUZ, J.:**

This is an appeal[1] under Rule 41 of the Rules of Court assailing the Decision dated December 28, 2012[2] of the Regional Trial Court (RTC) of Makati City, Branch 133 in Civil Case No. 03-818. The dispositive portion of the decision reads:

"

xxx xxx xxx

WHEREFORE, foregoing considered, finding plaintiff's cause of action to be sufficiently established being supported by evidence on records (sic), judgment is hereby rendered in favor of the plaintiff ASB Realty Corporation and against defendants-spouses Nery and Susan Sunga ordering the latter to solidarily pay the former the following amounts;

1. ONE MILLION NINETY ONE THOUSAND TWENTY & 80/100 (P1,091, 020.80) with legal interest from April 30, 2003 until fully paid;
2. Twenty Thousand Pesos (P20,000.00) as attorney's fees; and
3. Cost of suit.

Other claims are denied.

SO ORDERED.

xxx xxx xxx "

While the appeal was pending resolution,[3] the case was referred to mediation.[4] Per Mediator's Report dated August 6, 2014,[5] the parties amicably settled and entered into a Compromise Agreement dated August 6, 2014.[6] Its full text reads:

"

xxx xxx xxx

### **COMPROMISE AGREEMENT**

COME NOW Plaintiff-Appellee ASB REALTY CORPORATION and Defendants-Appellants SPS. NERY O. SUNGA AND SUSANA M. SUNGA, before this Honorable Court most respectfully submit for approval of the following Compromise Agreement:

a) Without admitting any liability and purely for the purpose of settling the above-entitled case amicably, Defendants-Appellants hereby agree to pay the Plaintiff-Appellee P1,400,000.00 (sic). The aforementioned amount will be covered by checks according to the following schedule:

August 10, 2014 P500,000.00

September 10, 2014 P500,000.00

October 10, 2014 P450,000.00

b) Plaintiff-Appellee agreed to accept P1,450,000.00 as settlement as offered by Defendants-Appellants.

c) For and in consideration of the foregoing, the parties mutually release each other from any and all claims arising from the Decision of the RTC of Makati dated December 28, 2012 and the same are hereby considered by them as fully satisfied and they have no more claims whatsoever against each other arising from the said case.

d) Parties voluntarily signed this Compromise Agreement, not being contrary to laws, morals and public policy.

WHEREFORE, it is respectfully prayed that the above Compromise Agreement be approved and considered as the Decision in the above-entitled case.

xxx xxx xxx "

On October 9, 2014, Plaintiff-Appellee ASB Realty Corporation filed a Notice of Full Settlement of the Amount Due Under the Compromise Agreement<sup>vii</sup> manifesting that defendants-appellants had already paid and settled their obligation as provided in the Compromise Agreement and acknowledging receipt of the same to its full and complete satisfaction.

On November 20, 2014, defendants-appellants filed a Motion to Admit Compromise Agreement<sup>[8]</sup> explaining the delay in securing the signature of Defendant-Appellant Susana M. Sunga and submitting a photocopy of the Compromise Agreement with the conformity or signature of Defendant-Appellant Susana M. Sunga.

Finding the above-quoted Compromise Agreement to be in order and not to be contrary to laws, morals, good customs, public order and public policy, the same is accepted.

WHEREFORE, the Compromise Agreement dated August 6, 2014 is APPROVED. Judgment is rendered in accordance therewith and parties are enjoined to strictly comply with its terms and conditions. The Motion to Admit Compromise Agreement is GRANTED and the Notice of Full Settlement of the the Amount Due Under the Compromise Agreement is NOTED. The issues of the case having been moot and academic, the appeal is hereby DISMISSED.

### **SO ORDERED.**

Abdulwahid, (Chairperson), and Barza, JJ., concur.

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[1] Notice of Appeal; Rollo, p. 24.

[2] Ibid., pp. 20-23.

[3] Resolution dated September 17, 2013; Ibid., p.5.

[4] See Resolution dated May 19, 2014; Ibid., p. 105.

[5] Rollo, p. 111.

[6] Ibid., p. 112.

[7] Ibid., pp. 116-117.

[8] Ibid., pp. 121-123.

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