

**GABRIEL LOPEZ AND AURORA V. LOPEZ, PETITIONERS, VS.
MACARIO BERMEJO, MAGDALENA BERMEJO, PROVINCIAL SHERIFF
OF CAPIZ AND COURT OF APPEALS, RESPONDENTS.**

G.R. Nos. L-47071-72. January 06, 1986

Ponente: AQUINO, C.J.

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AQUINO, C.J.:

On December 16, 1954 the spouses Gabriel Lopez and Aurora Valguna "mortgaged" to Macario Bermejo and his wife their lands with a total area of 282 hectares to secure an alleged usurious loan of P8,000. The mortgage was to expire on December 31, 1955.

On January 19, 1961 the Lopez spouses filed an action to enjoin the foreclosure of the mortgage. On August 31, 1962 Bermejo sued the Lopez spouses for the recovery of the mortgaged lands. A receiver was appointed. The two cases were tried jointly.

The Lopez spouses presented their evidence before Judge Debuque. The Bermejos presented their evidence before Judge Leonidas. The trial lasted ten years. The evidence is voluminous.

The trial court in its decision dated May 18, 1973 declared valid the mortgage and its extrajudicial foreclosure and awarded damages to the Bermejos. The Appellate Court affirmed that judgment with the modification that the damages awarded to the Bermejos was reduced to P10,000. The Lopez spouses appealed to this Court. After the briefs had been filed, or on December 7, 1985, the parties submitted the following:

"COMPROMISE AGREEMENT

"COME NOW the parties, assisted by their respective counsels, and to this Honorable Court respectfully state:

"1. That the parties, now in the twilight years of their lives have agreed to settle their differences and end this long pending litigation by way of a com-promise agreement as follows:

"a) The Pangabuan property, more particularly described in the decision of the Court of Appeals (now Intermediate Appellate Court) in CA-G.R. No. 54770-71 as follows:

'A parcel of land covered by Tax Declaration No. 4254 (Exhibit '20' - Bermejo), situated in Pangabuan, Jamindan, Capiz; bounded on the North by Hrs. of B. Barrientos, Jr. Ituralde, C. Robles & R. Llanto on the East by M. Albona & I. Oorcio; on the South by the Nayubong Crk. & Provincial Road; and on the West by the Tablan and Badiangan Crk; containing an area of 422,000 sq. m. more or less.'

shall pertain in ownership and possession to the appel-lants-spouses Gabriel Lopez and Aurora V. Lopez, as owners proindiviso. Accordingly, the foreclosure and all proceedings leading to the transfer of the original ownership the above-described properties to the appellees, Macario Bermejo and Magdalena Bediones Bermejo are set aside and rendered of no effect.

"b) The Jaena property, more particularly des-cribed in the aforecited decision of the Court of Appeals (now

Intermediate Appellate Court) as follows:

'A parcel of land covered by Tax Declaration No. 1242 Exhibit '16-Bermejo situated in Jaena Sur and Norte, Jamindan Capiz; bounded on the North by Hermenegildo Lusanta & Mambusao River; on the East of Jaena Sch. site Gabriel Lopez; on the South by Alfredo Torreblanca, Panglawan Crk. & Victor Vigo; and on the West by Public land and Juanito Andone; containing an area of 7,545,000 sq. m., more or less.'

shall pertain in ownership and possession to the appellees, Macario Bermejo and Magdalena B. Bermejo.

"c) The parties waive all other causes of action and claims against one another subject matter of the complaints and counterclaims in the present case, including those adjudicated in appellees' favor by the trial court and affirmed by the Court of Appeals (now Intermediate Appellate Court).

"d) The decision of the trial court and the Court of Appeals (now Intermediate Appellate Court) subject of the present appeal to this Honorable Court shall be supplanted by this Compromise Agreement, which shall be the basis of judgment.

"e) The receivership of the properties above-described shall be terminated upon judgment of this Honorable Court and the parties shall then be entitled to the possession and to all rights of ownership of their respective properties as above indicated, without prejudice to the accountability of the receiver appointed by the Trial Court to submit an accounting of the receivership and for all his conduct in contravention of his duties and responsibilities as such. Cause of action against the receiver, if any, shall pertain to the Lopez spouses in so far as it concerns the Pangabuan property, and to the Bermejo spouses for the Jaena property.

WHEREFORE, it is respectfully prayed that the foregoing compromise agreement be approved and be made the basis of judgment of this Honorable Court with cost de oficio.

"Manila, November ,____1985.

(Sgd.) MACARIO BERMEJO

(Sgd.) GABRIEL LOPEZ

Appellee

Appellant

(Sgd.) MAGDALENA B. BERMEJO

(Sgd.) AURORA V. LOPEZ

Appellee

Appellant

Assisted by:

(Sgd.) VICTOR A. ARCHES

(Sgd.) VIRGILIO C. MANGUERA

Counsel for the Appellees

Counsel for the Appellants"

The foregoing compromise is approved. Judgment is rendered in accordance therewith. This case is considered closed and terminated. No costs.

SO ORDERED.

Concepcion, Jr., (Chairman), Abad Santos, Cuevas, and Alampay, JJ., concur.
Escolin, J., took no part.

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