

PATRICIA MASANGKAY, PETITIONER, VS. MAGDALENA MASANGKAY, REMEDIOS MASANGKAY, GLORIA MASANGKAY, NATIVIDAD MASANGKAY, AND ESPERANZA MASANG-KAY, RESPONDENTS, JOSE DAMIAN, ELPIDIO H...

G.R. No. L-28892. November 29, 1976

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petitioner Patricia Masangkay, represented by her mother Paula Lasin, duly assisted by counsel, and respondents Magdalena, Remedios, Gloria, Natividad and Esperanza, all surnamed Masangkay, filed on November 2, 1976 the following Compromise Agreement praying for a decision based thereon:

"COME NOW petitioner PATRICIA MASANGKAY, represented by her mother and Attorney-in--fact, PAULA LASIN, duly assisted by counsel, and the respondents, MAGDALENA, REMEDIOS, GLORIA, NATIVIDAD, and ESPERANZA, all sur-named MASANGKAY, hereinafter referred to as the Masangkay sisters, duly assisted by counsel, and to this Honorable Court, respectfully submit the following COMPROMISE AGREEMENT:

"1. In order to avoid continuous mis-understanding and a protracted litigation, the parties herein who are close relatives, have agreed to settle the above-entitled case amicably in the following manner:

"(a) The Masangkay Sisters, respondents herein, hereby forever renounce and relin-quish all their rights, titles, interests and participations which they have, or might have, in and over the two (2) parcels of land situated in Antipolo, Rizal, being Lots Nos. 1 and 2, Plan Psu-153725, Land Registration Case No. N-1185, G.L.R.O. Rec. No. N-11599 of the Court of First Instance of Rizal, containing a total area of 26,748 square meters, which parcels of land were adjudicated and ordered registered in their names pursuant to the decision of the Court of Appeals in CA-G.R. No. 31374-R promulgated on April 12, 1967 and which is the subject of the instant petition, G.R. No. L-28892, unto and in favor of the petitioner, PATRICIA MASANGKAY, who had been declared as the sole heir entitled to inherit the estate of Dr. Juan Masangkay, deceased brother of the herein Masangkay sisters, pursuant to a final decision of the Court of Appeals in CA-G.R. No. 28405-R promulgated on August 12, 1964;

"(b) In consideration of the foregoing renunciation and relinquishment made by the Masangkay Sisters, petitioner PATRICIA MASANGKAY, thru her mother and attorney-in--fact PAULA LASIN, likewise hereby renounces and relinquishes any and all her paraphernal rights, interests and participations which she has, or may hereafter have, in and over the eight (8) parcels of land situated in Antipolo, Rizal, in favor of the defendants in Civil Case No. 11299 of the Court of First Instance of Rizal, entitled, 'PATRICIA MASANGKAY-POHL, Plaintiff, vs. REMEDIOS MASANGKAY, GLORIA MASANGKAY, NATIVIDAD MASANGKAY, ESPERANZA MASANGKAY, CRISTINO M. SANTOS, EPIFANIA M. SANTOS and ROSARIO M. SANTOS, Defendants,' and hereby agrees to have the said Civil Case No. 11299 dismissed with prejudice and without pronouncement as to costs;

"(c) Petitioner PATRICIA MASANGKAY, thru her mother and Attorney-in-fact PAULA LASIN, also hereby renounces and relinquishes all her rights, interests and participations which she has, or may hereafter have, in and over two (2) parcels of land situated in Antipolo, Rizal, which were levied on execution in connection with a judgment rendered in her favor (concerning her paraphernal rights and interests) in Civil Case No. 4565 of the Court of First Instance of Rizal, entitled, 'PATRICIA MASANGKAY--POHL, vs. REMEDIOS MASANGKAY, ET AL.,' which said two (2) parcels of land are also involved in Civil Case No. 9023 of the Court of First Instance of Rizal, and in CA-G.R. No. 42084-R of the Court of Appeals and sold at public auction in her favor by the Provincial Sheriff of Rizal, to satisfy the money judgment in said civil case in the sum of TWENTY THOUSAND FOUR HUNDRED EIGHTY ONE pesos and 25/100 (P20,481.25), which said two parcels of land are more particularly bounded and described as follows:

"(a) 'A parcel of land [ricefield and inculto] situated at Pantay, Antipolo, Rizal. Bounded on the N. by Creek and Public Land; on the E., by Public Land; on the S., by Creek and Basilio Gatlabayan; and on the W., by the land of Mateo Villazor, containing an area of 1-48-99 hectares and 21-17 ares and assessed at P740.00 under Tax Declaration No. 3090';

"(b) 'A parcel of land [ricefield and inculto] situated at Pantay, Antipolo, Rizal. Bounded on the N., by the land of Pedro Sierra and Tranquilino Gatlabayan; on the E., by the land of Alejandro Lico and Engracio Sumulong; on the S., by the land of Sixto Coronado; and on the W., by the Pantay River, containing an area of 2-89-63 hectares and 33-69 ares and assessed at P1,980.00 under Tax Declaration No. 2989'.

"2. On the basis of this COMPROMISE AGREEMENT, the Masangkay Sisters hereby agree that the decision in CA-G.R. No. 31374-R should be modified in the sense that the two (2) parcels of land referred to in the said decision be instead adjudicated and registered in the name of their niece, petitioner PATRICIA MASANGKAY, Filipino, of legal age, married to Pedro Pohl, of Antipolo, Rizal, but at present residing in Chicago, Illinois, U.S.A., which said two (2) parcels of land are more particularly bounded and described as follows:

"(a) 'A parcel of land [Lot 1 of plan Psu-153725], situated in the Municipality of Antipolo, Province of Rizal. Bounded on W., along line 1-2 by property of Heirs of Gabriel Francisco; along line 2-4 by property of Ambrosio Masangkay; along line 4-6 by Provincial Road; along line 6-8 by property of Ramon J. Araneta; and along line 8-1 by property of Jose Damian, Elpidio Ison and Feliciano Sarmiento (Lot 'B', Psd-12279). Beginning at a point marked '1' on plan, being or A S-51 deg. 35' W., 1237.69 m. from B.L.L.M. 1, Mp. of Antipolo,

thence N. 1 deg. 27' E., 76.50 m. to point '2';
thence S. 81 deg. 29' E., 97.53 m. to point '3';
thence N. 75 deg. 00' E., 157.59 m. to point '4';
thence S. 35 deg. 13' E., 39.51 m. to point '5';
thence S. 40 deg. 28' E., 36.78 m. to point '6';
thence S. 83 deg. 14' W., 32.54 m. to point '7';
thence S. 6 deg. 47' E., 28.84 m. to point '8';
thence S. 87 deg. 57' W., 268.54 m. to the

point of beginning; containing an area of TWENTY THOUSAND AND THIRTY NINE (20,039) square metres. All points referred to are indicated on the plan and are marked on the ground as follows: points '1' and '2' by old P.L.S. Cyl. Conc. Mons.; point '3' by old mango tree; and the rest by P.L.S. Cyl. Conc. Mons.; bearings true; date of survey, August 27, 1955.'

"(b) 'A parcel of land [Lot 2 of plan Psu-153725], situated in the Municipality of Antipolo, Province of Rizal. Bounded on W., along line 1-3 by Provincial Road; along line 3-4 by property of Ambrosio Masangkay; along line 4-5 by old road; and along line 5-1 by property of Francisco Alarcon. Beginning at a point marked '1' on

plan, being S. 41 deg. 46' W., 970.06 m. from B.L.L.M. 1, Mp. of Antipolo,

thence N. 43 deg. 16' W., 48.68 m. to point '2';

thence N. 35 deg. 14' W., 33.30 m. to point '3';

thence N. 75 deg. 00' E., 106.65 m. to point '4';

thence S. 8 deg. 31' E., 83.59 m. to point '5';

thence S. 83 deg. 07' W., 63.28 m. to the

point of beginning; containing an area of SIX THOUSAND SEVEN HUNDRED AND NINE (6,709) Square Meters. All points referred to are indicated on the plan and are marked on the ground by P.L.S. Cyl. Conc. Mons.; bearings true; date of Survey, August 27, 1955'.

"WHEREFORE, the parties herein respectfully pray that this COMPROMISE AGREEMENT be approved and that a decision be rendered in accordance therewith.

"Manila, Philippines, November 2, 1976.

"PATRICIA MASANGKAY MAGDALENA MASANGKAY

Petitioner Respondent

"By:

(Thumbmark affixed) (SGD.) REMEDIOS MASANGKAY

PAULA LASIN Respondent

Attorney-in-fact

(SGD.) GLORIA MASANGKAY

(Special Power of Attorney recorded in the Notarial register of Advinico A. Aran as Doc. No. 700, Page No. 40, Book No. II, Series of 1976) Respondent

(SGD.) NATIVIDAD MASANGKAY

Respondent

Assisted by Counsel: (SGD.) ESPERANZA MASANGKAY

Respondent

SUMULONG LAW OFFICES Assisted by Counsel:

Counsel for the Petitioner

4th Floor Phil. Bank of Commerce Bldg., Manila Atty. SALONGA, ORDOÑEZ, YAP SICAT & ASSOCIATES

Counsel for Respondents

By: (SGD.) JUAN G. ESGUERRA Suite 319-327 Rufino Bldg. Ayala Avenue, Makati, Rizal

By: (SGD.) ILLEGIBLE"

In a motion filed also on November 2, 1976 Cristino M. Santos, Epifania M. Santos and Rosario M. Santos, who were substituted as parties-respondents in lieu of their deceased mother, respondent Magdalena Masangkay, prayed for the approval of the aforesaid Compromise Agreement which they "ratify and confirm" as they "have been duly consulted, and in fact they actually took part, in the negotiations leading to its formal execution."

WHEREFORE , THE FOREGOING COMPROMISE AGREEMENT IS HEREBY APPROVED AND THE PARTIES HERETO ARE HEREBY DIRECTED TO ABIDE BY THE TERMS THEREOF, IT BEING UNDERSTOOD THAT DISTRIBUTION OR DELIVERY OF THE RESPECTIVE SHARES OF THE PARTIES HEREIN PURSUANT TO THE FOREGOING COMPROMISE AGREEMENT SHALL BE MADE ONLY AFTER PROOF OF PAYMENT OF, OR EXEMPTION FROM, THE ESTATE AND IN-HERITANCE TAXES SHALL HAVE BEEN SUBMITTED TO THE TRIAL COURT.

THIS CASE IS HEREBY CLOSED AND TERMINATED.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, Concepcion, Jr., and Martin, JJ., concur.

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