

MIGUEL ALFONSO, GOMERCINDO BOLANTE, CARLOS BATUNGBACAL, GREGORIO PILORIN, ALBERTO DE GUZMAN, JACOBO ISIP, ALFREDO KILAKIL, RODITO MORABE, ALFREDO PANUGAO, BAYANI RAMIREZ, AGUSTI...

G.R. No. L-38773. November 15, 1974

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

At the hearing of this case before this Court on October 11, 1974, some members of the Court made the observations that the alleged admission of Atty. Jose Sarte, former counsel of the petitioners as defendants in the court below, during the pre-trial were ambivalent, and the only issue between the parties is whether or not the land occupied by petitioners are included in the T.C.T. No. 14807 of the private respondents. Pursuant to said observations, the parties agreed to submit, as they have submitted the following compromise agreement (Inaccurately called by the parties as Stipulation of Facts), which this Court approves:

"Come now the parties in the above-entitled case by their respective undersigned counsel, and, in compliance with matters agreed upon during the hearing of this case before the Honorable Supreme Court, last October 11, 1974, respectfully submit this written stipulation of facts, to wit:

1. That we are willing to proceed with the trial of the case in the lower court without regard to the admissions of Attorney Jose Sarte in paragraph 4 of the questioned pre-trial order.[1]

2. That a relocation survey of the land of plaintiffs-respondents covered by T.C.T. No. T-14807 of the Register of Deeds of Zambales, shall be undertaken promptly during the continuation of the hearing of principal case, Civil Case No. 1133-0 of the Court of First Instance of Zambales, Branch III, at the expense of both parties in said case pro rata, that is, one-half (1/2) for the defendants, and, the remaining one-half (1/2) for the plaintiffs with the condition that the winning party shall recover from the losing party what has been incurred by them for said relocation survey as part of the costs.

3. That the parties to said case, Civil Case No. 1133-0 except the client of Atty. Demetrio Leano, defendant Antonio Coronel who is not represented in this case, shall abide to whatever be the result of said relocation survey.

WHEREFORE, the undersigned counsel on behalf of their respective clients, most respectfully pray of this Honorable Supreme Court to favorably consider and approve the foregoing stipulation of facts.

Olongapo City for the City of Manila this 18th day of October, 1974.

RESPECTFULLY SUBMITTED:

(t/s) NICOLAS C. ADOLFO

(Counsel for the Petitioners)

Subic, Zambales

THE CARDENAS & PERALTA LAW

OFFICE

COUNSEL FOR RESPONDENTS

2284 Rizal Avenue, Olongapo City

BY:

(t/s/) VALERIANO S. PERALTA,"

and orders the parties, including the respondent judge or whomsoever is acting in his place, to comply with the same. No costs.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Aquino, JJ., concur.

[1] Which is the subject of the petition for certiorari in this case.

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