

**MARIANO RODRIGUEZ, PETITIONER, VS. COURT OF APPEALS,
COURT OF AGRARIAN RELATIONS, PASIG, RIZAL AND ORTIGAS
& CO., LIMITED PARTNERSHIP, RESPONDENTS.**

G.R. No. L-33516. May 08, 1975

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The present case involves an appeal by certiorari from the decision of the Court of Appeals, Sixth Division,[1] promulgated on April 12, 1971 affirming in toto the appealed judgment of the Court of Agrarian Relations dated March 29, 1968, the dispositive part of which provides as follows:

"FOR ALL THE FOREGOING CONSIDERATIONS, judgment is hereby rendered in the tenor and disposition hereinbelow provided:

“(a) Granting the petition of plaintiff Ortigas & Company Limited Partnership to convert the landholding in question with an approximate area of 13,871 square meters, situated at Barrio Mapuntod, San Juan, Rizal, indicated in Exhibits 'A' and 'B' into a subdivision upon the finality of this decision, subject to Section 36, paragraph (1), R.A. No. 3844;

“(b) As a consequence of the foregoing paragraph, defendant Mariano Rodriguez, is hereby ordered to vacate the premises of said landholding and to restore the possession thereof to said plaintiff subject to the condition aforestated upon the finality of this decision;

“(c) Ordering said defendant to remove his house standing thereon including its appurtenances within forty-five (45) days from the finality of this decision, subject to the payment and delivery by herein plaintiff of the amount of P500.00 as expenses for their removal;

“(d) Ordering herein plaintiff to pay and deliver to herein defendant the amount of P1,000.00 as indemnity for the costs and expenses incurred in the cultivation, planting or harvesting and other expenses incidental to the improvement of the different varieties of vegetables and fruit-bearing trees, in addition to another indemnity for 1/2 of the necessary and useful improvements made by him in his landholding consisting of different varieties of vegetables, crops and fruitbearing trees in the amount of P2,481.75, thus making a total of P3,481.75; and,

“(e) Dismissing the claims of both parties for damages and/or attorney's fees. (Orig. Rec., pp. 137-138.).”

On April 22, 1975, the parties through their respective counsel prayed for the dismissal of the instant appeal with prejudice as per their Joint Motion to Dismiss Petition, as follows:

"COME NOW petitioner and respondent Company, through their respective undersigned counsel, and to this Honorable Court respectfully move that the instant appeal be dismissed, the parties having entered into an amicable settlement calling, among others, for the payment of a certain sum to petitioner, the surrender of the premises in question to respondent Company, and the dismissal of the instant case with prejudice.

"Pasig, Rizal, for Manila, April 22, 1975.

"ORTIGAS & ORTIGAS
Counsel for Respondent
10[th] Floor Ortigas Bldg.
Ortigas Avenue, Pasig, Rizal

By:

(Sgd.) JOAQUIN RAMIREZ, JR.

"NOE MAINEZ
Counsel for Petitioner
72-C Don Jose Street
Cubao, Quezon City"

Finding the above-quoted Joint Motion to be in order, the Court grants the same and as prayed for, hereby dismisses the instant appeal with prejudice. Let copies hereof be furnished to the parties personally and their counsels.

Castro, (Chairman), Makasiar, Esguerra, Munoz Palma, and Martin, JJ., concur.

[1] Then composed of Alvendia, J., presiding justice and ponente, and A. Reyes and L.B. Reyes, JJ

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