

**SPOUSES FRUCTOSA B. RIVERA AND RUSTICO RIVERA,
PETITIONERS, VS. JOSE P. DERINA, REPRESENTED BY HIS
ATTORNEY-IN-FACT, TEODORO P. DERINA, RESPONDENT.**

Ponente: ZALAMEDA, R.V., J.

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ZALAMEDA, R.V., J.:

This is a Petition for Review[1] filed by petitioners Spouses Fructosa B. Rivera and Rustico Rivera[2] assailing the (1) Decision[3] dated 02 May 2013 of Branch 34, Regional Trial Court of Gapan City, Nueva Ecija,[4] in Civil Case No. 4292-13, which granted respondent Jose P. Derina's[5] appeal and reversed and set aside the Decision[6] dated 23 January 2013 of the Municipal Trial Court, General Tinio, Nueva Ecija, thereby dismissing Civil Case No. 967; and (2) the Order[7] dated 11 September 2013 denying respondent's Motion for Reconsideration thereof.

On 17 July 2013, the Court issued a Resolution[8] referring the case to the Philippine Mediation Center (PMC), Court of Appeals, for the conduct of mediation proceedings. Thereafter, on 01 October 2014, this Court received the Mediator's Report[9] dated 22 September 2014 stating that there was a successful settlement by way of a Compromise Agreement[10] executed by petitioners and respondent before the Appellate Court Mediator.[11]

We quote in full the said Compromise Agreement:

"X x x

COMPROMISE AGREEMENT

After several conferences the parties, SPS. FRUCTOSA B. RIVERA AND RUSTICO RIVERA and JOSE P. DERINA, rep. by his Attorney-in-fact, TEODORO P. DERINA, have agreed to settle their case amicably under the following terms:

- SPS. FRUCTOSA B. RIVERA AND RUSTICO RIVERA will give the area of One Thousand One Hundred Sixty Five Square Meters from the property registered in the name of Riveras. The area to be ceded is the one that adjoin the property to JOSE P. DERINA;
- That the re-survey should be made not later than October 20, 2014. Expenses of the survey and titling of the properties shall be at the expense of JOSE P. DERINA;
- That the other claims shall be waived by both parties.

The parties pray that the case CA-G.R. SP NO. 132143 entitled SPS. FRUSTOSA B. RIVERA AND RUSTICO RIVERA versus JOSE P. DERINA, rep. by his Attorney-in-fact, TEODORO P. DERINA and all other cases related to the same shall be considered closed and terminated.

Since JOSE P. DERINA is here in person, he will sign this agreement in person.

Manila, September 22, 2014.

(SGD.) FRUCTOSA B. RIVERA

(SGD.) JOSE P. DERINA

Respondent

(SGD.) RUSTICO RIVERA

Petitioners

Attested by:

JUDGE MANUELA F. LORENZO

Appellate Court Mediator"

The stipulations in the above Compromise Agreement reveals that both parties intended to settle the controversy between themselves under mutually acceptable terms and conditions. Also, both parties appear to have caused the execution of the Compromise Agreement freely and voluntarily.

Under the Civil Code of the Philippines,[12] contracting parties may establish such stipulations, clauses, terms and conditions they deem convenient, so long as they are not contrary to law, morals, good customs, public order, or public policy. A compromise agreement is a judicial covenant having the force and effect of a judgment subject to execution in accordance with the Rules of Court, and having the effect and authority of res judicata upon its approval by the court where the litigation is pending.[13]

WHEREFORE, considering that the Compromise Agreement is not contrary to law, morals, good customs, public order, and public policy, and that the same bears the conformity of the parties, and noted by Judge Manuel F. Lorenzo, Appellate Court Mediator, the same is hereby APPROVED and judgment is rendered in accordance therewith. The parties are ENJOINED to strictly abide by its terms and conditions.

Accordingly, the case is deemed CLOSED and TERMINATED.

SO ORDERED.

Bato, Jr., (Chairperson), and Sempio Diy, JJ., concur.

[1] "Petition," for brevity; Rollo, pages 11 to 26.

[2] "Petitioners," for brevity.

[3] Id. at 67 to 78, Annex "D." Penned by Judge Celso O. Baguio.

[4] "RTC," for brevity.

[5] "Respondent," for brevity.

[6] Rollo, pages 27 to 43.

[7] Id. at 109.

[8] Id. at 176 to 177.

[9] Id. at 178.

[10] Id. at 179.

[11] Judge Manuela F. Lorenzo.

[12] Article 1306.

[13] Coca-Cola Bottlers Philippines, Inc. vs. Rodrigo Mercado, et al., G.R. No. 190381, 06 October 2010.

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