

**IN THE MATTER OF THE INTESTATE ESTATE OF SOFRONIO GO
ALCANTARA, DECEASED, CORNELIA L. CO, PETITIONER-APPELLEE,
VS. MARGARITA TERESITA BALMACEDA, OPPOSITOR-APPELLANT,
CECILIA P. ...**

G.R. No. L-20476. August 01, 1978

Ponente: CASTRO, C.J.

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CASTRO, C.J.:

This is a direct appeal from the decision of the Court of First Instance of Rizal in Special Proceedings No. 2387, entitled "In the Matter of the Intestate Estate of Sofronio Go Alcantara, deceased," filed by Cornelia L. Co, petitioner herein.

On July 19, 1978, a compromise agreement dated May 27, 1978 was filed and submitted by the parties to this Court, which reads as follows:

"COMPROMISE AGREEMENT

"COME NOW the parties herein, assisted by their respective counsels, and respectfully submit to this Honorable Supreme Court the following Compromise Agreement:

"WHEREAS, in Sp. Proc. No. 2387 of the Court of First Instance of Rizal, In the Matter of the Intestate Estate of Sofronio Go Alcantara, a Decision was rendered by Judge Gustavo Victoriano dated May 31, 1961, whose dispositive portion reads:

' ***, the Court declares the following as legal heirs of the late Sofronio Go Alcantara, viz: Chu Bi, the surviving wife, Teresita, Ernestina, Ernesto, Felipe, Reynaldo, Araceli, Henry; and Benedict, all surnamed Go, legitimate children of the late Sofronio Go Alcantara with the surviving wife, Chu Bi; Alicia, Conrado, Alfonso, Sofronio, Jr., Minda, Laura, Lucia, Benjamin, Salome, and Santiago, all surnamed Go, children of the late Sofronio Go Alcantara with Ang Chio; and Santiago, Robert, Ramon, Cesar, children of the late Sofronio Go Alcantara with his common-law-wife, Cecilia P. Co, these latter children in their capacity as natural children by legal fiction; and Ang Chio and Margarita Balmaceda, pursuant to the decisions of the Supreme Court in the above-mentioned cases of Sy Joc Lieng vs. Sy Quia, Adong vs. Cheong Seng Gee, and Lao vs. Dee Tim.'

"WHEREAS, the above-mentioned parties, namely: Chu Bi and her children, Ang Chio and her children Cecilia P. Co and her children, and Margarita Balmaceda, appealed from the said decision of the Court of First Instance of Rizal to this Honorable Supreme Court where it is docketed as G.R. No. L-20476, and the parties thru their respective counsels have filed Briefs and Reply Briefs and submitted this case for decision since 1964.

"WHEREAS, the minor children mentioned in the CFI decision, who are now all of legal age, are also parties in the pending appeal and their respective mothers have agreed to terminate the appealed case.

"WHEREAS, all the parties to this case, out of respect for the memory of the deceased, are desirous of reaching an amicable settlement in order to bring to an end this protracted litigation, and thus restore cordial and harmonious relations among themselves.

"WHEREAS, in their mutual desire to reach an amicable settlement, Chu Bi and her children, Any Chio and her children, and Cecilia P. Co, and her children have now agreed that Margarita Balmaceda should share in the estate provided that it will not exceed the sum of one million pesos (P1,000,000.00); and Margarita Balmaceda in turn has now agreed to accept the said amount as her share in the estate, and to waive and renounce any and whatever right, interest, or participation she may now or hereafter have in any other property or asset of the estate.

"WHEREAS, the estate and inheritance taxes in this case have been paid and during the pendency of this proceedings, the properties and assets of the intestate estate of Sofronio Go Alcantara were then under the administration of Cornelia L. Co, and are now under the administration of the Philippine Trust Company.

"NOW, THEREFORE, in view of the foregoing premises, the parties herein have agreed, as they do hereby agree, as follows:

1. They jointly petition this Honorable Supreme Court to affirm the decision of Judge Gustavo Victoriano dated May 31, 1961, quoted above, with the sole modification that Margarita Balmaceda's share in the estate shall not exceed one million pesos (P1,000,000.00);
2. With the adjudication of said amount to her, Margarita Balmaceda hereby waives and renounces any and whatever right she may now or hereafter have to any other property or asset of the estate;
3. They jointly petition this Honorable Supreme Court to dismiss their respective appeals, without pronouncement as to costs, and to remand the record of this case to the Court of First Instance of Rizal for further proceedings;
4. The P1-million adjudicated to Margarita Balmaceda shall be paid in cash, Philippine currency, to her by the administrator Philippine Trust Company from the proceeds of the administration of the above estate after the

dismissal of the appeals and the approval of this Compromise Agreement by this Honorable Supreme Court shall have become final and executory upon entry of judgment thereon.

"WHEREFORE, the parties herein jointly petition this Honorable Supreme Court to approve the above Compromise Agreement and render judgment in accordance therewith.

Manila, May 27, 1978.

I. (Sgd.) CHU BI II. (Sgd.) ANG CHIO

(Sgd.) TERESITA GO ALCANTARA (Sgd.) ALICIA GO ALCANTARA

(Sgd.) ERNESTINA GO ALCANTARA (Sgd.) CONRADO GO ALCANTARA

(Sgd.) ERNESTO GO ALCANTARA (Sgd.) ALFONSO GO ALCANTARA

(USA)

(Sgd.) FELIPA GO ALCANTARA (Sgd.) SOFRONIO GO ALCANTARA, JR.

REYNALDO GO ALCANTARA (Sgd.) MINDA GO ALCANTARA

(Deceased)

(USA)

(Sgd.) ARACELI GO ALCANTARA LAWRENCE GO ALCANTARA

(Deceased)

(Sgd.) HENRY GO ALCANTARA (Sgd.) LUCIA GO ALCANTARA

(Sgd.) BENEDICT GO ALCANTARA (Sgd.) BENJAMIN GO ALCANTARA

(Sgd.) SALOME GO ALCANTARA

Assisted by: Assisted by:

**AMBROSIO PADILLA LAW OFFICES SYCIP, SALAZAR, FELICIANO,
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III. (Sgd.) CECILIA P. CO IV. (Sgd.) MARGARITA TERESITA BALMACEDA

(Sgd.) SANTIAGO GO ALCANTARA

(Sgd.) ROBERT GO ALCANTARA Assisted by:

(Sgd.) RAMON GO ALCANTARA

(Sgd.) CESAR GO ALCANTARA (Sgd.) LORENZO SUMULONG

Rm. 405 Samanillo Bldg.

Escolta, Manila

Assisted by:

(Sgd.) CELSO B. JAMORA

1410 Taft Avenue

Manila

CONFORME:

PHILIPPINE TRUST COMPANY

Judicial Administrator

By:

(Sgd.) ANTONIO M. NUYLES

Trust Officer"

We have carefully examined and scrutinized the Compromise Agreement and we find nothing therein that is contrary to law, public order, public policy and good morals. The above agreement has the acquiescence and consent of all the parties involved in the case and bears their signatures as well as the signatures of all their respective counsels.

ACCORDINGLY, as prayed for, the Compromise Agreement is approved, and judgment is hereby rendered affirming the decision of the lower court dated May 31, 1961 quoted in the above Compromise Agreement, with the sole modification that the share of the appellant Margarita Balmaceda in the estate shall not exceed One Million Pesos (P1,000,000.00).

This resolution is final and immediately executory. The parties are enjoined to adhere strictly to the terms and conditions embodied in the said Compromise Agreement.

No costs.

Teehankee, Makasiar, Fernandez, and Guerrero, JJ., concur.

Muñoz Palma, J., no part.

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