

HUANG SIU SIN, PETITIONER, VS. HON. COURT OF APPEALS AND VICENTE B. PICHON, RESPONDENTS.

G.R. No. L-45735. October 30, 1978

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The parties assisted by their respective counsels filed on October 11, 1978 the following

"MOTION FOR JUDGMENT ON COMPROMISE

"COME now the petitioner and the respondent, Vicente B. Pichon, assisted by their respective attorneys and unto the Honorable Supreme Court, most respectfully allege:

"1. That the parties hereto agree as they have agreed to terminate the above-entitled case, through a compromise agreement, under the following terms and conditions, to wit:

"(a) The petitioner admits the legality and validity of the Deed of Sale, dated January 10, 1972, particularly denominated as Doc. No. 79; Page No. 17; Book No. 31; Series of 1972, executed before Notary Public, Severo C. Medina, and subject of litigation in this case;

"(b) The respondent in consideration of the said admission of the validity and legality of said document of sale, hereby waives all his rights, claims and other monetary demands he has against the petitioner from documents, checks and promissory notes which has (sic) come into his possession and binds himself to immediately, upon the signing of this agreement, return the possession thereof as his sign of good faith;

"(c) The parties hereby mutually waive all their rights to file any case, arising from incidents connected with the above-entitled case, and they hereby also waive their rights and consider terminated and closed that Civil Case No. 7421 which is still pending before the Court of First Instance of Davao, Branch 11, which respondent has filed against the petitioner for the collection of sum of money;

"(d) The parties hereto in order to give due effects to the Deed of Sale, dated January 10, 1972, and denominated as Doc. No. 79; Page No. 17; Book No. 31; Series of 1972, and executed before Notary Public Severo C. Medina and individual titles would be issued in their respective names by the Register of Deeds of

Davao City, bind themselves to consider cancelled, null and void and without any effect the notices of lis pendens and/or adverse claims they have respectively filed with the Register of Deeds of Davao City, over the parcels of land described in TCT No. T-20681.

"WHEREFORE, it is respectfully prayed that the herein compromise agreement be approved and the same be made the basis of any decision that may be issued by the Honorable Supreme Court in the above-entitled case.

"Davao City (for Manila), Philippines, September 7, 1978.

"(Sgd.) VICENTE B. PICHON

(Sgd.) HUANG SIU SIN

Respondent

Petitioner

ASSISTED BY:

ATTY. VICTORIO S. ADVINCULA

ATTY. FRANCISCOA. VILLA

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and

and

ATTY. ARTURO MOJICA

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2nd Floor, Villa Abrille Bldg.

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C.M. Recto St., Davao City

By:

By:

(Sgd.) VICTORIO S. ADVINCULA

(Sgd.) JOSE R. MADRAZO, JR.”[*]

It appearing that the compromise agreement hereinabove reproduced is in order, and that the stipulations thereof are not contrary to law, morals, good customs, public order or public policy, the Court, as prayed for, hereby approves the same and renders judgment in accordance therewith.

Makasiar, Muñoz Palma, Fernandez, and Guerrero, JJ., concur.

[*] Request (notice) to the Clerk of Court to submit the motion for the Court's consideration, which is not required in appellate court proceedings, has been omitted.

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