

WILLIAM LABASTIDA, PLAINTIFF-APPELLANT, VS. FELICISIMO LABASTIDA, SR., FELICISIMO LABASTIDA, JR., WILFREDO LABASTIDA, JIMMY BUCHAN, MARGIE BUCHAN, FLORANTE BUCHAN, JAIME LABASTI...

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BORJA, J.,:

On November 23, 2013, the Court issued a resolution stating-

ACCORDINGLY, the parties are hereby ORDERED to RECTIFY the defects in their compromise Agreement within fifteen (15) days from notice.[1]

On December 27, 2013, defendants-appellees filed a manifestation confirming the compromise agreement entered into by Wilfredo Labastida as their duly authorized representative.[2]

Per Judicial Records Divisions (JRD) verification report dated February 6, 2014, no compliance was made by appellant.[3] This Court notes that appellant William Labastida received the November 23, 2013 resolution of this Court.[4]

Scouring the records, the Court finds that the Special Power of Attorney executed by appellant William Labastida authorizing Charlita Solante to enter into an amicable settlement pertains only to Civil Case No. 7332 entitled “Wilfredo Labastida, et al. vs. Heirs of Juanita L. Buchan, for Judicial Partition and Damages” filed before the Regional Trial Court (RTC), Branch 29, Surigao City.[5] The said instrument only granted powers which are specified therein and the authority of Charlita Solante to enter into a compromise agreement is limited only to Civil Case No. 7332 but not to the case at bench.[6]

ACCORDINGLY, Atty. Noel Catre, counsel for appellant, is hereby ORDERED to RECTIFY the defect on their Compromise Agreement within ten (10) days from notice. Further action on this case is held in abeyance pending compliance hereof.

SO ORDERED.

Francisco and Badelles, JJ., concur.

[1] Rollo, p. 89.

[2] Rollo, p. 92.

[3] Rollo, p. 92. (Dorsal Portion)

[4] Rollo, p. 87. (Dorsal Portion)

[5] Rollo, p. 39.

[6] Lilian Mercado, et al. v. Allied Banking Corporation, G.R. No. 171460, July 24, 2007.

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