

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CENTRAL SURETY & INSURANCE COMPANY, ET AL.,
DEFENDANTS-APPELLANTS. CENTRAL SURETY & INSURANCE
COMPANY, THIRD-PARTY PLAINTIFF...**

G.R. No. L-27802. January 31, 1969

Ponente: CASTRO, J.

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CASTRO, J.:

The Central Surety & Insurance Company filed on November 13, 1968 a "motion to modify judgment" - referring to this Court's decision of October 26, 1968 - praying that

1. The date October 23, 1959 stated in the first line of par. 1, page 1 of the statement of the case in the decision be changed to June 20, 1963, the date when the plaintiff-appellee actually filed the complaint against the defendant-appellant;
2. Go Siu Eng and Jao Yan alias Go Liao Lian be specifically mentioned as third-party defendants in addition to the third-party defendants Po Kee Kam and Tony Go whose names appear on page 2 of the decision; and
3. The clause, "plus interest at the rate of 12% per annum, compounded quarterly from the filing of the complaint, until the whole obligation is fully paid, and attorney's fees of 15% of the total amount due as prayed for in the third-party complaint," be added to the first sentence of the dispositive portion of the decision.

By resolution dated November 20, 1968, this Court required the plaintiff-appellee to comment, within 10 days from notice, on the said "motion to modify judgment." The plaintiff-appellee filed on December 5, 1968 its "Comment" wherein it manifested that it "offers no objection to the motion to modify judgment it appearing that the reasons stated in said motion are borne out by the records."

The counsel for the third-party defendants-appellees was likewise required, by resolution of this Court of December 11, 1968, to comment within 10 days from notice on the same "motion to modify judgment." Up to the date of this resolution, no comment whatsoever has been filed by the said counsel nor by any of the third-party defendants-appellees.

ACCORDINGLY, finding the grounds of the "motion to modify judgment" meritorious because sustained by the record, the decision of this Court is hereby modified so that:

- (a) the first sentence of the decision will read as follows: "On June 20, 1963 the Republic of the Philippines (hereinafter referred to as the Republic) filed suit against the Central Surety & Insurance Company (hereinafter referred to as the Surety) and the latter's manager of the bond department, Casimiro Mangoba;"
- (b) the fourth paragraph of the decision will read as follows: "On July 30, 1963 the Surety filed a third-party complaint, with leave of court, against Po Kee Kam, Tony Go, Go Siu Eng, Jao Yan alias Go Liao Lian (hereinafter referred to as the third-party defendants) ...;" and

(c) the dispositive portion of the decision will read as follows: "ACCORDINGLY, the order dated December 2, 1963 dismissing the third-party complaint is set aside; the decision dated December 3, 1963 is modified in the sense that the third-party defendants are hereby ordered to pay to the Surety whatever sums the latter will pay to the Republic by virtue of the judgment appealed from, plus interest at the rate of 12% per annum, compounded quarterly from the filing of the complaint, until the whole obligation is paid, and attorney's fees of 15% of the total amount as prayed for in the third-party complaint. Costs are assessed against the Surety in favor of the Republic, and against the third-party defendants in favor of the Surety."

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Fernando, and Capistrano, JJ., concur.

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