

**EAGLE STAR CREW MANAGEMENT CORP./MISC BERHAD MALAYSIA
CAPT. JERRICHO N. BRIONES, PETITIONERS, V. NATIONAL LABOR
RELATIONS COMMISSION AND EMMANUELITO E. ABOBO,
RESPONDENTS.**

Ponente: TIJAM, J.

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TIJAM, J.:

On October 29, 2013, a Petition for Certiorari, (With Urgent Prayer for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction),[1] was filed by the Petitioners assailing the June 28, 2013 Decision and August 28, 2013 Resolution, both issued by Public Respondent NLRC.

In Our November 6, 2013 Resolution,[2] We directed Petitioners to correct the following defects in their Petition, to wit: 1) failure to state the parties' respective actual and current addresses as required under Section 3, Rule 46 in relation to Rule 65 of the Rules of Court; and 2) Petitioner Jerricho N. Briones failed to execute and sign his verification and certification on non-forum shopping.

Instead of complying with this Court's directive, Petitioners filed a Motion to Dismiss[3] on December 4, 2013. In said Motion, Petitioners averred that on November 2013, they entered into an agreement for the settlement of the instant case by paying Private Respondent, the amount of USD\$58,000 or in its peso equivalent of PhP2,520,100.00, the terms of which was embodied in the following documents, viz: (1) Compromise Agreement;[4] (2) Release of All Rights;[5] and (3) Joint Motion to Dismiss,[6] which were filed and executed before the NLRC's 3rd Division on November 29, 2013.

In Our January 3, 2014 Resolution,[7] We directed Petitioners' counsel to submit Petitioners' written conformity to the Motion to Dismiss.

On February 3, 2014, Petitioners prayed[8] for a 15-day extension from February 3, 2014 or until February 18, 2014, within which to file their Compliance to the aforesaid Resolution.

On February 18, 2014, Petitioners filed their Compliance,[9] submitting thereto the written conformity to the Motion to Dismiss of Ms. Rosella G. Santillan, President of Petitioner Eagle Star Crew Management Corp./Misc Berhad Malaysia.

Petitioners' Motion for Extension of Time to File Compliance is granted. Their Compliance with this Court's January 3, 2014 Resolution is noted.

Under the Civil Code of the Philippines,[10] contracting parties may establish such stipulations, clauses, terms, and conditions, as 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 contract whereby the parties undertake reciprocal obligations to resolve their differences in order to avoid litigation or put an end to one already instituted.[11] It 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.[12]

Here, it is undeniable that the tenor of the Compromise Agreement, Release of All Rights and Joint Motion to Dismiss, Joint Motion to Dismiss with Urgent Motion to Cancel Bond, all of which were executed on November 29, 2013, were in the nature of a compromise agreement, since its ultimate objective is to put an end to the controversy between Petitioners and Private Respondent. Considering that the same is validly executed, not being contrary to law, morals, good customs, public order, or public policy, and considering further that Petitioners already submitted their conformity, this Court grants the December 4, 2013 Motion to Dismiss.

WHEREFORE, Petitioners' Motion to Dismiss dated December 4, 2013, is GRANTED. The instant controversy is deemed CLOSED and TERMINATED.

SO ORDERED.

Baltazar-Padilla and Sorongon,[*] JJ., concur.

[*] vice J. Reyes-Carpio, per Office Order No. 200-14-ABR, dated May 9, 2014.

[1] Rollo, p. 3.

[2] Rollo, p. 172.

[3] Rollo, p. 173.

[4] Rollo, p. 176.

[5] Rollo, p. 177.

[6] Rollo, p. 178.

[7] Rollo, p. 183.

[8] Rollo, p. 184.

[9] Rollo, p. 190.

[10] Article 1306.

[11] Calingin v. Civil Service Commission, G.R. No. 183322, October 30, 2009, Valdez v. Financiera Manila, Inc., G.R. No. 183387, September 29, 2009; California Manufacturing Company, Inc. v. City of Las Piñas, The, G.R. No. 178461, June 22, 2009.

[12] COCA-COLA Bottlers Philippines, INC. vs. Rodrigo Mercado, et al., G.R. No. 190381, October 6, 2010.

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