

INTESTATE ESTATE OF THE LATE MAGDALENO C. PEÑA. REMIGIO M. PEÑA, CLAIMANT AND APPELLANT, VS. JOSEFA PEÑA DE VILLARUEL, OPPOSITOR AND APPELLEE.

G.R. No. L-6329. May 20, 1953

Ponente: JUGO, J.

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JUGO, J.:

The parties, assisted by their respective attorneys, have filed in this Court the following compromise agreement:

"COMPROMISE AGREEMENT"

"Come now, REMIGIO M. PEÑA, Claimant-Appellant, JOSEFA PEÑA DE VILLARUEL, Oppositor-Appellee, and LEONOR M. PEÑA, in her own behalf being one of the heirs, and as Judicial Administratrix of this Intestate Estate, by their respective attorneys, and to this Honorable Supreme Court, respectfully state:

"That the parties herein being related by blood as children and mother are agreeable to have this case compromised in the following manner;

"That the Claimant-Appellant and the Oppositor-Appellee agree that the Claimant-Appellant shall be paid in the sum of P5,000.00 only instead of P21,000.00 he is asking by his claim dated May 23, 1952, which was amplified by his supplemental motion dated August 7, 1952, (pp. 3 and 4 of the brief of the claimant-appellant) plus the sum of P3,000.00 representing the attorney's fee for services rendered in the reconstitution of the Certificate of Title of Lot No. 9, Pasay Cadastre, of this Intestate Estate and the cancellation of the mortgage affecting the above-mentioned property by the Rehabilitation Finance Corporation, or a total of P8,000.00;

"That of the sum of P8,000.00, Leonor M. Peña, for her own personal behalf as one of the heirs shall pay the sum of P4,000.00 and all the surviving children of the late Magdaleno C. Peña shall pay the remaining balance of P4,000.00 each in equal share;

"That payment of the aforesaid claim shall be paid as soon as the sale of the lot above-mentioned and the house thereon shall have been consummated.

"WHEREFORE, it is respectfully prayed that this Honorable Supreme Court issue an order in accordance with this compromise agreement, to declare this case as finally closed and terminated, without pronouncement as to costs.

"Bacolod City for Manila, April 20, 1953.

"REMIGIO M. PEÑA

JOSEFA PEÑA DE VILLARUEL

Claimant-Appellant

Oppositor-Appellee

"LEONOR M. PEÑA

JOSE M. ESTACION

For herself and as Admx.

Attorney for the Administratrix

"ROMEO S. CASTILLO

JOSE E. ERFE and REMIGIO M. PEÑA

Attorney for the Oppositor-Appellee

Attorneys for Claimant-Appellant

"BY: JOSE E. ERFE"

In view of the foregoing, judgment is hereby rendered, ordering Leonor M. Peña to pay to Remigio M. Peña the sum of P4,000.00; and the surviving children of the late Magdaleno C. Peña are, likewise, ordered to pay, in equal shares, the sum of P4,000.00 to said Remigio M. Peña, payment to be made as soon as the sale of the lot mentioned in the above compromise agreement and the house thereon shall have been consummated.

The present case is ordered closed and terminated, without any pronouncement as to costs. So ordered.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, Montemayor, Reyes, Bautista Angelo, and Labrador, JJ., concur.

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