

JOSE V. HERRERA, PETITIONER, VS. HONORABLE COURT OF APPEALS, HON. GUARDSON R. LOOD, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH VI, COURT OF FIRST INSTANCE OF RIZAL, PURA KALAW...

G.R. No. L-41753. May 11, 1978

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

On April 11, 1978, the parties, assisted by their respective counsels, submitted the following motion to dismiss dated April 4, 1978:

"COME NOW the parties, through their respective undersigned counsel, and to this Honorable Court respectfully move to dismiss the above-entitled case upon the ground that they have already amicably settled their differences as may be seen from the Decision in Civil Case No. 20011, entitled 'Pura Kalaw Ledesma, plaintiff, vs. Jose V. Herrera, defendant,' xerox copy of which is hereto attached as Annex 'A' and made an integral part hereof" (p. 336, rec.).

To the said motion to dismiss is attached as Annex "A" thereof a decision dated January 18, 1978 rendered in Civil Case No. 20011 by Judge Alfredo M. Lazaro, Presiding Judge, Branch VI, of the Court of First Instance of Rizal, predicated on a "Motion for Judgment based on Compromise" between the parties herein, quoting in full the said compromise and directing the parties to comply with the terms and conditions of such compromise.

WHEREFORE, THIS CASE IS HEREBY DISMISSED AND TERMINATED WITHOUT PRONOUNCEMENT AS TO COSTS.

Teehankee, (Chairman), Santos, Fernandez, and Guerrero, JJ., concur.

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