

**FULCEDA BUKID VDA. DE ONA, DECEASED, AS SUBSTITUTED BY
LIBRADA TOLOSA, PETITIONER, VS. COURT OF APPEALS AND
ANSELMA ENRIQUEZ VDA. DE CUYA, RESPONDENTS.**

G.R. No. L-44317. October 20, 1977

Ponente: TEEHANKEE J.

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TEEHANKEE J.:

After the case at bar was submitted for decision on February 16, 1977, the parties personally filed on July 20, 1977 an Urgent Joint Manifestation and Motion, praying for approval of the agree-ment they had reached in full settlement of the case as per the "Ka-sunduan" submitted therewith by them and for the rendition of judgment in accordance therewith, as follows:

"URGENT JOINT MANIFESTATION AND MOTION

"COME NOW the petitioner and the respondent An-selma Enriquez Vda. de Cuya in the above-entitled case and to this Honorable Court respectfully manifest that they have already come into an agreement in full settlement of the instant case per the 'Kasunduan' which is hereto attached, and, accordingly, respectfully pray that the same be approved and that judgment be rendered in accordance therewith.

"San Juan, Batangas, July 12, 1977.

(signed) (thumbmarked)

"LIBRADA O. TOLOSA ANSELMA ENRIQUEZ VDA. DE CUYA

Petitioner Respondent

"LIBRADA O. TOLOSA and ANSELMA ENRIQUEZ VDA. DE CUYA, after having been duly sworn to in accordance with law, depose and say that they are the parties in the above-entitled case and in their capacity as such caused the prepara-tion of the foregoing manifestation and motion, the contents of which are all true and correct.

(signed) (thumbmarked)

"LIBRADA O. TOLOSA ANSELMA ENRIQUEZ VDA. DE CUYA

"SUBSCRIBED AND SWORN to before me this 12th day of July, 1977, the affiant LIBRADA O. TOLOSA exhibiting to me her Res. Tax Cert. No. (illegible), issued at Manila on June 14, 1977 and ANSELMA ENRIQUEZ VDA. DE CUYA, her Res. Tax Cert. No. (illegible) issued at San Juan, Bat. on July 11, 1977.

(signed)

"FAUSTO C. MERCADO

NOTARY PUBLIC

Until December 31, 1978

PTR No. 6998506, issued at San Juan, Bat.

on Jan. 4, 1977

"Doc. No. 804;

Page No. 63;

Book No. V;

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"COPY FURNISHED:

"COURT OF APPEALS

Manila

"JUDICIAL CASES DIVISION

Bureau of Agrarian Reform

Diliman, Quezon City

"DE SANTOS, BALGOS & PEREZ

308-311 Dona Narcisa Bldg.

Makati, Metro Manila"

The "Kasunduan" attached by them to their Joint Manifestation and Motion provided as follows:

"KASUNDUAN

"DAPAT ALAMIN NG LAHAT NA BABASA NITO:

"Ang KASUNDUANG ito na ginawa at isinakatuparan ngayong ika 12 ng Hulyo, 1977 sa San Juan, Batangas, nina:

"LIBRADA O. TOLOSA, Pilipina, asawa ni Pablo Tolosa, may sapat na gulang at sa kasalukuyan ay naninirahan sa 40 Mapalad St., San Francisco del Monte, Quezon City, na sa kasan-duang ito ay tinaguriang MAY-ARI,

- at si -

"ANSELMA ENRIQUEZ VDA. DE CUYA, Pilipina, biyuda, may sapat na gulang, at sa kasalukuyan ay nakatira sa San Juan, Batangas, at sa kasunduang ito ay tinaguriang TAUHAN,

- AY NAGPAPATUNAY NA -

"DAHIL sa ang nagkasundo ay sila ang nademanda at nagdemanda sa usaping may pamagat na 'Fulceda Bukid Vda. de Ona, as substituted by Librada Tolosa vs. Court of Appeals, et al.' na nasa Korte Suprema sa kasalukuyan at may numerong G.R. No. L-44317;

"DAHIL sa ang nagkasundo ay nag-usap muli upang ang kanilang pinag-uusapan sa nasabing usapin ay matapos na at sila ay nagkasundo sa mga kondisyones tungkol sa kanilang kasunduan;

"NGAYON, dahil at alang-alang sa mga pinagkasunduang nasasaad dito, ang mga nagkasundo ay nagkasundo

tulad ng mga sumusunod:

"Una. - Gagawin ng MAY-ARI na taga-pag-alaga, tagapagmasid at tagabantay ang TAUHAN sa kaniyang niyugan na nasa Baryo Bantilan, San Juan, Batangas na may sukat na DALAWAMPOT PITONG LIBO (27,000) metrong parisukat, humigit kumulang na hindi inaalagaan ni Aling Juliana at siya ay may katungkulan na alagaan ang mga puno ng niyog, maglinis ng bakuran, mag-ayos ng bakud, magbaba ng niyog at lahat na dapat gampanan o gawin ng isang nag-aalaga ng niyugan;

"Ikalawa. - Lahat ng gastos sa pag-aalaga at pagbababa ng niyog ay sa TAUHAN at siya ay papartehan ng ikatlo (1/3) ng ani at ang dalawang parte (2/3) ay sa MAY-ARI;

"Ikatlo. - Maaaring mag-alaga ng hayop ang TAUHAN sa loob ng niyugan kung ito ay papayagan ng MAY-ARI at maliban sa kaniyang bahay na nasa loob ng bakuran ay wala nang itatayo pang bahay sa nasabing looban ng TAUHAN o sinumang tao;

"Ikaapat. - Ang ani sa mga namumungang kahoy sa loob ng niyugan katulad ng kape, saging, lansones at iba pa ay papartehin ding katulad sa pinagkasunduan sa ikalawang parapo nito. Maaaring magtanim ang TAUHAN ng iba pang kahoy na namumunga subalit ang mga bunga nito ay papartehin din katulad ng napag-kasunduan sa ikalawang parapo nito;

"Ikalima. - Ipinangako ng TAUHAN na kaniyang gagampanan ang lahat ng kaniyang tungkulin at ipinangako dito sa kasunduang ito ng buong katapatan at ang hindi niya patupad sa alin mang pinagkasunduan ay sapat na dahilan ng kaniyang pagkaalis ng tungkulin. Dahil dito, bago magani ang TAUHAN ng alin mang bunga ng puno ng kahoy sa niyugan ay kaniyang ipapaalam sa MAY-ARI upang ang pag-aani ay makita ng MAY-ARI o ang kaniyang tauhan;

"Ikaanim. - Ang kasunduang ito ay mag-uumpisa sa paglagda ng mga nagkasundo sa dokumentong ito at bilang pabuya sa TAUHAN ay bibigyan ng MAY-ARI siyang halagang LIMANG LIBUNG PISO (P5,000.00), kuwartang Pilipino

"BILANG PAGPAPATIBAY sa lahat ng nilalaman nito, ang mga nagkasundo ay lumagda sa ilalim nito sa araw at lugar na nabanggit sa itaas.

(signed) (thumbmarked)

"LIBRADA O. TOLOSA ANSELMA ENRIQUEZ VDA. DE CUYA

May-ari Tauhan

"Sa harap nina:

(illegible) (illegible)

"REPUBLIC OF THE PHILIPPINES)

PROVINCE OF BATANGAS) S.S.

MUNICIPALITY OF SAN JUAN)

"BEFORE ME, a Notary Public in and for the Province of Batangas, on this 12th day of July, 1977, personally appeared LIBRADA TOLOSA with Res. Tax Cert. No. A-174992 issued at Manila on June 14, 1977 and ANSEL-MA ENRIQUEZ VDA. DE CUYA, with Res. Tax Cert. No. A-3401683, issued at San Juan, Bat. on July 11, 1977, both known to me and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that the same is of their own free and volun-tary act and deed.

"IT IS CERTIFIED that the foregoing instrument refers to a KASUNDUAN and is contained in three (3) typewritten pages, including this one on which this acknowledgment is written duly signed by the parties and their instrumental witnesses at the proper places and with both pages duly impressed with my notarial seal.

"WITNESS MY HAND AND SEAL.

(signed)

"FAUSTO C. MERCADO, Notary Public

Until December 31, 1978

PTR. No. 6998506 issued at San Juan, Bat.

on Jan. 4, 1977

"Doc. No. 803;

Page No. 63;

Book No. V;

Series of 1977."

Since the parties had apparently executed the agreement by themselves without the intervention or assistance of their respective counsels, the Court per its Resolution of July 27, 1977 required their counsels to comment thereon.

On August 4, 1977, Attys. De Santos, Balgos and Perez, counsels for the petitioner, filed their manifestation stating that "they have no objection to the same and accordingly, join said petitioner and private respondent" and prayed the Court to "grant the reliefs prayed for in the petitioner and private respondent's urgent joint manifestation and motion."

Private respondent's counsel through Atty. Antonio K. Tupaz, Trial Attorney III of the Bureau of Agrarian Legal Assistance, after having secured a 30-day extension to file his comment, filed on October 4, 1977 his manifestation that "by way of comment on the 'urgent joint manifestation and motion' of petitioner and private respondent, he raises no opposition and/or objection to the same after conferring with private respondent Aurelina (sic)** Enriquez Vda. de Cuya who admitted to have voluntarily signed (thumbmarked) the 'Kasunduan' dated July 12, 1977 (attached to the urgent joint manifestation and motion), hence, the undersigned counsel has no alternative than to abide with such agreement between the parties notwithstanding the failure of said private respondent to consult him on the matter."

It appearing that the agreement or "Kasunduan" hereinabove reproduced as executed by the parties in full settlement of the case at bar is in order and no objection thereto having been made by their respective counsels, the Court, as prayed for by the parties, hereby approves the same and renders judgment in accordance therewith.

Makasiar, Muñoz Palma, Martin, Fernandez, and Guerrero, JJ., concur.

* Seventh Division composed of Lorenzo Relova, J., ponente, concurred in by Ramon G. Gaviola, Jr. and Mariano Serrano, JJ.

** Should be Anselma.

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