

LINSANA OVERLAND TRANSPORTATION COMPANY, INC., CIPRIANO S. ALLAS, REMEDIOS M. ALLAS, DAISY A. ALLAS AND SANTIAGO ENRIQUEZ, PETITIONERS VS. THE HONORABLE COURT OF APPEALS AND REP...

G.R. No. L-36869. August 26, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court approves the compromise agreement submitted by the parties with the assistance of their respective counsel for the amicable settlement of their case involving recovery of a sum of money and renders judgment in accordance with the terms thereof.

The petition originally sought the setting aside of respondent appellate court's resolutions of March 21, 1973 and April 30, 1973 dismissing *motu proprio* petitioners-appellants' appeal for having been purportedly filed twenty-eight (28) days late on the face of the record on appeal notwithstanding the lapse of two (2) years and ten (10) months that the case had been submitted for decision with the filing of the parties' briefs and prayed that respondent court be ordered to decide the appeal on its merits.

The appealed judgment of the Manila court of first instance in favor of respondent-appellee as plaintiff and against petitioners-appellants as defendants had provided as follows:

"Judgment is, therefore, rendered ordering all Defendants, jointly and severally, with the exception of Chita Allas, to pay plaintiff the sum of P54,320.00 with interest thereon at the rate of 10% per annum from December 27, 1966 until fully paid, plus the sum of P5,000.00 as attorneys' fees and to pay the costs."

Pending the proceedings at bar, the Court suspended the same at the parties' instance to enable them to reach an agreement for the amicable settlement of the case.

On August 19, 1974, the parties submitted the following:

"MOTION FOR COMPROMISE JUDGMENT

"COME NOW the parties, except the respondent court, assisted by their respective counsel and to this Honorable Court respectfully state that:

"They have now finally reached and agreement for the amicable settlement of this case, to wit:

"1. The principal obligation in the entire amount of P33,000.00 is considered discharged, the same having been paid in full thru several installment payments during the pendency of this appeal by petitioner Cipriano S. Allas, who assumed personally this obligation.

"2. The total interests due on said principal is reduced to only P30,000.00, and the same shall be paid within one (1) year from the date of final judgment based on this compromise agreement, plus attorney's fees in the amount of P2,000.00.

"3. If these are not so paid, then respondent Bank shall be entitled to the immediate issuance of a writ of execution for the satisfaction of said judgment with interest at 12% per annum out of the leivable properties of petitioner Cipriano S. Allas.

"WHEREFORE, it is respectfully prayed that this compromise agreement be approved and the judgment appealed from affirmed but its dispositive portion modified in accordance with the terms thereof, without pronouncement as to costs.

"Manila, August 12, 1974.

"(Sgd.) CIPRIANO S. ALLAS

REPUBLIC BANK

Petitioner

Respondent

By:

(Sgd.) PABLO R. ROMAN

President

"REMEDIOS M. ALLAS

DAISY A. SANCHEZ

SANTIAGO ENRIQUEZ

ASSISTED BY:

(Sgd.) RAFAEL S. SANTAYANA

Counsel for the Respondent

6th Floor, Republic Bank Bldg.

277 Escolta, Manila

"BY:

(Sgd.) LORENZO LEYNES

Allas, Leynes & Associates

Attorney of Petitioner

Suite 402 Martinez Bldg.

378 Dasmariñas Street

Manila "

The Court finds the compromise agreement to be in order and therefore approves the same.

ACCORDINGLY, as prayed for, judgment is hereby rendered approving the compromise agreement as hereinabove reproduced and the appealed judgment is affirmed but it is modified in accordance with the terms of the compromise agreement. Without costs.

Makalintal, C.J., Ruiz Castro, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

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