

SOUTHERN MOTORS, INC., PETITIONER, VS. COURT OF APPEALS, CONSTANCIO B. MAGLANA, AND LEODEGARIA L. MAGLANA, RESPONDENTS.

G.R. No. L-49007. August 29, 1980

Ponente: CONCEPCION JR., J.

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CONCEPCION JR., J.:

On August 20, 1980, the parties, duly assisted by their respective counsels, filed the following pleading, entitled "MOTION FOR JUDGMENT BASED ON COMPROMISE AGREEMENT", dated July 30, 1980, praying for the approval of their compromise agreement and the rendition of judgment in accordance herewith:

"MOTION FOR JUDGMENT BASED ON COMPROMISE AGREEMENT"

The parties, assisted by their respective counsel, respectfully submit to this Honorable Court, for its approval, the following -

'COMPROMISE AGREEMENT

'1. To end this litigation amicably and independently of its substantive merits, the parties hereby agree that the ownership of and title to the property in dispute, which is more particularly bounded and described as follows:

ORIGINAL CERTIFICATE OF TITLE
NO. P-6709, REGISTRY OF DEEDS
OF DAVAO

"Lot No. 1797, PLS-2: - Beginning at a point marked "1" of Lot 1797, Pls-2, being S.8-02' E. 117 m. from LLM No. 6, Pls-2, thence

N. 45-44' E. 88.06 m. to point 2;

N. 51-31' E. 209.23 m. to point 3;

S. 52-02' E. 105.97 m. to point 4;

N. 57-22' E. 324.03 m. to point 5;

N. 89-12' E. 126.42 m. to point 6;

S. 73-52' E. 51.19 m. to point 7;

S. 18-26' W. 36.92 m. to point 8;

S. 25-38' W. 101.34 m. to point 9;

S. 16-18' E. 110.55 m. to point 10;

S. 70-54' E. 91.85 m. to point 11;

S. 27-13' W. 159.71 m. to point 12;

S. 15-33' W. 151.90 m. to point 13;

S. 17-48' W. 422.58 m. to point 14;

N. 73-40' W. 404.00 m. to point 15;

N. 19-11' W. 456.48 m. to point 16;

N. 18-41' W. 126.45 m. to point 1;

point of beginning, Containing an area of FIVE HUNDRED THOUSAND NINE HUNDRED FOUR (500,904) SQUARE METERS.

Bounded on the NW., along lines 1-3 by Lot 10249; Pls-2; along lines 3-6 by Lot 1789; Pls-2; along lines 11-14 by Lot 1739; Pls-2; along lines 14-15 by Lot 1758; Pls-2 and along lines 15-16 and 6 to 1 by Lot 1798, Pls-2."

be awarded and adjudicated to both parties in the proportions indicated below:

(a) To the spouses Constancio Maglana and Leodegaria Maglana ----- 3/4 pro-indiviso share

(b) To Southern Motors, Inc.

1/4 pro-indiviso share

'2. Each party hereby waives, renounces and quitclaims all other claims and causes of action for damages, attorney's fees, expenses of litigation, costs and any other item as pleaded in their respective complaints and/or counterclaims.

'3. This Compromise Agreement, upon its approval by the Honorable Supreme Court, will supersede the decision dated 13 June 1973 rendered by the Court of First Instance of Davao in Civil Case No. 110 and the decisions dated 24 January 1978 and 7 September 1978 of the Court of Appeals in CA-G.R. No. 53643-R.

'4. Private-respondents hereby withdraw their complaint in toto as against defendants Adela C. Lacson, Severino C. Lacson, and Demetrio S. Villaflor and waive, renounce and quitclaim whatever favorable judgment private-respondents may have obtained against said defendants in the decision dated 13 June 1973 of the Court of First Instance of Davao in Civil Case No. 110 and the decision dated 7 September 1978 of the Court of Appeals in CA-G.R. No. 53643-R.

"WHEREFORE, it is respectfully prayed that the foregoing Compromise Agreement be approved and that judgment be rendered in accordance with the tenor thereof, without pronouncement as to costs and attorney's fees at this instance."

The aforequoted compromise agreement being not contrary to law, good morals, public policy or public interest, is hereby approved and the parties are hereby enjoined to comply with its terms and stipulations. No costs.

SO ORDERED.

Barredo, Aquino, Guerrero,[*] and De Castro,**] JJ., concur.

[*] Mr. Justice Juvenal K. Guerrero, a member of the First Division, was designated to sit in the Second Division in lieu of Mr. Justice Vicente Abad Santos who is on official leave.

**] Mr. Justice Pacifico P. de Castro, a member of the First Division, was designated to sit in the Second Division.

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