

AGAPITA OPEÑA VDA. DE IMPERIAL (NOW DECEASED), CELEDONIA IMPERIAL, MARIA IMPERIAL, SOCORRO IMPERIAL, ABDON IMPERIAL, JR., MIGUEL IMPERIAL AND JOSE IMPERIAL, PETITIONERS, VS. HON...

G.R. No. 51944. November 17, 1980

Ponente: BARREDO, J.

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BARREDO, J.:

The parties having submitted, thru their respective counsel, under date of September 10, 1980 a joint manifestation as follows:

"1. That during the hearing of the case on July 28, 1980, the Court proposed that the property subject of this case be just divided only equally between the heirs of the first marriage of Abdon Imperial on the one hand and the heirs of the second marriage of Abdon Imperial on the other by giving the counsels 5 days within which to submit a joint manifestation for said purpose, to which counsels then agreed;

"2. That pursuant thereto, the above-referred to parties thru their counsels have therefore come to the following agreement:

"(1). That the total area of the property to be divided by the parties situated in the barrio of San Vicente, Pamplona, Camarines Sur consists of 224,334 square meters (22.4334 hectares) covered by Original Certificate of Title No. 369 in the name of Abdon Imperial, married to Agapita Opeña;

"(2). That said property has now been traversed by a municipal road with an area of 8,131 square meters;

"(3). That deducting said area of 8,131 square meters from the area of 224,334 square meters leaves to the parties the area only of 216,203 square meters to be divided equally by them, which when divided equally leaves to the parties to be received by them the equal area of 108,101.5 square meters;

"(4). That petitioners who are the heirs of the second marriage agree to receive their said area share of 108,101.5 square meters and it is up to them to divide said area among them in the manner they want to, and respondent Isabel Imperial agrees too to receive the said area share of 108,101.5 square meters pertaining to the heirs of the first marriage for herself and for her co-heirs of said marriage and it is up to the heirs of the first marriage to divide said area also among them in the manner they wish to;

"(5). That since the record of Original Certificate of Title No. 369 in the Office of the Register of Deeds of the province of Camarines Sur was burned, instead therefore of having said Title judicially reconstituted, the parties agree to have their respective shares of 108,101.5 square meters measured in the manner they want to, or by a licensed geodetic engineer, if they so desire, for the purpose of securing or in preparation for securing title to their respective shares;

"(6). That for the purpose of clarity a sketch plan is hereto attached as Annex 'A' showing therein the respective location of the area pertaining and to be received by the heirs of the first and second marriage of Abdon Imperial;

"Wherefore, it is respectfully prayed that the foregoing agreement be approved by the Court; and that the separate manifestations previously filed by the parties be withdrawn." (Pp. 119-121, Record.)

and there being nothing in the foregoing compromise agreement contrary to law, morals or public order, the Court approves the same and hereby requires all the parties to abide by the terms and conditions thereof, provided that this decision shall not become final until after counsels for both parties shall have submitted jointly to this Court the signed conformity of all their respective clients.

Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

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