

BANGUED WATER DISTRICT, REPRESENTED BY EDGARDO B. HOJILLA, ACTING CHAIRMAN OF THE BOARD OF DIRECTORS, PETITIONER, VS. HON. HAROLD M. HERNANDO, PRESIDING JUDGE, BRANCH I OF THE C...

G.R. No. 54043. November 28, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for certiorari filed by the Bangued Water District against Hon. Harold M. Hernando Presiding Judge, Branch I of the Court of First Instance of the Province of Abra, and Dr. Ben Bringas and other persons seeking the following relief:

"WHEREFORE, it is respectfully prayed, that a writ of certiorari be issued, ordering the proceedings herein complained of to be forthwith certified upon for review, with prayer for a preliminary injunction, for the protection of the rights of petitioner pending this proceedings, and after due hearing, let judgment be rendered annulling or modifying the proceedings of the respondent Judge as the law requires, with costs.

"Bangued, Abra, June 3, 1980."[1]

After the private respondents had filed their comment, the parties filed a motion to dismiss this case because the parties in Civil Case No. 1257 of the Court of First Instance of Abra had entered into the following:

"COMPROMISE SETTLEMENT

"PETITIONERS and RESPONDENTS, duly assisted by their respective counsels, and unto this Honorable Court most respectfully submit the following Compromise Settlement:

1. "That the Respondents agree to undertake the improvement of the Bangued Water System in the amount of THREE MILLION THREE HUNDRED TEN THOUSAND (P3,310,000.00) PESOS, which will immediately start upon the signing of this Compromise Settlement; and will further undertake a thorough accounting of all funds and materials of the Bangued Water District;
2. "That by reason of the great benefits to be derived from the promised improvement of the water system by the respondents, and the accounting of all monies and materials of the Bangued Water District, the petitioners do hereby waive the claim for damages and the accounting of monies and materials acquired by the Bangued Water District;
3. "That the parties further agree to maintain the present water rates embodied in the questioned order of this Honorable Court of P5.00 for domestic water users and P10.00 for the commercial and industrial water users per month until such time that the water system shall have been overhauled, improved and operational as determined by the Local Water Utility Administration and the herein parties per Zone or Barangay and so on and the following meter rates shall be charged from the consumers for every Zone or Barangay that becomes improved or operational:

"A - For Domestic, School and Hospital Water Users:

(a)

For the first 10 cubic meters, P10.00;

(b)

For the next 11 to 20 cubic meters in excess of the 20 cubic meters, the amount of P0.90 shall be charged for each cubic meter;

(c)

For 21 to 30 cubic meters in excess of 20 cubic meters, the amount of P1.10 shall be charged for each cubic meter;

(d)

Above 30 cubic meters, the amount of P1.35 shall be charged for each cubic meter.

"B - For Commercial, Industrial and Bulk Water Users:

(a)

For commercial and industrial water users, the rates above stated shall be doubled and for bulk consumers shall pay thrice the foregoing water rates for domestic water users.

4. "That any change of water rates shall be determined by the herein parties in accordance with existing rules, regulations and laws;

5. "That the Bangued Water Consumers bind themselves to support the foregoing rates for the operation, maintenance, costs and reserves for the amortization of the loan of P3,310,000.00.

"WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Court that the foregoing Compromise Agreement be approved and that judgment be rendered thereon and to afford the parties such further reliefs just and equitable in the premises.

"Bangued, Abra, September 29, 1980." [2]

It appears that the respondent judge had rendered a final judgment approving the compromise agreement and ordering the parties to comply with the terms and conditions thereof. [3]

WHEREFORE, as prayed for, this case is hereby DISMISSED.

SO ORDERED.

Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.

Teehankee, (Chairman), J., concur in the dismissal of the petition at bar.

[1] Rollo, pp. 8-9.

[2] Rollo, pp. 312-314.

[3] Rollo, pp. 309-311.

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