

**ROSENDO MENESES, JR., PETITIONER, VS. COURT OF APPEALS,
FRANCISCO MENESES AND CECILIA MENESES, REPRESENTED BY
THEIR MOTHER AND GUARDIAN, AURORA IRENE C. VDA. DE
MENESES, ETC., R...**

G.R. No. 55006. February 20, 1984

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

The parties herein have filed a compromise agreement of their controversy as shown by the Quitclaim and Waiver of Rights, quoted herein below, praying that the same be approved by the Court, to wit:

QUITCLAIM

KNOW ALL MEN BY THESE PRESENTS:

This QUITCLAIM made and executed by CECILIA MENESES and FRANCISCO MENESES, both of legal age, Filipino and residing at Mahiyain Street, Teachers Village, Quezon City, in favor of their brother, ROSENDO MENESES, JR., likewise of legal age, widower, Filipino citizen and residing at 7th Avenue, Grace Park, Caloocan City,

WITNESSETH:

- 1.) That the late ROSENDO MENESES, SR., is the legitimate son of the late RAMON MENESES and CARMEN RODRIGUEZ, whom he predeceased having died on October 16, 1960, January 2, 1969 and January 9, 1972, respectively.
- 2.) That the decedents left several real properties which properties are the subject of judicial partition in Special Proceeding No. 83081 entitled IN THE MATTER OF THE INTESTATE ESTATE OF RAMON MENESES AND CARMEN RODRIGUEZ before the Court of First Instance of Manila, Branch XXII (now Regional Trial Court of Manila, Branch XXII).
- 3.) That CECILIA MENESES AND FRANCISCO MENESES are hereby voluntarily renouncing in favor of their brother ROSENDO MENESES, JR., whatever shares, rights, interests and participation if any, from the estates of the deceased, RAMON MENESES AND CARMEN RODRIGUEZ.
- 4.) That the appealed case in the Supreme Court, G.R. No. 55006, now pending in said court is hereby considered terminated.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this 13th day of September, 1983 at Manila.

(Sgd.) CECILIA MENESES

(Sgd.) FRANCISCO MENESES

Party

Party

(Acknowledgment omitted.)

WAIVER OF RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

This WAIVER OF RIGHTS, made and entered into by and between:

ROSENDO J. MENESES, JR., of legal age, widower, Filipino and residing at 7th Avenue, Grace Park, Caloocan City.

CECILIA C. MENESES, of legal age, Filipino and residing at 14-C Mahiyain Street, Teachers Village, Quezon City,

FRANCISCO C. MENESES, of legal age, single, Filipino and residing at 14-C Mahiyain Street, Teachers Village, Quezon City.

DECLARE AND MAKE MANIFEST:

1. That ROSENDO MENESES, SR., is the legitimate son of the late RAMON MENESES AND CARMEN RODRIGUEZ whom he predecease;
2. That the said ROSENDO MENESES, SR., died in Tayabas Street, Sta. Cruz, Manila, which was his residence at the time of his death on October 16, 1960, without leaving any will and RAMON MENESES and CARMEN RODRIGUEZ who died on January 2, 1969 in the Province of Bulacan and January 9, 1972 in Makati Medical Center, Metro Manila respectively;
3. That the deceased left several real and personal properties, who both died intestate and their estates are the subject of judicial partition in Special Proceeding No. 83081 entitled IN THE MATTER OF THE INTESTATE ESTATE OF RAMON MENESES and CARMEN RODRIGUEZ before the Court of First Instance of Manila, Branch XXII (now Regional trial Court of Manila, Branch XXII);
4. That CECILIA C. MENESES and FRANCISCO C. MENESES have executed in Quitclaim, which instrument had been notarized by Notary Public Francisco Calimag of Manila and evidenced in his Notarial Registry as Doc. No. 105, Page No. 22, Book No. V, Series of 1983, whereby they have voluntary (sic) waived and renounced in favor of their brother, ROSENDO MENESES, JR. all the properties in the estates of the RAMON MENESES AND CARMEN RODRIGUEZ;
5. That ROSENDO J. MENESES, JR. do hereby by these presents, waive in favor of CECILIA C. MENESES and RANCISCO C. MENESES, all the real and personal properties from the estate of RAMON MENESES AND CARMEN RODRIGUEZ except the parcels of land from the aforesaid estates, covered by Transfer Certificate of title No. 23080 of the Registry of Deeds of Quezon City and 1/2 share pro-indiviso of a fishpond situated in San Nicolas, Bulacan, Bulacan and covered by transfer Certificate of Title No. 24941 of the Registry of Deeds of Bulacan, both of which has previously been adjudicated;
6. That the parties hereby voluntarily and spontaneously concur in renouncing and/or waiving in favor of one another any inequalities that may result therefrom;
7. That the appealed case in the Supreme Court, G.R. No. 55006, now pending in said court is hereby considered terminated.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 13th day of September 1983, at

Manila.

(Sgd.) ROSENDO J. MENESES, JR.

(Sgd.) CECILIA C. MENESES

Party

Party

(Sgd.) FRANCISCO C. MENESES

Party

(Acknowledgment omitted.)

WHEREFORE, finding the aforequoted quitclaim and waiver of rights not being contrary to law, morals or public policy, the Court hereby approves the same and renders judgment in accordance therewith. The parties are hereby enjoined to comply strictly with its terms and stipulations. No costs. SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Guerrero, and Abad Santos, JJ., concur.

Aquino and Escolin, JJ., no part.

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