

THE REPUBLIC OF THE PHILIPPINES, (MINISTRY OF PUBLIC HIGHWAYS) PETITIONER, VS. HON. IGNACIO M. CAPULONG, IN HIS CAPACITY AS PRESIDING JUDGE, COURT OF FIRST INSTANCE OF PAMPANGA,...

G.R. No. 55063. July 20, 1981

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The parties, assisted by their respective counsels, have filed under date of June 19, 1981 a Manifestation and Motion, with the thereto attached Compromise Agreement dated May 19, 1981, providing as follows:

"MANIFESTATION AND MOTION

"COMES NOW the petitioner, through the undersigned counsel, and to this Honorable Court respectfully states that:

"1. In the Resolution dated April 24, 1981, petitioner was required to reply to private respondent's Comment dated March 16, 1981;

"2. The period to reply to private respondent's comment expires on June 24, 1981;

"3. However, petitioner and private respondent have executed the attached Compromise Agreement dated May 19, 1981, seventeen (17) copies of which are hereto attached;

"WHEREFORE, it is respectfully prayed that the attached Compromise Agreement dated May 19, 1981 be approved and judgment be rendered on the basis thereof.

"Manila, June 19, 1981.

(Sgd.) Estelito P. Mendoza

"Copy furnished and (Typed) ESTELITO P. MENDOZA

Solicitor General

CONFORME:

(Sgd.) Ernesto L. Pineda (Sgd.) Octavio R. Ramirez

(Typed) Atty. Ernesto L. Pineda (Typed) OCTAVIO R. RAMIREZ

Counsel for the Archbishop Assistant Solicitor General

of San Fernando Pampanga,

Suite 501 Trinity Bldg., T.M. (Sgd.) Mariano M. Martinez

Kalaw, Ermita, Manila (Typed) MARIANO M. MARTINEZ

Solicitor"

"COMPROMISE AGREEMENT

"COME NOW petitioner Republic of the Philippines, represented by the Minister of Public Highways, and private respondent Roman Catholic Archbishop of San Fernando, in the above-captioned case, assisted by their respective counsel, and to this Honorable Supreme Court respectfully submit the following Compromise Agreement:

"1. That after trial and submission by the parties of memoranda in Civil Case No. 5273 (now G.R. No. L-55063) entitled "The Roman Catholic Archbishop of San Fernando vs. Ministry of Public Highways, represented by Minister Vicente T. Paterno, Commission on Audit, represented by Francisco Tantuico, and Office of the City Engineer of Angeles City, represented by the City Engineer of Angeles City", respondent Judge Ignacio M. Capulong rendered a Decision dated July 15, 1980, the dispositive portion of which reads, as follows:

'WHEREFORE, in view of the foregoing, judgment is hereby rendered ordering:

'1. the defendant Ministry of Public Highways to pay plaintiff six percent (6%) interest on the purchase price of P283,536.00 covering a period of 20 years, 2 months and 16 days with legal interest from the filing of this case until actual paid;

'2. the defendant Ministry of Public Highways to pay plaintiff attorney's fees equivalent to ten percent (10%) of the aforesaid sum mentioned in No. 1; and

'3. to pay the costs of suit'

"2. That respondent Roman Catholic Archbishop of San Fernando agrees to be paid only six percent (6%) per annum interest on the purchase price of P283,536.00 covering the period from December 2, 1955 when the properties were taken for public use until February 18, 1976, when the purchase price was paid, or a period of 20 years, 2 months and 16 days or the amount of P343,781.72, and waives or abandones the rest of the awards in the judgment of respondent Judge Capulong for legal interest from the filing of this case until actual payment, attorney's fees and costs of suit.

"3. That petitioner Republic of the Philippines (Ministry of Public Highways) agrees to pay respondent Roman Catholic Archbishop of San Fernando the above amount of P343,781.72.

"4. That payment of the said amount by the Ministry of Public Highways to the Roman Catholic Archbishop of San Fernando shall be subject to existing government rules and regulations.

"5. That this Compromise Agreement shall constitute the final and complete settlement of the above-mentioned case by and between the herein parties.

"WHEREFORE, it is respectfully prayed of this Honorable Supreme Court that this Compromise Agreement be approved and that decision be rendered on the basis thereof.

"Manila, May 19, 1981.

"The Roman Catholic Archbishop of San Fernando Ministry of Public Highways

BY: By:

(Sgd.) Oscar V. Cruz (Sgd.) Jesus S. Hipolito

(Typed) Most Rev. OSCAR V. CRUZ, J.C.D., D.D. (Typed) JESUS S. HIPOLITO

Incumbent Archbishop Minister

Assisted by: Assisted by:

(Sgd.) Ernesto Pineda (Sgd.) Estelito P. Mendoza

(Typed) Atty. ERNESTO PINEDA (Typed) ESTELITO P. MENDOZA

Counsel for the Roman Solicitor General

Catholic Archbishop of

San Fernando (Sgd.) Octavio R. Ramirez

(Typed) OCTAVIO R. RAMIREZ

Assistant Solicitor General

(Sgd.) Mariano M. Martinez

(Typed) MARIANO M. MARTINEZ

Solicitor"

The Court finds the above-reproduced Compromise Agreement to be proper and in order and therefore approves the same.

ACCORDINGLY, as prayed for by the parties, with the assistance of their respective counsels, the Court hereby renders judgment approving the above-reproduced Compromise Agreement and enjoins compliance by the parties in accordance with the terms thereof.

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

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