

**LUIS HAGOSOJOS, PETITIONER, VS. HON. COURT OF APPEALS, AND
ARACELI H. VDA. DE HAGOSOJOS, FRED HAGOSOJOS, HEIDI
HAGOSOJOS, HENRY HAGOSOJOS, ARACELI
HAGOSOJOS-ALINDOGAN, ASSISTED ...**

G.R. No. 59690. October 28, 1987

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

This petition for review on certiorari seeks the reversal and setting aside of the decision^[1] of the Court of Appeals in CA-G.R. No. 63307-R, entitled "Luis Hagosojos vs. Araceli Vda. de Hagosojos, et al.," which set aside the decision dated December 5, 1975, and the order dated July 12, 1976 of the then Court of First Instance of Sorsogon in Civil Case No. 363^[2] approving the Compromise Agreement entered into by the parties.

The facts that gave rise to the present controversy are as follows:

Anastacio Hagosojos contracted two marriages during his lifetime. His first marriage on February 14, 1920 with Jacinta Jaucian (according to the Petition, while the Compromise Agreement copied in the Decision and quoted in the Record On Appeal states the surname of Jacinta as "Guardian") produced three offsprings, namely: the petitioner, Luis Hagosojos, and the two other private respondents, Araceli Hagosojos-Alindogan and Lourdes Hagosojos-Nicolas. More than five years after the demise of Jacinta Jaucian on April 4, 1959, but without the conjugal partnership assets of the first marriage having been partitioned and distributed, he got married a second time on December 21, 1965, to Araceli Hian. Out of the second marriage were born the other private respondents, Fred, Heidi, and Henry, all surnamed Hagosojos. On January 22, 1973, Anastacio donated to Henry, who was then only seven years young, Lot No. 2736, containing an area of 15,529 square meters, a portion of the property covered by Original Certificate of Title No. P-740, which was part of the conjugal partnership assets of the first marriage. The donation was accepted on behalf of Henry by his mother, Araceli. There is nothing in the records of this case as to whether or not the deed of donation was registered.

On May 29, 1974, to compel the partition and distribution of the conjugal partnership assets of the first marriage, the petitioner, together with his two sisters, private respondents Araceli Hagosojos-Alindogan and Lourdes Hagosojos-Nicolas, filed the corresponding complaint against their father, Anastacio. While the case was still pending however, Anastacio died on August 21, 1974, which compelled Luis to file an amended complaint substituting as defendant Araceli Vda. de Hagosojos in her personal capacity and as guardian of the minors Fred, Heidi, and Henry Hagosojos. For one reason or another, Araceli Hagosojos-Alindogan and Lourdes Hagosojos-Nicolas surprisingly refused to side with their brother of full blood, petitioner Luis Hagosojos, in the amended complaint, and were thus impleaded as defendants.

The parties tried to settle their conflict amicably during the course of the proceedings in the trial court. As a result, Araceli Vda. de Hagosojos, assisted by her counsel, drew up a compromise agreement which she presented to the petitioner for approval. When Luis agreed, he and his stepmother, Araceli, together with their lawyers, signed the

Compromise Agreement. On December 4, 1975, they submitted the same to the trial court for approval. Accordingly, the trial court, on December 5, 1975, rendered a decision providing inter <span cl

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