

**CARLOS PO AND TEE SEE, PETITIONERS, VS. EMETERIO YU,
REPRESENTING THE HEIRS OF YU TIONG, ONG OH, ANITA
ABELLANOSA, PATROCINIO YU AND COURT OF APPEALS,
RESPONDENTS.**

G.R. No. 60121. October 29, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

The petitioners appealed from the decision of the Court of Appeals dated April 10, 1981, setting aside the order of the Court of First Instance of Cebu dated February 28, 1979, remanding two ejectment cases to the city court of Cebu City for further proceedings, and affirming the judgment of the city court (Yu vs. Po, CA-G.R. No. SP-09263).

In this Court's resolution of August 16, 1982, the respondents were required to comment on the petition for review.

On September 24, 1982 the parties mailed to this Court their compromise agreement dated September 8, 1982 with a motion for its approval. The agreement is quoted below:

"COMPROMISE AGREEMENT

"COME NOW the parties in this case, represented by their respective counsel, and to this Honorable Court, most respectfully submit the following Compromise Agreement:

"1. That the private respondents will withdraw and move for the dismissal of Civil Case No. R-18680 of the City Court of Cebu as well as Civil Case No. R-18679;

"2. That the petitioners in turn will withdraw and move, as they hereby withdraw and move for the dismissal of their petition for review which they filed with this Honorable Court;

"3. That the parties agree that the petitioners Tee See, and Carlos Po, represented by TLP Appliances, through its officer-in-charge, Eduardo Po, will pay rentals to private respondents of P4,500.00 per month per unit or per store space for two (2) years beginning July, 1982 up to June, 1984; for two units or store spaces, P9,000.00 per month plus P500.00 per month for the one-half (1/2) bodega space located at Manalili Street, Cebu City; or a total of P9,500.00/month;

"4. That after the expiration of said period and the said petitioners continue to occupy the leased premises, the rental shall automatically be increased by 10% for the next two-year period;

"5. That after the expiration of the next two-year period and the petitioners still desire to occupy the leased premises, then they may do so upon such terms and conditions that they may agree with the private respondents;

"6. That the herein petitioners who are required to pay their rentals to herein private respondents shall pay their

rentals to the following: Patrocinio Yu, 25%; Anita Abellanosa, 25% and Ong Oh, 50%;

"7. That all minor repairs and expenses for the improvement or renovation of the rented premises shall be for the account of the petitioners including the day to day repair or ordinary wear and tear of the rented premises. However, major repairs of damages like the ones occasioned by calamities like earthquakes, heavy floods, which make the place unfit for business purposes shall be for the account of the respondent;

"8. Petitioners may not sublease their rented premises without the consent of the respondents;

"9. That they will pay to the private respondents upon the signing of this agreement the sum of P2,000.00 as earnest money to be applied to the rentals for September, 1982;

"10. That the Compromise Agreement is without prejudice to the outcome of other cases pending between the parties before the other courts involving the leased premises.

"WHEREFORE, premises considered this Honorable Court is most respectfully prayed to approve this Compromise Agreement and dismiss the instant petition on the basis thereof.

"Cebu City, (for Manila), September 8, 1982.

TLP APPLIANCES PATROCINIO YU

Manalili Street

Cebu City

By: (Sgd.) Anita Abellanosa

(Typed)ANITA ABELLANOSA

(Sgd.) Illegible (Sgd.) Ong Oh

(Typed) EDUARDO PO (Typed) ONG OH

Officer-in-Charge

(In representation of

Tee See and Carlos Po)

ASSISTED BY: ASSISTED BY:

(Sgd.) Illegible (Sgd.) Illegible

(Typed) PABLO P. GARCIA (Typed) FRANCIS ZOSA

Counsel for the Counsel for respondents"

Petitioners

WHEREFORE, the compromise agreement is approved and judgment is rendered in accordance therewith. This case is dismissed and considered closed. No costs.

SO ORDERED.

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

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