

THE HEIRS OF GABRIEL CAPILI, PETITIONERS, VS. THE COURT OF APPEALS, HON. GUALBERTO J. DE LA LANA, PRESIDING JUDGE REGIONAL TRIAL COURT OF BULACAN, BRANCH XVI, MR. PERLITO G. DIM...

G.R. No. 73047. July 14, 1994

Ponente: VITUG, J.

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VITUG, J.:

This case stems from a complaint, docketed Civil Case No. 7393-M, for "Confirmation of Ownership (and) Recovery of Possession with Damages," filed on 30 March 1984 by private respondents against petitioners' predecessor, the late Gabriel Capili, with the Regional Trial Court, Branch XVI - Malolos, Bulacan.

Private respondents alleged that they were co-owners and co-possessors of a parcel of land, with an area of 327 square meters, situated at Sta. Cruz, Paombong, Bulacan; that the property had, since 1961, been occupied by Gabriel Capili merely through the tolerance of private respondents; that when private respondents demanded that Capili vacate the premises, the latter refused and instead filed a Miscellaneous Sales Application over the lot, but that the application was denied by the Bureau of Lands; and that on appeal to the then Ministry of Natural Resources, the latter, on 29 October 1982, affirmed the decision of the Bureau of Lands.

Capili was declared in default in Civil Case No. 7393-M, and private respondents were allowed to present their evidence *ex parte*. On 30 July 1984, the trial court rendered a decision, the dispositive portion of which read:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendant:

"1) declaring and/or confirming plaintiffs' ownership over the parcel of land identified as Lot No. 2019, Cad-297;

"2) ordering the defendant as well as all persons acting for and in his behalf to vacate the premises and to surrender the possession of the subject property to the plaintiffs;

"3) ordering the defendant to pay actual damages to the plaintiffs in the amount of P5,000.00;

"4) ordering the defendant to pay attorney's fees in the amount of P5,000.00; and

"5) ordering the defendant to pay the costs of suit.

"SO ORDERED." [1]

Capili filed, on 04 October 1984, a petition for relief from judgment which the trial court denied in its order, dated 06 December 1984, for lack of merit. An appeal was interposed with the Intermediate Appellate Court (now Court of Appeals). On 18 October 1985, the appellate court rendered a decision denying the petition, dismissing the case and lifting the restraining order it previously issued. A motion for reconsideration was denied in the appellate court's resolution of 22 November 1985.

Thereafter, this petition for review on certiorari was filed with this Court raising the following issues:

"WHETHER OR NOT RESPONDENT TRIAL JUDGE COMMITTED GRAVE ABUSE OF DISCRETION IN DENYING THE PETITION FOR RELIEF OF JUDGMENT.

"WHETHER OR NOT IN THE CASE AT BAR THE DENIAL OF THE PETITION FOR RELIEF CAN BE REVIEWED BY A WRIT OF CERTIORARI."

A supplemental petition, dated 07 May 1986, was subsequently filed to state that the then Ministry of Natural Resources, in an order, dated 10 April 1986, modified its 29 October 1982 decision thusly:

"IN VIEW OF THE FOREGOING, the decision of this Office dated October 29, 1982 should be, as hereby it is, MODIFIED, in the sense that appellant-movant Gabriel Capili shall be given priority over the western-half portion of the lot in question where his house had been constructed, and the other half shall be given to appellees Luis and Pascuala Salamat. Accordingly, the Miscellaneous Sales Application No. (III-6) 112 of Gabriel Capili shall be given further due course for the western-half portion of the land and Luis and Pascuala Salamat shall be given the privilege to apply under a proper public land application the eastern-half portion, within sixty (60) days from finality of this Order.

"SO ORDERED.[2]

Private respondents submitted their comment to the petition on 12 October 1987. Meanwhile, the Court, on 22 October 1987, received a "notice of death of (Capili) and substitution of (said) party by his heirs." On 15 December 1987, petitioners submitted their reply to private respondents' comment. A rejoinder, dated 10 February 1988, was made to the comment. Thereafter, additional pleadings were filed by the parties.

Ultimately, this Court resolved to give due course to the petition and required the parties to submit their respective memoranda. The parties complied.

On 19 April 1994, the parties this time, represented by their attorneys-in-fact, submitted to this Court a compromise agreement, hereunder reproduced in full; viz:

"PETITIONERS and PRIVATE RESPONDENTS represented herein by their respective Attorneys-in-Fact, most respectfully submit their Compromise Agreement:

"1. The late Gabriel Capili and Luis Salamat during their lifetime and together with Pascuala Salamat were claimants of a certain parcel of land known as Lot No. 2019, Cad-279, located at Sta. Cruz, Paombong, Bulacan, and more particularly described and bounded as follows:

"A parcel of land (Lot 2019 of the Cadastral Survey of Paombong, Bulacan, LRC Cad Rec. No. situated in the barrio of Sta. Cruz, Municipality of Paombong, Province of Bulacan. Bounded on the NW., along line 1-2 by Lot 2018 Paombong Cadastre; on the NE., along line 2-3-4 by Creek; on the SW., along line 4-1 by Lot 2020 Paombong Cadastre. Beginning at a point marked '1' on plan being S.02 deg. 08'E 8090.21 m from BLLM No. 1, Paombong Cadastre; thence N.26 deg. 12'E., 24.13 m to point 2; thence S.45 deg. 31'E., 12.66 m to point 3; thence S.01 deg. 22'W., 18.78 m to point 4; thence N. 72 deg. 42'W., 20.14 m to point of beginning, containing an area of THREE HUNDRED TWENTY SEVEN (327) SQUARE METERS, more or less.'

"2. In the Order dated April 10, 1986 of the Ministry of Natural Resources (now Department of Environment and Natural Resources) in MNR Case No. 6014, entitled, 'Luis Salamat and Pascuala Salamat versus Gabriel Capili,' the late Gabriel Capili was given the priority over the western-half portion of the above lot where his house had been constructed and the other half was given to the Late Luis Salamat and Pascuala Salamat. The said order was affirmed by the Office of the President, Malacañang, Manila, in its Decision dated January 20, 1988, in O.P. Case No. 3385, entitled, 'Luis Salamat and Pascuala Salamat versus Gabriel Capili (Deceased)

Represented by the Heirs.'

"3. The parties desire to terminate all the litigations involving the aforesaid parcel of land.

"4. Private respondents-Pascuala L. Salamat and the Heirs of Luis Salamat for and in consideration of the sum of THIRTY FIVE THOUSAND PESOS (P35,000.00), Philippine Currency, will assign, transfer and convey in favor of petitioners, their interests, rights, ownership and participations over the EASTERN-HALF portion of the aforesaid parcel of land-Lot No. 2019, Cad-279.

"5. The amount of THIRTY FIVE THOUSAND PESOS (P35,000.00) shall be paid as follows:

a). P20,000.00 upon the signing of this Compromise Agreement;

b). The balance of P15,000.00 shall be paid on or before April 30, 1994.

"6. Upon the full payment of the amount of P35,000.00, private respondents-Pascuala Salamat and the Heirs of Luis Salamat will execute in favor of petitioners a DEED OF ASSIGNMENT AND TRANSFER OF RIGHTS over the EASTERN-HALF PORTION of the aforementioned Lot No. 2019, Cad-279.

"7. Upon the signing of the Deed of Assignment and Transfer of Rights, private respondents-Pascuala Salamat and the Heirs of Luis Salamat will deliver peacefully the possession of the eastern-half portion of Lot No. 2019, Cad-279 to petitioners who will assume full control and possession thereof.

"8. The parties shall initiate and cause to do the following acts, to wit:

a). The dismissal of the following:

a-1). Civil Case No. 7393-M, entitled, 'Luis and Pascuala Salamat versus Gabriel Capili' for Confirmation of Title/Ownership, Recovery of Possession with Damages, at Regional Trial Court of Bulacan, Branch XVI, Malolos, Bulacan; and

a-2). BL Claim No. 229 (M), DLO Claim No. 044 Lot No. 2019, Cad-279, Sta. Cruz, Paombong, Bulacan, 'Luis Salamat and Pascuala Salamat vs. MSA No. (111--6) 112, Gabriel Capili' with the Bureau of Lands.

b). Petitioners will apply in their respective names to effect the issuance of title/patent and cause the registration in WHOLE of Lot No. 2019, Cad-279, with the Bureau of Lands (now Land Management Bureau) under MSA No. (111-6) 112 Gabriel Capili or under the new scheme of disposition or application or with the court or any agencies of the government.

"7. Private respondents-Pascuala Salamat and the Heirs of Luis Salamat accept this settlement in consideration of the representation of petitioners that they will faithfully and religiously comply and perform the terms and conditions of this Agreement especially the payment of the balance of the amount of P15,000.00 on or before April 30, 1994.

"8. Petitioners are represented herein by their Attorney-in-Fact, CESARIO M. CAPILI by virtue of the Special Power of Attorney executed by the Heirs on February 7, 1994 before Notary Public Perseveranda A. Abrenica of Makati, Metro Manila and entered in her Notarial Books as Doc. No. 140; Page No. 29; Book No. IX; Series of 1994, and a copy of which is hereto attached as Annex "A" and made integral part hereof.

"Private respondents-Pascuala Salamat and the Heirs of Luis Salamat are represented herein by their Attorney-in-Fact, GRACIANA SALAMAT-KAMANTIGUE by virtue of the Special Power of Attorney executed by them on April 8, 1994 before Notary Public Pacifico G. Eusebio, Jr., of Malolos, Bulacan, and entered in his Notarial Book as Doc. No. 402; Page 82; Book No. XIV; Series of 1994, and a copy of which is hereto attached as Annex "B" and made integral part hereof.

"WHEREFORE, it is respectfully prayed of this Honorable Court that this Compromise Agreement be

approved and that judgment be made approving the terms thereof.

"The parties also pray for such other reliefs deemed just and equitable under the premises."

We find the compromise agreement to be in order. In consonance with the policy of encouraging the settlement of disputes amicably and finding the compromise not to be contrary to law, morals, good customs, public order and public policy, the Court gives its sanction to the agreement.

WHEREFORE, the compromise agreement entered into by and between the parties is hereby APPROVED. The parties are ENJOINED to faithfully comply with the covenants, terms and conditions therein expressed. This resolution is immediately executory. No costs.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Rollo, pp. 28-29.

[2] Rollo, p. 64.

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