

## FIFTH DIVISION

[ CA-G.R. CV NO. 99921, June 17, 2014 ]

**HELEN REYES-ORDINARIO, IN HER CAPACITY AS  
ADMINISTRATRIX OF THE ESTATE OF THE LATE COL. JOSE T.  
REYES, PLAINTIFF-APPELLANT, VS. SPOUSES ERNESTO  
SALGADO AND HERMINIA UY-SALGADO, AND SAMUEL C. CLEOPE  
AS REGISTER OF DEEDS OF QUEZON CITY, DEFENDANTS-  
APPELLEES.**

### **D E C I S I O N (BASED ON COMPROMISE AGREEMENT)**

**SORONGON, E.D., J.**

Acting on the defendant-appellee's Compliance<sup>[1]</sup> cum ex-parte Motion with attached Compromise Agreement, *vis-a-vis* plaintiff-appellant's Comment<sup>[2]</sup> thereto, this Court finds the compromise agreement denominated as Amicable Settlement executed by the parties on February 5, 2013 and acknowledged before Notary Public Atty. Danilo B. Banares and Mary Joy B. Ramirez, Philippine Vice-Consul in the City of Los Angeles, California, U.S.A. on March 13, 2013, to be in accord with law, public order, public policy, morals and good customs. The Amicable Settlement is thus herein faithfully reproduced, viz:

#### **" AMICABLE SETTLEMENT**

##### **KNOW ALL MEN BY THESE PRESENTS:**

This compromise agreement entered into by and between:

HELEN REYES-ORDINARIO, Filipino, of legal age, for herself and in her capacity as ADMINISTRATRIX of the estate of the late Col. Jose T. Reyes, with residence and postal address at No. 69 Nimbus Street. Moonwalk Village, Las Piñas City, M.M., and hereinafter referred to as ORDINARIO;

-and-

HERMINIA UY SALGADO, Filipino, of legal age, widow, and MICHAELO UY SALGADO and MARIA BERNADETTE UY SALGADO, both of legal age, Filipinos, single, and all with residence and postal addresses at No. 7 Don Rufino Street, Tahanan Village, Parañaque City, M.M. and hereinafter collectively referred to as SALGADO;

WITNESSETH THAT:

WHEREAS, ORDINARIO, in her capacity as the Administratrix of the late Col. Jose T. Reyes, filed Civil Case No. Q93-14485 against spouses Ernesto S. Salgado and Herminia Uy Salgado before the Regional Trial Court of Quezon City ("RTC") and now pending adjudication with Branch

225 of the said Court, for the annulment of sale and cancellation of Transfer Certificate of Title No. 42722 of the Registry of Deeds of Quezon City, registered in the name of Ernesto Salgado married to Herminia Salgado;

WHEREAS, Ernesto S. Salgado passed away, leaving as his heirs his widow, Herminia Uy Salgado, and their children, Michaelo Uy Salgado and Bernadette Uy Salgado;

WHEREAS, in a Decision dated July 25, 2012, the RTC dismissed Civil Case No. Q93-14485 for insufficiency of evidence;

WHEREAS, ORDINARIO filed a Motion for Reconsideration dated August 17, 2012 praying for the reconsideration of the Decision. However, the RTC denied the Motion for Reconsideration in its Order dated November 7, 2012, a copy of which ORDINARIO received on November 27, 2012. Thus on November 29, 2012, ORDINARIO filed a Notice of Appeal dated November 27, 2012, appealing the Decision and the Order to the Court of Appeals on both questions of fact and law;

WHEREAS, ORDINARIO and SALGADO have decided that it is in their best interest to terminate said Civil Case No. Q93-14485 and settle amicably, as they hereby agree to settle amicably in accordance to the following terms and conditions:

NOW THEREFORE, for, in pursuance of, and in accordance with the foregoing premises, ORDINARIO and SALGADO agree and stipulate as follows:

1. ORDINARIO, as the administratrix of the late Col. Jose T. Reyes, acknowledges the ownership and title of SALGADO over the parcel of land covered by TCT No. 42722 of the Registry of Deeds of Quezon City;
2. SALGADO and ORDINARIO acknowledge that forty percent (40%) interests and rights in the said parcel of land covered by TCT No. 42722 belong in equal share to DELFIN FERRER, JR. and ROLANDO C. CIPRIANO, and sixty percent (60%) interests and rights in the same parcel of land belong to spouses SALGADO;
3. Upon execution and signing of this Compromise Agreement, SALGADO and ORDINARIO shall jointly move for a judgment based on this Compromise Agreement in Civil Case No. Q93-14485 and the cancellation of the *Lis Pendens* annotation on the same TCT No. 42722 under PE 6702/T-42722, dated January 22, 1993;
4. As a consideration for the execution of the Compromise Agreement in Civil Case No. Q93-14485 and the parties' signing of the motion as above immediately referred to, the estate of the late Col. Jose T. Reyes shall be entitled to twenty-two percent (22%) of the proceeds of the sale when the said parcel of land covered by TCT No. 42722 is sold to a

