

SIXTEENTH DIVISION

[CA-G.R. SP No. 132143, October 23, 2014]

**SPOUSES FRUCTOSA B. RIVERA AND RUSTICO RIVERA,
PETITIONERS, VS. JOSE P. DERINA, REPRESENTED BY HIS
ATTORNEY-IN-FACT, TEODORO P. DERINA, RESPONDENT.**

D E C I S I O N

ZALAMEDA, R.V., J.:

This is a Petition for Review^[1] filed by petitioners Spouses Fructosa B. Rivera and Rustico Rivera^[2] assailing the (1) Decision^[3] dated 02 May 2013 of Branch 34, Regional Trial Court of Gapan City, Nueva Ecija,^[4] in Civil Case No. 4292-13, which granted respondent Jose P. Derina's^[5] appeal and reversed and set aside the Decision^[6] dated 23 January 2013 of the Municipal Trial Court, General Tinio, Nueva Ecija, thereby dismissing Civil Case No. 967; and (2) the Order^[7] dated 11 September 2013 denying respondent's Motion for Reconsideration thereof.

On 17 July 2013, the Court issued a Resolution^[8] referring the case to the Philippine Mediation Center (PMC), Court of Appeals, for the conduct of mediation proceedings. Thereafter, on 01 October 2014, this Court received the Mediator's Report^[9] dated 22 September 2014 stating that there was a successful settlement by way of a Compromise Agreement^[10] executed by petitioners and respondent before the Appellate Court Mediator.^[11]

We quote in full the said Compromise Agreement:

"X x x

COMPROMISE AGREEMENT

After several conferences the parties, **SPS. FRUCTOSA B. RIVERA AND RUSTICO RIVERA** and **JOSE P. DERINA, rep. by his Attorney-in-fact, TEODORO P. DERINA**, have agreed to settle their case amicably under the following terms:

1. **SPS. FRUCTOSA B. RIVERA AND RUSTICO RIVERA** will give the area of One Thousand One Hundred Sixty Five Square Meters from the property registered in the name of Riveras. The area to be ceded is the one that adjoin the property to **JOSE P. DERINA**;
2. That the re-survey should be made not later than October 20, 2014. Expenses of the survey and titling of the properties shall be