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Makalintal, C.J., Barredo, Makasiar, Esguerra, Fernandez, and *Aquino, JJ.,* concur.

Castro and *Teehankee, JJ.*, in the result.

Fernando, J., concurs on the ground of its presumptive validity

Muñoz Palma, J., took no part.

SECOND DIVISION

[G.R. No. L-36949. February 25, 1975]

BIBIANO M. VIÑA, and ANUNCIACION REYNOSO, *petitioners, vs.* **PASTOR BRAVO and HON. COURT OF APPEALS,** *respondents.*

SYLLABUS

CIVIL LAW; COMPROMISE AGREEMENT; JUDGMENT BASED ON COMPROMISE; PARTIES BOUND BY ITS TERMS. — A compromise agreement duly approved by the court constitutes a judgment and the parties are bound to comply the terms thereof.

R E S O L U T I O N

FERNANDEZ, *J.:*

The parties have submitted to this Court the following:

"COMPROMISE AGREEMENT

"At the hearing here this morning before the Honorable Justices of the Second Division of the Supreme Court a definite compromise agreement had been arrived at, as follows:

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1. The private respondent Pastor Bravo will not seek the execution of the disputed order of Judge Miguel Navarro in Civil Case No. T-329, provided that the petitioners shall desist, as they hereby desist from having the judgment in said case executed, pending the finality of the judgment of Judge Alfredo Rebueno in Civil Case No. T-528 annulling the decision in Civil Case No. T-329, both of the Court of First Instance of Camarines Sur, Branch IV;

2. By way of further clarification, the notice of levy on the execution of the real properties of the petitioners in Civil Case No. T-528 shall remain. No levy or execution shall be issued on the personal properties of the petitioners in this case in connection with the decision in Civil Case No. T-528;

3. That the temporary restraining order issued by the Supreme Court in this case dated August 6, 1974, shall be made permanent, subject to the final outcome of Civil Case No. T-528;

4. That Atty. Luis General, Jr., has full authority from the private respondent to enter into this agreement, and he hereby undertakes to submit a written sworn authority of the private respondent within five (5) days.

WHEREFORE the parties pray for judgment based on the foregoing compromise agreement.

Manila, November 4, 1974.

(t/s) Atty. PORFIRIO C. DAVID
Attorney for the Petitioners

(t/s) Atty. LUIS GENERAL, Jr.
Attorney for the Respondent

CONFORME:

(t/s) BIBIANO M. VIÑA
Petitioner"

and

"CONFIRMATION OF COMPROMISE AGREEMENT

"COMES NOW the private respondent herein, Pastor T. Bravo, and hereby confirms the Compromise Agreement entered and signed by his counsel, Atty. Luis General, Jr., during the oral argument before the Honorable Supreme Court on 4 November 1974, he having been fully authorized by me to enter into such amicable agreement which in his judgment was to my best interest.

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Naga City, for Manila, 5 November 1914.

(t/s) PASTOR T. BRAVO
Private Respondent"

WHEREFORE, the foregoing Compromise Agreement is hereby approved and the parties are hereby ordered to comply with the same, without costs.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, and *Aquino, JJ.,* concur.

SECOND DIVISION

[G.R. No. L-37883. February 25, 1975]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **LOMINOG MACATANAW,** *accused-appellant.*

SYLLABUS

1. CRIMINAL LAW; CONSPIRACY; REQUISITES TO PROVE THE EXISTENCE THEREOF; PROOF OF CONSPIRACY. — To hold an accused liable as a co-conspirator in the crime of murder, it must be shown that he had actually participated in the shooting of the victims; or, in the absence of direct evidence showing a preconceived plan or agreement among the assailants of the deceased, circumstantial evidence must be proven showing clearly and convincingly the existence among them of a common criminal design. Considering the far-reaching consequences of criminal conspiracy, the same degree of proof required for establishing the crime is required to support a finding of its presence; that is, it must be shown to exist as clearly and convincingly as the commission of the offense itself.

2. ID.; ID.; EFFECT OF FAILURE TO PROVE CONSPIRACY. — An accused charged as a co-principal in the crime of murder is