

[G.R. No. L-5803. November 29, 1954]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLE VS. NARCISO UMALI, ET AL., DEFENDANTS.

NARCISO UMALI, EPIFANIO PASUMBAL AND ISIDRO CAPINO, DEFENDANTS-APPELLANTS.

D E C I S I O N

MONTEMAYOR, J.:

Narciso Umali, Epifanio Pasumbal, and Isidro Capino are appealing directly to this Tribunal from a decision of the Court of First Instance of Quezon province finding them guilty of the complex crime of rebellion with multiple murder, frustrated murder, arson and robbery, and sentencing each of them to "life imprisonment, other accessories of the law, to indemnify jointly and severally Marcial Punzalan in the amount of P24,023; Valentin Robles in the amount of P10,000; Yao Cabon in the amount of P700; Claro Robles in the amount of P12,800; Pocho Guan in the amount of P600; the Heirs of Domingo Pisigan in the amount of P6,000; the Heirs of Vicente Soriano in the amount of P6,000; the Heirs of Leocadio Untalan in the amount of P6,000; Patroman Pedro Lacorte in the amount of P500; Lazaro Ortega in the amount of P300; Hilarion Aselo in the amount of P300; Calixto Rivano in the amount of P50; Melecio Garcia in the amount of P60; and Juanito Lector in the amount of P90, each to pay 1/15 of the costs, without subsidiary imprisonment in case of insolvency due to the nature of the principal penalty that is imposed upon them."

The complex crime of which appellants were found guilty was said to have been committed during the raid staged in town of Tiaong, Quezon, between 8:00 and 9:00 in the evening of November 14, 1951, by armed men. It is not denied that such raid took place resulting in the

burning down and complete destruction of the house of Mayor Marcial Punzalan including its contents valued at P23,023; the house of Valentin Robles valued at P10,000, and the house of one Mortega, the death of Patrolman Domingo Pisigan and civilians Vicente Soriano and Leocadio Untalan, and the wounding of Patrolman Pedro Lacorte and five civilians; that during and after the burning of the houses, some of the raiders engaged in looting, robbing one house and two Chinese stores; and that the raiders were finally dispersed and driven from the town led by Captain Alzate.

To understand the reason for and object of the raid we have to go into the political situation in Tiaong not only shortly before that raid but one or two years before it. Narciso Umali and Marcial Punzalan were old time friends and belonged to the same political faction. In the general elections of 1947 Umali campaigned for Punzalan who later was elected Mayor of Tiaong. In the elections of 1949 Punzalan in his turn campaigned and worked for Narciso Umali resulting in the latter's election as Congressman. However, these friendly relations between the two did not endure. In the words of Punzalan, Narciso Umali who as Congressman regarded himself as the political head and leader in that region including Tiaong, became jealous because of his (Punzalan's) fast growing popularity among the people of Tiaong who looked to him instead of Umali for political guidance, leadership, and favors. In time the strain in their relations became such that they ceased to have any dealings with each other and they even filed mutual accusations. According to Punzalan, in May 1950, Umali induced about twenty-six special policemen of his (Punzalan's), to flee to the mountains with their arms and join the Huks, this in order to discredit Punzalan's administration; that he was later able to contact two of his twenty-six policemen tried to persuade them to return to the town and to the service, but they told him that they and their companions would not surrender except with and thru the invention of Congressman Umali, and so Punzalan had to seek Umali's intervention which resulted in the surrender of the 26 men with their firearms, claiming that they all belonged to him from his guerilla days when was a colonel, and that after liberation he had merely loaned them to the municipal authorities

of Tiaong to help keep peace and order; and that the refusal of Punzalan to grant Umali's request further strained their relations, and that thereafter Umali would not speak to him even when they happened to meet at parties.

On September 19, 1951, the Chief of Police of Punzalan disarmed four of Umali's men, including his bodyguard Isidro Capino who were then charged with illegal possession of firearms. Umali interceded for his men and Col. Gelveson, Provincial Commander, sent a telegram stating that the firearms taken away from the men were licensed. As a result the complaint was dismissed. This incident was naturally resented by Umali and spurred him to have a showdown with Punzalan.

Then the elections of 1951 (November 13 approached and Punzalan ran for reelection. To oppose him, and to clip his political wings and definitely blast his ambition for continued power and influence in Tiaong, Umali picked Epifanio Pasumbal, his trusted leader.

The pre-election campaign and fight waged by both factions—Punzalan and Pasumbal, was intense and bitter, even ruthless. The election was to be a test of political strength and would determine who was who in Tiaong,—Umali or Punzalan. Umali spoke at political meetings, extolling the virtues of Pasumbal and the benefits and advantages that would accrue to the town if he was elected, at the same time bitterly attacking Punzalan, accusing him of dishonesty, corruption in office, abuse of power, etc. At one of those meetings he told the audience not to vote for Punzalan because he would not sit for blood will flow, and the he (Umali) had already prepared a golden coffin for him (Punzalan). After denying the charges, in retort, Punzalan would say that Umali as a Congressman was useless, and that he did not even attend the sessions and that his chair in Congress had gathered dust, even cobwebs.

To help in the Umali-Pasumbal campaign, Amado Mendoza who later was to play the role of star witness for the prosecution, was drafted. He was a compadre of Pasumbal and had had some experience in political campaigns, and although he was not exactly a model citizen, being sometimes given to drunkenness, still, he had the gift of speech and

persuasion. In various political meetings he delivered speeches for Pasumbal. He was ever at the back and call of Umali and Pasumbal, and naturally, he frequented the latter's house or headquarters. The result of the elections plainly showed that Punzalan was the political master and leader in Tiaong. He beat Pasumbal by an overwhelming majority of 2,221 votes. Naturally, Umali and Pasumbal were keenly disappointed, and according to the evidence, adopted measures calculated to frustrate Punzalan's victory, even as prophesied by Umali himself in one of his pre-election speeches about blood flowing and a gold coffin.

Going back to the raid staged in Tiaong on November 14, 1951, it is well to make a short narration of the happenings shortly before it, established by the evidence, so as to ascertain and be informed of the reason or purpose of said raid, the person behind it, and those who actually took part in it. According to the testimony of Amado Mendoza, in the morning of November 12th, that is, on the eve of the election, at the house of Pasumbal's father, then being used as his electoral headquarters, he heard Umali instruct Pasumbal to contact the Huks through Commander Abeng so that Punzalan will be killed. Pasumbal, complying with the order of his Chief (Umali) went to the mountains which were quite near the town and held a conference with Commander Abeng. It would seem that Umali and Pasumbal had a feeling that Punzalan was going to win in the elections the next day, and that his death was the surest way to eliminate him from the electoral fight.

The conference between Pasumbal and Commander Abeng on November 12th was witnessed and testified to by Nazario Añonuevo, a Huk who was under Commander Abeng, and who later took an active part in the raid. In the evening of the same day, Mendoza heard Pasumbal report to Umali about his conference with Commander Abeng, saying that the latter was agreeable to the proposition had even outlined the manner of attack, that the Huks would enter the town (Tiaong) under Commander Lucio and Aladin, the latter to lead the sector towards the East; but that Commander Abeng had suggested that the raid be postponed because Pasumbal may yet win the election the following day, thereby rendering unnecessary the raid and the killing of Punzalan.

Continuing with the testimony of Amando Mendoza, he told the court that as per constructions of Umali he went to the house of the latter, in the evening of November 14th, the day following the election, with the result of the election already known, namely, the decisive victory of Punzalan over Pasumbal. He was told by Umali to come with him, and Pasumbal and the three boarded a jeep with Pasumbal at the wheel. They drove toward the Tiaong Elementary School and once there he (Mendoza) was left at the school premises with instruction by Umali to wait for Commander Abeng and the Huks and point to them the house of Punzalan. After waiting for some time, Abeng and his troops numbering about fifty, armed with garlands and carbines, arrived and after explaining his identity and his mission to Abeng, he led the dissidents or part of the contingent in the direction of Punzalan's house and on arriving in front of the bodega of Robles, he pointed out Punzalan's house and then walked toward his home, leaving the Huks who proceeded to lie flat in a canal. Before reaching his house, he already heard shots, so, he evacuated his family to their dugout in his yard. While doing so he and his wife Catalina Tinapunan saw armed men in the lanzones grove just across the street from their house belonging to the father of Umali, and among these men they saw Congressman Umali holding a revolver, in the company of Huk Commander Torio and about 20 armed men. Afterwards they saw Umali and his companions leave in the direction of Taguan, by way of the railroad tracks.

It would appear from the evidence that the raid was well-planned. As a diversionary measure, part of the attacking force was deployed toward the camp or station of the Army (part of the 8 th B.C.T.) in the suburbs and the camp was fired upon, not exactly to destroy or drive out that Army unit but to keep it from going to the rescue and aid of the main objective of the raid. The rest of the raiding party went towards Punzalan's house and attacked it with automatic weapons, hand grenades, and even with bottles filled with gasoline (popularly known as Molotov's cocktail). It was evident that the purpose of the attack on Punzalan's house was to kill him. Fortunately, however, and apparently unknown to the attackers and those who designed the raid, at six o'clock that morning of November 14 th Punzalan and his chief of

Police had left Tiaong to go to Lucena, the capital, to report the results of the election to the Governor.

The attack on the house of Punzalan was witnessed and describe by several persons, including policemen who happened to be near the house. Policeman Tomas Maguare who was in front of the house saw Epifanio Pasumbal, Isidro Umali (brother of Congressman Umali) and Moises Escueta enter the gate of Punzalan's house and take part in the firing. Policeman Pedro Lacorte who was stationed as guard at the gate of Mayor Punzalan's house recognized defendant Isidro Capino as on of those firing at the house. Lacorte said that he was guarding the House of Punzalan when he suddenly heard shots coming from the sides of the house and going over to the place to investigate, he saw armed men in fatigue and shouting "burn the house of Mayor Punzalan"; that he was hit on the left cheek and later Isidro Capino threw at him a hand grenade and he was hit in the right forearm and in the right eye and became permanently blind in said eye. Mateo Galit, a laundryman who was sitting aside a jeep parked in front the house of Punzalan recognized defendant Pasumbal as on of the attackers who, once in the yard said in a loud voice as though addressing somebody in the house: "Pare, come down." Mrs. Punzalan who was then inside the house related to the court that at about eight in the evening while she was resting she heard shots and rapid firing. As a precaution she took her children to the bathroom. Then she noticed that her house was being fired at because the glass window panes were being shattered and she heard the explosion of a hand grenade inside the house, followed by flares in the sala and burning of blankets and mosquitoes in the bedrooms and she noticed the smell of smoke of gasoline. Realizing the great danger, she and the children ran out of the house and went to hide in the house of a neighbor.

Nazario Añonuevo declared in court that he was a farmer and was picked up and seized by Huk Commander Tommy sometime in August 1951, and was taken to Mt. Banahaw in Laguna and mustered in the ranks of the Huks; that just before the elections of November 13, 1951, he saw Pasumbal come to the mountains near Tiaong and talk to Commancer Abeng; that on November 14th by order of Commander Abeng he with other Huks

left Mt. Banahaw for Tiaong; that when they crossed the Osiw River already near Tiaong, they were net by Pasumbal and Isidro Capino; that when they were outskirts of the town, he and the party were told by Commander Tommy to attack the 8th BCT camp in Tiaong to prevent the sending of army help to the town proper; that he took no part in firing on the camp which returned the fire in the course of which he was wounded; and that because of his wound he could not escape with his companions to the mountains when the Army soldiers dispersed and drove them out of the town and so he was finally captured by said soldiers.

As to defendants Pasumbal and Capino, their participation in and responsibility for the raid was duly established, not only by the going of Pasumbal on November 12th to the mountains following instructions of Umali, and conferring with Commander Abeng asking him to raid Tiaong and kill Punzalan, but also by the fact that Pasumbal and Capino in the afternoon or evening of November 14 th met the Huks at the Osiw River as the dissidents were on their way to Tiaong and later Pasumbal and Capino were seen in the yard of Punzalan firing at the house with automatic weapons and hand grenades.

What about Umali? His criminal responsibility was also established, tho indirectly. We have the testimony of Amado Mendoza who heard him instructing Pasumbal to contact Commander Abeng and ask him to raid Tiaong and kill Punzalan. The rest of the evidence is more or less circumstantial, but nonetheless strong and convincing. No one saw him take part in the firing and attack on the house of Punzalan; now was he seen near or around said house. Because of his important position as Congressman, perchance he did not wish to figure too prominently in the actual raid. Besides, he would seem to have already given out all the instructions necessary and he could well stay in the background. However, during the raid, not very far from Punzalan's house he was seen in the lanzonesan of his father, holding a revolver and in the company of about 20 armed men with Huk Commander Torio, evidently observing and waiting for developments. Then he and his companions left in the direction of Taguan.

Umali and Pasumbal, however, claim that during the raid, they were

in the home of Pasumbal in Taguan, about seven kilometers away from Tiaong where a consolation party was being held. There is ample evidence however to the effect that they arrived in Pasumbal's home only around midnight. An Army soldier named Cabalona who happened to be in Pasumbal's home arriving there earlier in the evening and who was invited to take some refreshments said that he did not see the two men until they arrived about midnight when the Army reinforcements from Lucena passed by on their way to Tiaong. Thus, we have this chain of circumstances that does not speak in favor of Umali, or Pasumbal for that matter. But this is not all. There is the rather strange and unexplained, at least not satisfactory, behavior of Umali and Pasumbal that evening of November 14th. Assuming for a moment as they claim, that the two were not in Tiaong at the commencement of the raid between 8:00 and 9:00 p.m., and during the whole time the raid lasted, and that they were all that time in the home of Pasumbal in Taguan, still, according to their own evidence, they were informed by persons coming or fleeing from Tiaong that there was a raid going on there, and that some houses were burning. As a matter of fact, considering the proximity of Taguan to Tiaong, a distance of about seven kilometers and the stillness and darkness of the night, the fire and the glow produced by the burning of three houses and the noise produced by the firing of automatic weapons and the explosion of hand grenades and bottles of gasoline, could and must have been seen and heard from Taguan. The natural and logical reaction on the part of Umali and Pasumbal would have been to rush to Tiaong, see what had really happened and then render help and give succor to the stricken residents, including their own relatives. It would be remembered that the houses of the fathers of Umali and Pasumbal were in Tiaong and their parents and relatives were residing there. And yet, instead of following a natural impulse and urge to go to Tiaong, they fled in the opposite direction towards Candelaria. And Umali instead of taking the road, purposely avoided the same and preferred to hike through coconut groves so that upon arriving in Candelaria, he was wet, mud spattered and very tired. Had they wanted to render any help to Tiaong they could have asked the police authorities of Candelario to send a rescue party to that town. Or better still, when the army reinforcements from Lucena sent at the

instance of Punzalan, who at about eight or nine that evening was returning to Tiaong that there was fighting in the town, he immediately returned to Lucena to get army reinforcements to relieve his town, was passing by Taguan, where they were, Umali and Pasumbal could have joined said reinforcements and gone to Tiaong. Instead the two continued on their way to the capital (Lucena) where before dawn, they went and contacted Provincial Fiscal Mayor, a first cousin of Umali, and Assistant Fiscal Reyes and later had these two official accompany them to the Army camp to see Col. Gelveson, not for the purpose of asking for the sending of aid or reinforcement to Tiaong but presumably to show to the prosecution officials, specially the Army Commander that they (Umali and Pasumbal) had nothing to do whatsoever with the raid. Umali said he was trying to avoid and keep clear to Tiaong because he might be suspected of having had some connection with the raid and might be the object of reprisal. As a matter of fact, according to Umali himself, while still in Taguan that evening and before he went to Candelaria, somebody had informed him that Col. Legaspi of the Army was looking for him. Instead of seeking Col. Legaspi and find out what was wanted of him, he left in the opposite direction and fled to Candelaria and later to Lucena, and the next day he took the train for Manila. This strange act and behaviour of the two men, particularly Umali, all contrary to impulse and natural reaction, and what other people would ordinarily have done under the circumstances, prompted the trial court in its decision to repeat the old saying "The guilty man flees even if no pursues, but the innocent stands bold as a lion." We might just as well reproduce that portion of the decision of the trial court, to wit:

"* * *. Considering the fact that Taguan is very near Tiaong so that even taking it for granted as true, for the sake of argument, that the said accused were really in the party of Pasumbal on the night on question, that would not prevent them from being in Tiaong between 8 and 9. Besides, why was it that night the hasag lamp was replaced with candles when the reinforcements passed thru Taguan about the midnight of November 14, 195. Why did Cong. Umali and company instead of going to Tiaong which was the scene of the attack, hurried towards Candelaria, after the reinforcement has passed and went to the

house of Felix Ona walking thru a MUDDY PATH under the coconut groves? Why was Umali afraid to pass thru the provincial road and preferred a muddy road instead? Was he trying to conceal himself? Why did Pasumbal and company also go to the house of Ona? Why did they go to the house of Felix Ona instead of going to the house of Manalo who could have given them better protection? And again why did Cong. Umali and the other co-accused repaired and sought an early hour to the Army authorities, did they fear any reprisal? From whom? Why did Umali go to Manila from Lucena on November 16, 1951? 'The guilty man flees even if no one pursues, but the innocent stands bold as a lion.'"

At first blush it would appear rather unbelievable that Umali and Pasumbal, particularly the former should seek the aid of the Huks in order to put down and eliminate their political enemy Punzalan. It would seem rather strange and anomalous that a member of Congress should have friendly relations with the dissidents whom the Government had been fighting all these years. But if we study the evidence, it will be found that the reason and the explanation are there. As already stated, during the Japanese occupation, to further the resistance movement, guerillas were organized in different parts of the Philippines. One of these was the guerrilla unit known as President Quezon's Own Guerrillas (PQOG) operating in the province of Tayabas (now Quezon) and Laguna. Umali, Pasumbal, Commander Abeng and even Punzalan himself were officers in this guerilla unit, Umali attaining the rank of Colonel, and Pasumbal and Punzalan that of Lieutenant-Colonel, Pasumbal then being known as "Panzer". After Liberation, Abeng joined the dissidents, and became a Huk commander. It was unnatural that Umali and Pasumbal should continue their friendship and association with Commander Abeng and seek his aid when convenient and necessary. Umali admitted that he knew Huk Commander Kasilag. Graciano Ramos, one of the witnesses of the prosecution told the court that way back in May 1950, in a barrio of San Pablo City he saw Umali confer with Commander Kasilag, which Commander after the conference told his soldiers including Ramos that Umali wanted the Huks to raid Tiaong, burn the presidencia and kidnap Punzalan. Of course, the last part of the testimony may be regarded as hearsay, but the fact is that

Umali conferred with a Huk Commander as early as 1950. Then we have the fact that on November 18 of the same year Punzalan wrote to President Quirino denouncing Congressman Umali for fraternizing with the Huks and conducting a campaign among them in preparation for the elections the following year. And we may also consider the fact that the town of Tiaong stands at the foothills of Mt. Banahaw where the dissidents under Commander Abeng, Tommy, Lucio, Aladin, and others had their hideout, so that it was not difficult for residents of Tiaong like Umali and Pasumbal to communicate and even associate with the dissidents in that region.

After carefully considering all the evidence in the case, we are constrained to agree with the trial court that the three appellants are guilty. Besides, the determination of this case, in great measure, hinges on the credibility of witnesses. The learned trial court which had the opportunity of observing the demeanor of witnesses on the stand and gauging their sincerity and evaluating their testimony, decided the Government witnesses, including Amado Mendoza, to be more credible and reliable. And we find nothing in the record to warrant correction or reversal of the stand and finding of the trial court on the matter. We have not overlooked the rather belated retraction of Amado Mendoza made on October 31, 1952, about a year and 9 months after he testified in court. Considering the circumstances surrounding the making of this affidavit or retraction, the late date at which it was made, the reason given by him for making it and the fact that when he testified in court under the observation and scrutiny of the trial court bearing in mind that he was the star witness for the prosecution and his testimony naturally extremely important, and the trial court after the opportunity given to it of observing his demeanor while on the witness stand had regarded him as a witness, sincere, and his testimony truthful, and considering further the case with which affidavits of retraction of this nature are obtained, we confess that we are not impressed with such retraction of Mendoza.

The last point to be determined is the nature of the offense or the offenses committed. Appellants were charged with the and convicted of the complex crime of rebellion and multiple murder, frustrated murder,

arson and robbery. Is there such complex crime with multiple murder, etc.? While the Solicitor General in his brief claims that appellants are guilty of said complex crime and in support of his stand “asks for leave to incorporate by reference” his previous arguments in opposing Umali’s petition for bail, counsel for appellants consider it unnecessary to discuss the existence or non-existence of such complex crime, saying that the nature of the crime committed “is of no moment to herein appellants because they had absolutely no part in it whatsoever.” For the present, and with respect to this particular case, we deem it unnecessary to decide this important and controversial question, deferring its consideration and determination to another case or occasion more opportune, when it is more directly and squarely raised and both parties given an opportunity to discuss and argue the question more adequately and exhaustively. Considering that, assuming for the moment that there is no such complex crime of rebellion with murder, etc., and that consequently appellants could not have been legally charged with, much less convicted of said complex crime, and the information should therefore, be regarded as having charged more than one offense, contrary to rule 106, Section 12 and rule 114, Section 2(e), of the Rule of Court, but that appellants having interposed no objection thereto, they were properly tried for and lawfully convicted if guilty of the several, separate crimes charged therein, we have decided and we rule that the appellants may properly be convicted of said several and separate crimes, as hereinafter specified. We feel particularly supported and justified in this stand that we take, by the result of the case, namely, that the prison sentence we impose does not exceed, except perhaps in actual duration, that meted out by the Court below, which is life imprisonment.

We are convinced that the principal and main, tho not necessarily the most serious, crime committed here was not rebellion but rather that of sedition. The purpose of the raid and the act of the raiders in rising publicly and taking up arms was not exactly against the Government and for the purpose of doing the things defined in Article 134 of the Revised Penal Code under rebellion. The raiders did not even attack Presidencia, the seat of the local Government. Rather, the

object was to attain by means of force, intimidation etc. one object, to wit, to inflict an act of hate or revenge upon the person or property of public official, namely, Punzalan who was then Mayor of Tiaong. Under Article 39 of the same Code this was sufficient to constitute sedicion. As regards the crime of robbery with which appellants were charged and of which they were convicted, we are also of the opinion that it was not one of the purposes of the raid, which was mainly to kidnap or kill Punzalan and destroy his house. The robberies were actually committed by only some of the raiders, presumably dissidents, as an afterthought, because of the opportunity offered by the confusion and disorder resulting from the shooting and the burning of three houses, the articles being intended presumably to replenish the supplies of the dissidents in the mountains. For these robberies, only those who actually took part therein are responsible, and not the three appellants herein. With respect to the crime of multiple frustrated murder, while the assault upon policeman Pedro Lacorte with a hand grenade causing him injuries resulting in his blindness in one eye, may be regarded as frustrated murder; the wounding of Ortega, Aselo, Rivano, Garcia and Lector should be considered as mere physical injuries.

The crimes committed are, therefore, those sedition, multiple murder, arson, frustrated murder and physical injuries. The murders may not be qualified by evident premeditation because the premeditation was for the killing of Punzalan. The result was the killing of three others not intended by the raiders (People v. Guillen, 47 O.G. No. 7, p. 3433 and People v. Mabug-at, 51 Phil. 967). The killing may, however, be qualified by treachery, the raiders using firearms against which victims were defenseless, with the aggravating circumstances of abuse of superior strength. The three murders may be punished with the penalty of death. However, because of lack of necessary votes, the penalty should be life imprisonment.

We deem it unnecessary to discuss the other points raised by the appellants in their brief.

In conclusion, we find appellants guilty of sedition, multiple murder, arson frustrated murder and physical injuries. For the crime of

sedition each of the appellant is sentenced to five (5) years of *prision correccional* and to pay a fine of four thousand pesos (P4,000.00); for each of the three murders, each of the appellants is sentenced to life imprisonment and indemnify the heirs of each victim in the sum of P6,000.0; and for the arson, for which we impose the maximum penalty provided in Article 321, paragraph 1, of the Revised Penal Code, for the reason that the raiders in setting fire to the buildings, particularly the house of Punzalan, they knew that even and actually saw an old lady, the mother of Punzalan, at the window, and in view of the aggravating circumstances of nighttime, each of the appellants is sentenced to *reclusion perpetua* and to pay the indemnities mention in the decision of the lower court. It shall be understood, however, that pursuant to the provisions of Article 70 of the Revised Penal Code the duration of all these penalties shall not exceed forty (40) years. In view of the heavy penalties already imposed and their duration, we find it unnecessary to fix and impose the prison sentences corresponding to frustrated murder and physical injuries; however, the sums awarded the victims (Locarte, Ortega, Aselo, Rivano, Garcia and Lector), by the court below will stand. With these modifications, the decision appealed from is hereby affirmed, with costs.

Pablo, Bengzon, Padilla, Reyes, A., Jugo, Bautista Angelo, Concepcion and Reyes, J.B.L., JJ. concur.

Mr. Justice Labrador did not take part.