

PHILIPPINE BANK OF COMMUNICATIONS, PETITIONER, VS. COURT OF APPEALS AND ADOLFO FERNANDEZ, RESPONDENTS.

G.R. No. L-37362. November 29, 1973

Ponente: ANTONIO, J.

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ANTONIO, J.:

The only issue raised by this special civil action for certiorari is whether or not respondent Court of Appeals in CA-G.R. No. 51862-R erred in dismissing the appeal of petitioner, as appellant in said case for its alleged non-compliance with the requirements of Section 6, Rule 41 of the Revised Rules of Court, although the original record on appeal as approved by the trial court, contained sufficient data showing that the appeal was perfected on time, but before the same was printed a clerk of said court made alterations on the dates appearing therein, without the knowledge of appellant, in such a manner that the record on appeal as printed showed that the same was filed already out of time.

In Civil Case No. D-2516 of the Court of First Instance, Branch VIII, Dagupan City, which was an action for damages filed by private respondent Adolfo Fernandez against petitioner Philippine Bank of Communications, the said Court, after due hearing, rendered judgment on March 10, 1972, the dispositive portion of which reads as follows:

"WHEREFORE, the Court finds that the act of the defendant in returning the check of the plaintiff with a return slip which conveys by the words therein printed the impression that said check was returned to the defendant (by the drawee) unpaid when in fact it was never sent to the drawee for collection and was never dishonored by said drawee was a wrongful act which caused the plaintiff damages due to physical suffering, mental anguish, serious anxiety to his person and besmirched reputation to his honor, as well as damages to his business. The Court therefore renders judgment sentencing the defendant to pay the plaintiff

- (1) 250,000.00 as moral damages;
- (2) P100,000.00 as temperate damages;
- (3) P50,000.00 as exemplary damages;
- (4) P3,000.00 as attorney's fees;

and to pay the costs of this suit."

On April 6, 1972, petitioner received a copy of said decision and on May 4, 1972 it filed, through registered mail,[1] a motion for reconsideration, dated May 2, 1972, which was actually received by the trial court on May 9, 1972, as shown by the registry return card or receipt.[2] This was opposed by private respondent in a pleading, dated June 10, 1972, and the same was received by petitioner on June 21, 1972. On July 5, 1972, petitioner filed its reply, dated June 29, 1972, to private respondent's opposition. On July 12, 1972, the lower court issued an order denying petitioner's motion for reconsideration; a copy of said order was received by petitioner on August 4, 1972.[3]

On the same day, August 4, 1972, petitioner filed, through registered mail,[4] its Notice of Appeal, Appeal Bond and Record on Appeal. These were actually received by the court a quo on August 14, 1972, as per registry re-turn receipt.[5] The Record on Appeal was set for hearing on August 22, 1972 and on this date, there being no opposition thereto, the same was approved by the lower court without any change.[6]

It appears, however, that, after the approval of the Record on Appeal and before its submission to the printer, the Branch Clerk of Court, Santiago L. Reyes, of the court a quo made corrections on the dates appearing in the original Record on Appeal,[7] without the authority or knowledge of the petitioner or its counsel, purportedly to indicate the dates when said records were actually received by the court a quo. Thus, on page 22 of the original Record on Appeal, the numeral "4" of the date "May 4, 1972", when the motion for reconsideration was filed through registered mail by petitioner, was crossed out in ink and, in lieu thereof, the numeral "9" was written above the crossed out numeral, with apparent initials of the author thereof,[8] thereby making it appear that the motion for reconsideration was filed on May 9, 1972 and not on May 4, 1972. On page 40 of the same original Record on Appeal, the numeral "4" of the date "August 4, 1972", when petitioner filed through registered mail its Notice of Appeal, Appeal Bond and Record on Appeal, was similarly crossed out in ink and, in lieu thereof, the numeral "14" was written above the crossed out numeral, thereby making it appear that the aforesaid Notice of Appeal, Appeal Bond and Record on Appeal were filed on August 14, 1972 and not on August 4, 1972.

On April 3, 1973, private respondent, as plaintiff-appellee in the respondent Court of Appeals (CA-G.R. No. 51862-R), filed therein a motion to dismiss appeal on the grounds of: (1) failure to comply with the mandatory and jurisdictional provision of Section 6, Rule 41 of the Rules of Court, requiring a statement in the Record on Appeal of "such data as will show that the appeal was perfected on time," which failure is a ground for dismissal under Section 1(a) of Rule 50 of the Rules of Court; and (2) failure of the Record on Appeal to show on its face that the appeal was perfected on time. Private respondent contended that the printed Record on Appeal does not show on its face that the appeal was perfected on time, because the petitioner received on April 6, 1972 copy of the decision of the lower court; it filed on May 9, 1972 its motion for reconsideration and received on August 4, 1972 copy of the order, dated July 12, 1972, denying the motion for reconsideration, and filed on August 14, 1972 its notice of appeal, appeal bond and record on appeal.

On April 17, 1973, petitioner filed its "Comments and Motion", dated April 13, 1973, to the motion to dismiss, contending, among others, that: (a) as approved by the Court of First Instance of Pangasinan, the true and correct date when petitioner filed its motion for reconsideration is May 4, 1972 and not May 9, 1972, and the true and correct date when it filed its notice of appeal, appeal bond and record on appeal is August 4, 1972 and not August 14, 1972, so that on the bases of the true dates its appeal was perfected on time; (b) it is obvious that the dates May 9, 1972 appearing in the printed Record on Appeal as the date of filing of the Motion for Reconsideration and August 14, 1972 appearing in the same printed Record on Appeal as the date of filing of the Notice of Appeal, Appeal Bond and Record on Appeal are errors of the printer; and (c) in the case of *Ever Ice Drop & Ice Cream Factory, et al. vs. Hon. Court of Appeals, et al.*,^[9] it was held that the record on appeal, as approved by the Court of First Instance of Pangasinan, is controlling and that mere printing errors are not grounds for dismissing an appeal. Petitioner then prayed that it be authorized to change May 9, 1972 and August 14, 1972, appearing in the printed Record on Appeal as the dates of filing of its Motion for Reconsideration and its Notice of Appeal, Appeal Bond and Record on Appeal, respectively, to May 4, 1972 and August 4, 1972, conformably with the original Record on Appeal as approved by the Court of First Instance of Pangasinan; and that private respondent's motion to dismiss the appeal be denied for lack of merit.

On May 31, 1973, respondent Court of Appeals issued its resolution [10]dismissing petitioner's appeal on the basis of the following:

"As reflected in the original record on appeal, the trial court rendered its decision in the above-entitled case on March 10, 1972, copy of which was received by the appellant on April 6, 1972 (p. 10, Orig. Rec.). Subsequently, thereafter, on May 9, 1972, (please take note of the cancellation in ink of figure '4' and substituting the same to figure '9' with an apparent initial, p. 22, Orig. Rec.), defendant-appellant filed its motion for reconsideration which was denied by the lower court in its order of July 12, 1972, copy of which was received by the appellant on August 4, 1972 (p. 38, Orig. Rec.). Under date of August 14, 1972 (again please take note of the cancellation in ink of figure '4' and substituting the same to figure '14', p. 40, original record on appeal), the notice of appeal and appeal bond were filed in the lower court. It however appears that the postal money order representing payment of the appeal bond was dated August 4, 1972. The record also shows that the record on appeal dated August 4, 1972, was filed in the trial court on August 14, 1972, and approved by Honorable Sixto A. Domondon, Judge of the Court of First Instance of Pangasinan, on August 22, same year.

"Examining closely the important data appearing in the original record on appeal, we find appellant's argument untenable.

"In the first place, appellant herein, who admittedly received on April 6, 1972 a copy of the decision, filed on May 9, 1972 a motion for reconsideration of said decision. Computing the period from the time appellant received a copy of the decision up to the time it filed its motion for reconsideration, we find that a period of more than one month or 33 days to be precise, had already elapsed from April 6, 1972 to May 9, 1972. So that on this point alone, the instant appeal should be dismissed, considering that the decision of the trial court became final and executory after 30 days from notice of said decision, if no appeal and/or motion for reconsideration was filed within the 30-day period. The motion for reconsideration having been filed much beyond the reglementary period for filing the same, we see no valid reason to entertain the instant appeal. Likewise, the provision of law, particularly Section 6, Rule 41 of the Rules of Court, is very specific to the effect that the record on appeal must include 'such data as will show that the appeal was perfected on time'. And the inclusion of such important data in the record on appeal is not only mandatory but likewise jurisdictional and non-compliance with such requirement constitutes and justifies the dismissal of an appeal under Section 1(a), Rule 50 of the Rules of Court. The defect herein incurred by the appellant is fatal, as the essential data to apprise the appellate court of the timeliness of its appeal is utterly wanting." (Italics supplied.)

On June 15, 1973, petitioner received a copy of the resolution of May 31, 1973 and on June 28, 1973 filed its motion for reconsideration on the grounds that: (1) as prepared by its counsel and as submitted to the Court of First Instance of Pangasinan, the original record on appeal showed the date of filing of the motion for reconsideration of the decision of said court as May 4, 1972 (p.22, original Record on Appeal) and the date of filing of the notice of appeal and appeal bond as August 4, 1972 (p. 40, id.); that, as stated in the resolution of May 31, 1972, the figure "4" in the date May 4, 1972 was cancelled in ink and substituted with the figure "9" with an apparent initial, and the figure "4" in the date August 4, 1972 was likewise cancelled in ink and substituted with the figure "14" (p. 40, id.); that petitioner and its counsel did not make the alterations or know whose initials appear in the first alteration; (2) under Section 1, Rule 13 of the Rules of Court, when a pleading is filed by mail the date of the mailing of the same as shown by post office stamp on the envelope or registry receipt shall be considered as the date of filing, and the clerk of court is required to attach the envelope to the record of the case as reference; (3) petitioner's motion for reconsideration was mailed to the lower court on May 4, 1972 as shown by the envelope which the clerk of court was required to attach to the record and by the Registry Receipt No. 8739 (Annex "A") and the certification of the Ayala Post Office (Annex "B"); that said motion was received by the lower court on May 9, 1972 as shown by the postal registry return receipt (Annex "C"); that copy of said motion for reconsideration was likewise mailed to counsel for private respondent on May 4, 1972 as may be seen from Registry Receipt No. 8738 attached to the original of the motion and from the certification of the Ayala Post Office (Annex "B"); that counsel for private respondent received the mailed copy of the motion on May 9, 1972

as shown by the postal registry return receipt attached to the record (Annex "D"); (4) the notice of appeal, appeal bond and re-cord on appeal were mailed to the lower court on August 4, 1972 as shown by the post office stamp on the envelope con-taining them and attached to the record, and by Registry Re-ceipt No. 1284 (Annex "E"), as well as by the certification of the Ayala Post Office (Annex "B"); that they were received by the lower court on August 14, 1972 as shown by the postal registry return receipt (Annex "F"); that, pursuant to Sec-tion 1 of Rule 13 of the Rules of Court, the date of filing these pleadings is August 4, 1972; that copies of the notice of appeal, record on appeal and notice of filing of the ap-peal bond were mailed to counsel for private respondent on the same date, August 4, 1972, as shown by the postal regis-try return receipt attached to the originals filed with the lower court, and by the certification of the Ayala Post Of-fice (Annex "B"); that counsel received said copies on August 13, 1972 as shown by the postal registry return receipt (An-nex "G"); (5) the record on appeal was set for hearing on August 22, 1972 and, there being no opposition filed thereto, the same was approved by the lower court on said date; and (6) disregarding the unauthorized alterations of the record on appeal, the requirements of Section 6, Rule 41 of the Rules of Court, are obviously complied with. Thus, it ap-pears that petitioner received copy of the decision on April 6, 1972 and had until May 6, 1972 to appeal or to move for reconsideration of the decision; that on May 4, 1972 (not May 9, 1972), or on the 28th day of appeal period, petitioner moved for the reconsideration of the decision; that on August 4, 1972, petitioner received copy of the or-der of the lower court dated July 12, 1972 denying the motion for reconsideration; that, as petitioner had used up only 28 days of the 30-day appeal period, it had two (2) days more from August 4, 1972 within which to perfect its appeal; and that on August 4, 1972 (not August 14, 1972), petitioner filed its notice of appeal, appeal bond and record on appeal, and all these dates were shown in the original record on ap-peal. Petitioner then prayed that the resolution of May 31, 1973 be reconsidered and the dismissal of its appeal set aside.[11]

On July 30, 1973, private respondent, in compliance with the resolution of July 5, 1973 of respondent Court of Appeals requiring him to comment on petitioner's motion for reconsi-deration, filed his Comments (Annex "F") stating that: (1) he adopts the grounds and the arguments in his motion to strike out, dated July 13, 1973, as part of his comments and opposition; (2) Section 7 of Rule 46 of the Rules of Court proscribes any alterations, omissions or additions in the printed record on appeal and "a violation of this prohibition shall be a ground for dismissal of the appeal"; (3) the ori-ginal record on appeal, as certified to the Court of Appeals, is conclusive as against the petitioner, who is estopped from assailing the correctness thereof; and (4) assuming arguendo that alterations were made in the Record on Appeal without the authority of the petitioner or its counsel, petitioner is guilty of gross negligence in failing to move for the de-letion of the alterations in the original record on appeal before printing or causing the printing thereof, and the pe-titioner ratified the alterations when it printed or caused to be printed and filed with the Court of Appeals the print-ed record on appeal. Private respondent then prayed that the motion for reconsideration be denied.[12]

On August 10, 1973, petitioner received copy of respond-ent Court of Appeals' resolution, dated July 30, 1973, deny-ing its motion for reconsideration.[13]

It is evident that the original record on appeal as ap-proved by the trial court contains sufficient data showing that petitioner's appeal in case CA-G.R. No. 51862-R was perfected within the reglementary period. Thus, the origin-al record on appeal states that on April 6, 1972, petitioner received copy of decision, dated March 10, 1972, of the Court of First Instance of Pangasinan,[14] and on May 4, 1972,[15] or on the 28th day of the period for perfecting the appeal, petitioner filed through registered mail its motion for reconsideration. Indicative of the fact that the motion for reconsideration was mailed on May 4, 1972 are the following: (a) the date May 4, 1972, appearing in Postal Registry Receipt No. 8739;[16] and (b) certification of the Ayala Post Office.[17] This was actually received by the low-er court from the mails on May 9, 1972, as per Postal Regis-try Return Receipt dated May 9, 1972.[18] Copy of said motion for reconsideration was likewise mailed to counsel for pri-vate

respondent on May 4, 1972, as per Postal Registry Re-ceipt No. 8738 dated May 4, 1972, which was attached to the original of the motion, and certification of the Ayala Post Office.[19] On May 9, 1972, counsel for respondent received the mailed copy of the motion, as per Postal Registry Return Receipt dated May 9, 1972.[20] On July 12, 1972, the lower court issued an order denying petitioner's motion for recon-sideration. The original record on appeal also shows that on August 4, 1972, petitioner received copy of said order and, on the same date, August 4, 1972, petitioner filed by registered mail with the lower court its Notice of Appeal, Appeal Bond and Record on Appeal. This is corroborated by the post office stamp on the envelope containing those pleadings and attached to the record of the lower court, the Postal Registry Receipt No. 1284 dated August 4, 1972,[21] and the certification of Ayala Post Office.[22] On August 14, 1972, the lower court received the mailed copies of the notice of appeal, appeal bond and record on appeal, as per Postal Registry Return Receipt dated August 14, 1972.[23] Copies of the notice of appeal, record on appeal and notice of filing of the appeal bond were likewise mailed to counsel for private respondent on August 4, 1972, as per Postal Registry Return Receipt attached to the origi-nals filed with the lower court and the certification of the Ayala Post Office.[24] Said counsel received the mailed copies of the notice of appeal, notice of the filing of the appeal bond and record on appeal on August 15, 1972, as per Postal Registry Return Receipt dated August 15, 1972.[25] The original record on appeal was set for hearing on August 22, 1972 and, there being no objection thereto on said date, the same was approved by the Court of First Instance of Pan-gasinan without any change.[26] These facts are not contradicted by any evidence. Pursuant to Section 1, Rule 13 of the Rules of Court, the dates of the mailing of the motion for reconsideration, the notice of appeal, appeal bond and the record on appeal shall be considered as the dates of their filing in court.

It may be relevant to note that Branch Clerk of Court, Santiago Reyes, of the Court of First Instance of Pangasinan, certified that it was he who made and initialed the "correc-tions on dates of filing appearing on pages 22 and 40 in the Record on Appeal in Civil Case No. D-2516, Adolfo Fernandez vs. Philippine Bank of Communications",[27] and that Clerk of Court, Juanito M. Boquiren, of the same court, also cer-tified that the Motion for Reconsideration dated May 2, 1972 was mailed at the Ayala Postal Station on May 4, 1972, while the Notice of Appeal, Appeal Bond and Record on Appeal were mailed at the same Post Office on August 4, 1972 but received in their office on August 14, 1972.[28]

In resume, from April 6, 1972, the date of receipt by petitioner of the aforementioned decision of the Court of First Instance of Pangasinan, to May 4, 1972, the date of the filing of the motion for reconsideration of the decision, is a period of twenty-eight (28) days. The 30-day appeal pe-riod was interrupted on May 4, 1972 when the motion for recon-sideration was filed through registered mail. It began to run again on August 4, 1972 when the motion for reconsideration was denied and petitioner received on said date a copy of the order of denial. On the same day, August 4, 1972, petitioner however, filed through registered mail with the lower court its notice of appeal, appeal bond and record on appeal, which were received by the lower court on August 14, 1972. Likewise, copies of said notice of appeal, record on ap-peal and notice of filing of the appeal bond were sent through registered mail on August 4, 1972 to counsel for private respondent who received them on August 15, 1972, in compliance with Section 3 of Rule 41 of the Rules of Court.

From the foregoing, it is thus clear that, on the face of the original Record on Appeal, the petitioner's appeal was perfected on the 28th day of the 30-day appeal period and, as such, petitioner's original record on ap-peal has complied with the requirements of Section 6 of Rule 41 of the Rules of Court.

The Court, in *Design Masters, Inc. vs. Court of Ap-peals*,[29] in ruling that where the date of the submission of the record on appeal appears on the original record on appeal forwarded to the Court of Appeals the same should control and not the printed record on appeal which does not show the date it was filed with the trial court, made it clear that: "Section 6, Rule 41 of the Rules of Court, obviously refers to the record on appeal filed with the trial

court, not to the record on appeal printed in the appellate court. At any rate, the Court of Appeals is in a position to determine the date aforementioned, by examining the original record on appeal thereto, forwarded, and, hence, forming part of its own records." Reliance on the data appearing on the original record on appeal for the purpose of ascertaining whether or not the appeal was perfected on time was again made in *Ever Ice Drop and Ice Cream Factory vs. Court of Appeals*[30] where We declared:

"The printed record on appeal does not show the date on which it was filed with the trial court, but such date is stamped on the original record on appeal, which was approved by said court and forwarded to the Court of Appeals. Section 6, Rule 41 of the Rules of Court, obviously refers to the record on appeal filed with the trial court, not to the record on appeal printed in the appellate court. At any rate, the Court of Appeals is in a position to determine the date aforementioned, by examining the original record on appeal thereto, forwarded, and, hence, forming part of its own records. Accordingly, petitioner's record on appeal meets the objective of said provision of the Rules of Court, which may be deemed to have been substantially complied with.

"x x x It can be said that the printing of the record on appeal is not indispensable to the jurisdiction of the appellate courts, the sole purpose of such printing being convenience in the handling, keeping and reading of the record on appeal. Inasmuch as Rule 41 is in that portion of the rules pertaining to the stage of the appeal process taking place in the trial court, it is but logical that the frame of reference, when the completeness of a record on appeal, as therein provided, is in question, must be the contents of said record as filed with said court, and not necessarily those of the printed one filed with the appellate court.

"Under Section 7, Rule 46, it is the appellee who is called upon to check on the record on appeal as printed and to state his objections thereto within thirty days from receipt of his copies thereof, hence, the absence of any such objection may be taken into account in determining whether or not it should be dismissed by reason of any irregularity in the printed record on appeal.

"The proscription that 'no alterations, omissions, or additions in the printed record shall be allowed, and a violation of this prohibition shall be a ground for dismissal of the appeal,' cannot refer to unintentional omissions or errors of the printing press in that regard, particularly if appellee has not exercised the diligence the rule imposes on him to check the same and make the corresponding objections before the court." (Underscoring supplied.)

In the case at bar, it was certainly obvious to the respondent Court of Appeals that on the basis of the type-written data contained in the original record on appeal, forwarded to and received by it, the appeal was perfected on time, but it was the handwritten alterations in ink of the dates of the filing of the motion for reconsideration, notice of appeal, appeal bond and record on appeal appearing on pages 22 and 40 thereof, which completely and substantially altered the picture to the prejudice of the petitioner herein. It would have been illogical to assume that the petitioner made the alterations so as to make it appear that its appeal was filed out of time.

Moreover, the "Certificate of Correctness"[31] made by the Acting Clerk of Court of the Court of First Instance of Pangasinan, and submitted to the respondent Court of Appeals pursuant to Section 10 of Rule 41 of the Rules of Court, states that the Notice of Appeal and the Record on Appeal were filed on August 4, 1972. In the light of this certification and of the existence of alterations in ink on the typewritten dates contained in the original Record on Appeal, together with the documents submitted showing that such alterations were contrary to the facts and were done without the knowledge of petitioner, it was, therefore, precipitate and hasty on the part of respondent Court of Appeals to have dismissed petitioner's appeal. Of course, counsel for petitioner could have avoided the present situation had they taken the trouble of checking the accuracy of the printed Record on Appeal in question. Although they are not blameless, the imperative interest of justice and equity demands that We grant the petition.

Procedural rules, explained Justice Moreland,[32] are intended "to facilitate the application of justice to the rival claims of contending parties. They were created, not to hinder and delay, but to facilitate and promote, the

administration of justice. They do not constitute the thing itself, which courts are always striving to secure liti-gants. They are designed as the means best adapted to obtain that thing. In other words, they are a means to an end. When they lose the character of the one and become the other, the administration of justice is at fault and courts are correspondingly remiss in the performance of their obvious duty. The error in this case is purely technical. To take advantage of it for other purposes than to cure it, does not appeal to a fair sense of justice. Its presentation as fatal to the plaintiff's case smacks of skill rather than right. x x x Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts. There should be no vested rights in technicalities."

WHEREFORE, the resolution, dated May 31, 1973, of respondent Court of Appeals, dismissing petitioner's appeal, and its resolution, dated July 30, 1973, denying petitioner's motion for reconsideration, are nullified, set aside and declared without force and effect, and the respondent Court is ordered to proceed with the exercise of its appellate jurisdiction over the merits in case CA-G.R. No. 51862-R, with costs against private respondent Adolfo Fernandez.

Zaldivar, (Chairman), Fernando, Barredo, Fernandez, and Aquino, JJ., concur.

[1] Registry Receipt No. 8739, dated May 4, 1972, Rollo, page 38, Annex "A" of Annex "D" of Petition; Certification of Providencio J. Virador, Acting Clerk-in-charge, Ayala Postal Station, Rollo, p. 39, Annex "B" of Annex "D" of Petition.

[2] Annex "C" of Annex "D" of Petition, Rollo, p. 40.

[3] Printed Record on Appeal, p. 86.

[4] Registry Receipt No. 1284, dated August 4, 1972, Rollo, p. 42, Annex "E" of Annex "D" of Petition; Certification of Providencio J. Virador, Acting Clerk-in-charge, Ayala Postal Station, Annex "B" of Annex "D" of Petition, Rollo, p. 39.

[5] Registry Return Receipt, dated August 14, 1972, by CFI, Annex "F" of Annex "D" of Petition, Rollo, p. 43.

[6] CFI Order, dated August 22, 1972, Annex "A" of Petition, Rollo, p. 21.

[7] Certification, dated September 20, 1973, of Santiago L. Reyes, Branch Clerk of Court, CFI of Pangasinan, Dagupan City, Annex "C" of Manifestation and Motion of Petitioner, Rollo, p. 76.

[8] Original Record on Appeal, p. 22.

[9] G.R. No. L-33366, October 30, 1972, 47 SCRA 305.

[10] Annex "C" of Petition, Rollo, pp. 27-30.

[11] Annex "D" of Petition; Rollo, pp. 31-37.

[12] Annex "F", Petition; Rollo, pp. 54-55.

[13] Annex "H", id.; Rollo, p. 62.

[14] Original Record on Appeal, p. 10.

[15] Original Record on Appeal, p. 22.

[16] Annex "A" of Annex "D" of Petition; Rollo, p. 38.

- [17] Annex "B", id.; Rollo, p. 39.
- [18] Annex "C", id.; Rollo, p. 40.
- [19] Annex "B", id.; Rollo, p. 39.
- [20] Annex "D", id.; Rollo, p. 41.
- [21] Annex "E", id.; Rollo, p. 42.
- [22] Annex "B", id.; Rollo, p. 39.
- [23] Annex "F" of Annex "D" of Petition; Rollo, p. 43.
- [24] Annex "B", id.; Rollo, p. 39.
- [25] Annex "G", id.; Rollo, p. 44.
- [26] Annex "A" of Petition, Rollo, p. 21.
- [27] Annex "C" of Petitioner's Manifestation and Motion, Rollo, p. 76.
- [28] Annex "A", id.; Rollo, p. 72.
- [29] G.R. No. L-31510, March 31, 1971, 38 SCRA 296; 318.

[30] 47 SCRA 305, 311-312.

- [31] By Jesusa A. Nevado, Acting Clerk of Court, CFI of Pangasinan, Branch VIII, Dagupan City, Printed Record on Appeal, p. 95.
- [32] See *Alonso v. Villamor*, 16 Phil. 315, 321-322.

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