

COLLECTOR OF CUSTOMS FOR THE PORT OF MANILA, SABINO ROMERO AND AGENTS OF THE PRESIDENTIAL ANTI-GRAFT COMMITTEE (PAGCOM), PETITIONERS, VS. HONORABLE GUILLERMO E. TORRES, AS PRESI...

G.R. No. L-22977. May 31, 1972

Ponente: ZALDIVAR, J.

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ZALDIVAR, J.:

Petition for certiorari and prohibition, with preliminary injunction.

On or about September 15, 1963, a shipment of 158 packages of imported goods and personal effects arrived and were unloaded at the port of Manila. Said packages were covered, by Customs Consumption Entries Nos. 74586 and 74587, series of 1963. After the amount of P10,887.00 as customs duties, internal revenue taxes, fees and other charges were paid by respondents Angela Alvaran and Elpidio Flores, said packages were released from the Manila customhouse. On October 19, 1963, while the packages were being transported from the customs area to their destination the packages were intercepted by agents of the Manila Police Department and were brought to the MPD Headquarters.

Under date of October 19, 1963, Juan G. Atencia, Vice-Chairman of the Presidential Anti-Graft Committee (PAGCOM, for short), and Chief of the Special Task Force of said agency, in a formal communication, informed the Collector of Customs of the port of Manila, "that merchandise covered by Entry No. 74586 consisting of 72 packages and Entry No. 74587 consisting of 86 packages, and further covered by GUACODS Delivery Permits Nos. 8590, 8589, 8593, 8592, and 8591" were in the custody of the Manila Police Department, Precinct No. 4, located at United Nations Avenue, Manila. The Collector was further informed that "initial findings by the Task Force show that said goods were released from the customs zone without proper appraisal by customs personnel, thereby causing damage and losses to the government." In view thereof, Atencia requested the Collector of Customs for the issuance of a proper warrant of seizure and for the assignment of a representative of the Collector with the Task Force to assist the latter in serving the warrant. This request was reiterated in a letter dated October 22, 1963, with the additional information that the packages mentioned were already in the custody of the Task Force and stored in the private bodega of Mr. Nemesio Yabut, located at 1022 96th Street, Guadalupe, Makati, Rizal.

The statements of Mr. Atencia and his request for a proper warrant became the basis of a seizure proceeding (Seizure Identification No. 7963) and the issuance by Acting Collector of Customs, Pedro Pacis, on October 22, 1963, of a warrant of seizure and detention directing the Chief, Special Task Force, Presidential Anti-Graft Committee (PAGCOM), or his authorized agents, and the Chief, Auction and Cargo Disposal Division of the Manila Customhouse, to effect the seizure of the aforementioned shipments.

To complement this warrant of seizure, the agents of the PAGCOM, on October 23, 1963, applied for, and were able to secure, a search warrant from respondent Judge Andres Reyes for the search and seizure of "highly

dutiable goods illegally or anomalously withdrawn from the customs, such as transistors, jewelries, watches, suiting materials, in commercial quantities, among others" deposited in the premises of 1022-B 96th St., Guadalupe, Makati, Rizal, and its adjacent bodega.

At 8:00 o'clock in the morning of October 23, 1963, PAGCOM agent Confesor B. Sansano served the warrant of seizure and detention upon herein respondents Angela Alvaran, Elpidio Floresca and Leticia Africa and/or their duly authorized representatives. Then at 8:30 o'clock of the same morning, the combined team of PAGCOM-PC-Makati Police Department served the search warrant aforementioned upon a certain Jose Cabellon, the person who was then occupying the premises (residential house) adjoining the bodega mentioned in the preceding paragraph.

During the progress of the search and seizure, and while the merchandise and goods were being removed by the PAGCOM-PC-Customs agents from the premises, Angela Alvaran, Elpidio E. Floresca and Leticia Africa (respondents in the seizure identification case) filed with the Court of First Instance of Rizal a petition, dated October 23, 1963, and docketed as Civil Case No. 7883, entitled "Angela Alvaran, Elpidio E. Floresca and Leticia Africa, petitioners, versus, The Collector of Customs, Sabino Romero and/or Agents of the PAGCOM, respondents." In their petition, Alvaran, Floresca and Africa prayed for a writ of injunction to restrain herein petitioners from proceeding with the further enforcement of the warrants herein-above mentioned, and from proceeding with the trial of Seizure Identification No. 7963; for the return and delivery of the confiscated goods and merchandise to them; and for a declaration of nullity of the warrant of seizure and detention issued by therein respondent Collector of Customs. Before Civil Case No. 7883 could be raffled for assignment to any particular branch of the Court of First Instance of Rizal, Judge Guillermo Torres of Branch VIII acted on said case. On October 24, 1963, Judge Torres issued an order restraining the Collector of Customs and the PAGCOM "from enforcing the warrant of seizure and detention issued by the Collector of Customs on October 22, 1963, and from proceeding with the acts complained of" until further order from the court.

Because of the restraining order issued by Judge Torres, petitioners herein were unable to transfer to the Bureau of Customs all the 158 packages subject of the warrant of seizure and detention aforementioned. Nine packages could not be taken from the bodega at Guadalupe, Makati.

On October 30, 1963, herein petitioners (respondents in Civil Case No. 7883) filed with Branch VIII of the Court of First Instance of Rizal, presided by respondent Judge Torres, an opposition to the petition for writ of preliminary injunction, with a motion to lift the restraining order. Herein petitioners maintained then that the Collector of Customs has exclusive jurisdiction over the goods in question by virtue of Seizure Identification Case No. 7963. Replying to said opposition and motion, herein respondents Alvaran, Floresca and Africa contended that the Bureau of Customs had lost jurisdiction over the goods, and therefore, the Collector of Customs could no longer validly institute seizure proceedings respecting said goods. On December 21, 1963 respondent Judge Torres issued an order denying herein petitioners' opposition to the petition for preliminary injunction and motion to lift the restraining order previously issued and set the case for hearing on January 16 and 17, 1964. Herein respondents Alvaran, Floresca and Africa asked the court for leave, and were granted, to file an amended petition. Herein petitioners were given ten (10) days from receipt of the amended petition within which to file their answer.

Instead of filing an answer to the amended petition, however, herein petitioners filed, on January 29, 1964, a motion to dismiss the amended petition. Earlier, or on January 24, 1964, herein petitioners, reiterating their contention that the court had no jurisdiction over the case, filed a motion for reconsideration of the order denying their opposition to the issuance of a writ of preliminary injunction.

In the meantime, herein respondents Cristeta B. Chan and Juanito A. España, claiming ownership of certain goods

found in the private bodega at 1022-B 96th St., Guadalupe, Makati, Rizal, filed motions to intervene in Civil Case No. 7883. In an order dated February 5, 1964 respondent Judge Guillermo Torres granted the motions to intervene and admitted the petitions in intervention that they had filed. In the same order, herein petitioners were given ten days from receipt thereof to answer the petitions for intervention or to file any pleading they so desired. Instead of answering the petitions for intervention, herein petitioners filed, on February 12, 1964, motion to dismiss the petitions for intervention.

In an order, dated April 15, 1964, respondent Judge Torres denied herein petitioners' motion to dismiss the amended petition of Alvaran, Floresca and Africa, and also the motion to dismiss the petitions in intervention of Chan and España. In the same order, Judge Torres also denied herein petitioners' motion to inventory and appraise the remaining nine (9) packages left in the bodega at Guadalupe, Makati, but left unresolved herein petitioners' motion for reconsideration of the order denying their opposition to the issuance of a writ of preliminary injunction. In due time, herein petitioners filed their answers to the amended petition and the petitions in intervention; setting therein as defenses lack of jurisdiction on the part of the court and lack of cause of action.

Meanwhile, in Branch VI of the Court of First Instance of Rizal, presided by respondent Judge Andres Reyes,[1] proceedings were also had in connection with the same shipment and/or goods, subject matter of Civil Case No. 7883, in relation to the search warrant issued by said judge on October 23, 1963. Respondents Alvaran, Floresca and Africa filed with said court a motion, dated October 30, 1963, for the return of the goods seized and/or delivery thereof at a place subject to the control of the court. On November 5, 1963, respondent Judge Reyes issued an order commanding herein petitioners Collector of Customs and PAGCOM agents to deliver immediately the goods and articles in question to the AMCYL bonded warehouse, subject to, and until further, orders from the court. Herein petitioners filed a motion for reconsideration of the order of November 5, 1963, but said motion was denied in an order dated November 8, 1963.

On November 9, 1963, petitioners filed a manifestation to the effect that they would file with the Supreme Court a petition for certiorari with preliminary injunction to annul and set aside the order dated November 8, 1963 denying their motion for reconsideration. On November 19, 1963, herein petitioners filed with this Court a petition for certiorari with preliminary injunction, entitled "Pedro Pacis, et al. vs. Hon. Andres Reyes, et al." (G. R. No. L-22121), but said petition was not given due course. In view of the dismissal of the petition, respondent Judge Reyes issued, on November 27, 1963, an order appointing a special sheriff to carry out and enforce his orders of November 5 and 8, 1963.

On December 2, 1963, petitioners, questioning the adequacy of the surety bond filed with the Bureau of Customs by the owners and/or operators of the AMCYL bonded warehouse, moved for deferment of the transfer of the confiscated goods from the Manila customhouse to the AMCYL bonded warehouse. However, in an order, dated December 21, 1963, respondent Judge Reyes directed the petitioners to comply with the orders of November 5 and 8, 1963.

Petitioners complied with the order of December 21, 1963; but they promptly filed an urgent motion for reconsideration of said order and for the return of the goods to the customs premises. Without waiting for the court's action on the motion for reconsideration, and alleging that they have no plain, speedy and adequate remedy in law, petitioners filed the present petition before this Court.

Petitioners contend that while the respondents claim that the amount of P10,887.00 have been paid as customs duties, internal revenue taxes and other fees and charges on the goods in question, the petitioner Collector of Customs had found, through his deputies, that said goods had been misdeclared and undervalued; that respondent Judge Torres cannot legally take cognizance of Civil Case No. 7963 because of the pendency of Seizure

Identification No. 7963 respecting said goods; that respondents Alvaran, Africa, Floresca, Chan and España have no cause of action against petitioners in Civil Case No. 7883 because they failed to exhaust the administrative remedies available to them; and that respondent Judge Reyes acted without, or in excess of jurisdiction, or with abuse of discretion, when he directed the transfer of the goods from the customs premises to the AMCYL bonded warehouse without requiring the filing of a bond equivalent to one and one-half times the amount of the duties, taxes and other charges, on the goods and when he delayed the resolution of petitioners' motion for reconsideration of his order of December 21, 1963.

Separately answering the petition, respondents Judge Tones, Judge Reyes, Alvaran and Africa, through counsel, maintained that the seizure proceedings pending before petitioner Collector of Customs was illegal and the warrant of seizure and detention issued thereunder was null and void, it having been issued without, and enforced beyond, the jurisdiction of petitioner Collector of Customs; that petitioners acted without or in excess of jurisdiction in the seizure of the goods in question; that the actuations of respondent judge are regular and in accordance with law; and that private respondents Alvaran and Africa are not required to exhaust administrative remedies because petitioners acted without, and beyond, their jurisdiction in seizing the goods in question.

On the other hand, respondents Floresca, Chan and España, through counsel, maintained most importantly that the issuance by petitioner Collector of Customs of the warrant of seizure and detention on October 22, 1963, after the goods had left the control and jurisdiction of the Bureau of customs, was arbitrary, improper and illegal; and that the goods and merchandise in question are under proper custodialegis of respondents Judge Reyes and Judge Torres, and not under petitioner Collector of Customs, and that they may dispose of said goods and merchandise by virtue of their own authority and not by virtue of customs laws and regulations.

Petitioners' contention that respondent Judge Torres can not legally take cognizance of Civil Case No. 7883 because of the pendency of Seizure Identification No. 7963 is well taken. The petition filed by herein private respondents before the lower court, it should be recalled, was for the issuance of a writ of injunction to restrain herein petitioners from proceeding with the further enforcement of the warrant of seizure and detention, and from proceeding with the hearing of Seizure Identification No. 7963; for the return and delivery of the seized goods; and for a declaration of nullity of the warrant of seizure and detention issued by the Collector of Customs. In short, the petition in the court below (branch presided by Judge Torres) sought not only the recovery of the possession of goods subject of seizure proceedings before the Collector of Customs but also the review by the Court of First Instance of the acts and/or resolutions of the Collector of Customs in the aforementioned seizure proceedings.

In the case of *Juan Diosamito, et al. vs. Benjamin Balanque, et al.*,^[2] this Court reiterated the ruling in the cases of *Pacis vs. Averia*^[3] and *De Joya vs. David*^[4] that the judicial recourse of the owner of a personal property which is the subject of a seizure and forfeiture proceeding before the Collector of Customs, as in the present case, is not in the Court of First Instance but in the Court of Tax Appeals, and only after exhausting administrative remedies in the Bureau of Customs. In the *Pacis* case, this Court said:

"The Tariff and Customs Code, in Section 2530 thereof, lists the kinds of property subject to forfeiture. At the same time, in Part 2 of Title VI thereof, it provides for the procedure in seizure and forfeiture cases and vests in the Collector of Customs the authority to hear and decide said cases. The Collector's decision is appealable to the Commissioner of Customs whose decision is in turn appealable to the Court of Tax Appeals. An aggrieved party may appeal from a judgment of the Court of Tax Appeals directly to this Court. On the other hand, Section 44 (c) of the Judiciary Act of 1948 lodges in the Court of First Instance original jurisdiction in all cases in which the value of the property in controversy amounts to more than ten thousand pesos. This original jurisdiction of the Court of First Instance, when exercised in an action for recovery of personal property which is a subject of a forfeiture proceeding in the Bureau of Customs, tends to encroach upon, and to

render futile, the jurisdiction of the Collector of Customs in seizure and forfeiture proceedings. * * *.

"Should Section 44(c) of the Judiciary Act of 1948 give way to the provisions of the Tariff and Customs Code, or vice versa? In our opinion, in this particular case, the Court of First Instance should yield to the jurisdiction of the Collector of Customs. The jurisdiction of the Collector of Customs is provided for in Republic Act 1937 which took effect on July 1, 1957, much later than the Judiciary Act of 1948. It is axiomatic that a later law prevails over a prior statute. Moreover, on ground of public policy, it is more reasonable to conclude that the legislators intended to divest the Court of First Instance of the prerogative to replevin a property which is a subject of a seizure and forfeiture proceedings for violation of the Tariff and Customs Code. Otherwise, actions for forfeiture of property for violations of Customs laws could easily be undermined by the simple device of replevin.

"Furthermore, Section 2303 of the Tariff and Customs Code requires the Collector of Customs to give to the owner of the property sought to be forfeited, written notice of the seizure and to give him the opportunity to be heard in his defense. This provision clearly indicates the intention of the law to confine in the Bureau of Customs the determination of all questions affecting the disposal of property proceeded against in a seizure and forfeiture case. The judicial recourse of the property owner is not in the Court of First Instance but in the Court of Tax Appeals, and only after exhausting administrative remedies in the Bureau of Customs."

It is now the settled rule that it is the Court of Tax Appeals and not the Court of First Instance that has jurisdiction to review the actuations of the Customs authorities regarding the legality or illegality of a seizure, detention, or release of imported goods; and regarding fines, forfeiture or other penalties imposed in relation thereto, or other matters arising under the Customs Law or other laws or part of laws administered by the Bureau of Customs. Thus, in the case *Acting Collector of Customs of the Port of Manila vs. Calauag*,^[5] this Court said:

"* * *. The suit filed with respondent Judge was 'to review and nullify whatever has already been done by respondents [herein petitioner] without and/or in excess of their jurisdiction,' namely, the issuance of the warrant of seizure and detention, and the execution thereof by the NBI agents.

"Statutes as well as jurisprudence are very clear, however, that it is the Court of Tax Appeals, and not the Court of First Instance, that has jurisdiction to review the actuations of the Customs authorities in regard to 'seizure, detention or release of property affected; fines, forfeitures or other penalties imposed in relation thereto, or other matters, arising under the Customs Law or other law or part of law administered by the Bureau of Customs.' So We ruled in *Millarez vs. Amparo*, 97 Phil. 282, 284-285:

'Republic Act No. 1125, section 7, effective June 16, 1964 gave the Court of Tax Appeals exclusive appellate jurisdiction to review on appeal, decisions of the Commissioner of Customs, involving 'seizure, detention or release of property affected * * * or other matters arising under the Customs Law or other law administered by the Bureau of Customs'. In our opinion this provision necessarily has taken away the power of the Manila Court of First Instance to 'review' decisions of the Customs authorities, 'in any case of seizure' — as in this case — under section 1383 et seq. of the Revised Administrative Code.

'Consequently the respondent Judge had no authority to entertain the complaints of Serree Investments, Lim Hu and Fructuoso Nepomuceno, which, although entitled *Mandamus* and *Certiorari* were in reality petitions to review the actuations of the proper customs authorities, now exclusively reviewable by the Court of Tax Appeals (R. A. 1129). Furthermore, conceding that the complaints were strictly *mandamus* or *certiorari* civil actions, still they were groundless, the petitioners having an adequate remedy by appeal, as stated, to the Court of Tax Appeals. Neither *certiorari* nor *mandamus*, it will be recalled, is available where relief by appeal is provided. Therefore, the complaints having no merit, issuance of the preliminary mandatory injunction was clearly erroneous, and the challenged writs should be annulled.' " * * *

* * * * *

"Respondent Calalang no doubt has the right to question the legality of the seizure action commenced by the Customs authorities. For this however, she must go to the proper court, namely, the Court of Tax Appeals, since its jurisdiction to review seizure cases necessarily includes all questions affecting the legality or illegality of a seizure. * * *"

It may be added that the goods in question were seized by virtue of a warrant of seizure and detention prior to the filing of the petition before the lower court. From the time seizure had been effected the Bureau of Customs had acquired jurisdiction over the goods for the purpose of the enforcement of the tariff and customs laws, to the exclusion of the regular courts. In the case of *Papa vs. Mago*,^[6] this Court, citing *Pacis vs. Averia*, *supra*, and *De Joya vs. Lantin*,^[7] said:

"In the present case, the Bureau of Customs actually seized the goods in question on November 4, 1966, and so from that date the Bureau of Customs acquired jurisdiction over the goods for the purposes of the enforcement of the tariff and customs laws, to the exclusion of the regular courts. Much less then would the Court of First Instance of Manila have jurisdiction over the goods in question after the Collector of Customs had issued the warrant of seizure and detention on January 12, 1967."

Respondents' argument that the issuance of the warrant of seizure and detention was illegal, improper and arbitrary, because it was issued after the customs duties, taxes and other charges for the imported goods in the amount of P10,887.00 had been paid, and that the physical custody of the goods in question was no longer with the Collector of Customs, the same having been already deposited in a private bodega, is of no moment. Payment of an amount for customs duties, taxes, etc. does not necessarily terminate the importation and make the release of the imported goods from the customs zone regular. Importation is deemed terminated only upon full payment of the duties, taxes and other charges upon the articles, or secured to be paid, at the port of entry, and the legal permit for withdrawal shall have been granted.^[8] Hence, if customs duties, taxes, and other charges on the articles have not been fully paid, and the same were released, the release thereof would be irregular, and the goods would be subject to seizure under Section 2530 (m) of the Tariff and Customs Code.^[9] Having been released irregularly, the goods or articles involved in the present case could be seized even outside the customs zone by the customs authorities, or by the persons deputized by the Commissioner of Customs or by the Collector of Customs – as in the case of herein petitioners PAGCOM agents whose deputation was specifically stated in the warrant of seizure and detention issued by the Collector of Customs.

In *Papa vs. Mago*, *supra*, this Court held that the interception and seizure of the customs authorities of imported goods that were already released from the customs zone was considered a reacquisition by the Collector of Customs of its jurisdiction over the goods and the custody thereof. This Court said:

"Even if it be granted, *arguendo*, that after the goods in question had been brought out of the customs area the Bureau of Customs had lost jurisdiction over the same, nevertheless, when said goods were intercepted at the Agrifina Circle on November 4, 1966 by members of the Manila Police Department, acting under direction and orders of their Chief, Ricardo G. Papa, who had been formally deputized by the Commissioner of Customs, the Bureau of Customs had regained jurisdiction and custody of the goods. Section 1206 of the Tariff and Customs Code imposes upon the Collector of Customs the duty to hold possession of all imported articles upon which duties, taxes, and other charges have not been paid, or secured to be paid, and to dispose of the same according to law." (*Italics supplied.*)

The fear expressed by the respondents, that should the stand of the petitioners be upheld – that is, that imported goods that are already ordered released after the payment of duties, taxes and other charges may still be seized if it is found that the duties, taxes and other charges paid were erroneously or fraudulently assessed – the imported goods would become like a "ping-pong ball" which would bounce back and forth from the customs zone to a

private bodega as many times as the payments may be found erroneous, is unfounded. Re-seizure of the imported goods can only happen if the goods had not previously been the subject of seizure identification proceedings. As this Court has held in the *Pacis* case, *supra*, there is provided in Part 2 of Title VI of the Tariff and Customs Code the procedure in seizure and forfeiture cases and the Collector of Customs is vested with the authority to hear and decide said cases. In the exercise of said authority the Collector of Customs is required to give to the owner of the goods sought to be forfeited a written notice of the seizure and he is given the opportunity to be heard in his defense. The decision of the Collector of Customs is appealable to the Commissioner of Customs; in turn, the decision of the Commissioner is appealable to the Court of Tax Appeals; and the decision of the Court Tax Appeals is appealable to this Court. Under this procedure there can be no instance of unwarranted re-seizure of the imported goods because right before the Collector of Customs the owner of the imported goods can prove that his importation was regular and he can demand a correct and definite appraisal of the goods once and for all.

Hence, in the instant case, the filing by respondents Alvaran, Floresca and Africa of a petition with respondent Judge Reyes for the return of the goods seized, etc., and the action of the latter granting said petition, were a departure from the procedure outlined by law. Respondents Alvaran, Floresca and Africa should have filed said petition or protest with the Collector of Customs. On the other hand, while it is true that respondent Judge Reyes was the one who issued the search warrant respecting the goods in question, said search warrant was obtained pursuant to Section 2209 of the Tariff and Customs Code so that the PAGCOM-PC-Customs agents could search the dwelling house adjoining the private bodega where the goods were kept. In other words, the search warrant was secured merely as an auxiliary means in the enforcement of the warrant of seizure and detention issued by petitioner Collector of Customs. To permit respondent Judge Reyes, or the lower court, to take custody of the goods subject of the seizure proceedings would in effect render ineffective the power of the customs authorities under the customs law and deprive the Court of Tax Appeals of its exclusive appellate jurisdiction. It is Our considered view that the law, in requiring a search warrant to be issued by a judge of the court of first instance or by a municipal judge, in order to search dwelling house, did not intend to divest the customs authorities of the custody of the articles seized or held in virtue of the search warrant. Otherwise, a municipal judge, or a judge of the court of first instance for that matter, who issued the search warrant would have greater powers over the seized articles than the Collector of Customs — a situation that is certainly not contemplated by the law.

Having thus shown that the lower court did not have jurisdiction to entertain Civil Case No. 7883 (before Branch VIII), as well as the petition filed with Branch VI, and that it has no authority to take custody of the seized goods, We consider it is unnecessary to discuss the other issues raised before this Court. And let it be stated, that while the foregoing discussions make specific mention only of the petitions filed by respondent Alvaran, Floresca and Africa, Our ruling also applies to the petitions in intervention filed by respondents Chan and España in Civil Case No. 7883.

WHEREFORE, the writ of certiorari and prohibition prayed for is granted. The Court of First Instance of Rizal, Branch VIII, is declared without jurisdiction to proceed in its Civil Case No. 7883, all the proceedings had in that case are declared null and void, and said Civil Case No. 7883 is hereby ordered dismissed. Likewise, Branch VI of the same court is declared without authority to take custody of the articles seized by virtue of the search warrant issued by the presiding judge of said branch on October 23, 1963 in connection with the warrant of seizure and detention issued under Seizure Identification No. 7963 of the Bureau of Customs, and the orders issued by the presiding judge of said Branch VI, dated November 5 and 8, 1963 and December 21, 1963, are hereby annulled and set aside. The Judges presiding Branches VI and VIII of the Court of First Instance of Rizal are hereby prohibited from further interfering with the exercise by the petitioners of their duties and functions in connection with Seizure Identification No. 7963 of the Bureau of Customs. Costs against the private respondents.

IT IS SO ORDERED.

Reyes, J.B.L., Acting C.J., Makalintal, Fernando, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.

Castro, J., did not take part.

Concepcion, C.J., on official leave.

[1] Judge Reyes issued the search warrant mentioned earlier.

[2] G. R. No. L-30734, July 28, 1969; 28 SCRA 836.

[3] G. R. No. L-22526, November 29, 1966; 18 SCRA 907.

[4] G. R. No. L-23504, December 29, 1967; 21 SCRA 1493.

[5] G. R. No. L-23925, May 24, 1967; 20 SCRA 204.

[6] G. R. No. L-27360, February 1, 1968; 22 SCRA 857.

[7] G. R. No. L-24037, April 27, 1967; 19 SCRA 893.

[8] Papa vs. Mago, *supra*.

[9] *Ibid*.

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