

THE DIRECTOR OF LANDS, PETITIONER, VS. MARCELINO ADORABLE ET AL., CLAIMANTS, MIGUEL PEÑARANDA, CLAIMANT AND APPELLANT, PURIFICACION SOLINAP ET AL., CLAIMANTS AND APPELLEES.

G.R. CA-No. 8197. October 02, 1946

Ponente: PERFECTO, J.

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PERFECTO, J.:

At the reconstitution of the above entitled case, claimant-appellant presented copies of several papers, exhibits, pleadings, motions and orders, including copy of the decision of the Court of First Instance of Iloilo, record on appeal, and the printed brief of said claimant-appellant who, at the time he filed his motion for reconstitution on February 26, 1946, was under the impression that the case, which was pending decision in the Court of Appeals when the war broke out, remained unacted upon by said court until the motion for reconstitution was filed.

On June 25, 1946, Attorney Manuel F. Zamora, for the claimants and appellees, acting under the highest standards of truthfulness, fair play and nobility as becomes a deserving member of the bar, instead of taking advantage of claimant-appellant's ignorance of what really happened in the Court of Appeals, informed this Court that the case had been decided in favor of said claimant and appellant by the Court of Appeals, filing to said effect the copy of the decision promulgated on September 9, 1942, sent to him by said court, to save the appellant the trouble of waiting for the reconstitution of this case and this tribunal the trouble of deciding again a case already decided.

Upon being informed of the statements of Attorney Zamora, claimant-appellant's attorneys filed a petition with the commissioner for reconstitution to make a report to this Court that the records be declared reconstituted, together with the decision of the Court of Appeals dated September 9, 1942, and that said records be remanded to the lower court for execution of the decision.

The court resolved to declare that the case is reconstituted and to order that copy of the decision of the Court of Appeals, promulgated on September 9, 1942, be sent to the lower court for execution. This resolution is being adopted not without making of record that the action taken by Attorney Manuel F. Zamora should be considered as an example worthy to be remembered by all members of the bar.

Paras, Pablo and Padilla, JJ., concur.

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