

**CECILIA DEL VALLE-TIONGSON, ET. AL., PLAINTIFFS-APPELLEES,
VS. MELECIO HERNANDEZ, DEFENDANT-APPELLANT. ENRIQUE
MATIBAG, ET. AL., INTERVENORS-APPELLANTS.**

G.R. No. L-26403. October 20, 1970

Ponente: REYES, J.B.L., Acting C.J.

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REYES, J.B.L., Acting C.J.:

Appeal from a decision of the Court of First Instance of Quezon Province in its Civil Case No. 5799, rendered in 22 April 1966, resolving a conflict between the parties about rights to use the waters of the Taguan River and the Noynoyin Creek in Tiaong and Candelaria of the Province of Quezon.

For the proper understanding of the controversy, it is important to recall the general topography of the region. As shown in the defendants-appellants' sketch plan, Exhibit "10", which was admitted and adopted by plaintiffs-appellees (t.s.n., page 879), the main source of the water for the areas in dispute is the Taguan River that enters the region from the north and flows south. This Taguan River divides into two main branches, one that flows southeast (called by the court below "Taguan Segundo" and "Puntor" by appellants) and another branch called the Noynoyin, that arches first southwest and later southeast, forming an arc with the concavity to the east, and rejoins the other branch further south at the juncture with the Aguirra creek or canal, that continues southward. Another river which is pertinent to this case is the Cabay River which is to the East of the Aguirra Creek and bounds the irrigated riceland of plaintiffs-appellees Del Valle on the west and south.

In 1918, defendants were granted water appropriation rights on The Taguan river by the Department of Commerce and Communications, after due investigation (Exhibit "B"). But in 1940, plaintiffs constructed at the mouth of the Aguirra, and across it, a concrete dam (designated as Del Valle dam) that impeded and reduced the water flow into the Aguirra. Later on, in 1952, plaintiffs-appellees increased the height of this dam, shutting off completely the water supply of the Aguirra creek (an old irrigation canal) so that "only a flood or heavy rain can cause the water to overflow the crest of the concrete dam.[1]

Plaintiffs are the owners of a parcel of irrigated riceland with an area of twenty (20) hectares, more or less, situated in barrio Kinatihan, Candelaria, Quezon, which property was inherited from their deceased grandfather, Manuel del Valle. Plaintiffs, in their complaint dated 6 October 1955, allege having irrigated the above riceland by means of water coming from Noynoyin Creek in barrio Cabay, Tiaong, Quezon, since Spanish times up to the present, and they claim having acquired by prescription, to the exclusion of all others, the use of all the volume of the Noynoyin creek's water passing over the dam of one Nicolas Maralit which is in the upper part of that creek.

Defendant and intervenors (otherwise known as the Cabay irrigators) are the owners of irrigated ricelands that abut the Aguirra Creek below the dam in controversy. It is their position that Noynoyin Creek is part of the Taguan River and, therefore, as prior appropriators of the Taguan River waters by virtue of the 1918 administrative concession, Exhibit "B", plaintiffs cannot deprive them from the use of the same. On 27 September 1955, defendant Melecio Hernandez dug a ditch on his property connecting the Noynoyin and Aguirra Creeks to

draw water therefrom. This ditch was closed in the first week of January, 1956 when the parties reached a temporary agreement in the case, by the terms of which the plaintiffs on one hand, and the defendant and the intervenors on the other, were to use the waters from the Noynoyin Creek on a fifty-fifty basis.

Plaintiffs contend that Noynoyin Creek is a waterway separate and independent of the Taguan River, having its own sources of water, so that while they wholly agree that defendant and the intervenors are listed in Exhibit "B" as prior appropriators of the Taguan River waters, any such right should not encroach on the Noynoyin Creek waters which are not part of the Taguan River. It is alleged by plaintiffs that the Cabay irrigators availed of the use of a flume (alulod) over plaintiffs' dam at the Aguirra Creek to catch all the volume of water from the Taguan River bed to make it fall into and flow through the said creek to irrigate their own lands. This practice originated allegedly from time immemorial up to the last time that the Cabay irrigators made use of Taguan River waters. It is plaintiffs' further contention that the Cabay irrigators availed exclusively of the said river waters for irrigation purposes and that with the digging of the ditch by defendant Hernandez (already closed pursuant to a temporary agreement between the parties) the whole volume of natural water of the Noynoyin Creek was diverted to the Aguirra Creek, thus depriving plaintiffs of their own exclusive right to use the Noynoyin Creek waters.

Alleging that if defendant will not be immediately enjoined to desist from diverting and using the Noynoyin Creek waters they would be unable to plow and prepare their above riceland for the planting season and would suffer damages of no less than P 8,000.00 for palay crop that would not be harvested for the year, the plaintiffs del Valle asked for P1,000.00 attorney's fees and other damages suffered; prayed for the immediate issuance of a writ of mandatory preliminary injunction against the de-fendant to maintain the status quo and restore to plaintiffs the exclusive use of the water of Noynoyin Creek and a writ of perpetual injunction to issue against defendant after the trial of the case. Lastly, plaintiffs prayed that they and their predecessor-in-interest be declared as having acquired a prescriptive right for the exclusive use of Noynoyin Creek waters below the dam of Nicolas Maralit.

Defendant Hernandez and intervenors contend that, prior to the construction of the del Valle dam across the Aguirra Creek, there was plenty of water flowing into the creek from two sources, namely: the Noynoyin Creek and the bed of Taguan River. With the construction of the dam, there is no more water (not just scarcity) flowing into the Aguirra Creek. It is, however admitted by defendant that plaintiffs and their predecessor-in-interest used to irrigate their riceland with water flowing along the Aguirra Creek by diverting the said water from time to time through an old canal which was connected with, and in perpendicular position to, the Aguirra Creek, about 100 meters below the present concrete dam. This practice was allegedly due to an arrangement between plaintiffs and defendant, his predecessor-in-interest and other Cabay irrigators which was considered satisfactory and equitable. Hence, defendant contends that all the said parties shared a common interest, not adverse to each other, in the use of water flowing along the Aguirra Creek coming from Noynoyin Creek and Taguan River. The use of a flume is denied by both the defendant and intervenors.

Because of the concrete dam constructed by plaintiffs (appellees), defendant and intervenors asked that plaintiffs pay to them jointly and severally a total of P165,000.00 in moral damages and P66,000 in exemplary damages; excluding such further damages which de-fendant and intervenors may prove at the trial.

The lower court decided the case against the defendant and intervenors, declaring that defendant Hernandez had no right to dig his canal connecting the Noynoyin to the Aguirra and enjoined him from making any construction on his land the effect of which would reduce the water accumulating at the "del Valle" dam across the Aguirra Creek. Plaintiffs were allowed to remove the water gate which impedes the flow of water from the controversial dam to plaintiffs' ricefields and "to restore the del Valle dam to its condition at the beginning of the suit". The lower court dismissed plaintiffs' claim for damages as well as the counterclaim of defendant and intervenors, but sentenced defendant to pay to plaintiffs attorney's fees in the sum of P500.00.

The defendant and intervenors appealed from the decision, raising both questions of fact and law. The value in controversy exceed P200,000.00, exclusive of interest and costs, appellants' total claim for damages caused by the alleged public nuisance (the controversial dam) alone being P339,936.00. Since this appeal was perfected prior to the effectivity of R. A. No. 5440 on 9 September 1968, this Court still retains exclusive appellate jurisdiction over the same.

Appellants claim that the lower court erred in holding that (a) the Taguan River enters the region from the north flowing generally to the south thus excluding the Noynoyin Creek; (b) the Noynoyin Creek is an independent and separate natural waterway from the Taguan River; (c) the natural waterways Noynoyin Creek and Taguan Segundo end at the controversial dam; (d) the Aguirra Creek is an old irrigation canal that has been dug running southwards; (e) there was preponderant evidence that plaintiffs acquired a prescriptive right to use the Noynoyin Creek waters; (f) the cement dam across the Aguirra Creek may be restored and continued in use by plaintiffs; (g) the remedy of defendant and intervenors is not against plaintiffs but to institute proceedings under sections 4 and 2 of Irrigation Act No. 2125; and (h) defendant is liable to pay to plaintiffs attorney's fees in the amount of P500.00 plus costs of suit.

The most important issue in this appeal is whether plaintiffs indeed have acquired a prescriptive right over all the volume of the Noynoyin Creek waters that pass through the Maralit dam, to the exclusion of all others, as was in effect held by the lower court when it found that "in 1925 and for more than 20 years prior to 1912, plaintiffs had built the Valle and Cabay dams for the irrigation of plaintiffs' ricefields". By the Valle dam, the lower court obviously meant the controversial dam across the Aguirre Creek[2] and by the Cabay dam, the lower court expressly referred to the dam further east across the Cabay River.[3] The trial court's conclusion is based "(i) on the complaint in 1925 involving those dams[4] filed against plaintiffs by Maria Ramos Sales and Juan G. Ramos who then appeared to have land abutting on the Aguirra; (ii) on the official reports of Government Engineers Fernando E. V. Sison (Exhibit "J-1") and J. V. Bagtas (Exhibit "J"); (iii) on the affidavit of Manue del Valle (Exhibit "I"); and (v) on the easement of buttress (see *Solis v. Pujeda*, 42 Phil. 697) which had existed for so many years on defendant's land without objection from his predecessors-in-interest".

It can readily be seen in the foregoing that the lower court concluded that the del Valle dam across the Aguirra Creek was also a dam in dispute in 1925 when Maria Ramos Sales and Juan G. Ramos filed a complaint against Manuel del Valle. A close examination, however, of Exhibit "J-1", dated 14 September 1925, which is the report of engineer Sison regarding said dispute investigated by him on 11 September 1925, shows that the stream referred to therein, and from which diversion of water was to be made, was (and still is) locally and officially called the Cabay River. Several sources of water of the 1925 irrigation system are mentioned in the report, and they are (a) the ricefields at sitio Noynoyin,[5] (b) Talon Spring, and (c) ricefields at the north side of the lot belonging to Mr. del Valle.[6] Paragraph 10 of the said report emphasized that the following should be clearly understood[7]: (a) that water flowing through the river above Dam B (which is the Cabay dam), and through the irrigation canal Z (which flows to the east from the Cabay dam, curving to the south to connect with the Cabay River)[8] are all coming from ricefields, and (b) that Talon Spring, under Dam B, constitutes mainly the source of the Cabay River proper.[9]

While in the Sison 1925 Report, Exhibit "J-1", Cabay River is repeatedly mentioned, and its main source of water used by del Valle is emphatically stated to be the Talon Spring, no mention is made of the Noynoyin Creek (which was already known to be such during the Spanish times) as a source. If the del Valle dam across the Aguirra Creek was already an accessory to the whole del Valle irrigation system in 1925 and it was already used to divert waters of Noynoyin Creek to irrigate plaintiffs' ricelands in Sampaloc (as subsequently reported by irrigation engineer Escobar in 1955, Exhibit "A"), engineer Sison could have readily mentioned it in his report, or

at least indicated the same in "Plan B", attached thereto. In one concluding paragraph of his 1925 report, engineer Sison said that "during the dry season, if the water available is not enough to both the complainants and the respondent, privilege should be granted to Mr. del Valle, the respondent, since he acquired the right of priority of appropriations, having used the water uninterruptedly for more than 50 years". Since the report was confined only to the Cabay River, the Cabay dam and the sources of water already specified, of which Noyonin Creek was never stated to be one, it is erroneous for the trial court to conclude that the del Valle dam in the present controversy was likewise existing, just like the Cabay dam,"in 1925 and for more than 20 years prior to 1912".

The main basis for engineer Sison's conclusion that Mr. del Valle had been using the water uninterruptedly for more than 50 years, and, consequently, also that of engineer Bagtas when he approved engineer Sison's report (Exhibit "J", "J-1"), was the attached statement of Mr. del Valle, dated 9 September 1925.[10] An analysis of this statement will show that it speaks of "a dam in question which is an old existing dam more than fifty (50) years old". Mr. del Valle stated as having repaired it and "extended both ends so as to close the Cabay River." [11] There is only one dam mentioned in the statement and the same clearly referred to the Cabay dam, east of the Taguan. Again, there is no mention of Noyonin Creek in Exhibit "L", hence, there is no basis at all to conclude that the Noyonin Creek waters were also being referred to. Therefore, plaintiffs have not acquired a prescriptive right over the said waters on the basis of said Exhibit "L".

The report of engineer Escobar (Exhibit "X") dated 18 April 1955 was presented by plaintiffs to prove that an earthen dam across the Aguirra Creek was already an accessory to the del Valle irrigation system in 1925. The existence of such a dam was merely conjectured, and the same author of that report, engineer Dionisio N. Escobar (who was plaintiffs' own witness in court) testified on cross-examination that the dam across the Aguirre, now in controversy, was not a part of the del Valle irrigation system in 1925; that said dam was constructed only in 1940 and that there is no record to show that said dam existed in 1925[12] (t.s.n., pages 493-494; 26 March 1958). The same witness categorically denied that the source of the del Valle irrigation system in 1925 was the Noyonin Creek or the Taguan River, because he said that "according to the record it comes from Cabay river" (t. s. n., page 500, Id). Witness Escobar thus reversed previous statements made by him on these material points in his earlier report, Exhibit "A", relied upon by plaintiffs del Valle. He further clarified that "the source of the present system[13] is from Noyonin Creek and the Taguan Creek as per sketch". The sketch referred to is Exhibit "K" prepared in April, 1955 by one Jose P. Peralta and accompanied still another report, dated 11 April 1955, of government engineer Vicente G. Alcañeses.[14] This Exhibit "K" is a modification of the old plan prepared by engineer Sison in 1925[15] and already embodies those subsequent improvements actually seen during the course of engineer Alcañeses' ocular inspection in 1955. A close look at Exhibit "K" will reveal that the old canal "X" indicated in the 1925 "Plan B" still appears. In the 1925 report, engineer Sison[16] had stated that "the water flowing thru X (see attached plan B) comes from the ricefields at sitio Noyonin; and the water flowing thru Y is that of course from X in addition to that flowing from Talon Spring" This canal "X" is clearly different from the "man-made-canal" shown on Exhibit "K" (marked "Exhibit 2" therein) connecting the Aguirra Creek and Cabay dams. Both, as already stated, appear on Exhibit "K", canal "X" being lower. Hence, while it is clear that the canal, Exhibit "2", diverts the waters of the Noyonin Creek eastward towards the Cabay dam from the del Valle dam across the mouth of the Aguirra Creek, its existence in 1925 is by no means established; for the plan attached to the 1925 Sison report (Exhibit "4") does not show it, That connecting canal can not be the canal "X" in Exhibit "4", since the arrows indicate that the flow of water in the latter comes from the south and not from the west.

Finally, engineer Escobar testified that he could not definitely say whether this "man-made-canal" (Exhibit "2", supra) connecting the Aguirra Creek dam and the Cabay dam existed when "Plan B" was prepared in 1925. He said that if that existed at the time, it would have been placed on the said plan.

Escobar's testimony is further strengthened by the report of engineer Vicente Alcañeses dated 11 April 1955[17] that "the decision handed down by the then District engineer, J. V. Bagtas[18], concerning the water rights of del Valle over the Cabay River cannot be applied to the present dispute". Alcañeses found it clear, as a result of his ocular inspection, that the dam in controversy in the present del Valle-Hernandez case could not have been the dam under litigation in the Ramos-Sales vs. del Valle case of 1925, inasmuch as the dam in controversy in the present appeal was found by him to have been constructed only in 1940, with improvements and repairs done in April, 1952.

It is indeed remarkable that among the concessionaires of appropriators of water from the Taguan River listed in the Government concession of 1918 (Exhibit "B"), the name of del Valle does not appear, while those of appellants are specified. The attempted explanation of appellees, and their witnesses, that appellants drew water exclusively from the Taguan and Taguan Segundo (or Puntor) by means of a wooden flume (alulod) over the Noyonoyin can not be true, for the Government concession, Exhibit "B", makes no mention thereof, despite its manifest importance for excluding the waters of the Noyonoyin Creek from those of the Taguan River granted to appellants. Neither is any such structure mentioned in the Sison-Bagtas report of 1925, or in the Alcañeses report of 1955. Such an unusual device could not have escaped the attention of the engineers that inspected the site in 1918, 1925 and 1955.

Clearer still against the del Valles' claim of exclusive use of the waters of the Noyonoyin Creek is the undenied fact that Nicolas Maralit, one of the water concessionaires of the Government in 1918 (No. 2 in Exhibit "B") had his own diversion dam in the Noyonoyin Creek above the mouth of the Aguirra (shown in the Plan, Exhibit "10", with the label "Sala Maralit"). And there is no evidence that the del Valles ever protested against the construction of this dam.

At any rate, the abusiveness of the erection (and subsequent elevation) of the del Valle dam across the mouth of the Aguirra, to the detriment of appellants who derive from the latter the water for their own ricefields, is the remark of plaintiffs-appellees' own witness, engineer Escobar, in his report, Exhibit "A", paragraph 4:

"But with the construction of the Aguirra dam, Mr. Del Valle is not only appropriating water from the Noyonoyin River but also from the Taguan River, allowing only water which overflows for the use of the irrigation (irrigators) below the dam in controversy." (Emphasis supplied)

The other basis for the lower court's conclusion that plaintiffs-appellees acquired a prescriptive right over the Noyonoyin Creek is the easement of buttress (Solis vs. Pujeda, 42 Phil. 697) which allegedly existed on the land of defendant-appellant Hernandez for many years without objection on his part. The easement of buttress is specifically provided for under Article 143 of the Law of Waters, which states that -

"If the dam is for the use of public waters the Government shall make an investigation of record, and upon granting the concession, shall after hearing the owner of the land, decree also the compulsory easement of buttress. If the waters are of private ownership, the easement shall be imposed by the governor of the province subject to the procedure established for the easement of conduit."

In the above-cited case of Solis vs. Pujeda, it was held that, by Article 143 of the Law of Waters, an easement of buttress can be imposed by administrative authority with respect to land lying adjacent to public or private waters; but in such case it is required that an investigation of record shall be made before the easement of buttress is decreed.[19] The Court further said that -

"For the purpose of this decision it may be taken for granted that the Bureau of Lands is the proper repository of the administrative authority conferred in said article with respect to the decreeing of the easement in case of public waters, and the Director of Lands may be assumed to be the proper official to conduct the investigation

and make the appropriate order. Nevertheless, the making of the investigation of record is an essential prerequisite to the exercise of the power. This implies that the interested parties shall have an opportunity to be heard and that record be made of the proof adduced with reference to the proposed servitude and the damage to result therefrom. These formalities are essential; otherwise, the decreeing of the servitude would be obnoxious to the constitutional provision which forbids the taking of property without due process of law. The administrative investigation contemplated in article 143 of the Law of Waters must proceed along the lines of a judicial inquiry, at least to the extent of giving the parties an opportunity to be heard and making record of the proof pertinent to their respective contentions." (Underscoring supplied)

Defendant Melecio Hernandez in his deposition[20] stated that the concrete dam was constructed in 1940 stealthily and without his knowledge and that when he discovered the same about one-half year later after its construction, he requested the overseer of Mr. del Valle to have the dam opened, but the request went unheeded. Instead, the dam was increased in height in April, 1952, thereby closing the source of water of the Aguirre Creek. The defendant stated that he was angered when he learned of the dam being abutted to his riceland but he was unable to do anything after its discovery because of the disorder during the Japanese times. However, a petition by the Cabay irrigators was later on filed with the local municipal authorities[21] a copy of which was subsequently presented to the PCAC, Malacañan, with an accompanying letter of Atty. Francisco Hernandez[22], but no effective redress was obtained. Instead, an endorsement of the previous findings of engineers J.V. Bagtas and E.V. Sison[23], already discussed, was made.

Plaintiffs tried to prove notice to the appellees of the construction of the concrete dam through witness Anastacio de Rosales, but this witness' credibility becomes doubtful when he testified that he contacted Sebastian Rodriguez, overseer of Dionisio Cabuniag (among other Cabay irrigators), in May, 1940 and talked to him (t.s.n., page 49, 10 December 1956), but Sebastian Rodriguez turned out to be dead as early as 4 February 1956, as shown in his death certificate, Exhibit "I".

The applicable laws on prescription require 20 years adverse uninterrupted possession.

"ART. 39. The right to enjoy in perpetuity the waters of springs and creeks is acquired by the owners of lower estates, and in the same way by those adjoining estates when they have appropriated said waters without interruption for a space of twenty years." (Spanish Law of Waters of 3 August 1866)

"ART. 194. Any person who has enjoyed the use of public waters for a term of twenty years without objection on the part of the authorities or of any third person, shall continue in its enjoyment, even though he may not be able to show that he secured proper permission." (Id.)

"ART. 409. The use of public waters is acquired:

(1) By administrative concession.

(2) By prescription of twenty years."

(Civil Code of 1889, now Art. 504, N.C.C.)

For prescription to set in, the possession must be adverse, continuous, public and to the exclusion of all other persons.[24]

This Court finds no clear, preponderant evidence that plaintiffs have been using the waters of Noyonoyin Creek uninterruptedly for twenty years or more, much less to the exclusion of all others. Hence, they cannot be declared to have acquired a prescriptive right over the said waters. Such preponderance must be clear, to nullify the 1918 Government grant of water rights in favor of appellants herein.

Plaintiffs' theory that the Aguirre Creek dam was an accessory to the whole del Valle irrigation system in 1925

must be rejected as without basis. The only clear proof is that appellees del Valle started to appropriate Noynoyin Creak waters exclusively for themselves only in 1940 when a concrete dam was constructed at the mouth of the Aguirre Creek. Since only about 15 years have elapsed from the time the waters were first appropriated by the appellees in 1940 up to the filing of the complaint in October, 1955, it is this Court's opinion that the parties shared jointly in the use of Noynoyin Creek waters before 1940 and, therefore, the use by appellees del Valle was not ex-clusive nor adverse to others. Under the facts, defendant Hernandez must be absolved from the liability to pay attorney's fees to plaintiffs.

Appellants' claim for damage to their crops must be denied for the reason that they are already sharing in the use of the waters pursuant to an arrangement agreed upon during the trial of the case in January, 1956, and their evidence of crop losses during the previous years is far from satisfactory. It is not only the shares of the tenants that must be deducted from the value of the crops allegedly lost, but also the land taxes and production costs shouldered by them, and there is no proof of their import. Moreover, the law places on the shoulders of the party suffering loss or injury the duty of exercising the diligence of a good father of a family to minimize his damages (Civil Code of the Philippines, Article 2203, *Castelvi vs. Cia General de Tabacos*, 49 Phil. 998); and it is clear from the record that appellees herein only sought remedy in December, 1954. Nevertheless, considering that plaintiffs-appellees del Valle, not content with reducing the water available for the appellants' fields by the cons-truction of the dam in controversy, deliberately blocked totally their water supply by increasing the elevation of the dam in 1952, without appellants' consent and without government authorization, this Court finds that said appellants are entitled to recover moral damages pursuant to the first part of Article 2220 of the Civil Code of the Philippines, providing that -

"ART. 2220. Willful injury to property may be legal ground for awarding moral damages if the court should find that under the circumstances such damages are justly due."

These damages are assessed at P2,000.00 for each of the appellants, defendant as well as intervenors.

In addition, justice and equity demand that plaintiffs-appellees be further sentenced to pay appellants P5,000.00 by way of attorneys' fees, since appellants, who are small landholders, were forced to enter into a litigation that they could ill afford in order to protect their interests (Article 2208, paragraphs 2 and 11, Civil Code).

WHEREFORE, the decision appealed from is reversed, and a new one entered dismissing the complaint and sentencing plaintiffs-appellees del Valle to demolish at their expense the dam they erected at the confluence of the Noynoyin and Aquirra creeks in the municipalities of Tiaong and Candelaria, Quezon Province, within ninety (90) days from the finality of this decision; to pay jointly and severally to defendant-appellant Melecio Hernandez P2,000.00 by way of moral damages, and a like sum to each and every intervenor-appellant. In addition, said appellee shall pay P5,000.00 attorneys' fees, and the costs.

Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, and Makasiar, JJ., concur.

Concepcion, C.J., on official leave.

Villamor, J., did not take part.

[1] Exhibit "3".

[2] Point "E", Exhibit "10".

[3] Point "0-1", Id.

[4] Emphasis supplied; Decision, Record on Appeal, page 2.

- [5] Exhibit "J-2".
- [6] Exhibit "5".
- [7] Emphasis supplied.
- [8] See Exhibit "4".
- [9] Emphasis supplied.
- [10] Exhibit "L".
- [11] Underscoring supplied.
- [12] Emphasis supplied.
- [13] Underscoring supplied.
- [14] Exhibit "3", supra.
- [15] "Plan B", Exhibit "4", supra.
- [16] Exhibit "J-1", supra.
- [17] Exhibit "3", supra.
- [18] Exhibit "J", ante.
- [19] Emphasis supplied.
- [20] Exhibit "7-B".
- [21] Exhibit "F-1" (Undated).
- [22] Exhibit "F", dated 7 December 1954.
- [23] Exhibits "J" and "J-1", respectively.
- [24] Corpuz vs. Padilla, 5 SCRA 814.

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