

**MUNICIPALITY OF BOCAUE, ET AL., PLAINTIFFS AND APPELLANTS,
VS. SEVERINO MANOTOK AND MARIA MANOTOK, DEFENDANTS AND
APPELLEES.***G. R. No. L-6528. May 25, 1953*

Ponente: BAUTISTA ANGELO, J.

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In the Court of First Instance of Bulacan, the Municipality of Bocaue and the Province of Bulacan, represented by the Provincial Fiscal, filed an action for the expropriation of certain parcels of land. The defendants filed their answer. Thereafter, the defendants filed an action to dismiss alleging that the issue raised is now a settled matter in view of the several decisions of the Supreme Court. With this motion, the Provincial Fiscal joined hands being convinced that plaintiffs have no cause of action. On September 24, 1924, the court issued an order dismissing the case. The law firm of Alvir & Macapagal, claiming to have been authorized by the plaintiffs, took steps to appeal from said order, and despite the objection of defendants, the court gave due course to the appeal.

Defendants now come praying for the dismissal of the appeal contending that the law firm of Alvir & Macapagal has no right to represent the plaintiffs, nor can it be authorized to represent them, for under the law, plaintiffs can only be represented by the Provincial Fiscal in civil actions wherein they are parties in interest. The motion to dismiss is vigorously objected to by said law firm of Alvir & Macapagal. The Solicitor General, in his comment on the matter, agrees with counsel for the defendants.

Under the law, the Provincial Fiscal of Bulacan and his assistants are charged with the duty to represent the province and any municipality thereof in all civil actions, except in cases where original jurisdiction is vested in the Supreme Court or in cases where a municipality is a party adverse to the provincial government (Section 1681-1683, Revised Administrative Code). The municipal council is authorized to employ a special attorney for the municipality only if the Provincial Fiscal is disqualified to serve (Paragraph 2, Section 1683, Revised Administrative Code). This is what we said in the case of Eugenio Reyes, et al. vs. Judge Pablo G. Cornista, et al., 92 Phil. 838.

It would seem clear that the Provincial Fiscal is the only counsel who can rightfully represent the plaintiffs and, therefore, Attys. Alvir & Macapagal have no standing in the case. The appeal herein interposed in behalf of the plaintiffs cannot therefore be maintained.

Wherefore, the appeal is hereby dismissed, without costs.

Paras, C. J., Feria, Pablo, Bengzon, Montemayor, Reyes, Jugo, and Labrador, JJ., concur.

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