

THE HONORABLE RAMON D. BAGATSING, JESUS L. CARMELO AND FRANCISCO L. PIMENTEL, PETITIONERS, VS. HONORABLE A. MELENCIO HERRERA AND VICENTE S. PULIDO, RESPONDENTS.

G.R. No. L-34952. July 25, 1975

Ponente: AQUINO, J.

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AQUINO, J.:

This case involves the reinstatement of Vicente S. Pulido to the position of executive sheriff and court liaison officer of the sheriff's office in Manila.

On December 23, 1969 Mayor Antonio J. Villegas appointed Pulido as chief deputy sheriff and chief of division of the sheriffs office in Manila (Item 2 of Budget Ordinance No. 6651). His prior position was branch clerk of court in the Court of First Instance of Manila. (The Clerk of Court of the Court of First Instance of Manila is the ex-officio sheriff).

The Municipal Board in Resolution No. 65 dated February 24, 1970 changed Pulido's designation to executive sheriff and court liaison officer (assistant chief of office) and increased his salary to twenty thousand pesos per annum. Mayor Villegas approved that resolution.

On February 1, 1972 eight employees charged Pulido administratively with having engaged in partisan political activities in behalf of Mayor Villegas during the 1971 elections. On February 15, 1972 Mayor Ramon D. Bagatsing, who had vanquished Villegas in the 1971 mayoralty race, suspended Pulido.

In view of that preventive suspension, Pulido on March 9, 1972 filed in the Court of First Instance of Manila a petition for certiorari and prohibition against Mayor Bagatsing and his investigators, Jesus L. Carmelo and Francisco L. Pimentel, the incumbent chief and assistant chief, respectively, of the complaints, investigation and public assistance division of the Mayor's office. Pulido in his petition prayed for a writ of preliminary mandatory injunction for his reinstatement and a preliminary preventive injunction to restrain the administrative investigation (Civil Case No. 86437).

The lower court in its order of March 11, 1972 directed Mayor Bagatsing to reinstate Pulido and temporarily restrained the administrative investigation. After Pulido had posted bonds in separate amounts of five hundred pesos, the lower court issued a writ of preliminary mandatory injunction and a temporary restraining order both dated March 13, 1972. The motions of Bagatsing, Carmelo and Pimentel for the reconsideration of that order were denied by the lower court in its order of April 6, 1972.

On April 11, 1972 Bagatsing, Carmelo and Pimentel filed in this Court the instant special civil actions of certiorari and prohibition to annul the lower court's order of March 11, 1972, the writ of preliminary mandatory injunction reinstating Pulido and the order suspending the administrative investigation.

The petition was given due course. This Court issued a temporary restraining order on April 27, 1972. The order was amended on May 10, 1972 in the sense that the administrative investigation may proceed but no decision

should be rendered until further orders from this Court. Pulido filed his answer. The case was duly heard. The parties submitted memoranda.

The lower court, in justifying its order of reinstatement, reasoned out that inasmuch as the executive sheriff is a ministerial officer, whose conduct can be controlled by the court (Sec. 5[a], Rule 135, Rules of Court), his suspension would supposedly impair the court's normal functioning. And in enjoining the administrative investigation, the lower court observed that it was violative of due process because the Mayor occupied the dual role of offended party and investigator.

Pulido contends that the City Mayor has no jurisdiction over the sheriff's office and its personnel and that only the Court of First Instance or the Department of Justice can exercise supervision and control over him. He argues that the lower court did not gravely abuse its discretion in ordering his reinstatement and in restraining the administrative investigation.

On the other hand, Mayor Bagatsing and his two investigators contend that the employees of the sheriffs office in Manila have always been appointed, investigated and removed by the City Mayor and not by the Secretary of Justice nor by the Judges of the Court of First Instance of Manila (see the 31 Annexes, A to A-24 and B to B-5 attached to petitioner's memorandum) and that those employees should not be confounded with the deputy sheriffs attached to the Courts of First Instance who were appointed by the Secretary of Justice (Annexes E to E-9).

The Mayor and his investigators invoke sections 11(q) and 22 of the City Charter which empower the Mayor to appoint and remove city employees whose appointment is not vested in the President of the Philippines. They cite the provision that "heads of chartered cities shall have original jurisdiction to investigate and decide on matters involving disciplinary action" (Sec. 33 of the Civil Service Law. See Sec. 4 of the Decentralization Law). They point out that House Bill No. 4688, which was reported by the Judiciary Committee on April 6, 1972 and which sought to amend section 183 of the Revised Administrative Code by placing the Sheriff, his deputies and the personnel of his office under the administrative supervision and control of the Secretary of Justice, implies that the Secretary does not have that power under existing law.

Counsel for Bagatsing, Carmelo and Pimentel concluded that the lower court acted with grave abuse of discretion in ordering Pulido's reinstatement and in restraining the administrative investigation because the Court of First Instance of Manila is not vested with any inherent power to control Pulido's conduct and is devoid of any power to investigate and remove him and that even the Secretary of Justice does not possess such powers over Pulido.

On October 9, 1972, in compliance with Letters of Instruction Nos. 14 and 14-A, Pulido tendered his resignation as executive sheriff to the Secretary of Justice (See Letter of Instruction No. 14-B dated November 9, 1972). In a letter dated December 28, 1972 Bagatsing requested the Secretary to forward Pulido's letter of resignation to the Mayor's office. The Mayor said that Pulido's resignation should have been submitted to his office because Pulido "is a city employee, his appointment having come from this (the Mayor's) office".

On January 3, 1973 the Secretary transmitted Pulido's letter of resignation to Mayor Bagatsing. On receiving it, the Mayor accepted Pulido's resignation effective February 6, 1973. Pulido moved for the reconsideration of the Mayor's action. He alleged that his resignation could not be accepted because the question of whether it was the Mayor or the Secretary of Justice who could remove him was sub judice. He added that because the Supreme Court under the new Constitution has administrative supervision over all courts and the personnel thereof the status quo in his case should have been maintained. He filed a motion in this Court praying that the Mayor be declared in contempt of court. That motion has not been resolved.

This Court in its resolution of June 8, 1973 required the parties to show cause why the case should not be

considered moot in view of the Mayor's acceptance of Pulido's resignation.

Petitioners Bagatsing, Carmelo and Pimentel manifested that because of the acceptance of Pulido's resignation the instant case had become moot and should therefore be dismissed.

Pulido took a different view. He averred that the instant case had become moot by reason of the transfer to this Court of the administrative supervision over all courts and their personnel (Sec. 6, Art. X of the Constitution; Sec. 1, Presidential Decree No. 185 dated May 7, 1973). He said that such power includes the appointment and discipline of court personnel.

His alternative contention is that, if the Constitution would not be applicable to his case because the position of executive sheriff could not be included in the term "personnel of the court", then the instant case should be dismissed on the ground that it is the Secretary of Justice who has administrative supervision over him. Pulido reiterated his contention that the Mayor's acceptance of his resignation contravened the restraining order issued by this Court.

Pulido apprised this Court that the five criminal cases filed by the Commission on Elections (Comelec) against him for electioneering, the same charge which was ventilated in the administrative case, were dismissed for insufficiency of evidence by the Court of First Instance of Manila.

At this juncture, it is apropos to state that on December 4, 1974 the Comelec's Amnesty Special Division, composed of Fernando R. Veloso, Jose M. Mendoza and Casimiro R. Madarang, Jr., issued an order declaring that Pulido, as respondent in the administrative case pending in Mayor Bagatsing's office, "is entitled to the amnesty granted in Presidential Decree No. 433".

In view of that amnesty order, Pulido asked Mayor Bagatsing to dismiss the administrative case, lift the order of suspension and reinstate him. Inasmuch as the Mayor did not act on that request, Pulido filed in this Court on January 8, 1975 an urgent motion for the lifting of the amended temporary restraining order dated May 10, 1972 so that he could be reinstated.

Mayor Bagatsing, Carmelo and Pimentel, in their comment on Pulido's urgent motion, alleged that the acceptance of Pulido's resignation rendered moot his certiorari and prohibition actions against them in the lower court (Civil Case No. 86437 from which the instant case arose). They argued that Pulido's action was premised on the continuity of his tenure as executive sheriff and court liaison officer but that his employment was terminated by the acceptance of his resignation. They opined that only a reappointment could restore him to the position from which he had resigned and that an amnesty or pardon does not automatically restore to the service a dismissed or suspended public officer.

They further contended that the lifting of the restraining order would render the instant case moot, considering that the petition herein was filed for the specific purpose of preventing Pulido's reinstatement. That objective was attained by the acceptance of his resignation.

The ostensible issue in this case is whether the lower court acted with grave abuse of discretion, amounting to lack of jurisdiction, in ordering Pulido's reinstatement and in enjoining the administrative investigation. As indicated in the pleadings and memoranda, the legal issue is whether the Mayor of Manila, who appointed Pulido, is clothed with authority to investigate, suspend, discipline and remove him. The trial court's questioned order was predicated on the assumption that it possessed the prerogative to control the conduct of Pulido, as a ministerial officer of the court, and that it was unfair that Bagatsing, as the aggrieved party, should investigate Pulido. The supervening issue is whether Bagatsing's acceptance of Pulido's resignation rendered the instant case moot.

As already noted, the parties agree that the instant case had become moot. However, they assign divergent grounds to support their conclusions. Whichever viewpoint is followed, the fact is that to declare this case moot it is necessary to resolve the issue of who has the power to remove Pulido. That issue cannot be evaded.

The difficulty in resolving that issue lies in the dual character of Pulido's position. He was appointed by the Mayor to a position provided for in the city budget. In that sense he is a city employee. But his work is essentially judicial. He is an officer of the Manila Court of First Instance. For that reason, he should logically be under the administrative supervision of the Secretary of Justice, now this Court.[*]

We are of the opinion that Pulido, as an executive sheriff and court liaison officer appointed by the Mayor and receiving compensation out of city funds, was a city employee subject to the Mayor's disciplinary jurisdiction. The Mayor is invested with the power to investigate, suspend, discipline and remove him (See secs. 11[q] and 22, Charter of Manila). Generally, the power to remove is inherent in the power to appoint (Lacson vs. Romero, 84 Phil. 740, 749). By virtue of that power of removal, two deputy sheriffs in the Manila sheriffs office were dismissed by Mayors Villegas and Bagatsing.

The Mayor's exercise of the power of removal would be subject to review by the Commissioner of Civil Service as provided in section 33 of the Civil Service Law and in Presidential Decree No. 6 dated September 27, 1972 which amended certain rules on discipline of government employees (68 O.G. 7971).

As Pulido was a city employee, his resignation could be accepted by the Mayor (See Letter of Instruction No. 14-B, 68 O.G. 8864-7, extending to local officials the coverage of Letter of Instruction No. 14-A).

The fact that the Secretary of Justice, when requested by Mayor Bagatsing, transmitted to him Pulido's letter of resignation is an admission by that high official that Pulido was under the Mayor's administrative control and was not an employee of the Department of Justice.

Pulido's case is distinguishable from the deputy sheriffs attached to the salas of the Courts of First Instance who were appointed by the Secretary of Justice and who obviously were under the Secretary's disciplinary jurisdiction (See Resolution of this Court dated January 15, 1974 in Administrative Matter No. P-17, Madera vs. Caldea where a deputy sheriff of the Manila CFI and two deputy sheriffs of the Manila sheriff's office were investigated by Judge Serafin Cuevas, who reported his investigation to this Court as the successor of the Secretary of Justice).

The irony in Pulido's case is that as long as Mayor Villegas was in power he apparently wanted to be categorized as a city employee. His original salary of P9,600 per annum was raised to P20,000. His appointment was never submitted for approval to the Secretary of Justice. And the designation of his position was modified so as to give the impression that he was not a mere deputy sheriff but also a liaison officer between the City of Manila and the Court of First Instance.

But when Mayor Bagatsing succeeded Villegas, Pulido, to avoid being discipline by Bagatsing, wanted to submit to the disciplinary jurisdiction of the Secretary of Justice. He took pains to establish that he was a judicial officer or court functionary who could only be removed by the Secretary of Justice although the ground for removal, which was engaging in partisan political activities, had no connection with his judicial duties.

Pulido's contention that he was subject to the administrative jurisdiction of the Secretary of Justice who had "supervision and control of the provincial sheriffs" (Sec. 83, Revised Administrative Code) is untenable. He is not a provincial sheriff. The Revised Administrative Code makes a distinction between the sheriff of Manila and the provincial sheriffs as may be readily discerned from Article XI (Office of the Sheriff), Chapter 9 of that Code dealing with courts of superior jurisdiction.

And the circumstance that, by reason of the duties of his office, the executive sheriff, like the sheriff, is a ministerial officer of the Court of First Instance does not mean that the Mayor cannot investigate, suspend, discipline or remove him. The Court of First Instance may control the conduct of an executive sheriff in the sense that, if he fails to comply with the court's orders, he may be adjudged in contempt of court and punished accordingly (*People vs. Covacha*, 52 Phil. 704, 708; *Pacis vs. Averia*, L-22526, November 29, 1966, 18 SCRA 907).

Pulido's case is different from that of the deputy clerk of court of the municipal court (now City Court) of Manila who was appointed by the Secretary of Justice and was therefore under his administrative supervision. The municipal court of Manila is not included in any of the departments of the City of Manila (*Lacson and Aquino vs. Villafranca*, 114 Phil. 106).

Also to be distinguished from Pulido are the employees of the City Fiscal's Office of Manila. According to the city charter, the City Fiscal's Office is under the Department of Justice. Hence, the Mayor has no power to appoint the employees therein (*Sangalang vs. Vergara*, L-16174, October 30, 1962, 6 SCRA 295).

Inasmuch as Pulido was a city employee subject to the Mayor's disciplinary jurisdiction, the instant petition of Mayor Bagatsing and his investigators for certiorari and prohibition is meritorious. The lower court acted with grave abuse of discretion when in its order of March 11, 1972 it ordered Pulido's reinstatement and restrained the administrative investigation.

On the other hand, the acceptance by Mayor Bagatsing of Pulido's resignation had rendered the instant case moot. The purpose of the petition herein was to maintain Pulido's suspension, continue the administrative investigation and ultimately remove him. As already stated, that objective was encompassed when his resignation was accepted.

WHEREFORE, the instant case is dismissed. No costs.

SO ORDERED.

Barredo, Antonio, and Concepcion, Jr., JJ., concur.

Fernando (Chairman), concurs in a separate opinion.

[*] Up to 1958 the original and promotional appointments of Alberto B. Mendoza (Pulido's predecessor) as chief deputy sheriff of Manila were made by the Mayor and approved by the Secretary or Undersecretary of Justice. But beginning July 19, 1961 and up to 1967 the seven promotional appointments of Mendoza as chief deputy sheriff were made by the Mayor and were approved by the Commissioner of Civil Service. The approval of the Secretary of Justice was not secured.

CONCURRING OPINION

FERNANDO, J.:

With the conclusion reached by the Court that this petition for certiorari and prohibition, while no doubt impressed with merit, need not require further action as the acceptance by petitioner Mayor Bagatsing of the resignation of respondent Pulido had terminated his right to the office of "executive sheriff and court liaison officer" of the City of Manila, I am in agreement. Nonetheless, I am persuaded to file this brief concurrence in view of my belief that the same result could be reached from another standpoint, one, to my mind, more fully in

accord with the cardinal concepts of separation of powers and independence of the judiciary, basic postulates of the constitutional system even more imperatively calling for observance, to my way of thinking, under the present Constitution where the exercise of the judicial power by the men on the bench and the enforcement of their orders by the minor officials in that branch of government should be fully and effectively insulated from extraneous influences. To be more specific, and in connection with this case, I refer to that which could come from the head of a local government unit. This is not to deny, however, that the opinion penned by Justice Aquino is notable for its lucidity of presentation and adequacy of treatment of the issues involved.

1. What strikes me as a significant fact in this litigation is that respondent Pulido was originally a branch clerk of court of one of the salas of the Court of First Instance of Manila. His status then as a functionary in the judicial department under the then supervision of the Secretary of Justice is undeniable. Thereafter, and as noted in the opinion, in view of the increase in pay from P9,600.00 to P20,000.00, he had himself appointed by the then City Mayor Antonio Villegas in what I consider to be the rather anomalous position of a so-called "Chief Deputy

Sheriff and Chief of Division" of the Sheriffs Office in Manila. As will be more fully discussed, I find it difficult to accept the view that a sheriff, considering both historical antecedents as well as a long line of decisions of this Court, impressive for their unanimity, could be other than a court functionary in the service of the national government and not of a municipal corporation. I can see that in a spirit of cooperation, local government units could help facilitate the enforcement of court orders, but it would seem at the very least unorthodox for one so designated to be in strict law a sheriff. This practice of using loosely certain terms which have acquired both a traditional and legal meaning should not be tolerated further. There are strong policy considerations that militate against it. It is productive of confusion; it could reflect on the judiciary itself. It is to be hoped that what is set forth in this decision would put an end to such an aberration, likely to be attended with deplorable consequences. The present Constitution leaves no doubt of the power of this Court to exercise supervision over all courts and the personnel thereof.[1] Certainly a sheriff cannot be considered as exempt from such exclusive competence of this Tribunal. For one in the service of the judiciary to be beholden to a local government executive is not to be tolerated.

2. It is a matter of history that the judiciary, both under the 1935 Constitution and the present Charter, is an inheritor of the Anglo-American legal tradition. While the common law as such, to quote from the 1912 decision of *Alzua v. Johnson*,[2] "is not in force,"[3] in this jurisdiction, "to breathe the breath of life into many of the institutions introduced [here] under American sovereignty recourse must be had to the rules, principles, and doctrines of the common law under whose protecting aegis the prototypes of these institutions had their birth." [4] A sheriff is "an officer of great antiquity, and was also called the 'shire reeve,' x x x." [5] A shire, in English law, is a Saxon word signifying a division later called a county.[6] A reeve is "an ancient English officer of justice inferior in rank to an alderman xxx appointed to process, keep the King's peace, and put the laws in execution." [7] "From a very remote period in English constitutional history," as set forth by Maitland in his classic work,[8] "the shire had another officer, namely the shire reeve or as we say, sheriff." [9] Similarly, Taswell-Langmead, whose work on English constitutional history is likewise noteworthy, emphasized that the sheriff "was the special representative of the regal or central authority, and as such usually nominated by the King." [10] The very term "common law" implies that it is the law applied throughout England by the King's courts, hence, common to all found within the territorial domain. Since the earliest times, both in England and the United States, a sheriff has continued his status as an adjunct of the court and not of a municipal corporation. As it was there, so it has been in the Philippines from the time of the organization of the judiciary upon the cession of the Philippines from the United States. The change of status to a Commonwealth under the 1935 Constitution and thereafter to an independent Republic, now with the present Constitution, certainly did not change matters. It would be therefore

an unjustified departure from the course of history if such functionary were considered as being excluded from the personnel of a court of justice and counted as a minor official of a local government unit.

3. Now for the precedents. A sheriff, Chief Justice Arellano categorically affirmed in *Quesada v. Artacho*,^[11] is "a judicial officer."^[12] Justice Moreland, in *United States v. Manalo*,^[13] varied the phraseology somewhat by referring to him as "an officer of the court."^[14] More specifically, he is, according to Justice Street in *Bachrach Motors Co. v. Summers*,^[15] "the executive officer of the Court of First Instance."^[16] His competence, according to Justice Torres in *Uy Piaoco v. Osmena*,^[17] "involves both [discretion] and personal liability . . ."^[18] Implicit in his status as functionary of a court is that he be subject to its orders, the duty of obedience being cast upon him. This principle was emphasized by Justice Moreland in his extended opinion in *United States v. Manalo*^[19] in this wise: "It is absolutely essential to the proper administration of justice that courts have full control over the official actions of those through whom the administration of the affairs of the court proceeds."^[20] That explains why, as Justice Mapa stressed in *United States v. Ramayrat*,^[21] it is the sheriff and not a private individual who is to be held accountable for failure to carry out a writ of execution. "It is the duty of a sheriff as an officer of the court, Justice Fisher pointed out in *Campomanes v. Bartolome*^[22] "to act in accordance with the law ..,"^[23] The due observance of such a basic principle, not always fully complied with, certainly has less obstacles when it is the judge, and the judge alone, who has full control of his actuations. If, on the other hand, there is likewise his loyalty to the head of a local government to consider, a sheriff may be swayed by other factors.

4. That leads me to the policy considerations. For judicial independence to be a reality, the least interference by or influence from other governmental departments is of the essence. It was a commendable innovation then for the present Constitution to provide explicitly, as noted, for this Tribunal's administrative supervision over all courts and the personnel thereof. Such function was formerly in the hands of the Secretary of Justice. While it is true that the judicial and administrative spheres do not occupy the same terrain, the boundary line may be tenuous at times. Moreover, it is a truism that when it comes to the administration of justice, it is not only essential that impartiality be the rule but also that so it must appear. Then again, when the Department of Justice exercised such competence, its field of operations covered the entire Philippines. It was not likely then that it could, even if its officials were so minded, pay close attention to every nook and corner of the land. A city, provincial, or town executive stands on a different footing. He is concerned with a much smaller area. It is thus easy for him to concentrate. To be more specific, through an executive sheriff and liaison officer, he is kept fully informed. Then too, he could take steps, subtle and not too ostensible, to achieve what he thinks is good for his unit of government. The possibilities are appalling. It could very well be that the probabilities are much less. It seems to me though that *obsta principiis* should be the rule. If there were something objectionable then where there was executive supervision, the situation is infinitely worse if it could be deemed to be legally permissible for a local government to have a hand in the appointment of an executive sheriff serving as a court functionary. It would interpret then the decision arrived at today as likewise a clear enunciation of the principle that the acceptance of the resignation of respondent Pulido which rendered the case moot affords no warrant for petitioner Mayor to appoint a successor to such a position in the city government, the creation of which was indefensible in theory and likely to be deleterious in practice. Thus for me, it is clearly a step in the right direction.

5. One last word. The sad fate that now befalls respondent Pulido elicits a degree of sympathy. Presumably he was a career man in the judicial service. In the usual course of events, assuming his competence, he would have attained a higher rank and position. As a result, however, of what certainly for a salaried individual was the generous offer of a fabulous increase in stipend, he could not resist the temptation. He transferred to the City administration. He was picked by the then City Mayor for that choice plum. Politics being what it is and his sense of gratitude impelling respondent to act the way he did, the successor in the mayoralty post, petitioner Bagatsing, was of a different mind about his suitability for the position. What is more, it certainly would not be extremely

difficult to detect in respondent's previous actuations evidence of proscribed partisan activity. Hence the difficulty he now finds himself in. It could have been avoided had he not succumbed to the goad of ambition. He is then a victim of the exercise of his own free will; his predicament is of his own making. Viewed in that light, the decision arrived at is far from objectionable. Moreover, for respondent Pulido. the future, at least in some other branch of the government, is not foreclosed by the manner this case is terminated.

[1] According to Art. X. Sec. 6 of the Constitution: "The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[2] 21 Phil. 308.

[3] Ibid, 331.

[4] Ibid, 332.

[5] Black's Law Dictionary, 4th ed., 1543 (1951).

[6] Ibid, 1547.

[7] Ibid, 444.

[8] Maitland, The Constitutional History of England (1908).

[9] Ibid, 40.

[10] Taswell-Langmead, English Constitutional History, 14-15 (1905).

[11] 9 Phil. 104 (1907).

[12] Ibid, 106, Cf. Gonzales v. Banes, 7 Phil. 158 (1906); Waite v. Peterson, 8 Phil. 449(1907); Osorio v. Cortez, 24 Phil. 653 (1912); Standard Oil v. Babasa, 34 Phil. 354 (1916); Real v. Mallari, 34 Phil. 547 (1916).

[13] 14 Phil. 747 (1909).

[14] Ibid.

[15] 42 Phil. 3 (1921).

[16] Ibid, 10.

[17] 9 Phil. 299 (1907).

[18] Ibid. 307. This ruling was affirmed in Puig v. Mercado, 13 Phil. 186 (1909). Cf. Uanotoc v. McMicking, 10 Phil. 119 (1908).

[19] 16 Phil. 654 (1909).

[20] Ibid, 656, Cf. Aldecoa and Co. v. Navarro, 23 Phil. 203 (1912).

[21] 22 Phil. 183 (1912). Cf. Chua Doc De v. Artadi, 28 Phil. 178(1914) and Alagar v. Pio de Roda, 29 Phil. 129 (1914).

[22] 38 Phil. 808 (1918).

[23] Ibid, 814. Cf. "If an execution against one man would excuse the sheriff for taking and selling the property of another, every citizen would be at his mercy and none could call his estate his own." Codesal v. Ascue, 38 Phil.

902, 904 (1918). Also: *Moreno v. Reyes*, 39 Phil. 462 (1919) and *Ituvalde v. Velasquez*, 41 Phil. 886 (1920).

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