

FLORENCIO CABONITALLA, ET AL., PETITIONERS, VS. HON. AMADO SANTIAGO, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH V OF THE COURT OF FIRST INSTANCE OF PANGASINAN, LUDOVICO ESTRAD...*G.R. No. L-21062. February 28, 1969*

Ponente: CONCEPCION, C.J.

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Original action for certiorari and prohibition, with preliminary mandatory and prohibitory injunction, as well as mandamus, to set aside several orders of respondent Hon. Amado A. Santiago, as Judge of First Instance of Pangasinan, to restrain him from enforcing said orders, to compel him to restore petitioners herein - numbering 302 - to their status quo (ante) and to allow them to present evidence in support of some motions filed by them.

The property involved in this case is a land of about 451 hec-ares, situated in the Municipality of Alcala, Pangasinan, and originally belonging to Cristina Gonzales Schenkel, who had inherited it from her deceased father. Mrs. Schenkel had mortgaged the land to the now defunct Agricultural Bank, which, upon non-payment of the debt thus guaranteed, caused the mortgage to be foreclosed. At the public auction held therefor, the land was on November 28, 1922, sold to the Government, as its highest bidder, in whom title to the property was vested on November 28, 1923, no redemption having been made within the statutory period.

Before the date last mentioned, or on October 8, 1923, Mrs. Schenkel filed a lease application for said property, but the Director of Lands - hereinafter referred to as the Director - advised her that, being married to E. A. Schenkel, a Swiss citizen, she was not qualified therefor. Thereupon, Mrs. Schenkel organized the Cristina Gonzales Inc. - hereinafter referred to as the Corporation - to which she assigned her rights in and to said property. On December 29, 1923, the Corporation applied for a lease thereon, which was objected to by ninety-three (93) former tenants - hereinafter referred to as the Tenants - of Mrs. Schenkel. This notwithstanding, after a bidding participated in by said tenants, the Secretary of Agriculture - hereinafter referred to as the Secretary - awarded the lease to the Corporation and granted thereto a provisional permit to occupy the land.

The Tenants, accordingly, sued the Corporation, the Secretary and the Director, in Civil Case No. 4969 of the Court of First Instance of Pangasinan - hereinafter referred to as the Lower Court - which, in due course, rendered judgment annulling the aforementioned award, declaring the Tenants "entitled to have the lease of the land as the highest bidders," and directing "the land officials to execute the lease to them." On September 3, 1930, this Court, in G. R. No. 32243[1], affirmed the decision of the Lower Court as regards the annulment of the lease to the Corporation, but, reversed said decision insofar as it awarded the lease to the Tenants, and remanded the case to the "land officials for x x x further proceedings", upon the theory that the nullity of the award to the Corporation did not necessarily render it mandatory to grant the lease to the Tenants, unless the latter first complied with the provisions of Act No. 3219.

Before the rendition of our decision in G. R. No. 32243, or on July 10, 1929, the Secretary allowed Mrs. Schenkel

to repurchase the land, pursuant to Act No. 3514, despite the opposition thereto of said Tenants. Owing, however, to the default of Mrs. Schenkel in the payment of some installments, the deed of sale in her favor was cancelled on August 5, 1932.

A little over a year later, or on November 8, 1933, the Tenants organized Pindangan Agricultural Co., Inc. - hereinafter referred to as Pindangan - which filed lease application No. 109 covering the property in question. Two (2) days later, or on November 10, 1933, Mrs. Schenkel, in turn, applied for its purchase. This application was granted and on December 7, 1936, a second deed of sale was, accordingly, executed in her favor. Pindangan objected thereto, but the Secretary did not heed the objection and, on December 24, 1936, rejected the lease application of Pindangan, as well as ordered its members to vacate the premises. Pindangan instituted, therefore, Civil Case No. 7421 of the Court of First Instance of Pangasinan, against Mrs. Schenkel, to annul said deed of sale, upon the theory that, being a Swiss citizen by marriage, she could not acquire public agricultural lands. The trial court rendered judgment for Pindangan, which, on April 30, 1949, was affirmed by this Courts.²

When Pindangan sought to take possession of the land, those holding the same opposed it. Hence, on or about August 2, 1948, Pindangan filed Civil Case No. 10394 of the Court of First Instance of Pangasinan³ against seven (7) persons⁴ named in the complaint therein⁵ - who allegedly refused to recognize Pindangan's possessory rights, and to pay the rental for the areas respectively held by them - to restrain them from "invading the premises of the land" in question "or any portion thereof and from molesting, disturbing or in any wise interfering" with Pindangan's alleged "possession and enjoyment thereof." As prayed for in said pleading, on August 16, 1948, the lower court ordered the issuance of a writ of preliminary injunction to this effect, which writ was issued on August 17, 1948. On or about October 25, 1948, Pindangan filed an "amendatory complaint"⁶ including therein twenty-one (21) additional defendants.⁷

Sometime later, or on July 9, 1949, Pindangan filed, with the Bureau of Lands, a sales application covering the land in question, either as a supplement or as an alternative to its lease application No. 109. The aforementioned sales application was, however, denied by the Director, on October 4, 1949, because of a report of District Land Officer Pedro Yu Asensi, dated October 5, 1948, stating that a majority of the actual occupants of the land were not stockholders of Pindangan and that the few stockholders who remained in the land had lost faith in the organization and its officers, as well as repudiated their membership therein, and, consequently, recommending that the land be subdivided into as many lots as there are actual occupants thereof - and there were 178 of them named in the list attached to said report - and then sold to them. The Secretary sustained the action taken by the Director, and, accordingly, rejected, on April 22, 1955, Pindangan's claim to a preferential right to either purchase or lease the disputed property.

Meanwhile, its occupants had filed individual sales applications for the portions respectively held by them and were given preferential permits to occupy the same. Prior thereto, or on August 15, 1950, Pindangan had amended its complaint in said case No. 10394, to include, as defendants therein, the Secretary, the Director, and the District Land Officer, as well as Emeterio de los Santos, Marcelo de los Santos, Severo Pascual and Dionisio Tadeo. In the amended complaint Pindangan prayed that judgment be rendered: (1) directing that its lease application No. 109, as well as its sales application dated July 9, 1949, be given due course, and that its preferential right to acquire the land either by lease or by purchase, be recognized; and (2) nullifying the action of the land officials in rejecting said applications. On February 28, 1958, the Court of First Instance rendered judgment in said case No. 10394, the dispositive part of which reads:

"WHEREFORE, judgment is hereby rendered:

"a. Rendering without effect that various resolutions of the official defendants mentioned in plaintiff's Amended Complaint as regards its Lease Application No. 109 and Sales Application of July 9, 1949, as well as

all applications filed by and provisional permits granted to the other defendants covering portions of the land in controversy, including those whose names appear in Ex-hibits '1' and '1-a' of the defendants;

"b. Ordering and directing the Director of Lands and the Secretary of Agriculture and Natural Resources to execute forthwith in favor of the plaintiff corporation the necessary documents of lease of the land in controversy for the maximum period allowed by the law and for the annual rental of P2,946.00, or if it so desires, the necessary documents of definite sale of the said land for the total sum of P51,157.23 (which is the bigger sum of the two sums mentioned herein), in full or in installments as the Public Land Act permits;

"c. The Director of Lands and the Secretary of Agriculture and Natural Resources are hereby ordered and directed to give the due course, in accordance with law, to plaintiff's Lease Application No. 109 and Sales Application of July 9, 1949, mentioned in its Amended Complaint, and thereafter to recognize and give effect, as provided for in the law, to the preferential right of plaintiff corporation to acquire the said land either by lease or by purchase, at its option.

"d. Condemning the defendants Jose P. Dans, Placido L. Mapa and Pedro U. Asensi as well as all the other defendants mentioned in plaintiff's Amended Complaint dated October 15, 1950, jointly and severally, to pay to the plaintiff corporation, by way of damages, the sum of P8,000.00, besides the costs of suit.

"e. Declaring permanent the writ of preliminary injunction heretofore issued in this case which is hereby extended to all persons not duly authorized by the plaintiff corporation to enter into the land in question, their agents, attorneys and other persons acting in their behalf and in their representation, and condemning all the said defendants all such persons acting in their behalf and for their account to perpetual silence as to plaintiff's right of possession and enjoyment of the said land."

The defendants in that case appealed from said judgment to the Supreme Court, in which the appeal was docketed as Case G. R. No. L-14591. During the pendency of this appeal, or on June 18, 1958, the Lower Court, presided over by Hon. Amado S. Santiago, Judge, ordered, on motion of Pindangan, the execution of paragraph (e) of the above-quoted dispositive part of its decision. Alleging that, in acting as it did, Judge Santiago had abused his discretion and exceeded his jurisdiction, the defendants in Case No. 10394 filed original Case G. R. No. L-14180 of this Court, against Judge Santiago and Pindangan, to annul the writ of execution issued pendente lite. After appropriate proceedings in G.R. No. L-14591, on April 25, 1962, We reversed said decision of Judge Santiago. On May 31, 1962, decision was rendered in G.R. No. L-14180 granting the writ therein prayed for, annulling the order of partial execution issued by Judge Santiago on June 18, 1958.

It appears that, meanwhile, or on November 25, 1958, Pindangan had filed, with the lower court, a motion to declare Ludovico Estrada, Fernando Estrada, Benjamin Estrada and Albino Mabalot guilty of contempt, upon the ground that they had entered several portions of the property in question and cultivated the same despite warnings to the contrary of Pindangan's agents, in violation, allegedly, of said order of June 18, 1958. Ludovico Estrada, et al. maintained, however, that the lower court had no authority to entertain said motion, in view of the appeal already pending in the Supreme Court and because two (2) of those sought to be dealt with for contempt were not parties in the case. Acting upon Pindangan's motion, Judge Santiago issued the corresponding order to show cause. A reconsideration thereof having been denied, Ludovico Estrada, et al. brought original Case G. R. No. L-15655 of this Court, against Judge Santiago and Pindangan, to annul the orders of Judge Santiago complained of, and to restrain further proceedings for contempt. In view of our decisions in G.R. Nos. L-14591 and L-14180, reversing the appealed judgment in Case No. 10394, and annulling the order for the execution of part thereof, this Court, on March 29, 1963, rendered judgment in said Case G.R. No. L-15655, holding that the petitioners therein cannot be dealt with for contempt of court, and, accordingly, making permanent the writ of preliminary injunction previously issued therein.

While these proceedings were taking place, or on November 28, 1962, those who claimed to have been ejected from the land in question by virtue of the order of Judge Santiago, dated June 18, 1958, for the partial execution of his decision in Case No. 10394, moved therein to be restored to their former landholdings. Overruling the opposition thereto filed by Pindangan, the Lower Court - then presided over by Hon. Angel P. Bacani, Judge - granted said motion, in an order dated December 28, 1962, the pertinent part of which we quote:

"WHEREFORE, it is hereby ordered, in the interest of justice and equity, that all the non-official defendants be restored to the possession and enjoyment of the land occupied by them previous to the decision of February 28, 1958 and the order of this Court dated June 18, 1958, thereby restoring the parties to the same condition or situation they were in before the filing of the action.

"For the effective and peaceful implementation and enforcement of this order, the following, as recommended by defendants' counsel, are hereby appoint-ed special sheriffs, to wit:

- "1. Franklin D. Estrada 7. Marcelino Cabotaje
2. Gavino Cabotaje 8. Albino Mabalot
3. Juanita Hernando 9. Jaime Domingo
4. Anastacio Torres 10. Guillermo Cabotaje
5. Camilo Galleno 11. Esteban Dingle
6. Fernando Estrada 12. Pedro Quines

jointly with and subject to the authority and direction of the Provincial Sheriff of Pangasinan, and with the assistance of the Philippine Constabulary of the same pro-vince, thru the provincial Commander and any number of the men of the latter necessary to carry out this order, all of whom are hereby ordered to execute the same."

In compliance with this order, a writ of execution was issued on January 31, 1963; but the next day, petitioners herein, numbering 302, moved to reconsider said order upon the ground that they were not parties in Civil Case No. 10394, although they actually held portions of the property in question long before said case had been filed, and that, accordingly, they are not bound by the judgment therein rendered. Upon the other hand, the main defendants in said case filed their opposition, alleging that, not being parties in the case, the movants had no legal standing therein; that they could not intervene in that case, judgment having already been rendered therein; and that petitioners were mere agents or representatives of Pindangan and, hence, bound by the judgment aforementioned.

By this time, the situation had, seemingly, become so muddled that, on January 7, 1963, Homobono G. Queyquep, Deputy Sheriff of Pangasinan, filed an ex-parte motion for clarification, stating that, except as regards the seven (7) original defendants in case No. 10394 - the area held by each one of whom was described in the complaint - he was in no position to know the extent of the landholdings of the other private defendants therein; that even said original defendants were claiming areas bigger than those described in the complaint; and that he had, also, found, on the land in question, standing crops and/or planters and actual occupants who claimed not to be agents, tenants or members of Pindangan, and refused to vacate the premises, upon the ground that they are not parties in the case and that there is no order directing them to give up their possession. Queyquep prayed, there-fore, that the respective landholdings of the defendants be specified, to avoid confusion as well as trouble, and that, meanwhile, the writ of execution be suspended. In an order dated January 19, 1963, said Judge Bacani denied the aforementioned motions for reconsideration and clarification - the first, for lack of legal standing of petitioners herein, and, the second, upon the ground that "the order of execution already issued is by itself clear enough to

guide" the sheriff.

On January 25, 1963, petitioners herein sought a reconsideration of said order of January 19, 1963, followed, the next day, by a petition praying that they be allowed to present evidence on the nature and ex-tent of their respective possession, but this petition and said motion for reconsideration were, on March 11, 1963, denied by Judge Santiago. Hence, the present action for certiorari and prohibition, with preli-minary mandatory and preventive injunction, as well as mandamus - filed by 302 petitioners against Judge Santiago, and the defendants in case No. 10394, as well as the Provincial Sheriff and the Deputy Pro-vincial Sheriff of Pangasinan, the Special Sheriffs appointed in connec-tion with the enforcement of the order of January 18, 1958 and the members of the Constabulary designated to assist them - to annul said orders of January 19 and March 11, 1963, to restrain the enforcement of the orders complained of and to compel respondent Judge Santiago to entertain petitioners' motions dated. January 4 and 26, 1963 and hold hearings for the reception of evidence in support of said motions.

On July 28, 1966, the private respondents in the case at bar filed a motion to declare seventy-one (71) of the petitioners herein guilty of contempt, for having allegedly disturbed the possession of the lots held by the movants and destroyed the crops standing therein. These allegations having been traversed by the petitioners, Hon. Marcelo Bobadilla, Judge of the Court of First Instance of Pangasinan, Branch VI, was commissioned to receive evidence thereon. Accordingly, Judge Bobadilla held hearings and received evidence, both testimonial and documentary, which have been forwarded to this Court.

The record shows that, in view of the denial of the motion for clarification, dated January 7, 1962, of deputy sheriff Queyquep, the latter decided to put in possession of the litigated property the 178 persons named in the list attached to the report of the District Land Officer to the Director, dated October 5, 19488. For this purpose, Queyquep conferred with said 178 persons, who agreed that he would deliver said property to the private defendants in Case No. 10394, as their representatives, who would, in turn, distribute the land among them (the aforementioned 178 persons). It appears that, in the process of carrying out this arrangement, 216 occupants of said property were allegedly ousted therefrom, in view of which the persons thus ejected, together with others who are still in possession of their respective landholdings, commenced the present action. Subsequently, seventy-one (71) of the herein petitioners, accompanied by the Mayor and the Chief of Police of Alcala, Pangasinan, were said to have forcibly en-tered the lots held by some of the private defendants in case No. 19394. As a consequence, three (3) criminal complaints for malicious mischief were filed against some of the alleged intruders. One (1) of said com-plaints was dismissed for failure of the prosecution to establish defendant's guilt beyond reasonable doubt. The other two (2) complaints were provisionally dismissed, for failure of the complainants to amend their respective complaints within the period granted therefor.

The right of the lower court to order that the private defendants in case No. 10394 be reinstated in the possession of the lots from which they were ejected in view of the writ of execution issued, on January 3, 1963 - in compliance with the order of Judge Bacani dated December 28, 1962 - is indubitable, for Section 5 of Rule 39 of the Rules of Court provides:

" x x Effect of reversal of executed judgment. - Where the judgment executed is reversed totally or par-tially on appeal, the trial court, on motion, after the case is remanded to it, may issue such orders of resti-tution as equity and justice may warrant under the cir-cumstances."

In fact, there have been several cases in which such reinstate-ment has been ordered, upon reversal of the decision appealed from⁹. The issue in the present case arose from the fact that the sheriff was constrained to reinstate, not only the defendants whose respective landholdings were described with particularity in the complaint, but, also, those whose landholdings were not so described, and that he even went further, by trying to deliver practically the entire property in dispute to the private defendants in said case No. 10394, for redistri-bution by the latter among

the 178 persons named in the list of the District Land Officer annexed to his aforementioned report of October 5, 1948. As a consequence, many of the petitioners herein were seemingly ousted from said land, despite their claim to the effect that they are not parties in, said case and, hence, not bound by the decision therein rendered; despite their allegation to the effect that they have been in possession of their respective landholdings long before the institution of that case; and despite their offer to introduce evidence on the nature and extent of their respective possession, which offer was rejected by Judge Santiago.

The lower court erred in not heeding this plea of petitioners' herein, upon the ground that, not being parties in said case No. 10394, they have no legal standing therein. Indeed, it has been uniformly held that in an action in personam - as case No. 10394 is - a person, other than the judgment debtor, who occupies a land levied on execution therein, is entitled to be heard to justify his possession¹⁰, for the simple reason that decisions in actions in personam, bind the parties therein and their successors in interest, but not strangers. Thus, commenting on Section 49(b) of Rule 39 of the Rules of Court, former Chief Justice Moran had this to say:

"Subdivision (b) refers to judgments in personam which are binding upon the parties and their successors in interest but not upon strangers. There may be, however, cases where the supposed stranger may be claimed to be a mere privy to any of the parties to the action, or his bona fide possession may be disputed, or such possession may have been taken in connivance with the defeated litigant with a view to frustrating the judgment. In any of these events, the proper procedure would be to order a hearing on the matter of such possession and to deny or accede to the enforcement of the judgment as the finding may warrant."¹¹

*Plata v. Yatco*¹² is relevant to the question before us. That case involved a wife who had mortgaged her paraphernal property, with the intervention of her husband. The mortgage was later foreclosed and the property sold to the mortgagee, as the highest bidder. Thereafter, the mortgagee-buyer filed an illegal detainer case against the husband and secured judgment against him. When the judgment was sought to be executed and the wife resisted it, upon the ground that she was not a party in the illegal detainer case, she was dealt with for contempt of court. On application for a writ of certiorari, we granted the same, holding that:

" x x x as she was not made a party defendant in the eviction suit, the petitioner wife could validly ignore the judgment of eviction against her husband, and it was not contempt of court for her to do so, because the writ of execution was not lawful against her. (*Chanco vs. Madrilejos*, 9 Phil. 356; *Jose Realty v. Galao, et al.*, 76 Phil. 201; *Segarro v. Maronilla*, L-14428, July 26, 1960; *Weigall v. Shuster*, 11 Phil. 340)."

It is apparent, from the foregoing, that respondent Judge committed a grave abuse of discretion, amounting to excess of jurisdiction, in refusing to entertain petitioners' motion for reconsideration of January 4, 1963, and their petition to be allowed to introduce evidence on the nature and extent of their respective possession.

At this juncture, it is well to remember, however, that the pro-property involved in this case is now admittedly a public land, and that its actual occupants have filed individual applications for the purchase of the lot or lots, respectively held by them. Being concededly part of the public domain, said lots may be disposed of by the Director, with the approval of the Secretary, pursuant to our Public Lands Laws. Said officers may administratively ascertain who, among the aforementioned applicants are qualified therefor, and, in the affirmative case, determine what lot or lots should be awarded to them and the terms of the award. It is, moreover, obvious that, considering the number and condition of the persons involved in the controversy under consideration, as well as the surrounding circumstances, it would be best, for the parties concerned and the collectivity, that an earnest effort be made by the administrative agencies of the Government to settle the issue or facilitate its solution, and, perhaps, obviate the necessity of protracted proceedings in the Lower Court to ascertain who were in physical possession of the land in litigation when the writ of execution, issued pursuant to the order of June 18, 1958, was enforced, and what were the precise boundaries of the area held by each, from which he

was ejected in consequence of said writ and to which he should now be restored. At any rate, the Secretary and the Director are parties in case No. 10394 and may render invaluable assistance in the determination of these questions.

In support of the motion to declare in contempt some of the petitioners herein, the movants have submitted affidavits to the effect that, on June 27, 1966, between 7:00 and 11:00 a.m., several persons, led by petitioner Avelino Aguada and accompanied by the Mayor and the Chief of Police of Alcala, Pangasinan; forcibly entered into lots 68 and 69, subdivision plan I, II-5565-A, Pindangan Estate, held, respectively, by Marcelo Jimenez and Gregorio Jimenez, and destroyed the standing crops therein, and that on July 14, 1966, another group of persons, likewise, under the leadership of Avelino Aguada, took possession of and destroyed the crops in lots 208 and 221, held, respectively, by Saturnino Talbo and Ludovico Estrada. The movants moreover introduced, before Judge Bobadilla, evidence to the effect that, after the filing of the motion for contempt, the Aguada group had performed a number of acts of disturbance of the possession of other defendants herein.

Thus, PC soldier Rodolfo Estrada testified that he investigated the alleged shooting of one Gavino Cabotaje by Avelino Aguada, on September 8, 1966, and that, having been advised by his commanding officer not to take active part in cases involving the Pindangan Estate, he (Estrada) merely advised Cabotaje to file the corresponding complaint against the guilty party. There is no evidence, however, that such complaint has been filed.

Furthermore, Sgt. Manyalinguas Carolino declared that on November 5, 1966, at about 3:00 p.m., Gregorio Jimenez reported to him that Avelino Aguada and fifteen (15) other persons, entered the lot held by Jimenez and destroyed the crops therein; that on November 9, the same group entered the lot held by Gavino Cabotaje, Sr.; and that he (Carolino) investigated these reports and submitted his findings to the Provincial Fiscal, who had not, as yet, filed any case against Aguada.

Upon the other hand, the latter denied having committed the acts imputed to him in the above-mentioned affidavits and referred to by Estrada and Carolino. Aguada admitted having been charged with malicious mischief in the municipal court, which dismissed the case, and testified that the acts involved therein are the very same ones upon which the motion for contempt is based.

It has, also, been established that the acts of disturbance allegedly committed against the Jimenez brothers resulted in the filing of criminal complaints for malicious mischief, which were dismissed provisionally for failure of the complainants to amend said complaints.

Although the dismissal of the criminal complaints aforementioned does not bar the present proceedings for civil contempt, it is our considered opinion that the same should, also, be dismissed. Indeed, we note that Marcelo Jimenez and Gregorio Jimenez, whose possessions were allegedly disturbed by the Aguada group, are not parties in Civil Case No. 10394. Neither are they among the persons mentioned in the sheriff's return as having been reinstated in their former landholdings. The acts for which they now complain cannot, therefore, be properly dealt with in the present case.

It is true that among those whose possessions have been allegedly disturbed by some petitioners herein are Ludovico Estrada and Gavino Cabotaje, who are among the private defendants in Case No. 10394. It will be recalled, however, that the alleged occupants of portions of the land in question have filed with the Bureau of Lands individual sales applications, which appear to be still pending action in said office. Considering that their legal rights to their respective landholdings is still unsettled, as well as the limited nature of our authority in the present certiorari proceedings, it is, we believe, preferable that the issues raised by the motion for contempt under consideration be determined in such separate proceedings as the parties involved may deem fit to file.

WHEREFORE, without prejudice to the institution of said proceedings, and to such administrative action as the Director of Lands and the Secretary of Agriculture and Natural Resources may take on the individual sales applications above referred to, the aforementioned motion to declare some of the herein petitioners guilty of contempt is hereby denied and the Court of First Instance of Pangasinan, as well as respondent Judge are directed to receive evidence on the nature and extent of the alleged possession of petitioners herein and to pass upon the issues of fact and law raised in their motions of January 4 and 26, 1963, without special pronouncements as to costs.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur. Sanchez, J., did not take part.

[1] *Torres v. Gonzales, Inc.*, 54 Phil., 851.

2 *Pindangan Agricultural Co. vs. Schenkel*, 83 Phil., 529.

3 *Entitled Pindangan Agricultural Co., Inc. vs. Estrada*.

4 *Ludovico Estrada, Marcelino Cabotaje, Alejandro Valdez, Sulpicio Sacayanan, Zacarias Cabotaje, Albino Mabalot and Guiller-mo Cabotaje*.

5 Annex B.

6 Annex C.

7 *Ponciano Cabotaje, Esteban Dingle, Pedro Torres, Jr., Pedro Galleno, Macario Galleno, Santiago Nario, Arcadio Cabero, Simplicio Palapos, Jaime Domingo, Diosdado Cabeso, Pio Cabingas, Romulo Quines, Jose Dingle, Tomas Nazareno, Lorenzo Seroma, Juan Cabonitalla, Basilio Asuncion, Gavino Cabotaje, Gregorio Masiglat, Macario Padua, and Alejandro Espiritu*.

8 Exhibit C (Contempt).

9 *Molina v. Somes*, 24 Phil. 49; *Mortera, et al. v. West of Scotland Insurance*, 36 Phil. 954; *Naredo v. Yatco*, 80 Phil. 220; *Hilario v. Hicks*, 40 Phil. 576.

10 *Omaña v. Gatulayao*, 73 Phil. 66; *Saavedra v. Siari Valley Estates*, G.R. No. L-12875, Oct. 30, 1959; *Santiago v. Sheriff of Manila*, 77 Phil. 740.

11 2 *Moran on the Rules of Court*, 1963, ed. pp. 320-321; citing *Omaña vs. Gatulayao*, 73 Phil. 66; *Gozon vs. de la Rosa*, 77 Phil. 919; *San-tiago vs. Sheriff of Manila, et al.*, 77 Phil. 740; *Hongkong & Shanghai Banking Corp. v. Aldecoa & Co.*, 30 Phil. 255; *Andres v. Pimental*, 21 Phil. 429; *Saavedra vs. Siari Valley Estates*, G.R. No. L-12875, Oct. 30, 1959.

12 G.R. No. L-20825, December 28, 1964.

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