

**DOLORES EVANGELISTA, ET AL., PETITIONERS, VS. THE
MUNICIPALITY OF PAOMBONG AND HON. FLORENCIO MORENO, AS
SECRETARY OF PUBLIC WORKS AND COMMUNICATIONS,
RESPONDENTS.**

G.R. No. L-18157. September 29, 1962

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bee21d97b52d/>

DIZON, J.:

Dolores Evangelista and the other petitioners inherited from the deceased spouses Eugenio Evangelista and Petronia Lim, a parcel of registered land converted into a fishpond located in sitio Mariablo, Paombong, Bulacan. On July 14, 1948, the municipal council of said municipality, pursuant to Section 2 of Republic Act No. 2056, passed Resolution No. 94, Series of 1958, amended by Resolution No. 118 of August 28, 1958, requesting the Department of Agriculture and Natural Resources to order the investigation of the boundaries of fishponds found within the municipality to ascertain whether portions of navigable rivers and creeks were included therein.

Acting upon the resolution mentioned above, the Secretary of Public Works and Communications—to whom, apparently the same was referred—notified petitioners that an investigation and ocular inspection of their fishpond would be conducted to verify the location of a navigable stream known as Estero Kaylaki.

While said investigation was pending, petitioners filed a petition for certiorari, with preliminary injunction, with the Court of First Instance of Bulacan (Civil Case No. 1968) against the Municipality of Paombong and the Secretary of Public Works and Communications to prevent the latter from proceeding with the investigation, on the ground that he had no jurisdiction to review the decision of, and decree issued by the Court of First Instance of Bulacan in Registration Proceedings No. 533 declaring the late Evangelista spouses the owners of the fishpond subject-matter thereof and that the "Estero Kaylaki" was not included in said fishpond.

After due trial, the Court rendered its decision dismissing the petition and dissolving the writ of preliminary injunction theretofore issued. Hence petitioners' present appeal on purely questions of law.

On August 16, 1961, petitioners filed a motion to dismiss the case on the ground that the same had become academic by reason of the decision of the Secretary of Public Works and Communications dated May 15, 1961 dismissing the complaint filed against them upon a finding that they had not encroached on any portion of the Estero Kaylaki.

Commenting on the motion to dismiss the case, respondents submit that petitioner's appeal—not the case—should be dismissed.

As adverted to above, what is before us is an appeal from the decision of the Court of First Instance of Bulacan dismissing Civil Case No. 1968. Said appeal, therefore, is what should be dismissed, so that, in view thereof, the vacated decision shall be revived.

Wherefore, the appeal is dismissed, without costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.