

**ANGEL CUNANAN, PETITIONER, VS. HON. ANDRES C. AGUILAR,
JUDGE OF THE CFI OF PAMPANGA, BRANCH II, PROVINCIAL
SHERIFF OF PAMPANGA, PROVINCIAL COMMANDER, PC COMMAND,
PAMPANGA, AND H...**

G.R. No. L-31963. August 31, 1978

Ponente: SANTOS, J.

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SANTOS, J.:

By this special civil action for prohibition with prayer for preliminary injunction filed May 11, 1970, petitioner - an alleged agricultural tenant - seeks to prohibit respondents from enforcing respondent Judge's order dated April 11, 1970, issued in Civil Case No. 1477, Court of First Instance, Branch II, San Fernando, Pampanga, entitled "Ciriaco Rivera, plaintiff vs. Pragmacio Paule, et al., defendants" on the ground that the same "is null and void for having been issued by respondent Judge without jurisdiction or with grave abuse of discretion." Petitioner also prays -- (1) that the Provincial Sheriff and the Provincial Commander of Pampanga be restrained from implementing the said order to oust him from the landholding belonging to private respondents, heirs of Ciriaco Rivera; and (2) that private respondent, Ciriaco Rivera, be ordered to maintain him in peaceful possession and cultivation of the land as agricultural tenant thereof.[1] Actually, the issue raised for resolution in this petition is, whether petitioner, Angel Cunanan, who is in possession of the disputed holding and who claims to be the agricultural tenant lessee thereof as held by the CAR in CAR Case No. 1038-P'70, may be ordered, under pain of contempt, to surrender the holding to private respondents, heirs of Ciriaco Rivera, pursuant to an order issued by the CFI on April 11, 1970 in Civil Case No. 1477, Branch II, San Fernando, Pampanga.

Per resolution of May 14, 1970, petitioner's earlier motion for leave to litigate as pauper, was granted, and respondents were required to file their answer, not to move to dismiss, within ten (10) days from receipt of notice.[2] Respondents, heirs of Ciriaco Rivera, filed their answer on June 7, 1970.[3] The petition was set for hearing on July 6, 1970. In lieu thereof, however, the parties were required to file their respective memoranda. The petitioner filed his on July 30, 1970;[4] and the respondents on August 6, 1970.[5]

The relevant factual and procedural antecedents which gave rise to this petition are as follow.

1. On August 28, 1958, private respondent, Ciriaco Rivera, filed with the Court of First Instance of Pampanga, Branch II, then presided by Judge L. Pasicolan, Civil Case No. 1477, entitled "Ciriaco Rivera, plaintiff vs. Pragmacio Paule, Severa Sicat and Anastacio Saddi," as tenant of Pragmacio Paule, for recovery of possession and damages over a parcel of agricultural land of about one (1) hectare, more or less, situated at Sta. Rita, Lubao, Pampanga. Plaintiff Rivera, -- whose heirs are private respondents herein -- then alleged that he was in open, continuous and peaceful possession of the said parcel until December, 1950 when defendants helping one another and aided by armed persons masquerading as special policemen (civilian guards), wrested from him possession and cultivation of the holding and appropriated its harvests.[6]

2. On August 24, 1964, while the case was pending trial, plaintiff Ciriaco Rivera died. He was substituted by (1)

Eustaquio, (2) Cleotilde, (3) Gregorio, (4) Maria, (5) Isabel and (6) Elena, all surnamed Rivera, and the children of the late Cristina Rivera, to wit, (7) Belen, (8) Maria, (9) Arsenia and (10) Jose, all surnamed Lugto, per Order dated September 8, 1964.[7]

3. On December 8, 1964, judgment was rendered in favor of plaintiffs ordering defendants (1) Pragmacio Paule, (2) Severa Sicat and (3) Anastacio Saddi to vacate the property and surrender the same to plaintiffs and to pay damages.[8]

4. On March 1, 1966, the defendant's appeal to the Court of Appeals in CA-G.R. No. 35509-R, was dismissed.[9]

5. On August 19, 1969, the judgment having become final and executory, a writ of execution was issued and by virtue thereof the heirs of the late Ciriaco Rivera were placed in possession of the land in October, 1969.[10]

6. In a motion filed November 12, 1969, the plaintiffs alleged, that after the Provincial Sheriff have placed them in possession of the landholding, one Damaso Cunanan who claimed to be the successor-in-interest of Anastacio Saddi, entered the land and reaped the palay planted thereon. Damaso Cunanan was cited to appear before the Court to explain why he should not be held in contempt.[11]

7. On January 15, 1970, Damaso Cunanan filed his "Explanation with Motion to Lift Order of Arrest" thru which he explained satisfactorily to the Court that he has no interest in the land; that the person who harvested the palay was Pragmacio Paule.[12] The order for his arrest was lifted by respondent Judge on January 16, 1970.[13]

8. Meanwhile, on January 26, 1970, petitioner herein initiated an action before the Court of Agrarian Relations (CAR) in San Fernando, Pampanga, presided by Judge Isidro L. Tayag thru a "Complaint with Urgent Ex Parte Motion for the Issuance of an Interlocutory Order," docketed as CAR Case No. 1038-P'70 against Pragmacio Paule. He alleged, that since 1965 he was the agricultural tenant of defendant Paule and that Paule threatened to eject him from his landholding.[14]

9. On February 2, 1970, Judge Tayag of the CAR issued the interlocutory order prayed for, directing the Chief of Police of Lubao, Pampanga to enforce its order prohibiting the defendant Paule and/or any person acting in his behalf from molesting and disturbing the plaintiff (petitioner herein), in his peaceful possession and cultivation of the landholding in question.[15]

10. On February 7, 1970, Pragmacio Paule -- defendant and one of the losing parties, in Civil Case No. 1477-CFI Pampanga and also defendant in CAR Case No. 1038-P'70 -- filed his answer in CAR Case No. 1038-P'70. In said answer, he ..."admitted all the material averments in the Complaint and alleged merely as a defense, that the contract between him and the petitioner had already been terminated and that he is returning the land to the new landowner ..." [16]

11. On February 10, 1970, the CAR again issued an order, upon motion of plaintiff, dated February 9, 1970, directing the Provincial Commander of the Philippine Constabulary, San Fernando, Pampanga, to enforce its Order prohibiting defendants (1) Pragmacio Paule, (2) Eduardo Manalansan, (3) Jose Manalansan, Jr., (4) Anastacio (also Eustaquio) Rivera, (5) Ciriaco Lugto, (6) Pepito Lugto and Rudy and/or any other persons acting for and in behalf of said defendant from molesting and disturbing the plaintiff in the peaceful possession and cultivation of his landholding in question.[17]

12. On February 15, 1970, Eustaquio (also Anastacio) Rivera, one of the persons restrained in the preceeding order of February 10 in CAR Case No. 1038-P'70, filed a motion in said case to reconsider and to set aside the order of February 10, 1970 on the ground that Pragmacio Paule, whose former tenant is Anastacio Saddi, have been ordered by the Court of First Instance in Civil Case 1477 to surrender possession of the land to him as one of

the heirs of Ciriaco Rivera, and that plaintiff Angel Cunanan cannot, therefore, invoke security of tenure, citing *Lastimosa vs. Blanco*, L-14697, January 28, 1961.[18] The CAR thru Judge Isidro Tayag denied the motion on March 11, 1970 on the ground that movant Eustaquio (also Anastacio) Rivera has no standing or personality before his Court.[19]

13. Meanwhile - and on the same date, i.e. February 15, 1970, - plaintiffs in Civil Case No. 1477, filed a "Motion for Contempt" alleging that on February 12, 1970, Angel Cunanan, petitioner herein, entered the premises and destroyed the growing palay planting thereon by harrowing the said land, without their knowledge and consent.[20]

14. On March 8, 1970, petitioner herein filed his "Explanation" in the Civil Case No. 1477. He alleged that he cultivated and planted the landholding in question with palay in compliance with the order of the CAR; that he did not destroy the existing plants and nobody is thus prejudiced; that he did not take the law into his own hands, but rather brought the matter to the proper authority, to determine whether he should continue cultivating his landholding.[21]

15. In the meantime, on April 6, 1970, the CAR rendered its decision in CAR Case No. 1038-P'70 to wit -

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"Wherefore, the Court renders judgment, based on the pleadings, as follows:

1. Recognizing the relationship between plaintiff and the defendant over the landholding in question to be one of leasehold x x x;
2. Making permanent in character the Order of this Court dated February 10, 1970;
3. Dismissing all other claims of the parties for lack of merit.

So Ordered.

San Fernando, Pampanga, April 6, 1970.

ISIDRO L. TAYAG
Judge."[22]

16. On April 11, 1970, respondent Judge Andres C. Aguilar, CFI, Pampanga in turn issued the order, now in question, resolving the motion for contempt against petitioner as follows:

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"Angel Cunanan is now cited for contempt of court.

"In a so-called appearance with Urgent Motion for Postponement, Atty. Alfredo P. Malit, Special Attorney, Office of the Agrarian Counsel, entered his appearance for Angel Cunanan. In a Manifestation and Motion dated February 18, 1970, Atty. Alfredo P. Malit informs this Court, insofar as pertinent, that in CAR Case No. 1038-P'70, entitled, "ANGEL CUNANAN vs. PRAGMACIO PAULE" the Court of Agrarian Relations issued an Order dated February 10, 1970, prohibiting PRAGMACIO PAULE and other persons acting for and in his behalf, from molesting and disturbing the possession of Angel Cunanan. Atty. Malit now contends that this Court has no jurisdiction over the case as all question of ejectment of tenants are within the jurisdiction of the Court of Agrarian Relations. There are also attached to the record Explanations dated March 2, 1970, and March 8, 1970, submitted by Atty. Malit. The most significant matters raised in said explanations are that Angel Cunanan did not violate any orders of this Court but that he is just complying with the order of the Court of Agrarian Relations; that Angel Cunanan now recognizes the plaintiffs as the owners of the land; that he does not possess the land in concept of owner but is recognizing anybody who will be adjudged owner of the land.

"From the pleadings submitted to this Court and the manifestations and explanations submitted by Atty. Malit, there is no question that Angel Cunanan is in possession of the property adjudged to the plaintiffs and that Angel Cunanan recognizes the ownership of the plaintiffs.

"This Court is not concerned with the tenancy case of Angel Cunanan against Pragmacio Paule, but this Court is concerned with the proper execution of the judgment restoring the possession of the land to the plaintiffs herein. On this point, the Court is ready and disposed to exercise its full powers to compel obedience to its judgments, orders and processes (Section 5-C, Rule 135, Rules of Court). And if any member of the Bar, on the pretension of the exercise of his profession, appears to be an instrument in the plaunting (sic) of the orders of this Court, such member of the Bar will also receive the stern attention of this Court.

"It appears that Angel Cunanan has sufficient knowledge that the plaintiffs herein have won in this case against Pragmacio Paule and that the plaintiffs have been placed in possession of the property. It also appears that Angel Cunanan has sufficient knowledge that Pragmacio Paule has been dis-posessed of the property.

"In line with the ruling of the Supreme Court laid down in the case of Lastimosa vs. Blanco (L-14697, 28 Jan 1961), that tenancy relationship can only be created with the consent of the true and lawful landholder, and that a tenant of an ousted landholder can have no better right and claim security of tenure, Angel Cunanan, who anchors his claim to possess the land as a tenant of Pragmacio Paule, who was himself ousted from the property, has no legal right to possess the property of the plaintiffs.

"IN VIEW OF ALL THE FOREGOING, this Court orders Angel Cunanan to vacate the property of the plaintiffs within ten (10) days from receipt of this Order, with an admonition that this Court will deal with him, in accordance with law, should he disobey the same. The Provincial Sheriff is hereby ordered to enforce this

Order and the Provincial Commander, San Fernando, Pampanga, is directed to render assistance as is necessary.

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SO ORDERED.

San Fernando, Pampanga, April 11, 1970.

ANDRES C. AGUILAR
Judge"

Assailing this Order of respondent Judge, petitioner now contends in this petition that, as adverted to above, the same was issued without jurisdiction and with grave abuse of discretion on two grounds, i.e. (1) that he was not a party in Civil Case No. 1477 and, therefore, the Court of First Instance, not having acquired jurisdiction over his person, cannot enforce the decision in said case against him (citing *Sumulong v. Imperial*, 51 Phil. 251); and (2) that he has been duly declared in CAR Case No. 1038-P'70 as the lawful agricultural tenant lessee of the landholding belonging to private respondents, and as such he is entitled to security of tenure under Sections 7 and 36 of RA 3844.[23]

Respondents, on the other hand, maintain - (1) that the judgment can be enforced against petitioner herein, as successor-in-interest of Damaso Cunanan, who in turn is the successor-in-interest of Anastacio Saddi, the former tenant, who was one of the defendants ordered in Civil Case No. 1477 to vacate and surrender the land to the heirs of Ciriaco Rivera citing Section 49(b), Rule 39 of the Revised Rules of Court (Effect of Judgment) and *Cruz vs. Pascual*, L-9317, July 31, 1956;[24] and (2) that petitioner herein is not an agricultural tenant entitled to security of tenure, since he was constituted by Pragmacio Paule, who was already ejected from the landholding in Civil Case No. 1477 (*Lastimosa vs. Blanco*, L-14697, January 28, 1961; 1 SCRA 231 and *Dumlao vs. De Guzman*, L-12816, January 28, 1961, 1 SCRA 144); and, that it was through misrepresentations and concealment of facts that petitioner, in order to forestall his ejection, was able to obtain the interlocutory orders and favorable decision from the Court of Agrarian Relations.[25]

This petition is without merit; the assailed order of the learned respondent Judge of the Court of First Instance (CFI) must be sustained; the decision of the Court of Agrarian Relations (CAR) must be set aside.

1. Petitioner's first contention that the order of April 11, 1970 issued by respondent Judge of the Court of First Instance in Civil Case No. 1477-CFI-Pampanga, cannot be enforced against him, on the ground that he is not a party to the case, is without merit. For although petitioner is not a party-defendant in said case, he was -- by his own admission and as the records clearly show -- instituted as tenant on the holding by Pragmacio Paule who was -- as one of the principal defendants in Civil Case No. 1477 and who, per the judgment in said case rendered on December 8, 1964, which has become final and executory -- ordered to vacate the property and surrender the same to the plaintiffs therein, now private respondents. The decision in said case and the writ for its execution are, therefore, clearly enforceable and may be executed as against petitioner. For petitioner derives his alleged right to hold the holding from one who has no right to the same. To hold otherwise is to permit a situation where Paule can defeat the judgment, by the mere device of appointing petitioner as alleged tenant over the holding from

which he (Paule) had been ejected by final and executory judgment.

2. Petitioner's second claim that, as an agricultural tenant, recognized as such in the decision of the Court of Agrarian Relations in CAR Case No. 1038-P'70, he is entitled to security of tenure, is also without merit.

The records -- consisting of parties' pleadings and admissions -- show that on August 19, 1969, the judgment in Civil Case No. 1477 before the CFI having become final and executory, a writ of execution was issued and by virtue thereof, the heirs of Ciriaco Rivera, now private respondents, were restored in possession of the land in October of the same year. Meanwhile, on January 26, 1970, petitioner herein initiated an action before the CAR and secured an interlocutory order in CAR Case No. 1038-P'70 against Pragmacio Paule, one of the defendants in Civil Case No. 1477, who have been ordered to vacate the holding and surrender the same to the heirs of Ciriaco Rivera. Petitioner alleged before the CAR that he was the agricultural tenant of Paule, who threatened to eject him from the holding. Judge Tayag of the CAR -- unaware of the decision and writ of execution in Civil Case No. 1477 -- issued the interlocutory order, directed the Chief of Police of Lubao to enforce the same and prohibit Paule and/or any other person in his behalf from molesting and disturbing herein petitioner's peaceful possession and cultivation of the holding. Paule, in turn, in obvious collusion with herein petitioner, "admitted all the material averments in the complaint and alleged merely as a defense, that the contract between him and the petitioner had already been terminated and that he is returning the land to the new land owner" (sic) heirs of Ciriaco Rivera, prevailing party in Civil Case 1477 of the CFI and private respondents herein. Meanwhile, on February 15, 1970, the plaintiffs in Civil Case No. 1477 -- the heirs of Ciriaco Rivera -- moved to cite petitioner Cunanan for contempt, for having entered the premises of the holding and destroyed the growing palay crops thereon. Cited, Cunanan, by way of explanation, alleged that he recognized the plaintiffs as owners of the land but cultivated and planted the holding in compliance with the interlocutory order of the CAR, which on April 6, 1970 rendered its judgment based on the pleadings in CAR Case No. 1038-P'70; it declared petitioner herein (plaintiff in CAR Case No. 1038-P'70) as the tenant of Paule over the holding and made permanent its interlocutory orders of February, 1970. On April 11, 1970, respondent Judge Andres Aguilar, CFI, Pampanga, in turn, issued the disputed order in Civil Case No. 1477, directed petitioner herein to vacate the property of plaintiffs, with the warning that he will be dealt with as for contempt, if he should disobey the same.

Under the foregoing factual milieu, private respondent's claims - (1) that petitioner was not an agricultural tenant, and (2) that the recognition by the Court of Agrarian Relations of his alleged tenancy status has been secured thru misrepresentation and suppression of facts - must prevail.

(1) By petitioner's own claim filed with the CAR in 1970 he was constituted as tenant on the land by Pragmacio Paule. Paule was, however, ordered to vacate the holding and surrender the same to private respondents herein, the heirs of Ciriaco Rivera, as early as December 8, 1964 by the final and executory judgment in Civil Case No. 1477. Therefore, Paule's institution of petitioner as tenant in the holding did not give rise to a tenure relationship. Tenancy relationship can only be created with the consent of the true and lawful landowner who is the owner, lessee, usufructuary or legal possessor of the land. It cannot be created by the act of a supposed landowner, who has no right to the land subject of the tenancy, much less by one who has been dispossessed of the same by final judgment.[26]

(2) The records show that petitioner initiated his action before the CAR on January 26, 1970 after his father, Damaso Cunanan, had been cited for contempt for taking possession of the holding and reaping the palay crop thereon in November, 1969, obviously, with the end in view to prevent the execution of the judgment in Civil Case No. 1477 of the CFI as against himself. He found a ready and willing ally in the scheme in the person of Paule, who starting under the adverse judgment in the Civil Case was bent on frustrating the same. Thus, when the case before the CAR came up for trial Paule literally confessed judgment in favor of petitioner, who claimed to be

his tenant. And the CAR, unaware of the decision and writ of execution in the Civil case, declared petitioner as the tenant of the holding. This judgment of the CAR -- which petitioner and Paule have contrived to secure thru misrepresentation and suppression of facts -- petitioner now claims makes him tenant of the holding and protects his tenure on the same.

Happily for private respondents -- whose initial action to recover the lot date to August 28, 1958 -- Paule, at the time he allegedly constituted Cunanan, petitioner herein, as tenant, was not the landowner or lessee or usufructuary or legal possessor thereof, and, therefore, no tenure relationship was created between them.[27] As a necessary consequence, the declaration by the CAR that petitioner was the "tenant" -- which finding was induced by Paule's confession of judgment and concealment of his prior ejection from the holding under the final and executory judgment of the CFI and, therefore, was a fraudulent imposition upon the Court -- was and should be considered inefficacious and unavailing insofar as petitioner's claim that he became the tenant of the lot is concerned. For the jurisdiction of the CAR is limited "... to cases or actions involving matters, controversies, disputes ... arising from agrarian relations ..." [28] and "... such agrarian relations can arise only where the parties stand in the relation of landholder and tenant ... and one of the parties work the land.[29]

Consequently where, as in this case, there was no tenure relation because the alleged landholder, Paule, has precisely been ordered to surrender the holding to its rightful owner by final and executory judgment at the time he constituted petitioner as tenant, the declaration by the CAR to that effect - in a judgment which it was misled to make by the very misrepresentations of Paule - must of necessity be null and void and of no legal effect. Otherwise stated, the CAR cannot create or recognize a tenure relation between persons, where none exists, because the alleged landholder is not the owner, lessee or possessor or usufructuary of the holding.

Prescinding from the foregoing absence of tenure relations and the consequent lack of jurisdiction on the part of the CAR to declare that one exists, petitioner's claim to security of tenure in the holding must fail. For it is settled that "x x x Security of tenure may be invoked only by tenants de jure and not by those who are not true and lawful tenants but who became so only through the acts of a supposed landholder who had no right to the landholdings. Tenancy relation can only be created with the consent of the true landholder who is either the owner, lessee, usufructuary or legal possessor of the land." Further, "x x x Where the alleged landholder was a squatter who was ejected from the landholding by virtue of a writ of execution in a forcible entry case, the legal possessors of the landholding cannot be compelled to retain the tenants of the said squatter." [30] It follows then that petitioner is not entitled to security of tenure extended to de jure agricultural tenants for reasons of public policy. He may thus be lawfully ordered by respondent Judge in Civil Case No. 1477-CFI-Pampanga, to surrender the lawful possession of the holding to private respondents, heirs of Ciriaco Rivera, at the pain of being held in contempt of court.

WHEREFORE, this petition for writ of prohibition is DENIED for lack of merit. The DECISION rendered by the Court of Agrarian Relations in CAR Case No. 1038-P'70 is hereby SET ASIDE for lack of jurisdiction. Petitioner is ordered to vacate the holding and surrender the same to private respondents. This decision is immediately executory. Without pronouncement as to costs.

SO ORDERED.

Fernando, (Chairman), Barredo, and Concepcion, Jr., JJ., concur.

Antonio, J., concur. Tenancy relationship can only be created with the consent of the true and lawful landholder who is either the owner, lessee, usufructuary or legal possessor of the land and not by a mere usurper or intruder.

Aquino, J., concur. The river cannot rise higher than its source.

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- [1] Roll, pp. 5, 10.
- [2] Id., p. 30.
- [3] Id., p. 31.
- [4] Id., p. 6, etc.
- [5] Id., p. 97, etc.
- [6] Pet., Roll, p. 6; Answer, Annex "A", Roll, pp. 31, 36-37
- [7] Id., Roll, p. 23, Annex "E", Order, April 11, 1970.
- [8] Id., Roll, p. 6; Answer, Annex "B", Dec. in Civil Case No. 1477, Roll, p. 41.
- [9] Id., Annex "E", Order, April 11, 1970, Roll, p. 24.
- [10] Ans., Annex "C", Writ of Execution, Roll, p. 32 & 43.
- [11] Id., Annex "D", Motion, Roll, p. 45
- [12] Id., Annex "E", Explanation etc., Roll, p. 47.
- [13] Id., Annex "F", Roll, p. 57.
- [14] Id., Annex "G", Complaint in CAR Case 1038-P'70 Roll, p. 53.
- [15] Id., Annex "H", Order, Roll, p. 57.
- [16] Memorandum for Petitioner, par. 9, Roll, p. 68. Petitioner annexed respondents' Answer to this Petition before this Court instead of the Answer filed with the CAR in Case No. 1038-P'70; See Annex "B", Roll, p. 81.
- [17] Pet., Annex "C", Order, Roll, p. 19; Memo. for Pet., Annex "C", Roll, p. 86.
- [18] Memo for Pet., Annex "D"; Motion for Reconsideration, Roll, p. 88.
- [19] Id., Annex "E", Roll, p. 92.
- [20] Pet., Annex "A", Motion for Contempt, Roll, p. 12.
- [21] Pet., Annex "B", Explanation, Roll, p. 13.
- [22] Decision, Roll, p. 21; Pet., Annex "D".
- [23] Pet., The Case for Prohibition, Roll, pp. 8-9; Memo for Petitioner, Roll, pp. 71 et. seq.
- [24] Memo for Respondents; Roll, p. 99; also Answer, par. 5; Roll, p. 33.
- [25] Answer, pars. 3-5; Roll, pp. 32-33; Memo for Respondents, Roll, p. 100.
- [26] Sec. 6, RA 3844, the Agricultural Land Reform Code (August 8, 1963) which is carried over in Sec. 6 - Parties to Agricultural Leasehold Relations – RA 6389, Code of Agrarian Reforms of the Philippines (Sept. 10, 1971); Lastimosa vs. Hon. Roman Blanco, No. L-1467, Jan. 28, 1961, 1 SCRA 231; also Dumlao, et al. vs. Hon. Pastor de Guzman, et al., No. L-12816, Jan. 28, 1961, 1 SCRA 145.
- [27] Sec. 6, RA 3844, supra; Lastimosa, et al. vs. Hon. Roman Blanco, et al., supra.

[28] Sec. 154, RA 3844, The Agricultural Land Reform Code (August 8, 1963) carried over in Section 154, Jurisdiction of the Court, RA 6389, *cit. supra*; *Lastimosa vs. Blanco, et al., supra*.

[29] *Fleischer vs. Pamplona Plantation Co., Inc.*, 28 SCRA 1144; July 31, 1969; See also *Torres, et al. vs. Trinidad*, 7 CAR Rep. 2nd 760.

[30] See *Dumlao vs. De Guzman, supra*.

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