

ABRAHAM L. RAMIREZ, PETITIONER, VS. HON. ANTONIA CORPUZ-MACANDOG, RESPONDENT.

Adm. Matter No. R-351-RTJ. September 26, 1986

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PER CURIAM:

Judge Antonia Corpuz-Macandog of the Regional Trial Court of Caloocan City, Branch CXX, stands charged in six separate complaints of various forms of misconduct in the performance of her official duties. The details are as follows:

I. Administrative Matter No. R-351-RTJ. -

This originated as G.R. No. 71179, a petition for a writ of habeas corpus filed on June 29, 1985 by Deputy Sheriff Abraham L. Ramirez of the Regional Trial Court of Caloocan City to secure his release from the Caloocan City jail. Ramirez was ordered arrested on June 27, 1985 by respondent judge for direct contempt of court consisting in his alleged disobedience to the writ of preliminary injunction dated January 21, 1985 issued in Civil Case No. 8682 enjoining him from demolishing the improvements of the intervenors in said case.

Deputy Sheriff Ramirez had previously been directed by Judge Socorro Tirona-Liwag of Branch CXXIII of the same court in an order dated January 11, 1985, to demolish the improvements of the defendants in Civil Cases Nos. C-7360, C-7361, C-7362, C-7363, C-7364, C-7839, C-7841 and C-7842. Said defendants are the intervenors in Civil Case No. 8682 on whose motion respondent judge issued the preliminary injunction.

The immediate execution of the order of arrest was effected thru a handwritten note of respondent judge addressed to then superintendent of the Northern Police District, Brig. Gen. Alfredo Lim. Upon orders of this court, however, Deputy Sheriff Ramirez was released from jail on July 2, 1985. Thereafter, the court resolved to treat the petition as an administrative case^[1] and to require respondent judge to comment thereon.^[2]

Respondent judge denied having acted arbitrarily or capriciously in causing the arrest of Ramirez. She justified the arrest as a means of preserving substantial justice so that any decision rendered in Civil Case No. 8682 may not be rendered moot and academic and as a curative measure to preserve the greater interest of social justice. The handwritten note, on the other hand, was explained as a means to preserve the integrity of courts of justice in the enforcement of valid and lawful orders. She added that the writ of preliminary injunction was issued by her in the exercise of her original jurisdiction, while the Order of January 11, 1985 was issued by Judge Liwag in the exercise of appellate jurisdiction, which the latter should not have done as she should have remanded the case to the court of origin for execution.

II. Administrative Matter No. R-359-RTJ. -

On September 28, 1984, complainant Liwayway B. Samson filed before the RTC of Caloocan City a complaint for damages against Benecio Urgel, Roberto Exequiel, Shigiro Iwata and Remigio Pasion, docketed as Civil Case No. 11559 and assigned to respondent judge. The summonses were served on the defendants on October 3, 1984. On October 18, 1984, defendants Urgel and Exequiel filed their answer with cross-claim against their

co-defendants Pasion and Iwata. They likewise filed a motion for leave to file a third party complaint against Imperial Insurance Co. This was granted on October 22, 1984. On November 12, 1984, within the extension given by the court, defendant Iwata filed his answer with compulsory counter-claim and cross-claim and answer to cross-claim against defendants Urgel, Exequiel and Pasion. The latter did not file any answer. Thus, on November 29, 1984, complainant thru counsel moved to declare Pasion in default and to set the case for pre-trial. On January 29, 1985, counsel for complainant filed an ex-parte motion praying for the resolution of the motion of November 29, 1984. When no action was forthcoming, counsel filed another motion on March 26, 1985, reiterating his prayer in the motion of November 29, 1984. For alleged failure of respondent judge to act on the motions, the instant complaint was filed on June 6, 1985.

Required to comment, respondent judge stated that the motion of November 29, 1984 was noted for study on December 18, 1984 and was actually resolved on March 1, 1985, "well within the period even for the court to resolved [sic] the same and prior to the receipt x x x of the letter-complaint on July 2, 1985"; and that the case could not yet be set for pre-trial on account of the existence of the third-party complaint. In conclusion, respondent judge said that letter-complaint "is not only malicious but was intended to malign the undersigned Presiding Judge"[3] and should therefore be dismissed.

Complainant replied to the comment for the purpose of placing in issue respondent judge's allegation that the motion dated November 29, 1984 was resolved on March 1, 1985. She averred that if this were true, why is it that notice thereof was received by her counsel only on June 22, 1985 after the instant complaint had been filed; and why is it that respondent judge failed to resolve the other motions? She concluded that the only reasonable implication is that the order was antedated to show some color of performance of duties. She likewise cites respondent judge for failure to order the service of summons and copy of the third-party complaint on the third-party defendant.

It appears that due to the statement found in respondent's comment that "the letter-complaint is not only malicious but was intended to malign the undersigned Presiding Judge," complainant moved for respondent's inhibition from Civil Case No. 11559 and its re-raffling to another sala. This motion was denied.

Eventually, as manifested by respondent in her Rejoinder, she inhibited herself from hearing Civil Case No. 11559, which has since been assigned to another judge and has been set for pre-trial. In said rejoinder, respondent judge characterized complainant's so-called implication respecting the order of March 1, 1985 as being founded on conjectures, assumptions and suppositions. Furthermore, she said that after the third party complaint had been admitted, it was not her duty to order service of the summons on the third-party defendant, but that of the counsel who espouses the cause of the client.

III. Administrative Matter No. R-621-RTJ. -

In the sworn letter-complaint dated April 28, 1986, Victoria L. Torres charged respondent judge with ignorance of the law, graft or deliberate distortion of the law for pecuniary motives. She alleged that respondent judge had indiscriminately issued restraining orders without conducting hearings on the applications for the issuance of preliminary injunctions and had reiterated restraining orders after the lapse of the mandatory twenty [20] days; that she issued restraining orders against the enforcement of the writs of execution in ejectment cases decided by other RTC branches of Caloocan City which are of co-equal jurisdiction; that she has cited for contempt lawyers and sheriffs of other branches whom she fancies to have offended her, as in the case of Deputy Sheriff Ramirez [cf. Adm. Matter No. R-351-RTJ] who was merely complying with the order of Judge Liwag; and that she has been issuing restraining orders in ejectment cases involving the so-called "Maysilo Estate" for undoubtedly suspicious considerations.

By way of compliance to the court's resolution dated June 19, 1986, respondent submitted her comment on the letter-complaint on July 16, 1986, branding the allegations found therein as false accusations as it failed to state specific facts on the matters complained of. She stated that she issued a temporary restraining order in Civil Case No. 10526 entitled, "Arturo Salientes, et. al. v. Alexander Development Corp., et. al." but denied having issued an extension thereof. She claimed having issued a preliminary prohibitory injunction after due hearing.

With respect to the second allegation, respondent explained the issuance of the restraining orders as a method of maintaining the status quo so that the cases pending before her involving the issue of ownership may not be rendered moot and academic by the execution of the decisions in the ejectment cases relating to the same properties.

Respondent reiterated her explanation in Adm. Matter No. R-351-RTJ in connection with the Ramirez arrest-incident and asserted that she has been acting on the Maysilo estate cases objectively on the basis of the law involved and the evidence on hand.

It appears that while the instant complaint was pending evaluation by the Court, complainant Victoria Torres, in her capacity as attorney-in-fact of Alexander Development Co. caused the implementation of the writ of execution issued by the RTC of Caloocan, Branch CXXX in Civil Case No. 10645, entitled "Alexander Development Co. v. Jose Chan." The writ of execution was enforced thru the demolition of a shanty being claimed by Francisco Cruz, one of the plaintiffs in Civil Case No. 10526. Because of this, Torres was ordered arrested for contempt of court by respondent judge in an order dated May 15, 1986. To challenge said arrest order Torres instituted before the IAC a special civil action for certiorari and prohibition docketed as AC-G.R. S.P. No. 09162-SP, wherein respondent judge was likewise required to comment. On June 5, 1986, respondent judge issued an order recalling the arrest order for being moot and academic. This was manifested in the comment submitted in AC-G.R. No. 09162-S.P.

IV. Administrative Matter No. R-684-RTJ. -

The gravamen of the complaint filed before this Court on July 7, 1986 is the alleged failure of respondent judge to decide Civil Case No. C-9831 entitled, "Federico S. Cruz v. Esperanza Lazaro," despite the case having been submitted for decision for more than 18 months. Complainant who is the defendant in Civil Case No. C-9831, claims that the case was submitted for decision on October 2, 1984 with the filing of defendant's memorandum. She further alleges that as respondent judge had been drawing her salary during the entire time that the case was pending decision, respondent judge is likewise guilty of falsification in view of the certification required of judges before they could draw their salaries to the effect that they have decided all cases assigned to them on or before the end of three months counted from the time a case is submitted for decision.

On July 16, 1986, counsel for complainant Romulo T. Santos, filed a manifestation and motion to withdraw the complaint on the ground that "certain facts and conditions which heretofore were unknown to the complainant and undersigned counsel have come to [their] knowledge x x x which affect their resolution to prosecute the complaint.[4]

Said manifestation, notwithstanding, the court by resolution dated July 24, 1986 required respondent judge to answer the complaint.

In her answer filed on August 11, 1986, respondent judge states that nothing on the record shows that the case has been submitted for decision; that defendant in said case [herein complainant] never appeared in court during the hearing of the case nor during the series of conferences called by her for the purpose of effecting an amicable settlement between the parties, as per manifestation of her counsel, complainant and her husband were always

abroad; that defendant in fact told the court interpreter that she did not want to appear in court for the amicable settlement; that it was only after she received a telephone call from an alleged close relative of an associate of a national official saying "If you don't decide the case in favor of Mrs. Lazaro you will be removed, but if you decide in her favor then you will stay," that she looked into the records of the case where she found the motion of Mrs. Lazaro, received by the court on March 12, 1986, praying for the early resolution of the case; that because of the telephone calls and with the point in mind that "this is a revolutionary government", she had no recourse but to decide the case in favor of Mrs. Lazaro, which she did in a decision dated July 18, 1986; that in view of complainant's manifestation dated July 7, 1986, the instant complaint is already moot and academic.

V. Administrative Matter No. R-687-RTJ. -

Jesus Alba charges respondent judge with gross incompetence, partiality and knowingly rendering an unjust decision. Complainant is the offended party in Criminal Case No. C-23987 [84] entitled "People v. Cabel" for frustrated murder assigned to respondent's court. The decision acquitting the accused was promulgated on June 10, 1986, allegedly in the absence of complainant and his counsel, so that complainant learned about the decision only thru a neighbor. Complainant challenged the decision as erroneous for the reasons that the testimony of the accused on the alleged self-defense was not convincing, respondent judge erred in her appreciation of the credibility of the witnesses for the prosecution as well as in her pronouncement that Cabel had no motive for stabbing complainant when lack of motive does not preclude conviction.

Upon being required to comment, respondent explained in detail the reasons why she did not give credence to the version of the prosecution. She ended with the conclusion that the decision in said criminal case is just and in consonance with the evidence presented by the parties. She views the complaint as a means to harass her in the wake of the judiciary reorganization.

VI. Administrative Matter No. 86-4-9987-RTC. . -

Civil Case No. C-12172 entitled, "Manchie Sabile Brozo v. Spouses Esmeraldo Quijano and Adelina Quijano", an appealed case for an unlawful detainer was pending before Branch CXXI of the RTC of Caloocan City when presiding judge thereof, Judge Salvador J. Baylen, was transferred to the RTC of Quezon City on November 15, 1985. Said judge had previously required the parties to file their memorandum within 30 days from notice of the order dated November 4, 1985, but only the plaintiff had done so at the time of his transfer.

On January 7, 1986, therein defendants-appellees moved for either the consolidation of Civil Case No. 12172 with Civil Case No. 11724, entitled "Esmeraldo Quijano, plaintiff versus Manchie Sabile Brozo, Defendant" pending before Branch CXXX of the same court, or the re-affle of Civil Case No. C-12172 to another judge to avoid delay in its disposition; or if re-affle is not proper, to effect the transfer of said case to the pairing judge of Branch CXXI for further proceedings. Plaintiff-appellant opposed the motion.

On January 9, 1986, Executive Judge Oscar M. Herrera referred the motion to Judge Antonia Corpuz-Macandog of Branch CXX, the pairing judge of Branch CXXI.

On February 19, 1986, Judge Macandog denied the motion of defendants-appellees. However, on March 13, 1986, she issued another order recalling, rescinding and setting aside the order of February 19, 1986 and considering the case submitted for decision to her as pairing judge. Counsel for plaintiff-appellant, Atty. Jose V. Marcella moved for a reconsideration of the order dated March 13, 1986 with a request that the matter be referred to the Court Administrator for determination or ruling as to which judge -- Judge Baylen or Judge Macandog -- should decide the case.

Meanwhile, on April 24, 1986, the Court En Banc designated Judge Domingo M. Angeles, RTC, Branch CXXIX,

Caloocan City as Acting Judge of Branch CXXI of the same court "in addition to his regular duties without additional compensation, effective immediately and to continue until a regular incumbent is appointed or until further orders from this Court." [5]

On May 15, 1986, Judge Macandog rendered judgment in Civil Case No. C-12172 dismissing plaintiff's appeal. Copies of the decision and the order denying his motion for referral were received by counsel for plaintiff on May 22, 1986. He forthwith filed a motion for reconsideration of both the decision and the order. Pending resolution thereof, he wrote the Court Administrator a letter on June 9, 1985, requesting for a ruling on who, among the three judges: Baylen, Macandog or Angeles, has authority to decide the case and who, between Judges Macandog and Angeles, should resolve the pending motion for reconsideration.

Acting on said letter, the Court En Banc resolved on July 8, 1986 to: "[a] DIRECT Judge Salvador J. Baylen, Regional Trial Court, Branch 103, Quezon City, to decide Civil Case No. C-12172, considering that before his transfer to another court of equal jurisdiction said case was already submitted before him for decision and as such all proceedings were totally heard and tried by him and the greater interest of justice will be better served if he will decide the same; [b] require Judge Antonia C. Macandog to EXPLAIN within seventy-two (72) hours from receipt of notice hereof why she should not be disciplinarily dealt with for taking cognizance of Civil Case No. C-12172 and deciding the same against the vigorous objection of the plaintiff and [c] SET ASIDE and declare null and void the decision rendered by Judge Macandog for lack of authority and the pending motion for reconsideration and to set aside the decision and the order denying plaintiff's motion to refer the case to the Supreme Court be recalled and withdrawn." [6]

In the explanation submitted on July 18, 1986, Judge Macandog stated that she took cognizance of Civil Case No. 12172 by virtue of the note/order of Executive Judge Oscar Herrera appearing on the face of the "Motion to Consolidate and/or to transfer case to the Pairing Judge," dated January 7, 1986; which note reads: "Refer to Pairing Judge, Br. 120" and signed, "Oscar M. Herrera 1/9/86"; that as the thirty-day period granted to the parties within which to file their memorandum under the order dated November 4, 1985 expired at the earliest only on December 5, 1985, at which date the case would be deemed submitted for decision, Judge Baylen could not decide the case, the same not having been submitted to him for decision at the time of his transfer on November 15, 1985; that she has been authorized by this Court on September 16, 1982 to take cognizance of all kinds of cases in Branch XIV [now Branch CXXI, RTC, Caloocan City] and that the resolution dated April 24, 1986 in A.M. No. 86-499-87, which impliedly revoked this authority came to her knowledge only during the first week of June, 1986 when Judge Angeles started taking cognizance of and began hearing cases in Branch CXXI.

Except for the charges of gross incompetence, partiality and knowingly rendering an unjust decision in Administrative Matter No. R-687-RTJ, which must be dismissed outright for lack of merit, the other charges brought against respondent are indeed serious. Taken collectively, they cast a heavy shadow on respondent's moral, intellectual and attitudinal competence to remain a member of the Bench.

The complaint in Administrative Matter No. R-687-RTJ is anchored primarily on respondent having given credence to the exempting circumstance of self-defense offered by the accused in Criminal Case No. C-23527. In *Villa v. Llamas*, 84 SCRA 277, where the complainant placed in issue the wisdom of the respondent judge's decision in a civil case for having believed the testimony of the plaintiff, an alleged operator and maintainer of houses of ill-repute, this Court ruled that said circumstance was not an indubitable ground for penalizing a judge administratively. The reason, as previously stated in the case of *Dizon vs. de Borja*, 37 SCRA 46, is that "to hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable."

Similarly, in the case of *Vda. de Zabal vs. Pamaran*, 39 SCRA 430, this Court had the occasion to pronounce that "mere errors in the appreciation of evidence, unless so gross and patent as to produce an influence of ignorance or bad faith or that the judge knowingly rendered an unjust decision [which circumstances do not obtain in the case at bar], are irrelevant and immaterial in an administrative proceeding against him." We further stated: "If in the mind of the respondent the evidence for the defense was entitled to more weight and credence, he cannot be held to account administratively for the result of ratiocination." [7]

Neither could respondent be held administratively liable for failing to notify complainant of the promulgation of the decision in said criminal case. While it may be the better practice to notify the offended party of such promulgation, the Rules of Court do not require a judge to do so.

The actuations of respondent judge in Administrative Matters Nos. R-351-RTJ and R-621-RTJ are, however, administratively censurable. In both cases, she issued preliminary injunctions to stay the implementation of writs of execution issued by courts of coordinate and co-equal jurisdiction, and issued arrest orders against a deputy sheriff and an attorney-in-fact of a party who proceeded to enforce the writs of execution despite said injunctions. To effect the immediate execution of the order of arrest against deputy sheriff Ramirez, respondent wrote a handwritten note to Brig. Gen. Alfredo Lim requesting his assistance on the matter.

To our mind, both orders of arrest were improvidently issued. Respondent judge should have been aware that forcible entry and detainer cases do not interfere with a proceeding where ownership is at issue. Thus, in *Petargue v. Sorilla*, 92 Phil. 5, it was held that "the determination of the respective right of rival claimants to public land is different from the determination of who has the actual physical possession or occupation with a view to protecting the same and preventing disorder and breaches of the peace. A judgment of the court ordering restitution of the possession of a parcel of land to the actual occupant, who has been deprived thereof by another through the use of force or in any illegal manner, can never be 'prejudicial interference' with the disposition or alienation of public land." Besides, in the case of deputy sheriff Ramirez, respondent judge should have taken into consideration that his duty to enforce court orders and processes is ministerial in character and that he has no authority to determine the validity of the order placed in his hands to implement. Thus, whether Judge Liwag can, in the exercise of appellate jurisdiction, legally issue the writ of execution is of no moment insofar as deputy sheriff Ramirez is concerned, and he should not have been punished by incarceration for performing his official duty.

Moreover, the handwritten note of respondent judge to Brig. Gen. Lim is, to say the least, highly irregular and improper. Her over-zealousness in implementing the order of arrest creates the impression that she has taken an interest far and beyond that ordinarily expected of judicial officers with respect to cases pending before them; which, in turn, puts her impartiality in question.

Respondent judge is of the impression that the release of Ramirez from jail and the recall of the order of arrest against Victoria Torres had rendered the administrative cases against her moot and academic. Rather than exonerate her, these facts instead serve to strengthen the charges against her. For one, the release order issued by this Court only proves the impropriety of her act; while on the other, the recall order demonstrates the impetuosity by which the arrest order was issued in the first place.

The same attitude is observed in respondent judge in connection with Administrative Matter No. R-684-RTC which she wants this court to consider moot and academic for the reasons that she has rendered a decision in Civil Case No. C-9831 and that the complainant had moved for the withdrawal of said complaint.

We said in the case of *Vasquez v. Malvar*, 85 SCRA 10, that a motion to withdraw and/or dismiss the complaint by complainant, does not, by itself, warrant the dismissal of the administrative case against respondent judge, because "to condition administrative actions upon the will of every complainant, who may, for one reason or

another, condone a detestable act, is to strip this Court of its supervisory power to discipline erring members of the Judiciary."

And seriously blundered respondent did.

While it appears that the complaint was filed under a misapprehension of facts, in that it was not indubitably established that the case had been submitted for decision as alleged in the complaint, and dismissal of the charge should have followed as a matter of course, the case had taken an unexpected twist. In her answer, respondent judge admitted to have succumbed to pressure in deciding the case in favor of herein complainant, Mrs. Esperanza G. Lazaro. Thus, "In order to promote peace so nobody would call me again by telephone telling the same purpose, the respondent, then decided the case with the point in mind that this [sic] a revolutionary government and she had nor [sic] recourse but to decide the case in favor of Mrs. Esperanza G. Lazaro. [Decision dated July 18, 1986, see attached.]"[8]

Even accepting for the nonce that there was this supposed pressure from a source twice removed from the national official mentioned earlier, her confessed act of succumbing to this pressure on the telephone is a patent betrayal of the public trust reposed on respondent as an arbiter of the law and a revelation of her weak moral character. By her appointment to the office, the public has laid on respondent their confidence that she is mentally and morally fit to pass upon the merits of their varied contentions. For this reason, they expect her to be fearless in her pursuit to render justice, to be unafraid to displease any person, interest or power and to be equipped with a moral fiber strong enough to resist the temptations lurking in her office. Regrettably, respondent has dismally failed to exhibit these qualities required of those holding such office.

In Administrative Matter No. R-359-RTJ, respondent judge failed to act with reasonable dispatch required of judicial officers. There is reason to doubt the authenticity of the date shown on the order resolving the motion of complainant to declare therein defendant Pasion in default. If it were true that the motion was resolved as early as March 1, 1985, We do not think that service of the order upon counsel for complainant at his office in España, Manila would take more than three [3] months, and most conveniently after the present complaint has been filed.

Delay in the administration of justice is the most common cause of complaint and a judge should endeavor to avoid it. It is thus incumbent upon a judge to manage his court with a view to the prompt and convenient disposition of its business and he should not tolerate abuses, indifference or neglect by clerks, sheriffs and other officers of the court. Hence, upon failure of her clerk to serve summons on the third party defendant, it became incumbent upon her to remind said clerk of such failure.

The explanation given by respondent judge in Administrative Matter No. 86-4-9987-RTC is unsatisfactory. Par. VIII, Circular No. 7, dated September 23, 1974 of this Court provides:

"VIII. PAIRING SYSTEM:

"A pairing system shall be established whereby every branch shall be considered as paired with another branch. In the event of vacancy in any branch, or of the absence or disability of the judge thereof, all incidental or interlocutory matters pertaining to it may be acted upon by that judge of the other branch paired with it. The latter may likewise conduct trials or hearings on the merits in criminal cases with detention prisoners assigned to the other branch, as well as in other kinds of cases, subject to the conformity of the parties." [Underscoring supplied.]

Pursuant to the above-quoted internal procedure, the referral of Civil Case No. C-12172 to Judge Macandog was solely for the purpose of acting upon the motion to consolidate and/or transfer case to the pairing judge. Such referral did not in any manner empower or authorize her to decide the case on the merits, particularly in the light

of the vigorous objection interposed by therein plaintiff. The power and authority of one acting as a pairing judge are clearly defined and delineated by said paragraph and one acting beyond its tenor certainly oversteps his authority.

Judges are required to observe due care in the performance of their official duties.[9] They are likewise charged with the knowledge of internal rules and procedures, especially those which relate to the scope of their authority. They are duty-bound to observe and abide by these rules and procedures, designed, as they are, primarily to ensure the orderly administration of justice. Thus, confronted with a serious challenge to one's authority, an ordinary prudent man would perceive the reasonableness, if not the wisdom, of the suggestion/request that the question at hand be referred to this Court. The hasty and reckless attitude of respondent judge in taking cognizance of and deciding Civil Case No. 12172 despite the strong objection against her authority and the reasonable request for referral of the question to this Court, constitutes misconduct in office warranting disciplinary sanction.

Anent respondent's averment that she was granted authority by this Court on September 16, 1982 to take cognizance of all kinds of cases in Branch CXXI, suffice it to say that the same was revoked, not by our resolution of April 26, 1986, but much earlier, by the implementation of the Judiciary Reorganization Act on January 17, 1983.

Respondent Judge Macandog has shown herself to be mentally and morally unfit to remain in her office. Her removal must perforce be effected.

In view of the disclosure by respondent that the decision in Civil Case No. C-9831 was rendered under undue pressure and influence, the party aggrieved thereby may take such remedial steps as may be warranted.

WHEREFORE, respondent Judge Antonia Corpuz-Macandog is hereby ordered dismissed from the service, with forfeiture of all retirement benefits and pay, and with prejudice to reinstatement in any branch of the government or any of its agencies or instrumentalities.

This Decision is immediately executory.

SO ORDERED.

Teehankee, C.J., Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Paras, and Feliciano, JJ., concur.

Cruz, J., on leave.

[1] Resolution of July 9, 1985, p. 42, Rollo.

[2] Resolution of August 22, 1986, p. 56, Rollo.

[3] p. 6, Rollo.

[4] p. 4, Rollo.

[5] p. 14, Rollo.

[6] p. 20, Rollo.

[7] Ibid.

[8] Answer, p. 3.

[9] Bonilla v. Afable, 115 SCRA 464.

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