

**INTESTATE ESTATE OF ROSINA MARGUERITE WOLFSON,
DECEASED, RICARDO VITO CRUZ, PETITIONER AND APPELLEE.
TESTATE ESTATE OF ROSINA MARGUERITE WOLFSON, DECEASED,
MANUEL Y. MACIAS, PE...**

G.R. No. L-28054. June 15, 1972

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Rosina Marguerite Wolfson died on September 14, 1965 in San Francisco, California, U.S.A.

On January 10, 1966, Atty. Manuel Y. Macias, herein petitioner-appellant, unaware that Rosina died with a will and testament, filed in behalf of Ricardo Vito Cruz a petition for the issuance of letters of administration in his favor over the estate in the Philippines of the late Rosina, which was docketed as Special Proceedings No. 63866, entitled "Intestate Estate of Rosina Marguerite Wolfson, deceased," and was assigned to Branch VIII of the Manila Court of First Instance, then presided over by then Judge, now Court of Appeals Justice, Manuel P. Barcelona.

Accordingly, Ricardo Vito Cruz was appointed Special Administrator for the estate of Rosina, qualified therefor, took his oath and assumed the duties thereof.

It turned out that Rosina left a will executed in accordance with the laws of the State of New York and three codicils executed in accordance with the laws of the State of California, U.S.A., naming therein the Wells Fargo Bank as sole executor and the University of Michigan as the residuary beneficiary.

On September 24, 1965, said will and codicils of Rosina were presented for probate in the Superior Court of the State of California, U.S.A.

On October 11, 1965, the said will and codicils were duly probated by said California court (Annex 4-A, pp. 28-35, rec. on appeal).

In a document dated November 10, 1965, duly notarized and authenticated, the Wells Fargo Bank, as the sole executor designated in Rosina's will and codicils, appointed lawyers James M. Ross, Ewald Selph, Rafael D. Salcedo, Arturo del Rosario, Jesus Bito, Joaquin L. Misa and Mariano Lozada, all of Manila, Philippines, as its attorney-in-fact, with authority among others to file ancillary administration proceedings for the estate of Rosina and to act as administrator or administrators of the estate (Annex "4-A", pp. 28-35, rec. on appeal).

Pursuant to his appointment as attorney-in-fact of executor Wells Fargo Bank, Atty. Arturo del Rosario, filed on August 13, 1966, a petition, in Special Proceedings No. 63866 before Branch VIII of the Manila Court of First Instance, praying that, inasmuch as the decedent left a will and codicils which were duly probated by the Superior Court of California, U.S.A., the intestate proceedings in Special Proceedings No. 63866 be converted into a petition for the probate of Rosina's will and codicils (Annex "4-C", pp. 38-42, rec. on appeal).

On October 25, 1966, petitioner-appellant Macias, in his own behalf and without informing his client Ricardo Vito Cruz, filed a similar but separate and independent petition, which was docketed as Special Proceedings No. 67302 and assigned to Branch VI of the Manila Court of First Instance, then presided by Judge Gaudencio Cloribel, alleging that he has a legal interest in Rosina's estate and praying for the probate of Rosina's will and codicils as well as for his (Macias') appointment as special administrator (pp. 12-17, ROA).

Because of petitioner-appellant's claim that he has a legal interest in Rosina's estate, Judge Cloribel of Branch VI in an order dated October 27, 1966 set the hearing of the petition on December 17, 1966 and appointed Macias special administrator (Annex "2", pp. 18-20, ROA). Accordingly, petitioner-appellant Macias was issued letters of special administration on November 12, 1966 (Annex "3", pp. 21-22, ROA).

In a pleading dated December 9, 1966, Atty. Arturo del Rosario filed an opposition to the petition of petitioner-appellant for the probate of the will and codicils of Rosina Marguerite Wolfson in Special Proceedings No. 67302 on the grounds, among others, that Rosina's estate is the subject of Special Proceedings No. 63866 before Branch VIII previously filed by petitioner-appellant Macias in behalf of respondent Ricardo Vito Cruz and before which he (Atty. Arturo del Rosario) filed on August 13, 1966 a petition for the conversion of the said intestate proceedings into one for the probate of Rosina's will and codicils, which was then pending resolution (Annexes "4", "4-A" & "4-B", pp. 23-27, ROA).

Likewise, special administrator Ricardo Vito Cruz filed a motion dated December 13, 1966 to dismiss the said petition of petitioner-appellant in Special Proceedings No. 67302 on the grounds, among others:

- (1) that Rosina's estate is already the subject of Special Proceedings No. 63866 before Branch VIII (invoking Section 1, Rule 73 of the Revised Rules of Court);
- (2) that on August 13, 1966, Atty. Arturo del Rosario filed in behalf of Wells Fargo Bank a petition to convert the intestate proceeding in Special Proceedings No. 63866 into a testate proceeding for the probate of the last will and codicils of Rosina;
- (3) that two proceedings over the same estate will only complicate matters and delay its closure; and
- (4) that in filing his petition for the probate of the will and codicils of Rosina in Special Proceedings No. 67302 before Branch VI, petitioner-appellant concealed from the presiding judge of Branch VI the fact that appellant previously filed Special Proceedings No. 63866 in his (Ricardo Vito Cruz) behalf as well as the fact that Arturo del Rosario had already filed his pleading of August 13, 1966 for the conversion of the intestate proceedings into a testate one (Annex "6", pp. 48-59, ROA).

In a pleading dated December 16, 1966, petitioner-appellant filed his reply and opposition respectively to the opposition of Atty. Arturo del Rosario and the motion to dismiss of Ricardo Vito Cruz, contending

- (1) that the grounds advanced by Atty. Arturo del Rosario and Ricardo Vito Cruz are not legal grounds for the dismissal of Special Proceedings No. 67302, because he is seeking in this Special Proceedings No. 67302 his own appointment as regular, not ancillary, administrator of Rosina's estate, based simply on his interest in the estate, without need of any authority from Wells Fargo Bank, which does not and cannot possibly have anything to do with these proceedings because its (Wells Fargo Bank) appointment by the California Superior Court as executor of Rosina's estate does not extend ex-proprio vigore to the Philippines;
- (2) that it is enough that a person has an interest in the will or in the property either as executor or otherwise to justify his intervention in the proceedings, citing Section 1 of Rule 76 of the Revised Rules of Court and Santos vs. Castillo;^[1]
- (3) that Special Proceedings No. 63866, which is an intestate proceeding merely for the administration of Rosina's estate, is not a probate proceeding; and

(4) that to dismiss and/or consolidate Special Proceedings No. 67302 with Special Proceedings No. 63866, would frustrate the implementation of Rosina's will to provide, a suitable memorial in the City of Manila to her parents and to provide help and assistance to her former Filipino dependents and those of their parents (Annex "7", pp. 70-85, ROA).

In an order dated December 17, 1966, Judge Cloribel of Branch VI postponed the hearing of Special Proceedings No. 67302 on the ground that the oppositors had raised a prejudicial question to the effect that another case involving the very same matter is pending in Branch VIII presided over by Judge Barcelona (Annex "8", p.86, ROA).

In a pleading dated December 21, 1966, petitioner-appellant filed in both Special Proceedings Nos. 63866 and 67302, a motion for the consolidation and joint hearing of both cases as they relate to the same estate of Rosina (Annex "9", pp. 87-90, ROA).

In a pleading dated December 22, 1966 filed in both Special Proceedings Nos. 63866 and 67302, Severino Baron, Anselmo A. Reyes, Paulino Andrada, Alfredo V. Walcott, Narciso S. Villanueva, Leonardo Baron, Godofredo L. Duaño and Catalino S. Calimutan — all mentioned in Julian's memorandum to Rosina — endorsed petitioner-appellant's petition for his appointment as regular administrator with the will annexed of Rosina's estate (Annex "10", pp. 91-95, ROA).

In a manifestation dated December 23, 1966, Ricardo Vito Cruz stated that he does not object to the transfer of Special Proceedings No. 67302 to Branch VIII, with the qualification that he does not agree with the allegations in the rest of the prayer of petitioner-appellant in his urgent motion for consolidation of cases filed on December 21, 1966 for the reasons he (Ricardo Vito Cruz) stated in his motion to dismiss filed on December 13, 1966 (Annex "11", pp. 94-95, ROA).

In an order dated December 23, 1966, Judge Cloribel of Branch VI ordered the transfer of Special Proceedings No. 67302 to Branch VIII if "the Presiding Judge therein has no objection to said transfer" (Annex "12", p. 96, ROA).

On January 6, 1967, petitioner-appellant filed his opposition to the petition of Ricardo Vito Cruz for appointment as regular administrator of Rosina's estate in Special Proceedings No. 63866, because, among others, of the alleged corrupt practices of Ricardo Vito Cruz with a view to his unjust enrichment at the expense of the estate and his alleged wasteful administration of the same (Annex "13", pp. 97-105, ROA).

On January 12, 1967, petitioner-appellant filed an urgent motion for the resolution of his urgent motion for, consolidation of the two cases and for their joint hearing on January 14, 1967 and of his urgent ex parte motion for the probate of the will and codicils of Rosina (Annex "14", pp. 106-109, ROA).

Respondent Ricardo Vito Cruz, through counsel, filed an opposition thereto in a pleading dated January 12, 1967 claiming that he did not agree to the consolidation of Special Proceedings No. 67302 nor to its joint hearing with Special Proceedings No. 63866, and praying that Special Proceedings No. 67302 be dismissed outright (Annex "15", pp. 110-114, ROA).

In a manifestation dated January 17, 1967, respondent Ricardo Vito Cruz stated that the order of Judge Cloribel of Branch VI dated December 23, 1966 directing the transfer of Special Proceedings No. 67302 to Branch VIII if the presiding judge therein has no objection to said transfer, is not an order for the consolidation of the two cases and that on January 14, 1967 respondent Judge Manuel Barcelona of Branch VIII directed the transfer of Special Proceedings No. 67302 from Branch VI to Branch VIII; and moved that, the two cases being the same, Special Proceedings No. 67302 should be dismissed, otherwise there will be duplicity even if it will be heard jointly with

Special Proceedings No. 63866 and will complicate matters and violate the prohibition against multiplicity of suits (Annex "15-A", pp. 115-118, ROA).

On January 21, 1967, petitioner-appellant filed his opposition to the petition of Arturo M. del Rosario dated August 11, 1966 and filed on August 13, 1966 for his appointment as ancillary administrator on the ground that he has no legal interest in the estate, invoking Section 2 of Rule 79 of the Rules of Court and the case of Testate Estate of Rosalia Saquitan, Eulogio S. Eusebio vs. Domingo Valmores, Vicenta Siscar, oppositor-appellant[2] (Annex "16", pp. 119-126, ROA).

In an order dated February 11, 1967, pursuant to the agreement of the parties and the order dated December 23, 1966 in Special Proceedings No. 67302 for the transfer of said special proceedings from Branch VI, Honorable Manuel Barcelona, then Presiding Judge of Branch VIII allowed its consolidation with Special Proceedings No. 63866 in his Branch VIII (Annex "17", pp. 127-128, ROA).

On the same day, February 11, 1967, Arturo M. del Rosario and Ricardo Vito Cruz filed before Branch VIII a joint motion for an order authorizing the clerk of court to receive the evidence relative to the probate of the will (Annex "18", pp. 129-130, ROA).

On February 13, 1967, respondent Ricardo Vito Cruz, thru counsel, filed a written manifestation before Branch VIII praying for the resolution of his motion to dismiss Special Proceedings No. 67302 since it is now transferred to Branch VIII (Annex "18-A", p. 131, ROA).

In a well-reasoned order dated February 20, 1967, Honorable Manuel Barcelona, then Presiding Judge of Branch VIII, dismissed Special Proceedings No. 67302 (Annex "19", pp. 132-142, ROA).

On March 8, 1967, petitioner-appellant filed a motion for the reconsideration of the aforesaid order of February 20, 1967, followed by an urgent motion dated March 2, 1967 for suspension of hearings until after resolution of his said motion for reconsideration (Annexes "20" & "21", pp. 143-158, ROA).

On March 9, 1967, respondent Ricardo Vito Cruz filed his opposition to the motion for the reconsideration of the order of February 20, 1967 (Annex "22", pp. 159-172, ROA), to which petitioner-appellant filed his reply dated March 15, 1967 (Annex "23", pp. 173-188, ROA).

On April 6, 1967, respondent Ricardo Vito Cruz filed a rejoinder to the reply (Annex "24", pp. 189-193, ROA), to which petitioner-appellant filed a surrejoinder dated April 16, 1967 (Annex "25", pp. 194-203, ROA).

In an order dated April 22, 1967, the Court denied the motion for reconsideration of petitioner-appellant (Annex "26", pp. 204-208, ROA), who filed his notice of appeal therefrom dated May 19, 1967 (Annex "27", pp. 209-210, ROA).

The appeal is devoid of merit.

Only last May 30, 1972, in *Macias vs. Uy Kim, et. al.*, [3] WE reiterated the rule that "Under Section 1 of Rule 73, Rules of Court, 'the court first taking cognizance of the settlement of the estates of the deceased, shall exercise jurisdiction to the exclusion of all other courts.' Pursuant to this provision, therefore all questions concerning the settlement of the estate of the deceased Rosina Marguerite Wolfson should be filed before Branch VIII of the Manila Court of First Instance, then presided over by former Judge, now Justice of the Court of Appeals, Manuel Barcelona, where Special Proceedings No. 63866 for the settlement of the testate estate of the deceased Rosina Marguerite Wolfson was filed and is still pending."

Paraphrasing the jurisprudence on this score, the salutary purpose of the rule is to prevent confusion and delay. It is not inserted in the law for the benefit of the parties litigant but in the public interest for the better administration

of justice, for which reason the parties have no control over it.[4] Consequently, every challenge to the validity of the will, any objection to its authentication, every demand or claim by any heir, legatee or party in interest in intestate or testate succession must be acted upon and decided within the same special proceedings, not in a separate action, and the same judge having jurisdiction in the administration of the estate should take cognizance of the question raised, for he will be called upon to distribute or adjudicate the property to the interested parties.[5] WE stressed that the main function of a probate court is to settle and liquidate the estates of the deceased either summarily or through the process of administration; and towards this end, the probate court has to determine who the heirs are and their respective shares in the net assets of the estate.[6]

Section 1 of Rule 73, speaking as it does of "settlement of the estates of the deceased," applies equally to both testate and intestate proceedings. And the conversion of an intestate proceeding into a testate one is "entirely a matter of form and lies within the sound discretion of the court." [7]

Special Proceeding No. 63866 was first instituted on January 10, 1966 by petitioner-appellant himself as an intestate proceedings because he did not know then that Rosina Marguerite Wolfson died with a will and three codicils, in behalf of Ricardo Vito Cruz praying for the issuance of letters of administration in favor of the said Ricardo Vito Cruz. Said proceeding was raffled to Branch VIII of the Manila Court of First Instance. By virtue of said petition, appellee Ricardo Vito Cruz was appointed special administrator and assumed the duties thereof after qualifying therefor. On October 11, 1965, the will and codicils of the deceased Rosina were duly probated by the superior court of the State of California, U.S.A. (Annex "4-A", pp. 28-35, ROA). The Wells Fargo Bank, the sole executor designated in Rosina's will and codicils, appointed local lawyers James M. Ross, Ewald Selph, Rafael Salcedo, Arturo del Rosario, Jesus Bito, Joaquin L. Misa and Mariano Lozada, as its attorney-in-fact, duly authorized, among others, to file ancillary administration proceedings for the estate of Rosina and to act as administrator or administrators of the estate (Annex "4-A", pp. 28-35, ROA). Pursuant to this appointment as such attorney-in-fact of the executor Wells Fargo Bank, Atty. Arturo del Rosario instituted on August 13, 1966 a petition in Special Proceedings No. 63866, praying that the intestate proceedings be converted into a petition for probate of Rosina's will and codicils (Annex "4-C", pp. 38-42, ROA). On October 25, 1966, petitioner-appellant Macias, in his own behalf and without advising his former client Ricardo Vito Cruz, filed an independent petition for the probate of Rosina's will and codicils, which was docketed as Special Proceedings No. 67302 and assigned to Branch VI of the Manila Court of First Instance. Claiming that he has a legal interest in Rosina's estate, he also prayed for his appointment as special administrator (pp. 12-17, ROA).

It is thus patent that the second petition filed on October 25, 1966 by petitioner-appellant was about nine (9) months subsequent to the first petition he filed in behalf of appellee Ricardo Vito Cruz, now docketed as Special Proceedings No. 63866 and over two months after Arturo del Rosario filed on August 13, 1966 his petition to convert Special Proceedings No. 63866 from intestate to testate.

As above recounted, petitioner-appellant, on January 21, 1967, filed his opposition to the petition of Atty. Arturo del Rosario for his appointment as ancillary administrator in Special Proceedings No. 63866 of Rosina's estate, on the ground that del Rosario lacks legal interest, while he, petitioner-appellant, has legal interest and represents the bigger interest in Rosina's estate and therefore should be appointed regular administrator (Annex "16", pp. 119-126, ROA).

Hence, the appealed orders dated February 20 and April 22, 1967 (Annexes "19" & "26", pp. 132-142, ROA) of the Presiding Judge of Branch VIII dismissing Special Proceedings No. 67302 after the same was transferred from Branch VI to Branch V111 and consolidated with Special Proceedings No. 63866 pursuant to the order dated February 11, 1967 (Annex "17", pp. 127-128, ROA), should be sustained.

Petitioner-appellant insists that after ordering its consolidation with Special Proceedings No. 63866, the Presiding Judge of Branch VIII has no authority to dismiss Special Proceedings No. 67302 and should hear jointly said Special Proceedings No. 67302 and Special Proceedings No. 63866.

Generally, consolidation and joint hearing of the two cases would have been proper if they do not involve settlement of the estate of a decedent, which is covered by a special provision of the Rules of Court, namely Section 1 of Rule 73, the specific command of which should be obeyed. At any rate, motions for consolidation are addressed to the sound discretion of the court; and WE do not find that the trial judge gravely abused his discretion in reconsidering the prior order for the consolidation of the two special proceedings for the settlement of the same estate and dismissing Special Proceedings No. 67302, to warrant the exercise of Our supervisory authority over the lower court which has wide discretion in this regard.[8] As a matter of fact, the Honorable Presiding Judge of Branch VIII exercised sound discretion in directing the dismissal of Special Proceedings No. 67302. The trial court is not precluded from dismissing one case after ordering the consolidation and joint hearing of the two cases; because under Section 1 of Rule 31, after ordering consolidation, the court "may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay."

As stated by the trial court in its order dated April 22, 1967

" * * * *Moreover, even if there was a consolidation, this Court, perforce, had to dismiss the instant proceedings, otherwise there will be multiplicity of suits.

" * * * * It needs no elaboration that a court can never be deprived of its power to dismiss a case pending before it if the subject-matter of such case is the same as the subject-matter of another case also pending before it. As this Court had pointed out in the order sought to be reconsidered, the filing of Special Proceedings No. 67302 violated that basic and elementary rule on multiplicity of suits which must be avoided. There is no difference between the two proceedings. Both refer to the Philippine estate of the late Rosina Marguerite Wolfson of which a special administrator has been appointed to temporarily administer this estate pending the appointment of a regular administrator. Although Special Proceedings No. 63866 is entitled "Re Intestate Estate of Rosina Marguerite Wolfson, etc.", the fact remains that the hearing on the allowance of the last will and codicils left by the decedent was already terminated in said proceedings and, in fact, petitioner Macias participated therein. If such will and codicils are allowed to probate, all that would be needed is to change the title of said proceedings from Intestate to Testate. Special Proceedings No. 67302 (the instant proceedings), therefore, is of no moment and would serve no purpose.

"The record that in Special Proceedings No. 63866, Petitioner Macias not only participated but presented evidence supporting the admission to probate the decedent's will and codicils thereto. In the same Special Proceedings No. 63866, Macias also participated by opposing the appointment of Ricardo Vito Cruz as regular administrator and proposing his own appointment to the position. Viewed in this light, the Court sees no reason to proceed with Special Proceedings No. 67302. If petitioner Macias wants to be the administrator, he can do so by applying, as in fact he has, in Special Proceedings, No. 63866." (Annex "26", pp. 204, 205-207, ROA).

As hinted in the aforequoted portion of the appealed order of April 22, 1967, if petitioner-appellant wants to be appointed as regular administrator, he can file his petition therefor, as he in fact did, in Special Proceedings No. 63866.

Even if it were true that appellee Vito Cruz intends to suppress, as claimed by petitioner-appellant, Julian's memo-randum to his sister Rosina wherein Julian expressed the hope that Rosina will deliver at her convenience to petitioner-appellant the sum of P500.00 minus taxes, such a design cannot prevent him from presenting the said memorandum in Special Proceedings No. 63866, a copy of which he apparently possesses because he attached the same as Appendix "A" to his brief (p.225, appellant's brief).

As a matter of fact, Julian's memorandum was presented in Special Proceedings No. 57405 over his estate by Severino Baron and Faustino Reis, also named therein as favored recipients of the bounty of Julian (see order of Judge Conrado Vasquez in Special Proceedings No. 57405 on pp. 25-27 of appellant's brief in G.R. No. L-28947).

Appellant himself already presented said memorandum as his Exhibit B-Macias in said Special Proceedings No. 57405 over Julian's estate, which is the subject of his appeal in G.R. No. L-28947.

It would seem presumptuous on the part of petitioner-appellant that Rosina's desire as expressed in her will to provide a suitable memorial in the City of Manila to her parents and to provide help and assistance to her former dependents and those of their parents, could not be adequately implemented by the probate court.

It should be noted from his said memorandum that the late Julian Wolfson expressly hoped that his sister will deliver to petitioner-appellant at her convenience only the comparatively meager sum of P500.00, the lowest accorded to his former employees by the late Julian A. Wolfson, who expressed the same hope that Rosina at her convenience will deliver to three of his employees P10,000.00 each and to two remaining employees P1,000.00 each, less taxes. It is likewise significant that the deceased Julian Wolfson preferred to leave his last instructions to Ricardo Vito Cruz, his accountant, and not to petitioner-appellant, an experienced lawyer of long standing and Julian's former assistant for several years in his law firm. Considering these circumstances, the unusual interest on the part of petitioner-appellant in insisting in filing a separate probate proceeding and in seeking his own appointment as administrator of Rosina's estate is rather curious, to say the least.

A respectable and self-respecting member of the Bar would consider indelicate such an act and would restrain his hand in being too officious under the circumstances. He would not institute several actions to protect his interest, when one suit will suffice, thus minimizing the clogging of the dockets of the courts.

Petitioner-appellant's pretension that he was not aware of the petition filed on August 13, 1966 by Atty. Arturo del Rosario for the probate of the will and codicils of Rosina in the same Special Proceedings No. 63866, even if true, does not justify his initiating another proceeding for the same purpose, separate from and independent of Special Proceedings No. 63866. In this connection, his pretension cannot be believed because he was the one who filed on January 10, 1966 Special Proceedings No. 63866 in behalf of appellee Ricardo Vito Cruz whose appointment as special administrator he secured and whose appointment as regular administrator he prayed for. Upon knowing of the existence of Rosina's will and codicils, petitioner-appellant would reasonably be expected to examine and study the records of Special Proceedings No. 63866 long before he filed on October 25, 1966 his separate petition for probate of the same will and codicils assigned to Branch VI, and consequently he must have necessarily discovered the existence in the record of Special Proceedings No. 63866 of the petition for probate filed by Atty. Arturo del Rosario. Because such a petition would nullify his obvious desire to have a hand in the administration of Rosina's estate through his former client, appellee Ricardo Vito Cruz, feigning ignorance of the petition of Atty. Arturo del Rosario, he filed a separate independent petition for probate which is docketed as Special Proceedings No. 67302 hoping thereby to preserve the chances of his claim being recognized by the court and of being appointed regular administrator instead of filing the same petition in Special Proceedings No. 63866 for the conversion of the said proceedings from intestate to testate. This act on his part reveals a motive that is hardly flattering to him as a member of the bar and as an officer of the court.

WHEREFORE, the appealed orders dated February 20, 1967 and April 22, 1967 are hereby affirmed and the appeal is hereby dismissed, with costs against petitioner-appellant.

Concepcion, C.J., Reyes, J.B.L. Makalintal Zaldivar, Ruiz Castro, Teehankee, Barrredo, and Antonio, JJ., concur.

Fernando, J., took no part.

[1] L-4563, March 18, 1937, V L.J. 313.

[2] L-7019, May 31, 1955, XX L.J., Aug. 31, 1955, pp. 392-394.

[3] L-31174.

[4] Serrano, et. al. vs. Chanco, et. al., 5 Phil. 431, 434-435.

[5] Benedicto, etc. vs. Javellana, 10 Phil. 197, 203.

[6] Maningat vs. Castillo, 75 Phil. 532, 535.

[7] Reynoso vs. Santiago, 85 Phil. 268, 270.

[8] Palanca vs. Querubin, Nov. 29, 1969, 30 SCRA 738, 145; PAL vs. Teodoro, 97 Phil. 461; Sideco vs. Paredes, 74 Phil. 6.

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