

AUGUSTO GATMAYTAN, PETITIONER, VS. COURT OF APPEALS, AND METROPOLITAN BANK TRUST COMPANY, RESPONDENTS.*G.R. No. 123332. February 03, 1997*

Ponente: NARVASA, C.J.

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Involved in this contempt proceeding are no less than nine (9) separate judicial remedies availed of by the same party, all directed principally at impugnation of the jurisdiction of the Metropolitan Trial Court over an ejectment suit, in order to cause its indefinite delay if not indeed to bring about its dismissal. The resort to these remedies has prevented the progress of the ejectment suit. More than ten (10) years after its commencement, it has yet to be tried and resolved in the court of origin.

The “Mother Action:” Civil Case No. 32033

On November 3, 1986, Metropolitan Bank & Trust Company (Metrobank) filed with the Metropolitan Trial Court of Makati, Branch 61,[1]an ejectment suit against the law firm identified as “CIAGLO” (Caparas Ilagan Alcantara & Gatmaytan Law Office). The suit was docketed as Civil Case No. 32033.[2] It was instituted by Metrobank as successor-in-interest of the owner of the building in question - Fortune Motors, Inc. The defendant, CIAGLO, was occupying space in the building as sub-lessee of a lessee, Canlubang Automotive Resources Corporation (CARCO); and it was sued for its failure to pay rentals and electric bills amounting to P76,224.99. In its Answer with Counterclaim, CIAGLO set up the defenses, among others, that (a) ownership of the leased premises was subject of a pending case between METROBANK and Fortune Motors, Inc.; (b) implementation of METROBANK’s writ of possession had been enjoined by the Court of Appeals; (c) it (CIAGLO) had a valid and effective arrangement with CARCO regarding the leased area; (d) the rent and electricity charges were unreasonable and unconscionable.[3]

Thereafter, the cases and proceedings hereunder outlined were instituted by Augusto Gatmaytan, a partner of CIAGLO, singly or jointly with his law firm.

1. Civil Case No. 17873

On September 21, 1987 — during the pendency of Civil Case No. 32033 — Gatmaytan filed an action in the Regional Trial Court (RTC) of Makati, Branch 145.[4] It was described as one “for declaratory relief, prohibition and damages,”[5] and docketed as Civil Case No. 17873. CIAGLO later joined as plaintiffs. The complaint alleged that in Case No. 32033, “the question of possession ** (was) intertwined with that of ownership;” “METROBANK’s alleged ownership ** is pending determination ** by the Regional Trial Court;” there is “no privity of contract” between METROBANK and CIAGLO, and the latter’s sub-lessor has not been impleaded; METROBANK “is bound to respect the lease between Fortune and CARCO.” The prayer was chiefly to declare (a) the MTC without jurisdiction over the unlawful detainer case and without power to conduct further proceedings therein; and (b) Metrobank, as bound to respect CIAGLO’s sublease.[6] Named respondents were Metrobank and the presiding Judge of Branch 61, Metropolitan Trial Court (MTC) of Makati.

This action was however given short shrift by the Makati RTC, Br. 145, which dismissed it in an Order dated January 28, 1988[7] for the reason that: (a) Gatmaytan could not ask that METROBANK be declared bound to respect CIAGLO's sub-lease "because there is already an action pending in another court involving the same issue;" (b) prohibition was improper because Gatmaytan had an adequate remedy in the unlawful detainer case filed against his firm from which, in case of an adverse judgment, appeal could be taken; (c) the MTC had exclusive original jurisdiction over the ejectment case filed by METROBANK against CIAGLO the pendency whereof abates Case No. 17873 filed by CIAGLO against METROBANK; and (d) damages may not be claimed in an action of prohibition or certiorari.

Gatmaytan filed a motion for reconsideration, and an "amended complaint (by substitution before responsive pleading)"[8] in connection with which he subsequently twice moved that respondents be declared in default, allegedly for failure to answer.

2. CA-GR SP No. 14116

Before the RTC could act on the motion for reconsideration, the amended complaint, and the motions for default, CIAGLO filed a petition with the Court of Appeals against the Makati RTC, Branch 145; the Makati MTC, Branch 61; and METROBANK. In that petition, docketed as CA-GR SP No. 14116,[9] CIAGLO prayed for judgment commanding (a) the Makati RTC (Br. 145) to give due course to its amended complaint in Civil Case 17873; (b) the MTC (Br. 61), to dismiss or suspend proceedings in Civil Case No. 32033; and (c) METROBANK to pay it damages of at least P200,000.00. Named respondents were (i) the RTC of Makati (Br. 145), (ii) the MTC of Makati (Br. 61), and (iii) Metrobank.[10]

3. CA-GR CV No. 18292

Meanwhile, by Order dated April 18, 1988, the Makati RTC (Br. 145) denied CIAGLO's motion for reconsideration of its order dismissing Civil Case 17873. CIAGLO thereupon appealed the order to the Court of Appeals, its appeal being docketed as CA-GR CV No. 18292.[11] CIAGLO contended that (a) as sub-lessee, it was a possessor in good faith entitled to the peaceful enjoyment of the leased premises; (b) its rights under its sub-lease from CARCO were violated by METROBANK when it attempted to impose and collect a much higher and exorbitant rental, etc.; (c) since METROBANK failed to pursue any action against CARCO, it (CIAGLO) is not bound to pay any rental to the bank; (d) there is a pending action between Fortune and METROBANK involving ownership of the building; and (e) the result of the action brought by CIAGLO in the RTC "would be conclusive adjudication" of the ejectment suit in the MTC.

By Resolution dated July 16, 1990, the appeal was dismissed and the challenged dispositions affirmed.[12] The Appellate Tribunal pointed out that (a) under the law, "the rights of a possessor in good faith do(*) not apply to a lessee or sub-lessee;" (b) the issues raised by CIAGLO "are matters and defenses that it may set up in the ejectment suit earlier filed against it * *, in fact, * * (it) set up these defenses in its answer;" (c) CIAGLO's "linking the issue of ownership with the issue of possession * * (did) not divest the MTC of its exclusive jurisdiction over cases of forcible entry and unlawful detainer;" (d) in not claiming ownership of the building, CIAGLO "cannot in an ejectment raise such issue and deny title to Metrobank;" (e) in any case, "Metrobank's title over said building is already beyond debate at this time." The Court also rejected CIAGLO's contention that its amended complaint in C.C. No. 17873 should have been admitted as "fallacious and untenable," the original complaint having already been dismissed for want of jurisdiction and the amendment being precisely aimed at conferring jurisdiction by eliminating the objectionable portion thereof.

4. G.R. No. 87891

CA-GR SP No. 14116 was also dismissed by the Court of Appeals (First Division) by judgment promulgated on December 16, 1988,[13] The Court adjudged CIAGLO's petition to be without "any grain of merit." It ruled that "linking the issue of ownership with the issue of possession cannot divest MTC with their exclusive original jurisdiction over cases of unlawful detainer," a proposition that CIAGLO could not circumvent "by later filing Civil Case No. 17873 in the respondent RTC." The Court observed that CIAGLO's remedy against the MTC interlocutory Order denying its motion to dismiss or suspend proceedings was a challenge "via certiorari," not the filing of Civil Case No. 17873 "which is a combination of an action for declaratory relief, prohibition and damages," and rightly ordered dismissed for being "inapropos." [14] Reconsideration was denied by Resolution dated April 10, 1989.

In an attempt to reverse that dismissal, CIAGLO "or Augusto Gatmaytan" came to this Court. The dismissal was however upheld by this Court in a Resolution dated July 13, 1989 in G.R. No. 87891. In throwing out CIAGLO's petition, this Court said:

" * * It appears that, basically, petitioner * * (CIAGLO) questions the jurisdiction of the * * (MTC) over the ejectment suit filed by * * (Metrobank) against it for non-payment of rentals and electric bills on grounds, foremost of which are, that (1) the ownership of the leased premises is the subject of a pending case between Metrobank and Fortune Motors (Phils.), Inc.; and (2) the implementation of the writ of possession of Metrobank over the leased premises has been enjoined by the Court of Appeals. Both the * * (RTC) and respondent Court of Appeals rejected * * (CIAGLO'S) arguments. In the instant case which reiterates the same arguments, We find that the appellate court correctly ruled that linking the issue of ownership with the issue of possession will not divest the MTC of its exclusive jurisdiction over cases of forcible entry and unlawful detainer under B.P. 129, Section 33(2). Besides, * * (CIAGLO) in not claiming ownership of the building cannot in an ejectment case raise such issue and deny title to Metrobank (see Tui v. Court of Appeals, L-32626, January 28, 1971, 37 SCRA 100). Further, We take judicial notice of the fact that Metrobank's writ of possession over the Fortune Building has been upheld by this Court in G.R. No. 76430 (not 76480) (Fortune Motors [Phils.] Inc. v. Metropolitan Bank and Trust Co., et al., in the resolution of February 23, 1988."

CIAGLO's motion for reconsideration was denied by Resolution dated September 4, 1989.[15] 5. G.R. No. 95992 CIAGLO challenged the judgment of the Court of Appeals of July 16, 1990 in CA-GR CV No. 18292, supra. It filed with this Court a petition for review, docketed as G.R. No. 95992, raising the following issues:

(a) Did the Court of Appeals commit an error of law, abuse its discretion, act arbitrarily, and deny petitioner full hearing, due process, and justice, in failing to find and hold that petitioner (plaintiff) sub-lessee has a cause of action for damages and injunctive relief arising from private respondent (defendant)'s interference with petitioner's sublease and disturbance of its possession of the sub-leased premises, as well as from private respondent's manifest acts of coercion, harassment, intimidation, tort, abuse of right, and oppression, in violation of the law and of sub-lessee's rights as alleged purchaser at auction sale of the sub-leased premises.

(b) Did the Court of Appeals commit an error of law, abuse its discretion, act arbitrarily, and deny petitioner full hearing, due process, and justice, in finding and holding that petitioner (plaintiff)'s causes of action are abated or barred by an ejectment suit which cannot be sustained and ought to be dismissed on various grounds, particularly, lack of cause of action and/or intertwined with issues which are beyond the jurisdiction of the Metropolitan Trial Court.

(c) Did the Metropolitan Trial Court commit an error of law, abuse its discretion, act arbitrarily, and deny petitioner full hearing, due process, and justice, in refusing to dismiss an ejectment suit against a designated or named defendant "law office" by an alleged purchaser of leased and subleased premises, without suing the lessee-sublessor that had apparently surrendered its lease, for alleged failure to sign a contract of lease and pay a much higher rental in disregard of the special arrangement of sublease between the lessee-sublessor and petitioner.

(d) Did the Metropolitan Trial Court commit an error of law, abuse its discretion, act arbitrarily, and deny petitioner full hearing, due process, and justice, in setting and hearing, without adequate notice to petitioner, the ejectment suit in the absence of petitioner's counsel who had to appear at a previously scheduled hearing before the Regional Trial Court (in Antipolo, Rizal), and setting another hearing pending final resolution of CA-G.R. No. 18292, without conducting pre-trial proceedings and pending omnibus motion (to reconsider the order denying petitioner's motion to dismiss that failed to resolve the issues raised, to strike out private respondent's evidence received in the absence of petitioner's counsel), request (to admit) and written interrogatory.

However, this Court dismissed the petition by Resolution dated February 25, 1991 "for failure to sufficiently show that the Court of Appeals had committed any reversible error in the questioned judgment." [16]

6. Motion to Dismiss Case No. 32033

Earlier, or on October 10, 1989 - after the MTC (Branch 61) had scheduled Civil Case No. 32033 for trial on October 23, 1989 - CIAGLO filed a motion for the dismissal of Civil Case No. 32033, a motion it reiterated on June 5, 1990. The motions, founded upon substantially the same grounds previously alleged, were denied by an Order dated September 25, 1990, which also set the case for trial on November 9, 1990. On this date, CIAGLO filed a motion for postponement, a request for admission, written interrogatories, and an omnibus motion. These were all denied by the Court in an Order dated June 4, 1991.

7. Civil Case No. 91-1908

CIAGLO and/or Gatmaytan then filed with the Makati RTC (Br. 61) on July 9, 1991, a petition for certiorari, prohibition and mandamus, particularly praying (a) that the Orders of the Makati MTC, Branch 61 of September 25, 1990 and June 4, 1991 be nullified; (b) that the MTC be prohibited to conduct further proceedings in Civil Case No. 32003; and (c) that Case No. 32003 be dismissed. This action was docketed as Civil Case No. 91-1908. [17]

8. CA-GR SP No. 33314

Civil Case No. 91-1908 was dismissed by the Makati Regional Trial Court (Br. 61) by Order promulgated on September 30, 1992.

Its motion for reconsideration having been denied, CIAGLO filed a petition to set aside the Order of September 30, 1992 with the Court of Appeals. [18] There, the case was docketed as CA-GR SP No. 33314, [19] and the following questions were raised:

(a) Is the ejectment complaint where ownership is raised one for recovery of possession within the jurisdiction of the RTC?

(b) does the complaint state a cause of action against a law office that has no juridical personality?

(c) is a purchaser at public auction of leased property (METROBANK) bound to respect the lease and sub-lease existing thereon at the time of the mortgage and sale?

(d) does METROBANK have a cause of action to eject a sub-lessee which has a contract of sub-lease from the lessee, and which is lawfully in possession?

(e) does METROBANK have a cause of action to eject a sub-lessee of its building, absent privity of contract?

(f) what is the liability for rental of the sub-lessee, and is he subject to ejectment on surrender of the premises by the lessee-sublessor, and is the latter an indispensable party?

(g) does a sub-lessee have the right to insist on the terms of the sub-lease and refuse to pay rentals and resist ejectment on the ground of disturbance of peaceful possession and failure of reimbursement for or removal of improvements introduced in the leased premises?

(h) may METROBANK maintain an action for ejectment of a sub-lessee upon claim of ownership after it is declared not the owner of the building?

(i) did the MTC commit grave error and deny CIAGLO due process, correctible by certiorari, in failing to grant appropriate remedy, including dismissal of the complaint, in regard to METROBANK's refusal to make discovery?

(j) did the MTC commit grave error and deny CIAGLO due process in refusing to postpone the testimony of METROBANK's witnesses?

CA-G.R. SP No. 33314 was dismissed by the Court of Appeals, in a Decision promulgated on July 18, 1995.[20] It pronounced the issues raised to be barred by res judicata, and CIAGLO, guilty of forum shopping by the institution of multiple petitions, cases or proceedings focused on the jurisdiction of the Metropolitan Trial Court of Makati, Branch 61, over the ejectment case instituted by METROBANK. The Court said:

"As narrated above, petitioner-appellant (CIAGLO) instituted several actions or proceedings focused on the jurisdiction of the Metropolitan Trial Court of Makati over the ejectment case (Civil Case No. 32033) filed against it by the herein private respondent-appellee which ultimately resulted in judgments adverse to petitioner-appellant.

Filing of multiple petitions constitutes abuse of court's processes and improper conduct that tend to impede, obstruct and degrade the administration of justice. (see *Gabriel vs. Court of Appeals*, 72 SCRA 273). Forum shopping is contumacious, as well as an act of malpractice that is proscribed and condemned as trifling with the courts and abusive of their processes. A violation of the rule against forum-shopping warrants prosecution for contempt of court and constitutes ground for summary dismissal of the actions involved, without prejudice to appropriate administrative action against the counsel (*Buan vs. Lopez*, 145 SCRA 34, 38-39; *Collado vs. Fernando*, 161 SCRA 639; *People vs. Court of Appeals*, 101 SCRA 450, 463-464).

CIAGLO's motion for reconsideration was later denied by Resolution of December 4, 1995 because "time-barred." [21] Its petition for relief was also denied by Resolution of January 4, 1996, for lack of merit.

9. G.R. No. 123332

To reverse these adverse dispositions of the Appellate Tribunal, Gatmaytan initiated the proceeding at bar, G.R. No. 123332, through a petition for the review on certiorari.[22] In his petition, he set up the following issues:

- a) whether or not the complaint for ejectment states a cause of action;
- b) whether or not a purchaser at public auction has a cause of action against a sub-lessee without joining the lessee-sublessor, an indispensable or necessary party;
- (c) whether or not the action (allegedly for ejectment), where ownership is alleged by an alleged purchaser, is a plenary action for recovery of possession or one for ejectment; and whether its filing before the RTC (Civil Case No. 15243) puts the plaintiff in estoppel on the issue of jurisdiction;
- (d) whether or not a decision in a previous case confers a cause of action on the complaint and jurisdiction on the MTC; or whether the complaint for ejectment is barred by res judicata;
- (e) whether or not such lack of cause of action and jurisdiction may be acted upon and resolved motu proprio and may be questioned at any time by direct or collateral attack;

(f) whether or not remand of the case to the MTC for further proceedings will serve a useful purpose;

(g) whether or not CIAGLO's motion for reconsideration and petition for relief ought to have been granted, the date of actual receipt ought to have prevailed over the presumption of date of receipt, and not otherwise, delay in earlier receipt being excusable.

This petition was dismissed by this Court in a Resolution dated February 12, 1996.[23] The Court ruled that Gatmaytan's "motion for extension of time to file his petition for review on certiorari, * * (and his) petition, as well as the requisite docketing fees, were all delivered out of time, prescinding from the fact that the decision of the Court of Appeals sought to be reviewed has become final and executory. In any event, petitioner's cause is barred twice over by res judicata, raises questions too unsubstantial to merit consideration, and is prosecuted manifestly for delay."

In the same Resolution dated February 12, 1996, this Court resolved to "ORDER petitioner Augusto Gatmaytan to show cause, within ten (10) days from notice of this Resolution, why he should not be held liable and correspondingly punished for forum shopping." The order was reiterated in the Resolution dated March 27, 1996.[24]

Atty. Gatmaytan filed his "Compliance (with motion for leave)" on May 2, 1996.[25] Essentially, his justification for his resort to the various remedies above mentioned, was:

1) That said remedies were " 'forced or duty moves' compelled by the circumstances ... and (in adherence) to the rules;" they did not constitute forum shopping as the term is defined in the case of *Ortigas & Company Ltd. Partnership v. Velasco*, 234 SCRA 501; and he had a good ground to seek the declaration of the complaint in Civil Case No. 32033 as void for failure to state a cause of action;

2) that "[h]e should not be made to wait for the final judgment of the Metropolitan Trial Court on the patently deficient complaint"; and that he only "acted in good faith and in accordance with the law in seeking and applying for appropriate remedy and relief" in various courts.[26]

The justification is not acceptable.

The facts plainly demonstrate Atty. Gatmaytan's guilt of forum shopping, i.e., "the institution of two (2) or more actions or proceedings grounded on the same cause on the supposition that one or the other court would make a favorable disposition" (or "the act of a party against whom an adverse judgment has been rendered in one forum, of seeking another (and possibly favorable) opinion in another forum other than by appeal or the special civil action of certiorari").[27] In the case at bar, Atty. Gatmaytan repetitively availed of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in, or already resolved adversely by, some other court. He did this obviously to increase his chances of obtaining a favorable decision if not in one court, then in another. A party is not permitted to "pursue simultaneous remedies in two different (fora)."[28] This is a practice which derogates and ridicules the judicial process,[29] plays havoc with the rules of orderly procedure, and is vexatious and unfair to the other parties to the case. Hence it is that, as observed in *Ortigas*, supra,[30] forum-shopping is both contumacious and an act of malpractice; it is "proscribed and condemned as trifling with the courts and abusive of their processes * * (warranting) prosecution for contempt of court and * * (constituting) ground for summary dismissal of the actions involved, without prejudice to appropriate administrative action against the counsel."

The Rules of Court, the code governing judicial procedure, prescribes the remedies (actions and special proceedings) that may be availed of for the myriad reliefs that persons may conceivably have need of and seek in this jurisdiction. But that the adjective law makes available several remedies does not imply that a party may

resort to them simultaneously or at his pleasure or whim. There is a sequence and a hierarchical order which must be observed in availing of them. Impatience at what may be felt to be the slowness of the judicial process, or even a deeply held persuasion in the rightness of one's cause, does not justify short-cuts in procedure, or playing fast and loose with the rules thereof.

In the case at bar, as in the other proceedings instituted by him, Atty. Gatmaytan had one obvious and obsessive objective: put at issue the jurisdiction of the Metropolitan Trial Court at Makati over the ejectment case filed against him and his law partners and, by thereby preventing said case from continuing in due course in said court, defer and put off adjudication on the basic issue for as long as possible. It is an enterprise upon which he embarked for the ninth time in the case at bar, after he had already been rebuffed on the same fundamental issue a number of times by the Court of Appeals and this Court in various cases brought by him or his law firm, CIAGLO. He has frustrated and thwarted final and executory dispositions against him and his partners, and unwarrantedly imposed on the time and patience of this Court and others, in relation to what should have been a simple, summary ejectment action. He should no longer be permitted to do so; and he should be punished for having done so for years, with evident premeditation.

This opinion may fittingly be ended with a reiteration of the observations pointedly made by the Court of Appeals in CA-G.R. SP No. 33314, *supra*:^[31]

One final word. The factual milieu of this case demonstrates eloquently that petitioner-appellant misused all known technicalities and remedies to prolong the proceedings in a simple ejectment case. The equitable remedy provided by the summary nature of ejectment proceedings has been successfully frustrated by petitioner-appellant to the great prejudice of the herein private respondent-appellee and the time of this Court.

A lawyer should never take advantage of the seemingly endless channels left dangling by our legal system in order to wangle the attention of the court. The petitioner-appellant may have thought that he could get away with his indiscriminate filing of suits that were clearly intended to delay the proceedings in the ejectment case. When court dockets get clogged and the administration of justice is delayed, our judicial system may not be entirely blameless, yet the greater fault lies in the lawyers who had taken their privilege so lightly, and in such mindless fashion (see *Dimagiba vs. Montalvo, Jr.*, 202 SCRA 647)."

WHEREFORE, Atty. Augusto Gatmaytan is found and declared guilty of contempt of court; and in accordance with the provisions of Rule 71 of the Rules of Court, as amended,^[32] he is (a) ORDERED to pay a fine of FIVE THOUSAND PESOS (P5,000.00) within ten (10) days from finality of this judgment, in default of which he shall suffer IMPRISONMENT of fifteen (15) days, and (b) SUSPENDED from the practice of law for a period of SIX (6) MONTHS effective also from finality of this judgment. Let a copy of this Decision be entered in his record.

SO ORDERED.

Davide, Jr., Melo, Francisco, and Panganiban, JJ., concur.

[1] Hon. Andres B. Reyes, Jr., presiding.

[2] Rollo, p. 15.

[3] *Id.*, p. 50; SEE Decision, CA-G.R. SP No. 14116; Rollo, GR No. 87891.

[4] Hon. Job Madayag, presiding.

[5] Decision in CA-G.R. SP No. 14116.

[6] The complaint states *inter alia* that CIAGLO was informed by METROBANK that it had acquired ownership

of the building, and that if CIAGLO wished to continue as sub-lessees, it should remit all payments for rents and electric bills to METROBANK; that since June, 1986, however, CIAGLO failed and refused to pay rents and electric bills, or to vacate the premises, in spite of repeated oral and written demands (Rollo, p.41).

[7]Rollo, pp. 20, 50.

[8] Id., pp. 15-16, 49.

[9] Id., p. 16.

[10]Id., p. 51.

[11] Id., pp. 16, 51.

[12]Id., pp. 10, 20, 51; SEE Decision, CA-G.R. CV No. 18292: Rollo, GR No. 95992.

[13] Id., p. 10.

[14] SEE Decision, CA-G.R. SP No. 14116: Rollo, GR No. 87891.

[15]Id., pp. 16, 21.

[16] Id., p. 16.

[17] Id., pp. 17, 52.

[18] Entitled “Augusto Gatmaytan v. Hon. Andres Reyes, Jr. and Metrobank”.

[19]Rollo, pp. 17-18.

[20] Id., p. 49; N.B. Ponente of the judgment of the Former Special Fourth Division was Hon. Quirino Abad Santos, Jr., with Paras, J., Chairman, and Reyes, J., concurring.

[21] Id., pp. 8, 25.

[22] Id., pp. 11, 47.

[23] Id., p. 66.

[24] Id., p. 90.

[25]Id., p. 103.

[26] Id., p. 121.

[27]Ortigas & Company Limited Partnership v. Velasco, G.R. No. 109645, July 25, 1994, 234 SCRA 455, 500.

[28] Benguet Electric Coop., Inc. v. Nat’l. Electrification Adm., January 23, 1991, 193 SCRA 250, supra, citing People v. CA, November 28, 1980, 101 SCRA 450.

[29] See Benguet Electric Coop., Inc. v. Nat’l. Electrification Adm., January 23, 1991, 193 SCRA 250, 255 citing Limpin, Jr., et al. v. IAC, et al., May 5, 1988, 161 SCRA 83; Minister of Natural Resources, et al. v. Heirs of Orval Hughes, et al., November 12, 1987, 155 SCRA 566.

[30] Citing Buan v. Lopez, Jr. 145 SCRA 34, 38-39; Collado v. Fernando, 161 SCRA 639 (1988); Peo. v. Court of Appeals, 101 SCRA 450, 463-464.

[31] SEE footnote 20, supra.

[32] By Administrative Circular No. 22-95, eff. Nov. 16, 1995.

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