

MELINA P. MACAHILIG, PETITIONER, VS. THE HEIRS OF GRACE M. MAGALIT, RESPONDENTS.

G.R. No. 141423. November 15, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

An interlocutory order cannot give rise to *res judicata*. Only a final and unappealable judgment on the merits rendered by a court of competent jurisdiction can effectively bar another action that has identical parties, subject matter and cause of action as the prior one.

The Case

Before us is a Petition for Review under Rule 45 of the Rules of Court, assailing the Decision^[1] dated October 15, 1999, and the Resolution dated December 28, 1999, issued by the Court of Appeals (CA) in CA-GR SP No. 31809. The dispositive portion of the challenged Decision reads as follows:

"WHEREFORE, the petition for certiorari is hereby DENIED and is accordingly DISMISSED for lack of merit.

"SO ORDERED."^[2]

The assailed Resolution,^[3] on the other hand, denied petitioner's Motion for Reconsideration.

The Facts

On February 5, 1965, Pepito Magalit, deceased husband of Dr. Grace M. Magalit (now substituted by her heirs as respondents in view of her recent demise), filed with the then Philippine Fisheries Commission -- now Bureau of Fisheries and Aquatic Resources (BFAR) -- Fishpond Application No. 24400. The application was for eleven (11) hectares of land situated in the Municipality of Batan, Province of Aklan.^[4] On April 13, 1972, Bernardo Macahilig, deceased husband of petitioner, filed with the BFAR Fishpond Application No. 29972 for five of the eleven hectares which Magalit had previously applied for.^[5] On February 28, 1972, BFAR rejected Macahilig's application for his failure to submit all the requirements.

Undaunted, Macahilig protested Magalit's application (in what will be referred to as the "Fishpond Case") on November 8, 1976, contending that for a period of 20 years, he had been in actual possession of the five-hectare area included in Magalit's application.

On August 22, 1979, the director of BFAR ordered the Committee on Fishpond Claims and Conflict to hear and determine the rights of Macahilig and Magalit over the disputed area. The Committee concluded that the former was merely the latter's laborer and caretaker. On June 6, 1980, BFAR Director Felix R. Gonzales rendered an Order disposing as follows:

"WHEREFORE, premises considered, the letter protest dated November 8, 1976 filed by Bernardo Macahilig against Pepito Magalit, should be as hereby it is DISMISSED for lack of merit. Fp. A. No. 29972 of Bernardo

Macahilig shall remain REJECTED; and Fp. A. No. 24400 filed by Pepito Magalit should be, as it is hereby GIVEN DUE COURSE, to contain 10.0 hectares only, as discussed earlier on page 8 hereof, subject to the condition that the improvements existing on the area shall be forfeited in favor of the Government with a provision that said Pepito Magalit has the option if he so desire[s] to purchase from the government the aforesaid improvements after the re-appraisal thereof by representatives of this Office, otherwise, said area shall be declared open and available

"The Regional Director of Iloilo City is hereby directed to advise Bernardo Macahilig or other occupants to vacate the premises after the finality of this Order and take custody of the area in question. (Annex "B", id.; pp. 30-31, id.)."[6]

Macahilig elevated this disposition to the Office of the President. However, then Presidential Assistant for Legal Affairs Manuel M. Lazaro, by "authority of the President," denied reconsideration in this language:

"WHEREFORE, the motion for reconsideration of Bernardo Macahilig is hereby DENIED. This DENIAL IS FINAL."

Subsequently, Macahilig challenged this action via a "Petition for Review with Prayer for an Issuance of a Writ of Injunction and/or Restraining Order." He had filed the Petition originally with the Supreme Court, which then referred it to the Intermediate Appellate Court (IAC) where it was docketed as AC-GR SP No. 03448. On March 26, 1985, the appellate court rendered a Decision declaring that Magalit had occupied, cleared and improved the land; and that Macahilig was his mere caretaker and laborer. It disposed as follows:

"WHEREFORE, this petition for review is hereby DENIED and is DISMISSED, for lack of legal and factual basis.

"It is hereby ordered that the petitioner or anybody acting in his behalf is/are to vacate the subject property in question, and to turn it over to the heirs of Pepito Magalit, considering that the challenged decision as abovestated, has long become final and executory on May 2, 1984 yet."[7]

Later on, Magalit instituted Civil Case No. 3517 in the Regional Trial Court of Kalibo, Aklan, for the issuance of a Writ of Execution.[8] On November 29, 1985, Deputy Provincial Sheriff of Aklan Eriberto Taytayon Jr. implemented the Writ issued by Judge Jaime D. Discaya on October 30, 1985. The heirs of Pepito Magalit, represented by Dr. Magalit, filed on August 6, 1990, a "Motion for Correction of the Implementation of the Decision of the Court of Appeals in CA-GR SP No. 03448 [p]romulgated [o]n March 26, 1985 and of the Decision of the Court dated October 30, 1985." In that Motion, they prayed that the trial court properly implement said IAC Decision by ordering Spouses Macahilig to turn over to her the possession of Lot 4417, which had an area of 2.0805 hectares, more or less.[9] Dr. Magalit contended that the Writ of Execution was not satisfied, because the spouses had refused to give up the fishpond in question.

On September 17, 1992, Judge Maria Carillo-Zaldivar issued the following Order:

"Finding from the Ma[n]ifestation of counsel on record for the movant that the two (2) hectares of land she desires to be executed thru an alias writ is outside the ten (10) hectares awarded to her by the Fisheries, this Court has no jurisdiction over her claim.

"WHEREFORE, the motion for reconsideration dated September 9, 1992 is hereby DENIED."[10]

On October 9, 1992, Dr. Magalit filed a "Petition for Contempt Against Melina Macahilig," alleging that on November 29, 1985, Bernardo Macahilig had refused to turn over Lot 4417 to her.

The trial court appointed a commissioner to determine whether Lot 4417 was included in the parcels of land awarded to the deceased Magalit.[11] Sheriff Nelson R. dela Cruz, the appointed commissioner, submitted his

Commissioner's Report dated May 13, 1993, pertinent portions of which read:

"That on April 29, 1993[,] a certain Cipriano Matutino, an employee of the Department of Agriculture Regional Office in Iloilo City personally came to the [o]ffice of the undersigned commissioner and delivered a letter dated April 26, 1993, addressed to the undersigned with attached [s]ketch. x x x.

"That on May 7, 1993, the undersigned constituted [sic] himself into the [f]ishpond in [q]uestion which is situated at Lalab, Batan, Aklan, together with x x x Respondent Melina Macahilig, Barangay Chairman Robinson de la Vega and the representative of Dr. Grace M. Magalit.

"That x x x Petitioner Dr. Grace M. Magalit is in the actual possession of Lot-A with an area of 99,114 [s]quare [m]eters or 9.9 [h]as. which is a fully developed [f]ishpond, and without any question from the respondent. However, as per Order of the Bureau of Fisheries and Aquatic Resources dated June 6, 1980, that portion labelled Parcel-A in the sketch with an area of 2.3 [h]as. has to be excluded because it is needed for [f]orest purposes. So if we deduct 2.3 [h]as. from the 9.9 [h]as. the remaining area for the [p]etitioner will only be 7.6 [h]as., that is [why] the Bureau of Fisheries has to include Lot 4417 and Lot 5216, in order that the area of 10.0 hectares in said order will be satisfied." [12]

In the Order of June 18, 1993, the trial court adopted the Commissioner's Report and ruled in favor of Dr. Magalit in this wise:

"Finding from the [C]ommissioner's [R]eport and [the] sketch submitted that the questioned Lot 4417 with an area of 20,805 square meters is actually in the possession of [Petitioner] Melina Macahilig but which was given to the [respondent's] husband, let a writ of execution be issued in favor of the [respondent] and against [Petitioner] Melina Macahilig for the delivery of Lot 4417.

"As regards Lot 5216, the report of the commissioner states that the same is covered by an Original Certificate of Title No. P-19359 in the name of Julie Cawaling. The petitioner is hereby directed to desist from occupying this lot until the original certificate of title in the name of Julie Cawaling shall have been passed upon by a competent court.

"Failure on the part of the [petitioner] to deliver x x x said area covered by Lot 4417 to the [respondent], this court will declare her in contempt." [13]

Petitioner moved for reconsideration, but her motion was denied in the Order of July 14, 1993, [14] which held that she had no valid reason to possess the disputed lot, considering that her husband's application therefor had been rejected. [15]

Unfazed by the unfavorable turn of events, petitioner filed with the CA, on August 12, 1993, a Petition for Certiorari [16] alleging that the trial court had acted with grave abuse of discretion in issuing the Orders dated June 18 and July 14, 1993.

Ruling of the Court of Appeals

The CA ruled that the trial court did not commit grave abuse of discretion when it issued a Writ of Execution ordering the delivery of Lot 4417 to Dr. Magalit. The records show that the fishpond application of petitioner's husband was rejected by the BFAR, and that petitioner did not present any other evidence to prove her right of possession over the disputed property.

On the other hand, Dr. Magalit's claim was based on the Decision in the Fishpond Case, which upheld her right -- as the surviving spouse of the applicant -- to possess the ten hectares of land awarded to him, including Lot 4417 which covered an area of more or less 2.0805 hectares. The disputed lot was included in the area awarded to Dr. Magalit because of the report of the commissioner appointed by the trial court to settle the issue. Petitioner had

not objected either to the said appointment or to the Report.

The Orders of June 18 and July 14, 1993 were based on the evidence presented before the trial court. Consequently, they cannot be regarded as capricious and whimsical exercises of judicial power.

Hence, this Petition.[17]

The Issues

Petitioner interposes the following issues for our resolution:[18]

"Whether x x x the Decision dated October 15, 1999 and the Resolution dated December 28, 1999 are contrary to law and established evidence and jurisprudence because the court a quo has no jurisdiction to order the execution of the Orders dated June 18, 1993 and July 14, 1993 x x x requiring the petitioner to turn over Lot no. 4417 to Dra. Magalit.

"Whether x x x [said] Orders x x x are void for lack of jurisdiction.

"Whether [said] Orders include Lot 4417.

"Whether x x x the lot in question can be turned over to the private respondents.

"Whether x x x there is a judgment in favor of Dra. Magalit including Lot 4417.

"Whether x x x the Order dated September 17, 1992 is conclusive or operates as a bar to the Orders dated June 18, 1993 and July 14, 1993."

In simpler terms, the Petition raises the following crucial issues:

1. Was the issuance of the Writ of Execution in Civil Case No. 3517 proper?
2. Did the trial court acquire jurisdiction over Lot 4417?
3. Did the September 17, 1992 Order constitute res adjudicata barring the June 18 and July 14, 1993 Orders of the trial court?

The Court's Ruling

The Petition has no merit.

First Issue:

Propriety of Writ of Execution

Petitioner insists that the Decision in AC-GR SP No. 03448 has already been complied with, because the fishponds adjudicated to respondents had been surrendered to the latter. She cites as evidence the receipt dated November 27, 1985 signed by Robinson de la Vega, the administrator of Dr. Magalit; and the Decision in Civil Case No. 3436 for annulment of mortgage. The receipt[19] stated that De la Vega had received from Deputy Sheriff Taytayon a parcel of land located in Barangay Lalab, Batan, Aklan, having an area of 99,114 square meters. On the other hand, the RTC of Kalibo, Aklan, issued on November 4, 1988, in Civil Case No. 3436, a Decision for annulment of mortgage (the "Annulment Case," for short), which states:

"Moreover, as above stated, the disputed fishpond had, in December 1985, already been turned over officially to [Dr. Grace Magalit] by the Office of the Provincial Sheriff with the assistance of the Office of the Provincial Fishery Officer and the Philippine Constabulary." [20]

We disagree. A judgment is a final ruling by a court of competent jurisdiction regarding the rights of the parties or

other matters submitted to it in an action or a proceeding.[21]As clearly stated in the assailed Decision, the heirs of Dr. Magalit possessed a right superior to that of petitioner's husband, whose application was rejected by BFAR, Presidential Assistant Lazaro and the IAC. Being the prevailing party, respondents were entitled to the execution of the Decision in the Fishpond Case.

In her "Motion for Correction" filed in Civil Case No. 3517, Dr. Magalit averred that "per Officer's Return x x x the Writ of Execution dated November 29, 1985, x x x was not satisfied because the defendant-spouses x x x opposed the official [turnover] of the fishpond land in question x x x." [22]Furthermore, in the "Petition for Contempt against Melina Macahilig" dated October 9, 1992, she also stated that petitioner and her husband refused to turn over the possession of the disputed fishpond with an area of 2.0905 hectares despite the service of the Writ of Execution. She added that "on November 29, 1985, Deputy Sheriff x x x Taytayon Jr. [served] the Writ of Execution x x x and that the defendant, Bernardo Macahilig, did not acknowledge receipt of the Writ of Execution, [alleging] that he had nothing to turn over." [23]

This failure to satisfy the judgment in the Fishpond Case was confirmed by the Commissioner's Report dated May 13, 1993, which explained:

"That x x x Dr. Grace M. Magalit is in the actual possession of Lot-A with an area of 99,114 [s]quare [m]eters or 9.9 [h]as. which is a fully developed [f]ishpond, and without any question from the [petitioner]. However, as per Order of the Bureau of Fisheries and Aquatic Resources dated June 6, 1980, that portion labeled Parcel-A in the sketch with an area of 2.3 [h]as. has to be excluded because it is needed for [f]orest purposes. So if we deduct 2.3 has. from the 9.9 [h]as. the remaining area for the petitioner will only be 7.6 [h]as., that is [why] the Bureau of Fisheries has to include Lot 4417 and Lot 5216, in order that the area of 10.0 hectares in said order will be satisfied." [24]

The Decision in the Annulment Case, on the other hand, has no effect or bearing on the Fishpond Case. On February 28, 1985, the Annulment Case (Civil Case No. 3436) was filed with the RTC of Kalibo, Aklan, praying for the invalidation of the real estate mortgage which Spouses Macahilig had constituted in favor of the Aklan Development Bank. The mortgage was a lien on the fishponds that had been awarded to Dr. Magalit's husband. These fishponds were described in the Complaint for annulment of mortgage as follows:

"PARCEL ONE:

"A parcel of fishpond land with an area of Twenty Thousand Eight Hundred Five (20,805) [s]quare meters, more or less. Bounded on the North by Lot 5212; South by a [c]reek; East by a [c]reek; West by Lot No. A in the [s]ketch [p]lan prepared by the Bureau of Fisheries."

"PARCEL TWO:

"A parcel of fishpond land with an area of Ninety Nine Thousand One Hundred Fourteen (99,114) [s]quare meters, more or less, located in Lalab, Batan, Aklan. Bounded on the North by Lot 4420 Azarraga and others; South by a [c]reek; East by Lot 4417; and West by Lot B; shown in the [s]ketch [p]lan prepared by the Bureau of Fisheries." [25]

On November 4, 1988, Judge Romulo T. Arellano invalidated the mortgage and the sale of said parcel of land with a declaration that the "disputed fishpond" had already been turned over to Dr. Magalit. The Annulment Case, however, was entirely different from the Fishpond Case. Thus, the RTC of Kalibo, Aklan, was not barred from ordering the surrender of Lot 4417 to satisfy the execution of the judgment in the Fishpond Case. The Decision in the Annulment Case simply meant that the lots mortgaged by the petitioner to the Aklan Development Bank, which formed part of the 10-hectare property awarded to Dr. Magalit's husband in the Fishpond Case, were separate and distinct from Lot 4417. Possession of said Lot 4417, which formed part of the property awarded to

Magalit, was not at issue in the Annulment Case. Contrary to petitioner's claim, the Decision therein did not state that this lot was actually turned over to respondents.

Second Issue: Jurisdiction

Petitioner further contends that the trial court gravely abused its discretion in ordering the turnover of Lot 4417 to Dr. Magalit, because of its earlier ruling that it had no jurisdiction over said property.

We cannot place much weight on this Order. First, the September 9, 1992 Motion for Reconsideration taken up in said Order has not been attached to or alleged in the herein Petition. Hence, we cannot fully consider the nature of the claim that was denied by this Order or speculate on why the trial court ruled that it had no jurisdiction over the movant's claim. We cannot even guess which Order the unidentified movant wanted to be reconsidered.

More important, it is too late in the day for petitioner to challenge the jurisdiction of the trial court. She clearly submitted to its authority by her unqualified participation in Civil Case No. 3517. We cannot allow her to attack its jurisdiction simply because it rendered a Decision prejudicial to her position. Participation in all stages of a case before a trial court effectively estops a party from challenging its jurisdiction.[26] One cannot belatedly reject or repudiate its decision after voluntarily submitting to its jurisdiction, just to secure affirmative relief against one's opponent or after failing to obtain such relief.[27] If, by deed or conduct, a party has induced another to act in a particular manner, estoppel effectively bars the former from adopting an inconsistent position, attitude or course of conduct that thereby causes loss or injury to the latter.[28]

Petitioner insists that the trial court had no jurisdiction over the res of Lot 4417 when it issued its September 17, 1992 Order.

Again, we disagree. Jurisdiction over the res is acquired either (a) by the seizure of the property under legal process, whereby it is brought into actual custody of the law; or (b) as a result of the institution of legal proceedings, in which the power of the court is recognized and made effective.[29] In the latter condition, the property, though at all times within the potential power of the court, may not be in the actual custody of said court.

The trial court acquired jurisdiction over the disputed lot by virtue of the institution of the Petition for a Writ of Execution filed by the respondents' predecessors in interest. Without taking actual physical control of the property, it had an impliedly recognized potential jurisdiction or potential custody over the res. This was the jurisdiction which it exercised when it issued the Writ of Execution directing the surrender of Lot 4417 to Dr. Magalit.

Third Issue: Res Judicata

Citing Section 49 of Rule 39, Rules of Court, petitioner insists that the September 17, 1997 Order of the trial court in Civil Case No. 3517 bars it from rehearing questions on the ownership of Lot 4417. She insists that said Order has become final and executory, because Dr. Magalit did not appeal it.

We disagree. Final, in the phrase judgments or final orders found in Section 49 of Rule 39, has two accepted interpretations. In the first sense, it is an order that one can no longer appeal because the period to do so has expired, or because the order has been affirmed by the highest possible tribunal involved. The second sense connotes that it is an order that leaves nothing else to be done, as distinguished from one that is interlocutory. The phrase refers to a final determination as opposed to a judgment or an order that settles only some incidental, subsidiary or collateral matter arising in an action; for example, an order postponing a trial, denying a motion to dismiss or allowing intervention. Orders that give rise to res judicata and conclusiveness of judgment apply only

to those falling under the second category.

For res judicata to apply, the following elements must concur: (1) there is a final judgment or order; (2) the court rendering it has jurisdiction over the subject matter and the parties; (3) the judgment is one on the merits; and (4) there is, between the two cases, identity of parties, subject matter and cause of action.[30] For example, an order overruling a motion to dismiss does not give rise to res adjudicata that will bar a subsequent action, because such order is merely interlocutory and is subject to amendments until the rendition of the final judgment.[31]

A judgment or an order on the merits is one rendered after a determination of which party is upheld, as distinguished from an order rendered upon some preliminary or formal or merely technical point.[32] Dismissal of a case for failure of plaintiff to comply with a "notice of case status" signed by an officer-in-charge does not have the effect of an adjudication on the merits.[33] Strictly speaking, res judicata does not apply to decisions or orders adjudicating interlocutory motions.

The interlocutory nature of the Order of September 17, 1992 is evident from the fact that the trial court proceeded to hear and determine the inclusion of Lot 4417 in the Fishpond Case. Without any objection from petitioner, it commissioned Sheriff de la Cruz to hear and submit a report on the issue. If it is true, as she claims, that the September 17, 1992 Order constituted a final judgment, then she should have objected to any further proceedings.

Petitioner alleges that her failure to object on time to the Commissioner's Report was a "plain error," which could be corrected by the CA. This is wrong. Her failure to object to the Report cannot be dismissed as just a matter of assigning errors on appeal. Rather, it was a failure to assert her right over the lot in dispute, an inaction that constituted estoppel. After having performed affirmative acts upon which a person acted in good faith, the actor cannot thereafter repudiate those acts or renege on their effects, to the prejudice of the former.[34]

The apparent conflict between the Orders of the trial court cannot be construed in favor of petitioner, since her Petition does not present sufficient basis for us to reverse the CA. The rule of thumb in these cases is to uphold the validity of all these orders.[35] To be sure, petitioner's lack of any right to own or possess the disputed lot should be put to rest, as this issue has been resolved against her several times. It is about time she faces the consequences of those decisions.

WHEREFORE, the Petition is DENIED, and the assailed Decision and Resolution AFFIRMED. Petitioner is ordered to SURRENDER the possession of Lot 4417 to respondents. Costs against petitioner.

SO ORDERED.

Melo, (Chairman), Vitug, and Gonzaga-Reyes, JJ., concur.

[1] Penned by Justice Eubolo G. Verzola, Division chairman; with the concurrence of Justices Artemio G. Tuquero (now secretary of justice) and Elvi John S. Asuncion, members.

[2] CA Decision, p. 7; rollo, p. 32.

[3] rollo, p. 34.

[4] See Decision of the Intermediate Appellate Court in AC-GR SP No. 03448 promulgated on March 26, 1985, p. 2; rollo, p. 37.

[5] Ibid, p. 3; rollo, p. 37.

[6] Ibid, pp. 4-5; rollo, pp. 89-90.

[7] rollo, p. 99; penned by Justice Milagros A. German; concurred in by Justices Jose A. R. Melo, Alfredo M. Lazaro and Santiago M. Kapunan.

[8] Raffled to Branch 6, presided by Judge Maria Carillo-Zaldivar who was later replaced by Judge Niovady M. Marin.

[9] rollo, pp. 62-63.

[10] rollo, p. 64.

[11] CA Decision, p. 5; rollo, p. 30.

[12] rollo, p. 65.

[13] rollo, p. 66.

[14] Penned by Judge Niovady M. Marin.

[15] rollo, p. 67.

[16] CA rollo, pp. 4-12.

[17] This case was deemed submitted for decision on September 13, 2000, upon the Court's receipt of the respondents' Memorandum signed by Atty. Diomedes T. Resurreccion. Petitioner's Memorandum, signed by Atty. Voltaire T. Duano, had been filed on August 10, 2000.

[18] Memorandum for Petitioner, pp. 9-10; rollo, pp. 87-88.

[19] rollo, p. 68.

[20] rollo, p. 61; Decision in Civil Case No. 3436, p. 9.

[21] *Gotamco v. Chan Seng*, 46 Phil. 542, 550, November 28, 1924. See also Vicente J. Francisco, *The Revised Rules of Court in the Philippines*, Vol. II, 1966 ed., p. 439; Edgardo L. Paras, *Rules of Court Annotated*, 1989 ed., Vol. I, p. 645; and Oscar M. Herrera, *Remedial Law*, 1990 ed., Vol. II, p. 60.

[22] CA rollo, p. 62.

[23] CA rollo, p. 23.

[24] rollo, p. 65.

[25] rollo, p. 48.

[26] *PNOC Shipping & Transport Corporation v. Court of Appeals*, 297 SCRA 402, 428, October 8, 1998; *Nieva v. Manila Banking Corporation*, 124 SCRA 453, 457, September 2, 1983; *Philippine National Bank v. Intermediate Appellate Court*, 143 SCRA 299, 305-306, July 31, 1986; *Tan Boon Bee and Co., Inc. v. Jarencio*, 163 SCRA 205, 211, June 30, 1988.

[27] *Mondejar v. Javellana*, 295 SCRA 699, 714, September 22, 1998; *Province of Bulacan v. Court of Appeals*, 299 SCRA 442, 452-453, November 27, 1998.

[28] *Cruz v. Court of Appeals*, 293 SCRA 239, 255-256, July 27, 1998.

[29] *Banco Español-Filipino v. Palanca*, 37 Phil. 921, 927, March 26, 1918.

[30] *Linzag v. Court of Appeals*, 291 SCRA 304, 319, June 26, 1998; *Casil v. Court of Appeals*, 285 SCRA 264,

276, January 28, 1998; Cruz v. Court of Appeals, 293 SCRA 239, 256, July 27, 1998; De Kneckt v. Court of Appeals, 290 SCRA 223, 237-238, May 20, 1998.

[31] Manila Electric Company v. Artiaga, 50 Phil. 144, 147, March 18, 1927.

[32] Santos v. Intermediate Appellate Court, 145 SCRA 238, 245, October 28, 1986.

[33] Koh v. Intermediate Appellate Court, 144 SCRA 259, 266-267, September 29, 1986.

[34] Pureza v. Court of Appeals, 290 SCRA 110, 115, May 15, 1998.

[35] Lu v. Valeriano, 111 SCRA 87, 92, January 18, 1982; and Corliss v. Manila Railroad Company, 27 SCRA 674, 678, March 28, 1969.

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