

TERESITA BONGATO, PETITIONER, VS. SPOUSES SEVERO A. MALVAR AND TRINIDAD MALVAR, RESPONDENTS.

G.R. No. 141614. August 14, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

An action for forcible entry is a quieting process that is summary in nature. It is designed to recover physical possession in speedy proceedings that are restrictive in nature, scope and time limits. The one-year bar within which to bring the suit is prescribed to complement its summary nature. Thus, after the one-year period has lapsed, plaintiffs can no longer avail themselves of the summary proceedings in the municipal trial court but must litigate, in the normal course, in the regional trial court in an ordinary action to recover possession, or to recover both ownership and possession.

Statement of the Case

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the December 16, 1998 Decision[1] and the September 1, 1999 Resolution[2] of the Court of Appeals (CA) in CA-GR SP No. 34204. The decretal portion of the Decision reads:

“WHEREFORE, the petition is hereby dismissed for lack of merit. Costs against petitioner.”[3]

The assailed Resolution denied petitioner’s Motion for Reconsideration.

The CA sustained the Decision of the Regional Trial Court (RTC) of Butuan City (Branch 4), which had disposed thus:

“WHEREFORE, in view of all the foregoing, the Court hereby affirms the decision of the Municipal Trial Court in Cities, Branch 2 penned by the Honorable Santos Rod. Cedro and the Writ of Execution issued on the 24th day of August 1993 upon order of the Honorable Rosarito F. Dabalos (Record, p. 42, Folio II) can now be served on the defendant.”[4]

The Facts

The factual antecedents of the case are summarized by the Court of Appeals as follows:

“The spouses Severo and Trinidad Malvar filed a complaint for forcible entry against petitioner Teresita Bongato, alleging that petitioner Bongato unlawfully entered a parcel of land covered by TCT No. RT-16200 belonging to the said spouses and erected thereon a house of light materials. The petitioner filed a motion for extension of time to file an answer which the MTCC denied; it being proscribed under the Rule on Summary Procedure, and likewise containing no notice of hearing. With a new counsel, Atty. Viador C. Viajar, petitioner filed an answer which the MTCC disregarded, the same having been filed beyond the ten-day reglementary period. Later, with still another counsel, Atty. Jesus G. Chavez of the Public Attorney’s Office, petitioner filed a motion to dismiss which the MTCC denied as being contrary to the Rule on Summary Procedure.

“Thereafter, the MTCC rendered a decision ordering petitioner to vacate the land in question, and to pay rentals, attorney’s fees, and the costs of the suit. The decision was affirmed by respondent RTC judge. Petitioner filed a motion for reconsideration.

“On March 4, 1994, respondent Judge issued an order granting the motion for reconsideration ‘only insofar as to determine the location of the houses involved in this civil case so that the Court will know whether they are located on one and the same lot or a lot different from that involved in the criminal case for Anti-Squatting.’ In the same order, respondent Judge disallowed any extension and warned that if the survey is not made, the court might consider the same abandoned and the writ of execution would be issued.

“The criminal case for anti-squatting (Crim. Case No. 4659) was filed by private respondents Malvar against petitioner Bongato. The case is still pending with the Regional Trial Court, Branch I, Butuan City.

“On March 28, 1994, petitioner filed a motion for extension of the March 29, 1994 deadline for the submission of the relocation survey and to move the deadline to April 15, 1994, as the engineer concerned, Engr. Lumarda, could not conduct his survey during the Holy Week, he being a lay minister and parish council member.

“On April 7, 1994, respondent Judge noted that no survey report was submitted and ordered the record of the case returned to the court of origin for disposal.”[5] (Citations omitted)

Ruling of the Court of Appeals

The CA held that the lot referred to in the present controversy was different from that involved in the anti-squatting case.[6] It further ruled that the Municipal Trial Court in Cities (MTCC) had jurisdiction, and that it did not err in rejecting petitioner’s Motion to Dismiss. The appellate court reasoned that the MTCC had passed upon the issue of ownership of the property merely to determine possession -- an action that did not oust the latter of its jurisdiction.[7]

Unsatisfied with the CA Decision, petitioner lodged this Petition.[8]

Issues

In her Memorandum, petitioner raises the following issues for this Court’s consideration:

I

“Whether or not the Court of Appeals gravely abused its discretion in not finding that the trial court lacked jurisdiction since the Complaint was filed beyond the one-year period from date of alleged entry;

II

“Whether or not the Court of Appeals gravely abused its discretion in ruling that the Motion to Dismiss was a prohibited pleading.”[9]

This Court’s Ruling

The Petition is meritorious.

First Issue:

MTCC Jurisdiction

Petitioner claims that the MTCC had no jurisdiction, because the Complaint for forcible entry was filed only in 1992 or beyond the one-year period provided under the Rules of Civil Procedure.[10] She avers that in Criminal Case No. 4659 for anti-squatting, Respondent Severo Malvar alleged in his Sworn Statement that petitioner had illegally entered his land “sometime in the first week of January 1987.” [11]

On the other hand, respondents contend that the subject of the anti-squatting case is different from the parcel of land involved here.[12]

Before tackling the issue directly, it is worthwhile to restate three basic legal principles. First, in forcible entry, one employs force, intimidation, threat, strategy or stealth to deprive another of physical possession of land or building.[13] Thus, the plaintiff must allege and prove prior physical possession of the property in litigation until deprived thereof by the defendant.[14] This requirement implies that the possession of the disputed land by the latter was unlawful from the beginning.[15] The sole question for resolution hinges on the physical or material possession (possession de facto) of the property. Neither a claim of juridical possession (possession de jure) nor an averment of ownership[16] by the defendant can outrightly prevent the court from taking cognizance of the case.[17] Ejectment cases proceed independently of any claim of ownership, and the plaintiff needs merely to prove prior possession de facto and undue deprivation thereof.[18]

Second, as a general rule, courts do not take judicial notice of the evidence presented in other proceedings, even if these have been tried or are pending in the same court or before the same judge.[19] There are exceptions to this rule. Ordinarily, an appellate court cannot refer to the record in another case to ascertain a fact not shown in the record of the case before it,[20] yet, it has been held that it may consult decisions in other proceedings, in order to look for the law that is determinative of or applicable to the case under review.[21] In some instances, courts have also taken judicial notice of proceedings in other cases that are closely connected to the matter in controversy.[22] These cases “may be so closely interwoven, or so clearly interdependent, as to invoke” a rule of judicial notice.[23]

Third, factual findings of trial courts, especially when affirmed by the Court of Appeals, are binding on the Supreme Court. Indeed, the review of such findings is not a function that this Court normally undertakes.[24] However, this Rule is not absolute; it admits of exceptions, such as (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when a lower court’s inference from its factual findings is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion in the appreciation of facts; (4) when the findings of the appellate court go beyond the issues of the case, run contrary to the admissions of the parties to the case, or fail to notice certain relevant facts which -- if properly considered -- will justify a different conclusion; (5) when there is a misappreciation of facts; (6) when the findings of fact are conclusions without mention of the specific evidence on which they are based, are premised on the absence of evidence, or are contradicted by evidence on record.[25]

Respondents in the present Petition filed three cases against petitioner: (1) Criminal Case No. 4659 for violation of PD No. 772[26] (filed on October 2, 1991), in which petitioner was acquitted on the ground of good faith; (2) Civil Case No. 5681 for forcible entry (filed on July 10, 1992) which was resolved by the MTCC on October 26, 1992.[27] (3) Criminal Case No. 5734 for Violation of PD No. 1096[28] (filed on July 15, 1993), wherein petitioner was again acquitted.

We agree with respondents that Lot 10-A, covered by Transfer Certificate of Title (TCT) No. RT-16200[29] and registered under the name of Severo Malvar, is different from Lot 1 which is covered by TCT No. RT-15993[30] and registered under the name of Severo Malvar also. However, we cannot ignore the Decision[31] dated April 30, 1996 in Criminal Case No. 4659 for violation of PD 772; or the Decision[32] dated November 26, 1997 in Criminal Case No. 5734 for violation of PD 1096. The property involved in these two criminal cases and in the instant case for forcible entry is one and the same -- petitioner’s house.

The allegation of petitioner that there is only one house involved in these three cases has not been controverted by respondents. Neither was there evidence presented to prove that, indeed, she had constructed one house on Lot 1

and another on Lot 10-A. On the contrary, she correctly points out that the house involved in these three cases is found on one and the same location. Verily, in his Sworn Statement[33] submitted in Criminal Case No. 4659, Respondent Severo Malvar stated that petitioner's house was "located in front of the Museum and just behind the City Hall." On the other hand, in the Complaint[34] for forcible entry, the subject property was said to be "located along Doongan Road and right in front of the Regional National Museum and not far behind the City Hall of Butuan City." Lastly, the Decision[35] in Criminal Case No. 5734 stated that the building inspector, Engineer Margarita Burias, had "responded to a verbal complaint involving a structure built near the Museum in Upper Doongan, Butuan City."

Based on these factual antecedents, there is cogent basis for petitioner's contention that the MTCC lacked jurisdiction in this case.

First, respondents allege that the subject house was built by petitioner on Lot 10-A covered by TCT No. 16200. This allegation is belied by the sketch plan[36] dated June 16, 1994, submitted by Engineer Regino A. Lomarda Jr. To recall, in an Order[37] dated March 4, 1994, the RTC had required petitioner to submit a relocation survey of Lot 10-A to determine the location of the house and to ascertain if it was the same house involved in Criminal Case No. 4659 for anti-squatting. However, because of the Holy Week, petitioner failed to submit the relocation survey within the period provided by the RTC. In the said sketch plan that was offered in evidence as Exhibit "5" in the anti-squatting case, Engineer Lomarda Jr. certified that "the hut of Teresita Bongato is not within Lot 10-A as shown in this plan as relocated by the undersigned based [o]n TCT No. RT-1576 of Benjamin Eva, et al. and [o]n TCT No. RT-16200 of Lot 10-A of Severo Malvar."

Second, according to the Decision in Criminal Case No. 4659, petitioner's house is actually located on Lot 1, the parcel of land previously covered by TCT No. RT-15993 and subject of the anti-squatting case. The RTC Judge in said case ruled:

"The lot on which accused's house is standing was formerly covered by Transfer Certificate of Title No. RT-15993 dated January 24, 1983 in the name of Severo Malvar, and superseded by Transfer Certificate of Title No. RT-24589 dated December 3, 1991 in the name of Butuan Land Developers Group, Inc." [38]

Third, petitioner's house had actually been in existence prior to February 1992, the alleged date of illegal entry. Thus, in Criminal Case No. 5734 for violation of PD 1096, the RTC Judge opined as follows:

"Firstly, the prosecution has not proven that the accused had constructed or for that matter was constructing the questioned house in February of 1992, since it was never stated that when the complaint was lodged with the City Engineer's Office, that the house occupied by the accused was under construction or under renovation. The fact that Engr. Burias even admitted that she had no knowledge of when the structure was built implicitly indicates that the same was completely erected or constructed before Engr. Burias' visit, or even for that matter, before the complaint was filed." [39]

That the house of petitioner had been constructed by her father and that she had merely continued to reside therein was upheld by the Decision, which we quote:

"Suffice it to state, however, that We are convinced, given the testimonial evidence offered that the house in question was not built by the accused, but by her father, Jacinto Bongato sometime in 1935; that accused merely lived in the house as a member of Jacinto Bongato's family until the death of her parents, whereupon, she continued to reside in the said house and now claims to be its owner." [40]

Fourth, Respondent Severo Malvar admitted in Criminal Case No. 4659 that he had knowledge of petitioner's house since January 1987. We quote from his testimony:

"Q Earlier, Judge Malvar, you told this Honorable Court that you discovered sometime in January 1987, the

accused was occupying your property consisting of 348 square meters. What did you do upon discovering that the accused already occupied a portion of your property without your knowledge?

A. I want to demolish her house. I told her that I am the owner of the land and she is looking for the ¼ hectare that was not sold by her father to me.

“Q And upon being informed by Teresita Bongato that they were looking for the ¼ hectare lot which was not sold to you by her father, what did you say to her?

A. I told her to remove her house. Then after that, I was so busy with the squatters along Satorre Street of the Malvar Village that kept me so busy. It was only last year that we were able to attend to this.”[41]

It is wise to be reminded that forcible entry is a quieting process, and that the restrictive time bar is prescribed to complement the summary nature of such process.[42] Indeed, the one-year period within which to bring an action for forcible entry is generally counted from the date of actual entry to the land. However, when entry is made through stealth, then the one-year period is counted from the time the plaintiff learned about it.[43] After the lapse of the one-year period, the party dispossessed of a parcel of land may file either an accion publiciana, which is a plenary action to recover the right of possession; or an accion reivindicatoria, which is an action to recover ownership as well as possession.[44]

On the basis of the foregoing facts, it is clear that the cause of action for forcible entry filed by respondents had already prescribed when they filed the Complaint for ejectment on July 10, 1992.[45] Hence, even if Severo Malvar may be the owner of the land, possession thereof cannot be wrested through a summary action for ejectment of petitioner, who had been occupying it for more than one (1) year.[46] Respondents should have presented their suit before the RTC in an accion publiciana or an accion reivindicatoria, not before the MTCC in summary proceedings for forcible entry.[47] Their cause of action for forcible entry had prescribed already, and the MTCC had no more jurisdiction to hear and decide it.[48]

Second Issue:

Motion to Dismiss

Petitioner further argues that a motion to dismiss based on lack of jurisdiction over the subject matter is not a prohibited pleading, but is allowed under Sec. 19(a) of the Revised Rule on Summary Procedure.[49] We agree.

The Rule on Summary Procedure was promulgated specifically to achieve “an expeditious and inexpensive determination of cases.”[50] The speedy resolution of unlawful detainer cases is a matter of public policy,[51] and the Rule should equally apply with full force to forcible entry cases, in which possession of the premises is already illegal from the start.[52] For this reason, the Rule frowns upon delays and prohibits altogether the filing of motions for extension of time. Consistently, Section 6 was added to give the trial court the power to render judgment, even *motu proprio*, upon the failure of a defendant to file an answer within the reglementary period.[53] However, as forcible entry and detainer cases are summary in nature and involve disturbances of the social order, procedural technicalities should be carefully avoided[54] and should not be allowed to override substantial justice.[55]

Pursuant to Section 36[56] of BP 129,[57] the Court on June 16, 1983, promulgated the Rule on Summary Procedure in Special Cases.[58] Under this Rule, a motion to dismiss or quash is a prohibited pleading. Under the 1991 Revised Rule on Summary Procedure, however,[59] a motion to dismiss on the ground of lack of jurisdiction over the subject matter is an exception to the rule on prohibited pleadings:

“SEC. 19. Prohibited pleadings and motions. – The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:

(a) Motion to dismiss the complaint or to quash the complaint or information except on the ground of lack of jurisdiction over the subject matter, or failure to comply with the preceding section;

x x x x x x x x”

Further, a court’s lack of jurisdiction over the subject matter cannot be waived by the parties or cured by their silence, acquiescence or even express consent.[60] A party may assail the jurisdiction of the court over the action at any stage of the proceedings and even on appeal.[61] That the MTCC can take cognizance of a motion to dismiss on the ground of lack of jurisdiction, even if an answer has been belatedly filed we likewise held in *Bayog v. Natio*: [62]

“The Revised Rule on Summary Procedure, as well as its predecessor, do not provide that an answer filed after the reglementary period should be expunged from the records. As a matter of fact, there is no provision for an entry of default if a defendant fails to answer. It must likewise be pointed out that MAGDATO’s defense of lack of jurisdiction may have even been raised in a motion to dismiss as an exception to the rule on prohibited pleadings in the Revised Rule on Summary Procedure. Such a motion is allowed under paragraph (a) thereof, x x x.”

In the case at bar, the MTCC should have squarely ruled on the issue of jurisdiction, instead of erroneously holding that it was a prohibited pleading under the Rule on Summary Procedure.[63] Because the Complaint for forcible entry was filed on July 10, 1992, the 1991 Revised Rule on Summary Procedure was applicable. Finally, the MTCC should have taken into account petitioner’s Answer,[64] in which she averred that she had been “in constant occupation on said land in question since birth on March 17, 1941 up to the present, being an heir of the late Emiliana Eva-Bongato, who inherited said property from her father Raymundo Eva with considerable improvements thereon.” It should have heard and received the evidence adduced by the parties for the precise purpose of determining whether or not it possessed jurisdiction over the subject matter.[65] And after such hearing, it could have dismissed the case for lack of jurisdiction.[66] In this way, the long, drawn out proceedings that took place in this case could have been avoided.[67]

WHEREFORE, the Petition is GRANTED and the assailed Decision ANNULLED and SET ASIDE. The Complaint for forcible entry is DISMISSED for lack of jurisdiction. No pronouncement as to costs.

SO ORDERED.

Puno, (Chairman), and Carpio, JJ., concur.
Sandoval-Gutierrez, J., on leave.

[1] Rollo, pp. 14-18. Penned by Justice (later Presiding Justice) Jesus M. Elbinias (Division chairman) and concurred in by Justices Eugenio S. Labitoria and Marina L. Buzon (members).

[2] Rollo, p. 19-A.

[3] CA Decision, p. 4; rollo, p. 17.

[4] RTC Decision, p. 7; CA rollo, p. 15; penned by Judge Cipriano B. Alvizo Jr.

[5] Assailed Decision, pp. 1-2; rollo, pp. 14-15.

[6] CA Decision, p. 3; id., p. 16.

[7] Id., pp. 4 & 17.

[8] The case was deemed submitted for decision on July 24, 2001, upon the Court’s receipt of respondents’ Comment/Opposition to Motion for Restraining Order. Respondents’ Memorandum, submitted earlier on June 15, 2001, was signed by Attys. Manuel B. Beaniza Jr. and Aceray C. Pacheco. Petitioner’s Memorandum, filed on March 15, 2001, was signed by Atty. Jesus G. Chavez of the Public Attorney’s Office, Butuan City.

[9] Petitioner's Memorandum, p. 5; rollo, p. 145; original in upper case.

[10] Rule 70 of the Revised Rules of Civil Procedure provides:

"SECTION 1. Who may institute proceedings, and when. - Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession or any person or persons claiming under them, for the restitution of such possession, together with damages and costs."

[11] Annex "A"; rollo, p. 153.

[12] Respondents' Memorandum, p. 16; rollo, p. 179.

[13] Benitez v. Court of Appeals, 266 SCRA 242, January 16, 1997.

[14] Spouses Ong v. Court of Appeals, GR No. 143173, March 28, 2001.

[15] Gener v. De Leon, GR No. 130730, October 19, 2001.

[16] Cagayan de Oro City Landless Residents Association, Inc. v. Court of Appeals, 254 SCRA 220, March 4, 1996.

[17] Diu v. Ibanan, 322 SCRA 452, January 19, 2000.

[18] Gachon v. Devera Jr., 274 SCRA 540, June 20, 1997.

[19] Occidental Land Transportation Co., Inc. v. Court of Appeals, 220 SCRA 167, March 19, 1993; Tabuena v. Court of Appeals, 196 SCRA 650, May 6, 1991.

[20] Francisco, Basic Evidence, 2nd edition, 1999, p. 26.

[21] Ibid.

[22] Figueras v. Serrano, 52 Phil. 28, September 3, 1928.

[23] Francisco, Basic Evidence, *supra*, citing 31 CJS 623-624, 1964.

[24] Cebu Shipyard and Engineering Works, Inc. v. William Lines, Inc, 306 SCRA 762, May 5, 1999; Inland Trailways, Inc. v. Court of Appeals, 255 SCRA 178, March 18, 1996.

[25] Halili v. Court of Appeals, 287 SCRA 465, March 12, 1998; Fuentes v. Court of Appeals, 268 SCRA 703, February 26, 1997; Geronimo v. Court of Appeals, 224 SCRA 494, July 5, 1993; Lacanilao v. Court of Appeals, 262 SCRA 486, September 26, 1996; Verendia v. Court of Appeals, 217 SCRA 417, June 22, 1993.

[26] Penalizing Squatting and other similar acts, August 20, 1975.

[27] See MTCC Decision, pp. 1-4; rollo, pp. 155-158, penned by Judge Santos Rod. Cedro.

[28] Adopting a National Building Code of the Philippines Thereby Revising Republic Act Numbered Sixty-Five Hundred Forty-One, February 19, 1977.

[29] Annex "1"; rollo, p. 186.

[30] Annex "2"; *ibid.*, p. 187.

[31] RTC Decision, Criminal Case No. 4659, pp. 1-14; rollo, pp. 52-65, penned by Judge Cipriano B. Alvizo, Jr.

[32] RTC Decision, Criminal Case No. 5734, pp. 1-15; *id.*, pp. 78-92, penned by Judge Marissa Macaraig-Guillen.

[33] Petitioner's Memorandum, Annex "A"; rollo, p. 153.

[34] Records, p. 1.

[35] RTC Decision, Criminal Case No. 5734, p. 2; rollo, p. 79.

[36] Rollo, p. 116.

[37] Records, p. 129.

- [38] RTC Decision, Criminal Case No. 4659, pp. 9-10; rollo, pp. 60-61.
- [39] RTC Decision, Criminal Case No. 5734, p. 11; rollo, p. 88.
- [40] *Id.*, pp. 14 & 91.
- [41] TSN, June 23, 1992, p. 18.
- [42] *De Guzman v. Court of Appeals*, 271 SCRA 728, April 18, 1997.
- [43] *Spouses Ong v. Court of Appeals*, GR No. 143173, March 28, 2001.
- [44] *Gener v. De Leon*, GR No. 130730, October 19, 2001; *Serdoncillo v. Benolirao*, 297 SCRA 448, October 8, 1998; *De Leon v. Court of Appeals (Special Second Division)*, 245 SCRA 166, June 19, 1995.
- [45] *Ibid.*
- [46] *Munoz v. Court of Appeals*, 214 SCRA 216, September 23, 1992.
- [47] *Ibid.*
- [48] *Gener v. De Leon*, *supra*.
- [49] Petitioner's Memorandum, p. 9; rollo, p. 149.
- [50] Section 36, BP 129; Rule on Summary Procedure.
- [51] *Bank of the Philippine Islands v. Generoso*, 249 SCRA 477, October 25, 1995.
- [52] *Gachon v. Devera Jr.*, 274 SCRA 540, June 20, 1997.
- [53] *Ibid.*
- [54] *Salvador v. Salamanca*, 144 SCRA 276, September 24, 1986.
- [55] *Dakudao v. Consolacion*, 122 SCRA 877, June 24, 1983.
- [56] "SEC. 36. Summary procedure in special cases. In Metropolitan Trial Courts and Municipal Trial Courts with at least two branches, the Supreme Court may designate one or more branches thereof to try exclusively forcible entry and unlawful detainer cases, those involving violations of traffic laws, rules and regulations, violations of the rental law, and such other cases requiring summary disposition as the Supreme Court may determine. The Supreme Court shall adopt special rules or procedures applicable to such cases in order to achieve an expeditious and inexpensive determination thereof without regard to technical rules. Such simplified procedures may provide that affidavits and counter-affidavits may be admitted in lieu of oral testimony and that the periods of filing pleadings shall be non-extendible."
- [57] Judiciary Reorganization Act of 1980.
- [58] Resolution of the Court En Banc Providing for the Rule on Summary Procedure in Special Cases Before Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts as Amended. Effectivity, August 1, 1983.
- [59] Court en banc Resolution dated October 15, 1991, "Providing for the Revised Rule on Summary Procedure for Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts." Effectivity, November 15, 1991.
- [60] *Duero v. Court of Appeals*, GR No. 131282, January 4, 2002; citing *Republic v. Court of Appeals*, 83 SCRA 453, May 31, 1978.
- [61] *De Leon v. Court of Appeals (Special Second Division)*, *supra*.
- [62] 258 SCRA 378, July 5, 1996; per Davide, CJ.
- [63] *Ibid.*
- [64] Answer, p. 1; Records, p. 15.
- [65] *Bayog v. Natino*, *supra*.
- [66] *Ibid.*
- [67] *Ibid.*

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