

STATE INVESTMENT TRUST, INC., PETITIONER, VS. DELTA MOTORS CORPORATION, RESPONDENT.

G.R. No. 144444. April 03, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Elementary is the rule that *res judicata* cannot arise from a judgment that has not attained finality. The finality of the decision is, in fact, the first requirement for the application of this doctrine. We also hold that without a final judgment, a trial court's order of execution has no leg to stand on. On the other hand, an order authorizing execution pending appeal is likewise improper because it was issued after the appeal has been perfected.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, seeking to set aside the November 16, 1999 Decision[2] of the Court of Appeals[3] (CA) in CA-GR SP No. 48793. The dispositive part of the Decision reads thus:

“WHEREFORE, the petition for certiorari is GRANTED. The orders of respondent RTC, Branch 6 of Manila dated May 27, 1998 and August 3, 1998 are hereby ANNULLED. Costs against private respondent.”[4]

On the other hand, the annulled May 27, 1998 Order of the Regional Trial Court (RTC)[5] reads as follows:

“It appearing that the decision of the Honorable Supreme Court promulgated on July 24, 1997, affirming the challenged resolutions of January 5, 1995 and July 14, 1995 in C.A. Sp. No. 29147, has become final and executory; that the issues raised by [Delta Motors Corporation] in its Oppositions/Comment and Counter Omnibus Motion dated March 25, 1998 have already been resolved with finality by the Honorable Supreme Court in said decision promulgated on July 24, 1997, the Omnibus Motion dated March 16, 1998 filed by x x x State Investment House Inc.,[6] through counsel, is hereby granted.

“WHEREFORE, as prayed for, (i) Sheriff Eduardo E. Centeno is hereby directed to execute an Alias Sheriff's Final Deed of Sale involving TCT No. 27847, issued by the Register of Deeds of Pasay City which title is now with the Register of Deeds of Parañaque in favor of State Investment Trust, Inc., (ii) the Register of Deeds of Parañaque, Metro Manila is hereby directed to cancel TCT No. 27847 registered in the name of Delta Motors Corporation, upon the presentation of said Sheriff's Final Deed of Sale and issue a new title covering the same property in the name of State Investment House, Inc., (iii) Sheriff Eduardo Centeno is hereby directed to sell at public auction Delta Motors Corporation's shares of stocks in Canlubang Golf and Country Club covered by Certificate Nos. 074 and 075 and the levied real properties under TCT Nos. 29567, 29563, 29564, 29171, 29565, 29566 and 32784 issued by the Register of Deeds of Dagupan City and; [(iv)] Sheriff Eduardo Centeno is hereby directed to continue with the execution proceedings commenced by the late Sheriff Orlando M. Alcantara in the implementation of the Alias Writ of Execution, and to execute all documents such as, but not limited to, the Sheriff's Certificate of Sale or Final Deed of Sale, and to perform all acts necessary to implement said writ and to transfer in the name of State Investment Trust, Inc. title to the properties of Delta Motors Corporation subject of notices of levy.”[7]

The Facts

The present proceedings originated from Civil Case No. 84-23019, an action for a sum of money filed with the RTC on February 29, 1984 by State Investment Trust, Inc.[8] (SITI) against Delta Motors Corporation. On December 5, 1984, the RTC rendered a judgment by default, ordering Delta to pay SITI P20,061,898.97, plus 25 percent thereof for attorney's fees and costs of the suit.

The RTC Decision was published three times in the Thunderer, a Manila-based weekly newspaper. Seventeen days from the last publication of the Decision, SITI moved for the issuance of a writ of execution. The RTC granted the Motion in its March 11, 1987 Order.

On September 21, 1990, Delta obtained a certified true copy of the December 5, 1984 RTC Decision. On October 11, 1990, it asked the Court of Appeals to annul the trial court's Decision on the ground that the summons had been served upon a person not authorized to receive it; and prayed that judgment be rendered "annulling/reversing or setting aside the Decision of the [RTC] judge dated December 5, 1984, Order dated March 11, 1987 issued by the [RTC] incumbent judge and all other orders or proceedings issued and conducted pursuant thereto." [9] Docketed as CA-GR SP No. 23068, this case shall hereafter be referred to as the "First Case."

On January 22, 1991, the CA rendered a Decision, declaring that the summons had been properly served upon Delta through one Evel Torres, the Corporation's vice president for finance, but that the RTC Judgment had not attained finality. The dispositive portion of the CA Decision reads:

"WHEREFORE, while the assailed decision was validly rendered by the [RTC], nonetheless it has not attained finality pending service of a copy thereof on x x x DELTA, which may appeal therefrom within the reglementary period." [10]

Notably, the CA Decision was silent on the assailed March 11, 1987 RTC Order granting the execution. Delta then appealed to this Court. However, its Petition, docketed as GR No. 100366, was dismissed on August 14, 1991, because of Delta's failure to present proof that a copy of the Petition was served on the RTC, as required by Revised Supreme Court Circular No. 1-88, which had taken effect on July 1, 1991.

On November 12, 1991, Delta filed its Notice of Appeal with the RTC, which, however, dismissed it on June 3, 1992, upon SITI's motion. Thereafter, Delta filed a Petition for Certiorari in CA-GR SP No. 29147 (the "Second Case"), assailing the RTC Order dismissing the Notice of Appeal. The CA granted the Petition in its June 17, 1993 Decision:

"WHEREFORE, the questioned order of [the RTC] dated June 3, 1992, dismissing the notice of appeal dated November 6, 1991; and the order dated September 14, 1992 of the same court denying the motion for reconsideration filed by [Delta], through counsel, are hereby SET ASIDE; and respondent court [is] hereby ordered to ELEVATE the records of the case to the Court of Appeals, on appeal." [11]

SITI elevated the CA ruling to this Court. While the appeal was pending, Delta filed with the CA an Omnibus Motion asking the latter to take the following steps:

"1) Declare as null and void ab initio and without any force and effect the Order of [the RTC] dated March 11, 1987 ordering the issuance of the writ of execution;

"2) Declare as null and void ab initio and without any force and effect the writ of execution issued pursuant to the Order dated March 11, 1987;

"3) All other proceedings held, conducted and executed by x x x sheriff implementing the aforesaid writ of execution." [12]

In its July 18, 1994 Resolution, this Court denied SITI's appeal and upheld the CA Decision in the Second Case. Hence, on October 26, 1994, Delta moved for the resolution of the Omnibus Motion it had earlier filed with the CA. The latter denied the Omnibus Motion in its January 5, 1995 Resolution:

"Consequently, the matters prayed for in the Omnibus Motion of x x x Delta [Motors] Corporation dated February 10, 1994 and above-quoted are matters which were not raised as issues by [Delta] in the instant petition and, therefore, not within the jurisdiction and power of this Court in the instant petition to decide.

"WHEREFORE, the Omnibus Motion is hereby DENIED." [13]

Consequently, Delta lodged with this Court an appeal docketed as GR No. 121075. In its July 24, 1997 Decision, however, this Court promulgated a Decision affirming the CA Resolution denying Delta's Omnibus Motion. After this Decision became final and executory, SITI filed with the RTC on March 16, 1998, an Omnibus Motion in Civil Case No. 84-23019, asking for the issuance of an order:

"1. Directing the incumbent sheriff of this branch, Eduardo E. Centeno, and/or his successor in office, to execute an Alias Sheriff's Final Deed of Sale involving TCT No. 27847, issued by the Register of Deeds of Pasay City (now title is with Register of Deeds of Parañaque) in favor of State Investment Trust, Inc.;

"2. Directing the Register of Deeds of Parañaque, Metro Manila, to cancel TCT No. 27847 registered in the name of Delta Motors Corporation, upon the presentation of said Sheriff's Final Deed of Sale and issue a new title covering the same property, in the name of State Investment [Trust], Inc.;

"3. Directing the incumbent Sheriff of this branch, Eduardo E. Centeno and/or his successor in office, to sell at public auction Delta Motors Corporation's shares of stocks in Canlubang Golf and Country Club covered by Certificate Numbers 074 and 075, and the levied real properties under TCT Nos. 29567, 29563, 29564, 29171, 29565, 29566 and 32784 issued by the Register of Deeds of Dagupan City;

"4. Directing the incumbent sheriff, and/or his successor in office, to continue with the execution proceedings commenced by the late sheriff Orlando M. Alcantara in the implementation of the Alias Writ of Execution, and to execute all documents such as, but not limited to, the Sheriff's Certificate of Sale or Final Deed of Sale, and to perform all acts necessary to implement said writ and to transfer in the name of State Investment Trust, Inc. title to the properties of Delta Motors Corporation subject of notices of levy.

"Other reliefs just and equitable are likewise prayed for." [14]

In opposing the Motion, Delta pointed out that the case had not attained finality because of its pending appeal. The RTC nevertheless rendered the May 27, 1998 Order granting SITI's Omnibus Motion. Thereafter, Delta challenged that Order on certiorari before the CA, which then annulled it in the present assailed Decision.

Ruling of the Court of Appeals

Ruling on the Second Case, the CA refused to make any categorical decision on the validity of the March 11, 1987 RTC Order on the ground that it had no jurisdiction over the matter. It noted that the only issue raised in the Second Case was the correctness of the June 3, 1992 RTC Order dismissing respondent's appeal of the December 5, 1984 RTC Decision. In GR No. 110667, this Court affirmed the CA. Hence, the CA by its refusal to rule on the March 11, 1987 RTC Order, did not pass upon the substantial rights of the parties, contrary to petitioner's contention.

While it did not nullify the March 11, 1987 RTC Order in its Decision in the First Case, the CA held, however, that the RTC judgment, which had not been validly served on Delta, was not yet final and executory. The CA ruled that the RTC had acted without jurisdiction when the latter issued its March 11, 1987 Order granting SITI's Motion for a Writ of Execution. The appellate court noted that the RTC's assailed Decision was not yet final and

executory at the time, because it ordered the records of the case to be elevated to it for review in its June 17, 1993 Decision.

The CA also found that the RTC had acted without jurisdiction when it relied on GR No. 121075 to grant petitioner's March 16, 1998 Omnibus Motion. The appellate court held that the lower court's action effectively allowed execution of the December 5, 1984 Decision even when it had not yet become final and executory.

Hence, this appeal.[15]

Issues

Petitioner submits the following issues for our consideration:

"A.

The Court of Appeals erred in finding that there was no valid ruling made with respect to the 17[16] March 1987 Order and all orders or proceedings issued pursuant thereto.

"B.

The Court of Appeals erred in concluding that the doctrine of res judicata and conclusiveness of judgment is inapplicable to the case at bar.

"C.

The Court of Appeals erred in finding [that] the RTC acted without jurisdiction when it granted and issued the Writ of Execution.

"D.

The Court of Appeals erred in not finding that by reason of laches and inexcusable inaction, Delta has lost its right to appeal."[17]

The issues can be summed up into three: (1) whether CA-GR SP No. 48793 is barred by res judicata or the doctrine of conclusiveness of judgment, (2) whether the RTC acted without jurisdiction in issuing the Writ of Execution, and (3) whether respondent's appeal is barred by laches.

The Court's Ruling

The Petition has no merit.

First Issue:

Res Judicata

Petitioner contends that by not nullifying the Decision of the RTC and the subsequent proceedings it conducted, the CA[18] and this Court[19] affirmed the validity of the March 11, 1987 Order of Execution. It contends that Delta is thus barred from questioning the subsequent RTC Orders, which merely emanated from the allegedly valid Order granting execution.

We disagree. The CA Decision in CA-GR SP No. 23068 focused solely on the issue of "whether or not there was valid service [of] summons as to vest [the RTC] with jurisdiction over x x x [Delta]." The appellate court ignored respondent's assertion of the validity of the March 11, 1987 Order for the execution of the RTC Decision. The silence of the CA on the matter, however, cannot be taken as its imprimatur on the RTC Order. Contrary to petitioner's argument, the validity of this Order cannot be inferred from the CA Decision, which merely stated that the RTC Decision was not yet final and executory. To put it bluntly, the RTC Order clashed with the CA Decision. The CA correctly explained:

"It is without [a] doubt therefore that the decision of the [RTC] has not become final and executory. As a

natural or inherent and inevitable consequence of said declaration, a decision which has not become final and executory may not be ordered executed or enforced under Section 1, Rule 39 of the 1997 Rules of Civil Procedure.

“Neither is the Order of March 11, 1987 properly an execution pending appeal under Section 2(a), Rule 39 of the said Rule, as the ground of the RTC in granting the writ of execution was that the Decision had already become final and executory which is patently erroneous as it had been expressly held by this Court in CA-G.R. SP No. 23068 that the RTC decision insofar as Delta is concerned has not become final and executory.

“Thus, the RTC acted without jurisdiction when it granted and issued a writ of execution under Section 1, Rule 39 despite the fact that the decision had not become final and executory.”[20]

Neither can the CA’s refusal to nullify the March 11, 1987 Order in the other Petitions be construed as a declaration of its validity. The CA painstakingly explained:

“[I]ndeed in CA-G.R. SP No. 29147, this Court actually desisted from categorically ruling on the issue of the validity of the order of [the RTC] dated March 11, 1987 as well as the other court processes. However, contrary to [SITI’s] assertions, no substantial rights were determined by reason of such refusal to rule on said issue. This Court declined to rule on said issue principally because the same was not raised in the petition, thus, the lack of jurisdiction of the Court of Appeals to rule on a matter foreign to that brought to it. The Supreme Court in G.R. No. [121075], x x x upheld the refusal of the Court of Appeals to rule on said issue simply because it agreed that the latter court had no jurisdiction to do so in said particular petition, which was filed only for the purpose of assailing the RTC order dismissing Delta’s appeal.”[21]

As matters stood prior to CA-GR SP No. 48793 (the presently appealed CA Decision), directly or inferentially, there was yet no judgment or final order on the merits regarding the March 11, 1987 Order for the execution of the RTC Decision and the proceedings conducted relative thereto. Neither was one made in CA-GR SP No. 23068, 29147 or GR No. 121075.

It follows that petitioner’s reliance on res judicata must fail. Such concept is spelled out in Section 47 of Rule 39 of the Rules of Civil Procedure, which reads:

“SEC. 47. Effect of judgments or final orders. – The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

x x x x x x x x

“(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing under the same title and in the same capacity; and

“(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.”

In *Mirpuri v. Court of Appeals*,[22] the Court explained:

“Literally, res judicata means a matter adjudged, a thing judicially acted upon or decided; a thing or matter settled by judgment. In res judicata, the judgment in the first action is considered conclusive as to every matter offered and received therein, as to any other admissible matter which might have been offered for that purpose, and all other matters that could have been adjudged therein. Res judicata is an absolute bar to a subsequent action for the same cause; and its requisites are: (a) the former judgment or order must be final; (b) the judgment or order must be one on the merits; (c) it must have been rendered by a court having jurisdiction over the subject matter and parties; (d) there must be between the first and second actions, identity of parties, of

subject matter and of causes of action.”

x x x x x x x x

“x x x A judgment is on the merits when it determines the rights and liabilities of the parties based on the disclosed facts, irrespective of formal, technical or dilatory objections.”[23]

All the decisions relied upon by petitioner contain no discussion of the rights and the liabilities of the parties vis-à-vis the March 11, 1987 Order. The judgment in CA-GR SP No. 23068 was limited to the validity of the summons and the RTC Decision. CA-GR SP No. 29147 and GR No. 121075 delved only on the Notice of Appeal. Both matters were distinct from the subject of execution, which was involved in the March 11, 1987 RTC Order. In the absence of a final judgment or final order on the merits, there can be no res judicata to speak of.

In sum, the CA committed no error in brushing aside petitioner’s caterwauling on res judicata.

Second Issue:

The RTC’s Jurisdiction in Ordering the Execution

Petitioner asserts that the RTC acted correctly in issuing the May 27, 1998 Order directing the continuation of the execution of the RTC Decision.

The following facts are relevant to the resolution of this issue:

1. The December 5, 1984 RTC Decision in Civil Case No. 84-23019 is the subject of the Notice of Appeal filed by respondent on November 12, 1991.
2. The records of that case have not been actually elevated to the CA by the RTC despite the former’s Decision in CA-GR SP No. 29147 directing the elevation of the records.
3. Upon petitioner’s Omnibus Motion dated March 16, 1998, the RTC issued the May 27, 1998 Order directing the sheriff to continue with the execution of its December 5, 1984 Decision.
4. Before this Court in GR No. 110677, petitioner assailed the CA Decision directing the elevation of the records. In our July 18, 1994 Decision, we affirmed the CA.

Petitioner insists that the pre-1997 Rules of Court were applicable. We disagree. The issue to be resolved pertains to the May 27, 1998 RTC Order granting petitioner’s Omnibus Motion dated March 16, 1998. Thus, the 1997 Rules of Civil Procedure, being then already in effect, were applicable. Considering further that the RTC Decision sought to be executed by the Order was not yet final and executory, Section 2 of Rule 39 of the new Rules should apply. It states:

“Discretionary execution.-

“(a) Execution of a judgment or a final order pending appeal. – On motion of the prevailing party with notice to the adverse party filed in the trial court while it has jurisdiction over the case and is in possession of either the original record or the record on appeal, as the case may be, at the time of the filing of such motion, said court may, in its discretion, order execution of a judgment or final order even before the expiration of the period to appeal.

“After the trial court has lost jurisdiction, the motion for execution pending appeal may be filed in the appellate court.

“Discretionary execution may only issue upon good reasons to be stated in a special order after due hearing.”

Section 9 of Rule 41 of the Rules of Court explains the instances when the trial court loses jurisdiction over a

case:

“A party’s appeal by record on appeal is deemed perfected as to him with respect to the subject matter thereof upon the approval of the record on appeal filed in due time.

x x x x x x x x

“In appeals by notice of appeal, the court loses jurisdiction over the case upon the perfection of the appeals filed in due time and the expiration of the time to appeal of the other parties.

x x x x x x x x

“In either case, prior to the transmittal of the original record or the record on appeal, the court may issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal, approve compromises, permit appeals of indigent litigants, order execution pending appeal in accordance with Section 2 of Rule 39, and allow withdrawal of the appeal.”

In the case at bar, the appeal filed by respondent was perfected on November 12, 1991, when it filed its Notice of Appeal. Considering that it had already filed such Notice, and that the period of appeal for petitioner had already expired, the RTC no longer had jurisdiction over the case. Hence, the trial court acted improperly when it issued its May 27, 1998 Order granting petitioner’s Omnibus Motion. That Motion was filed four years after this Court had affirmed the CA Decision directing the elevation of the records on appeal. For having been issued without jurisdiction, the Order is plainly null and void.[24]

Furthermore, the Order of execution was made without any statement of the special reason for its issuance. The rule allowing execution pending appeal is strictly construed against the movant, because courts look with disfavor upon any attempt to execute a judgment that has not acquired a final character.[25] “An execution pending appeal is an extraordinary remedy, being more of the exception rather than the rule. It is allowed only upon showing of ‘good reasons’ by the movant.”[26] In the present case, no reason has been shown for the issuance of the Order directing execution pending appeal.

Third Issue:

Laches

Petitioner asserts that respondent is guilty of laches, because it failed to file a timely Notice of Appeal. Neither did it do anything to cause the transmittal of the records of the case to the CA.

The issue regarding the Notice of Appeal was already the subject of the CA Decision in CA-GR SP No. 29147, which passed upon and directly addressed it. Moreover, the matter was laid to rest by this Court in GR No. 110677. We must abide by the ruling therein affirming the timeliness of respondent’s Notice of Appeal.

Laches means the failure or neglect, for an unreasonable and unexplained length of time, to do that which by exercising due diligence could or should have been done earlier.[27] It is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.[28]

We note that respondent pursued its appeal by filing a Notice of Appeal on November 12, 1991. Since the RTC dismissed it, respondent had to battle for its right to appeal to the CA and the Supreme Court. This battle went on until the latter part of 1994.[29]

Thereafter, it was the duty of the RTC clerk of court to transmit the records to the appellate court.[30] The CA, in CA-GR SP No. 29147, in fact ordered the RTC to elevate those records. Consequently, the RTC was duty-bound to obey this mandate within ten (10) days from its receipt of the Notice of the entry of final judgment effected on October 17, 1994. The branch clerk of court, not respondent, was primarily responsible for seeing to it that the

records of appealed cases were properly sent to the appellate court without delay.[31]

Respondent was well within reason to expect and wait for the RTC to elevate the records without further prodding. In opposing petitioner's Omnibus Motion, respondent indeed brought up the matter of the pending appeal. Finally, upon noticing that the elevation of the records was not forthcoming, it filed a Motion therefor in August 1998.[32] These acts are incompatible with the presumption that it had abandoned its appeal. Hence, it cannot be found guilty of laches.

WHEREFORE, the Petition is hereby DENIED and the assailed Decision AFFIRMED. Costs against petitioner.

SO ORDERED.

Puno (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Rollo, pp. 9-30.

[2] Id., pp. 35-50.

[3] Seventh Division. Penned by Justice Ma. Alicia Austria-Martinez (Division chairman and now a justice of this Court) and concurred in by Justices Salvador J. Valdez Jr. and Renato C. Dacudao (members).

[4] Assailed Decision, p. 16; rollo, p. 50.

[5] Rendered by Presiding Judge Lolita C. Dumlao.

[6] The corporate name was later changed to State Investment Trust, Inc.

[7] Order dated May 27, 1998; CA rollo, pp. 16-17.

[8] Formerly known as State Investment House, Inc.

[9] Petition for Review in the First Case, p. 16; rollo, p. 72.

[10] CA Decision in the First Case, p. 7; rollo, p. 83.

[11] CA Decision in the Second Case, p. 8; rollo, p. 158. Emphasis provided.

[12] Rollo, p. 160. Original in upper case.

[13] CA Resolution in the Second Case, p. 5; rollo, p. 169.

[14] CA rollo, pp. 23-24.

[15] This case was deemed submitted for resolution on May 17, 2001, upon receipt by this Court of respondent's Memorandum signed by Atty. Rodolfo dela Cruz. Petitioner's Memorandum, signed by Attys. Pablito A. Perez and Jinky Rose L. Go of Buñag Kapunan Migallos & Perez, was received on April 30, 2001.

[16] The date should be March 11, 1987, because the assailed Decision does not mention any March 17, 1987 Order.

[17] Petitioner's Memorandum, pp. 10-11; rollo, pp. 308-309. Original in upper case.

[18] In CA-GR SP No. 29147 and CA-GR SP No. 23068.

[19] In GR No. 121075.

- [20] CA Decision in CA-GR SP No. 48793, pp. 13-14; rollo, pp. 47-48.
- [21] *Id.*, pp. 11 & 45.
- [22] 318 SCRA 516, November 19, 1999.
- [23] *Id.*, pp. 536-539, per Puno, J.
- [24] *Marawi Marantao General Hospital, Inc. v. Court of Appeals*, 349 SCRA 321, January 16, 2001.
- [25] *Maceda Jr. v. DBP*, 313 SCRA 233, August 26, 1999; *Planters Products Inc. v. Court of Appeals*, 317 SCRA 195, October 22, 1999.
- [26] *Maceda Jr. v. DBP*, *supra*, per Panganiban, J.
- [27] *Republic v. Court of Appeals*, 301 SCRA 366, January 21, 1999; *De Vera v. Court of Appeals*, 305 SCRA 624, April 14, 1999; *Sumbad v. Court of Appeals*, 308 SCRA 575, June 21, 1999.
- [28] *Ochagabia v. Court of Appeals*, 304 SCRA 587, March 11, 1999; *Eduarte v. Court of Appeals*, 311 SCRA 18, July 22, 1999; *Reyes v. Court of Appeals*, 315 SCRA 626, September 30, 1999.
- [29] In a resolution dated September 21, 1994, the Supreme Court denied SITI's motion for reconsideration.
- [30] §10 of Rule 41 of the Rules of Court.
- [31] *Tan v. Coliflores*, 240 SCRA 303, January 20, 1995.
- [32] See CA rollo, pp. 215 and 220.

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