

**CATALINA BALAIS-MABANAG, ASSISTED BY HER HUSBAND,
ELEUTERIO MABANAG, PETITIONER, VS. THE REGISTER OF DEEDS
OF QUEZON CITY, CONCEPCION D. ALCARAZ, AND RAMONA
PATRICIA ALCARAZ, RE...**

G.R. No. 153142. March 29, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The issue of citizenship of the registered owner of land cannot anymore be raised to forestall the execution of a final and executory judgment where the objecting party had the opportunity to raise the issue prior to the finality of the judgment. The time for assailing the capacity of the winning party to acquire the land was during the trial, not during the execution of a final decision.

Antecedents

As culled from the assailed decision dated December 5, 2000 of the Court of Appeals (CA),[1] and from the Court's decision promulgated on October 7, 1996 in G.R. No. 103577,[2] the following are the antecedent facts.

On January 19, 1985, Romulo A. Coronel, Alarico A. Coronel, Annette A. Coronel, Annabelle C. Gonzales, Floraida C. Tupper, and Cielito A. Coronel (Coronels) executed a document entitled receipt of down payment, stipulating that they received from respondent Ramona Patricia Alcaraz (Ramona), through Ramona's mother, respondent Concepcion D. Alcaraz (Concepcion), the sum of P50,000.00 as downpayment on the total purchase price of P1,240,000.00 for their "inherited house and lot, covered by TCT No. 119627 of the Registry of Deeds of Quezon City."

The receipt of down payment contained other stipulations, as follows:

We bind ourselves to effect the transfer in our names from our deceased father, Constancio P. Coronel, the transfer certificate of title immediately upon our receipt of the down payment above-stated.

On our presentation of the TCT already in our name, we will immediately execute the deed of absolute sale of said property and Miss Ramona Patricia Alcaraz shall immediately pay the balance of the P1,190,000.00.[3]

On February 6, 1985, the property originally registered in the name of the Coronels' father (Constancio P. Coronel) was transferred in the name of the Coronels under Transfer Certificate of Title (TCT) No. 327043 of the Registry of Deeds of Quezon City.

On February 18, 1985, the Coronels sold the property covered by TCT No. 327043 to the petitioner for the higher price of P1,580,000.00 after the latter delivered an initial sum of P300,000.00. For this reason, the Coronels rescinded their contract with Ramona by depositing her downpayment of P50,000.00 in the bank in trust for Ramona Patricia Alcaraz.

On February 22, 1985, Concepcion, through one Gloria P. Noel as her attorney-in-fact, filed a complaint for

specific performance and damages in her own name in the Regional Trial Court (RTC) in Quezon City against the Coronels, docketed as Civil Case No. Q-44134.[4] Concepcion subsequently caused the annotation of a notice of lis pendens on TCT No. 327403.

On April 2, 1985, the petitioner had a notice of adverse claim annotated on TCT No. 327403 in the Registry of Deeds of Quezon City.

On April 25, 1985, the Coronels executed a deed of absolute sale in favor of the petitioner.

On June 5, 1985, TCT No. 351582 was issued in the name of the petitioner.

It is relevant to mention that on May 24, 1985 the petitioner moved to have her answer in intervention admitted in Civil Case No. Q-44134.[5] Her intervention was allowed on May 31, 1985.[6]

Earlier, on May 19, 1986, Concepcion sought leave of court to amend the complaint for the purpose of impleading Ramona as a co-plaintiff.[7] The amended complaint naming both Concepcion and Ramona as plaintiffs was attached to the motion.[8] On June 25, 1986, the amended complaint was admitted.[9]

On March 1, 1989, the RTC rendered its decision,[10] disposing:

WHEREFORE, judgment for specific performance is hereby rendered ordering defendant to execute in favor of plaintiffs a deed of absolute sale covering that parcel of land embraced in and covered by Transfer Certificate of Title No. 327403 (now TCT No. 331582) of the Registry of Deeds for Quezon City, together with all the improvements existing thereon, free from all liens and encumbrances, and once accomplished, to immediately deliver said document of sale to plaintiffs, and upon receipt thereof, the plaintiffs are ordered to pay defendants the whole balance of the purchase price amounting to P1,190,000.00 in cash. Transfer Certificate of Title No. 331582 of the Registry of Deeds for Quezon City in the name of intervenor is hereby cancelled and declared to be without any force and effect. Defendants and intervenor and all other persons claiming under them are hereby ordered to vacate the subject property, and deliver possession thereof to plaintiff. Plaintiffs' claim for damages and attorney's fees, as well as the counterclaims of defendants and intervenors are hereby dismissed.

No pronouncement as to costs.

So Ordered.

Upon denial of the motion for reconsideration, the Coronels and the petitioner interposed an appeal to the CA, which promulgated a judgment on December 16, 1991, fully upholding the decision of the RTC.

Thus, the petitioner and the Coronels appealed the CA judgment to this Court (G.R. No. 103577), which affirmed the CA on October 7, 1996.

Thereafter, the decision of the RTC became final and executory.

Acting on the respondents' motion for execution, the RTC issued a writ of execution on October 1, 1997. However, the petitioner and the Coronels filed their motion to stay execution and supplemental motion for reconsideration, which the RTC denied on March 10, 1998.

Upon failure of the petitioner and the Coronels to comply with the writ of execution, the RTC approved the respondents' motion for appointment of suitable person to execute deed, etc., and ordered on April 8, 1998 the Branch Clerk of the RTC, Branch 83, Quezon City, to execute the deed of absolute sale in favor of Ramona in lieu of the defendants (i.e., the petitioner and the Coronels).

On May 19, 1998, the petitioner and the Coronels filed in the CA a petition for certiorari assailing the RTC's

orders of October 1, 1997 and March 10, 1998, but the CA dismissed the petition on July 30, 1998.

On August 21, 1998, the petitioner and the Coronels presented their motion for reconsideration in the CA.

On September 2, 1998, the RTC held in abeyance the respondents' motion reiterating previous motion to resolve respondents' motion, whereby the respondents sought an order to direct the petitioner to surrender her TCT No. 331582, and the Registrar of Deeds of Quezon City to cancel the petitioner's copy of said TCT for her failure to comply with the earlier order for her to surrender the TCT to the Registrar of Deeds pending resolution by the CA of the petitioner's motion for reconsideration.

Ultimately, on September 30, 1998, the CA denied the petitioner's motion for reconsideration.

The petitioner thus appealed to the Court, which denied her petition for review for being filed out of time. The Court also denied the petitioner's motion for reconsideration on April 21, 1999.

Thereafter, the respondents moved in the RTC for the resolution of their pending motion. After the RTC granted the respondents' pending motion on July 29, 1999, the petitioner filed a motion for reconsideration against such order, but the RTC denied her motion on September 23, 1999.

Following the denial of her motion for reconsideration, the petitioner commenced a special civil action of certiorari in the CA to assail the RTC's action (C.A.-G.R. SP No. 55576). However, the CA dismissed her petition through its decision dated December 5, 2000, Rollo, pp. 61-69, and denied her motion for reconsideration on April 16, 2002.[11]

Issues

Hence, this appeal, in which the petitioner submits that the CA erred in sustaining the registration by the Registrar of Deeds of the deed of absolute sale despite the lack of indication of the citizenship of the buyer of the subject property; and in sustaining the order of the RTC directing the Branch Clerk of Court to execute the deed of absolute sale without first requiring the defendants to execute the deed of absolute sale as required by the decision.

Ruling

The petition lacks merit.

A

Res judicata barred petitioner's objection

In the complaint dated February 22, 1985, respondent Concepcion, as plaintiff, categorically averred that she was a Filipino citizen.[12] The petitioner did not deny or disprove the averment of Filipino citizenship during the trial and on appeal. The petitioner did not also advert to the issue of citizenship after the complaint was amended in order to implead Ramona as a co-plaintiff, despite the petitioner's opportunity to do so.

Yet, now, when the final decision of the RTC is already being implemented, the petitioner would thwart the execution by assailing the directive of the RTC for the Branch Clerk of Court to execute the deed of absolute sale and by blocking the registration of the deed of absolute sale in the Registry of Deeds of Quezon City, on the ground that Ramona was disqualified from owning land in the Philippines.

The petitioner's move was outrightly unwarranted.

First: The petitioner did not raise any issue against Ramona's qualifications to own land in the Philippines during the trial or, at the latest, before the finality of the RTC judgment. The petitioner was thereby deemed to have

waived the objection, pursuant to Section 1, Rule 9 of the Rules of Court, to wit:

Section 1. Defenses and objections not pleaded. -- Defenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived. However, when it appears from the pleadings or the evidence on record that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, or that the action is barred by a prior judgment or by statute of limitations, the court shall dismiss the claim. (2a)

In every action, indeed, the parties and their counsel are enjoined to present all available defenses and objections in order that the matter in issue can finally be laid to rest in an appropriate contest before the court. The rule is a wise and tested one, borne by necessity. Without the rule, there will be no end to a litigation, because the dissatisfied litigant may simply raise "new" or additional issues in order to prevent, defeat, or delay the implementation of an already final and executory judgment. The endlessness of litigation can give rise to added costs for the parties, and can surely contribute to the unwarranted clogging of court dockets. The prospect of a protracted litigation between the parties annuls the very rationale of every litigation to attain justice. Verily, there must be an end to litigation.

Second: The petitioner cannot now insist that the RTC did not settle the question of the respondents' qualifications to own land due to non-citizenship. It is fundamental that 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 and under the same title and in the same capacity.[13] Thus, in *Gabuya v. Layug*,^[14] this Court had the occasion to hold that a judgment involving the same parties, the same facts, and the same issues binds the parties not only as to every matter offered and received to sustain or defeat their claims or demands, but also as to any other admissible matter that might have been offered for that purpose and all other matters that could have been adjudged in that case.

Third: The present recourse has not been the only one taken by the petitioner and her counsel to assail the qualification of Ramona to acquire and own the subject property. In fact, the Court catalogued such recourses taken for the petitioner herein in A.C. No. 5469, entitled *Foronda v. Guerrero*,^[15] an administrative case for disbarment commenced on June 29, 2001 by Ricardo A. Foronda (an attorney-in-fact of the respondents) against Atty. Arnold V. Guerrero, the attorney of the petitioner,^[16] as follows:

- Catalina Balais-Mabanag, assisted by her husband Eleuterio Mabanag v. Hon. Estrella T. Estrada, et al. docketed as CA-G.R. SP No. 47710:

A special civil action for certiorari, prohibition and mandamus with prayer for temporary restraining order and/or writ of preliminary injunction filed with the CA, on the ground that the respondent judge committed grave abuse of discretion, excess or lack of jurisdiction "in issuing and/or refusing to stay the execution of its decision." The respondent put forth the argument that Ramona Patricia Alcaraz, being a foreign national, was incapacitated to purchase the subject property due to the limitations embodied in the 1987 Constitution.

The petition was denied, with the CA ratiocinating as follows:

We are not impressed. We find the trial court's stand on the matter to be legally unassailable. In the first place, petitioner is not the proper party to question the qualification or eligibility of Ramona Alcaraz. It is the State, through the Office of the Solicitor General, which has the legal personality and the authority to question the qualification of Ramona Alcaraz to own rural or urban land. In the second place, the decision sought to be executed has already gained finality. As held by the Supreme Court, when a court's judgment or order becomes final and executory it is the ministerial duty of the trial court to issue a writ of execution to enforce its judgment (Rollo, p. 65-66).

- Catalina Balais-Mabanag, et al. v. Concepcion Alvarez, et. al. docketed as G.R. No. 135820:

This petition was filed by the respondent on behalf of his clients asking the Supreme Court to review the decision of the CA dismissing the petition for injunction in CA-G.R. SP No. 47710. The petition was denied for having been filed out of time, and the motion for reconsideration therefrom was denied with finality on April 21, 1999.

- Spouses Eleuterio & Catalina Mabanag v. Ramona Patricia Alcaraz and the Register of Deeds for Quezon City docketed as Civil Case No. Q-97-31268:

A complaint for "Declaration of Inability to Acquire Real Property and Damages" filed in the RTC QC, Branch 83. In its Order dated July 9, 1999, the court dismissed the case on the grounds of res judicata and forum shopping. The RTC observed that "for failure of the plaintiffs in this case to get a favorable decision from the earlier case, they tried to prevent the execution by disqualifying the herein defendant Alcaraz"

- Catalina Balais-Mabanag, assisted by her husband, Eleuterio Mabanag v. Emelita L Mariano, Concepcion D. Alcaraz and Ramona P. Alcaraz, et al. docketed as Civil Case No. Q-01-43396:

An action for "Annulment of Title and Deed of Absolute Sale and Damages with Prayer for Temporary Restraining Order and/or Writ of Preliminary Injunction." In its Order dated March 20, 2001, acting on the injunctive aspect of the case, the RTC denied the injunction prayed for "for failure of the plaintiff to make at least a prima facie showing of a right to the issuance of the writ." The subsequent motion for reconsideration filed by the respondent on behalf of his clients was denied on June 18, 2001. Acting on the defendant's Special and Affirmative Defenses and Motion to Dismiss, the court issued an order dated January 16, 2002 dismissing the complaint finding that the decision in Civil Case No. Q-44134 had already been turned over to complainant as attorney-in-fact of defendants Alcarazes.

- Catalina Balais-Mabanag, assisted by her husband, Eleuterio Mabanag v. Emelita L Mariano, Concepcion D. Alcaraz and Ramona P. Alcaraz, et al. docketed as CA-G.R. SP No. 65783 (Annex "12," Comment)

A special civil action for certiorari and prohibition with prayer for temporary restraining order and/or writ of preliminary injunction filed by Atty. Guerrero on behalf of Catalina Balais-Mabanag. The CA dismissed the petition on June 14, 2002, and pointed out the following:

a)

On December 5, 2000, the Twelfth Division of the CA had already affirmed the decision of the RTC that the authority of the Register of Deeds was confined only to the determination of whether all the requisites for registration are complied with. To authorize the Register of Deeds to determine whether Ramona Alcaraz was qualified to own real property in the Philippines was to clothe the Register of Deeds with judicial powers that only courts could exercise.

b)

The issue as to whether Ramona Alcaraz was qualified to own real property had been passed upon by the Third Division of the CA in CA-G.R. SP No. 47710.

c)

The Third Division of the Supreme Court in G.R. No. 103577 upheld the RTC and the CA when it ruled on October 7, 1996 that the sale of the subject land between Alcaraz and the Coronels was perfected before the sale between Mabanag and the Coronels.

- Catalina Balais-Mabanag, etc. v. Emelita L. Mariano et al. docketed as CA-G.R. CV No. 75911:

Appeal filed by Atty. Guerrero on behalf of Catalina Balais-Mabanag on February 1, 2003 after Civil Case No. Q-01-43396 for Annulment of Title and Deed of Absolute Sale and Damages was dismissed by RTC QC, Branch 80.

- Catalina Balais-Mabanag, assisted by her husband, Eleuterio Mabanag v. Hon. Estrella Estrada, The Register of Deeds of Quezon City, Concepcion D. Alcaraz and Ramona Patricia-Alcaraz docketed as CA-G.R. SP No. 55576:

A special civil action for certiorari, questioning the order of the RTC in Civil Case No. Q-44134, ordering Balais-Mabanag to surrender the owner's duplicate copy of TCT No. 331582 to the Alcarazes. The CA dismissed the petition on December 5, 2000 with the final note, to wit:

The Supreme Court Third Division as well as in G.R. No. 103577, on October 7, 1996, ruled: "Thus the sale of the subject parcel of land between petitioners and Romana P. Alcaraz, perfected on February 6, 1985, prior to that between petitioners and Catalina B. Mabanag on February 18, 1985, was correctly upheld by both the lower courts below.["]

Obviously, the lower court's judgment has become final and executory as per Entry of Judgment issued by the Supreme Court. "It is axiomatic that final and executory judgment can no longer be attacked by any of the parties or be modified, directly or indirectly, even by the highest court of the land..."

All the aforestated recourses have had the uniform result of sustaining the right of Ramona to acquire the property, which warranted a finding against Atty. Guerrero of resorting to forum shopping, and leading to his suspension from the practice of law for two years.[17] Such result fully affirms that the petitioner's objection is now barred by res judicata.

For res judicata to bar the institution of a subsequent action, the following requisites must concur: (a) the former judgment must be final; (b) it must have been rendered by a court having jurisdiction of the subject matter and the parties; (c) it must be a judgment on the merits; and (d) there must be between the first and second actions identity of parties, identity of the subject matter, and identity of cause of action.[18]

The guiding principle of the doctrine of res judicata was formulated by Vice Chancellor Wigram in an English case circa 1843, thus:

xxx that where a given matter becomes the subject of litigation in, and of adjudication by, a court of competent jurisdiction, the court requires the parties to that litigation to bring forward their whole case, and will not (except under special circumstances) permit the same parties to open the same subject of litigation in respect of matter which might have been brought forward as part of the subject in contest, but which was not brought forward, only because they have, from negligence, inadvertence, or even accident, omitted part of their case. The plea of res judicata applies, except in special cases, not only to points which the court was actually required by the parties to form an opinion and pronounce a judgment, but to every point which properly belonged to the subject of litigation, and which the parties, exercising reasonable diligence, might have brought forward at the time.[19]

The doctrine is also known as estoppel per rem judicatam and involves both cause of action estoppel and issue estoppel. The purpose of the doctrine is two-fold - to prevent unnecessary proceedings involving expenses to the parties and wastage of the court's time which could be used by others, and to avoid stale litigations as well as to enable the defendant to know the extent of the claims being made arising out of the same single incident.[20]

Under the doctrine of res judicata, therefore, a final judgment or decree on the merits rendered by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits and on all points and matters determined in the previous suit.[21] The foundation principle upon which the doctrine rests is that the

parties ought not to be permitted to litigate the same issue more than once; that when a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, should be conclusive upon the parties and those in privity with them in law or estate.[22]

B

Petitioner lacked the capacity to institute suit

It should also be pointed out that the petitioner was not the proper party to challenge Ramona's qualifications to acquire land.

Under Section 7, Batas Pambansa Blg. 185,[23] the Solicitor General or his representative shall institute escheat proceedings against its violators. Although the law does not categorically state that only the Government, through the Solicitor General, may attack the title of an alien transferee of land, it is nonetheless correct to hold that only the Government, through the Solicitor General, has the personality to file a case challenging the capacity of a person to acquire or to own land based on non-citizenship. This limitation is based on the fact that the violation is committed against the State, not against any individual; and that in the event that the transferee is adjudged to be not a Filipino citizen, the affected property reverts to the State, not to the previous owner or any other individual.

Herein, even assuming that Ramona was legally disqualified from owning the subject property, the decision that voids or annuls their right of ownership over the subject land will not inure to the benefit of the petitioner. Instead, the subject property will be escheated in favor of the State in accordance with Batas Pambansa Blg. 185.

C

Deed of absolute sale executed

by Branch Clerk of Court was valid

The petitioner contends that the RTC did not see to it that the writ of execution be first served on her, and a demand for her compliance be first made; hence, the deed of absolute sale executed by the Branch Clerk of Court to implement the judgment was void.

We do not agree.

The CA found that it was the petitioner who did not comply with the notice of the sheriff of the implementation of the judgment through the writ of execution;[24] and that her non-compliance then justified the RTC's order to the Branch Clerk of Court to execute the deed of absolute sale to implement the final judgment rendered in G. R. No. 103577.

The fact that the petitioner and her counsel maneuvered to thwart, or, at least, to delay the inevitable execution of the judgment warranted the RTC's directing the Branch Clerk of Court execute the deed of absolute sale to implement the judgment. The RTC's effort to implement the judgment could not be stymied by the petitioner's deliberate refusal to comply with the judgment. Such deliberate refusal called for the RTC to order the Branch Clerk of Court to execute the deed of absolute sale in favor of Ramona, which move of the trial court was precisely authorized by Rule 39 of the Rules of Court, to wit:

Section 10. Execution of judgments for specific act. -- (a) Conveyance, delivery of deeds, or other specific acts; vesting title. -- If a judgment directs a party who execute a conveyance of land or personal property, or to deliver deeds or other documents, or to perform any other specific act in connection therewith, and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court and the act when so done shall have like effect as if done by the party. If real or personal property is situated within the Philippines, the court in lieu of directing a conveyance thereof may be an order divest the title of any party and vest it in others, which shall have the force

and effect of a conveyance executed in due form of law. (10a)

D

A Word of Caution

In A.C. No. 5469,[25] the Court observed as follows:

It has, thus, been clearly established that in filing such numerous petitions in behalf of his client, the respondent thereby engaged in forum shopping. The essence of forum shopping is the filing of multiple suits involving the same parties for the same cause of action, either simultaneously or successively, for the purpose of obtaining a favorable judgment. It exists when, as a result of an adverse opinion in one forum, a party seeks a favorable opinion in another, or when he institutes two or more actions or proceedings grounded on the same cause to increase the chances of obtaining a favorable decision. An important factor in determining the existence of forum shopping is the vexation caused to the courts and the parties-litigants by the filing of similar cases to claim substantially the same reliefs.

Indeed, while a lawyer owes fidelity to the cause of his client, it should not be at the expense of truth and the administration of justice. Under the Code of Professional Responsibility, a lawyer has the duty to assist in the speedy and efficient administration of justice, and is enjoined from unduly delaying a case by impeding execution of a judgment or by misusing court processes. Such filing of multiple petitions constitutes abuse of the Court's processes and improper conduct that tends to impede, obstruct and degrade the administration of justice and will be punished as contempt of court. Needless to add, the lawyer who files such multiple or repetitious petitions (which obviously delays the execution of a final and executory judgment) subjects himself to disciplinary action for incompetence (for not knowing any better) or for willful violation of his duties as an attorney to act with all good fidelity to the courts, and to maintain only such actions as appear to him to be just and are consistent with truth and honor.

We note that while lawyers owe their entire devotion to the interest of their clients and zeal in the defense of their client's right, they should not forget that they are, first and foremost, officers of the court, bound to exert every effort to assist in the speedy and efficient administration of justice.

In filing multiple petitions before various courts concerning the same subject matter, the respondent violated Canon 12 of the Code of Professional Responsibility, which provides that a lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice. He also violated Rule 12.02 and Rule 12.04 of the Code, as well as a lawyer's mandate "to delay no man for money or malice."

The Court reminds that its foregoing observations on the deleterious effects of forum shopping did not apply only to Atty. Guerrero, but also to the petitioner as the client whom he represented. Thus, this decision becomes a good occasion to warn both the petitioner and her attorney that another attempt by them to revive the issue of Ramona's lack of qualification to own the land will be swiftly and condignly sanctioned.

WHEREFORE, the petition for review on certiorari is denied, and the decision dated December 5, 2000 promulgated in C.A.-G.R. SP No. 55576 is affirmed.

Costs to be paid by the petitioner.

SO ORDERED.

Carpio Morales[*], (Acting Chairperson), Leonardo-De Castro, Peralta[**], and Abad[***], JJ., concur.

[*] Per Special Order No. 828 dated March 16, 2010.

[**] Additional Member per Special Order No. 825 dated March 3, 2010.

[***] Additional Member per Special Order No. 829 dated March 16, 2010.

[1] C.A.-G.R. SP No. 55576 entitled *Catalina Balais-Mabanag*, assisted by her husband *Eleuterio Mabanag* v. *Hon. Estrella T. Estrada*, as the Presiding Judge of the Regional Trial Court of Quezon City, Branch 83, the Register of Deeds of Quezon City, *Concepcion D. Alcaraz*, and *Ramona Patricia Alcaraz*; penned by Justice *Eloy R. Bello, Jr.* (retired), and concurred in by Justice *Eugenio S. Labitoria* (retired) and Justice *Eleazar R. de los Santos* (deceased); rollo, pp. 61-69.

[2] Entitled *Romulo A. Coronel, Alarico A. Coronel, Annette A. Coronel, Annabelle C. Gonzales* (for herself and on behalf of *Floraida C. Tupper*, as attorney-in-fact), *Cielito A. Coronel, Floraida A. Almonte*, and *Catalina Balais Mabanag* v. *Court of Appeals, Concepcion D. Alacaraz*, and *Ramona Patricia Alcaraz*, assisted by *Gloria F. Noel*, as attorney-in-fact (October 7, 1996, 263 SCRA 15).

[3] Original Records, Volume I, p. 6.

[4] *Id.*, pp. 1-7.

[5] *Id.*, pp. 26-40.

[6] *Id.*, p. 41.

[7] *Id.*, pp. 95-96.

[8] *Id.*, pp. 97-109.

[9] *Id.*, p. 124.

[10] *Id.*, pp. 276-286.

[11] *Id.*, pp. 71-73; penned by Justice *Bello*, and concurred in by Justice *Labitoria* and Justice *de los Santos*.

[12] Original Records, Volume I, p. 1.

[13] Section 47 (b), Rule 39 of the Rules of Court.

[14] G.R. No. 104846, November 23, 1995, 250 SCRA 218.

[15] Adm. Case No. 5469, August 10, 2004, 436 SCRA 9.

[16] *Id.*, p. 19 (the copying is not verbatim).

[17] *Id.*

[18] *Custodio v. Corrado*, G.R. No. 146082, July 30, 2004, 435 SCRA 500.

[19] *Henderson v. Henderson*, 3 Hare 100, pp. 114-115.

[20] *S. Sime, A Practical Approach To Civil Procedure*, (1994 Ed.), Blackstone Press Ltd., London, p. 391.

[21] *Dela Cruz v. Joaquin*, G.R. No. 162788, July 28, 2005, 464 SCRA 576.

[22] *Republic v. Court of Appeals*, G.R. No. 101115, August 22, 2002, 387 SCRA 549.

[23] Entitled *An Act to implement Section Fifteen of Article XIV of the Constitution and for other purposes*.

[24] *Supra*, note 1, pp. 64-65.

[25] *Supra*, note 14.

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