

EDUARDO T. BATAAC, PETITIONER, VS. OFFICE OF THE OMBUDSMAN, TEDDY C. TUMANG, RAFAEL P. YABUT, AND PANTALEON C. MARTIN, RESPONDENTS.

G.R. No. 216949. July 03, 2019

Ponente: LEONEN, J.

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LEONEN, J.:

Absent a showing that the Office of the Ombudsman acted in an "arbitrary, capricious, whimsical[,] or despotic manner[,] "[1] this Court will not interfere with its exercise of discretion in determining the existence of probable cause.

This Court resolves a Petition for Certiorari[2] assailing the undated Joint Review Order[3] and November 27, 2014 Joint Order[4] of the Office of the Ombudsman, which reversed its earlier Resolution[5] and Decision,[6] and dismissed the charges against then Mexico, Pampanga Mayor Teddy C. Tumang (Mayor Tumang), then Barangay San Antonio Captain Rafael P. Yabut (Barangay Captain Yabut), and Pantaleon Martin (Martin).

On February 28, 2006, Eduardo T. Bataac (Bataac) filed before the Office of the Deputy Ombudsman for Luzon a Complaint[7] against Mayor Tumang, Barangay Captain Yabut, and Martin. He averred that in May 2005, he was informed that his property in Barangay San Antonio, Mexico, Pampanga was being quarried without his consent, under the instructions of Mayor Tumang, and using Mayor Tumang's dump trucks.[8]

When he visited his property on June 21, 2005, Bataac saw that it had been unevenly leveled and reduced to below ground level. On July 7, 2005, Bataac wrote Mayor Tumang, asking why the property was being quarried without his permission and requesting that it be stopped. He also tried to contact Barangay Captain Yabut through text, but the latter did not reply.[9]

Meanwhile, in reply to Bataac's letter, Mayor Tumang provided Bataac a copy of a July 11, 2005 Affidavit executed by Martin. Claiming to be a tenant of the quarried property, Martin, in his Affidavit, asked the local government to quarry it since the lahar deposits on it had been preventing him from cultivating the land. Martin added that he did not inform Bataac about this request because the land was being processed for land distribution.[10]

Replying to Mayor Tumang, Bataac said that Martin had never been a tenant of his land. He pointed out that the land was not for distribution as its area was only three (3) hectares and the retention was given to his parents under the land reform law. He further asserted that a tenant does not have the authority to request that any part of the land be removed without the landowner's permission. Bataac also demanded P600,000.00 as payment for the soil that Mayor Tumang and his co-perpetrators had taken from his property, as well as compensation for the depreciation of his property.[11]

Bataac later sent another letter asking that Mayor Tumang meet with him, but received no reply.[12]

On August 25, 2005, Bataac went to Mexico, Pampanga to talk to Martin. While he was there, he tried to get in touch with Mayor Tumang, but the mayor was out of town. Bataac then wrote the mayor another letter to reiterate

his demands, but when he still did not receive a reply, he sent a demand letter through his lawyer.[13]

Based on these allegations, Batac claimed that Mayor Tumang and his co-perpetrators committed the crime of theft and violated Republic Act No. 3019 and Republic Act No. 6713.[14]

In its November 8, 2010 Resolution,[15] the Office of the Ombudsman found probable cause against Mayor Tumang, Barangay Captain Yabut, and Martin for violation of Section 3(e) of Republic Act No. 3019. It found that Martin posed himself as a tenant of the property, provided no evidence of his tenancy, and exercised an act of ownership over the property.[16] The local officials, meanwhile, were found inexcusably negligent when they acceded to Martin's request without the property owner's consent. The Office of the Ombudsman further ruled that Batac was injured by the quarrying, because he was deprived from the use of the lahar deposits.[17]

However, the charges of theft and violation of Republic Act No. 3019, Section 3(a) were dismissed.[18]

The dispositive portion of the Resolution read:

WHEREFORE, having established probable cause for Violation of Sec. 3(e) of R.A. 3019, let the corresponding Information be FILED against Mayor Teddy C. Tumang, Barangay Captain Rafael P. Yabut and Pantaleon C. Martin.

The charges of Sec. 3(a) of R.A. 3019 and Theft are hereby DISMISSED for lack of merit.

SO RESOLVED.[19] (Emphasis in the original)

On November 8, 2010, the Office of the Ombudsman also issued a Decision on the administrative aspect of Batac's Complaint.[20] It found Mayor Tumang and Barangay Captain Yabut guilty of misconduct and violation of Section 5(a) of Republic Act No. 6713, and penalized them each with a three (3)-month suspension.[21]

Mayor Tumang, Barangay Captain Yabut, and Martin filed a Motion for Partial Reconsideration[22] of the Resolution, as did Batac.[23]

In its undated Joint Review Order,[24] the Office of the Ombudsman dismissed all charges against Mayor Tumang, Barangay Captain Yabut, and Martin.

In ruling that no corrupt practice under Section 3(e) of Republic Act No. 3019 had been committed, the Office of the Ombudsman reasoned that the element of undue injury to any party or giving a private party unwarranted benefits was absent. It found that Batac was not injured since he did not own the lahar deposits on his property. Neither was the government injured since the lahar was used for road development in San Antonio.[25]

While acknowledging that the public officials could be held administratively liable for not securing a permit before quarrying, the Office of the Ombudsman nonetheless found the charges lacking in merit. It noted that after the Complaint had been filed in 2006, Mayor Tumang was re-elected in 2007 and 2010, which rendered the charge against him moot under the condonation doctrine. As for Barangay Captain Yabut, the record showed no evidence that he had conspired with Mayor Tumang in the unauthorized quarrying.[26]

Thus, the Office of the Ombudsman recommended that the following actions be taken:

- RECALL and SET ASIDE the Resolution of 8 November 2010;
- DISMISS the criminal aspect of the complaint for lack of merit;
- DISMISS the administrative aspect of the complaint respecting respondent Teddy Tumang, applying the Condonation (doctrine; and as to respondent Rafael Yabut, for lack of merit; and

- a copy of this Joint Review Order be furnished the Commission on Elections, Department of [the] Interior and Local Government, and the Civil Service Commission for guidance and information.[27] (Emphasis in the original)

Then Ombudsman Conchita Carpio Morales (Ombudsman Carpio Morales) approved the Joint Review Order on November 23, 2012.[28]

In its November 27, 2014 Joint Order,[29] the Office of the Ombudsman denied Batac's Motion for Reconsideration. It explained that lahar deposits are minerals, which are owned by the State under Republic Act No. 7942, or the Philippine Mining Act of 1995.[30]

This Joint Order was similarly approved by Ombudsman d Morales on December 16, 2014.[31]

Thus, Batac filed this Petition for Certiorari.[32] In turn, the Office of the Ombudsman filed its Comment,[33] while Mayor Tumang, Barangay Captain Yabut, and Martin jointly filed their Comment/Opposition.[34] To these, Batac filed his Consolidated Reply.[35]

Petitioner asserts that public respondent Office of the Ombudsman acted with grave abuse of discretion when it rendered the undated Joint Review Order and November 27, 2014 Joint Order.[36] He maintains that, acting in conspiracy with respondent Martin, respondents Mayor Tumang and Barangay Captain Yabut acted with manifest partiality, evident bad faith, or gross inexcusable negligence that caused him undue injury when they broke into his property and removed the lahar deposits without his consent.[37] He claims that since the lahar deposits were found on private land, they are not minerals under the Philippine Mining Act. Instead, he insists that under Article 440 of the Civil Code, he, as the landowner, has the right to everything in his property, including the lahar deposits.[38]

Assuming that the lahar deposits are minerals under the law, petitioner asserts that respondents still had no permit to quarry or extract them.[39] Further assuming the lahar was owned by the State, he claims that respondents caused the State undue injury by quarrying it without the necessary permits.[40]

Public respondent, through the Office of the Solicitor General, emphasizes that an extraordinary writ of certiorari may be issued only in case of grave abuse of discretion, not against a mere error in the exercise of jurisdiction.[41] Nonetheless, it maintains that its finding of lack of probable cause for a violation of Section 3(e) of Republic Act No. 3019 is supported by law and substantial evidence.[42] It argues that since the lahar deposits are naturally-occurring inorganic substances, they are minerals and are, thus, owned by the State under Article XII, Section 2 of the Constitution and Section 4 of the Philippine Mining Act.[43] Petitioner, therefore, has no right to possess the lahar deposits, and cannot be injured by its hauling.[44]

Public respondent also asserts that there was no undue injury to the government because it was not disputed that the lahar deposits taken from the property were used for road development in San Antonio, Pampanga.[45]

For their part, respondents Mayor Tumang, Barangay Captain Yabut, and Martin maintain that removing the lahar deposits was consistent with the respondent public officers' power as local chief executives to promote general welfare under the Local Government Code.[46] They add that petitioner presented no evidence to show the element of undue injury.[47]

The issues for resolution are:

First, whether or not public respondent Office of the Ombudsman acted with grave abuse of discretion in not finding probable cause to file complaints against respondents Mayor Teddy C. Tumang, Barangay Captain Rafael P. Yabut, and Pantaleon C. Martin for corrupt practices under Section 3(e) of Republic Act No. 3019, or the

Anti-Graft and Corrupt Practices Act;

Second, whether or not undue injury was caused to petitioner Eduardo T. Batac when the lahar deposits were hauled without the necessary permits; and

Finally, whether or not undue injury was caused to the government when the lahar deposits were hauled without the necessary permits.

The Petition is dismissed.

I

Generally, this Court does not interfere with the Office of the Ombudsman's exercise of its prosecutorial and investigative powers, and in its determination of reasonable ground to believe a crime has been committed.[48]

Special civil actions for certiorari do not correct alleged errors of fact or law that do not constitute grave abuse of discretion.[49] This Court only reviews the Office of the Ombudsman's determination of whether probable cause exists upon a clear showing of its abuse of discretion, or when it exercised it in an "arbitrary, capricious, whimsical[,] or despotic manner."[50]

In *Dichaves v. Office of the Ombudsman*,[51] this Court explained the various policy reasons behind this deference:

An independent constitutional body, the Office of the Ombudsman is "beholden to no one, acts as the champion of the people[,] and [is] the preserver of the integrity of the public service." Thus, it has the sole power to determine whether there is probable cause to warrant the filing of a criminal case against an accused. This function is executive in nature.

The executive determination of probable cause is a highly factual matter. It requires probing into the "existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he [or she] was prosecuted."

The Office of the Ombudsman is armed with the power to investigate. It is, therefore, in a better position to assess the strengths or weaknesses of the evidence on hand needed to make a finding of probable cause. As this Court is not a trier of facts, we defer to the sound judgment of the Ombudsman.

Practicality also leads this Court to exercise restraint in interfering with the Office of the Ombudsman's finding of probable cause. *Republic v. Ombudsman Desierto* explains:

[T]he functions of the courts will be grievously hampered by innumerable petitions assailing the dismissal of investigatory proceedings conducted by the Office of the Ombudsman with regard to complaints filed before it, in much the same way that the courts would be extremely swamped if they could be compelled to review the exercise of discretion on the part of the fiscals or prosecuting attorneys each time they decide to file an information in court or dismiss a complaint by a private [complainant].[52] (Emphasis in the original, citations omitted)

Absent the existence of grave abuse of discretion, this Court generally shall not disturb public respondent Office of the Ombudsman's determination as to whether probable cause exists in this case.

II

The only element of violation of the Anti-Graft and Corrupt Practices Act under dispute here is whether respondents caused undue injury, either to the government or to petitioner, when they hauled the lahar deposits

from petitioner's property.

Claiming ownership over the lahar deposits, petitioner insisted that he suffered injury due to respondent Mayor Tumang's refusal to pay the value of the lahar deposits. This claim of ownership is based on Article 440 of the Civil Code, which provides:

ARTICLE 440. The ownership of property gives the right by accession to everything which is produced thereby, or which is incorporated or attached thereto, either naturally or artificially.

Anchored solely on this provision, petitioner claims that the lahar deposits belonged to him, having naturally been attached to his land as a result of a volcano eruption.

Public respondent, however, points out that natural resources are owned by the State.[53] Article XII, Section 2 of the Constitution provides:

SECTION 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State.

Meanwhile, Section 4 of the Philippine Mining Act of 1995 provides:

SECTION 4. Ownership of Mineral Resources. — Mineral resources are owned by the State and the exploration, development, utilization, and processing thereof shall be under its full control and supervision. The State may directly undertake such activities or it may enter into mineral agreements with contractors.

Section 3 of the law defines "minerals" and "mineral resource":

SECTION 3. Definition of Terms. - . . .

. . . .

(aa)

"Minerals" refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy.

. . . .

(ad)

"Mineral resource" means any concentration of minerals/rocks with potential economic value.

Furthermore, Executive Order No. 224, series of 2003, entitled, "Rationalizing the Extraction and Disposition of Sand and Gravel/Lahar Deposits in the Provinces of Pampanga, Tarlac and Zambales," provides:

WHEREAS, it is in the interest of the State that said sand and gravel/lahar deposits be properly utilized for the benefit of both local and the national governments and all concerned, with due regard to the environment.

. . . .

SECTION 1. Processing and Issuance of Mining Permits. — The issuance of permit to extract and dispose of industrial sand and gravel/lahar deposits by the MGB shall be governed by Chapter 8 of R.A. No. 7924.

The acceptance, processing and evaluation of applications for permits to extract industrial sand and

gravel/lahar deposits in Pampanga, Tarlac and Zambales shall be undertaken through a Task Force composed of the MGB and the Provincial Governor.

These provisions treat lahar deposits as minerals, which are owned by the State and are covered by various laws on mining. Thus, on this matter, public respondent ruled that there was no undue injury:

It is respectfully submitted that the removal of the lahar deposits from the subject property did not amount to causing undue injury to complainant under Section 3 (e) of R.A. 3019, as amended. As reflected above, complainant does not own the lahar deposits which came about as a result of the Mount Pinatubo eruption. Therefore, complainant's contention that he incurred damages because respondent Tumang refused to pay him for the value of lahar deposits that were removed from his land has no leg to stand on. Neither did respondents cause undue injury to the government, as it is not disputed that the lahar removed from complainant's land were used for road development in San Antonio, Pampanga. Lastly, it cannot also be said that public respondents gave unwarranted benefits, advance or preference to any private party.[54]

Petitioner has failed to address this head-on and explain, with legal or factual basis, why none of the foregoing provisions apply to the lahar deposits on his property. Consequently, this is not the appropriate case to resolve the issue of ownership of deposits accreted into one's property. Thus, his claim of injury, based on ownership of the lahar deposits, is doubtful.

Nonetheless, this Court notes that there could have been some injury to petitioner since: (1) as a landowner, he could have been granted a gratuitous permit to extract the lahar deposits under Section 50 of the Philippine Mining Act; and (2) the law contemplates compensating a surface owner like petitioner for damages done by mining right holders when conducting mining operations on the privately-owned land.[55]

However, the possibility of injury to petitioner is not sufficient to find grave abuse of discretion on the part of public respondent.

This Court explained at length the concept of injury under Section 3(e) of the Anti-Graft and Corrupt Practices Act in *Cabrera v. Sandiganbayan*: [56]

In *Gallego v. Sandiganbayan*, the Court ruled that "unwarranted" means lacking adequate or official support; unjustified; unauthorized; or without justification or adequate reasons. "Advantage" means a more favorable or improved position or condition; benefit or gain of any kind; benefit from course of action. "Preference" signifies priority or higher evaluation or desirability; choice or estimation above another.

Section 3(e) of Rep. Act No. 3019, which was approved by Congress in Spanish reads:

(e) Causar algun perjuicio indebido a cualquiera, incluyendo al Gobierno, o dar a alguna persona particular cualesquier beneficios, vengaja o preferencia injustificados en el desempeño de sus funciones administrativas judiciales de indole oficial con manifiesta parcialidad, evidente mala fe o crasa negligencia inexcusable. Esta disposicion se aplicara a los funcionarios y empleados de oficinas o de las corporaciones del gobierno encargados de otorgar licencias o permisos u otras concesiones.

"Perjuicio" means prejudice, mischief, injury, damages. Prejudice means injury or damage, due to some judgment or action of another. Mischief connotes a specific injury or damage caused by another. "Indebido" means undue, illegal, immoral, unlawful, void of equity and moderations. In *Pecho v. Sandiganbayan*, the Court en banc defined injury as "any wrong or damage done to another, either in his person, or in his rights, reputation or property; the invasion of any legally protected interests of another." It must be more than necessary or are excessive, improper or illegal. It is required that the undue injury caused by the positive or passive acts of the accused be quantifiable and demonstrable and proven to the point of moral certainty. Undue injury cannot be presumed even after a wrong or a violation of a right has been established.

In *Fonacier v. Sandiganbayan*, the Court en banc held that proof of the extent or quantum of damage is not essential. It is sufficient that the injury suffered or benefits received can be perceived to be substantial enough and not merely negligible.[57] (Citations omitted)

Thus, to constitute undue injury under Section 3(e), the injury must quantifiable and demonstrable.

Moreover, Section 50[58] of the Philippine Mining Act only provides that a landowner may be granted a gratuitous permit, but does not provide for any priority to be accorded to a landowner. This Court cannot assume that petitioner would have been granted a private gratuitous permit. By ignoring and bypassing the laws on lahar extraction, respondents eliminated the possibility of petitioner applying for a gratuitous permit. This injury to petitioner, however, is not quantifiable. There could have been quantifiable and demonstrable injury to petitioner by reason of damage to the surface level of his property, but given the evidence presented and arguments raised, it was not grave abuse of discretion on the part of public respondent when it found otherwise.

III

Petitioner's claim that there was injury to the government could have been persuasive. Unfortunately, as set forth here, it is insufficient for this Court to find that public respondent committed grave abuse of discretion, and to reverse its determination.

On the issue of injury to the State, the Joint Review Order read:

Neither did respondents cause undue injury to the government, as it is not disputed that the lahar removed from complainant's land were used for road development in San Antonio, Pampanga.[59]

Petitioner did not present evidence or significant arguments relating to the undue injury of the government before public respondent. Similarly, his initial Complaint did not mention any mining laws, as it was premised on his claimed ownership over the lahar. This theory ignored injury to the State.

Likewise, before this Court, petitioner asserts:

It is in the interest of the State that said sand and gravel/lahar deposits be properly utilized for the benefit of both local and the national governments and all concerned, with due regard to the environment. However, such extraction of lahar deposits must be made with the proper authority and/or permit from the MGB and the task force created under E.O. No. 224.[60] (Citation omitted)

This Court entertains the idea that some injury to the government may have existed—there may have been fees and taxes for the quarrying of the lahar deposits, or the local government may have paid the full price of the road development, despite the lahar deposits having been obtained without any fee. However, the arguments and the paucity of evidence set forth here are insufficient to reverse the finding of public respondent on this matter.

While it may have been preferable for public respondent to further address or investigate the possible injury to the government, its decision not to do so, given the arguments and evidence presented, cannot be the basis of granting the Petition. Having constitutional discretion and gravely abusing that discretion are two (2) entirely different concepts canonically established by jurisprudence.

Finally, this Court notes that there could have been an information filed for theft of minerals, which the Philippine Mining Act punishes with imprisonment:

SECTION 103. Theft of Minerals. — Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from

Ten thousand pesos (P10,000.00) to Twenty thousand pesos (P20,000.00), or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership.

However, again, this was not raised by the parties. Consequently, this Court cannot find grave abuse of discretion on the part of public respondent in not considering this point.

In light of these circumstances, public respondent's dismissal of the charges against respondents cannot be considered arbitrary. It found no probable cause that a crime had been committed, making it difficult to proceed with the case.

WHEREFORE, the Petition for Certiorari is DISMISSED. The undated Joint Review Order and the November 27, 2014 Joint Order of the Office of the Ombudsman are AFFIRMED.

SO ORDERED.

Peralta, (Chairperson), A. Reyes, Jr., Hernando, and Inting, JJ., concur.

[1] *Joson v. Office of the Ombudsman*, G.R. Nos. 197433 and 197435, August 9, 2017, 836 SCRA 252, 287 [Per J. Leonen, Second Division].

[2] *Rollo*, pp. 3-19.

[3] *Id.* at 20-29. The Joint Review Order was signed by Graft Investigation and Prosecution Officer I Blesilda T. Ouano and approved by Ombudsman Conchita Carpio Morales.

[4] *Id.* at 30-45. The Joint Order was signed by Graft Investigation and Prosecution Officer I Jasmine Ann B. Gapatan and approved by Ombudsman Conchita Carpio Morales.

[5] *Id.* at 123-137. The Resolution was penned by Tanodbayan (Ombudsman) Ma. Merceditas N. Gutierrez.

[6] *Id.* at 31 and 33. The Decision was upheld and affirmed by the Order dated May 14, 2012 and approved by Overall Deputy Ombudsman Orlando C. Casimiro on May 22, 2012.

[7] *Id.* at 52-56.

[8] *Id.* at 52.

[9] *Id.* at 53.

[10] *Id.* at 53-54.

[11] *Id.* at 54.

[12] *Id.*

[13] *Id.*

[14] *Id.* at 55. The crime of theft is punished under Article 308 of the Revised Penal Code. Republic Act No. 3019 is also known as Anti-Graft and Corrupt Practices Act (1960), while Republic Act No. 6713 is also known as Code of Conduct and Ethical Standards for Public Officials and Employees (1989).

[15] *Id.* at 123-137.

[16] Id. at 134.

[17] Id. at 135.

[18] Id. at 135-136.

[19] Id. at 136.

[20] Id. at 33.

[21] Id. at 33.

[22] Id. at 138-145.

[23] Id. at 146-154.

[24] Id. at 20-29.

[25] Id. at 24-25.

[26] Id. at 25-27.

[27] Id. at 27.

[28] Id. at 28.

[29] Id. at 30-45.

[30] Id. at 41.

[31] Id. at 45.

[32] Id. at 3-19.

[33] Id. at 230-248.

[34] Id. at 220-228.

[35] Id. at 260-267.

[36] Id. at 8.

[37] Id. at 11.

[38] Id. at 10.

[39] Id. at 260.

[40] Id. at 262.

[41] Id. at 237.

[42] Id. at 241-242.

[43] Id. at 238-239.

[44] Id. at 240.

[45] Id.

[46] Id. at 222-223.

[47] Id. at 224-225.

[48] *Joson v. Office of the Ombudsman*, G.R. Nos. 197433 and 197435, August 9, 2017, 836 SCRA 252, 286 [Per J. Leonen, Second Division].

[49] *Miranda v. Sandiganbayan*, 502 Phil. 423, 441 (2005) [Per J. Puno, En Banc].

[50] *Joson v. Office of the Ombudsman*, G.R. Nos. 197433 and 197435, August 9, 2017, 836 SCRA 252, 287 [Per J. Leonen, Second Division].

[51] 802 Phil. 564 (2016) [Per J. Leonen, Second Division].

[52] Id. at 589-591.

[53] Rollo, p. 23.

[54] Id. at. 24-25.

[55] Republic Act No. 7942 (1995), sec. 76 provides:

SECTION 76. Entry into Private Lands and Concession Areas. — Subject to prior notification, holders of mining rights shall not be prevented from entry into private lands and concession areas by surface owners, occupants, or concessionaires when conducting mining operations therein: Provided, That any damage done to the property of the surface owner, occupant, or concessionaire as a consequence of such operations shall be properly compensated as may be provided for in the implementing rules and regulations: Provided, further, That to guarantee such compensation, the person authorized to conduct mining operation shall, prior thereto, post a bond with the regional director based on the type of properties, the prevailing prices in and around the area where the mining operations are to be conducted, with surety or sureties satisfactory to the regional director.

[56] 484 Phil. 350 (2004) [Per J. Callejo, Sr., En Banc].

[57] Id. at 364-365.

[58] Republic Act No. 7942 (1995), sec. 50 provides:

SECTION 50. Private Gratuitous Permit. — Any owner of land may be granted a private gratuitous permit by the provincial governor.

[59] Rollo, pp. 24-25.

[60] Id. at 263.

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