

ACTING REGISTRARS OF LAND TITLES AND DEEDS OF PASAY CITY, PASIG AND MAKATI, METRO MANILA, PETITIONERS, VS. THE REGIONAL TRIAL COURT, BRANCH 57, IN MAKATI, METRO MANILA PRESIDED ...

G.R. No. 81564. April 26, 1990

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

The petitioners* charge His Honor, Judge Francisco Velez of the Regional Trial Court, Branch 57, Makati, Metro Manila, with grave, abuse of discretion in issuing an order authorizing the private respondent, through Domingo Palomares, to perform acts of ownership over a 2,574-hectare parcel of land known as Hacienda de Maricaban spread out in various parts of Makati, Pasig, Taguig, Pasay City, and Parañaque. There is no controversy as to the facts.

On November 5, 1985, the private respondent, Domingo Palomares, as administrator of the heirs of Delfin Casal, commenced suit with the Regional Trial Court, Branch 132, Makati, Metro Manila for declaratory relief, quieting of title, cancellation of Transfer Certificate of Title No. 192, and cancellation of entries upon Original Certificate of Title No. 291.

Palomares had earlier come to this Court (February 27, 1985) on a similar petition, and in addition, to direct the Register of Deeds to issue a duplicate owner's copy of Original Certificate of Title No. 291, embracing allegedly Hacienda de Maricaban, in lieu of the (alleged) lost one. On September 9, 1985, the Court denied the petition for lack of merit. (G.R. No. 69834).

On December 19, 1985, the petitioners filed their answer.

On June 2, 1986, the private respondent filed a motion to admit amended complaint impleading the Republic of the Philippines and the registers of deeds of Pasig, Makati, and Pasay City as parties-respondents, and alleging, among other things, that: (1) on October 1, 1906, the Court of Land Registration (James Ostrand, Presiding Judge) confirmed the title of Dolores Pascual Casal y Ochoa, a native of Madrid, Spain, over the 2,574-hectare parcel above-mentioned; (2) on October 17, 1906, the Register of Deeds of Rizal issued OCT No. 291 in her name; (3) upon her death, and successive deaths of her heirs, the property devolved on Gerardo, Reynaldo, Lolita and Erlinda, all surnamed Casal, great grandchildren of Dolores; (4) no conveyances or dispositions of any kind have been allegedly made upon the parcel; (5) TCT No. 192, which covers the same landholding; is allegedly spurious and inexistent; (6) the State itself, by placing 27,213,255 square meters thereof under a military reservation (Fort McKinley, now Fort Bonifacio), by Proclamation No. 423, and fifty hectares thereof pursuant to Proclamation No. 192, had been guilty of landgrabbing; (7) any and all holders of any and all TCTs emanating therefrom or from TCT No. 192, are null, void, and of no force and effect; and (8) as a consequence thereof, the heirs of Dolores Casal suffered various damages and attorney's fees.

On June 26, 1986, the petitioners filed an answer, stating, among other things, that: (1) the estate of Dolores Casal (or Delfin Casal, her grandchild) is not a juridical person authorized by law to bring suit; (2) the registers of deeds of Makati, Pasig, and Pasay City are not the real parties in interest, but rather, the registered owners over which the court had not acquired jurisdiction; (3) the non-joinder of the real parties in interest is fatal; (4) OCT No. 291 has long been cancelled; (5) Judge Gregorio Pineda of the then Court of First Instance of Rizal, Branch XXI, Pasig, had earlier denied prayers for the issuance of duplicate owner's copy of OCT No. 291 because the land embraced therein had been validly delivered to the Government; (6) the Supreme Court itself had denied the Casals' appeal;** (7) as a consequence, res judicata is a bar; (8) prescription has also set in; and (9) the Casal's claims can not validly override the titles of innocent purchasers for value.

On August 29, 1986, the respondent judge issued a temporary restraining order, directing the petitioners to cease and desist from performing the acts complained of.

In a subsequent memorandum, the petitioners alleged that Dolores Casal had conveyed the property to the Government of the United States in 1906 and the Manila Railroad Company on which Judge Ostrand, the Presiding Judge of the Court of Land Registration, later Justice of this Court had stamped his imprimatur.

On October 12, 1987, the respondent court issued an order in the tenor, as follows:

No other opposition having been registered, this Court hereby resolves to grant the plaintiffs' prayer in the OMNIBUS MOTION in order to safeguard the integrity of the land embraced in OCT 291, hereby authorizing for this purpose the plaintiff Domingo C. Palomares:

1. To order such subdivision and/or individual survey or surveys within Parcel II, Parcel III and Parcel IV under Survey Plan Psu-2031 by a licensed geodetic engineer or engineers at plaintiffs expense in order to facilitate and simplify the efficient administration of the property described in OCT 291; and
2. To sell, exchange lease or otherwise dispose (of) any area or areas or portion or portions thereof, subject to the approval of the Intestate Estate Court, to cover expenses for the payment of taxes to which the property is subject, as well as expenses of administration and for the protection of the integrity of the said lands.

SO ORDERED.[1]

Eleven days later, or on October 23, 1987 to be precise, it issued another order, as follows:

Acting on the plaintiff's MOTION dated October 15, 1987 praying for the issuance of a Writ of Execution implementing the Order of this Court dated October 12, 1987 before the expiration of the time to appeal, and after inquiring from the plaintiff's counsel for their reason in seeking the same, the Court hereby issues this clarificatory order affirming the power of the plaintiff Domingo C. Palomares to execute and perform the acts authorized in the said Order of October 12, 1987 without the need of a Writ of Execution, where no relief has been sought therefrom by any party, said Order being implementable at the instance of the said plaintiff Domingo C. Palomares, anytime when the said Order becomes final 15 days after the said plaintiff received copy of the same (see Section 39, Chapter IV, B.P. Blg. 129). Plaintiff Domingo C. Palomares may therefore take whatever steps he considers appropriate for the implementation of the said Order without need of further Orders or additional authority from this Court.

SO ORDERED.[2]

The petitioners filed a notice of appeal; the respondent court, however, denied it,[3] "it being directed against ... an interlocutory order ..."[4]

Hence, this recourse.

The petitioners interpose the following questions:

- A. Whether or not respondent Court can validly decide before trial in favor of private respondent the ownership and possession of the 25,743,514 square meters (of) land known as "Hacienda de Maricaban", which is the main issue in this case;
- B. Whether or not respondent Court can validly allow private respondent to exercise and perform all acts of ownership and possession over the said land before trial;
- C. Whether or not respondent Court has acquired jurisdiction to hear and decide this action;
- D. Whether or not respondent Court committed grave abuse of discretion amounting to lack of jurisdiction in not dismissing this action or allowing petitioners to appeal from the orders in question.[5]

In their comment, the private respondent averred, among other things, that: (1) the respondent court, contrary to the petitioners' claim, did not decide the case "before trial"; (2) OCT No. 291 had not been validly cancelled and that the rubber stamp impression thereon, "CANCELLED" is a forgery; (3) the act of Judge Pineda, in denying issuance of OCT No. 291, duplicate owner's copy can not be considered *res judicata* because that case involved purportedly a mere petition for issuance of duplicate owner's copy; (4) non-joinder of proper parties is not a jurisdictional defect; (5) the TCTs issued thereafter are a nullity because OCT No. 291 had not been shown to have been duly cancelled; (6) OCT No. 291 has become imprescriptible; and (7) the private respondent has a valid right of dominion over the property.

In the meantime, the private respondent came to this Court on certiorari (G.R. No. 90176) alleging that on December 15, 1987, in connection with Sp. Proc. No. Pq-2993 of the Regional Trial Court, Branch 118 Pasay City, entitled "In the Matter of the Intestate Estate of the Late Fortunato Santiago and Mariano Pantanilla, Crisanta P. Santiago, et al., Petitioners," Judge Conrado Vasquez, Jr. issued an order disposing of certain parcels which the private respondent claims as forming part and parcel of Hacienda de Maricaban.

On June 20, 1988, the respondent judge in G.R. No. 81564 filed his own comment, asserting, among other things, that: (1) what he had sought to bar, by virtue of injunction, was incursions and forcible entries of trespassers and squatters; (2) the petitioners can not rightly claim that he had prematurely adjudicated the case, because there was allegedly no decision to begin with; (3) that he issued the writ of preliminary injunction in order only to maintain the status quo ante bellum, that is to re-place the private respondent, which had been allegedly in prior possession, in possession; (4) he did not allegedly authorize unbridled "acts of ownership" to be exercised on the property; (5) all rights of dominion given thereon were subject to the approval of the intestate estate court; (6) he denied the notice of appeal because the order dated October 12, 1987, was interlocutory in nature from which no appeal lies; (7) as to jurisdiction, the various motions filed by petitioners, allegedly accepting the court's jurisdiction, have clothed the court with jurisdiction, and that besides, the jurisdictional question was never raised except now.

On July 7, 1988, the petitioners filed a reply traversing the respondent judge's allegations.

On August 26, 1988, the respondent judge filed a supplemental comment. He reiterated that the writ of injunction was directed only on such spaces not occupied by the Government (Fort Bonifacio, Libingan ng mga Bayani, Ninoy Aquino International Airport, Nayong Pilipino, Population Commission, National Science and Development Board, and National Housing Authority).

Meanwhile, Atty. Antonio J. Dalangpan, for and on behalf purportedly of the "Heirs of Delfin Casal" and the private respondent, Domingo Palomares, filed "Comment/Opposition in Intervention", dated December 23, 1988 asking for the outright dismissal of the petition.

On December 14, 1989, the private respondent filed a manifestation, stating, among other things, that assuming OCT No. 291 had been cancelled, there was still basis for the respondent judge to prevent landgrabbers from entering into vacant portions of the estate embraced thereby.

The Court finds the issues, quintessentially, to be:

(1) Is OCT No. 291 still valid and subsisting?

(2) Did the respondent judge, in issuing the orders, dated October 12 and October 23, 1987, commit a grave abuse of discretion equivalent to lack or excess of jurisdiction?

I.

Is OCT No. 291 still

valid and subsisting?

The Court takes judicial notice of the fact that the hectarage embraced by TCT No. 192 (OCT No. 291) consists of Government property. Three things persuade the Court: (1) the decrees of Proclamations Nos. 192 and 435; (2) the incontrovertible fact that OCT No. 291 has been duly cancelled; and (3) the decision of the Court of Appeals in AC-G.R. CV No. 00293, affirming the decision of Hon. Gregorio Pineda, Judge of the then Court of First Instance of Rizal, Branch XXI, in LRC (GLRO) Rec. No. 2484, Case No. R-1467 thereof, entitled "In Re: Issuance of Owner's Duplicate of Certificate of Title No. 291," as well as our own Resolution in G.R. No. 69834, entitled "Domingo Palomares, et al., v. Intermediate Appellate Court".

(a)

Proclamation No. 192 ("RESERVING FOR THE VETERANS CENTER SITE PURPOSES CERTAIN PARCEL OF LAND OF THE PUBLIC DOMAIN SITUATED IN THE PROVINCE OF RIZAL, ISLAND OF LUZON") and Proclamation No. 423 ("RESERVING FOR MILITARY PURPOSES CERTAIN PARCELS OF THE PUBLIC DOMAIN SITUATED IN THE MUNICIPALITY OF PASIG, TAGUIG, AND PARAÑAQUE, PROVINCE OF RIZAL, AND PASAY CITY") have the character of official assertions of ownership, and the presumption is that they have been issued by right of sovereignty and in the exercise of the State's dominical authority. We take not only judicial notice thereof^[6] but accept the same as a valid asseveration of regalian right over property.

With respect to the premises occupied by the Libingan ng mga Bayani, Ninoy Aquino International Airport, Nayong Pilipino, the Population Commission, National Science and Development Board, and the National Housing Authority, we do not have the slightest doubt that they stand on Government property by sheer presumption that, unless otherwise shown, what the Government occupies is what the Government owns.

While there is no presumption that property is Government property until otherwise shown, because the law recognizes private ownership, thus:

Art. 425. Property of private ownership, besides the patrimonial property of the State, provinces, cities, and municipalities, consists of all property belonging to private persons, either individually or collectively.^[7]

we find hard evidence on record that: (1) the property covered by OCT No. 291 had been conveyed to the United States of America; (2) it had been later ceded to the Republic of the Philippines; and (3) as a consequence, OCT No. 291 was cancelled upon final orders of Judge Ostrand.

Be that as it may, the private respondent in G.R. No 81564 is pressed hard to establish the fact that portions of the

property, especially the open spaces referred to in the lower court's writ of injunction and the private respondent's manifestation of December 14, 1989, and which open spaces it claims to be outside Maricaban are indeed outside Maricaban (or OCT 291). With respect, however, to parts thereof on which Fort Bonifacio, Libingan ng mga Bayani, Ninoy Aquino International Airport, Nayong Pilipino, Population Commission, National Science and Development Board, and National Housing Authority sit, the hands of the private respondent are tied.

Claims that Judge Ostrand's decree was a counterfeit is not only self-serving, it finds no support from the records. The presumption is "that official duty has been regularly performed,"[8] and the burden is on the private respondent to prove irregular performance. The barren insistence that Judge Ostrand's order was a forgery is not sufficient to overthrow the presumption. To begin with, the act of forgery has been seasonably disputed by the petitioners. Secondly, the Acting Registrar of Deeds of Pasig, who supposedly certified to the fake character of Judge Ostrand's order has himself joined the other petitioners in opposing the reconveyance sought.

(b)

The decision in AC-G.R. No. 00293, dismissing the private respondent's petition for the issuance of a new owner's copy of OCT No. 291, a dismissal affirmed by this Court in G.R. No. 69834, also militates against the return of the property to the heirs of Delfin Casal. The Appellate Court's judgment, a judgment sustained by this Court, operates as, at the very least, the law of the case between the parties, that OCT No. 291 has been cancelled and the land covered has been conveyed and ceded to the National Government. The fact that AC-G.R. CV No. 00293 dealt with a petition for issuance of lost owner's duplicate copy is no argument because be that as it may, the private respondent can not rightfully say that the heirs of Delfin Casal still have title to the land. If it can not secure a new owner's copy, it can mean that they have lost title thereto.

(c)

The principle of res judicata is also a bar to the instant proceedings. It should be noted that in G.R. No. 69834, Mr. Domingo Palomares prayed:

WHEREFORE, premises considered it is most respectfully prayed to the most Honorable Supreme Court, that in the name of law, justice and fair play, to prevent and frustrate "land-grabbing" by the government, decision be rendered:

FIRST, That a thorough review of the aforementioned resolution of the Intermediate Appellate Court be made;

SECOND, That after due consideration, the resolution subject of review be set aside based on the aforesated assignment of error;

THIRD, That the Order of the Lower Court dated Jan. 19, 1977 be affirmed as the lawful and valid order;

FOURTH, To erase all doubts by declaring OCT No. 291 as continuously and existing validly against the whole world;

FIFTH, Clearing OCT No. 291 of all adverse claims, since the herein petitioners are the true and legally declared heirs; and

SIXTH, Ordering the Register of Deeds of Pasig Rizal to issue the Owner's Duplicate Copy of OCT No. 291.

Petitioner-Appellant further prays for other just and equitable reliefs.***

When we therefore denied that petition, we, in effect, held that reconstitution (of lost duplicate owner's copy) was not possible because the mother title (OCT No. 291) had been duly cancelled. And when we therefore declared OCT No. 291 to have been cancelled, we perished all doubts as to the invalidity of Mr. Palomares' pretenses of

title to Maricaban. Our judgment was conclusive not only as to Mr. Palomares, but also as to the existing status of the property. As we have held:

The lower Court correctly ruled that the present action is barred by the final judgment rendered in the previous case of Tuason & Co. vs. Aguila, Civil Case No. Q-4275, of the Court of First Instance of Rizal. The reason is plain: if the herein appellants really had a preferential right to a conveyance of the land from J.M. Tuason & Co., or if the certificate of (Torrens) title held by Tuason & Co. were truly void and ineffective, then these facts should have been pleaded by these appellants in the previous case (Q-4275), since such facts, if true, constituted a defense to the claim of Tuason & Co. for recovery of possession. If appellants failed to plead such defenses in that previous case, they are barred from litigating the same in any subsequent proceeding, for it is a well established rule that as between the same parties and on the same subject and cause of action, a final judgment is conclusive not only on matters directly adjudicated, but also as to any other matter that could have been raised in relation thereto.[9]

II

Did the respondent judge,
in issuing the order, dated
October 12, 1987, commit a
grave abuse of discretion
equivalent to lack or excess of
jurisdiction?

(a)

The Court has no doubt that Judge Velez is here guilty of grave abuse of discretion tantamount to lack or excess of jurisdiction to warrant certiorari. As above-stated, what he gave away, by virtue of reconveyance, was property that inalienably belongs to the Government or its successors. Worse, he gave away property without notice to the actual possessors, that is, the present registered owner. It is beyond debate, as we have indicated, that the land had been, since the cancellation of OCT No. 291, parcelled out to a succession of buyers and owners. In the absence of notice, it acquired no jurisdiction to decree redelivery or reconveyance. It is well-established that owners of property over which reconveyance is asserted are indispensable parties, without whom no relief is available and without whom the court can render no valid judgment.[10]

Furthermore, the present holders of the land in question are innocent purchasers for value, or presumed to be so in the absence of contrary evidence, against whom reconveyance does not lie.[11]

(b)

The respondent judge can not conceal his faults behind arguments that he did not intend to convey the premises, but rather, to secure, allegedly, vacant portions thereof from interlopers. First, this is not stated in his order. Second, that order is clear and unequivocal that Domingo Palomares has the right "(t)o sell, exchange, lease or otherwise dispose of any area or areas or portion or portions thereof ..."[12] Third and last, the security of the property is the lookout of the claimants, and not the court's. In case the premises the respondent judge's injunctive writ have been directed belong to others, let them air their complaints.

(c)

The Court is also agreed that the challenged order was issued with no benefit of trial or hearing. The private respondent can not validly rely on AC-G.R. No. 00293 as the "trial or hearing" to justify the issuance of its said order, in the first place, because it is a different proceeding. But above all, the private respondent itself says that AC-G.R. CV No. 00293 can not be made a basis for denying reconveyance because "the ... petition was merely for the issuance of a new owner's duplicate copy..."[13] Accordingly, it can not invoke that case and yet, repudiate its effects. It is the height of contradiction.

(d)

It was also grave error for the lower court to deny the Solicitor General's notice of appeal. The Government had all the right to appeal because: (1) the order of October 12, 1987 was in the nature of a final judgment, as "final judgment" is known in law (however it is captioned), that is to say, one that "finally disposes of the pending action so that nothing more can be done with it in the trial court;"[14] (2) it did not merely maintain the status quo, but allowed Mr. Domingo Palomares to transact on the property by near-right of dominion over it.

Judge Velez had therefore no reason, indeed, excuse, to deny the Government's notice of appeal. What is plain is the fact that Judge Velez was hell-bent, so to speak, in blocking the Government's efforts to defend what rightfully belongs to it.

What has obviously been lost on the parties, Judge Velez in particular, is the established principle that injunction does not lie "to take property out of the possession or control of one party and place it into that of another." [15] In this wise it has also been held:

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It is a well established doctrine in this jurisdiction that an injunction is not the proper remedy for the recovery of possession of real estate and the improvements thereon, as well as for the ejectments therefrom of the actual occupants who claim to have title to or material interest therein. The use of said remedy in such cases has invariably been considered unjustified, in open violation of the legal presumption that the bona fide possessor of a certain piece of land and improvements thereon, holds the same under claim of ownership and with a just title, and as an advanced concession of the remedy to which the claimant might be entitled. (Citations omitted)[16]

X X X X X X X X

Injunction, moreover, is an extraordinary remedy. It lies only in certain cases, to wit:

Sec. 3. Grounds for issuance of preliminary injunction.-- A preliminary injunction may be granted at any time after the commencement of the action and before judgment when it is established:

(a) That the plaintiff is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the acts complained of, or in the performance of an act or acts, either for a limited period or perpetually;

(b) That the commission or continuance of some act complained of during the litigation or the non-performance thereof would probably work injustice to the plaintiff; or

(c) That the defendant is doing, threatens, or is about to do, or is procuring or suffering to be done, some act probably in violation of the plaintiffs rights respecting the subject of the action, and tending to render the judgment ineffectual.[17]

X X X X X X X X

The conspicuous and unusual zeal with which Judge Francisco Velez now defends his acts[18] has not escaped us.

His honor should have borne in mind that in proceedings under Rule 65 of the Rules, such as the present cases, the judge is included only as a nominal party. Unless otherwise ordained by this Court, he is not called upon to answer or comment on the petition, but rather, the private respondent. It is indeed distressing to note that it is the very judge who has taken the cudgels for the latter in defending its interests, when he, the judge, should have remained a neutral magistrate. *Res ipsa loquitor*.^[19] He must get his just deserts.

III

The Court thus closes the long-drawn tale of Hacienda de Maricaban. In this connection, let trial judges be cautioned on the indiscriminate disposition of our dwindling natural resources to private persons. Accordingly, we grant G.R. No. 81564 and dismiss G.R. No. 90176, and so also, end what has come down as nearly a century of uncertainty, doubt, and conflict Maricaban has left in its trail. The Court has finally spoken. Let the matter rest.

WHEREFORE:

1. The petition in G.R. No. 81564 is GRANTED:

(a) The Writ of Preliminary Injunction issued by our Resolution, dated April 13, 1988, enjoining the respondent judge from enforcing his: (i) order of October 12, 1987 and (ii) the follow-up order of October 23, 1987, is made permanent; and

(b) Original Certificate of Title No. 291 is declared duly CANCELLED;

2. The petition in G.R. No. 90176 is DISMISSED; and

3. Judge Francisco Velez is ordered to SHOW CAUSE why he should not be administratively dealt with for giving away, by virtue of reconveyance, property that inalienably belongs to the Government, without notice to the registered owner, and without benefit of trial or hearing; for blocking Government efforts to defend what rightfully belongs to it; and for filing his comment of June 17, 1988 and supplemental comment of August 26, 1988 without express leave of court.

Costs against the private respondent.

SO ORDERED.

Narvasa, Melencio-Herrera, Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Fernan, C.J., and Gutierrez, Jr., J., on leave.

* Actual title of petition.

* Reference to "petitioners", "private respondent", and "respondent judge" is reference to the petitioners, private respondent, and respondent judge in G.R. No. 81564. The Court consolidates G.R. No. 81564 with G.R. No. 90176.

** G.R. No. 69834.

[1] Rollo, 194.

[2] *Id.*, 195.

[3] *Id.*, 205.

[4] Id.

[5] Id., 28-29.

[6] RULES OF COURT, Rule 129, sec. 1; Municipality of Tacuroy v. Abragan, No. L-25314, February 10, 1968, 22 SCRA 518.

[7] CIVIL CODE, art. 425.

[8] THE REVISED RULES OF COURT, *supra*, Rule 131, sec. 5, par. (m).

*** G.R. No. 69834, rollo, 12-13.

[9] Aguila v. J.M. Tuason & Co., Inc., No. L-24223, February 22, 1968, 22 SCRA 690, 693-694; emphasis in the original.

[10] Director of Lands v. Court of Appeals, No. L-45168, September 25, 1979, 93 SCRA 238.

[11] Pres. Decree No. 1529, sec. 44, Act No. 496, sec. 38.

[12] Rollo, *id.*, G.R. No. 81564, 194; emphasis supplied.

[13] Id., 214.

[14] Allied Free Workers' Union v. Estipona, No. L-17934, December 28, 1961, 3 SCRA 780.

[15] Philippine National Bank v. Adil, No. L-52823, November 2, 1982, 118 SCRA 110; Mara, Inc. v. Estrella, No. L-40511, July 25, 1975, 65 SCRA 471; Pio v. Marcos, Nos. L-27849 and 34432, April 30, 1970, 56 SCRA 726; Coronado v. Court of First Instance, 96 Phil. 729 (1955); Villadores v. Encarnacion, 95 Phil. 913 (1954); Wagan v. Sideco, 60 Phil. 685 (1934); Santos v. De Leon, 60 Phil. 573 (1934); Rustia v. Franco, 41 Phil. 280 (1920); Kabankalan Sugar Co. v. Martinez, 36 Phil. 948 (1917); Golding v. Balatbat, 36 Phil. 941 (1917); Asombra v. Dorado, 36 Phil. 883 (1917); Bishop of Nueva Segovia v. Purugganan 27 Phil. 148 (1914).

[16] Wagan v. Sideco, *supra*, 688.

[17] RULES OF COURT, Rule 58, sec. 3; Calo v. Roldan, 79 Phil. 445 (1946).

[18] See comment, rollo, *id.*, 387-417; supplemental comment, *id.*, 468-481.

[19] People v. Valenzuela, Nos. L-63950-60, April 19, 1985, 135 SCRA 712.

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