

**FELICIDAD UY, PETITIONER, VS. HON. MAXIMO C. CONTRERAS,  
PRESIDING JUDGE, METROPO-LITAN TRIAL COURT, BRANCH 61,  
MAKATI, METRO MANILA; HON. MAURO M. CASTRO, PROVINCIAL  
PROSECUTOR ...**

*G.R. Nos. 111416-17. September 26, 1994*

Ponente: DAVIDE, JR., J.

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**DAVIDE, JR., J.:**

Assailed in this petition for certiorari under Rule 65 of the Rules of Court is the order dated 2 July 1993 of public respondent Judge Maximo C. Contreras of Branch 61 of the Metropolitan Trial Court (MTC) of Makati, Metro Manila, denying the petitioner's motion to dismiss Criminal Cases Nos. 145233 and 145234 for slight physical injuries. The motion to dismiss is based on the failure of the private respondents, as the offended parties therein, to comply with Section 6 of P.D. No. 1508 and Section 18 of the 1991 Revised Rule on Summary Procedure requiring prior referral of disputes to the Lupong Tagapamayapa of the proper barangay.

At the outset, it must be stated that were it not for the importance of the issue to be resolved in the light of the revised law on katarungang pambarangay provided for in the Local Government Code of 1991 (R.A. No. 7160) which took effect on 1 January 1992,[1] this Court would have declined to accept the invocation of its original jurisdiction to issue the extraordinary writ prayed for. We have already ruled that while it is true that this Court, the Court of Appeals, and the Regional Trial Courts have concurrent original jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, such concurrence does not accord litigants unrestrained freedom of choice of the court to which application therefor may be directed. There is a hierarchy of courts determinative of the venue of appeals which should also serve as a general determinant of the proper forum for the application for the extraordinary writs. A becoming regard for this judicial hierarchy by the petitioner and her lawyers ought to have led them to file the petition with the proper Regional Trial Court.[2]

The antecedent facts as disclosed by the pleadings of the parties are not complicated.

Petitioner subleased from respondent Susanna Atayde (hereinafter Atayde) the other half of the second floor of a building located at corner Reposo and Oliman Streets, Makati, Metro Manila. She operated and maintained therein a beauty parlor.[3]

The sublease contract expired on 15 April 1993. However, the petitioner was not able to remove all her movable properties.

On 17 April 1993, an argument arose between the petitioner and Atayde when the former sought to withdraw from the subleased premises her remaining movable properties such as cabinets, shelves, frames, a mirror, a shampoo bowl, and an airconditioning casing.[4] The argument degenerated into a scuffle between the petitioner, on the one hand, and Atayde and several of Atayde's employees, including private respondent Winnie Javier (hereinafter Javier), on the other.

On 21 April 1993, the private respondents had themselves medically examined for the alleged injuries inflicted on them by the petitioner.[5]

On 23 April 1993, the private respondents filed a complaint with the barangay captain of Valenzuela, Makati, which was docketed as Barangay Cases Nos. 1023[6] and 1024.[7]

The confrontation of the parties was scheduled by the barangay captain for 28 April 1993. On the said date, only the petitioner appeared. The barangay captain then reset the confrontation to 26 May 1993.[8]

On 11 May 1993, the Office of the Provincial Prosecutor of Rizal filed two informations for slight physical injuries against the petitioner with the MTC of Makati, which were docketed as Criminal Cases Nos. 145233 and 145234 and assigned to Branch 61 thereof.

On 21 May 1993, public respondent Judge Contreras of Branch 61 ordered the petitioner to submit her counter-affidavit and those of her witnesses.

On 14 June 1993, the petitioner submitted the required counter-affidavits.[9] In her own counter-affidavit, the petitioner specifically alleged the prematurity of the filing of the criminal cases for failure to undergo conciliation proceedings as she and the private respondents are residents of Manila.[10] She also attached to it a certification by the barangay captain of Valenzuela, Makati, dated 18 May 1993, that there was an ongoing conciliation between Atayde and the petitioner in Barangay Case No. 1023.[11]

On 18 June 1993, the petitioner filed a motion to dismiss Criminal Cases Nos. 145233 and 145234 for non-compliance with the requirement of P.D. No. 1508 on prior referral to the Lupong Tagapamayapa and pursuant to Section 18 of the 1991 Revised Rule on Summary Procedure.

On 2 July 1993, public respondent Judge Contreras handed down an order denying the motion to dismiss, pertinent portions of which read:

"The court finds the motion to be without sufficient merit. In the first place, the offense subject of these cases occurred in Makati, Metro Manila on April 17, 1993; that Barangay Valenzuela of the Municipality of Makati had started the conciliation proceedings between the parties but as of May 18, 1993 nothing has been achieved by the barangay (Annex "2" of the Counter-Affidavit of the accused); that the above-entitled cases were filed directly with this court by the public prosecutor on May 11, 1993; and the accused and her witnesses had already filed their counter-affidavits and documents. At this stage of the proceedings, the court believes that the accused had already waived the right to a reconciliation proceedings before the barangay of Valenzuela, Makati considering that accused and complainant are residents of different barangays; that the offense charged occurred in the Municipality of Makati; and finally, this offense is about to prescribe.

Under the foregoing circumstances, the court believes, and so holds, that the complainants may go directly to the court where their complaint is about to prescribe or barred by statute of limitations pursuant to Section 6 of PD 1508." [12]

A motion to reconsider the above order was denied on 5 August 1993.

Hence this special civil action for certiorari. The petitioner contends that the respondent judge committed grave abuse of discretion amounting to lack of jurisdiction when he denied the motion to dismiss considering that the private respondents failed to comply with the mandatory requirement of P.D. No. 1508, now embodied in Section 412 of the Local Government Code of 1991 and further required under the 1991 Revised Rule on Summary Procedure.

In their Comment, the private respondents contend that the denial of the motion to dismiss is proper because prior

referral of the dispute to the lupon is not applicable in the case of private respondent Javier since she and the petitioner are not residents of barangays in the same city or municipality or of adjoining barangays in different cities or municipalities and that referral to the lupon is not likewise required if the case may otherwise be barred by the statute of limitations. Moreover, even assuming *arguendo* that prior referral to the lupon applies to the case of private respondent Atayde, the latter had, nevertheless, substantially complied with the requirement.

In its Comment, the Office of the Solicitor General agrees with the petitioner that Criminal Cases Nos. 145233 and 145234 should be dismissed for non-compliance with Sections 408, 409, 410, and 412 of the Local Government Code of 1991 in relation to Section 7, Rule VI of the Rules Implementing P.D. No. 1508.

The petitioner replied to the comments of the private respondents and of the Office of the Solicitor General. The private respondents filed a rejoinder to the petitioner's reply to their comment and a reply to the comment of the Office of the Solicitor General.

In the Resolution of 16 May 1994, this Court gave due course to the petition and required the parties to submit their respective memoranda, which the petitioner and the private respondents complied with. The Office of the Solicitor General, in view of its prior submission, moved that it be excused from filing a memorandum.

The petition is impressed with merit.

The law on the katarungang pambarangay was originally governed by P.D. No. 1508 which was enacted on 11 June 1978. However, the Local Government Code of 1991, specifically Chapter 7, Title I, Book III thereof,[13] revised the law on the katarungang pambarangay. As a consequence of this revision, P.D. No. 1508 was expressly repealed pursuant to Section 534(b) of the Code. Pertinent portions of Chapter 7, Title I, Book III thereof read as follows:

"SEC. 408. Subject Matter for Amicable Settlement; Exception Thereto. -- The lupon of each barangay shall have authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

- (a) Where one party is the government or any subdivision or instrumentality thereof;
- (b) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- (c) Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five thousand pesos (P5,000.00);
- (d) Offenses where there is no private offended party;
- (e) Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- (f) Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by appropriate Lupon;
- (g) Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice.

The court in which non-criminal cases not falling within the authority of the lupon under this Code are filed may, at anytime before trial, *motu proprio* refer the case to the lupon concerned for amicable settlement.

SEC. 409. Venue. -- (a) Disputes between persons actually residing in the same barangay shall be brought for amicable settlement before the lupon of said barangay.

(b) Those involving actual residents of different barangays within the same city or municipality shall be brought in the barangay where the respondent or any of the respondents actually resides, at the election of the complainant.

(c) All disputes involving real property or any interest therein shall be brought in the barangay where the real property or the larger portion thereof is situated.

(d) Those arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study shall be brought in the barangay where such workplace or institution is located.

Objections to venue shall be raised in the mediation proceedings before the punong barangay; otherwise, the same shall be deemed waived. Any legal question which may confront the punong barangay in resolving objections to venue herein referred to may be submitted to the Secretary of Justice or his duly designated representative whose ruling thereon shall be binding.

SEC. 410. Procedure for Amicable Settlement. -- x x x

x x x

(c) Suspension of prescriptive period of offenses. -- While the dispute is under mediation, conciliation, or arbitration, the prescriptive periods for offenses and cause of action under existing laws shall be interrupted upon filing of the complaint with the punong barangay. The prescriptive periods shall resume upon receipt by the complainant of the complaint or the certificate of repudiation or of the certification to file action issued by the lupon or pangkat secretary: Provided, however, That such interruption shall not exceed sixty (60) days from the filing of the complaint with the punong barangay.

x x x

SEC. 412. Conciliation. -- (a) Pre-condition to filing of complaint in court. -- No complaint, petition, action, or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication, unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon chairman or pangkat chairman or unless the settlement has been repudiated by the parties thereto.

(b) Where parties may go directly to court. ---The parties may go directly to court in the following instances:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- (3) Where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support pendente lite; and
- (4) Where the action may otherwise be barred by the statute of limitations.

x x x

SEC. 415. Appearance of Parties in Person. -- -In all katarungang pambarangay proceedings, the parties must appear in person without the assistance of counsel or representative, except for minors and incompetents who may be assisted by their next-of-kin who are not lawyers."

Pursuant to the authority vested in him under Section 421 of the Code, the Secretary of Justice promulgated the

Katarungang Pambarangay Rules to implement the revised law on katarungang pambarangay. Sections 8 and 11 of Rule VI (Amicable Settlement of Disputes) thereof provide in part as follows:

"SECTION 8. Failure to appear. --

a. Sanctions

The complaint may be dismissed when complainant, after due notice, refuses or willfully fails to appear without justifiable reason on the date set for mediation, conciliation or arbitration. Such dismissal ordered by the Punong Barangay/Pangkat Chairman after giving the complainant an opportunity to explain his non-appearance shall be certified to by the Lupon or Pangkat Secretary as the case may be, and shall bar the complainant from seeking judicial recourse for the same cause of action as that dismissed.

x x x

"SECTION 11. Suspension of prescriptive period of offenses and cause of action. -- The prescriptive periods for offenses and causes of action under existing laws shall be interrupted upon filing of the complaint with the Punong Barangay. The running of the prescriptive periods shall resume upon receipt by the complainant of the certificate of repudiation or of the certification to file action issued by the Lupon or Pangkat Secretary: Provided, however, that such interruption shall not exceed sixty (60) days from the filing of the complaint with the Punong Barangay. After the expiration of the aforesaid period of sixty days, the filing of the case in court or government office for adjudication shall be subject to the provision of paragraph (b) (4) of Rule VIII of these Rules."

It may thus be observed that the revised katarungang pambarangay law has at least three new significant features, to wit:

1. It increased the authority of the lupon in criminal offenses from those punishable by imprisonment not exceeding thirty days or a fine not exceeding P200.00 in P.D. No. 1508 to those offenses punishable by imprisonment not exceeding one year or a fine not exceeding P5,000.00.
2. As to venue, it provides that disputes arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the barangay where such workplace or institution is located.
3. It provides for the suspension of the prescriptive periods of offenses during the pendency of the mediation, conciliation, or arbitration process. Paragraph (c) of Section 410 of the law, however, suffers from some ambiguity when it provides that the prescriptive periods "shall resume upon receipt by the complainant of the complaint or the certificate of repudiation or of the certification to file action issued by the lupon or pangkat secretary." What is referred to as receipt by the complainant of the complaint is unclear; obviously, it could have been a drafting oversight. Accordingly, in the above quoted Section 11 of the Rules and Regulations issued by the Secretary of Justice, the phrase "the complaint or" is not found, such that the resumption of the running of the prescriptive period shall, properly, be from receipt by the complainant of the certificate of repudiation or the certification to file action issued by the lupon or the pangkat secretary. Such suspension, however, shall not exceed sixty days.

The first feature has necessarily broadened the jurisdiction of the lupon and if the mediation and conciliation process at that level would be effectively pursued, few cases would reach the regular courts, justice would be achieved at less expense to the litigants, cordial relationships among protagonists in a small community would be restored, and peace and order therein enhanced.

The second feature, which is covered by paragraph (d), Section 409 of the Local Government Code, also broadens the authority of the lupon in the sense that appropriate civil and criminal cases arising from incidents occurring in

workplaces or institutions of learning shall be brought in the barangay where such workplace or institution is located. That barangay may not be the appropriate venue in either paragraph (a) or paragraph (b) of the said section. This rule provides convenience to the parties. Procedural rules including those relating to venue are designed to insure a fair and convenient hearing to the parties with complete justice between them as a result.[14] Elsewise stated, convenience is the *raison d'être* of the rule on venue.

The third feature is aimed at maximizing the effectiveness of the mediation, conciliation, or arbitration process. It discourages any intentional delay of the referral to a date close to the expiration of the prescriptive period and then invoking the proximity of such expiration as the reason for immediate recourse to the courts. It also affords the parties sufficient time to cool off and face each other with less emotionalism and more objectivity which are essential ingredients in the resolution of their dispute. The sixty-day suspension of the prescriptive period could spell the difference between peace and a full-blown, wearisome, and expensive litigation between the parties.

While P.D. No. 1508 has been repealed by the Local Government Code of 1991, the jurisprudence built thereon regarding prior referral to the lupon as a pre-condition to the filing of an action in court remains applicable because its provisions on prior referral were substantially reproduced in the Code.

In *Peregrina vs. Panis*,[15] this Court stated:

"Thus, *Morata vs. Go*, 125 SCRA 444 (1983), and *Vda. de Borromeo vs. Pogoy*, 126 SCRA 217 (1983) have held that P.D. No. 1508 makes the conciliation process at the Barangay level a condition precedent for the filing of a complaint in Court. Non-compliance with that condition precedent could affect the sufficiency of the plaintiff's cause of action and make his complaint vulnerable to dismissal on the ground of lack of cause of action or prematurity. The condition is analogous to exhaustion of administrative remedies, or the lack of earnest efforts to compromise suits between family members, lacking which the case can be dismissed.

The parties herein fall squarely within the ambit of P.D. No. 1508. They are actual residents in the same barangay and their dispute does not fall under any of the excepted cases." (citations omitted)

Such non-compliance is not, however, jurisdictional. This Court said so in *Garces vs. Court of Appeals*: [16]

"In fine, we have held in the past that prior recourse to the conciliation procedure required under P.D. 1508 is not a jurisdictional requirement, non-compliance with which would deprive a court of its jurisdiction either over the subject matter or over the person of the defendant. Where, however, the fact of non-compliance with and non-observance of such procedure has been seasonably raised as an issue before the court first taking cognizance of the complaint, dismissal of the action is proper.

x x x

The precise technical effect of failure to comply with the requirement of P.D. 1508 where applicable is much the same effect produced by non-exhaustion of administrative remedies; the complaint becomes afflicted with the vice of pre-maturity; the controversy there alleged is not ripe for judicial determination. The complaint becomes vulnerable to a motion to dismiss." (citations omitted)

There were, of course, cases where this Court ruled that the failure of the defendant to seasonably invoke non-referral to the appropriate lupon operated as a waiver thereof.[17] Furthermore, when such defect was initially present when the case was first filed in the trial court, the subsequent issuance of the certification to file action by the barangay, which constituted substantial compliance with the said requirement, cured the defect.[18]

On 15 October 1991, this Court promulgated the Revised Rule on Summary Procedure.[19] Section 18 thereof provides:

"SEC. 18. Referral to Lupon. -- Cases requiring referral to the Lupon for conciliation under the provisions of

Presidential Decree No. 1508 where there is no showing of compliance with such requirement, shall be dismissed without prejudice, and may be revived only after such requirement shall have been complied with. This provision shall not apply to criminal cases where the accused was arrested without a warrant."

In the proceedings before the court a quo, the petitioner and the respondents had in mind only P.D. No. 1508. The petitioner further invoked the aforementioned Section 18. None knew of the repeal of the decree by the Local Government Code of 1991. Even in her instant petition, the petitioner invokes the decree and Section 18 of the Revised Rule on Summary Procedure. However, the private respondents, realizing the weakness of their position under P.D. No. 1508 since they did refer their grievances to what might be a wrong forum under the decree, changed tack. In their Comment, they assert that on 20 April 1993 Atayde "filed a complaint against petitioner before the barangay council of Barangay Valenzuela, Makati, in compliance with the requirements of the Katarungang Pambarangay Law under the Local Government Code." [20] Yet, in a deliberate effort to be cunning or shrewd, which is condemnable for it disregards the virtue of candor, they assert that the said law is not applicable to their cases before the court a quo because (a) the petitioner and respondent Atayde are not residents of barangays in the same city or municipality; (b) the law does not apply when the action, as in the said cases, may otherwise be barred by the statute of limitations; and (c) even assuming that the law applies insofar as Atayde is concerned, she has substantially complied with it.

The Office of the Provincial Prosecutor of Rizal should have exerted enough diligence to inquire from the private respondents if prior referral to the lupon was necessary before filing the informations.

Respondent judge did not do any better. His total unawareness of the Local Government Code of 1991, more specifically on the provisions on the katarungang pambarangay, is distressing. He should have taken judicial notice thereof, ever mindful that under Section 1, Rule 129 of the Rules of Court, courts are mandatorily required to take judicial notice of "the official acts of the legislative, executive and judicial departments of the Philippines." We have ruled that a judge is called upon to exhibit more than just a cursory acquaintance with the statutes and procedural rules. [21] He should have applied the revised katarungang pambarangay law under the Local Government Code of 1991. Had he done so, this petition would not have reached us and taken valuable attention and time which could have been devoted to more important cases.

In view of the private respondents' failure to appear at the first scheduled mediation on 28 April 1993 for which the mediation was reset to 26 May 1993, no complaint for slight physical injuries could be validly filed with the MTC of Makati at any time before such date. The filing then of Criminal Cases Nos. 145233 and 145234 with the said court on 11 May 1993 was premature and, pursuant to paragraph (a), Section 412 of the Local Government Code, respondent Judge Contreras should have granted the motion to dismiss the criminal cases. He cannot justify its denial by taking refuge under Section 6 of P.D. No. 1508 (more properly, Section 412(b)(4) of the Local Government Code of 1991) which states that the parties may go directly to court where the action is about to prescribe. This is because, as earlier stated, pursuant to paragraph (c), Section 410 of the Code, the prescriptive period was automatically suspended for a maximum period of sixty days from 23 April 1993 when the private respondents filed their complaints with the lupon of Valenzuela, Makati.

Moreover, having brought the dispute before the lupon of barangay Valenzuela, Makati, the private respondents are estopped from disavowing the authority of the body which they themselves had sought. Their act of trifling with the authority of the lupon by unjustifiably failing to attend the scheduled mediation hearings and instead filing the complaint right away with the trial court cannot be countenanced for to do so would wreak havoc on the barangay conciliation system.

Granting *arguendo* that the petitioner did inflict the alleged physical injuries, the offense for which she may be liable would only be slight physical injuries under paragraph (2), Article 266 of the Revised Penal Code,

considering that per the medical certificates[22] the injuries sustained by the private respondents would "heal" in nine days "in the absence of complication" and there is no showing that the said injuries incapacitated them for labor or would require medical attendance for such period. The penalty therefor would only be "arresto menor or a fine not exceeding 200 pesos and censure." These penalties are light under Article 25 of the Revised Penal Code and would prescribe in two months pursuant to Article 90.

Accordingly, since the slight physical injuries charged in Criminal Cases Nos. 145233 and 145234 were allegedly inflicted on 17 April 1993, the prescriptive period therefor would have expired two months thereafter. Nevertheless, its running was tolled by the filing of the private respondents' complaints with the lupon of Valenzuela, Makati, on 23 April 1993 and automatically suspended for a period of sixty days, or until 22 June 1993. If no mediation or conciliation could be reached within the said period of suspension and, accordingly, a certification to file action is issued, the private respondents would still have fifty-six days within which to file their separate criminal complaints for such offense. Evidently, there was no basis for the invocation by the respondent judge of the exception provided for in paragraph (b), Section 412 of the Local Government Code.

Neither are we persuaded by the reasoning of the respondent Judge that the petitioner "had already waived the right to a reconciliation proceedings before the barangay of Valenzuela, Makati, considering that the accused and the complainant are residents of different barangays." The petitioner did not waive the reconciliation proceedings before the lupon of Valenzuela, Makati; she submitted to it and attended the scheduled conciliation on 28 April 1993 and invoked the pre-condition of referral to the lupon in her counter-affidavit.[23]

Nor would this Court accept the contention of the private respondents that the parties could not agree on a compromise and that they had to request the barangay captain to issue a certification to file action.[24] The request is dated 23 June 1993,[25] or nearly one and a half months after Criminal Cases Nos. 145233 and 145234 were filed with the court a quo. Evidently, this was done to support their contention in the said court that, in any event, there was substantial compliance with the requirement of referral to the lupon. It must be stressed that the private respondents, after failing to appear at the initial confrontation and long after the criminal cases were filed, had no right to demand the issuance of a certification to file action.

The respondent judge thus acted with grave abuse of discretion in refusing to dismiss Criminal Cases Nos. 145233 and 145234.

Before closing these cases, this Court wishes to emphasize the vital role which the revised katarungang pambarangay law plays in the delivery of justice at the barangay level, in promoting peace, stability, and progress therein, and in effectively preventing or reducing expensive and wearisome litigation. Parties to disputes cognizable by the lupon should, with sincerity, exhaust the remedies provided by that law, government prosecutors should exercise due diligence in ascertaining compliance with it, and trial courts should not hesitate to impose the appropriate sanctions for non-compliance thereof.

WHEREFORE, the instant petition is GRANTED. The Orders of respondent Judge of 2 July 1993 and 5 August 1993 in Criminal Cases Nos. 145233 and 145234, both entitled "People of the Philippines vs. Felicidad Uy" are hereby SET ASIDE and the respondent Judge is hereby DIRECTED to DISMISS said cases within ten (10) days from receipt of a copy of this decision.

Costs against the private respondents.

**SO ORDERED.**

Cruz, (Chairman), Bellosillo, Quason, and Kapunan, JJ., concur.

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- [1] Section 536, R.A. No. 7160.
- [2] *People vs. Cuaresma*, 172 SCRA 415 [1989]; *Defensor-Santiago vs. Vasquez*, 217 SCRA 633 [1993].
- [3] Annex "H" of Petition; Rollo, 34.
- [4] Annex "G" of Petition; Rollo, 29.
- [5] Annexes "1" and "1-A," Comment of private respondents; *Id.*, 77-78.
- [6] Annex "2," *Id.*; *Id.*, 79.
- [7] Annex "A" of petitioner's Manifestation and Motion, dated 29 December 1993; *Id.*, 110.
- [8] *Id.*
- [9] Rollo, 29-38.
- [10] *Id.*, 29-31.
- [11] *Id.*, 33.
- [12] Rollo, 22-23.
- [13] Sections 399 to 422.
- [14] *Manila Railroad Co. vs. Attorney General*, 20 Phil. 523 [1911].

**[15] 133 SCRA 72, 75 [1984].**

**[16] 162 SCRA 504, 511 [1988].**

- [17] *Royales vs. Intermediate Appellate Court*, 127 SCRA 470 [1984]; *Ebol vs. Amin*, 135 SCRA 438 [1985]; *Gonzales vs. Court of Appeals*, 151 SCRA 289 [1987].
- [18] *Millare vs. Hernando*, 151 SCRA 484 [1987].
- [19] Effective 15 November 1991.
- [20] Rollo, 65 (emphasis supplied).
- [21] *Aducayen vs. Flores*, 51 SCRA 78 [1973]; *Libarios vs. Dabalos*, 199 SCRA 48 [1991].
- [22] Annexes "D" and "E" of Petition; Rollo, 26-27.
- [23] Annex "G" of Petition; Rollo, 29-31.
- [24] Comment, 5; *Id.*, 66.
- [25] Annex "3" of Petition; *Id.*, 80-81.

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