

MIRIAM DEFENSOR SANTIAGO, PETITIONER, VS. CONRADO M. VASQUEZ, OMBUDSMAN; GUALBERTO J. DE LA LLANA, SPECIAL PROSECUTOR; SANDIGANBAYAN AND REGIONAL TRIAL COURT OF MANILA, RESPONDE...

G.R. Nos. 99289-90. January 27, 1993

Ponente: REGALADO, J.

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REGALADO, J.:

Filed directly with the Court, ostensibly as an incident in the present special civil action, is petitioner's so-called "Motion to Restrain the Sandiganbayan from Enforcing its Hold Departure Order with Prayer for the Issuance of a Temporary Restraining Order and/or Preliminary Injunction, with Motion to Set Pending Incident for Hearing." Despite the impropriety of the mode adopted in elevating the issue to us, as will hereinafter be discussed, we will disregard the procedural gaffe in the interest of an early resolution hereof.

The chronology of events preceding the instant motion is best summarized to readily provide a clear understanding and perspective of our disposition of this matter, thus:

1. On May 13, 1991, an information dated May 9, 1991 and docketed as Criminal Case No. 16698 was filed against petitioner with the Sandiganbayan for alleged violation of Section 3(e), Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.
2. On May 14, 1991, an order of arrest was issued in said case against herein petitioner by Presiding Justice Francis E. Garchitorena of the Sandiganbayan, with bail for the release of the accused fixed at P15,000.00.[1]
3. On even date, petitioner filed an "Urgent Ex-parte Motion for Acceptance of Cash Bail Bond for and in Behalf of Dr. Miriam Defensor-Santiago,"[2] which pertinently states in part:

x x x

"3. As a result of the vehicular collision, she suffered extensive physical injuries which required surgical intervention. As of this time, her injuries, specifically in the jaw or gum area of the mouth, prevents her to speak (sic) because of extreme pain. Further, she cannot for an extended period be on her feet because she is still in physical pain. x x x.

"4. On the other hand, the accused Miriam Defensor Santiago seeks leave of this Honorable Court that she be considered as having placed herself under the jurisdiction of this Honorable Court, for purposes of the required trial and other proceedings and further seeks leave of this Honorable Court that the recommended bail bond of P15,000.00 that she is posting in cash be accepted.

x x x

"WHEREFORE, it is respectfully prayed of this Honorable Court that the bail bond she is posting in the amount of P15,000.00 be duly accepted, and that by this motion, she be considered as having placed herself

under the custody of this Honorable Court and dispensing of her personal appearance for now until such time she will (sic) have recovered sufficiently from her recent near fatal accident.

“Further, on the above basis, it is also respectfully prayed that the warrant for her arrest be immediately recalled.”

X X X

4. Also on the same day, the Sandiganbayan issued a resolution[3] authorizing petitioner to post a cash bond for her provisional liberty without need for her physical appearance until June 5, 1991 at the latest, unless by that time her condition does not yet permit her physical appearance before said court. On May 15, 1991, petitioner filed a cash bond in the amount of P15,000.00, aside from the other legal fees.[4]

5. On May 21, 1991, respondent Ombudsman Conrado M. Vasquez filed with the Sandiganbayan a manifestation “that accused Miriam Defensor-Santiago appeared in his office in the second floor of the Old NAWASA Building located in Arroceros Street, Ermita, Manila at around 3:30 o’clock in the afternoon of May 20, 1991. She was accompanied by a brother who represented himself to be Atty. Arthur Defensor and a lady who is said to be a physician. She came and left unaided, after staying for about fifteen minutes.”[5]

6. Acting on said manifestation, the Sandiganbayan issued a resolution also on May 21, 1991, setting the arraignment of the accused for May 27, 1991, and setting aside the court’s resolution of May 14, 1991 which ordered her appearance before the deputy clerk of the First Division of said court on or before June 5, 1991.[6]

7. In a motion dated May 22, 1991, petitioner asked that her cash bond be cancelled and that she be allowed provisional liberty upon a recognizance. She contended that for her to continue remaining under bail bond may imply to other people that she has intentions of fleeing, an intention she would like to prove as baseless.[7]

8. Likewise on May 24, 1991, petitioner filed with this Court a petition for certiorari and prohibition with preliminary injunction, and a subsequent addendum thereto, seeking to enjoin the Sandiganbayan and the Regional Trial Court of Manila from proceeding with Criminal Cases Nos. 12298 (for violation of Section 3[e] of Republic Act No. 3019), 91-94555 (violation of Presidential Decree No. 46), and 91-94897 (for libel), respectively. Consequently, a temporary restraining order was issued by this Court on May 24, 1991, enjoining the Sandiganbayan and the Regional Trial Court of Manila, Branch 3, from proceeding with the criminal cases pending before them. This Court, in issuing said order, took into consideration the fact that according to petitioner, her arraignment, originally set for June 5, 1991, was inexplicably advanced to May 27, 1991, hence the advisability of conserving and affording her the opportunity to avail herself of any remedial right to meet said contingency.

9. On May 27, 1991, the Sandiganbayan issued an order deferring: (a) the arraignment of petitioner until further advice from the Supreme Court; and (b) the consideration of herein petitioner’s motion to cancel her cash bond until further initiative from her through counsel.[8]

10. On January 18, 1992, this Court rendered a decision dismissing the petition for certiorari and lifting and setting aside the temporary restraining order previously issued.[9] The motion for reconsideration filed by petitioner was eventually denied with finality in this Court’s resolution dated September 10, 1992.

11. Meanwhile, in a resolution adopted on July 6, 1992, the Sandiganbayan issued a hold departure order against petitioner which reads as follows:

“Considering the information in media to the effect that accused Santiago intends to leave the country soon for an extended stay abroad for study purposes, considering the recent decision of the Supreme Court dismissing her petition promulgated on January 13, 1992, although the same is still subject of a Motion for

Reconsideration from the accused, considering that the accused has not yet been arraigned, nor that she has not (sic) even posted bail the same having been by reason of her earlier claim of being seriously indisposed, all of which were overtaken by a restraining order issued by the Supreme Court in G.R. No. 99289 and No. 99290 dated May 24, 1991, the accused is ordered not to leave the country and the Commission on Immigration and Deportation is ordered not to allow the departure of the accused unless authorized from (sic) this Court.”[10]

The hold departure order was issued by reason of the announcement made by petitioner, which was widely publicized in both print and broadcast media, that she would be leaving for the United States to accept a fellowship supposedly offered by the John F. Kennedy School of Government at Harvard University. Petitioner likewise disclosed that she would be addressing Filipino communities in the United States in line with her crusade against election fraud and other aspects of graft and corruption.

In the instant motion submitted for our resolution, petitioner argues that:

1. The Sandiganbayan acted without or in excess of jurisdiction and with grave abuse of discretion in issuing the hold departure order considering that it had not acquired jurisdiction over the person of the petitioner.
2. The Sandiganbayan blatantly disregarded basic principles of judicial comity and due deference owing to a superior tribunal when it issued the hold departure order despite the pendency of petitioner’s motion for reconsideration with this Honorable Court.
3. The right to due process of law, the right to travel and the right to freedom of speech are preferred, pre-eminent rights enshrined not only in the Constitution but also in the Universal Declaration of Human Rights which can be validly impaired only under stringent criteria which do not obtain in the instant case.
4. The hold departure order in the instant case was issued under disturbing circumstances which suggest political harassment and persecution.
5. On the basis of petitioner’s creditable career in the bench and bar and her characteristic transparency and candor, there is no reasonable ground to fear that petitioner will surreptitiously flee the country to evade judicial processes.[11]

I. Petitioner initially postulates that respondent court never acquired jurisdiction over her person considering that she has neither been arrested nor has she voluntarily surrendered, aside from the fact that she has not validly posted bail since she never personally appeared before said court. We reject her thesis for being factually and legally untenable.

It has been held that where after the filing of the complaint or information a warrant for the arrest of the accused is issued by the trial court and the accused either voluntarily submitted himself to the court or was duly arrested, the court thereby acquires jurisdiction over the person of the accused.[12] The voluntary appearance of the accused, whereby the court acquires jurisdiction over his person, is accomplished either by his pleading to the merits (such as by filing a motion to quash or other pleadings requiring the exercise of the court’s jurisdiction thereover, appearing for arraignment, entering trial) or by filing bail. On the matter of bail, since the same is intended to obtain the provisional liberty of the accused, as a rule the same cannot be posted before custody of the accused has been acquired by the judicial authorities either by his arrest or voluntary surrender.[13]

In the case at bar, it becomes essential, therefore, to determine whether respondent court acquired jurisdiction over the person of herein petitioner and, correlatively, whether there was a valid posting of bail bond.

We find and so hold that petitioner is deemed to have voluntarily submitted herself to the jurisdiction of respondent court upon the filing of her aforementioned “Urgent Ex-parte Motion for Acceptance of Cash Bail Bond for and in behalf of Dr. Miriam Defensor-Santiago” wherein she expressly sought leave “that she be considered as

having placed herself under the jurisdiction of (the Sandiganbayan) for purposes of the required trial and other proceedings,” and categorically prayed “that the bail bond she is posting in the amount of P15,000.00 be duly accepted” and that by said motion “she be considered as having placed herself under the custody” of said court. Petitioner cannot now be heard to claim otherwise for, by her own representations, she is effectively estopped from asserting the contrary after she had earlier recognized the jurisdiction of the court and caused it to exercise that jurisdiction over the aforestated pleadings she filed therein.

It cannot be denied that petitioner has posted a cash bail bond of P15,000.00 for her provisional release as evidenced by Official Receipt No. 4292925 dated May 15, 1991 and which is even attached as Annex C-2 to her own motion now under consideration. This is further buttressed by the fact that petitioner thereafter also filed a motion for the cancellation of said cash bond and for the court to allow her provisional liberty upon the security of a recognizance. With the filing of the foregoing motions, petitioner should accordingly and necessarily admit her acquiescence to and acknowledgment of the propriety of the cash bond she posted, instead of adopting a stance which ignores the injunction for candor and sincerity in dealing with the courts of justice.

Petitioner would also like to make capital of the fact that she did not personally appear before respondent court to file her cash bond, thereby rendering the same ineffectual. Suffice it to say that in this case, it was petitioner herself, in her motion for the acceptance of the cash bond, who requested respondent court to dispense with her personal appearance until she shall have recovered sufficiently from her vehicular accident. It is distressing that petitioner should now turn around and fault respondent court for taking a compassionate stand on the matter and accommodating her own request for acceptance of the cash bond posted in her absence.

II. Petitioner argues that the Sandiganbayan dis-regarded the rule of judicial comity when it issued the hold departure order despite the pendency of her motion for reconsideration of the decision of this Court which dismissed her petition. She claims that if the principle of judicial comity applies to prevent a court from interfering with the proceedings undertaken by a coordinate court, with more reason should it operate to prevent an inferior court, such as the Sandiganbayan, from interfering with the instant case where a motion for reconsideration was still pending before this Court. She contends further that the hold departure order contravenes the temporary restraining order previously issued by this Court enjoining the Sandiganbayan from proceeding with the criminal case pending before it.

It will be remembered that the Court rendered a decision in the present case on January 18, 1992 dismissing the petition for certiorari filed in this case and lifting and setting aside the temporary restraining order it previously issued. It is petitioner’s submission that the filing of her motion for reconsideration stayed the lifting of the temporary restraining order, hence respondent court continued to be enjoined from acting on and proceeding with the case during the pendency of the motion for reconsideration. We likewise reject this contention which is bereft of merit.

Section 4, Rule 39 of the Rules of Court provides that, unless otherwise ordered by the court, a judgment in an action for injunction shall not be stayed after its rendition and before an appeal is taken or during the pendency of an appeal. And, the rule is that the execution of a judgment decreeing the dissolution of a writ of preliminary injunction shall not be stayed before an appeal is taken or during the pendency of an appeal,[14] and we see no reason why the foregoing considerations should not apply to a temporary restraining order. The rationale therefor is that even in cases where an appeal is taken from a judgment dismissing an action on the merits, the appeal does not suspend the judgment, hence the general rule applies that a temporary injunction terminates automatically on the dismissal of the action.[15]

It has similarly been held that an order of dissolution of an injunction may be immediately effective, even though

it is not final.[16] A dismissal, discontinuance, or non-suit of an action in which a restraining order or temporary injunction has been granted operates as a dissolution of the restraining order or temporary injunction[17] and no formal order of dissolution is necessary to effect such dissolution.[18] Consequently, a special order of the court is necessary for the reinstatement of an injunction.[19] There must be a new exercise of judicial power.[20]

The reason advanced in support of the general rule has long since been duly explained, to wit:

“x x x The court of this State, relying upon the last of the two clauses quoted, held that an appeal from an order dissolving an injunction continued the injunction in force. The evils which would result from such a holding are forcibly pointed out by Judge Mitchell in a dissenting opinion. He said: ‘Although a plaintiff’s papers are so insufficient on their face or so false in their allegations that if he should apply on notice for an injunction, any court would, on a hearing, promptly refuse to grant one, yet, if he can find anywhere in the State a judge or court commissioner who will improvidently grant one ex parte, which the court on the first and only hearing ever had dissolves, he can, by appealing and filing a bond, make the ex parte injunction impervious to all judicial interference until the appeal is determined in this court.’ * * * Such a result is so unjust and so utterly inconsistent with all known rules of equity practice that no court should adopt such a construction unless absolutely shut up to it by the clear and unequivocal language of the statute. x x x.”[21]

This ruling has remained undisturbed over the decades and was reiterated in a case squarely in point and of more recent vintage:

“The SEC’s orders dated June 27, 1989 and July 21, 1989 (directing the secretary of UDMC to call a stockholders’ meeting, etc.) are not premature, despite the petitioner’s then pending motion for reconsideration of the decision of the Court of Appeals. The lifting by the Court of Appeals of its writ of preliminary injunction in C.A.-G.R. SP No. 17435 cleared the way for the implementation by the SEC’s en banc resolution in SEC EB Case No. 191. The SEC need not wait for the Court of Appeals to resolve the petitioner’s motion for reconsideration for a judgment decreeing the dissolution of a preliminary injunction is immediately executory. It shall not be stayed after its rendition and before an appeal is taken or during the pendency of an appeal. x x x.”[22]

On the bases of the foregoing pronouncements, there is no question that with the dismissal of the petition for certiorari and the lifting of the restraining order, nothing stood to hinder the Sandiganbayan from acting on and proceeding with the criminal cases filed against herein petitioner. At any rate, as we have earlier mentioned, the motion for reconsideration filed by petitioner was denied with finality in our resolution dated September 10, 1992.

Petitioner further posits, however, that the filing of the instant special civil action for certiorari divested the Sandiganbayan of its jurisdiction over the case therein. Whether generated by misconception or design, we shall address this proposition which, in the first place, had no reason for being and should not hereafter be advanced under like or similar procedural scenarios.

The original and special civil action filed with this Court is, for all intents and purposes, an invocation for the exercise of its supervisory powers over the lower courts. It does not have the effect of divesting the inferior courts of jurisdiction validly acquired over the case pending before them. It is elementary that the mere pendency of a special civil action for certiorari, commenced in relation to a case pending before a lower court, does not even interrupt the course of the latter when there is no writ of injunction restraining it.[23] The inevitable conclusion is that for as long as no writ of injunction or restraining order is issued in the special civil action for certiorari, no impediment exists and there is nothing to prevent the lower court from exercising its jurisdiction and proceeding with the case pending before it. And, even if such injunctive writ or order is issued, the lower court nevertheless continues to retain its jurisdiction over the principal action.

III. It is further submitted by petitioner that the hold departure order violates her right to due process, right to

travel and freedom of speech.

First, it is averred that the hold departure order was issued without notice and hearing. Much is made by petitioner of the fact that there was no showing that a motion to issue a hold departure order was filed by the prosecution and, instead, the same was issued *ex mero motu* by the Sandiganbayan. Petitioner is in error.

Courts possess certain inherent powers which may be said to be implied from a general grant of jurisdiction, in addition to those expressly conferred on them.[24] These inherent powers are such powers as are necessary for the ordinary and efficient exercise of jurisdiction;[25] or essential to the existence, dignity and functions of the courts,[26] as well as to the due administration of justice;[27] or are directly appropriate, convenient and suitable to the execution of their granted powers;[28] and include the power to maintain the court's jurisdiction and render it effective in behalf of the litigants.[29]

Therefore, while a court may be expressly granted the incidental powers necessary to effectuate its jurisdiction, a grant of jurisdiction, in the absence of prohibitive legislation, implies the necessary and usual incidental powers essential to effectuate it, and, subject to existing laws and constitutional provisions, every regularly constituted court has the power to do all things that are reasonably necessary for the administration of justice within the scope of its jurisdiction. Hence, demands, matters, or questions ancillary or incidental to, or growing out of, the main action, and coming within the above principles, may be taken cognizance of by the court and determined, since such jurisdiction is in aid of its authority over the principal matter, even though the court may thus be called on to consider and decide matters which, as original causes of action, would not be within its cognizance.

Furthermore, a court has the inherent power to make interlocutory orders necessary to protect its jurisdiction.[30] Such being the case, with more reason may a party litigant be subjected to proper coercive measures where he disobeys a proper order, or commits a fraud on the court or the opposing party, the result of which is that the jurisdiction of the court would be ineffectual. What ought to be done depends upon the particular circumstances.[31]

Turning now to the case at bar, petitioner does not deny and, as a matter of fact, even made a public statement that she had every intention of leaving the country allegedly to pursue higher studies abroad. We uphold the course of action adopted by the Sandiganbayan in taking judicial notice of such fact of petitioner's plan to go abroad and in thereafter issuing *sua sponte* the hold departure order, in justified consonance with our preceding disquisition. To reiterate, the hold departure order is but an exercise of respondent court's inherent power to preserve and to maintain the effectiveness of its jurisdiction over the case and the person of the accused.

Second, petitioner asseverates that considering that she is leaving for abroad to pursue further studies, there is no sufficient justification for the impairment of her constitutional right to travel; and that under Section 6, Article III of the 1987 Constitution, the right to travel may be impaired only when so required in the interest of national security, public safety or public health, as may be provided by law.

It will be recalled that petitioner has posted bail which we have declared legally valid and complete despite the absence of petitioner at the time of filing thereof, by reason of the peculiar circumstances and grounds hereinbefore enunciated and which warrant a relaxation of the *aforecited* doctrine in *Feliciano*. Perforce, since under the obligations assumed by petitioner in her bail bond she holds herself amenable at all times to the orders and processes of the court, she may legally be prohibited from leaving the country during the pendency of the case. This was the ruling we handed down in *Manotoc, Jr. vs. Court of Appeals, et al.*,[32] to the effect that:

“A court has the power to prohibit a person admitted to bail from leaving the Philippines. This is a necessary consequence of the nature and function of a bail bond.

“Rule 114, Section 1 of the Rules of Court defines bail as the security required and given for the release of a person who is in the custody of the law, that he will appear before any court in which his appearance may be required as stipulated in the bail bond or recognizance.

“Its object is to relieve the accused of imprisonment and the state of the burden of keeping him, pending the trial, and at the same time, to put the accused as much under the power of the court as if he were in custody of the proper officer, and to secure the appearance of the accused so as to answer the call of the court and do what the law may require of him.

“The condition imposed upon petitioner to make himself available at all times whenever the court requires his presence operates as a valid restriction on his right to travel. As we have held in *People vs. Uy Tuising*, 61 Phil. 404 (1935):

‘x x x the result of the obligation assumed by appellee (surety) to hold the accused amenable at all times to the orders and processes of the lower court, was to prohibit said accused from leaving the jurisdiction of the Philippines, because, otherwise, said orders and processes will be nugatory, and inasmuch as the jurisdiction of the courts from which they issued does not extend beyond that of the Philippines they would have no binding force outside of said jurisdiction.’

“Indeed, if the accused were allowed to leave the Philippines without sufficient reason, he may be placed beyond the reach of the courts.”

This was reiterated in a more recent case where we held:

“Petitioner thus theorizes that under the 1987 Constitution, Courts can impair the right to travel only on the grounds of ‘national security, public safety, or public health.’

“The submission is not well taken.

“Article III, Section 6 of the 1987 Constitution should be interpreted to mean that while the liberty of travel may be impaired even without Court Order, the appropriate executive officers or administrative authorities are not armed with arbitrary discretion to impose limitations. They can impose limits only on the basis of ‘national security, public safety, or public health’ and ‘as may be provided by law,’ a limitative phrase which did not appear in the 1973 text (*The Constitution*, Bernas, Joaquin G., S.J., Vol. I, First Edition, 197, p. 263). Apparently, the phraseology in the 1987 Constitution was a reaction to the ban on international travel imposed under the previous regime when there was a Travel Processing Center, which issued certificates of eligibility to travel upon application of an interested party (See *Salonga v. Hermoso & Travel Processing Center*, No. 53622, 25 April 1980, 97 SCRA 121).

“Article III, Section 6 of the 1987 Constitution should by no means be construed as delimiting the inherent power of the Courts to use all means necessary to carry their orders into effect in criminal cases pending before them. When by law jurisdiction is conferred on a Court or judicial officer, all auxiliary writs, processes and other means necessary to carry it into effect may be employed by such Court or officer (Rule 135, Section 6, Rules of Court).

x x x

“x x x Holding an accused in a criminal case within the reach of the Courts by preventing his departure from the Philippines must be considered as a valid restriction on his right to travel so that he may be dealt with in accordance with law. The offended party in any criminal proceeding is the People of the Philippines. It is to their best interest that criminal prosecutions should run their course and proceed to finality without undue delay, with an accused holding himself amenable at all times to Court Orders and processes.”[33]

One final observation. We discern in the proceedings in this case a propensity on the part of petitioner, and, for that matter, the same may be said of a number of litigants who initiate recourses before us, to disregard the

hierarchy of courts in our judicial system by seeking relief directly from this Court despite the fact that the same is available in the lower courts in the exercise of their original or concurrent jurisdiction, or is even mandated by law to be sought therein. This practice must be stopped, not only because of the imposition upon the precious time of this Court but also because of the inevitable and resultant delay, intended or otherwise, in the adjudication of the case which often has to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as better equipped to resolve the issues since this Court is not a trier of facts. We, therefore, reiterate the judicial policy that this Court will not entertain direct resort to it unless the redress desired cannot be obtained in the appropriate courts or where exceptional and compelling circumstances justify availment of a remedy within and calling for the exercise of our primary jurisdiction.

For the guidance of the bench and the bar, we elucidate that such policy includes the matter of petitions or motions involving hold departure orders of the trial or lower courts. Parties with pending cases therein should apply for permission to leave the country from the very same courts which, in the first instance, are in the best position to pass upon such applications and to impose the appropriate conditions therefor since they are conversant with the facts of the cases and the ramifications or implications thereof. Where, as in the present case, a hold departure order has been issued *ex parte* or *motu proprio* by said court, the party concerned must first exhaust the appropriate remedies therein, through a motion for reconsideration or other proper submissions, or by the filing of the requisite application for travel abroad. Only where all the conditions and requirements for the issuance of the extraordinary writs of certiorari, prohibition or mandamus indubitably obtain against a disposition of the lower courts may our power of supervision over said tribunals be invoked through the appropriate petition assailing on jurisdictional or clearly valid grounds their actuaciones therein.

WHEREFORE, with respect to and acting on the motion now before us for resolution, the same is hereby DENIED for lack of merit.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Campos, Jr., JJ., concur.

[1] Annex 1, Consolidated Comment of Public Respondents.

[2] Annex 2, *id.*

[3] Rollo, Vol. II, 594.

[4] Official Receipts Nos. 4292925, 5775510 and 3276456; Rollo, 595.

[5] Annex 3, Consolidated Comment of Public Respondents.

[6] Annex 4, *id.*

[7] Annex 5, *id.*

[8] Rollo, Vol. II, 599.

[9] *Ibid.*, Vol. I, 495.

[10] Rollo, 644.

[11] Rollo, 573.

[12] *Crespo vs. Mogul, et al.*, 151 SCRA 462 (1987).

- [13] Feliciano vs. Pasicolan, et al., 112 Phil. 781 (1961); Mendoza vs. Court of First Instance of Quezon, et al. 51 SCRA 369 (1973).
- [14] Capistrano, et al. vs. Peña, et al., 78 Phil. 749 (1947).
- [15] State vs. Neveau, 295 NW 718.
- [16] Poole, et al. vs. Giles, et al., 248 SW 2d 464.
- [17] 42 Am Jur 2d, Injunctions S291.
- [18] Rochelle vs. State, 75 So. 2d 268.
- [19] 43A CJS, Judgments 617.
- [20] Chasnoff vs. Porto, et al., 99 A 2d 189.
- [21] A.S. Watson & Co., Ltd. vs. Enriquez, et al., 1 Phil. 480 (1902).
- [22] Crisostomo vs. Securities and Exchange Commission, et al., 179 SCRA 146 (1989).
- [23] Peza, et al. vs. Alikpala, etc., et al., 160 SCRA 31 (1988); Aparicio vs. Andal, et al., 175 SCRA 569 (1989).
- [24] 21 CJS, Courts 41.
- [25] State ex rel. Andrews, et al. vs. Superior Court of Maricopa County, et al., 5 P 2d 192.
- [26] In re Integration of Nebraska State Bar Association, 114 ALR 151.
- [27] Fuller vs. State, 57 So. 806.
- [28] Clark vs. Austin, 101 SW 2d 977.
- [29] 21 CJS, Courts 134.
- [30] Ibid., 136-137.
- [31] In re Slimmer's Estate 169 NW 536.
- [32] 142 SCRA 149 (1986).**
- [33] Silverio vs. Court of Appeals, et al., 195 SCRA 760 (1991).

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