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Spain, Ferns, No. 10-1112
S. Rodriguez, petitioner

The Supreme Court held that "where the appeal is taken directly from the Regional Trial Court to the Supreme Court, the appellants are deemed to have waived the right to demand any findings of fact made by the trial court, which is binding on the appellate court. The only exception that may now arise is that of Ing. Marcelino v. Diaz, 8 SCRA 341; Marila v. Santiago, 7 SCRA 303; Republic v. Louis Brownson Brown, 30 SCRA 273; City of Zamboanga v. Alvarez, 30 SCRA 1411. Likewise in another case, the court reiterated the same ruling when it declared that all findings of facts of the lower court are deemed to have been admitted in a direct appeal to the Supreme Court. In Camiling v. Salasita, 18 SCRA 191. Thus, in the instant case, when the losing parties filed a petition with the Supreme Court, they admitted the findings of facts contained in the decision rendered dated August 15, 1961.

Finally, the Court stressed that the issuance of appeal and petition are mutually exclusive and not simultaneous or consecutive. ITA v. Insang, 100 SCRA 145. Having filed the petition for annulment before the Supreme Court, appellants can no longer avail of the appeal proceedings before the Court of Appeals after the petition was denied by the highest court.

WHEREFORE, in view of the foregoing considerations, the petition filed by the Office of the Minister General, petitioner, against and against for annulment are DENIED.

SO ORDERED.

Given this 1st day of July, 1968 at 11:00 AM.
Philippines.

 **MINISTER GENERAL**
Minister General

- cc: 1. Atty. Republic Service, Phil. Consulate Bat
2. Atty. General, 111 Corbin St., Manila
3. Atty. General, 111 Corbin St., Manila
4. The Atty. General, Manila, Bat
5. Atty. General, Manila, Bat
6. Atty. General, Office of the Atty. General, 111
Corbin St., Manila, Bat