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ACCORDINGLY, the judgment appealed from is affirmed, without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar; Sanchez, Ruiz Castro, Fernando, Capistrano, and *Barredo, JJ.,* concur.

Dizon, J., took no part.

[G.R. No. L-24440. June 30, 1969]

THE PROVINCE OF ZAMBOANGA DEL NORTE, plaintiff-appellee, *vs.* CITY OF ZAMBOANGA, SECRETARY OF FINANCE AND COMMISSIONER OF INTERNAL REVENUE, defendants-appellants.

SYLLABUS

1. POLITICAL LAW; MUNICIPAL CORPORATIONS; PROVINCES; PATRIMONIAL AND PUBLIC PROPERTIES THEREOF, DISPUTE AS TO PROPER CLASSIFICATION OF PROPERTY INVOLVED IN INSTANT CASE; CASE REMANDED TO LOWER COURT FOR DETERMINATION THEREOF.— Where in its motion for reconsideration of the main decision of this Court declaring that Republic Act 3039 is unconstitutional and void in so far as the same seeks to deprive the Province of Zamboanga del Norte of its share in the 26 lots situated within the City of Zamboanga, without just compensation, for the reason that said 26 lots are patrimonial property of the old Province of Zamboanga, the movant City of Zamboanga contends that the said lots are not patrimonial property of the former Province of Zamboanga, said 26 lots having been always used for public purposes, such as school sites, playgrounds and athletic fields for schools, while the appellee Province of Zamboanga contends that the evidence sought to be filed by movant relative to its contention is not newly discovered evidence and is therefore inadmissible at this stage of the proceedings and in the alternative, that it has additional evidence to show that most of these lots are not actually devoted to public use, in the interest of justice and equity, the main decision of

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this Court should be reconsidered and set aside, in so far as the 26 lots and the monetary indemnities involved are concerned. Instead, the records of the case should be remanded to the court of origin for new trial, in order to determine whether or not the 26 lots were or were not actually devoted to public use or governmental purposes prior to the enactment of Republic Act 3039.

APPEARANCES OF COUNSEL

Antonio Fortugaleza and *Mariano T. Yap* for plaintiff-appellee.

Pascual S. Atilano and *Osterio B. Solis* for appellant Zamboanga City.

RESOLUTION

REYES, J.B.L., *J.*:

Professing respect for the principles enunciated by this Court in its decision of 28 March 1968, in Case G. R. No. L-24440, entitled Province of Zamboanga del Norte *vs.* City of Zamboanga, et al.,[1] the appellant City seeks reconsideration of our decision in so far as the latter declares that Republic Act 3039 is unconstitutional and void in so far as the same seeks to deprive the Province of Zamboanga del Norte of its shares in the 26 lots situated within the City of Zamboanga, and hereinafter enumerated, without just compensation, for the reason that said 26 lots are patrimonial property of the old Province of Zamboanga. Said 26 lots are declared in the main decision to be the following:

"TCT Number	Lot Number	Use
5577	177	Mydro, Magay
13198	127-D	San Roque
5569	169	Burleigh[2]

[1] See 22 S.C.R.A., 1334.

[2] "This could not be considered as forming part of the appurtenant grounds of the Burleigh school sites since the records here and in the Bureau of Lands show that this lot is set apart from the other Burleigh lots."

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5558	175	Vacant
5559	188	"
5560	183	"
5561	186	"
5563	191	"
5566	176	"
5568	179	"
5574	196	"
5575	181-A	"
5576	181-B	"
5578	182	"
5579	197	"
5580	195	"
5581	159-B	"
5582	194	"
5584	190	"
5588	184	"
5589	187	"
5590	189	"
5591	192	"
5592	193	"
5593	185	"
7379	4147	"

The movant City contends that the 26 lots aforestated were not partrimonial property of the former Province of Zamboanga, for the reason that said 26 lots have always been used for public purposes, such as school sites, playground and athletic fields for schools.

To bolster its contention, the City of Zamboanga submitted photographs, plans and a sworn certification of its City Engineer to the effect that:

(a) Twenty-one lots (Nos. 17, 177, 179, 181-A, 181-B, 182 to 197) are part and parcel of the Zamboanga Trade School;

(b) Three lots (Nos. 169, 175 and 176) are part and parcel of the Zamboanga Normal College;

(c) Lot No. 127-D is the Pasonanca Elementary School;

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(d) Lot No. 4147 is the Bolong Elementary School;

(e) Lot No. 159-B is part and parcel of the Baliwasan Elementary School.

Appellant City of Zamboanga, therefore, prays that the main decision be partly reconsidered and that all title to, and ownership of, the 26 lots be declared to have been validly vested in said City free of charge by Republic Act No. 3039.

The motion for reconsideration is vigorously opposed by plaintiff-appellee Province of Zamboanga del Norte, which contends that the evidence sought to be filed by the appellant City is not newly discovered evidence and is, therefore, inadmissible at this stage of the proceedings. Alternatively, the appellee Province of Zamboanga contends that the 26 lots are vacant, or that the building existing thereon were constructed in bad faith; and that the said Province has additional evidence to show that most of these properties are not actually devoted to public use or governmental purposes.

Considering that both contending parties are actually subdivisions of one entity, the Republic of the Philippines, so that public interest is involved and demands that the issues presented be determined speedily without regard to technicalities, the Court resolved that, in the interest of justice and equity, its main decision and that of the court below be reconsidered and set aside, in so far as they affect the twenty-six lots heretofore enumerated, and the monetary indemnities awarded. Instead, the records are ordered remanded to the court of origin for a new trial, wherein the parties shall be given opportunity to adduce and submit any evidence in their possession to show whether or not the 26 lots aforesaid were or were not actually devoted to public use or governmental purposes prior to the enactment of Republic Act No. 3039. Thereafter, the Court of First Instance shall decide the issues anew, taking into account the evidence submitted by the parties and the principles of law laid down by

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this Supreme Court in its main decision of the present case, dated 28 March 1968.

SO ORDERED. No costs.

Concepcion, C.J., Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and *Barredo, JJ.,* concur.

Dizon, J., did not take part.

[G.R. No. L-24877. June 30, 1969]

PEOPLE OF THE PHILIPPINES, plaintiff, *vs.* GAUDENCIO MONGADO, JILLY SEGADOR, AND BELESANDE SALAR, accused.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; WEIGHT AND CREDIBILITY; AFFIDAVITS, NEED OF FORMAL OFFER AND ADMISSION OF THE SAME, SECTION 35 OF RULE 132.— Affidavits are generally classed as hearsay evidence; they are objectionable on hearsay grounds, they are not admissible evidence of the facts they narrate. These affidavits must first be formally offered and admitted in evidence before the court may consider their contents. The fundamental rule on this point is found in Section 35, Rule 132, Rules of Court, which provides that "(t)he court shall consider no evidence which has not been formally offered."

2. CRIMINAL LAW; MITIGATING CIRCUMSTANCES; PLEA OF GUILTY; ADMISSION OF MATERIAL FACTS ALLEGED IN INFORMATION, EXCEPTIONS.— There is the firmly settled jurisprudential principle that an unqualified plea of guilty constitutes an admission of all the material facts alleged in the information including the aggravating circumstances therein stated. Excepted therefrom are conclusions of fact, and mere conjectures. Thus it is, that plea of guilty is sufficient to sustain a conviction of any offense charged in the information, even a capital offense, without the introduction of further evidence, the defendant having himself supplied the necessary proof.