

Title: Pacific Banking Corporation Employees Organization vs. Vitaliano N. Nañagas II

Facts:

The case revolves around the appeal process involving Pacific Banking Corporation (PaBC). Initially, the Supreme Court declared, on March 20, 1995, that a petition for the liquidation under Section 29 of the Central Bank Act (R.A. No. 265) is a special proceeding. Consequently, specific rules, such as the 30-day appeal period and the requirement of a record on appeal, were applicable. The Court found that while the appeal in G.R. No. 109373 was properly perfected, the appeal in G.R. No. 112991 was not due to the failure of filing a record on appeal.

Following this, the petitioner in G.R. No. 112991 filed a motion for reconsideration, which was denied. The Court's resolution was based on the absence of a record on appeal supported by certifications from the clerks of the RTC and the Court of Appeals, among other reasons. The petitioner later filed an Omnibus Motion, insisting on the filing of a record on appeal and challenging the absolution of the branch clerk of court from contempt charges.

The matter was referred to the Office of the Court Administrator (OCA) for investigation, which concluded that no record on appeal had been filed.

Issues:

1. Whether the petitioner in G.R. No. 112991 had duly filed a record on appeal.
2. Whether the branch clerk of court was correctly absolved from charges of wrongdoing in relation to the record on appeal.

Court's Decision:

The Supreme Court denied the petitioner's Omnibus Motion, upholding the findings of the OCA that no record on appeal had been filed by the petitioner. It stated that the burden of proof rested on the petitioner, who failed to provide convincing evidence to support the claim of having filed a record on appeal. Additionally, the Court found no reason to reverse its decision absolving the branch clerk of court from charges of wrongdoing, emphasizing the presumption of good faith in the absence of evidence to the contrary.

Doctrine:

In civil cases, the burden of proof lies on the party asserting affirmative relief, who must establish their case by a preponderance of evidence. The regularity of official functions is presumed, and the claimant must convincingly prove any allegation against this

presumption.

Class Notes:

- **Burden of Proof**: In civil litigation, the party seeking affirmative relief must prove their claim by a preponderance of evidence.
- **Appeal in Special Proceedings**: Special rules apply for appealing in special proceedings, including the necessity of filing a record on appeal within a specified period.
- **Presumption of Good Faith**: Officials are presumed to act in good faith. The burden lies on the claimant to prove any allegation of wrongdoing.

Historical Background:

This case reflects the procedural intricacies involved in the appeal process, particularly in the context of the liquidation of a banking corporation under the Central Bank Act. It underscores the significance of following the procedural requirements for appeals and the challenges in proving administrative actions (or inactions) within the court system.