

**EMMANUEL ALMEDA THROUGH HIS HEIR JOSEPH ALMEDA,
PLAINTIFF-APPELLANT, VS. SECRETARY OF THE DEPARTMENT OF
AGRARIAN AND LAND REFORM AND LAND BANK OF THE
PHILIPPINES, DEFENDANTS-APP...**

Ponente: PAREDES, J.

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PAREDES, J.:

THE CASE

THIS IS ON THE APPEAL filed by plaintiff-appellant Emmanuel Almeda (Emmanuel), through his heir Joseph Almeda (Joseph; collectively, plaintiff-appellant), from the Order dated May 4, 2011[1], dismissing the Complaint of plaintiff-appellant, and the Order dated June 6, 2011[2] denying the motion for reconsideration, issued by the Regional Trial Court, Branch 23, Naga City, sitting as a Special Agrarian Court (SAC), in Civil Case No. 2009-0069 for Fixing of Just Compensation.

THE ANTECEDENTS

On June 19, 2009, plaintiff-appellant filed a Complaint[3] for fixing of just compensation. Joseph claimed that Emmanuel is the owner of a titled 30 hectares riceland covered by Transfer Certificate of Title (TCT) No. RT-3055 (3692) located at San Francisco Canaman, Camarines Sur (subject property). In 2007, the Region V office of Land Bank of the Philippines (LBP) made a valuation, pursuant to RA 6657 (the “Comprehensive Agrarian Reform Law of 1988”) of the subject property at P1,490,687.12 or P51,330.08 per hectare. Plaintiff-appellant objected to the valuation on the ground that it was unconscionably low and insufficient; hence, the complaint against LBP and the Secretary of the Department of Agrarian and Land Reform (DAR Secretary).

In due course, the SAC issued summons. On August 26, 2009, LBP filed a Motion to Dismiss[4] based on the ground that summons served[5] on the Department Manager-Head of Agrarian Operations Center for Region V of LBP at Legazpi City, was not in accord with Section 11, Rule 14 of the 1997 Rules of Civil Procedure, arguing that the Department Manager-Head is not the president, managing partner, general manager, corporate secretary, treasurer or in-house counsel on whom summons may be validly served. The SAC, in its September 4, 2009 Order[6], denied LBP's motion to dismiss noting that aside from the service of summons on the Department Manager-Head, summons was also served[7] addressed to the President of LBP at the 31st Floor, LBP Plaza, 1598 M.H. Del Pilar corner Quintos Streets, Malate, Manila.

On October 8, 2009, LBP filed its Answer[8] claiming, as affirmative defenses, that plaintiff-appellant's cause of action was barred by prior final judgment considering that the decision of PARAD had become final and executory; that the complaint states no cause of action as a condition precedent had not been complied with prior to the filing of of the case before the SAC; and, that there was failure to exhaust administrative remedies, for the decision of the PARAD should have been appealed to the Department of Agrarian Reform Adjudication Board (DARAB).

The DAR Secretary also entered his appearance and filed his Answer praying that the case against him be dropped because the valuation of the property covered under RA 6657 is under the charge of LBP.

On October 18, 2010, plaintiff-appellant filed a Motion to Re-evaluate[9] on the ground that the DAR issued Administrative Order No. 01, series of 2010, on the Rules and Regulations on Valuation and Landowners Compensation. The RTC granted[10] the Motion on November 5, 2010.

Thereafter, the DAR Secretary submitted his Pre-trial Brief. Before the pre-trial hearing, LBP moved for a ruling on its affirmative defense of prescription. The SAC directed[11] LBP to submit its position paper in support of its affirmative defense and to comply with the directive on the revaluation of the property.

On March 10, 2011, LBP submitted its memorandum[12]; while plaintiff-appellant submitted[13] a memorandum opposing LBP's Motion to Dismiss. The DAR Secretary submitted his Memorandum[14] on April 19, 2011. Hearing was held, albeit counsel for plaintiff-appellant failed to appear thereat. On May 4, 2011, the SAC issued the assailed Order granting the motion to dismiss, and dismissed the Complaint. Plaintiff-appellant's subsequent motion for reconsideration was denied.

In this appeal, plaintiff-appellant ascribes the following errors[15] to the RTC, sitting as a Special Agrarian Court are as follows:

- The Special Agrarian Court erred in dismissing hastily the petition based on prescription and res judicata.
- The Special Agrarian Court erred in not applying liberal construction of rules governing just compensation of land taken under the Agrarian Reform Policy of the State in relation to the constitutionally guaranteed right of landowner for judicial determination of just compensation of his property.
- The Special Agrarian Court erred in not applying in the circumstance/facts of the appealed case the doctrines laid down by the Honorable Supreme Court in relaxing the application of 2003 DARAB rules of procedure in order to preserve the exclusive power of the Court to determine just compensation cases.
- The Special Agrarian Court erred in dismissing the case without first determining the value of the subject property through Land Bank in accordance with the Administrative Order No. 1 series of 2010.
- The lower court erred in declaring that Joseph Almeda is not the proper party in interest to file the instant case.

THE ISSUES

The issues in this case are: 1) whether prescription and res judicata have set in; and, 2) whether Joseph is a proper party in interest.

THE COURT'S RULING

The appeal is with merit.

The SAC dismissed[16] the Complaint, in the assailed Order dated May 4, 2011, on the following rationalization, viz.:

In the case at bar, plaintiff (now, plaintiff-appellant) filed his motion for reconsideration of the PARAD decision on April 21, 2009, fourteen (14) days after it received the decision on April 7, 2009. The motion was denied. Plaintiff-appellant received the order denying his motion for reconsideration on June 4, 2009. Applying Section 5, Article (sic) XIX of the 2003 DARAB Rules, plaintiff had five (5) days from notice of the denial of his motion for reconsideration or until June 9, 2009 to appeal the adverse decision to the Board. Plaintiff-appellant, however, opted to file this complaint for determination of just compensation with the SAC (Special Agrarian Court) but the action was instituted only on June 19, 2000 or ten (10) days beyond the reglementary period provided under Section 5, Rule XIX of the DARAB Rules.

Under Section 6, Article (sic) XIX of the same rules, failure on the part of the aggrieved party to contest the resolution of the Adjudicator within the reglementary period provided for under Section 5 thereof, shall be deemed a concurrence by such party with the land valuation, hence, said valuation shall become final and executory.

Plaintiff-appellant argues that the instant complaint was filed within the 15-day fresh period under the “Neypes Rule”. This argument, however, fails to convince this court. The 15-day “Fresh Period Rule” applies only in ordinary proceedings before regular courts. It finds no application in the proceedings before the PARAD which is governed by the mandatory provisions of the 2003 DARAB Rules specifically Sections 5, 6, and 7 Rule XIX thereof.

In the case of Republic vs. Neri, 213 SCRA 812 and Ysmael vs. Deputy Executive Secretary, 190 SCRA 673, the Supreme Court held that the doctrine of res judicata applies to the decisions or orders of administrative agencies that have become final. Such decisions or orders are conclusive upon the rights of the affected parties as though the same had been rendered by a court of general jurisdiction.

The DARAB or PARAD is a tribunal clothed with quasi-judicial functions. As such, the decision it renders pursuant to its quasi-judicial authority have the force and effect of a final judgment within the purview of res judicata once the same shall have become final and executory.

Moreover, Special Agrarian Courts cannot just ignore the 2003 DARAB Rules. In the case of LBP v. Celada, G.R. No. 164876,

“It is elementary that rules and regulations issued by administrative bodies to interpret the law which they are entrusted to enforce have the force and effect of law and are entitled to great respect. Administrative issuances partake of the nature of a statute and have in their favor a presumption of regularity. As such, courts cannot ignore administrative issuances especially, when as in this case, its validity wa not put in issue. Unless and (sic) administrative order is declared invalid, courts have no option but to apply the same.

xxx xxx xxx

In the case at bar, therefore, the court is of the opinion that the right of the plaintiff-appellant has already prescribed and that the PARAD Decision dated March 31, 2009 has already attained finality. (Emphasis in the original)

We disagree.

First, the SAC confounded the periods for the filing of an appeal before the DARAB, and the filing of a

petition/complaint for a determination of just compensation under RA 6657 (the “Comprehensive Agrarian Reform Law”) before the Regional Trial Court sitting as a Special Agrarian Court.

Section 5, Rule XIX of the 2003 DARAB Rules of Procedure states:

APPEAL. - A party who disagrees with the resolution of the Adjudicator may bring the matter to the Board by filing with the Adjudicator concerned a Notice of Appeal within fifteen (15) days from receipt of the resolution. The filing of a Motion for Reconsideration of said resolution shall interrupt the period herein fixed. If the motion is denied, the aggrieved party may file the appeal within the remaining period, but in no case shall it be less than five (5) days.

xxx xxx xxx (Emphasis Ours)

The period herein involved refers to an appeal from the PARAD to the DARAB; thus, from a decision/resolution of the Provincial Adjudicator (the PARAD), an appeal may be filed with the Board (the DARAB) within 15 days from receipt. The 15-day period to appeal is interrupted with the filing of a motion for reconsideration with the PARAD. From receipt of the denial of the motion for reconsideration, an appeal may be taken to the DARAB within the remaining 15-day period, which in no case shall be less than 5 days. The term “may” in this Section 5, Rule XIX, 2003 DARAB Rules of Procedure implies a permissive act, so much so that appeal may or may not be availed of.

On the other hand, the period for filing an original action with the court, sitting as a Special Agrarian Court is provided under Section 7 of the same Rules, thus:

Filing of ORIGINAL ACTION with the SPECIAL AGRARIAN COURT for Final Determination. - The party who disagrees with the decision of the Board may contest the same by filing an original action with the Special Agrarian Court (SAC) having jurisdiction over the same property within fifteen (15) days from receipt of the Board's decision.

xxx xxx xxx (Emphasis supplied).

The party who desires to bring an original action before the court/SAC must do so within 15 days from receipt of the decision/resolution of the PARAD, if appeal is not availed of, or from the decision/resolution of the DARAB, if appeal is availed of.

In *Land Bank of the Philippines vs. Spouses Joel R. Umandap and Felicidad D. Umandap*[17], the Supreme Court held that:

The jurisdiction of the Regional Trial Courts is not any less "original and exclusive" because the question is first passed upon by the DAR, as the judicial proceedings are not a continuation of the administrative determination. For that matter, the law may provide that the decision of the DAR is final and unappealable. Nevertheless, resort to the courts cannot be foreclosed on the theory that courts are the guarantors of the legality of administrative action.

Notwithstanding this pronouncement, however, the statutorily mandated original and exclusive jurisdiction of the SAC led this Court to adopt, over the years, a policy of liberally allowing petitions for determination of just compensation, even though the procedure under DARAB rules have not been strictly followed, whenever circumstances so warrant:

- In the 1999 case of *Land Bank of the Philippines v. Court of Appeals* [376 Phil. 252 (1999)], we held that the SAC properly acquired jurisdiction over the petition to determine just compensation filed by the landowner without waiting for the completion of DARAB's re-evaluation of the land.

- In the 2004 case of *Land Bank of the Philippines v. Wycoco* [464 Phil. 83 (2004)], we allowed a direct resort to the SAC even where no summary administrative proceedings have been held before the DARAB.

- In the 2006 case of *Land Bank of the Philippines v. Celada* (G.R. No. 164876, January 23, 2006, 479 SCRA 495), this Court upheld the jurisdiction of the SAC despite the pendency of administrative proceedings before the DARAB. We held: It would be well to emphasize that the taking of property under RA No. 6657 is an exercise of the power of eminent domain by the State. The valuation of property or determination of just compensation in eminent domain proceedings is essentially a judicial function which is vested with the courts and not with administrative agencies. Consequently, the SAC properly took cognizance of respondent's petition for determination of just compensation.

- In the 2009 case of *Land Bank of the Philippines v. Belista* (G.R. No. 164631, June 26, 2009, 591 SCRA 137), this Court permitted a direct recourse to the SAC without an intermediate appeal to the DARAB as mandated under the new provision in the 2003 DARAB Rules of Procedure. We ruled:

Although Section 5, Rule XIX of the 2003 DARAB Rules of Procedure provides that the land valuation cases decided by the adjudicator are now appealable to the Board, such rule could not change the clear import of Section 57 of RA No. 6657 that the original and exclusive jurisdiction to determine just compensation is in the RTC. Thus, Section 57 authorizes direct resort to the SAC in cases involving petitions for the determination of just compensation. In accordance with the said Section 57 petitioner properly filed the petition before the RTC and, hence, the RTC erred in dismissing the case. Jurisdiction over the subject matter is conferred by law. Only a statute can confer jurisdiction on courts and administrative agencies while rules of procedure cannot. (Citations omitted; emphasis supplied).

Therefore, when plaintiff-appellant filed the Complaint before the SAC on June 19, 2009, or fifteen (15) days from receipt of the denial of the motion for reconsideration on June 4, 2009, the Complaint was filed well within the period to do so under the 2003 DARAB Rules of Procedure.

Second, the cases cited by the SAC in the assailed Order dated May 4, 2011 – *Philippine Veterans Bank vs. Court of Appeals* and *DARAB vs. Lubrica* – were decided under the 1994 DARAB Rules of Procedure, Section 11, Rule XIII, which provides that:

Land Valuation and Preliminary Determination and Payment of Just Compensation. The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Courts designated as Special Agrarian Courts within fifteen (15) days from receipt of the notice thereof. Any party shall be entitled to only one motion for reconsideration.

The 1994 DARAB Rules of Procedure foreclosed an appeal to the DARAB, though an adverse decision may be appealed directly to the courts; hence, the necessity to make pronouncements that: (1) recourse to the courts is not an "appeal" or a continuation of the administrative process of determining just compensation, but the recourse is an "original action" with the court/SAC; and, (2) jurisdiction is conferred by law, rules of procedure do not. Section 11, Rule XIII, 1994 DARAB Rules of Procedure should be read in conjunction with Section 57 of RA 6657 which states that:

Special Jurisdiction. - The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty

days (30) days from submission of the case for decision.

To reiterate, the proceedings before the PARAD and the court are not inconsistent with each other, albeit the former is an administrative proceeding, while the latter is judicial. It has been held, that:

There is no inherent inconsistency between (a) the primary jurisdiction of the DAR to determine and adjudicate agrarian reform matters and exclusive original jurisdiction over all questions involving the implementation of agrarian reform, including those of just compensation; and (b) the original and exclusive jurisdiction of the SAC over all petitions for the determination of just compensation. "The first refers to administrative proceedings, while the second refers to judicial proceedings." The jurisdiction of the SAC is not any less "original and exclusive," because the question is first passed upon by the DAR; as the judicial proceedings are not a continuation of the administrative determination.[18]

However, since Section 11, Rule XIII, DARAB Rules of Procedure did not provide for a period when a petition/complaint before the court/SAC was to be filed in the event of a motion for reconsideration, the Rules of Court was applied in a suppletory manner. At that time, the prevailing practice was to file an appeal within the remaining period of the original 15 day period, but in no case less than 5 days.

The 2003 DARAB Rules of Procedure clarified the conundrum by providing for the proper periods within which to file an administrative appeal (Sec. 5), and within which to file an original petition before the SAC (Sec. 7).

Third, the case of *Land Bank of the Philippines vs. Raymunda Martinez*[19] (erroneously cited in the assailed Order of May 4, 2011 as "*Raymunda Martinez vs. Land Bank of the Philippines*"), must still be read in conjunction with *LBP vs. Umandap* above, the latter being the latest jurisprudence relative to the 2003 DARAB Rules of Procedure. At any rate, *LBP vs. Martinez* provides the spirit behind the strict observance of the periods in the DARAB rules, thus:

To resolve the conflict in the rulings of the Court, we now declare herein, for the guidance of the bench and the bar, that the better rule is that stated in *Philippine Veterans Bank*, reiterated in *Lubrica* and in the August 14, 2007 Decision in this case. Thus, while a petition for the fixing of just compensation with the SAC is not an appeal from the agrarian reform adjudicator's decision but an original action, the same has to be filed within the 15-day period stated in the DARAB Rules; otherwise, the adjudicator's decision will attain finality. This rule is not only in accord with law and settled jurisprudence but also with the principles of justice and equity. Verily, a belated petition before the SAC, e.g., one filed a month, or a year, or even a decade after the land valuation of the DAR adjudicator, must not leave the dispossessed landowner in a state of uncertainty as to the true value of his property. (The emphasized portion was omitted from the assailed Order)

It would appear, from a reading of the afore-cited *Martinez* case, that the strict observance of the periods stated in the DARAB rules is for the benefit of the landowner. The LBP, being the petitioner-oppositor to the DAR valuation in that case, was held to adhere strictly to the DARAB rules in order that the "dispossessed landowner (is not left) in a state of uncertainty as to the true value of his property". However, in case of conflicting interpretations or confusion, the spirit of the law should prevail. In this case, the benefit of the doubt should have tilted in favor of the landowner.

Fourth, motions to dismiss should not be lightly granted. In the case at bar, the issue presented by the pleadings is whether the valuation made by the PARAD of the landowner's property was unconscionably low, which is a factual issue. The proper recourse should have been to proceed to trial on the merits. The (second) motion to dismiss, filed by LBP during pre-trial, raised prescription, not as a substantive defense, but based on a technicality -- that the complaint was filed beyond the period provided under the 2003 DARAB Rules of Procedure. This, We cannot countenance.

In *City of Dumaguete, represented by City Mayor Agustin R. Perdices vs. Philippine Ports Authority*[20], the Supreme Court held that:

But, where a rigid application of that rule will result in a manifest failure or miscarriage of justice, then the rule may be relaxed, especially if a party successfully shows that the alleged defect in the questioned final and executory judgment is not apparent on its face or from the recitals contained therein. Technicalities may thus be disregarded in order to resolve the case. After all, no party can even claim a vested right in technicalities. Litigations should, as much as possible, be decided on the merits and not on technicalities.

Hence, this Court should not easily allow a party to lose title and ownership over a property worth P4,000,000.00 for a measly P650,000.00 without affording him ample opportunity to prove his claim that the transaction entered into was not in fact an absolute sale but one of mortgage. Such grave injustice must not be permitted to prevail on the anvil of technicalities.

Likewise, in *Samoso v. CA*, the Court ruled:

But time and again, the Court has stressed that the rules of procedure are not to be applied in a very strict and technical sense. The rules of procedure are used only to help secure not override substantial justice (*National Waterworks & Sewerage System vs. Municipality of Libmanan*, 97 SCRA 138 [1980]; *Gregorio v. Court of Appeals*, 72 SCRA 120 [1976]). The right to appeal should not be lightly disregarded by a stringent application of rules of procedure especially where the appeal is on its face meritorious and the interests of substantial justice would be served by permitting the appeal (*Siguenza v. Court of Appeals*, 137 SCRA 570 [1985]; *Pacific Asia Overseas Shipping Corporation v. National Labor Relations Commission, et al.*, G.R. No. 76595, May 6, 1998).

We harken back to the sagacious statement of the Supreme Court in *LBP vs. Umandap* that “(T)he valuation of property or determination of just compensation in eminent domain proceedings is essentially a judicial function which is vested with the courts and not with administrative agencies”.

The same assailed Order (of May 4, 2011), disposed of the issue regarding the legal capacity of Joseph in this manner:

On the issue regarding the legal capacity of Joseph Almeda to represent Manuel (sic) Almeda in this case, the court also finds for the LBP. Nowhere in the complaint is it alleged that Manuel (sic) Almeda who, undoubtedly, is the real party in interest has authorized Joseph Almeda to file this suit. Neither is there an allegation that Manuel (sic) Almeda is already deceased and therefore Joseph Almeda is clothed with authority to file this complaint in his capacity as heir or legal representative.

It is true that evidentiary facts do not have a place in the pleadings but this pending incident is a hearing of the affirmative defenses set up in the answer filed by the LBP. It is therefore incumbent upon the plaintiff to controvert with evidence, LBP's claim that Joseph Almeda has no legal capacity to sue. Unfortunately, the plaintiff failed to do so.[21]

The first assailed Order claims that the issue on the legal capacity of Joseph to sue was set up in the affirmative defenses of the Answer filed by LBP. The claim is far from accurate for, as the record would attest, the affirmative defenses of LBP in its Answer are:

AFFIRMATIVE DEFENSES

- That plaintiff's (appellant's) cause of action has already been barred by prior judgment because this case was filed with this Honorable Court after the decision of the PARAD has become final and executory.

- That plaintiff-appellant has no cause of action against defendants for failure to comply with a condition precedent for the filing of (sic) case for determination of just compensation before the Special Agrarian Court.

- That plaintiff-appellant has no cause of action against defendants for failure to exhaust administrative remedies. Plaintiff-appellant should have timely appealed the decision of the PARAD to the Department of Agrarian Reform Adjudication Board (DARAB).[22]

Be that as it may, plaintiff-appellant Joseph attached photocopies of his birth certificate²³ and the death certificate²⁴ of Emmanuel M. Almeda in his motion for reconsideration. Nonetheless, the SAC stood pat on its denial of the motion for reconsideration, arguing that:

Anent the argument (of plaintiff-appellant) that the complaint have sufficiently established the right of the plaintiff-appellant to file the instant case as heir/owner, the court finds the same to be a mere restatement of the arguments raised by the plaintiff-appellant in its Memorandum in Opposition to the Motion to Dismiss. This matter has already been adequately addressed by the court in the (assailed) May 4, 2011 order.

Even granting for the sake of argument that the photocopies of the Birth Certificate of Joseph Almeda and the Death Certificate of Emmanuel M. Almeda, attached to the Rejoinder filed by the (sic) plaintiff-appellant were authentic, and that Joseph Almeda is adjudged to be clothed with legal capacity to sue, this will not change the fact that the right of the (sic) plaintiff-appellant to file the instant action for the determination of just compensation has already prescribed following the provisions of Sections 5 and 6 of the 2003 DARAB Rules of Procedure.[25]

As Our discussion here shows, there is no merit to the grounds raised by the SAC for its dismissal of the Complaint upon motion of LBP.

With respect to the argument[26] of the Office of the Solicitor General that plaintiff-appellant, in filing an ordinary appeal under Rule 41 of the Rules of Court, instead of a petition for review under Rule 42, adopted a wrong mode of appeal; and since no appeal was perfected within the period prescribed by law, the assailed orders of the SAC had thereby become final, disregards well-recognized exceptions to the rule.

These exceptions are: (1) strict application of procedural technicalities would hinder the expeditious disposition of the case on the merits[27]; (2) when public welfare and the advancement of public policy dictate; (3) when the broader interests of justice so require; (4) when the writs/orders issued are null; (5) when the questioned order amounts to an oppressive exercise of judicial authority.[28] Any or all of these exceptions are applicable in the case under consideration.

Moreover, the argument regarding the adoption of the wrong mode of appeal was only raised in this appeal. We are precluded from entertaining matters neither alleged nor raised in the proceedings below, but ventilated for the first time on appeal[29]. It is well-settled that no question will be entertained on appeal unless it has been raised in the proceedings below. Points of law, theories, issues and arguments not brought to the attention of the lower court, administrative agency or quasi-judicial body, need not be considered by a reviewing court, as they cannot be raised for the first time at that late stage. Basic considerations of fairness and due process impel this rule. Any issue raised for the first time on appeal is barred by estoppel[30].

WHEREFORE, the appeal is GRANTED. The Orders dated May 4, 2011, and June 6, 2011 of the Regional Trial Court, Branch 23, Naga City, in Civil Case No. 2009-0069, are REVERSED and SET ASIDE. The Complaint is REINSTATED and the Regional Trial Court, designated as Special Agrarian Court, is directed to conduct further proceedings with dispatch.

SO ORDERED.**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Didican, I.P, Chairperson, and Elbinias, M.P., JJ., concur.

[1] Records, pp. 129-35.

[2] *ibid.* pp. 154-6.

[3] *ibid.* pp. 1-3.

[4] *ibid.* pp. 18-20.

[5] See Sheriff's Return of Summons, August 17, 2009, records, p. 16.

[6] Records, p. 22.

[7] Records, p. 13.

[8] Records, pp. 36-40.

[9] *ibid.* pp. 90-1.

[10] *ibid.* p. 96.

[11] See RTC Oder dated January 31, 2011, records, p. 106.

[12] Records, pp. 107-113.

[13] *ibid.* 118-123.

[14] *Ibid.* pp. 124- 6.

[15] See Appellant's Brief, rollo, pp. 26-7.

[16] Order dated May 4, 2011, records, pp. 129-35, at 133-4.

[17] G.R. No. 166298, November 17, 2010.

[18] LBP vs. Paz O. Montalvan, et al., G.R. No. 190336, June 27, 2012.

[19] G.R. No. 169008, July 31, 2008.

[20] G.R. No. 168973, August 24, 2011.

[21] See RTC Order, records, p. 135.

[22] See Answer, record, pp. 36-40, at 38-9.

[23] Records, p. 152 (DOB: March 6, 1958; Parents: Emmanuel M. Almeda and Elsa B. Ebro; POB: Manhattan, USA).

[24] Records, p. 153 (DOD: July 29, 2004; Cause: Sudden Cardiac Death; POD: Ohio, USA).

[25] See Order dated June 6, 2011, records, pp. 154-6, at 155.

[26] See Appellee's Brief, records, pp. 44-68, at 55-60.

[27] Ernesto Dy vs. Hon. Gina M. Bibat-Palamos, in her capacity as Presiding Judge of the Regional Trial Court, Branch 64, Makati City, and Orix Metro Leasing and Finance Corporation, G.R. No. 196200, September 11, 2013.

[28] JAN-DEC CONSTRUCTION CORPORATION vs. COURT OF APPEALS and FOOD TERMINAL , INC., G.R. No. 146818, February 6, 2006, citing Madriaga v. Court of Appeals, G.R. No. 142001, July 14, 2005; Martillano v. Court of Appeals, G.R. No. 148277, June 29, 2004, 433 SCRA 195, 201; Heirs of Padilla v. Court of Appeals, G.R. No. 147205, March 10, 2004, 425 SCRA 236, 242; Metropolitan Manila Development Authority v. JANCOM Environmental Corp., 425 Phil. 961, 974 (2002); Uy Chua v. Court of Appeals, 398 Phil. 17, 30 (2000).

[29] See Bases Conversion Development Authority vs. Rosa Reyes, Cenando Reyes and Carlos Reyes, G.R. No. 194247, June 19, 2013, citing Maxicare PCIB Cigna Healthcare (now Maxicare Healthcare Corporation) v. Contreras, G.R. No. 194352.

[30] Engr. Job Y. Besana, Hon. Ronaldo B. Zamora, in his capacity as Executive Secretary, and Hon. Conrado M. Estrella III, in his capacity as Administrator of the National Electrification Administration vs. Rodson F. Mayor and Aklan Electric Cooperative, Inc., G.R. No. 153837, July 21, 2010.

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