

NEMESIO G. ALMIA, PLAINTIFF-APPELLEE, VS. GGC SECURITY AGENCY, REPRESENTED BY GWENDOLYN G. CODILLA, CESAR FRESNOZA, JOEMARIE ALARCON, AND LIDE MANAGEMENT CORPORATION, REPRESENTE...

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

This is an appeal on the Decision[1] dated September 11, 2007 of the Regional Trial Court, Branch 12 of Ormoc City, in Civil Case No. 3672-0 for Damages, the dispositive portion of which reads:

“WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendants holding the latter liable to the former under Article 19 of the Civil Code and hereby orders the defendants jointly and severally to pay the plaintiff sum of FIVE HUNDRED THOUSAND PESOS (P500,000.00).

The defendants are likewise jointly and severally held liable to the plaintiff for exemplary damages in the sum of ONE HUNDRED THOUSAND PESOS (P100,000.00) and the further sum of SEVENTY THOUSAND PESOS (P70,000.00), as attorney's fees.

Finally, the defendants are jointly and severally ordered to pay the costs of this suit.

SO ORDERED.”

The antecedents are as follows:

Plaintiff-appellee Nemesio G. Almia used to work for the Philippine Associated Smelting and Refining (PASAR) Corporation. PASAR, Philippine Phosphate Fertilizer Corporation (PHILPHOS) and National Development Company (NDC) were situated in a parcel of land known as the Leyte Industrial Development Estate (LIDE). The companies entered into an Operating Agreement[2] with defendant-appellant LIDE Management Corporation (LMC), appointing the latter as the Administrator of LIDE.

As a measure of maintaining peace and order and securing the persons and property within LIDE, defendant-appellant LMC hired the services of defendant-appellant GGC Security Agency (GGC). They executed a Contract for Security Services[3] on April 29, 1994.

On November 7, 1998, a Spot Report[4] was prepared by defendant-appellant Cesar Fresnoza detailing what happened that night. A summary of the report is stated below:

At around 11:45 in the evening, while he was conducting a roving inspection of the LIDE Staffhousing Area, he spotted a concrete cover of a manhole placed in the middle of the road. He saw a certain Orven Reyes near the area and asked the latter who was responsible, but the latter denied knowledge of the incident. Thereafter, he and a certain Sanchez returned the cover to its original position.

Moments later, defendant-appellant SG Alarcon arrived and shouted that the four youngsters who just left were responsible. The four youngsters were later identified as Joey Jose, the Banaag brothers – Joel and Noel and

the son of Engr. Almia of PASAR.

SG Alarcon went after the four and ordered them to stop. The four youngsters did not heed SG Alarcon, so SG Alarcon fired his firearm, twice in the air. The four then attacked SG Alarcon, forcing SG Alarcon to fire two warning shots directly to the concrete pavement of the road. The splinter of the road accidentally hit the right foot of Joey Jose.

Defendant-appellant Fresnoza immediately asked SG Alarcon to surrender the service firearm. When SG Alarcon was unarmed, the four youngsters took advantage and mauled SG Alarcon. Fortunately, the incident was contained with the help of others in the area.

SG Alarcon suffered several contusions on his face. So he and Joey Jose were brought to the PHILPHOS clinic for medical treatment. Afterward, SG Alarcon was brought to the Isabel PNP Station to have the incident recorded in the police blotter.

On November 8, 1998, SG Aldiano Pison and SG Benito Dalag of mobile crew reported to him that the same group of youngsters laid down another cover of a concrete manhole at the center of the road and uprooted the temporary fence of two staffhouses.

Hence, the incident was entered into the police blotter as Entry No. 4292, page no. 026 dated November 7, 1998, as evidenced by the Certification[5] of the Chief of Police dated November 10, 1998. The entry was a Report on Physical Injuries sustained by “Josie Marie I. Alarcon” allegedly because he was “box (sic) and stoned by one Joel Jose, Noel Banaag, Orben Reyes, One Almea &[6] Sanchez”. According to Alarcon, “he pacified the group because they took the cover of the manhole and scattered to the street.”

Plaintiff-appellee claimed that the reports were untrue since his son was not present during the incident and the guards could not even specify his son's name unlike the other youngsters involved who were named by the guards. When plaintiff-appellee first learned that his son's name was implicated in the reports (a person was named therein as the son of Engr. Almia from PASAR), he immediately called up the GGC Office and talked to Acting Detachment Commander Rogelio dela Cruz to request that the former's name be cleared from the records; however, the latter refused to do so since the report was merely presented to him. Plaintiff-appellee called GGC again on November 11, 1998 with the same request; but the latter reiterated that he could not change the report.

Hoping to clear his name, plaintiff-appellee referred the matter to the Philippine National Police (PNP) of Isabela, Leyte. The persons concerned, including defendants-appellants SG Alarcon and Fresnoza were summoned to appear at the police station. They had a confrontation on November 16, 1998 at 2:00 o'clock in the afternoon. The security guards could not identify plaintiff-appellee's son, even after the names of the children were enumerated. Still, Fresnoza insisted that plaintiff's son who had long hair was involved in the incident.

Meanwhile, SG Alarcon issued a Sworn Statement[7] dated November 9, 1998; while another security guard, Rene Garcia executed an Affidavit[8] date November 10, 1998. Both documents were notarized on November 25, 1998. Both indicated that the son of plaintiff-appellee was involved in the November 7, 1998 incident.

Still bent on clearing his name, plaintiff-appellee referred the matter to the Office of the Barangay Captain of Barangay Libertad, Isabel, Leyte. During the confrontation on January 20, 1999, defendant-appellant Fresnoza informed plaintiff-appellee that Joel Banaag said that plaintiff-appellee's son was part of their group. Plaintiff-appellee requested that the confrontation be reset so that Joel Banaag would be able to clarify the matter. The confrontation was reset two more times until finally on February 15, 1999, the barangay lupon issued a Certification to File Action[9].

Plaintiff-appellants asseverates that he found out why defendants-appellants were deliberately delaying the case

when he received summons[10] from the Office of the Barangay Captain for a certain Sheerlan Almia to appear for a case filed by LMC for Malicious Mischief. The basis for the complaint is the November 7, 1998 incident. Attached to the summons was a Complaint[11] signed by a certain Martin Tamse, Chief of Police of Isabel Leyte and affidavits of Camilo Echavia[12], SG Benito Dalag[13] and SG Adriano Pison[14] positively identifying Sheerlan Almia to have destroyed the fences and placed the manhole cover in the middle of the road. Only Sheerlan Almia was named; the other youngsters identified in the spot report was only referred as John Does in the malicious mischief case. Plaintiff-appellant claims that he was informed that the case will not be filed if he will desist from filing any case which shows bad faith and criminal intent of defendants-appellants.

Plaintiff-appellant alleged that defendants-appellants' concerted actions have affected him and his family. The actions are pure harassment which caused him and his family to suffer mental anguish, moral shock, sleepless nights, besmirched reputation, and even the children's studies were affected. Hence, the plaintiff-appellant was constrained to file a Complaint for Damages.

During the trial, the plaintiffs-appellants presented three (3) witnesses, namely: Quintin Calvario, Jr., Roel Banaag and plaintiff-appellee Nemesio G. Almia.

On the other hand, defendant-appellant LMC disagrees with plaintiff-appellee and claims that the latter's son was reported to have participated in the destruction of fences and removal of a manhole from its location. Its basis is the Spot Report submitted by defendant-appellant Fresnoza implicating four (4) resident teenagers, namely: "Joey Jose, son of Monsanto's Ted Jose, Joel and Noel Banaag, sons of PHILPHOS' Cesar Banaag, Orven Reyes, son of PHILPHOS' Diosdado Reyes and the son of the plaintiff Engr. Nemesio Almia of PASAR". The said incident triggered the mauling of SG Joemarie Alarcon, who fired his gun in an attempt to pacify the teenagers, thereby accidentally injuring Joey Jose.

Defendant-appellant LMC sent notices[15] to the parents of the teenagers involved, to a conference on November 9, 1998 at 2:00 in the afternoon. The conference was set in order for the parents and LMC to discuss the teenager's malfeasance and to correct the malevolent conduct of the defendant-appellant SG Alarcon. The parents of Noel and Joel Banaag, Orven Reyes and Joey Jose attended the conference. However, plaintiff-appellant Almia failed to attend the conference despite notice, which was received by Almia's housemaid Teresita Carilles.

After the conference, there was no subsequent effort, nor an apparent sign of cooperation from the parents of the young offender Almia, defendant-appellant LMC was constrained to file charges of malicious mischief against the son of plaintiff-appellee. Plaintiff-appellee also failed to attend the barangay conciliation proceedings for the malicious mischief case, despite the summons sent. Left with no other recourse, LMC forwarded the spot report to PASAR.

Defendant-appellant LMC claims that plaintiff-appellee has no cause of action against it as it was in the lawful exercise of its authority to prosecute offenders against the persons and properties within LIDE. Plaintiff-appellee did not attend the November 9, 1998 conference, neither did he confer with the security officers of LMC during the scheduled barangay conciliation proceedings.

Defendant-appellant LMC avers that plaintiff-appellant's cause of action boils down to the acts and/or omissions of defendant-appellant GGC's security guards. As there exists a Contract for Security Services between them, if LMC is made liable to the damages allegedly suffered by plaintiff-appellee, defendant-appellant GGC must likewise be made answerable to it.

Defendant-appellant LMC presented as its lone witness Eduardo Agustin, its Estate Department Manager.

As for defendant-appellant GGC, it maintained that the son of Engr. Almia was positively identified by

defendants-appellants Fresnoza and SG Alarcon, as one of the persons involved in the incident. GGC claims that it was moved by good faith in responding to and reporting the incident.

GGC claims that plaintiff-appellee has no cause of action against any of the defendants-appellants as he is not a real party-in-interest. He was never implicated in the reports. The report only stated that the son of Engr. Almia was involved in the incident. The real party-in-interest is the son, and not the plaintiff-appellee himself. GGC claims that the complaint should be dismissed for failure to state a cause of action.

GGC also claims that it should not be made liable if LMC will be made liable to plaintiff-appellee as the provision in the Contract of Security only refers to “any claim for personal injury or damages including death”. GGC also avers that the instant complaint was occasioned by LMC's act of filing a case against the son of the plaintiff-appellee. It is a positive act directly attributable to defendant-appellant LMC.

Defendants-appellants GGC, Cesar Fresnoza and SG Joemarie Alarcon did not present any witness nor offered any documentary exhibits.

On September 11, 2007, the court a quo, rendered the assailed Decision[16] in favor of the plaintiffs and against the defendant. The court a quo found that defendants-appellants did not act in conformity with the standards set by Article 19 of the New Civil Code.

Aggrieved, defendants LMC and GGC appealed to this Court. However, only LMC filed its brief, assigning the following as errors:

I

THE HONORABLE COURT A QUO GRAVELY ERRED IN RULING APPELLEE HAS A VALID CAUSE OF ACTION AGAINST APPELLANT-LMC.

II

THE HONORABLE COURT A QUO GRAVELY ERRED IN RULING THAT APPELLANT-LMC VIOLATED ARTICLE 19 OF THE CIVIL CODE OF THE PHILIPPINES, AS AMENDED.

III

THE HONORABLE COURT A QUO GRAVELY ERRED IN NOT FINDING APPELLEE GUILTY OF BAD FAITH IN FILING THIS SUIT AGAINST APPELLANT-LMC.

IV

THE AWARD OF DAMAGES IN FAVOR OF APPELLEE IS NOT SUPPORTED WITH QUANTUM OF EVIDENCE.

V

IN THE REMOTEST POSSIBILITY THAT APPELLANT-LMC IS LIABLE TO APPELLEE, THE HONORABLE COURT A QUO GRAVELY ERRED IN DISMISSING APPELLANT-LMC'S CROSS CLAIM AGAINST DEFENDANT-GGC.

VI

THE HONORABLE COURT A QUO GRAVELY ERRED IN DISMISSING APPELLANT-LMC'S COUNTERCLAIM.[17]

After a thorough consideration of the contentions of the parties, We hold that the instant appeal as devoid of

merit.

Article 19 of the Civil Code, provides thus:

Art. 19. Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

This article, known to contain what is commonly referred to as the principle of abuse of rights, sets certain standards which must be observed not only in the exercise of one's rights, but also in the performance of one's duties. These standards are the following: to act with justice; to give everyone his due; and to observe honesty and good faith. The law, therefore, recognizes a primordial limitation on all rights; that in their exercise, the norms of human conduct set forth in Article 19 must be observed. A right, though by itself legal because it is recognized or granted by law as such, may nevertheless become the source of some illegality.[18]

It was intended to expand the concept of torts by granting adequate legal remedy for the untold number of moral wrongs which is impossible for human foresight to provide specifically in statutory law. If mere fault or negligence in one's act can make him liable for damages for injury caused thereby, with more reason should abuse or bad faith makes him liable. The absence of good faith is essential to abuse of right. Good faith is an honest intention to abstain from taking any unconscientious advantage of another, even through the forms of technicalities of the law, together with an absence of all information or belief of fact which would render the transaction unconscientious.[19]

In this case, defendant-appellant LMC contends that the court a quo erred in finding it liable under Article 19 of the Civil Code as it has acted in good faith. The Spot Report which implicated plaintiff-appellee's son in the incident was prepared by the GGC security guard, not by LMC. LMC was only in the lawful exercise of its right and authority to prosecute offenders against the persons and properties of LIDE.

Contrary to defendant-appellant LMC's contention, the basis of the finding of the abuse of rights is not only the inclusion of the plaintiff-appellee's son in the Spot Report. It was the defendants-appellants' subsequent acts to the November 7, 1998 incident – how it was handled and why plaintiff-appellee's son was singled out. As aptly found by the court a quo:

“What made the situation painful, if not agonizing to the plaintiff as well as to his family, was the elevation of the matter to the Barangay authorities as against his “son” only, the submission of a report to the management of PASAR where plaintiff was then working and the filing of a criminal complaint before the Municipal Trial Court of Merida-Isabel against one Sheerlan Almia, whom the witnesses who executed the affidavit in support of the case, identified to be a son of the plaintiff. And, the Court observed that in the Affidavits, affiants only named “SHEERLAN ALMIA, son of Nemesio Almia of PASAR” and did not identify the other teenagers involved despite the fact that admittedly the other teenagers named in the report of defendant Cesar Fresnoza. The situation was blown out of proportion because of how it was handled by the defendants. The fact that the plaintiff did not attend the November 9, 1998 meeting called by defendants LMC and GGC was of no moment. Had defendants LMC and GGC Security Agency properly investigated the alleged involvement of a son of plaintiff as demanded by the latter, the filing of the instant case could have been avoided.

The action of defendant LMC and GGC's security guards in trying to apprehend the culprits of the November 7, 1998 and the making of the reports relative to the incidents are not condemnable but dragging the family and/or family name of the plaintiff without sufficient basis into the alleged criminal activities, i.e. removal of the manhole and mauling of defendant Joemarie Alarcon, unmindful of how these will affect the name, reputation and emotions of the plaintiff as well as his family is a different matter and could only be held utterly indefensible.

As earlier stated by this Court, when a right is exercised in a manner which discards the norms set by Article

19 of the Civil Code resulting in damage to another, a legal wrong is committed for which actor can be held accountable. This Court finds the actions of the employees of defendant corporations to be arbitrary, injurious and prejudicial to the plaintiff as well as his family's name and reputation, justifying the award of damages under Article 19 of the Civil Code.

It must be emphasized that the Spot Report indicated that there were only four (4) persons involved in the incident on November 7, 1998 – Joey Jose, Joel and Noel Banaag and the son of Engr. Almia of PASAR. The police blotter entry of the November 7, 1998 incident for the physical injuries sustained by SG Alarcon included five (5) persons – Joel Jose, Noel Banaag, Orben Reyes, one Almea and one Sanchez. Another Affidavit dated November 10, 1998 executed by SG Rene Garcia indicated that there were six (6) persons involved in the incident – Joey Jose, Joel Banaag, Noel Banaag, a certain Almia – son of Engr Nemesio Almia, Rene Calbaryo J. and Orven Reyes. In all these documents, the name of the son of Engr. Almia, who was allegedly with the group was not specifically named by the security guards. However, the Affidavits attached to the Complaint for Malicious Mischief, executed separately by SG Benito Dalag and SG Adriano Pison positively named Sheerlan Almia to have destroyed the fence and removed the cover of the manhole; all the rest of the persons involved were said to be unknown and referred to as “John Does”.

Moreover, defendant-appellant LMC maintains that plaintiff-appellee should have attended the conference on November 9, 1998 at 2:00 in the afternoon. However, the notice for said hearing was sent on the same day, on November 9, 1998 around noontime. Hence, plaintiff-appellee's absence in said conference cannot be taken as bad faith or disinterest on his part. Plaintiff-appellee had been zealously trying to clear his and his son's names. He called GGC several times. He even went to the barangay to have the whole mess cleared. Instead of clarifying matters and settling the case, defendant-appellant LMC filed a malicious mischief case against plaintiff-appellee, seemingly to stop plaintiff-appellee from proceeding with this instant case.

From all the foregoing, it is clear that defendants-appellants were in bad faith. Hence, the court a quo did not err in ruling defendants-appellants liable to the plaintiff-appellee under Article 19 of the Civil Code.

However, while Article 19 lays down a rule of conduct for the government of human relations and for the maintenance of social order, it does not provide a remedy for its violation. Generally, an action for damages under either Article 20 or Article 21 would be proper.

Corollarilly, Article 21 provides that "every person who, contrary to morals, good customs or public policy, willfully causes damage to another shall indemnify the latter for the same." When a right is exercised in a manner which does not conform to the standards set forth in the said provision and results in damage to another, a legal wrong is thereby committed for which the wrongdoer must be responsible.[20] In this case, We agree with the findings of the court a quo that defendants-appellants abused their rights. Defendants-appellants had the duty to prosecute offenders of persons and properties of LIDE; however, it was exercised in such a manner that it caused damage to plaintiff-appellee because defendants-appellants did not act with justice and good faith.

Consequently, plaintiff-appellee is entitled to moral damages based on the provisions of Article 2219[21], in connection with Articles 19 and 21 of the Civil Code. The award of Five Hundred Thousand Pesos (P500,000.00) was inadvertently left unspecified by the court a quo as to what kind of damages was awarded. A perusal of the plaintiff-appellee's complaint reveals that he had prayed for an award of moral damages amounting to One Million Pesos (P1,000,000.00). Hence, the award of P500,000.00 is meant for moral damages. However, the amount of P500,000.00 is excessive. While there is no hard-and-fast rule in determining what would be a fair and reasonable amount of moral damages, the same should not be palpably and scandalously excessive. Moral damages are not intended to impose a penalty to the wrongdoer, neither to enrich the claimant at the expense of the defendant.[22] Taking into consideration the attending circumstances here, we hold that an award to

plaintiff-appellee of Two Hundred Fifty Thousand Pesos (P250,000.00), instead of P500,000.00, as moral damages is reasonable.

As for exemplary damages, Article 2229[23] provides that exemplary damages may be imposed by way of example or correction for the public good. Nonetheless, since exemplary damages are imposed not to enrich one party or impoverish another but to serve as a deterrent against or as a negative incentive to curb socially deleterious actions,[24] we reduce the amount from One Hundred Thousand Pesos (P100,000.00) to Fifty Thousand Pesos (P50,000.00) only.

On the matter of attorney's fees Article 2208 of the same Code provides, among others, that such fees may be recovered in cases when exemplary damages are awarded and where the court deems it just and equitable that attorney's fees and expenses of litigation should be recovered,[25] as in this case. In any event, however, such award must be reasonable, just and equitable. Thus, we reduce the amount of attorney's fees from Seventy Thousand (P70,000.00) to Thirty Thousand Pesos (P30,000.00).

From the foregoing discussions, it is clear that the court a quo properly dismissed defendant-appellant LMC's counter-claim against the plaintiff-appellee.

Anent LMC's cross-claim against GGC, We agree with the court a quo that defendant-appellant LMC should also be made liable for its own acts. As rightfully found by the court a quo:

“Defendant LMC cannot avoid liability for the injury caused to the plaintiff and his family by passing the same to defendant GGC because as admitted by its own witness, Mr. Eduardo Agustin, on the witness stand: (1) that when he received the spot report as regards the November 7, 1998 incidents, he immediately called a meeting of the parents “of the youngsters” involved without first verifying the veracity of the report; (2) that because the plaintiff failed to attend the November 9, 1998 meeting he had brought the matter to the Barangay authorities thus exposing the incident open to the people outside of LIDE compound; (3) that because the plaintiff did not attend the Barangay conciliation initiated by the defendant LMC, he (Mr. Agustin) forwarded the Spot Report to the employer of plaintiff (PASAR). To the mind of the Court, this was not how the situation should have been handled by Mr. Agustin. The injury caused to the plaintiff and his family could have been minimized had Mr Agustin first verified the veracity of the contents of the spot report submitted to him by the security guards of defendant GGC by calling the security guards involved and calling the “youngsters” themselves instead of [only] the parents who knew nothing about the incidents. Mr. Agustin should not have presumed that what was stated in the report was the gospel truth. Had Mr. Agustin done so then he would have known that none of the sons of plaintiff was involved in the November 7, 1998 [incident] just like what Quintin Calvario and Roel Banaag, two of the 'youngsters' involved in the incidents, told this Court. And, the subsequent endorsement of the matter to the Barangay authorities and to the PASAR management would have been avoided thus limiting the number of people to know about the alleged involvement of a “son” of plaintiff in the criminal acts that happened on November 7, 1998 which turns out to be entirely false. Also, the subsequent filing of a criminal complaint before the Municipal Trial Court of Merida-Isabel would have been avoided.

Defendant LMC shall be answerable for the actions of Eduardo Agustin under Article 2180 of the Civil Code.”

We find no reason to disturb the above findings of the court a quo. The above findings of fact of the court a quo must be accorded respect. It is a hornbook doctrine that the findings of fact of the trial court are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons, because the trial court is in a better position to examine the evidence presented before it. It is not a function of this Court to analyze and weigh evidence by the parties all over again.[26] The circumstances prevailing in the instant case do not justify a deviation from the aforestated doctrine.

WHEREFORE, the instant appeal is DENIED. The Decision dated September 11, 2007 in Civil Case No. 3672-0 of the Regional Trial Court, Branch 12 of Ormoc City is AFFIRMED with MODIFICATIONS in that (a) the award of moral damages is reduced from P500,000.00 to P250,000.00; (b) the award of exemplary damages is reduced from P100,000.00 to P50,000.00; and (c) the award of attorney's fees is reduced from P70,000.00 to P30,000.00.

SO ORDERED.

Delos Santos, and Lopez, JJ., concur.

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- [1] Record, pp. 482-490 (Penned by Judge Francisco C. Gedorio, Jr.).
- [2] Record, pp. 55-61.
- [3] Record, pp. 62-68.
- [4] Record, p. 343.
- [5] Record, p. 10.
- [6] The "&" seems to be inserted as it was only handwritten; while the report was typewritten.
- [7] Rollo, pp. 15-17.
- [8] Rollo, p. 14.
- [9] Rollo, p. 21.
- [10] Rollo, p. 70.
- [11] Rollo, p. 23.
- [12] Rollo, p. 24.
- [13] Rollo, p. 25.
- [14] Rollo, p. 26.
- [15] Rollo, p. 69.
- [16] Record, pp. 482-490 (Penned by Judge Francisco C. Gedorio, Jr.).
- [17] Rollo, pp. 52.
- [18] *Globe Mackay Cable and Radio Corporation v. Court of Appeals*, 257 Phil. 783 (1989).
- [19] Largo, Joan S., *Laws and Jurisprudence on Torts and Damages*, (Quezon City: REX Printing Company, Inc, 2007).
- [20] *Ardiente vs. Spouses Javier*, G.R. No. 161921, July 17, 2013.
- [21] Art. 2219. Moral damages may be recovered in the following and analogous cases:
- x x x x
- (10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34 and 35.

x x x x.

[22] *Lamis v. Ong*, G.R. No. 148923, August 11, 2005.

[23] Art. 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good in addition to the moral, temperate, liquidated or compensatory damages.

[24] *Yuchengco v. The Manila Chronicle Publishing Corporation*, G.R. No. 184315, November 28, 2011.

[25] *Cebu Country Club, Inc. vs. Elizagaque*, G.R. No. 160273, January 18, 2008.

[26] *Tayco v. Heirs of Tayco-Flores, et. al.*, G.R. No. 168692, December 13, 2010; *Arangote v. Maglunob*, G.R. No. 178906, February 18, 2009, 579 SCRA 620.

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