

## **ROYAL PROCESSING &#038; CANNING CORPORATION AND/OR QUIRINO T. ALBERTO, JR., PETITIONERS, VS. HON. ROWENA NIEVES A. TAN, IN HER CAPACITY AS THE PRESIDING JUDGE OF THE REGIONAL TRIAL C...**

Ponente: BATO, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f4a80addad62/>

---

### **BATO, JR., J.:**

This is a petition for certiorari with an urgent application for temporary restraining order and/or writ of preliminary injunction seeking to annul and set aside the Orders dated 14 October 2013 and 28 February 2014 issued by public respondent Hon. Rowena Nieves A. Tan ("Public Respondent") in Civil Case No. R-PSY-10-03994-CV.

The instant case stemmed from a Complaint filed by respondents MOF Company, Inc. ("MOF") and/or Hanjin Shipping Co., Ltd. ("Hanjin") for Collection of Sum of Money with Damages against petitioners Royal Processing & Canning Corporation ("Royal Processing") and/or Quirino Alberto, Jr. ("Alberto") (MOF and Hanjin shall be hereafter collectively called as "respondents", while Royal Processing and Alberto shall be hereafter collectively referred to as "petitioners").

The factual and procedural antecedents of the case, as culled from the records, follow:

Royal Processing is a domestic corporation engaged in the business of importing and selling frozen meat products with Alberto as its President.[1] On 17 November 2008, petitioners caused the importation of 3,444 cases of whole chicken without necks and giblets from Oakland, California to Manila. To effect the same, petitioners entered into a contract of carriage with Hanjin, a foreign shipping corporation, through its agent in the Philippines – MOF. The cases of chickens were contained in Container Vans No. HJCU6048719 and HJCU6065070 on board the vessel Hanjin Ottawa 0062W and was covered by Hanjin Shipping Bill of Lading No. HJSCOAKA07422705 issued on 12 December 2008.[2]

Sometime in December 2008, upon arrival of the shipment at the port of destination in Manila, petitioners, as named consignees of the shipment, failed to immediately cause its withdrawal from the Bureau of Customs.[3]

On 9 July 2010, respondents filed a Complaint for Sum of Money with Damages before the Regional Trial Court of Pasay City on the ground that petitioners are liable to them for the payment of actual damages consisting of demurrage charges in the amount of Php4,678,400.00 because the latter failed to promptly act on the release of the shipment from the Bureau of Customs.[4] In addition, respondents prayed for the payment of exemplary damages in the amount of Php200,000.00 and attorney's fees in the amount of Php100,000.00 with Php3,000.00 per court appearance.

In their Answer,[5] petitioners made the following affirmative defenses –

"7. It is true that on November 17, 2008, defendants caused the importation from Oakland California (sic) to Manila, Philippines of two forty-footer (2 x 40') reefer container vans said to contain 3444 cases of whole

chicken without necks and giblets with a total gross weight of 53,715 kg. Defendants entered into a contract of carriage with (sic) plaintiff Hanjin thru its general agent, MOF, for the transportation of their shipment which was contained in Container Van Nos. HJCU6048719 & HJCU6065070 and were laden on board the vessel Hanjin Ottawa 0062. The said shipment was covered by Hanjin Shipping B/L No. HJCOAKA07422705 issued on the 12 December 2008.

8. It is true that defendants were informed of the arrival of the said shipment at the port of Manila. Pursuant to the provisions of the Customs and Tariff Code of the Philippines, the required import entries for the said shipments were timely filed by the defendants. While the said shipments were store[d] at the Manila International Container Port (MICO) (sic) the defendants waited for the posting of notices to them from the Bureau of Customs for them (defendants) to withdraw the said shipments from the MICP. The posting of said notices is required under Section 1801 of the TCCP which provides –

x x x x x x x x

9. As said notice of posting of notice (sic) from the Bureau of Customs did not come, Quirino Alberto Jr. made verifications in the first week of August, 2009 (sic). To his consternation, he found a written recommendation by the Committee on Condemnation dated July 7, 2009, composed of among others, Customs Examiner Elizabeth S. Go, Manuel Yapan, said Committee on Condemnation recommended the composting/rendering of various shipments including this shipment in container van (sic) HJCU 6048719. The said recommendation was signed by Atty. Edward Ibera, Chief of the Law Division as Member and Atty. Manuel C. Rillorcasa, Chief of the ACCD of the Bureau of Customs as member, and approved by Atty. Adelina S.E. Molina. Copy of the approved recommendation (sic) of the Committee of Condemnation is hereto attached as Annex 'A'.

10. The verifications made by Quirino Alberto Jr. showed that the container above-mentioned (sic) with the shipment above-mentioned was unplugged from the main electric connections thus resulting in the thawing of the frozen contents of the container van which caused the considerable damage to defendants in this case. Copy of the request to unplug is hereto attached as Annex 'B'. Regarding container van HJCU6065070, the defendants could not also recover the contents thereof because this is included in the Bill of Lading (sic) of HJCU 6048719 which was unplugged and subsequently rendered.

11. The contents of container van No. HJCU 6048719 were disposed of/rendered upon approval of Atty. Rillorcasa, Chief of Auction and Cargo Disposal Division of the Bureau of Customs. Copy of the said communication is hereto attached as Annex 'C'.

12. Thus it is clear that the defendants were never able to benefit from the said shipments as this were totally destroyed by rendering, while the contents of HJCU 6065070 were likewise no longer recovered by defendants because the other container van which was unplugged and its contents rendered, were in one Bill of Lading.

13. Considering that defendants cannot remember having received any demand for the payment of the alleged demurrage charges, the plaintiff can not be said to have a cause of action against defendants.

14. Defendants even filed Administrative Charges and Criminal Charges against the above-named Bureau of Customs officials before the Ombudsman and Manila Prosecutor's Office, for the unlawful rendering of the importation of the shipments in question. Copies of the Administrative Charge and the Criminal Charge are hereto attached as Annex 'D' and 'E'.

15. Considering that the defendants were not able to benefit from the said shipments as these, among other shipments, never came in their (sic) possession, because these were still in the control and possession of (sic) the MICP when these were rendered and (sic) disposed of by the Bureau of Customs, the plaintiffs do not have a cause of action against defendants."[6]

Thereafter, pre-trial was conducted and trial proper ensued. Respondents presented, as their witnesses, MOF's Customer Service and Documentation Team Manager Roderick L. Mapue, Assistant Operations Manager Arthur

M. Barasi and Finance Manager Rosie S. Duque. For their part, petitioners presented, as their witness, Alberto.

On 2 August 2013, by way of compliance to public respondent's order to submit written objections to some portions of Alberto's Judicial Affidavit, respondents filed a Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit).[7] Respondents argued that Purposes Nos. 3,[8] 4,[9] 5[10] and 6[11] should be stricken off Alberto's Judicial Affidavit because the same were entirely new matters not raised nor pleaded in petitioners' Answer or in any of their pleadings filed before the Regional Trial Court. Respondents maintained that said purposes were not even raised during the preliminary conference and pre-trial of the case. As such, said matters are deemed waived under Section 1, Rule 9 of the 1997 Rules of Civil Procedure.[12] Also, respondents objected to Questions Nos. 4,[13] 6,[14] 7,[15] 9,[16] 10,[17] 11[18], 19,[19] 47,[20] 48[21] and 84[22] and the corresponding answers thereto. Respondents maintained that Question No. 4 is leading, suggestive and tends to assume a fact not yet in evidence. The alleged procedure that respondents should have followed was not even raised in their Answer nor during the preliminary conference and pre-trial of the case. Moreover, the answer thereto was not responsive as the answer given does not provide for the alleged procedure but provided for the effect of a certain event. Respondents also objected to Questions Nos. 6 and 7 and their respective answers because they assumed facts not yet in evidence. The said questions assumed that respondents were in possession and custody of the subject goods after arrival in the Philippines despite absence of prior evidence to prove the same and despite petitioners' affirmative defense in their Answer that the goods were under the control and possession of the MICP when they were rendered disposed of by the Bureau of Customs. Question No. 9 and its answer was likewise objected to by respondents on the ground that it was leading and tends to assume facts not yet in evidence, such that the payment of the demurrage charges are dependent on the release of the subject goods. Furthermore, Questions Nos. 10, 11 and 19 were also new matters not raised nor pleaded in petitioners' Answer. Respondents argued that it was not their obligation to monitor the upkeep of the container vans where the subject goods were loaded because the custody and possession thereof was with the Bureau of Customs which petitioners themselves blame when they filed the cases against the latter and the terminal operator. Lastly, respondents asserted that Questions Nos. 48 and 84 should also be stricken off from the Judicial Affidavit of Alberto because it calls for his own opinion which is inadmissible under Section 48, Rule 130 of the Rules on Evidence.[23]

Petitioners opposed said motion and argued that the purposes of Alberto's testimony were not new matters as they were clearly raised in their Answer when they alleged that they entered into a contract of carriage with Hanjin through its agent Royal Processing and that there was damage caused to the shipment. Hence, petitioners never benefited from said shipment and should not be liable to the claimed demurrage charges.[24]

On 14 October 2013, public respondent issued an Order granting the motion of respondents, the dispositive portion of which reads –

"WHEREFORE, premises considered, the purposes as well as the questions and answers contained in the JUDICIAL AFFIDAVIT OF MR. QUIRINO ALBERTO, JR. which involve defenses that were not pleaded in defendants' ANSWER are hereby STRICKEN OUT.

Let the continuation of the cross-examination of defendant Quirino Alberto, Jr. be held on 24 October 2013 at 8:30 o' clock in the morning, as previously scheduled.

SO ORDERED."[25]

Aggrieved, petitioners filed a Motion for Reconsideration[26] on the above-stated Order which was however denied by the public respondent in her Order dated 28 February 2014.[27] Hence, the present recourse of petitioners.

The petition must fail.

At the outset, it is noteworthy that Section 11 of Rule 13 of the 1997 Rules on Civil Procedure mandates strict compliance in the priorities in the modes of filing and service of pleadings and other papers. It explicitly provides –

"Section 11. Priorities in modes of service and filing. – Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed."

Also, Section 1 of Rule 65 explicitly provides for the requirements in filing a petition for certiorari, viz.:

"Section 1. Petition for certiorari. - x x x a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the paragraph of Section 3, Rule 46." [Emphasis supplied]

Section 3 of Rule 46 provides:

"Section 3. Contents and filing of petition; effect of non-compliance with requirements. – x x x

The petitioner shall also submit together with the petition a sworn certification that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid court and other tribunal or agency thereof within five (5) days therefrom.

x x x x x x x x

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for dismissal of the petition."[28] [Emphasis supplied]

A careful evaluation of the rollo of this case reveals that petitioners violated the above-quoted rules.

First. The petition lacks the required explanation why its filing and service were not done personally. Thus, the same may be considered as not filed before this Court nor served to the respondents. Pursuant to Section 11, Rule 13 of the Rules of Court, service and filing of pleadings and other papers must, whenever practicable, be done personally; and if made through other modes, the party concerned must provide a written explanation as to why the service or filing was not done personally.[29] In *Solar Team Entertainment, Inc. vs. Hon. Helen Bautista Ricafort, et al.*,[30] the Supreme Court declared that strict compliance with Section 11 of Rule 13 is mandatory for the following reasons, viz.:

"Personal service and filing are preferred for obvious reasons. Plainly, such should expedite action or resolution on a pleading, motion or other paper; and conversely, minimize, if not eliminate, delays likely to be incurred if service or filing is done by mail, considering the inefficiency of the postal service. Likewise, personal service will do away with the practice of some lawyers who, wanting to appear clever, resort to the following less than ethical practices: (1) serving or filing pleadings by mail to catch opposing counsel off-guard, thus leaving the latter with little or no time to prepare, for instance, responsive pleadings or an opposition; or (2) upon receiving notice from the post office that the registered parcel containing the pleading

of or other paper from the adverse party may be claimed, unduly procrastinating before claiming the parcel, or, worse, not claiming it at all, thereby causing undue delay in the disposition of such pleading or other papers.

If only to underscore the mandatory nature of this innovation to our set of adjective rules requiring personal service whenever practicable, Section 11 of Rule 13 then gives the court the discretion to consider a pleading or paper as not filed if the other modes of service or filing were resorted to and no written explanation was made as to why personal service was not done in the first place. The exercise of discretion must, necessarily, consider the practicability of personal service, for Section 11 itself begins with the clause "whenever practicable." [Emphasis supplied]

Second. The verification and certification of non-forum shopping is defective because petitioners failed to allege that Alberto was authorized by Royal Processing to execute the same. Worse, petitioners failed to attach the appropriate Secretary's Certificate and/or Special Power of Attorney showing that Alberto was duly authorized to execute and sign the Verification and Certification[31] for and in behalf of Royal Processing despite the allegations in the petition that both of them are the petitioners in this case.[32]

Supreme Court Circular 28-91,[33] as amended by Supreme Court Administrative Circular 04-94,[34] mandates the strict compliance with the rules against forum-shopping. As aptly stated in *Ang Biat Huan Sons Industries, Inc. vs. Court of Appeals*,[35] "a verification and certification against non-forum shopping must be signed by the petitioner or any of the principal parties." If the petitioner is a juridical entity, as in this case, the signatory must show proof of his authority to sign on behalf of the corporation. In the absence of an authority from its board of directors, no person, not even the officers of the corporation, can validly bind the corporation.[36]

Also, the Supreme Court in *Nellie Vda. De Formoso, et al. vs. Philippine National Bank, et al.*[37] ruled that, while a petition for certiorari has failed to attach a verification or has attached a defective verification, the same does not necessarily render the pleading fatally defective. However, as to the certification against non-forum shopping, non-compliance or any defect therein is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the rule on the ground of "substantial compliance" or presence of special circumstances or compelling reasons.

Here, the absence of Alberto's authority to execute and sign the Verification and Certification is fatally defective and cannot be cured by mere correction. The absence of substantial compliance on the rules and/or any special circumstances does not warrant the relaxation of the mandate of the rules on petitions for certiorari.

It must be emphasized that the right to appeal is neither a natural right nor a part of due process. It is merely a procedural remedy of statutory origin and may be exercised only in the manner prescribed by the provisions of law authorizing its exercise.[38] A writ of certiorari is a prerogative writ, never demandable as a matter of right, never issued except in the exercise of judicial discretion. Hence, he who seeks a writ of certiorari must apply for it only in the manner and strictly in accordance with the provisions of the law and the Rules.[39]

At any rate, even if We ignore the aforementioned procedural infirmity in the interest of substantial justice, the petition would still fail.

Well settled is the rule that a petition for certiorari, under Rule 65, is a remedy narrow in scope and inflexible in character. It is not a general utility tool in the legal workshop. It offers only a limited form of review whose principal function is to keep an inferior tribunal within its jurisdiction. It can be invoked only for an error of jurisdiction, i.e., one where the act complained of was issued by the court, officer or a quasi-judicial body without or in excess of jurisdiction, or with grave abuse of discretion which is tantamount to lack or in excess of jurisdiction, not to be used for any other purpose, such as to cure errors in proceedings or to correct erroneous conclusions of law or fact.[40]

For a petition for certiorari to prosper, the essential requisites that have to concur are: (1) the writ is directed against a tribunal, a board or any officer exercising judicial or quasi-judicial functions; (2) such tribunal, board or officer has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (3) there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law.[41] The phrase "without jurisdiction" means that the court acted with absolute lack of authority or want of legal power, right or authority to hear and determine a cause or causes, considered either in general or with reference to a particular matter. It means lack of power to exercise authority.[42] "Excess of jurisdiction" occurs when the court transcends its power or acts without any statutory authority; or results when an act, though within the general power of a tribunal, board or officer (to do) is not authorized, and invalid with respect to the particular proceeding, because the conditions which alone authorize the exercise of the general power in respect of it are wanting.[43] While that of "grave abuse of discretion" implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction; simply put, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.[44]

In the case at bar, the second requisite for a petition for certiorari is wanting. Petitioners failed to clearly demonstrate that public respondent acted without or in excess of her jurisdiction or with grave abuse of discretion. The assailed Orders[45] are well supported by the allegations in the Answer and are in accordance with Section 1, Rule 9 of the Rules of Court which considers defenses and objections, not pleaded in a motion to dismiss or in the answer, as deemed waived.[46] Petitioners failed to specifically alleged the matters raised in Purposes Nos. 3, 4, 5 and 6 and Questions and Answers Nos. 4, 6, 7, 9, 10, 11, 19, 47, 48 and 84 in their Answer. As such, public respondent aptly ruled that, "[i]f the portions of the Judicial Affidavit of Mr. Quirino Albert, Jr. (sic) indeed involve matters pertaining to the contract of carriage, as argued by the defendants in their OPPOSITION, then the best evidence thereof would be the document itself, and not the testimony of the witness x x x." [47] In any case, a writ of certiorari will not be issued to cure errors made by the trial court in its appreciation of the evidence of the parties, and its conclusions anchored on the said findings and its conclusions of law.[48] Judicial review, in certiorari proceedings, does not go as far to examine and assess the evidence of the parties and to weigh the probative value thereof. It does not include an inquiry in the correctness of the evaluation of evidence. Any error committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by certiorari.[49] Error of judgment is reviewable only by an appeal.[50]

Verily, under the circumstances prevailing in this case, this Court opts not to exercise its discretionary appellate jurisdiction to entertain the petition.

WHEREFORE, for being procedurally infirmed and patently without merit, the instant petition for certiorari is hereby DENIED DUE COURSE and DISMISSED outright.

The above-entitled case is now considered CLOSED and TERMINATED.

**[SO ORDERED.]**

Zalameda, and Diy, JJ., concur.

---

[1] Complaint, p. 2; Rollo, p. 87.

[2] Complaint, p. 3, Rollo, p. 88; Answer, p. 2; Rollo, p. 94.

[3] Complaint, p. 3, Rollo, p. 88; Answer, pp. 2-4; Rollo, pp. 94-96.

[4] Complaint, pp. 3-4; Rollo, pp. 88-89.

[5] Rollo, pp. 93-97.

[6] Answer, pp. 2-4; Rollo, pp. 94-96

[7] Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit); Rollo, pp. 181-188.

[8] Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit), p. 1; Rollo, p. 181 –

"3. Plaintiff has the obligation to monitor and make sure that defendants' goods are in good order condition and remains to be intact and existing and are readily available for release to defendants;"

[9] Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit), p. 2; Rollo, p. 182 –

"4. Defendants' obligation to pay demurrage to plaintiff is conditioned upon the actual physical release of the goods by plaintiff to defendants herein;"

[10] Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit), p. 2; Rollo, p. 182 –

"5. Plaintiff has the obligation to inform defendants of any movement or action upon their goods while the same are in its possession and care;"

[11] Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit), p. 2; Rollo, p. 182 –

"6. Defendants never got hold of its goods because of plaintiff's fault and utter negligence and its deliberate failure to perform its duties and functions;"

[12] Section 1, Rule 9 of the 1997 Rules on Civil Procedure

SECTION 1. Defenses and objections not pleaded. – Defenses and objections not pleaded in a motion to dismiss or in the answer are deemed waived. x x x

[13] Judicial Affidavit, p. 3; Rollo, p. 163 –

"4.

**Q:**

What were the procedures that you followed with plaintiff for purposes of the release of the goods you had imported abroad and loaded in their ships?

**A:**

Upon arrival of the goods, we would be informed by plaintiff. Thereafter, we will cause the release of the goods and if we cannot do so yet, the goods will remain in the custody and possession of the plaintiff until the time that we are able to have the goods released."

[14] Judicial Affidavit, p. 3; Rollo, p. 163 –

"6.

**Q:**

What is the obligation of the plaintiff while they are in possession and custody of the goods?

**A:**

Plaintiff has the obligation to make sure that we will be able to get hold of the goods in good order and condition once we decide to take it out of from the yard of the Bureau of Customs."

[15] Judicial Affidavit, p. 3; Rollo, p. 163 –

"7.

**Q:**

In return for complying with this obligation, what does plaintiff gets in return from defendants?

A: We pay demurrage to plaintiff, Sir."

[16] Judicial Affidavit, p. 3; Rollo, p. 163 –

"9.

**Q:**

Meaning to say, the payment of demurrage is conditioned upon actual release to you of the goods, which are in the container vans of the plaintiffs?

**A:**

Yes, Sir."

[17] Judicial Affidavit, p. 4; Rollo, p. 164 –

"10.

**Q:**

In complying with its undertaking what does plaintiff has to do?

**A:**

It has to keep and ensure that their container vans and the goods therein remains to be fit for human consumption and are in good order condition; that the container vans and the goods remain to be in the yard of the Bureau of Customs appropriately plugged into the electrical system of the port so as to keep the goods refrigerated; xxx"

[18] Judicial Affidavit, p. 4; Rollo, p. 164 –

"11.

**Q:**

Should there be any condition or development that affects the goods what is the obligation of the plaintiff?

**A:**

It has to act immediately and take appropriate measures to address the situation. It must also immediately inform us of the same."

[19] Judicial Affidavit, p. 5; Rollo, p. 165 –

"19.

**Q:**

In the meantime while the container vans and the goods are in the port yard, whose obligation is it to make sure that they remain to be there, intact, existing and in good order condition?

A: It is the plaintiff, Sir."

[20] Judicial Affidavit, p. 10; Rollo, p. 170 –

"47.

**Q:**

You had earlier mentioned that the goods remained to be int the custody and possession and were the obligation of the plaintiff during all the times that the goods were kept in their container vans and have not yet been released to you, what is your proof?

**A:**

Aside from our agreement with plaintiff plus the fact that the original of the Bill of Lading is with them up to this time, the Order of Condemnation and the Letter for purposes of unplugging, Sir, further support my position."

[21] Judicial Affidavit, p. 10; Rollo, p. 170 –

"48.

**Q:**

How were you able to say that the Order of Condemnation and the Letter for purposes of unplugging support your position?

A: If you will note, opposite the container van numbers is a column Consignee, which never indicated our name but instead what was written was "to order". x x x "

[22] Judicial Affidavit, p. 15; Rollo, p. 175 –

"84.

**Q:**

Why do you say that this further supports your claim that you and the Corporation should not be held liable for what plaintiff is claiming in this case?

A: Note that plaintiff's own letter indicate that it was a "FINAL REMINDER," of their earlier reminders to us as contained in their letters dated December 19, 2008 and January 5, 2009, that they x x x "

[23] Motion to Strike Out (Certain Portions of Defendants' Witness' Judicial Affidavit); Rollo, pp. 161-180.

- [24] Opposition, Rollo, pp. 189-193.
- [25] Order dated 14 October 2013, Rollo, p. 41.
- [26] Motion for Reconsideration, Rollo, pp. 43-59.
- [27] Order dated 28 February 2014, Rollo, p. 42.
- [28] Section 3, Rule 46, 1997 Revised of Civil Procedure.
- [29] Rogelio Aberca, et al. vs. Maj. Gen. Fabian Ver, et al., G.R. No. 166216, 14 March 2012.
- [30] G.R. No. 132007, 5 August 1998.
- [31] Rollo, p. 38.
- [32] Petition for Certiorari; Rollo, pp. 3-4.
- [33] Effective 1 January 1992.
- [34] Effective 1 April 1994.
- [35] G.R. No. 154837, 22 March 2007.
- [36] Shiptside, Incorporated vs. Court of Appeals, 352 SCRA 334.
- [37] G.R. No. 154704, 1 June 2011.
- [38] Neplum vs. Orbeso, G.R. No. 141986, 11 July 2002.
- [39] NYK International Knitwear Corp., Philippines vs. NLRC, G.R. No. 146267, 17 February 2003.
- [40] Heirs of Bertuldo Hinog vs. Hon. Achilles Melicor, et al., G.R. No. 140954, 12 April 2005.
- [41] Alfredo Tagle vs. Equitable PCI Bank (Formerly Philippine Commercial International Bank) and the Honorable Herminia V. Pasamba, Acting Presiding Judge, Regional Trial Court-Branch 82, City of Malolos, Bulacan, G.R. No. 172299, 22 April 2008.
- [42] Ibid.
- [43] Ibid.
- [44] Ibid.
- [45] Order dated 14 October 2013, Rollo, pp. 40-41; Order dated 28 February 2014, Rollo, p. 42.
- [46] Royal Cargo Corporation vs. DFS Sports Unlimited, Inc., G.R. No. 158621, 10 December 2008.
- [47] Order dated 14 October 2013, Rollo, p. 40.
- [48] People of the Philippines vs. Hon. Sandiganbayan (Fifth Division), Abelardo P. Panlaqui, Renato B. Velasco, Angelito Pelayo and Wilfredo Cunanan, G.R. No. 173396, 22 September 2010.
- [49] Ibid.
- [50] Triplex Enterprises, Inc. vs. PNB-Republic Bank and Solid Builders Inc., G.R. No. 151007, July 17, 2006; 495 SCRA 362.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.