

PEDRO GONZALES, ELY GONZALES, BENITO CASIDSID, TANDOY MINDORO, AND BADBAD PIANA, IN THEIR RESPECTIVE PERSONAL CAPACITIES AND IN BEHALF OF OTHER PRIOR FOREST LAND OCCUPANTS SIMIL...

G.R. NO. 115880. January 23, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

Before us is this petition[*] for review on certiorari to annul and set aside the Decision[1] dated March 24, 1994 of the Court of Appeals (CA) in CA-G.R. SP No. 31159, affirming an earlier Order of the Regional Trial Court (RTC) of San Jose, Occidental Mindoro, Branch 46, in its Civil Case Nos. 525 and 542 which directed the Municipal Trial Court (MTC) of San Jose, Occidental Mindoro to proceed with the trial of Criminal Case No. 7852, a prosecution for Illegal Pasturing thereat filed against the herein petitioners Pedro Gonzales and Ely Gonzales.

The facts:

The case revolves around the lease of public lands for agro-forestry farm purposes, pursuant to Presidential Decree No. 705 or the Revised Forestry Code of the Philippines, as amended. The standard documentation then for this public land award was a pro forma *Agro-Forestry Farm Lease Agreement* (AFFLA) prepared and processed by the Ministry of Natural Resources (MNR), now the Department of Environment and Natural Resources (DENR), thru the then Bureau of Forest Development (BFD).

On or around October 8, 1982, Pilar Alarcon Paja, for and in behalf of *Madame Pilar Farm Development Corporation*, applied for an agro-forest farm lease covering parcels of land situated in Sitio Tugtugin, Caguray River, Barangay Murtha, Municipality of San Jose, Occidental Mindoro for the purpose of raising plant crops for the Alcogas program of the government. At that time, *Madame Pilar Farm Development Corporation* (hereinafter *Pilar Farm*) was still unregistered, its Articles of Incorporation and By-Laws having been filed with the Securities and Exchange Commission (SEC) only on March 1, 1983, and the corresponding registration certificate - Registration No. 111139 being issued over two weeks later on March 18, 1983.

Out of the total 2,400 hectares applied for, which included an abandoned pasture area of one Fidel del Rosario, the MNR approved only a slightly smaller area. On June 16, 1983, then Natural Resources Minister Teodoro O. Peña issued in favor of Pilar Farm AFFLA No. 82 for 1,800 hectares. Shortly thereafter, it would appear that herein petitioners Pedro Gonzales and his son, Ely Gonzales (collectively, the Gonzaleses), who were then into livestock raising, entered into and occupied a portion of the awarded area. This encroachment and the refusal of the alleged intruders to vacate impelled then District Forester Alfredo Sanchez to file in the MTC of San Jose, Occidental Mindoro a criminal complaint, thereat docketed as Criminal Case No. 7852, against the Gonzaleses for Illegal Pasturing under the provisions of the Revised Forestry Code, as amended, allegedly committed as follows:

That sometime in June, 1983 up to the present, at Sitio Panagsangan, [Brgy] Murtha, San Jose, Occidental Mindoro and within the jurisdiction of this Honorable Court, both the accused without any permit or authority from the [BFD] director $\frac{1}{2}$ did then and there willfully, unlawfully and feloniously occupy portion of forest zone for their livestock pasturing and is within [Pilar Farm $\frac{1}{2}$ s AFFLA No. 82] $\frac{1}{2}$ [to] its damage $\frac{1}{2}$. (Words in bracket added)

To the aforesaid complaint, the Gonzaleses filed a Motion and Petition[2] therein praying the MTC to dismiss the complaint, or, in the alternative, to suspend the criminal action on grounds of erroneous venue, violation of the equal protection guarantee and prejudicial question, among others.

On January 21, 1985, the Gonzaleses, joined by several others also claiming to be prior occupants of certain parcels covered by AFFLA No. 82, filed with the RTC of San Jose, Occidental Mindoro a petition for prohibition and mandamus against the then MNR Minister, certain BFD officials and Pilar Farm. The petition, basically to challenge the agro-forest lease award, was docketed as Civil Case No. 525.

Meanwhile, on April 25, 1985, in Criminal Case No. 7852, the MTC issued an Order denying the Motion and Petition therein interposed by the Gonzaleses for the dismissal of said case or for the suspension of said criminal proceedings.

In view of the above denial order, the Gonzaleses filed a second petition before the RTC, this time a special civil action for certiorari and prohibition against MTC Judge Inocencio M. Jaurigue who issued the said order of denial and against the BFD officials earlier impleaded as respondents in Civil Case No. 525. The RTC docketed the second petition as Civil Case No. 542.

On October 31, 1985, the public respondents in Civil Case No. 525 filed a motion to dismiss said case. On December 6, 1985, the petitioners filed a motion for the consolidation of Civil Case Nos. 525 and 542.

On August 20, 1986, the RTC, on the ground of non-exhaustion of administrative remedies, issued a Resolution dismissing the petition in Civil Case No. 525, rationalizing as follows:

The Court has not lost sight of the fact that petitioners quoted a declaration of the B.F.D. District Officer $\frac{1}{2}$ that the award to respondent [Pilar Farm] by the B.F.D. Central Office was made $\frac{1}{2}$ despite the B.F.D. District Certification that ---the applied area falls within Southern Mindoro Lumber Corporation and District Forest Occupancy Management Project wherein forest occupants were permanently settled $\frac{1}{2}$.

Towards the close of hearing on June 4, 1986, public respondents signified that verification of that matter would have to be conducted. This situation adds support for the stand that the entire dispute is still within the sphere of the executive department.

Petitioners moved for reconsideration of the above resolution.

On February 11, 1987, the RTC ordered the consolidation of Civil Case Nos. 525 and 542.

On June 4, 1987, the RTC resolved to reconsider its dismissal of Civil Case No. 525 in the light of an alleged supervening execution of an affidavit by San Jose District Forester Alfredo Sanchez who allegedly instructed petitioner Pedro Gonzales to transfer his herd to the cancelled pasture area of Fidel del Rosario, a portion of which had been included in AFFLA No. 82. The pertinent part of the reinstating resolution[3] reads:

It must be mentioned the petitioners $\frac{1}{2}$ Motion For Reconsideration of the dismissal of Case No. 525 had been pending as of the date the Order for consolidation was issued; xxx.

The result of the succession of pleadings is that in the first case (No. 525), the Court has to act on the Motion For Reconsideration without any pleading nor comment from any of [the] respondents. In specifically giving a

margin for the officials to interpose the Bureau's comment, the Court gave way for that Office to manifest whether any action had been taken by the Bureau on petitioners' claim after the Resolution of dismissal had been issued that the government was still locating an area to be awarded to petitioners, and that the situation depicted in the District Forester's statement would be verified.

On the other hand, petitioners now harp on the abuse-of-discretion-angle, which shifts the jurisdiction to the judiciary.

Definitely the Court should not seek to substitute its judgment, its assessment, for that of the administration body, the [BFD]. All that is believed now open to be inquired into is the subject of abuse of discretion, the conduct of proceedings which led to that award.

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It is understood that the decision on Case No. 525 will be decisive of Case No. 542; hence, no pleading need be filed in Case No. 542 meanwhile. (Underscoring in the original; words in bracket added.)

On April 19, 1988, however, the RTC issued in Civil Case No. 525 a Resolution again dismissing the said case, predicated its action basically on the same reason set forth in its earlier August 20, 1986 ruling. Wrote the court:

The fundamental issue encountered in the beginning was want of jurisdiction for non-exhaustion of administrative remedies. Dismissal therefore was reconsidered, because petitioners cited a basis for alleging abuse of discretion. In essence, the abuse was the circumstance that the area to which petitioners had been previously instructed by the District Forester to transfer his herd became a part of the area leased to [Pilar Farm]. The impression given was that the [BFD] Central Office, which granted [AFFLA No. 82], disregarded the word of the District Forester, which would have favored petitioners. Giving way to the possibility that the procedure observed constituted an abuse of discretion, the Court set the case for trial solely on that question.

Public respondents, moving for reconsideration, state that the sworn statement of the District Forester (April 3, 1986) to the effect that sometime in 1981, he instructed Pedro Gonzales to transfer his herd to the cancelled pasture area of Fidel del Rosario, was a reversed stand of that official. It was deemed a reversal of his letter of September 1, 1982, stating that a suitable place for Pedro Gonzales' herd had not been found. This apparently runs counter to the sworn statement aforesaid.

The actuation of the District Forester was regarded by public respondents as an encroachment into the power and authority of the Bureau Director.

The Supplemental Opposition to that Motion reiterated petitioner's reliance on the District Forester's alleged instruction and cited the disregard thereof as abusive.

Replying to that Supplemental Opposition, the public respondents dwelt on the factual, physical justification for the award to private respondent, that is, the finding that during the investigation or inspection in July 1981, [the Gonzaleses] were not occupants of subject area. Moreover, public respondents state that to petitioners' [pasture] lease agreement had expired and a Certification by the Regional Director (February 19, 1985) states that the processing of the application for renewal was held in abeyance pending the location of replacement site.

The determination of whether petitioners' application for lease of an area was accorded the requisite attention or given the proper action by the [BFD] falls initially on the executive department. It may be gleaned from the papers now on file (quite voluminous) that the internal organization, the delineation of functions according to the set-up, the detailed instructions and regulations issued, all come into play in the present dispute, and, at this stage, these are not for the Court to dwell upon. The questions of confirming whether the District Forester instructed or authorized Pedro Gonzales to transfer his herd as claimed, and, in

the affirmative, whether that was within his power or functions, so as to confer a right on Pedro Gonzales, are all embraced within the administrative aspect - in which, judicial intervention is not authorized.

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In resume, since it now appears that the sworn statement relied upon by petitioners is, after all, for the Bureau to consider, the Court is constrained to revise its ruling embodied in the Resolution of June 4, 1987 and declare, as it hereby declares, that the dismissal was warranted. xxx..

Therefrom, the petitioners went on appeal to the CA in CA-G.R. SP No. 15341. On October 18, 1989, the appellate court, on the premise that the RTC erred in dismissing Civil Case No. 525 without giving the petitioners the chance to prove that the findings of forestry officials were not supported by the evidence on record, ordered the remand of the case for trial and decision.

Following the remand of Civil Case No. 525 and the subsequent trial of the consolidated cases, the RTC, via an Order[4] dated December 21, 1992, dismissed Civil Case Nos. 525 and 542, with an express directive for the MTC of San Jose, Occidental Mindoro to proceed to try and decide Criminal Case No. 7852 against Pedro Gonzales for illegal pasturing.

Again, the petitioners went on appeal to the CA whereat their appellate recourse was docketed as CA-G.R. SP No. 31159. For its part, respondent Pilar Farm also interposed an appeal which the CA dismissed for having been filed out of time.

In the herein assailed Decision[5] dated March 24, 1994, the CA dismissed the petitioners' appeal on the strength of, inter alia, the following considerations:

- The nature of the petition filed before the RTC basically required the petitioners to establish grave abuse of discretion on the part of respondent MNR and BFD officials, but petitioners failed to discharge the burden;
- But assuming that the cases before the RTC partake of an appeal from the MNR, the recourse would still fail owing to submitted evidence showing that:
- AFFLA No. 82 was regularly issued;
- all portions of the leased area applied for under bona fide occupation or claims were excluded from the coverage of AFFLA No. 82;
- that the priority right of Mrs. Pilar Alarcon Paja over the leased area was acquired ahead of other applicants; and
- that during the investigation and inspections on July 1987, the Gonzaleses were not the occupants of the subject area.

Thereafter, the petitioners filed a pleading styled Motion asking the CA to render a ruling on whether or not the RTC violated procedural due process in not resolving their offer of rebuttal evidence which forced them to make a proffer of proof. In a Resolution[6] dated June 15, 1994, the CA denied the motion.

Hence, petitioners present recourse submitting for our consideration the following issues:[7]

- WHETHER OR NOT THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT DECLINED TO RULE ON WHETHER THE LOWER COURT VIOLATED PROCEDURAL DUE PROCESS IN REFUSING TO ADMIT PETITIONERS' REBUTTAL EVIDENCES, DESPITE A MOTION BY PETITIONERS PRAYING FOR A RULING ON THE MATTER.
- WHETHER OR NOT THE COURT OF APPEALS ERRED IN CONCLUDING THAT BY THE

NATURE OF THIS PETITION, PETITIONERS TOTALLY FAILED TO ESTABLISH LACK OF JURISDICTION, GRAVE ABUSE OF DISCRETION AND/OR THE UNLAWFUL NON-PERFORMANCE OF DUTY IMPOSED BY LAW ON PUBLIC RESPONDENTS, DESPITE ADMISSIONS OR PROOF TO THE CONTRARY.

- WHETHER OR NOT THE COURT OF APPEALS ERRED IN CONCLUDING THAT THERE NO LONGER EXIST ANY HINDRANCE TO THE PROSECUTION OF CRIMINAL CASE NO. 7852 NOR ANY BASIS FOR AN AWARD OF DAMAGES IN FAVOR OF THE APPELLANTS, DESPITE THE ABSENCE OF JURISDICTION BY THE MUNICIPAL TRIAL COURT AND BASIS FOR THE AWARD OF DAMAGES.

As we see it, all the above three (3) issues or grounds emanate from a single core argument involving the disinclination of the RTC to consider the petitioners' offer of rebuttal evidence.

The petition lacks merit.

To begin with, the rules of evidence accords trial courts considerable discretion on the matter of admission of rebuttal evidence,[8] the rule being that, for an effective and efficient administration of justice, it is essential that litigation must end sometime and somewhere.[9] A contrary policy could result to an absurd situation where, after admission of rebuttal evidence, the trial court, to be fair, must allow: sur-rebuttal of the rebuttal evidence; refutation of the sur-rebuttal of the rebuttal evidence; thereafter, a sur-refutation of the refutation of the sur-rebuttal of the rebuttal evidence; and so on ad infinitum.

Anent the first issue, petitioners claim that during the hearings for the presentation of their rebuttal evidence, the RTC was unusually lenient whenever respondents' counsels were absent, but did not exhibit the same behavior when petitioners' counsel was absent, as exemplified when the RTC viewed the latter's absence as waiver of the right to present rebuttal evidence. Scoring the CA for not correcting a wrong allegedly dealt them below by the RTC, petitioners now lament:

And now comes the decision of respondent [appellate] court which refused to review the most crucial assigned error raised by petitioners. From pages one to twelve thereof, the decision never discussed the issue on whether the trial court committed obvious errors in its ruling during the trial, showed unusual leniency to respondents and practically ignored the offer of rebuttal evidences, which constrained appellants to submit the pending incidents for resolution without further arguments and to make proffer of proof. Then on page [13] thereof, respondent court finally concluded that [w]ith the foregoing disquisition, the Court sees little or no reason to go into minute detail in discussing the appellants' remaining assignments to error. Hence, the decision of respondent court also ignored the rebuttal exhibits of herein petitioners.[10](Bracketed words added)

We find no grave abuse of discretion on the part of the CA for not striking down the RTC's refusal to admit petitioners' rebuttal evidence.

For one, the most appropriate time and forum for the petitioners to present their evidence, be they evidence-in-chief or rebuttal, is during the trial of Criminal Case No. 7852 before the MTC. Petitioners have only themselves to blame for disrupting the proceedings in Criminal Case No. 7852. They cannot plausibly deny having commenced Civil Case Nos. 525 and 542 hoping that the outcome in either case would thwart efforts towards continuing with Criminal Case No. 7852 in the MTC. Else, why attack as sham the steps and proceedings taken by the BFD leading to the issuance of AFFLA No. 82, question the regularity of the final lease award and seek its nullification before the courts when, as correctly held by the CA and the RTC, these are matters immediately cognizable and better addressed by the MNR?

For another, even at the RTC level, we can readily observe not only the voluminous evidence coming from both the petitioners and the respondents, but also the painstaking evaluation of evidentiary details in the RTC's single space 20-paged Order[11] of December 21, 1992. There is, therefore, no compelling reason for us to disturb the CA's findings, in its challenged decision, affirmatory of that of the RTC, that

Over and above the foregoing considerations, the record is replete with documentary evidence showing the regularity of the award of AFFLA No. 82 in favor of [Pilar Farm]. xxx.

xxx xxx xxx

Absent such stronger countervailing proof as would disprove the evident showing of the foregoing documents, the [CA] is not inclined to disturb the lower court's affirmance of the Ministry of Natural Resources award of AFFLA No. 82 as well as the findings made in relation thereto.

Among the pieces of rebuttal evidence which the petitioners are raising all the way up to this Court concern alterations and/or intercalation allegedly committed by the respondents, acts which petitioners insist as being punishable under Article 171 of the Revised Penal Code. Thus, according to the petitioners:

Respondent court failed to consider that AFFLA No. 82 was purportedly executed on October 8, 1982 between the government and respondent corporation at Quezon City but notarized by a notary public commissioned at the City of Manila. Yet, respondent corporation was incorporated only on March 18, 1983! It appears what was notarized on October 8, 1982 was another document, entered as Doc. No. 258, Page 19, Book No. 53, Series of 1982, in the notarial registry of Atty. Armando Cortez. The lease agreement appears to be falsified. Unwittingly, public respondents admitted under paragraph 3, page 19 of its (sic) Comment to an alteration or intercalation in a genuine document which changes its meaning and punishable under Article 171 of the Revised Penal Code. (Underscoring in the original.)

For reference we quote paragraph 3, page 19 of the public respondents' Comment[12] to this petition:

3. The records of this case also show that AFFLA No. 82 was originally applied for under the name of Mrs. Pilar Alarcon Paja, and that the same was changed and put under the name of private respondent corporation after the latter was organized in 1983. Evidently, this explains the discrepancy between the dates of the Contract of Lease of AFFLA No. 82, and the incorporation of private respondent corporation in March 1983.

Analyzing the text of the AFFLA, we find no provision therein requiring that the lessee must first be a corporation before it may plant and raise crops necessary for the Alcogas program of the government. Regardless of whether the lessee is a single proprietor, a partnership, a corporation or a cooperative, what matters here is the lessee's accomplishment of the undertaking to plant and raise said crops.

This brings us to the matter of notarial jurisdiction. It must be stressed right off that Pilar Alarcon Paja signed the necessary lease contract documents. When she affixed her signature on and acknowledged executing the AFFLA before a Notary Public for the City of Manila on October 8, 1982, her act did not necessarily amount to an alteration or intercalation of a genuine document because the address of her principal, Pilar Farm, at that time was 1160 Tayuman, Tondo, Metro Manila.[13] While the issuing office of the ready-made AFFLA is in Quezon City, the Court perceives no compelling legal reason why the same cannot be signed and acknowledged by the proposed lessee's agent somewhere else. It would of course be different if the integrity of the accomplished application is otherwise compromised, which does not appear so in this case.

It cannot be over emphasized that when Mrs. Paja signed the AFFLA ready-made form on October 8, 1982, her act was nothing more than an offer to lease, the kind of offer contemplated under the first paragraph of Article 1319 of the Civil Code as a prelude to contract perfection. Until accepted with the issuance of a final lease award,

following a BFD investigation of the applicant's qualification, among other tedious processing tasks, the offer confers no enforceable contractual right. To be precise, the first paragraph of Article 1319 of the Civil Code reads:

Article 1319. Consent is manifested by the meeting of the offer and the acceptance upon the thing and the cause which are to constitute the contract. The offer must be certain and the acceptance absolute. A qualified acceptance constitutes a counter-offer.

It may be that Pilar Farm was issued its SEC registration certificate only on March 18, 1983. It should be stressed, however, that what Mrs. Paja submitted shortly before that date in behalf of what, for the nonce, may rightly be regarded as an unregistered association in the process of incorporation, was still an offer. The meeting of the offer and acceptance occurred only on June 16, 1983 when then Minister Teodoro O. Piña signed AFFLA No. 82. At that defining time, Pilar Farm had already been duly registered and had acquired a judicial personality.

In any event, the MNR, following its rules and exercising its administrative discretion, did not find the situation thus depicted sufficient ground to reject the application altogether. To borrow from *National Power Corporation v. Philipp Brothers Oceanic, Inc.*,^[14] the exercise of discretion is usually a policy decision that necessitates inquiry and deliberation on the wisdom and practicalities of a given course of action, in this case approving or denying the lease application. The role of courts is to ascertain whether a branch or instrumentality of government has transgressed its constitutional boundaries. Courts will not interfere with executive or legislative discretion exercised within those boundaries. Otherwise, they stray into the forbidden realm of policy decision-making.^[15]

And until the MNR or the DENR cancels AFFLA No. 82, Pilar Farm shall continue to enjoy the rights accruing therefrom to the exclusion of petitioners Gonzaleses, et al.

Turning now to the second issue, petitioners bemoan the fact that the RTC, in refusing to consider their rebuttal evidence, arrived at a conclusion based on pure speculation, surmises and or conjectures, which calls for the judicial reexamination of this Court. Pressing the point, the petitioners state:

This is where respondent court erred the most. By refusing to consider the rebuttal exhibits of petitioners, it relied upon respondents' documentary evidences that were hearsay and self-serving. xxx .

We are not impressed.

Doubtless, the second issue thus raised pivots on the factual findings of the CA respecting the right of respondent Pilar Farm to its leased area and the petitioners' lack of right to enter and occupy a portion thereof. Needless to stress, such issue is beyond the province of the Court to review, just as it is improper to raise the same in a petition for review under Rule 45 of the Rules of Court.^[16] The Court is not a trier of facts; it is not its function to examine, analyze, winnow or weigh anew the evidence or premises supportive of such factual determination. This rule all the more assumes an imperative dimension where, as here, the CA affirms the findings of the lower court. Stated differently, substantiated findings of the CA are binding on the Court and they carry even more weight when the said court affirms the factual findings of the trial court.^[17] As it were, the RTC's Order ^[18] of December 21, 1992 directs the MTC to exercise its jurisdiction over and to proceed with the trial and decide Criminal Case No. 7852. If at all, the petitioners may hope to pursue their call for judicial reexamination in the MTC.

The last issue in the petitioners' memorandum involves three (3) sub-issues. In the first, the petitioners argue that the MTC may not proceed with Criminal Case No. 7852 since the issue, particularly in Civil Case No. 525, respecting their entitlement to those parcels of Pilar Farm's leased area occupied by them, constitutes a prejudicial question, such that there would no longer be any basis for their prosecution for illegal pasturing if they are adjudged as so entitled. The second would question a Forest Officer's authority to conduct a preliminary

investigation for violation of the Forestry Code, as amended. In the third, petitioners call for a clinical analysis of the criminal complaint in question.

The prejudicial question angle is now moot and academic owing to the RTC's Order [19] of December 21, 1992, as affirmed in toto by the CA, making short shrift of petitioners' challenge against the validity and the regularity of the issuance of AFFLA No. 82 and their outlandish claim of having a vested right on a portion of respondent Pilar Farm's leased area. In net effect, the issues in Civil Case Nos. 525 and 542, without more, no longer pose as impediment to the continuance of Criminal Case No. 7852.

The sub-issue about whether or not a Forest Officer has authority to conduct preliminary investigation is misleading, assuming as it does that District Forester Alfredo Sanchez conducted a preliminary investigation. What is more, this sub-issue is really a non-issue because District Forester Alfredo Sanchez did not conduct a preliminary investigation. With the view we take of this matter because the record is unclear, the investigation Mr. Sanchez conducted was not a preliminary investigation under the rules on criminal procedure, but rather an administrative investigation authorized under Section 89 of the Forestry Code, as amended, which reads:

Section 89. Arrest; Institution of criminal actions. A forest officer or employee of the Bureau or any personnel of the Philippine Constabulary/Philippine National Police shall arrest even without warrant any person who has committed or is committing in his presence any of the offenses defined in this Chapter. He shall also seize and confiscate, in favor of the Government, the tools and equipment used in committing the offense xxx. The arresting forest officer or employee shall thereafter deliver within six (6) hours from the time of arrest and seizure, the offender and the confiscated forest products, tools and equipment to, and file the proper complaint with, the appropriate official designated by law to conduct preliminary investigation and file information in court.

Lastly, the sub-issue that calls for a clinical analysis of the criminal complaint, or, to a specific point, a determination of whether or not the scene of the crime is situated in the barangay mentioned in the complaint, need not detain us any longer. For, at bottom, this sub-issue involves factual matters that should properly be addressed by the MTC, pursuant to the principle of hierarchy of courts.

WHEREFORE, the instant petition is DISMISSED.

No pronouncement as to costs.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[*] As filed, the petition impleads the Court of Appeals as additional respondent, which need not be under Rule 45 of the Rules of Court.

[1] Penned by Associate Justice Nathaniel P. De Pano, Jr., with Associate Justices Asaali S. Isnani and Corona Ibay-Somera (all ret.), concurring; Rollo, pp. 29-42.

[2] RTC Records, Vol. IV, pp. 18-21.

[3] RTC Records, Vol. 1, pp. 347-350.

[4] RTC Records, Volume III, pp. 1166-1185.

[5] Supra note 1.

[6] Rollo, pp. 43-44.

[7] Petitioners' ½ Memorandum, p. 6; Id. at 143.

[8] *Paig v. Buyser*, G.R. No. 130502-03, May 24, 2001, 358 SCRA 199, 207.

[9] *Siy v. NLRC*, G.R. No. 158971, August 25, 2005, 468 SCRA 154, 161-162, citing *Sacdalan v. Court of Appeals*, G.R. No. 128967, 20 May 2004, 428 SCRA 586, 599.

[10] Petitioners' ½ Memorandum, p. 8; Rollo, p. 145.

[11] RTC Records, Volume III, pp. 1166-1185.

[12] Rollo, pp. 80-101.

[13] AFFLA No. 82, front page; Id. at 49.

[14] G.R. No. 126204, November 20, 2001, 369 SCRA 629.

[15] *Ibid.*

[16] *Tinio v. Manzano*, G.R. No. 132201, May 19, 1999, 307 SCRA 460.

[17] *Borromeo v. Sun*, G.R. No. 75908, October 22, 1999, 317 SCRA 176, citing cases.

[18] RTC Records, Volume III, pp. 1166-1185.

[19] *Supra* note 20.

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