

FRANCISCO Q. AURILLO, JR., PETITIONER, VS. NOEL RABI, AND THE REGIONAL TRIAL COURT, BRANCH 9, TACLOBAN CITY, RESPONDENTS.*G.R. No. 120014. November 26, 2002*

Ponente: CALLEJO, SR., J.

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On January 10, 1995, Noel Rabi was arrested without a warrant of arrest and charged in the Office of the City Prosecutor of Tacloban City with violation of Presidential Decree No. 1866 (possession of unlicensed firearm). The matter was docketed as I.S. No. 95-043. Public Prosecutor Zenaida Camonical Isidro conducted an inquest investigation of the case and issued a resolution on January 11, 1995, recommending that the case be dismissed for lack of probable cause on her findings that the material averments of the Joint Affidavit[1] executed by the arresting police officers were hearsay due to the absence of any affidavit of the complainant Rodolfo Cabaluna; and that the knife, gun and the live ammunitions referred to in said affidavit were not found under the chair occupied by Rabi.

However, Regional State Prosecutor Francisco Aurillo, Jr. of Region VIII decided to assume jurisdiction over the case and to order the conduct of a new preliminary investigation thereof. On January 12, 1995, he issued a Regional Memorandum Order[2] to the City Prosecutor of Tacloban City directing him to elevate to his office the complete records of I.S. No. 95-043 within 24 hours from receipt thereof, pursuant to Presidential Decree No. 1275 in relation to Department Order No. 318 of the Department of Justice. Aurillo designated the assistant regional state prosecutor to conduct the new preliminary investigation of I.S. No. 95-043. On January 20, 1995, Aurillo issued another Memorandum Order[3] to the City Prosecutor directing him to elevate the affidavit of Rodolfo Cabaluna as well as the subject firearm and knife to the Office of the Regional State Prosecutor with the information that it had taken over the preliminary investigation of the said complaint pursuant to PD 1275 and existing rules.[4] The City Prosecutor of Tacloban complied with the order of Aurillo and on January 23, 1995, the Assistant Regional State Prosecutor issued a subpoena notifying Noel Rabi and Margot Villanueva of the preliminary investigation of I.S. No. 95-043 at 9:00 a.m. on February 2, 1995, not only for violation of PD 1866 but also for the crimes of “Violation of Comelec Resolution No. 2323 (gun banned) [sic], Batas Pambansa Bilang 9” (possession of deadly weapon) and “Malicious Mischief.”[5]

When served with the subpoena on January 27, 1995, Rabi was aghast at the sudden turn of events. On the same date and barely a week before the scheduled preliminary investigation, his counsel forthwith filed with the Regional Trial Court of Tacloban City a petition for prohibition with prayer for a temporary restraining order or a writ of preliminary injunction. Rabi alleged that under the 1987 Revised Administrative Code and PD 1275 as implemented by Department Order No. 318 of the Department of Justice, a regional state prosecutor was vested only with administrative supervision over the city prosecutor and had no power to motu proprio review, revise, or modify the resolution of the city prosecutor on the latter’s conduct of a preliminary or inquest investigation of a criminal complaint filed directly therewith. Rabi contended that by taking over the preliminary investigation of

I.S. No. 95-043 and conducting a new preliminary investigation of said case, Aurillo acted without jurisdiction or with grave abuse of discretion amounting to excess or lack of jurisdiction. Rabi thus prayed that, pending resolution of his plea for a writ of preliminary injunction, a temporary restraining order be issued to enjoin Aurillo from proceeding with the preliminary investigation of I.S. No. 95-043.[6]

Acting on the petition, the RTC issued a Temporary Restraining Order[7] dated January 30, 1995, enjoining and prohibiting Aurillo and all others acting for and in his behalf from taking over and conducting a new preliminary investigation of I.S. No. 95-043 until the court shall have resolved the motion for issuance of a writ of preliminary injunction and the other issues raised in the petition. Aurillo received said order on January 30, 1995.[8]

In answer to the petition, Aurillo alleged that the same was premature as Rabi failed to exhaust all administrative remedies from the Secretary of Justice before filing the petition. He explained that he took over and ordered a new preliminary investigation by virtue of his prosecutorial powers under PD 1275, in relation to Department Order No. 318, the 1985 Rules of Criminal Procedure and Section 38(1), Chapter 7, Book No. IV of the Revised Administrative Code, vesting on him supervision and control over field prosecution officers in the region. He averred that such powers included the authority for him to take over the preliminary investigation of I.S. No. 95-043. Aurillo also claimed that he was not liable for damages for performing an ordinary and routinary function, the regularity of which is presumed.[9] He further argued that claims for damages and attorney's fees under Rule 65 of the Revised Rules of Court is proscribed.

During the February 15, 1995 hearing on Rabi's motion for issuance of a writ of preliminary injunction, the parties marked in evidence their documentary evidence and orally argued their respective positions. Rabi did not testify to prove his claim for damages and attorney's fees. On the same date, the RTC issued an order declaring that the issue of whether or not the court will issue a writ of preliminary injunction was submitted for resolution and that it will issue a resolution thereon in five days time. However, the RTC failed to do so. Instead, on March 29, 1995, the RTC issued an order directing the parties to file their respective memoranda within five days from receipt thereof after which the petition will be deemed submitted for resolution.[10] The parties did not object to the order. Nevertheless, on March 24, 1995, the assistant regional state prosecutor continued with his preliminary investigation of I.S. No. 95-043. Thereafter, with Aurillo's approval, he filed with the RTC on April 4, 1995 an Information against Rabi for violation of PD 1866.[11]

On April 12, 1995, the RTC rendered judgment in favor of Rabi. The trial court nullified the preliminary investigation of I.S. No. 95-043 by the Office of the Regional State Prosecutor and the Information filed with the RTC against Rabi. It also ordered Aurillo to pay the amounts of P50,000.00 as moral damages, P50,000.00 as exemplary damages and P30,000.00 as attorney's fees.[12]

The RTC declared that under Department Order No. 318 of the Department of Justice, the power of a regional state prosecutor to conduct a preliminary investigation was confined solely to specific criminal cases and only when the Secretary of Justice directs him to do so. The trial court further held that without any order from the Secretary of Justice, Aurillo cannot *motu proprio* take over the preliminary investigation of a case already investigated by the city prosecutor or conduct a new one.

The RTC awarded damages and attorney's fees to Rabi for Aurillo's wanton disregard of the court's authority as shown by his filing of an Information against Rabi without authority from the Secretary of Justice. The trial court also nullified the Information filed by Aurillo against Rodolfo Cabaluna, Jr. and held that the filing thereof was made in utter disregard of simple demands of courtesy to the RTC, thereby preempting said court's resolution of the issues raised in the petition.

Aurillo thereafter filed the instant petition for review on certiorari, on questions of law, against Rabi and the

Regional Trial Court, Branch 9, Tacloban City.

When required by the Court to file his comment on the petition, Rabi failed to do so. The petition shall thus be resolved by the Court on the basis of the petition and the annexes thereof.

The issues posed in this case, as synthesized by the Court, are whether or not (a) the petition filed by Rabi with the RTC was premature; (b) Aurillo is empowered to *motu proprio* take over and conduct a preliminary investigation of I.S No. 95-043, after the inquest investigation thereof had already been terminated and approved by city prosecutor; (c) the Information filed by Aurillo against Rabi with the RTC for violation of PD 1866 may be nullified by said court, and (d) Aurillo is liable for damages and attorney's fees to Rabi.

On the first issue, the general rule is that an aggrieved party is mandated to first exhaust all administrative remedies before filing a judicial action for redress from acts of administrative bodies or offices in the performance of their quasi-judicial functions; otherwise, said action may be dismissed for prematurity.[13] However, the principle is not without exceptions. The aggrieved party may validly resort to immediate judicial action where the (a) question raised is purely legal; (b) when the act complained of is patently illegal; (c) when there is an urgent need for judicial intervention;[14] (d) when the disputed act is performed without jurisdiction or in excess of jurisdiction; (e) the administrative remedy does not provide for a plain, speedy and adequate remedy; and (f) when due process is disregarded.[15]

In this case, the Investigating Prosecutor terminated the inquest investigation and came out with her resolution dismissing the case as approved by the City Prosecutor. On January 11, 1995, barely a day thereafter, Aurillo decided to take over the preliminary investigation of I.S. 95-043 and ordered the City Prosecutor to elevate the records of said case to the Office of the Regional State Prosecutor. Rabi was completely unaware of the takeover by Aurillo of the preliminary investigation of the case or the reasons therefor. Rabi learned about Aurillo's action for the first time when he received the subpoena from the Assistant Regional State Prosecutor on January 27, 1995 setting the preliminary investigation of the case anew on February 2, 1995. Being a resident of Tacloban City, Rabi did not have adequate time to seek redress from the Secretary of Justice whose offices is located in Manila and request that the scheduled investigation be forestalled.

Given this factual milieu, time was of the essence. Inaction was not an option; it was, in fact, sheer folly. Judicial intervention was imperative. There was no need for Rabi to still wait for Aurillo to complete his preliminary investigation of I.S. No. 95-043, find probable cause against Rabi for violation of PD 1866 and file an Information against him for said crime nor wait for the issuance by the trial court of a warrant for his arrest. If Rabi tarried, the acts sought to be assailed by him would by then have been a *fait accompli* to his gross prejudice, and his prayer for a writ of prohibition and for injunctive relief, an exercise in utter futility. Aurillo acted without authority and with grave abuse of discretion amounting to excess or lack of jurisdiction when he took over *motu proprio* the preliminary investigation of I.S. No. 95-043 and ordered a new preliminary investigation thereof; hence, his actuations were a nullity.

Aurillo's reliance on Section 8, paragraph (b) of PD 1275 is misplaced. Said law provides that a regional state prosecutor exercises immediate administrative supervision over all provincial and city fiscals and other prosecuting officers of provinces and cities comprised within his region and prosecutes any case arising within his region.[16]

The "administrative supervision" which shall govern the administration relationship between a department or its equivalent and an agency under its jurisdiction is limited to the authority of such department to generally oversee the operation of the agency under it to insure that the same is managed effectively and economically, without interfering with its day-to-day activities; and to take such action as may be necessary for the proper performance

of official functions, including the rectification of violations, abuses or other forms of maladministration.[17] It bears stressing that in administrative law, administrative supervision is not synonymous with control. The Court distinguished supervision from control in *Jose Mondano vs. Francisco Silvosa*,[18] thus:

“x x x In administrative law supervision means overseeing or the power or authority of an officer to see that subordinate officers perform their duties. If the latter fail or neglect to fulfill them the former may take such action or step as prescribed by law to make them perform their duties. Control, on the other hand, means the power of an officer to alter or modify or nullify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter. x x x.”

“Supervision and control,” on the other hand, includes the authority to act directly whenever a specific function is entrusted by law or regulation to a subordinate; to direct the performance of duty; and to approve, revise or modify acts and decision of subordinate officials or units.[19]

In *Hon. Franklin Drilon, et al. vs. Mayor Alfredo S. Lim, et al.*,[20] the Court declared that an officer in control lays down the rules in the doing of an act. If they are not followed, he may, in his discretion, order the act undone or re-done by his subordinates or he may even decide to do it himself. The Court, likewise, decreed in an avuncular case that “control” means the power of an official to alter or modify or nullify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter.[21]

In this case, when Aurillo *motu proprio* took over the preliminary investigation of I.S. No. 95-043 after the same had already been dismissed by the city prosecutor and ordered the assistant regional state prosecutor to conduct a preliminary investigation of the case, he exercised not only administrative supervision but control over the city prosecutor in the performance of the latter’s quasi-judicial functions

.. By doing so, Aurillo nullified the resolution of the inquest prosecutor as approved by the city prosecutor and deprived Rabi as the aggrieved party in I.S. 95-043 of his right to file a motion for the reconsideration of the resolution of the inquest prosecutor under Section 2 of Department Circular No. 7 of the Department of Justice, as amended by Department Order No. 223,[22] and if said motion were denied to appeal therefrom to the Secretary of Justice.

Aurillo threw a monkey wrench to the appeal process and deprived the Secretary of Justice of the authority to resolve any appeal by the losing party from the resolution of the city prosecutor in I.S. No. 95-043. What is so palpable and condemnable is that, Aurillo decided to conduct a preliminary investigation of the crimes for malicious mischief, violation of the Omnibus Election Code and violation of Batas Pambansa Blg. 9 without any complaint for said cases filed directly with the Office of the Regional State Prosecutor.

There is no inconsistency between Department Order No. 318 of the Secretary of Justice, PD 1275 and Section 2, Rule 112 of the 1985 Rules of Criminal Procedure, as amended; nor is Department Order No. 318 a surplusage. Section 2, Rule 112 provides that regional state prosecutors are authorized to conduct preliminary investigations of crimes committed in their territorial jurisdiction:[23]

“SEC. 2. Officers authorized to conduct preliminary investigation.

The following may conduct a preliminary investigation:

x x x

(c) National and Regional State Prosecutors; and

(d) Such other officers as may be authorized by law.

Their authority to conduct preliminary investigation shall include all crimes cognizable by the proper court in their respective territorial jurisdiction.”

As a practical matter, however, criminal complaints are filed in a proper case for preliminary investigation with the municipal trial court or with the office of the city or provincial prosecutor which has territorial jurisdiction over the offense complained of and not with the office of the regional state prosecutor. Hence, the office of the regional state prosecutor does not conduct any preliminary investigation or prosecute any criminal case in court at all. The bulk of the work of the office of the regional state prosecutor consists of administrative supervision over city or provincial or city fiscals and their assistants. The Secretary of Justice thus opted to harness the services of regional state prosecutors and help out in the investigation and prosecution of criminal cases not filed with their offices. Hence, pursuant to his power under Section 4, Chapter 1, Book IV of the 1987 Revised Administrative Code,[24] and of his power of supervision and control over regional state prosecutors and provincial and city prosecutors, the Secretary of Justice issued Department Order No. 318 authorizing regional state prosecutors to investigate and/or prosecute, upon his directives, special criminal cases within the region.[25] In fine, the duty of the regional state prosecutors to prosecute or investigate specific criminal cases pursuant to Department Order No. 318 is not an abridgment or curtailment of their duties or functions under Section 2, Rule 112 of the 1985 Rules of Criminal Procedure, as amended, but is an additional duty specifically delegated to them by the Secretary of Justice to enhance the administration of justice. Therefore, petitioner’s contention that Department Order No. 318 is inconsistent with PD 1275 and that Section 2, Rule 112 of the 1985 Rules of Criminal Procedure is merely a surplusage has no legal basis.

We now resolve the third issue. Aurillo contends that the RTC erred when it nullified the Information filed by him charging private respondent with violation of PD 1866 after the requisite preliminary investigation by the office of regional state prosecutor. He argues that although the RTC had issued a Temporary Restraining Order on January 30, 1995, the same had lapsed without the court issuing any preliminary injunction. There was thus no legal bar for the Office of the Regional State Prosecutor to proceed with and terminate the preliminary investigation and thereafter to file the Information against private respondent even while the petition for prohibition was still pending before the RTC. He further asserts that the remedy of Rabi was to file with the trial court a Motion to Quash the Information on the ground that the office of the regional state prosecutor had no authority to conduct a preliminary investigation and file the same.

The pendency of the special civil action for prohibition before the trial court did not interrupt the investigation in I.S. No. 95-043.[26] It goes without saying, however, that in proceeding with the preliminary investigation of I.S. No. 95-043 and terminating the same, Aurillo did so subject to the outcome of the petition for prohibition. In this case, the RTC granted the petition of Rabi, declared Aurillo bereft of authority to take over the preliminary investigation of I.S. No. 95-043 and nullified the preliminary investigation conducted by Aurillo as well as the Information thereafter filed by him. The RTC is possessed of residual power to restore the parties to their status before Aurillo proceeded with the preliminary investigation, and grant in favor of the aggrieved party such other relief as may be proper.[27]

Jurisprudence has it that prohibition will give complete relief not only by preventing what remains to be done but by undoing what has been done. The Court has authority to grant any appropriate relief within the issues presented by the pleadings of the parties:

Generally, the relief granted in a prohibition proceeding is governed by the nature of the grievance proved and the situation at the time of judgment. Although the general rule is that a writ of prohibition issues only to restrain the commission of a future act, and not to undo an act already performed, where anything remains to be done by the court, prohibition will give complete relief, not only by preventing what remains to be done but

by undoing what has been done. Under some statutes, the court must grant the appropriate relief whatever the proceeding is called if facts stating ground for relief are pleaded. Although prohibition is requested only as to a particular matter, the court has authority to grant any appropriate relief within the issues presented by the pleadings. If the application for prohibition is too broad, the court may mould the writ and limit it to as much as is proper to be granted. In the exercise of its jurisdiction to issue writs, the court has, as a necessary incident thereto, the power to make such incidental order as may be necessary to maintain its jurisdiction and to effectuate its final judgment. The court may retain jurisdiction of the cause to enable it to make an appropriate order in the future, even though the petition for a writ of prohibition is dismissed.[28]

Hence, the RTC did not commit any error in nullifying not only the preliminary investigation by the Office of the Regional State Prosecutor in I.S. No. 95-043 for want of authority but also the Information approved by Aurillo and filed with the Regional Trial Court.

On the last issue, the RTC awarded moral damages in the amount of P50,000.00, exemplary damages in the amount of P50,000.00 and P10,000.00 by way of attorney's fees to Rabi on its finding that Aurillo wantonly disregarded the authority of the court by filing the information against Rabi despite the pendency of the latter's petition for prohibition with said court and even without any authority from the Secretary of Justice. Aurillo asserts that the awards are bereft of legal basis because the RTC did not issue a writ of preliminary injunction enjoining him from proceeding with the preliminary investigation of I.S. No. 95-043 and filing the Information against Rabi. He insists that the pendency of the petition for prohibition was no impediment for him to proceed with the preliminary investigation. He claims that he proceeded in good faith, without malice. Hence, the RTC is not allowed under Rule 65 of the Rules to award moral and exemplary damages to Rabi.

We agree with Aurillo.

The awards by the RTC of damages and attorney's fees are barren of legal basis. The fact is that the RTC did not issue any writ of preliminary injunction enjoining Aurillo from proceeding with the preliminary investigation of I.S. No. 95-043. Although the RTC promised to resolve private respondent's plea for a writ of preliminary injunction on or before February 20, 1995, it did not. Aurillo's act of proceeding with the preliminary investigation of I.S. No. 95-043 and of filing the Information were not in disregard of the authority of the RTC, but were done in the belief that, absent any temporary restraining order or writ of preliminary injunction, he was authorized to do so.

For Rabi to be entitled as a matter of law to moral damages, he must adduce evidence that he suffered injury and establish that such injury sprung from any of the instances listed in Articles 2219 and 2220 of the New Civil Code.[29] He is burdened to show proof of physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation and similar injury.[30] In this case, Rabi failed to discharge his burden. The records show that he even failed to testify before the RTC to prove his claim for moral damages. Hence, the RTC erred in awarding moral damages to Rabi.

Neither is Rabi entitled to exemplary damages. In *National Steel Corporation vs. RTC, et al.*,[31] the Court held that:

xxx (1) they may be imposed by way of example in addition to compensatory damages, and only after the claimant's right to them has been established; (2) that they cannot be recovered as a matter of right, their determination depending upon the amount of compensatory damages that may be awarded to the claimant; (3) the act must be accompanied by bad faith or done in a wanton, fraudulent, oppressive or malevolent manner.

Rabi did not claim in his petition with the RTC any compensatory damages. Hence, he is not entitled to exemplary damages.

Finally, since Rabi is not entitled to moral and exemplary damages, he is not entitled to attorney's fees.[32]

IN THE LIGHT OF ALL THE FOREGOING, the decision of the Regional Trial Court granting the petition for prohibition of Rabi is AFFIRMED with MODIFICATION. The awards for moral and exemplary damages and attorney's fees are DELETED. No costs.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Austria-Martinez, JJ., concur.

[1] Records, p. 7.

[2] Id., at 9.

[3] Id., at 8.

[4] Id., at 10.

[5] Id., at 47.

[6] Id., at 10.

[7] Rollo, p. 201.

[8] Id., at 47.

[9] Id., at 13-21.

[10] Id., at 43.

[11] Rollo, p. 22.

[12] Records, pp. 49-53.

[13] Bartolome Carale, et al. vs. Hon. Panfilo Abarintos, et al., 269 SCRA 132 (1997).

[14] Sunville Timber Products, Inc. vs. Hon Alfonso Abad, et al., 206 SCRA 482 (1992).

[15] Eutiquiano Pagua, et al. vs. Court of Appeals, et al., 254 SCRA 606 (1996).

[16] SECTION 8. The Regional State Prosecution Office: Functions of Regional State Prosecutor. – The Regional State Prosecutor shall, under the control of the Secretary of Justice, have the following functions:

(a) Implement policies, programs, memoranda, orders, circulars and rules and regulations of the Department of Justice relative to the investigation and prosecution of criminal cases in his region.

(b) Exercise immediate administrative supervision over all provincial and city fiscals and other prosecuting officers of the provinces and cities comprised within his region.

(c) Prosecute any case arising within the region.

(d) With respect to his regional office and the offices of the provincial and city fiscals within his region, he shall:

1) Appoint such number of subordinate officers and employees as may be necessary; and approve transfer of subordinate personnel within the jurisdiction of the regional office.

2) Investigate administrative complaints against fiscals and other prosecuting officers within his region and

submit his recommendation thereon to the Secretary of Justice who shall, after review thereof, submit the appropriate recommendation to the Office of the President: Provided, That where the Secretary of Justice finds insufficient grounds for the filing of charges, he may render a decision of dismissal thereof.

3) Investigate administrative complaints against subordinate personnel of the region and submit his recommendations thereon to the Secretary of Justice who shall have the authority to render decision thereon.

4) Approve requests for sick, vacation and maternity leaves of absence with or without pay, for a period not exceeding one year; for overtime services; for permission to exercise their profession or to engage in business outside of office hours; for official travel within the region for periods not exceeding thirty days; and for benefits under Section 699 of the Revised Administrative Code.

5) Prepare the budget for the region for approval of the Secretary of Justice and administer the same.

6) Negotiate and conclude contracts for services or for furnishing supplies, materials and equipment for amounts not exceeding P50,000.00 for each quarter.

e) Coordinate with regional offices of other departments with bureaus/agencies under the Department of Justice, and with local governments and police units in the region.

[17] Section 38(2), Chapter 7, Book V, 1987 REVISED ADMINISTRATIVE CODE.

[18] 97 Phil. 143 (1955), pp. 147-148.

[19] Section 38(1), Chapter 7, Book IV, 1987 REVISED ADMINISTRATIVE CODE.

[20] 235 SCRA 135 (1994).

[21] Haniel R. Castro vs. Hon. Juan Y. Reyes, et al., 104 SCRA 650 (1981).

[22] SECTION 2. When to Appeal. - The appeal must be filed within thirty (30) days from receipt of the questioned resolution by the party or his counsel. The period shall be interrupted only by the filing of a motion for reconsideration within ten (10) days from receipt of the resolution and shall continue to run from the time the resolution denying the motion shall have been received by the movant or his counsel.

[23] Idem., supra.

[24] Sec. 40. Delegation of Authority. – The Secretary or the head of an agency shall have authority over and responsibility for its operation. He shall delegate such authority to the bureau and regional directors as may be necessary for them to implement plans and programs adequately. Delegated authority shall be to the extent necessary for economical, efficient and effective implementation of national and local programs in accordance with policies and standards developed by each department or agency with the participation of the regional directors. The delegation shall be in writing; shall indicate to which officer or class of officers or employees the delegation is made; and shall vest sufficient authority to enable the delegate to discharge his assigned responsibility.

[25] 17. Perform such other duties and functions as may be provided by law or further delegated by the head of agency or other proper authorities concerned. (E.O. 292).

[26] Miriam Defensor Santiago vs. Conrado M. Vasquez, et al., 217 SCRA 633 (1993).

[27] Wilfredo P. Verzosa, et al. vs. Court of Appeals, et al., 299 SCRA 113-114 (1998).

[28] 73 CORPUS JURIS SECUNDUM, Prohibition, pp. 120-121. (Emphasis ours.)

[29] Industrial Insurance Company, Inc. vs. Pablo Bondad, et al., 330 SCRA 706 (2000).

[30] Gil Macalino vs. People of the Philippines, et al., 340 SCRA 11 (2000).

[31] 304 SCRA 609 (1999).

[32] Audion Electric Co., Inc. vs. NLRC, et al., 308 SCRA 340 (1999).

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