

BOARD OF OPTOMETRY, REPRESENTED BY ITS CHAIRMAN, DR. PRIMITIVA Y. PEREZ-SISON, PROFESSIONAL REGULATION COMMISSION, REPRESENTED BY ITS COMMISSIONER, HERMOGENES P. POBRE, DEPARTME...

G.R. No. 122241. July 30, 1996

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

Petitioners seek to annul and set aside for having been rendered with grave abuse of discretion the order of 25 August 1995 issued by public respondent Judge Angel V. Colet in Civil Case No. 95-74770 which granted a writ of preliminary injunction restraining, enjoining, and prohibiting the petitioners herein "from undertaking in any form or manner, the enforcement or implementation of the Revised Optometry Law [R.A. No. 8050] or any regulations or Code of Ethics issued thereunder."

The background facts are not disputed.

R.A. No. 8050,[1] entitled "An Act Regulating the Practice of Optometry Education, Integrating Optometrists, and for Other Purposes," otherwise known as the Revised Optometry Law of 1995, was a consolidation of House Bill (HB) No. 14100[2] and Senate Bill (SB) No. 1998,[3] which were respectively approved by both Houses and, thereafter, reconciled by the Bicameral Conference Committee.[4] The Reconciled Bill[5] was then separately ratified by both the Senate and the House of Representatives[6] and approved into law by the President on 7 June 1995.

On 31 July 1995, the private respondents filed with the Regional Trial Court (RTC) of Manila a petition for declaratory relief and for prohibition and injunction, with a prayer for a temporary restraining order.[7] As grounds for their petition, the private respondents alleged that:

1. There were surreptitious and unauthorized insertion and addition of provisions in the Reconciled Bill which were made without the knowledge and conformity of the Senate panel, thereby derogating the orderly procedure essential to the legislative process and vitiating legislative consent;
2. R.A. No. 8050 derogates and violates the fundamental right of every Filipino to reasonable safeguards against deprivation of life, liberty and property without due process of law in that it authorizes optometrists to engage in acts of practice within the zone of medical practice through permitted use in certain kinds of diagnostic pharmaceutical agents thereby exposing and subjecting those who avail of the services of optometrists to definite hazards which would inflict upon them impairment of vision, resultant blindness, or possible loss of life;
3. R.A. No. 8050 derogates and violates the principle against undue delegation of legislative power when it provides for a penalty of imprisonment for a maximum of eight years and a fine not exceeding P40,000.00 upon any person found violating any rule or regulation promulgated pursuant to said law;

4. R.A. No. 8050 suppresses truthful advertising concerning optical goods and services in violation of the guaranty of freedom of speech and press; and

5. R.A. No. 8050 employs vague ambiguous terms in defining prohibitions and restrictions, hence, it falls within the ambit of void-for-vagueness doctrine which safeguards the guaranty of due process of law.

They then prayed that after due notice and hearing, an order be issued granting a writ of preliminary injunction enjoining, restraining, restricting, and forbidding the respondents therein (herein petitioners), their agents, officers, and employees from performing or undertaking any act in implementation or enforcement of R.A. No. 8050, or any of its provisions, or its Code of Ethics, during the pendency of the case, until further orders of the court; and that after trial on the merits, judgment be rendered: (a) declaring R.A. No. 8050 and its Code of Ethics null and void due to constitutional violations and transgressions; (b) granting a writ of prohibition against all the respondents therein enjoining and restraining them from enforcing or implementing R.A. No. 8050 or its Code of Ethics in whole or in part; and (c) making permanent the writ of preliminary injunction.

An examination of the petition, docketed as Civil Case No. 95-74770 in Branch 29 of the RTC of Manila, disclosed that among the petitioners included in the caption of the petition were Acebedo Optical Co., Inc.; Optometry Practitioner Association of the Philippines (OPAP); Cenevis Optometrist Association (COA); Association of Christian-Muslim Optometrist (ACMO); and Southern Mindanao Optometrist Association of the Philippines (SMOAP) "each allegedly represented by its president. The body of the petition, however, gave no details as to the juridical personality and addresses of these alleged associations, save for Acebedo Optical Co., Inc. It merely listed the names of the alleged presidents as well as their profession and home addresses.

As likewise disclosed in the petitioners' Compliance[8] filed with the trial court on 18 August 1995, the names of Miguel Acebedo, representing Acebedo Optical Co., Inc.; Miriam F. Llave, representing the OPAP; and Republica A. Panol, another petitioner in Civil Case No. 95-74770, did not appear in the registration books of the Board of Optometry to be authorized optometry practitioners in the Philippines, as evidenced by certifications issued by the Professional Regulation Commission (PRC). Private respondents COA and ACMO were neither registered with the Securities and Exchange Commission (SEC), as evidenced by the certifications issued by the latter.

On 1 August 1995, the trial court, per respondent Judge Angel V. Colet, issued a Temporary Restraining Order[9] enjoining the respondents from enforcing or implementing R.A. No. 8050 or its Code of Ethics, until further orders of the court; directing that summons, with a copy of the petition and of the temporary restraining order, be served immediately; and setting the application for a writ of preliminary injunction for hearing on 15 August 1995.

On 11 August 1995, the petitioners herein, as respondents below, filed an Opposition[10] to the application for preliminary injunction and alleged that:

(1) No proper ground exists to warrant the issuance of a writ as

(a) petitioners therein do not possess the requisite right as would entitle them to the relief demanded;

(b) petitioners have unquestionably not shown their legal existence or capacity to file the case, much less their authority to file it in a representative capacity; and

(c) petitioners have misled the court into believing that an act is being done in the implementation of R.A. No. 8050 tending to make the judgment ineffectual;

(2) The implementation of R.A. No. 8050 carries no injurious effect; and

(3) Petitioners failed to overcome the presumption of constitutionality in favor of R.A. No. 8050.

At the hearing of the application for a writ of preliminary injunction, the parties indicated their intention to present witnesses in support of their respective positions. Nevertheless, the trial court, finding such procedure "not [to be] conducive to the summary procedure appropriate to the auxiliary remedy of preliminary injunction," merely directed the parties to submit their other arguments in writing with supporting evidence, after which the application for a writ of preliminary injunction would be deemed submitted for resolution.[11] The parties complied therewith.

On 25 August 1995, the trial court issued the challenged order,[12] the dispositive portion of which reads as follows:

PREMISES CONSIDERED, the Court grants the writ of preliminary injunction prayed for until further orders of the Court, respondents and their officials, agents and employees, are restrained, enjoined, and prohibited from undertaking in any form or manner, the enforcement or implementation of the Revised Optometry Law [R.A. 8050] or any regulation or Code of Ethics issued thereunder.

Let the writ issue upon filing with this Court a bond in the amount of ONE HUNDRED THOUSAND [P100,000.00] PESOS in favor of respondents, conditioned upon payment of damages sustained by respondents in case the writ is later adjudged to have been improvidently or improperly issued.

We quote its ratiocinations to support the above disposition:

Viewing the petition as a whole, which is duly verified, particularly the constitutional infirmities alleged by the petitioners, and the supporting exhibits, the court is inclined to find *prima facie*, that petitioners have legal rights affected by the Revised Optometry Law, and that in its operation, said Law is likely to inflict serious and irreparable injury to such legal rights.

There is clear public right that laws enacted for the governance of citizens should be the product of the untrammelled will of the people's representatives in Congress. Petitioners contend and have adduced at least sufficient evidence to support this order that, in the Revised Optometry Law, approved by the two Houses of Congress, there is a showing that at least one major paragraph imposing penalties on corporate officers, was surreptitiously "smuggled" into the measure, because the clear tenor and the content of the provision (Sec. 33) as agreed upon in the Bicameral Conference Committee, duly reflected in its Minutes (Exhs. "S" and "T") did not include such paragraph. The fraud upon the legislative process thus practiced through surreptitious and insidious tampering, manifestly contravenes and violates said public right, which violation petitioners as members of the Philippine body politic, have the status and standing to vindicate by the present petition for extraordinary legal remedies. (See the rulings in *Tanada v. Tuvera*, 136 SCRA 27, particularly pp. 36-37, citing *Severino v. Governor-General*, Phil. 366, 378).

Similarly, there is likewise a public right that the laws enacted for the public good should in truth and in fact promote the public good. Such public right would be negated and violated if, as petitioners allege, the Revised Optometry Law which is intended to provide our people with better opportunities and better facilities for better vision, institutes a practice which in its actual operation, exposes persons availing of optometric services to serious risk of impairment of vision, possible loss of sight and even possible loss of life, through administration by optometrists of DPA's. If this be true, the law under question violates that public right, because it permits inflicting of serious injury upon our people using services of optometrists. After examining the different exhibits submitted by petitioners, in which trained experts in our government agencies themselves attest to the dire consequences that persons on whom DPA's are used may suffer, the Court finds *prima facie* basis for danger of irreparable injury to public health, which the Court should forestall in the exercise of prudence by a preliminary writ of injunction, pending full inquiry and thorough determination after trial. Apart from the public rights, which petitioners are entitled to assert in this action, there are also private individual

rights of petitioners which the Revised Optometry Law tends to injure, and which would be injured irreparably with the actual operation of said law.

Hardest hit in this regard are the optometrists, whose vested right to continue in the practice is virtually bludgeoned by the Revised Optometrist Law, as virtually admitted by respondents in their Opposition. On the one hand, the revised concept of the practice of optometry [Sec. 4] mandates as standard, the use of DPA's in optometric examination. For this reason, said Law authorizes virtual suspension of the licenses of the present crop of optometrists, until after they shall have re-trained and qualified to use DPA's [Sec. 31]. In case such optometrists insist on practicing without the mandatory training, their practice could be viewed as substandard if they would avoid use of DPA's [Sec. 4]. Alternatively, if they use DPA's before they are qualified through mandatory training, they could incur criminal liability [Secs. 32 and 33]. In either case, their use of DPA's without or after qualifying training, would expose them to malpractice suits from persons who might have sustained injury through the use of DPA's. Again, they might not have the option of refraining from the use of DPA's, since they could face an ethics charge for substandard practice in not using DPA's in their practice.

Finally, even petitioner Acebedo Co. would suffer injury in its operations because its activities, based on the affidavits submitted as exhibits, would surely touch the boundaries of conduct prohibited and penalized in the Revised Optometry Law. For one thing, its right to continue in employment, the optometrists working in its optical shop clinics [including affiant petitioners] might be injured through a criminal charge that such employment constitutes a prohibited indirect practice of optometry within the strictures of Section 5 in relation to Sec. 32. Or its advertising of optical goods and wares, which is its right under the general law and the Constitution, could be charged as an offense under Section 32 and subjected to penalty under Section 33. These restraints, which could seriously prejudice existing legal rights, entitle the petitioner corporation to the extraordinary remedy of declaratory relief, and to preliminary injunction pending the holding of a trial on the merits. The Court understands that petitioner could have adduced more evidence than what appears especially on the matter of the jeopardy to public health as a result of changes of optometric practice introduced by the Revised Optometry Law. But as the Court understands it, preponderance is not required for evidentiary support for the grant of preliminary injunction. As the rule stands, a "sampling" of relevant evidence is enough, so as to give the Court a justification for the issuance of the writ [See *Olalio v. Hizon*, 196 SCRA 665; *Syndicated Media Access vs. CA*, 219 SCRA 794].

Jurisprudence likewise supports the grant of preliminary writs of injunction, to maintain the status quo, in suits questioning the constitutionality of laws with demonstrable prejudice of legal rights [*J.M. & Co. v. CA*, 3 SCRA 696].

On the basis of the main petition, which is for declaratory relief directed at the nullification of R.A. 8050 on constitutional grounds, and for a writ of prohibition, likewise premised on the nullity of said law due to constitutional infirmities, the Court finds that the whole or part of the relief which petitioners are seeking and to which *prima facie* they are entitled, consists in restraining the enforcement or implementation of the law.

The Court likewise concludes, on its finding that both public rights would be prejudiced by the operation of R.A. 8050, that its enforcement *pendente* would inflict substantial injustice to petitioners.[13]

On 1 September 1995, respondent Judge Colet issued a Writ of Preliminary Injunction,[14] the dispositive portion of which reads:

IT IS HEREBY ORDERED by the undersigned that, until further orders, you, the said defendants, and all your attorneys, representatives, agents, and any other person assisting you refrain from enforcing and/or implementing R.A. No. 8050 or its Code of Ethics.

The petitioners then filed this special civil action for certiorari and prohibition with a prayer for a writ of preliminary injunction and/or temporary restraining order and alleged that:

I

RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION AND/OR ACTED WITHOUT OR IN EXCESS OF JURISDICTION IN FINDING THAT PRIVATE RESPONDENTS HAVE LOCUS STANDI TO FILE THE PETITION A QUO.

II

RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION AND/OR ACTED IN EXCESS OF JURISDICTION IN DECREERING THAT PRIMA FACIE EVIDENCE OF UNCONSTITUTIONALITY/INVALIDITY OF R.A. 8050 EXISTS WHICH WARRANT THE ENJOINMENT OF ITS IMPLEMENTATION.

III

RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION AND/OR ACTED IN EXCESS OF JURISDICTION IN PRELIMINARILY ENJOINING R.A. 8050 ON MERE ALLEGATIONS BY PRIVATE RESPONDENTS THAT THE SAME WOULD BRING INJURIOUS EFFECTS TO THE HEALTH AND SAFETY OF THE PUBLIC.

IV

RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION AND/OR ACTED WITHOUT OR IN EXCESS OF JURISDICTION IN ISSUING THE WRIT OF PRELIMINARY INJUNCTION.

As we see it, the assigned errors quoted above may be reduced to two key issues, viz.:

- (1) The locus standi of the private respondents to question the constitutionality of R.A. No. 8050; and
- (2) The absence of a valid cause of action for either declaratory relief or prohibition.

The petitioners maintain that for a party to have locus standi to question the validity of a statute, he must have a personal and substantial interest in the case such that he has sustained or will sustain direct injury as a result of its enforcement.[15] In this light, the private respondents do not have the requisite personal and substantial interest to assail the constitutionality of R.A. No. 8050 for, per the certifications of the SEC, private respondents COA and ACMO are not registered associations; and two of the alleged presidents of the respondent associations are not duly registered optometrists as certified to by the PRC. Finally, the petitioners aver, the private respondents did not allege in their petition in Civil Case No. 95-74770, and in their Rejoinder to the Opposition therein, their capacity to bring suit as required by Section 4, Rule 8 of the Rules of Court.

Refuting this charge, the private respondents claim in their Comment on the petition that they have, as held by the trial court, locus standi "under the rule of Public Right" pursuant to *Tanada vs. Tuvera*,^[16] citing *Severino vs. Governor General*;^[17] moreover, as also found by the trial court, their rights as optometrists or optical companies would be adversely affected by the assailed law. They further claim that they seek to protect their Constitutional rights to property and freedom of expression from enforcement of the provisions of the challenged law, which bar truthful advertisements and impose vague and unreasonable conditions for the continued practice of their profession. Insofar as private respondents Acebedo Optical Co., Inc., and Panol are concerned, the said law would likewise adversely affect the conduct of their business of maintaining optical shops and expose them to threats of criminal prosecution. Finally, they contend that they also seek, "as taxpayers and citizens, under the concept of Public Right, to bar the enforcement of the law because it endangers the public's health," a danger "clearly seen from the oppositions to the law filed before both houses" of Congress.

I

Only natural and juridical persons or entities authorized by law may be parties in a civil action, and every action must be prosecuted or defended in the name of the real party in interest.^[18] Under Article 44 of the Civil Code, an association is considered a juridical person if the law grants it a personality separate and distinct from that of

its members.

There is serious doubt as to the existence of private respondents OPAP, COA, ACMO, and SMOAP. For one, the body of the petition in Civil Case No. 95-74770 makes no mention of these associations nor states their addresses. Further, nowhere is it claimed therein that they are juridical entities. These run counter to Section 4, Rule 8 of the Rules of Court, which provides that facts showing the capacity of a party to sue or the legal existence of an organized association of persons that is made a party must be averred. Second, not even in the sworn statements^[19] of the alleged presidents representing the "associations," which were offered in evidence in support of the application for a writ of preliminary injunction, were such "associations" mentioned or named. Finally, in their Comment on the instant petition, the private respondents chose to remain silent on the issue of the juridical personality of their "associations."

For having failed to show that they are juridical entities, private respondents OPAP, COA, ACMO, and SMOAP must then be deemed to be devoid of legal personality to bring an action, such as Civil Case No. 95-74770.

A real party in interest under Section 2, Rule 3 of the Rules of Court is a party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.^[20]

In the case at bench, since OPAP, COA, ACMO, and SMOAP were not shown to be juridical entities, they cannot, for obvious reasons, be deemed real parties in interest. Moreover, since the names of private respondents Miguel Acebedo, Miriam F. Llave, and Republica A. Panol do not appear in the registration books of the Board of Optometry as authorized optometry practitioners in the Philippines,^[21] they do not have the requisite personal and substantial interest in the case. Even further, although private respondents Roberto Rodis, Jr., Cyril Corales, and Elmer Villarosa claim to be practicing optometrists, the petition in Civil Case No. 95-74770 is bereft of any allegation to make them real parties in interest to challenge the constitutionality of R.A. No. 8050.

As an attempt in extremis, the private respondents now assert in their comment that the petition for declaratory relief, prohibition, and injunction was filed in their capacity as "taxpayers and citizens, under the concept of Public Right, to bar the enforcement of the law because it endangers public health."^[22] They thus suggest that their petition is in the nature of a taxpayers' class suit.

As a class suit, Civil Case No. 95-74770 must fail. Not only did the private respondents fail to allege this in their petition, they likewise failed to allege the existence and prove the requisites of a class suit, viz., the subject matter of the controversy is one of common or general interest to many persons, and the parties are so numerous that it is impracticable to bring them all before the court.^[23]

Courts must exercise utmost caution before allowing a class suit, which is the exception to the requirement of joinder of all indispensable parties. For while no difficulty may arise if the decision secured is favorable to the plaintiffs, a quandary would result if the decision were otherwise as those who were deemed impleaded by their self-appointed representatives would certainly claim denial of due process.^[24]

Neither may the private respondents be allowed at this late stage to seek refuge under the doctrine allowing taxpayers' suits. While they claimed their petition in Civil Case No. 95-74770 was a taxpayers' suit, and although this Court, in a catena of cases, has shown liberality in granting locus standi to taxpayers in taxpayers' suits,^[25] the private respondents have not adequately shown that this liberality must be extended to them. Their plea of injury or damage is nothing but a sweeping generalization.

II

Civil Case No. 95-74770 must fail for yet another reason. As a special civil action for declaratory relief,^[26] its requisites are: (1) the existence of a justiciable controversy; (2) the controversy is between persons whose

interests are adverse; (3) that the party seeking the relief has a legal interest in the controversy; and (4) that the issue invoked is ripe for judicial determination.[27] On this score, we find no difficulty holding that at least the first and fourth requisites are wanting.

Then there is the unbending rule in constitutional law that courts will not assume jurisdiction over a constitutional question unless the following requisites are first satisfied: (1) there must be an actual case or controversy involving a conflict of rights susceptible of judicial determination; (2) the constitutional question must be raised by a proper party; (3) the constitutional question must be raised at the earliest opportunity; and (4) the resolution of the constitutional question must be necessary to the resolution of the case.[28]

An actual case or controversy means an existing case or controversy that is appropriate or ripe for determination, not conjectural or anticipatory.[29] It cannot be disputed that there is yet no actual case or controversy involving all or any of the private respondents on one hand, and all or any of the petitioners on the other, with respect to rights or obligations under R.A. No. 8050. This is plain because Civil Case No. 95-74770 is for declaratory relief. Then, too, as adverted to earlier, the private respondents have not sufficiently established their locus standi to question the validity of R.A. No. 8050.

The conclusion then is inevitable that the respondent Judge acted with grave abuse of discretion when he issued a writ of preliminary injunction restraining the implementation of R.A. No. 8050, as well as of the Code of Ethics promulgated thereunder, if one has been issued. Even if there was before him a case involving the law, prudence dictated that the respondent Judge should not have issued the writ with undue haste, bearing in mind our decision, penned by Mr. Justice Isagani A. Cruz, in *Drilon vs. Lim*,[30] where we stated:

We stress at the outset that the lower court had jurisdiction to consider the constitutionality of Section 187, this authority being embraced in the general definition of the judicial power to determine what are the valid and binding laws by the criterion of their conformity to the fundamental law. Specifically, BP 129 vests in the regional trial courts jurisdiction over all civil cases in which the subject of the litigation is incapable of pecuniary estimation, even as the accused in a criminal action has the right to question in his defense the constitutionality of a law he is charge with violating and of the proceedings taken against him, particularly as they contravene the Bill of Rights. Moreover, Article X, Section 5(2), of the Constitution vests in the Supreme Court appellate jurisdiction over final judgments and orders of lower courts in all cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.

In the exercise of this jurisdiction, lower courts are advised to act with the utmost circumspection, bearing in mind the consequences of a declaration of unconstitutionality upon the stability of laws, no less than on the doctrine of separation of powers. As the questioned act is usually the handiwork of the legislative or the executive departments, or both, it will be prudent for such courts, if only out of a becoming modesty, to defer to the higher judgment of this Court in the consideration of its validity, which is better determined after a thorough deliberation of a collegiate body and with the concurrence of the majority of those who participated in its discussion.

It is also emphasized that every court, including this Court, is charged with the duty of a purposeful hesitation before declaring a law unconstitutional, on the theory that the measure was first carefully studied by the executive and legislative departments and determined by them to be in accordance with the fundamental law before it was finally approved. To doubt is to sustain. The presumption of constitutionality can be overcome only by the clearest showing that there was indeed an infraction of the Constitution, and only when such a conclusion is reached by the required majority may the Court pronounce, in the discharge of the duty it cannot escape, that the challenged act be struck down.

WHEREFORE, the instant petition is GRANTED. The challenged order of 25 August 1995 of respondent Judge

Angel V. Colet in Civil Case No. 95-74770 granting the application for the issuance of a writ of preliminary injunction, and the writ of preliminary injunction issued on 1 September 1995 are hereby ANNULLED and SET ASIDE.

The respondent Judge is further DIRECTED to DISMISS Civil Case No. 95-74770.

Costs against private respondents Acebedo Optical Co., Inc., Republica A. Panol, and the alleged "presidents" of Optometry Practitioner Association of the Philippines, Cenevis Optometrist Association, Association of Christian-Muslim Optometrists, Southern Mindanao Optometrist Association of the Philippines.

SO ORDERED.

Narvasa, C.J., (Chairman), Melo, Francisco, and Panganiban, JJ., concur.

[1] Annex "B" of Petition; Rollo, 49.

[2] Entitled "An Act Regulating and Upgrading the Practice of Optometry in the Philippines," and introduced by Congressmen Lagman, Serapio, et al.; Id., 267.

[3] Entitled "An Act Regulating the Practice of Optometry, Upgrading Optometric Education and Integrating Optometrists," introduced by Senators Romulo, Herrera, Webb, Shahani, and Ople; Id., 287.

[4] Id., 65.

[5] Id., 376.

[6] Paragraph 23, Petition in Civil Case No. 95-74770; Id., 59 et seq.

[7] Rollo, 59 et seq.

[8] Rollo, 77-80.

[9] Rollo, 327.

[10] Id., 328.

[11] Page 3, Order of 25 August 1995; Rollo, 42.

[12] Id., 40. Per Judge Angel V. Colet.

[13] Rollo, 43-47.

[14] Id., 48.

[15] Citing *People vs. Vera*, 65 Phil. 56 [1937].

[16] 136 SCRA 27 [1985].

[17] 16 Phil. 366 [1910].

[18] Sections 1 and 2, Rule 3, Rules of Court.

[19] Exhibits "U" (of Cyril Corales), "V" (of Elmer Villarosa), "W" (of Roberto Rodis, Jr.), and "Y" (of Miriam Figueras-Llave); Rollo, 561, 568, 574, 581, respectively.

[20] FLORENZ D. REGALADO, *Remedial Law Compendium*, Vol. 1 [1988], 51, citing *Salonga vs. Warner, Barnes & Co. Ltd.*, 88 Phil. 125 [1951].

[21] Rollo, 78.

[22] Id., 202.

[23] Section 12, Rule 3, Rules of Court; Mathay vs. Consolidated Bank and Trust Co., 58 SCRA 559, 570 [1974]; Oposa vs. Factoran, 224 SCRA 792, 802 [1993].

[24] See Cadalin vs. POEA Administrator, 238 SCRA 721, 769 [1994].

[25] E.g., Kilosbayan, Inc. vs. Guingona, Jr., 232 SCRA 110 [1994], and the cases enumerated therein.

[26] Rule 64, Rules of Court.

[27] International Hardwood and Veneer Co. of the Phils. vs. University of the Philippines, 200 SCRA 554, 569 [1991]; Galarosa vs. Valencia, 227 SCRA 728, 737 [1993].

[28] Garcia vs. Executive Secretary, 204 SCRA 516, 522 [1991]; Santos vs. Northwest Orient Airlines, 210 SCRA 256, 261 [1992]; Fernandez vs. Torres, 215 SCRA 489, 493 [1992]; Macasiano vs. National Housing Authority, 224 SCRA 236, 242 [1993]; Joya vs. PCGG, 225 SCRA 568, 575 [1993]; Philippine Constitution Association vs. Enriquez and companion cases, 235 SCRA 506, 518-519 [1994].

[29] Garcia vs. Executive Secretary, supra, note 28, at 522.

[30] 235 SCRA 135 [1994].

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