

**PAULINO SACDALAN, ROMEO GARCIA, NUMERIANO BAUTISTA,
LEONARDO SACDALAN AND SANTIAGO SACDALAN, PETITIONERS,
VS. COURT OF APPEALS AND BELEN LOPEZ DE GUIA REPRESENTED
BY HER ATTORNE...**

G.R. No. 128967. May 20, 2004

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before this Court is a petition for review under Rule 45 of the Rules of Court, seeking the reversal of the decision of the Court of Appeals (CA for brevity) in CA-G.R. SP No. 39315 dated June 28, 1996[1] and its resolution dated April 23, 1997 denying petitioners' motion for reconsideration.[2]

The facts of the case as found by the CA are as follows:

Belen Lopez Vda. de Guia is the owner of two parcels of agricultural land in Sta. Barbara, Baliwag, Bulacan covered by TCT No. 209298 with an area of 197,594 square meters. Without her knowledge, her son Carlos de Guia forged a deed of sale on March 19, 1975 and made it appear that she sold the land to him. As a result, TCT No. 209298 was cancelled and a new title, TCT No. T-210108, was issued in his name. The following day, Carlos sold the property to Ricardo San Juan who immediately registered the deed of sale with the Register of Deeds of Bulacan. Consequently, TCT No. 210338 was issued in his name. Later, Ricardo mortgaged the two parcels of land to Simeon Yangco.

Upon learning of the said incidents, Belen filed an adverse claim with the Register of Deeds of Bulacan and a civil case for cancellation of sale, reconveyance and damages against her son Carlos de Guia, Ricardo San Juan and Simeon Yangco with the Court of First Instance of Baliwag, Bulacan (CFI for brevity) which was docketed as Civil Case No. 655-B.[3] On January 20, 1981, the CFI dismissed the complaint, the dispositive portion of which is quoted verbatim, as follows:

WHEREFORE, judgment is hereby rendered dismissing the complaint and affirming the deed of sale executed by plaintiff in favor of her son defendant Carlos de Guia, and Carlos de Guia's sale in favor of Ricardo San Juan.

That plaintiff reimburses the palay withdrawn by her and in the event of failure, the supersedeas bond be declared confiscated and forfeited in favor of defendant San Juan.

That plaintiff pays defendants attorney's fees in the sum of P1,000.00 plus costs.

SO ORDERED.[4]

Belen's motion for reconsideration was denied through an Order dated September 9, 1981. [5] She then appealed to the then Intermediate Appellate Court (IAC for brevity), docketed as AC-G.R. CV No. 5524-UDK. The IAC dismissed the appeal per its Resolution dated April 19, 1983 for non-payment of docket fees. The dismissal

became final and executory on May 17, 1983[6] and an Entry of Judgment was issued on June 21, 1983. The records of the case were remanded to the court of origin on July 6, 1983. A writ of execution was issued by the CFI on motion of Ricardo San Juan.[7]

The tenants-lessees of the property, namely: Romeo Garcia, Numeriano Bautista together with Paulino, Leonardo and Santiago, all surnamed Sacdalan, (petitioners for brevity), invoked their right to redeem the landholdings pursuant to Section 12 of Republic Act No. 3844, as amended.[8] Accordingly, Ricardo San Juan executed a Deed of Reconveyance dated October 24, 1983 in favor of said tenants- lessees. Upon registration of the document, TCT No. T-210338 was cancelled and TCT No. T-301375 was issued in the names of the said tenants. The land was later subdivided into several lots and individual titles were issued in their names.[9]

Belen's counsel sent a letter of inquiry to the Clerk of Court of the IAC dated January 11, 1984 and learned for the first time that their appeal docketed as AC-G.R. CV No. 5524- UDK has been dismissed for non-payment of docket fees.[10] She filed with the IAC a motion to reinstate the appeal,[11] and on May 21, 1984, the IAC issued a Resolution granting her motion, thus:

WHEREFORE, in the interest of justice, the motion to re-instate appeal is hereby GRANTED and the Clerk of Court of the Court of Origin is hereby ordered to elevate the records of Civil Case No. 655-B to this Court for purposes of the appeal.

SO ORDERED.[12]

Acting on the reinstated appeal, docketed as AC-G.R. CV No. 02883, the IAC promulgated its decision on February 20, 1986,[13] the dispositive portion of which reads:

WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE and another one entered:

(1) declaring as null and void and without any effect whatsoever the deed of sale executed by and between appellant Belen Lopez Vda. de Guia and defendant Carlos de Guia, Exhibit 'A';

(2) declaring defendant-appellee Ricardo San Juan as a purchaser in bad faith and ordering him to reconvey to appellant the two (2) parcels of land described in the complaint;

(3) ordering the Register of Deeds of Bulacan to cancel and/or annul TCT No. T-210338 in the name of defendant-appellee Ricardo San Juan as well as TCT No. T-210108 in the name of defendant-appellee Carlos de Guia for being null and void and to reinstate TCT No. 209298 in the name of appellant as the true and valid title over the lands described therein; and

(4) ordering the defendants-appellees to pay the costs.

SO ORDERED.[14]

The decision became final on March 15, 1986 and on November 7, 1986,[15] the records of the case were remanded to the former CFI now Regional Trial Court (RTC for brevity).

On December 18, 1986, Belen filed with the RTC a motion for execution which was granted. However, before the writ could be executed, she found that Ricardo San Juan had sold the two parcels of land to petitioners. She then filed with the RTC a motion to declare San Juan, petitioner and other tenants of the land in contempt of court for circumventing the final and executory judgment of the Court of Appeals[16] in AC-G.R. CV No. 02883.

In an Order dated October 12, 1987, the RTC declared San Juan, petitioners and all the other tenants concerned in contempt of court, and ordered each of them to pay a fine of P200.00, reconvey and deliver to Belen her two parcels of land and her share in the harvest. The fallo reads:

WHEREFORE, defendant Ricardo San Juan and his co-defendants Mariano Bautista, Numeriano Bautista, Pelagio Bautista, Hermogenes Dimaapi, Romeo Garcia, Bonifacio Sacdalan, Crispin Sacdalan, Santiago Sacdalan, Santos Leonardo, Felipe Leonardo, Leonardo Fajardo, and Emilio Victoria, are hereby declared in contempt of Court for utterly disregarding and circumventing the decision of the Court of Appeals which is final and executory and are fined P200.00 each; ordering the defendants Mariano Bautista, et al., to reconvey the litigated landholding to the plaintiff Belen de Guia and to deliver to the latter or her duly authorized representative her share in the palay and mongo harvest in the next harvest season.

SO ORDERED.[17]

Herein petitioners filed with the CA, a petition for certiorari, docketed as CA-G.R. SP. No. 14783, assailing the RTC Order dated October 12, 1987 as having been issued with grave abuse of discretion.

On July 6, 1989, the CA promulgated its decision holding that while herein petitioners should not have been considered in contempt of court by the RTC, it did not commit any error in ordering them to reconvey the parcels of land to Belen de Guia. It held that:

Ricardo San Juan was not the owner of the land and therefore he had no right or title which he could legally convey to anyone, a fact even admitted by petitioners (Petition, p.7). It must also be said that while petitioners were not parties to Civil Case No. 655-B, they could not have been unaware of the dispute over the land. They claim to be tenants thereof. The inevitable conclusion is the sale to petitioners was void from the beginning.

Respondent Judge therefore did not commit any error in ordering the petitioner to reconvey the lands to Belen de Guia. As a matter of fact, such was not even necessary. The cancellation of the titles of Carlos and San Juan and the reinstatement of Belen's title by virtue of the appellate decision carried with them as a logical consequence the cancellation of petitioners' title and any pretended right over the land. Petitioners cannot claim refuge behind their title; to permit them to do so would be to put a premium on bad faith. Such is never the aim of the torrens system.

...

WHEREFORE, except for the portion holding petitioners in contempt and ordering them to pay a fine of P200.00 each, which is eliminated, the order of respondent Judge dated October 12, 1987 is AFFIRMED.

No costs.

SO ORDERED.[18] (Emphasis supplied)

The decision became final and executory on July 31, 1989. [19]

Eight months before said date, or on November 8, 1988, Belen, through her attorney-in- fact, Melba G. Valenzuela, had filed with the DARAB, Region III at Malolos, Bulacan, a complaint for ejectment and collection of rentals against herein petitioners.[20] Belen alleged that they are her tenants-lessees who have been cultivating the subject property since 1970 up to the present; that starting 1981, they have not been paying their rent; and that despite demands to pay the rent and vacate the premises, they failed and refused to do so.[21] Petitioners contend that they are the registered owners of the landholdings, having acquired the same from Ricardo San Juan. As such, they no longer have any obligation to pay rentals to Belen whose title thereto has long been cancelled.[22]

On March 16, 1993, almost five years from the filing of the complaint for ejectment and four years after the CA decision in CA-G.R. SP No. 14783 had become final, Atty. Jose V. Reyes, Provincial Adjudicator, rendered a decision denying Belen's complaint for ejectment and collection of rent. The dispositive portion reads:

WHEREFORE, premises considered, the Board finds the instant case wanting of merit, the same is hereby dismissed. Consequently, the Transfer Certificate of Title Nos. T-307845, T-307846, T- 307856, T-307857,

T-307869, T-307870, T-307871, T-307873, and T-307874 issued in the names of Numeriano Bautista, Romeo Garcia, Leonardo Sacdalan, Paulino Sacdalan and Santiago Sacdalan, respectively, are hereby AFFIRMED. The plaintiff and all other persons acting in her behalf are hereby ordered to permanently cease and desist from committing any acts tending to oust or eject the defendants or their heirs or assign from the landholding in question.

SO ORDERED.[23]

Upon appeal, the DARAB affirmed the decision. Complainant filed a motion for reconsideration but was denied by DARAB.[24]

Belen then appealed to the CA, docketed as CA-G.R. SP No. 39315. The CA reversed the DARAB in its decision dated June 28, 1996,[25] ruling as follows:

At this juncture, it is pertinent to state that nothing is more settled in the law than when a final judgment becomes executory, the same becomes immutable and unalterable, can no longer be modified in any respect and that all the issues in between the parties are deemed resolved and laid to rest. Likewise, it is a well-enshrined principle that litigation must at some time be terminated, even at the risk of occasional errors, for public policy dictates that once a judgment becomes final, executory and unappealable, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party.

Consequently, We deem it appropriate to write finis to the case at bench considering that the title to the property in controversy has already been adjudicated by this Court to herein petitioner in AC-G.R. CV No. 02883 and CA-G.R. SP No. 14783, hence she has the right to eject herein private respondents for their failure to pay rents since 1981.

WHEREFORE, the petition is hereby GRANTED. The decision of respondent DARAB affirming the decision of the Provincial Adjudicator is REVERSED and SET ASIDE and another one is entered ordering private respondents to vacate immediately the two parcels of land covered by T.C.T. No. T-209298 and to deliver possession thereof to the petitioner, as well as the rentals due corresponding to the period from 1981 up to the time they shall have left the landholdings. Considering that the amount of rentals have not been determined, let this matter be threshed out in a proper hearing before another Provincial Adjudicator who should conduct the same with dispatch.

COSTS against the private respondents.

SO ORDERED.[26]

A subsequent motion for reconsideration filed by petitioners was denied by the CA on April 23, 1997.[27]

Hence, the present petition for review, raising the following issues:

- WHETHER OR NOT, UNDER EXISTING LAW AND JURISPRUDENCE, PETITIONERS AS TENANTS-LESSEES IN THE EXERCISE OF THEIR RIGHTS OF REDEMPTION UNDER SECTION 12 OF REPUBLIC ACT NO. 3844 ARE PURCHASERS IN GOOD FAITH;
- CAN THE INTERMEDIATE APPELLATE COURT IN AC-G.R. CV NO. 02883 REINSTATE THE APPEAL AND RENDER A SECOND DECISION AFTER ITS DECISION DISMISSING THE APPEAL IN AC-G.R. CV NO. 5524-UDK BECAME FINAL AND EXECUTORY, WHICH DECISION WAS REMANDED TO THE LOWER COURT FOR EXECUTION, AND IN FACT, BEEN EXECUTED; AND
- WHETHER OR NOT, PETITIONERS, WHO ARE HOLDERS OF TRANSFER CERTIFICATES OF TITLES BOUND BY THE SECOND DECISION OF THE INTERMEDIATE APPELLATE COURT IN AC-G.R. CV NO. 02883. [28]

While petitioners raise three issues, as quoted above, only two questions are actually crucial for the resolution of the present petition: (1) Was the reinstatement of Belen de Guia's appeal valid? and (2) Are petitioners bound by the decision rendered by the Court of Appeals on July 6, 1989 in CA-G.R. SP No. 14783?

After reviewing the records of the case, we find the present petition to be devoid of merit.

Belen's appeal from the decision of the CFI was dismissed on April 19, 1983 for non-payment of docket fees which became final and executory. However, upon her motion, the appeal was reinstated on May 21, 1984 by the IAC explaining that:

After weighting (sic) the respective arguments of the parties, this Court finds that justice and equity must play a heavy role in the determination of the motion to reinstate the appeal.

As gleaned from the records, from the filing of the notice of appeal, appeal bond and record on appeal, plaintiff-appellant had been in earnest effort to elevate her case to this Court. This is indicated by her having engaged the services of a second lawyer to pursue her appeal.

While, it is true that notice to counsel is binding upon the client the said rule is not here applicable. The notice was not actually received by the counsel to whom it was sent. And although the notice was re-sent to the party herself, still the same was not returned to this Court with the notation "moved out". Since the records indicate the presence of a corroborating counsel for the plaintiff-appellant, the notice should have been re-sent to this counsel, if only to give justice to the parties who have exerted efforts to perfect their appeal only to be lost by technicality.

"while the rule is that mistake or negligence of the lawyer binds the client, in the interest of justice and because the appellee itself also failed to file its comment on the instant motion despite receipt of the resolution of this Court on October 16, 1983, the entry of judgment is set aside." ...

WHEREFORE, in the interest of justice, the motion to re-instate appeal is hereby GRANTED and the Clerk of Court of the Court of origin is hereby ordered to elevate the records of Civil Case No. 655-B to this Court for purposes of the appeal.

SO ORDERED.[29] (citations omitted)

Petitioners, citing *Perfecto Fabular vs. Court of Appeals*,^[30] argue that since the judgment of the CFI had long become final and had in fact been executed, it was already beyond the power of the appellate court to modify the same;^[31] and therefore, the IAC erred in reinstating Belen de Guia's appeal. The Court is not persuaded to grant their petition.

The Court has recognized instances when reinstatement of an appeal was deemed just and proper considering the greater interest of justice.^[32] This case is one of them. The IAC, on April 19, 1983, dismissed Belen de Guia's appeal for non-payment of docket fees. It is settled however that failure to pay the appeal docket fee confers on the court a mere directory power to dismiss an appeal which must be exercised with sound discretion and with a great deal of circumspection considering all attendant circumstances. Dismissal of an appeal based on this ground is discretionary with the appellate court and should be exercised wisely and prudently with a view to substantial justice.^[33]

As noted by the IAC in its decision dated May 21, 1984 in AC-G.R. CV No. 5524-UDK, Belen failed to pay the appeal docket fee, not because of lack of interest, but because of lack of proper notice. It was only upon the inquiry of Belen's corroborating counsel that they found out, for the first time, the dismissal of her appeal. The Court is aware of its ruling in *Arambulo vs. Court of Appeals*^[34] that failure of the counsel to inquire from either the trial or the appellate court the status of their appeal particularly as to the payment of docket fees, constitutes negligence sufficient to merit the dismissal of the appeal.^[35] However, the fact that the appeal of Belen involved

her claim that her own son Carlos de Guia forged her signature in a deed of sale transferring to him the ownership of her two parcels of land, the IAC did not commit any reversible error nor grave abuse of discretion in reinstating the appeal. The interest of substantial justice far outweighs whatever negligence Belen and her counsel might have committed.

Significantly, it must be emphasized that petitioners' purported predecessor-in-interest did not question the reinstatement of the appeal and allowed the same to be final and executory. Thus, for all legal interests and purposes, the reinstatement of the appeal is valid and binding upon the parties and their successors-in-interest, including herein petitioners.

Petitioners further claim that they are purchasers in good faith since Ricardo San Juan was the registered owner when they bought the subject landholdings on October 10, 1983 from him.[36] They likewise argue that while there was a second decision rendered by the IAC in AC-G.R. CV No. 02883, said decision does not bind them since they were not parties in said action and said proceeding was in personam and not in rem, thus, a direct action should have been instituted against them for the lower court to acquire jurisdiction over their persons.[37]

Here enters the importance of the second issue, i.e., whether or not petitioners are bound by the CA's decision in CA-G.R. SP. No. 14783 dated July 6, 1989.

As borne by the records, petitioners filed before the CA a petition for certiorari, docketed as CA-G.R. SP. No. 14783, from the order of the RTC dated October 12, 1987 holding them in contempt of court and ordering them to reconvey the property to Belen. Except as to the findings that petitioners were in contempt of court, the CA affirmed the trial court in its decision dated July 6, 1989 and declared in no uncertain terms that Ricardo San Juan was not the owner of the land and therefore he had no right or title which he could legally convey to anyone, a fact even admitted by petitioners; that while petitioners were not parties to Civil Case No. 655-B, they could not have been unaware of the dispute over the land because they claim to be tenants thereof; that the sale to petitioners was void from the beginning; that respondent Judge therefore did not commit any error in ordering the petitioner to reconvey the lands to Belen de Guia; that the cancellation of the titles of Carlos and San Juan and the reinstatement of Belen's title by virtue of the appellate decision carried with them as a logical consequence the cancellation of petitioners' title and any pretended right over the land; that petitioners cannot claim refuge behind their title; and that to permit them to do so would be to put a premium on bad faith which is never the aim of the torrens system.

Again, petitioners did not appeal from the CA decision in CA-G.R. SP No. 14783. It became final and executory on July 31, 1989.[38] And it is this final decision which was totally and erroneously ignored by the DAR Provincial Adjudicator and the DARAB.

As petitioners themselves espouse, well settled is the principle that a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land.[39]

The reason for this is that litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not deprived of the fruits of the verdict. Courts must guard against any scheme calculated to bring about that result and must frown upon any attempt to prolong the controversies.[40]

The only exceptions to the general rule are the correction of clerical errors, the so-called nunc pro tunc entries which cause no prejudice to any party, void judgments,[41] and whenever circumstances transpire after the

finality of the decision rendering its execution unjust and inequitable.[42] Since the present case does not fall under any of the recognized exceptions, it is clear that petitioners are bound by the finality of the CA decision in CA-G.R. SP. No. 14783 which they themselves instituted.

Unlike Belen who appealed the CFI decision in AC-G.R. CV No. 5524-UDK and never lost interest in pursuing her appeal, petitioners in this case never appealed the decision in CA- G.R. SP. No. 14783. They cannot therefore successfully raise before another tribunal, as the DARAB, the issues they could have raised through an appeal or a motion for reconsideration within the reglementary period.

Petitioners also claim that their titles are unassailable having acquired the same pursuant to law.[43] Again the Court does not agree. The principle of indefeasibility of a Torrens Title does not apply where fraud attended the issuance of the title,[44] as is conclusively established in this case. The Torrens Title does not furnish a shield for fraud.[45]

As a final note, the Court reiterates and hereby adopts the observations made by the CA speaking through Justice Angelina Sandoval-Gutierrez in CA-G.R. SP No. 39315, anent the DAR Provincial Adjudicator and the DARAB:

Just why the Provincial Adjudicator and the DARAB itself relied on this Court's Resolution dated April 19, 1983 issued in AC-G.R. No. 5524-UDK dismissing petitioner's appeal disturbs Us no end. They intentionally disregarded the fact that petitioner's appeal was reinstated as shown by this Court's Resolution dated May 21, 1984 in AC-G.R. No. 5524-UDK. They cannot disclaim knowledge of the existence of this Resolution. Petitioner's various pleadings and papers submitted to the Provincial Adjudicator and her brief filed with the DARAB repeatedly mentioned and reproduced the same. Yet they simply closed their eyes and refused to take cognizance that petitioner's appeal was reinstated (docketed as CA-G.R. CV No. 02883) and was decided by this Court reversing the CFI decision in Civil Case No. 655-B dismissing the petitioner's complaint, declaring as null and void Ricardo San Juan' title from which private respondents' titles were derived; and reinstating T.C.T. No. 209298 in the name of petitioner Belen Lopez Vda. de Guia.

Worse, said adjudicators likewise did not recognize and practically impugned the Decision of this Court in CA-G.R. SP. No. 14783 holding inter alia that "Ricardo San Juan was not the owner of the land and, therefore, he had no right or title which could regally (sic) convey to anyone, a fact even admitted by petitioners x x x" (referring to herein private respondents).

Let it be stressed at this point that the Provincial Adjudicator and the DARAB are bound by the findings of fact and conclusion of law of this Court.

Indeed, in disposing of the case at bench in defiance of the clear and categorical ruling of this Court in AC-G.R. CV No. 02883 and CA-G.R. SP No. 14783, both the Provincial Adjudicator and the DARAB committed gross error. Not only that, they manifested their utter disrespect to the Judiciary. Without doubt, their egregious conduct engendered doubt on their honesty and caused serious injustice to herein petitioner.

They should have remembered that they owe it to the public to know the law or jurisprudence to be applied in a particular controversy; and that the conduct of those dispensing justice should be circumscribed with the heavy burden or responsibility, comporting themselves in a manner that will not raise any suspicion about their integrity. [46]

Indeed, the DAR Provincial Adjudicator and the DARAB should have been more circumspect in the disposition of this case. Instead of facilitating the administration of justice, their obstinate refusal to obey a valid final judgment of the Court of Appeals, further delayed the resolution of this case and added valuable irretrievable years to a case that has already dragged on for decades. It blatantly questioned the wisdom of a higher court by stating that:

...this Board cannot comprehend how the Honorable Court of Appeals reverse itself in its Decision dated February 20, 1986 in AC-G.R. CV No. 02883, after its Decision has already become final and executory from April 19, 1983 in AC-G.R. No. 5524-UDK[47]. (Emphasis supplied)

which statement manifest not only a superficial grasp of the rules, but more disappointingly, a contumacious attitude which this Court cannot countenance.

WHEREFORE, the petition is hereby DENIED for lack of merit and the decision of the Court of Appeals in CA-G.R. SP No. 39315 dated June 28, 1996, is hereby AFFIRMED IN TOTO.

Costs against petitioners.

SO ORDERED.

Quisumbing, (Acting Chairman), Callejo, Sr., and Tinga, JJ., concur.
Puno, (Chairman), J., on official leave.

[1] Penned by Justice Angelina Sandoval- Gutierrez (now Associate Justice of this Court) and concurred in by Justice Arturo B. Buena (now retired Justice of this Court) and Justice Conrado M. Vasquez, Rollo, pp. 85-97.

[2] Rollo, p. 98.

[3] Id., pp. 85-86.

[4] Id., p. 214.

[5] Id., p. 30.

[6] Id., p. 86.

[7] Id., p. 229.

[8] R.A. 3844 or the Agricultural Land Reform Code:

Sec. 12. Lessee's Right of Redemption. – In case the landholding is sold to a third person without the knowledge of agricultural lessee, the latter shall have the right to redeem the same at a reasonable price and consideration: Provided, That where there are two or more agricultural lessees, each shall be entitled to said right of redemption only to the extent of the area actually cultivated by him. The right of redemption under this Section may be exercised within one hundred eighty days from notice in writing which shall be served by the vendee on all lessees affected and the Department of Agrarian Reform upon the registration of the sale, and shall have priority over any other right of legal redemption. The redemption price shall be the reasonable price of the land at the time of the sale.

Upon the filing of the corresponding petition or request with the department or corresponding case in court by the agricultural lessee or lessees, the said period of one hundred and eighty days shall cease to run.

Any petition or request for redemption shall be resolved within sixty days from the filing thereof; otherwise, the said period shall start to run again.

The Department of Agrarian Reform shall initiate, while the Land Bank shall finance, said redemption as in the case of preemption. (As amended by R.A. 6389)

[9] Rollo, p. 86.

[10] Id., p. 228.

[11] Id., p. 86.

[12] Id., p. 230. Penned by Associate Justice Porfirio V. Sison, concurred in by Associate Justices Abdulwahid A. Bidin, Marcelino R. Veloso and Desiderio P. Jurado.

[13] Penned by Presiding Justice Ramon G. Gaviola, Jr., concurred in by Associate Justices Eduardo P. Caguioa, Ma. Rosario Quetulio- Losa and Leonor Ines Luciano.

[14] Rollo, p. 221.

[15] Id., p. 222.

[16] Id., p. 88.

[17] Id., pp. 242-243.

[18] Rollo, p. 65, penned by Associate Justice Serafin E. Camilon, concurred in by Associate Justices Segundino G. Chua and Justo P. Torres, Jr.

[19] Id., p. 68.

[20] Rollo, p. 23.

[21] Id., pp. 22-24.

[22] Id., p. 28.

[23] Id., p. 35.

[24] Id., pp. 85-90.

[25] See note 1.

[26] Rollo, pp. 95-96.

[27] Id., p. 98.

[28] Id., p. 11.

[29] Rollo, pp. 229-230.

[30] No. L-52118, December 15, 1982, 119 SCRA 329, 331.

[31] Rollo, p. 15.

[32] See *Barrido vs. Court of Appeals*, Nos. L-38945-47, September 12, 1974, 59 SCRA 168, 172.

[33] *Panes vs. Court of Appeals*, No. L-58321, January 31, 1983, 120 SCRA 509, 514.

[34] G.R. No. 105818, September 17, 1993, 226 SCRA 589.

[35] Id., pp. 601-602.

[36] Rollo, p. 14.

[37] Id., pp. 16-17.

[38] Id., p. 68.

[39] Philippine Veterans Bank vs. Estrella, G.R. No. 138993, June 27, 2003.

[40] Salva vs. Court of Appeals, G.R. No. 132250, March 11, 1999, 304 SCRA 632, 645.

[41] Ramos vs. Ramos, G.R. No. 144294, March 11, 2003.

[42] Villaruel, vs. Fernando, G.R. No. 136726, September 24, 2003.

[43] Rollo, p. 16.

[44] Spouses Alfredo, et al. vs. Spouses Borrás, G.R. No. 144225, June 17, 2003.

[45] Samonte vs. CA, G.R. No. 104223, July 12, 2001, 361 SCRA 173, 181.

[46] Rollo, pp. 94-95.

[47] Id., p. 32.

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