

**ALBAY ELECTRIC COOPERATIVE, INC., EDGARDO A. SAN PABLO,
AND EVAN CALLEJA, PETITIONERS, VS. HON. RAFAEL P.
SANTELICES, IN HIS CAPACITY AS THE PRESIDING JUDGE OF THE
REGIONAL TRIA...**

G.R. No. 132540. April 16, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Petitioners Albay Electric Cooperative, Inc. (ALECO), Edgardo A. San Pablo (San Pablo), and Evan Calleja (Calleja) come to this Court by way of a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure assailing the Orders dated 17 October 1997, 12 November 1997, and 11 February 1998, issued by public respondent Hon. Rafael P. Santelices (Judge Santelices), Presiding Judge of the Regional Trial Court (RTC) of Legazpi City, Branch 2, in Civil Case No. 9441.

Private respondent Mayon International Hotel, Inc. (MIH) filed on 3 October 1997, before the RTC, a Complaint^[1] against petitioners for Damages Due to Illegal Electric Disconnection and Extortion with Temporary Restraining Order and/or Preliminary Mandatory Injunction, which was docketed as Civil Case No. 9441. MIH alleged that on 16 September 1997, at 3:00 p.m., ALECO employees, led by San Pablo and Calleja, tampered with the security seal, plastic seal, padlock, and sealing lead of the current transformer (CT) box of MIH. Thereafter, ALECO maliciously blamed said tampering, which its own employees committed, on MIH, in an attempt to extort money from the latter. In an undated and unsigned billing, ALECO charged MIH P1,482,718.56 differential for electricity consumed, an amount which ALECO unilaterally and arbitrarily computed, in violation of Section 6 of Republic Act No. 7832.^[2]

Petitioners, on the other hand, had a different version of the events. According to petitioners, on 16 September 1997, at about 3:00 o'clock in the afternoon, Calleja, Head of the ALECO Task Force on Systems Loss Reduction Program, together with other ALECO employees Jose Galang, Richard Aramburo, and Lorenzo Mendioro, went to conduct a routinary inspection of the electrical connections/facilities at MIH. Calleja and his men sought permission from Conversion Lorica, Head of the Engineering and Maintenance Department of MIH, who accompanied Calleja and his group to the Energy Room. Calleja saw that the padlock securing the CT box of MIH had been tampered with. Performing a routine test on the electric meter, where he unscrewed the tapping of the current transformer connection, Calleja observed that the kilowatt-hour disk rotated backwards or in reverse. Certain that some tampering must have been done with the inside of the CT box, Calleja sent one of his men to fetch and inform San Pablo, General Manager of ALECO, of the initial findings from the inspection conducted. Responding to Calleja's call, San Pablo proceeded to MIH accompanied by Engineer Alex Realozza and Senior Police Officer 2 Danilo A. Lerin of the Legazpi City Philippine National Police (PNP). Upon close inspection by ALECO employees of the CT box, they observed that the lead and plastic seals, as well as the padlock securing said device, were all tampered with. Because the padlock could not be opened by its key, San Pablo requested Lorica for a hack or steel saw to cut the padlock. When the CT box was finally opened after the padlock was

sawed off, it was revealed that the lead seal at the terminal cover had been cut, and there was a switching or interchanging of the lines in one of the terminals inside the CT box, which induced opposing currents into the kilowatt-hour meter, the gadget recording energy consumption. Because of such switching/interchanging of the lines inside the CT box, the recording of the electrical consumption by the kilowatt-hour meter could already be controlled. The kilowatt-hour meter disk could even be made to rotate backwards or in reverse, depending upon the load.

While Civil Case No. 9441 is still pending, petitioners already seek recourse from this Court via the instant Petition for Certiorari, alleging several irregularities committed by RTC Judge Santelices in the conduct of the proceedings a quo, without or in excess of jurisdiction or with grave abuse of discretion.

First, petitioners aver that Judge Santelices, as the Executive Judge of the RTC of Legazpi City, assigned Civil Case No. 9441 to his own branch, Branch 2,[3] without notifying ALECO about the pendency of said case and the schedule of raffle of the same, utterly disregarding and failing to comply with Administrative Circular No. 20-95[4] dated 12 September 1995.

Second, Judge Santelices, in his Order dated 17 October 1997, set the pre-trial conference of Civil Case No. 9441 on 12 November 1997 at 8:30 a.m., even when MIH, as the plaintiff in said case, had not yet filed any motion for the setting of the same;[5] nor had the last pleading therein been filed or the period for such filing expired. Pertinent portions of the said Order reads:

The court taking advantage of the presence of the parties and counsels, set the case for pre-trial and trial on the merits. The pre-trial will be on November 12, 1997 at 8:30 o'clock in the morning. Immediately after the trial, the case will be heard on the merits and the [herein private respondent MIH] will continue presenting their evidence on November 13 and 14, 1997 both at 8:30 o'clock in the morning. The [herein petitioners] will present evidence on November 17 and 18, 1997, both at 8:30 o'clock in the morning.

These dates being agreed upon in open court, are intransferable in character. Medical certificate will not be entertained unless the issuing doctor is presented on the witness stand to identify the medical certificate.[6]

Third, on 11 November 1997, a day before the scheduled pre-trial conference in Civil Case No. 9441, Atty. Wilfredo Matias filed with the RTC a motion to withdraw his appearance as counsel de parte for petitioners, which was duly noted by Judge Santelices.[7] Without a lawyer, petitioners did not know what to do since the pre-trial conference was already set for the next day. The tight situation compelled petitioners to request Atty. Danilo V. Roleda (Atty. Roleda), Councilor of Manila, to attend the 12 November 1997 pre-trial conference as their special counsel.

Atty. Roleda appeared as special counsel for petitioners before the RTC on 12 November 1997, but only for the purpose of seeking the cancellation of the pre-trial conference scheduled on said date on the ground that he was not familiar with Civil Case No. 9441. However, Atty. Jesus F. Balicanta (Atty. Balicanta) of M.M. Lazaro & Associates, counsel for MIH, objected to the cancellation of the pre-trial conference. After a lengthy argument with Atty. Roleda, Judge Santelices gave in to the cancellation of the pre-trial conference scheduled on 12 November 1997, but ordered petitioners to reimburse Atty. Balicanta for his air transportation expenses amounting to P2,500.00 and pay his court appearance fee for the day amounting to P3,000.00. In his Order dated 12 November 1997, Judge Santelices stated:

Today's hearing is supposed to be for pre-trial of this case. Attached to the record however, is a motion filed by the counsel on record for the [herein petitioners] Atty. Wilfredo Matias, withdrawing his appearance as such counsel.

It appears that the withdrawal is with the conformity of the [petitioners]. The [herein private respondent MIH]

however, together with counsel, as well as the collaborating counsel were present. Counsel for the [MIH] was insisting that the Court shall proceed with the pre-trial and that [petitioner] ALECO be declared as in default for not appearing at today's hearing nor giving the authority to anybody to appear for and its behalf.

Special appearance was entered by Atty. Danilo V. Roleda solely for the purpose of seeking cancellation of today's pre-trial and for resetting to another date on the ground that he is new in the case.

The Court, considering that Atty. Roleda has just appeared today and he might not be knowledgeable of the case, agreed to the cancellation of today's hearing, but considering that counsel for the [MIH] had to travel from Manila where he has his law office to Legazpi City and incurred expenses, it is just but proper that the counsel for the [MIH] be reimbursed for the expenses incurred. The withdrawal of appearance, as it appears from the record was just filed yesterday at 2:45 o'clock in the afternoon, the general manager of ALECO likewise filed a request for cancellation, but it was filed yesterday at 3:00 o'clock in the afternoon, the motion for cancellation of the hearing therefore does not conform with the rules. They should have filed the motion three (3) days before the scheduled hearing or perhaps, should have called [MIH's] counsel by a long distance or sent a telegram in order to avoid their coming over to attend the hearing and incur expenses.

PREMISES CONSIDERED, the pre-trial for today is cancelled and is reset to December 10, 1997 at 8:30 o'clock in the morning. This date being agreed upon in open Court is intransferrable in character. [Petitioners] are likewise directed to reimburse the expenses of counsel's transportation expenses in the amount of P2,500.00 plus appearance fee of P3,000.00.[8]

Petitioners, through their succeeding counsel, Atty. Nescito C. Hilario, filed a Motion for Reconsideration[9] of the foregoing Order. Judge Santelices, in another Order dated 11 February 1998, denied said Motion.[10] Judge Santelices refused to reconsider and reverse his 12 November 1997 Order for the following reasons:

There is yet another motion to be resolved and this is a motion for reconsideration filed by the said counsel Atty. Nescito Hilario, filed on December 10, 1997 or on the day of the scheduled pre-trial. What is being sought to be reconsidered by said motion is the order of the Court requiring the [herein petitioners] to reimburse [herein private respondent MIH's] counsel the amount of P2,500.00, representing transportation expenses and P3,000.00 for appearance fee.

Counsel alleged that said order is not countenanced by the 1997 Rules on Civil Procedure, nor by any law for that matter, hence the questioned order is illegal because it is without any legal basis, and therefore, an exercise of grave abuse of discretion amounting to lack of jurisdiction.

The Court must admit that there was some error in the order. The reimbursement should not be made to [MIH's] counsel but rather, it should be to the [MIH] itself because it is the latter that pays for the traveling expenses of counsel and the appearance fee.

The reason for the Court issuing that order was that [MIH's] counsel has to come all the way from Manila just to attend the scheduled pre-trial on that day. [Petitioners'] previous counsel has withdrawn his appearance, but considering that the [petitioners] knew of the said scheduled pre-trial, they appeared. [Petitioners] even secured the services of a new lawyer to enter a special appearance just for the purpose of canceling the pre-trial because the previous lawyer has withdrawn.

If the [petitioners] could secure the services of a new lawyer, who likewise is from Metro Manila, could they not have notified the other party and/or counsel of the fact that their lawyer has withdrawn and that [petitioners] are not ready for pre-trial. Perhaps, notice could have been made at least even by way of telegram, to forewarn [MIH]. If [MIH] and/or counsel receives such information by whatever means to the satisfaction of the Court and despite receipt of such information, [MIH] and/or counsel still presented themselves at the scheduled pre-trial, there could have been no reason whatsoever to order [petitioners] to reimburse [MIH] the traveling expenses incurred by it for the lawyer including the appearance fee.

PREMISES CONSIDERED, the motion for reconsideration is likewise DENIED.[11]

Hence, petitioners presented the following issues for adjudication by this Court:

- WHETHER OR NOT RESPONDENT JUDGE RAFAEL P. SANTELICES HAS ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION, OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN HE SET THE PRE-TRIAL OF CIVIL CASE NO. 9441 IN UTTER DISREGARD OF SECTION 1 OF RULE 18 OF THE 1997 RULES OF CIVIL PROCEDURE;[12] AND

- WHETHER OR NOT RESPONDENT JUDGE RAFAEL P. SANTELICES HAS ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION, OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF HIS JURISDICTION WHEN HE ISSUED THE SUBJECT ORDERS DATED NOVEMBER 12, 1997 AND FEBRUARY 11, 1998 REQUIRING THE HEREIN PETITIONERS TO PAY AND REIMBURSE RESPONDENT MAYON OR ATTY. JESUS F. BALICANTA OF M.M. LAZARO & ASSOCIATES FOR HIS TRANSPORTATION EXPENSES AMOUNTING TO P2,500.00 AND COURT APPEARANCE FEE FOR NOVEMBER 12, 1997 AMOUNTING TO P3,000.00 FOR ATTENDING THE SUBJECT PRE-TRIAL CONFERENCE OF CIVIL CASE NO. 9441.

The Court emphasizes, however, that no temporary restraining order or writ of preliminary injunction was issued by this Court to enjoin the RTC from proceeding with Civil Case No. 9441. Consequently, the RTC already rendered a Decision on 7 August 2000 in Civil Case No. 9441, the dispositive portion of which provides:

WHEREFORE, premises considered, decision is hereby rendered, in favor of the [herein petitioners] and against the [herein private respondent MIH],

a) Ordering the complaint DISMISSED.

b) Ordering the [MIH] to pay [petitioner] Albay Electric Cooperative, Inc. (ALECO) P2,908,763.00, the sum equivalent to double the value of the estimated electricity illegally used referred to as differential billing pursuant to the last proviso in the first paragraph of Sec. 6, Rep. Act No. 7832.

c) Ordering the [MIH] to pay [petitioners] exemplary damages of P250,000.00.

d) Ordering the [MIH] to pay the [petitioners] Edgardo San Pablo and Evan Calleja P1,000,000.00 each, as moral damages.

e) Ordering the [MIH] to pay [petitioners] P600,000.00 as attorney's fees, litigation and incidental expenses.

Costs against the [MIH].[13]

MIH then filed an appeal with the Court of Appeals, docketed as CA-G.R. CV No. 68491. On 30 July 2007, the Court of Appeals rendered a Decision[14] in CA-G.R. CV No. 68491 in which it decreed:

WHEREFORE, in view of all the foregoing, the assailed decision dated August 7, 2000 of Branch 6, Regional Trial Court of Legazpi City, in Civil Case No. 9441 is AFFIRMED with MODIFICATION that the award of actual damages in favor of [herein petitioner] Albay Electric Cooperative, Inc. is reduced to One Million Four Hundred Fifty-Four Thousand Three Hundred Eighty-One and 50/100 (P1,454,381.50) Pesos and the award of moral and exemplary damages as well as attorney's fees are hereby DELETED.[15]

Since no motion for reconsideration or appeal of said Decision had been filed, the 30 July 2007 Decision of the Court of Appeals in CA-G.R. CV No. 68491 already became final and executory. In a Resolution dated 15 February 2008, the appellate court ordered that Entry of Judgment be made in CA-G.R. CV No. 68491.

We first hew our attention to the propriety of a petition for certiorari under Rule 65 of the 1997 Rules of Civil

Procedure as resorted to by ALECO in the instant case.

We have consistently ruled that certiorari lies only where it is clearly shown that there is a patent and gross abuse of discretion amounting to an evasion of positive duty or virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or personal hostility. Certiorari may not be availed of where it is not shown that the respondent court lacked or exceeded its jurisdiction over the case, even if its findings are not correct. Its questioned acts would at most constitute errors of law and not abuse of discretion correctible by certiorari.[16]

In other words, certiorari will issue only to correct errors of jurisdiction and not to correct errors of procedure or mistakes in the court's findings and conclusions. An interlocutory order may be assailed by certiorari or prohibition only when it is shown that the court acted without or in excess of jurisdiction or with grave abuse of discretion. However, this Court generally frowns upon this remedial measure as regards interlocutory orders. To tolerate the practice of allowing interlocutory orders to be the subject of review by certiorari will not only delay the administration of justice but will also unduly burden the courts.[17]

We must stress that the assailed RTC Orders are but resolutions on incidental matters that do not touch on the merits of the case or put an end to the proceedings. The remedy against an interlocutory order is not to resort forthwith to Certiorari, but to continue with the case in due course; and, when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law,[18] incorporating in said appeal the ground for assailing the interlocutory Orders. Thus, ALECO acted precipitately in resorting to Certiorari to test the correctness of the RTC orders dated 17 October 1997, 12 November 1997 and 11 February 1998.

Even assuming that ALECO has a cause of action that is ripe for the extraordinary writ of certiorari, the petition should have been initially filed with the Court of Appeals under the principle of hierarchy of courts. It has been our consistent rule that while this Court has concurrent jurisdiction with the Court of Appeals and the Regional Trial Courts (for writs enforceable within their respective regions) to issue writs of mandamus, prohibition or certiorari, the litigants are well advised against taking a direct recourse to this Court. This concurrence is not to be taken as unrestrained freedom of choice as to which court the application of the writ will be directed.[19] Instead, litigants should initially seek the proper relief from the lower courts. As a court of last resort, this Court should not be burdened with the task of dealing with causes in the first instance. Where the issuance of an extraordinary writ is concurrently within the competence of the Court of Appeals, litigants must observe the principle of hierarchy of courts. This Court's original jurisdiction to issue extraordinary writs should be exercised only where absolutely necessary, or where serious and important reasons therefor exist.[20] In this case, ALECO failed to show the existence of such serious and important reasons to justify their direct resort to this court in violation of the principle of hierarchy of courts.

Additionally, instead of filing a Memorandum herein, MIH filed a Manifestation on 20 December 2006 informing this Court of the following:

RESPONDENT-MAYON INTERNATIONAL HOTEL, INC., thru counsel, in compliance with this Most Honorable Court's resolution dated January 10, 2005, most respectfully manifests (in lieu of a memorandum required therein) that the lapse of almost nine (9) years since the filing of the present petition on February 24, 1998, let alone the reported passing away of Respondent-Judge Santelices - has rendered the issues in the present petition of no significance whatsoever, for which reason:

- Respondent-Mayon International Hotel, Inc. hereby WAIVES whatever right or claim it may have by virtue of Respondent-Judge Santelices' subject "orders" dated November 12, 1997 and February 11, 1998 with respect to "the amounts of P2,500.00 for transportation expenses and P3,000.00 for court appearance fee;" and

- Respondent-Mayon International Hotel, Inc. hereby JOINS the Petitioners in their prayer that Respondent-Judge Santelices' above-subject "Orders" be declared a nullity, and that "the pre-trial conferences called by the said Judge Santelices be declared null and void and without legal effect." [21] (Emphasis ours.)

At the end of its Manifestation, MIH prays to this Court:

WHEREFORE, it is most respectfully prayed: (a) that the foregoing manifestation/waiver/joiner be NOTED and MADE OF RECORD; and (b) that the same be deemed sufficient compliance with this Most Honorable Court's aforesaid pertinent resolution.

Other reliefs as may be just and equitable in the premises are likewise prayed for. [22]

Given the foregoing developments, the Court deems that the issues presently before it have already become moot and academic.

The final and executory Decision dated 30 July 2007 of the Court of Appeals in CA-G.R. CV No. 68491, affirming with modification the Decision dated 7 August 2000 of the RTC in Civil Case No. 9441, rendered moot the first issue raised in the instant Petition on the setting by Judge Santelices of the pre-trial conference in Civil Case No. 9441 on 12 November 1997, purportedly without MIH filing the proper motion for the same and prior to the filing of the last pleading in said case. Clearly, this is a question of procedure, particularly involving the application of and compliance with Section 1, Rule 18 of the 1997 Rules of Civil Procedure. It is axiomatic that where a decision on the merits of a case is rendered and the same has become final and executory, the action on procedural matters or issues becomes moot and academic. [23]

Similarly, the Manifestation filed by MIH before this Court on 20 December 2006 rendered moot and academic the second issue broached in the Petition at bar on the propriety of the Orders dated 12 November 1997 and 11 February 1998 issued by Judge Santelices, directing petitioners to pay MIH P2,500.00 and P3,000.00, as transportation expense and court appearance fee, respectively, of MIH's counsel who attended the pre-trial conference held on 12 November 1997.

The Court notes that MIH, in its Manifestation, categorically (1) waives whatever right or claim it may have by virtue of Judge Santelices' Orders dated 12 November 1997 and 11 February 1998; and (2) joins petitioners in their prayer for the Court to declare said Orders a nullity. Given that MIH manifests before this Court that it will no longer seek the enforcement or execution of the award for transportation expense and court appearance fee in its favor under RTC Orders dated 12 November 1997 and 11 February 1998, then there is even no need for the Court to rule on the validity or nullity of the said Orders. MIH may already be bound by its waiver.

Waiver is a renunciation of what has been established in favor of one or for his benefit, because he prejudices nobody thereby; if he suffers loss, he is the one to blame. [24] Article 6 of the Civil Code provides that "(r)ights may be waived, unless the waiver is contrary to law, public order, public policy, morals, or good customs, or prejudicial to a person with a right recognized by law." A reading of the assailed Orders dated 12 November 1997 and 11 February 1998 of Judge Santelices in Civil Case No. 9441 would readily reveal that he awarded transportation expense and court appearance fee to MIH as compensation for the inconvenience caused the latter and its counsel by the last-minute cancellation of the pre-trial conference scheduled on 12 November 1997. The awards were entirely for the benefit of MIH, and so it was entirely within the right of MIH to waive the same - to willingly suffer the loss resulting from such waiver. Considering that 10 years have since passed since the issuance of the RTC Orders in question, as well as the nominal amounts involved, it is not that difficult to comprehend why MIH, at this stage, would rather waive, than insist, on its right or claim to the awards of transportation expense and court appearance fee.

With the final and executory judgment in Civil Case No. 9441 and the waiver by MIH of any right or claim under the assailed RTC Orders dated 12 November 1997 and 11 February 1998, there is no more justiciable controversy for adjudication by this Court.

An action is considered "moot" when it no longer presents a justiciable controversy because the issues involved have become academic or dead or when the matter in dispute has already been resolved and hence, one is not entitled to judicial intervention unless the issue is likely to be raised again between the parties.[25]

The rule is well-settled that for a court to exercise its power of adjudication, there must be an actual case or controversy — one which involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution; the case must not be moot or academic or based on extra-legal or other similar considerations not cognizable by a court of justice. Where the issue has become moot and academic, there is no justiciable controversy, and an adjudication thereof would be of no practical use or value, as courts do not sit to adjudicate mere academic questions to satisfy scholarly interest, however intellectually challenging.[26]

Needless to stress, courts exist to decide actual controversies, not to give opinions upon abstract propositions. That a court will not sit for the purpose of trying moot cases and spend time in deciding questions, the resolution of which cannot in any way affect the rights of the person or persons presenting them is well settled.[27]

The court should refrain from expressing its opinion in a case in which no practical relief may be granted in view of a supervening event. It is a rule almost unanimously observed that courts of justice will take cognizance only of justiciable controversies wherein actual and not merely hypothetical issues are involved.[28]

WHEREFORE, premises considered, the instant Petition is DISMISSED for being moot and academic. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Peralta, JJ., concur.

[1] Records, Vol. I, p. 1.

[2] An Act Penalizing the Pilferage of Electricity and Theft of Electric Power Transmission Lines/ Materials, Rationalizing System Losses by Phasing Out Pilferage Losses as a Component Thereof, and for Other Purposes.

[3] Re RTC order dated 3 October 1997 reads:

Considering the urgency of the matter, the case was referred to the Office of the Executive Judge for special raffle. Special raffle was thus conducted today 2:00 O'clock in the afternoon and after raffle, the case found its way into the sala of Branch 2 of the Regional Trial Court. (Records, Vol. I, p. 21.)

[4] Subject: Re Special Rules for Temporary Restraining Orders and Preliminary Injunctions.

- Where an application for temporary restraining order (TRO) or writ of preliminary injunction is included in a complaint or any initiatory pleading filed with the trial court, such complaint or initiatory pleading shall be raffled only after notice to the adverse party and in the presence of such party or counsel.

[5] Attached was the original certification dated 11 February 1998 issued by Mr. Elmer Paje, Officer-in-Charge of the RTC Legazpi City, Branch 2, as Annex "A," which states: "This is to certify that the plaintiff in Civil Case No. 9441, entitled, MAYON INTERNATIONAL HOTEL, versus ALBAY ELECTRIC COMPANY, et al., did not file a Motion to Set Pre-trial Conference in this case. Given this 11[th] day of February 1998, at Legazpi City, upon request of Atty. Nescito C. Hilario." (Records, Vol. I, p. 262.)

[6] Records, Vol. I, pp. 56-57.

[7] Id. at 187.

[8] Id. at 198-199.

[9] Id. at 213.

[10] Id. at 240.

[11] Id. at 266-267.

[12] SECTION 1. When conducted. - After the last pleading has been served and filed, it shall be the duty of the plaintiff to promptly move ex parte that the case be set for pre-trial.

[13] CA rollo, p. 139.

[14] Penned by Associate Justice Sesonando E. Villon with Associate Justices Martin S. Villarama, Jr. and Noel G. Tijam, concurring; CA rollo, pp. 273-284.

[15] CA rollo, p. 283.

[16] *Lee v. People*, 441 Phil. 705, 713-714 (2002).

[17] Id.

[18] *Angara v. Fedman Development Corporation*, G.R. No. 156822, 18 October 2004, 440 SCRA 479.

[19] *Paradero v. Abragan*, 468 Phil. 277, 288 (2004).

[20] *Pearson v. Intermediate Appellate Court*, 356 Phil. 341, 355 (1998).

[21] Rollo, pp. 94-95.

[22] Id.

[23] *Flores v. Court of Appeals*, 328 Phil. 992, 1027 (1996).

[24] *National Food Authority v. Court of Appeals*, 370 Phil. 735, 748 (1999).

[25] *Santiago v. Court of Appeals*, G.R. No. 121908, 26 January 1998, 285 SCRA 16, 21.

[26] *Republic v. Tan*, G.R. No. 145255, 30 March 2004, 426 SCRA 485, 493.

[27] *Delgado v. Court of Appeals*, G.R. No. 137881, 19 August 2005, 467 SCRA 418, 428.

[28] *Jaafar v. Commission on Elections*, 364 Phil. 322, 327-328 (1999).

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