PUROK BAGONG SILANG ASSOCIATION, INC., PETITIONER, VS. HON. EVANGELINE S. YUIPCO, IN HER CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 29, SURIGAO CITY, LYDIA KAIMO,...

G.R. NO. 135092. May 04, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is a Petition for Prohibition under Rule 65 of the Rules of Court with prayer for the issuance of a writ of preliminary injunction and temporary restraining order to enjoin Judge Evangeline S. Yuipco, Regional Trial Court (RTC), Branch 29, from enforcing the writ of demolition she issued in Civil Case No. 3203.

The antecedents are as follows:

Lydia, Victoria, Noemi, Carlos, Rogelio, Venecio, Degracia and Jose Nolan, all surnamed Kaimo, and their siblings, Henedina Kaimo Bringas and Florida Kaimo Clerego, were the co-owners of three parcels of land located in Kaskag, Surigao City, covered by Transfer Certificate of Title (TCT) Nos. T-4283, 4284 and 4285. However, about 400 private individuals constructed their houses and other improvements on the property. In 1982, the occupants formed an association known as the Purok Bagong Silang Association, Inc. (PBSAI).

The Kaimos filed a Complaint in the RTC of Surigao City for the recovery of possession of real property, damages and attorney's fees against 64 occupants.[1] The case was docketed as Civil Case No. 3203.

In their answer to the complaint, most of the defendants declared that the subject property was classified as timberland and, as such, part of the public domain; thus, the plaintiffs had no cause of action against them. Seven other defendants alleged in their answer that they had stopped paying rentals to plaintiffs at P10.00 a month when they discovered that the property was timberland.

After due proceedings, the trial court rendered judgment on August 15, 1985 in favor of the plaintiffs. The fallo of the decision reads:

> WHEREFORE, judgment is hereby rendered in favor of plaintiffs and against the defendants, and the Court hereby condemns and orders:
>
> (1). The defendants, as well as their agents, representatives and [assignees-in-interest], to vacate immediately from the parcels of land in question, and to restore the peaceful possession thereof to the plaintiffs;
>
> (2). The defendants to pay plaintiffs in solidum P15,000.00 as reimbursement of litigation expenses and another sum of P10,000.00 as reimbursement for attorney's fees, as well as moral damages in the sum of P30,000.00;
>
> (3). Defendants Eduardo Cuizon, Dionie Gersano, Emel Jamero, Eladia Marapao, Manuel Mustajo, Victor Tubal, Carlos Ausa and Ruben Babatayon (each of them) to pay plaintiffs monthly rental of P10.00 from

> January 1979 until they shall vacate and turn over the area in question to the plaintiffs.
>
> In the execution of the judgment herein by ousting the defendants from the parcels of land in question, the plaintiffs shall and must relocate the above three (3) parcels of land by a license (sic) geodetic engineer so that only those defendants who are found occupying and within the area of the three (3) parcels of land in question as relocated shall be ordered ousted therefrom and the defendants or those who are found to be occupying portions outside the boundaries of the above-described parcels of land should not be molested.
>
> Consequently, the defendants' counterclaim is, as it is, hereby DISMISSED, with costs against them.
>
> SO ORDERED.[2]

The defendants did not appeal the decision. Consequently, it became final and executory. On motion of the plaintiffs, the court issued an Order for the issuance of the writ.[3] Some of the defendants' personal properties were levied upon, but the latter refused to remove their houses and improvements on the property and vacate the same despite demands. On motion of the plaintiffs, the court issued an Alias Writ of Execution. The Deputy Sheriff failed to cause the eviction of the defendants. The plaintiffs filed a Motion before the trial court for a special order authorizing the Deputy Sheriff to demolish the houses and other improvements on the property.[4] The court granted the motion and issued a Special Order on June 22, 1995,[5] directing the eviction, not only of the defendants, but also those occupying and squatting on the property.

As gleaned from the reports of the four deputy sheriffs, the defendants refused to remove their houses and vacate the property despite their receipt of copies of the court's Special Order. This time, the plaintiffs filed a Motion dated January 18, 1996, praying that the court issue an order for the demolition of the houses and improvements of the defendants on the subject property.[6]

During the hearing, the parties agreed that the three parcels of land would be relocated by a geodetic engineer to be appointed by the court. On March 6, 1996, the trial court issued an Order appointing Engineer Honorato Bisnar to conduct a relocation survey of the property, and to submit his report thereon, thus:

> - To relocate the three (3) parcels of land subject-matter of this case and determine which houses are within the said property;
>
> - To submit his report immediately after the completion of the relocation survey for approval by this Court;
>
> - To allow Sheriffs Samuel Basco, Juan Gonzaga and Bonifacio Betito to be present during the relocation of the property.[7]

The Engineer complied, and submitted his report on September 12, 1996. The trial court approved the same, there being no opposition thereto from any of the parties.[8] However, the defendants still refused to demolish their houses and improvements on the property.

Meanwhile, the PBSAI and the defendants in Civil Case No. 3203, as petitioners, filed a petition for certiorari with this Court wherein they raised the following issues:

> - Whether the execution of the decision dated August 15, 1985 of the lower court can be done by a mere motion or by an independent civil action;
>
> - Whether or not Plaintiffs must relocate the three (3) parcels of land by a licensed geodetic engineer so that only those defendants who are found occupying and within the area of the three (3) parcels of land in question as relocated shall be ordered ousted therefrom and the defendants or those who are found to be occupying portions outside the boundaries of the three (3) parcels of land in question shall not be molested; and,
>
> - Whether defendants are covered by Executive Order No. 82, as modified by Memorandum Order No. 68

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> dated January 22, 1987 of the President of the Philippines, and by PCUP Circular No. 1, Series of 1987, pursuant to PCUP Resolution No. 2 - 87 [dated] July 6, 1987.[9]

The case was docketed as G.R. No. 121262. However, the Court resolved to dismiss the petition for failure of petitioners to comply with Revised Circular No. 1-88 and to submit a verified statement of their receipt of the RTC's Order dated June 22, 1995.[10] The resolution of the Court became final and executory after the denial of the petitioners' motion for reconsideration.[11]

On motion of the plaintiffs, the trial court issued an Order on May 15, 1998 in Civil Case No. 3203 for the issuance of a writ of demolition of all the buildings, houses, structures or improvements found inside the properties of the plaintiffs, without indicating that such house or improvement should belong to the defendants. The dispositive portion of the Order reads:

> WHEREFORE, the judgment in this case being final and executory and for failure of the defendants to comply with the Special Order dated June 22, 1995, let a Writ of Demolition be issued for the demolition of all buildings, houses, structures or improvements found within or inside Lot Nos. 474-B-2-C-6-D-5, 474-B-2-C-6-D-6, and 474-B-2-C-6-D-2, covered by TCT Nos. 4283, 4284 and 4285.
>
> SO ORDERED.[12]

On May 25, 1998, the trial court issued a Writ of Demolition ordering the Ex-Officio Sheriff to demolish all the improvements, buildings, houses and structures erected by the defendants found within or inside Lot Nos. 474-B-2-C-6-D-5, 474-B-2-C-6-D-6 and 474-B-2-C-6-D-2 covered by TCT Nos. 4283, 4284 and 4285, belonging to plaintiffs.[13] The Ex-Officio Sheriff prepared and signed a Notice of Demolition to the defendants stating that all buildings, structures, houses and improvements on the subject property would be demolished between 9:00 a.m. to 4:00 p.m. on June 15, 1998:

> Please take notice that[,] by virtue of the Court Order dated May 15, 1998 issued by the Honorable Evangeline S. Yuipco, Judge of the Regional Trial Court, Branch 29, Surigao City in the above-entitled case, the undersigned Ex-Officio Sheriff of Surigao del Norte, Surigao City, thru her legal deputies, on the 15th day of June 1998, between 9:00 A.M. to 4:00 P.M. and soon thereafter shall proceed to BAGONG SILANG, Surigao City, then and there to DEMOLISH all buildings, houses, structures or improvements found within or inside Lot Nos. 474-B-2-C-6-D-5[;] TCT Nos. 4283, 4284 and 4285, and to place Lydia Kaimo, et al. (plaintiffs) in possession of the lots in question.
>
> It is requested that all of you be present in the said lot on the date and hours above-stated.[14]

However, the Deputy Sheriff served copies of said notice not only on the defendants but also on 309[15] other individuals (who were not defendants in Civil Case No. 3203) whose houses stood on the plaintiffs' property. The Ex-Officio Sheriff informed the trial court of the service of the copies of the Notice of Demolition in a Progress Report on June 5, 1998.[16]

This prompted eight of the defendants below, namely, Eduardo Cuizon, Dionie Gersano, Emel Jamero, Eladio Marapao, Manuel Mustajo, Victor Tubal, Carlos Ausa and Ruben Babatayon, to file a Petition for Certiorari in the Court of Appeals (CA) docketed as CA-G.R. No. 48121. They raised the following issues in their petition:

> - Whether the respondent Judge has acted with grave abuse of discretion and in excess of her jurisdiction amounting to lack thereof when she issued the questioned Order dated May 15, 1998 without any findings made by Engr. Honorato Bisnar regarding the occupancy within the three (3) parcels of lands in issue by the Defendants as relocated for the enforcement or execution of the Decision dated August 15, 1985.
>
> - Whether the Decision dated August 15, 1985 which became final and executory on August 28, 1994 can be

executed by a mere motion.

- Whether the execution of the writ of demolition dated May 25, 1998 contravenes Section 28 of R.A. No. 7279.[17]

The appellate court issued a Temporary Restraining Order on July 1, 1998 enjoining the enforcement of the writ of demolition.[18]

The Deputy Sheriff tried to implement on two occasions the Writ of Demolition issued by the trial court to no avail. On July 1, 1998, the Deputy Sheriff, this time accompanied by 50 members of the PNP Reserve Unit, some Geodetic Engineers and laborers, tried to implement the writ. However, the residents, armed with steel bars, sticks, and other deadly weapons blocked the way of the sheriff and his escorts. Again, the Deputy Sheriff failed to implement the Writ of Demolition because he was shown a copy of the temporary restraining order issued by the CA in CA-G.R. No. 48121. The Deputy Sheriff opted to stop altogether the demolition of the houses and structures in the plaintiffs' property.

The PBSAI approved a Resolution authorizing the filing of a petition before this Court or any court or administrative body in behalf of its 309 members whose houses and structures the Deputy Sheriff earlier threatened to demolish.

On August 24, 1998, the PBSAI filed a Petition for Prohibition in this Court against the plaintiffs in Civil Case No. 3203 and the Presiding Judge in said case, as the respondents. It alleged therein that it was an association of homeowners and settlers, occupants of portions of the property of the private respondents. It claimed that the respondent Judge acted with grave abuse of discretion amounting to excess or lack of jurisdiction when she issued the May 15, 1998 Order, and Writ of Demolition dated May 25, 1998 ordering the demolition of the houses and structures of 309 of its members who were not defendants in Civil Case No. 3203.

The petitioner also alleged that not being a party to Civil Case No. 3203, it cannot appeal from the said questioned Order dated May 15, 1998 of the respondent Judge, and that it had no plain, speedy and adequate remedy therefrom in the ordinary course of law except through the filing of the petition.[19]

Petitioner prayed that:

> WHEREFORE, premises considered, it is most respectfully prayed that the instant Petition be given due course and that pending determination of the merits of this Petition, a writ of preliminary injunction or a temporary restraining order be issued against RESPONDENT JUDGE restraining her from further proceedings in the premises, and after due deliberation of the issues involved herein, a Writ of Prohibition be issued commanding the RESPONDENT JUDGE to desist absolutely from further proceeding with the implementation of its questioned Order dated May 15, 1998 and its Writ of Demolition dated May 25, 1998 against the houses, structures or improvements owned by the members of PETITIONER Association who are not parties to Civil Case No. 3203, with costs.
>
> PETITIONER Association further pray for such other relief or remedy that may be deem[ed] just and equitable in the premises.[20]

In their Comment on the petition, the private respondents averred that: (1) the 65 defendants in Civil Case No. 3203, not the petitioner, are the real parties-in-interest to assail the May 15, 1998 Order and May 25, 1998 Writ of Demolition of the respondent Judge; (2) eight of the defendants below, who were the petitioners in CA-G.R. No. 48121, are guilty of forum-shopping; (3) the service of the copies of the notice of demolition on persons who were not the defendants below was of no consequence because, as stated in the decision of the court and the notice of demolition issued in Civil Case No. 3203, only the houses and improvements of the defendants below found in the

properties of the plaintiffs were to be demolished by the Deputy Sheriff.

The threshold issues for resolution are: (1) whether the petitioner is the real party-in-interest in this case; (2) whether the petition filed in this Court is appropriate; and (3) whether the respondent Judge committed a grave abuse of discretion amounting to excess or lack of jurisdiction in issuing the May 25, 1998 Writ of Demolition.

The petition is dismissed.

On the first issue, the rule is that all actions must be prosecuted and defended by the real parties-in-interest and in the name of the real party-in-interest.[21] The party whose legal right has been invaded or infringed or who sustained an injury is the only one who can maintain the action;[22] or the party who stands to be benefited or injured by the judgment in the suit. He must appear to be the present owner of the right sought to be enforced.[23] An association has the legal personality to represent its members and the outcome of the case will affect their vital interests.[24] Thus, in Executive Secretary v. Court of Appeals,[25] the Court ruled that the modern view is that an association has standing to complain an injury to its members. This view focuses the legal identity of an association with that of its members. An association has standing to file suit for its members despite its lack of direct interest if its members are affected by the action; similarly, an organization has standing to assert the concern of its constituents.

We, however, note that petitioner sought relief from this Court for a writ of prohibition under Rule 65 of the Rules of Court. Where the issuance of an extraordinary writ is also within the competence of the CA or the RTC, it is in either of these courts that the specific action for the issuance of such writ must be proscribed unless special and important laws are clearly and specifically set forth in the petition. The reason for this is that the Court is a court of last resort and must so remain if it is to satisfactorily perform the functions assigned to it by the Constitution and immemorial tradition. It cannot and should not be burdened with the task of deciding cases in the first instance. Its original jurisdiction to issue extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor.[26]Petitioner has not alleged, in its petition, any special and important reasons why it sought relief from this Court for a writ of prohibition before seeking relief in the respondent court or the CA.

On the third issue, petitioner failed to establish that the respondent Judge committed grave abuse of her discretion in issuing the May 25, 1998 Writ of Demolition. Under the decision of the respondent Judge, the defendants therein were directed to be evicted from the property of the respondents and ordered to return possession of the property to the latter. The respondent Judge neither ordered the eviction of any other person occupying the property of the respondents other than the defendants, nor ordered the Ex-Officio Sheriff to demolish the houses or structures of any person other than the defendants. Thus, the dispositive portion of the writ reads:

> NOW THEREFORE, we command you to demolish the improvements, buildings, houses, and structures erected by the defendants found within or inside Lot Nos. 474-B-2-C-6-D-5, 474-B-2-C-6-D-6, and 474-B-2-C-6-D-2 covered by TCT Nos. 4283, 4284, and 4285, belonging to the plaintiffs located at Bagong Silang, Barangay Washington, Surigao City.
>
> This Writ shall be returned by you to this Court, within ten (10) days from the date of receipt hereof, together with your proceedings indorsed hereon.[27]

What precipitated the complaint of the petitioner's 309 members who were not the defendants in Civil Case No. 3203 was the Notice of Demolition issued by the Ex-Officio Sheriff, copies of which were served on all 309 members who were not parties in Civil Case No. 3203. It declared that the houses and improvements of the defendants, as well as the houses and structures of persons occupying and/or squatting in the property of the respondents, would be demolished. The Notice of Demolition of the Ex-Officio Sheriff was based on the June 22,

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1995 Order of the respondent Judge which reads:

> WHEREFORE, and for being meritorious, the aforesaid motion is hereby GRANTED. As a consequence thereof, a Special Order is issued ordering each of the defendants, their agents, or representatives or other persons acting in their behalf or occupying or squatting on subject properties, to demolish or remove their respective improvements themselves not later than sixty (60) days from receipt of this Special Order.
>
> Serve a copy of this order to each of the defendants and their counsel Atty. Villaluz and to be enforced by the Sheriffs Juan Gonzaga, Samuel Basco, and Bonifacio Betito of this Court. The setting of his opposition on June 30 is cancelled.
>
> SO ORDERED. (Underscoring supplied)[28]

As worded, the order of the respondent Judge deviated from her decision that only the defendants would be evicted from the property. Clearly, the June 22, 1995 Order of the respondent Judge and the Notice of Demolition of the Ex-Officio Sheriff cannot be enforced against the 309 members of the petitioner who were not parties in Civil Case No. 3203 because only the parties in said case are bound by the decision and the concomitant orders therein. Strangers to the case are not bound by the decision in Civil Case No. 3203 or the proceedings taken therein.[29]Thus, the 309 members of the petitioner who were not parties in Civil Case No. 3203 but whose houses and structures were threatened to be demolished by the Ex-Officio Sheriff had the right to complain and seek relief from the Ex-Officio Provincial Sheriff, from respondent court, or from the CA.

Section 2, Rule 65 of the Rules of Court provides:

> Sec. 2. Petition for prohibition. - When the proceedings of any tribunal, corporation, board, officer or person, whether exercising judicial, quasi-judicial or ministerial functions, are without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of its or his jurisdiction, and there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent to desist from further proceedings in the action or matter specified therein, or otherwise granting such incidental reliefs as law and justice may require.

A writ of prohibition is an extraordinary writ. It may be issued only in the absence of a plain, speedy and adequate remedy in the ordinary course of law. Indeed, in Esquivel v. Hon. Ombudsman,[30] this Court ruled that:

> x x x [A] writ of prohibition will not be issued against an inferior court unless the attention of the court whose proceedings are sought to be stayed has been called to the alleged lack or excess of jurisdiction. The foundation of this rule is the respect and consideration due to the lower court and the expediency of preventing unnecessary litigation; it cannot be presumed that the lower court would not properly rule on a jurisdictional objection if it were property presented to it. x x x[31] (citations omitted)

The petitioner and/or its 309 members who were not parties in Civil Case No. 3203 had a speedy, adequate, and plain remedy in the course of law. They had the right to request the Ex-Officio Provincial Sheriff to refrain from causing the demolition of their houses and improvements on the subject property since they were not the defendants in Civil Case No. 3203. They even failed to file a Motion Ex Abundante Cautelam before the respondent Judge for her to amend the May 25, 1998 Writ of Demolition so as to exclude therefrom their houses and improvements. They could have filed a petition for certiorari against the respondents with the CA for the nullification of the May 25, 1998 Writ of Demolition and for prohibition to enjoin the private respondents from implementing said Writ since they were not the defendants in Civil Case No. 3203.

Moreover, there was no urgency for the petitioner or its 309 members to file their petition in this Court considering that, earlier, on July 1, 1998, the CA had already issued a temporary restraining order in CA-G.R. No.

48121, on the basis of which the Ex-Officio Sheriff stopped implementing the May 25, 1998 Writ of Demolition issued by the respondent Judge.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED on procedural grounds and for lack of merit. Costs against petitioner.

SO ORDERED.

Panganiban, C. J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

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[1] EDUARDO CUIZON, JUANITA GAYASO, DIONIE GERSANO, EMEL JAMERO, HERMIS MIRABUENA, MELER OJOL, JUANITO TARIL, TRESTAN AZARCON, MARITO PALOMO, ELADIA MARAPAO, GAMILITO GARALLO, BARBARA IBALLE, ALEX VIRTUDAZO, MANUEL MUSTAJO, CRESENCIO ARREZA, ROBERTO DOLORIEL, EMILIANO ABAD, DOMINGO BUKID, ESPOSO TINAMBACAN, VICTOR TUBAL, ALFONSO MANTILLA, JUANITO HERCAN, ANTONIO DANDAN, CLEMENTE SIMBIT, ROMUALDO ECLEO, DOMINGO TERO, CUSTODIO CALIWATAN, JOVITO LINGATONG, JOSEFINO TABITA, ALFREDO BARACA, ARTEMIO DANTEL, CARLITO GASTA, JOVISIO BUSAL, RICO CABELO, CIPRIANO PLAZA, TOMAS SANCHEZ, HERMINIO GUIMARY, MESIAS QUIBAN, MR. ESPALDON, LEONIDES AMPARO, ERNESTO EBUNA, ADELA REYNA, PC SGT. SAMOREN, CHARLITO TABAYON, NORBERTO BESING, GRACIANO TERO, JUANITO SITOY, LORNA CARUANA, REYNALDO LOAYON, ALYAS BOHOL, DIOSCORO NAVARRO, CRESENCIO PERTACORTA, ERLINDA ESCALANTE EDULAN, TERESITA ARREZA, W. MASAYA, CARLOS AUSA, GLORIA IRIN, RUBEN BABATAYON, EDITO BONGGATE, C. ANTALLAN, CAROL LAAG, J. DAQUIT, P. LINAYA, and PEDRO ORAIS. (Rollo, pp. 6-7, 25)

[2] Id. at 49-50.

[3] Id. at 53.

[4] Id. at 54-56.

[5] WHEREFORE, and for being meritorious, the aforesaid motion is hereby GRANTED. As a consequence thereof, a Special Order is issued ordering each of the defendants, their agents or representatives or other persons acting in their behalf, or occupying or squatting on subject properties, to demolish or remove their respective improvements themselves (sic) not later than sixty (60) days from receipt of this Special Order.

Serve a copy of this order to each of the defendants and their counsel[,] Atty. Villaluz, and to be enforced by the Sheriffs Juan Gonzaga, Samuel Basco and Bonifacio Betito of this Court. The setting of his opposition on June 30 is cancelled.

SO ORDERED. (Id. at 57-58)

[6] Id. at 59-61.

[7]Id. at 65.

[8] Id. at 63.

[9]Id. at 9-10.

[10] Id. at 10, 59-60.

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[11] Id. at 10.

[12] Id. at 69.

[13] Id. at 71.

[14] Id. at 72.

[15]BONIFACIO MALIGMAT, ESMERALDO AMPER, TERESA GATO, MANUEL LACIA, PEDRO PARNADA, CHARLIE MENGASCA, MAMERTO GOLOAN, CLAUDIO ASUMEN, SAMUEL PURACAN, FULGENCIO PURACAN, ROSEMARY LABIAL, WILLIE MEDINA/MIMIE, LOURDES BONONO, EDUARDO GONZALES, ROMUALDO ELIOT, FELISA CATUBORAN, EXUPERIO OREJAS, ANTONIO DALIDA, CANDELARIA TOROTORO, PABLITO ENAO, CONCORDIA FERMELAN, MYRNA PIODO, PETE ROJO, RODRIGO MATABARAN, ANGELITO ELLAR, MARIBETH/CHITO VILLACANTOL, PETER DEJOLDE, ANTONIO LAMANITO, VIRGILIO RESAS, VICENTE JIMENEZ, RICO RESULLAR, LEO - LEO'S SHOP, VICTOR RESULLAR, VIRGIE BULADACO, MOHAMAD GUNTING, LALO SANTISAS, FELOMENA SANTISAS, ARTURO AGUILA, ORTIZ, MAMERTO SUMAMPONG, FELIPE ALCORADA, FRANCISCO GUHITIA, RHC BLDG., DAY CARE CENTER, PENYAY BASADRE, LILIBETH PLAZA, GOMERCINDO GALIGAO, VIRGIE GESTA, FELIPE GALIMAN, FLORCITA DELIMA, RONNIE LIZA, EDUARDO GALANG, ANGEL ELIMANCO, AMADA MONGADO, JAIME ESCALANTE, AVELINA RANGAS, WINNIE MAQUISO, ALAN CATIN, JOVITA, EFREN MONGADO, ROSARIO GABATO, PANFILO MAIQUE, ELMA BATUHAN, DORA SITOY, CARLITO LIBARNES, MARIETTA CASUERA, LINDA GESTA, YOLANDA ARNUCO, NONITA LOPEZ, PACUNIO GUIMARUS, LEONORA CASTARDO, TOMAS SANCHEZ, CATIENZA, LEONARDO PIEDAD, GABIE AMPER, ALEX GALES, JUANITO GERCAN, FELIPE JARANTA, RUDY SANCHEZ, NATIVIDAD BACO, FRANCISCO MONDALLA, PRIMITIVO ATENDEDO, LITO BETO, ROBERTO AUSIN, RACQUEL LOAYON, LOLOY SAMPAGA, MANUELA TALINGTING, CABALLO, TRESTRAM AZARCON, ROGELIO CATACUTAN, DODONG BESAMO, ATTY. SESINANDO VILLALUZ, SR., ROSE RESTIDE MALIGNAT, ESTEBAN BADIOLA, ARTURO BOLAKIA, ALEJANDRO ALIPAO, QUIRINO SAMONTINA, ANTONIO DALIDA, JIMMY BANCOYO, CARLOS CRESPO, PEDRO CRESPO, NICOLAS CRESPO, ANNABELLE PERIL, JESSIE REYES, ADOLFO BOLABOG, NATING GUHITING, MARIO VILLAROZA, MAXIMO GALAGAR, OPTATO ELEDIA, JUANITO GAKIT, CAROL LAAG, CELSO BASADRE, CARLITO ANTALLAN, certain GESTA, LUISITO GONGOTE, FAUSTINO MANLIGUEZ, GLECERIO OREJAS, CAROL LAAG, ALBERTO ALAPAG, QUINTINA GONO, MERCEDES MONTESCLAROS, TEOFILO TAPIA, NOGALIZA, ALBERTO AUDITOR, DOMINGO BUKID, LOPE EQUIBAL, JESUS MERIDA, ANTONIO BECERRA, RICARDO TOBIA, DARIO YSALINA, LILY EGUNA, ANA BARCOS, CORNELIO MESOLER, PENYAY ORTIZ, ASTERA MESIAS, FLORENCIO GESTA, JACINTO MESIAS, RUBEN VALENZUELA, MOISES PAQUIT, LOURDES REPUTANA, JOEL BEYOYO, CARLOS AUSA, SILVERIO MABOLIS, JUANITA LLAMERA, certain PASYON, DEQUIÑO, MARIO ESPALDON, RAMON VILLACORTA, JAIME SIMBIT, BENIDA JAMA, SALES JAMERO, NERIO EDER, EDUARDO CUIZON, SR., TEODORA RECUIRRA, VICTOR TOBAL, SAMUEL ESPINOZA, CARMELA MUSTAJO, LADIA MARAPAO, ROMY GORILLO, ROSALINO SATUROS, NIMFA LONGOS, ANECIA P. DE LA CRUZ, ARNALDO BEDO, CIPRIANO CRESPO, ALEX HONTILA, POLICARPIO FABIO, LEO A. CANALES, ROMY POBE, JOSE CAVITE, NICOLAS CRESPO, JAIME ENOYA, RICARDO VITOR, BRENDA BAUTISTA, PATIMO SALDE, BONIFACIO CANDA, JOHNNY PACTORAYAN, PEDRO ALMINE, DIVINA ESPERE, SENCIO GESTA, ANITA LLANDUAN, LEONIDISA AMPARO, TEOPANES PAQUEO, JR., NICK NAJIAL, VIRGINIA ORTIZ, RUPERTO ACERTO, SATURNINO PAMALERIO, ANTONIO GEBANA, FELIX ORTIZ, JULES CAYAMANA,

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[16] Rollo, pp. 73-80.

[17] Id. at 13.

[18] Id.

[19] Id. at 15-18.

[20] Id. at 19-20.

[21] Section 2, Rule 3 of the Rules of Court.

[22] Baliwag Transit, Inc. v. Court of Appeals, G.R. No. 80447, January 31, 1989, 169 SCRA 849, 854.

[23] Shipside, Inc. v. Court of Appeals, G.R. No. 143377, February 20, 2001, 352 SCRA 334, 350.

[24] Chinese Flour Importers Association v. PRISCO, 89 Phil. 439, 461 (1951).

[25] G.R. No. 131719, May 25, 2004, 429 SCRA 81, 96.

[26] Page-Tenorio v. Tenorio, G.R. No. 138490, November 24, 2004, 443 SCRA 560, 566-567.

[27] Id. at 71.

[28] Id. at 57-58.

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[29] See Rodil Enterprises, Inc. v. Court of Appeals, 422 Phil. 388, 402 (2001); Santana-Cruz v. Court of Appeals, 414 Phil. 47, 67 (2001); Malayang Samahan Ng Mga Manggagawa Sa M. Greenfield, G.R. No. 113907, April 20, 2001, 357 SCRA 77, 97.

[30] 437 Phil. 702, 715 (2002).

[31] Id. at 715.

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