

ASSOCIATION OF INTEGRATED SECURITY FORCE OF BISLIG (AISFB) -ALU, PETITIONER, VS. HON. COURT OF APPEALS AND PAPER INDUSTRIES CORPORATION OF THE PHILIPPINES, RESPONDENTS.

G.R. NO. 140150. August 22, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a petition for certiorari under Rule 65 of the Rules of Court seeking to annul the 20 July 1999 Decision[1] of the Court of Appeals in CA-G.R. SP No. 50798, affirming the 10 July 1992 Decision[2] of the National Labor Relations Commission (NLRC) and its Resolution[3] dated 06 June 1994 in NLRC OC No. M-00002 (RBXI NS-4025-91).

Petitioner Association of Integrated Security Force of Bislig-ALU (AISFB-ALU) is a legitimate labor organization duly registered with the Department of Labor and Employment (DOLE). Its members are the regular company hired security guards composing the Company Guard Force maintained and operated by private respondent Paper Industries Corporation of the Philippines (PICOP). The Company Guard Force provided security services to PICOP's facilities at its mill site.

Private respondent PICOP is a corporation engaged in the manufacture of paper and timber products, with principal place of operations at Tabon, Bislig, Surigao del Sur.

The circumstances which led to the dismissal of the security guard members of herein petitioner AISFB-ALU, as narrated by the NLRC and adopted in toto by the Court of Appeals and which are supported by evidence, are quoted hereunder:

The complainants are regular company hired security guards who composed the so-called Company Guard Force, a security force maintained and operated by respondent Paper Industries Corporation of the Philippines (PICOP).

In 1990, the said security guards formed a labor union called the Association of Integrated Security Force of Bislig-ALU, which was duly registered with the Department of Labor and Employment (DOLE). On May 4, 1990, a petition for certification election was conducted where ALU-TUCP was proclaimed the exclusive bargaining agent of the company security guards. On April 1, 1991, The Philippine Constabulary (PC) Civil Security Force Command, District II, based in Davao City, through Lt. Col. Jose B. Maneja, Jr., District Director, advised respondent PICOP "to desist from utilizing your Company Guard Force in conducting security activities" for its failure to renew its license to operate. Because of this, respondent PICOP, through R.D. Azucena, Assistant Vice-President, Administration Group, relayed the said information to all security guards and security officers of its security department in a memo dated April 4, 1991. In the same memo, respondent PICOP directed the security guards and security officers "to continue with your assigned postings until further notice."

On the same day, the PC Civil Security Force Command, District II, enforced the directive. Respondent

PICOP's firearms were confiscated and its armory was padlocked. Respondent PICOP was constrained to close its security force.

On April 6, 1991, complainants were sent notices of termination to take effect May 7, 1991. Respondent PICOP explained that the phase-out and closure of its security force was due to the non-approval of its application for the renewal of its license by the PC Civil Security Force Command.

Respondent PICOP's license expired on March 31, 1991. It applied for renewal of its license as early as January 1991. However, difficulties were allegedly encountered in complying with the requirements, particularly the firearms clearance, since some firearms issued to the security guards were missing and could not be accounted for. Likewise, respondent PICOP believed that another factor contributed to the non-approval of its security license was the strong suspicion that some of its security field personnel were sympathizers of the rebels (NPA) which were confirmed by repeated intelligence information fed by the intelligence community in Bislig to the PC Civil Security Force Command.

On April 8, 1991, complainants filed a notice of strike with the National Conciliation and Mediation Board (NCMB) Region XI. The required strike vote was obtained only on April 13, 1991.

However, complainants failed to stage a strike allegedly because of fear that the NPA's might take advantage of such volatile situation and its adverse effects charged against them.

Respondent, on the other hand, believed that complainants did not push through with their plan to stage a strike because more than one half of their members (103 to be exact out of the original 204) already accepted the closure of the security force and in fact were already paid their separation benefits in full. Respondent then claimed that even complainant Guimary and his group have collected more than 50% of their separation benefits. Besides, most of the complainants applied for absorption or transfer to other departments of respondent PICOP. Eighty-eight (88) were re-employed and absorbed in the other operating departments of respondent company.

However, the remaining complainants still strongly assert that their termination of employment was the result of their having formed a union, a clear case of union busting. Respondent PICOP allegedly deliberately refused to comply with the requirements for the renewal of its security license. And, because complainants were illegally terminated from employment, they are entitled to reinstatement, backwages, damages, attorney's fees and other monetary benefits.

The said labor dispute was certified to the National Labor Relations Commission (NLRC) for compulsory arbitration by the then Secretary of Labor and Employment, the Hon. Ruben D. Torres, in an Order^[4] dated 31 January 1992.

On 10 July 1992, the NLRC^[5] rendered its questioned decision dismissing the complaint for illegal dismissal, backwages, etc. The dispositive portion of the NLRC's decision reads as follows:

WHEREFORE, the Commission finds respondent PICOP's closure of its Company Security Force and the consequent termination of employment of the security guards VALID and LEGAL. Accordingly, the complainants' complaint for illegal dismissal, backwages, etc., is hereby DISMISSED for lack of merit.

However, in accordance with the provision of Article 283 of the Labor Code, as amended, respondent PICOP is hereby ordered to grant the affected complainants, separation pay equivalent to the amount given to each of the absorbed members of the security force prior to their re-hiring or re-employment, if any, or one-half (1/2) month for every year of service, a fraction of at least six (6) months to be considered as one (1) whole year, whichever is higher, on the basis of the rate of salary or wage they received at the time of their termination from service. For this purpose, upon finality of the herein Resolution, the Corporate Auditing Examiner of the Arbitration Branch of origin is directed to compute the amount of separation pay each individual complainant is entitled to receive, observing in the course thereof the procedural requirements of due process, said

computation to form an integral part of the herein Resolution.

Herein petitioner thereafter filed its motion for reconsideration as well as a motion to have NLRC Commissioners Leon G. Gonzaga, Jr., and Musib M. Buat inhibit themselves from hearing the motion for reconsideration. Said motion to recuse was granted and NLRC Commissioners Ireneo B. Bernardo and Lourdes C. Javier temporarily replaced Commissioners Gonzaga and Buat as members of the 5th Division of the NLRC.

On 06 June 1994, the temporary members of the 5th Division of the NLRC issued a resolution denying the motion of herein petitioner. It held that:

WHEREFORE, the union's Motion for Reconsideration is hereby DENIED and the Decision dated July 10, 1992 affirmed.

However, the Company is hereby enjoined to accord priority preference to the displaced employees including Union members in case of hiring.

Aggrieved, herein petitioner commenced, on 14 November 1994, a Petition for Certiorari before the Supreme Court.[6] The subject petition, however, was referred to the Court of Appeals for appropriate action and disposition per resolution[7] of this Court dated 07 December 1998, in accordance with the ruling in *St. Martin Funeral Home v. NLRC*. [8]

On 20 July 1999, the Court of Appeals rendered a Decision affirming the findings of the NLRC, to wit:

WHEREFORE, premises considered, instant petition is hereby DENIED DUE COURSE and DISMISSED for lack of merit and the decision dated July 10, 1992, as well as the resolution dated June 6, 1994 of the National Labor Relations Commission are hereby AFFIRMED in toto.

Still undaunted, the members of petitioner AISFB-ALU, represented by the latter, filed the present petition for certiorari under Rule 65 of the Rules of Court challenging the above Decision of the court a quo predicated on the following grounds:

I.

THAT THE FINDINGS OF FACTS OF PUBLIC RESPONDENT IS NOT SUBSTANTIATED BY ANY EVIDENCE;

II.

THAT SERIOUS ERRORS OF FACTS AND LAW WERE COMMITTED BY PUBLIC RESPONDENT WHICH WOULD CAUSE GRAVE AND/OR IRREPARABLE DAMAGE OR INJURY TO THE UNION'S SECURITY GUARDS;

III.

THAT GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WAS COMMITTED BY PUBLIC RESPONDENT WHICH IF NOT PROPERLY CORRECTED WOULD LIKEWISE CAUSE GRAVE AND/OR IRREPARABLE DAMAGE OR INJURY TO THE PETITIONER;

IV.

THAT THIS PETITION IS PURELY ON QUESTIONS OF LAW.

Petitioner's efforts are unavailing. We dismiss the petition for its procedural and substantive flaws.

The general rule is that the remedy to obtain reversal or modification of judgment on the merits is appeal.[9] This is true even if the error, or one of the errors, ascribed to the court rendering the judgment is its lack of jurisdiction

over the subject matter, or the exercise of power in excess thereof, or grave abuse of discretion in the findings of facts or of law set out in the decision.[10] Records, however, disclose that petitioner received the Decision of the Court of Appeals on 27 July 1999, consequently, it had 15 days from said date of receipt of assailed judgment, or until 11 August 1999, within which to file a petition for review on certiorari, the reglementary period prescribed by Rule 45 of the Rules of Court to avail of said action. On 24 September 1999, close to two months after said receipt, petitioner filed its petition for certiorari. Evidently, petitioner has lost its remedy of appeal. At this point, we re-echo the oft repeated injunction that the particular special civil action of certiorari will not lie as a remedy for lost appeal.[11]

Even assuming for the sake of argument that the present petition is the appropriate remedy under the Rules of Court, the records of the instant case will bear out the fact that petitioner failed to file a motion for reconsideration of the decision of the appellate court, thus, depriving the respondent court a quo of the opportunity to correct on reconsideration such errors as it may have committed. For the special civil action of certiorari to commence under Rule 65 of the Rules of Court, the Rules require that the petitioner be left with "no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law." To wit:

SECTION 1. Petition for Certiorari. - When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file....[Emphasis supplied.][12]

A motion for reconsideration of an assailed decision is deemed a plain and adequate remedy provided by law.[13] Thus, for petitioner's utter failure to file a motion for reconsideration of the decision of the court a quo before recourse to this special civil action was made, as a general rule, the instant petition must be dismissed for failure to comply with a condition precedent in order for said recourse to lie. While in certain instances, the extraordinary remedy of certiorari may be resorted to despite the availability of an appeal,[14] such[15] are sadly nonexistent in this case.

In any event, in the interest of justice and in order to write finis to the instant case which has already dragged on for so long,[16] we regard this present petition *pro hac vice*[17] as a petition for review on certiorari under Rule 45 of the Rules of Court where the indispensability of a motion for reconsideration is negated.[18]

The petition would still be dismissed as it is substantially infirm for the utter failure of petitioner to show grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the court a quo. Nowhere in the recycled[19] petition is there a showing that the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction reversible by a petition for certiorari. The arguments raised are the exact duplicate of the issues raised in the petition dated 14 November 1994, before the Court assailing the decision of the NLRC.

It is petitioner's theory that the termination of its members was "effected as a consequence of their having formed and organized a union, and ultimately won in the workers electoral process for purposes of collective bargaining agreement. ... Evidence show that PICOP never pursued the renewal of its permit to operate after it received a notice from PCSUCIA." [20] Furthermore, petitioner contends that PICOP's failure to renew its license was due to the latter's failure to submit clearance and documents; thus, the NLRC's findings:

It could not, however, comply with the requirements specifically the firearms clearance because some of the firearms issued to the security force were missing and could not be accounted for. Efforts were exerted by respondent to locate the missing firearms as can be gleaned from the memoranda dated February 26, 1991 and March 26, 1991 but to no avail.

are conclusions that are not supported by evidence.

In affirming the decision of the NLRC, however, the Court of Appeals declared that private respondent PICOP's failure to submit the necessary requirements for the renewal of its license was anything but deliberate. It cited that as early as February 1991, private respondent PICOP had already filed its application for renewal. However, the PC Civil Security Force Command did not favorably act on it considering that an inventory of the firearms issued to PICOP's security guards evidenced that some were unaccounted for. Exchange of written communications between private respondent PICOP and the PC Civil Security Force Command of the PC/INP through Lt. Col. Jose B. Maneja, Jr., its District Director, District II, Ecoland, Davao City, substantiates the closure of the private respondent PICOP's security force, thereby belying petitioner's contention that the failure to file the necessary clearances for the renewal of the license was deliberate on the part of private respondent PICOP in order to bust the union recently formed by petitioner's security guard members. Accordingly, the court a quo held that the NLRC correctly ruled that the closure of the security force of PICOP was valid and is considered a cessation of operations of establishment or undertaking not due to serious business losses or financial reverses as provided for under Article 283 of the Labor Code, as amended.

For its part, private respondent PICOP maintains that it had no other choice but to comply with the order of the PC Civil Security Force Command of District II, Davao City. Had it done otherwise, it would have risked criminal liability for itself, as well as for the members of petitioner and the other security guards. In addition, it asserts that there was never any attempt on its part to intentionally fail in securing the renewal of its license, as it made every effort to submit the requirements of the said government office. It was just unfortunate that certain weapons were unaccounted for and more regrettable were reports of rebel activities in the ranks of petitioner and other security guards contained in intelligence accounts reaching the authorities/military. Hence, it submits that the denial of its application for renewal of its license to operate its own security force was not entirely due to its failure to account for the missing firearms.

A painstaking examination of the issues and allegations upon which the instant petition is grounded blatantly reveals that petitioner would have us re-evaluate the factual veracity and probative value of the evidence submitted before the NLRC. The first two issues raised in the instant petition inquire into the factual findings of the court a quo contrary to the dictates of Rule 45 of the Rules of Court which states that only questions of law may be raised and resolved on the petition. Petitioner posits that the court a quo's finding that the closure of private respondent PICOP's Company Guard Force was valid is not supported by evidence. It further alleges that the reason for private respondent PICOP's failure to renew its license to operate a security force was its deliberate failure to submit the necessary documents. Petitioner, therefore, is asking us to sift through the evidence on record and pass upon whether, indeed, private respondent PICOP's failure was deliberate or not. The foregoing clearly involves a factual inquiry, the determination of which is the statutory function of the NLRC.[21] Conspicuously, the issue of deliberate failure to submit the necessary requirements has been undoubtedly passed upon by, not one, but two tribunals, all reaching the same conclusion that there is enough proof on record to support the finding that the cessation of operation or closure of the security force of private respondent PICOP was not a deliberate effort on its part to thwart or impede the fundamental right of the security guards to organize nor is it a clear case of union busting.

What petitioner refuses to understand is that private respondent PICOP was constrained to close its own security force. Not only did private respondent PICOP fail to secure the necessary license, but the intelligence reports regarding insurgent activities and connections in the area gathered by the authorities appear to have worked against approval of the application for renewal. It is quite unfair to expect private respondent PICOP to operate its security force illegally. By virtue of Republic Act No. 5487,[22] private respondent PICOP was mandated to secure a license to legally continue operating its security force. Failing to secure the necessary license would mean the imposition of sanctions and penalties, i.e., penalty[23] of suspension, or fine or cancellation of its

license to operate, direct or manage its security guard force. Furthermore, it cannot be gainsaid that the PC Civil Security Force Command under the command of Lt. Col. Jose B. Maneja, Jr. personally padlocked the armory of private respondent PICOP, necessitating the hiring of independent security agency to take over the duties and responsibilities of its defunct security force.

Elementary is the principle that this Court is not a trier of facts. Judicial review of labor cases does not go beyond the evaluation of the sufficiency of the evidence upon which its labor officials' findings rest.[24] As such, the findings of facts and conclusion of the NLRC are generally accorded not only great weight and respect but even clothed with finality and deemed binding on this Court as long as they are supported by substantial evidence.[25] "Well-settled is the rule that the jurisdiction of this Court in a petition for review on certiorari under Rule 45 of the Revised Rules of Court is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are completely devoid of support from the evidence on record or the assailed judgment is based on a gross misapprehension of facts." [26] What is more, factual findings of quasi-judicial agencies like the NLRC, when affirmed by the Court of Appeals, as in the present case, are conclusive upon the parties and binding on this Court.[27] We find no basis for deviating from the aforestated doctrines without any clear showing that the findings of the NLRC, as affirmed by the court a quo, are bereft of sufficient substantiation.

The allegation of petitioner that the missing firearms were not really assigned to its members contrary to the claim of the private respondent PICOP and, thus, misleading the NLRC, is of no significance. It was never claimed that only the firearms issued to petitioner's members must be accounted for in order for the application for renewal to be granted. The fact is there were missing firearms. Besides, failure to account their whereabouts was not the sole reason for the non-renewal of said application as found by the NLRC and the court a quo.

An employer may close or cease his business operations even if he were not suffering from business losses or financial reverses. This is so for Article 283 of the Labor Code, as amended, categorically grants an employer the authority to do so:

ART. 283. CLOSURE OF ESTABLISHMENT AND REDUCTION OF PERSONNEL. - The employer may also terminate the employment of any employee due to the installation of labor saving devices, redundancy, retrenchment to prevent losses or the closing or cessation of operation of the establishment or undertaking unless the closing is for the purpose of circumventing the provisions of this Title, by serving a written notice on the worker and the Ministry of Labor and Employment at least one (1) month before the intended date thereof. In case of termination due to the installation of labor saving devices or redundancy, the worker affected thereby shall be entitled to a separation pay equivalent to at least his one (1) month pay or to at least one (1) month pay for every year of service, whichever is higher. In case of retrenchment to prevent losses and in cases of closures or cessation of operations of establishment or undertaking not due to serious business losses or financial reverses, the separation pay shall be equivalent to one (1) month pay or at least one-half (1/2) month pay for every year of service, whichever is higher. A fraction of at least six (6) months shall be considered as one (1) whole year.

as long as he complies with the necessary payment of separation pay and the required notices.

Labor law discourages interference with an employer's judgment in the conduct of his business. Even as the law is solicitous of the welfare of the employees, it must also protect the right of an employer to exercise what are clearly management prerogatives. As long as the company's exercise of the same is in good faith to advance its interest and not for the purpose of defeating or circumventing the rights of employees under the laws or valid agreements, such exercise will be upheld.[28]

By and large, the determination of whether to maintain or phase out an entire department or section or to reduce personnel lies with the management. The cessation of operation of its security force was a business judgment

properly within the exercise of the management prerogative of private respondent PICOP especially considering the need for continuous security around the premises of the private respondent in view of insurgents in the area, a fact which was never challenged by petitioner. Being a valid exercise of management prerogative, the need by private respondent PICOP to close its own security force and the ensuing resolution to hire out the vacant positions, we are proscribed from inquiring or probing into the wisdom of such decisions as we have ascertained that private respondent PICOP has exercised said right fairly, practically and in accordance with law.

Finally, the records of the instant case verify that private respondent PICOP had sufficiently complied with the requirements for valid termination based on the aforesaid ground as defined by Art. 283 of the Labor Code, as amended, i.e., (a) serving a written notice to the affected workers and the DOLE at least one month before the effective date of the closure; and (b) payment of separation pay equivalent to one month or at least one-half month pay for every year of service, whichever is higher, with a fraction of at least six (6) months to be considered one whole year. It informed the DOLE and the security guards of the cessation of the operation of its Company Guard Force effective 07 May 1991 in a letter[29] dated 06 April 1991, issued by Mr. Manolo Medrano, Manager of private respondent PICOP's Security Department. The employees were likewise informed of the availability or the release of funds for their separation pay. Unfortunately, only 103 out of the 204 employees availed of said benefit,[30] while 88[31] of the 204 opted to re-apply and were, subsequently, re-hired[32] in private respondent PICOP's other departments. The rest chose to file the instant case.

WHEREFORE, premises considered, the instant petition is DISMISSED for lack of merit. The questioned Decision of 10 July 1992 of the NLRC and its Resolution of 06 June 1994 in NLRC OC No. M-00002 are hereby AFFIRMED in toto. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Penned by Associate Justice Bernardo P. Abesamis with Associate Justices Artemon D. Luna and Conchita Carpio Morales concurring; Rollo, p. 28.

[2] Penned by NLRC Commissioner Leon G. Gonzaga, Jr., with Commissioners Musib M. Buat and Oscar N. Abella concurring; CA Rollo, p. 25.

[3] NLRC Commissioners Leon G. Gonzaga, Jr., and Musib M. Buat recused themselves upon the motion of the petitioners; replaced by Commissioners Ireneo B. Bernardo and Lourdes C. Javier; CA Rollo, p. 33.

[4] CA Rollo, p. 76.

[5] See Note 2.

[6] CA Rollo, p. 3.

[7] CA Rollo, p. 407.

[8] G.R. No. 130866, 16 September 1998, 295 SCRA 494.

[9] *Sawadjaan v. Court of Appeals, et al.*, G.R. No. 141735, 08 June 2005.

[10] *Supra*.

[11] *Paa v. Court of Appeals*, G.R. No. 126560, 04 December 1997, 282 SCRA 448, citing *Vda. De Espina v. Abaya*, G.R. No. 45142, 26 April 1991, 196 SCRA 312; *Sy v. Romero*, G.R. No. 83580, 23 September 1992, 214

SCRA 187, *Hipolito v. Court of Appeals*, G.R. Nos. 108478-79, 21 February 1994, 230 SCRA 191; *Fajardo v. Bautista*, G.R. Nos. 102193-97, 10 May 1994, 232 SCRA 291; *De la Paz v. Panis*, G.R. No. 57023, 22 June 1995, 245 SCRA 242.

[12] Rule 65, Section 1 of the Rules of Court.

[13] *Solis v. NLRC*, G.R. No. 116175, 28 October 1996, 263 SCRA 629.

[14] *Heirs of Lourdes Potenciano Padilla v. Court of Appeals*, G.R. No. 147205, 10 March 2004, 425 SCRA 236, citing *MMDA v. JANCOM Environment Corp.*, G.R. No. 147465, 30 January 2002, 375 SCRA 320, citing *Ruiz, Jr. v. Court of Appeals*, G.R. No. 101566, 26 March 1993, 220 SCRA 490.

[15] When public welfare and the advancement of public policy dictates, or when the broader interests of justice so require, or when the writs issued are null, or when the questioned order amounts to an oppressive exercise of judicial authority.

[16] Close to 14 years.

[17] "For this occasion."

[18] The 15-day reglementary period for the filing of a petition for review on certiorari under Rule 45 commences either from notice of the questioned judgment or from notice of denial of the appellant's motion for reconsideration.

[19] The pleading filed as a petition for certiorari before the Court on 24 September 1999 is exactly the same pleading filed initially before the Court on 14 November 1994 which was later on referred to the CA per SC Resolution dated 07 December 1998.

[20] Petition p. 9; Rollo, p. 200.

[21] *CBL Transit, Inc. v. NLRC, et al.*, G.R. No. 128425, 11 March 2004, 425 SCRA 367.

[22] AN ACT TO REGULATE THE ORGANIZATION AND OPERATION OF PRIVATE DETECTIVE, WATCHMEN OR SECURITY GUARD AGENCIES.

[23] Section 18 of Rep. Act No. 5487.

[24] *Supra*.

[25] *Progressive Development Corp. v. NLRC*, G.R. No. 138826, 30 October 2000, 344 SCRA 512.

[26] *Magellan Capital Management Corporation v. Zosa*, G.R. No. 129916, 26 March 2001, 355 SCRA 157.

[27] *Miralles v. Go*, G.R. No. 139943, 18 January 2001, 49 SCRA 596.

[28] *Maya Farms Employees Organization, et al. v. NLRC, et al.*, G.R. No. 106256, 28 December 1994, citing *Union Carbide Labor Union v. Union Carbide Phils., Inc.*, G.R. No. 41314, 13 November 1992, 215 SCRA 554; *National Federation of Labor Unions v. NLRC*, G.R. No. 90739, 03 October 1991, 202 SCRA 346; *Philippine Telegraph and Telephone Corp. v. Laplana*, G.R. No. 76645, 23 July 1991, 199 SCRA 485; *Cruz v. Medina*, G.R. No. 73053, 15 September 1989, 177 SCRA 565; *San Miguel Brewery Sales Force Union (PTGWO) v. Ople*, G.R. No. 53515, 08 February 1989, 170 SCRA 25.

[29] CA Rollo, pp. 60, 127-130.

[30] In a certification dated 05 June 1991, issued by the Section Manager of the Cash Disbursement Section of

PICOP; CA Rollo, pp. 131-133.

[31] CA Rollo, pp. 135-180.

[32] CA Rollo, p. 134.

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