

DANILO DUMO AND SUPREMA DUMO, PETITIONERS, VS. ERLINDA ESPINAS, JHEAN PACIO, PHOL PACIO, MANNY JUBINAL, CARLITO CAMPOS, AND SEVERA ESPINAS, RESPONDENTS.

G.R. NO. 141962. January 25, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court assailing the Decision[1] of the Court of Appeals (CA) dated October 14, 1999 in CA-G.R. SP No. 50239, which set aside the Decision of the Regional Trial Court (RTC) of Bauang, La Union, Branch 33, and reinstated with modification the judgment of the Municipal Trial Court (MTC) of the same town and province; and its Resolution[2] of February 18, 2000, denying petitioners' motion for reconsideration.

The present case arose from a complaint for forcible entry with prayer for the issuance of a temporary restraining order and/or preliminary injunction filed by spouses Danilo and Suprema Dumo (petitioners) against Erlinda Espinas, Jhean Pacio, Phol Pacio, Manny Jubinal, Carlito Campos and Severa Espinas (respondents) with the MTC of Bauang, La Union. The case was docketed as Civil Case No. 881. In their complaint, petitioners alleged:

...

- That plaintiffs are the owners-possessors of a parcel of sandy land with all the improvements standing thereon, located in Paringao, Bauang, La Union, with an area of 1, 514 square meters, covered by Tax Declaration No. 22839, a photocopy of the said tax declaration is hereto attached as Annex "A";
- That on November 17, 1995, defendant Severa J. Espinas filed a civil complaint before this same court, docketed as civil case no. 857, entitled "Quieting of Title and/or Ownership and Possession against spouses Sandy and Presnida Saldana, subject matter of the case being the same real property mentioned in paragraph 2 above, for which plaintiffs seeks (sic) that the Honorable Court takes judicial notice of the same;
- That although a decision has been rendered against the defendants in civil case no. 857, the same was not enforced as per Sheriff's return dated November 4, 1996, attached to the records of civil case no. 857;
- That on October 30, 1996, at about 1:45 P.M., all defendants acting for the interest of Severa Espinas, apparently disgruntled with the refusal of the sheriff to put them in possession over the questioned real property, and in open defiance with the official action taken by the sheriff, took it upon themselves, employing force, intimidation, and threat, to enter the said question (sic) real property, and despite protestations made by plaintiffs, who were there then present and visibly outnumbered by defendants and their agents who were armed with sticks, bolos, hammers, and other deadly weapons, successfully drove out plaintiffs, and took over the premises; that arrogantly, the defendants were boasting aloud that they were under instructions by the "judge" to do just that - to forcibly enter and take over the premises; that defendants while inside the premises, demolished and totally tore down all the improvements standing thereon, consisting of, but not limited to shed structures intended for rent to the public;

- That defendants are still in the premises to date, and have even started putting and continuously putting up structures thereon;
- That the plaintiff being the rightful owner of the disputed property and not being a party in civil case no. 857, can never be bound by the proceedings thereon; that the acts of defendants in forcibly entering the property of plaintiff, and taking over the same without no lawful basis is patently a violation of her proprietary rights, the commission and the continuance of the unlawful acts aforementioned of defendants verily works injustice to plaintiffs;[3]...

Petitioners prayed for the payment of actual damages in the amount of P75,000.00, lost earnings of P5,000.00 per day, moral damages of P100,000.00 and attorney's fees in the amount of P50,000.00.[4]

On November 12, 1996, the MTC issued a temporary restraining order directing the defendants to cease and desist from destroying or demolishing the improvements found on the subject land and from putting up structures thereon.[5] In its Order of January 15, 1997, the MTC issued a writ of preliminary injunction.[6]

In their Answer, respondents contended as part of their Special and Affirmative Defenses:

...

- That Sps. Marcelino and Severa Espinas purchased the questioned parcel of land from Carlos Calica in 1943;
- That said parcel of land has been declared for taxation purposes under their name and the real estate taxes have [been] religiously paid;
- That said parcel of land has been surveyed, which Plan Psu-202273 is duly approved by the Director of Land, with an area of 1,065 sq. m. more or less;
- That to remove and clear all doubts and cloud over the ownership of said parcel of land, Civil Case No. 857 was filed and after hearing, decision was rendered declaring herein defendants the lawful owners of said parcel of land;
- That under and by virtue of said Decision, defendants entered, occupied and possessed said land, and in the exercise of their right of ownership, cleaned the same of illegally constructed structures which were done without the knowledge and consent of herein defendants;[7]

...

After trial, the MTC rendered judgment holding that petitioners were able to prove their right of possession over the subject property. The dispositive portion of the MTC Decision reads as follows:

WHEREFORE, in view of the foregoing considerations, judgment is rendered in favor of the plaintiffs spouses Danilo and Suprema Dumo and against all the defendants and therefore, the Court declares the plaintiffs the priority of possession or physical possession de-facto of the land subject matter of the suit. The preliminary mandatory injunction heretofore issued by this Court is hereby made permanent and if the defendants and their agents or any person acting in their behalf are still in the premises are ordered to vacate said property. The defendants are likewise ordered to pay jointly and severally the plaintiffs the amount of P30,000.00 as actual damages plus P500.00 a day as lost earning of the premises from October 30, 1996 up to the time defendants vacate the premises; P30,000.00 as moral damages; P10,000.00 as exemplary damages; and P30,000.00 as attorney's fee and to pay double cost.

SO ORDERED.[8]

Aggrieved by the decision of the MTC, respondents appealed the case to the RTC of Bauang, La Union.[9] It was docketed as Civil Case No. 1099-BG.

In a letter filed with this Court dated July 24, 1998, RTC Judge Rose Mary R. Molina-Alim who handles Civil Case No. 1099-BG, requested that she be allowed to inhibit herself from further sitting in said case on the ground that the petitioners have filed an administrative complaint against her for partiality, and by reason of such complaint she honestly feels that she can no longer continue deciding Civil Case No. 1099-BG without bias and unnecessary pressure.[10] However, in this Court's Resolution of September 15, 1998, Judge Molina-Alim's request was denied on the ground that the mere filing of an administrative complaint does not preclude a judge from deciding a case submitted to him/her for resolution.[11] Hence, Judge Molina-Alim proceeded in deciding the case.

In its Decision dated December 18, 1998, the RTC reversed and set aside the Decision of the MTC and dismissed the case filed by the petitioners.[12] The RTC ruled:

Prescinding from the above factual antecedents, as between defendant Severa Espinas who acquired the property on October 18, 1943 through purchase (Exhibit "1") and plaintiffs who allegedly possessed it on May 23, 1987 by virtue of the deed of partition with absolute sale (Exhibit "A"), the former had a possession antedating that of the latter. Even if the possession of plaintiffs' predecessors-in-interest, Sps. Pedro and Bernardo Trinidad since 1951, were to be considered, still, defendant Severa Espinas enjoys the priority of possession long before the filing of the instant case on October 30, 1996. Under these circumstances, priority in time should be the pivotal cog in resolving the issue of possession.

What is more, defendant Severa Espinas was never divested of her possession except in 1987 when the plaintiffs put up the retaining seawall on the western portion and cyclone wire on the southern portion of the property without her (Severa) consent. Despite the latter's protestations, plaintiffs continued to introduce these improvements and challenged her to file a suit in Court. (Minutes of the ocular inspection, April 23, 1997). And lately, in Civil Case No. 857 (Exhibit "3"), when defendants Saldy and Fresnida Saldaña tried to encroach on the property claiming ownership thereof. What is more, the possession of defendant Severa Espinas since 1943 was bolstered by the decision rendered in the land registration case (Exhibit "U"), as well as in the civil case (Exhibit "E"), wherein she was declared the owner of the property in question.

Hence, the MTC erred in finding plaintiffs to have priority of possession. On the contrary, defendants (sic) evidence is very clear that defendant Severa Espinas and her husband had been in actual, open, continuous, adverse in the concept of owner, possession of the land since 1943. In addition, the evidence of possession presented in the land registration and quieting of title cases (Exhibits "U" and "E") surely dispels any iota of doubt that may exist in regard to the possession of defendant Severa Espinas over the subject property. ...

...

As regards the issue on the award of damages:

The rule is settled that in forcible entry or unlawful detainer cases, the only damage that can be recovered is the fair rental value or the reasonable compensation for the use and occupation of the leased property. The reason for this is that in such cases, the only issue raised in ejectment cases is that of rightful possession; hence, the damages which could be recovered are those which the plaintiff could have sustained as a mere possessor, or those caused by the loss of the use and occupation of the property, and not the damages which he may have suffered but which have no direct relation to his loss of material possession (Araos vs. Court of Appeals, 232 SCRA 770).

Then too, under Section 17 of Rule 70 of the 1997 Rules of Civil Procedure, in forcible entry and unlawful detainer, the monetary award is limited to... the sum justly due as arrears of rent or as reasonable compensation for the use and occupation of the premises, attorney's fees and costs. In this case, the MTC erred in awarding P30,000.00 as actual damages plus P500.00 a day as loss earnings, P30,000.00 as moral damages, P10,000.00 as exemplary damages. These damages are not the reasonable compensation for the use and occupation of the

property. Rather, these are damages which may have been suffered by plaintiffs which have no direct relation to the use of material possession, hence, should not have been awarded (*Araos vs. C.A.*, *supra*).

Besides, the award of P30,000.00 as actual damages plus P500.00 a day as loss earnings has no factual and legal basis, hence, should have been disallowed.

True, the aforecited rule now allows attorney's fees to be awarded, but the grant of the same must be in accordance with Article 2208 of the Civil Code, thus:

Article 2208. In the absence of stipulation, attorney's fees ... cannot be recovered except ...

1) In any other cases (sic) where the court deems it just and equitable ...

In all cases ... must be reasonable.

The award of attorney's fees by the MTC lacks basis. The body of the appealed decision indeed does not show justification for the award. Hence, there is no basis for such award, which, consequently, should have been removed. The power of the Court to award attorney's fees under the above cited article, demands factual, legal and equitable justification. Its basis cannot be left to speculation and gesture (*Morales vs. C.A.* G.R. No. 117228, June 19, 1997).[13]

...

Petitioners then filed a petition for review with the CA. On October 14, 1999, the CA promulgated the presently assailed Decision setting aside the judgment of the RTC and reinstating with modification the decision of the MTC, by deleting the awards for actual, moral and exemplary damages.[14]The CA held that the MTC correctly found that the petitioners were in possession of the subject land prior to the time when respondents allegedly forcibly entered the property; that it is error for the RTC to reach all the way back to 1943 to determine priority in possession considering that "prior possession" means possession immediately prior to the act of disturbance; that Civil Case No. 857, which was an action to quiet title filed by respondent Severa Espinas against spouses Sandy and Presnida Saldana, is not binding on petitioners; and, that the alleged difference in the identities of the lands of petitioners and respondents was not raised as a defense in the Answer of respondents. As regards the award of damages, the CA agreed with the ruling of the RTC that in forcible entry and unlawful detainer cases, the only damage that can be recovered is the fair rental value or the reasonable compensation for the use and occupation of the property concerned; nonetheless, it sustained the award of attorney's fees by the MTC.

Petitioners filed a Motion for Partial Reconsideration but the same was denied by the CA in its Resolution dated February 18, 2000.[15]

Hence, the present petition with the following assignment of errors:

- THAT THE COURT OF APPEALS, UNDER THE INSTANT DECISION AND RESOLUTION, ANNEXES "A" AND "B" HEREOF, COMMITTED A REVERSIBLE ERROR IN NOT DECLARING THE DECISION OF RTC JUDGE ROSE MARY MOLINA ALIM AS NULL AND VOID FOR BEING VIOLATIVE OF PETITIONERS' CONSTITUTIONAL RIGHT TO DUE PROCESS IN VIEW OF HER ADMITTED BIAS IN DECIDING THE CASE.

- MOREOVER, THE COURT OF APPEALS, UNDER THE SAID DECISION AND RESOLUTION, ANNEXES A AND B HEREOF, COMMITTED A REVERSIBLE ERROR IN DELETING THE AWARDS OF ACTUAL, MORAL AND EXEMPLARY DAMAGES MADE BY THE MUNICIPAL TRIAL COURT, CONSIDERING THAT THE SAID AWARDS ARE ALREADY RES JUDICATA BECAUSE:

(a) THAT, AS AFORESAID, THE DECISION OF JUDGE ALIM WHICH INCLUDED THE DELETION OF THE SAID DAMAGES IS NULL AND VOID, AND DID NOT AFFECT THE MTC DECISION, AND,

(b) THAT, IN ANY EVENT, THE HEREIN RESPONDENTS DID NOT QUESTION THE AMOUNTS OF SAID AWARD IN THEIR APPEAL FROM THE DECISION OF THE MUNICIPAL TRIAL COURT TO THE REGIONAL TRIAL COURT THEREBY RENDERING SAID AWARDS, FINAL AND RES JUDICATA.[16]

In their first assignment of error, petitioners contend that the Decision rendered by the RTC dated December 18, 1998 is null and void because it violates petitioners' constitutional right to due process considering that Judge Rose Mary R. Molina-Alim who sat during the trial and penned the questioned RTC decision had previously admitted her bias against petitioners.

We do not agree.

In *Gochan vs. Gochan*,^[17] we have sufficiently discussed the matter of a judge's inhibition from hearing a case vis-a-vis the right of a party to due process, to wit:

A critical component of due process is a hearing before a tribunal that is impartial and disinterested. Every litigant is indeed entitled to nothing less than "the cold neutrality of an impartial judge." All the other elements of due process, like notice and hearing, would be meaningless if the ultimate decision were to come from a biased judge. Section 1 of Rule 137 of the Rules of Court provides:

SECTION 1. Disqualification of judges. - No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

The Rules contemplate two kinds of inhibition: compulsory and voluntary. The instances mentioned in the first paragraph of the cited Rule conclusively presume that judges cannot actively and impartially sit in a case. The second paragraph, which embodies voluntary inhibition, leaves to the discretion of the judges concerned whether to sit in a case for other just and valid reasons, with only their conscience as guide.

To be sure, judges may not be legally prohibited from sitting in a litigation. But when circumstances reasonably arouse suspicions, and out of such suspicions a suggestion is made of record that they might be induced to act with prejudice for or against a litigant, they should conduct a careful self-examination. Under the second paragraph of the cited Section of the Rules of Court, parties have the right to seek the inhibition or the disqualification of judges who do not appear to be wholly free, disinterested, impartial or independent in handling a case. Whether judges should inhibit themselves therefrom rests on their own "sound discretion." That discretion is a matter of conscience and is addressed primarily to their sense of fairness and justice.

However, judges are exhorted to exercise their discretion in a way that the people's faith in the courts of justice would not be impaired. A salutary norm for them to observe is to reflect on the possibility that the losing parties might nurture at the back of their minds the thought that the former have unmeritoriously tilted the scales of justice against them. Of course, the judges' right must be weighed against their duty to decide cases without fear of repression.

Verily, the second paragraph of Section 1 of Rule 137 does not give judges the unfettered discretion to decide whether to desist from hearing a case. The inhibition must be for just and valid causes. The mere imputation of bias or partiality is not enough ground for them to inhibit, especially when the charge is without basis. This Court

has to be shown acts or conduct clearly indicative of arbitrariness or prejudice before it can brand them with the stigma of bias or partiality.

In a string of cases, the Supreme Court has said that bias and prejudice, to be considered valid reasons for the voluntary inhibition of judges, must be proved with clear and convincing evidence. Bare allegations of their partiality will not suffice. It cannot be presumed, especially if weighed against the sacred oaths of office of magistrates, requiring them to administer justice fairly and equitably -- both to the poor and the rich, the weak and the strong, the lonely and the well-connected.

Equally important is the established doctrine that bias and prejudice must be shown to have resulted in an opinion on the merits on the basis of an extrajudicial source, not on what the judge learned from participating in the case. As long as opinions formed in the course of judicial proceedings are based on the evidence presented and the conduct observed by the magistrate, such opinion -- even if later found to be erroneous -- will not prove personal bias or prejudice on the part of the judge. While palpable error may be inferred from the decision or the order itself, extrinsic evidence is required to establish bias, bad faith, malice or corrupt purpose. At bottom, to disqualify a judge, the movant must prove bias and prejudice by clear and convincing evidence.[18] (Emphasis ours)

What makes the present case different from the usual cases passed upon by this Court is the fact that, as stated earlier, Judge Molina-Alim herself manifested in her letter-request for inhibition that in view of the administrative case filed by herein petitioners charging her with partiality, she honestly feels that she "can no longer continue deciding the appealed case free from bias and unnecessary pressure." [19] Petitioners contend that Judge Molina-Alim's manifestation is an admission of bias. Hence, by reason of such admission, there is no longer any need for them to prove the same. However, it must be emphasized that the Court denied Judge Molina-

Alim's request for inhibition holding that the mere filing of an administrative complaint does not preclude a judge from deciding a case submitted to him/her for resolution for there are judicial remedies available to the parties should there be an adverse decision.[20] It is clear from the Resolution that the Court was not persuaded by the reason put forth by Judge Molina-Alim in her request for inhibition. It should be clearly understood from the above-cited Resolution that the Court found no sufficient basis to allow Judge Molina-Alim to inhibit herself from hearing Civil Case No. 1099-BG. The Court ruled that the mere fact that an administrative case for alleged partiality was filed against her by herein petitioners does not justify her recusal. Indeed, a careful reading of the letter-request of Judge Molina-Alim shows that her request for inhibition stems solely from the fact that herein petitioners had filed an administrative case against her for partiality. There is no other statement in said letter-request, categorical or implied, which would show that her purported bias resulted from any other source. Notwithstanding Judge Molina-Alim's statements in her request for inhibition, we find that petitioners' allegations of bias and partiality remain unsubstantiated. Indeed, bare allegations of partiality and prejudgment will not suffice in the absence of clear and convincing evidence to overcome the presumption that the judge will undertake his noble role to dispense justice according to law and evidence and without fear or favor.[21] There should be adequate evidence to prove the allegations, and there must be showing that the judge had an interest, personal or otherwise, in the prosecution of the case.[22]

To reiterate, the mere filing of an administrative case against a judge is not a ground for disqualifying him from hearing the case, for if on every occasion the party apparently aggrieved would be allowed to either stop the proceedings in order to await the final decision on the desired disqualification, or demand the immediate inhibition of the judge on the basis alone of his being so charged, many cases would have to be kept pending or perhaps there would not be enough judges to handle all the cases pending in all the courts.[23] This Court has to be shown acts or conduct of the judge clearly indicative of arbitrariness or prejudice before the latter can be branded the stigma of being biased or partial.[24] Moreover, while judges are given wide latitude of discretion in

determining if it is indeed proper for them to hear or sit in a particular case, it should be emphasized that this choice is not absolute and must be based on a just and valid cause and on a rational and logical assessment of the circumstances prevailing in the case brought before him.[25] The option given to a judge to choose whether or not to handle a particular case should be counter-balanced by the judge's sworn duty to administer justice without fear of repression.

In any case, petitioners' contention that they have been deprived of due process is denied by the fact that they were able to appeal the questioned RTC Decision to the CA via a petition for review and, subsequently, file a motion for reconsideration of the CA Decision. The essence of due process is found in the reasonable opportunity to be heard and submit any evidence one may have in support of one's defense.[26] What the law proscribes is the lack of opportunity to be heard.[27] As long as a party is given the opportunity to defend his interests in due course, he would have no reason to complain, for it is this opportunity to be heard that makes up the essence of due process.[28]

In their second assignment of error, petitioners point out that in their petition for review filed with the CA, they did not raise as an issue the award of damages made by the MTC. Similarly, respondents did not specifically assign as error the award of damages by the MTC when they appealed the case to the RTC; neither did they file an appeal with the CA questioning the award of damages by the MTC. On this basis, petitioners conclude that the award for damages not having been appealed, the same had become final and executory. Hence, the RTC had no authority to reverse the judgment of the MTC respecting the award of damages. In the same way, petitioners contend that the CA did not have jurisdiction to rule on the matter of damages because this issue was not raised in the appeal filed before it.

We are not persuaded.

We have held that an appellate court is clothed with ample authority to review rulings even if they are not assigned as errors.[29] This is especially so if the court finds that their consideration is necessary in arriving at a just decision of the case before it.[30] We have consistently held that an unassigned error closely related to an error properly assigned, or upon which a determination of the question raised by the error properly assigned is dependent, will be considered by the appellate court notwithstanding the failure to assign it as an error.[31] Petitioners admit in the present petition that herein respondents, in their appeal with the RTC, raised the question of whether or not the prevailing party may be awarded damages. Since this issue had been seasonably raised, it became open to further evaluation. It was only logical and natural for the RTC to deal with the question of whether petitioners are indeed entitled to the damages awarded by the MTC.

Moreover, even if the issue on damages was not raised by herein respondents in their appeal with the RTC, it is not erroneous on the part of the RTC to delete the award of damages in the MTC decision considering that the RTC judgment reversed the decision of the MTC. It would be the height of inconsistency if the RTC sustained the award of damages in favor of herein petitioners when, in the same decision, it reversed the MTC judgment and dismissed the complaint of petitioners.

Lastly, we agree with the CA and the RTC that there is no basis for the MTC to award actual, moral and exemplary damages in view of the settled rule that in ejectment cases, the only damage that can be recovered is the fair rental value or the reasonable compensation for the use and occupation of the property.[32] Considering that the only issue raised in ejectment is that of rightful possession, damages which could be recovered are those which the plaintiff could have sustained as a mere possessor, or those caused by the loss of the use and occupation of the property, and not the damages which he may have suffered but which have no direct relation to his loss of material possession.[33] Although the MTC's order for the reimbursement to petitioners of their alleged lost

earnings over the subject premises, which is a beach resort, could have been considered as compensation for their loss of the use and occupation of the property while it was in the possession of the respondents, records do not show any evidence to sustain the same. Thus, we find no error in the ruling of the RTC that the award for lost earnings has no evidentiary or factual basis; and in the decision of the CA affirming the same.

WHEREFORE, the instant petition is DENIED. The assailed Decision and Resolution of the Court of Appeals dated October 14, 1999 and February 18, 2000, respectively, are AFFIRMED.

SO ORDERED.

Ynares-Santiago, Callejo, Sr., and Chico-Nazario, JJ., concur.

Panganiban, C.J., (Chairman), no part, former partner of a party's counsel.

[1] Penned by Associate Justice Hector L. Hofileña (now retired) and concurred in by Justices Omar U. Amin (now retired) and Jose L. Sabio, Jr.

[2] Penned by Associate Justice Jose L. Sabio, Jr. and concurred in by Justices Martin S. Villarama, Jr. and Eloy R. Bello, Jr.

[3] Original Records, pp. 1-2.

[4] Id., p. 3.

[5] Id., p. 27.

[6] Id., p. 33.

[7] Original Records, p. 21.

[8] Id., pp. 199-200.

[9] Id., p. 202.

[10] CA rollo, p. 62.

[11] Id., p. 77.

[12] Original Records, p. 384.

[13] Original Records, pp. 390-394.

[14] CA Rollo, pp. 102-114.

[15] Id., p. 132.

[16] Rollo, p. 15.

[17] 446 Phil. 433, (2003).

[18] Id., pp. 446-448.

[19] CA rollo, p. 62.

[20] Id., p. 77.

[21] Chin vs. Court of Appeals, G.R. No. 144618, August 15, 2003, 409 SCRA 206, 214.

[22] Id.

[23] Cruz vs. Joven, A.M. No. MTJ-00-1270, January 23, 2001, 350 SCRA 70, 73 citing People vs. Serrano, 203 SCRA 171.

[24] Pagoda Philippines, Inc. vs. Universal Canning, Inc., G.R. No. 160966, October 11, 2005.

[25]Chin vs. Court of Appeals, supra, p. 213.

[26] Estares vs. Court of Appeals, G.R. No. 144755, June 8, 2005, 459 SCRA 604.

[27] Id.

[28] Id.

[29]Cuaton vs. Salud, G.R. No. 158382, January 27, 2004, 421 SCRA 278, 283.

[30] Id.

[31] Id.

[32] C & S Fishfarm Corporation vs. Court of Appeals, et. al., 442 Phil. 279 (2002).

[33] Ibid.

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