FRANCISCO A.G. DE LIANO, ALBERTO O. VILLA-ABRILLE, JR., AND SAN MIGUEL CORPORATION, PETITIONERS, VS. HON. COURT OF APPEALS AND BENJAMIN A. TANGO, RESPONDENTS.

G.R. No. 142316. November 22, 2001

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

Before us is a petition for review on certiorari praying for the reversal of the Resolution[1] dated June 4, 1999 issued by the former Fourteenth Division of the Court of Appeals in CA-G.R. CV No. 60460, which dismissed the appeal of herein petitioners on procedural grounds as well as its Resolution of February 23, 2000 which denied their motion for reconsideration.

The relevant facts are:

On March 30, 1998, the Regional Trial Court of Quezon City, Branch 227 issued a Decision[2] in Civil Case No. Q-95-24332,[3] the dispositive portion of which is hereunder quoted:

> WHEREFORE, premises considered, defendant San Miguel Corporation is hereby ordered
>
> 1.
>
> To release to the plaintiff the owner's duplicate copy of TCT No. 299551 in the same [sic] of Benjamin A. Tango;
>
> 2.
>
> To release to plaintiff the originals of the REM contracts dated December 4, 1990 and February 17, 1992 and to cause the cancellation of the annotation of the same on plaintiffs [sic] TCT No. 299551;
>
> 3.
>
> To pay the plaintiff the following sums:
>
> 3.1.
>
> P100,000.00 as and by way of moral damages;
>
> 3.2.
>
> P50,000.00 as and by way of attorney's fees;
>
> 3.3.
>
> costs of suit.
>
> SO ORDERED.

In brief, the case involved the cancellation of two (2) real estate mortgages in favor of petitioner San Miguel Corporation (SMC) executed by private respondent Benjamin A. Tango over his house and lot in Quezon City. The mortgages were third party or accommodation mortgages on behalf of the spouses Bernardino and Carmelita Ibarra who were dealers of SMC products in Aparri, Cagayan. Other defendants in the case were Francisco A.G. De Liano and Alberto O. Villa-Abrille, Jr., who are senior executives of petitioner SMC.

SMC, De Liano and Abrille appealed the aforesaid decision to the Court of Appeals. In due time, their counsel, Atty. Edgar B. Afable, filed an Appellants' Brief[4] which failed to comply with Section 13, Rule 44 of the Rules of Court. The appellee (herein private respondent) was quick to notice these deficiencies, and accordingly filed a "Motion to Dismiss Appeal"[5] dated March 8, 1999. Required to comment,[6] the appellants averred that their brief had substantially complied with the contents as set forth in the rules. They proffered the excuse that the omissions were only the result of oversight or inadvertence and as such could be considered "harmless" errors. They prayed for liberality in the application of technical rules, adding that they have a meritorious defense.

On June 4, 1999, the appellate court issued the first assailed resolution[7] dismissing the appeal. The Court of Appeals held, as follows:

> xxx xxx xxx
>
> As pointed out by plaintiff-appellee, the Brief does not contain a Subject Index nor a Table of Cases and Authorities, with page references. Moreover, the Statement of the Case, Statement of Facts, and Arguments in the Brief has no page reference to the record. These procedural lapses justify the dismissal of the appeal, pursuant to Section 1 (f), Rule 50 of the 1997 Rules of Civil Procedure, as amended, which reads:
> "SECTION 1. Grounds for dismissal of appeal. -- An appeal may be dismissed by the Court of Appeals, on its own motion, or on that of the appellee, on the following grounds:
>
> xxx xxx xxx
>
> (f) Absence of specific assignment of errors in the appellant's brief, or of page references to the record as required in section 13, paragraphs (a), (c), (d) and (f) of Rule 44;"
>
> xxx xxx xxx

Finally, defendants-appellants, despite having been notified of such defects, still failed to amend their Brief to conform to the Rules, and instead, argues that these are mere "harmless errors." In the case of Del Rosario v. Court of Appeals, G.R. No. 113890, February 22, 1996, 241 SCRA 553 [1996], the Supreme Court, in sustaining the dismissal of the petitioner's appeal for non-compliance with the rule on the contents of the Appellant's Brief, ruled that:

> "Long ingrained in our jurisprudence is the rule that the right to appeal is a statutory right and a party who seeks to avail of the right must faithfully comply with the rules. x x x These rules are designed to facilitate the orderly disposition of appealed cases. In an age where courts are bedeviled by clogged dockets, these rules need to be followed by appellants with greater fidelity. Their observance cannot be left to the whims and caprices of appellants. x x x"

Having ruled as such, the Court need not resolve plaintiff-appellee's contention that the issues raised in the appeal are mere questions of law.

The appellants (herein petitioners) sought to have the foregoing resolution reconsidered. Simultaneously, through the same counsel, they filed a "Motion to Admit Amended Defendants-Appellants' Brief."[8] The appellate court denied the consolidated motions in its Resolution[9] of February 23, 2000.

From the denial of their motion for reconsideration, only petitioner SMC interposed the instant petition.[10] As

grounds for allowance, petitioner contends that:

> A
>
> THE COURT OF APPEALS ERRED IN DISMISSING SMC's APPEAL ON THE BASIS OF PURE TECHNICALITIES AND EVEN AFTER SMC HAS CORRECTED THE TECHNICAL DEFECT OF ITS APPEAL.
>
> B
>
> THE COURT OF APPEALS ERRED IN DISMISSING SMC's APPEAL WITHOUT CONSIDERING ITS MERITS.
>
> - There are valid grounds to reverse the RTC's award of damages in favor of Tango. The award of damages has no basis in fact or in law.
>
> - The appeal involves a question of substance which should have been resolved by the Court of Appeals, to wit: whether a third party mortgagor can unilaterally withdraw the mortgage without the consent of the debtor and creditor.

The petition has no merit.

The premise that underlies all appeals is that they are merely rights which arise from statute; therefore, they must be exercised in the manner prescribed by law. It is to this end that rules governing pleadings and practice before appellate courts were imposed. These rules were designed to assist the appellate court in the accomplishment of its tasks, and overall, to enhance the orderly administration of justice.

In his definition of a brief, Justice Malcolm explained thus:

> xxx[L]et it be recalled that the word "brief" is derived from the Latin brevis, and the French briefe, and literally means a short or condensed statement. The purpose of the brief, as all law students and lawyers know, is to present to the court in concise form the points and questions in controversy, and by fair argument on the facts and law of the case to assist the court in arriving at a just and proper conclusion. The brief should be so prepared as to minimize the labor of the court in the examination of the record upon which the appeal is heard and determined.[11] [italics supplied]

Relative thereto, Section 13, Rule 44 of the Revised Rules of Court governs the format to be followed by the appellant in drafting his brief, as follows:

> Contents of appellant's brief. -- The appellant's brief shall contain, in the order herein indicated, the following:
>
> (a)
>
> A subject index of the matter in the brief with a digest of the arguments and page references, and a table of cases alphabetically arranged, textbooks and statutes cited with references to the pages where they are cited;
>
> (b)
>
> An assignment of errors intended to be urged, which errors shall be separately, distinctly and concisely stated without repetition and numbered consecutively;
>
> (c)
>
> Under the heading "Statement of the Case," a clear and concise statement of the nature of the action, a summary of the proceedings, the appealed rulings and orders of the court, the nature of the judgment and any other matters necessary to an understanding of the nature of the controversy, with page references to the

record;

(d)

Under the heading "Statement of Facts," a clear and concise statement in a narrative form of the facts admitted by both parties and of those in controversy, together with the substance of the proof relating thereto in sufficient detail to make it clearly intelligible, with page references to the record;

(e)

A clear and concise statement of the issues of fact or law to be submitted to the court for its judgment;

(f)

Under the heading "Argument," the appellant's arguments on each assignment of error with page references to the record. The authorities relied upon shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found;

(g)

Under the heading "Relief," a specification of the order or judgment which the appellant seeks; and

(h)

In cases not brought up by record on appeal, the appellant's brief shall contain, as an appendix, a copy of the judgment or final order appealed from.

This particular rule was instituted with reason, and most certainly, it was not intended to become "a custom more honored in the breach than in the observance." It has its logic, which is to present to the appellate court in the most helpful light, the factual and legal antecedents of a case on appeal.

The first requirement of an appellant's brief is a subject index. The index is intended to facilitate the review of appeals by providing ready reference, functioning much like a table of contents. Unlike in other jurisdictions, there is no limit on the length of appeal briefs or appeal memoranda filed before appellate courts. The danger of this is the very real possibility that the reviewing tribunal will be swamped with voluminous documents. This occurs even though the rules consistently urge the parties to be "brief" or "concise" in the drafting of pleadings, briefs, and other papers to be filed in court. The subject index makes readily available at one's fingertips the subject of the contents of the brief so that the need to thumb through the brief page after page to locate a party's arguments, or a particular citation, or whatever else needs to be found and considered, is obviated.

An assignment of errors follows the subject index. It is defined in this wise:

An assignment of errors in appellate procedure is an enumeration by appellant or plaintiff in error of the errors alleged to have been committed by the court below in the trial of the case upon which he seeks to obtain a reversal of the judgment or decree; it is in the nature of a pleading, and performs in the appellate court the same office as a declaration or complaint in a court of original jurisdiction. Such an assignment is appellant's complaint, or pleading, in the appellate court, and takes the place of a declaration or bill; an appeal without an assignment of errors would be similar to a suit without a complaint, bill, or declaration. The assignment is appellant's declaration or complaint against the trial judge, charging harmful error, and proof vel non of assignment is within the record on appeal.

xxx xxx xxx

The object of such pleadings is to point out the specific errors claimed to have been committed by the court below, in order to enable the reviewing court and the opposing party to see on what points appellant or plaintiff

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> in error intends to ask a reversal of the judgment or decree, and to limit discussion to those points. The office of an assignment of errors is not to point out legal contentions, but only to inform the appellate court that appellant assigns as erroneous certain named rulings; the function of the assignment is to group and bring forward such of the exceptions previously noted in the case on appeal as appellant desires to preserve and present to the appellant.[12]

It has been held that a general assignment of errors is unacceptable under the rules. Thus, a statement of the following tenor: that "the Court of First Instance of this City incurred error in rendering the judgment appealed from, for it is contrary to law and the weight of the evidence," was deemed insufficient.[13] The appellant has to specify in what aspect of the law or the facts that the trial court erred. The conclusion, therefore, is that the appellant must carefully formulate his assignment of errors. Its importance cannot be underestimated, as Section 8, Rule 51 of the Rules of Court will attest:

> Questions that may be decided.--No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

The rules then require that an appellant's brief must contain both a "statement of the case" and a "statement of facts." A statement of the case gives the appellate tribunal an overview of the judicial antecedents of the case, providing material information regarding the nature of the controversy, the proceedings before the trial court, the orders and rulings elevated on appeal, and the judgment itself. These data enable the appellate court to have a better grasp of the matter entrusted to it for its appraisal.

In turn, the statement of facts comprises the very heart of the appellant's brief. The facts constitute the backbone of a legal argument; they are determinative of the law and jurisprudence applicable to the case, and consequently, will govern the appropriate relief. Appellants should remember that the Court of Appeals is empowered to review both questions of law and of facts. Otherwise, where only a pure question of law is involved, appeal would pertain to this Court. An appellant, therefore, should take care to state the facts accurately though it is permissible to present them in a manner favorable to one party. The brief must state the facts admitted by the parties, as well as the facts in controversy. To laymen, the distinction may appear insubstantial, but the difference is clear to the practitioner and the student of law. Facts which are admitted require no further proof, whereas facts in dispute must be backed by evidence. Relative thereto, the rule specifically requires that one's statement of facts should be supported by page references to the record. Indeed, disobedience therewith has been punished by dismissal of the appeal.[14] Page references to the record are not an empty requirement. If a statement of fact is unaccompanied by a page reference to the record, it may be presumed to be without support in the record and may be stricken or disregarded altogether.[15]

When the appellant has given an account of the case and of the facts, he is required to state the issues to be considered by the appellate court. The statement of issues is not to be confused with the assignment of errors: they are not one and the same, for otherwise, the rules would not require a separate statement for each. The statement of issues puts forth the questions of fact or law to be resolved by the appellate court. What constitutes a question of fact or one of law should be clear by now:

> At this point, the distinction between a question of fact and a question of law must be clear. As distinguished from a question of law which exists "when the doubt or difference arises as to what the law is on certain state of facts"--"there is a question of fact when the doubt or difference arises as to the truth or the falsehood of alleged facts;" or when the "query necessarily invites calibration of the whole evidence considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole and the probabilities of the situation."[16]

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Thereafter, the appellant is required to present his arguments on each assigned error. An appellant's arguments go hand in hand with his assignment of errors, for the former provide the justification supporting his contentions, and in so doing resolves the issues. It will not do to impute error on the part of the trial court without substantiation. The mere elevation on appeal of a judgment does not create a presumption that it was rendered in error. The appellant has to show that he is entitled to the reversal of the judgment appealed, and he cannot do this unless he provides satisfactory reasons for doing so. It is therefore essential that

> xxx [A]s far as possible, the errors and reasons assigned should be supported by a citation of authorities. The failure to do so has been said to be inexcusable; and, although a point made in the brief is before the court even though no authorities are cited and may be considered and will be where a proposition of well established law is stated, the court is not required to search out authorities, but may presume that counsel has found no case after diligent search or that the point has been waived or abandoned, and need not consider the unsupported errors assigned, and ordinarily will not give consideration to such errors and reasons unless it is apparent without further research that the assignments of errors presented are well taken.[17]

In this regard, the rules require that authorities should be cited by the page of the report at which the case begins, as well as the page of the report where the citation is found. This rule is imposed for the convenience of the appellate court, for obvious reasons: since authorities relied upon by the parties are checked for accuracy and aptness, they are located more easily as the appellate court is not bound to peruse volume upon volume, and page after page, of reports.

Lastly, the appellant is required to state, under the appropriate heading, the reliefs prayed for. In so doing, the appellate court is left in no doubt as to the result desired by the appellant, and act as the circumstances may warrant.

Some may argue that adherence to these formal requirements serves but a meaningless purpose, that these may be ignored with little risk in the smug certainty that liberality in the application of procedural rules can always be relied upon to remedy the infirmities. This misses the point. We are not martinets; in appropriate instances, we are prepared to listen to reason, and to give relief as the circumstances may warrant. However, when the error relates to something so elementary as to be inexcusable, our discretion becomes nothing more than an exercise in frustration. It comes as an unpleasant shock to us that the contents of an appellant's brief should still be raised as an issue now. There is nothing arcane or novel about the provisions of Section 13, Rule 44. The rule governing the contents of appellants' briefs has existed since the old Rules of Court,[18] which took effect on July 1, 1940, as well as the Revised Rules of Court,[19] which took effect on January 1, 1964, until they were superseded by the present 1997 Rules of Civil Procedure. The provisions were substantially preserved, with few revisions.

An additional circumstance impels us to deny the reinstatement of petitioner's appeal. We observed that petitioner submitted an "Amended Appellant's Brief" to cure the infirmities of the one first filed on its behalf by its lawyer. All things being equal, we would have been inclined to grant the petition until we realized that the attempt at compliance was, at most, only a cosmetic procedure. On closer scrutiny, the amended brief was as defective as the first. Where the first brief lacked an assignment of errors but included a statement of issues, the amended brief suffered a complete reversal: it had an assignment of errors but no statement of issues. The "statement of facts" lacked page references to the record, a deficiency symptomatic of the first. Authorities were cited in an improper manner, that is, the exact page of the report where the citation was lifted went unspecified.[20] The amended brief did not even follow the prescribed order: the assignment of errors came after the statement of the case and the statement of facts. No one could be expected to ignore such glaring errors, as in the case at bar. The half-hearted attempt at submitting a supposedly amended brief only serves to harden our resolve to demand a strict observance of the rules.

We remind members of the bar that their first duty is to comply with the rules, not to seek exceptions. As was expressed more recently in Del Rosario v. Court of Appeals,[21] which was rightfully quoted by the appellate court, we ruled that:

> Petitioner's plea for liberality in applying these rules in preparing Appellants' Brief does not deserve any sympathy. Long ingrained in our jurisprudence is the rule that the right to appeal is a statutory right and a party who seeks to avail of the right must faithfully comply with the rules. In People v. Marong, we held that deviations from the rules cannot be tolerated. The rationale for this strict attitude is not difficult to appreciate. These rules are designed to facilitate the orderly disposition of appealed cases. In an age where courts are bedeviled by clogged dockets, these rules need to be followed by appellants with greater fidelity. Their observance cannot be left to the whims and caprices of appellants. In the case at bar, counsel for petitioners had all the opportunity to comply with the above rules. He remained obstinate in his non-observance even when he sought reconsideration of the ruling of the respondent court dismissing his clients' appeal. Such obstinacy is incongruous with his late plea for liberality in construing the rules on appeal. [italics supplied]

Anent the second issue, it may prove useful to elucidate on the processing of appeals in the Court of Appeals. In so doing, it will help to explain why the former Fourteenth Division of the appellate court could not look into the merits of the appeal, as petitioner corporation is urging us to do now.

The Rules of Court prescribe two (2) modes of appeal from decisions of the Regional Trial Courts to the Court of Appeals. When the trial court decides a case in the exercise of its original jurisdiction, the mode of review is by an ordinary appeal in accordance with Section 2(a) of Rule 41.[22] In contrast, where the assailed decision was rendered by the trial court in the exercise of its appellate jurisdiction, the mode of appeal is via a petition for review pursuant to Rule 42.[23] We are more concerned here about the first mode since the case at bar involves a decision rendered by the Regional Trial Court exercising its original jurisdiction.

Cases elevated to the Court of Appeals are treated differently depending upon their classification into one of three (3) categories: appealed civil cases, appealed criminal cases, and special cases.[24] Be it noted that all cases are under the supervision and control of the members of the Court of Appeals in all stages, from the time of filing until the remand of the cases to the courts or agencies of origin.[25] Ordinary appealed civil cases undergo two (2) stages. The first stage consists of completion of the records. The second stage is for study and report, which follows when an appealed case is deemed submitted for decision, thus:

> When case deemed submitted for judgment.--A case shall be deemed submitted for judgment:
>
> A. In ordinary appeals.-
>
> 1)
>
> Where no hearing on the merits of the main case is held, upon the filing of the last pleading, brief, or memorandum required by the Rules or by the court itself, or the expiration of the period for its filing;
>
> 2)
>
> Where such a hearing is held, upon its termination or upon the filing of the last pleading or memorandum as may be required or permitted to be filed by the court, or the expiration of the period for its filing.[26]
>
> xxx xxx xxx

At each stage, a separate raffle is held. Thus, a preliminary raffle is held at which time an appealed case is

assigned to a Justice for completion. After completion, when the case is deemed ripe for judgment, a second raffle is conducted to determine the Justice to whom the case will be assigned for study and report.[27] Each stage is distinct; it may happen that the Justice to whom the case was initially raffled for completion may not be the same Justice who will write the decision thereon.

The aforesaid distinction has a bearing on the case at bar. It becomes apparent that the merits of the appeal can only be looked into during the second stage. The Justice in-charge of completion exceeds his province should he examine the merits of the case since his function is to oversee completion only. The prerogative of determining the merits of an appeal pertains properly to the Justice to whom the case is raffled for study and report. The case at bar did not reach the second stage; it was dismissed during completion stage pursuant to Section 1(f) of Rule 50. Consequently, petitioner's contention that the appellate court should have considered the substance of the appeal prior to dismissing it due to technicalities does not gain our favor.

Generally, the negligence of counsel binds his client. Actually, Atty. Afable is also an employee of petitioner San Miguel Corporation.[28] Yet even this detail will not operate in petitioner's favor. A corporation, it should be recalled, is an artificial being whose juridical personality is only a fiction created by law. It can only exercise its powers and transact its business through the instrumentalities of its board of directors, and through its officers and agents, when authorized by resolution or its by-laws.

> xxx Moreover, "x x x a corporate officer or agent may represent and bind the corporation in transactions with third persons to the extent that authority to do so has been conferred upon him, and this includes powers which have been intentionally conferred, and also such powers as, in the usual course of the particular business, are incidental to, or may be implied from, the powers intentionally conferred, powers added by custom and usage, as usually pertaining to the particular officer or agent, and such apparent powers as the corporation has caused persons dealing with the officer or agent to believe that it has conferred.[29]

That Atty. Afable was clothed with sufficient authority to bind petitioner SMC is undisputable. Petitioner SMC's board resolution of May 5, 1999 attests to that. Coupled with the provision of law that a lawyer has authority to bind his client in taking appeals and in all matters of ordinary judicial procedure,[30] a fortiori then, petitioner SMC must be held bound by the actuations of its counsel of record, Atty. Afable.

WHEREFORE, the instant petition is hereby DENIED for lack of merit, with cost against petitioner San Miguel Corporation.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

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[1] Penned by Associate Justice Ramon A. Barcelona, and concurred in by Associate Justices Demetrio G. Demetria and Mariano M. Umali, Fourteenth Division, Rollo, pp. 45-48.

[2] Annex "Q" of the Petition, Rollo, pp. 97-101.

[3] Entitled "Benjamin A. Tango v. San Miguel Corporation, Francisco A.G. De Liano, Alberto O. Villa-Abrille, Jr., and Spouses Carmelita Ibarra and Bernardino Ibarra."

[4] Annex "R" of the Petition, Rollo, pp. 107-121.

[5] Annex "S" of the Petition, Rollo, pp. 122-125.

[6] Annex "T" of the Petition, Rollo, pp. 126-128.

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[7] Annex "A" of the Petition, Rollo, pp. 45-48.

[8] Annexes "U" and "V" of the Petition, Rollo, pp. 129-133 and 134-153, respectively.

[9] Annex "B" of the Petition, Rollo, p. 50.

[10] We note with interest that petitioner has entrusted the instant appeal to external counsel.

[11] Estiva v. Cavil, 59 Phil. 67, 68-69 (1933).

[12] 5 C.J.S. Appeal and Error § 1217.

[13] Santiago v. Felix, 24 Phil. 378, 384 (1913).

[14] Eg., Heirs of Palomique v. Court of Appeals, 134 SCRA 331, 334 (1985) and Genobiagon v. Court of Appeals, 76 SCRA 37, 39 (1977). Also, in People v. Marong (119 SCRA 430, 436 [1982]), we disapproved of the Solicitor General's failure to cite page references to the record in support of its statement of facts.

[15] 5 Am Jur 2d, Appellate Review §546.

[16] Bernardo v. Court of Appeals, 216 SCRA 224, 232 (1992).

[17] 5 C.J.S. Appeal and Error §1325.

[18] Section 17, Rule 48 of which states:

Contents of appellant's brief.--The appellant's brief shall contain in the order herein indicated the following:

(a) A subject index of the matter in the brief with page references and a table of cases alphabetically arranged, textbooks, and statutes cited with references to the pages where they are cited, if the brief contains twenty or more pages;

(b) An assignment of errors intended to be urged. Such errors shall be separately, distinctly, and concisely stated without repetition, and shall be numbered consecutively;

(c) Under the heading "Statement of Facts," a clear and concise statement in brief narrative form of the facts of the case, including the nature of the action, the character of the pleading and proceedings, the substance of the proof in sufficient detail to make it clearly intelligible, the rulings and orders of the court, the nature of the judgment, and any other matters necessary to an understanding of the nature of the controversy on appeal, with page references to the record;

(d) Under the heading "Argument," the appellant's arguments on each assignment of error with page references to the record. The authorities relied upon shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found;

(e) Under the heading "Relief," a specification of the order or judgment which the appellant seeks;

(f) In cases not brought up by record on appeal, the appellant's brief shall contain as an appendix a copy of the judgment or order appealed from.

[19] Section 16, Rule 46 thereof provides:

Contents of appellant's brief.--The appellant's brief shall contain in the order herein indicated the following:

(a) A subject index of the matter in the brief with a digest of the argument and page references and a table of cases alphabetically arranged, textbooks and statutes cited with reference to the pages where they are cited;

(b) An assignment of errors intended to be urged. Such errors shall be separately, distinctly and concisely stated without repetition, and shall be numbered consecutively;

(c) Under the heading "Statement of the Case," a clear and concise statement of the nature of the action, a summary of the proceedings, the appealed rulings and orders of the court, the nature of the judgment and any other matters necessary to an understanding of the nature of the controversy, with page references to the record;

(d) Under the heading "Statement of Facts," a clear and concise statement in a narrative form of the facts admitted by both parties and of those in controversy, together with the substance of the proof relating thereto in sufficient detail to make it clearly intelligible, with page references to the record;

(e) A clear and concise statement of the issues of fact or law to be submitted to the court for its judgment;

(f) Under the heading "Argument," the appellant's arguments on each assignment of error with page references to the record. The authorities relied upon shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found;

(g) Under the heading "Relief," a specification of the order or judgment which the appellant seeks;

(h) In cases not brought up by record on appeal, the appellant's brief shall contain, as an appendix, a copy of the judgment or order appealed from.

[20] As added aggravation, two cases (Filoil Marketing Corporation v. Intermediate Appellate Court and Ilocos Norte Electric Company v. Court of Appeals) were mis-cited; see Rollo, p. 136.

[21] 241 SCRA 553, 557 (1995).

[22] Section 2 (a) states:

(a) Ordinary appeal.--The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

[23] Section 1 thereof provides:

How appeal taken; time for filing.--A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.

[24] Cases which are considered special include petitions for annulment of judgments of regional trial courts; petitions for certiorari, mandamus, prohibition, quo warranto, and habeas corpus; petitions for review of decisions from administrative or quasi-judicial tribunals and from regional trial courts in the exercise of their appellate jurisdiction; appeals in agrarian cases; and appeals in special civil actions originating from regional trial courts.

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[25] Section 1, Rule 3, Revised Internal Rules of the Court of Appeals [hereafter, "RIRCA"].

[26] Section 1, Rule 51, Rules of Court.

[27] Per section 6, Rule 3 of the RIRCA, the first raffle is open to the public while the second raffle is strictly confidential.

[28] A manifestation filed by SAN MIGUEL states, in the secretary's certificate attached thereto (Rollo, pp. 169-172), that Atty. Afable is authorized to represent, prosecute and defend petitioner in any action against the corporation "xxx arising from, or in connection with, any disputes involving any and all contracts, deeds or acts of whatever kind and nature where the Corporation is a party directly or indirectly xxx."

[29] Yao Ka Sin Trading v. Court of Appeals, 209 SCRA 763, 781-782 (1992).

[30] Section 23, Rule 138, Revised Rules of Court.

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