

**ANGELITO HUERTAS, PETITIONER, VS. ANDREW GONZALEZ,
SECRETARY, DEPARTMENT OF EDUCATION, CULTURE AND SPORTS
(DECS), AND CAROLINA DIZON, RESPONDENTS.**

G.R. NO. 152443. February 14, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before us is a petition for review on certiorari of the Resolution[1] of the Court of Appeals (CA) in CA-G.R. SP No. 60086 which reversed its Decision[2] in the said case and its resolution denying the motion for reconsideration of the said resolution.

The Antecedents

An administrative complaint dated July 9, 1996 was filed with the Office of the Regional Director of the then Department of Education, Culture and Sports (DECS), National Capital Region, by Dr. Carolina C. Dizon, the principal of the Bacood Elementary School in Sta. Mesa, Manila, against Angelito M. Huertas, a school teacher in the same school, for grave misconduct, disrespect of authority and violation of the provision of the Magna Carta for Public School Teachers.[3]

It appears that shortly after the opening of academic year 1996, the school conducted a regular election of the officers of the faculty club. Huertas was re-elected president, besting for the second time around his co-teacher, Mrs. Catalina Lorenzo. This notwithstanding, a group of teachers circulated a manifesto denouncing Huertas. As a countermove, Huertas launched his own signature campaign to show his clear mandate.[4]

Huertas received information that Dizon was preventing the teachers from signing in his favor.[5] He rushed to the office of Dizon and angrily demanded, “Bakit mo pinipigilan ang mga teachers na pumirma?” (Why are you preventing the teachers to sign?)[6] Shocked at Huertas’s accusations and violent gestures, Dizon stood up and retorted: “Anong pinipigilan ang sinasabi mo?” (What are you talking about?)[7] to which Huertas riposted, “May mga teachers na nagsasabi na pinipigilan mo silang pumirma sa pinapipirmahan ko.” (Some teachers are claiming that you are preventing them from signing in my behalf.)[8] Dizon then dared Huertas to show to her the faces of her detractors: “Bakit ko sila pipigilan, hindi ko alam ang sinasabi mo. Sino man ang nagsabi niyan, iharap mo sila sa akin.”[9] After the heated exchange of words, Huertas decided to leave, but before doing so, warned Dizon, “Pag hindi ka tumigil, tayo ang magkakasuhan.” (If you don’t stop, I will sue you.)[10] Dizon preempted Huertas and filed an administrative complaint against him.

An Investigating Committee (Grievance Committee) was constituted for the purpose, chaired by Atty. Manuel Ano, with Mrs. Purificacion Balingit and an unidentified school official, as members.[11]

Aside from her affidavit-complaint, Dizon submitted the affidavits of Amelia del Rosario and Rosario Amarante, the clerk and janitress of the school, respectively. Huertas submitted his counter-affidavit. Dizon submitted her reply-affidavit, to which Huertas submitted his rejoinder-affidavit.

The Investigating Committee conducted a preliminary hearing which was held on July 23, 1996. No amicable settlement was forged by the parties. The formal investigation was set on September 10, 1996, during which Huertas appeared without the assistance of counsel. The parties agreed to submit the case for resolution without any formal investigation on the basis of the affidavits on record.

In time, the Grievance Committee submitted its investigation report, finding Huertas guilty of gross discourtesy in the course of official duties and recommended the penalty of six (6) months suspension.[12] Huertas appealed the report, claiming that Purificacion Balingit, one of the members of the hearing committee, was partial against him.

In a Resolution dated October 16, 1996, Regional Director Nilo Rosas modified the findings and recommendation of the Grievance Committee. He found Huertas guilty of gross disrespect and imposed on him the penalty of one (1) month suspension from service without pay. The dispositive portion of the resolution reads:

WHEREFORE, in view of the foregoing incidents, the instant charge of Grave Misconduct is hereby dropped for lack of substantial evidence. However, respondent is hereby found guilty of the charge of Gross Disrespect. However, to temper the harshness of the law, hereby meted is the penalty of suspension for one (1) month effective upon receipt hereof without pay. Further, respondent is hereby advised to be more circumspect in his actuations to forestall, henceforth, the filing of similar complaints against him in the future.[13]

Huertas moved for a reconsideration of the resolution on the alleged ground of lack of due process, both substantive and procedural.[14] He claimed that he was not represented by counsel during the investigation on September 10, 1996 and that the Grievance Committee failed to conduct a formal investigation of the case. Director Rosas denied the motion, prompting Huertas to appeal the resolution to the DECS Secretary via a petition for review.

On November 20, 1997, then DECS Secretary Ricardo T. Gloria issued a Resolution reversing the resolutions of the Regional Director and dismissing the administrative complaint for want of a formal hearing. The Secretary ruled that Huertas was deprived of his right to due process when the Grievance Committee dispensed with a formal investigation and based its report-recommendation merely on the affidavits of the parties and those of the witnesses of the complainant. The fallo of the resolution reads:

WHEREFORE, in view of the foregoing, the decision of the Regional Director, Department of Education, Culture and Sports, National Capital Region, meting the penalty of one month suspension without pay is hereby reversed. Accordingly, the administrative case against the respondent is hereby dismissed for lack of due process. However, respondent is hereby warned to be more circumspect in his actuations to forestall the filing of similar complaint against him in the future.

SO ORDERED.[15]

Dissatisfied, Dizon herself filed a motion for the reconsideration of the resolution. On March 20, 1998, then Acting Secretary Erlinda C. Pefianco reconsidered the ruling of her predecessor and reinstated the resolution of the Regional Director. The fallo of the resolution reads:

In view hereof, the Resolution of this Office dated November 20, 1997 is reconsidered. Accordingly, the decision of the DECS Regional Director, National Capital Region, dated October 28, 1996, is hereby restored.[16]

Huertas filed a petition for review which was treated as a motion for reconsideration by then DECS Secretary Andrew Gonzalez, FSC.[17] On June 10, 1999, Secretary Gonzalez reconsidered and set-aside Secretary Pefianco's March 20, 1998 Resolution and reinstated Secretary Gloria's November 20, 1997 Resolution. The dispositive portion reads:

The resolution of then Secretary Erlinda C. Pefianco, dated March 20, 1998, is hereby reversed and the Resolution of then Secretary Ricardo T. Gloria dated November 11, 1997 (sic), which dismissed the complaint for lack of due process, is hereby revived.

SO ORDERED.[18]

In reinstating Secretary Gloria's November 20, 1997 Resolution, Secretary Gonzalez tersely and succinctly ratiocinated:

It is evident that then Secretary Pefianco acted on the motion for Reconsideration of the [complaint] contrary to the rule that only the respondent can file a motion for reconsideration (CSC Resolution No. 94-0512, Sec. 7).[19]

Dizon, this time, filed a motion for the reconsideration of the June 10, 1999 Resolution of the Secretary. Acting thereon, the Secretary made a volte face and reinstated Secretary Pefianco's Resolution of March 20, 1998 on July 23, 1999, thus:

WHEREFORE, in view of the foregoing, this Office hereby recalls its Resolution dated June 10, 1999 and restores the Resolution of Acting Secretary Erlinda Pefianco, dated March 20, 1998.

SO ORDERED.[20]

Huertas filed a letter-request for the reconsideration thereof, which the Secretary denied. The case was considered closed and terminated:

WHEREFORE, this Office hereby denies the said motion and considers the case closed and terminated, insofar as this Department is concerned.[21]

The Secretary considered the letter-request of Huertas as a second motion for reconsideration which was proscribed by Section 49, Rule XIV of Executive Order (E.O.) No. 292, otherwise known as the 1987 Revised Administrative Code.

Aggrieved by the foregoing rulings, Huertas filed a petition for review in the CA wherein he raised the following issues:

I
WHETHER OR NOT THE COMPOSITION OF THE GRIEVANCE/INVESTIGATION COMMITTEE, DECS-NCR, DIVISION OF CITY SCHOOLS, THAT CONDUCTED THE HEARING IN THE PRESENT CASE WAS IN ACCORDANCE WITH THE MANDATE OF REPUBLIC ACT 4670, OTHERWISE KNOWN AS MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS.

II
WHETHER OR NOT NON-COMPLIANCE WITH THE REQUIREMENTS OF REPUBLIC ACT NO. 4670 AS REGARDS THE COMPOSITION OF THE GRIEVANCE COMMITTEE IS VIOLATIVE OF THE DUE PROCESS OF LAW.

III
WHETHER OR NOT PRIVATE RESPONDENT CAROLINA DIZON HAS THE LOCUS STANDI TO FILE A MOTION FOR RECONSIDERATION.[22]

In its comment on the petition, the Office of the Solicitor General (OSG) averred that Huertas was estopped from assailing the composition of the Grievance Committee, thus:

A party cannot invoke the jurisdiction of a court by voluntarily submitting a cause to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same

jurisdiction. Petitioner cannot renounce the jurisdiction of the court a quo considering that he had earlier submitted to such jurisdiction. Estoppel by laches bars petitioner's attack on the jurisdiction of the investigating committee because he never raised the issue when he was being investigated.[23]

On July 24, 2001, the CA rendered a decision setting aside Secretary Gonzalez's Resolutions dated July 23, 1999 and July 10, 2000, and reinstating Secretary Gloria's November 20, 1997 Resolution. The CA ruled that Dizon herself had the right to appeal or move for a reconsideration of the November 20, 1997 Resolution of Secretary Gloria as held by the Court in *Civil Service Commission v. Dacoycoy*. [24] It rejected the argument of the OSG that a decision in administrative cases penalized by one month suspension or less shall be final under Section 47(2), Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292. According to the CA, the petitioner's case does not fall within the ambit of E.O. No. 292 because "the root of the penalty is an illegally constituted investigating committee. As the old adage tells us 'it is a fruit of a poisonous tree.'" [25]

The appellate court also ruled that the composition of the committee which investigated the administrative complaint against Huertas was not in accordance with Section 9 of Republic Act No. 4670, otherwise known as the Magna Carta for Public School Teachers; hence, the petitioner was deprived of his right to due process.

However, upon motion for reconsideration [26] filed by the OSG, to which Huertas filed his opposition, [27] the CA reconsidered its Decision of July 24, 2001 and dismissed the petition for lack of merit on September 27, 2001. The fallo of the resolution reads:

WHEREFORE, the respondents' Motion for Reconsideration is hereby GRANTED. The Decision dated July 24, 2001, is hereby RECONSIDERED and SET ASIDE. The petition is hereby DISMISSED for lack of merit.

SO ORDERED. [28]

The CA held that Huertas was barred from assailing the composition of the Grievance Committee and was proscribed from appealing the resolution of Regional Director Rosas to the Secretary of Education, Culture and Sports.

Huertas filed a motion for the reconsideration [29] thereof which was denied by the CA.

Huertas, now the petitioner, comes to the Court via a petition for review on certiorari against respondents Dizon and the DECS Secretary, contending that:

I
THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN THE INTERPRETATION/APPLICATION OF THE LAW AND IN THE APPRECIATION OF THE FACTS AND EVIDENCE PRESENTED.

II
THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN FAILING TO CONSIDER THE NON-COMPLIANCE OF THE MANDATORY REQUIREMENTS OF REPUBLIC ACT 4670 AS REGARDS THE COMPOSITION OF THE GRIEVANCE COMMITTEE WHICH IS VIOLATIVE OF THE DUE PROCESS LAW.

III
THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN FAILING TO CONSIDER THAT RESPONDENT CAROLINA DIZON HAS NO PERSONALITY TO FILE A MOTION FOR RECONSIDERATION. [30]

As the first two issues are interrelated, the Court shall delve into and resolve them simultaneously.

The petitioner avers that an integral component of his right to due process is a tribunal vested with complete jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality. The petitioner asserts that Section 9 of Republic Act No. 4670 enumerates those who should compose an investigating committee, and that under DECS Order No. 34, Series of 1999, noncompliance with the requirements of the said law would amount to a denial of due process. The petitioner avers that Atty. Manuel Ano was not a school superintendent of the division, and that the teacher's organization was not represented in the committee. Citing the ruling of this Court in *Fabella v. Court of Appeals*,^[31] the petitioner posits that the proceedings before the committee and its report are null and void. He maintains that since the Grievance Committee failed to conduct a formal investigation prior to the submission of its report to the Regional Director, he was deprived of his right to present his side and adduce evidence in his behalf.

In their comment on the petition, the respondents, through the OSG, aver that there exists at the Division of the City Schools, Manila, a specialized section denominated as Legal Affairs and Complaints Service (LACS), which is tasked to investigate complaints for disciplinary actions against the teachers of its division. One of those cases investigated by the LACS was the complaint of respondent Dizon against the petitioner. Besides, the respondents argue that the petitioner is estopped from assailing the composition of the committee because –

... The administrative case against petitioner for Grave Misconduct and Disrespect to Authority, filed by his own lady Principal, is one of these cases belonging to the LACS. From the very start of the investigative proceedings up to its termination, and even after the DECS Grievance Committee submitted its report of findings and recommendation, petitioner never questioned the competence of the hearing officers or the legality of the proceedings. He is now barred effectively by laches and estoppel to question the proceedings conducted and the judgment rendered in the administrative case against him. When petitioner appealed the judgment of Rosas, he did not raise therein the issue of the composition of the investigating committee. Litigants cannot raise an issue for the first time on appeal as this would contravene the basic rules of fair play and justice. A question that was never raised in courts below cannot be allowed to be raised for the first time on appeal without offending basic rules of fair play, justice and due process. No question, issue or argument will be entertained on appeal unless it has been raised in the court a quo. Basic is the rule that parties may not bring on appeal issues that were not raised on trial.

More importantly, the judgment of conviction with the penalty of one month suspension is final and unappealable. In fact, petitioner had already partially served his penalty of suspension. Consequently, the Court of Appeals did not commit any reversible error in upholding the Pefianco Resolution, thus, reinstating ultimately and correctly the Rosas Resolution in the DECS administrative case.^[32]

We agree with the respondents that the petitioner is estopped from assailing the competence of the Grievance Committee.

Section 9 of Rep. Act No. 4670 reads:

SECTION 9. Administrative Charges. – Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly-authorized representative who should, at least, have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teacher's organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

In the present action, the members of the Grievance Committee who were tasked to conduct a formal investigation

of the complaint of respondent Dizon belonged to the Legal Affairs and Complaints Service of the Manila Division of City Schools; hence, contrary to Section 9 of Rep. Act No. 4670. In fine, the Committee that was tasked to conduct the formal investigation was not the competent tribunal required by the law. Indeed, we made the following ruling in *Fabella v. Court of Appeals*:^[33]

In the present case, the various committees formed by the DECS to hear the administrative charges against private respondents did not include “a representative of the local or, in its absence, any existing provincial or national teacher’s organization” as required by Section 9 of RA 4670. Accordingly, these committees were deemed to have no competent jurisdiction. Thus, all proceedings undertaken by them were necessarily void. They could not provide any basis for the suspension or dismissal of private respondents. The inclusion of a representative of a teachers’ organization in these committees was indispensable to ensure an impartial tribunal. It was this requirement that would have given substance and meaning to the right to be heard. Indeed, in any proceeding, the essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard.^[34]

However, such ruling is inapplicable in the instant case. As the OSG averred, during the hearings before the Grievance Committee, the petitioner never assailed its composition or its competence to take cognizance of and conduct a formal investigation of respondent Dizon’s complaint. He, likewise, failed to do so before the Regional Director, and did not even appeal the matter to DECS Secretary Gloria, and his successors Secretary Pefianco and Secretary Gonzalez. The petitioner assailed the committee’s composition and competence for the first time only in his petition before the CA. Moreover, the petitioner submitted his counter-affidavit before the committee, and even agreed to submit the case for report and recommendation without any formal investigation, on the basis of mere affidavits of the parties and those of the witnesses of respondent Dizon. Verily then, the petitioner is estopped from assailing the competence of the committee. As we ruled in *Cloma v. Court of Appeals*:^[35]

It has been held that a party can not invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction (*Dean vs. Dean*, 136 Or. 694, 86 A.L.R. 79). In the case just cited, by way of explaining the rule, it was further said that the question whether the court had jurisdiction either of the subject-matter of the action or of the parties was not important in such cases because the party is barred from such conduct not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice can not be tolerated – obviously for reasons of public policy.

Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court (*Pease vs. Rathbun-Jones, etc.*, 243 U.S. 273, 61 L.Ed. 715, 37 S.Ct. 283; *St. Louis, etc. vs. McBride*, 141 U.S. 127, 35 L.Ed. 659). And in *Littleton vs. Burgess*, 16 Wyo. 58, the Court said that it is not right for a party who has affirmed and invoked the jurisdiction of a court in a particular matter to secure an affirmative relief, to, afterwards, deny that same jurisdiction to escape a penalty.

Upon this same principle is what We said in the three cases mentioned in the resolution of the Court of Appeals of May 20, 1963 (*supra*) – to the effect that we frown upon the “undesirable practice” of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse – as well as *Pindañgan, etc. vs. Dans, et al.*, G.R. L-14591, September 26, 1962; *Montelibano, et al. vs. Bacolod-Murcia Milling Co., Inc.*, G.R. L-15092; *Young Men Labor Union, etc. vs. The Court of Industrial Relations, et al.*, G.R. L-20307, Feb. 26, 1965, and *Mejia vs. Lucas*, 100 Phil., p. 277. (*Italics supplied*).^[36]

On the third issue, the petitioner avers that respondent Dizon was barred from filing a motion for the reconsideration of the November 20, 1997 Resolution of Secretary Gloria. This resolution reversed that of Regional Director Rosas and ordered the dismissal of the said complaint, on the ground that the petitioner was

deprived of his right to due process when the committee dispensed with a formal investigation and because its report was based merely on the affidavits on record. The petitioner cites Section 39(a) of Presidential Decree No. 805, which provides that appeals where allowable, shall be made by the party adversely affected by the decision. He also cites *Del Castillo v. Civil Service Commission*,^[37] where the Court ruled that only the government employee against whom the administrative case is filed is entitled to appeal from a decision adverse to him, and the ruling of this Court in *Mendez v. Civil Service Commission*^[38] that the civil service law does not contemplate a review of decisions exonerating officers or employees from administrative charges. The petitioner insists that when Secretary Gloria ordered the dismissal of the complaint against him for lack of due process, he was exonerated of the charge.

We do not agree with the petitioner. The Court overturned its ruling in *Mendez v. Civil Service Commission*^[39] and in *Civil Service Commission v. Dacoycoy*,^[40] which latter holding, in turn, was reiterated in *Philippine National Bank v. Garcia, Jr.*^[41] Thus:

In his Concurring Opinion, Justice Reynato S. Puno explained that the Civil Service Law did not categorically sanction the old doctrine barring appeals by parties other than the respondent employee. What the law declared as “final” were only those decisions of heads of agencies involving suspensions of not more than thirty days or fines not exceeding thirty days’ salary. These decisions, he said, involved minor and petty offenses, and to allow multiple appeals in those instances would overburden the quasi-judicial machinery of our administrative systems.

Neither can the old doctrine barring appeal be justified by the provision limiting the jurisdiction of the Civil Service Commission. According to that provision, the CSC was limited to the review of decisions involving: (1) suspension for more than thirty (30) days; (2) fine in an amount exceeding thirty (30) days’ salary; (3) demotion in rank or salary; and (4) transfer, removal or dismissal from office. Nothing in the provision, however, indicates a legislative intent to bar appeals from decisions exonerating a government official or an employee from an administrative charge.

It is a well-entrenched rule that if a statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. Verily, the words employed by the legislature in a statute correctly express its intent or will and preclude courts from construing it differently. The legislature is presumed to have known the meanings of the words, to have used those words advisedly, and to have expressed its intent by the use of such words as are found in the statute. Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory construction, and this Court has no right to look for or impose another meaning.

Indeed, the battles against corruption, malfeasance and misfeasance will be seriously undermined if we bar appeals of exoneration. After all, administrative cases do not partake of the nature of criminal actions, in which acquittals are final and unappealable based on the constitutional proscription of double jeopardy.

Furthermore, our new Constitution expressly expanded the range and scope of judicial review. Thus, to prevent appeals of administrative decisions except those initiated by employees will effectively and perversely erode this constitutional grant.^[42]

It must be stressed that the petitioner was not exonerated of the charge against him in the November 20, 1997 Resolution of Secretary Gloria; the DECS Secretary merely nullified the proceedings before the committee as well as its report/recommendation. Hence, respondent Dizon was moving for the reconsideration of the November 20, 1997 Resolution of the Secretary, and was not, in effect, appealing from any resolution exonerating the petitioner.

We agree with the petitioner that there was no formal or trial-type investigation conducted by the committee, and

that it relied solely on the affidavits submitted by the parties when it rendered its report/recommendation. The Court notes, however, that no less than the petitioner agreed to do away with the formal investigation, and to the submission of the case for reporting and recommendation on the basis of the affidavits on record. In fine, the petitioner waived his right to a formal investigation. We thus agree with the following disquisitions of the OSG:

The records of the administrative proceedings before the Investigating Committee show that petitioner was accorded all the opportunity to secure the services of a lawyer, to prepare himself with witnesses and evidence to be presented at the next scheduled hearings, but he opted instead to submit the case on the basis of his counter-affidavits. A formal or trial-type hearing is not, at all times, essential to due process. The requirements are satisfied where the parties are afforded fair and reasonable opportunity to explain their side. Due process in an administrative context does not require trial-type proceedings similar to those in the courts. After all, the essence of due process is simply an opportunity to be heard or, as applied in administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the ruling or action complained of, all of which were amply afforded respondent Huertas. If not availed of, as petitioner is shown to have treated the administrative proceedings lightly before, it is deemed waived or forfeited without violation of the Bill of Rights.[43]

Besides, as further noted by the OSG, the petitioner had commenced serving the penalty meted on him.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Bernardo P. Abesamis (retired), with Associate Justices Godardo A. Jacinto and Eliezer R. de los Santos, concurring.

[2] Rollo, pp. 42-52.

[3] Id. at 23.

[4] Id. at 27.

[5] Id.

[6] Id. at 23.

[7] Id.

[8] Id.

[9] Id.

[10] Id.

[11] Id. at 17.

[12] CA Rollo, p. 31.

[13] Rollo, p. 29.

[14] Id.

[15] Id. at 36.

[16] Id. at 37.

[17] Id.

[18] Id. at 38.

[19] Id.

[20] Id. at 40.

[21] Id. at 41.

[22] CA Rollo, pp. 9-10.

[23] Id. at 44.

[24] 306 SCRA 425 (1999).

[25] Rollo, pp. 47-48.

[26] CA Rollo, p. 70.

[27] Id. at 76.

[28] Rollo, p. 57.

[29] CA Rollo, p. 99.

[30] Rollo, p. 15.

[31] 282 SCRA 256 (1997).

[32] Rollo, pp. 120-121.

[33] Supra, note 31.

[34] Id. at 269.

[35] 234 SCRA 664 (1994).

[36] Id. at 673-674.

[37] 241 SCRA 317 (1995).

[38] 204 SCRA 965 (1991).

[39] Ibid.

[40] Supra, note 24.

[41] 388 SCRA 485 (2002).

[42] Id. at 490-491.

[43] Rollo, p. 119.

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