

**ENGR. JOB Y. BESANA, HON. RONALDO B. ZAMORA, IN HIS CAPACITY AS EXECUTIVE SECRETARY, AND HON. CONRADO M. ESTRELLA III, IN HIS CAPACITY AS ADMINISTRATOR OF THE NATIONAL ELECTRIFI...**

*G.R. No. 153837. July 21, 2010*

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-153837/>

---

**LEONARDO-DE CASTRO, J.:**

Before this Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court filed by petitioner Job Y. Besana (Besana), now deceased and substituted by his heirs in this petition, assailing the Decision[1] dated December 21, 2001 and Resolution[2] dated June 4, 2002 of the Court of Appeals in CA-G.R. SP No. 59732. The Court of Appeals declared null and void the Resolution[3] dated March 30, 2000 and Order[4] dated July 8, 2000 in O.P. Case No. 98-J-8574 of the Office of the President (OP), which set aside the resolutions of the National Electrification Administration (NEA) Board of Administrators (Board) insofar as they relate to Besana's dismissal as General Manager of intervenor Aklan Electric Cooperative, Inc. (AKELCO).

Upon notice of this case, AKELCO filed a Petition for Intervention[5] on September 30, 2002, joining the petition in challenging the judgment of the Court of Appeals in CA-G.R. SP No. 59732 on the ground that respondent Rodson F. Mayor (Mayor) had no personality to file said Court of Appeals case and praying that the Court declare valid the March 30, 2000 Resolution and Order dated July 6, 2000 of Executive Secretary Ronaldo B. Zamora. Besana filed his Comment on the Petition for Intervention on December 26, 2002, concurring with the grounds adduced in the Petition for Intervention of AKELCO. Subsequently, AKELCO filed its Comment[6] on the Petition for Review on January 20, 2003, to which Besana filed his Reply[7] to the said Comment on February 3, 2004.

Mayor filed his Comment[8] on the Petition for Review on April 12, 2004, and petitioners filed their Reply[9] thereto on July 23, 2004.

In compliance with the Resolution[10] dated September 22, 2004 of this Court, the parties submitted their respective Memoranda as follows: Besana on November 19, 2004,[11] Mayor on November 30, 2004,[12] and AKELCO on December 15, 2004.[13]

The antecedent facts of this case, as culled from the records and narrated in part by the Court of Appeals, are as follows:

The case has its genesis on July 10, 1991, when an Administrative Complaint docketed as RRM-1-91 was filed by herein [respondent] Rodson F. Mayor against [herein petitioner] Job Y. Besana, then General Manager of [herein intervenor AKELCO] for grave misconduct, serious irregularity, dishonesty, grave abuse of authority, serious neglect in the performance of official duty, and gross mismanagement before the [NEA]. After investigation made by State Corporate Attorney Jesus F. D. Clariza of the Office of the Government Corporate Counsel and approved by NEA Administrator Rodrigo Cabrera, [petitioner] Besana was ordered dismissed as

AKELCO General Manager through a Decision dated June 1, 1992, the dispositive portion of which reads as follows:

"Wherefore, for all the foregoing circumstances, we find [petitioner Besana] guilty for (sic) grave misconduct, serious irregularities, dishonesty, abuse of authority, serious neglect in the performance of his official duties, incompetence and gross mismanagement and thus hereby sentencing him the penalty of dismissal as AKELCO General Manager subject to forfeiture of leave credits and retirement benefits as well as disqualification for reemployment in any electric cooperatives."

Such dismissal was approved and confirmed by the NEA Board of Administrators per its Resolution No. 41, June 25, 1992, which states in part:

RESOLVED THEREFORE, to approve, as it is hereby approved, the removal/dismissal of Job Y. Besana as AKELCO General Manager, effective immediately;

RESOLVED FURTHER, to authorize the sending of an Engineering Team to conduct the material audit and close out all completed projects of AKELCO to determine where the P38 Million worth of materials were rechanneled;

RESOLVED FURTHERMORE, to authorize Management (sic) mete out to the former REC manager the maximum penalty within the Board's power to impose and to file the necessary case against him for misuse of government property before the appropriate court of law;

RESOLVED FINALLY, to enjoin the Legal Department, with the assistance of the OGCC, to prosecute the case vigilantly.

According to [respondent Mayor], [petitioner] Besana was notified of the said Board Resolution No. 41 dismissing him from the service as early as July 1992, when the Board appointed another General Manager to take his place - but he did not appeal. Hence, the same became final, executory and unassailable. With the finality of such resolution, the Board of Directors of AKELCO appointed Atty. Leovigildo Mationg as the new General Manager, which appointment was confirmed by the NEA Board of Administrators sometime in 1992.

On June 3, 1993, [petitioner] Besana questioned his dismissal before the Arbitration Committee of the National Labor Relations Commission (NLRC). He got a favorable ruling from Labor Arbiter Danilo C. Acosta, who in his decision dated September 15, 1993, directed Besana's reinstatement and payment to him of backwages as well as of moral damages, exemplary damages and attorney's fees.

On appeal by AKELCO to the NLRC, however, the latter reversed and set aside the decision of the Labor Arbiter, through its Decision dated April 18, 1994, and dismissed [petitioner] Besana's complaint for lack of merit.

Not satisfied with the decision of the NLRC, [petitioner] Besana questioned the same before the Supreme Court through a petition for certiorari which was, however, dismissed by the High Court on August 8, 1994 for [petitioner] Besana's failure to comply with the requirements of the Rules of Court.

In another twist, the NEA Board of Administrators passed on March 5, 1994, Resolution No. 12 which authorized the review of the administrative case against [petitioner] Besana, and created a team to undertake such review, composed of the following:

Chairman

-

Solicitor Rodolfo G. Urbiztondo

Office of the Solicitor General

Members

-

Mrs. Benita Montilla

Coop Audit Department

Mr. Resty de la Cruz

Coop Operations Department

Mr. Nelso Milo

Engineering Department

After investigation, the Urbiztondo Committee submitted its report, finding that the charge about the unaccounted P38 Million had no leg to stand on; however, [petitioner] Besana was guilty of the other charges against him and that his dismissal for such charges is duly supported by the evidence on record.

In the light of such findings, the NEA Board of Administrators passed Resolution No. 56 on September 30, 1994, stating in part:

"WHEREAS, after a careful perusal of the findings contained in the Committee Report, the Board finds that it has been sufficiently established that the dismissal of Mr. Besana was legal and based on valid grounds, except for four of the thirteen original charges which were found to be baseless and not supported by evidence, namely: the P38 Million unaccounted materials, AIWA contracts, Boracay Island Electrification Project and Energization of HARESCO Farm;

"WHEREAS, there is no compelling reason to disturb its previous decision reflected in Board Resolution No. 41 dated June 25, 1992 dismissing Mr. Job Y. Besana as AKELCO General Manager;

"RESOLVED THEREFORE, TO AFFIRM, as it hereby affirms, the decision of the NEA Board of Administrators as reflected in Board Resolution No. 41 dated June 25, 1992, with the modification not to pursue the previous directive to Management to file court cases against Mr. Besana for the unaccounted P38 Million worth of materials since this was found by the Committee to be without basis."

On July 16, 1997, [petitioner] Besana, claiming that he received a copy of NEA Board Resolution No. 56 only on July 3, 1997, sent a letter to the NEA Board of Administrators which he asked to be treated as his Motion for Reconsideration of such resolution. The Board denied the same through Board Resolution No. 35 dated April 16, 1998.

On October 12, 1998, [petitioner] Besana formally filed his appeal before the Office of the President which, as above stated, issued its assailed Resolution dated March 30, 2000, setting aside Resolutions Nos. 41, 56 and 35 of the NEA Board of Administrators insofar as they related to [petitioner] Besana's dismissal, and declaring the same to be without effect. [Respondent Mayor's] Motion for Reconsideration of such resolution was denied through the assailed Order of July 8, 2000.[14]

In a Petition for Certiorari before the Court of Appeals, docketed as CA-G.R. SP No. 59732, Mayor assailed the Resolution dated March 30, 2000 and Order dated July 8, 2000 issued by the OP in O.P. Case No. 98-J-8574, alleging that the said office acted without jurisdiction or with grave abuse of discretion amounting to lack of jurisdiction and praying for the issuance of a temporary restraining order (TRO) and writ of preliminary injunction against the implementation of the said OP issuances.

The Court of Appeals first issued a TRO on August 29, 2000, then a writ of preliminary injunction<sup>[15]</sup> on November 27, 2000, enjoining the OP from implementing the assailed issuances in O.P. Case No. 98-J-8574. Besana filed a Motion for Reconsideration of the issuance by the appellate court of the injunctive writ, arguing that the NEA and AKELCO were the real parties-in-interest, not Mayor, who was just a member of AKELCO. The Court of Appeals, in its Resolution<sup>[16]</sup> dated June 28, 2001, denied Besana's Motion for Reconsideration because:

The said Motion is premised on the alleged fact that the [herein respondent Mayor] is not the real party in interest in this case. It appears, however, that he has been prosecuting the basic case before the lower bodies with the acquiescence of all the other parties, and such matter is being raised for the first time before this Court. Settled is the rule that points of law, theories, issues, and arguments not raised below cannot be considered by a reviewing court because this would be offensive to the basic rules of fair play, justice and due process x x x.

In the meantime, Besana died on June 11, 2001. The Court of Appeals was notified of Besana's death on June 21, 2001. Mrs. Florence Besana-Cesar (Besana-Cesar), Besana's daughter, sought to substitute her father in the case. In a Resolution dated July 16, 2001, the Court of Appeals directed the parties to comment on the propriety of continuing this case as the principal relief sought was purely personal to Besana such that the action had been extinguished upon his death.

On December 21, 2001, the Court of Appeals promulgated its Decision in CA-G.R. SP No. 59732. In said Decision, the Court of Appeals noted that none of the parties filed a comment on Besana-Cesar's substitution for Besana, as directed in the Resolution dated July 16, 2001. Nonetheless, the appellate court resolved to give due course to Mayor's Petition for Certiorari and decide the case on the merits, so as also to settle the question on whether Besana's heirs could claim his back salaries and other monetary benefits. The appellate court then appointed Besana-Cesar as Besana's "legal representative."

The Court of Appeals proceeded to rule that Besana's dismissal as General Manager of AKELCO by the NEA Board had already attained finality sometime after July 1992 since Besana failed to appeal his dismissal. In addition, the appellate court held that the OP lacked jurisdiction to review the decision of the NEA Board, which was then vested upon this Court by virtue of Section 59 of Presidential Decree No. 269, the NEA Charter.<sup>[17]</sup> Presently, jurisdiction over appeals from the decisions of the NEA is lodged with the Court of Appeals, pursuant to Section 1, Rule 43 of the Rules of Court.

The Court of Appeals decreed:

WHEREFORE, the petition is GRANTED, and the assailed Resolution dated March 30, 2000 and Order dated July 8, 2000 are declared NULL and VOID for having been issued without jurisdiction. The Resolutions Nos. 41, 56 and 35 issued by the National Electrification Administration dismissing Job Y. Besana as General Manager of AKELCO are AFFIRMED.<sup>[18]</sup>

Besana's Motion for Reconsideration of the foregoing judgment was denied by the appellate court in its Resolution dated March 30, 2000.

Hence, the instant Petition wherein petitioners make the following assignment of errors:

[1] When the Appellate Court ruled that Rodson F. Mayor had the standing to bring an action assailing the decisions of Executive Secretary Zamora directing the NEA to reinstate Engr. Job Y. Besana as General Manager of AKELCO.

[2] When the Appellate Court ruled that Executive Secretary Zamora's decisions were rendered in a wanton, arbitrary, whimsical, and despotic manner that they should be set aside through the writ of certiorari.

[3] When the appellate court ruled that the Office of President does not have the authority to review rulings of the NEA because PD 269, the organic law of the NEA, explicitly states that it is this Honorable Supreme Court which has the power and authority to conduct a review of NEA's rulings, and such power of review is now lodged with the Court of Appeals.[19]

Petitioners assert that Mayor lacked material interest to challenge before the Court of Appeals the OP ruling which favored his reinstatement as General Manager of AKELCO. Petitioners claim that it is either the NEA or AKELCO which stands to be benefited or injured by such ruling of the OP. Hence, Mayor cannot be considered a real party-in-interest. Petitioners further argue that Mayor has a "mere interest in the question of whether or not Besana should be reinstated, having once filed a complaint against him (Besana) for allegedly mismanaging AKELCO and, since he does not have a material interest in the decree to reinstate Besana, Mayor is not a proper party to question the same."

Petitioners also insist that what Besana assailed before the OP were NEA Board Resolutions Nos. 12, 56, and 35, and not NEA Board Resolution No. 41. He received NEA Board Resolution No. 35 dated April 16, 1998, on July 8, 1998, and filed with the NEA his Notice of Appeal five days later, on July 13, 1998. Petitioners claim that Besana thereafter duly filed his appeal before the OP, and with his timely appeal, NEA Board Resolutions Nos. 12, 56, and 35 had not yet attained finality. Even assuming Besana failed to file his appeal on time, petitioners maintain that the OP committed no reversible error and grave abuse of discretion when it took cognizance of said appeal and resolved the case on the merits in the interest of substantial justice.

Petitioners additionally aver that the OP has jurisdiction to review NEA Board Resolutions Nos. 12, 56, and 35. Mayor and the Court of Appeals erroneously relied on Section 59 of the NEA Charter and Section 1, Rule 43 of the Rules of Court to support their position that any order, ruling, or decision of the NEA is subject to judicial review. These provisions only pertain to matters related to "electric franchises" and not to the administrative functions of the NEA. Petitioners reason out that Besana appealed the three NEA Board Resolutions to the OP in accordance with Section 13 of the NEA Charter which provides that "the NEA shall be under the supervision of the Office of the President of the Philippines" and that "all orders, rules and regulations promulgated, and all appointments made by the NEA x x x shall be subject to the approval of the Office of the President of the Philippines."

AKELCO agrees with petitioners and further claims that the dismissal of Besana by the NEA Board was a usurpation of the power of the Board of Directors of AKELCO.

Mayor, on the other hand, contends that the Court of Appeals was correct in ruling that all the parties have already acquiesced to his legal interest in prosecuting the charges against Besana as he had done so from the inception of the case and, thus, Besana was rightly barred from belatedly assailing the same.

Mayor also maintains that Besana's dismissal as General Manager of intervenor AKELCO in 1992 already attained finality. He points out that Besana failed to file a timely appeal of NEA Board Resolution No. 41 dated June 25, 1992. Besana, instead, filed an illegal dismissal case against AKELCO. The illegal dismissal case, however, likewise attained finality when this Court denied Besana's appeal of the dismissal of his case by the National Labor Relations Commission (NLRC).

The Petition must fail.

First, the Court of Appeals was correct in refusing to take cognizance of the belatedly-raised issue of whether or not Mayor had legal interest to challenge before the appellate court the order of the OP for the reinstatement of Besana as General Manager of AKELCO.

It is well-settled that no question will be entertained on appeal unless it has been raised in the proceedings below. Points of law, theories, issues and arguments not brought to the attention of the lower court, administrative agency or quasi-judicial body, need not be considered by a reviewing court, as they cannot be raised for the first time at that late stage. Basic considerations of fairness and due process impel this rule.[20] Any issue raised for the first time on appeal is barred by estoppel.[21]

It must be stressed that it was Mayor who filed the administrative complaint against Besana. Since the inception of the administrative proceedings against Besana, Mayor had been participating therein without his legal interest being questioned, not even by Besana when the latter appealed his dismissal before the OP. Indeed, Besana challenged Mayor's legal interest as a party in the administrative proceedings only before the appellate court. Given Besana's failure to raise as an issue Mayor's purported lack of legal interest during the proceedings before the NEA and the OP, the appellate court was then barred from taking cognizance of the same for the first time on appeal.

It bears to point out that petitioners admitted that Mayor, being the original complainant, had legal interest in the issue of Besana's dismissal, but posits that Mayor had no such interest in the issue of Besana's reinstatement. Such an argument is specious. The propriety of Besana's reinstatement depends on the legality of his dismissal. Both issues arose from and involved exactly the same factual background and legal arguments. The proceedings before the appellate court are but a continuation of the proceedings before the NEA and the OP. Petitioners conceded that Mayor had legal interest to seek Besana's dismissal in the administrative proceedings before the NEA and the OP, necessarily then, Mayor still had interest to appeal before the appellate court any ruling that reinstates Besana and renders Mayor's administrative charges against him for naught.

Second, the issue of usurpation by the NEA of AKELCO's prerogative to dismiss Besana as its General Manager was raised for the first time before this Court by AKELCO. It was not raised in the proceedings before the NEA, the OP, and the Court of Appeals. As has been settled in the preceding paragraphs, an issue raised for the first time on appeal is barred by estoppel.

There is also more reason to hold AKELCO in estoppel. The records[22] of this case reveal that AKELCO supported the administrative charges against Besana and actively participated in the proceedings conducted before the Office of the Government Corporate Counsel (OGCC), the Labor Arbiter, and the NLRC, respecting the propriety and/or legality of Besana's dismissal. In fact, after the NEA adopted the findings of the OGCC holding petitioner Besana guilty of the administrative charges and dismissing him from the service, AKELCO promptly appointed another general manager as his replacement, and that, after the Labor Arbiter decided in favor of Besana his illegal dismissal case against AKELCO and NEA, AKELCO appealed to the NLRC seeking for the reversal of the Labor Arbiter's ruling. AKELCO even advocated before the NLRC the concurring views of the OGCC and the Labor Arbiter that the NEA possesses disciplinary authority over any or all members of the board of directors, officers, and employees of electric cooperatives. Evidently, AKELCO made a complete turnabout before this Court, with nary an explanation, something which this Court cannot allow without violating the fundamental principles of fairness and due process. The issues and arguments presented by AKELCO before this Court are not only new, but in total contradiction to the ones it previously espoused in the proceedings below.

In any event, contrary to the contention of AKELCO, it has been correctly noted in the respective decisions of the OGCC, the Labor Arbiter, and the NLRC that the NEA has the disciplinary authority to suspend, remove, and/or replace any or all of the members of the board of directors, officers or employees of electric cooperatives as provided by Presidential Decree No. 269, amended by Presidential Decree No. 1645, otherwise known as the charter of the NEA.

In *Zambales II Electric Cooperative, Inc. (ZAMECO II) Board of Directors v. Castillejos Consumers Association, Inc. (CASCONA)*,<sup>[23]</sup> this Court elucidated the power of the NEA to supervise electric cooperatives and to take preventive and/or disciplinary measures against an electric cooperative's board of directors, officers or employees, as follows:

P.D. No. 269, as amended by P.D. No. 1645, vested NEA with the authority to supervise and control electric cooperatives. In the exercise of its authority, it has the power to conduct investigations and other similar actions in all matters affecting electric cooperatives. The failure of electric cooperatives to comply with NEA orders, rules and regulations and/or decisions authorizes the latter to take preventive and/or disciplinary measures, including suspension and/or removal and replacement of any or all of the members of the Board of Directors, officers or employees of the electric cooperative concerned.

In *Silva v. Mationg*,<sup>[24]</sup> the approval by the NEA of the dismissal of the general manager of AKELCO who replaced Besana was upheld by this Court on this basis:

The NEA, as a public corporation, acts through its Board of Administrators, composed of a Chairman and four members, one of whom is the Administrator as ex-officio member. The NEA exercises supervision and control over electric cooperatives organized and operating under the mandate of PD 269, as amended. The extent of government control over electric cooperatives covered by PD 269, as amended, is largely a function of the NEA as a primary source of funds of these electric cooperatives.

In exercising its power of supervision and control over electric cooperatives, the NEA, through its Board of Administrators, can issue orders, rules and regulations, and motu proprio or upon petition of third parties, can conduct investigations in all matters affecting electric cooperatives pursuant to Section 10 of PD 269, as amended. Further, the NEA-BOA may avail of the remedial measures enumerated in Section 10 of PD 269, as amended, in case of non-compliance by the electric cooperative concerned with NEA orders, rules and regulations, and decisions, or with any of the terms of the Loan Agreement. One of these remedial measures, Section 10(e) of PD 269, as amended, provides for the suspension or removal of members of the Board of Directors, officers or employees of the defiant electric cooperative as the NEA-BOA may deem fit and necessary, thus:

Sec. 10. Enforcement Powers and Remedies. -- In the exercise of its power of supervision and control over electric cooperatives and other borrower, supervised or controlled entities, the NEA is empowered to issue orders, rules and regulations and motu proprio or upon petition of third parties, to conduct investigations, referenda and other similar actions in all matters affecting said electric cooperatives and other borrower, or supervised or controlled entities.

If the electric cooperative concerned or other similar entity fails after due notice to comply with NEA orders, rules and regulations and/or decisions, or with any of the terms of the Loan Agreement, the NEA Board of Administrators may avail of any or all of the following remedies:

x x x x

(e) Take preventive and/or disciplinary measures including suspension and/or removal and replacement of any or all of the members of the Board of Directors, officers or employees of the Cooperative, other borrower institutions or supervised or controlled entities as the NEA Board of Administrators may deem fit and necessary and to take any other remedial measures as the law or the Loan Agreement may provide.

Finally, this Court finds no reversible error in the pronouncement of the Court of Appeals that the legality of Besana's dismissal as General Manager of AKELCO already attained finality and, thus, the same constituted res judicata.

Res judicata or bar by prior judgment is a doctrine which holds that a matter that has been adjudicated by a court

of competent jurisdiction must be deemed to have been finally and conclusively settled if it arises in any subsequent litigation between the same parties and for the same cause. The doctrine of res judicata is founded on a public policy against re-opening that which has previously been decided, so as to put the litigation to an end.[25] Matters settled by a court's final judgment should not be litigated upon or invoked again. Relitigation of issues already settled merely burdens the courts and the taxpayers, creates uneasiness and confusion, and wastes valuable time and energy that could be devoted to worthier cases.[26]

In the present case, Besana's dismissal originally stemmed from NEA Board Resolution No. 41 which he did not appeal, whether to the OP or the Court of Appeals, hence, rendering said Board Resolution final. NEA Board Resolution No. 41 was already even executed with the appointment of a new General Manager.

Even overlooking the finality of NEA Board Resolution No. 41, the legality of Besana's dismissal was settled with finality in another proceeding instituted by Besana himself. Besana, instead of directly appealing NEA Board Resolution No. 41, filed an illegal dismissal case before the NLRC. To recall, the Labor Arbiter initially found that Besana was illegally dismissed. However, when AKELCO appealed to the NLRC, the latter reversed the Labor Arbiter and held that there was no illegal dismissal. Besana's appeal to this Court of said NLRC ruling, docketed as G.R. No. 115591, entitled *Besana v. National Labor Relations Commission*, was dismissed on technicality in a Resolution[27] dated August 8, 1994. As a result, the NLRC ruling - that Besana's dismissal was legal - already attained finality.

It is true that Besana instituted his illegal dismissal case before the NLRC following the issuance by the NEA of its Board Resolution No. 41, and that what Besana appealed to the OP was NEA's Board Resolution Nos. 12, 56 and 35. However, upon closer review, the aforesaid NEA Board Resolutions all involve the dismissal of Besana as General Manager of AKELCO after being found guilty of the administrative charges lodged against him by Mayor. The reinvestigation conducted by the NEA of exactly the same charges against Besana (and all other proceedings arising from said reinvestigation, including those before the OP, the Court of Appeals, and now, before this Court), subject matter of NEA Board Resolution Nos. 12, 56, and 35, could not have served any other purpose except to overturn the NLRC ruling that Besana was not illegally dismissed. Incidentally, even after its reinvestigation, the NEA still found Besana guilty of several of the administrative charges against him warranting his dismissal as General Manager of AKELCO.

WHEREFORE, in view of the foregoing, the instant Petition is hereby DENIED. Costs against the petitioners.

**SO ORDERED.**

Corona, C.J., (Chairperson), Velasco, Jr., Del Castillo, and Perez, JJ., concur.

---

[1] Penned by Associate Justice Delilah Vidallon-Magtolis with Associate Justices Candido V. Rivera and Juan Q. Enriquez, Jr., concurring. Rollo, pp. 56-64.

[2] Rollo, pp. 73-74.

[3] Id. at 23-27.

[4] Id. at 28-30.

[5] Id. at 76-81.

[6] Id. at 88-93.

[7] Id. at 108-110.

[8] Id. at 121-127.

[9] Id. at 129-133.

[10] Id. at 134-135.

[11] Id. at 136-154.

[12] Id. at 155-165.

[13] Id. at 166-176.

[14] Id. at 57-59.

[15] The Court of Appeals granted respondent Mayor's prayer for the issuance of a writ of preliminary injunction in a Resolution dated October 27, 2000. Upon respondent Mayor's posting of the required bond in the amount of P144,000 on November 13, 2000, the appellate court issued the writ on November 27, 2000. (CA rollo, pp. 415 and 429.)

[16] CA rollo, p. 445.

[17] Section 59. Court Review. - The Supreme Court is hereby given jurisdiction to review any order, ruling, or decision of the NEA and to modify or set aside such order, ruling, or decision when it clearly appears that there was no evidence before the NEA to support reasonably such order, ruling, or decision, or that the same is contrary to law, or that it was without the jurisdiction of the NEA. The evidence presented to the NEA, together with the record of the proceedings before the NEA, shall be certified by the NEA to the Supreme Court. Any order, ruling, or decision of the NEA may likewise be reviewed by the Supreme Court upon a writ of certiorari in proper cases. The procedure for review, except as herein provided, shall be prescribed by rules of the Supreme Court. Any order, ruling, or decision of the NEA may be reviewed on the application of any person or public service entity aggrieved thereby and who was a party in the subject proceeding, by certiorari in appropriate cases or by a petition for review, which shall be filed within thirty (30) days from the notification of the NEA order, decision, or ruling or reconsideration. Said petition shall be placed on file in the office of the Clerk of the Supreme Court who shall furnish copies thereof to the NEA and other interested parties.

[18] Rollo, p. 63.

[19] Id. at 15.

[20] *Jacot v. Dal*, G.R. No. 179848, November 27, 2008, 572 SCRA 295, 311.

[21] *Villaranda v. Villaranda*, 467 Phil. 1089, 1098 (2004).

[22] CA rollo, pp. 229-272.

[23] G.R. Nos. 176935-36, March 13, 2009, 581 SCRA 320, 329.

[24] G.R. No. 160174, August 28, 2006, 499 SCRA 724, 737-739.

[25] *National Investment and Development Corporation v. Bautista*, G.R. No. 150388, March 13, 2009, 581 SCRA 92, 104.

[26] *Co v. People*, G.R. No. 160265, July 13, 2009, 592 SCRA 381, 393.

[27] CA rollo, pp. 90-91.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.