

MA. CRISTINA G. CORTEZ-ESTRADA, PETITIONER, VS. HEIRS OF DOMINGO SAMUT/ANTONIA SAMUT REPRESENTED BY LETICIA SAMUT, CHITO SINGSON AND DIRECTOR OF LANDS, RESPONDENTS.

G.R. NO. 154407. February 14, 2005

Ponente: CARPIO-MORALES, J.

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CARPIO-MORALES, J.:

Before this Court is a petition for review on certiorari seeking to reverse the April 12, 2002 Decision[1] and July 23, 2002 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 68277 dismissing the petition for certiorari[3] of herein petitioner Ma. Cristina Cortez-Estrada (petitioner) and denying her motion for reconsideration,[4] respectively.

Petitioner's father Emiliano Cortez (Cortez) filed on August 21, 1953 a Free Patent Application with the Bureau of Lands (Bureau) covering two parcels of land identified as Lot 4602 with an area of 4.467 hectares and Lot 4603 with an area of 6.3809 hectares, both of Cadastre No. 210, situated at Libertad, Echague, Isabela. The application was approved on December 5, 1955 by the Bureau which issued Cortez Free Patent No. V-17515.

Original Certificate of Title (OCT) No. P-9148 covering the subject properties was subsequently issued in Cortez's name by the local Register of Deeds.

On November 6, 1956, Domingo Samut (Samut), represented by Antonia Samut, filed before the Bureau a Protest[5] alleging that he has since the Second World War been in possession of the properties which he converted into a flourishing rice, tobacco and corn field and introduced other improvements thereon such as a residential house, a well and rice paddies.

Acting on Samut's claim that Cortez obtained the patent and title over the properties through fraud, deceit and misrepresentation in violation of the Public Land Law, the Legal Division of the Bureau directed the District Land Officer of Ilagan, Isabela to conduct an investigation on the grant of Cortez's patent and title.

After the demise of Cortez, OCT No. P-9148 was on July 2, 1969 cancelled and Transfer Certificate of Title (TCT) No. T-42959 was issued in the name of his widow, Antonia Cortez (Antonia).

Antonia subsequently died intestate and is survived by her children including herein petitioner.

By Order[6] of January 6, 1997, Regional Executive Director Leonardo A. Paat of the Bureau recommended that

. . . proper steps be now taken in court for the cancellation of Patent No. V-17515 and the corresponding Original Certificate No. P-9148, now Transfer Certificate (sic) Title No. T-42959 and for the reversion of the land covered thereby to the state. After the cancellation of said patent and title of Emiliano Cortez, the heirs of Domingo Samut are hereby directed to file the appropriate public land application covering Lot Nos. 4602 and 4603, Cad. 240 situated at Libertad, Echague, Isabela.[7] (Emphasis and underscoring supplied)

In arriving at his recommendation, the Regional Executive Director ratiocinated:

Evidence shows that the herein claimants-protestants are the actual occupants over the land in dispute. They have introduced considerable improvements, established their respective houses with strong materials which serves (sic) as their family residence since the outbreak of World War II. This Office will not give credence with (sic) the view of the herein respondent that . . . claimants-protestants [were mere] tenants by virtue of a contract of lease executed by Emiliano Cortez as lessor, and Joaquin Samut as lessee whose validity is doubtful considering that Joaquin Samut denied having executed such contract. It appears also that his (lessee) signature appearing in the contract is not his signature as compared to his genuine signature given by him during the investigation, hence, it is a forged signature. (Exhibit “J” for the protestant and Exhibit “2” for the respondent.) Besides, Joaquin Samut, the alleged lessee has no authority to enter into said contract in behalf of Domingo Samut, the original possessor over the lot in dispute because nowhere (sic) in the records would show that he was authorized to enter into said contract.

Granting arguendo for the sake of arguments (sic), that herein claimants-protestants are merely tenants of the respondent. It holds no weight in favor of herein respondent, instead it is an admission on his part that he is not the actual occupants (sic) over the lots in dispute, contrary to the narration of facts stated in his patent application which led for (sic) the approval of said application. Hence, a clear misrepresentation of facts and in blatant violation of the Public Land Law. Had he disclosed the true facts, the then Director of Lands, Zoilo Castrillo was not (sic) misled in approving the application.

Presidential Decree No. 152 categorically prohibits the employment or use of share tenants in complying with the requirements of law regarding entry, occupation, improvement and cultivation [of] public lands, amending (sic) for the purpose certain provisions of Commonwealth Act as amended, otherwise known as the Public Land Act. Section 2 of said law is clear and unequivocal:

“Section 2. The employment or use of share tenants in whatever form for purposes of complying with the requirements of the Public Land Act regarding entry, occupation, improvements, and cultivation is hereby prohibited. Any violation hereof shall constitute a ground for the denial of the application, cancellation of the grant and forfeiture of improvements on the land in favor of the government.”

(P.D. 152 Section 2)

There is no dispute that the herein respondent clearly violated the aforecited provision of law which will be a ground for the cancellation of his patent and title over the land in dispute. He misrepresented facts in his application thru deceit and fraud by stating on said application that he is the actual occupants (sic), to the damage and prejudice of the true occupants, herein claimants-protestants who have already acquired vested rights over the land in dispute by virtue of their occupations (sic) over said land for more than 30 years. Well settled is the rule that occupation and cultivation for more than 30 years by an applicant and his predecessors-in-interest, vest title on such applicant so as to segregate the land from the mass of public land (Republic vs. Court of Appeals 235 SCRA 567).

Since misrepresentation and fraud w[ere] clearly established on the part of the respondent which led to the approval of his patent application and with (sic) the issuance of corresponding title over the lot in dispute, it is but proper that said patent and title be cancelled under Section 91, Commonwealth Act 141, before ordinary court of competent jurisdiction over the land in question.[8] (Emphasis and underscoring supplied)

No appeal from the above Order of Director Paat was filed.

The State, represented by the Director of Lands, later filed a complaint dated January 3, 2000,[9] for Reversion of Land to Public Domain, before the Regional Trial Court (RTC) of Echague, Isabela, docketed as Civil Case No. 533, praying that judgment be rendered: (1) declaring null and void Cortez’s Free Patent and his OCT No. P-9148 which had been cancelled by TCT No. T-42959 in the name of his wife Antonia; (2) ordering the Register of Deeds to cancel Antonia’s TCT No. T-42959; and (3) ordering the reversion of the properties to the State.[10]

The complaint alleged that Cortez deliberately made fraudulent representations in his free patent application, hence, the patent and title granted to him should ipso facto be cancelled pursuant to Section 91 of Commonwealth Act No. 141.[11]

In her Answer with Third Party Complaint,[12] petitioner averred that herein respondent Samut cannot legally acquire the properties by possessory rights despite the alleged period of occupation, for Cortez and Joaquin Samut (Joaquin), son of Domingo Samut, executed a Contract of Lease dated June 21, 1961 under which Joaquin, as lessee, agreed to plant agricultural crops on the properties and deliver to Cortez, as lessor, twenty (20%) percent of the crops harvested every year.

Petitioner likewise averred that upon investigation, she discovered that a portion (63,000 square meters) of the property was sold by the heirs of Samut to herein respondent Chito Singson who subsequently introduced improvements thereon, to the damage and prejudice of the heirs of Cortez.

Additionally, petitioner claimed that the investigation conducted by the Bureau is illegal and without legal force and effect as the same was conducted 18 years after the issuance of OCT No. P-9148 and that the right of reversion had already prescribed, the case for the purpose having been filed by the State more than 40 years after the grant of patent to Cortez.

Petitioner then prayed for the issuance of a temporary restraining order and/or a writ of preliminary injunction to prevent respondents Samut and Singson from selling or cultivating the properties or introducing any improvements thereon.

By Order[13] of July 10, 2001, Branch 24 of the Isabela RTC to which the case was raffled denied petitioner's plea for injunctive relief, reasoning as follows:

Going over the allegations of the Third-Party Complaint and the Answer thereto filed by defendant Chito Singson, the Court believes that it would be better to maintain status quo. "The reason for the ruling is that before the issue of ownership is determined in the light of the evidence presented, justice and equity demand that the parties be maintained in their status quo so that no advantage may be given to one to the prejudice of the other" (Calo vs. Ortega, et al., L-4673, Jan. 25, 1952, cited in Moran Rules of Court, Vol. 3, 1973 Ed.).[14] (Underscoring supplied)

Petitioner's Motion for Reconsideration[15] of the July 10, 2001 Order was denied by the trial court in this wise:

The third party defendants were admittedly in possession of the land in question prior to the filing of this case and therefore status quo should be maintained while the case is pending or before the issue of ownership is determined. Thus, "the writ of injunction" is not, as a general rule, proper where its purpose is to take property out of the possession or control of one person and place the same in the hands of another, whose title has not clearly been established by law (pp. 77 & 78, Moran, comments on The Rules of Court, vol. 3, 1970 Ed.).[16] (Emphasis and underscoring supplied)

Petitioner, "as surviving heir and with authority given to her by [her siblings]," thereupon filed a petition for certiorari before the CA, praying that: a) a temporary restraining order be issued restraining the RTC from conducting trial on the reversion case filed by the State and enjoining respondents Samut and Singson from selling the properties or cultivating and harvesting the produce therefrom and b) after due hearing, the temporary restraining order against private respondents be made permanent.[17]

Before the appellate court, petitioner posited that to allow respondents Samut et al. to enjoy possession of the properties before the RTC can decide the validity of OCT No. P-9148 violates the value and integrity of the title without due process of law, hence, the denial by the RTC of her prayer for injunctive relief constitutes grave

abuse of discretion causing great injustice and irreparable damage to her and her co-heirs.

By Decision of April 12, 2001, the appellate court found petitioner's petition dismissible for procedural infirmity, she having failed to append her Affidavit in support of her plea for injunctive relief and the Contract of Lease purportedly executed by Joaquin and Cortez, in contravention of Section 1 of Rule 65[18] in relation to Section 3 of Rule 46 of the Rules of Court.[19]

On the merits of the petition, the appellate court found the petition dismissible just the same, ratiocinating as follows:

. . . In the present recourse, the "status quo ante litem" of the Petitioners and the Private Respondents, vis-à-vis the subject property, before the Petitioners filed their "Third-Party Complaint" against the Private Respondents, was that: (a) the Private Respondents were in actual possession of the property; (b) they cultivated the property and reaped the produce therefrom; (c) the Petitioners were not in actual and physical possession of the property; (d) by their own admission, the Petitioners [were] not given, by the Private Respondents, any share in the produce from the property. The Petitioners sought, before the Respondent Court to alter or change the status quo of the parties by praying that the Private Respondents, via an injunctive writ, be ousted from their possession of the property and enjoined from cultivating the same and reaping the produce therefrom and that, consequently, the Petitioners be placed in actual and physical possession of the property. What the Petitioners sought, from the Respondent Court, was both a preliminary prohibitory injunction and a writ of preliminary mandatory injunction and, consequently, the alteration of the status quo of the parties before trial was terminated.

x x x

More, while it may be true that Original Certificate of Title No. 9148 was issued to and under the name of Emiliano Cortez and, by Transfer Certificate of Title No. 42959, under the name of Antonia Cortez, however, it cannot thereby be found and declared that the Petitioners were entitled, as a matter of right, to injunctive relief. In the light of the Order of the Regional Executive Director, the "Free Patent" executed in favor of Emiliano Cortez and said title issued to and under his name were placed, at the very least, in doubt. Aside from the Private Respondents asserting ownership over the property, the State, likewise, sought the reversion of the property to the State.

It bears stressing that the threshold issue before the Respondent Court was the validity/nullity of the "Free Patent" executed in favor of Emiliano Cortez and of Original Certificate of Title No. 9148 issued to and under the name of Emiliano Cortez. For the Respondent Court to issue a writ of preliminary injunction, he would, in effect, be resolving the merits of the very issue before the Respondent Court. . . .

x x x

It was thus imperative for the Respondent Court to maintain the status quo of the parties, ante litem, pending resolution of the contrasting stance of the parties, including the Republic of the Philippines, on the ownership over the property.[20] (Emphasis and underscoring supplied)

Petitioner's Motion for Reconsideration having been denied by the appellate court by Resolution of July 23, 2002, she filed the present petition faulting said court as follows:

I

PUBLIC RESPONDENT COURT OF APPEALS DECIDED THE UNRESOLVED ISSUES OF POSSESSION AND OWNERSHIP IN THE RTC OF ECHAGUE, ISABELA, BRANCH 24, WITHOUT OBSERVING THE RULES OF PROCEDURE ON THE ORDER OF TRIAL PROVIDED BY THE NEW RULES OF COURT.

II

PUBLIC RESPONDENT COURT OF APPEALS DEPARTED FROM THE ACCEPTED USUAL COURSE OF JUDICIAL PROCEEDINGS THAT DENIED THE PETITIONER OF DUE PROCESS.

III

PETITIONER'S DECEASED PARENTS HAVE A VALID OCT NO. P-9148 AND TO MAINTAIN "STATUS QUO", PRELIMINARY INJUNCTION AGAINST PRIVATE RESPONDENTS SHOULD BE GRANTED.

IV

PUBLIC RESPONDENT HAS ACTED WITH GRAVE ABUSE (sic) OF DISCRETION IN DECLARING THAT THE PRIVATE RESPONDENTS SAMUT HEIRS AND CHITO SINGSON ARE THE RIGHTFUL OWNERS AND POSSESSORS OF THE LOT IN QUESTION.[21]

The issue posed by petitioner before the appellate court was whether the RTC committed grave abuse of its discretion amounting to excess or lack of jurisdiction in denying her plea for injunctive relief.

Since petitioner's petition for certiorari was originally filed in the Court of Appeals, Rule 46 applies, the pertinent provisions of which read:

SECTION 1. Title of cases. – In all cases originally filed in the Court of Appeals, the party instituting the action shall be called the petitioner and the opposing party the respondent.

SEC. 2. To what actions applicable. – This Rule shall apply to original actions for certiorari, prohibition, mandamus and quo warranto.

Except as otherwise provided, the actions for annulment of judgment shall be governed by Rule 47, for certiorari, prohibition and mandamus by Rule 65, and for quo warranto by Rule 66.

SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. – The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

In actions filed under Rule 65, the petition shall further indicate the material dates showing when the notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

x x x (Emphasis and underscoring supplied)

Under the facts and circumstances of the case, and the issue raised by petitioner, it was necessary for the appellate court to peruse the above-said Affidavit and Contract of Lease. The dismissal in light of the failure of petitioner to submit such material documents was thus in order.

Procedural infirmity aside, on the merits, the petition is partly meritorious.

Petitioner's argument that the appellate court prematurely resolved the issues of ownership and possession in the main case pending with the RTC by declaring that private respondents are the rightful owners and possessors of the subject parcels of land is bereft of merit. The appellate court Decision merely resolved the propriety of the trial court's denial of petitioner's application for the issuance of a temporary restraining order and writ of preliminary injunction. It did not adjudicate the principal action raising as basic issue the ownership of the properties which the trial court has still to determine.

Respecting petitioner's prayer before this Court that a writ of preliminary injunction enjoining respondents Samut and Singson from cultivating and harvesting the produce therefrom issue, she contends that her [p]arents, being the registered landowner . . . as evidenced by OCT No. P-9148 and TCT No. T-42959, [she] has the right to occupy and exclude third parties like . . . Samut and Singson from its possession and use thereof." Petitioner's contention fails.

A preliminary injunction is a provisional remedy that a party may resort to in order to preserve and protect certain rights and interests during the pendency of an action.[22] Its sole objective is to preserve the status quo until the merits of the case can be heard fully.[23]

Status quo is defined as the last actual, peaceful, and uncontested status that precedes the actual controversy,[24] that which is existing at the time of the filing of the case.[25] Indubitably, the trial court must not make use of its injunctive power to alter such status.

To entitle a petitioner to the grant of a writ of preliminary injunction, he must establish the following requisites: (a) the invasion of the right sought to be protected is material and substantial; (b) the right of the complainant is clear and unmistakable; and (c) there is an urgent and paramount necessity for the writ to prevent serious damage.[26]

When the complainant's right or title is doubtful or disputed, he does not have a clear legal right and, therefore, the issuance of injunctive relief is not improper[27] and constitutes grave abuse of discretion.[28]

. . . [T]he party applying for its issuance must show a clear right thereto the violation of which is so recent as to make its vindication an urgent one. In *Locsin v. Climaco*, We made the pronouncement that the applicant's right or title must be clear and unquestioned, for equity, as a rule, will not take cognizance of suits to establish title, and will not lend its preventive aid by injunction where the applicant's title or right is doubtful or disputed. So that if a writ of preliminary injunction is issued despite applicant's doubtful title to the property in controversy or lack of interest therein, the Court is justified in dissolving the writ. xxx[29]

Sine dubio the grant or denial of a writ of preliminary injunction in a pending case rests in the sound discretion of the court taking cognizance of the case[30] since the assessment and evaluation of evidence towards that end involve findings of facts left to the said court for its conclusive determination.[31] Hence, the exercise of judicial discretion by a court in injunctive matters must not be interfered with except when there is grave abuse of discretion.[32]

Grave abuse of discretion in the issuance of writs of preliminary injunction implies a capricious and whimsical exercise of judgment that is equivalent to lack of jurisdiction, or where the power is exercised in an arbitrary or despotic manner by reason of passion, prejudice or personal aversion amounting to an evasion of positive duty or to a virtual refusal to perform the duty enjoined, or to act at all in contemplation of law.[33]

The records before this Court fail to reveal a clear and unmistakable right on the part of petitioner that would entitle her and her co-heirs to the protection of an injunctive writ to be placed in possession of the properties.

On the other hand, it is undisputed that private respondents have been in possession of the properties prior to and

during the institution of the complaint. They have long occupied, cultivated and otherwise exercised control over the properties. Thus the appellate court held:

The Private Respondents Heirs of Domingo Samut and Chito Singson, on the other hand, insist that Domingo Samut and his heirs had been in possession of the subject property even before Emiliano Cortez filed his application for a “Free Patent”, with the Bureau of Lands, and had been tilling and cultivating the property and reaping the produce therefrom and that they constructed their houses with strong materials on the subject property. Such was the “status quo ante litem” of the parties which must be preserved until final decision of the action on its merits. If the Court granted injunctive relief to the Petitioners, the “status quo ante litem” will thereby be altered which is anathema to and subversive of the purpose of a writ of preliminary prohibitory injunction.[34] (Emphasis and underscoring in the original)

To grant petitioner’s prayer for injunctive relief, upon her contention that her parents being the registered owners of the properties she and her co-heirs have the right to occupy the same, would virtually hand over control over the properties to her and her co-heirs. Such control, however, pertains to the rightful possessor of the properties ante litem, the determination of ownership of which – the central issue of the case – has yet to be resolved by the trial court only upon completion of trial on the merits.

A court should then avoid issuing a writ of preliminary injunction which would effectively dispose of the main case without trial.[35]

If the status quo is to be maintained in the present case, it is the status quo before or at the commencement of Civil Case No. 533, that is, the properties were in the possession of respondents. The trial court’s prima facie evaluation of the evidence proffered by the contending parties led it to hold that justice and equity would be better served if the status quo is preserved pending final determination of the merits of the main case. This Court finds that there is no showing that such evaluation was whimsical, arbitrary or capricious.

In fine, a prayer for injunctive relief should not be granted for the purpose of taking the property, the legal title to which is in dispute, out of the possession of one person and putting it into the hands of another before the right of ownership is determined.[36] The reason for this doctrine is that before the issue of ownership is determined in light of the evidence presented, justice and equity demand that the parties be maintained in their status quo so that no advantage may be given to one to the prejudice of the other.[37]

It is with respect to petitioner’s prayer that respondents be restrained from selling the properties or portions thereof that the present petition assumes merit. For pending the final determination of the ownership of the properties, private respondents can not exercise the attribute of ownership of jus disponendi. For only the owner can transfer his ownership to another.

WHEREFORE, the petition is PARTIALLY GRANTED. The assailed decision of the Court of Appeals is affirmed with modification in light of the foregoing discussion. Let a writ of preliminary injunction then issue enjoining respondents from selling or disposing Lots 4602 and 4603 of Cadastre No. 210 situated at Libertad, Echague, Isabela or any portions thereof.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona and Garcia, JJ., concur.

[1] Rollo at 32-53.

[2] Id. at 55.

[3] CA Rollo at 2-89.

[4] Id. at 127-147.

[5] Rollo at 85-86.

[6] Id. at 87-91.

[7] Id. at 91.

[8] Id. at 89-91.

[9] Id. at 63-67.

[10] Id. at 66.

[11] Sec. 91. xxx The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statement thereon or omission of facts altering, changing or modifying the consideration of the facts set forth in such statements and any subsequent modification, alteration or change of the material facts set forth in the application shall ipso facto produce the cancellation of the concession, title or permit granted.

[12] Rollo at 68-77.

[13] Id. at 102-103.

[14] Id. at 103.

[15] Id. at 106-111.

[16] Id. at 122.

[17] CA Rollo at 13.

[18] SECTION 1. Petition for certiorari. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

[19] SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. – The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or (final) order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly

legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

The petitioner shall also submit together with the petition a sworn certification that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

The petitioner shall pay the corresponding docket and other lawful fees to the clerk of court and deposit the amount of P500.00 for costs at the time of the filing of the petition.

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.

[20] Rollo at 48-52.

[21] Id. at 12.

[22] First Global Realty and Development Corporation v. San Agustin, 377 SCRA 341, 348 (2002) (citation omitted), Idolor v. Court of Appeals, 351 SCRA 399, 405 (2001) (citation omitted), Heirs of Joaquin Asuncion v. Gervacio, Jr., 304 SCRA 322, 329 (1999), Republic v. Silerio, 272 SCRA 280, 287 (1997), GSIS v. Florendo, 178 SCRA 77, 83 (1989) (citations omitted).

[23] Heirs of Joaquin Asuncion v. Gervacio, Jr. 304 SCRA 322, 329 (1999), Rivera v. Florendo, 144 SCRA 643, 660 (1986), Rodulfa v. Alfonso, 76 Phil. 225, 231 (1946).

[24] Los Baños Rural Bank, Inc. v. Africa, 384 SCRA 535, 547 (2002) (citations omitted), Bustamante v. Court of Appeals, 381 SCRA 171, 181 (2002) (citation omitted), First Global Realty and Development Corporation v. San Agustin, 341, 348 (2002) (citation omitted), Philippine Economic Zone Authority v. Vianzon, 336 SCRA 309, 316 (2000) (citation omitted), Rodulfa v. Alfonso, 76 Phil. 225, 232 (1946) (citation omitted).

[25] Philippine Economic Zone Authority v. Vianzon, 336 SCRA 309, 316 (2000) (citation omitted).

[26] Toyota Motor Phils. Corporation Workers' Association v. Court of Appeals, 412 SCRA 69, 86 (2003) (citation omitted), Biñan Steel Corporation v. Court of Appeals, 391 SCRA 90, 104 (2002) (citation omitted), Crystal v. Cebu International School, 356 SCRA 296, 305 (2001) (citations omitted), Valencia v. Court of Appeals, 352 SCRA 72, 83 (2001) (citation omitted), Philippine Economic Zone Authority v. Vianzon, 336 SCRA 309, 314 (2000) (citation omitted), Arcega v. Court of Appeals, 275 SCRA 176, 180 (1997) (citation omitted).

[27] Toyota Motor Phils. Corporation Workers' Association v. Court of Appeals, 412 SCRA 69, 86 (2003), Heirs of Joaquin Asuncion v. Gervacio, 304 SCRA 322, 329 (1999), Medina v. City Sheriff, Manila, 276 SCRA 133, 139 (1997) (citations omitted), Arcega v. Court of Appeals, 275 SCRA 176, 180 (1997) (citation omitted).

[28] Manila International Airport Authority v. Court of Appeals, 397 SCRA 348, 363 (2003) (citation omitted),

Heirs of Joaquin Asuncion v. Gervacio, Jr., 304 SCRA 322, 329 (1999), Medina v. City Sheriff, Manila, 276 SCRA 133, 139 (1997), Arcega v. Court of Appeals, 275 SCRA 176, 180 (1997) (citation omitted).

[29] Lopez v. Court of Appeals, 95 SCRA 359, 365-366 (1980).

[30] S & A Gaisano Incorporated v. Hidalgo, 192 SCRA 224, 229 (1990) (citations omitted).

[31] Bustamante v. Court of Appeals, 381 SCRA 171, 178 (2002) (citation omitted).

[32] Urbanes, Jr. v. Court of Appeals, 355 SCRA 537, 548 (2001) (citations omitted), GSIS v. Florendo, 178 SCRA 76, 89 (1989) (citation omitted).

[33] Toyota Motor Phil. Corporation Workers' Association (TMPCWA) v. Court of Appeals, 412 SCRA 69, 85 (2003) (citation omitted), Urbanes, Jr. v. Court of Appeals, 355 SCRA 537, 547 (2001) (citations omitted).

[34] Rollo at 46.

[35] Toyota Motor Phils. Corporation Workers' Association (TMPCWA) v. Court of Appeals, 412 SCRA 69, 87 (2003) (citation omitted), Bustamante v. Court of Appeals, 381 SCRA 171, 183 (2002) (citations omitted).

[36] Vide: Gordillo and Martinez v. Del Rosario, 39 Phil. 829 (1919).

[37] Allure Manufacturing, Inc. v. Court of Appeals, 199 SCRA 285, 296 (1991) (citation omitted).

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