

**KABANKALAN CATHOLIC COLLEGE, PETITIONER, VS.
KABANKALAN CATHOLIC COLLEGE UNION-PACIWU-TUCP,
RESPONDENT.**

G.R. NO. 157320. June 28, 2005

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The present Petition is anchored on the alleged lack of legal personality of respondent, a matter that was finally settled in an earlier case when petitioners challenged a decision of the secretary of labor. Necessarily petitioners are now barred from re-litigating this issue. The earlier finding that respondent possessed legal personality as a legitimate labor organization is already the law of the case between the parties.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, assailing the July 31, 2002 Decision[2] and the January 21, 2003 Resolution[3] of the Court of Appeals (CA) in CA-GR SP No. 66065. The challenged Decision disposed as follows:

“WHEREFORE, the December 5, 2000 Writ of Execution issued by then Labor Secretary Bienvenido E. Laguesma is hereby QUASHED for having been issued in excess of jurisdiction and the Orders of February 2, 2001 and July 25, 2001 of public respondent Labor Secretary Patricia A. Sto. Tomas insofar as they affirm the force and effect of the aforementioned writ of execution and the subject notices of garnishment are hereby SET ASIDE.

“Secretary Sto. Tomas is thus hereby ordered to LIFT the Notices of Garnishment served by the sheriff on petitioner’s named depository banks, and to issue an alias writ of execution to enforce the January 4, 1999 Decision, as modified by the April 12, 1999 Resolution, which alias writ of execution should command petitioner and respondent union to conclude, sign and register, within a specified period of time from the issuance of the alias writ, the long overdue CBA between them incorporating the arbitral awards rendered in the modified January 4, 1999 Decision as well as other provisions to be agreed upon by the parties, with the CBA’s effectivity retroacting to the start of school year 1998 to 1999.

“The wage increases already given by petitioner to its employees during the supposed term of the forthcoming CBA are DISALLOWED from being credited to the wage increases to be mandatorily embodied in such CBA.[4]

The assailed Resolution denied petitioner’s Motion for Reconsideration.

The Facts

The CA relates the facts in this wise:

“Kabankalan Catholic College (petitioner) and respondent Kabankalan Catholic College Union – PACIWU-TUCP [the Union], the sole and exclusive bargaining agent of the rank and file faculty and

non-teaching employees of petitioner, were in the thick of collective bargaining agreement (CBA) negotiations during the second half of 1998 when the parties ran into a deadlock, with the Union threatening to go on strike.

“Upon petitioner’s initiative, the Secretary of the Department of Labor and Employment (DOLE), by Order dated October 15, 1998, assumed jurisdiction over the labor dispute, docketed as OS-AJ-0026-98 (NCMB-RB6-NS-09-11-98) and enjoined the parties from staging any strike or lockout or from committing any acts which could exacerbate the situation.

“By Decision dated January 4, 1999, the then Secretary of Labor, Bienvenido E. Laguesma, resolved the stalemate between petitioner and the Union as he 1) awarded, for mandatory inclusion into a [Collective Bargaining Agreement or ‘CBA’] to be executed by the parties, wage increases in favor of petitioner’s rank and file of P900.00 per month for both school years 1998 to 1999 and 1999 to 2000 and P1,000.00 a month for school year 2000 to 2001, 2) fixed the effectivity to the proposed CBA at the start of school year 1998 to 1999, 3) advised the parties to negotiate on the personnel’s retirement benefits in accordance with Republic Act No. 7641 or the Retirement Law, and 4) denied the Union’s claim for the grant of a signing bonus.

x x x x x x x x

“Upon motion for reconsideration filed by petitioner, the Labor Secretary, by April 12, 1999 Resolution, modified his January 4, 1999 Decision by awarding lower wage increases of P800.00 a month for school years 1998 to 1999 and 1999 to 2000 and P900.00 per month for school year 2000 to 2001. In the same Resolution, acting on petitioner’s contention that it cannot be compelled to enter into a CBA with the Union which was not a legitimate labor organization, petitioner invoking a November 27, 1998 Order of DOLE Regional Director Carlos L. Boteros dismissing its (petitioner’s) [Petition for Cancellation of Union Registration] against the Union (docketed as RP601-9809-RU-001) on the ground that the Union had not yet been conferred any legitimate personality at the time, the Labor Secretary held that the Union was a legitimate labor organization in light of the issuance to it of a Certificate of Creation of Local/Chapter No. RP601-9809-LC-001 on November 19, 1998.

“Petitioner subsequently filed a petition for Certiorari with the Supreme Court, ‘Kabankalan Catholic College v. Kabankalan Catholic College Union – PACIWU-TUCP’ (docketed as GR No. 139216) assailing the January 4, 1999 Decision of the Labor Secretary on the principal grounds that the Union was without legal status and thus could not execute any CBA with petitioner and the awards made therein were tainted with grave abuse of discretion. By Resolution of August 16, 1999, the Supreme Court dismissed the petition for certiorari due to late filing and late payment of docket fees. And petitioner’s motion for reconsideration was denied by Resolution of October 27, 1999, as was the second motion for reconsideration by Resolution of January 24, 2000.

“Meanwhile, twin complaints for unfair labor practice, RAB CASE NO. 06-10-10727-98 and RAB CASE NO. 06-03-10310-99, filed by the Union together with others against petitioner and its president Msgr. Rogelio B. Cruz were dismissed by separate Decisions dated July 26, 1999 and October 28, 1999, respectively, rendered by Labor Arbiter Ray Alan T. Drilon who therein found that the Union was not a duly registered labor organization and thus had no personality to bring suit. The Union appealed Labor Arbiter Drilon’s decisions to the National Labor Relations Commission x x x.

“Upon motion filed by the Union, the Labor Secretary, by Order of February 24, 2000, directed the issuance of a writ of execution to enforce his January 4, 1999 Decision, as modified by his April 12, 1999 Resolution. Petitioner moved for a reconsideration of the Order of Execution but was denied by Order of September 11, 2000, which also ordered the Director of the National Conciliation and Mediation Board (NCMB), Regional Branch No. VI, Adorico D. Dadivas, Jr. to compute the award of wage increase in favor of petitioner’s rank and file.

“Petitioner then filed a petition for Certiorari with [the CA], docketed as CA-GR No. 62049, seeking the

nullification of the above Orders of February 24, 2000 and September 11, 2000 of the Labor Secretary on the ground that the Union in the labor cases invoked by petitioner had already been adjudged to be an unregistered union without the usual rights of a legitimate labor organization. The petition was dismissed, however, by Resolution of December 11, 2000 for being procedurally defective. By Resolution of April 25, 2001, [the CA] denied the motion for reconsideration of the dismissal of the petition since a similar petition, that adverted to earlier, had already been brought to the Supreme Court. An Entry of Judgment was later issued by the Clerk of Court of [the CA] declaring that the December 11, 2000 Resolution (dismissing petitioner's petition filed with [the CA]) had already become final and executory on May 25, 2001.

"The Labor Secretary, by Order dated November 29, 2000, later approved the computation made by NCMB Director Dadivas and subsequently issued a Writ of Execution dated December 5, 2000 the essential particulars of which are as follows:

'ACCORDINGLY, a Writ of Execution is hereby issued commanding the Sheriff to proceed to the premises of KABANKALAN CATHOLIC COLLEGE at Guanzon St., Kabankalan City, Negros Occidental and execute fully and faithfully the Decision dated 04 January 1999 as modified by the 12 April 1999 Resolution and to collect from the COLLEGE the amount of P4,120,000.00, representing the award on wage increase as of September 2000, and to turn over the amount collected to the Cashier of DOLE Regional Branch No. VI, Bacolod City.

'In case you fail to collect said amount in cash from the COLLEGE, you are to cause the satisfaction of the same out of the movables or chattels or, in the absence thereof, from the immovable properties not exempt from execution.'

"Notices of Garnishment all dated December 19, 2000 were thereafter served by x x x Sheriff Enrico Y. Paredes on petitioner's depository banks in Kabankalan City, namely, Philippine National Bank, Development Bank of the Philippines, Land Bank of the Philippines, Rizal Commercial Banking Corporation, Traders Royal Bank and Allied Bank.

"Petitioner immediately filed a 'Motion to Quash Writ of Execution and Motion to Lift Notice of Garnishment' with the Secretary of Labor, alleging that the September 11, 2000 Order for the execution of the Labor Secretary's modified January 4, 1999 Decision had not yet attained finality due to the pending certiorari petition (CA-GR No. 62048) in [the CA], and that petitioner was not notified nor given a chance to contest NCMB Director Dadivas' computation. By Order of February 2, 2001, both motions were denied by the Labor Secretary, the decision sought to be implemented by the subject writ of execution having become final and executory. Petitioner was, however, given the opportunity to file its comment on the computation arrived at by Director Dadivas.

"The incumbent Labor Secretary x x x, Patricia A. Sto. Tomas, by July 25, 2001 Order, similarly denied the motion for reconsideration of the abovesaid February 2, 2001 Order, rejecting petitioner's principal contention that the December 5, 2000 Writ of Execution went beyond the terms of the January 4, 1999 Decision by ordering the actual payment of the wage increases awarded in such decision, instead of merely compelling the parties to enter into a CBA which would incorporate said wage increases.

"Secretary Sto. Tomas, however, directed a recomputation of the P4,120,000.00 award of wage increase in light of petitioner's submission that there were some employees who left its employ at the time the wage increases became due and demandable. And she did not allow petitioner to credit wage increases it already gave to its personnel during the covered school years, those increases not having been made in compliance with the January 4, 1999 Decision, as modified by the April 12, 1999 Resolution.

"[Petitioner filed a] petition for certiorari [with the CA] ascribing to Secretary Sto. Tomas grave abuse of discretion amounting to lack or excess of jurisdiction, first, in affirming the validity, instead of ordering the quashal of the December 5, 2000 Writ of Execution issued by then Labor Secretary Laguesma even if the Writ

purportedly exceeded the terms of the January 4, 1999 Decision, as modified; second, in not ordering the lifting of the notices of garnishment although they were served by the sheriff on the strength of an invalid writ of execution; third, in disallowing petitioner from deducting wage increases it had actually given all its personnel for the covered school years from the wage increase award contained in the January 4, 1999 Decision, as amended by the April 12, 1999 Resolution; and lastly, in declaring that the Certification of Creation of Local/Chapter issued to the Union on November 19, 1998 had an effectivity retroactive to November 17, 1996.”[5]

Ruling of the Court of Appeals

The CA granted the Petition for Certiorari. The Writ of Execution dated December 5, 2000, was quashed; set aside were the February 2, 2001 and the July 25, 2001 Orders of Labor Secretary Patricia A. Sto. Tomas, insofar as they affirmed the Writ and the Notices of Garnishment.[6]

The appellate court held that the Writ of Execution did not conform to the judgment it had executed. The judgment merely commanded petitioner and the union to enter into a CBA that should embody the arbitral awards rendered. Thus, the Writ changed the nature of the judgment from one for the performance of a specific act to that for the payment of a sum of money.[7]

The CA, however, dismissed the claim of petitioner that the wage increases it had allegedly given to the employees for School Years 1998 to 2001 should be credited against the arbitral award, because petitioner has failed to present any evidence to support its allegation.[8] Furthermore, the CA found no grave abuse of discretion in the labor secretary’s affirmation of the union’s legal personality to negotiate and conclude a CBA with petitioner.[9]

Hence, this Petition.[10]

The Issues

Petitioner raises the following issues for our consideration:

“I. Whether or not the Secretary of Labor has the jurisdiction and power to order a retroactive effectivity of the registration of the respondent union issued by the DOLE in November 19, 1998 to November 17, 1996, for the purpose of circumventing the law by validating the December 1996 certification election in favor of the respondent [union] in order for the latter to conclude and sign a CBA with the petitioner School without complying with the requirements of the labor law;

“II. Whether or not the supervening event of the issuance of the Entry of Judgment, dated September 17, 2003, involving the finality of the Decision, dated July 26, 1999 in RAB Case No. 06-10-10727-98, and finality of the Decision, dated October 28, 1999, in RAB Case No. 06-03-10310-99, finding that the respondent [union] is not a legitimate labor organization and therefore has no legal personality to sue, in its registered name much less to act as representative of its members, for purposes of collective bargaining, or to be certified as the exclusive bargaining representative of the rank-[and]-file employees of petitioner, have the force and effect of law, which will render NULL and VOID the Decision of the Court of Appeals, dated July 31, 2002, directing the respondent Secretary of Labor to enforce the January 4, 1999 Decision, as modified by the April 12, 1999 Resolution by issuing an alias writ of execution commanding the petitioner and the respondent Union to conclude, sign and register a collective bargaining agreement incorporating the arbitral awards rendered in the modified January 4, 1999 Decision of the Labor Secretary, as well as other provisions to be agreed upon by the parties, with the CBA’s effectivity retroacting to the start of school year 1998 to 1999[.];

“III. Whether or not the supervening event of the issuance of the Entry of Judgment, dated September 17, 2003, involving the finality of the Decision, dated July 26, 1999 in RAB Case No. 06-10-10727-98, and finality of the Decision, dated October 28, 1999, in RAB Case No. 06-03-10310-99, finding that the

respondent Union is not a legitimate labor organization and therefore has no legal personality to sue, in its registered name much less to act as representative of its members, for purposes of collective bargaining, or to be certified as the exclusive bargaining representative of the rank-[and]-file employees of the petitioner will render unenforceable the January 4, 1999 Decision, as modified by the April 12, 1999 Resolution, of the Secretary of Labor, considering that the awards rendered therein were negotiated by the respondent Union through misrepresentation and fraud at the time it had no legal personality to do so.”[11]

The Court’s Ruling

The Petition has no merit.

Main Issue: Legal Personality of the Union

After painstakingly going over the Petition, the Court finds that, in the main, petitioner is merely challenging the union’s legal personality to negotiate and conclude a CBA.

First, petitioner claims that the labor secretary gave retroactive effect to the registration date of the union.[12] The registration allegedly took place only on November 19, 1998. Allegedly, because the union was not a legitimate labor organization, in effect, it had no legal personality (1) when it filed its Petition for a certification election, (2) during that election, and (3) during the negotiations that resulted in a deadlock.[13]

Second, petitioner relies on two cases in the NLRC Regional Arbitration Branch (RAB) at Bacolod City, in which the union’s Complaints for unfair labor practice were dismissed.[14] The dismissal was due to a finding that the union was not a legitimate labor organization and therefore had no legal personality to sue and represent its members.[15]

Question of Fact

Because the existence of the union’s legal personality is a question of fact, it is not a proper issue in a petition for review under Rule 45 of the Rules of Court.[16] Even assuming that a factual review is in order, petitioner has presented no evidence to rebut the findings of two labor secretaries and the CA with regard to the union’s registration as a legitimate labor organization.[17] Accordingly, these factual findings affirm the contention of the union that it was chartered as a chapter of PACIWU-TUCP on November 17, 1996.[18] The Implementing Rules of the Labor Code allows chartering by a federation or a national union as a means of qualifying as a legitimate labor organization.[19] The factual findings affirmed by the CA are supported by substantial evidence and are therefore accorded finality.[20]

The Law of the Case

The issue involving the alleged lack of legal personality to conclude a CBA had already been litigated and finally decided when petitioner challenged Labor Secretary Laguesma’s arbitral award. That case eventually reached this Court, which denied the Petition because of petitioner’s own fault in failing to pay the docket fees on time.[21]

Necessarily, the validity of the arbitral award became the law of the case between the parties. Under this legal principle, whatever is irrevocably established as the controlling legal rule or decision between the same parties in the same case continues to be the law of the case, so long as the facts on which the decision was predicated continues.[22] Otherwise stated, the principle holds that once an appellate court has declared the law in a case, that declaration continues to hold even in a subsequent appeal.[23] Reasons of public policy, judicial orderliness and economy require such stability in the final judgments of courts or tribunals of competent jurisdiction.[24]

Petitioner is therefore barred from challenging the legal personality of the union with the intention of nullifying the arbitral award. Having been declared valid by a final judgment, the award can no longer be assailed. Issues

should be laid to rest at some point; otherwise, there would be no end to litigation. *De Villa v. Jacob*[25] explained thus:

“It is well established that when a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, it should be conclusive upon the parties and those in privity with them. The dictum therein laid down became the law of the case and what was once irrevocably established as the controlling legal rule or decision, continues to be binding between the same parties as long as the facts on which the decision was predicated, continue to be the facts of the case before the court. Hence, the binding effect and enforceability of that dictum can no longer be relitigated anew since said issue had already been resolved and finally laid to rest in that aforementioned case (*Miranda v. C.A.*, 141 SCRA 306 [1986]), if not by the principle of *res judicata*, but at least by conclusiveness of judgment (*Vda. de Sta. Romana v. PCIB*, 118 SCRA 335 [1982]).”[26]

The instant case is obviously a continuation of the earlier one involving the validity of the arbitral award. The object of the present suit originates from the Writ of Execution issued to enforce the award; although the Writ was nullified by the CA, the award cannot be litigated anew.

Arbitration Cases Inapplicable

The two cases in the NLRC RAB relied upon by petitioner are distinct and have no bearing on the instant case. As they involved Complaints for unfair labor practice, the judgments are conclusive only to those cases. Therefore, they do not affect the law of the case between the parties insofar as the union’s legal personality is concerned.

WHEREFORE, the Petition is DENIED and the assailed Decision and Resolution are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

Carpio-Morales, J., no part; ponente of the assailed Decision.

[1] Rollo, pp. 9-24. In the title of the case, petitioner mistakenly impleaded the labor secretary and the sheriff. In a Petition for Review, only the appealing and the adverse parties are to be classified as petitioners and respondents respectively. §4, Rule 45, Rules of Court.

[2] *Id.*, pp. 26-35. Seventh Division. Penned by Justice Conchita Carpio Morales (Division chair and now a member of this Court), with the concurrence of Justices Martin S. Villarama Jr. and Mariano C. Del Castillo (members).

[3] *Id.*, p. 36.

[4] CA Decision, p. 10; rollo, p. 34.

[5] *Id.*, pp. 1-7 & 26-31.

[6] *Id.*, p. 10 & 34.

[7] *Id.*, p. 8 & 32.

[8] *Id.*, p. 9 & 33.

[9] *Id.*, p. 10 & 34.

[10] The case was deemed submitted for decision on November 18, 2004, upon this Court's receipt of petitioner's Memorandum, signed by Atty. Mario SS. Capanas. Respondent's Memorandum, signed by Atty. Natalio V. Sitjar was received by the Court on October 6, 2004.

This Court will not address respondent union's prayer for the payment of their back wages under the forthcoming CBA; this proceeding is not the proper forum to raise such allegations. (Respondent's Memorandum, p. 14; rollo, p. 142) The subject matter of the present case pertains to the assailed Decision and Resolution of the CA only.

[11] Petitioner's Memorandum, pp. 8-9; rollo, pp. 213-214.

[12] Petitioner's Memorandum, p. 11; rollo, p. 216.

[13] Petitioner's Memorandum, p. 12; rollo, p. 217.

Article 242 of the Labor Code enumerates the rights of legitimate labor organizations as follows:

"Article 242. Rights of legitimate labor organizations. — A legitimate labor organization shall have the right:

"(a) To act as the representative of its members for the purpose of collective bargaining;

"(b) To be certified as the exclusive representative of all the employees in an appropriate collective bargaining unit for purposes of collective bargaining;

"(c) To be furnished by the employer, upon written request, with his annual audited financial statements, including the balance sheet and the profit and loss statement, within thirty (30) calendar days from the date of receipt of the request, after the union has been duly recognized by the employer or certified as the sole and exclusive bargaining representative of the employees in the bargaining unit, or within sixty (60) calendar days before the expiration of the existing collective bargaining agreement, or during the collective bargaining negotiation;

"(d) To own property, real or personal, for the use and benefit of the labor organization and its members;

"(e) To sue and be sued in its registered name; and

"(f) To undertake all other activities designed to benefit the organization and its members, including cooperative, housing welfare and other projects not contrary to law.

"Notwithstanding any provision of a general or special law to the contrary, the income, and the properties of legitimate labor organizations, including grants, endowments, gifts, donations and contributions they may receive from fraternal and similar organizations, local or foreign, which are actually, directly and exclusively used for their lawful purposes, shall be free from taxes, duties, and other assessments. The exemptions provided herein may be withdrawn only by a special law expressly repealing this provision."

[14] RAB Case No. 06-10-10727-98 dated July 26, 1999 (rollo, pp. 254-262); RAB Case No. 06-03-10310-99 dated October 28, 1999 (rollo, pp. 263-271). Both decisions were penned by Labor Arbiter Ray Alan T. Drilon.

[15] Ibid.

[16] §1, Rule 45, Rules of Court.

[17] This Court quotes their factual findings as follows:

(1) "It is well to recall that the labor dispute for which the School sought the intervention of this Office and over which [w]e assumed jurisdiction involves the deadlock in collective bargaining negotiations between the parties. This Office will not be sidetracked by the questions raised relative to the status of the bargaining agent. The School itself then averred that the [union] 'is a labor organization registered with the Department of Labor and Employment'; that the '[union] was certified by the DOLE as the sole and exclusive bargaining agent of the rank and file workers of petitioner'; and that the 'petitioner and the [union] agreed to enter into a Collective

Bargaining Agreement x x x' (Petition for Assumption of Jurisdiction dated 12 October 1998).

"It should be emphasized that the [union] has been duly certified by the Med-Arbiter as the sole and exclusive bargaining agent among the rank-and-file workers of the school." (Resolution, dated April 12, 1999, signed by Labor Secretary Bienvenido E. Laguesma, pp. 1-2; rollo, pp. 55-56).

(2) "Regarding the status of the [union], we hold that it is a legitimate labor organization which, as such, can negotiate and enter into a CBA with the School. It was issued a Certification of Creation of Local Chapter No. RO 691-9809-LC-001 dated November 19, 1998 by Region 6 Labor Relations Division Chief Ricardo P. Monegro, complying with the requirements for registration as early as November 17, 1996." (Resolution, dated July 25, 2001, signed by Labor Secretary Patricia A. Sto. Tomas, p. 4; rollo, p. 63).

(3) "As for Secretary Sto. Tomas' act in allegedly giving retroactive effect to the Certification of Creation of Local/Chapter issued to the [union] on November 19, 1998, no grave abuse of discretion attended the same, for the Certification itself stated that the [union] had complied with the requirements for its creation as a local chapter as early as November 17, 1996." (Assailed Decision, p. 10; rollo, p. 34).

[18] Respondent's Memorandum, p. 9; rollo, p. 137.

Notably, petitioner failed to show any evidence to rebut the contention that the union became a legitimate labor organization through chartering.

[19] §§1 & 2 of Rule III; §3 of Rule VI of the Rules Implementing Book V of the Labor Code as Amended (Department Order No. 9, Series of 1997). Note, however that Department Order No. 40-B-03 dated February 16, 2004 states:

Section 3. Section 2 (E), Rule III is hereby amended as follows:

"A duly-registered federation or national union may directly create a chartered local by submitting to the Regional Office two (2) copies of the following:

'(a) A charter certificate issued by the federation or national union indicating the creation or establishment of the local/chapter;

'(b) The names of the local/chapter's officers, their addresses, and the principal office of the local/chapter; and

'(c) The local/chapter's constitution and by-laws, provided that where the local/chapter's constitution and by-laws is the same as that of the federation or national union, this fact shall be indicated accordingly.

'All the foregoing supporting requirements shall be certified under oath by the Secretary or the Treasurer of the local/chapter and attested by its President.'

Section 4. All chartered locals duly-registered prior to the effectivity of this amendatory issuance shall maintain their legitimate status, with all rights and obligations appurtenant thereto."

[20] It is fundamental that factual findings of the Department of Labor and Employment, acting in its quasi-judicial capacity, are given not only respect but finality if supported by substantial evidence. See *Republic of the Philippines v. Express Telecommunication Co. Inc.*, 424 Phil. 372, 403, January 15, 2002; *Caurdanetaan Piece Workers Union v. Laguesma*, 350 Phil. 35, 57, February 24, 1998; *Arica v. National Labor Relations Commission*, 170 SCRA 776, 783, February 28, 1989.

[21] Assailed Decision, p. 3; rollo, p. 28.

[22] *Cucueco v. Court of Appeals*, GR No. 139278, October 25, 2004; *Zebra Security Agency v. National Labor Relations Commission*, 337 Phil. 200, 207, March 26, 1997; *Mallari v. Court of Appeals*, 192 Phil. 679, 691, July

15, 1981.

[23] *Fulgencio v. National Labor Relations Commission*, 411 SCRA 69, 79, September 12, 2003; *Zarate v. Director of Lands*, 39 Phil. 747, 749, March 18, 1919.

[24] *Group Commander, Intelligence & Security Group, Philippine Army v. Malvar*, 438 Phil. 252, 278, September 24, 2002; *Lee Bun Ting v. Aligaen*, 76 SCRA 416, 428, April 22, 1977.

[25] 167 SCRA 303, November 14, 1988.

[26] *Id.*, p. 308, per Paras, J. Also cited in *Fulgencio v. National Labor Relations Commission*, *supra* at 80; *Hufana v. Genato*, 365 SCRA 384, 396, September 17, 2001.

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