SOFIA ANIOSA SALANDANAN, PETITIONER, VS. SPOUSES MA. ISABEL AND BAYANI MENDEZ, RESPONDENTS.

G.R. No. 160280. March 13, 2009

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

This refers to the Petition for Review on Certiorari of the June 27, 2003 Decision[1] of the Court of Appeals (CA) and its September 3, 2003 Resolution[2] in CA-G.R. SP No. 76336 denying the petition for clarification and intervention filed by Sofia Aniosa Salandanan (petitioner) and affirming in toto the March 6, 2003 Decision of the Regional Trial Court (RTC) of Manila, Branch 30 in Civil Case No. 02-104406 which affirmed the August 9, 2002 Decision of the Metropolitan Trial Court (MeTC) of Manila, Branch 15 in Civil Case No. 172530 ordering Delfin Fernandez[3] and Carmen Fernandez (Spouses Fernandez) and all persons claiming rights under them to vacate and surrender possession of a house and lot located at 1881 Antipolo St., corner Vision St., Sta. Cruz, Manila (subject lot) to Spouses Bayani Mendez and Ma. Isabel S. Mendez (respondents) and to pay the latter monthly rental of P5,000.00 from January 29, 2002 until they vacate the property and P15,000.00 as attorney's fees.

The case stemmed from a complaint for ejectment instituted by respondents against Spouses Fernandez before the MeTC on April 18, 2002.

In their Complaint,[4] respondents alleged that they are the owners of the subject property as evidenced by Transfer Certificate of Title No. 246767 of the Registry of Deeds of Manila; that they became the owners thereof by virtue of a deed of donation; that Spouses Fernandez and their families were occupying the subject property for free through the generosity of respondent Isabel's father; that a letter of demand to vacate the subject property was sent to Spouses Fernandez but they refused to vacate the same; that respondents brought the matter to the Barangay Lupon for possible settlement but the same failed.

In their Answer,[5] Spouses Fernandez denied the allegations of the complaint and averred that Spouses Pablo and Sofia Salandanan (Spouses Salandanan) are the registered owners of the subject property and the improvements therein; that respondent Isabel is not a daughter of Spouses Salandanan; that Delfin Fernandez (Delfin) is the nearest of kin of Pablo Salandanan being the nephew of the latter; that Delfin has continuously occupied the said property since time immemorial with the permission of Spouses Salandanan; that they did not receive any notice to vacate the subject property either from respondents or their counsel.

Further, Spouses Fernandez claimed that respondents were able to transfer the subject property to their name through fraud; that sometime in November 1999, respondents went to the house of Spouses Salandanan in Dasmariñas, Cavite and asked the latter to sign a special power of attorney; that the supposed special power of attorney was in fact a deed of donation wherein Spouses Salandanan was alleged to have donated in favor of respondents the subject property; that said deed of donation was simulated and fictitious and that by virtue of the alleged deed of donation, respondent Isabel was able to transfer the title of the subject property in her name; that

in fact, the subject property is the subject of a separate case filed on July 31, 2001 before the RTC of Manila docketed as Civil Case No. 01101487[6] for annulment, revocation and reconveyance of title. By way of counterclaim, Spouses Fernandez prayed for moral damages and attorney's fees.

On August 9, 2002 the MeTC rendered its decision in favor of respondents and against Spouses Fernandez, the dispositive portion of which reads:

> WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendants, ordering the latter and all persons claiming rights under them to peacefully vacate the premises and surrender possession thereof to the plaintiffs and for the defendants to pay plaintiffs: 1) P5,000.00 a month beginning January 29, 2002 (when the demand letter was received by defendants by registered mail) until they finally vacate the premises and 2) the amount of P15,000.00 as and for attorney's fees.
>
> The counterclaim of the defendants is dismissed for lack of merit.
>
> SO ORDERED.[7]

Dissatisfied, Spouses Fernandez appealed to the RTC. Respondents then filed a Motion for Execution Pending Appeal with the RTC. On December 9, 2002, the RTC issued an Order directing the issuance of a writ of execution to place respondents in possession of the disputed property on the ground that Spouses Fernandez failed to periodically deposit the monthly rentals as they fell due. The Writ of Execution was issued on January 10, 2003. The Spouses Fernandez moved for reconsideration of the Order for issuance of the writ of execution, but the same was denied.

Thus, on February 20, 2003, the sheriff went to the subject premises to implement the writ of execution but found the place padlocked. The sheriff also found the petitioner, an old woman, all alone inside the house. Taking pity on the old woman, the sheriff was unable to implement the writ. On the same day, respondents filed an Urgent Motion to Break Open, alleging that Spouses Fernandez fetched petitioner earlier that day from her residence in Dasmariñas, Cavite and purposely placed her inside the subject premises so the old woman could plead for mercy from the executing sheriff.

On March 6, 2003, the RTC promulgated its Decision affirming the decision of the MeTC of Manila,[8] and on April 8, 2003, the RTC also issued an Order authorizing the sheriff "to employ the necessary force to enable him to enter the subject premises and place the plaintiffs-appellees in actual possession thereof."[9]

Meanwhile, on April 4, 2003, Spouses Fernandez filed before the CA a petition for review with prayer for a temporary restraining order seeking to stay the immediate execution pending appeal.[10] In a Resolution dated April 15, 2003, the CA granted the prayer for a Temporary Restraining Order.

On June 27, 2003, the CA rendered its Decision affirming in toto the decision of the RTC and ordered Spouses Fernandez and all persons claiming rights under them including petitioner to vacate the premises, ruling thus:

> Verily, the only issue to be resolved in the present ejectment case is who between petitioners [Spouses Fernandez] and respondents has the better right to possess the disputed premises. The issue as to who between Sofia Aniosa Salandanan and respondents is the real owner of subject premises could be properly threshed out in a separate proceedings, which in this case is already pending resolution in another court.
>
> Interestingly, nowhere in any pleadings of petitioners submitted below could We find any allegations to the effect that their possession of the disputed premises sprung from their claim of ownership over the same nor, at the very least, that they are in possession of any document that would support their entitlement to enjoy the disputed premises.
>
> As between respondents' Torrens Title to the premises juxtaposed that of petitioners' barren claim of ownership

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> and absence of any document showing that they are entitled to possess the same, the choice is not difficult. Simply put, petitioners plainly have no basis to insist that they have a better right to possess the premises over respondents who have a Torrens Title over the same. Hence, the MTC, as well as the RTC, correctly ordered petitioners to vacate the premises since respondents have a better right to possess the same by virtue of the latter's Torrens Title.[11]

The dispositive portion of the CA Decision reads as follows:

> WHEREFORE, the instant appeal is DISMISSED for lack of merit. The assailed Decision, dated 06 March 2003, of Hon. Judge Lucia Peña Purugganan of the Regional Trial Court of Manila, Brach 50, affirming on appeal the Decision of the Metropolitan Trial Court of Manila (MTC for brevity), Branch 15, is hereby AFFIRMED in toto. Accordingly, the Temporary Restraining Order is hereby LIFTED. As a legal consequence, petitioners and all persons claiming rights under them, including Sofia Aniosa Salandanan, are hereby ORDERED to vacate the premises immediately upon receipt hereof. Costs against petitioners.
>
> SO ORDERED.[12] (Emphasis supplied)

On July 29, 2003, Spouses Fernandez filed their motion for reconsideration.[13]

On even date, Sofia Salandanan (petitioner) filed a Motion for Clarification and Intervention[14] and attached a Motion for Reconsideration.[15] In her motion for clarification and intervention, she alleged that she and her deceased spouse are the real owners of the subject property; that she was not a party to the case for ejectment and did not receive any notice therefrom; and that by virtue of the said decision, she was about to be evicted from her property without having participated in the entire process of the ejectment proceeding.

Petitioner further claims that sometime in 1999, respondents went to their house and showed certain papers purportedly copies of a special power of attorney but which turned out to be a deed of donation involving the subject property; that by virtue of the said donation, respondents were able to register the subject properties in their name and were issued Transfer Certificate of Title No. 246767; that on July 31, 2001, Spouses Salandanan with the assistance of Delfin, filed a civil case before the RTC of Manila for Revocation/Annulment of the said title and Reconveyance; and that consequently, petitioner was forced to intervene in order to protect her interests over the subject property. Petitioner prayed for (1) clarification of the CA's decision asking whether the said decision applies to her as a relative of Spouses Fernandez claiming right under them or as possessor of the subject property in her right as owner of the subject property; (2) that she be allowed to intervene in the appeal; and (3) that the attached motion for reconsideration be admitted.

In a Resolution dated September 3, 2003, the CA denied the motion for reconsideration filed by Spouses Fernandez and petitioner's motion for clarification and intervention, for lack of merit,[16] thus:

> We have carefully perused petitioner's Motion and find the arguments raised therein a mere rehash, if not a repetition, of the arguments raised in their petition, which have already been thoroughly discussed and passed upon in our Decision.
>
> Anent the movant Sofia Salandanan's Motion for Clarification and Intervention, We hereby deny the same on the ground that it is belatedly filed by virtue of the rendition of Our Decision on June 27, 2003.
>
> Section 2, Rule 19 of 1997 Rules of Civil Procedure expressly provides:Section 2. Time to Intervene. - The motion to intervene may be filed at any time before rendition of judgment by the trial court. x x x

Moreover, it is undisputed that on 31 July 2001, movant Sofia Salandanan represented by petitioner has already instituted a Civil Case for Revocation/ Annulment of T.C.T. 246767 and Reconveyance before the Regional Trial Court of Manila, Branch 50 and docketed as Civil Case No. 01101487. As such We find movant's motion to be

wanting of merit as her rights are already fully protected in said separate proceeding.

WHEREFORE, the Motion for Reconsideration and Motion for Clarification and Intervention are hereby DENIED for lack of merit.

SO ORDERED.[17]

Hence, herein petition anchored on the following assignment of errors:

> - THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT INCLUDED PETITIONER IN ITS ADVERSE JUDGMENT IN VIOLATION OF THE LATTER'S CONSTITUTIONAL RIGHT TO DUE PROCESS DESPITE THE FACT THAT PETITIONER WAS NOT PRIVY TO THE INSTANT CASE AND DOES NOT DERIVE HER RIGHT TO STAY IN THE CONTESTED PROPERTY FROM THE SPOUSES DELFIN AND CARMEN FERNANDEZ.
>
> - THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DENIED THE MOTION FOR INTERVENTION BY PETITIONER DESPITE THE FACT IT WAS ONLY BY VIRTUE OF ITS DECISION DATED JUNE 27, 2003 THAT PETITIONER WAS INCLUDED IN THE EJECTMENT PROCEEDINGS, AND THE EARLIEST OPPURTUNE TIME WHEN PETITIONER COULD HAVE INTERVENED WAS AFTER THE COURT OF APPEALS RULED AGAINST HER.
>
> - THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DID NOT TAKE INTO ACCOUNT THE ISSUE OF OWNERSHIP IN RESOLVING THE ISSUE OF WHO HAS BETTER POSSESSION.
>
> - THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DID NOT SUSPEND THE CASE DESPITE THE EQUITABLE CIRCUMSTANCES PRESENT IN THE CASE AT BAR IN THE LIGHT OF THE AMAGAN VS. MARAMAG CASE.[18]

Petitioner contends that the CA committed grave abuse of discretion when it included petitioner in its decision despite the fact that she is not a party in the ejectment case, thus, violating her right to due process; and considering that the court did not acquire jurisdiction over her person, she cannot be bound by the Decision of the CA.

Petitioner also asserts that the CA committed grave abuse of discretion amounting to lack or excess of jurisdiction when it denied petitioner's motion for clarification and intervention. According to her, she was constrained to file a motion for clarification and intervention because the CA included her in its decision in spite of the fact that she was not impleaded as a party to the unlawful detainer case.

Petitioner ascribes grave abuse of discretion when the CA failed to resolve the issue of ownership in order to determine the party who has the better right to possess the subject property. She asserts that the CA should have suspended the unlawful detainer case since the ownership of the subject property is in issue.

Finally, petitioner maintains that she is the owner of the property by virtue of Transfer Certificate of Title No. 9937 issued on October 2, 1947 by the Register of Deeds of Manila. Hence, as the owner of the subject property, she has all the right to use, the right to allow others to use and the right to exclude others from using the same. Petitioner further claims that respondents were able to transfer the title of the subject property in their name through manipulation wherein respondents asked her and her deceased husband to sign a special power of attorney but later turned out to be a deed of donation. As a matter of fact, upon learning of the said transfer,

petitioner filed before the RTC of Manila a case for annulment and/or revocation of the title.

We find the petition unmeritorious.

Let us first tackle the issue of whether petitioner should have been allowed to intervene even after the CA had promulgated its Decision.

Sections 1 and 2 of Rule 19 of the Rules of Court provide:

> Section 1. Who may intervene. - A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor's rights may be fully protected in a separate proceeding.
>
> Section 2. Time to intervene. - The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

As a rule, intervention is allowed at any time before rendition of judgment by the trial court. After the lapse of this period, it will not be warranted anymore because intervention is not an independent action but is ancillary and supplemental to an existing litigation.[19] The permissive tenor of the provision on intervention shows the intention of the Rules to give to the court the full measure of discretion in permitting or disallowing the same,[20] but under Section 1, Rule 19 of the Rules of Court, the courts are nevertheless mandated to consider several factors in determining whether or not to allow intervention. The factors that should be reckoned are whether intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether the intervenor's rights may be fully protected in a separate proceeding.

Keeping these factors in mind, the courts have to give much consideration to the fact that actions for ejectment are designed to summarily restore physical possession to one who has been illegally deprived of such possession.[21] It is primarily a quieting process intended to provide an expeditious manner for protecting possession or right to possession without involvement of the title.[22] In Five Star Marketing Co., Inc. v. Booc,[23] the Court elucidated the purpose of actions for ejectment in this wise:

> Forcible entry and unlawful detainer cases are summary proceedings designed to provide for an expeditious means of protecting actual possession or the right to the possession of the property involved. It does not admit of a delay in the determination thereof. It is a "time procedure" designed to remedy the situation. Stated in another way, the avowed objective of actions for forcible entry and unlawful detainer, which have purposely been made summary in nature, is to provide a peaceful, speedy and expeditious means of preventing an alleged illegal possessor of property from unjustly continuing his possession for a long time, thereby ensuring the maintenance of peace and order in the community; otherwise, the party illegally deprived of possession might feel the despair of long waiting and decide as a measure of self-protection to take the law into his hands and seize the same by force and violence. And since the law discourages continued wrangling over possession of property for it involves perturbation of social order which must be restored as promptly as possible, technicalities or details of procedure which may cause unnecessary delays should accordingly and carefully be avoided.[24] (Emphasis supplied)

Thus, as stated above, ejectment cases must be resolved with great dispatch.

Moreover, petitioner's intervention in the ejectment case would not result in a complete adjudication of her rights. The issue raised by petitioner is mainly that of ownership, claiming that the property in dispute was registered and

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titled in the name of respondents through the use of fraud. Such issue cannot even be properly threshed out in an action for ejectment, as Section 18, Rule 70 provides that "[t]he judgment rendered in an action for forcible entry or detainer shall be conclusive with respect to the possession only and shall in no wise bind the title or affect the ownership of the land or building. x x x" In Malison v. Court of Appeals,[25] the Court held thus:

> Verily, in ejectment cases, the word "possession" means nothing more than actual physical possession, not legal possession, in the sense contemplated in civil law. The only issue in such cases is who is entitled to the physical or material possession of the property involved, independently of any claim of ownership set forth by any of the party-litigants. It does not even matter if the party's title to the property is questionable.[26] (Emphasis supplied)

Hence, a just and complete determination of petitioner's rights could actually be had in the action for annulment, revocation and reconveyance of title that she had previously filed, not in the instant action for ejectment.

It is likewise for this reason that petitioner is not an indispensable party in the instant case. The records bear out that the disputed property is in the possession of Spouses Fernandez. Even petitioner does not allege that she was in the possession of subject premises prior to or during the commencement of the ejectment proceedings. Since her claim of ownership cannot be properly adjudicated in said action, she is, therefore, not an indispensable party therein.

It is also misleading for petitioner to say that the earliest opportune time when petitioner could have intervened was after the CA ordered her to vacate the subject property in its Decision dated June 27, 2003. As early as when the sheriff attempted to implement the writ of execution pending appeal issued by the RTC, when she pleaded not to be evicted from the subject premises, she already became aware that the RTC had ordered to place respondents in possession of the subject property pending appeal with the RTC. That would have been the proper time for her to intervene if she truly believed that her interests would be best protected by being a party to the ejectment case.

Verily, allowing petitioner's intervention at this late stage of the ejectment proceedings would only cause undue delay without affording petitioner the relief sought since the issue of ownership cannot be determined with finality in the unlawful detainer case.

There is also no merit to petitioner's argument that it was grave abuse of discretion for the CA to include her in its Decision because she is not a party to the ejectment case, and neither is she claiming right to possession under the Spouses Fernandez, but as its alleged rightful owner.

Note that the MeTC, RTC, and the CA unanimously found that the disputed property is presently registered under the Torrens System in the name of respondents. The lower courts then concluded that respondents presented the best proof to establish the right to possess the same. It should be borne in mind that unless the case falls under one of the recognized exceptions, to wit:

> (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[27]

factual findings of the trial court are conclusive on the parties and not reviewable by this Court, more so when the CA affirms the factual findings of the trial court.[28] This case does not fall under any of the exceptions, thus, the factual finding of the lower courts, that the new registered owners of the subject premises are respondents, must be respected and upheld by this Court.

In Malison, the Court emphasized that when property is registered under the Torrens system, the registered owner's title to the property is presumed legal and cannot be collaterally attacked, especially in a mere action for unlawful detainer.[29] In this particular action where petitioner's alleged ownership cannot be established, coupled with the presumption that respondents' title to the property is legal, then the lower courts are correct in ruling that respondents are the ones entitled to possession of the subject premises.

Petitioner's ownership not having been fully established in this case, she cannot, therefore, claim that the lower court's decision divesting the Spouses Fernandez of possession should not apply to her. In Stilgrove v. Sabas,[30] the Court held that:

> A judgment directing a party to deliver possession of a property to another is in personam. x x x Any judgment therein is binding only upon the parties properly impleaded and duly heard or given an opportunity to be heard. However, this rule admits of the exception, such that even a non-party may be bound by the judgment in an ejectment suit where he is any of the following: (a) trespasser, squatter or agent of the defendant fraudulently occupying the property to frustrate the judgment; (b) guest or occupant of the premises with the permission of the defendant; (c) transferee pendente lite; (d) sublessee; (e) co-lessee; or (f) member of the family, relative or privy of the defendant.[31] (Emphasis supplied)

Of particular significance is the fact that in Spouses Fernandez's Answer, they never alleged that petitioner was in actual possession of the disputed property. In fact, in said Answer, they stated that it was Delfin Fernandez, Jr. who has continuously occupied the premises since time immemorial and that petitioner resides in her house in Dasmariñas, Cavite. Likewise worthy of note is the fact that the Spouses Fernandez never refuted in their Opposition to Amended Motion to Break Open the allegation of respondents that petitioner was merely fetched by the Spouses Fernandez from her residence in Dasmariñas, Cavite on the day (February 20, 2003) that the sheriff was to implement the writ of execution, and placed her inside the subject premises so the old woman could plead for mercy from the executing sheriff. In the petition for review dated April 3, 2003 filed with the CA, Spouses Fernandez admitted that it was only after the RTC issued its Order dated February 10, 2003, denying the motion for reconsideration of the Order for issuance of the writ of execution, that petitioner took possession of the subject premises.[32]

Taking the foregoing into account, it is clear that petitioner, even though a non-party, is bound by the judgment because aside from being a relative of or privy to Spouses Fernandez, she is also acting as their agent when she occupied the property after the RTC ordered execution pending appeal in order to frustrate the judgment.

WHEREFORE, the petition for review on certiorari is DENIED. The assailed Decision of the Court of Appeals dated June 27, 2003 affirming the decision of the Regional Trial Court and its Resolution dated September 3, 2003 in CA-G.R. SP No. 76336, denying the petition for clarification and intervention filed by Sofia Aniosa Salandanan, are AFFIRMED.

Cost against petitioner.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Peralta, JJ., concur.

* The Court of Appeals is deleted from the title per Section 4, Rule 45 of the Rules of Court.

[1] Penned by Justice Perlita J. Tria Tirona and concurred in by Justices Oswaldo D. Agcaoili and Edgardo F. Sundiam, rollo, pp. 49-57.

[2] Id. at 46-47.

[3] Delfin Fernandez, Jr. in other pleadings, records, pp. 21, 24, 26.

[4] Records, pp. 2-6.

[5] Id. at 15-19.

[6] Entitled, "Sofia Aniosa Salandanan herein represented by Delfin L. Fernandes, Jr. v. Sps. Bayani and Isabel Mendez and Expedito A. Javier of the Registry of Deeds of Manila," records, p. 21.

[7] Id. at 73.

[8] Records, pp. 180-182.

[9] Id. at 228-229.

[10] CA rollo, pp. 2-27.

[11] CA rollo, pp. 269-270.

[12] Id. at 272-273.

[13] Id. at 288-301.

[14] Id. at 305-312.

[15] Id. at 313-336.

[16] Annex "A" of the Petition, rollo, p. 47.

[17] Id. at 46-47.

[18] Id. at 19.

[19] Manalo v. Court of Appeals, 419 Phil. 215, 234 (2001).

[20] Yau v. Manila Banking Corporation, 433 Phil. 701, 714 (2002).

[21] Keppel Bank Philippines, Inc. v. Adao, G.R. No. 158227, October 19, 2005, 473 SCRA 372, 379.

[22] Cayabyab v. Gomez de Aquino, G.R. No. 159974, September 5, 2007, 532 SCRA 353, 361.

[23] G.R. No. 143331, October 5, 2007, 535 SCRA 28.

[24] Id. at 43-44.

[25] G.R. No. 147776, July 10, 2007, 527 SCRA 109.

[26] Id. at 121.

[27] C&S Fishfarm Corp. v. Court of Appeals, 442 Phil. 279, 288 (2002).

[28] Malison v. Court of Appeals, supra note 25, at 117.

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[29] Id. at 124.

[30] A.M. No. P-06-2257, November 29, 2006, 508 SCRA 383.

[31] Id. at 395-396.

[32] CA rollo, p. 13.

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