

**DEPARTMENT OF AGRARIAN REFORM, REPRESENTED BY
SECRETARY ROBERTO M. PAGDANGANAN, PETITIONER, VS.
REPUBLIC OF THE PHILIPPINES, RESPONDENT.**

G.R. No. 160560. July 29, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review of the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 62136 reversing the Decision[2] of the Regional Trial Court (RTC) of Balayan, Batangas, in LRC Case No. P-1079. The RTC granted the petition of the Department of Agrarian Reform (DAR) for the reconstitution of Transfer Certificate of Title (TCT) No. T-13352 under the name of Ceferino Ascue, married to Felisa Ramos.

On September 4, 1996, the DAR filed a petition with the RTC of Batangas for the reconstitution of the original copy of TCT No. T-13352 covering a 539,849-square meter parcel of land located in Barrio Prenza, Lian, Batangas. It alleged that the petitioner is a government entity of the Republic of the Philippines while Ceferino Ascue, a resident of Balayan, Batangas, is the registered owner in fee simple of a real property covered by the TCT No. T-13352 issued by the Register of Deeds of Nasugbu, Batangas. The petition contained a technical description of the property which was designated as Lot 50 Pcs-611. It averred that the said lot is the subject of compulsory acquisition or voluntary offer to sell by the DAR for distribution to qualified beneficiaries.

The DAR further alleged that the original copy of TCT No. T-13352 was lost, burned and destroyed while being kept in Ascue's office, and that no owner's or co-owner's duplicate copy of said title had been issued in lieu thereof. The names and addresses of the persons in possession of the property and the adjoining properties, and those who may have any interest therein were specified as follows: Emiliano Nayat, et al., Prenza, Lian, Batangas. Finally, the DAR averred that the property is free from all liens and encumbrances, except for the one which was annotated at the back of TCT No. T-13352, and that no other instruments affecting the property have been presented for registration in the Office of the Register of Deeds. The petitioner then prayed that, after due proceedings, the court order the reconstitution of TCT No. T-13352.

A Certification[3] from the Register of Deeds that TCT No. T-13352 is not among the available records on file with it was attached to the petition as an integral part thereof. The petition, likewise, included a photocopy of what appears to be TCT No. T-13352 which was issued by the Register of Deeds on October 25, 1957[4] in the name of Ceferino Ascue.

The trial court found the petition to be sufficient in form and substance. It directed that copies of the order setting the initial hearing of the petition be served to the Solicitor General, the Register of Deeds, the Land Registration Commission, and the Provincial Prosecutor. The Office of the Solicitor General (OSG) did not file any opposition to the petition.

The DAR presented Manuel Limjuco, Jr. from the Municipal Agrarian Reform Office of Lian, Batangas, as its sole witness. His testimony was summarized by the RTC, as follows:

. . . [H]e was the incumbent MARO of Nasugbu, Batangas, since 1994 up to the present; that he was previously assigned at DAR Lian, Batangas; that his area of coverage at Lian, Batangas is Municipality of Lian, Batangas; that his duties and functions as MARO of Nasugbu, Batangas, is to implement the Comprehensive Agrarian Reform Program; that Ceferino Ascue, a resident of Balayan, Batangas, is the registered owner in fee simple of certain real property covered by Original Transfer Certificate of Title No. T-13352 issued by the Register of Deeds of Nasugbu, Batangas, the original of which title was lost/burned and destroyed while being kept in their office; that he knows this property because when he was the MARO at Lian, Batangas, this property was covered by compulsory acquisition under R.A. 6657; that this landholding is an agricultural land devoted to sugarcane production, with an area of 53.9849 has. located at Prenza, Lian, Batangas, as evidenced by Tax Declaration (Exh. "E"); that this landholding is tenanted by Emiliano Nayat and Apolonio Limjoco, Jr. and others, a resident also of Prenza, Lian, Batangas; that he notified the landowner by issuing Notice of Coverage to the estate of Ceferino Ascue C/O Eusebia Garcia (Exh. "F"); that a certification was issued by the Register of Deeds to the effect that TCT No. T-13352 in the name of Ceferino Ascue is not available among the records on file in their office (Exh. "G"), and, furthermore, the DAR cannot implement such coverage if there is no original certificate of title in the name of Ceferino Ascue; that the property is free and clear of all liens and encumbrances, except as follows:

"Entry No. 47269: Contrato de Molienda executed in favor of Central Azucarera Don Pedro. Contrato de Molineda celebrada y entre Sofronio Garcia, del Municipio Balayan, Batangas, y la Central Azucarera Don Pedro, sobre los terrenos descritos en esto titulo. Este contrato comensora con la zafra 1938-1939 y terminara con la zafra 1956-1957, con sujecion a las domas condiciones estipulados en el contrato el cual fue ratifica de ante el Notario Publico Sr. Marcelo Ermita, Doc. 21, Page 68, libro XII, Serie de 1939.Fecha del instrumato, Feb. 10, 1939Fecha dela inscription, March 3, 1939, at 11:30 a.m."

that the witness identified the xerox copy of original owners' duplicate copy of TCT No. T-13352 marked as Exh. "H" to be the same document subject of this petition.[5]

The Notice of Coverage[6] dated September 12, 1989, adverted to by Limjuco, was addressed to the Estate of Ceferino Ascue c/o Eusebia Garcia, copy furnished to Benjamin Garcia III. Likewise on record is the 1[st] Indorsement by the Municipal Agrarian Reform Officer to the Provincial Agrarian Reform Officer of the documents relative to the petition. A Certificate of Land Ownership Award (CLOA) No. 00215248 had been issued to the farmer beneficiaries, in the name of Emiliano Nayat, et al.[7]

On July 7, 1998, the trial court rendered judgment granting the petition. The fallo of the decision reads:

WHEREFORE, finding the petition to be meritorious, the same is granted. The Register of Deeds, Nasugbu Branch Registry, Nasugbu, Batangas, is directed to reconstitute the lost title, TCT No. T-13352 in the name of the registered owner Ceferino Ascue and to issue an owner's duplicate copy based on the reconstituted one in the name of Ceferino Ascue which contains a memorandum of the fact that the same are entitled to like faith and credit of the lost/destroyed one upon payment of the fees prescribed by law.[8]

The OSG received a copy of the said decision on July 20, 1998, and had until August 4, 1998 within which to appeal the decision. However, the OSG filed its Notice of Appeal by registered mail only on August 5, 1998. The OSG alleged in its brief, as appellant, that:

I.

THE TRIAL COURT DID NOT ACQUIRE JURISDICTION TO ORDER THE RECONSTITUTION OF TCT NO. T-13352.

II.

ASSUMING ARGUENDO THAT THE TRIAL COURT ACQUIRED JURISDICTION OVER THE

INSTANT CASE, IT NONETHELESS ERRED WHEN IT ORDERED THE RECONSTITUTION OF TCT NO. T-13352 ON THE BASIS OF A PHOTOCOPY OF THE OWNER'S DUPLICATE.[9]

The DAR failed to file its appellee's brief. The CA rendered judgment on November 29, 2001, reversing the appealed decision and ordering the RTC to dismiss the DAR's petition. The appellate court held that the RTC had no jurisdiction over the petition and that, in any event, the petitioner failed to prove the merits of its petition.

The DAR filed a motion for the reconsideration of the decision, claiming, *inter alia*, that the OSG's appeal from the RTC decision was filed one day late which was subsequently admitted by the OSG in its comment. It claimed, however, that the tardiness was based on the erroneous belief that the month of July has only 30 days instead of 31 days. The CA denied the motion for reconsideration. It ruled that the delay in filing the appeal was not fatal because the RTC's decision was, nonetheless, void for lack of jurisdiction. In any event, the CA held that the motion was barren of merit.

Petitioner DAR filed its petition for review with this Court, alleging that the CA erred:

- WHEN IT FAILED/REFUSED TO RULE ON THE ISSUE OF TIMELINESS OF THE APPEAL OF OPPOSITOR-APPELLANT (RESPONDENT HEREIN), A REQUIREMENT THAT IS NOT ONLY MANDATORY BUT JURISDICTIONAL AS WELL.
- WHEN IT REVERSED THE DECISION OF THE TRIAL COURT BELOW ON THE GROUND THAT IT DID NOT ACQUIRE JURISDICTION OVER THE CASE FOR FAILING TO STRICTLY AND LITERALLY COMPLY WITH THE REQUIRED JURISDICTIONAL FACTS.
- WHEN IT HELD THAT THE DAR IS NOT A PROPER PARTY IN THE RECONSTITUTION; AND
- WHEN IT RULED THAT MERE MACHINE COPY OF THE TITLE IS, DESPITE COMPLIANCE WITH THE REQUIREMENTS OF ADMISSIBILITY UNDER THE RULES, AN INFERIOR EVIDENCE AND NOT ADMISSIBLE.[10]

On the first issue, the petitioner avers that the CA erred when it failed to dismiss the respondent's appeal on the ground that it was filed one day late. The RTC decision had, thus, become final and executory and beyond the appellate court's jurisdiction to modify or reverse. The petitioner posits that the requirement that an aggrieved party should perfect its appeal within the period thereof is mandatory; hence, failure to comply with said requisite is fatal. Moreover, the petitioner insists that the OSG's pretext that it erred in believing that July has only 30 days instead of 31 days, even if true, is not excusable negligence. Lastly, the petitioner maintains that, even if the RTC's decision is void for lack of jurisdiction, the remedy of the respondent was to file a petition under Rule 47 of the Rules of Court in the CA to annul said decision, and not to appeal under Rule 41 of the said rules.

The petition is denied.

We agree with the petitioner's contention that, through negligence, the OSG filed the respondent's notice of appeal with the RTC one day beyond the reglementary period therefor. The pretext that the OSG overlooked the fact that the month of July has 31 days instead of 30 days is incongruous and preposterous. The OSG has the responsibility of monitoring and keeping track of the period of time left to file an appeal.[11] In *Republic v. Peralta*, [12] the Court emphasized that:

In a case of recent vintage, the Court took to task the OSG for its lackadaisical attitude and complacency in the handling of its cases for the government and reminded the OSG that:

. . . just like other members of the Bar, the canons under the Code of Professional Responsibility apply with equal force on lawyers in government service in the discharge of their official tasks. These ethical duties are rendered even more exacting as to them because, as government counsel, they have the added duty to abide by

the policy of the State to promote a high standard of ethics in public service. Furthermore, it is incumbent upon the OSG, as part of the government bureaucracy, to perform and discharge its duties with the highest degree of professionalism, intelligence and skill and to extend prompt, courteous and adequate service to the public.[13]

We are convinced that the OSG's explanation that it overlooked the correct number of days comprising the month of July is merely an afterthought. The OSG admitted that it filed the notice of appeal out of time. However, it was only after the petitioner had called the CA's attention to the delay in filing the appeal that the OSG mentioned its mistake. The decision of the RTC had become final and executory and, consequently, the CA had no appellate jurisdiction over the respondent's appeal.

The petitioner is also correct in reiterating case law that the perfection of an appeal in the manner and within the period prescribed by law is not only mandatory but jurisdictional and failure to perfect that appeal renders the judgment final and executory. The finality of a judgment becomes a fact upon the lapse of the reglementary period to appeal, if no appeal is perfected.[14] Such judgment, whether right or wrong, can no longer be modified or reversed by the appellate court.

However, the Court, in several cases, relaxed procedural rules even of the most mandatory character in the interest of substantial justice. Thus, in *Yao v. Court of Appeals*,[15] the Court ruled:

In the interest of substantial justice, procedural rules of the most mandatory character in terms of compliance, may be relaxed. In other words, if strict adherence to the letter of the law would result in absurdity and manifest injustice or where the merit of a party's cause is apparent and outweighs consideration of non-compliance with certain formal requirements, procedural rules should definitely be liberally construed. A party-litigant is to be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor or property on mere technicalities. We therefore withhold legal approbation on the RTC decision at bar for its palpable failure to comply with the constitutional and legal mandates thereby denying YAO of his day in court. We also remind all magistrates to heed the demand of Section 14, Article VIII of the Constitution. It is their solemn and paramount duty to uphold the Constitution and the principles enshrined therein, lest they be lost in the nitty-gritty of their everyday judicial work.[16]

In *Pacific Asia Overseas Shipping Corporation v. NLRC*,[17] the Court held that in view of the factual circumstances and legal merits of the case, the NLRC should have accepted the appeal from the decision of the POEA, albeit a day after the reglementary period for filing appeals. In the said case, the Court found that the POEA had no jurisdiction to take cognizance of the action to enforce a foreign judgment.[18]

In *Pimentel, Jr. v. Llorente*,[19] the Court noted that it had given due course to appeals even though filed six, four, and three days late, in the interest of justice and equity.

The CA's ruling that the RTC decision and all the proceedings therein are null and void for lack of jurisdiction is correct.

Section 12, Republic Act (R.A.) No. 26, provides that:

SEC. 12. Petitions for reconstitution from sources enumerated in Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's, mortgagee's or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have interest

in the property; (f) a detailed prescription of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support to the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Commissioner of Land Registration, or with a certified copy of the description taken from a prior certificate of title covering the same property.

Section 13 of R.A. No. 26 provides the special requisites and procedure that must be complied with before the court may acquire jurisdiction over a petition for reconstitution.

Section 13. The Court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of the hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of publication, posting and service of the notice as directed by the court.

Thus, the petitioner must prove compliance with the following:

- [That] the notice of the petition must be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing;
- [That] the notice state among other things, the number of the lost or destroyed certificates of title if known, the name of the registered owner, the name of the occupants or persons in possession of the property, the owner of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim of objection to the petition;
- [That] a copy of the notice also be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein (i.e. the occupants or persons in possession of the property, the owner of the adjoining properties and all other interested parties) whose address is known at least thirty days prior to the date of the hearing; and
- [That] at the hearing, petitioner submits proof of publication, posting and service of the notice as directed by the court.[20]

Jurisdiction over the subject matter or nature of the action is conferred only by the Constitution or by law. In all cases where the authority to proceed is conferred by a statute and the manner of obtaining jurisdiction is mandatory, the same must be complied with, or the proceedings will be utterly void.[21] It cannot be acquired, waived, enlarged or diminished by any act or omission of the parties or acquiescence by the courts.[22] Failure to comply with the jurisdictional requirements renders the decision approving the reconstitution and all proceedings therein null and void.[23]

In this case, the property had been placed under the coverage of the Comprehensive Agrarian Reform Law, and a

CLOA had been issued to the farmer beneficiaries who were in possession of said property. Said beneficiaries, thus, became the owners of the portions of the landholdings allotted to each of them, conditioned upon the payment and receipt by the landowners, the spouses Ascue, of the corresponding payments or deposit by the DAR of the compensation with an accessible bank.[24] The CLOA shall be recorded and registered in the Register of Deeds and annotated on the TCT of the landowner.[25] However, the petitioner failed to mention in its petition the names and addresses of said beneficiaries who were in possession of the property, other than Emiliano Nayat, as well as the names and addresses of the owners of lots adjoining the subject property. Moreover, not one of the farmer beneficiaries was served with the copy of the notice of hearing of the petition; hence, not one of them appeared before the court during the scheduled hearing of said petition.

There is, likewise, no showing that Ceferino Ascue had been paid the compensation for his property. When the petition was filed with the RTC, Ceferino Ascue was already dead. The administrator of his estate or his heirs, including his surviving spouse, Felisa Ramos, should have been served copies of the notice of hearing issued by the RTC. However, no such copies of the orders were served on them. Because of the petitioner's failure to cause the service of the notice of hearing to all the possessors and anyone having interest in the property, the proceedings in the RTC, including its decision, are null and void.[26] In *Alabang Development Corporation v. Valenzuela*,[27] this Court emphasized that:

Upon examination of the subject petition for reconstitution, the Court notes that some essential data required in Section 12 and Section 13 of Republic Act 26 have been omitted: the nature and description of the buildings or improvements, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements, and the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property. Neither do these data appear in the Notice of Hearing, such that no adjoining owner, occupant or possessor was ever served a copy thereof by registered mail or otherwise. On these glaring conspicuous omissions, the Court repeats its pronouncement in the *Bernal* case, to wit.

And since the above data do not appear in the Amended Petition, the same data do not also appear in the Notice of Hearing of the petition published in the Official Gazette. Patently, the provisions of Section 12 which enumerates mandatorily the contents of the Petition for Reconstitution and Section 13 which similarly require the contents of the Notice have not been complied with. In view of these multiple omissions which constitute non-compliance with the above-cited sections of the Act, We rule that said defects have not invested the Court with the authority or jurisdiction to proceed with the case because the manner or mode of obtaining jurisdiction as prescribed by the statute which is mandatory has not been strictly followed, thereby rendering all proceedings utterly null and void. We hold that the mere Notice that "all interested parties are hereby cited to appear and show cause if any they have why said petition should not be granted" is not sufficient for the law must be interpreted strictly; it must be applied rigorously, with exactness and precision. We agree with the ruling of the trial court granting the motion to amend the original petition provided all the requisites for publication and posting of notices be complied with, it appearing that the amendment is quite substantial in nature. As We pointed above, respondent Demetria Sta. Maria Vda. de Bernal failed to comply with all the requirements for publication and posting of notices, which failure is fatal to the jurisdiction of the Court. (Italics supplied)

The rule on notification to the possessor or one having interest in the property whose title is sought to be reconstituted is laid down explicitly in *Manila Railroad Company vs. Hon. Jose M. Moya, et al.*, L-17913, June 22, 1965, 14 SCRA 358, thus:

"Where a petition for reconstitution would have the certificates of title reconstituted from the plans and technical descriptions of the lots involved, which sources may fall properly under Section 3(e) or 3(f) of Republic Act No. 26, the possessor thereof or the one who is known to have an interest in the property should be sent a copy of the notice of the petition at the expense of petitioner, pursuant to Section 13 of the said Act.

"If no notice of the date of a hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void, even if otherwise the said order should have been final and executory.

"Under Section 13 of Republic Act No. 26, notice by publication is not sufficient but such notice must be actually sent or delivered to parties affected by the petition for reconstitution."

The rule We have stated and quoted from *Manila Railroad Company vs. Hon. Jose M. Moya, et al.*, supra, is rightly so because one who seeks the reconstitution of his title to the property is duty-bound to know who are the occupants, possessors thereof, or persons having an interest in the property involved, specially where the property is so vast and situated in a suitable residential and commercial location, where buildings and improvements have been or are being constructed openly and publicly. As stated earlier, indispensable parties have appeared, claiming ownership, possession, and valuable interests in the property, which are not only numerous but also patently conspicuous that private respondent cannot feign ignorance, much less unawareness, nor blindness as to their existence of her or within her claimed property. (Emphasis supplied).

The appellate court also held that the petitioner is not the proper party to file the petition and, even if it were so, it failed to adduce competent evidence for the reconstitution of the original copy of TCT No. T-13352, thus:

Petitioner-appellee's basis for reconstitution of the original as well as the owner's duplicate copy of TCT No. T-13352 is a mere photocopy of the alleged lost title. It is an elementary principle of the law of evidence that the best evidence of which the case in its nature is susceptible and which is within the power of the party to produce or is capable of being produce (sic) must always be adduced in proof of every disputed fact. Machine copies of original documents are, at most, secondary evidence which are inadmissible if the offeror failed to prove any of the exceptions provided in Section 3, Rule 130 of the Rules of Court and to establish the conditions for their admissibility.

A petition for reconstitution based on a mere photocopy of the certificate of title is only regarded as a "reconstitution based on plainly inferior evidence." In view of this omission, We rule that petitioner-appellee has not presented competent evidence as basis for reconstituting the original, as well as the owner's duplicate copy of TCT No. T-13352.[28]

The ruling of the CA is correct. The petitioner is not the registered owner of the property and has no interest over the same. It filed the petition in order to have the CLOA annotated at the dorsal portion of the reconstituted title, and cause the transfer of the torrens title of the property in favor of the farmer beneficiaries upon payment of the requisite compensation therefor.

Indeed, the petitioner averred, in its petition, that no owner's duplicate copy of TCT No. T-13352 had been issued or, if any, the same had been lost or destroyed. The petitioner has not explained why it had a photocopy[29] of the owner's duplicate of said title, or under what circumstance it was able to obtain possession thereof. The records also show that the Land Management Bureau (formerly Bureau of Lands) has no available survey data of Lot 50, Pcs-611.[30] It appears that TCT No. T-13352 was issued on October 25, 1957, and cancelled by TCT No. 1861. However, the petitioner failed to adduce in evidence a certified true copy of the document which became the basis of the issuance of TCT No. T-13352.

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

SO ORDERED.

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

- [1] Penned by Associate Justice Ruben T. Reyes, with Associate Justices Renato C. Dacudao and Mariano C. Del Castillo, concurring; Rollo, pp. 28-43.
- [2] Records, p. 72.
- [3] Exhibit "G."
- [4] Exhibit "H."
- [5] Records, pp. 73-74.
- [6] Exhibit "F."
- [7] Records, p. 9.
- [8] Id. at 74-75.
- [9] CA Rollo, p. 20.
- [10] Rollo, pp. 12-13.
- [11] *Sublay v. National Labor Relations Commission*, G.R. No. 130104, 31 January 2000, 324 SCRA 188.
- [12] G.R. No. 150327, 18 June 2002, 404 SCRA 360.
- [13] Id. at 370.
- [14] *Manila Memorial Park Cemetery, Inc. v. Court of Appeals*, G.R. No. 137122, 15 November 2000, 344 SCRA 769.
- [15] G.R. No. 132428, 24 October 2000, 344 SCRA 202.
- [16] Id. at 221.
- [17] G.R. No. L-76595, 6 May 1988, 161 SCRA 122.
- [18] Cited in *PNB vs. Court of Appeals*, G.R. No. 108870, 14 July 1995, 246 SCRA 304.
- [19] Adm. Case No. 4680, 29 August 2000, 339 SCRA 154.
- [20] *Ortigas & Company Limited Partnership v. Velasco*, G.R. No. 109645, 25 July 1994, 234 SCRA 455.
- [21] *Republic v. Planes*, G.R. No. 130433, 17 April 2002, 381 SCRA 215.
- [22] *Fernandez v. Court of Appeals*, G.R. No. 115813, 16 October 2000, 343 SCRA 184.
- [23] *Heirs of Ragua v. Court of Appeals*, G.R. Nos. 88521-22, 31 January 2000, 324 SCRA 7.
- [24] *Roxas & Company, Inc. v. Court of Appeals*, G.R. No. 127876, 17 December 1999, 321 SCRA 106.
- [25] Section 24, Republic Act No. 6657.
- [26] *Stilianopulos v. City of Legaspi*, G.R. No. 133913, 12 October 1999, 318 SCRA 523.
- [27] G.R. No. L-54094, 30 August 1982, 116 SCRA 261.
- [28] Rollo, pp. 42-43.
- [29] Exhibit "H."

[30] Records, p. 7.

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