

SOFIA M. GUILLANG, REPRESENTED BY SUSAN GUILLANG-CABATBAT, REYNALDO, GERARDO, BIENVENIDO, DAWNA, AND NELLIE, ALL SURNAMED GUILLANG, GENARO GUILLANG, JOSE DIGNADICE, AND ALVIN LL...

G.R. No. 162987. May 21, 2009

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] of the 3 June 2003 Decision[2] and the 23 March 2004 Resolution[3] of the Court of Appeals in CA-G.R. CV No. 69289. The 3 June 2003 Decision set aside the 5 December 2000 Decision[4] of the Regional Trial Court, Branch 30, Manila (trial court). The 23 March 2004 Resolution denied the motion for reconsideration.

The Facts

On 25 October 1994, at about 5:45 in the afternoon, petitioner Genaro M. Guillang (Genaro) was driving his brand new Toyota Corolla GLI sedan with conduction sticker no. 54-DFT (car) along Emilio Aguinaldo Highway (highway) in Cavite. Genaro, Antero Guillang (Antero), Felipe Jurilla, Jose Dignadice (Dignadice), and Alvin Llanillo (Llanillo) had all just left from Golden City, Dasmariñas, Cavite, and were on their way to Manila. At the other side of the highway, respondent Rodolfo A. Bedania (Bedania) was driving a ten-wheeler Isuzu cargo truck with plate no. CAC-923 (truck) towards Tagaytay City. The truck was owned by respondent Rodolfo de Silva (de Silva).

Along the highway and the road leading to the Orchard Golf Course, Bedania negotiated a U-turn. When the truck entered the opposite lane of the highway, Genaro's car hit the right portion of the truck. The truck dragged Genaro's car some five meters to the right of the road.

As a consequence, all the passengers of the car were rushed to the De La Salle University Medical Center in Dasmariñas, Cavite for treatment. Because of severe injuries, Antero was later transferred to the Philippine General Hospital. However, on 3 November 1994, Antero died due to the injuries he sustained from the collision. The car was a total wreck while the truck sustained minor damage.

On 24 April 1995, petitioners Genaro, Llanillo, Dignadice, and the heirs of Antero[5] instituted a complaint for damages based on quasi-delict against respondents Bedania and de Silva.

On 5 December 2000, the trial court rendered a decision in favor of petitioners. The trial court found Bedania grossly negligent for recklessly maneuvering the truck by making a sudden U-turn in the highway without due regard to traffic rules and the safety of other motorists. The trial court also declared de Silva grossly negligent in the selection and supervision of his driver, Bedania. The dispositive portion of the decision provides:

WHEREFORE, judgment is hereby rendered ordering defendants Rodolfo A. Bedania and Rodolfo de Silva, jointly and severally, to pay plaintiffs, as follows:

- The sum of P508,566.03 representing the damage/repair costs of the Toyota to plaintiff Genaro M. Guillang.
- The sum of P50,000.00 for the death of Antero Guillang plus P185,000.00 for his burial expenses, to the heirs of Antero Guillang.
- For hospital and medical expenses as reflected in Exhibits E, E-1 to E-30 to plaintiffs Genaro M. Guillang, Jose Dignadice and Alvin Llanillo.
- The sum of P50,000.00 as moral damages for the heirs of the deceased Antero Guillang.
- The sum of P50,000.00 as moral damages each to plaintiffs Jose Dignadice, Alvin Llanillo and Genaro Guillang.
- The sum of P50,000.00 as exemplary damages.
- The sum of P100,000.00 as and for attorney's fess.
- The costs of the suit.

SO ORDERED.[6]

Respondents appealed to the Court of Appeals.

On 3 June 2003, the Court of Appeals rendered its decision in favor of respondents. The dispositive portion of the decision provides:

IN VIEW OF ALL THE FOREGOING, the appealed decision is REVERSED and SET ASIDE. The complaint of the herein appellees in Civil Case No. 95-73666 is DISMISSED, for lack of merit. The appellants' counterclaims in the instant case are likewise DISMISSED. No pronouncement as to cost.

SO ORDERED.[7]

Petitioners filed a motion for reconsideration. On 23 March 2004, the Court of Appeals denied the motion.

Hence, this petition.

The Ruling of the Regional Trial Court

According to the trial court, there is a presumption that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation.[8] In this case, the trial court found that the Traffic Accident Investigation Report (report),[9] corroborated by the testimonies of the witnesses, showed that the truck committed a traffic violation by executing a U-turn without signal lights. The trial court also declared that Bedania violated Sections 45(b),[10] 48,[11] and 54[12] of Republic Act No. 4136[13] when he executed the sudden U-turn. The trial court added that Bedania violated another traffic rule when he abandoned the victims after the collision.[14] The trial court concluded that Bedania was grossly negligent in his driving and held him liable for damages.

Moreover, the trial court found that Bedania did not make the U-turn at an intersection. According to the trial court, vehicles trying to maneuver to change directions must seek an intersection where it is safer to maneuver and not recklessly make a U-turn in a highway. The trial court said Bedania should have observed extreme caution in making a U-turn because it was unexpected that a long cargo truck would execute a U-turn along the highway.

The trial court also said that Bedania's gross negligence raised the legal presumption that de Silva, as Bedania's employer, was negligent in the selection and supervision of his employees. The trial court said that, under Articles 2176[15] and 2180[16] of the Civil Code, de Silva's liability was based on culpa aquiliana which holds the employer primarily liable for tortious acts of his employees, subject to the defense that he exercised all the diligence of a good father of a family in the selection and supervision of his employees. The trial court ruled that de Silva failed to prove this defense and, consequently, held him liable for damages.

The Ruling of the Court of Appeals

The Court of Appeals reversed the trial court's decision and said that the trial court overlooked substantial facts and circumstances which, if properly considered, would justify a different conclusion and alter the results of the case.

The Court of Appeals dismissed the testimonies of the witnesses and declared that they were "contrary to human observation, knowledge and experience." The Court of Appeals also said that the following were the physical evidences in the case:

- It was not yet dark when the incident transpired;
- The four-lane highway the appellees were cruising on was wide, straight, dry, relatively plain and with no obstructions to the driver's vision;
- The point of impact of the collision is on the lane where the car was cruising and the car hit the gas tank of the truck located at its right middle portion, which indicates that the truck had already properly positioned itself and had already executed the U-turn before the impact occurred;
- Genaro Guillang was not able to stop the car in time and the car's front portion was totally wrecked. This negates appellees' contention that they were traveling at a moderate speed; and
- The sheer size of the truck makes it improbable for the said vehicle to negotiate a U-turn at a sudden and fast speed - as appellees vigorously suggest - without toppling over on its side.[17] (Citations omitted)

The Court of Appeals concluded that the collision was caused by Genaro's negligence. The Court of Appeals declared that the truck arrived at the intersection way ahead of the car and had already executed the U-turn when the car, traveling at a fast speed, hit the truck's side. The Court of Appeals added that considering the time and the favorable visibility of the road and the road conditions, Genaro, if he was alert, had ample time to react to the changing conditions of the road. The Court of Appeals found no reason for Genaro not to be prudent because he was approaching an intersection and there was a great possibility that vehicles would be traversing the intersection either going to or from Orchard Golf Course. The Court of Appeals said Genaro should have slowed down upon reaching the intersection. The Court of Appeals concluded that Genaro's failure to observe the necessary precautions was the proximate cause of Antero's death and the injuries of the petitioners.

The Court of Appeals also relied on the testimony of Police Traffic Investigator Efren Videna (Videna) that the car was running at a fast speed and overtook another vehicle just before the collision occurred.[18] The Court of Appeals concluded that Genaro did not see the truck as the other vehicle temporarily blocked his view of the intersection. The Court of Appeals also gave weight to Videna's testimony that it was normal for a ten-wheeler truck to make a U-turn on that part of the highway because the entrance to Orchard Golf Course was spacious.[19]

The Issues

Petitioners raise the following issues:

- Did the Court of Appeals decide a question of substance in this case in a way probably not in accord with law

or with the applicable decisions of the Honorable Supreme Court?

- Did the Court of Appeals depart from the accepted and usual course of judicial proceedings particularly when it revised, and recast the findings of facts of the trial court pertaining to credibility of witnesses of which the trial court was at the vantage point to evaluate?
- Did the Court of Appeals act with grave abuse of discretion amounting to lack of jurisdiction when it rendered the palpably questionable Court of Appeals' Decision that tampered with the findings of fact of the trial court for no justifiable reason?
- Is the Court of Appeals' judgment and resolution reversing the decision of the trial court supported by the evidence and the law and jurisprudence applicable?[20]

The issue in this case is who is liable for the damages suffered by petitioners. The trial court held Bedania and de Silva, as Bedania's employer, liable because the proximate cause of the collision was the sudden U-turn executed by Bedania without any signal lights. On the other hand, the Court of Appeals reversed the trial court's decision and held Genaro liable because the proximate cause of the collision was Genaro's failure to stop the car despite seeing that Bedania was making a U-turn.

The Ruling of the Court

The principle is well-established that this Court is not a trier of facts. Therefore, in an appeal by certiorari under Rule 45 of the Rules of Court, only questions of law may be raised. The resolution of factual issues is the function of the lower courts whose findings on these matters are received with respect and are, as a rule, binding on this Court.[21]

However, this rule is subject to certain exceptions. One of these is when the findings of the appellate court are contrary to those of the trial court.[22] Findings of fact of the trial court and the Court of Appeals may also be set aside when such findings are not supported by the evidence or where the lower courts' conclusions are based on a misapprehension of facts.[23] Such is the situation in this case and we shall re-examine the facts and evidence presented before the lower courts.

Article 2176 of the Civil Code provides that whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relations between the parties, is called a quasi-delict. To sustain a claim based on quasi-delict, the following requisites must concur: (a) damage suffered by the plaintiff; (b) fault or negligence of defendant; and (c) connection of cause and effect between the fault or negligence of defendant and the damage incurred by the plaintiff.[24]

There is no dispute that petitioners suffered damages because of the collision. However, the issues on negligence and proximate cause are disputed.

On the Presumption of Negligence and Proximate Cause

Negligence is defined as the failure to observe for the protection of the interest of another person that degree of care, precaution, and vigilance which the circumstances justly demand, whereby such other person suffers injury. In *Picart v. Smith*, [25] we held that the test of negligence is whether the defendant in doing the alleged negligent act used that reasonable care and caution which an ordinary person would have used in the same situation.

The conclusion of the Court of Appeals that Genaro was negligent is not supported by the evidence on record. In ruling that Genaro was negligent, the Court of Appeals gave weight and credence to Videna's testimony. However, we find that Videna's testimony was inconsistent with the police records and report that he made on the

day of the collision. First, Videna testified that the car was running fast and overtook another vehicle that already gave way to the truck.[26] But this was not indicated in either the report or the police records. Moreover, if the car was speeding, there should have been skid marks on the road when Genaro stepped on the brakes to avoid the collision. But the sketch of the accident showed no skid marks made by the car.[27] Second, Videna testified that the petitioners came from a drinking spree because he was able to smell liquor.[28] But in the report,[29] Videna indicated that the condition of Genaro was "normal." Videna did not indicate in the report that Genaro "had been drinking liquor" or that Genaro "was obviously drunk." Third, Videna testified that when he arrived at the scene, Bedania was inside his truck.[30] This contradicts the police records where Videna stated that after the collision Bedania escaped and abandoned the victims.[31] The police records also showed that Bedania was arrested by the police at his barracks in Anabu, Imus, Cavite and was turned over to the police only on 26 October 1994.[32]

Under Article 2185 of the Civil Code, unless there is proof to the contrary, a person driving a vehicle is presumed negligent if at the time of the mishap, he was violating any traffic regulation.

In this case, the report[33] showed that the truck, while making the U-turn, failed to signal, a violation of traffic rules. The police records also stated that, after the collision, Bedania escaped and abandoned the petitioners and his truck.[34] This is another violation of a traffic regulation.[35] Therefore, the presumption arises that Bedania was negligent at the time of the mishap.

The evidence presented in this case also does not support the conclusion of the Court of Appeals that the truck had already executed the U-turn before the impact occurred. If the truck had fully made the U-turn, it should have been hit on its rear.[36] If the truck had already negotiated even half of the turn and is almost on the other side of the highway, then the truck should have been hit in the middle portion of the trailer or cargo compartment. But the evidence clearly shows, and the Court of Appeals even declared, that the car hit the truck's gas tank, located at the truck's right middle portion, which disproves the conclusion of the Court of Appeals that the truck had already executed the U-turn when it was hit by the car.

Moreover, the Court of Appeals said that the point of impact was on the lane where the car was cruising. Therefore, the car had every right to be on that road and the car had the right of way over the truck that was making a U-turn. Clearly, the truck encroached upon the car's lane when it suddenly made the U-turn.

The Court of Appeals also concluded that Bedania made the U-turn at an intersection. Again, this is not supported by the evidence on record. The police sketch[37] does not indicate an intersection and only shows that there was a road leading to the Orchard Golf Course near the place of the collision. Furthermore, U-turns are generally not advisable particularly on major streets.[38] Contrary to Videna's testimony, it is not normal for a truck to make a U-turn on a highway. We agree with the trial court that if Bedania wanted to change direction, he should seek an intersection where it is safer to maneuver the truck. Bedania should have also turned on his signal lights and made sure that the highway was clear of vehicles from the opposite direction before executing the U-turn.

The finding of the Court of Appeals that it was not yet dark when the collision occurred is also not supported by the evidence on record. The report stated that the daylight condition at the time of the collision was "darkness." [39]

Contrary to the conclusion of the Court of Appeals, the sheer size of the truck does not make it improbable for the truck to execute a sudden U-turn. The trial court's decision did not state that the truck was traveling at a fast speed when it made the U-turn. The trial court said the truck made a "sudden" U-turn, meaning the U-turn was made unexpectedly and with no warning, as shown by the fact that the truck's signal lights were not turned on.

Clearly, Bedania's negligence was the proximate cause of the collision which claimed the life of Antero and

injured the petitioners. Proximate cause is that which, in the natural and continuous sequence, unbroken by any efficient, intervening cause, produces the injury, and without which the result would not have occurred.[40] The cause of the collision is traceable to the negligent act of Bedania for if the U-turn was executed with the proper precaution, the mishap in all probability would not have happened. The sudden U-turn of the truck without signal lights posed a serious risk to oncoming motorists. Bedania failed to prevent or minimize that risk. The truck's sudden U-turn triggered a series of events that led to the collision and, ultimately, to the death of Antero and the injuries of petitioners.

We agree with the trial court that de Silva, as Bedania's employer, is also liable for the damages suffered by petitioners. De Silva failed to prove that he exercised all the diligence of a good father of a family in the selection and supervision of his employees.

On the Award of Damages and Attorney's Fees

According to prevailing jurisprudence, civil indemnity for death caused by a quasi-delict is pegged at P50,000.[41] Moral damages in the amount of P50,000 is also awarded to the heirs of the deceased taking into consideration the pain and anguish they suffered.[42] Bienvenido Guillang (Bienvenido), Antero's son, testified that Sofia, Antero's wife and his mother, became depressed after Antero's death and that Sofia died a year after.[43] Bienvenido also testified on the pain and anguish their family suffered as a consequence of their father's death.[44] We sustain the trial court's award of P50,000 as indemnity for death and P50,000 as moral damages to the heirs of Antero.

As to funeral and burial expenses, the court can only award such amount as are supported by proper receipts.[45] In this case, petitioners proved funeral and burial expenses of P55,000 as evidenced by Receipt No. 1082,[46] P65,000 as evidenced by Receipt No. 1146[47] and P15,000 as evidenced by Receipt No. 1064,[48] all issued by the Manila South Cemetery Association, Inc., aggregating P135,000. We reduce the trial court's award of funeral and burial expenses from P185,000 to P135,000.

As to hospitalization expenses, only substantiated and proven expenses, or those that appear to have been genuinely incurred in connection with the hospitalization of the victims will be recognized in court.[49] In this case, the trial court did not specify the amount of hospitalization expenses to be awarded to the petitioners. Since petitioners presented receipts for hospitalization expenses during the trial, we will determine the proper amounts to be awarded to each of them. We award hospitalization expenses of P27,000.98 to the heirs of Antero,[50] P10,881.60 to Llanillo,[51] P5,436.77 to Dignadice,[52] and P300 to Genaro[53] because these are the amounts duly substantiated by receipts.

We affirm the trial court's award of P508,566.03 for the repair of the car. The Court notes that there is no dispute that Genaro was driving a brand new Toyota Corolla GLI sedan and that, after the collision, the car was a total wreck. In this case, the repair order presented by Genaro is sufficient proof of the damages sustained by the car.[54]

Moral damages may be recovered in quasi-delicts causing physical injuries.[55] However, in accordance with prevailing jurisprudence, we reduce the award of moral damages from P50,000 to P30,000 each to Llanillo, Dignadice, and Genaro since they only suffered physical injuries brought about by the collision.[56]

In quasi-delicts, exemplary damages may be granted if the defendant acted with gross negligence.[57] While the amount of exemplary damages need not be proved, the plaintiff must show that he is entitled to moral, temperate or compensatory damages before the court may consider the question of whether or not exemplary damages should be awarded.[58] In this case, Bedania was grossly negligent in suddenly making a U-turn in the highway

without signal lights. To serve as an example for the public good, we affirm the trial court's award of exemplary damages in the amount of P50,000.

Finally, we affirm the trial court's award of attorney's fees in the amount of P100,000. Under Article 2208 of the Civil Code, attorney's fees may be recovered when, as in this case, exemplary damages are awarded.

WHEREFORE, we REVERSE the 3 June 2003 Decision and 23 March 2004 Resolution of the Court of Appeals in CA-G.R. CV No. 69289. We REINSTATE with MODIFICATIONS the 5 December 2000 Decision of the Regional Trial Court, Branch 30, Manila. We ORDER Rodolfo Bedania and Rodolfo de Silva, jointly and severally, to pay the following amounts:

- Funeral and Burial Expenses of P135,000 to the heirs of Antero Guillang;
- Hospitalization Expenses of P27,000.98 to the heirs of Antero Guillang, P10,881.60 to Alvin Llanillo, P5,436.77 to Jose Dignadice, and P300 to Genaro Guillang; and
- Moral damages of P30,000 each to Alvin Llanillo, Jose Dignadice, and Genaro Guillang.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 63-72. Penned by Associate Justice Conrado M. Vasquez, Jr. (now Presiding Justice), with Associate Justices Mercedes Gozo-Dadole and Danilo B. Pine, concurring.

[3] Id. at 74-75.

[4] Id. at 76-84. Penned by Judge Senecio O. Ortile.

[5] Sofia Guillang, wife of Antero, was the one who filed the case before the trial court. However, Sofia died and was later represented by their children, Susan Guillang-Cabatbat, Reynaldo, Gerardo, Bienvenido, Dawna, and Nellie, all surnamed Guillang.

[6] Rollo, p. 84.

[7] Id. at 72.

[8] CIVIL CODE, Art. 2185.

[9] Exhibit "A," records, p. 280.

[10] Section 45 of Republic Act No. 4136 provides:

Sec. 45. Turning at intersections. -- x x x

(b) The driver of a vehicle intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the highway, and, in turning, shall pass to the left of the center of the intersection, except that, upon highways laned for traffic and upon one-way highways, a left turn shall be made from the left lane of traffic in the direction in which the vehicle is proceeding.

[11] Section 48 of Republic Act No. 4136 provides:

Sec. 48. Reckless driving. -- No person shall operate a motor vehicle on any highway recklessly or without

reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the highway and the conditions of the atmosphere and weather, or so as to endanger the property or safety or rights of any person or so as to cause excessive or unreasonable damage to the highway.

[12] Section 54 of Republic Act No. 4136 provides:

Sec. 54. Obstruction of traffic. -- No person shall drive his motor vehicle in such a manner as to obstruct or impede the passage of any vehicle, nor, while discharging or taking on passengers or loading or unloading freight, obstruct the free passage of other vehicles on the highway.

[13] "An Act to Compile the Laws Relative to Land Transportation and Traffic Rules, to Create a Land Transportation Commission and for Other Purposes" approved on 20 June 1964. Also known as the "Land Transportation and Traffic Code."

[14] Section 55 of Republic Act No. 4136 provides:

Sec. 55. Duty of driver in case of accident. -- In the event that any accident should occur as a result of the operation of a motor vehicle upon a highway, the driver shall stop immediately, and, if requested by any person present, shall show his driver's license, give his true name and address and also the true name and address of the owner of the motor vehicle.

No driver of a motor vehicle concerned in a vehicular accident shall leave the scene of the accident without aiding the victim, except under any of the following circumstances:

- If he is in imminent danger of being seriously harmed by any person or persons by reason of the accident;
- If he reports the accident to the nearest officer of the law; or
- If he has to summon a physician or nurse to aid the victim

[15] Article 2176 of the Civil Code provides:

Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relations between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.

[16] Article 2180 of the Civil Code provides:

The obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those of persons for whom one is responsible.

x x x x

Employers shall be liable for the damages caused by their employees and household help acting within the scope of their assigned tasks, even though the former are not engaged in any business or industry.

x x x x

The responsibility treated of in this article shall cease when the persons herein mentioned prove that they observed all the diligence of a good father of a family to prevent the damage.

[17] Rollo, pp. 67-68.

[18] TSN, 13 December 1999, pp. 12-13.

[19] Id. at 18.

- [20] Rollo, pp. 10-11.
- [21] *McKee v. Intermediate Appellate Court*, G.R. Nos. 68102-03, 16 July 1992, 211 SCRA 517.
- [22] *Philippine Rabbit Bus Lines, Inc. v. Intermediate Appellate Court*, G.R. Nos. 66102-04, 30 August 1990, 189 SCRA 158.
- [23] *McKee v. Intermediate Appellate Court*, *supra*.
- [24] *Dy Teban Trading, Inc. v. Ching*, G.R. No. 161803, 4 February 2008, 543 SCRA 560.
- [25] 37 Phil. 809 (1918).
- [26] TSN, 13 December 1999, pp. 11-13.
- [27] Exhibit "I," records, p. 345.
- [28] TSN, 13 December 1999, p. 20.
- [29] Exhibit "A," records, p. 281.
- [30] TSN, 13 December 1999, p. 13.
- [31] Exhibit "A-2," records, p. 282.
- [32] Exhibit "A-3," *id.* at 283.
- [33] Exhibit "A," *id.* at 280.
- [34] Exhibit "A-2," *id.* at 282.
- [35] Section 55 of Republic Act No. 4136.
- [36] *Thermochem Incorporated v. Naval*, 397 Phil. 934 (2000).
- [37] Exhibit "I," records, p. 345.
- [38] *Thermochem Incorporated v. Naval*, *supra*.
- [39] Exhibit "A," records, p. 280.
- [40] *Lambert v. Heirs of Castillon*, G.R. No. 160709, 23 February 2005, 452 SCRA 285.
- [41] *Id.*; *Pestaño v. Spouses Sumayang*, 400 Phil. 740 (2000).
- [42] *Lambert v. Heirs of Castillon*, *supra* note 40; *People v. Hapa*, 413 Phil. 679 (2001).
- [43] TSN, 30 March 1998, p. 3.
- [44] *Id.*
- [45] *People v. Sumalinog, Jr.*, 466 Phil. 637 (2004).
- [46] Exhibit "F," records, p. 342.
- [47] Exhibit "F-1," *id.*
- [48] Exhibit "F-2," *id.*
- [49] *People v. Manlapaz*, 375 Phil. 930 (1999).

[50] Exhibits "E-33," "E-63," "E-70," and "E-71," records, pp. 300, 312 and 316.

[51] Exhibits "E-73," "E-74," and "E-75," id. at 318-319.

[52] Exhibits "E-76," "E-104," and "E-107," id. at 319, 331 and 333.

[53] Exhibit "E-27" and "E-29," id. at 297-298.

[54] Exhibits "K" to "K-3," id. at 347-350.

[55] CIVIL CODE, Article 2219.

[56] B.F. Metal Corporation v. Spouses Lomotan, G.R. No. 170813, 16 April 2008, 551 SCRA 618 citing *People v. Tambis*, 370 Phil. 459 (1999).

[57] CIVIL CODE, Article 2232.

[58] CIVIL CODE, Article 2334.

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