

NILO PADRE, PETITIONER, VS. FRUCTOSA BADILLO, FEDILA BADILLO, PRESENTACION CABALLES, EDWINA VICARIO (D) REPRESENTED BY MARY JOY VICARIO-ORBETA AND NELSON BADILLO, RESPONDENTS.

G.R. No. 165423. January 19, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

"A void judgment is no judgment at all. It cannot be the source of any right nor the creator of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect." [1]

This petition for review on certiorari assails the Orders dated July 21 and September 20, 2004 [2] issued by the Regional Trial Court (RTC) of Allen, Northern Samar, Branch 23 in Special Civil Action No. A-927, which affirmed the ruling of the Municipal Trial Court (MTC) of San Isidro, Northern Samar that it has jurisdiction to try Civil Case No. 104.

Factual Antecedents

On October 13, 1986, the RTC of Allen, Northern Samar, Branch 23, rendered judgment [3] in Civil Case No. A-514 for Ownership and Recovery of Possession with Damages in favor of therein plaintiffs Fructosa Badillo, Fedila Badillo, Edwinna Badillo, Presentacion Badillo and Nelson Badillo and against therein defendants, including Consesa Padre. The dispositive portion of the said Decision reads:

WHEREFORE, on preponderance of evidence, the Court hereby renders judgment in favor of the plaintiffs and against the defendants, declaring and ordering as follows:

1. That the herein plaintiffs are the lawful owners of the five-sixth (5/6) portion of Lot No. 4080, Pls-54, registered in Original Certificate of Title No. 736, more particularly, the said five-sixth portion is described, delineated and/or indicated in the Sketch Plan which is now marked as Exhibit "B-1";
2. That the said five-sixth (5/6) portion which [is] herein adjudged as being owned by the herein plaintiffs, include the portions of land presently being occupied by defendants x x x, Concesa Padre, x x x;
3. Ordering the defendants mentioned in No. 2 hereof to vacate x x x the lots respectively occupied by them and restore to [the herein plaintiffs] the material possessions thereof;
4. Condemning and ordering each of the same defendants herein above-named to pay plaintiffs the amount of P100.00 per month, as monthly rental, starting from January 19, 1980, until the lots in question shall have been finally restored to the plaintiffs; and
5. Condemning and ordering the herein defendants named above to jointly and severally pay the plaintiffs the amount of P5,000.00 representing attorney's fees and P2,000.00 as litigation expenses, and to pay the costs of suit.

SO ORDERED.[4]

This Decision became final and executory on November 5, 1986.[5]

On December 29, 1997, the Badillo family filed another complaint against those who occupy their property which included some of the defendants in Civil Case No. A-514.[6] The case was filed with the MTC of San Isidro, Northern Samar and was docketed as Civil Case No. 104.[7] As Consesa Padre had already died in 1989, her heir, Nilo Padre (Nilo), was impleaded as one of the defendants. While some of the defendants filed their respective answers, Nilo was one of those who were declared in default for failure to file their answer to the complaint.[8]

Although denominated as one for "Ownership and Possession," the Badillo family alleged in their complaint in Civil Case No. 104 viz:

4. That plaintiffs are the joint owners of Lot No. 4080. Pls-54, with a total area of 10,167 square meters, covered by OCT No. 736 in the name of Eutequio Badillo, deceased husband of plaintiff Fructosa Badillo and father of the rest of the other plaintiffs, covered by Tax Declaration No. 9160 and assessed at P26,940.00;

5. That plaintiffs in Civil Case No. A-514, entitled Fructosa Badillo versus Celso Castillo, et. al., were the prevailing parties in the aforesaid case as evidenced by the hereto attached copy of the decision rendered by the Regional Trial Court in the above-entitled case and marked as Annex "A" and made integral part of this complaint;

6. That after the judgment in the above-mentioned case became final, the same was executed as evidenced by a copy of the writ of execution hereto attached as Annex "B" and made integral part hereof;

7. That despite the service of the writ of execution and vacating the properties x x x illegally occupied by the afore-mentioned defendants, [said defendants] re-entered the property in 1990 after the execution and refused to vacate the same [thereby] reasserting their claims of ownership x x x despite repeated demands;

8. That all attempts towards a peaceful settlement of the matter outside of Court to avoid a civil suit, such as referring the matter of the Brgy. Captain and the Brgy. Lupon of Brgy. Alegria, San Isidro, N. Samar were of no avail as the defendants refused to heed lawful demands of plaintiffs to x x x vacate the premises[. I]nstead, defendants claimed ownership of the property in question [and] refused to vacate the same despite repeated demands [such] that having lost all peaceful remedies, plaintiffs were constrained to file this suit. Certificate to file Action is hereby attached and marked as Annex "C" and made integral part hereof;[9] (Emphasis supplied.)

Ruling of the Municipal Trial Court

The MTC rendered judgment[10] on July 17, 2003. Interpreting the suit of the Badillo family as an action to revive the dormant judgment in Civil Case No. A-514, the court recognized the right of the plaintiffs to finally have such judgment enforced. The MTC disposed of the case as follows:

WHEREFORE, judgment is ordered reviving the previous judgment of the Regional Trial Court there being, and still, preponderance of evidence in favor of plaintiffs, as follows:

1. That the herein plaintiffs are the lawful owners of the five-sixth (5/6) portion of Lot No. 4080, Pls-54, registered in Original Certificate of Title No. 730, more particularly x x x described, delineated and/or indicated in the Sketch Plan which is now marked as Exhibit "B-1";

2. That the said five-sixth portion which is herein adjudged as being owne[d] by herein plaintiffs, includes the portions of land presently being occupied by defendants Victor Eulin, Consesa Padre, Celso Castillo, Leo Atiga, Santos Corollo, Iñego Armogela, Salustiano Millano, Milagros Gile, Pusay Enting, Galeleo Pilapil, more particularly indicated in Exhibit "B-1" and marked as Exhibits "B-3", "B-4", "B-5", "B-6", "B-7", "B-8", "B-9", "B-10", "B-11", "B-12," and "B-13", respectively;

3. Ordering the defendants mentioned in No. 2, hereof and THOSE PRESENTLY NAMED AS PARTY-DEFENDANTS IN THIS REVIVAL OF JUDGMENT AND THOSE ACTING IN PRIVITY to vacate from the lots respectively occupied by them and restore [to] the herein plaintiff x x x the material possession thereof;

4. Condemning and ordering each of the same defendants named in the previous civil case and those NAMED ANEW to jointly and severally pay the plaintiffs the amount of P5,000.00, representing attorney's fees, and P2,000.00 as litigation expenses;

5. CONDEMNING ALL DEFENDANTS HEREIN TO PAY EXEMPLARY DAMAGES FOR OBSTINATELY VIOLATING THE DECISION OF THE COURT JOINTLY AND SEVERALLY X X X THE AMOUNT OF P5,000.00, and to pay the costs of the suit.

SO ORDERED.[11]

Nilo thereafter appeared and moved to reconsider[12] the MTC judgment. He argued that the MTC is without jurisdiction over the case, opining that the action for revival of judgment is a real action and should be filed with the same court, i.e., the RTC, which rendered the decision sought to be revived. Or, assuming *arguendo* that the MTC has jurisdiction over real actions, it must be noted that the subject property is assessed at P26,940.00, an amount beyond the P20,000.00 limit for the MTC to have jurisdiction over real actions, in accordance with Republic Act (RA) No. 7691.[13] Nilo also contended that the action is dismissible for a) lack of certificate of non-forum shopping in the complaint and b) prescription, the complaint for revival of judgment having been filed beyond the 10-year reglementary period[14] from the time the judgment sought to be revived became final and executory in November 1986.

The MTC denied the motion for reconsideration.[15] It held that the case is an action for revival of judgment and not an action for ownership and possession, which had already long been settled. To the MTC, the former is a personal action under Section 2, Rule 4 of the Rules of Court which may be filed, at the election of plaintiffs, either at the court of the place where they reside or where the defendants reside. The court found excusable the absence of the certification against forum shopping, justifying that the action filed before it is merely a continuation of the previous suit for ownership. Moreover, the counsel for the Badillo family, a nonagenarian, may not yet have been familiar with the rule when Civil Case No. 104 was filed. To it, this mistake should not prejudice the Badillo family who deserve to possess and enjoy their properties.

Ruling of the Regional Trial Court

By way of a special civil action for certiorari, Nilo elevated the case to the RTC to question the MTC's jurisdiction,[16] reiterating the same grounds he had raised before the MTC. The case was docketed as Special Civil Action No. A-927.

On July 21, 2004, however, the RTC dismissed said petition[17] on the ground that it was filed late. Moreover, the RTC upheld the MTC's jurisdiction over the case, affirming the MTC's *ratione* that an action for enforcement of a dormant judgment is a personal action, and hence may be filed either at the court of the place where plaintiffs reside or where the defendants reside.

In his Motion for Reconsideration,[18] Nilo contended that his petition with the RTC was timely filed as shown by the registry receipt dated March 1, 2004,[19] stamped on the mailing envelope he used in filing said petition. He argued that this date of mailing is also the date of filing. He also contended that the RTC's Decision was bereft of any explanation as to why it ruled that the case is a personal action. He further alleged that the RTC failed to discuss the issues of prescription and non-compliance with the rule against forum shopping.

In its Order dated September 20, 2004, the RTC denied the motion for reconsideration. It said:

Assuming that the date of posting was March 1, 2004, as shown in the registry

receipts, still the 60-day reglementary period had already lapsed with December 30, 2003 as the reckoning period when petitioner received the December 9, 2003 Order of Hon. Judge Jose A. Benesisto. With the month of February, 2004 having 29 days, it is now clear that the petition was filed sixty one (61) days after; hence, there is no timeliness of the petition to speak of.

Civil Case No. 104 is an ordinary action to enforce a dormant judgment filed by plaintiffs against defendants. Being an action for the enforcement of dormant judgment for damages is a personal one and should be brought in any province where the plaintiff or defendant resides, at the option of the plaintiff. As regards prescription, the present rule now is, the prescriptive period commences to run anew from the finality of the revived judgment. A revived judgment is enforceable again by motion within five years and thereafter by another action within ten years from the finality of the revived judgment. There is, therefore, no prescription or beyond the statute of limitations to speak [sic] in the instant case. Petitioner's contention must therefore fail.

It is but proper and legal that the plaintiffs in Civil Case No. 514 of which they are the prevailing parties to institute for the enforcement of a dormant judgment [which right] they have failed to exercise x x x for more than a decade. Being an ordinary action to enforce a dormant judgment, not even testimonial evidence is necessary to enforce such judgment because the decision had long obtained its finality.

x x x x[20]

Hence, this petition.

Petitioner's Arguments

Nilo finds the RTC's adverse ruling as wanting in sufficient explanation as to the factual and legal bases for upholding the MTC. He also highlights the failure of the Badillo family to attach to their complaint a certificate of non-forum shopping. Petitioner also argues that the date of mailing of his petition with the RTC is the date of his filing. He stressed that the filing of his petition on March 1, 2004 was well within the prescriptive period. As the 60[th] day from December 30, 2003 fell on a Saturday, he maintains that the Rules of Court allows him to file his petition on the next working day, which is March 1, 2004, a Monday.

As have already been raised in the courts below, Nilo mentions the

following grounds for the dismissal of the action against him before the MTC:

a) The MTC lacks jurisdiction. Nilo reiterates that the prime objective of the Badillo family in Civil Case No. 104 is to recover real property, which makes it a real action. Citing the case of *Aldeguer v. Gemelo*,^[21] he contends that this suit must be brought before the RTC of Allen, Northern Samar. Besides, the assessed value of the land in controversy, i.e., P26,940.00, divests the MTC of jurisdiction.

b) Prescription. Nilo claims that the Badillo family's suit had already lapsed as they allowed 11 years to pass without resorting to any legal remedy before filing the action for revival of judgment. Although the Badillo family moved for the issuance of a writ of execution in Civil Case No. A-514, the same did not interrupt the running of the period to have the judgment enforced by motion or by action.

Respondents' Arguments

While impliedly acknowledging that Nilo seasonably filed his petition for certiorari with the RTC, the Badillo family note that he should have filed an appeal before the RTC. They claim that they properly filed their case, a personal action, with the MTC of San Isidro, Northern Samar as they are allowed under Section 2, Rule 4 of the

Rules of Court to elect the venue as to where to file their case.

Granting that their action is considered a revival of judgment, the Badillos claim that they filed their suit within the 10-year period. They contend that in filing Civil Case No. 104 in December 1997, the prescriptive period should not be counted from the finality of judgment in Civil Case No. A-514, but should be reckoned from August 22, 1989, when the RTC issued an Order that considered as abandoned the motion to declare the defendants in default in the contempt

proceedings.

Issue

The question that should be settled is whether the RTC correctly affirmed the MTC ruling that it has jurisdiction over Civil Case No. 104.

Our Ruling

Indeed, "[t]he existence and availability of the right of appeal proscribes a resort to certiorari."^[22] The court a quo could have instead dismissed Nilo's petition on the ground that this question should have been raised by way of an appeal.^[23] This rule is subject to exceptions, such as "when the writs issued are null and void or when the questioned order amounts to an oppressive exercise of judicial authority."^[24] As will be later on discussed, the RTC, although it ultimately erred in its judgment, was nevertheless correct in entertaining the special civil action for certiorari. The exceptions we mentioned apply in the case at bar, as it turns out that petitioner's jurisdictional objection has compelling basis.

Timeliness of the petition for certiorari

The petition for certiorari before the RTC was timely filed. If the pleading filed was not done personally, the date of mailing, as stamped on the envelope or the registry receipt, is considered as the date of filing.^[25] By way of registered mail, Nilo filed his petition for certiorari with the RTC on March 1, 2004, as indicated in the date stamped on its envelope. From the time Nilo received on December 30, 2003 the MTC's denial of his motion for reconsideration, the last day for him to file his petition with the RTC fell on February 28, 2004, a Saturday. Under the Rules, should the last day of the period to file a pleading fall on a Saturday, a Sunday, or a legal holiday, a litigant is allowed to file his or her pleading on the next working day,^[26] which in the case at bar, fell on a Monday, i.e., March 1, 2004.

Jurisdiction over Civil Case No. 104

We shall now look into the core argument of Nilo anent the MTC's lack of jurisdiction over the case and the alleged prescription of the action.

"[W]hat determines the nature of the action and which court has jurisdiction over it are the allegations in the complaint and the character of the relief sought."^[27] In their complaint in Civil Case No. 104, some of the allegations of the Badillo family, which petitioner never opposed and are thus deemed admitted by him, states:

4. That plaintiffs are the joint owners of Lot No. 4080. Pls-54, with a total area of 10,167 square meters, covered by OCT No. 736 in the name of Eutequio Badillo, deceased husband of plaintiff Fructosa Badillo and father of the rest of the other plaintiffs, covered by Tax Declaration No. 9160 and assessed at P26,940.00;
5. That plaintiffs in Civil Case No. A-514, entitled Fructosa Badillo versus Celso Castillo, et. al., were the prevailing parties in the aforesaid case as evidenced by the hereto attached copy of the decision rendered by the Regional Trial Court in the above-entitled case and marked as Annex "A" and made integral part of this complaint;

6. That after the judgment in the above-mentioned case became final, the same was executed as evidenced by a copy of the writ of execution hereto attached as Annex "B" and made integral part hereof;

7. That despite the service of the writ of execution and vacating the properties x x x illegally occupied by the afore-mentioned defendants, the latter re-entered the property in 1990 after the execution and refused to vacate the same [thereby] reasserting their claims of ownership over [the disputed properties] and refused to vacate the same despite repeated demands;

8. That all attempts towards a peaceful settlement of the matter outside of Court to avoid a civil suit, such as referring the matter of the Brgy. Captain and the Brgy. Lupon of Brgy. Alegria, San Isidro, N. Samar were of no avail as the defendants refused to heed lawful demands of plaintiffs to x x x vacate the premises[. I]nstead, defendants claimed ownership of the property in question refused to vacate the same despite repeated demands [such] that having lost all peaceful remedies, plaintiffs were constrained to file this suit. Certificate to file Action is hereby attached and marked as Annex "C" and made integral part hereof;[28] (Emphasis supplied.)

Under paragraph 6 of their complaint, the Badillos alleged that judgment in Civil Case No. A-514 had become final and had been executed. Further, in paragraph 7, they alleged that in 1990, the defendants re-entered the property and despite repeated demands they refused to vacate the same. Thus, the Badillos were not at all seeking a revival of the judgment. In reality, they were asking the MTC to legally oust the occupants from their lots.

The Badillo family would have been correct in seeking judicial recourse from the MTC had the case been an action for ejectment, i.e., one of forcible entry under Rule 70 of the Rules of Court wherein essential facts constituting forcible entry[29] have been averred and the suit filed within one year from the time of unlawful deprivation or withholding of possession, as the MTC has exclusive original jurisdiction over such suit.[30] However, as the alleged dispossession occurred in 1990, the one-year period to bring a case for forcible entry had expired since the Badillos filed their suit only in December 1997. We thus construe that the remedy they availed of is the plenary action of accion publiciana, which may be instituted within 10 years.[31] "It is an ordinary civil proceeding to determine the better right of possession of realty independently of title. It also refers to an ejectment suit filed after the expiration of one year from the accrual of the cause of action or from the unlawful withholding of possession of the realty." [32]

Whether the case filed by the Badillo family is a real or a personal action is irrelevant. Determining whether an action is real or personal is for the purpose only of determining venue. In the case at bar, the question raised concerns jurisdiction, not venue.

Although the Badillo family correctly filed a case for accion publiciana, they pleaded their case before the wrong court. In civil cases involving realty or interest therein not within Metro Manila, the MTC has exclusive original jurisdiction only if the assessed value of the subject property or interest therein does not exceed P20,000.00.[33] As the assessed value of the property subject matter of this case is P26,940.00, and since more than one year had expired after the dispossession, jurisdiction properly belongs to the RTC.[34] Hence, the MTC has no judicial authority at all to try the case in the first place. "A decision of the court without jurisdiction is null and void; hence, it could never logically become final and executory. Such a judgment may be attacked directly or collaterally." [35]

Based on the foregoing discussion, it is not anymore necessary to discuss the issue raised concerning the failure to include a certification of non-forum shopping.

Although we are compelled to dismiss respondents' action before the MTC, they are nonetheless not precluded from filing the necessary judicial remedy with the proper court.

WHEREFORE, the petition is GRANTED. The Orders dated July 21 and September 20, 2004 of the Regional

Trial Court of Allen, Northern Samar, Branch 23 in Special Civil Action No. A-927 are hereby SET ASIDE. The Municipal Trial Court of San Isidro, Northern Samar is DIRECTED to dismiss Civil Case No. 104 for lack of jurisdiction.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Perez, JJ., concur.

[1] Polystyrene Manufacturing Company, Inc. v. Privatization and Management Office, G.R. No. 171336, October 4, 2007, 534 SCRA 640, 651.

[2] RTC Records, pp. 62 and 81-82, respectively; penned by Executive Judge Salvador L. Infante.

[3] MTC Records, pp. 18-24.

[4] Id. at 24.

[5] Defendants received the copy of the Decision on October 21, 1986 and did not file any appeal within the 15-day period.

[6] Defendants in Civil Case No. 104 were Leo Atiga, Nestor dela Cruz, Galileo Pilapil, Domingo Flor, Santos Corollo, Devena Obeda, Leo Siago, Iñigo Armohila, Nilo Padre, Milagros Gelle, Egol Avila, Mag Cabahug, Berong Albuera, Erning Sampayan and Berting Armohila.

[7] MTC Records, pp. 7-10.

[8] Id. at 99.

[9] Id. at 8-9.

[10] Id. at 443-449.

[11] Id. at 448-449. The Decision was rendered by Acting MTC Judge Jose A. Benesisto.

[12] Id. at 473-482.

[13] An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for that purpose Batas Pambansa Bilang 129 otherwise known as the "Judiciary Reorganization Act of 1990."

[14] CIVIL CODE, Article 1144 and RULES OF COURT, Rule 39, Section 6.

Art. 1144. The following actions must be brought within ten years from the time the right of action accrues:

- (1) Upon a written contract;
- (2) Upon an obligation created by law;
- (3) Upon a judgment.

SEC.6. Execution by motion or by independent action.--A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

[15] MTC Records, pp. 514-516.

[16] RTC Records, pp. 5-20.

[17] Id. at 62.

[18] Id. at 67-74.

[19] Id. at 76-79. The copies of the petition for the opposing counsel, the Branch Clerk of Court of the MTC, and the Office of the Solicitor General were mailed on the same day.

[20] Id. at 81.

[21] 68 Phil. 421 (1939).

[22] Balindong v. Dacalos, 484 Phil. 574, 579 (2004).

[23] RULES OF COURT, Rule 40.

[24] Iloilo La Filipina Uygongco Corporation v. Court of Appeals, G.R. No. 170244, November 28, 2007, 539 SCRA 178, 189.

[25] Rules of Court, Rule 13, Section 3. Manner of filing. - The filing of pleadings, appearances, motions, notices, orders, judgments and all other papers shall be made by presenting the original copies thereof, plainly indicated as such, personally to the clerk of court or by sending them by registered mail. In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second case, the date of the mailing of motions, pleadings, or any other papers or payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court. The envelope shall be attached to the record of the case.

[26] RULES OF COURT, Rule 22, Section 1. How to compute time. - In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

[27] Munsalud v. National Housing Authority, G.R. No. 167181, December 23, 2008, 575 SCRA 144, citing Villena v. Payoyo, G.R. No. 163021, April 27, 2007, 522 SCRA 592, 597.

[28] MTC Records, p. 4.

[29] An averment of dispossession by means of force, intimidation, threat, strategy or stealth is necessary in the complaint for forcible entry.

[30] Batas Pambansa Bilang. 129, Section 33 (2). Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases - x x x

(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession; x x x.

[31] CIVIL CODE, Article 555. A possessor may lose his possession:

x x x x

(4) By the possession of another, subject to the provisions of Article 537, if the new possession has lasted longer than one year. But the real right of possession is not lost till after the lapse of ten years.

[32] Encarnacion v. Amigo, G.R. No. 169793, September 15, 2006, 502 SCRA 172, 179, citing Lopez v. David, Jr., G.R. No. 152145, March 30, 2004, 426 SCRA 535, 543.

[33] Supra note 33, Section 33 (3). As amended by Republic Act No. 7691. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases -

(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs x x x.

[34] Id. Section 19 (2). Jurisdiction in Civil Cases. - Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) x x x.

[35] Laresma v. Abellana, 484 Phil. 766, 779 (2004).

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