

**PRINCE TRANSPORT, INC. AND MR. RENATO CLAROS, PETITIONERS,
VS. DIOSDADO GARCIA, LUISITO GARCIA, RODANTE ROMERO, REX
BARTOLOME, FELICIANO GASCO, JR., DANILO ROJO, EDGAR
SANFUEGO,...**

G.R. No. 167291. January 12, 2011

Ponente: PERALTA, J.

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PERALTA, J.:

Before the Court is a petition for review on certiorari under Rule 45 of the Rules of Court praying for the annulment of the Decision[1] and Resolution[2] of the Court of Appeals (CA) dated December 20, 2004 and February 24, 2005, respectively, in CA-G.R. SP No. 80953. The assailed Decision reversed and set aside the Resolutions dated May 30, 2003[3] and September 26, 2003[4] of the National Labor Relations Commission (NLRC) in CA No. 029059-01, while the disputed Resolution denied petitioners' Motion for Reconsideration.

The present petition arose from various complaints filed by herein respondents charging petitioners with illegal dismissal, unfair labor practice and illegal deductions and praying for the award of premium pay for holiday and rest day, holiday pay, service leave pay, 13th month pay, moral and exemplary damages and attorney's fees.

Respondents alleged in their respective position papers and other related pleadings that they were employees of Prince Transport, Inc. (PTI), a company engaged in the business of transporting passengers by land; respondents were hired either as drivers, conductors, mechanics or inspectors, except for respondent Diosdado Garcia (Garcia), who was assigned as Operations Manager; in addition to their regular monthly income, respondents also received commissions equivalent to 8 to 10% of their wages; sometime in October 1997, the said commissions were reduced to 7 to 9%; this led respondents and other employees of PTI to hold a series of meetings to discuss the protection of their interests as employees; these meetings led petitioner Renato Claros, who is the president of PTI, to suspect that respondents are about to form a union; he made known to Garcia his objection to the formation of a union; in December 1997, PTI employees requested for a cash advance, but the same was denied by management which resulted in demoralization on the employees' ranks; later, PTI acceded to the request of some, but not all, of the employees; the foregoing circumstances led respondents to form a union for their mutual aid and protection; in order to block the continued formation of the union, PTI caused the transfer of all union members and sympathizers to one of its sub-companies, Lubas Transport (Lubas); despite such transfer, the schedule of drivers and conductors, as well as their company identification cards, were issued by PTI; the daily time records, tickets and reports of the respondents were also filed at the PTI office; and, all claims for salaries were transacted at the same office; later, the business of Lubas deteriorated because of the refusal of PTI to maintain and repair the units being used therein, which resulted in the virtual stoppage of its operations and respondents' loss of employment.

Petitioners, on the other hand, denied the material allegations of the complaints contending that herein respondents were no longer their employees, since they all transferred to Lubas at their own request; petitioners

have nothing to do with the management and operations of Lubas as well as the control and supervision of the latter's employees; petitioners were not aware of the existence of any union in their company and came to know of the same only in June 1998 when they were served a copy of the summons in the petition for certification election filed by the union; that before the union was registered on April 15, 1998, the complaint subject of the present petition was already filed; that the real motive in the filing of the complaints was because PTI asked respondents to vacate the bunkhouse where they (respondents) and their respective families were staying because PTI wanted to renovate the same.

Subsequently, the complaints filed by respondents were consolidated.

On October 25, 2000, the Labor Arbiter rendered a Decision,[5] the dispositive portion of which reads as follows:

WHEREFORE, judgment is hereby rendered:

1. Dismissing the complaints for Unfair Labor Practice, non-payment of holiday pay and holiday premium, service incentive leave pay and 13th month pay;

Dismissing the complaint of Edgardo Belda for refund of boundary-hulog;

2. Dismissing the complaint for illegal dismissal against the respondents Prince Transport, Inc. and/or Prince Transport Phils. Corporation, Roberto Buenaventura, Rory Bayona, Ailee Avenue, Nerissa Uy, Mario Feranil and Peter Buentempo;

3. Declaring that the complainants named below are illegally dismissed by Lubas Transport; ordering said Lubas Transport to pay backwages and separation pay in lieu of reinstatement in the following amount:

Complainants Backwages Separation Pay

(1) Diosdado Garcia

P222,348.70

P79,456.00

(2) Feliciano Gasco, Jr.

203,350.00

54,600.00

(3) Pablito Macasaet

145,250.00

13,000.00

(4) Esmael Ramboyong

221,500.00

30,000.00

(5) Joel Gramatica

221,500.00

60,000.00

(6) Amado Galanto

130,725.00

29,250.00

(7) Miel Cervantes

265,800.00

60,000.00

(8) Roberto Mano

221,500.00

50,000.00

(9) Roe dela Cruz

265,800.00

60,000.00

(10) Richelo Balidoy

130,725.00

29,250.00

(11) Vilma Porras

221,500.00

70,000.00

(12) Miguelito Salcedo

265,800.00

60,000.00

(13) Cristina Garcia

130,725.00

35,100.00

(14) Luisito Garcia

145,250.00

19,500.00

(15) Rogelio Bagawisan

265,800.00

60,000.00

(16) Rodante H. Romero

221,500.00

60,000.00

(17) Dindo Torres

265,800.00

50,000.00

(18) Edgar Sanfuego

221,500.00

40,000.00

(19) Ronald Gacita

221,500.00

40,000.00

(20) Harry Toca

174,300.00

23,400.00

(21) Amado Galanto

130,725.00

17,550.00

(22) Teresita Cabañes

130,725.00

17,550.00

(23) Rex Bartolome

301,500.00

30,000.00

(24) Mario Nazareno

221,500.00

30,000.00

(25) Eustaquio Villareal

145,250.00

19,500.00

(26) Ariel Sanchez

265,800.00

60,000.00

(27) Gloria Orante

263,100.00

60,000.00

(28) Nelson Montero

264,600.00

60,000.00

(29) Rizal Beato

295,000.00

40,000.00

(30) Eutiquio Lugtu

354,000.00

48,000.00

(31) Warlito Dickensomn

295,000.00

40,000.00

(32) Edgardo Belda

354,000.00

84,000.00

(33) Tita Go

295,000.00

70,000.00

(34) Alex Lodor

295,000.00

50,000.00

(35) Glenda Arguilles

295,000.00

40,000.00

(36) Erwin Lucas

354,000.00

48,000.00

(37) Jesse Celle

354,000.00

48,000.00

(38) Roy Adorable

295,000.00

40,000.00

(39) Marlon Bangcoro

295,000.00

40,000.00

(40)Edgardo Bangcoro

354,000.00

36,000.00

4. Ordering Lubas Transport to pay attorney's fees equivalent to ten (10%) of the total monetary award; and
6. Ordering the dismissal of the claim for moral and exemplary damages for lack merit.

SO ORDERED.[6]

The Labor Arbiter ruled that petitioners are not guilty of unfair labor practice in the absence of evidence to show that they violated respondents' right to self-organization. The Labor Arbiter also held that Lubas is the respondents' employer and that it (Lubas) is an entity which is separate, distinct and independent from PTI. Nonetheless, the Labor Arbiter found that Lubas is guilty of illegally dismissing respondents from their employment.

Respondents filed a Partial Appeal with the NLRC praying, among others, that PTI should also be held equally liable as Lubas.

In a Resolution dated May 30, 2003, the NLRC modified the Decision of the Labor Arbiter and disposed as follows:

WHEREFORE, premises considered, the appeal is hereby PARTIALLY GRANTED. Accordingly, the Decision appealed from is SUSTAINED subject to the modification that Complainant-Appellant Edgardo Belda deserves refund of his boundary-hulog in the amount of P446,862.00; and that Complainants-Appellants Danilo Rojo and Danilo Laurel should be included in the computation of Complainants-Appellants claim as follows:

Complainants

Backwages

Separation Pay

41. Danilo Rojo

P355,560.00

P48,000.00

42. Danilo Laurel

P357,960.00

P72,000.00

As regards all other aspects, the Decision appealed from is SUSTAINED.

SO ORDERED.[7]

Respondents filed a Motion for Reconsideration, but the NLRC denied it in its Resolution[8] dated September 26, 2003.

Respondents then filed a special civil action for certiorari with the CA assailing the Decision and Resolution of the NLRC.

On December 20, 2004, the CA rendered the herein assailed Decision which granted respondents' petition. The CA ruled that petitioners are guilty of unfair labor practice; that Lubas is a mere instrumentality, agent conduit or adjunct of PTI; and that petitioners' act of transferring respondents' employment to Lubas is indicative of their intent to frustrate the efforts of respondents to organize themselves into a union. Accordingly, the CA disposed of the case as follows:

WHEREFORE, the Petition for Certiorari is hereby GRANTED. Accordingly, the subject decision is hereby REVERSED and SET ASIDE and another one ENTERED finding the respondents guilty of unfair labor practice and ordering them to reinstate the petitioners to their former positions without loss of seniority rights and with full backwages.

With respect to the portion ordering the inclusion of Danilo Rojo and Danilo Laurel in the computation of petitioner's claim for backwages and with respect to the portion ordering the refund of Edgardo Belda's boundary-hulog in the amount of P446,862.00, the NLRC decision is affirmed and maintained.

SO ORDERED.[9]

Petitioners filed a Motion for Reconsideration, but the CA denied it via its Resolution[10] dated February 24, 2005.

Hence, the instant petition for review on certiorari based on the following grounds:

A

THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION IN GIVING DUE COURSE TO THE RESPONDENTS' PETITION FOR CERTIORARI

1. THE COURT OF APPEALS SHOULD HAVE RESPECTED THE FINDINGS OF THE LABOR ARBITER AND AFFIRMED BY THE NLRC

2. ONLY ONE PETITIONER EXECUTED AND VERIFIED THE PETITION

3. THE COURT OF APPEALS SHOULD NOT HAVE GIVEN DUE COURSE TO THE PETITION WITH RESPECT TO RESPONDENTS REX BARTOLOME, FELICIANO GASCO, DANILO ROJO, EUTQUIO LUGTU, AND NELSON MONTERO AS THEY FAILED TO FILE AN APPEAL TO THE NLRC

B

THE COURT OF APPEALS SERIOUSLY ERRED IN DECLARING THAT PETITIONERS PRINCE TRANSPORT, INC. AND MR. RENATO CLAROS AND LUBAS TRANSPORT ARE ONE AND THE

SAME CORPORATION AND THUS, LIABLE IN SOLIDUM TO RESPONDENTS.

C

THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION IN ORDERING THE REINSTATEMENT OF RESPONDENTS TO THEIR PREVIOUS POSITION WHEN IT IS NOT ONE OF THE ISSUES RAISED IN RESPONDENTS' PETITION FOR CERTIORARI.[11]

Petitioners assert that factual findings of agencies exercising quasi-judicial functions like the NLRC are accorded not only respect but even finality; that the CA should have outrightly dismissed the petition filed before it because in certiorari proceedings under Rule 65 of the Rules of Court it is not within the province of the CA to evaluate the sufficiency of evidence upon which the NLRC based its determination, the inquiry being limited essentially to whether or not said tribunal has acted without or in excess of its jurisdiction or with grave abuse of discretion. Petitioners assert that the CA can only pass upon the factual findings of the NLRC if they are not supported by evidence on record, or if the impugned judgment is based on misapprehension of facts -- which circumstances are not present in this case. Petitioners also emphasize that the NLRC and the Labor Arbiter concurred in their factual findings which were based on substantial evidence and, therefore, should have been accorded great weight and respect by the CA.

Respondents, on the other hand, aver that the CA neither exceeded its jurisdiction nor committed error in re-evaluating the NLRC's factual findings since such findings are not in accord with the evidence on record and the applicable law or jurisprudence.

The Court agrees with respondents.

The power of the CA to review NLRC decisions via a petition for certiorari under Rule 65 of the Rules of Court has been settled as early as this Court's decision in *St. Martin Funeral Homes v. NLRC*.^[12] In said case, the Court held that the proper vehicle for such review is a special civil action for certiorari under Rule 65 of the said Rules, and that the case should be filed with the CA in strict observance of the doctrine of hierarchy of courts. Moreover, it is already settled that under Section 9 of *Batas Pambansa Blg. 129*, as amended by Republic Act No. 7902, the CA -- pursuant to the exercise of its original jurisdiction over petitions for certiorari -- is specifically given the power to pass upon the evidence, if and when necessary, to resolve factual issues.^[13] Section 9 clearly states:

x x x x

The Court of Appeals shall have the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings. x x x

However, equally settled is the rule that factual findings of labor officials, who are deemed to have acquired expertise in matters within their jurisdiction, are generally accorded not only respect but even finality by the courts when supported by substantial evidence, i.e., the amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.^[14] But these findings are not infallible. When there is a showing that they were arrived at arbitrarily or in disregard of the evidence on record, they may be examined by the courts.^[15] The CA can grant the petition for certiorari if it finds that the NLRC, in its assailed decision or resolution, made a factual finding not supported by substantial evidence.^[16] It is within the jurisdiction of the CA, whose jurisdiction over labor cases has been expanded to review the findings of the NLRC.^[17]

In this case, the NLRC sustained the factual findings of the Labor Arbiter. Thus, these findings are generally binding on the appellate court, unless there was a showing that they were arrived at arbitrarily or in disregard of

the evidence on record. In respondents' petition for certiorari with the CA, these factual findings were reexamined and reversed by the appellate court on the ground that they were not in accord with credible evidence presented in this case. To determine if the CA's reexamination of factual findings and reversal of the NLRC decision are proper and with sufficient basis, it is incumbent upon this Court to make its own evaluation of the evidence on record.[18]

After a thorough review of the records at hand, the Court finds that the CA did not commit error in arriving at its own findings and conclusions for reasons to be discussed hereunder.

Firstly, petitioners posit that the petition filed with the CA is fatally defective, because the attached verification and certificate against forum shopping was signed only by respondent Garcia.

The Court does not agree.

While the general rule is that the certificate of non-forum shopping must be signed by all the plaintiffs in a case and the signature of only one of them is insufficient, the Court has stressed that the rules on forum shopping, which were designed to promote and facilitate the orderly administration of justice, should not be interpreted with such absolute literalness as to subvert its own ultimate and legitimate objective.[19] Strict compliance with the provision regarding the certificate of non-forum shopping underscores its mandatory nature in that the certification cannot be altogether dispensed with or its requirements completely disregarded.[20] It does not, however, prohibit substantial compliance therewith under justifiable circumstances, considering especially that although it is obligatory, it is not jurisdictional.[21]

In a number of cases, the Court has consistently held that when all the petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the rules.[22] In the present case, there is no question that respondents share a common interest and invoke a common cause of action. Hence, the signature of respondent Garcia is a sufficient compliance with the rule governing certificates of non-forum shopping. In the first place, some of the respondents actually executed a Special Power of Attorney authorizing Garcia as their attorney-in-fact in filing a petition for certiorari with the CA.[23]

The Court, likewise, does not agree with petitioners' argument that the CA should not have given due course to the petition filed before it with respect to some of the respondents, considering that these respondents did not sign the verification attached to the Memorandum of Partial Appeal earlier filed with the NLRC. Petitioners assert that the decision of the Labor Arbiter has become final and executory with respect to these respondents and, as a consequence, they are barred from filing a petition for certiorari with the CA.

With respect to the absence of some of the workers' signatures in the verification, the verification requirement is deemed substantially complied with when some of the parties who undoubtedly have sufficient knowledge and belief to swear to the truth of the allegations in the petition had signed the same. Such verification is deemed a sufficient assurance that the matters alleged in the petition have been made in good faith or are true and correct, and not merely speculative. Moreover, respondents' Partial Appeal shows that the appeal stipulated as complainants-appellants "Rizal Beato, et al.", meaning that there were more than one appellant who were all workers of petitioners.

In any case, the settled rule is that a pleading which is required by the Rules of Court to be verified, may be given due course even without a verification if the circumstances warrant the suspension of the rules in the interest of justice.[24] Indeed, the absence of a verification is not jurisdictional, but only a formal defect, which does not of itself justify a court in refusing to allow and act on a case.[25] Hence, the failure of some of the respondents to

sign the verification attached to their Memorandum of Appeal filed with the NLRC is not fatal to their cause of action.

Petitioners also contend that the CA erred in applying the doctrine of piercing the corporate veil with respect to Lubas, because the said doctrine is applicable only to corporations and Lubas is not a corporation but a single proprietorship; that Lubas had been found by the Labor Arbiter and the NLRC to have a personality which is separate and distinct from that of PTI; that PTI had no hand in the management and operation as well as control and supervision of the employees of Lubas.

The Court is not persuaded.

On the contrary, the Court agrees with the CA that Lubas is a mere agent, conduit or adjunct of PTI. A settled formulation of the doctrine of piercing the corporate veil is that when two business enterprises are owned, conducted and controlled by the same parties, both law and equity will, when necessary to protect the rights of third parties, disregard the legal fiction that these two entities are distinct and treat them as identical or as one and the same.[26] In the present case, it may be true that Lubas is a single proprietorship and not a corporation. However, petitioners' attempt to isolate themselves from and hide behind the supposed separate and distinct personality of Lubas so as to evade their liabilities is precisely what the classical doctrine of piercing the veil of corporate entity seeks to prevent and remedy.

Thus, the Court agrees with the observations of the CA, to wit:

As correctly pointed out by petitioners, if Lubas were truly a separate entity, how come that it was Prince Transport who made the decision to transfer its employees to the former? Besides, Prince Transport never regarded Lubas Transport as a separate entity. In the aforesaid letter, it referred to said entity as "Lubas operations." Moreover, in said letter, it did not transfer the employees; it "assigned" them. Lastly, the existing funds and 201 file of the employees were turned over not to a new company but a "new management." [27]

The Court also agrees with respondents that if Lubas is indeed an entity separate and independent from PTI why is it that the latter decides which employees shall work in the former?

What is telling is the fact that in a memorandum issued by PTI, dated January 22, 1998, petitioner company admitted that Lubas is one of its sub-companies.[28] In addition, PTI, in its letters to its employees who were transferred to Lubas, referred to the latter as its "New City Operations Bus." [29]

Moreover, petitioners failed to refute the contention of respondents that despite the latter's transfer to Lubas of their daily time records, reports, daily income remittances of conductors, schedule of drivers and conductors were all made, performed, filed and kept at the office of PTI. In fact, respondents' identification cards bear the name of PTI.

It may not be amiss to point out at this juncture that in two separate illegal dismissal cases involving different groups of employees transferred by PTI to other companies, the Labor Arbiter handling the cases found that these companies and PTI are one and the same entity; thus, making them solidarily liable for the payment of backwages and other money claims awarded to the complainants therein.[30]

Petitioners likewise aver that the CA erred and committed grave abuse of discretion when it ordered petitioners to reinstate respondents to their former positions, considering that the issue of reinstatement was never brought up before it and respondents never questioned the award of separation pay to them.

The Court is not persuaded.

It is clear from the complaints filed by respondents that they are seeking reinstatement.[31]

In any case, Section 2 (c), Rule 7 of the Rules of Court provides that a pleading shall specify the relief sought, but may add a general prayer for such further or other reliefs as may be deemed just and equitable. Under this rule, a court can grant the relief warranted by the allegation and the proof even if it is not specifically sought by the injured party; the inclusion of a general prayer may justify the grant of a remedy different from or together with the specific remedy sought, if the facts alleged in the complaint and the evidence introduced so warrant.[32]

Moreover, in *BPI Family Bank v. Buenaventura*,[33] this Court ruled that the general prayer is broad enough "to justify extension of a remedy different from or together with the specific remedy sought." Even without the prayer for a specific remedy, proper relief may be granted by the court if the facts alleged in the complaint and the evidence introduced so warrant. The court shall grant relief warranted by the allegations and the proof even if no such relief is prayed for. The prayer in the complaint for other reliefs equitable and just in the premises justifies the grant of a relief not otherwise specifically prayed for.[34] In the instant case, aside from their specific prayer for reinstatement, respondents, in their separate complaints, prayed for such reliefs which are deemed just and equitable.

As to whether petitioners are guilty of unfair labor practice, the Court finds no cogent reason to depart from the findings of the CA that respondents' transfer of work assignments to Lubas was designed by petitioners as a subterfuge to foil the former's right to organize themselves into a union. Under Article 248 (a) and (e) of the Labor Code, an employer is guilty of unfair labor practice if it interferes with, restrains or coerces its employees in the exercise of their right to self-organization or if it discriminates in regard to wages, hours of work and other terms and conditions of employment in order to encourage or discourage membership in any labor organization.

Indeed, evidence of petitioners' unfair labor practice is shown by the established fact that, after respondents' transfer to Lubas, petitioners left them high and dry insofar as the operations of Lubas was concerned. The Court finds no error in the findings and conclusion of the CA that petitioners "withheld the necessary financial and logistic support such as spare parts, and repair and maintenance of the transferred buses until only two units remained in running condition." This left respondents virtually jobless.

WHEREFORE, the instant petition is denied. The assailed Decision and Resolution of the Court of Appeals, dated December 20, 2004 and February 24, 2005, respectively, in CA-G.R. SP No. 80953, are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Abad, and Sereno,[**] JJ., concur.

[*] Referred to as Roberto in some parts of the SC and CA rollo.

[*][*] Designated as an additional member in lieu of Associate Justice Jose Catral Mendoza, per raffle dated January 10, 2011.

[1] Penned by Associate Justice Jose Catral Mendoza (now a member of this Court), with Associate Justices Godardo A. Jacinto and Edgardo P. Cruz, concurring; rollo, pp. 44-49.

[2] Id. at 61-62

[3] Id. at. 85-98.

[4] Id. at 100-102.

[5] Id. at 210-233.

[6] Id. at 230-233.

[7] Id. at 97-98.

[8] Id. at 100-102.

[9] Id. at 318.

[10] Id. at 61-62.

[11] Id. at 23-24.

[12] 356 Phil. 811 (1998).

[13] PICOP Resources Incorporated (PRI) v. Anacleto Tañeca, et al., G.R. No. 160828, August 9, 2010; Maralit v. Philippine National Bank, G.R. No. 163788, August 24, 2009, 596 SCRA 662, 682-683; Triumph International (Phils.), Inc. v. Apostol, G.R. No. 164423, June 16, 2009, 589 SCRA 185, 197.

[14] Philippine Veterans Bank v. National Labor Relations Commission, G.R. No. 188882, March 30, 2010.

[15] Faeldonia v. Tong Yak Groceries, G.R. No. 182499, October 2, 2009, 602 SCRA 677, 684.

[16] Emcor Incorporated v. Sienes, G.R. No. 152101, September 8, 2009, 598 SCRA 617, 632.

[17] Id.

[18] Triumph International (Phils.), Inc. v. Apostol, *supra* note 13, at 198.

[19] Juaban v. Espina, G.R. No. 170049, March 14, 2008, 548 SCRA 588, 603, citing Cua v. Vargas, 506 SCRA 374, 389-390 (2006); Pacquing v. Coca-Cola, Philippines, Inc., G.R. No. 157966, January 31, 2008, 543 SCRA 344, 353.

[20] Id.

[21] Id.

[22] Id.

[23] See Special Power of Attorney, CA rollo, p. 22.

[24] Heirs of the Late Jose De Luzuriaga v. Republic, G.R. Nos. 168848 & 169019, June 30, 2009, 591 SCRA 299, 313; Woodridge School v. Pe Benito, G.R. No. 160240, October 29, 2008, 570 SCRA 164, 175; Linton Commercial Co., Inc. v. Hellera, G.R. No. 163147, October 10, 2007, 535 SCRA 434, 446.

[25] Spic N' Span Services Corp. v. Paje, G.R. No. 174084, August 25, 2010; Sari-Sari Group of Companies, Inc. v. Piglas Kamao (Sari-Sari Chapter), G.R. No. 164624, August 11, 2008, 561 SCRA 569, 579-580.

[26] Pantranco Employees Association (PEA-PTGWO) v. NLRC, G.R. Nos. 170689 and 170705, March 17, 2009, 581 SCRA 598, 613-614.

[27] Rollo, p. 55.

[28] CA rollo, p. 69.

[29] Id. at 87-121.

[30] See Decisions in NLRC-NCR Case Nos. 00-01-00438-01, 00-03-01882-01, 00-04-02108-01, 00-04-04129-01 and NLRC-NCR Case No. 00-04-02129-2001, id. at 193-256.

[31] See Amended Complaints, CA rollo, pp. 45-68; 122-136.

[32] Philippine Charter Insurance Corporation v. Philippine National Construction Corporation, G.R. No. 185066, October 2, 2009, 602 SCRA 723, 735-736.

[33] 508 Phil. 423, 436 (2005).

[34] Gutierrez v. Valiente, G.R. No. 166802, July 4, 2008, 557 SCRA 211, 226.

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