

OSCAR DELOS SANTOS AND ELIZA DELOS SANTOS, PETITIONERS, VS. COURT OF APPEALS, RESPONDENT.

G.R. No. 169498. December 11, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is a Special Civil Action for Certiorari, Prohibition and Mandamus under Rule 65 of the Revised Rules of Court filed by petitioners spouses Oscar and Eliza delos Santos (spouses Delos Santos), seeking to reverse and set aside the Decision[1] dated 28 June 2005 of the Court of Appeals in CA-G.R. SP No. 83234 for having been rendered with grave abuse of discretion amounting to lack or excess of jurisdiction. In its assailed Decision, the Court of Appeals reversed the Orders dated 10 February 2004 and 1 March 2004 of the Regional Trial Court (RTC) of Valenzuela, Branch 172, in Criminal Case No. 1116-V-99, declaring Saturnino Dy, also known as Juanito Dy (Dy), and Dyson Surface and Coating Corporation (Dyson Corporation) as joint employers of the accused Antonio Sagosoy (Sagosoy), who should both be held liable solidarily with Sagosoy for the injury caused to Ferdinand delos Santos (Ferdinand).

The factual and procedural antecedents of this case are as follows:

On 18 March 1998, at around 7:00 o'clock in the morning, the Isuzu forward van driven by Sagosoy collided with a horse-drawn carriage steered by Oscar delos Santos. Oscar delos Santos was with his four-year-old son Ferdinand who was seated in the carriage. The collision left the horse dead and Ferdinand seriously injured with a broken spinal cord. A surgical operation to repair the broken spinal cord could not be performed on Ferdinand because of his tender age. Thus, Ferdinand's broken spinal cord further caused irreversible damage to his vision, speech, and motor skills.

The van driven by Sagosoy bears plate number ULP 725 registered under the name of Dy of Dyson Corporation.

An Information[2] charging Sagosoy with the crime of Reckless Imprudence Resulting in Serious Physical Injuries and Damage to Property was eventually filed before the RTC, which reads:

That on or about the 18[th] day of March, 1998, in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, being then the driver of an Isuzu Forward Van bearing Plate No. 725, did then and there unlawfully and feloniously drive, manage and operate the same along Tatalon, Ugong, this municipality, in a reckless, negligent and imprudent manner, without taking the necessary precautions to avoid accident to person and damage to property, and so, as a result of such carelessness, negligence and imprudence, said vehicle driven by the accused, hit and collide with Horse-Drawn Vehicle (Tiburine) causing said Tiburine to be damaged in the amount of P9,200.00 and causing further the death of the horse valued at P75,000.00 to the damage and prejudice of the owner thereof, and as further consequence, Ferdinand delos Santos sustained physical injuries which requires medical attendance for a period of more than 30 days and incapacitated said Ferdinand delos Santos from performing his habitual work for the same period of time.

The case was docketed as Criminal Case No. 1116-V-99.

When arraigned, Sagosoy pleaded not guilty.[3]

After trial on the merits, the RTC rendered a Decision[4] on 27 September 2002 in Criminal Case No. 1116-V-99 finding Sagosoy guilty of the crime charged, thereby sentencing him to a straight penalty of four (4) months imprisonment and to indemnify the spouses Delos Santos for actual and moral damages resulting from Ferdinand's injury. The fallo of the said RTC Decision reads:

WHEREFORE, judgment is hereby rendered finding accused ANTONIO SAGOSOY y NAMALATA guilty beyond reasonable doubt and as principal of the crime of reckless imprudence resulting to serious physical injuries and damage to property, without any attending mitigating or aggravating circumstance and hereby sentences him to a straight penalty of FOUR (4) MONTHS of arresto mayor. The accused is further sentenced to pay [the Spouses Delos Santos] the amount of P85,000.00 representing the medical expenses after deducting the amount of P150,000.00 contributed by the employer of the accused, the amount of P9,200.00 representing the cost of repair of the damaged tiburine, the amount of P75,000.00 representing the value of the horse, and the amount of P300,000.00 representing the cost of the operation to be performed on Ferdinand upon reaching the age of 18. Finally, the accused is sentenced to pay [the Spouses Delos Santos] the amount of P500,000.00 as moral damages, to pay Ferdinand delos Santos, through his parents [the Spouses Delos Santos], the amount of P200,000.00 as indemnity, to pay the amount equivalent to 10% of the amount to be collected as reasonable attorney's fees, and to pay the costs of suit, all without subsidiary imprisonment in case of insolvency.

The spouses Delos Santos filed a Motion for the Issuance of Writ of Execution,[5] which was favorably acted upon by the RTC. The First Writ of Execution[6] was issued on 3 January 2003 commanding the Sheriff to execute and make effective its 27 September 2002 Decision in Criminal Case No. 1116-V-99.

An attempt to satisfy the judgment was made by the Sheriff, but he found no real or personal properties of Sagosoy to answer for the latter's civil liability to the spouses Delos Santos. The unsatisfied Sheriff's Return[7] prompted the spouses Delos Santos to file a Motion for the Issuance of Alias Writ of Execution[8] against the properties and income of Dy in light of his subsidiary liability as the employer of Sagosoy. The motion was opposed by Dy who denied that he was the employer of Sagosoy. According to Dy, at the time the accident occurred, Sagosoy was merely doing an isolated and non-business related driving task for him.

After weighing the arguments of the parties, the RTC issued on 30 May 2003 an Order directing the issuance of an Alias Writ of Execution, not just against the income and properties of Sagosoy, but also those of Dy.[9] The Alias Writ of Execution[10] was issued on 3 June 2003.

Subsequently, the RTC, in an Order dated 23 June 2003, denied Dy's Motion for Reconsideration of its Order dated 30 May 2003.

Dy filed a Petition for Certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 78005, averring that the RTC committed grave abuse of discretion in issuing its Orders dated 30 May 2003 and 23 June 2003. The appellate court, however, in a Decision[11] dated 28 September 2004, dismissed Dy's Petition and affirmed the questioned RTC Orders. Said Decision of the Court of Appeals in CA-G.R. SP No. 78005 became final and executory on 20 October 2004 as evidenced by the Entry of Judgment already made therein.[12]

In the interregnum, per the Sheriff's Return dated 6 October 2003, the Alias Writ of Execution was again returned unsatisfied due to the failure of the Sheriff to locate any real or personal property registered in the name of Dy.[13]

Unrelenting, the spouses Delos Santos filed a Motion for the Issuance of a Second Writ of Execution before the RTC, identifying Dyson Corporation as the co-employer of Sagosoy, together with Dy. The spouses Delos Santos called the attention of the trial court to particular pieces of evidence to establish that Sagosoy, at the time of the

accident, worked for both Dy and Dyson Corporation, namely: (1) Sagosoy's testimony that Dy was doing business in the name of Dyson Corporation; (2) Sagosoy's Social Security System (SSS) record showing that Dyson Corporation was his registered employer; and (3) the Articles of Incorporation of Dyson Corporation establishing that Dy was one of the majority stockholders of Dyson Corporation.[14] The spouses Delos Santos also propounded that the accident which caused serious physical injuries to Ferdinand took place while Sagosoy was undertaking an activity in furtherance of the business operations of Dyson Corporation.[15]

Dyson Corporation timely opposed the spouses Delos Santos's latest Motion, underscoring the inconsistencies in the spouses Delos Santos's stand on the crucial issue of who was the real employer of Sagosoy. Dyson Corporation averred that the spouses Delos Santos should not be allowed to conveniently shift their position on the said issue, and now joined Dyson Corporation with Dy as Sagosoy's employers after it turned out that Dy alone was financially incapable of satisfying the civil liability under the RTC judgment in Criminal Case No. 1116-V-99.[16]

In an Order[17] dated 10 February 2004, the RTC granted the spouses Delos Santos's Motion and declared Dy and Dyson Corporation as co-employers of Sagosoy. In its Order, the RTC explained that while the van driven by Sagosoy was owned by Dy, it was being used by Dyson Corporation in its business operations. The RTC further justified that the initial confusion as to the identity of Sagosoy's employer was understandable and did not render impossible the conclusion that both Dy and Dyson Corporation were Sagosoy's employers who should both accordingly be held liable for the civil liability arising from the crime of which Sagosoy was adjudged guilty.

In an Order[18] dated 1 March 2004, the RTC denied the Motion for Reconsideration of Dyson Corporation for no sufficient merit.

For allegedly having been issued with grave abuse of discretion, the RTC Orders dated 10 February 2004 and 1 March 2004 were challenged by Dyson Corporation before the Court of Appeals through a Special Civil Action for Certiorari, docketed as CA-G.R. SP No. 83234.

On 28 June 2005, the Court of Appeals promulgated a Decision in CA-G.R. SP No. 83234, finding therein that the issuance by the RTC of its 10 February 2004 and 1 March 2004 Orders was tainted with grave abuse of discretion. The appellate court reasoned that Dy and Dyson Corporation could only be treated as joint employers of Sagosoy upon the piercing of the veil of corporate fiction, which was not warranted in the instant case since it had not been shown that Dy was hiding behind the cloak of Dyson Corporation in order to evade liability. Thus, the fallo of the Decision of the Court of Appeals reads:

WHEREFORE, premises considered, the petition is hereby GRANTED. We hereby ANNUL and SET ASIDE the assailed orders. Costa against [the spouses Delos Santos].[19]

The spouses Delos Santos filed a Motion for Reconsideration on 10 August 2005 explaining that the delay was caused by their counsel who did not notify them of the receipt of the Court of Appeals Decision dated 28 June 2005. It was only upon inquiry with the RTC on 26 July 2005 that they learned of the appellate court's decision.

The Court of Appeals, in a Resolution[20] dated 30 August 2005, refused to give due course to the spouses Delos Santos's Motion for Reconsideration since it was not filed within the reglementary period. According to the appellate court, the spouses Delos Santos thru counsel received a copy of their 28 June 2005 Decision on 26 July 2005. Hence, the spouses Delos Santos had only until 29 July 2005 to move for the reconsideration of the judgment or to appeal it. The Motion for Reconsideration was filed only on 10 August 2005. Resultantly, the Court of Appeals Decision in CA-G.R. SP No. 83234 became final and executory on 19 September 2005.

The spouses Delos Santos are now before this Court seeking the reversal of the Court of Appeals disquisition on

the ground of grave abuse of discretion. For the resolution of this Court are the following issues:

I.

WHETHER OR NOT THE FILING OF THE INSTANT SPECIAL CIVIL ACTION FOR CERTIORARI, IS PROPER IN THE INSTANT CASE.

II.

WHETHER OR NOT THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION IN DENYING THE SPOUSES DELOS SANTOS' MOTION FOR RECONSIDERATION.

III.

WHETHER OR NOT DY AND DYSON CORPORATION ARE JOINT EMPLOYERS OF SAGOSOY AND SHOULD THEREFORE BE HELD SUBSIDIARILY LIABLE FOR THE CIVIL LIABILITY ARISING FROM THE CRIME COMMITTED BY SAGOSOY.

The Court first dispenses with the procedural issues raised by the parties, particularly the propriety of the remedy they chose to avail herein.

The spouses Delos Santos justify their present Petition for Certiorari, Prohibition and Mandamus by averring the lack of any other plain, speedy or adequate remedy available in the ordinary course of law that could compensate them for the injury caused to their son. On the other hand, Dyson Corporation counters by highlighting the failure of the spouses Delos Santos to timely file their Motion for Reconsideration before the Court of Appeals in CA-G.R. SP No. 83234. Dyson Corporation argues that the special civil action of certiorari cannot be invoked as a substitute for the remedy of appeal that was already lost, less so, when the requisites for certiorari were not faithfully complied with.

According to Section 1, Rule 65 of the Revised Rules of Court, a petition for certiorari may be filed under the following circumstances:

SEC. 1. Petition for certiorari -- When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

A writ of certiorari may be issued only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction. The writ cannot be used for any other purpose, as its function is limited to keeping the inferior court within the bounds of its jurisdiction. [21]

For certiorari to prosper, the following requisites must concur: (1) the writ is directed against a tribunal, a board or any officer exercising judicial or quasi-judicial functions; (2) such tribunal, board or officer has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (3) there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law.[22]

"Without jurisdiction" means that the court acted with absolute lack of authority. There is "excess of jurisdiction" when the court transcends its power or acts without any statutory authority. "Grave abuse of discretion" implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction; in other words, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either

to perform the duty enjoined or to act at all in contemplation of law. [23]

Although the court has absolute discretion to reject and dismiss a petition for certiorari, in general, it does so only (1) when the petition fails to demonstrate grave abuse of discretion by any court, agency, or branch of the government; or (2) when there are procedural errors, like violations of the Rules of Court or Supreme Court Circulars. One of the procedural errors for which the court could dismiss a petition for certiorari is the failure of the petitioner to file a motion for reconsideration of the assailed order or decision.[24] A motion for reconsideration must first be filed with the lower court prior to resorting to the extraordinary writ of certiorari since a motion for reconsideration is still considered an adequate remedy in the ordinary course of law. The rationale for the filing of a motion for reconsideration is to give an opportunity to the lower court to correct its imputed errors.[25]

In the present case, the spouses Delos Santos did file a Motion for Reconsideration but they were only able to do so beyond the reglementary period.

Moreover, since the case at bar resonates with a piercing and urgent call for justice for a four-year-old boy seriously crippled by the accident caused by the negligence of Sagosoy, the Court is persuaded to excuse the procedural flaw so it could fully heed the call. Laws and rules should be interpreted and applied not in a vacuum or in isolated abstraction, but in light of surrounding circumstances and attendant facts in order to afford justice to all. This Court is not impervious to instances when rules of procedure must yield to the loftier demands of substantial justice and equity. Procedural rules are mere tools designed to facilitate the attainment of justice; their application must be liberalized to promote public interest.[26]

In this instance, the Court has no doubt that substantial justice will be served and patent injustice will be obviated by giving due course to this Petition in the presence of compelling reasons to disregard the spouses Delos Santos's procedural mistake. Just as we had ruled in *Aguam v. Court of Appeals*[27]:

The court has discretion to dismiss or not to dismiss an appellant's appeal. It is a power conferred on the court, not a duty. The discretion must be a sound one, to be exercised in accordance with the tenets of justice and fair play, having in mind the circumstances obtaining in each case. Technicalities, however, must be avoided. The law abhors technicalities that impede the cause of justice. The court's primary duty is to render or dispense justice. A litigation is not a game of technicalities. Law suits, unlike duels are not to be won by a rapier's thrust. Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts. Litigations must be decided on their merits and not on technicality. Every party litigant must be afforded the amplest opportunity for the proper and just determination of his cause, free from the unacceptable plea of technicalities. Thus, dismissal of appeals purely on technical grounds is frowned upon where the policy of the court is to encourage hearings of appeals on their merits and the rules of procedure ought not to be applied in a very rigid, technical sense; rules of procedure are used only to help secure, not override substantial justice. It is a far better and more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal to attain the ends of justice rather than dispose of the case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.

What should guide judicial action is the principle that 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 technicalities. The rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed.[28]

The relaxation of procedural rules is even more imperative in the instant Petition where there is an undeniable

need for this Court to settle threshold factual issues to finally give justice to the parties. It is true that this Court is not a trier of facts, but there are recognized exceptions to this general rule such as when the appellate court had ignored, misunderstood, or misinterpreted cogent facts and circumstances which, if considered, would change the outcome of the case; or when its findings were totally devoid of support; or when its judgment was based on a misapprehension of facts.[29]

The Court now proceeds to the crucial substantive issue raised in this Petition: whether Dy and the Dyson Corporation are co-employers of Sagosoy who are subsidiarily liable for the civil liabilities arising from the crime committed by Sagosoy.

The Court of Appeals did not find Dyson Corporation as the co-employer of Sagosoy, relying on the Decision dated 28 September 2004 of the same court in CA-G.R. SP No. 78005 which sustained the subsidiary liability of Dy as the employer of Sagosoy and which had already attained finality. The appellate court also refused to adjudge Dyson Corporation to be solidarily liable with Dy unless the veil of corporate fiction was pierced.

The Court does not agree.

The spouses Delos Santos do not controvert the pronouncement of the Court of Appeals in its 28 September 2004 Decision in CA-G.R. SP No. 78005 that Dy, as the employer of Sagosoy, was subsidiarily liable for the civil obligations of his insolvent employee who caused injury to third persons in the course of the latter's employment. Indeed, the spouses Delos Santos agree with the appellate court that Dy should not be allowed to run scot-free from his liability in light of the fact that he was the owner of the van Sagosoy was driving at the time of the accident. What the spouses Delos Santos are seeking from this Court is the affirmation that in addition to Dy, Dyson Corporation is also the employer of Sagosoy, as several pieces of evidence would show, which should likewise be made answerable for the civil liabilities incurred by Sagosoy.

The Court notes that there was no way for the Court of Appeals in CA-G.R. SP No. 78005 to already deduce from the pleadings and evidence presented therein that Sagosoy was employed not just by Dy, but also by Dyson Corporation. The Petition in CA-G.R. SP No. 78005 was filed by Dy and all arguments and evidence necessarily revolved only around his liability as an employer. Moreover, the finding of the Court of Appeals in CA-G.R. SP No. 78005, that Sagosoy was working for Dy, is not necessarily in conflict with a subsequent ruling in another case that Sagosoy was employed not just by Dy, but also by Dyson Corporation. It bears to emphasize that Dy remains to be considered an employer of Sagosoy and still subsidiarily liable for the latter's civil obligations arising from the crime. However, if Dyson Corporation is declared a co-employer of Sagosoy together with Dy, then Dyson Corporation and Dy must now solidarily bear the subsidiary liability.

Justice and fairness dictate that the spouses Delos Santos should be compensated for the tragic fate of their son, and the rule of law should be enforced against those persons who may be adjudged liable, brushing aside hornbook procedural principles which unduly delay the dispensation of justice to an innocent and hapless boy who practically lost his life to an accident due to the negligence of another.

Since it was duly proven that Sagosoy had no real or personal properties to satisfy the judgment, then Sagosoy's employer must answer for damages Sagosoy caused. The statutory basis for an employer's subsidiary liability is found in Articles 102 and 103 of the Revised Penal Code, which read:

Art. 102. Subsidiary civil liability of innkeepers, tavernkeepers, and proprietors of establishments. - In default of the persons criminally liable, innkeepers, tavernkeepers, and any other persons or corporations shall be civilly liable for crimes committed in their establishments, in all cases where a violation of municipal ordinances or some general or special police regulation shall have been committed by them or their employees.

Innkeepers are also subsidiarily liable for restitution of goods taken by robbery or theft within their houses from guests lodging therein, or for the payment of the value thereof, provided that such guests shall have notified in advance the innkeeper himself, or the person representing him, of the deposit of such goods within the inn; and shall furthermore have followed the directions which such innkeeper or his representative may have given them with respect to the care of and vigilance over such goods. No liability shall attach in case of robbery with violence against or intimidation of persons unless committed by the innkeeper's employees.

Art. 103. Subsidiary civil liability of other persons. -- The subsidiary liability established in the next preceding article shall also apply to employers, teachers, persons, and corporations engaged in any kind of industry for felonies committed by their servants, pupils, workmen, apprentices, or employees in the discharge of their duties.

This liability is enforceable in the same criminal proceeding in which the award is made. This liability attaches when the employees who are convicted of crimes committed in the performance of their work are found to be insolvent and are thus unable to satisfy the civil liability adjudged.[30]

The Court has scrupulously examined the records of this case and concluded that Sagosoy was working for both Dy and Dyson Corporation when the van he was driving collided with the horse-drawn carriage carrying Ferdinand. In his testimony before the RTC, Sagosoy narrated that he was employed by Dy who was doing business under the name of Dyson Corporation. Sagosoy's testimony is validated by the Certificate of Incorporation of Dyson Corporation showing that Dy is one of the major stockholders of Dyson Corporation. Also, the SSS records of Sagosoy state that his employer is Dyson Corporation. These pieces of evidence strongly prove that Sagosoy is also deemed an employee of Dyson Corporation. In contrast, Dyson Corporation does not at all offer any controverting evidence, and vainly centers its defense on procedural rhetoric.[31]

In addition, the records are bereft of information on any other business or industry that Dy is engaged in and for which he personally employs Sagosoy. Sagosoy could not be the mere private driver of Dy because when the accident occurred, Sagosoy was driving an Isuzu Forward van, which is primarily used for the delivery of goods and effects. Taking note of the fact that Dy is the Chief Executive Officer of Dyson Corporation, it would appear that the van being driven by Sagosoy was only registered in Dy's name, but was actually being used by Dyson Corporation in the conduct of its business. Given these circumstances, both Dy and Dyson Corporation should be declared the employers of Sagosoy who are both subsidiarily liable for Sagosoy's liabilities ex delicto.

Finally, contrary to the ruling of the Court of Appeals, there is no need to pierce the veil of corporate fiction in this case, considering that Dy and Dyson Corporation are precisely being treated as separate entities, which is the reason why they are being declared "co-employers" of Sagosoy. That Dy is hiding behind the personality of Dyson Corporation in order to escape liability is not even relevant herein. The evidence and the circumstances establish that Dy is the registered owner of the van driven by Sagosoy in furtherance of the business of Dyson Corporation; and that Dyson Corporation uses the van driven by Sagosoy in its business operation and recognizes Sagosoy as one of its employees per the latter's SSS records. Hence, both Dy and Dyson Corporation can be deemed the employers of Sagosoy.

With the pronouncement that both Dy and Dyson Corporation are subsidiarily liable for the damages caused to the spouses Delos Santos, let this much prolonged litigation be put to an end. The counsels of the parties are hereby warned not to employ any procedural tactics that would further delay the execution of the RTC Decision dated 27 September 2002 in Criminal Case No. 1116-V-99. Litigation is not a game of technicalities in which one, more deeply schooled and skilled in the subtle art of movement and position, entraps and destroys the other.[32] In the words of Mr. Justice Malcolm, "More important than anything else, is that the court should be right and to render justice where justice is due." [33]

WHEREFORE, in view of the foregoing, the instant Petition is GRANTED. The Decision dated 28 June 2005 and Resolution dated 30 August 2005 of the Court of Appeals in CA-G.R. SP No. 83234 are REVERSED and SET ASIDE. The Orders dated 10 February 2004 and 1 March 2004 of the Regional Trial Court of Valenzuela, Branch 172, in Criminal Case No. 1116-V-99 are hereby REINSTATED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Tinga, and Reyes, JJ., concur.

* Associate Justice Dante O. Tinga was designated to sit as additional member replacing Associate Justice Antonio Eduardo B. Nachura per Raffle dated 3 December 2008.

[1] Penned by Associate Justice Arturo D. Brion with Associate Justices Eugenio S. Labitoria and Eliezer R. de los Santos, concurring; rollo, pp. 15-27..

[2] Records, p. 1.

[3] Id. at 18.

[4] Id. at 144-147.

[5] Id. at 139-140.

[6] Id. at 156-157.

[7] Id. at 160.

[8] Id. at 161-163.

[9] Id. at 185-188.

[10] Id. at 265-267.

[11] Id. at 461-468.

[12] Id. at 469.

[13] Id. at 264.

[14] Id. at 269-270.

[15] Id.

[16] Id. at 279-281.

[17] Id. at 290-291.

[18] Id. at 304.

[19] Rollo, p. 27.

[20] CA rollo, pp. 178-179.

[21] *Madrigal Transport, Inc. v. Lapanday Holdings Corporation*, G.R. No. 156067, 21 August 2004, 436 SCRA 123, 133.

[22] Id.

[23] Id.

[24] Serrano v. Galant Maritime Services, Inc., 455 Phil. 992, 997-998 (2003).

[25] Balayan v. Acorda, G.R. No. 153537, 5 May 2006, 489 SCRA 637, 642.

[26] Remulla v. Manlongat, G.R. No. 148189, 11 November 2004, 442 SCRA 226, 236.

[27] 388 SCRA 587, 593-594 (2000).

[28] Alberto v. Court of Appeals, 390 Phil. 253, 272 (2000).

[29] Emco Plywood Corporation v. Abelgas, G.R. No. 148532, 14 April 2004, 427 SCRA 496, 515.

[30] Franco v. Intermediate Appellate Court, G.R. No. 71137, 5 October 1989, 178 SCRA 331, 338-339.

[31] During the proceedings for the execution of the RTC Decision dated 27 September 2002 in Criminal Case No. 1116-V-99, Dyson Corporation was given ample opportunity to controvert the evidence presented by the spouses Delos Santos by filing an Opposition to the spouses Delos Santos's Motion for the Issuance of Second Motion for Issuance of Writ of Execution. After the RTC granted the motion, Dyson Corporation filed a Motion for Reconsideration thereof.

[32] Alonso v. Villamor, 16 Phil. 315, 321 (1910).

[33] Limketai Sons Milling, Inc. v. Court of Appeals, 330 Phil. 171, 177 (1996).

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