UNITED OVERSEAS BANK (FORMERLY WESTMONT BANK), PETITIONER, VS. HON. JUDGE REYNALDO ROS, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF MANILA, BRANCH 33, AND ROSEMOOR MINING AND...

G.R. NO. 171532. August 07, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, filed by petitioner United Overseas Bank, seeking the reversal and the setting aside of the Decision[1] dated 19 April 2005, and the Resolution[2] dated 13 February 2006 of the Court of Appeals in CA-G.R. SP No. 82626. The appellate court, in its assailed Decision and Resolution affirmed the Order of the Regional Trial Court (RTC) of Manila, Branch 33, denying the Motion to Dismiss Civil Case No. 98-90089 filed by petitioner on the ground of estoppel.

Petitioner is a banking institution duly authorized as such under Philippine laws.[3]

Private respondent Rosemoor Mining and Development Corporation, on the other hand, is a domestic corporation likewise duly authorized by the Philippine laws to engage in mining operation.[4]

On 5 August 1998, private respondent filed an action for damages, accounting, release of the balance of the loan and machinery and annulment of foreclosure sale against petitioner before the RTC of Manila, Branch 33. The case was docketed as Civil Case No. 98-90089.[5]

In its Complaint,[6] private respondent alleged that it obtained a loan from petitioner in the amount of P80,000,000.00 in order to raise the needed capital for the importation of machineries necessary for its operation. The said loan was secured by two Real Estate Mortgage Contracts over several parcels of land situated in the Provinces of Bulacan and Nueva Ecija.

The arrangement agreed to by the parties was for the petitioner to handle on behalf of the private respondent the amount of P50,000,000.00 while the loan balance of P30,000,000.00 will be released by petitioner to private respondent as a revolving credit line. Petitioner, however, allegedly mishandled the proceeds of the loan causing serious financial injury to private respondent.

On 10 August 1998, petitioner filed an Urgent Motion to Dismiss[7] the private respondent's complaint on the ground of improper venue since the said complaint included the prayer for the nullification of the foreclosure of real estate mortgage, a real action which must be lodged before the RTC of the place where the property or one of the properties is situated. Consequently, the private respondent amended its Complaint, this time praying for Accounting, Release of the Balance of the Loan and Damages.

In resolving petitioner's Urgent Motion to Dismiss, the RTC of Manila issued an Omnibus Resolution[8] on 24

January 2000 denying the same for lack of merit. Petitioner timely interposed a Motion for Reconsideration[9] but it was also denied by the lower court in an Order[10] dated 29 May 2000.

On 11 November 1999, private respondent filed a Second Amended Complaint, dropping Lourdes Pascual as plaintiff and impleaded the officers of the petitioners namely, Florido Casuela, Rolando Castro, Avelina de la Cruz and Proserfina Cruz, as defendants.

Subsequently, petitioner filed its Answer with Counterclaim.[11] After the pre-trial was conducted, trial on the merits ensued.

On 11 March 2002, private respondent filed another action for Injunction with Damages before the RTC of Malolos, Bulacan docketed as Civil Case No. 275-M-2002.[12]

The filing of the above mentioned case prompted the petitioner to file a second Motion to Dismiss[13] Civil Case No. 98-90089, before the RTC of Manila on the ground of forum shopping. In an Order[14] dated 23 October 2002, the Manila RTC denied the second Motion to Dismiss for lack or merit. The subsequent Motion for Reconsideration[15] filed by the petitioner was also denied for the arguments raised therein were merely a rehash of the issues already raised and considered by the lower court.[16]

On 29 September 2003, a third Motion to Dismiss Civil Case No. 98-90089 was filed by the petitioner with the Manila RTC this time raising the issue of jurisdiction. In its latest Motion to Dismiss, petitioner claimed that private respondent failed to specify the amount of damages, either in the body or the prayer of its Second Amended Complaint, in order to evade the payment of the docket fees. As a result, the Manila RTC cannot acquire jurisdiction over the main action, which should be dismissed.

On 16 October 2003, the Manila RTC denied petitioner's third Motion to Dismiss Civil Case No. 98-90089 on the ground that petitioner was already estopped to raise the issue. Having participated in several stages of the proceedings, and having invoked the authority of the court by seeking an affirmative relief therefrom through the filing of the Answer with Counterclaim, petitioner was now barred from assailing the authority of the Court to hear and decide the case.[17] The dispositive portion of the Order of the Manila RTC dated 16 October 2003 thus reads:

> WHEREFORE, the motion to dismiss is DENIED on the ground of estoppel.

Similarly ill-fated was petitioner's motion for reconsideration of the foregoing Order which was denied by the RTC in another Order dated 5 January 2004.[18]

Aggrieved, petitioner filed a Petition for Certiorari[19] before the Court of Appeals, alleging that the Manila RTC acted with grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the Orders dated 16 October 2003 and 5 January 2004.

In a Decision[20] promulgated on 19 April 2005, the Court of Appeals affirmed the Manila RTC Orders dated 16 October 2003 and 5 January 2004 and upheld the latter's finding that petitioner was now barred from questioning the jurisdiction of the lower court after it had participated in several stages of the proceedings therein including the presentation of its witness. In addition, the appellate court declared that an interlocutory order, such as an Order denying the Motion to Dismiss, cannot be the subject of the extraordinary remedy of certiorari, save on well-recognized exceptions, which were wanting in the instant case.

The Court of Appeals likewise denied petitioner's Motion for Reconsideration, since the arguments raised therein were mere reiterations of those already considered and passed upon by the appellate court.[21]

Undaunted, petitioner filed this instant Petition for Review on Certiorari[22] before this Court, alleging that the

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Decision and Resolution of the Court of Appeals denying its Petition for Certiorari are contrary to law.

For the resolution of this Court then are the following issues:

> - WHETHER OR NOT THE COURT OF APPEALS ERRED IN DENYING THE PETITION FOR CERTIORARI FILED BY THE PETITIONER.
>
> - WHETHER OR NOT THE PETITIONER IS BARRED BY LACHES FROM QUESTIONING THE RTC's JURISDICTION.
>
> - WHETHER OR NOT THE FAILURE OF THE PRIVATE RESPONDENT TO PAY THE DOCKET FEES WARRANTS THE DISMISSAL OF THE INSTANT CASE.

Petitioner asserts that the appellate court committed an error of law in dismissing its petition for certiorari and affirming the Orders dated 16 October 2003 and 5 January 2004 of the RTC. It argues that the private respondent's attempted subterfuge, i.e., failing to state the amount of damages being claimed and to pay the corresponding docket fees, warrant the penalty of dismissal of its case.

At the outset, attention must be called to Section 1, Rule 41 of the 1997 Revised Rules of Civil Procedure, to wit:

> SECTION 1. Subject of appeal. - An appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.
>
> No appeal may be taken from:
>
> (a) An order denying a motion for new trial or reconsideration;
>
> (b) An order denying a petition for relief or any similar motion seeking relief from judgment;
>
> (c) An interlocutory order;
>
> (d) An order disallowing or dismissing an appeal;
>
> (e) An order denying a motion to set aside a judgment by consent, confession or compromise on the ground of fraud, mistake or duress, or any other ground vitiating consent;
>
> (f) An order of execution;
>
> (g) A judgment or final order for or against one or more of several parties or in separate claims, counterclaims, crossclaims and third-party complaints, while the main case is pending, unless the court allows an appeal therefrom; and
>
> (h) An order dismissing an action without prejudice;
>
> In all the above instances where the judgment or final order is not appealable, the aggrieved party may file an appropriate special civil action under Rule 65. (Emphasis provided.)

Based on the foregoing, it is clear that no appeal, under Rule 45 of the Revised Rules of Court, may be taken from an interlocutory order. In case of denial of an interlocutory order, the immediate remedy available to the aggrieved party is to file an appropriate Special Civil Action for Certiorari under Rule 65 of the Revised Rules of Court.

The word interlocutory refers to something intervening between the commencement and the end of the suit which decides some point or matter but is not a final decision of the whole controversy.[23] This Court had the occasion to distinguish a final order or resolution from an interlocutory one in the case of Investments, Inc. v. Court of Appeals, thus:

> x x x A "final" judgment or order is one that finally disposes of a case, leaving nothing more to be done by the Court in respect thereto, e.g., an adjudication on the merits which, on the basis of the evidence presented on the trial, declares categorically what the rights and obligations of the parties are and which party is in the right; or a judgment or order that dismisses an action on the ground, for instance, of res judicata or prescription. Once rendered, the task of the Court is ended, as far as deciding the controversy or determining the rights and liabilities of the litigants is concerned. Nothing more remains to be done by the Court except to await the parties' next move (which among others, may consist of the filing of a motion for new trial or reconsideration, or the taking of an appeal) and ultimately, of course, to cause the execution of the judgment once it becomes "final" or, to use the established and more distinctive term, "final and executory."
>
> x x x x
>
> Conversely, an order that does not finally dispose of the case, and does not end the Court's task of adjudicating the parties' contentions and determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the Court, is "interlocutory" e.g., an order denying motion to dismiss under Rule 16 of the Rules, or granting of motion on extension of time to file a pleading, or authorizing amendment thereof, or granting or denying applications for postponement, or production or inspection of documents or things, etc. Unlike a "final" judgment or order, which is appealable, as above pointed out, an "interlocutory" order may not be questioned on appeal except only as part of an appeal that may eventually be taken from the final judgment rendered in the case.[24]

Since an Order denying a Motion to Dismiss does not finally dispose of the case, and in effect, allows the case to proceed until the final adjudication thereof by the court, then such order is merely interlocutory in nature.

In affirming the interlocutory nature of an order denying a motion to dismiss, the Court thus categorically declares in Españo v. Court of Appeals[25]:

> We find occasion here to state the rule, once more, that an order denying a motion to dismiss is merely interlocutory and therefore not appealable, nor can it be subject of a petition for review on certiorari. Such order may only be reviewed in the ordinary course of law by an appeal from the judgment after trial. The ordinary procedure to be followed in that event is to file an answer, go to trial, and if the decision is adverse, reiterate the issue on appeal from the final judgment.

Indubitably, the Order of the RTC dated 16 October 2003 is merely an interlocutory order which cannot be made the subject of appeal or certiorari.

This rule is founded on considerations of orderly procedure, to forestall useless appeals and avoid undue inconvenience to the appealing party by having to assail orders as they are promulgated by the court, when all such orders may be contested in a single appeal.[26] To allow appeals from interlocutory orders would result in the "sorry spectacle" of a case being a subject of a counter-productive ping-pong to and from the trial court, as often as the trial court is perceived to have made an error in any of its interlocutory resolutions.[27]

In Sitchon v. Sheriff of Occidental Negros,[28] this Court reiterated the rationale for this rule:

> The reason of the law in permitting appeal only from a final order or judgment, and not from interlocutory or incidental one, is to avoid multiplicity of appeals in a single action, which must necessarily suspend the hearing and decision on the merits of the case during the pendency of the appeal. If such appeal were allowed the trial on the merits of the case should necessarily be delayed for a considerable length of time, and compel the adverse party to incur unnecessary expenses; for one of the parties may interpose as many appeals as incidental questions may be raised by him and interlocutory orders rendered or issued by the lower court.

However, the aggrieved party is not without remedy under the law after his Motion to Dismiss the case was denied by the lower court. As stated above, the aggrieved party may wait for the court a quo to render a judgment

or decision and reiterate such interlocutory order as an error of the court on appeal.[29]

In underscoring this remedy, we further ruled in EspaHo v. Court of Appeals[30]:

> We find the occasion here to state the rule, once more, that an order denying a motion to dismiss is merely interlocutory and therefore not appealable, nor can it be the subject of a petition for review on certiorari. Such order may only be reviewed in the ordinary course of law by an appeal from the judgment after the trial. The ordinary procedure to be followed in that event is to file an answer, go to trial, and if the decision is adverse, reiterate the issue on appeal from the final judgment.

In J.L. Bernardo Construction v. Court of Appeals,[31] this Court also prescribed an alternative remedy to be taken from an order denying a motion to dismiss:

> As a general rule, an interlocutory order is not appealable until after the rendition of the judgment on the merits for a contrary rule would delay the administration of justice and unduly burden the courts. However, we have ruled that certiorari is an appropriate remedy to assail an interlocutory order (1) when the tribunal issued such order without or in excess of jurisdiction or with grave abuse jurisdiction and (2) when the assailed interlocutory order is patently erroneous and the remedy of appeal would not afford adequate and expeditious relief.

Since the aggrieved party did not wait for the final determination of Civil Case No. 98-90089 from which he could appeal, but opted to assail the Manila RTC Order dated 16 October 2003 through a Petition for Certiorari before the Court of Appeals, it is imperative upon this Court to determine whether the prerequisites prescribed in the J.L. Bernardo Construction for initiating an original action for certiorari are attendant in the case at bar. This Court must thus address the issue of whether the Manila RTC in issuing its 16 October 2003 Order gravely abused its discretion.

The Manila RTC grounded its Order dated 16 October 2003, denying petitioner's Motion to Dismiss on estoppel, rationating in this wise:

> This Court would have agreed with the [petitioner] had this question been raised earlier. The Court notes that this motion was filed at the time when the [petitioner] [was] supposed to cross-examine the [private respondent's] witness Dra. Lourdes S. Pascual, whose testimony was taken only after five (5) years since the case was filed on August 5, 1998. Indeed, the said [petitioner] [is] already in estoppel to question the jurisdiction of this Court.
>
> In the case of Maersk Tabacalera Shipping Agency vs. Court of Appeals, 187 SCRA 646, the Supreme Court ruled:
> "Unlike Manchester, however, were the jurisdictional issue arising from insufficiency of the docket fee paid was seasonably raised in the answer of the defendant in the trial court, in this case, the issue is being raised for the first time. Petitioner submitted to the jurisdiction of the trial court without question. It filed a counterclaim seeking affirmative reliefs, and actively took part in the trial. A party who voluntarily participates in the trial cannot later on raise the issue of the Court's lack of jurisdiction. (Tan Boon Bee and Co. vs. Judge Jarencio, 163 SCRA 205).

In the case at bar, the said [petitioner] filed their counter-claim seeking affirmative relief and then filed a motion to dismiss without raising the issue of non-payment of docket fees. And when plaintiff's witness Dra. Lourdes S. Pascual was presented on direct examination the said [petitioner] did not object and participated in the proceedings. It is only when the said witness was to be cross examined that the issue of non-payment of docket fees was raised. Clearly, the said [petitioner] [is] in estoppel to question the jurisdiction of the Court.[32]

After carefully examining the aforequoted Order in light of the prevailing circumstances surrounding its issuance,

we find nothing which would support petitioner's contention that the lower court abused its discretion in denying petitioner's Motion to Dismiss or that the assailed Order was patently erroneous. To the contrary, the Manila RTC Order dated 16 October 2003 was sufficiently supported by the evidence on record and jurisprudence.

In its Order, the lower court even recognized the validity of petitioner's claim of lack of jurisdiction had it timely raised the issue. It bears to stress that the non-payment of the docket fees by private respondent and the supposed lack of jurisdiction of the Manila RTC over Civil Case No. 98-90089 was raised by the petitioner only five years after institution of the instant case and after one of the private respondent's witnesses was directly examined in open court. Not only that, the petitioner even implored the court a quo's jurisdiction by filing an Answer with Counterclaim praying that the amount of P12,643,478.46 as deficiency claim of the credit granted to private respondent and the sum P6,411,786.19 as full payment of one of the Letters of Credit, be awarded in its favor. Petitioner likewise prayed for the award of exemplary damages in the amount of P1,000,000.00, attorney's fees and cost of the suit.

It should also be underscored that the petitioner interposed a second Motion to Dismiss after the private respondent filed its Second Amended Complaint but never questioned therein private respondent's non-payment of docket fees and the Manila RTC's lack of jurisdiction over the case by reason thereof.

The petitioner would like to sway this Court that the ripe time to raise the issue of lack of jurisdiction of the Manila RTC arose only after the testimony of one of the private respondent's witnesses when it became evident that the private respondent failed to make good its promise that it would eventually specify the amount of damages it was claiming.

This Court, however, is not persuaded. It is incumbent upon the petitioner to file a Motion to Dismiss at the earliest opportune time to raise the issue of the court's lack of jurisdiction, more so, that this issue is susceptible to laches. Petitioner's failure to seasonably raise the question of jurisdiction leads us to the inevitable conclusion that it is now barred by laches to assail the Manila RTC's jurisdiction over the case. As defined in the landmark case of Tijam v. Sibonghanoy[33]:

> Laches, in general sense, is failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable length of time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.

It has been held that a party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction. By way of explaining the rule, it was further said that the question of whether or not the court had jurisdiction either over the subject matter of the action or the parties is not important in such cases because the party is barred from such conduct, not because the judgment or the order of the court is valid and conclusive as an adjudication, but for the reason that such a practice cannot be tolerated by reason of public policy.[34]

The doctrine of laches or of "stale demands" is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitation, is not merely a question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted.[35]

There is no absolute rule as to what constitutes laches or staleness of demand; each case is to be determined according to its particular circumstances. Ultimately, however, the question of laches is addressed to the sound discretion of the court and, since it is an equitable doctrine, its application is controlled by equitable consideration. [36]

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Since the Manila RTC ruled that the petitioner is now estopped by laches from questioning its jurisdiction and considering that its Order denying petitioner's Motion to Dismiss is not tainted with grave abuse of discretion but wholly substantiated by the evidence on the record, this Court would no longer disturb said order.

Of significant application in the case at bar is our ruling in the case of Pantranco North Express, Inc. v. Court of Appeals[37]:

> [P]articipating in all stages of the case before the trial court and even invoking the trial court's authority in order to ask for affirmative relief, the petitioner is effectively barred by estoppel from challenging the court's jurisdiction.

Even granting arguendo that petitioner is not barred from questioning the jurisdiction of the Manila RTC by estoppel, this petition will still fail on the merits. Petitioner's own construction of the doctrine laid down in the cases of Manchester Development Corporation v. Court of Appeals,[38] and Sun Insurance Office, Ltd., (SIOL) v. Asuncion[39] is skewed.

It must be stressed that the application of the doctrines enunciated by this Court in the cases of Manchester and Sun Insurance must be guided by the prevailing circumstance attendant to each and the respective strict and liberal construction of the rules on the payment of docket fees prescribed therein must not be sought to evade penalty of one's fraudulent act or to attribute fraud, in the absence of any.

In Manchester, we ruled that the court acquires jurisdiction over any case only upon payment of the prescribed docket fee. An amendment of the complaint or similar pleading will not thereby vest jurisdiction in the court, much less the payment of the docket fee based on the amount sought in the amended pleading. The strict set of guidelines provided in Manchester was prompted by the fraudulent intent of the counsel in said case to avoid payment of the required docket fee.[40]

Faced with an entirely different set of circumstances in Sun Insurance, we modified our ruling in Manchester and decreed that where the initiatory pleading is not accompanied by the payment of the docket fee, the court may allow payment of the fee within reasonable period of time, but in no case beyond the applicable prescriptive or reglementary period. The aforesaid ruling was made on the justification that, unlike in Manchester, the private respondent in Sun Insurance demonstrated his willingness to abide by the rules by paying the additional docket fees required.[41]

The petitioner posits that this Court's pronouncement in Sun Insurance is not applicable to the private respondent, since it employed fraudulent schemes in order to deprive the court of the docket fees due. It highlights the private respondent's act of omitting the amount of damages in its Second Amended Complaint and emboldens such act in order to make it appear that the present case is of the same circumstance as that of Manchester.

Again, we do not agree. This Court wonders how the petitioner could possibly arrive at the conclusion that the private respondent was moved by fraudulent intent in omitting the amount of damages claimed in its Second Amended Complaint, thus placing itself on the same footing as the complainant in Manchester, when it is clear that the factual milieu of the instant case is far from that of Manchester.

First, the complainant in Manchester paid the docket fee only in the amount of P410.00, notwithstanding its claim for damages in the amount of P78,750,000.00, while in the present case, the private respondent paid P42,000.00 as docket fees upon filing of the original complaint.

Second, complainant's counsel in Manchester claimed, in the body of the complaint, damages in the amount of P78,750.00 but omitted the same in its prayer in order to evade the payment of docket fees. Such fraud-defining circumstance is absent in the instant petition.

Finally, when the court took cognizance of the issue of non-payment of docket fees in Manchester, the complainant therein filed an amended complaint, this time omitting all mention of the amount of damages being claimed in the body of the complaint; and when directed by the court to specify the amount of damages in such amended complaint, it reduced the same from P78,750,000.00 to P10,000,000.00, obviously to avoid payment of the required docket fee. Again, this patent fraudulent scheme is wanting in the case at bar.

This Court is not inclined to adopt the petitioner's piecemeal construction of our rulings in Manchester and Sun Insurance. Its attempt to strip the said landmark cases of one or two lines and use them to bolster its arguments and clothe its position with jurisprudential blessing must be struck down by this Court.

All told, the rule is clear and simple. In case where the party does not deliberately intend to defraud the court in payment of docket fees, and manifests its willingness to abide by the rules by paying additional docket fees when required by the court, the liberal doctrine enunciated in Sun Insurance and not the strict regulations set in Manchester will apply.

In the case at bar, it was not shown that the private respondent, in failing to state the exact amount of damages it was claiming in its Second Amended Complaint intended to defraud the court of the docket fees due. In the first place, upon filing of the original Complaint, the private respondent paid docket fees in the amount of P42,000.00. Clearly, the circumstances attendant in Manchester, that prompted this Court to dismiss the case then before it, are wanting herein. Thus, in PNOC Shipping and Transport Corporation v. Court of Appeals,[42] we ruled:

> With respect to petitioner's contention that the lower court did not acquire jurisdiction over the amended complaint increasing the amount of damages claimed to P600,000.00, we agree with the Court of Appeals that the lower court acquired jurisdiction over the case when private respondent paid the docket fee corresponding to its claim in its original complaint. Its failure to fee the docket fee corresponding to its increased claim for damages under the amended complaint should not be considered as having curtailed the lower court's jurisdiction. Pursuant to the ruling in Sun Insurance Office, Ltd., (SIOL) v. Asuncion, the unpaid docket fee should be considered as a lien on the judgment even though private respondent specified the amount of P600,000.00 as its claim for damages in its amended complaint.

Based on the foregoing, it is but proper therefore, that this case should not be dismissed but be allowed to continue until judgment, and the private respondent's unpaid docket fee should be considered as a lien on any monetary judgment in its favor.

WHEREFORE, IN VIEW OF THE FOREGOING, the instant Petition is DENIED. The Decision dated 19 April 2005, and the Resolution dated 13 February 2006, rendered by the Court of Appeals in CA-G.R. SP No. 82626, are hereby AFFIRMED.

SO ORDERED.

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

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[1] Penned by Associate Justice Portia Alino-Hormachuelos with Associate Justices Juan Q. Enriquez, Jr. and Vicente Q. Roxas, concurring. Rollo, pp. 53-59.

[2] Id. at 61-63.

[3] Id. at 64-65.

[4] Id.

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[5] Id. at 64-79.

[6] Id.

[7] Id. at 80-85.

[8] Id. at 129-130.

[9] Id. at 131-135.

[10] Id. at 142.

[11] Id. at 143-149.

[12] Id. at 220-228.

[13] Id. at 229-252.

[14] Id. at 271.

[15] Id. at 272-280.

[16] Id. at 281.

[17] Id. at 311.

[18] Id. at 327.

[19] Id. at 328-368.

[20] Id. at 53-59.

[21] Id. at 61-63.

[22] Id. at 11-52.

[23] Ramiscal, Jr. v. Sandiganbayan, G.R. Nos. 140576-99, 13 December 2004, 446 SCRA 166, 177.

[24] G.R. No. L-60036, 27 January 1987, 147 SCRA 334, 339-341.

[25] 335 Phil. 983, 987-988 (1997).

[26] Rudecon Mananagement Corporation v. Singson, G.R. No. 150798, 31 March 2005, 454 SCRA 612, 629.

[27] Go v. Court of Appeals, 358 Phil. 214, 223 (1998).

[28] 80 Phil. 397, 399 (1948); Rudecon Management Corporation v. Singson, supra note 26 at 629.

[29] Quelnan v. VHF Philippines, Inc. G.R. No. 145911, 7 July 2004, 433 SCRA 631, 638.

[30] Supra note 25 at 515.

[31] 381 Phil. 25, 36 (2000).

[32] Rollo, p. 311.

[33] 131 Phil. 556, 563 (1968).

[34] Id. at 564.

[35] Id. at 563-564.

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[36] España v. Court of Appeals, supra note 25 at 986.

[37] G.R. No. 105180, 5 July 1993, 224 SCRA 477, 491.

[38] G.R. No. L-75919, 7 May 1987, 149 SCRA 562.

[39] G.R. Nos. 79937-38, 13 February 1989, 170 SCRA 274.

[40] Dela Paz v. Court of Appeals, 385 Phil. 441, 449-450 (2000).

[41] Id. at 450

[42] 358 Phil. 38, 62 (1998).

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