FIRST CORPORATION, PETITIONER, VS. FORMER SIXTH DIVISION OF THE COURT OF APPEALS, BRANCH 218 OF THE REGIONAL TRIAL COURT OF QUEZON CITY, EDUARDO M. SACRIS, AND CESAR A. ABILLAR,...

G.R. NO. 171989. July 04, 2007

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-171989/

CHICO-NAZARIO, J.:

This is a Special Civil Action for Certiorari under Rule 65 of the 1997 Revised Rules of Civil Procedure seeking to annul, on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction, the Decision[1] of the Regional Trial Court (RTC) of Quezon City in Civil Case No. Q01-44599 dated 28 June 2004, as affirmed by the Court of Appeals in its Decision[2] and Resolution[3] dated 29 November 2005 and 14 February 2006, respectively, in CA-G.R. CV No. 84660 entitled, Eduardo M. Sacris v. First Corporation and First Corporation v. Cesar A. Abillar.

Herein petitioner First Corporation is a corporation duly organized and existing under Philippine laws and engaged primarily in trade. Herein private respondent Eduardo M. Sacris (Sacris) is the alleged creditor of the petitioner corporation, while private respondent Cesar A. Abillar (Abillar) had served as the President and Chairman of the Board of the petitioner corporation from 1993 until 26 February 1998.

The controversy of the present case arose from the following generative facts:

In 1991, the corporate officers of the petitioner corporation namely: Vicente C. Esmeralda, Edgardo C. Cerbo, Nicolas E. Esposado, Rafael P. La Rosa and herein private respondent Abillar, convinced private respondent Sacris to invest in their business as the petitioner corporation needed a fresh equity infusion, particularly in its Rema Tip Top Division, to make viable its continuous operation. The petitioner corporation made a promise of turning such equity into shareholding in the petitioner corporation. While the conversion of such investment into shareholding was still pending, private respondent Sacris and the petitioner corporation agreed to consider the same as a loan which shall earn an interest of one percent per month. Accordingly, from the year 1991 up to 1994, private respondent Sacris had already extended a P1.2 million loan to the Rema Tip Top Division of the petitioner corporation.

In 1997, private respondent Sacris extended another P1 million loan to the petitioner corporation. Thus, from 1991 up to 1997, the total loan extended by private respondent Sacris to the petitioner corporation reached a total amount of P2.2 million. All loans were given by private respondent Sacris to herein private respondent Abillar, as the latter was then the President and Chairman of the Board of Directors of the petitioner corporation. The receipts for the said loans were issued by the petitioner corporation in the name of private respondent Abillar. Petitioner corporation failed to convert private respondent Sacris's investment/loan into equity or shareholding in the petitioner corporation. In its place, petitioner corporation agreed to pay a monthly interest of 2.5% on the amount of the loan extended to it by private respondent Sacris. Petitioner corporation likewise made partial

payments of P400,000.00 on the principal obligation and interest payment in the amounts of P33,750.27 and P23,250.00, thus, leaving an outstanding balance of P1.8 million.

In the meantime or on 27 February 1998, a Special Stockholders' Meeting of the petitioner corporation was held to elect the members of the Board of Directors and also to elect a new set of officers. The stockholders of the petitioner corporation no longer re-elected private respondent Abillar as President and member of the Board of Directors because they had already lost their confidence in him for having been involved in various anomalies and irregularities during his tenure. Thereby, private respondent Abillar was ousted from the petitioner corporation.

On 13 March 1998, private respondent Sacris, for a valuable consideration, executed a Deed of Assignment[4] in favor of private respondent Abillar, assigning and transferring to private respondent Abillar his remaining collectibles due from the petitioner corporation in the amount of P1.8 million. As consideration for the execution of the aforesaid Deed of Assignment, private respondent Abillar shall pay private respondent Sacris the outstanding balance of P1.8 million due from the petitioner corporation on or before 30 July 1998.

On 10 April 1998, private respondent Abillar, by virtue of the Deed of Assignment, filed a Complaint for Sum of Money with Prayer for a Writ of Preliminary Attachment and Damages before the RTC of Pasig City against the petitioner corporation. The said case was docketed as Civil Case No. 66757. While the case was still pending, both private respondents agreed to rescind the Deed of Assignment that they had executed on 13 March 1998 for failure of private respondent Abillar to comply with his undertaking to pay private respondent Sacris the amount of P1.8 million on or before 30 July 1998. Thus, on 27 August 1998, private respondents Sacris and Abillar executed a Deed of Rescission[5] of the Deed of Assignment dated 13 March 1998. Consequently, private respondent Sacris himself made a demand upon the petitioner corporation to pay its outstanding obligation of P1.8 million but the latter refused to do so.

Hence, before pre-trial of the aforesaid Civil Case No. 66757, private respondent Sacris filed a Motion for Intervention attaching thereto his Complaint in Intervention. At first, the RTC of Pasig City denied the said Motion for Intervention. Subsequently, however, the trial court admitted the Complaint in Intervention filed by private respondent Sacris and dismissed the Complaint originally filed by private respondent Abillar against the petitioner corporation. The admission of the Complaint in Intervention prompted petitioner corporation to file a Petition for Certiorari and Prohibition before the Court of Appeals, docketed as CA-G.R. SP No. 54322 entitled, First Corporation v. Hon. Jose R. Hernandez, Presiding Judge of Branch 158 of the Regional Trial Court of Pasig City and Mr. Eduardo Sacris. In a Decision[6] dated 31 May 2001, the Third Division of the Court of Appeals granted the Petition filed by the petitioner corporation and issued a Writ of Certiorari, as a result of which, the Orders of the RTC of Pasig City dated 27 April 1999 and 21 July 1999[7] in Civil Case No. 66757 were set aside. The appellate court directed Judge Jose R. Hernandez[8] to dismiss the Complaint with prejudice and to deny the Motion in Intervention without prejudice. The dispositive portion of the aforesaid Decision reads:

> WHEREFORE, finding merit in the [P]etition, the Court issues the writ of certiorari and sets aside the Orders dated 27 April 1999 and 21 July 1999 in Civil Case No. 66757. The respondent judge is directed to dismiss the Complaint with prejudice and deny the Motion in Intervention without prejudice. Resultantly, if they are so minded, the [herein] petitioner First Corporation may institute an action in pursuit of its claims against [herein private respondent] Cesar A. Abillar; and [herein private respondent] Eduardo Sacris may sue the [petitioner] First Corporation on his claims embodied in his rejected Complaint in Intervention.[9]

Based on the aforesaid Decision of the Court of Appeals, private respondent Sacris filed a Complaint for Sum of Money with Damages before the RTC of Quezon City against the petitioner corporation, docketed as Civil Case No. Q01-44599, to recover his alleged collectible amount of P1.8 million due from the petitioner corporation. Petitioner corporation filed its Answer denying the material allegations stated in the Complaint. Petitioner

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

corporation denied having liability to private respondent Sacris, as it had no knowledge of or consent to the purported transactions or dealings that private respondent Sacris may have had with private respondent Abillar. Subsequently, petitioner corporation filed a Third-Party Complaint against private respondent Abillar alleging that the investment/loan transactions of private respondent Sacris, the basis of his cause of action against the petitioner corporation, were all entered into by private respondent Abillar without the knowledge, consent, authority and/or approval of the petitioner corporation or of the latter's Board of Directors. The aforesaid transactions were not even ratified by the petitioner corporation or by its Board of Directors. Private respondent Abillar filed his Answer to the said Third-Party Complaint raising therein the same allegations found in the Complaint filed by private respondent Sacris. Pre- trial ensued followed by the trial on the merits.

On 28 June 2004, the RTC of Quezon City rendered a Decision in Civil Case No. Q01-44599 in favor of the private respondents. The decretal portion of which reads:

> WHEREFORE, premises considered, the court renders judgment in favor of [herein private respondents] EDUARDO M. SACRIS and CESAR A. ABILLAR but against [herein petitioner] FIRST CORPORATION, as follows:
>
> - Ordering [petitioner] corporation to pay the balance of P1,800,000.00 plus an interest of twenty-four percent (24%) per annum computed from the time this action was filed until fully paid;
>
> - Ordering [petitioner] corporation to pay [private respondent Abillar] P20,000.00 as and by way of attorney's fees;
>
> - Ordering [petitioner] corporation to pay [private respondent Sacris] P50,000.00 as and by way of attorney's fees; and
>
> - Ordering [petitioner] corporation to pay the cost of suit.[10]

Feeling aggrieved, the petitioner corporation appealed the above-quoted Decision of the court a quo to the appellate court where it was docketed as CA-G.R. CV No. 84660. On 29 November 2005, the Court of Appeals rendered a Decision dismissing the appeal filed by the petitioner corporation because it did not find any reversible error in the Decision of the RTC of Quezon City dated 28 June 2004. The petitioner corporation moved for the reconsideration of the said Decision but it was denied by the Court of Appeals in its Resolution dated 14 February 2005 because the issues raised therein had already been passed upon by the appellate court.

Hence, this Petition for Certiorari under Rule 65.

Petitioner corporation comes before this Court alleging grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the RTC of Quezon City in rendering its Decision dated 28 June 2004 in Civil Case No. Q01-44599, as affirmed by the Court of Appeals in its Decision and Resolution dated 29 November 2005 and 14 February 2006, respectively, in CA- G.R. CV No. 84660. Thus, petitioner corporation now presents the following issues for this Court's resolution:

> - PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AND ACTED WITHOUT AND/OR IN EXCESS OF THEIR JURISDICTION IN HOLDING THAT PRIVATE RESPONDENT [SACRIS'S] CLAIMS OF A PURPORTED LOAN ARE SUPPORTED BY PREPONDERANCE OF EVIDENCE.
>
> - PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AND ACTED CONTRARY TO LAW AND EVIDENCE IN HOLDING THAT PETITIONER BENEFITED FROM THE PURPORTED LOAN FROM PRIVATE RESPONDENT [SACRIS].
>
> - PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AND/OR ACTED

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

WITHOUT AND/OR IN EXCESS OF THEIR JURISDICTION IN NOT FINDING THAT PRIVATE RESPONDENT ABILLAR WAS NOT AUTHORIZED BY PETITIONER TO BORROW MONEY FROM PRIVATE REPSONDENT SACRIS.

- PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AND WITHOUT AND/OR IN EXCESS OF JURISDICTION IN NOT AWARDING DAMAGES TO PETITIONER AND IN DISMISSING THE THIRD-PARTY COMPLAINT FILED BY PETITIONER AGAINST [PRIVATE RESPONDENT] CESAR ABILLAR.

In the Memorandum[11] filed by the petitioner corporation, it avers that the RTC of Quezon City and the appellate court erred in holding that private respondents' claim of the existence of the purported loans was supported by a preponderance of evidence, despite the fact that the pieces of documentary evidence presented by the private respondents were tainted with irregularities. Thus, the RTC and the appellate court committed grave abuse of discretion amounting to excess of their jurisdiction in giving credence to these pieces of documentary evidence presented by the private respondents. The aforesaid pieces of documentary evidence are the following: (1) the certifications and official receipts to prove petitioner corporation's indebtedness to private respondent Sacris; (2) Exhibits "G"-"FF," inclusive, consisting of check vouchers which allegedly proved petitioner corporation's loans from private respondent Sacris which was subject to 2.5% interest; (3) deposit slips and official receipts, supposedly evidence of deposit payments made by private respondent Abillar to the petitioner corporation; (4) Exhibit "GG," to show that the amount of P150,000.00 given in the form of a loan was used by the petitioner corporation in paying its employees' 13[th] month pay; and (5) Exhibit "RR," which consists of a handwritten note to prove petitioner corporation's offer to settle amicably its account with private respondent Sacris.

Petitioner corporation further argues that the conclusion made by the RTC of Quezon City and the appellate court that it benefited from the loans obtained from private respondent Sacris had no basis in fact and in law. More so, it was grave abuse of discretion on the part of the RTC of Quezon City and the Court of Appeals to conclude that the alleged loans were reflected in its financial statements. Petitioner corporation points out that its financial statements covering the period 1992-1997 revealed that only its financial statements for the years 1992 and 1993 reflected entries of "loans payable." The other financial statements following the year 1993 no longer had any entries of outstanding loan due from the petitioner corporation. Thus, the RTC of Quezon City and the appellate court had no basis for claiming that the alleged loans from private respondent Sacris were reflected in its financial statements.

Also, petitioner corporation alleges that it was grave abuse of discretion for the RTC and the appellate court to hold that private respondent Abillar was authorized by the petitioner corporation to borrow money from private respondent Sacris, deliberately ignoring the provisions of the by-laws of petitioner corporation which only authorized private respondent Abillar, as President, to act as its signatory of negotiable instruments and contracts. The by- laws clearly authorized private respondent Abillar to perform only the ministerial act of "signing," and never gave private respondent Abillar a blanket authority to bind the petitioner corporation in any kind of contract, regardless of its nature and its legal consequences or effects on the petitioner corporation and its stockholders.

Lastly, petitioner corporation contends that the RTC and the Court of Appeals likewise acted with grave abuse of discretion in not awarding damages in its favor and in dismissing its Third- Party Complaint against private respondent Abillar.

On the other hand, private respondents argue that the grounds enumerated by the petitioner corporation for the allowance of its Petition for Certiorari before this Court clearly call for the review of the factual findings of the

RTC of Quezon City. Private respondents further avow that the petitioner corporation is simply using the remedy of certiorari provided for under Rule 65 of the Revised Rules of Civil Procedure as a substitute for an ordinary appeal. They claim that certiorari under Rule 65 of the aforesaid Rules cannot be used for the review of the findings of fact and evidence. Neither is it the proper remedy to cure errors in proceedings nor to correct erroneous conclusions of law or fact. Thus, private respondents maintain that the petitioner corporation is merely using the remedy of certiorari as a delaying tool to prevent the Decision of the RTC of Quezon City from immediately becoming final and executory.

Likewise, private respondents aver that for failure of the petitioner corporation to allege in its appeal before the Court of Appeals that the RTC of Quezon City committed grave abuse of discretion, petitioner corporation cannot now make the said allegation in its Petition before this Court so as to justify its availment of the remedy of certiorari to annul the Decision of the RTC of Quezon City dated 28 June 2004.

The Petition is unmeritorious.

Petitioner corporation evidently availed itself of the wrong mode of appeal. Although petitioner corporation ascribes grave abuse of discretion amounting to lack or excess of jurisdiction on the part of both the RTC of Quezon City and the appellate court in rendering their respective Decisions, a closer look on the grounds relied upon by the petitioner corporation in its present Petition for Certiorari will clearly reveal that the petitioner corporation seeks a review of the factual findings and evidence of the instant case.

It is a well-entrenched rule that this Court is not a trier of facts. [12] This Court will not pass upon the findings of fact of the trial court, especially if they have been affirmed on appeal by the appellate court.[13] Unless the case falls under the recognized exceptions,[14] the rule should not be disturbed.

In the case at bar, the findings of the RTC of Quezon City as well as the appellate court are properly supported by evidence on record. Both courts found that the alleged loans extended to the petitioner corporation by private respondent Sacris were reflected in the petitioner corporation's financial statements, particularly in the years 1992-1993, were contrary to the claim of petitioner corporation. The said financial statements of the petitioner corporation were not the sole bases used by the RTC of Quezon City and by the appellate court in its findings of liability against the petitioner corporation. The RTC of Quezon City also took into consideration the pieces of documentary evidence[15] which likewise became the grounds for its findings that indeed, private respondent Sacris had extended a loan to petitioner corporation, and that the same was given to private respondent Abillar, and received by the petitioner corporation. Those pieces of documentary evidence very well supported the claim of private respondent Sacris that the petitioner corporation received money from him through its former President, private respondent Abillar. Thus, petitioner corporation cannot claim that it never consented to the act of private respondent Abillar of entering into a loan/investment transaction with private respondent Sacris, for there are documents that would prove that the money was received by the petitioner corporation, and the latter acknowledged receipt of said money. The same pieces of evidence likewise confirm the findings of the RTC of Quezon City that the petitioner corporation benefited from the said transaction; therefore, it should be held liable for the same amount of its unpaid obligation to private respondent Sacris. As the findings of the RTC of Quezon City and the appellate court are supported by evidence, this Court finds no reason to deviate from the heretofore cited rule.

It is a fundamental aphorism in law that a review of facts and evidence is not the province of the extraordinary remedy of certiorari, which is extra ordinem - beyond the ambit of appeal.[16] In certiorari proceedings, judicial review does not go as far as to examine and assess the evidence of the parties and to weigh the probative value thereof.[17] It does not include an inquiry as to the correctness of the evaluation of evidence.[18] Any error

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by certiorari. An error of judgment is one which the court may commit in the exercise of its jurisdiction. An error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction, or with grave abuse of discretion, which is tantamount to lack or in excess of jurisdiction and which error is correctible only by the extraordinary writ of certiorari. Certiorari will not be issued to cure errors of the trial court in its appreciation of the evidence of the parties, or its conclusions anchored on the said findings and its conclusions of law.[19] It is not for this Court to re- examine conflicting evidence, re-evaluate the credibility of the witnesses or substitute the findings of fact of the court a quo.[20]

Since the issues raised by the petitioner corporation in its Petition for Certiorari are mainly factual, as it would necessitate an examination and re-evaluation of the evidence on which the RTC of Quezon City and the appellate court based their Decisions, the Petition should not be given due course. Thus, the remedy of certiorari will not lie to annul or reverse the Decision of the RTC of Quezon City dated 28 June 2004, as affirmed by the Court of Appeals in its Decision and Resolution dated 29 November 2005 and 14 February 2006, respectively.

Settled is the rule that the proper remedy from an adverse decision of the Court of Appeals is an appeal under Rule 45 and not a Petition for Certiorari under Rule 65.[21] Hence, petitioner corporation could have raised the Court of Appeals Decision dated 29 November 2005 and Resolution dated 14 February 2006, affirming the assailed Decision dated 28 June 2004 of the RTC of Quezon City, to this Court via an ordinary appeal under Rule 45 of the 1997 Revised Rules of Civil Procedure. It should be emphasized that the extraordinary remedy of certiorari will not lie when there are other remedies available to the petitioner.[22] Therefore, in availing itself of the extraordinary remedy of certiorari, the petitioner corporation resorted to a wrong mode of appeal.

While it is true that this Court, in accordance with the liberal spirit which pervades the Rules of Court and in the interest of justice, may treat a Petition for Certiorari as having been filed under Rule 45, more so if the same was filed within the reglementary period for filing a Petition for Review,[23] however, in the present case, this Court finds no compelling reason to justify a liberal application of the rules, as this Court did in the case of Delsan Transport Lines, Inc. v. Court of Appeals.[24] In the said case, this Court treated the Petition for Certiorari filed by the petitioner therein as having been filed under Rule 45, because said Petition was filed within the 15-day reglementary period for filing a Petition for Review on Certiorari. Petitioner's counsel therein received the Court of Appeals Resolution denying their Motion for Reconsideration on 26 October 1993 and filed the Petition for Certiorari on 8 November 1993, which was within the 15-day reglementary period for filing a Petition for Review on Certiorari. It cannot therefore be claimed that the Petition was used as a substitute for appeal after that remedy had been lost through the fault of the petitioner.[25] Conversely, such was not the situation in the present case.

In the instant case, petitioner corporation received on 23 February 2006 the Resolution of the appellate court dated 14 February 2006 denying its Motion for Reconsideration. Upon receipt of the said Resolution, the petitioner corporation had 15-days or until 10 March 2006 within which to file an appeal by way of Petition for Review under Rule 45. Instead of doing so, they inexplicably allowed the 15-day period to lapse, and then on 6 April 2006 or on the 42[nd] day from receipt of the Resolution denying their Motion for Reconsideration, they filed this Petition for Certiorari under Rule 65 alleging grave abuse of discretion on the part of both the RTC of Quezon City and the appellate court. Hence, this case cannot be treated as an appeal under Rule 45, primarily because it was filed way beyond the 15-day reglementary period within which to file the Petition for Review. Petitioner corporation will not be allowed to use the remedy of certiorari as a substitute for the lapsed or lost remedy of appeal.[26]

Finally, even if this case will be treated as having been filed under Rule 45, still it will be dismissed for utter lack of merit because this case does not fall under the recognized exceptions[27] wherein this Court is authorized to

resolve factual issues.

WHEREFORE, premises considered, the instant Petition is hereby DISMISSED. With costs against petitioner.

SO ORDERED.

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

[**] What was written in the SC Rollo was "Regional Trial Court of Manila," but, it was the Regional Trial Court of Quezon City which rendered the Decision dated 28 June 2004 in Civil Case No. Q01-44599.

[1] Penned by Judge Hilario L. Laqui, rollo, pp. 58-69.

[2] Penned by Associate Justice Mariano C. del Castillo with Associate Justices Portia Aliño-Hormachuelos and Magdangal M. de Leon, concurring, rollo, pp. 134-149.

[3] Id. at 165-166.

[4] Records, pp. 38-39.

[5] Id. at 40-42.

[6] Penned by Associate Justice Hilarion L. Aquino with Associate Justices Ma. Alicia Austria-Martinez and Jose L. Sabio, Jr., concurring, rollo, pp. 187-195.

[7] Penned by Judge Jose R. Hernandez, rollo, pp. 182-183.

[8] Judge Jose R. Hernandez was the judge who issued the above-mentioned Orders that had been the subject of the Petition for Certiorari before the Court of Appeals.

[9] Rollo, p. 194.

[10] Id. at 69.

[11] Id. at 428-474.

[12] Western Shipyard Services, Inc. v. Court of Appeals, G.R. No. 110340, 28 May 2001, 358 SCRA 257, 264.

[13] Philippine Rabbit Bus Lines, Inc. v. Macalinao, G.R. No. 141856, 11 February 2005, 451 SCRA 63, 68.

[14] Recognized exceptions to this rule are: (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on misapprehension of facts; (5) when the finding of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellee and the appellant; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion [Langkaan Realty Development, Inc. v. United Coconut Planters Bank, G.R. No. 139437, 8 December 2000, 347 SCRA 542; Nokom v. National Labor Relations Commissions, 390 Phil. 1228, 1243 (2000); Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phils.), Inc., 364 Phil. 541, 546-547 (1999); Sta. Maria v. Court

of Appeals, 349 Phil. 275, 282-283 (1998); Almendrala v. Ngo, G.R. No. 142408, 30 September 2005, 471 SCRA 311, 322].

[15] Among these documentary evidence are the following:

> 1) Certifications issued by the [petitioner] corporation which acknowledged the amount of P1,200,000.00 received from [private respondent Sacris] and registered as an investment in the name of [private respondent Abillar].
>
> 2) Receipts issued by the [petitioner] corporation which showed that the [petitioner] corporation received from [private respondent Abillar] the amount of P1,000,000.00 as investment.
>
> 3) Several check vouchers reflecting interest payment of 1% on the investment.
>
> 4) Check voucher Nos. 4836, 5095, 5024 and 5025 issued by the [petitioner corporation] showing partial payment of P400,000.00 on the principal obligation and interest payment of P 33,750.27 plus P23,250.00.
>
> 5) Check voucher No. 497 which was issued by [petitioner corporation] as payment of additional interest on the P1.2 million loan from [private respondent Sacris].
>
> 6) Official Receipts Nos. 0031, 0405, 0493, 0543, 0676, 0679, 0678, 523, 548 and 549 which were issued by the [petitioner] corporation in the name of [private respondent Abillar] which showed that the [petitioner] corporation received from said [private respondent Abillar] a total investment of P2,250,00.00.
>
> 7) A letter sent by Vicente C. Esmeralda, one of the officers of the [petitioner] corporation, addressed to [private respondent Abillar].

[16] Montebon v. Tanglao-Dacanay, G.R. No. 136062, 7 April 2005, 455 SCRA 110, 118.

[17] Garcia v. National Labor Relations Commission, G.R. No. 147427, 7 February 2005, 450 SCRA 535, 547.

[18] Comsavings Bank v. National Labor Relations Commission, 327 Phil. 117, 128 (1996).

[19] People v. Tria-Tirona, G.R. No. 130106, 15 July 2005, 463 SCRA 462, 470.

[20] Montebon v. Tanglao-Dacanay, supra note 16.

[21] Verde v. Macapagal, G.R. No. 151342, 23 June 2005, 461 SCRA 97, 104.

[22] Land Bank of the Philippines v. Court of Appeals, 456 Phil. 755, 785 (2003).

[23] Nuñez v. GSIS Family Bank, G.R. No. 163988, 17 November 2005, 475 SCRA 305, 316.

[24] 335 Phil. 1066, 1075 (1997).

[25] Id.

[26] Banco Filipino Savings and Mortgage Bank v. Court of Appeals, 389 Phil. 644, 655 (2000).

[27] Philippine Rabbit Bus Lines, Inc. v. Macalinao, supra note 13.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.