

SPOUSES WILLIAM GUIDANGEN AND MARY GUIDANGEN, PETITIONERS, VS. DEVOTA B. WOODEN, RESPONDENT.

G.R. No. 174445. February 15, 2012

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

“The plaintiff must rely on the strength of [her] own evidence and not upon the weakness of the defendant’s.”[1]

This Petition for Review on Certiorari[2] assails the June 15, 2006 Decision[3] of the Court of Appeals (CA) in CA-G.R. CV No. 83209 which ordered petitioners to execute the necessary document/s of sale of a house in favor of the respondent, the dispositive portion of which reads:

UPON THE VIEW WE TAKE OF THIS CASE, THUS, the judgment appealed from is hereby REVERSED and SET ASIDE. The appellees spouses Mary Guidangen and William Guidangen are hereby ordered to execute, within fifteen (15) days from the date of the finality of this decision, the necessary document/s of sale (preferably with the intervention of a notary public, whose fees will be footed by the appellant), covering the subject property in favor of appellant. Should the said appellees-spouses, for one reason or another, be unable or be unwilling to execute the necessary document/s of sale in favor of the appellant, the court a quo is hereby authorized, and directed, to execute the necessary document/s of sale within the period indicated, which document/s of sale shall have the same legal force and effect as if executed by the appellees-spouses themselves. Without costs in this instance.

SO ORDERED.[4]

This petition also assails the CA’s September 1, 2006 Resolution[5] denying petitioners’ Motion for Reconsideration.

Petitioners pray for the reversal of the assailed Decision and the reinstatement of the January 28, 2004 Decision[6] of the Regional Trial Court (RTC), Branch 14 of Lagawe, Ifugao in Civil Case No. 572 which declared them the owners of the subject house.

Factual Antecedents

On September 2, 1997, respondent Devota Wooden (respondent) filed a Complaint[7] with the RTC of Lagawe, Ifugao to compel petitioners William and Mary Guidangen (petitioners) to execute a registrable document of conveyance of a two-storey house (old house) located at the Philippine National Police (PNP) Barracks in Lagawe, Ifugao. She also sought to restrain the petitioners from entering and taking physical possession thereof.

Respondent alleged that sometime in 1994 to 1995, she and her husband, Nestor Wooden (Nestor), a member of the PNP, bought the old house from petitioners for the sum of P60,000.00 as evidenced by a private document. This private document, however, was allegedly taken by petitioner Mary Guidangen (Mary) along with some other documents when she processed the claims and benefits due from the PNP of Nestor who died in 1997.

In their Answer,[8] petitioners vehemently denied having sold the old house to Nestor and respondent (Wooden

spouses) or having executed a private document relative to its sale. They alleged that they built the old house and lived there until 1988 after which they transferred to their new house along Rizal Avenue, Poblacion West, Lagawe, Ifugao. Since 1983, their nephew Nestor, who was still single then, lived with them in the old house as well as in their new house. Petitioners treated Nestor as their own son and even allowed him and respondent to live in the old house free of rent in the latter part of 1995 after the couple got married. They also entrusted to the couple the collection of rents from tenants in the ground floor to defray the expenses for the maintenance of said house. In support of their claim of ownership, petitioners presented the tax declaration and clearance for payment of taxes of the old house in their name.

In reply, respondent maintained that petitioners sold the old house to her and Nestor. She denied that Nestor lived with petitioners or that she and her husband asked petitioners to allow them to stay in the old house. She also denied having sought permission from the petitioners to collect the rentals from tenants for minor repair works. Instead, they pointed out that what they undertook in the old house were not minor repairs but a major renovation. To further bolster her claim that the old house was already sold to them, respondent averred that Mary even prepared Nestor's Statement of Assets, Liabilities and Net Worth (SALN) for the year 1996 while the latter was hospitalized. The old house was declared therein as part of Nestor's assets, thereby proving that the same already belongs to the Wooden spouses.

On the witness stand, respondent stood by her claim of sale.[9] When cross-examined, however, she testified that she only saw and read the alleged private document evidencing the sale but was neither present when the same was executed and given to her husband nor was she or her husband a signatory thereto; that the document was signed only by Mary; and, that she was present only during the payment of the first installment of the purchase price. Further, respondent testified that she gave her house key to Mary for purposes of securing some documents therefrom but she did not personally and actually see Mary enter the old house.[10]

Upon further questioning by the court, respondent stated that she and her husband paid the first installment of P16,000.00 or P16,500.00 on August 19 or 20, 1994.[11] The other installment amounting to about P35,000.00 was paid by Nestor sometime in December 1994 or 1995.[12] Thereafter, a private writing was executed by Mary as receipt of the payment for the house.[13] This was allegedly the only receipt that the Wooden spouses had as evidence of the sale but was supposedly taken by Mary.[14]

Respondent presented as witnesses the former tenants in the ground floor of the old house, PO3 Oscar Mamacalay and Policeman Jay Telan (Telan), who testified that they paid their rentals to the respondent.[15] Telan recounted that he initially paid rentals to Mary but was later advised by her to make the payments to respondent because she has already sold the house to the Wooden spouses.[16]

On the other hand, Mary testified that she and her husband constructed the old house in the latter part of 1981. They occupied the same in 1982 until 1988, after which they left and moved to their newly-built house. The old house was leased to tenants and in the latter part of 1995, they allowed the Wooden spouses to occupy the second floor thereof for free.[17]

Petitioners presented the following as proof of their ownership of the old house: (1) Tax Declaration No. 1645(R)[18] issued by the Municipal Assessor's Office in Mary's name; and (2) tax receipts dated August 11, 1997, February 10, 1998 and November 20, 2002; and, (3) the Tax Clearance also dated November 20, 2002. In addition, Mary stated that on September 7, 1981 she and her husband filed an application for electric services for the old house with the Ifugao Electric Company (IFELCO) as evidenced by the Membership Index Card and the Certification attesting to said membership issued by the manager of IFELCO dated October 8, 2002.[19]

During the course of her direct examination, Mary likewise testified on the real properties declared in her SALN

for the years 1986 to 1992 and 1997 to 2002. While these SALN generally show that both the old and new houses were declared albeit there are lapses in the years of their acquisition, there were several instances where only one house was declared, or only the lot where the house was built on was declared.[20] When presented with the SALN of Nestor for the years 1994 to 1996 wherein the old house was declared as one of the assets acquired by purchase for the sum of P70,000.00 by the declarant, Mary this time reiterated that she and her husband never sold the old house to the Wooden spouses but only allowed them to stay there in the early part of 1995 upon the request of their nephew, Nestor.[21]

On cross-examination, Mary stated that the controversy involving the house only began when respondent filed the case in September 1997; that despite the case, she assessed her relationship with respondent, whom she considers and treats as her daughter-in-law, to be good; that she paid the real property taxes on the old house only on August 11, 1997 because she did not have enough money to pay the taxes before; and that at the time she paid the taxes she did not know that respondent was claiming ownership of the old house.[22] When asked about the SALN of Nestor, she claimed that she was not aware of it as the same was prepared by Nestor himself.[23] She also denied preparing or assisting in the preparation of Nestor's SALN for 1996 as their office has an administrative officer responsible for such task.[24] Further, Mary testified that she only found out that Nestor declared the old house as his own when the complaint was filed by the respondent.[25] When presented with a duplicate original copy of her own SALN purportedly for the year 1995 wherein only one house was declared as asset, Mary stated that what was declared was the old house.[26] The new house was not declared due to inadvertence.[27] When questioned further, Mary admitted that the house declared in her SALN for the year 1995 happens to be the new house and not the old house.[28] Later, however, Mary explained the discrepancies in the values pertaining to her properties as declared in her SALN and reiterated that the house declared in the questioned SALN was the old house.[29]

Witnesses for petitioners included Gloria Linda Guinawa (Guinawa), Erlinda Paraguas (Paraguas), Dolores Wooden (Dolores) and SPO4 Florencio Kimmayong (SPO4 Kimmayong). Guinawa, the Municipal Assessor of Lagawe, Ifugao, confirmed that as per official records of the Provincial Assessor's Office, the old house was first declared in Mary's name on August 9, 1988; that said house has not been declared in another person's name;[30] and, that there were instances where real property taxes are paid years after the assessment has been issued.[31] Respondent's neighbor, Paraguas, also narrated that she accompanied Mary to the old house after Nestor's death and that Mary did not take any documents from the house.[32] Dolores, the respondent's mother-in-law, testified that her son Nestor renovated the old house to make it "convenient" but denied that he purchased the same.[33] For his part, SPO4 Kimmayong, testified that as Administrative Officer of the Lagawe Police Station, he was responsible for preparing the 1996 SALN of Nestor.[34]

Ruling of the Regional Trial Court

In its January 28, 2004 Decision,[35] the RTC ruled that respondent was not able to prove the sale of the old house with preponderant evidence which would justify the court to compel petitioners to execute the documents of sale/ conveyance. It dismissed the complaint, disposing as follows:

WHEREFORE, premises considered and by preponderance of evidence, plaintiff failed to prove her case, thus it is hereby denied. It is the defendants, instead, by the same quantum of evidence, who proved their unquestioned possession and ownership of the house in question and should remain undisturbed.

Plaintiff is therefore ordered to abandon all claims on the house in question by simply remaining in Santiago City, her birthplace and work place, as was the status quo since the inception of this case. Defendants, being the true owners, may now do as they please with their house.

No pronouncement as to damages since no evidence was presented to this effect.

SO ORDERED.[36]

Ruling of the Court of Appeals

On appeal, the CA reversed the RTC through its June 15, 2006 Decision and held that respondent “was able to present other cogently strong proofs in amplification of her evidence which were entirely ignored by the court a quo to the effect that the subject house was sold by appellees to them.”[37] The appellate court held that respondent, by clear preponderance of evidence, has made out and established a thoroughly convincing case for the exercise of the right provided for in Article 1357[38] of the Civil Code of the Philippines.[39]

Petitioners moved for reconsideration[40] but their motion was denied by the CA for lack of merit.[41]

Issues

Petitioners come before this Court by way of a Petition for Review on Certiorari raising the following issues:

A.

WHETHER X X X THE HONORABLE COURT OF APPEALS COULD VALIDLY ORDER PETITIONERS TO EXECUTE A [REGISTRABLE] DOCUMENT DESPITE THE FAILURE OF RESPONDENT TO PROVE THE DUE EXECUTION AND EXISTENCE OF THE ALLEGED “PRIVATE DOCUMENT” EVIDENCING THE ALLEGED PURCHASE OF THE HOUSE IN DISPUTE;

B.

WHETHER X X X THE HONORABLE COURT OF APPEALS COULD VALIDLY IGNORE OR DISREGARD THE ASSESSMENT OF THE TRIAL COURT ON THE CREDIBILITY OF WITNESSES;

C.

WHETHER X X X THE FINDINGS OF FACTS BY THE HONORABLE COURT OF APPEALS ARE MANIFESTLY MISTAKEN, WITHOUT EVIDENTIARY BASIS AND CONTRADICTORY TO THE FINDINGS OF THE TRIAL COURT;

D.

WHETHER X X X THE ALLEGED SALE [MAY] BE CONSIDERED VALID DESPITE THE ABSENCE OF ANY EVIDENCE THAT WOULD SHOW THAT PETITIONER WILLIAM GUIDANGEN HAD GIVEN HIS CONSENT TO THE ALLEGED SALE MADE BY PETITIONER MARY GUIDANGEN IN FAVOR OF RESPONDENT AND HER LATE HUSBAND;

E.

WHETHER X X X THE HONORABLE COURT OF APPEALS ERRED IN NOT RECOGNIZING THE EVIDENTIARY VALUE OF PETITIONERS’ TAX DECLARATION, PAYMENT OF REALTY TAX AS WELL AS THE ELECTRICAL CONNECTIONS OF THE HOUSE WHICH ARE IN THE NAME OF PETITIONERS.[42]

The abovementioned issues boil down to the basic question of whether there is a contract of sale between the parties, the determination of which will settle who the rightful owner of the disputed property is.

Our Ruling

We grant the petition.

It is a settled rule that the appellate court’s findings of fact are binding and must be respected by this Court.[43]

However, due to the conflicting factual findings of the trial court and the appellate court, we are constrained to delve into factual circumstances surrounding this case and weigh the same in the interest of justice.

Respondent has the burden of proving her case, relying on the strength of her own title and not on the alleged weakness of her opponents' claim.

Respondent does not dispute the fact that the old house was originally owned by petitioners. She, however, claims to have obtained her title over the same from petitioners through a sale sometime in 1994 and 1995. To substantiate this, respondent presented her testimony regarding the alleged sale transaction, her husband's SALN for the year 1996 allegedly prepared by Mary and which declared the old house as Nestor's property, and the testimonies of two former tenants that they paid their rentals to the Wooden spouses. Quite notably though respondent has not presented the alleged private document or any document evidencing the supposed sale. And while she insists that Mary took the receipt – the supposed single and crucial proof of sale – her assertions are mere accusations. Aside from her testimony, respondent presented no proof to corroborate her claim that, indeed, such document exists and that Mary took the same. The rule is well-settled that he who alleges a fact has the burden of proving it^[44] and a mere allegation is not evidence. Also, with Mary's outright denial of the sale coupled with the lack of documentary evidence to prove such payment, it behooves upon respondent to prove her case and convince the court that what she claims are true. However, respondent was unable to do this. Borrowing the words of the trial court, "instead of establishing that there was indeed a sale, plaintiff wanted to prove her case by a receipt when it should be the receipt that should further corroborate the existence of the sale."^[45]

Respondent failed to prove the existence of a perfected contract of sale between the parties.

Aside from respondent's failure to present the private document from which she derives her alleged rights over the subject house, it cannot also be concluded from the facts and circumstances surrounding this case that a contract of sale between the parties was indeed perfected. Respondent failed to establish that there was a meeting of the minds between the parties as to the consideration or purchase price certain in money of the old house.^[46] In fact, respondent's testimony pertaining to the payment of a total amount of P51,000.00 is quite unclear as to whether it already represents the total amount of the supposed agreed purchase price or the same is just part of the P60,000.00 she had to pay for the house as alleged in the complaint.

Further, the due execution and authenticity of the said private document cannot be ascertained given that respondent was not present during its execution and neither does her signature or that of her husband appear thereon. The respondent did not likewise present any other witness who knew about and read the private document, much less saw it executed.

The "other cogently strong proofs" relied upon by the Court of Appeals in its assailed Decision are insufficient to establish respondent's right to compel petitioners to execute a document of conveyance in her favor.

The CA, in reversing the trial court's Decision, relied on "other cogently strong proofs" to determine the existence of a contract of sale between the parties. These cogently strong proofs are the fact that the Wooden

spouses renovated the old house; that the Wooden spouses collected rental payments; and, the revealing contents of the SALN of both Mary and Nestor.

The CA opined that the fact that petitioners did not contradict the claim that the old house was fully renovated by the Wooden spouses in 1995 and that rentals were being collected by them for a long time are indications of ownership on the part of the Wooden spouses.

The Court disagrees.

Petitioners have been challenging the claims of respondent from the very start. Mary explained that she and her husband only allowed the Wooden spouses to collect the rental payments so that the latter could use the money for the maintenance and minor repairs of the old house. As to the renovations made, same cannot be considered an act of ownership since what was renovated was only the second floor of the old house or the area occupied by the Wooden spouses. Respondent, in her testimony, did not mention renovating the ground floor of the said house which was rented out to tenants. With respect to the second floor, the Wooden spouses were able to cause the renovation of the same because, as earlier stated, they were given liberty by petitioners to make improvements on the old house. And as testified to by respondent's own mother-in-law, Dolores, the Wooden spouses undertook the renovation only on the area they were occupying to make it more convenient for them.

Also noteworthy is Dolores' statement that her son, Nestor, denied being the owner of the old house during one of her visits thereto. Refusing to give weight to the same, the CA surmised that "it would not be farfetched to assume that Nestor Wooden bought the house after his mother's visit, having realized that he already spent far too much for the improvement of the subject house." [47] The Court, however, finds this statement a mere assumption which cannot be used as basis in deciding a case or in granting relief. A judgment has to be based on facts. Conjectures and surmises cannot substitute for the facts. [48] "A conjecture is always a conjecture; it can never be admitted as evidence." [49] Moreover, even if such assumption is permitted, same still runs counter to respondent's claim that she and Nestor renovated the old house after they purchased it sometime in 1994 and 1995.

With respect to the SALN, Nestor's SALN for the year 1995 indicates the old house as part of his assets while Mary's SALN for 1995 did not declare the same as her asset. This and the alleged palpable prevarications made by Mary during her testimony with respect to the inconsistent contents of her SALN made the CA conclude in favor of respondent. According to the appellate court, the contents of the subject SALN strongly prove the Wooden spouses' ownership over the old house. Unfortunately, respondent did not offer in evidence the SALN of Mary to enable us to determine the veracity of the said conclusion.

We also take note of the CA's conclusion that since it was determined that Mary was the one who submitted the 1996 SALN of Nestor when the latter was hospitalized, and "the subject [SALN] mentioned and referred to only one (1) real property as belonging to Nestor Wooden, i.e. the house within the PNP barracks, the obvious and inexorable conclusion is that the appellee [Mary] had read the [SALN], and took no issue with it, because it was true." [50] Again, this is pure conjecture. Unless respondent has proven that Mary indeed read and knew about the contents of the SALN, the CA cannot assume that Mary was aware of the contents of the said document or that the asset declared therein refers to the very same property subject of this case. It is also immaterial that Nestor and Mary used to work in the same police station. Said fact does not automatically mean that each member knows the affairs, financial or otherwise, of the other member. It must be taken into consideration that although the particular document is confidential in nature, it cannot be assumed that a colleague, or even a relative, will always give in to the temptation of poking his or her nose in the affairs of others.

Further, granting for the sake of argument that Mary did browse through the SALN of Nestor, we note the

relevant entries thus: a house located at EM's Bario acquired in 1995 through purchase costing P70,000.00 and improved in the amount of P70,000.00.[51] Such description does not clearly identify the property as the old house owned by Mary. Therefore, the latter cannot be charged with acquiescence to Nestor's declaration of ownership over the said house. Again, even assuming that said declaration is given weight, same is still inconsistent with the adamant claim of respondent that they purchased the old house for P60,000.00 and improved the same to the tune of P175,000.00.

Moreover, the SALN cannot take precedence over the Tax Declaration issued in the name of Mary. As stated by the trial court, jurisprudence is replete with cases where the Court has stated that ownership and possession are established by a Certificate of Title and, in its absence, by a Tax Declaration. Admittedly, it is well-settled that tax declarations and receipts are not conclusive evidence of ownership, or of the right to possess land, in the absence of any other strong evidence to support them. "The tax receipts and declarations are merely indicia of a claim of ownership." [52] However, in the case before us where respondent is unable to produce any shred of document as evidence of her claim, the tax declaration becomes prima facie evidence of ownership in favor of petitioners. "Tax receipts and [tax] declarations are prima facie proof of ownership or possession of the property for which such taxes have been paid." [53] The established fact that the tax declaration was issued as early as 1988 in the name of Mary, and has not been transferred to anyone else since its issuance tilts the balance in favor of petitioners. Petitioners' payment of real property taxes only on August 11, 1997, or a month before the respondent filed her complaint in court, should have no bearing on the question of ownership over the old house. As clarified by the Municipal Assessor, it is a common occurrence that real property taxes are not paid religiously.

It must be stressed that "[i]n civil cases, the burden of proof is on the plaintiff [herein respondent] to establish her case by preponderance of evidence. If [she] claims a right granted or created by law, [she] must prove [her] claim by competent evidence. [She] must rely on the strength of [her] own evidence and not on the weakness of that of [her] opponent." [54] More so, having filed an action involving property, respondent has the burden of proving her case, relying on the strength of her own title and not on the alleged weakness of her opponents' claim. [55] Indeed, to award ownership to respondent absent any shred of corroborative evidence of her claim over the old house opens doubts on the veracity of her naked assertions. [56]

In view of the foregoing, we agree with the findings of the trial court and rule in favor of petitioners. "It is a matter of judicial policy to accord the trial court's findings of facts with the highest respect and not to disturb the same on appeal unless there are strong and impelling reasons to do so. The reason for this is that trial courts have more opportunity and facilities to examine factual matters than appellate courts. They are in a better position to assess the credibility of witnesses, not only by the nature of their testimonies, but also by their demeanor on the stand." [57] No clear specific contrary evidence was cited by the CA to justify the reversal of the trial court's findings. Thus, in this case, between the factual findings of the trial court and those of the CA, those of the trial court must prevail over those of the latter. [58]

WHEREFORE, the petition is GRANTED. The June 15, 2006 Decision and September 1, 2006 Resolution rendered by the Court of Appeals in CA-G.R. CV No. 83209 are REVERSED and SET ASIDE. The Decision of the Regional Trial Court, Branch 14, Lagawe, Ifugao in Civil Case No. 572 is REINSTATED. No pronouncement as to costs.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Reyes, [*] JJ., concur.

[*] Per raffle dated January 30, 2012.

[1] Heirs of the Deceased Carmen Cruz-Zamora v. Multiwood International, Inc., G.R. No. 146428, January 19, 2009, 576 SCRA 137, 148.

[2] Rollo, pp. 8-24.

[3] CA rollo, pp. 120-142; penned by Associate Justice Renato C. Dacudao and concurred in by Associate Justices Hakim S. Abdulwahid and Monina Arevalo Zenarosa.

[4] Id. at 141.

[5] Id. at 175.

[6] Records, pp. 179-199; penned by Judge Fernando F. Flor, Jr.

[7] Id. at 1-6; for Execution of Registrable Document of Conveyance of House and Damages with Petition for Injunction and Temporary Restraining Order.

[8] Id. at 13-19.

[9] TSN, March 24, 1998, p. 3.

[10] Id. at 15-16.

[11] Id. at 21.

[12] Id. at 22.

[13] Id.

[14] Id.

[15] TSN, April 21, 1998, pp. 3-9 and April 28, 1998, pp. 2-7.

[16] TSN, April 28, 1998, pp. 6-7.

[17] TSN, February 28, 2003, pp. 2-21.

[18] Records, p. 20.

[19] TSN, February 28, 2003, pp. 11-13

[20] Id. at 18-21

[21] TSN, April 25, 2003, pp. 4-6.

[22] Id. at 8-14.

[23] Id. at 15.

[24] Id. at 15-17.

[25] Id. at 17-18.

[26] Id. at 25.

[27] Id. at 26.

[28] Id. at 27.

[29] Id. at 31, 34.

[30] TSN, August 18, 1998, pp. 2-9; CA rollo, pp. 25-33; TSN, February 24, 1999, pp. 1-11.

[31] TSN, December 8, 1999, pp. 11-12.

[32] Id. at 4-9.

[33] TSN, December 9, 1999, pp. 3-4.

[34] TSN, January 30, 2003, pp. 6-8.

[35] Supra note 6.

[36] Records, pp. 198-199.

[37] CA rollo pp. 136-137.

[38] Article 1357. If the law requires a document or other special form, as in the acts and contracts enumerated in the following article, the contracting parties may compel each other to observe that form, once the contract has been perfected. This right may be exercised simultaneously with the action upon the contract.

[39] CA rollo, pp. 140-141.

[40] Id. at 153-159.

[41] Id. at 175.

[42] Rollo, p. 98.

[43] Borillo v. Court of Appeals, G.R. No. 55691, May 21, 1992, 209 SCRA 130, 140; citing Chan v. Court of Appeals, 144 Phil. 678, 684 (1970).

[44] Fernandez v. Amagna, G.R. No. 152614, September 30, 2009, 601 SCRA 330, 348.

[45] Records, p. 192.

[46] Civil Code, Article 1475. The contract of sale is perfected at the moment there is a meeting of minds upon the thing which is the object of the contract and upon the price. x x x

[47] CA rollo, p. 140.

[48] Caoile v. Vivo, 210 Phil. 67, 80 (1983).

[49] Alsua-Betts v. Court of Appeals, 180 Phil. 737, 768 (1979).

[50] CA rollo, p. 138.

[51] Records, p. 92.

[52] Heirs of Brusas v. Court of Appeals, 372 Phil. 47, 55 (1999).

[53] De La Cruz v. Court of Appeals, 458 Phil. 929, 941 (2003).

[54] Heirs of Spouses Dela Cruz v. Heirs of Quintos, Sr., 434 Phil. 708, 719 (2002); Umpoc v. Mercado, 490 Phil. 118, 135 (2005).

[55] Ocampo v. Ocampo, 471 Phil. 519, 539 (2004).

[56] *Spouses de la Cruz v. Ramiscal*, 491 Phil. 62, 75 (2005).

[57] *Borillo v. Court of Appeals*, *supra* note 43 at 147.

[58] *Claudel v. Court of Appeals*, G.R. No. 85240, July 12, 1991, 199 SCRA 113, 124.

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