

BENJAMIN GUERRERO, PETITIONER, VS. DIRECTOR, LAND MANAGEMENT BUREAU, FLORANTE EDWARD R. BENITEZ, PROJECT EVALUATION OFFICER III, LEGAL DIVISION; AND HEIRS OF MARCELO BUSTAMANTE,...

G.R. No. 183641. April 22, 2015

Ponente: PERALTA, J.

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PERALTA, J.:

Before the Court is a petition/complaint to cite respondents for contempt for alleged forum shopping.

The facts of the case follow.

Petitioner Benjamin Guerrero obtained a miscellaneous sales patent and, eventually, an Original Certificate of Title (OCT) over a parcel of land located at Pugad Lawin, Quezon City.[1] The title OCT No. 0-28, covering 174 square meters, was issued in his name by the Register of Deeds of Quezon City on August 27, 1982.[2]

The issuance of the title, however, became the subject of a Protest by Angelina Bustamante (now deceased),[3] the wife of Marcelo Bustamante (also deceased), before the then Director of Lands.[4] The ground of the protest was the title's alleged encroachment on the area subject of Marcelo's own patent application.[5]

The protest by Bustamante was initially dismissed by the Director of Lands, and was similarly dismissed in subsequent appeals to the Ministry of Natural Resources[6] and the Office of the President. The latter office rendered its dismissal in a Decision dated October 10, 1986.[7]

However, on the motion for reconsideration filed by Angelina Bustamante, the Office of the President, on October 30, 1987, ordered the case remanded to the Department of the Environment and Natural Resources (DENR) for the conduct of an ocular investigation and resurvey of the disputed area.[8] Then, in another Order dated January 10, 1989, the Office of the President directed the DENR to "take action" for the correction of the technical description of the property covered by OCT No. 0-28, based on the findings of the ocular investigation and relocation survey.[9]

Thus, on November 7, 1989, following the Order of the Office of the President, the Director of Lands filed a Petition for Amendments of the Plan and Technical Description of OCT No. 0-28 in the name of Benjamin Guerrero with the Regional Trial Court (ETC) of Quezon City.[10]

On July 13, 1995, the RTC of Quezon City, Branch 77, rendered its Decision dismissing the petition for lack of basis and merit.[11]

The dismissal was appealed by the Director of Lands to the Court of Appeals, but the latter court, in a Decision dated February 12, 1998, affirmed the RTC's decision.[12]

Thus, the case was elevated to this Court.

Then, this Court, in its Decision in *Republic of the Philippines v. Benjamin Guerrero*,^[13] dated March 28, 2006, affirmed the decisions of the Court of Appeals and the RTC dismissing the petition of the government based on the protest filed by Bustamante. In that case, it was held that there was no proof that the titleholder, Benjamin Guerrero, employed fraud in obtaining his title, OCT No. 0-28.

Undeterred by the final decision of this Court, however, herein private respondents heirs of Marcelo Bustamante, this time represented by Cora Bustamante, on February 1, 2007, filed another Protest with the Land Management Bureau (LMB),^[14] DENR, to again question Guerrero's title. The protest alleges that the title in Guerrero's name covers 83 square meters on which the house of Marcelo is standing.^[15] Again, the heirs of Bustamante claim that "fraud, strategy, stealth and intent to defraud" was employed by Guerrero in causing the survey of the land and the eventual issuance of his title.^[16] The alleged "fraud and misrepresentation" is supposedly a ground for the cancellation of Guerrero's title.^[17] Ultimately, the protest prays "that OCT No. 0-28 issued to Benjamin Guerrero be cancelled," among other reliefs that the LMB may issue.^[18]

Acting on the protest, respondent LMB, through Director Arthus T. Tenazas, effectively gave due course to the same, through an Order of Investigation dated May 9, 2007, stating as follows:

It appears that a verified protest in due form and substance filed by herein protestant Marcelo Bustamante, represented by Cora Z. Bustamante, constitute (sic) a valid cause of action against the herein respondent Benjamin Guerrero who was issued an Original Certificate of Title (OCT) No. 0-28, by virtue of a Miscellaneous Sales Patent No. 8991, by the then Bureau of Lands on August 16, 1982, covering a parcel of land particularly described as Lot No. 3, of plan Bsd-13-000776, located at Pugad Lawin Drive, Barangay Bahay Toro, Project 8, Quezon City.

It appears that on March 28, 2006, the Supreme Court promulgated its decision in G.R. No. 133168, entitled, *Republic of the Philippines as petitioner, versus Benjamin Guerrero as respondent*, upholding the issue on the "indefeasibility of the title" issued in favor of respondent Guerrero, citing as basis Act No. 496, otherwise known as the Land Registration Act of 1903, and not on the technical aspect of the case;

That based on existing records, it is certain that the land subject of this controversy is a public land. Hence, it is well within the sole, exclusive and original jurisdiction of the Director of Lands to investigate pursuant to the provision of Section 91, of Commonwealth Act No. 141, as amended, otherwise known as the "Public Land Act;" and

That protestant has paid the required protest fee.

WHEREFORE, in view of the foregoing premises, Mr. FLORANTE EDWARD R. BENITEZ, Project Evaluation Officer III, of the Legal Division, is hereby directed to conduct the desired investigation pursuant to standing rules and regulations provided for under Lands Office Circular No. 68, dated August 28, 1975, to ascertain, whether or not there is a valid and sufficient ground to warrant the institution of a legal proceeding before the Courts by the Office of the Solicitor General. He shall submit his report and recommendation upon termination thereof for the early resolution and/or disposition of the case.

SO ORDERED.^[19]

Following the above directive, the Hearing Officer, Florante Edward R. Benitez, ordered the parties to file their respective position papers, to wit:

Pursuant to the provisions of Executive Order no. 26, dated October 7, 1992, "Prescribing Procedures and Sanctions to Ensure Speedy Disposition of Administrative Cases," and in view of the agreement made by the parties during the preliminary conference held last January 16, 2008, where earnest efforts towards a compromise agreement failed, the parties are hereby directed to submit within ten (10) days from receipt

hereof, their respective position, papers and draft decisions which will form the basis of our decision/resolution of the above-entitled case.

SO ORDERED.[20]

Hence, the present petition/complaint praying for the respondents to be held in indirect contempt on the ground of forum shopping.

Meanwhile, herein petitioner Guerrero has also filed a Complaint for ejectment with damages with the Metropolitan Trial Court (MeTC) of Quezon City praying for the eviction of private respondents from the subject property.

The petition is granted. There was forum shopping and for this reason, private respondents are hereby found liable for contempt of court.

An indicium of the presence of, or the test for determining whether a litigant violated the rule against forum shopping is where the elements of *litis pendentia* are present or where a final judgment in one case will amount to *res judicata* in the other case.[21]

For the case at bar, *res judicata* finds relevance considering that the protest filed by private respondents is subsequent to a final judgment rendered by this Court.

The time-honored principle is that litigation has to end and terminate sometime and somewhere, and it is essential to an effective administration of justice that once a judgment has become final, the issue or cause therein should be laid to rest.[22] Public policy and sound practice demand that at the risk of occasional errors, judgments of courts should become final at some definite date fixed by law.[23] The Latin maxim is: *Interest reipublicae ut sit finis litium*[24] It is held, further,

x x x This doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice. In fact, nothing is more settled in law than that once a judgment attains finality it thereby becomes immutable and unalterable. It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.[25]

Similarly, under the basic principle of *res judicata* - which means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment" - the rule is that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on points and matters determined in the former suit.[26] Such points or matters should not be litigated upon or invoked again as such relitigation merely burdens the courts and the taxpayers, creates uneasiness and confusion, and wastes valuable time and energy that could be devoted to worthier cases.[27]

Res judicata applies by way of, either (1) "bar by prior judgment" or (2) "conclusiveness of judgment." [28] For *res judicata* as a "bar by prior judgment" to apply, four (4) essential requisites must concur, to wit:

- (a) finality of the former judgment;
- (b) the court which rendered it had jurisdiction over the subject matter and the parties;
- (c) it must be a judgment on the merits; and
- (d) there must be, between the first and second actions, identity of parties, subject matter and causes of action.[29]

In the case at bar, the Court finds that the four requisites of *res judicata* as above-mentioned exist. To illustrate:

First, the prior case of *Republic v. Guerrero*[30] has already attained finality and has not been altered nor reversed. Second, it was rendered by this Court in affirmation of the earlier decisions of the trial court and Court of Appeals, all of which have jurisdiction to hear and decide the case. Third, the judgment was one on the merits, as it declared both the respective rights and duties of the parties based on disclosed facts,[31] and after the case had even undergone a full-blown trial. And fourth, the parties, subject matter and causes of action of both cases are the same, the parties in common being the protestants Bustamante or his heirs, on the one hand, and the protestee Guerrero on the other; the subject matter being the amendment or cancellation of Guerrero's title; and the cause of action being the alleged encroachment of Guerrero's titled property on property that allegedly belongs to the Bustamantes. All the aforementioned is evident through a simple reading of this Court's decision in *Republic v. Guerrero*[32] and the protest[33] currently pending with the LMB. Hence, in filing the said subsequent protest, private respondents Cora Bustamante and the heirs of Marcelo and Angelina Bustamante committed forum shopping.

The operation of *res judicata* or the fact of forum shopping is not even disputed nor directly addressed by the respondents in their comment to the petition.[34] They merely argue that the LMB "has the right and power" to investigate whether there was an encroachment on defendant's alleged property. The argument is misplaced, however, because the issue herein is not the right nor power of the LMB to conduct such investigations, but whether the private respondents, through their predecessors, had already gone through an identical process which terminated in a final and executory decision of this Court in the aforementioned case of *Republic v. Guerrero*. [35]

This Court finds that private respondents heirs of Bustamante, in filing their protest, are only repeating what had previously been done by their predecessor Angelina Bustamante.[36] The protest by Angelina with the Director of Lands was what started the process that ultimately led to the decision in *Republic v. Guerrero*, [37] a process that merely mirrors the currently pending protest of private respondents with public respondent LMB-DENR, the successor of the Bureau of Lands. Both protests essentially allege Guerrero's title's encroachment on the Bustamantes' alleged property. Both pray for the government to file a petition in court to question Guerrero's title. Both protests ultimately seek the amendment or cancellation of the title, for the allegedly fraudulent encroachment. Such matters, however, have long been examined, decided and settled with finality.

This move by private respondents is plain and simple forum shopping and deserves sanction from this Court.

Forum shopping is manifest whenever a party repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in, or already resolved adversely by, some other court.[38] Forum shopping is an act of malpractice as the litigants trifle with the courts and abuse their processes.[39] It degrades the administration of justice and adds to the already congested court dockets. An important factor in determining its existence is the vexation caused to the courts and the parties-litigants by the filing of similar cases to claim substantially the same reliefs.[40]

Forum shopping can be committed in three ways: (1) by filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (which makes the cases susceptible to dismissal based on *litis pendentia*); (2) by filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (which makes the subsequent case susceptible to dismissal based on *res judicata*); and (3) by filing multiple cases based on the same cause of action, but with different prayers (which amounts to splitting of causes of action, which renders the cases susceptible to dismissal on the ground of either *litis pendentia* or *res judicata*).[41]

To invoke *res judicata* as a test of whether forum shopping was committed, absolute identity of parties is not

required. A substantial identity of parties is sufficient.[42] And there is substantial identity of parties when there is a community of interest between a party in the first case and that in the second one, even if the latter party was not impleaded in the first.[43]

There is identity of parties not only when the parties in the cases are the same, but also between those in privity with them, such as between their successors-in-interest.[44] Absolute identity of parties is not required, and where a shared identity of interest is shown by the identity of relief sought by one person in a prior case and the second person in a subsequent case, such was deemed sufficient.[45]

Private respondents in this case, as successors-in-interest of Marcelo and Angelina Bustamante, who initiated the first case that was ultimately decided by this Court as *Republic v. Guerrero*,^[46] have a community of interest with the latter and, thus, meet the test of identity of parties. Private respondents are bound by the previous ruling under the criterion of "privity of interest."^[47] They have no more right to reopen an already terminated case.

The act of private respondents of essentially repeating and a relitigation what has already been settled via the case filed by their predecessors-in-interest is forum shopping and is punishable by this Court. It amounts to direct contempt of court.^[48]

But as for the public respondents, the contempt charge against them partakes of a civil character and may not prosper absent any clear accusation and showing of bad faith, malice or gross negligence. A contempt proceeding is held to be civil in nature when it is for the enforcement of some duty and when it is availed of as a remedy to preserve and enforce the rights of a private party to an action and to compel obedience to a judgment or decree intended to benefit such a party litigant.^[49] The public respondents herein being public officers, they are presumed to have acted in the regular performance of their duty; therefore, they cannot be held civilly liable, unless contrary evidence is presented to overcome such presumption of regularity. Such contrary evidence include a clear showing of bad faith, malice or gross negligence.^[50] In the case at bar, there was no allegation from the petitioner that public respondents acted with bad faith, malice or gross negligence; neither did he show nor present evidence of the same. Hence, the public respondents are absolved of any liability.

This Court has previously held persons in contempt of court for forum shopping and disobedience over a case that it had decided with finality.

In *Heirs of De Leon v. Court of Appeals*,^[51] this Court held in both direct and indirect contempt of court some parties after they filed a Complaint for reconveyance, damages and quieting of title over the same subject property whose ownership had already been settled in a final and executory judgment of the Court. It was held that such parties' obstinate refusal to obey the Supreme Court's decision and their filing of a new complaint constitutes indirect contempt of court. The act also amounts to forum shopping, which constitutes direct contempt.

In *Flores v. Abesamis*,^[52] a party-litigant who kept on filing numerous administrative and criminal charges against a judge over the same issues, even after such were consistently found without merit by higher courts, was found guilty of contempt of court.

In *Spouses Oliveros v. Sison*,^[53] the complainants in an administrative case against a judge were found guilty of indirect contempt of court after they admitted failing to inform the Court of the fact that they had filed before the Court of Appeals a petition for certiorari questioning the same order which was the basis of the said administrative case.

In *Estate of Solto v. Palicte*,^[54] a lawyer was held in direct contempt of court for helping his clients file multiple suits in different venues while, in the process, disregarding the doctrine of *res judicata*.

Hence, in summary, the rule is that judgments by a court of competent jurisdiction, which have attained finality, are not subject to reversal, modification or alteration and are, thus, immutable, the only exceptions are: (1) the correction of clerical errors, (2) the so-called nunc pro tunc entries which cause no prejudice to any party, and (3) void judgments.[55] When a judgment has become final, the only action that needs to be done is the execution thereof.[56] Neither are these judgments to be disturbed on points or matters already adjudged on the merits.[57]

These principles of finality of judgment and res judicata are, in fact, embodied in the following provisions of Rule 39 of the Rules of Court:[58]

RULE 39

Section 1. Execution upon judgments or final orders. - Execution shall issue as a matter of right, or motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected. (1a)

If the appeal has been duly perfected and finally resolved, the execution may forthwith be applied for in the court of origin, on motion of the judgment obligee, submitting therewith certified true copies of the judgment or judgments or final order or orders sought to be enforced and of the entry thereof, with notice to the adverse party.

The appellate court may, on motion in the same case, when the interest of justice so requires, direct the court of origin to issue the writ of execution.

x x x x x x x x

Section 47. Effect of judgments or final orders. — The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

(a) In case of a judgment or final order against a specific thing, or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or status of a particular person or his relationship to another, the judgment or final order is conclusive upon the title to the thing, the will or administration or the condition, status or relationship of the person, however, the probate of a will or granting of letters of administration shall only be prima facie evidence of the death of the testator or intestate;

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been missed in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.[59]

As a final note, it bears emphasis that res judicata exists as a rule of reason, justice, fairness, expediency, practical necessity, and public tranquility.[60] Public policy, judicial orderliness, economy of judicial time, and the interest of litigants, as well as the peace and order of society, all require that stability should be accorded judgments, that controversies once decided on their merits shall remain in repose, that inconsistent judicial decisions shall not be made on the same set of facts, and that there be an end to litigation which, without the doctrine of res judicata, would be endless.[61] As a principle, res judicata stands upon two (2) grounds, namely: (1) public policy and necessity which makes it to the interest of the State that there should be an end to litigation; and (2) the hardship on the individual that he should be vexed twice for the same cause.[62]

Willful and deliberate violation of the rule against forum shopping is a ground for summary dismissal of the case

and it may also constitute direct contempt of court.[63] Meanwhile, disobedience of or resistance to a lawful judgment of the Court is indirect contempt.[64] Direct contempt is punishable by a fine not exceeding two thousand pesos (Php2,000.00) or imprisonment not exceeding ten (10) days, or both, if committed against a Regional Trial Court or a court of equivalent or higher rank.[65] Indirect contempt, meanwhile, committed against a Regional Trial Court or a court of equivalent or higher rank is punishable with a fine not exceeding thirty thousand pesos (Php30,000.00) or imprisonment not exceeding six (6) months, or both.[66]

In conclusion, private respondents are hereby found guilty of direct contempt of court for forum shopping,[67] while public respondents, for lack of basis, are absolved of the charge of indirect contempt. In addition, although it is noted that private respondents' counsel, Atty. Vicente D. Millora, was not herein impleaded as respondent in the contempt charge, this Court finds in the record that he was the counsel who assisted private respondents in filing their second Protest with the LMB and, thus, likely aided in or facilitated the forum shopping. Following this court's ruling in *Sotto v. Palicte*, in which it was held that "the acts of a party or his counsel clearly constituting wilful and deliberate forum shopping shall be ground for the summary dismissal of the case with prejudice, and shall constitute direct contempt, as well as be a cause for administrative sanctions against the lawyer," this Court hereby orders Atty. Millora to show cause, in writing, within fifteen (15) days from receipt of this Decision, why he, too, should not be cited in direct contempt for forum shopping.

WHEREFORE, premises considered, the petition is hereby **PARTIALLY GRANTED** and, accordingly, private respondents heirs of Marcelo Bustamante, represented by and including Cora Bustamante, are hereby found guilty of **DIRECT CONTEMPT** of court and collectively penalized with a **FINE** of **TWO THOUSAND PESOS** (Php2,000.00). The petition to cite public respondents for indirect contempt is **DENIED**.

Atty. Vicente D. Millora is **DIRECTED** to show cause, in writing, within fifteen (15) days from receipt of this Decision, why he, too, should not be cited in direct contempt for forum shopping.

SO ORDERED.

Velasco, Jr., (Chairperson), Villarama, Jr., Reyes, and Jardeleza, JJ., concur.

June 23, 2015

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on April 22, 2015 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on June 23, 2015 at 9:46 a.m.

Very truly yours,

(SGD.)

WILFREDO V. LAPITAN

Division of Clerk of Court

[1] Rollo, pp. 4-5, 12.

[2] Id. at 4-5, 12-14.

[3] The Spouses Bustamante are the predecessors of private respondents Heirs of Marcelo Bustamante

(represented by Cora Bustamante).

[4] Now the Director of the Land Management Bureau, per Executive Order No. 192 (June 10, 1987), Sec. 14.

[5] Rollo, p. 5.

[6] Now the Department of Environment and Natural Resources (DENR), also per EO No. 192, Sec. 2.

[7] Rollo, pp. 6, 17-26.

[8] Id. at 6, 115-116.

[9] Mat 6, 115-119.

[10] Id. at 6.

[11] Id. at 6, 27-35.

[12] Id. at 7, 36-42, 91-100.

[13] 520 Phil. 296 (2006).

[14] Formerly the Bureau of Lands.

[15] Rollo, pp. 7, 61-71.

[16] Id. at 64.

[17] Id. at 67-68.

[18] Id. at 68-69.

[19] Id. at 7, 72.

[20] Id. at 7, 73.

[21] Brown-Araneta v. Araneta, G.R. No. 190814, October 9, 2013, 707 SCRA 222, 243-244, citing Ligon v. Court of Appeals, G.R. No. 127683, August 7, 1998, 294 SCRA 73, 99.

[22] So v. Court of Appeals, 415 Phil. 705, 711 (2001); Juani v. Alarcon, 532 Phil. 585, 604 (2006); Del Rosario, Jr. v. People, 525 Phil. 261, 269 (2006).

[23] De la Cruz v. Paras, 161 Phil. 715, 724 (1976).

[24] It is for the common good that there be an end to litigation.

[25] Juani v. Alarcon, supra note 22, citing Honoridez v. Mahinay, 504 Phil. 204, 213 (2005). (Emphasis ours)

[26] Mallion v. Alcantara, 536 Phil. 1049, 1054 (2006).

[27] Camara v. Court of Appeals, 369 Phil. 858, 865 (1999).

[28] Borra v. Court of Appeals, G.R. No. 167484, September 9, 2013, 705 SCRA 222, 236-237. The two concepts are distinguished, to wit:

There is "bar by prior judgment" when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action. Otherwise put, the judgment or decree of the court of competent jurisdiction on the merits concludes the litigation between the

parties, as well as their privies, and constitutes a bar to a new action or suit involving the same cause of action before the same or other tribunal.

But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of *res judicata* known as "conclusiveness of judgment." Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same.

[29] *Perez v. Court of Appeals*, 502 Phil. 346, 364 (2005), citing *Cartel v. Court of Appeals*, G.R. No. 114275, July 7, 1997, 275 SCRA 97.

[30] *Supra* note 13.

[31] *Luzon Development Bank v. Conquilla*, 507 Phil. 509, 534 (2005).

[32] *Supra* note 13.

[33] *Rollo*, pp. 61-69.

[34] *Id.* at 101-113, 221-226.

[35] *Supra* note 13.

[36] The procedure that private respondents are following is pursuant to the following legal provisions:

1) Presidential Decree No. 1529, as amended, otherwise known as the Property Registration Decree, Sec. 103. "Whenever public land is by the Government alienated, granted or conveyed to any person, the same shall be brought forthwith under the operation of this Decree xxx After due registration and issuance of the certificate of title, such land shall be deemed to be registered land to all intents and purposes under this Decree."

2) *Id.*, Sec. 108. "No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same be Register of Deeds, except by order of the proper Court of First Instance (now Regional Trial Court)."

3) Commonwealth Act No. 141, Sec. 101. All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor-General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth of the Philippines.

Further the Director of Lands has the authority to investigate whether title to alienable land was secured through fraud for purposes of a possible case for reversion. *Republic v. De Guzman*, 383 Phil. 151, 160-161 (2000).

[37] *Supra* note 13.

[38] *Garcia v. Sandiganbayan*, 499 Phil. 589, 621 (2005), citing *Gatmaytan v. Court of Appeals*, 335 Phil. 155, 167 (1997).

[39] *Air Materiel Wing Savings and Loan Association, Inc., v. Manay*, 575 Phil. 591, 605 (2008).

[40] *Heirs of Sotto v. Palicte*, G.R. No. 159691, February 17, 2014, 716 SCRA 175, 178.

[41] *Chua v. Metropolitan Bank and Trust Co.*, 613 Phil. 143, 153-154 (2009), citing *Collantes v. Court of Appeals*, 546 Phil. 391, 400 (2007); *Ao-As v. Court of Appeals*, 524 Phil. 645, 660 (2006).

- [42] Heirs of De Leon v. Court of Appeals, 466 Phil. 6697, 713 (2004).
- [43] Aromin v. Floresca, 528 Phil. 1165, 1190 (2006) citing Luzon Development Bank v. Conquilla, supra note 31, at 532.
- [44] Estate of Sotto v. Palicte, 587 Phil. 586, 595 (2008), citing Crucillo v. Office of the Ombudsman, 552 Phil. 699, 717 (2007).
- [45] Id., citing Valencia v. RTC of Quezon City, Br. 90, 262 Phil. 938, 949 (1990).
- [46] Supra note 13.
- [47] Heirs of De Leon v. Court of Appeals, supra note 42.
- [48] RULES OF COURT, Rule 7, Sec. 5.
- [49] Remman Enterprises Inc. v. Court of Appeals, G.R. No. 107671, February 26, 1997; Rosario Textile Mills Inc. v. Court of Appeals, G.R. No. 137326, August 25, 2003.
- [50] Suarez v. Commission on Audit, G.R. No. 131077, August 07, 1998, citing REVISED ADMINISTRATIVE CODE, Book I, Chapter 9, Sees. 38 and 39, to wit:
- Sec. 38. Liability of Superior Officers. - (1) A public officer shall not be civilly liable for acts done in the performance of his official duties, unless there is a clear showing of bad faith, malice or gross negligence.
- x x x x x x x x
- Sec. 39. Liability of Subordinate Officers. - No subordinate officer or employee shall be civilly liable for acts done by him in good faith in the performance of his duties. However, he shall be liable for willful or negligent acts done by him which are contrary to law, morals, public policy and good customs even if he acted under orders or instructions of his superiors.
- [51] Supra note 42.
- [52] 341 Phil. 299 (1997).
- [53] 591 Phil. 140 (2008).
- [54] Supra note 44.
- [55] Ramos v. Ramos, 447 Phil. 114, 119 (2003).
- [56] National Sprituul Assembly of the Baha'is of the Philippines v. Pascual, G.R. No. 169272, July II, 2012, 676 SCRA 96, 105-106, citing Salting v. Velez, G.R. No. 181930, January 10, 2011, 639 SCRA 124, 13 1 and Tamayo v. People, 582 Phil. 306, 319 (2008).
- [57] Republic v. Yu, 519 Phil. 391, 396 (2006).
- [58] Moraga v. Spouses Somo, 532 Phil. 570, 577-578 (2006).
- [59] Emphasis supplied.
- [60] Villanueva v. Court of Appeals, 349 Phil. 99, 112 (1998), citing Am Jur. 2d, Vol. 46, 1969 Ed. pp 559-561.
- [61] Id.
- [62] Garcia v. Philippine Airlines and/or Trinidad, 580 Phil. 155, 159-260 (2008).

[63] *Madara v. Perello*, 584 Phil. 613, 629 (2008); RULES OF COURT, Rule 7, Sec. 5.

[64] RULES OF COURT, Rule 71, Sec. 3(a).

[65] *Id.* at Sec. 1.

[66] *Id.* at Sec. 7.

[67] *Heirs of De Leon v. Court of Appeals*, *supra* note 13, at 718.

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