

PHILIPPINE AMUSEMENT AND GAMING CORPORATION, PETITIONER, VS. COURT OF APPEALS AND MIA MANAHAN, RESPONDENTS.

G.R. No. 185668. December 13, 2011

Ponente: REYES, J.

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REYES, J.:

Before us is a Petition for Certiorari[1] under Rule 65 of the 1997 Rules of Civil Procedure which assails the following decision and resolution of public respondent Court of Appeals (CA) in the case docketed as CA-G.R. SP No. 100908, entitled Philippine Amusement & Gaming Corporation v. Mia Manahan:

(a) the Decision[2] dated October 2, 2008 which denied herein petitioner's Petition for Review and affirmed in toto the Resolutions dated July 10, 2007 and September 10, 2007 of the Civil Service Commission on the issue of PAGCOR's dismissal from the service of herein private respondent; and

(b) the Resolution[3] dated November 27, 2008 which denied the petitioner's Motion for Reconsideration of the Decision of October 2, 2008.

The Facts

Private respondent Mia Manahan (Manahan) was a Treasury Officer of petitioner Philippine Amusement and Gaming Corporation (PAGCOR) assigned in Casino Filipino-Manila Pavilion (CF-Pavilion). Among her functions as Treasury Officer was the handling of fund transfer requests received by CF-Pavilion and the supervision of the office's Vault-in-Charge and Senior Cashier.

On April 14, 2004, at around 1:30 in the afternoon, Manahan received from the fax machine of CF-Pavilion's SVIP-Treasury a document that appeared to be a Request for Fund Transfer[4] coming from Casino Filipino-Laoag (CF-Laoag). The request was for Four Million Two Hundred Thousand Pesos (P4,200,000.00) to be released by CF-Pavilion to "Arnulfo Fuentabella or David Fuentabella."

About 30 minutes from Manahan's receipt of the fax document, a person who represented himself to be "David Fuentabella" claimed from CF-Pavilion the amount of P4,200,000.00. Said "David Fuentabella" presented an SSS Identification Card[5] to prove his identity, duly accepted by the respondent, who as the Treasury Officer then on duty, also approved the release of the money and chips to the claimant. P2,000,000.00 was released in cash, and P2,200,000.00 was released in the form of chips.

At around 7:30 in the evening of April 15, 2004, the Treasury Officer of CF-Pavilion then on duty, Jennifer Bagtas, informed CF-Laoag through phone that the fund transfer for P4,200,000.00 had already been paid by CF-Pavilion to Mr. Fuentabella. However, CF-Laoag's Vault-in-Charge Norman Santiago and Treasury Head Joselito Ricafort denied that such fund transfer had been made by CF-Laoag to CF-Pavilion. Close to midnight of the same day, Manahan was called by PAGCOR's Assistant Chief Security Officer asking her to report immediately to CF-Pavilion, where she was informed of CF-Laoag's claim that it sent no fund transfer for

P4,200,000.00 in favor of "Arnulfo or David Fuentabella." Manahan was interrogated by PAGCOR's Casino Operations Manager, Branch Manager and Senior Chief Security Officer on what transpired on April 14, 2004.

A notice of preventive suspension dated April 15, 2004 and signed by Dan N. Dia, Senior Branch Manager of CF-Pavilion, was received by Manahan on April 16, 2004. The pertinent portions of the notice read:

You are hereby informed of the charge against you of SERIOUS PROCEDURAL DEVIATION/GROSS NEGLIGENCE, arising from the anomalous fund transfer transaction in the amount of [P]4.2 million, consummated at the VIP Booth last April 14, 2004 wherein you were on the 6-2PM duty.

Pending result of the investigation of the case, please be informed that you are hereby placed under preventive suspension effective immediately.[6]

From April 16 to 17, 2004, Manahan was instructed to report to the Corporate Office of PAGCOR where she was again questioned regarding the fund transfer incident. On April 21, 2004, she received a Notice to Appear and Explain of even date, signed by Atty. Noel Ostrea, Assistant Head of PAGCOR's Corporate Investigation Unit (CIU), and which reads in part:

The Corporate Investigation Unit is tasked to conduct a fact-finding inquiry into the performance by several Treasury officers and personnel of different casino branches, including yourself, of their duties and responsibilities in relation to the untoward events of 14 April 2004, and all circumstances pertinent thereto. We have invited you through CF-Pavilion to appear before us today. However, you failed to appear. In this regard, may we again invite you to appear before this Unit on Friday, 23 April 2004 at around 2:00 pm. Should you fail to do so, this will be deemed a waiver of your right to be heard, without further recourse.[7]

On April 26, 2004, Manahan filed with the CIU a Written Statement[8] giving her account of the events that transpired in relation to the disputed fund transfer. The Statement was filed in lieu of her oral testimony, after the CIU allegedly did not allow her to be assisted by counsel during the April 23, 2004 meeting and instead granted her the option to submit a written statement.[9]

Particularly on the matter of her failure to avert the release of P4.2 million under a spurious request for fund transfer, Manahan explained in her Written Statement that per actual practice, she was not required to confirm the fund transfer from CF-Laoag, it being sufficient that "David Fuentabella" was a regular player of CF-Pavilion and the request document she received was complete with pertinent information and the required signatures. Manahan also claimed that immediately after the release of the amount of P4.2 million to the claimant, she confirmed this fact by fax to CF-Laoag.

On June 2, 2004, Manahan finally received from PAGCOR's Human Resource Department (HRD) Senior Managing Head, Visitacion F. Mendoza, a letter of even date informing her of the PAGCOR Board of Directors' (BOD) decision to dismiss her from the service. The pertinent portions of the letter read:

Please be informed that the Board of Directors in its meeting on June 1, 2004, resolved to dismiss you from the service effective April 16, 2004 due to the following offense:

"Gross neglect of duty; Violations of company rules and regulations; Conduct prejudicial to the best interests of the corporation; and Loss of trust and confidence; Failure to comply with Treasury rules and regulations which resulted in payment of a spurious Fund Transfer amounting to [P]4.2 million last April 14, 2004." [10]

Manahan filed a Motion for Reconsideration[11] of the PAGCOR BOD's decision to dismiss her from the service, giving the following grounds in support thereof: (1) she was deprived of her constitutional right to due process of law when the PAGCOR BOD outrightly dismissed her from service without informing her of the formal charges and apprising her of the documentary evidence against her; (2) she was not guilty of gross neglect of duty in

allowing the spurious fund transfer considering that when she handled the fund transfer request, she did what was required of her per common practice in the Treasury Offices of PAGCOR; (3) she was not a confidential employee and thus could not have been dismissed on the ground of loss of trust and confidence; and, (4) even assuming that she committed an act of negligence, the loss incurred by PAGCOR was directly caused by a scheme employed by perpetrators who clearly knew of the lax internal controls observed by PAGCOR, making the penalty of dismissal too harsh and excessive as it was not commensurate to the act attributed to her. The motion was denied by the PAGCOR BOD for lack of merit, as disclosed in a letter[12] dated July 7, 2004 addressed to Manahan and also signed by HRD Senior Managing Head Mendoza.

Feeling aggrieved, Manahan appealed from the PAGCOR's rulings to the Civil Service Commission (CSC).

The Ruling of the CSC

On July 10, 2007, the CSC issued Resolution No. 071264[13] granting herein respondent Manahan's appeal from the decisions of PAGCOR. After a finding of violation of Manahan's right to due process, the Commission remanded the case to PAGCOR for the issuance of a formal charge, if warranted, then a formal investigation pursuant to the Uniform Rules on Administrative Cases in the Civil Service. It declared the preventive suspension of Manahan null and void for having been issued by virtue of an invalid charge and for its failure to specify the duration of preventive suspension. Further, the CSC noted that the order of dismissal served upon Manahan was a mere notice issued by the HRD Senior Managing Head informing her of the PAGCOR BOD's decision to dismiss her from the service, instead of a copy of the BOD Resolution on the order of dismissal.

Thus, the dispositive portion of the CSC Resolution reads:

WHEREFORE, the appeal of Mia B. Manahan, Treasury Officer, Philippine Amusement and Gaming Corporation (PAGCOR), Roxas Boulevard, Ermita, Metro Manila, is hereby GRANTED. Accordingly, the instant case is remanded to the PAGCOR for the issuance of the required formal charge, if the evidence so warrants, and thereafter to proceed with the formal investigation of the case. The formal investigation should be completed within three (3) calendar months from the date of receipt of the records of the case from the Commission. Within fifteen (15) days from the termination of the investigation, the disciplining authority shall render its decision; otherwise, the Commission shall vacate and set aside the appealed decision and declare respondent exonerated from the charge(s) against her, pursuant to Section 48, Rule III, Uniform Rules on Administrative Cases in the Civil Service.

The order of preventive suspension issued to Manahan is hereby declared NULL AND VOID. Thus, she should be paid the salaries and other benefits that should have accrued to her during the period of her preventive suspension.

The Director IV of the Civil Service Commission-National Capital Region (CSC-NCR) is hereby directed to monitor the implementation of this Resolution and submit a report to the Commission.[14]

PAGCOR's Motion for Reconsideration[15] was denied by the CSC via its Resolution No. 071779[16] dated September 10, 2007, prompting PAGCOR to file with public respondent CA a Petition for Review[17] under Rule 43 of the 1997 Rules of Civil Procedure with the following arguments: (1) the decision of the CSC was not supported by the evidence on record; and (2) the errors of law or irregularities attributed to the CSC were prejudicial to the interest of PAGCOR.

The Ruling of the CA

On October 2, 2008, the CA rendered the assailed Decision[18] affirming in toto the Resolutions of the CSC. The dispositive portion of the decision reads:

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The assailed Resolutions of the Civil Service Commission dated 10 July 2007 and 10 September 2007 are AFFIRMED in toto.

SO ORDERED.[19]

PAGCOR's Motion for Reconsideration[20] was denied by the CA via its Resolution[21] dated November 27, 2008.

The Present Petition

PAGCOR then filed the present Petition for Certiorari under Rule 65, assailing the rulings of the CA on the ground of grave abuse of discretion. The following arguments are presented to support the petition:

- Public respondent CA acted with grave abuse of discretion in ruling contrary to its own precedent jurisprudence enunciated in the case of Philippine Amusement and Gaming Corporation vs. Joaquin,[22] wherein the validity of a Notice of Charges issued by a Senior Branch Manager of PAGCOR was upheld by the CA despite deficiencies in requirements under CSC rules;
- The public respondent acted with grave abuse of discretion in ignoring that respondent Manahan was given the right to be heard; and
- The public respondent acted with grave abuse of discretion in overlooking the undisputed facts supporting the petitioner's decision to dismiss respondent Manahan.

This Court's Ruling

After due study, this Court finds the petition bereft of merit.

Before a party can resort to Rule 65 of the Rules of Court, there must be no other plain, speedy, and adequate remedy that is available to question the assailed ruling.

At the outset, we rule that the petitioner availed of the wrong remedy to question the rulings of public respondent CA considering that it had the opportunity to file a Petition for Review on Certiorari under Rule 45 of the Rules of Court. Section 1 thereof provides:

Section 1. Filing of Petition with Supreme Court.

A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth. (emphasis supplied)

The period to file such petition, as provided in Section 2, Rule 45, is 15 days from notice of the judgment or final order or resolution appealed from, or of the denial of the petitioner's motion for new trial or reconsideration filed in due time after notice of the judgment. Since PAGCOR declares having received on December 2, 2008 a copy of the CA Resolution denying its Motion for Reconsideration, it had 15 days from the said date, or until December 17, 2008, within which to exercise the remedy of a petition for review on certiorari then available to it.

PAGCOR's resort to Rule 65 of the Rules of Court is thus misplaced. It is explicit in Section 1, Rule 65 that before a party can resort to this remedy, there must be no other plain, speedy and adequate remedy that is available to the petitioner to question the findings and rulings of the CA. It reads:

Section 1. Petition for Certiorari.

When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46. (emphasis supplied)

Thus, jurisprudence is replete with the pronouncement that where appeal is available to the aggrieved party, the special civil action of certiorari will not be entertained - remedies of appeal and certiorari are mutually exclusive, not alternative or successive.[23] The proper remedy of the party aggrieved by a decision of the CA is a petition for review under Rule 45, which is not identical with a petition under Rule 65. Under Rule 45, decisions, final orders or resolutions of the CA in any case, i.e., regardless of the nature of the action or proceedings involved, may be appealed to us by filing a petition for review, which would be but a continuation of the appellate process over the original case. On the other hand, a special civil action under Rule 65 is an independent action based on the specific ground therein provided and, as a general rule, cannot be availed of as a substitute for the lost remedy of an ordinary appeal, including that to be taken under Rule 45.[24] One of the requisites of certiorari is that there is no available appeal or any plain, speedy and adequate remedy. Where an appeal was available, as in this case, certiorari will not prosper even if the ground therefor is grave abuse of discretion.[25]

That the remedy of a Petition for Review on Certiorari was no longer available to PAGCOR at the time of filing of this petition is of no moment. Again, we emphasize that certiorari is not and cannot be a substitute for lost appeal, especially if one's own negligence or error in one's choice of remedy occasioned such loss or lapse.[26] The special civil action for certiorari is a limited form of review and is a remedy of last recourse.[27]

PAGCOR attempts to justify its resort to Rule 65 by reasoning that this petition does not involve a "novel question of law" required in appeals by certiorari under Rule 45. Rule 45, however, merely requires that there be a "question of law," which according to jurisprudence exists when the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts,[28] as in this case. The rulings made by the CA and the issues now involved in this petition are on the application of the CSC rules and relevant jurisprudence on the right of the respondent to due process. While the case originally brought before the CSC delved on the grounds for the petitioner's decision to dismiss Manahan from the service, the issue now before us has become limited to the propriety and correctness of the case's remand to PAGCOR for further investigation after a finding of violation of the respondent's right to due process, a matter that involves the proper application of law and jurisprudence for its proper resolution.

In any case, even granting that this petition can be properly filed under Rule 65 of the Rules of Court, we hold that it is bound to fail. "Grave abuse of discretion" under Rule 65 has a specific meaning. It is the arbitrary or despotic exercise of power due to passion, prejudice or personal hostility, or the whimsical, arbitrary or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. For an act to be struck down as having been done with grave abuse of discretion, the abuse of discretion must be patent and gross.[29] A review of the assailed rulings of the CA shows that it did not commit such grave abuse of discretion. On the contrary, its findings are supported by factual and legal bases.

From a valid dismissal from the

government service, the requirements of due process must be complied with.

Citing CSC Resolution No. 99-1936 entitled "Uniform Rules on Administrative Cases in the Civil Service", particularly Section 16 thereof on the requirement of a formal charge in investigations, the appellate court correctly ruled that:

As contemplated under the foregoing provision, a formal charge is a written specification of the charge(s) against an employee. While its form may vary, it generally embodies a brief statement of the material and relevant facts constituting the basis of the charge(s); a directive for the employee to answer the charge(s) in writing and under oath, accompanied by his/her evidence; and advice for the employee to indicate in his/her answer whether he/she elects a formal investigation; and a notice that he/she may secure the assistance of a counsel of his/her own choice. A cursory reading of the purported formal charge issued to Manahan shows that the same is defective as it does not contain the abovementioned statements, and it was not issued by the proper disciplining authority. Hence, under the foregoing factual and legal milieu, Manahan is not deemed to have been formally charged.[30]

Reference to CSC Resolution No. 99-1936 is proper, being the law applicable to formal charges in the civil service prior to the imposition of administrative sanctions. The requirements under Section 16 thereof are clear, as it provides:

Section 16. Formal Charge. - After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his answer whether or not he elects a formal investigation of the charge(s) and a notice that he is entitled to be assisted by a counsel of his choice.

If the respondent has submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

The disciplining authority shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceedings. If any of these pleadings are interposed by the respondent, the same shall be considered as an answer and shall be evaluated as such.

Evidently, the petitioner failed to substantially comply with the requisite formal charge, as well as with the other requirements under CSC Resolution No. 99-1936 concerning the procedure for the conduct of an administrative investigation. What PAGCOR claims to be the formal charge it issued in compliance with the CSC rules was the memorandum addressed to Manahan under the subject "Preventive Suspension," which was issued by CF-Pavilion's Senior Branch Manager only, and which merely states, as follows:

You are hereby informed of the charge against you of SERIOUS PROCEDURAL DEVIATION/GROSS NEGLIGENCE, arising from the anomalous fund transfer transaction in the amount of P4.2 million, consummated at the VIP Booth last April 14, 2004 wherein you were on the 6-2PM duty.[31]

We find no reason to deviate from the appellate court's finding that a Senior Branch Manager is not among the company's disciplining authority, he or she being merely charged with the duty, among others, "to recommend disciplinary sanctions for violations of house rules and company policies and procedures." [32] The petitioner assails this finding and invokes the pronouncement of the CA in *Philippine Amusement and Gaming Corporation (PAGCOR) v. Joaquin* [33] to support its argument that a Senior Branch Manager is a competent disciplining authority. PAGCOR imputes grave abuse of discretion on the part of the CA in disregarding its own ruling in said

case upholding the validity of the formal charge, issued also by a Senior Branch Manager. A perusal of the CA decision in *PAGCOR v. Joaquin* however reveals that the authority of a Senior Branch Manager to sign and issue a formal charge was not a matter raised in said case. The declaration of the Court against a "myopic interpretation of the legal requirement as to the issuance of a formal charge"[34] was made after it ordered the remand of the case by the CSC to PAGCOR for failure to meet two (2) requirements for a formal charge's validity, considering that: (1) the prescribed period given to respondent Joaquin to explain was only 48 hours, not 72, and (2) the notice failed to mention that the respondent was entitled to a lawyer. These requirements were declared remedied because exhaustive proceedings preceded the rendition by the PAGCOR BOD of its decision to dismiss Joaquin, together with the fact that she was allowed to be represented by two (2) counsels during the proceedings conducted by PAGCOR's Branch Management Panel.

The circumstances and procedural deficiencies are different in this case. It is worthy to note that the respondent herein had signified her desire to be represented by a counsel during the proceedings before PAGCOR, and even requested to be furnished with documents during the investigations then being conducted by the petitioner. Her requests were evidenced by her counsel's letter[35] dated April 19, 2004 to the PAGCOR's Head of Investigation Unit. Instead of allowing these reasonable requests of the respondent, PAGCOR, in its letter[36] dated April 26, 2004 to the respondent's counsel, replied that her requests deserved scant consideration, and were even premature, due to the following reasons:

The presence of counsel is neither an antecedent nor indispensable element of administrative due process. In *Sebastian, Sr. vs. Garchitorena* (G.R. No. 114028, October 18, 2000 [343 SCRA 463]), Mr. Justice Sabino R. De Leon Jr. succinctly enunciated the dictum that:

"Entrenched is the rule that the rights provided in Section 12, Article III of the 1987 Constitution may be invoked only when a person is under 'custodial investigation' or is 'in custody investigation.' Custodial investigation has been defined as any questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in a significant way.

"While an investigation conducted by an administrative body may at times be akin to a criminal proceeding, the fact remains that under existing laws, a party in an administrative inquiry may not be assisted by counsel, irrespective of the nature of the charges and of the respondent's capacity to represent himself, and no duty rests on such a body to furnish the person investigated with counsel. x x x

x x x x

Ergo, Manahan's counsel has neither right nor privilege to be furnished with any information gathered during the investigation. Although Ms. Manahan may be advised regarding the technical intricacies akin to the fact in issue, she may not be accompanied or represented by her lawyer during the investigation. This absolute prohibition is consistent with the internal rules and/or customary practice of PAGCOR. Hence, a lawyer stands as a mere bystander or a distant observer during all phases of the investigation process. Needless to say, the witness' refusal to appear before the CIU shall be deemed a waiver of her right to be heard.[37] (emphasis supplied)

Thus, the petitioner did not refute Manahan's allegation in her Written Statement dated April 26, 2004 that she was not allowed to be assisted by counsel during the scheduled meeting with the CIU on April 23, 2004, when the CIU was to ask her questions and take her statement. This stance of PAGCOR was in clear disregard of the respondent's rights protected under the cited Section 16 of CSC Resolution No. 99-1936. While due process in an agency investigation may be limited as compared to due process in criminal proceedings, where however a statute specifically provides for a procedure and grants particular rights to a party under investigation such as in the investigations of persons covered by the Civil Service Rules, these rights shall not be utterly disregarded,

especially so when invoked by the party under investigation, as was Manahan, because these rights already form part of a procedural due process.

The finding that PAGCOR failed to comply with the required procedure is further supported by the fact that in PAGCOR's letter dated April 26, 2004, it explained that the investigation process against the respondent had just commenced.[38] If this were the case, i.e., that the investigation process had just begun at that time, then the proceedings conducted by PAGCOR were clearly flawed, since a formal charge can be made only after a finding of prima facie case during investigations. Section 15 of CSC Resolution No. 99-1936 provides as follows:

Section 15. Decision or Resolution After Preliminary Investigation. If a prima facie case is established during the investigation, a formal charge shall be issued by the disciplining authority. A formal investigation shall follow.

In the absence of a prima facie case, the complaint shall be dismissed.

Even the filing by respondent Manahan of a motion for reconsideration of PAGCOR's decision to dismiss her from the service could not have cured the violation of her right to due process. After a clear denial of due process during the investigations, it was only through a decision that sufficiently apprised the respondent of the wrongful acts she supposedly committed and the rules she purportedly violated that Manahan could be able to truly defend herself. PAGCOR's letter dated June 2, 2004 to respondent Manahan on the BOD's decision to dismiss her from the service, again reproduced hereunder for emphasis, failed in this regard:

Please be informed that the Board of Directors in its meeting on June 1, 2004, resolved to dismiss you from the service effective April 16, 2004 due to the following offense:

"Gross neglect of duty; Violations of company rules and regulations; Conduct prejudicial to the best interests of the corporation; and Loss of trust and confidence; Failure to comply with Treasury rules and regulations which resulted in payment of a spurious Fund Transfer amounting to P4.2 Million last April 14, 2004." [39]

While a liberal construction of administrative rules of procedure is allowed and applied in some cases, this is resorted to when it can promote their objective and aid the parties in reaching a just, speedy and inexpensive determination of their respective claims and defenses.[40] Without proper investigation and, thereafter, a decision that clearly indicated the facts constituting the offense imputed upon the respondent and the company rules she supposedly violated, the respondent did not get the chance to sufficiently defend herself; and more importantly, the petitioner, the CSC and the courts could not have had the chance to reasonably ascertain the truth which the CSC rules aim to accomplish.

This Court shall not delve into the sufficiency of grounds to justify the private respondent's dismissal from the service, as the said issue is among those for determination by PAGCOR following the remand of the case.

WHEREFORE, premises considered, the petition is hereby **DISMISSED**. The Decision dated October 2, 2008 and Resolution dated November 27, 2008 of the CA in CA-G.R. SP No. 100908 are hereby **AFFIRMED**.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr. Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Sereno, and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 3-24.

[2] Penned by Associate Justice Arturo G. Tayag, with Associate Justices Martin S. Villarama, Jr. (now a member

of this court) and Noel G. Tijam, concurring; id. at 26-37.

[3] Id. at 40-41.

[4] Id. at 43.

[5] Id. at 44.

[6] Id. at 48.

[7] Id. at 49.

[8] Id. at 50-57.

[9] Id. at 50.

[10] Id. at 208.

[11] Id. at 58-75.

[12] Id. at 546.

[13] Id. at 177-185.

[14] Id. at 184-185.

[15] Id. at 186-193.

[16] Id. at 210-214.

[17] Id. at 215-232.

[18] Supra note 2

[19] Rollo, p. 37.

[20] Id. at 427-435.

[21] Supra note 3.

[22] CA-G.R. SP No. 93989, CA Decision dated July 12, 2007.

[23] Catindig v. Vda. De Meneses, G.R. No. 165851, February 2, 2011, 641 SCRA 350, 363.

[24] Artistica Ceramica, Inc. v. Ciudad Del Carmen Homeowners' Association, Inc., G.R. Nos. 167583-84, June 16, 2010, 621 SCRA 22, 30.

[25] San Pedro v. Asdala, G.R. No. 164560, July 22, 2009, 593 SCRA 397, 402.

[26] Badillo v. Court of Appeals, G.R. No. 131903, June 26, 2008, 555 SCRA 435, 452.

[27] Id. at 451.

[28] New Rural Bank of Guimba (N.E.), Inc. v. Abad, G.R. No. 161818, August 20, 2008, 562 SCRA 503, 509.

[29] Beluso v. COMELEC, G.R. No. 180711, June 22, 2010, 621 SCRA 450, 456.

[30] Rollo, pp. 32-33.

[31] Supra note 6.

[32] Rollo, p. 33.

[33] Supra note 22.

[34] Id. at 8.

[35] Rollo, pp. 548-550.

[36] Id. at 551-554.

[37] Id. at 551-552.

[38] Id. at 3 and 553.

[39] Supra note 10.

[40] Civil Service Commission v. Colanggo, G.R. No. 174935, April 30, 2008, 553 SCRA 640, 645.

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