TEDDY MARAVILLA, PETITIONER, VS. JOSEPH RIOS, RESPONDENT.

G.R. No. 196875. August 19, 2015

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

This Petition for Review on Certiorari[1] seeks to set aside the July 25,2008 Resolution[2] of the Court of Appeals (CA) in CA-G.R. CEB SP No. 03594 dismissing herein petitioner's Petition for Review, as well as the CA's April 4, 2011 Resolution[3] denying petitioner's Motion for Reconsideration.[4]

Factual Antecedents

In 2:003, respondent Joseph Rios filed a criminal case against petitioner Teddy Maravilla for reckless imprudence resulting in serious physical injuries before the Municipal Trial Court in Cities (MTCC) of Himamaylan City, Negros Occidental, docketed as Criminal Case No. 2168-MTCC. Respondent accused petitioner of recklessly driving his jeep which caused it to collide with the motorcycle he (respondent) was then driving; as a result, respondent was injured and incapacitated to work for more than ninety days.

After trial, the MTCC rendered judgment[5] on December 14, 2006, pronouncing as follows:

> WHEREFORE, premises considered, the Quantum of proof necessary for the conviction of the accused not having been clearly established beyond any reasonable doubt, accused Teddy Maravilla is hereby acquitted of the crime charged. However, as the court finds preponderance of evidence to hold the accused liable in damages for the injuries sustained by the private complainant as a result of the lack of proof or lack [sic] basis and, as adverted to above, the accused is hereby ordered to pay private complainant the sum of P20,000.00 as temperate damages.
>
> Other claim for damages is hereby ordered dismissed either for lack of basis and/or the same not proper [sic] in this case.
>
> SO ORDERED.[6]

Respondent interposed an appeal before the trial court. On May 19, 2008, the Regional Trial Court of Negros Occidental, 6th Judicial Region, Branch 56 issued its Decision[7] in the appealed case - Criminal Case No. 2049 - decreeing as follows:

> WHEREFORE, viewed in the light of all the foregoing considerations, the decision of the Municipal Trial Court in Cities of Himamaylan City, Negros Occidental dated December 14, 2006, is hereby modified as follows:
>
> - The award of temperate damages in the amount of P20,000.00 is hereby deleted; and
>
> - Accused-appellee is hereby held liable to pay private complainant Joseph Rios the amount of Two Hundred Fifty Six Thousand Three Hundred Eighty Six Pesos and Twenty Five Centavos (P256,386.25) as actual and compensatory damages;

- No award for moral damages and Attorney's Fees and no costs.

SO ORDERED.[8]

Ruling of the Court of Appeals

Petitioner filed a Petition for Review with the CA, docketed as CA-G.R. CEB SP No. 03594. However, in its assailed July 25, 2008 Resolution, the CA dismissed the Petition, decreeing thus:

Filed before Us is a petition for review under Rule 42 filed by the petitioner on June 19, 2008 seeking to reverse/set aside the assailed Decision of the Regional Trial Court, Branch 56 of Himamaylan City, Negros Occidental dated 19 May 2008.

As viewed, the instant petition is defective in substance:

- It failed to incorporate a written explanation why the preferred personal mode of filing under Section 11, Rule 13, Revised Rules of Court, was not availed of;

- Some relevant and pertinent pleadings and documents, which are necessary for a better understanding and resolution of the instant petition, were not attached therein, in violation of Section 2(d), Rule 42[9] of the Revised Rules of Court, to wit:

- Copy of the information filed before the municipal trial court;

- Copy of the appellant's brief filed before the RTC;

- Copy of the appellee's brief, if any;

- Other pieces of evidence/documents adduced before the lower court.

While it is true that litigation is not a game of technicalities and that the rules of procedure should not be strictly enforced at the cost of substantial justice, this does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. Justice eschews anarchy.
Thus, for failure of the petitioner to comply with pertinent provisions of the Rules, the petition is hereby DISMISSED.

SO ORDERED.[10]

Petitioner moved for reconsideration, but in its second assailed Resolution, the CA stood its ground, stating -

The petitioner subsequently filed a motion for reconsideration of the aforesaid Resolution by invoking the rule on liberal application of procedural laws. In trying to rectify the dearth in his petition, the petitioner attached to his motion certain portions of the record of the case in the court a quo.

A perusal of petitioner's motion for reconsideration, as well as the attachments thereto, shows that the petitioners [sic] still failed to comply with Section 2(d), Rule 42 of the Revised Rules of Court. There are allegations in the petition that draw support from the transcripts of stenographic notes, formal offer of evidence by the respondent, and the Order of the trial court that admitted said formal offer of evidence. The petitioner, however, had not appended the aforesaid documents to the petition. Thus, with such deficiency, the Court resolves to deny petitioner's motion for reconsideration.

WHEREFORE, premises considered, the petitioner's motion for reconsideration is hereby denied.

SO ORDERED.[11]

Hence, the instant Petition.

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Issues

Petitioner raises the following issues for resolution:

1.
THE HONORABLE COURT OF APPEALS ERRED IN DISMISSING THE PETITION FOR REVIEW UNDER RULE 42 DUE TO TECHNICALITIES.
2.
PETITIONER HAS A MERITORIOUS CASE AND [THE] PETITION IS NOT FRIVOLOUS AND DILATORY.[12]

Petitioner's Arguments

In his Petition and Reply[13] seeking reversal of the assailed CA dispositions and a remand of the case to the CA for consideration on its merits, petitioner argues that while the CA has discretion to dismiss the appeal, its discretion must be a sound one, and it must consider the circumstances of the case, the tenets of justice and fair play, and the fact that an appeal is an essential part of the judicial process, to the end that technicalities should be avoided.[14] Petitioner asserts that the courts must afford every party litigant the amplest opportunity for the just and proper determination of his case free from the constraints of technicalities. He claims that Ms failure to submit pertinent documents required by the CA was due to misapprehension of Section 2(d) of Rule 42, as the said section mentions only copies of the judgments or orders of the lower courts, which brought him to the realization that other pleadings or documents may be submitted later on, as the need arises or as may be necessary. He argues that the Revised Internal Rules of the CA (Section 3[d], Rule 3) states that when a petition does not contain the complete annexes of the required number of copies, "the Chief of the Judicial Records Division shall require the petitioner to complete the annexes or file the necessary number of copies of the petition before docketing the case;" thus, the defect was cured when he submitted the required pleadings/documents together with his motion for reconsideration with the CA. Moreover, he insists that he has a meritorious case since there is no basis for the trial court's award of actual damages because respondent failed to prove and testify as to the same -respondent failed to present actual receipts of his hospital expenses, but merely relied on the hospital's statement of account (Exhibit "N") containing the amount of expenses allegedly incurred by him, which does not qualify as proof of actual expenses incurred; respondent failed to identify the said statement of account at the trial; and finally, respondent's other exhibits do not prove that he incurred medical expenses.

Respondent's Arguments

In his Comment,[16] respondent supports the dismissal of the Petition by the CA. He contends that while petitioner submitted additional pleadings and documents when he filed his Motion for Reconsideration, still the same was insufficient. The CA may not be expected to rule properly on the petition without said pleadings and documents, since - unlike in an ordinary appeal - the trial court record is not automatically elevated to the appellate court in a petition for review. Respondent insists that petitioner may not invoke liberality in the application of the Rules. The cases he cited are not applicable because the parties complied wholly with their duty to attach all the relevant pleadings and documents necessary for the consideration of their petition whereas in his case, there was no complete compliance with the Rules because he failed to attach all the required pleadings and documents. Besides, petitioner has not given a valid excuse for failing to complete the required documents. In any case, while the phrase "of the pleadings and other material portions of the record" in Section 2 (d), Rule 42 -followed by the phrase "as would support the allegations of the petition" - means that petitioner has the discretion to select the documents that must be annexed to the petition, it is still the CA that will ultimately determine if the supporting documents are sufficient to even make out a prima facie case.[17] Moreover, there is no question of law involved in the instant case, which justifies the denial of the petition. Respondent also avers that petitioner's

plea for a re-examination of the evidence to justify his recourse is not allowed at this stage; and that just the same, respondent has sufficiently proved his entitlement to actual damages through the various pieces of evidence submitted and admitted in the court below.

Our Ruling
The Court denies the Petition.

Under Section 2, Rule 42 of the 1997 Rules of Civil Procedure (1997 Rules), a petition for review shall be accompanied by, among others, copies of the pleadings and other material portions of the record as would support the allegations of the petition. Section 3 of the same rule states that failure of the petitioner to comply with any of the requirements regarding the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

In Galvez v. Court of Appeals,[18] this Court held that there are three guideposts in determining the necessity of attaching pleadings and portions of the record to petitions under Rules 42 and 65 of the 1997 Rules, to wit:

> First, not all pleadings and parts of case records are required to be attached to the petition. Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a prima facie case of grave abuse of discretion as to convince the court to give due course to the petition.
>
> Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also [be] found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.
>
> Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.
>
> The guideposts, which equally apply to a petition for review filed in the CA under Rule 42, reflect that the significant determinant of the sufficiency of the attached documents is whether the accompanying documents support the allegations of the petition.[19] (Emphasis supplied)

It is true that in the case of Spouses Espejo v. Ito,[20] which petitioner cites, the petitioners therein rectified their mistake by submitting the necessary pleading - in this case a copy of the complaint - to the CA, thus completing the attachments to their petition for review. The Court in said case held:

> It should be noted that in this case, petitioners immediately acted to rectify their earlier procedural lapse by submitting, together with their Motion for Reconsideration of the 19 December 2006 Resolution of the Court of Appeals, a Motion to Admit a copy of their Complaint for Unlawful Detainer. Submission of a document together with the motion for reconsideration constitutes substantial compliance with the requirement that relevant or pertinent documents be submitted along with the petition, and calls for the relaxation of procedural rules.
>
> Moreover, the Court held in Spouses Lanaria v. Planta that under Section 3(d), Rule 3 of the Revised Internal Rules of the Court of Appeals, the Count of Appeals is with authority to require the parties to submit additional documents as may be necessary to promote the interests of substantial justice. Therefore, the appellate court, instead of dismissing outright the Petition, could just as easily have required petitioners to submit the necessary document, i.e., a copy of petitioners' Complaint for Unlawful Detainer filed with the MeTC.[21]

In petitioner's case, however, while he submitted additional necessary attachments along with his Motion for Reconsideration, he left out important parts of the record - excerpts of the transcript of stenographic notes, the

respondent's formal offer of evidence, and the trial court's Order admitting said formal offer of evidence - that would support his claim that the trial court erred in awarding damages to respondent since the latter failed to testify as to his hospital expenses and identify particular exhibits.

Since petitioner was acquitted of the criminal charge, the only issue left in the appealed case (Criminal Case No. 2049) is the matter of damages. In disposing of this issue, the trial court held:

> This court, after a considered and exhaustive review and perusal of the records of this case resolves to disagree with the findings of the lower court. It has concluded that, indeed, as correctly pointed [out] by herein appellant, prosecution has proffered competent and [sic] documentary proof sustaining private complainant's plea for an award of actual and compensatory damages including the basis thereof.
>
> It is evident that in this case prosecution has sufficiently established the injuries sustained by private complainant consequent to the vehicular mishap. The evidence on record has shown that Joseph Rios was admitted at the Doctor's Hospital, Inc., Bacolod City from October 28, 2001 to February 4, 2002 per Admission and Discharge Record issued by said hospital (Exh. "F"). He underwent a surgical operation on October 28, 2001 and was diagnosed for [sic] a) fracture open type II middle femur left; b) laceration left knee; c) fracture open II, distal tibia, repair of laceration (Exh. "D"). While being admitted at the hospital, he incurred expenses in the amount of P203,343.00 per certification (Exh. "E") and the Statement of Account (Exh. "N") issued by the said hospital in the amount of P256,386.25.
>
> True it is, prosecution in its presentation of evidence failed to identify said exhibit in court. Nonetheless, said defect had been waived no less by accused-appellee in failing to seasonably object to its authenticity and its eventual admission in evidence by the court a quo. In the order dated August 12, 2005, the court a quo admitted in evidence said Exhibits "E" and "N" formally offered by the prosecution. Said order has already become final and likewise unassailable as herein accused-appellee never questioned the admission in evidence of said exhibits. The adverted order thus binds the parties. It is too late in a [sic] day at this stage for accused-appellee to claim that said exhibits have not been identified.
>
> The mere fact that private complainant was admitted in the hospital from October 28, 2001 to February 4, 2002 and had undergone a surgical operation provides sufficient basis for the award of compensatory damages. The amount of the award could hardly be concluded as proceeding from sheer conjectures and guesswork as the same has been detailed in the Statement of Account (Exh. "N") issued no less by the hospital which naturally keeps records of expenses incurred to be made payable by the patient.
>
> While the law and jurisprudence obviously require competent proof for an award of compensatory damages, such competent proof does not limit itself to the presentation of receipts. Other documentary proof as in this case the Certification (Exh. "E") and the Statement of Account (Exh. "N") would suffice as they are the best evidence to prove hospital expenses. The absence of receipts was duly elucidated and justified by private complainant as the hospital bill at the time said Statement of Account was issued, had no[t] been paid and satisfied and still remains the accountability of private complainant.
>
> To the mind of this court, Exhibits "E" and "N" presented by the private complainant and clearly unrebutted by the accused-appellee provides the plainest, easiest and most accurate measure in determining the amount of actual damages with reasonable certainty. Accordingly, an award in this case for actual damages in the amount of P256,386.25 as shown in Exh. "N" would surely subserve the ends of justice.[22]

Nowhere in the trial court's recitations above may be found any reference to the transcript covering respondent's testimony, which petitioner assails. The same is true with the MTCC's Decision; a perusal thereof generates the same conclusion. In the absence of such reference, it was incumbent upon petitioner to attach to his CA Petition such portions of the evidence and transcript as are relevant to and supportive of his claim. Without them, the appellate court could not have any factual basis to resolve the case or, at the very least, make out a prima facie

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case for him.

Thus, going by the ruling in Galvez, petitioner's failure to attach relevant portions of the evidence and transcript of stenographic notes - to his Petition, initially, and Motion for Reconsideration, subsequently - which were not tackled in the decisions of the courts below, but which are material to his claim that respondent failed to testify as to and prove actual damages, is fatal to his Petition for Review before the CA. In short, none of the three guideposts spelled out in Galvez were observed in petitioner's case.

In Magsino v. de Ocampo,[23] the Court articulated the reason for requiring -through Section 2 of Rule 42 - that pleadings and other material portions of the record as would support the allegations must be attached to the Petition, in the following manner:

> It is worth mentioning that pursuant to the third guidepost recognized in Galvez the petitioner could still have submitted the omitted documents at the time he filed his motion for reconsideration vis-a-vis the first assailed resolution of the CA. Yet, he did not do so. Instead, he boldly proposed in his motion for reconsideration vis-a-vis the first assailed resolution that the CA should have bowed to the "greater imperative of doing substantial justice" by not hampering the appeal "sticking unflaggingly to such rules," to wit:
>
> If this Honorable Court would really want to inform itself more, it is submitted that all that it has to do is to order the elevation of all the records to it. The Rules of Court, and for that matter all rules of procedure should bow to the greater imperative of doing substantial justice. Rather, routinely applying a rule of procedure when the same is not necessary in order to arrive at an intelligent resolution of the issues, it is submitted, would hamper or repress rather than promote the search for truth.
>
> x x x x
>
> It may be cliche, but it is still true today as when it first found its way into the human mind, that when technical rules of procedure already serve to hamper justice they must be left to the dustbin of the legally forgettable, and at the cost of setting them aside, should unobtrusively pursue the ends of justice and the search for truth.
>
> xxxx
>
> Now must this Honorable Court sacrifice the law for technical rules of procedure? Must it countenance mediocrity, nay, ignorance, by sticking unflaggingly to such rules? Can this honorable Court afford to pass up the rare opportunity to decide a constitutional issue with right of a party to due process of law on the line?
>
> x x x x
>
> ONCE AGAIN, we ask: Is it necessary for this Honorable Court to still pursue those pleadings when the issues confronting them are legal issues which even lesser legal intellects can resolve?
>
> This Honorable Court is respectfully reminded the law is made for man, not man for the law.

We cannot agree with the petitioner's arrogant but unworthy proposition. The CA was only just in denying his motion for reconsideration through the second assailed resolution on the following terms, viz[.]:

> A careful perusal of the said provision would reveal that the documents or annexes therein mentioned are required to be appended to the petition and the mandatory character of such requirement may be inferred from Section 3 of Rule 42 x x x.
>
> The petitioner's further argument that it is the Court which should get all the records from the court a quo if it really wants to be more informed of the issues, is not well-taken. Precisely, the annexes mentioned in Section 2(d) of Rule 42 are required to be appended to the petition in order to enable this Court to determine even without consulting the record if the petition is patently without merit or the issues raised therein are too

> insubstantial to require consideration, in which case the petition should be dismissed outright, or whether there is a need to require the respondent to comment on the petition. In short, the mere fact that a petition for review is filed does not call for the elevation of the record, which means that until this Court finds that the elevation of the record is necessary, such record should remain with the trial court during the pendency of the appeal in accordance with Section 2 of Rule 39, let alone the fact that in ejectment cases the decision of the RTC is immediately executory pursuant to Section 21 of the Revised Rule on Summary Procedure. Thus, more often than not, this Court has resolved petitions for review under Rule 42 without unnecessary movement of the original record of the case which could entail not only undue delay but also the possibility of the record being lost in transit.
>
> The petitioner urged us to rely on the documents and pleadings he appended in his petition which merely consisted of the MTC Judgment, the assailed RTC Order, the Motion for Reconsideration, and the questioned Order dated November 6, 2003 denying his Motion for Reconsideration. None of the aforementioned documents set out the factual milieu of his claims.
>
> Instead of manifesting that he would submit the additional documentary evidence, the petitioner remained [adamant] in his stand not to submit the additional pleadings and other material portions of the record. He maintained that what he has submitted based on his discretion, are all that are necessary to support his allegations in his petition. As we have already mentioned, the accompanying documents were insufficient to support the petition. Also, the petitioner could have easily ended his debacle by merely attaching the supplemental documents in his Motion for Reconsideration. Instead, the petitioner stubbornly chose to insist that this Court direct the elevation of the records of the case if we deem that the relevant documents were not appended to the petition.
>
> x x x x
>
> It is not disputed that it is petitioner who knows best what pleadings or material portions of the record of the case would support the allegations in the petition. The petitioner's discretion in choosing the documents to be attached to the petition is however not unbridled. The Court has the duty to check the exercise of this discretion, to see to it that the submission of supporting documents is not merely perfunctory. The practical aspect of this duty is to enable us to determine at the earliest possible time the existence of prima facie merit in the petition. Moreover, Section 3 of Rule 42 of the Revised Rules of Court provides that if petitioner fails to comply with the submission of "documents which should accompany the petition", it "shall be sufficient ground for the dismissal thereof."
>
> In this case, the insufficiency of the supporting documents coupled with the unjustified refusal of the petitioner to even attempt to substantially comply with the attachment requirement justified the dismissal of his petition. (Emphasis supplied)

Thus, even though petitioner exercises the initiative to select what will be attached to his Petition for Review, it is the CA that ultimately determines the sufficiency of these attachments. As held in Atillo v. Bombay.[24]

> The phrase "of the pleadings and other material portions of the record" in Section 2 (d), Rule 42 x x x followed by the phrase "as would support the allegations of the petition" clearly contemplates the exercise of discretion on the part of the petitioner in the selection of documents that are deemed to be relevant to the petition. However, while it is true that it is petitioner who initially exercises the discretion in selecting the relevant supporting documents that will be appended to the petition, it is the CA that will ultimately determine if the supporting documents are sufficient to even make out a prima facie case. It can be fairly assumed that the CA took pains in the case at bar to examine the documents attached to the petition so that it could discern whether on the basis of what have been submitted it could already judiciously determine the merits of the petition. The crucial issue to consider then is whether x x x the documents accompanying the petition before the CA sufficiently supported the allegations therein.

x x x x

> As mentioned earlier, it is not disputed that it is petitioner who knows best what pleadings or material portions of the record of the case would support the allegations in the petition. Petitioner's discretion in choosing the documents to be attached to the petition is however not unbridled. The CA has the duty to check the exercise of this discretion, to see to it that the submission of supporting documents is not merely perfunctory. The practical aspect of this duty is to enable the CA to determine at the earliest possible time the existence of prima facie merit in the petition. Moreover, Section 3 of Rule 42 of the Rules of Court provides that if petitioner fails to comply with the submission of "documents which should accompany the petition," it "shall be sufficient ground for the dismissal thereof." In this case, the insufficiency of the supporting documents combined with the unjustified refusal of petitioner to even attempt to substantially comply with the attachment requirement justified the dismissal of [his] petition.

As for petitioner's claim that based on the evidence on record, his case is meritorious, it must be said that this Court may not consider such claim. In the absence of recognized exceptional circumstances,[25] the Court will not analyze or weigh such evidence all over again, its jurisdiction being limited to reviewing errors of law that might have been committed below.

WHEREFORE, the Petition is DENIED. The July 25, 2008 and April 4, 2011 Resolutions of the Court of Appeals in CA-G.R. CEB SP No. 03594 are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, Mendoza, and Leonen, JJ., concur.

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[1] Rollo, pp. 9-24.

[2] Id. at 83-84; penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Priscilla Baltazar-Padilla and Edgardo L. Delos Santos.

[3] Id. at 96-97; penned by Associate Justice Edgardo L. Delos Santos and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Gabriel T. Ingles.

[4] Id. at 85-94.

[5] Id. at 34-47; penned by Judge Florentine) L. Labis, Jr.

[6] Id. at 47.

[7] Id. at 25-33; penned by Presiding Judge Nilo M. Sarsaba.

[8] Id. at 32.

[9] RULE 42 Petition for Review from the Regional Trial Courts to the Court of Appeals

Sec. 2. Form and contents. - The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the

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clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

[10] Rollo, pp. 83-84.

[11] Id. at 96-97.

[12] Id. at 13.

[13] Id. at 129-140.

[14] Citing Aguam v. Court of Appeals, 388 Phil. 587 2000); Spouses Espejo v. Ito, 612 Phil. 502 (2009); Spouses Edillo v. Spouses Dulpina, 624 Phil. 587 (2010).

[15] Citing Barnes v. Hon. Quijano Padilla, 500 Phil. 303 (2005).

[16] Rollo, pp. 115-126.

[17] Citing Atillo v. Bombay, 404 Phil. 179 (2001).

[18]G.R. No. 157445, April 3, 2013, 695 SCRA 10.

[19] Id. at 22.

[20] Supra note 14.

[21] Id. at 515-516.

[22] Rollo, pp. 30-31.

[23] G.R. No. 166944, August 18, 2014.

[24] Supra note 17 at 188-192.

[25] Such as: (1) when the findings are grounded entirely on speculations, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when in making its findings the [Court of Appeals] went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to that of the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (11) when the [Court of Appeals] manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. Lorenzo v. Government Service Insurance System, G.R. No. 188385, October 2, 2013, 706 SCRA 602, 618-619.

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