

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. VICENTE R. ESPINOSA AND LINDSEY BUENAVISTA, RESPONDENTS.

G.R. No. 199070. April 07, 2014

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before this Court are consolidated petitions for review filed under Rule 45 of the Rules of Court assailing the following Resolutions of the Court of Appeals, Cebu City (CA-Cebu) in CA-G.R. SP No. 05617 entitled “The People of the Philippines, et al. v. Judge Florian Gregory D. Abalajon et al.”: (a) the Resolution dated 21 January 2011 dismissing the Petition for Certiorari (under Rule 65) dated 14 December 2010;[1] and (b) the Resolution dated 3 October 2011 denying the Motion for Reconsideration dated 24 February 2011 filed by the People of the Philippines.[2]

G.R. No. 199070 was filed by the People of the Philippines (petitioner) represented by the Office of the Solicitor General (OSG), while G.R. No. 199237 was filed by Ramon Caesar T. Rojas, for himself and as representative of the heirs of Ramon Rojas, Jr. (private complainants).

The Facts

On 22 May 2008, Ramon Rojas, Jr. (Rojas), the former Vice-Mayor of Ajuy, Iloilo, was shot and killed in Sitio Casamata, Iloilo. Rojas was jogging with Armando Nacional (Nacional) when they met two assailants riding a motorcycle. Rojas was shot several times resulting in his death. Nacional later testified that Edgar Cordero (Cordero) shot Rojas while Dennis Cartagena (Cartagena) drove the motorcycle.[3]

On 26 May 2008, the Ajuy Municipal Police Office filed a Complaint for Murder against Cordero and Cartagena in the Iloilo Provincial Prosecutor’s Office, which was docketed as I.S. No. 2008-835.[4]

After examining the testimonies of additional witnesses, the Ajuy Municipal Police Office filed a second complaint on 2 June 2008 which included Vicente Espinosa alias “Bulldog” and Lindsey Buenavista alias “Bebe” (respondents).

Espinosa filed his Counter-Affidavit on 27 June 2008, denying any involvement in the killing.[5] In his Counter-Affidavit dated 30 June 2008, Buenavista also claimed that he did not participate in the killing.[6]

On 11 July 2008, Renyl Iran, who claimed to be a former bodyguard/helper of Espinosa, executed an affidavit stating that he personally heard Cartagena, Buenavista and other members of Espinosa’s staff planning the murder of several Ajuy government officials. According to Iran:

[o]n May 27, 2007, at around 9:00 in the evening, [he] was inside the compound serving beer to Vicente Espinosa, “Aldan” Padilla and “Eddie” Aguillon (Barangay Kagawad and Barangay Secretary of Barangay Lanjagan, Ajuy, Iloilo). Also drinking with them were Dennis Cartagena alias “Totong” and Lindsey Buenavista alias “Bebe” who acted as bodyguards of Vicente Espinosa during the last elections. Vicente

Espinosa, “Aldan” Padilla and “Eddie” Aguillon were talking about the last elections and how they could get even at the group of Mayor Juancho Alvarez and Vice-Mayor Ramon Rojas, Jr. Then, as [Iran] was leaving their table after serving them beer, [he] clearly heard Vicente Espinosa telling “Aldan” Padilla and “Eddie” Aguillon “Ipatumba naton sila. Unahon ta si Vice Ramon” (Let’s eliminate them. Let’s get Vice Ramon first.) Then [Iran] [also] heard Vicente Espinosa [say] “Ti ano Bebe kag Totong, kaya nyo si Vice” (How about it “Bebe” and “Patong”, can you do it to Vice?);

x x x x

In the evening of June 30, 2007 at the compound, [Iran] noticed that Vicente Espinosa was angry. Then suddenly he called me and asked “Kaya mo patyon si Juancho?” (Can you kill Juancho?), to which [Iran] answered “Noy, maluoy ka man, pangita-i lang sang iban dira. Indi ko kaya.” (Noy, have pity, just look for other persons. I can’t do it.) Vicente Espinosa then ordered me to [light] some “pwitis” (pyrotechnic rockets) and aim them at the house of Juancho Alvarez which is just 200 meters away from the compound. As [Iran fired] the rockets towards the house of Juancho Alvarez x x x Vicente Espinosa was laughing and enjoying[.][7]

The Iloilo Provincial Prosecutor’s Office recommended the filing of an Information for Murder against Cordero and Cartagena, but dismissed the case against respondents in its Resolution dated 12 August 2008. The Iloilo Provincial Prosecutor’s Office found that there was no probable cause against respondents:

The evidence submitted falls short of the quantum of proof required for a finding of probable cause against Vicente Espinosa and Lindsey Buenavista. Indeed, it is painful and heartbreaking for the Rojas family, however, the law must at all times be sustained. All doubts must be resolved in favor of the accused. The possibility of the guilt of Vicente Espinosa and Lindsey Buenavista is not being ruled out, but the principle that [the] “insufficiency of evidence must be resolved consistent with the theory of innocence.”[8]

Thus, the private complainants filed a petition for review with the Secretary of Justice on 25 August 2008. The petition claimed that the Iloilo Provincial Prosecutor’s Office gravely erred in:

1. resolving the preliminary investigation based on degree of “proof beyond reasonable doubt” rather than degree of proof to establish “probable cause” against the appellees;
2. holding that the evidence of the appellants are purely circumstantial or indirect evidence;
3. refusing to give due credence to the straightforward, candid, positive and, most importantly, un rebutted declarations of the appellants’ witnesses, manifesting a clear bias in favor of appellees Vicente Espinosa and Lindsey Buenavista; and
4. finding no probable cause against appellees Vicente Espinosa and Lindsey Buenaventura.[9]

Meanwhile, the Information for Murder was filed with the Regional Trial Court, Branch 66, Barotac Viejo, Iloilo (RTC-Branch 66), which was docketed as Criminal Case No. 2008-4303.[10] The RTC-Branch 66 also issued warrants of arrest against Cordero and Cartagena.

On 29 August 2008, a group of armed assailants shot Cartagena and Cordero. While Cartagena survived, Cordero died of gunshot wounds. Cartagena was arrested and turned over to the custody of Col. Ricardo Delapaz, Iloilo Philippine National Police Provincial Director. Thereafter, he was brought back to Iloilo City.

In his sworn statement[11] dated 4 September 2008, Cartagena admitted that he was involved in the killing of Rojas. Cordero shot Rojas while Cartagena drove the motorcycle. He also claimed that Espinosa paid him and Cordero for killing Rojas. Cartagena stated:

21. Can you tell me the reason why you and Edgar Cordero shot Vice Mayor Rojas?

Because Vicente “Etik” Espinosa alias “Bulldog” of Barangay Lanjagan, Ajuy, Iloilo paid us[.]

22. Do you really know Vicente “Etik” Espinosa alias “Bulldog”?

Yes. Because I was one of his bodyguards during the elections in May 2007.

23. You said that you are only one of his bodyguards. [D]o you know his other bodyguards?

Yes. They are Rey Peña, Lindsey Buenavista alias “Bebe” and certain alias “Remy”.

x x x x

26. When did Vicente “Etik” Espinosa tell you to murder Vice Mayor Rojas?

Sometime after the end of the election[s] in May 2007.[12]

Cartagena also claimed that it was Buenavista who shot and killed Cordero on 29 August 2008.[13]

While the petition for review filed by the private complainants was pending, former Secretary of Justice Raul M. Gonzales issued Department Order No. 360 on 14 May 2009 which created a panel of state prosecutors acting as Provincial Prosecutor to conduct a new preliminary investigation of the Complaint for Murder filed against Cordero and Cartagena.[14]

In its Resolution dated 9 October 2009, the panel found probable cause for Murder against respondents. Espinosa then filed a Motion for Reconsideration.

On 12 October 2009, this Court granted petitioners’ Urgent Petition for Change of Venue in Criminal Case No. 2008-4303 and ordered the immediate transfer of the case from RTC-Branch 66 to the RTC-Branch 38, Iloilo City (RTC-Branch 38).[15]

On 24 February 2010, former Secretary of Justice Agnes VST Devanadera dismissed the private complainants’ Petition for Review. The Resolution stated that in view of the panel’s finding that there is probable cause to charge respondents with Murder, the Petition for Review was now moot.

In accordance with the Resolution dated 24 February 2010, then Acting Secretary of Justice Alberto C. Agra issued Department Order No. 409 directing the Regional State Prosecutor of Iloilo, who was designated as Acting Provincial Prosecutor, to “file an amended information for murder in Criminal Case No. 2008-4303, entitled People of the Philippines vs. Dennis Cartagena and Edgar Cordero.”[16] Thus, on 14 July 2010, the Regional State Prosecutor, Region VI, filed with the RTC-Branch 38 an Amended Information for Murder in Criminal Case No. 2008-4303.

On 16 July 2010, Espinosa filed a Motion for Judicial Determination of Probable Cause.[17] According to Espinosa:

x x x the sworn statement of Dennis Cartagena x x x is only admissible against Cartagena and not against his co-accused or co-respondent. x x x [T]he exclusionary rule on admission and on confession as provided for under Section[s] 30 and 33 of the Rules of Court can be invoked during the preliminary investigation and reinvestigation of a case.

x x x x

x x x [T]he panel of investigators overstretched their authority and showed manifest partiality and bias, when in resolving the Motion for Reconsideration filed by respondent Espinosa, they took in consideration the affidavits of Renyl Iran and Fidel Lavega. Said affidavits were never submitted to the Panel by either party to form part of their evidence. The affiants were not even called to affirm their statements.[18]

Judge Florian D. Abalajon (public respondent) issued the questioned Order dated 12 August 2010 dismissing the Amended Information against respondents. According to the RTC, “standing alone, the Extra-Judicial Confession of accused Dennis Cartagena as against his co-accused Vicente Espinosa and Lindsey Buenavista is inadmissible and considered hearsay against them.”[19]

The RTC applied the *res inter alios acta* rule under Section 30, Rule 130 of the Rules of Court:

Admission by a Conspirator – The act or declaration of a conspirator relating to the conspiracy and during its existence, may be given in evidence after the conspiracy is shown by evidence other than such act or declaration.

The RTC explained that:

x x x In order that the admission of a conspirator may be received against his or her co-conspirators, it is necessary that:

- a.) The conspiracy must first be proved by evidence other than the admission itself;
- b.) The admission relates to the common object; and
- c.) It has been made while the declarant was engaged in carrying out the conspiracy.

x x x x

Considering that the extrajudicial confession of accused Dennis Cartagena is not corroborated by independent evidence, it is therefore inadmissible and it would be unfair to hold accused Vicente Espinosa and Lindsey Buenavista for trial. Cartagena’s confession is binding only on him and is not admissible against his co-accused Vicente Espinosa and Lindsey Buenavista. By the rule, his confession is considered hearsay against his x x x co-accused.[20]

Petitioner and private complainants filed an Urgent Motion for Inhibition on 26 August 2010 alleging that public respondent was “utterly one-sided” in favor of the accused and “oppressively biased against the complainants.”[21] A Motion for Reconsideration was later filed on 27 August 2010.

The RTC denied the Motion for Reconsideration in its Order dated 7 October 2010. The dispositive portion thereof reads:

Wherefore, premises considered, the motion for reconsideration, the motion for inhibition and motion to expunge are hereby denied, respectively.

However, in order to discontinue the lack of faith and trust of complainants private and public, and petitioner on the impartiality and objectivity of the Presiding Judge, he voluntarily inhibits himself from further hearing the case following the opinion of the Supreme Court that “at the very first sign of lack of faith and trust in his actions, whether well-grounded or not, the judge has no other alternative but to inhibit himself from the case.” (Gutang vs. Court of Appeals, G.R. No. 124760, July 8, 1998, 292 SCRA 76). On the other hand, the Supreme Court cannot tolerate acts of litigants who for any conceivable reason seek to disqualify a judge for their own purposes under a plea of bias, hostility, prejudice or prejudgment.” (People v. Serrano, G.R. No. 44712, October 28, 1991, 203 SCRA 171)

Let these cases be therefore returned/forwarded to the Office of the Clerk of Court for their proper disposition by the Executive Judge.

So ordered.[22]

The Order was received by private complainants on 14 October 2010.[23] Then, Criminal Case No. 2008-4303

was re-raffled to RTC-Branch 24, Iloilo City (RTC-Branch 24).

Aggrieved, the private complainants sought to file a petition for certiorari under Rule 65. According to them, they coordinated with the Office of the Regional State Prosecutor, Region VI, Iloilo City (Regional State Prosecutor) and drafted the petition for certiorari. As evidenced by an Indorsement dated 25 November 2010, the Regional State Prosecutor forwarded the draft of the petition for certiorari to the Office of the Prosecutor General Claro A. Arellano. On 30 November 2010, counsel for private complainants Atty. Mehelinda A. Penetrante (Atty. Penetrante) hand-delivered the: (a) Indorsement; (b) draft of the Petition for Certiorari; (c) original pages containing the verification and certification against forum-shopping executed on 26 November 2010 by private complainant Ramon Caesar T. Rojas; and (d) original copies containing the signatures of the private prosecutors.[24]

Private complainants claimed that the documents were transmitted to the Office of Hon. Anselmo I. Cadiz, Solicitor General, as evidenced by a letter dated 30 November 2010. The letter erroneously stated that the deadline for filing was 14 December 2010, instead of 13 December 2010. The letter was received by the Office of the Solicitor General (OSG) on 3 December 2010.[25] According to the OSG, the case was assigned to the handling solicitors on 8 December 2010.

On 14 December 2010, the OSG filed before the CA-Cebu a petition for certiorari under Rule 65. The OSG alleged that public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction:

- x x x when he ordered the dismissal of [the] amended information against accused Espinosa and Buenavista despite the [extrajudicial] confession of their co-accused Dennis Cartagena and corroborating [evidence] on record establishing their participation in the crime charged;
- x x x in holding that the [extrajudicial] confession of Cartagena is inadmissible x x x under Section 30 of Rule 130 of the Rules of Court;
- x x x for excluding the extrajudicial confession in his determination of the assailed orders.[26]

Private complainants claimed that they received a copy of the petition sometime around 23 December 2010. They noticed that on Page 39 of the Petition, the names of respondents were not listed as one of the parties furnished with a copy of the pleading. Thus, Atty. Penetrante informed the OSG of the omission in a letter dated 12 January 2011.[27]

The OSG, through Assistant Solicitor General (ASG) John Emmanuel F. Madamba and Associate Solicitor (AS) Melissa A. Santos, assured Atty. Penetrante that respondents were furnished with copies of the petition. However, “the Affidavit of Service was attached to the original of the petition that was filed with the Court of Appeals.”[28] The OSG also stated that private complainants would be furnished with the proof of service to the private respondents after receipt of the registry cards from the post office.

The Ruling of the Court of Appeals

In its Resolution[29] dated 21 January 2011, the CA-Cebu dismissed the petition. According to the court a quo:

A perusal of the Petition revealed there were congenital infirmities:

1. the Petition was filed one day after the 60-day regl[e]mentary period for filing the Petition for Certiorari, in violation of Section 4, Rule 65 of the 1997 Rules of Civil Procedure;
2. there was no proper proof of service of the Petition to the court a quo and to private respondents. Certainly, registry receipts can hardly be considered sufficient proof of receipt by the addressee of registered mail[;]
3. the Petition failed to incorporate therein a written explanation why the preferred personal mode of filing and

service as mandated under Section 11, Rule 13 of the 1997 Rules of Civil Procedure was not availed of. Verily, the Explanation referred to ‘... Motion for Extension...’;

4. there was no competent evidence regarding petitioners’ identity on the attached Verifications and Certifications Against Forum Shopping as required by Section 12, Rule II of the 2004 Rules on Notarial Practice; and

5. the Notarial Certificate in the Verification and Certification Against Forum Shopping of private complainant did not contain the office address of the notary public, in violation of Section 2(c), Rule VIII of the 2004 Rules on Notarial Practice.[30]

The petitioner and private complainants each filed a petition for review before this Court.

The Issue

The basic issue raised in both petitions is the propriety of the CA-Cebu’s dismissal of the OSG’s petition for certiorari based on procedural lapses.

The Ruling of this Court

We note that the OSG failed to follow procedural rules. First, it admitted that it erroneously computed the deadline for filing the petition. Second, the respondents were furnished a copy of the petition after its filing. Third, the Explanation required under Section 11, Rule 13 referred to a Motion for Extension and not a Petition for Certiorari.

The CA-Cebu dismissed the Petition for Certiorari because of these procedural errors. Petitioner and private complainants claim that the rigid technical rules should have been relaxed by the CA-Cebu in view of the circumstances of the case.

Courts are constrained to adhere to procedural rules under the Rules of Court. Section 6 of Rule 1, however, grants courts leeway in interpreting and applying rules:

Sec. 6. Construction. - These Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

However, we should point out that courts are not given carte blanche authority to interpret rules liberally. In *Building Care Corporation v. Macaraeg*,[31] we pointed out that:

x x x the resort to a liberal application, or suspension of the application of procedural rules, must remain as the exception to the well-settled principle that rules must be complied with for the orderly administration of justice.[32]

The first procedural error was the failure to file the petition within the reglementary period. Section 4 of Rule 65 of the Rules of Court, as amended under A.M. No. 07-7-12-SC, provides a strict deadline for the filing of petitions for certiorari:

SECTION 4. When and Where to File the Petition. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

x x x x

We deleted the clause in Section 4, Rule 65 that permitted extensions of the period to file petitions for certiorari, since sixty (60) days is more than ample time to sufficiently prepare for filing.[33]

However, in *Republic v. St. Vincent de Paul Colleges, Inc.*,^[34] we allowed a liberal interpretation of the foregoing rule:

Nevertheless, in the more recent case of *Domdom v. Sandiganbayan*, we ruled that the deletion of the clause in Section 4, Rule 65 by A.M. No. 07-7-12-SC did not, ipso facto, make the filing of a motion for extension to file a Rule 65 petition absolutely prohibited. We held in - that if absolute proscription were intended, the deleted portion could have just simply been reworded to specifically prohibit an extension of time to file such petition. Thus, because of the lack of an express prohibition, we held that motions for extension may be allowed, subject to this Court's sound discretion, and only under exceptional and meritorious cases.

Indeed, we have relaxed the procedural technicalities introduced under A.M. No. 07-7-12-SC in order to serve substantial justice and safeguard strong public interest.^[35] (Emphasis supplied)

The 60-day period may be extended under any of the circumstances provided in the earlier case of *Labao v. Flores*.^[36] The recognized exceptions are:

1. most persuasive and weighty reasons;
2. to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure;
3. good faith of the defaulting party by immediately paying within a reasonable time from the time of the default;
4. the existence of special or compelling circumstances;
5. the merits of the case;
6. a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules;
7. a lack of any showing that the review sought is merely frivolous and dilatory;
8. the other party will not be unjustly prejudiced thereby;
9. fraud, accident, mistake or excusable negligence without appellant's fault;
10. peculiar legal and equitable circumstances attendant to each case;
11. in the name of substantial justice and fair play;
12. importance of the issues involved; and
13. exercise of sound discretion by the judge guided by all the attendant circumstances. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules.^[37]

In the instant case, private complainants had to transmit documents to the OSG. Records clearly show that they were able to do so promptly. On 30 November 2010, counsel for private complainants Atty. Penetrante submitted to the Office of the Prosecutor General the draft petition for certiorari, the verification and certification against forum shopping, the original copies containing the signatures of the private prosecutors, and the certified copies of the annexes.^[38] These documents were received by the OSG on 3 December 2010 only.

Given the circumstances, we hold that the CA-Cebu should have applied the rules liberally and excused the belated filing.

We now discuss the remaining procedural errors. Respondents were furnished a copy of the petition after it was filed. According to respondents, this violated Section 1, Rule 65 and Section 3, Rule 46 of the Rules of Court. The CA-Cebu also found that the petition lacked a written explanation as required under Section 11, Rule 13 of the Rules of Court. The Explanation attached to the filed petition referred to a Motion for Extension and not a Petition for Certiorari. The CA-Cebu ruled that there was no proper proof of service of the petition to the court a quo and to private respondents. It held that "registry receipts can hardly be considered sufficient proof of receipt by the addressee of registered mail."

Section 13 of Rule 13 of the Rules of Court states that for pleadings served through registered mail, proof of service shall be made through an affidavit of the person mailing the pleading, and the registry receipts issued by the post office. The OSG was remiss in its duties as counsel when it failed to serve a copy to respondents before filing of the petition. As regards the Explanation, it is clear that the erroneous referral to a “Motion for Extension” instead of a Petition for Certiorari was just a mere typographical error.

While we acknowledge that the OSG committed glaring errors, we deem it unjust to penalize private complainants for the OSG’s carelessness. It is important to point out that private complainants quickly informed the OSG of the oversight:

On or about December 23, 2010, the private prosecutors in Iloilo City received by registered mail copies of the x x x petition for Certiorari signed by AS Melissa A. Santos and Assistant Solicitor General John Emmanuel F. Madamba which appeared to have been filed with the Honorable Court through registered mail on December 14, 2010;

It was then that the private prosecutors noticed on Page 39 of the petition under the “Copy furnished:” portion that the names of the private respondents Vicente Espinosa and Lindsey Buenavista were not among the list of parties who were furnished with copies of the petition as required by Rule 65. The copies sent to the private prosecutors also did not include a copy of the OSG’s Affidavit of Service. Thereupon, Atty. Penetrante in a letter dated January 12, 2011 brought this matter to the attention of the OSG thru ASG John Emmanuel F. Madamba as AS Melissa A. Santos x x x.

Thereafter, in a reply letter dated January 14, 2011 ASG Madamba and AS Santos informed Atty. Penetrante (a) that they have actually furnished the private respondents with copies of the petition but the Affidavit of Services was attached to the original of the petition that was filed with the [CA-Cebu], and (b) that they will thereafter furnish her with the proof of service to private respondents as soon as they have received the registry return receipts from the post office. x x x.[39]

As correctly pointed out by private complainants:

Indeed the actual date of filing of the petition as well as compliance with the rest of the formal and procedural requirements of a petition for Certiorari under Rule 65, namely – OSG’s verification and certification on non-forum shopping, the “Copy Furnished” portion showing service of copies of the petition on the public and private respondent[s] by registered mail and the required “Explanation” why personal service of the petition on the respondents was not resorted to –were all in the hands of the OSG. [These] were beyond the control or intervention of the private petitioners and private prosecutors. After all, the OSG [is the] chief legal counsel of the State and the People of the Philippines in the Court of Appeals and the Supreme Court.[40]

It would be unjust to penalize private complainants for the negligence of the OSG. In *Multi-Trans Agency Phils., Inc. v. Oriental Assurance Corp.*,[41] we discussed the general rule and exceptions with respect to the effect of counsel’s negligence on a client:

x x x [W]hile it is settled that negligence of counsel binds the client, this rule is not without exception. In cases where reckless or gross negligence of counsel, like in this case, deprives the client of due process of law, or when the application would result in outright deprivation of the client’s liberty or property, or where the interest of justice so requires, relief is accorded to the client who suffered by reason of the lawyer’s gross or palpable mistake or negligence.[42]

The case of *Building Care* involved an appeal which was filed out of time because of counsel’s negligence. We disallowed the belated filing because

x x x respondent nor her former counsel gave any explanation or reason citing extraordinary circumstances for her lawyer’s failure to abide by the rules for filing an appeal. Respondent merely insisted that she had not been

remiss in following up her case with said lawyer.[43]

The circumstances in Building Care are clearly different from the facts of this case. In the present case, there was a transfer of documents from private complainant's original counsel, Atty. Penetrante to the OSG. This Court has always recognized the fact that the OSG has a heavy workload. Further, the OSG only received the documents on 3 December 2010 despite prompt submission of the required documents.

WHEREFORE, the Resolutions of the Court of Appeals-Cebu dated 21 January 2011 and 3 October 2011 are hereby SET ASIDE. The case is REMANDED to the Court of Appeals which is DIRECTED to reinstate and give due course to the petition for review in CA-G.R. SP No. 05617 and to decide the same on the merits.

SO ORDERED.

Brion, Del Castillo, Perez, and Perlas-Bernabe, JJ., concur.

[1] Rollo (G.R. No. 199070), pp. 69-71. Penned by Justice Eduardo B. Peralta, Jr. with Justices Edgardo L. Delos Santos and Agnes Reyes-Carpio, concurring.

[2] Id. at 72-74. Penned by Justice Eduardo B. Peralta with Justices Edgardo L. Delos Santos and Victoria Isabel A. Paredes, concurring.

[3] Id. at 18.

[4] Id. at 19.

[5] Rollo (G.R. No. 199237), pp. 164-165.

[6] Id. at 166-169.

[7] Id. at 180-181.

[8] Id. at 207.

[9] Id. at 213.

[10] Rollo (G.R. No. 199070), p. 20.

[11] Id. at 75-80.

[12] Id. at 77.

[13] Id. at 80.

[14] Id. at 21.

[15] Id. at 21-22.

[16] Id. at 23.

[17] Rollo (G.R. No. 199237), pp. 327-344.

[18] Id. at 332-334.

[19] Rollo (G.R. No. 199237), p. 441.

[20] Id. at 441-442.

- [21] Id. at 510.
- [22] Id. at 507-508.
- [23] Id. at 117.
- [24] Id. at 42-43.
- [25] Id. at 43.
- [26] Rollo (G.R. No. 199070), p. 178.
- [27] Rollo (G.R. No. 199237), p. 44.
- [28] Id.
- [29] Rollo (G.R. No. 199070), pp. 69-71.
- [30] Id. at 70-71.
- [31] G.R. No. 198357, 10 December 2012, 687 SCRA 643.
- [32] Id. at 647.
- [33] Republic v. St. Vincent de Paul Colleges, Inc., G.R. No. 192908, 22 August 2012, 678 SCRA 738.
- [34] Id.
- [35] Id. at 749.
- [36] G.R. No. 187984, 15 November 2010, 634 SCRA 723.
- [37] Id. at 732.
- [38] Rollo (G.R. No. 199237), pp. 42-43.
- [39] Id. at 44.
- [40] Id. at 46-47.
- [41] 608 Phil. 478 (2009).
- [42] Id. at 492-493.
- [43] G.R. No. 198357, 10 December 2012, 687 SCRA 643, 648.

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