

ELLEN T. TORDESILLAS, CHARMAINE DEOGRACIAS, ASHZEL HACHERO, JAMES KONSTANTIN GALVEZ, MELINDA QUINTOS DE JESUS, VERGEL O. SANTOS, YVONNE TAN CHUA, BOOMA B. CRUZ, ED LINGAO, ROBY ...

G.R. No. 210088. October 01, 2018

Ponente: TIJAM, J.

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TIJAM, J.:

This is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court, assailing the Decision[2] dated May 31, 2013 and the Resolution[3] dated November 11, 2013 of the Court of Appeals (CA) in CA- G.R. CV No. 91428.

Factual Antecedents

This case is an offshoot of the "Manila Pen Standoff". We recount that on November 29, 2007, now Senator Antonio Trillanes IV (Trillanes), Brigadier General Danilo Lim, and other members of the Magdalo group, walked out of the Regional Trial Court (RTC) of Makati City before the sala of Presiding Judge Oscar Pimentel (Judge Pimentel), during the hearing of their coup d'etat case, known as the "Oakwood Mutiny" staged in July 2003. The group proceeded to the nearby Manila Peninsula Hotel (Manila Pen), took over the hotel, and held a press conference at the lobby, calling for the ouster of then President Gloria-Macapagal Arroyo (President Arroyo).[4]

Members of the press, including some of the petitioners herein, proceeded to Manila Pen to cover news on the situation. Thereat, after issuing a statement at the lobby, demanding for President Arroyo's ouster, the group moved to a function room. Members of the press then followed them to continue with their coverage.[5]

Acting upon the situation, police authorities led by NCRPO Chief Geary Barias, proceeded to the Manila Pen to serve the Warrant of Arrest for Direct Contempt issued by Judge Pimentel against Trillanes' group. However, they refused to receive the warrant, hence, the officers were constrained to shove the same under the front door. The police officers then gave Trillanes' group until 3 o'clock that afternoon to vacate the premises. Despite these orders, however, petitioners Ellen Tordesillas, Charmaine Deogracias, Ashzel Hachero, and James Konstantin Galvez, opted to stay inside the function room with Trillanes' group.[6]

When the 3 o'clock deadline lapsed, the police authorities hurled tear gas canisters inside the hotel lobby and fired warning shots before breaking into the hotel to arrest Trillanes and his group. The members of the press who were inside the function room were also taken by the police officers and were brought to Camp Bagong Diwa with Trillanes' group. After processing, the said members of the press were cleared and released before midnight of the same day.[7]

In a subsequent meeting with the media at the Manila Pen, then Department of Interior and Local Government (DILG) Secretary Ronaldo Puno stated that "[j]ournalists who ignore police orders to leave a crime scene will be

arrested and charged with obstruction of justice and willful disobedience of authority." [8]

Likewise, then Armed Forces of the Philippines (AFP) Chief of Staff Major General Hermogenes Esperon made a statement that the military is one with the Philippine National Police (PNP) in investigating the journalists who disobeyed the lawful orders and/or hindered the enforcement thereof. [9]

Then Department of National Defense (DND) Secretary Gilbert Teodoro (Secretary Teodoro) also defended the police authorities' actions in arresting the members of the press who ignored the above-cited orders. [10]

Then Department of Justice (DOJ) Secretary Raul Gonzales (Secretary Gonzales) issued an Advisory [11] addressed to all Chief Executive Officers (CEO) of media networks, media companies, and press groups, stating as follows:

Please be reminded that your respective companies, networks or organizations may incur criminal liabilities under the law, if anyone of your field reporters, news gatherers, photographers, cameramen and other media practitioners will disobey lawful orders from duly authorized government officers and personnel during emergencies which may lead to collateral damage to properties and civilian casualties in case of authorized police or military operations.

Former PNP Director General Avelino Razon announced his support to Secretary Gonzales' advisory and further said that media could be charged with obstruction of justice for disobeying the police warnings. [12]

These circumstances prompted petitioners to file a Complaint [13] for Damages and Injunction with Prayer for Preliminary Mandatory Injunction and/or Temporary Restraining Order (TRO) against respondents on January 28, 2008. Petitioners also filed an Urgent Motion for the Issuance of a 72-hour TRO, which was granted on the same day. [14]

In the main, petitioners averred in the said Complaint that the warrantless and oppressive arrest of journalists who were peacefully exercising their constitutional rights, clearly violates their right to press and project a "chilling effect" on such constitutionally-protected freedom. Petitioners further averred that the acts complained of constitute prior restraint, as such acts prevented journalists from carrying out the duties of their profession to report on a matter of public interest. [15]

After hearings and submission of respective memoranda on the application for TRO, the RTC of Makati, Branch 56, denied the application for TRO in its Order dated February 8, 2008. [16]

Secretary Teodoro and the Office of the Solicitor General (OSG) filed separate Motions to Dismiss on February 12, 2008 and February 28, 2008, respectively. On March 6, 2008, petitioners filed an Opposition to the said Motions to Dismiss. [17]

Secretary Teodoro and the OSG also filed their respective Oppositions/Memoranda to the application for injunction and to the admission of the expert testimony of Dean Raul C. Pangalangan (Dean Pangalangan). [18]

On June 2, 2008, the injunction was likewise denied. Petitioners filed a motion for reconsideration thereof but the same was not resolved by the trial court. Instead, the RTC issued an Order dated June 20, 2008, dismissing petitioners' Complaint on the ground that the petitioners have no cause of action against respondents, thus:

WHEREFORE, for reasons afore-stated, the complaint is hereby DISMISSED.

SO ORDERED. [19]

The CA Ruling

On appeal, the CA found no reversible error in dismissing petitioners' Complaint and in denying their prayer for TRO and/or injunction. In its May 31, 2013 assailed Decision, the CA guaranteed its recognition of the principle that the right to freedom of the press, along with the freedom of speech and of expression, and the right to peaceably assemble, is a right that enjoys primacy in the realm of constitutional protection as these rights constitute the very basis of a functional democratic polity, without which all the other rights would be meaningless and unprotected.[20]

The CA, however, also exhaustively discussed the equally settled principle that these rights are not absolute. It explained that the very nature of every well-ordered civil society necessitates that the exercise of such rights may be so regulated so as not to be injurious to the equal enjoyment of others having equal rights, nor injurious to the rights of the community or society.[21] In this regard, the CA discussed the concept of the State's police power.

The appellate court, thus, came into the conclusion that petitioners have no cause of action against the respondents as the former failed to show that their rights were violated which constitute an actionable wrong.[22]]

Consequently, the CA also held that the petitioners are not entitled to the injunctive relief prayed for, for failure to prove their claim that the acts of the respondents are violative of their rights as members of the press. The CA also found no serious damage or injury sought to be prevented.[23]

As to the admissibility of the testimony of expert witness Dean Pangalangan, the CA sustained the RTC's ruling to exclude the same as it "runs counter to the power of the Court to interpret and apply the laws to a given set of facts as it undisputedly deal with the constitutionality or legality of the DOJ Advisory, public pronouncements made by other high ranking government officials and the arrest of some of the [petitioners] xxx." Besides, according to the RTC, as affirmed by the CA, there is no factual issue before the court which requires the presentation of an expert witness.[24]

In all, the CA disposed, thus:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The appealed Orders are hereby AFFIRMED.

SO ORDERED.[25]

In its November 11, 2013 assailed Resolution, the CA denied petitioners' motion for reconsideration:

ACCORDINGLY, [petitioners'] Motion for Reconsideration is hereby DENIED.

SO ORDERED.[26]

Hence, this petition.

Issues

(1) Whether or not the CA committed reversible error in finding that petitioners have no cause of action against respondents:

(a) Whether or not the Advisory issued by the respondents is not content-neutral and thus constitute prior restraint, censorship, and are content-restrictive, which resulted to a "chilling effect" in violation of the freedom of the press;

(b) Whether or not the journalist's arrest was plain censorship.

(2) Whether or not Dean Pangalangan's testimony should have been admitted.

(3) Whether or not the denial of the TRO and/or injunctive writ was proper.

Our Ruling

Once again, this Court is faced with the predicament of balancing the spectrum with a State action on one hand and the right of free speech and of the press on the other, both constitutionally mandated and/or guaranteed. Specifically, the basic freedom of the press is invoked herein to condemn the taking of some media practitioners to Camp Bagong Diwa, together with Trillanes' group, who disobeyed the order to vacate the premises upon service of the warrant of arrest to the latter, as well as the subsequent public pronouncement and/or advisory, reminding media practitioners that disobedience to lawful orders of duly authorized government officers and personnel during emergencies which may lead to collateral damage to properties and civilian casualties in case of authorized police or military operations may result to criminal liability, as being in the nature of a prior restraint, producing a chilling effect on the exercise of press freedom, violating thus such constitutionally-protected right.

At the outset, it must be stated that this Court unwavingly recognizes that one of the cherished liberties in democracy, such as ours, is the freedom of speech and of the press.[27] In fact, no less than the 1987 Constitution, Article III, Section 4[28] thereof, mandates full protection to freedom of speech, of expression, and of the press. The importance of the right to free speech and press can be gleaned from the language of the said specific constitutional provision, which makes it seem like the said right is not susceptible of any limitation.[29] In the case of *Prof. Randolph David v. Gloria Macapagal-Arroyo*,[30] the Court even opined that "[t]he best gauge of a free and democratic society rests in the degree of freedom enjoyed by its media." In the landmark case of *Chavez v. Gonzales*,[31] We highlighted the importance of press freedom as follows:

Much has been written on the philosophical basis of press freedom as part of the larger right of free discussion and expression. Its practical importance, though, is more easily grasped. It is the chief source of information on current affairs. It is the most pervasive and perhaps most powerful vehicle of opinion on public questions. It is the instrument by which citizens keep their government informed of their needs, their aspirations and their grievances. It is the sharpest weapon in the fight to keep government responsible and efficient. Without a vigilant press, the mistakes of every administration would go uncorrected and its abuses unexposed. As Justice Malcolm wrote in *United States v. Bustos*:

The interest of society and the maintenance of good government demand a full discussion of public affairs. Complete liberty to comment on the conduct of public men is a scalpel in the case of free speech. The sharp incision of its probe relieves the abscesses of officialdom. Men in public life may suffer under a hostile and unjust accusation; the wound can be assuaged with the balm of clear conscience.

Its contribution to the public weal makes freedom of the press deserving of extra protection. Indeed, the press benefits from certain ancillary rights. The productions of writers are classified as intellectual and proprietary. Persons who interfere or defeat the freedom to write for the press or to maintain a periodical publication are liable for damages, be they private individuals or public officials. (citation omitted)

Nonetheless, as also concedingly stated by the petitioners in their petition, such valued freedom is not absolute and unfettered at all times and under all circumstances.[32] The realities of life in a complex society preclude an absolute exercise of the freedoms of speech and of the press. They are not immune to regulation by the State in the exercise of its police power.[33] As the Court succinctly explained in the case of *Cipriano Primicias v. Valeriano Fugoso*:[34]

xxx [I]t is a settled principle growing out of the nature of well-ordered civil societies that the exercise of those rights is not absolute for it may be so regulated that it shall not be injurious to the equal enjoyment of others having equal rights, nor injurious to the rights of the community or society. The power to regulate the exercise of such and other constitutional rights is termed the sovereign "police power," which is the power to prescribe

regulations, to promote the health, morals, peace, education, good order or safety, and general welfare of the people.[35]

In as early as the 1935 Constitution, our jurisprudence has recognized four aspects of freedom of the press, to wit: (1) freedom from prior restraint; (2) freedom from punishment subsequent to publication; (3) freedom of access to information; and (4) freedom of circulation.[36]

In this case, petitioners argue that respondents' acts constitute a form of prior restraint. According to the petitioners, the collective threats against journalists embodied in the advisory issued by the DOJ Secretary, unless held to be unconstitutional and enjoined for being an exercise of plain censorship or of prior restraint, "hang like the proverbial Sword of Damocles" as State agents can invoke the same at anytime against any member of the press. Petitioners proceeded by arguing that such threats resulted to a chilling effect on the exercise of petitioners' freedom of the press.[37]

Petitioners' fears and apprehensions are more apparent than real.

We had the occasion to exhaustively explain the concept of prior restraint in the case of Chavez,[38] thus:

Prior restraint refers to official governmental restrictions on the press or other forms of expression in advance of actual publication or dissemination. Freedom from prior restraint is largely freedom from government censorship of publications, whatever the form of censorship, and regardless of whether it is wielded by the executive, legislative or judicial branch of the government. Thus, it precludes governmental acts that required approval of a proposal to publish; licensing or permits as prerequisites to publication including the payment of license taxes for the privilege to publish; and even injunctions against publication. Even the closure of the business and printing offices of certain newspapers, resulting in the discontinuation of their printing and publication, are deemed as previous restraint or censorship. Any law or official that requires some form of permission to be had before publication can be made, commits an infringement of the constitutional right, and remedy can be had at the courts.

Generally, thus, prior restraint is understood to be any form of governmental restriction on, or interference to any form of expression in advance of actual expression, or exercise of the right.

In Chavez,[39] the Court struck down the statements made by then DOJ Secretary Gonzales and the National Telecommunications Commission warning the media on airing the alleged wiretapped telephone conversations of then President Gloria Macapagal-Arroyo, as constituting unconstitutional prior restraint on the exercise of free speech and of the press.

In Primicias,[40] the City Mayor of Manila's refusal to issue permit for a public assembly was held to have violated the freedom of expression.

In ABS-CBN Broadcasting Corporation v. COMELEC,[41] the Court held that the COMELEC resolution totally prohibiting the conduct of exit polls in the guise of promoting clean, honest, orderly, and credible elections was annulled as the same is an absolute infringement of the constitutionally- guaranteed rights of the media and the electorate.

In Sanidad v. COMELEC,[42] a provision in a COMELEC resolution prohibiting the media to allow the use of a column or radio or television time to campaign for or against the plebiscite issues as regards the ratification of the act establishing the Cordillera Autonomous Region, was declared null and void and unconstitutional by the Court as the same restricts, without justifiable reason, the choice of forum where one may express his view, tantamount to a restriction of the freedom of expression.

In David,[43] the Court declared as unconstitutional the warrantless search of the Daily Tribune offices, the

seizure of materials for publication therein, the stationing of policemen in the vicinity, and the arrogant warning of government officials to media, among others, pursuant to President Arroyo's Presidential Proclamation No. 1017 and General Order No. 5, as the said acts constitute plain censorship.

The list of cases in our jurisprudence could go on but the bottom line is that: there is prior restraint when the government totally prohibits and/or in some way, restricts the expression of one's view or the manner of expressing oneself. There is none in this case.

The challenged government actions in the instant petition do not, in any way, come near the government actions struck down as unconstitutional for being tantamount to a prior restraint or censorship.

As correctly found by the CA, a plain reading of the questioned advisory clearly shows that no media network or personnel is prohibited nor restricted from reporting or writing on any subject matter or from being present and covering newsworthy events, unlike the advisories/resolutions subject of the cases above-cited. The CA and the trial court also correctly pointed out that respondents' questioned acts never hindered the members of the press from freely exercising their profession to cover any newsworthy events such as the Manila Pen standoff.[44]

Contrary to petitioners' contention, no form of threat can be deduced from the subject advisory. No other interpretation can be had of respondents' pronouncements except that for being a reminder of prevailing provisions of the law and jurisprudence, applicable to all and not only to media personalities, that resistance or disobedience to lawful orders of authorities may result to criminal, and even administrative, liabilities. The advisory does not have any statements, expressly nor impliedly, preventing the media to cover police operations and events relating to the Manila Pen standoff and to any future newsworthy events.

Neither was there any indication of the claimed chilling effect on the exercise by the media of the right to free speech and press. It is of public knowledge that news and commentaries as regards the incident continued to be disseminated thereafter. There was no allegation, much less proof, that the media opted to step back from or refused to cover similar events due to fear of incurring criminal liability pursuant to the challenged advisory.

Moreover, it should also be emphasized that the issuance of the advisory, as well as respondents' actions in ordering the dispersal of the media when the warrant of arrest was served, especially when Trillanes' group refused to receive the same, were valid exercises of respondents' authorities. Indeed, as stated in the law establishing the PNP and reorganizing the DILG, Republic Act (RA) No. 6975, it is the declared "policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of the basic services to the citizenry through the establishment of a highly efficient and competent police force xxx." Likewise, the Secretary of Justice, being the head of the DOJ, the principal law agency of the country,[45] was well-within his authority to remind the media of the consequences of resisting and disobeying authorities with their lawful orders, especially during emergency situations and when public safety and order are at risk.

Again, at most, the challenged advisory was merely a reminder of already established laws and jurisprudence, and respondents' actions were lawful implementation thereof. With or without such advisory, if media networks and personnel are found to have violated penal laws, they may be prosecuted and held liable therefor. Hence, it cannot be said that the advisory and respondents' acts produced a chilling effect on the media's exercise of their profession.

To be sure, the sacrosanct freedom of expression and of the press does not entail unfettered access to information.[46] As exquisitely stated in the case of *Los Angeles Free Press, Inc. v. City of Los Angeles*, "[r]estrictions on the right of access to particular places at particular times are consistent with other reasonable

restrictions on liberty based upon the police power, and these restrictions remain valid even though the ability of the press to gather news and express views on a particular subject maybe incidentally hampered." [47] The CA correctly ruled, thus:

xxx [A] scrutiny of the questioned statements and advisory reveals that the press people were neither restricted from reporting or writing on any subject matter nor was there any statement disallowing any media persons from covering any newsworthy event. In short, there was no trace of any unlawful restraint on the free discharge of [petitioners'] duties as members of the press.

It is undisputed that the members of the press were inside the hotel room where Trillanes and his men were staying. When they were ordered by police authorities to leave the room, some of them disobeyed without any regard to the implications of their actions. Such disobedience was the root of the subsequent acts and statements made by [respondents] who were public officials. These acts and statements were necessary precautions to avoid any physical harm that may be caused if such disobedience was repeated. Also, as pointed out by the court a quo, the said acts and statements never hindered the members of the press from freely exercising their profession to cover any future events similar to the Manila Pen Standoff. What was regulated was only the means of gathering information, such as not being allowed at the crime scene, purposely for the higher interest of public safety and public order. Hence, there was no curtailment of their right to press freedom, or if there was, such restriction, was justified. [48]

Similarly, there is no indication, much less proof, of a chilling effect or violation of petitioners' right to free speech or free press due to the taking of certain media personnel, who refused to heed the order to vacate the premises during the arrest of Trillanes' group, to Camp Bagong Diwa for processing, debriefing, and documentation.

We sustain thus the RTC's and the CA's finding that there is no prior restraint nor an impermissible regulation on the petitioners' freedom of speech and of the press considering that respondents' questioned acts were merely brought about by the exigencies of the situation and ultimately, were valid exercise of their authority so as not to compromise the safety of the civilians at the scene of the incident. Indeed, a practical assessment of the particular circumstance on hand would show the necessity of respondents' actions. It is not unreasonable for the authorities to anticipate and deter a possible mayhem in the arrest of enraged military men, who openly refused to succumb to the authorities, and thus act upon the substantive interest of the State on public safety and order.

That being established, We find no reason to deviate from the RTC's and CA's ruling, dismissing the case for lack of cause of action as petitioners failed to prove that their rights were violated which constitute an actionable wrong.

As such, the prayer for injunction must, perforce, fail. It is settled that to be entitled to the injunctive writ, petitioners must show that: (1) there exists a clear and unmistakable right to be protected; (2) this right is directly threatened by an act sought to be enjoined; (3) the invasion of the right is material and substantial; and (4) there is an urgent and paramount necessity for the writ to prevent serious and irreparable damage. [49] As discussed, contrary to petitioners' assertion, their right to free speech and press was not, in any way, violated by respondents' actions.

No error could also be imputed against the RTC's and the CA's denial to admit Dean Pangalangan's testimony, supposedly as an expert witness. In *Edwin Tabao y Perez v. People of the Philippines*, [50] this Court explained:

Section 49, Rule 130 of the Revised Rules of Court states that the opinion of a witness on a matter requiring special knowledge, skill, experience or training, which he is shown to possess, may be received in evidence. The use of the word "may" signifies that the use of opinion of an expert witness is permissive and not mandatory on the part of the courts. Allowing the testimony does not mean, too, that courts are bound by the

testimony of the expert witness. The testimony of an expert witness must be construed to have been presented not to sway the court in favor of any of the parties, but to assist the court in the determination of the issue before it, and is for the court to adopt or not to adopt depending on its appreciation of the attendant facts and the applicable law. It has been held of expert testimonies:

Although courts are not ordinarily bound by expert testimonies, they may place whatever weight they may choose upon such testimonies in accordance with the facts of the case. The relative weight and sufficiency of expert testimony is peculiarly within the province of the trial court to decide, considering the ability and character of the witness, his actions upon the witness stand, the weight and process of the reasoning by which he has supported his opinion, his possible bias in favor of the side for whom he testifies, the fact that he is a paid witness, the relative opportunities for study and observation of the matters about which he testifies, and any other matters which deserve to illuminate his statements. The opinion of the expert may not be arbitrarily rejected; it is to be considered by the court in view of all the facts and circumstances in the case and when common knowledge utterly fails, the expert opinion may be given controlling effect. The problem of the credibility of the expert witness and the evaluation of his testimony is left to the discretion of the trial court whose ruling thereupon is not reviewable in the absence of abuse of discretion.[51] (Emphasis ours)

Inasmuch as the matter of admitting the opinion of an expert witness is left to the sound discretion of the trial court, and considering that there is no showing nor allegation of such grave abuse of discretion on the part of the courts a quo in not admitting Dean Pangalangan's testimony as an expert witness, We sustain the court a quo's ruling on the matter.

WHEREFORE, premises considered, the instant petition is DENIED. The Decision dated May 31, 2013 and the Resolution dated November 11, 2013 of the Court of Appeals in CA-G.R. CV No. 91428 are hereby AFFIRMED.

SO ORDERED.

Leonado-De Castro, C.J., (Chairperson), Del Castillo,[*] and A. Reyes, Jr.,[**] JJ., concur.
Bersamin, J., on official business.

[*] Designated Acting Working Chairperson per Special Order No. 2605 dated September 28, 2018.

[**] Designated Additional Member per Raffle dated August 29, 2018 vice Associate Justice Francis H. Jardeleza,

[1] Rollo, pp. 28-80.

[2] Penned by Associate Justice Angelita A. Gacutan and concurred in by Associate Justices Fernanda Lampas Peralta and Leoncia Real-Dimagiba; id. at 81-94.

[3] Id. at 95-97.

[4] Id. at 82-83.

[5] Id. at 34 & 83.

[6] Id. at 83

[7] Id. at 83-84.

[8] Id. at 84.

[9] Id.

[10] Id.

- [11] Id. at 101.
- [12] Id. at 84-85.
- [13] Id. at 111-124.
- [14] Id. at 85.
- [15] Id. at 119.
- [16] Id. at 37.
- [17] Id.
- [18] Id.
- [19] Id. at 86.
- [20] Id. at 87.
- [21] Id. at 87-88.
- [22] Id. at 92.
- [23] Id.
- [24] Id. at 93.
- [25] Id. at 94.
- [26] Id. at 97.
- [27] J. Carpio's Dissenting Opinion, *Soriano v. Laguardia, et. al.*, 629 Phil. 262, 284 (2010).
- [28] Sec. 4. No law shall be passed abridging the freedom of speech, of expression, or the press, xxx.
- [29] *Chavez v. Gonzales, et al.*, 569 Phil. 155, 198 (2008).
- [30] 522 Phil. 705, 805 (2006).
- [31] *Chavez v. Gonzales, et al.*, supra note 29, id. at 201.
- [32] *Philippine Journalists, Inc. (People's Journal) v. Thoenen*, 513 Phil. 607 (2005).
- [33] *ABS-CBN Broadcasting Corporation v. COMELEC*, 380 Phil. 780, 793 (2000).
- [34] 80 Phil. 71 (1948).
- [35] Id. at 75.
- [36] *Chavez v. Gonzales*, supra note 29, id. at 202.
- [37] Rollo, pp. 42-43.
- [38] *Chavez v. Gonzales*, supra note 29, id. at 203-204.
- [39] Supra note 29.
- [40] *Primicias v. Valeriano*, supra note 34.
- [41] *ABS-CBN v. COMELEC*, supra note 33.

[42] 260 Phil. 565 (1990).

[43] David v. Arroyo, *supra* note 30, *id.* at 805-806.

[44] Rollo, p. 92.

[45] Title III, Chapter I, Section 1 of Executive Order No. 292.

[46] Akbayan Citizens Action Party ("AKBAYAN"), et al., v. Aquino, et al., 580 Phil. 422 (2008).

[47] 9 Cal. App. 3D 448; 88 Cal. Rptr. 605; 1970.

[48] Rollo, pp. 91-92.

[49] Australian Professional Realty, Inc., et al. v. Municipality of Padre Garcia, Batangas, 684 Phil. 283, 292 (2012).

[50] 669 Phil. 486 (2011), citing *People v. Basite*, 459 Phil. 197, 206-207 (2003), citing *People v. Baid*, 391 Phil. 552, 571-572 (2000).

[51] *Id.* at 507-508.

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