

MA. SUGAR M. MERCADO AND SPOUSES REYNALDO AND YOLANDA MERCADO, PETITIONERS, VS. HON. JOEL SOCRATES S. LOPENA [PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 33, QUEZON CITY], ...

G.R. No. 230170. June 06, 2018

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CAGUIOA, J:

This is a Petition for Certiorari and Prohibition under Rule 65 of the Rules of Court (Petition), invoking the power of the Court "to promulgate rules concerning protection and enforcement of constitutional rights, to declare the cases filed by private respondents against petitioners as Strategic Lawsuits Against Public Participation (SLAPP) and therefore contrary to the Constitution, public policy and international law and x x x repugnant to fundamental equality before the law of women and men and the spirit and the intent of Republic Act [No.] 9262." [1]

Petitioner Ma. Sugar M. Mercado (Mercado) is joined herein by her parents, co-petitioners spouses Reynaldo and Yolanda Mercado (collectively, petitioners).

Private respondent Kristofer Jay I. Go (Go) is the husband of petitioner Mercado. The other private respondents herein are spouses Peter and Esther Go (parents of respondent Go), Kenneth Roue Go, Casey Lim Jimenez, Cristina Palileo, and Ruel Balino (relatives and friends of respondent Go) (collectively, private respondents). Likewise impleaded herein are public respondent judges and prosecutors presiding over various cases filed against petitioners (collectively, public respondents).

Factual Antecedents

The root of this controversy is a domestic dispute between estranged spouses petitioner Mercado and private respondent Go. Such dispute eventually led to the filing of numerous suits by both parties against each other, as summarized below.

Cases filed by private respondents against petitioners

Sometime in October 2015, respondent Go filed a Petition for Habeas Corpus with Custody of their children, which was docketed as Civil Case No. R-QZN-15-08943. The case was raffled to and is still pending with the Regional Trial Court (RTC) of Quezon City, Branch 86, which is presided by herein public respondent Judge Roberto P. Buenaventura.[2]

Within the period of September 2015 to November 2015, private respondents also filed the following cases against petitioners:

- People v. Sugar Mercado and Yolanda Mercado (Crim. Case No. R-QZN-16-06371-CR) for violation of Republic Act (R.A.) No. 7610[3];
- People v. Yolanda Mercado (Crim. Case No. R-QZN-16-06372-CR) for violation of R.A. No. 7610;

- Kristofer Go v. Sugar Mercado-Go (NPS XV-INV-15J-11698) for Libel;
- Kristofer Go v. Yolanda Mercado (NPS-XV-INV-15J-11699) for Libel;
- People v. Sugar Mercado (Crim. Case No. R-QZN-16-5596-98-CR) for Physical Injuries, Oral Defamation, Slander by Deed, and Unjust Vexation; and
- People v. Yolanda and Reynaldo Mercado (Crim. Case No. 16-09066-69) for Unjust Vexation, Unlawful Arrest, Slight Physical Injuries, Grave Coercion.

All the cases were still pending at the time the Petition was filed, except for NPS XV-INV-15J-11698, which was dismissed by the Office of the City Prosecutor (OCP) of Quezon City in a Resolution dated November 23, 2016.[4]

In addition to the foregoing, beginning February 2016, private respondents initiated the following cases:

- Kristofer Go and Christina Palileo v. Yolanda Mercado (QC-OCP-NOS-INV-16A-01033) for Grave Threats;
- Kristofer Go v. Sugar Mercado (NPS-XV-02-INV-16C-00840) for violation of R.A. No. 10175[5];
- Kristofer Go v. Sugar Mercado (Civil Case No. R-QZN-16-02517-CV) for Indirect Contempt; and
- Kristofer Go v. Sugar Mercado (Civil Case No. R-QZN-16-07881-CV) for Indirect Contempt.

Of the above cases, NPS-XV-02-INV-16C-00840 was dismissed for lack of probable cause.[6]

Cases filed by petitioners against private respondents

On the other hand, on November 5, 2015, petitioner Mercado filed an Urgent Petition for Issuance of Temporary and/or Permanent Protection Order (TPO/PPO), docketed as Civil Case No. R-QZN-15-10201 (the PPO Case).[7] The case was also raffled to Branch 86 of the RTC of Quezon City.[8] Therein, petitioner Mercado complained of several acts of respondent Go allegedly constituting domestic violence.

At the same time, petitioner Mercado also filed a criminal complaint for violation of R.A. No. 9262[9] against respondent Go and his parents, respondent spouses Peter and Esther Go, which was eventually dismissed for insufficiency of evidence.

On February 19, 2016, the RTC in the PPO case granted the petition and forthwith issued a PPO in favor of petitioner Mercado.[10] The Order granting the PPO was appealed by respondent Go to the Court of Appeals (CA) and was docketed as CA-G.R. No. 106476.[11] In a Decision dated March 3, 2017, the CA denied respondent Go's appeal.[12] The CA's Decision was then elevated to the Court via Rule 45 appeal by certiorari in G.R. No. 232206 (Kristofer Jay I. Go v. AAA), which was denied through a Resolution dated October 2, 2017 for failure to show any reversible error on the part of the CA.[13]

Petitioner Mercado also filed several other cases against private respondents, as follows:

- Sugar Mercado v. Kristofer Jay Go (R-QZN-16-05478-CV) for Indirect Contempt;
- Sugar Mercado v. Krystle Anne I. Go-Cantillo (OCP NPS-INV-16H-09264) for violation of R.A. No. 10175;
- Ma. Sugar Mercado v. Kristofer Hay Go, Peter and Esther Go (NPS-XV-03-INV-15K-12139) for violation of R.A. No. 9262; and
- Ma. Sugar Mercado v. Kristoffer Jay Go, Peter and Esther Go (NPS-XV-INV-16C-00802 OCP) for violation of R.A. No. 9262.

The last two cases for violation of R.A. No. 9262 were eventually dismissed by the OCP of Quezon City for lack of probable cause.[14]

Hence, the instant Petition.

Petitioners aver that the cases filed by private respondents against them (the subject cases) are forms of SLAPP intended to harass, intimidate, and silence them.[15] Petitioners claim that the subject cases are false and baseless complaints that were filed to emotionally, psychologically, and financially drain them and ultimately to pressure them to give up custody of petitioner Mercado's minor children. Petitioners also argue that the filing of the subject cases falls within the definition of "abuse" and "violence against women" under R.A. No. 9262. In this regard, petitioners claim that public respondents committed grave abuse of discretion, amounting to lack or excess of jurisdiction, in taking cognizance of the subject cases even though petitioner Mercado is a "judicially declared victim of domestic violence" and in whose favor a PPO has been issued.[16]

Petitioners thus pray that the Court declare the subject cases as SLAPP and for the Court to issue a TRO/Writ of Preliminary Injunction directing public respondents to desist from conducting further hearings on the subject cases and for the immediate dismissal of the same. Petitioners also seek the amendment of A.M. No. 04-10-11-SC (Rule on Violence Against Women and Children) to include provisions against SLAPP.

Comment of Private Respondents

On September 14, 2017, private respondents filed their Comment to the Petition.

Private respondents allege that the Petition does not satisfy the procedural requisites of judicial review and that petitioners are guilty of forum-shopping. They likewise claim that the filing of the subject cases against petitioners was not a violation of the PPO as some of the cases were filed prior to the issuance of the PPO on February 19, 2016. Nonetheless, there was no pronouncement in the PPO that the filing of said cases was a violation thereof. Private respondents further allege that the subject cases had factual and legal bases and that the enforcement of a right or seeking redress through judicial processes does not constitute violence against women. Thus, private respondents argue that there was no grave abuse of discretion on the part of public respondents as they were merely performing their official functions.

Comment of Public Respondents

On November 9, 2017, public respondents Vitaliano Aguirre II, in his capacity as Secretary of Justice, and Donald Lee, in his capacity as Chief of the Prosecutor's Office, Quezon City, filed their Comment through the Office of the Solicitor General (OSG).

Public respondents stress several procedural infirmities in the Petition, namely: (i) that the requisites for judicial review are not present in this case; (ii) that the filing of the Petition is premature because there are other plain, speedy, and adequate remedies available to petitioners; and (iii) that there was also a failure to observe the hierarchy of courts.

With respect to the substantive issue, public respondents further aver that they did not commit grave abuse of discretion in taking cognizance of the subject cases as the same cannot be considered as SLAPPs because such rule applies specifically to environmental cases only. Hence, the relief being sought by petitioners lacks legal or procedural basis.

Issues

As gathered from the submissions of the parties, the principal issue for the Court's resolution is whether public respondents committed grave abuse of discretion amounting to lack or excess of jurisdiction in taking cognizance

of the subject cases.

Discussion

The Petition is dismissed.

The Petition is procedurally infirm; availability of plain, speedy, and adequate remedies; failure to state material dates

At the outset, the Court finds the filing of the instant Petition premature. For a petition for certiorari or prohibition to prosper, the Rules require that there be no other plain, speedy, and adequate remedy available in the ordinary course of law.[17] Here, the cases before the public respondents are still pending. Thus, there still exists in law a plain, speedy, and adequate remedy for petitioners which is to participate in said cases and await the judgment of the RTC. And, if the RTC renders an unfavorable judgment against petitioners, they may appeal the cases to the CA. Meanwhile, as to the complaints filed before the OCP of Quezon City, the same may be elevated via petition for review before the Secretary of Justice and thereafter to the Office of the President; if the prosecutor's finding of probable cause is ultimately upheld, the case may then proceed to trial.

In the same vein, petitioner Mercado is also entitled to the appropriate relief under R.A. No. 9262 in case of a violation of the PPO dated February 19, 2016 issued in Civil Case No. R-QZN-15-10201. Under Section 21 of R.A. No. 9262, a violation of any provision of a PPO shall constitute Contempt of Court punishable under Rule 71 of the Rules:

SECTION 21. Violation of Protection Orders. -

x x x x

Violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.[18]

The Court is a court of last resort. This policy must be strictly observed so as not to unduly burden the Court with cases that may be resolved by the lower courts vested with concurrent jurisdiction. The Court's original jurisdiction may only be invoked when serious and important reasons exist that necessitate the same.

Furthermore, the Petition is dismissible for failure to include a statement of material dates in violation of Rule 56 of the Rules of Court, in relation to Section 3 of Rule 46. Rule 46 provides that the following material dates must be stated in a petition for certiorari brought under Rule 65: (a) the date when notice of the judgment or final order or resolution was received, (b) the date when a motion for new trial or for reconsideration was filed, and (c) the date when notice of the denial thereof was received.[19] The same provision states that the petitioner's failure to comply with said requirements shall be sufficient ground for the dismissal of the petition.[20]

The purpose of this requirement is to determine whether the petition was filed within the proper reglementary period. A petition for certiorari or prohibition must be filed not later than sixty (60) days from notice of the judgment, order, or resolution sought to be assailed.[21]

Here, out of the ten (10) subject cases, not once did petitioners allege any material date in compliance with Rule 56, much less cite a specific order or ruling of the court or agency which they are questioning. Consequently, there is no way for the Court to determine the timeliness of the Petition because petitioners failed to include the required statement, nor did they attempt to satisfactorily explain their failure to do so.

Parenthetically, on the issue of the rule on hierarchy of courts, the Court finds the direct filing with the Court

unwarranted under the circumstances. Generally, a direct invocation of the Court's original jurisdiction to issue extraordinary writs should be allowed only when there are special and important reasons therefor.[22] Thus, in *Rama v. Moises*,[23] the Court recognized the following exceptions to the strict application of the rule on hierarchy of courts:

x x x (a) when there are genuine issues of constitutionality that must be addressed at the most immediate time; (b) when the issues involved are of transcendental importance; (c) cases of first impression; (d) when the constitutional issues raised are best decided by this Court; (e) when the time element presented in this case cannot be ignored; x x x.[24] (Emphasis supplied)

Notwithstanding the foregoing, while the Court notes that the Petition presents, at the very least, a case of first impression, novelty alone cannot cure the inherent defects of the Petition.

Those who seek relief from the Court must comply with its rules. Procedural rules are in place for the orderly administration of justice. Litigation may not be a mere contest of technicalities, but this does not excuse strict compliance with the Rules of Court.[25] The Court will only relax the application of the rules for the most compelling and exceptional reasons, none of which are existent in this case. Based on the foregoing, the Petition should therefore be dismissed.

The Court's rule-making power cannot be invoked through a Rule 65 petition

Petitioners invoke the power of the Court to promulgate rules of procedure, presumably to extend the relief of SLAPP to those cases filed against victims of domestic violence in the context of R.A. No. 9262.

Foremost, the rule-making power of the Court in matters of pleading, practice, and procedure in all courts is vested by Section 5(5), Article VIII of the Constitution.[26] Hence, being plenary in nature, the Court cannot be called upon by a private citizen to exercise such power in a particular manner, especially through the vehicle of a petition for certiorari or prohibition, which is intended for an entirely different purpose.

Moreover, as discussed above, a petition filed under Rule 65 is directed against any tribunal, board or officer exercising judicial or quasi-judicial functions that has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction.[27] Relief in such a petition merely takes the form of correcting any error of jurisdiction committed by the tribunal or officer. Here, petitioners would want the Court to accommodate her cause of action by granting a collateral relief that is not comprehended under the provisions of Rule 65 - or any of the Rules, for that matter - which is to extend the concept of SLAPP to cases of violence against women and their children.

Prescinding therefrom, the Court finds no occasion under the circumstances to allow such a relief.

The concept of SLAPP is inapplicable to cases of domestic violence against women and children under R.A. No. 9262

The concept of SLAPP was first introduced to this jurisdiction under the Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC).[28] As defined therein, a SLAPP refers to

an action whether civil, criminal or administrative, brought against any person, institution or any government agency or local government unit or its officials and employees, with the intent to harass, vex, exert undue pressure or stifle any legal recourse that such person, institution or government agency has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.[29] (Emphasis supplied)

In application, the allegation of SLAPP is set up as a defense in those cases claimed to have been filed merely as a

harassment suit against environmental actions:

RULE 6

Strategic Lawsuit Against Public Participation

x x x x

SECTION 2. SLAPP as a Defense; How Alleged. - In a SLAPP filed against a person involved in the enforcement of environmental laws, protection of the environment, or assertion of environmental rights, the defendant may file an answer interposing as a defense that the case is a SLAPP and shall be supported by documents, affidavits, papers and other evidence; and, by way of counterclaim, pray for damages, attorney's fees and costs of suit.

The court shall direct the plaintiff or adverse party to file an opposition showing the suit is not a SLAPP, attaching evidence in support thereof, within a non-extendible period of five (5) days from receipt of notice that an answer has been filed.

The defense of a SLAPP shall be set for hearing by the court after issuance of the order to file an opposition within fifteen (15) days from filing of the comment or the lapse of the period.[30] (Emphases supplied)

RULE 19

Strategic Lawsuit Against Public Participation in Criminal Cases

SECTION 1. Motion to Dismiss. - Upon the filing of an information in court and before arraignment, the accused may file a motion to dismiss on the ground that the criminal action is a SLAPP.

SECTION 2. Summary Hearing. - The hearing on the defense of a SLAPP shall be summary in nature. The parties must submit all the available evidence in support of their respective positions. The party seeking the dismissal of the case must prove by substantial evidence that his acts for the enforcement of environmental law is a legitimate action for the protection, preservation and rehabilitation of the environment. The party filing the action assailed as a SLAPP shall prove by preponderance of evidence that the action is not a SLAPP.[31] (Emphases supplied)

Transposed to this case, the Court finds no occasion to apply the foregoing rules as the Petition has no relation at all to "the enforcement of environmental laws, protection of the environment or assertion of environmental rights." [32] R.A. No. 9262, which involves cases of violence against women and their children, is not among those laws included under the scope of A.M. No. 09-6-8-SC:

SECTION 2. Scope. - These Rules shall govern the procedure in civil, criminal and special civil actions before the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts involving enforcement or violations of environmental and other related laws, rules and regulations such as but not limited to the following:

(a)

Act No. 3572, Prohibition Against Cutting of Tindalo, Akli, and Malave Trees;

(b)

P.D. No. 705, Revised Forestry Code;

(c)

P.D. No. 856, Sanitation Code;

(d)

P.D. No. 979, Marine Pollution Decree;

(e)

P.D. No. 1067, Water Code;

(f)

P.D. No. 1151, Philippine Environmental Policy of 1977;

(g)

P.D. No. 1433, Plant Quarantine Law of 1978;

(h)

P.D. No. 1586, Establishing an Environmental Impact Statement System Including Other Environmental Management Related Measures and for Other Purposes;

(i)

R.A. No. 3571, Prohibition Against the Cutting, Destroying or Injuring of Planted or Growing Trees, Flowering Plants and Shrubs or Plants of Scenic Value along Public Roads, in Plazas, Parks, School Premises or in any Other Public Ground;

(j)

R.A. No. 4850, Laguna Lake Development Authority Act;

(k)

R.A. No. 6969, Toxic Substances and Hazardous Waste Act;

(l)

R.A. No. 7076, People's Small-Scale Mining Act;

(m)

R.A. No. 7586, National Integrated Protected Areas System Act including all laws, decrees, orders, proclamations and issuances establishing protected areas;

(n)

R.A. No. 7611, Strategic Environmental Plan for Palawan Act;

(o)

R.A. No. 7942, Philippine Mining Act;

(p)

R.A. No. 8371, Indigenous Peoples Rights Act;

(q)

R.A. No. 8550, Philippine Fisheries Code;

(r)

R.A. No. 8749, Clean Air Act;

(s)

R.A. No. 9003, Ecological Solid Waste Management Act;

(t)

R.A. No. 9072, National Caves and Cave Resource Management Act;

(u)

R.A. No. 9147, Wildlife Conservation and Protection Act;

(v)

R.A. No. 9175, Chainsaw Act;

(w)

R.A. No. 9275, Clean Water Act;

(x)

R.A. No. 9483, Oil Spill Compensation Act of 2007; and

(y)

Provisions in C.A. No. 141, The Public Land Act; R.A. No. 6657, Comprehensive Agrarian Reform Law of 1988; R.A. No. 7160, Local Government Code of 1991; R.A. No. 7161, Tax Laws Incorporated in the Revised Forestry Code and Other Environmental Laws (Amending the NIRC); R.A. No. 7308, Seed Industry Development Act of 1992; R.A. No. 7900, High-Value Crops Development Act; R.A. No. 8048, Coconut Preservation Act; R.A. No. 8435, Agriculture and Fisheries Modernization Act of 1997; R.A. No. 9522, The Philippine Archipelagic Baselines Law; R.A. No. 9593, Renewable Energy Act of 2008; R.A. No. 9637, Philippine Biofuels Act; and other existing laws that relate to the conservation, development, preservation, protection and utilization of the environment and natural resources.[33] (Emphases supplied)

SLAPP, as a defense, is a mere privilege borne out of procedural rules; accordingly, it may only be exercised in the manner and within the scope prescribed by the Court as a rule-making body.[34] Here, petitioners cannot, under the guise of substantial justice, rely on a remedy that is simply not available to them. In fact, by invoking the Court's rule-making power in their Petition, petitioners have admitted that the instant action has no basis under any of the rules promulgated by the Court. The Court takes this occasion to remind petitioners that rules of procedure are not a "one-size- fits-all" tool that may be invoked in any and all instances at the whim of the litigant as this would be anathema to the orderly administration of justice.

Further on this matter, it is highly improper for petitioners to invoke SLAPP as a defense in an original action before a separate forum considering that the above rules clearly mandate that such a defense can only be invoked in the same action and consequently, before the same court. Here, petitioners essentially initiated an omnibus motion before the Court to dismiss all cases pending elsewhere. Such maneuver is patently repugnant to established procedure and thus cannot be sanctioned by the Court.

Needless to state, the dismissal of the Petition does not mean denial of redress to the petitioners. As already discussed above, there are still available and adequate remedies within the framework of the law and applicable rules.

The public respondents did not commit grave abuse of discretion; writs of certiorari and prohibition are not

available remedies to petitioners

The writs of certiorari and prohibition under Rule 65 are extraordinary remedies that may be availed of when any tribunal, board, or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction, or with grave abuse of jurisdiction amounting to lack or excess of jurisdiction.[35] The term grave abuse of discretion connotes capricious and whimsical exercise of judgment as is equivalent to excess, or a lack of jurisdiction. The abuse must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[36]

Based on the foregoing standards, the Court finds that petitioners herein utterly failed to establish their entitlement to a corrective writ of certiorari or prohibition.

It bears stressing that a special civil action for certiorari or prohibition seeks solely to correct errors of jurisdiction and not merely errors of judgment made in the exercise of jurisdiction.[37] In this case, petitioners failed to demonstrate that the subject cases fell outside of the respective jurisdictions of public respondents; there was no showing that the subject matters of the said cases were not properly cognizable by the offices of public respondents. Instead, petitioners merely argue that public respondents committed grave abuse of discretion in the taking of cognizance of the subject cases despite the issuance of the PPO in favor of petitioner Mercado.[38] This is serious error.

While the PPO indeed enjoins private respondent Go from committing acts amounting to physical, psychological, and emotional abuse, and from harassing, annoying, contacting, or communicating with petitioner Mercado, such directive can hardly be construed to extend to public respondents in their act of dispensing the functions of their office. There is absolutely nothing that precludes public respondents from exercising their respective jurisdictions over the complaints or cases filed before them; anything less would be tantamount to an abdication of their public offices.

Further, neither does the issuance of the PPO prevent private respondents from seeking redress from the courts for any alleged offense committed by petitioners against them. The PPO granted in favor of petitioner Mercado does not and cannot insulate from prosecution for acts committed in violation of the law, even if the action is initiated by private respondent Go. Granted, the PPO is a directive addressed to private respondent Go; however, the latter is still entitled to redress and be granted the reliefs he sought so long as they were based on legitimate grounds.

All told, as correctly submitted by both private and public respondents in their respective Comments, in taking cognizance of the subject cases, public respondents were merely fulfilling their respective duties in the administration of justice. This, the Court finds, does not amount to abuse of discretion, much less a grave one. Hence, the dismissal of the Petition must follow.

WHEREFORE, in view of the foregoing, the Petition is DISMISSED for lack of merit.

SO ORDERED.

Carpio, Senior Associate Justice, (Chairperson), Peralta, Perlas-Bernabe, and Reyes, Jr., JJ., concur.

[1] Rollo, p. 6.

[2] Id. at 993-994.

- [3] SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT, dated June 17, 1992.
- [4] Rollo, p. 15.
- [5] CYBERCRIME PREVENTION ACT OF 2012, dated September 12, 2012.
- [6] Rollo, pp. 398-401, 996.
- [7] Id. at 20.
- [8] Id. at 21.
- [9] ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004, dated March 8, 2004.
- [10] Rollo, p. 22.
- [11] Id. at 26.
- [12] Id. at 1095. Annex "E" of petitioner Mercado's Consolidated Reply to Respondents' Comment with Manifestation.
- [13] Id.
- [14] Id. at 997.
- [15] Id. at 34.
- [16] Id. at 40-44.
- [17] Asian Trading Corp. v. Court of Appeals, 362 Phil. 490 (1999).
- [18] R.A. No. 9262, Sec. 21.
- [19] RULES OF COURT, Rule 46, Sec. 3.
- [20] Id.
- [21] Lapid, et al. v. Laurea, 439 Phil. 887 (2002).
- [22] Tolentino v. People, 532 Phil. 429 (2006).
- [23] G.R. No. 197146, August 8, 2017.
- [24] Id. at 2.
- [25] See Bibiana Farms & Mills, Inc. v. NLRC, 536 Phil. 430 (2006).
- [26] CONSTITUTION, Art. VIII, Sec. 5(5).
- [27] RULES OF COURT, Rule 65, Sec. 1.
- [28] Dated April 13, 2010.
- [29] A.M. No. 09-6-8-SC, Rule 1, Sec. 4(g).
- [30] A.M. No. 09-6-8-SC, Rule 6, Sec. 2.
- [31] A.M. No. 09-6-8-SC, Rule 19, Secs. 1 and 2.

[32] A.M. No. 09-6-8-SC, Rule 1, Sec 4(g).

[33] A.M. No. 09-6-8-SC, Rule 1, Sec. 2.

[34] See *Manila Electric Co. v. N.E. Magno Construction, Inc.*, 794 Phil. 228, 239 (2016).

[35] RULES OF COURT, Rule 65, Sec. 1.

[36] *Spouses Mendiola v. CA*, 691 Phil. 244 (2012).

[37] *Biñan Rural Bank v. Carlos*, 759 Phil. 416 (2015).

[38] *Rollo*, p. 34.

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