

SPOUSES BERNARDO T. CONSTANTINO AND EDITHA B. CONSTANTINO, PETITIONERS, VS. ALEJANDRIA N. BENITEZ, RESPONDENT.

G.R. No. 233507. February 10, 2021

Ponente: CARANDANG, J.

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CARANDANG, J.:

Before this Court is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court (Rules), assailing the Decision[2] dated March 28, 2017 and the Resolution[3] dated July 27, 2017 of the Court of Appeals (CA) in CA--G.R. SP No. 140213 filed by petitioners Bernardo T. Constantino and Editha B. Constantino (collectively, Sps. Constantino).

Antecedents

On December 1, 2004, respondent Alejandria Benitez (Alejandria) filed a petition for the settlement, division, and partition of the intestate estate of her husband Romeo Benitez (Romeo) before the Regional Trial Court of Batac, Ilocos Norte, Branch 18 (intestate court) docketed as Spec. Proc. 4506-18. Romeo, who died on June 15, 2004,[4] left several real estate properties in Laoag and Badoc, Ilocos Norte with an estimated value of P540,000.00. He is survived by Alejandria, and their two daughters, Fritzie Joy Benitez (Fritzie Joy), and Analiza Benitez (Analiza) who is adopted. Alejandria alleged that Romeo had no existing debts other than taxes and funeral expenses. She asked to be appointed administrator of Romeo's estate pending the settlement and partition among themselves.[5] Romeo's estate includes inter alia properties located in Laoag City such as Lot No. 9398-B (covered by TCT No. T-26828)[6], and Lot No. 9400-C (covered by TCT No. T-27844).[7]

There being no opposition to the petition, the intestate court rendered a Decision[8] dated April 22, 2005, the dispositive portion of which states:

WHEREFORE, premises considered, it is hereby declared that petitioner ALEJANDRIA N. BENITEZ, ANALIZA N. BENITEZ and FRITZIE JOY N. BENITEZ are the only lawful heirs of the deceased Romeo F. Benitez.

Petitioner ALEJANDRIA N. BENITEZ is hereby appointed ADMINISTRATOR of the estate of her deceased husband, Romeo F. Benitez.

Let Letters of Administration issue upon petitioner's filing of a bond in the amount of One Hundred Thousand Pesos (P100,000.00), within ten (10) days from notice, conditioned as follows:

- a) To make and return to the court, within three (3) months, a true and complete inventory of all goods, chattels, rights, credits, and estate of the deceased which shall come to his possession or knowledge or to the possession of any other person for him;
- b) To administer according to these rules, and if an executor according to the will of the testator, all goods, chattels, rights, credits and estate which shall at any time come to his possession or to the possession of any

other person for him, and from the proceeds to pay and discharge all debts, legacies, and charges on the same, or such dividends thereon as shall be decreed by the court;

c) To render a true and just account of his administration to the court within one (1) year and at any other time when required by the court;

d) To perform all orders of the court by him to be performed.

SO ORDERED.[9]

The intestate court declared Alejandria, Analiza and Fritzie Joy as the only lawful heirs of Romeo and appointed Alejandria as the administrator of Romeo's estate.[10] Intestate proceedings were terminated by the execution of a Deed of Settlement of Estate with Waiver and Quitclaim wherein the children of Alejandria and Romeo granted Alejandria sole ownership over the subject parcels of land.[11]

Meanwhile, on October 22, 2007, Alejandria and Analiza filed a petition[12] for the issuance of new owner's duplicate copies of TCT Nos. T-27844 and T-26828 in the RTC of Laoag City, Branch 65 (cadastral court) docketed as CAD. Case No. 51 claiming that said documents were missing.[13] In a Decision[14] dated April 1, 2008, the cadastral court directed the issuance of new owner's duplicate copies of TCT Nos. T-27844 and T-26828, the dispositive portion of which reads:

WHEREFORE, the instant petition is hereby granted.

The Register of Deeds of Laoag City is hereby directed to issue another Owner's Copies of T.C.T. Nos. T-27844 and T-26828 which shall have like faith and credit as the lost ones for all legal intents and purposes, upon payment of the required fees by the petitioners.

The lost owner's copies of Transfer Certificate of Title Nos. T-27844 and T-26828 are ordered cancelled and without legal effect whatsoever.

If the lost ones are found, the same must be surrendered to the Register of Deeds of Laoag City for cancellation.

SO ORDERED.[15] (Emphasis supplied)

On April 20, 2011, Sps. Constantino allegedly purchased the lots covered by TCT Nos. T-26828 and T-27844 from Ceazar Cu Benitez (Ceazar) who is the son of Romeo and Lolita Cu (Lolita), both deceased.[16] After the purchase of the subject lots, Sps. Constantino learned about the Decision dated April 1, 2008 of the cadastral court.[17]

Sps. Constantino filed a petition for annulment of judgment[18] of the Decision of the cadastral court in the CADocketed as CA-G.R. SP No. 138997. Sps. Constantino averred that the Affidavit of Loss[19] executed by Alejandria and attached to her petition filed before the cadastral court, wherein she stated inter alia that she was in joint physical possession of the original owner's duplicate copies with the late Romeo, is a perjured document as the original owner's duplicate copies were not lost. Sps. Constantino claimed that these had always been under the exclusive custody and physical possession of Lolita, and were turned over to her son Ceazar on March 6, 2004 after Romeo executed a Deed of Quitclaim[20] over the subject lots in Ceazar's favor. These were subsequently delivered to Sps. Constantino when they bought from Ceazar the subject lots on April 20, 2011 for P2,000,000.00.[21]

Meanwhile, on February 8, 2013, Sps. Constantino filed a Motion for Intervention[22] in Spec. Proc. 4506-18 in the intestate court praying for the following: (1) that they be allowed to intervene; (2) that the attached motion to exclude lots covered under TCT Nos. T-36271, T-26828, and T-27844 as part of the intestate estate of Romeo be

admitted; and (3) that the notice of lis pendens annotated therein be cancelled.[23]

Ruling of the Intestate Court in Spec. Proc. 4506-18

In an Order[24] dated February 11, 2013, the intestate court denied Sps. Constantino's Motion for Intervention on the ground that Spec. Proc. No. 4506-18 had become final and immutable on December 8, 2010, as evidenced by a Certificate of Finality issued on August 14, 2014. The Motion for Intervention was filed outside the period provided in Section 2, Rule 19 of the Rules.[25]

Sps. Constantino sought reconsideration[26] but was denied in an Order dated March 12, 2013.[27]

On December 11, 2014, Alejandria asked for the issuance of a Writ of Possession[28] and demanded possession over the subject lots. Sps. Constantino opposed this and insisted that the Order of the cadastral court directing the issuance of new certificates of title in CAD. Case No. 51 is void for lack of jurisdiction.[29] Sps. Constantino prayed that, given the conflicting claims over the titles, the case should be litigated anew.[30]

On March 4, 2015, the intestate court issued an Order[31] granting Alejandria's motion and ordered the issuance of a writ of possession. Sps. Constantino and their daughter, Bernadette Liu, were directed to surrender possession of Lots 9398-B and 9400-C under the new titles TCT Nos. T-021-2013000655 and T-021-2013000656 to Alejandria or to any of her duly authorized representative.[32] Sps. Constantino filed a Motion for Reconsideration[33] which was denied in an Order[34] dated March 23, 2015. The writ of possession was fully executed and Alejandria is now in possession of the subject properties. Hence, Sps. Constantino filed a petition for certiorari to the CA.[35]

Ruling of the Court of Appeals

On the petition for certiorari docketed as CA-G.R. SP No. 140213 assailing the Orders dated March 4, 2015 and March 23, 2015 of the intestate court.

In a Decision[36] dated March 28, 2017, the CA dismissed the petition for certiorari of Sps. Constantino and affirmed the Orders of the intestate court dated March 4, 2015 and March 23, 2015.[37]

In affirming the Orders of the intestate court, the CA held that the arguments relied upon by Sps. Constantino are essentially matters of ownership and title that may no longer be resolved through a motion for intervention that was filed after the judgment had reached finality, in violation of Section 2, Rule 19 of the Rules.[38]

The CA held that Alejandria observed the jurisdictional requirement of publication, as evidenced by the affidavit of the publisher of Ilocos Times, a newspaper of general circulation in the province of Ilocos Norte.[39] Even though Sps. Constantino were not mentioned in the intestate proceedings of Romeo's estate, the CA explained that they eventually became parties to the case as a result of the publication of the notice of hearing.[40]

The CA also opined that filing a motion for intervention was the wrong remedy. For the CA, Sps. Constantino should have filed a petition for relief from judgment under Section 3, Rule 38 of the Rules within 60 days from learning of the judgment, final order, or other proceeding to be set aside, but not more than six months after such judgment or final order was entered, or such proceeding was taken.[41]

As regards Sps. Constantino's allegation that Alejandria committed perjury and misrepresentations, the CA ruled that these cannot be properly resolved through a certiorari which concerns itself with the review of errors arising from the exercise of jurisdiction or lack thereof, not factual errors of judgment.[42]

In a Resolution[43] dated July 27, 2017, the CA denied the Motion for Reconsideration of Sps. Constantino.[44]

Incidentally, while the petition for certiorari docketed as CA G.R. SP NO. 140213 was pending, the CA issued a

Decision[45] dated August 22, 2016 in CA-G.R. SP No. 138997 granting Sps. Constantino's petition for annulment of judgment of the cadastral court in CAD. Case No. 51. The new titles issued, TCT Nos. T-021-2013000655 and T-021-2013000656, were cancelled, and TCT Nos. T-26828 and T-27844 registered under the name of Romeo F. Benitez were reinstated.[46] The CA held that the original owner's duplicate copies of TCT Nos. T-26828 and T-27844 were not lost and are in fact in the possession of Sps. Constantino. On August 4, 2017, the CA issued an Entry of Judgment[47] declaring its Decision dated August 22, 2016 in CA-G.R. SP No. 138997 final and executory.[48]

In the present petition, Sps. Constantino insist that a motion for intervention was a proper remedy to prevent from being dispossessed of the properties they claim they purchased. Sps. Constantino argue that the Deed of Quitclaim allegedly issued by Romeo is an admission on his part that he is a mere trustee of the properties in question and that he agreed to execute the document in favor of Ceazar when the latter becomes an adult.[49] Moreover, Sps. Constantino claim that the alleged intentional omission of Ceazar as co-heir and an indispensable party in the petition for the settlement of Romeo's intestate estate renders the judgment of the intestate court in Spec. Proc. 4506-18 void.[50]

In Alejandria's Comment,[51] she suggests that the proper remedy should have been an action to annul a judgment based on fraud pursuant to Rule 47 of the Rules but which action had already prescribed. Alejandria asserts that an intestate estate proceeding is an action in rem. Thus, any decision or order rendered binds the whole world, including Ceazar.[52]

In their Reply,[53] Sps. Constantino maintain that the cancellation of the certificates of title in the name of Alejandria in CA-G.R. SP No. 138997 settled the ownership over the subject lots in their favor.[54]

Issue

The issue to be resolved in this case is whether the motion for intervention Sps. Constantino filed in the intestate court should be given due course, despite having been filed after judgment had been rendered, on account of the reinstatement of TCT Nos. T-26828 and T-27844 in CA-G.R. SP No. 138997 and the fact that these had been sold to Sps. Constantino.

Ruling of the Court

The Orders dated March 4, 2015 and March 23, 2015 of the intestate court in Spec. Proc. 4506-18 are void.

At the outset, it must be pointed out that neither of the parties assailed the jurisdiction of the intestate court in issuing a writ of possession in favor of Alejandria in its Orders dated March 4, 2015 and March 23, 2015. However, Section 8, Rule 51 of the Rules provides:

Section 8. Questions that may be decided. No errors which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

As a rule, a court does not have power to decide questions except as presented by the parties in their pleadings.[55] No error which was not assigned and argued may be considered unless such error is: (1) closely related to or dependent on an assigned error; or (2) it affects the jurisdiction over the subject matter on the validity of the judgment.[56] The courts have ample authority to rule on matters not raised by the parties in their

pleadings if such issues are indispensable or necessary to the just and final resolution of the pleaded issues.[57]

In the present case, the resolution of the propriety of the writ of possession issued by the intestate court in Spec. Proc. 4506-18 is indispensable and critical to the determination of whether the motion for intervention Sps. Constantino filed may be given due course.

The Order of the intestate court dated March 4, 2015 in Spec. Proc. 4506-18 issuing a writ of possession in favor of Alejandria is void. A careful analysis of the Order of the intestate court granting a writ of possession to Alejandria reveals that it is not one of the subject matters that it may take cognizance of. In *Valera v. Inserto*,[58] the Court emphasized the limited jurisdiction of the Regional Trial Court in testate or intestate proceedings, to wit:

x x x [S]ettled is the rule that a Court of First Instance (now Regional Trial Court), acting as a Probate Court, exercises but limited jurisdiction, and thus has no power to take cognizance of and determine the issue of title to property claimed by a third person adversely to the decedent, unless the claimant and all the other parties having legal interest in the property consent, expressly, or impliedly, to the submission of the question to the Probate Court for adjudgment, or the interests of third persons are not thereby prejudiced x x x[59]

Here, it is undisputed that Sps. Constantino were in possession of the disputed property before the intestate court issued the writ of possession which was beyond the ambit of its authority. In issuing a writ of possession, the intestate court took cognizance and resolved the issue of ownership summarily, even if it remains in dispute.

A writ of possession is a writ of execution employed to enforce a judgment to recover the possession of land. It commands the sheriff to enter the land and give its possession to the person entitled under the judgment.[60] The instances where a writ of possession may be issued are as follows: (1) in land registration proceedings under Section 17 of Act 496; (2) in a judicial foreclosure, provided the debtor is in possession of the mortgaged realty and no third person, not a party to the foreclosure suit, had intervened; (3) in an extrajudicial foreclosure of a real estate mortgage under Section 7 of Act No. 3135, as amended; and (4) in execution sales (last paragraph of Section 33, Rule 39 of the Rules).[61]

The present case does not fall under any of the enumerated circumstances where the issuance of a writ of possession is permitted. The intestate court cannot arrogate unto itself the authority to issue a writ that is beyond its jurisdiction and for circumstances not contemplated by prevailing laws and the Rules. The lack of jurisdiction of a court may be raised or considered at any stage of the proceedings, even on appeal. Thus, in Spec. Proc. 4506-18, the intestate court committed grave error in issuing the writ of possession.

Sps. Constantino's Motion for Intervention cannot be given due course.

Intervention is not an absolute right and may be secured only in accordance with the Rules. In seeking permission to intervene, Section 2, Rule 19 of the Rules states:

Section 2. Time to Intervene. - The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

Noticeably, Sps. Constantino filed their motion for intervention on February 8, 2013, or more than two years from December 8, 2010, the date the Decision of the RTC of Batac granting the petition for the settlement of Romeo's intestate estate became final and executory.[62]

In exceptional cases,[63] the Court has previously relaxed the rules on the timeliness of filing an intervention. The permissive tenor of the provision on intervention shows the intention of the Rules to afford the court full discretion in permitting or disallowing it. However, this discretion should be exercised judiciously and only after consideration of all the circumstances obtaining in the case.[64] Here, We find no reason to depart from the clear language of Section 2, Rule 19 of the Rules.

In *Salandan v. Court of Appeals*,[65] the Court was faced with a similar situation wherein the petitioners filed a Motion to Reopen the Case, and Set Aside the Project of Partition to nullify the sales or transfers made after the partition was implemented. In denying the motion, the Court declared that:

Petitioners cannot now assail the orders of the probate court as the same had already attained finality. The project of partition was executed on August 16, 1960. It was approved on August 29, 1960 or thirty-eight (38) years ago. Since no appeal was filed by the petitioners, the assailed orders, by operation of law, became final. The said orders cannot, therefore, by a mere motion, be set aside.

As we have enunciated in *Vda. De Kilayko vs. Tengco*:

"A final decree of distribution of the estate of a deceased person vests title to the land of the estate in the distributees. If the decree is erroneous, it should be corrected by opportune appeal, for once it becomes final, its binding effect is like any other judgment in rem, unless properly set aside for lack of jurisdiction or fraud. Where court has validly issued a decree of distribution and the same has become final, the validity or invalidity of the project partition becomes irrelevant."

Similarly, petitioners cannot seek the re-opening of the probate proceedings which had long been terminated. They cannot, in the same manner, question the order validating the transfer and/or sale of their shares in favor of respondent Elvira Pandinco which was issued on September 17, 1966, or thirty-two (32) years ago.[66] (Citation omitted; italics in the original)

Though the case of *Salandan* may not be on all fours with the one at bar, its principle is instructive in resolving Sps. Constantino's claim. The reliefs prayed for by Sps. Constantino in their motion to intervene is similar to the motion to reopen the case filed in *Salandan*. Both reliefs essentially seek to revive the testate or intestate proceeding over the decedent's estate that had long attained finality. Following the ruling in *Salandan*, the Court can no longer allow Sps. Constantino to intervene in the intestate proceeding of Romeo's estate that had already been closed and terminated more than two years before their motion was filed.

Possession over TCT Nos. T-26828 and T-27844 should be returned to Sps. Constantino.

Though the intervention was filed beyond the period prescribed by the Rules, the CA should have granted the petition for certiorari of Sps. Constantino. Even though the propriety of the issuance of a writ of possession was not raised, the CA should have noticed the apparent lack of jurisdiction of the intestate court to issue the writ of possession against Sps. Constantino.

Considering that the Orders dated March 4, 2015 and March 23, 2015 of the intestate court are void, it cannot be made the basis to dispossess Sps. Constantino of the properties which they claim to own. Here, there is no legal justification to permit Alejandria to continue possessing the subject lots. Thus, Alejandria is ordered to surrender possession of the subject lots to Sps. Constantino. More importantly, this Court's order to revert possession over the disputed properties in favor of Sps. Constantino is intended to bring the parties back to their original condition prior to the issuance of the voided titles in favor of Alejandria.

The conflicting claims of ownership of the parties must be resolved in a separate ordinary civil action.

Noticeably, the erroneous issuance of the writ of possession was, in effect, a recognition by the intestate court of Alejandria's ownership over the disputed property without going through a full-blown trial where each claiming party may present evidence to prove their claim of ownership. To deprive Sps. Constantino of the subject lots they claim to own, without being given the opportunity to be heard, will defeat the very essence of due process. In *Mayor v. Tiu*,^[67] the Court explained that:

x x x [A] probate court is not without limits in the determination of the scope of property covered in probate proceedings. In a litany of cases, the Court had defined the parameters by which a probate court may extend its probing arms in the determination of the question of title in probate proceedings. In *Pastor, Jr. vs. Court of Appeals*, the Court explained that, as a rule, the question of ownership was an extraneous matter which the probate court could not resolve with finality. Thus, for the purpose of determining whether a certain property should, or should not, be included in the inventory of estate properties, the probate court may pass upon the title thereto, but such determination is provisional, not conclusive, and is subject to the final decision in a separate action to resolve title. It is a well-settled rule that a probate court or one in charge of proceedings, whether testate or intestate, cannot adjudicate or determine title to properties claimed to be part of the estate but which are equally claimed to belong to outside parties. It can only determine whether they should, or should not, be included in the inventory or list of properties to be overseen by the administrator. If there is no dispute, well and good; but if there is, then the parties, the administrator and the opposing parties have to resort to an ordinary action for a final determination of the conflicting claims of title because the probate court cannot do so.^[68] (Emphasis supplied)

Considering the finality of the Decision of the CA in CA-G.R. SP No. 138997 ruling that TCT Nos. T26828 and T-27844 had never been lost, the denial by the intestate court of Sps. Constantino's Motion for Intervention had been overtaken by events and should now be resolved through filing the appropriate ordinary action.

Possession of the purported owner's duplicate copy of the subject certificates of title will not automatically confer ownership.

Lastly, it must be clarified that, contrary to the assertion of Sps. Constantino, the cancellation of TCT Nos. T-021-2013000655 and T-021-2013000656 does not mean that the issue on the ownership of the subject lots had already been settled in their favor. In *Bilote v. Solis*,^[69] the Court declared:

It must be recalled at this point that in a petition for the issuance of a new owner's duplicate copy of a certificate of title in lieu of one allegedly lost, the RTC, acting only as a land registration court, has no jurisdiction to pass upon the question of actual ownership of the land covered by the lost owner's duplicate copy of the certificate of title. Possession of a lost owner's duplicate copy of a certificate of title is not necessarily equivalent to ownership of the land covered by it. The certificate of title, by itself, does not vest ownership; it is merely an evidence of title over a particular property.^[70] (Citation omitted)

Even with the finality of the decision of the CA in CA-G.R. SP No. 138997 ruling that TCT Nos. T-26828 and T-27844 had never been lost, possession of the purported owner's duplicate copy of the subject certificates of title will not automatically confer ownership. To Our mind, the conflicting ownership claims of Alejandria, legal wife of Romeo prior to his demise, and Sps. Constantino, buyers of the subject properties from Romeo's alleged illegitimate son, are matters that cannot be resolved in this case. Accordingly, Sps. Constantino must present evidence to prove their claim of ownership over the subject through the appropriate separate ordinary civil action

where they can make a final determination of their conflicting claims.

WHEREFORE, the Decision dated March 28, 2017 and the Resolution dated July 27, 2017 of the Court of Appeals in CA-G.R. SP No. 140213 are SET ASIDE.

The Orders dated March 4, 2015 and March 23, 2015 of the Regional Trial Court of Batac in Spec. Proc. 4506-18 and the corresponding writ of possession issued are DECLARED null and void for lack of jurisdiction. Respondent Alejandria N. Benitez is ORDERED to surrender possession of the real properties covered by Transfer Certificate of Title Nos. T-27844 and T-26828 to petitioners Spouses Bernardo T. Constantino and Editha B. Constantino.

SO ORDERED.

Peralta, C. J., Caguioa, Zalameda, and Gaerlan, JJ., concur.

[1] Rollo, pp. 3-21.

[2] Penned by Associate Justice Stephen C. Cruz, with the concurrence of Associate Justices Jose C. Reyes, Jr. (former Member of the Court) and Nina G. Antonio-Valenzuela; id. at 25-32.

[3] Id. at 35-37.

[4] CA rollo, p. 37.

[5] Id. at 34-35

[6] Id. at 43.

[7] Id. at 34-35, 45.

[8] Penned by Judge Virgilio V. Macaraig; id. at 49-51.

[9] Id. at 50-51.

[10] Id.

[11] Rollo, p. 28.

[12] CA rollo, pp. 134-136.

[13] Id. at 135.

[14] Penned by Judge Manuel L. Argel, Jr.; id. at 117-120.

[15] Id. at 119-120.

[16] Id. at 75-76.

[17] Id. at 101-105.

[18] Id. at 103-115.

[19] Id. at 143.

[20] Id. at 153.

[21] Id. at 75-76.

- [22] Id. at 55-56.
- [23] Id. at 56.
- [24] Penned by Presiding Judge Isidoro T. Pobre; id. at 77-78.
- [25] Id.
- [26] Id. at 79-82.
- [27] Rollo, p.28.
- [28] CA rollo, pp. 84-85, 121-122.
- [29] Id. at 98-100.
- [30] Id.
- [31] Penned by Presiding Judge Isidoro T. Pobre; id. at 206-207.
- [32] Id.
- [33] Id. at 25-30.
- [34] Id. at 32.
- [35] Rollo, pp. 3-21.
- [36] Supra note 2.
- [37] Rollo, p. 32.
- [38] Id. at 29.
- [39] Id. at 30.
- [40] Id. at 31.
- [41] Id. at 31.
- [42] Id. at 31-32.
- [43] Supra note 3.
- [44] Rollo, p. 37.
- [45] Id. at 40-46.
- [46] Id. at 45.
- [47] Id. at 47.
- [48] Id.
- [49] Id. at 10.
- [50] Id. at 11-12.
- [51] Id. at 57-62.
- [52] Id. at 59.

[53] Id. at 74-75.

[54] Id.

[55] Asian Transmission Corporation v. Canlubang Sugar Estates, 457 Phil 260, 285 (2003).

[56] Multi-Realty Development Corp v. Makati Tuscany Condominium Corp., 524 Phil. 318 (2006).

[57] Hi-Tone Marketing Ccorporation v. Baikal Realty Corporation, 480 Phil. 545, 561 (2004).

[58] 233 Phil. 552 (1987).

[59] Id.

[60] Spouses Reyes v. Spouses Chung, 818 Phil. 225, 235 (2017).

[61] Id., citing Philippine National Bank v. Sanao Marketing Corp., 503 Phil. 206 (2005).

[62] Id. at 28.

[63] Pinlac v. Court of Appeals, 457 Phil. 527 (2003); Castro v. Mendoza, Sr., 809 Phil. 789 (2017).

[64] Mago v. Court of Appeals, 363 Phil. 225, 233 (1999).

[65] 353 Phil. 114, 119 (1998).

[66] Id.

[67] 800 Phil. 700, 717 (2016).

[68] Id.

[69] 760 Phil. 712, 726 (2015).

[70] Id.

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