



REPUBLIC OF THE PHILIPPINES

Supreme Court

Manila

SECOND DIVISION**January 18, 2017****G.R. No. 186967****DIVINA PALAO**, Petitioner

vs.

FLORENTINO INTERNATIONAL, INC., Respondent**DECISION****LEONEN, J.:**

This resolves a Petition for Review on *Certiorari*¹ filed by petitioner Divina Palao (Palao) praying that the assailed January 8, 2009 Decision² and the March 2, 2009 Resolution³ of the Court of Appeals in CA-G.R. SP No. 105595 be reversed and set aside.

In its assailed Decision, the Court of Appeals reversed and set aside the September 22, 2008 Order⁴ of Intellectual Property Office Director General Adrian S. Cristobal, Jr. and reinstated respondent Florentino III International, Inc.'s (Florentino) appeal from Decision No. 2007-31,⁵ dated March 5, 2007, of the Bureau of Legal Affairs of the Intellectual Property Office.

Decision No. 2007-31 denied Florentino's Petition for Cancellation of Letters Patent No. UM-7789, which the Intellectual Property Office had issued in favor of Palao.⁶

Letters Patent No. UM-7789 pertained to "A Ceramic Tile Installation on Non-Concrete Substrate Base Surfaces Adapted to Form Part of Furniture, Architectural Components and the Like."⁷

In its Petition for Cancellation, Florentino claimed that the utility model covered by Letters Patent No. UM-7789 was not original, new, or patentable, as it had been publicly known or used in the Philippines and had even been the subject of several publications.⁸ It added that it, as well as many others, had been using the utility model well before Palao's application for a patent.⁹

In its Decision No. 2007-31,¹⁰ the Bureau of Legal Affairs of the Intellectual Property Office denied Florentino's Petition for Cancellation. It noted that the testimony and pictures, which Florentino offered in evidence, failed to establish that the utility model subject of Letters Patent No. UM-7789 was publicly known or used before Palao's application for a patent.¹¹

In its Resolution No. 2008-14¹² dated July 14, 2008, the Bureau of Legal Affairs of the Intellectual Property Office denied Florentino's Motion for Reconsideration.

On July 30, 2008, Florentino appealed to the Office of the Director General of the Intellectual Property Office.¹³ This appeal's Verification and Certification of Non-Forum Shopping was signed by Atty. John Labsky P. Maximo (Atty. Maximo) of the firm Balgos and Perez.¹⁴ However, Florentino failed to attach to its appeal a secretary's certificate or board resolution authorizing Balgos and Perez to sign the Verification and Certification of Non-Forum Shopping.¹⁵ Thus, on August 14, 2008, the Office of the Director General issued the Order requiring Florentino to submit proof that Atty. Maximo or Balgos and Perez was authorized to sign the Verification and Certification of Non-Forum Shopping.¹⁶

On August 19, 2008, Florentino filed a Compliance.¹⁷ It submitted a copy of the Certificate executed on August 15, 2008 by Florentino's Corporate Secretary, Melanie Marie A. C. Zosa-Tan, supposedly showing its counsel's authority to sign.¹⁸ This Certificate stated:

[A]t a meeting of the Board of Directors of the said corporation on 14 August 2008, during which a majority of the Directors were present, the following resolution was unanimously adopted:

'RESOLVED, as it is hereby resolved, that BALGOS & PEREZ, or any of its associates, be, as they are hereby, authorized to sign for and on behalf of the corporation, the Verification and Certification on NonForum Shopping and/or all other documents relevant to the Appeal filed by the Corporation with the Office of the Director General of the Intellectual Property Office entitled "Philippine Chambers of Stonecraft Industries, Inc. and Florentino III International, Inc. vs. Divina Palao".'

IN WITNESS WHEREOF, I have hereunto set my hand on these presents, this 15 August 2008 in Cebu City, Cebu.¹⁹

In his Order dated September 22, 2008, Intellectual Property Office Director General Adrian S. Cristobal, Jr. (Director General Cristobal) dismissed Florentino's appeal.²⁰ He noted that the Secretary's Certificate pertained to an August 14, 2008 Resolution issued by Florentino's Board of Directors, and reasoned that the same Certificate failed to establish the authority of Florentino's counsel to sign the Verification and Certification of Non-Forum Shopping as of the date of the filing of Florentino's appeal (i.e., on July 30, 2008).²¹

Florentino then filed before the Court of Appeals a Petition for Review under Rule 43 of the 1997 Rules of Civil Procedure. In its assailed January 8, 2009 Decision,²² the Court of Appeals faulted Director General Cristobal for an overly strict application of procedural rules. Thus, it reversed Director General Cristobal's September 22, 2008 Order and reinstated Florentino's appeal.²³

In its assailed March 2, 2009 Resolution,²⁴ the Court of Appeals denied Palao's Motion for Reconsideration.

Hence, this Petition was filed.

For resolution is the sole issue of whether the Court of Appeals erred in reversing the September 22, 2008 Order of Intellectual Property Office Director General Adrian S. Cristobal, Jr., and in reinstating respondent Florentino III International, Inc.'s appeal.

We deny the Petition and sustain the ruling of the Court of Appeals.

The need for a certification of non-forum shopping to be attached to respondent's appeal before the Office of the Director General of the Intellectual Property Office is established.

Section 3 of the Intellectual Property Office's Uniform Rules on Appeal²⁵ specifies the form through which appeals may be taken to the Director General:

Section 3. Appeal Memorandum. - The appeal shall be perfected by filing an appeal memorandum in three (3) legible copies with proof of service to the Bureau Director and the adverse party, if any, and upon payment of the applicable fee, Reference Code 127 or 128, provided in the IPO Fee Structure.

Section 4(e) specifies the need for a certification of non-forum shopping. Section 4 reads in full:

Section 4. Contents of the Appeal Memorandum. - The appeal memorandum shall:

- a) State the full name or names, capacity and address or addresses of the appellant or appellants;
- b) Indicate the material dates showing that it was filed on time;
- c) Set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Bureau Director and the reasons or arguments relied upon for the allowance of the appeal;
- d) Be accompanied by legible copies of the decision or final order of the Bureau Director and of the material portions of the record as would support the allegations of the appeal; and
- e) *Contain a certification of non-forum-shopping.* (Emphasis supplied)

These requirements notwithstanding, the Intellectual Property Office's own Regulations on Inter Partes Proceedings (which governs petitions for cancellations of a mark, patent, utility model, industrial design, opposition to registration of a mark and compulsory licensing, and which were in effect when respondent filed its appeal) specify that the Intellectual Property Office "shall not be bound by the strict technical rules of procedure and evidence."²⁶

Rule 2, Section 6 of these Regulations provides:

Section 6 Rules of Procedure to be Followed in the Conduct of Hearing of Inter Partes Cases

In the conduct of hearing of inter partes cases, the rules of procedure herein contained shall be primarily applied. The Rules of Court, unless inconsistent with these rules, may be applied in suppletory character, provided, however, that the Director or Hearing Officer shall not be bound by the strict technical rules of procedure and evidence therein contained but may adopt, in the absence of any applicable rule herein, such mode of proceedings which is consistent with the requirements of fair play and conducive to the just, speedy and inexpensive disposition of cases, and which will give the Bureau the greatest possibility to focus on the technical grounds or issues before it. (Emphasis supplied)

This rule is in keeping with the general principle that administrative bodies are not strictly bound by technical rules of procedure:

[A]dministrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in courts of law. Administrative tribunals exercising quasi-judicial powers are unfettered by the rigidity of certain procedural requirements, subject to the observance of fundamental and essential requirements of due process in justiciable cases presented before them. In administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.²⁷

In conformity with this liberality, Section 5(b) of the Intellectual Property Office's Uniform Rules on Appeal expressly enables appellants, who failed to comply with Section 4' s formal requirements, to subsequently complete their compliance:

Section 5. Action on the Appeal Memorandum - The Director General shall:

- a) Order the adverse party if any, to file comment to the appeal memorandum within thirty (30) days from notice and/or order the Bureau Director to file comment and/or transmit the records within thirty (30) days from notice; or
- b) Order the appellant/appellants to complete the formal requirements mentioned in Section 4 hereof;
- c) Dismiss the appeal for being patently without merit, Provided, that the dismissal shall be outright if the appeal is not filed within the prescribed period or for failure of the appellant to pay the required fee within the period of appeal. (Emphasis supplied)

Given these premises, it was an error for the Director General of the Intellectual Property Office to have been so rigid in applying a procedural rule and dismissing respondent's appeal.

Petitioner-in her pleadings before this Court-and Director General Cristobal-in his September 2, 2008 Order-cite Decisions of this Court (namely: *Philippine Public School Teachers Association v. Heirs of Iligan*²⁸ and *Philippine Airlines, Inc. v. Flight Attendants & Stewards Association of the Philippines*²⁹) to emphasize the need for precise compliance with the rule on appending a certification of non-forum shopping.

Philippine Public School Teachers Association states:

Under Section 3 of the same Rule, failure to comply shall be sufficient ground for the dismissal of the petition. The rule on certification against forum shopping is intended to prevent the actual filing of multiple petitions/complaints involving identical causes of action, subject matter and issues in other tribunals or agencies as a form of forum shopping. This is rooted in the principle that a party-litigant should not be allowed to

pursue simultaneous remedies in different forums, as this practice is detrimental to orderly judicial procedure. Although not jurisdictional, the requirement of a certification of non-forum shopping is mandatory. The rule requires that a certification against forum shopping should be appended to or incorporated in the initiatory pleading filed before the court. The rule also requires that the party, not counsel, must certify under oath that he has not commenced any other action involving the same issue in the court or any other tribunal or agency.

The requirement that the certification of non-forum shopping should be executed and signed by the plaintiff or principal means that counsel cannot sign said certification unless clothed with special authority to do so. The reason for this is that the plaintiff or principal knows better than anyone else whether a petition has previously been filed involving the same case or substantially the same issues. Hence, a certification signed by counsel alone is defective and constitutes a valid cause for dismissal of the petition. In the case of natural persons, the Rule requires the parties themselves to sign the certificate of non-forum shopping. However, in the case of the corporations, the physical act of signing may be performed, on behalf of the corporate entity, only by specifically authorized individuals for the simple reason that corporations, as artificial persons, cannot personally do the task themselves. It cannot be gainsaid that obedience to the requirements of procedural rules is needed if we are to expect fair results therefrom. Utter disregard of the rules cannot justly be rationalized by harking on the policy of liberal construction.³⁰

Philippine Airlines, for its part, states that:

The required certification of non-forum shopping must be valid at the time of filing of the petition .. An invalid certificate cannot be remedied by the subsequent submission of a Secretary's Certificate that vests authority only after the petition had been filed.³¹

As pointed out by the Court of Appeals,³² however, the strict posturing of these Decisions are not entirely suitable for this case. Both Philippine Public School Teachers Association and Philippine Airlines involved petitions filed before the Court of Appeals, that is, petitions in judicial proceedings. What is involved here is a quasi-judicial proceeding that is "unfettered by the strict application of the technical rules of procedure imposed in judicial proceedings."³³

In any case, even in judicial proceedings, this Court has rebuked an overly strict application of the rules pertaining to certifications of non-forum shopping.

In *Pacquiring v. Coca-Cola Philippines, Inc.*:³⁴

[T]he rules on forum shopping, which were designed to promote and facilitate the orderly administration of justice, should not be interpreted with such absolute literalness as to subvert its own ultimate and legitimate objective. Strict compliance with the provision regarding the certificate of non-forum shopping underscores its mandatory nature in that the certification cannot be altogether dispensed with or its requirements completely disregarded. It does not, however, prohibit substantial compliance therewith under justifiable circumstances, considering especially that although it is obligatory, it is not jurisdictional.³⁵

Thus, in *Pacquiring*, this Court held that while, as a rule, "the certificate of non-forum shopping must be signed by all the plaintiffs in a case and the signature of only one of them is insufficient,"³⁶ still, "when all the petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the rules."³⁷

Likewise, in *Peak Ventures Corp. v. Heirs of Villareal*,³⁸ we did not consider as fatally defective the fact that a petition for review on *certiorari's* verification and certification of non-forum shopping was dated November 6, 2008, while the petition itself was dated November 10, 2008.³⁹ We state:

With respect to the requirement of a certification of non-forum shopping, "[t]he fact that the [Rules] require strict compliance merely underscores its mandatory nature that it cannot be dispensed with or its requirements altogether disregarded, but it does not thereby interdict substantial compliance with its provisions under justifiable circumstances."⁴⁰

Even petitioner's own cited case, *Philippine Public School Teachers Association v. Heirs of Iligan*,⁴¹ repudiates her position. The case involved a petition for review filed before the Court of Appeals by the Philippine Public School Teachers Association.⁴² The verification and certification of nonforum shopping of the petition was signed by a certain Ramon G. Asuncion, Jr. without an accompanying board resolution or secretary's certificate attesting to his authority to sign. The petition for review was dismissed by the Court of Appeals "for being 'defective in substance,'

there being no proof that Asuncion had been duly authorized by [the Philippine Public School Teachers Association] to execute and file a certification of nonforum shopping in its behalf."⁴³

This Court acknowledged that, in the strict sense, the Court of Appeals was correct: "The ruling of the [Court of Appeals] that [the Philippine Public School Teachers Association] was negligent when it failed to append in its petition a board resolution authorizing petitioner Asuncion to sign the certification of non-forum shopping in its behalf is correct."⁴⁴

However, this Court did not end at that. It went on to state that "a strict application of [the rule] is not called for":⁴⁵

We have reviewed the records, however, and find that a strict application of Rule 42, in relation to Section 5, Rule 7 of the Revised Rules of Court is not called for. As we held in *Huntington Steel Products, Inc. v. National Labor Relations Commission*, while the requirement of strict compliance underscores the mandatory nature of the rule, it does not necessarily interdict substantial compliance with its provisions under justifiable circumstances. The rule should not be interpreted with such absolute literalness as to subvert its own ultimate and legitimate objective which is the goal of all rules of procedure, that is, to achieve justice as expeditiously as possible. A liberal application of the rule may be justified where special circumstances or compelling reasons are present.

Admittedly, the authorization of petitioner PPSTA's corporate secretary was submitted to the appellate court only after petitioners received the comment of respondents. However, in view of the peculiar circumstances of the present case and in the interest of substantial justice, and considering further that petitioners submitted such authorization before the [Court of Appeals] resolved to dismiss the petition on the technical ground, we hold that, the procedural defect may be set aside pro hac vice. Technical rules of procedure should be rules enjoined to facilitate the orderly administration of justice. The liberality in the application of rules of procedure may not be invoked if it will result in the wanton disregard of the rules or cause needless delay in the administration of justice. Indeed, it cannot be gainsaid that obedience to the requirements of procedural rule is needed if we are to expect fair results therefrom.⁴⁶ (Emphasis supplied)

The "peculiar circumstances"⁴⁷ in Philippine Public School Teachers Association pertained to a finding that the signatory of the verification and certification of non-forum shopping, Ramon G. Asuncion, Jr., was "the former Acting General Manager"⁴⁸ of the Philippine Public School Teachers Association and was, thus, previously "authorized to sign a verification and certification of non-forum shopping"⁴⁹ on behalf of the Association. By the time the Association actually filed its petition before the Court of Appeals, however, his authority as the Acting General Manager had ceased, and the Association's Board of Directors needed to give him specific authority to sign a certification of non-forum shopping:

We agree with respondents' contention that when they filed their complaint in the MTC, they impleaded petitioner Asuncion as party defendant in his capacity as the Acting General Manager of petitioner PPST A. As such officer, he was authorized to sign a verification and certification of non-forum shopping. However, he was no longer the Acting General Manager when petitioners filed their petition in the CA, where he was in fact referred to as "the former Acting General Manager." Thus, at the time the petition was filed before the CA, petitioner Asuncion's authority to sign the verification and certification of non-forum shopping for and in behalf of petitioner PPSTA ceased to exist. There was a need for the board of directors of petitioner PPS TA to authorize him to sign the requisite certification of non-forum shopping, and to append the same to their petition as Annex thereof.⁵⁰

We find this case to be attended by analogous circumstances. As pointed out by the Court of Appeals, respondent's counsel, Balgos and Perez, has been representing respondent (and signing documents for it) "since the [original] Petition for Cancellation of Letter Patent No. UM-7789 was filed."⁵¹ Thus, its act of signing for respondent, on appeal before the Director General of the Intellectual Property Office, was not an aberration. It was a mere continuation of what it had previously done.

It is reasonable, therefore-consistent with the precept of liberally applying procedural rules in administrative proceedings, and with the room allowed by jurisprudence for substantial compliance with respect to the rule on certifications of non-forum shopping-to construe the error committed by respondent as a venial lapse that should not be fatal to its cause. We see here no "wanton disregard of the rules or [the risk of] caus[ing] needless delay in the administration of justice."⁵² On the contrary, construing it as such will enable a full ventilation of the parties' competing claims. As with Philippine Public School Teachers Association, we consider it permissible to set aside, pro hac vice, the procedural defect.⁵³ Thus, we sustain the ruling of the Court of Appeals.

WHEREFORE, the Petition is **DENIED**. The assailed January 8, 2009 Decision and the March 2, 2009 Resolution of the Court of Appeals in CA-G.R. SP No. 105595 are **AFFIRMED**.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

DIOSDADO M. PERALTA
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

A T T E S T A T I O N

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

C E R T I F I C A T I O N

Pursuant to the Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P.A. SERENO
Chief Justice

Footnotes

¹ *Rollo*, pp. 3-19. The Petition was filed under Rule 45 of the Rules of Court.

² *Id.* at 24-42. The Decision was penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Mariano C. Del Castillo (now Associate Justice of this Court) and Apolinario D. Bruselas, Jr. of the Twelfth Division, Court of Appeals, Manila.

³ *Id.* at 21-22. The Resolution was penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Mariano C. Del Castillo (now Associate Justice of this Court) and Apolinario D. Bruselas, Jr. of the Twelfth Division, Court of Appeals, Manila.

⁴ *Id.* at 44-45.

⁵ *Id.* at 48-62. The Decision was penned by Director Estrellita Beltran-Abelardo.

⁶ *Id.* at 62.

⁷ *Id.* at 48.

⁸ *Id.* at 25.

⁹ *Id.*

¹⁰ *Id.* at 48-62.

¹¹ *Id.* at 58.

¹² *Id.* at 87-89. The Resolution was penned by Director Estrellita Beltran-Abelardo.

¹³ *Id.* at 44.

¹⁴ *Id.*

- ¹⁵ *Id.*
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ *Id.*
- ¹⁹ *Id.* at 44-45.
- ²⁰ *Id.* at 45.
- ²¹ *Id.*
- ²² *Id.* at 24-42.
- ²³ *Id.* at 40.
- ²⁴ *Id.* at 21-22.
- ²⁵ IPO Office 0. No. 12 (2002).
- ²⁶ REGULATIONS ON INTER PARTES PROCEEDINGS (1998)' Rule 2, sec. 6.
- ²⁷ *Samalio v. Court of Appeals*, 494 Phil. 456, 464 (2005) [Per J. Corona, En Banc], citing *Bantolino, et al. v. Coca-Cola Bottlers Phils., Inc.*, 451 Phil. 839, 846 (2003) [Per J. Bellosillo, Second Division]; *De las Santos v. National Labor Relations Commission, et al.*, 423 Phil. 1020, 1034 (2001) [Per J. Bellosillo, Second Division]; and *Emin v. De Leon, et al.*, 428 Phil. 172, 186-187 (2002) [Per J. Quisumbing, En Banc].
- ²⁸ 528 Phil. 1197 (2006) [Per J. Callejo, Sr., First Division].
- ²⁹ 515 Phil. 579 (2006) [Per J. Azcuna, Second Division].
- ³⁰ *Philippine Public School Teachers Association v. Heirs of Iligan*, 528 Phil. 1197, 1209-1210 (2006) [Per J. Callejo, Sr., First Division], citing RULES OF COURT, Rule 42, sec. 3; *Republic v. Carmel Development, Inc.*, 427 Phil. 723, 743 (2002) [Per J. Carpio, Third Division]; and *Hydro Resources Contractors Corporation v. National Irrigation Administration*, 484 Phil. 581, 597-598 (2004) [Per J. Ynares-Santiago, First Division].
- ³¹ *Philippine Airlines, Inc. v. Flight Attendants & Stewards Association of the Philippines*, 515 Phil. 579, 582-583 (2006) [Per J. Azcuna, Second Division].
- ³² *Rollo*, p. 39.
- ³³ *Id.*
- ³⁴ 567 Phil. 323 (2008) [Per J. Austria-Martinez, Third Division].
- ³⁵ *Id.* at 332-333, citing *Iglesia ni Cristo v. Poflerrada*, 536 Phil. 705, 718-719 (2006) [Per J. Callejo, Sr., First Division]; *HLC Construction and Development Corporation v. Emily Homes Subdivision Homeowners Association*, 458 Phil. 392, 398-400 (2003) [Per J. Corona, Third Division]; *Bank of the Philippine Islands v. Court of Appeals*, 450 Phil. 532, 540 (2003) [Per J. Panganiban, Third Division]; *Cavile v. Heirs of Cavile*, 448 Phil. 302, 311 (2003) [Per J. Puno, Third Division]; *Twin Towers Condominium Corporation v. Court of Appeals*, 446 Phil. 280, 298 (2003) [Per J. Carpio, First Division]; *Solmayor v. Arroyo*, 520 Phil. 854, 869-870 (2006) [Per J. Chico-Nazario, First Division]; *Cua v. Vargas*, 536 Phil. 1082, 1096 (2006) [Per J. Azcuna, Second Division]; *Heirs of Dicman v. Carino*, 523 Phil. 630, 651-653 (2006) [Per J. Austria-Martinez, First Division]; and *Heirs of Agapito T. Olarte v. Office of the President of the Philippines*, 499 Phil. 562, 651-653 (2005) [Per J. Ynares-Santiago, First Division].
- ³⁶ *Id.* at 332.
- ³⁷ *Id.* at 333, citing *Cua v. Vargas*, 536 Phil. 1082, 1096 (2006) [Per J. Azcuna, Second Division]; *San Miguel Corporation v. Aballa*, 500 Phil. 170, 190-194 (2005) [Per J. Carpio Morales, Third Division]; and *Espina v. Court of Appeals*, 548 Phil. 255, 270-271 (2007) [Per J. Chico-Nazario, Third Division].
- ³⁸ G.R. No. 184618, November 19, 2014, 741 SCRA 43 [Per J. Del Castillo, Second Division].
- ³⁹ *Id.* at 53-55.

⁴⁰ *Id.* at 54, citing *Huntington Steel Products, Inc. v. National Labor Relations Commission*, 485 Phil. 227, 235 (2004) [Per J. Quisumbing, First Division].

⁴¹ 528 Phil. 1197 (2006) [Per J. Callejo, Sr. First Division].

⁴² *Id.* at 1203.

⁴³ *Id.* at 1204, as cited in *rollo*, p. 44.

⁴⁴ *Id.* at 1211.

⁴⁵ *Id.*

⁴⁶ *Id.* at 1211-1212, citing *Huntington Steel Products, Inc. v. National Labor Relations Commission*, 485 Phil. 227, 235 (2004) [Per J. Quisumbing, First Division]; *Marcopper Mining Corporation v. Solidbank Corporation*, 476 Phil. 415, 443-441 (2004) [Per J. Callejo, Sr., Second Division]; and *Pet Plans, Inc. v. Court of Appeals*, 486 Phil. 112, 121 (2004) [Per J. Austria-Martinez, Second Division].

⁴⁷ *Id.* at 1212.

⁴⁸ *Id.* at 1210.

⁴⁹ *Id.*

⁵⁰ *Id.*, citing *Novelty Philippines, Inc. v. Court of Appeals*, 458 Phil. 36, 44-45 (2003) [Per J. Panganiban, Third Division].

⁵¹ *Rollo*, p. 38.

⁵² *Philippine Public School Teachers Association v. Heirs of Iligan*, 528 Phil. 1197, 1212 (2006) [Per J. Callejo, Sr., First Division].

⁵³ *Id.*