



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SPOUSES GEMINO C. MIANO, JR. G.R. No. 205035
and JULIET MIANO,

Petitioners,

Present:

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
MENDOZA,* and
LEONEN, JJ.

-versus-

MANILA ELECTRIC COMPANY
[MERALCO],

Respondents.

Promulgated:
16 NOV 2016

MW Cabalag Perfecto

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DECISION

LEONEN, J.:

The review of appeals filed before this Court is “not a matter of right, but of sound judicial discretion.”¹ The Rules of Court requires that only questions of law should be raised in petitions filed under Rule 45.

Factual questions are not the proper subject of an appeal by certiorari. It is not this Court’s function to once again analyze or weigh evidence that has already been considered in the lower courts.

This resolves the Petition for Review on Certiorari² filed by Spouses

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* On official leave.
¹ RULES OF COURT, Rule 45, sec. 6.
² *Rollo*, pp. 28–69.

Gemino and Juliet Miano (Spouses Miano), assailing the Decision³ dated December 18, 2012 of the Court of Appeals, which partly granted Spouses Miano's appeal from the Decision⁴ dated February 17, 2011 of Branch 71 of the Regional Trial Court of Pasig City.

Spouses Miano are users of the electric service provided by the Manila Electric Company (MERALCO). In 1996, their first electric meter with Service ID No. 551211301 was installed to service their residence.⁵ In 2002, their second electric meter with Service ID No. 911978601 was installed to service their *sari-sari* store.⁶

On March 7, 2002, MERALCO personnel conducted an inspection of Spouses Miano's electric meters and discovered that there were two jumpers on their meter service connection.⁷

MERALCO disconnected the electrical service for Spouses Miano's residence (Service ID No. 551211301) and issued a billing differential in the amount of ₱422,185.20, representing the unbilled amount of electricity consumed due to the jumpers.⁸

On December 18, 2002, MERALCO also disconnected the electrical service for Spouses Miano's *sari-sari* store (Service ID No. 911978601) because of "illegal/flying service connection."⁹ MERALCO found that Spouses Miano drew electricity from their *sari-sari* store to service their residence.¹⁰

MERALCO refused to reconnect Spouses Miano's electricity service due to their non-payment of the billing differential.¹¹

On January 10, 2003, Spouses Miano filed a Complaint for damages and injunction with Urgent Prayer for Preliminary Mandatory Injunction against MERALCO.¹²

³ Id. at 8–26. The Decision was penned by Associate Justice Marlene Gonzales-Sison, and concurred in by Associate Justices Hakim S. Abdulwahid and Edwin D. Sorongon of the Sixth Division, Court of Appeals Manila.

⁴ Id. at 90–96. The Decision was penned by Judge Franco T. Falcon of Branch 71, Regional Trial Court of Pasig.

⁵ Id. at 9.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. at 9–10.

¹¹ Id. at 10.

¹² Id.

On February 17, 2011, the Regional Trial Court dismissed the Complaint filed by Spouses Miano and ordered them to settle the billing differential being collected by MERALCO:

WHEREFORE, in view of the foregoing, the instant complaint is hereby DISMISSED. The plaintiffs are hereby directed to settle the differential billing being collected by the defendant.¹³

On appeal, the Court of Appeals modified the Regional Trial Court's Decision and ruled that due to MERALCO's failure to notify Spouses Miano prior to disconnection, MERALCO should pay Spouses Miano ₱100,000.00 as moral damages, ₱50,000.00 as exemplary damages, and ₱50,000.00 as attorney's fees.¹⁴ MERALCO was also ordered to restore their electricity connection.¹⁵

Nonetheless, the Court of Appeals ordered Spouses Miano to pay the billing differential.¹⁶ The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the Appeal is hereby PARTLY GRANTED. Appellants are ORDERED to pay appellee the billing differential of Php422,185.20; while appellee is ordered to pay appellants Php100,000 as moral damages, Php50,000 as exemplary damages and Php50,000 as attorney's fees and cost of suit. Further, MERALCO is ordered to restore to plaintiffs-appellants at their residence at 2650 Guyabano Street, Pangarap Village, Tala, Caloocan City their electric power connection and/or service.

SO ORDERED.¹⁷

In their Petition for Review on Certiorari,¹⁸ Spouses Miano pray that the portion of the Court of Appeals Decision ordering them to pay the billing differential of ₱422,185.20 be reversed and set aside.

The only issue brought before this Court for resolution is whether the Court of Appeals erred in ordering Spouses Miano to pay the billing differential of ₱422,185.20.

¹³ Id. at 96.

¹⁴ Id. at 25.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 28-65.

The petition lacks merit.

I

The Rules of Court states that a review of appeals filed before this Court is “not a matter of right, but of sound judicial discretion.”¹⁹ The Rules of Court further requires that only questions of law should be raised in petitions filed under Rule 45²⁰ since factual questions are not the proper subject of an appeal by certiorari. It is not this Court’s function to once again analyze or weigh evidence that has already been considered in the lower courts.²¹

*Bases Conversion Development Authority v. Reyes*²² distinguished a question of law from a question of fact:

Jurisprudence dictates that there is a “question of law” when the doubt or difference arises as to what the law is on a certain set of facts or circumstances; on the other hand, there is a “question of fact” when the issue raised on appeal pertains to the truth or falsity of the alleged facts. The test for determining whether the supposed error was one of “law” or “fact” is not the appellation given by the parties raising the same; rather, it is whether the reviewing court can resolve the issues raised without evaluating the evidence, in which case, it is a question of law; otherwise, it is one of fact. In other words, where there is no dispute as to the facts, the question of whether or not the conclusions drawn from these facts are correct is a question of law. However, if the question posed requires a re-evaluation of the credibility of witnesses, or the existence or relevance of surrounding circumstances and their relationship to each other, the issue is factual.²³

However, the general rule for petitions filed under Rule 45 admits exceptions. *Medina v. Mayor Asistio, Jr.*²⁴ lists down the recognized exceptions:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures;
- (2) When the inference made is manifestly

¹⁹ RULES OF COURT, Rule 45, sec. 6.

²⁰ RULES OF COURT, Rule 45, sec. 1.

²¹ *Quintos v. Nicolas*, 736 Phil. 438, 451 (2014) [Per J. Velasco, Third Division] (citations omitted).

²² 711 Phil. 631 (2013) [Per J. Perlas-Bernabe, Second Division].

²³ *Id.* at 638–639 citing *Land Bank of the Philippines v. Ramos*, 698 Phil. 725, 732 (2012) [Per J. Villarama, First Division]; *Heirs of Nicolas S. Cabigas v. Limbaco*, 670 Phil. 274, 285–286 (2011) [Per J. Brion, Second Division]; and *Cucueco v. Court of Appeals*, 484 Phil. 254, 264–265 [Per J. Austria-Martinez, Second Division].

²⁴ 269 Phil. 225 (1990) [Per J. Bidin, Third Division].

mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.²⁵

These exceptions similarly apply in petitions for review filed before this Court involving civil,²⁶ labor,²⁷ tax,²⁸ or criminal²⁹ cases.

Petitioners ask this Court to review the billing differential of ₱422,185.20:

4.1. Considering that the lone issue in this appeal pertains only to the billing differential of ₱422,185.20 allegedly due to MERALCO, petitioners will reiterate the narration of facts of the trial court and the Honorable Court of Appeals related to the said issue and determine if the same is in accordance with the evidence presented by the parties.³⁰

Petitioners admit that the only issue for resolution before this Court is a question of fact, yet they claim that the present Petition falls under the exceptions to the general rule.³¹

²⁵ Id. at 232.

²⁶ *Dichoso, Jr. v. Marcos*, 663 Phil. 48, 54 (2011) [Per J. Nachura, Second Division] and *Spouses Caoili v. Court of Appeals*, 373 Phil. 11, 132 (1999) [Per J. Gonzaga-Reyes, Third Division].

²⁷ *Go v. Court of Appeals*, 474 Phil. 404, 411 (2004) [Per J. Ynares-Santiago, First Division] and *Arriola v. Pilipino Star Ngayon, Inc.*, G741 Phil. 171, 185–187 (2014) [Per J. Leonen, Third Division].

²⁸ *Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phil.), Inc.*, 364 Phil. 541, 546–547 (1999) [Per J. Pardo, First Division].

²⁹ *Macayan, Jr. v. People*, G.R. No. 175842, March 18, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/march2015/175842.pdf>> [Per J. Leonen, Second Division] and *Benito v People*, G.R. No. 204644, February 11, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/february2015/204644.pdf>> [Per J. Leonen, Second Division].

³⁰ *Rollo*, p. 30.

³¹ Id. at 35–36.

II

*Pascual v. Burgos*³² instructs that parties must demonstrate by convincing evidence that the case clearly falls under the exceptions to the rule:

Parties praying that this court review the factual findings of the Court of Appeals must demonstrate and prove that the case clearly falls under the exceptions to the rule. They have the burden of proving to this court that a review of the factual findings is necessary. Mere assertion and claim that the case falls under the exceptions do not suffice³³

Petitioners assert that their Petition falls under the established exceptions because the judgment of the Court of Appeals is premised on a misappreciation of facts, or on the supposed absence of evidence that is contradicted by the evidence on record.³⁴

III

Prevailing jurisprudence uniformly holds that findings of facts of the trial court, particularly when affirmed by the Court of Appeals, are binding upon this Court. It is not the function of this Court to analyze or weigh such evidence all over again. It is only in exceptional cases where this Court may review findings of fact of the Court of Appeals.³⁵

While there are well-settled exceptions³⁶ to the general rule, none of the exceptions to justify the re-evaluation of the findings of fact of both the trial court and the Court of Appeals are present in this case. On the contrary, the findings of fact by the lower court are well-supported by the evidence on record.

³² *Pascual v. Burgos*, G.R. No. 171722, January 11, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/january2016/171722.pdf>> [Per J. Leonen, Second Division].

³³ *Id.* at 12.

³⁴ *Rollo*, pp. 35–36.

³⁵ *Castillo v Court of Appeals*, 329 Phil. 150, 159–160 (1996) [Per J. Panganiban, Third Division]; *NGEI Multi-Purpose Cooperative Inc v Filipinas Palmoil Plantation Inc.*, 697 Phil. 433, 443–444 (2012) [Per J. Mendoza, Third Division]; *Quintos v. Nicolas*, 736 Phil. 438, 451 (2014) [Per J. Velasco, Third Division].

³⁶ *Virtucio v Alegarbes*, 693 Phil. 567, 573–574 (2012) [Per J. Mendoza, Third Division]; *Surigao Del Norte Electric Cooperative v Gonzaga*, 710 Phil. 676, 687 (2013) [Per J. Perlas-Bernabe, Second Division]; *Republic v Pasicolan*, G.R. No. 198543, April 15, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/april2015/198543.pdf>> [Per J. Del Castillo, Second Division].

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The trial court found that the disconnection of Spouses Miano's electricity supply was based on sufficient and reasonable grounds. The trial court ruled that Spouses Miano failed to controvert charges of violations and differential billings against them, since they were not able to overturn the presumption of regularity in the performance of official duty with their mere denials:

The discovery of said violations was never controverted by the required quantum of evidence adduced by [Spouses Miano]. While there may be some discrepancies in the conduct of inspection made by defendant's personnel when the alleged discovery of the two line permanent jumper was made, the presumption of regularity in the performance of official duty prevails over the mere denial by the plaintiffs of the existence of said violation. The same also holds true on the issue of differential billings. With respect to the plying (sic) connection, the existence of the same was never denied by the plaintiffs.³⁷

The Court of Appeals modified the trial court's Decision by awarding damages, since MERALCO failed to follow the proper procedure required by the law in disconnecting Spouses Miano's power supply.³⁸ However, the Court of Appeals upheld the trial court's finding that MERALCO was entitled to the billing differential:

Despite the basis for the award of damages – the lack of due process in immediately disconnecting plaintiffs-appellants' electrical supply – defendant's claim for the billing differential is still proper.

MERALCO should be given what it rightfully deserves. MERALCO's Senior Billing Staff Enrique Katipunan testified how he computed the differential billing being suffered by MERALCO on account of the jumper being used by plaintiffs-appellants.

Direct Examination of Enrique E. Katipunan:

Q: What do you mean by differential billing, Mr. Witness?

A: Differential billing is the billing rendered by the MERALCO representing the actual electrical energy consumed by the customer which was not registered on the meter on account of jumper, sir.

.....

Q: What do you mean by connected load?

A: Connected loads are the total electrical loads like

³⁷ *Rollo*, pp. 95–96.

³⁸ *Id.* at 14–18.

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appliances, lights, TV and other electrical equipment which were found during inspection.

Q: Likewise, Mr. Witness, we noticed some notation after affected period, "03-16-1998 to 03-07-2002". What do you mean by that?

A: That is the affected period, the March 16, 1998 up to March 7, 2002, which was the discovery of the said jumper.

Q: What do this affected period represent?

A: Affected period is the period where there was an alleged jumper found during inspection.

....

Q: What is your basis in this affected period?

A: The legal basis I used was Republic Act 7832.

....

Q: What do you call the difference between the original bill and the corrected bill?

A: Corrected bills minus original bills is the total differential amount of the customer for (sic) simply the losses of MERALCO.

Q: How much is the totality of the original bills?

A: The total amount of the original bills which has been paid by the customer was P40,707.95.

Q: How about the totality of the corrected bills?

A: P462,893.15.

Q: What is the difference between P462,893.15 and P40,707.95.

A: The total differential amount was P422,185.20.

Significantly, his testimony was corroborated by documentary evidence, particularly, the meter/socket inspection report and the computation worksheet.³⁹ (Emphasis supplied)

In conclusion, we do not find any compelling reason to reverse the findings of the Court of Appeals.

³⁹ Id. at 23-24.

WHEREFORE, the Petition for Review on Certiorari is **DENIED**.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

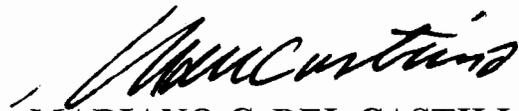
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice

On official leave
JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

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

CERTIFICATION

Pursuant to 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