



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

CONCHITA S. UY, CHRISTINE
UY DY, SYLVIA UY SY, JANE
UY TAN, JAMES LYNDON S.
UY, IRENE S. UY, *ERICSON S.
UY, JOHANNA S. UY, and
JEDNATHAN S. UY,

Petitioners,

- versus -

CRISPULO DEL CASTILLO,
substituted by his heirs
PAULITA MANATAD-DEL
CASTILLO, CESAR DEL
CASTILLO, AVITO DEL
CASTILLO, NILA C. DUEÑAS,
NIDA C. LATOSA, LORNA C.
BERNARDO, GIL DEL
CASTILLO, LIZA C. GUNGOB,
ALMA DEL CASTILLO, and
GEMMA DEL CASTILLO,

Respondents.

G.R. No. 223610

Present:

SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
DEL CASTILLO,
PERLAS-BERNABE, and
CAGUIOA, JJ.

Promulgated:

JUL 24 2017

X-----X

DECISION

PERLAS-BERNABE, J.:

Before the Court is a petition for review on *certiorari*¹ filed by petitioner Conchita S. Uy (Conchita) and her children, petitioners Christine

* Included in the petition as one of the petitioner. See *rollo*, p. 17.
1 Id. at 12-37.

Uy Dy, Sylvia Uy Sy, Jane Uy Tan, James Lyndon S. Uy, Irene S. Uy, Ericson S. Uy (Ericson), Johanna S. Uy, and Jednathan S. Uy (Uy siblings; collectively, petitioners), assailing the Decision² dated May 26, 2015 and the Resolution³ dated February 22, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 07120, which affirmed the twin Orders⁴ dated December 9, 2011 and the Order⁵ dated May 17, 2012 of the Regional Trial Court of Mandaue City, Branch 55 (RTC) in Civil Case No. MAN-2797, denying petitioners' Omnibus Motion,⁶ motion to quash the writ of execution,⁷ and their subsequent motion for reconsideration.⁸

The Facts

The present case is an offshoot of an action⁹ for quieting of title, reconveyance, damages, and attorney's fees involving a parcel of land, known as Lot 791 and covered by Transfer Certificate of Title (TCT) No. 29129,¹⁰ filed by Crispulo Del Castillo (Crispulo) against Jaime Uy (Jaime) and his wife, Conchita, on November 12, 1996, docketed as Civil Case No. MAN-2797 (Quietting of Title Case).¹¹ However, since Jaime had died six (6) years earlier in 1990,¹² Crispulo amended his complaint¹³ and impleaded Jaime's children, *i.e.*, the Uy siblings, as defendants.¹⁴ Meanwhile, Crispulo died¹⁵ during the pendency of the action and hence, was substituted by his heirs, respondents Paulita Manalad-Del Castillo, Cesar Del Castillo, Avito Del Castillo, Nila C. Dueñas, Nida C. Latosa, Lorna C. Bernardo, Gil Del Castillo, Liza C. Gungob, Alma Del Castillo, and Gemma Del Castillo (respondents).¹⁶

² Id. at 41-57. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Renato C. Francisco and Germano Francisco D. Legaspi concurring.

³ Id. at 58-60. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. Delos Santos and Germano Francisco D. Legaspi concurring.

⁴ Records, pp. 931-934 and 936-937, respectively. Penned by Acting Presiding Judge Silvestre A. Maamo, Jr.

⁵ Id. at 1012-1013.

⁶ Dated April 27, 2011. *Rollo*, pp. 110-137.

⁷ See Motion to Quash Writ of Execution on Jurisdictional Ground(s) dated June 10, 2011; id. at 147-177.

⁸ See Consolidated Motion for Reconsideration dated January 27, 2012; id. at 230-290.

⁹ See Complaint dated October 9, 1996; records, Vol. 1, pp. 1-7. See also Amended Complaint dated December 11, 1996; id. at 12-18.

¹⁰ Id. at 8-9.

¹¹ *Rollo*, p. 42.

¹² See copy of Certificate of Death; records, Vol. 1, p. 337. See also paragraph 1 in the Answer dated February 19, 1997; id. at 28.

¹³ See Second Amended Complaint dated June 16, 1997; id. at 47-54.

¹⁴ *Rollo*, p. 42.

¹⁵ See Notice of Death and Substitution of Party dated January 26, 2000; records, Vol. 1, pp. 102-103 and copy of Certificate of Death; id. at 104.

¹⁶ *Rollo*, p. 42.

After due proceedings, the RTC rendered a Decision¹⁷ dated April 4, 2003 (RTC Decision) in respondents' favor, and accordingly: (a) declared them as the true and lawful owners of Lot 791; (b) nullified Original Certificate of Title No. 576,¹⁸ as well as TCT No. 29129; and (c) ordered petitioners to pay respondents moral damages and litigation costs in the amount of ₱20,000.00 each, as well as attorney's fees equivalent to twenty-five percent (25%) of the zonal value of Lot 791.¹⁹ Aggrieved, petitioners appealed before the CA,²⁰ and subsequently, to the Court, but the same were denied for lack of merit.²¹ The ruling became final and executory on April 8, 2010, thus, prompting the Court to issue an Entry of Judgment²² dated May 4, 2010.

On August 17, 2010, respondents filed a Motion for Issuance of Writ of Execution,²³ manifesting therein that since the zonal value of Lot 791 at that time was ₱3,500.00 per square meter (sqm.) and that Lot 791 covers an area of 15,758 sqm., the total zonal value of Lot 791 was ₱55,153,000.00.²⁴ Hence, the attorney's fees, computed at twenty-five percent (25%) thereof, should be pegged at ₱13,788,250.00.²⁵

Acting on the said motion, the RTC ordered²⁶ petitioners to file their comment or opposition thereto, which they failed to comply.²⁷ Accordingly, in an Order²⁸ dated November 22, 2010, the RTC granted the motion and ordered the issuance of a writ of execution. On December 13, 2010, a Writ of Execution²⁹ was issued, to which the sheriff issued a Notice of Garnishment³⁰ seeking to levy petitioners' properties in an amount sufficient to cover for the ₱13,788,250.00 as attorney's fees and ₱20,000.00 each as moral damages and litigation costs.

Threatened by the Notice of Garnishment, petitioners filed an Omnibus Motion³¹ praying that the writ of execution be quashed and set

¹⁷ Id. at 61-74. Penned by Judge Ulric R. Cafete.

¹⁸ Records, Vol. 1, pp. 328-329.

¹⁹ *Rollo*, p. 74.

²⁰ See Brief for the Defendant-Appellants dated September 16, 2004 before the CA, docketed as CA G.R. CV No. 81583; records, Vol. 2, pp. 451-517.

²¹ See Decision dated May 29, 2008 of the CA in CA-G.R. CV No. 81583, penned by Associate Justice Amy C. Lazaro with Associate Justices Francisco P. Acosta and Florito S. Macalino concurring (*rollo*, pp. 75-90) and the Resolution dated September 28, 2009 of the Court in G.R. No. 188618 issued by First Division Clerk of Court Enriqueta Esguerra-Vidal (id. at 91).

²² Id. at 92-93.

²³ Dated August 10, 2010. Id. at 94-97.

²⁴ Id. at 95-96.

²⁵ Id. at 96.

²⁶ See Order dated September 3, 2010; id. at 103.

²⁷ See id. at 102.

²⁸ Id. Penned by Acting Presiding Judge Silvestre A. Maamo, Jr.

²⁹ Id. at 104-105. Issued by Branch Clerk of Court V Atty. Aurora N. Ventura-Villamor.

³⁰ Dated March 21, 2011. Id. at 107. Issued by Sheriff I Cesar D. Enoc, Jr.

³¹ Id. at 110-137.

aside, and that a hearing be conducted to re-compute the attorney's fees.³² Petitioners maintained that the Writ of Execution is invalid because it altered the terms of the RTC Decision which did not state that the zonal value mentioned therein referred to the zonal value of the property at the time of execution.³³ Before the RTC could act upon petitioners' Omnibus Motion, they filed a Motion to Quash Writ of Execution on Jurisdictional Ground(s) (motion to quash),³⁴ claiming that the RTC had no jurisdiction over the Uy siblings in the Quieting of Title Case as they were never served with summons in relation thereto.³⁵

The RTC Proceedings

On December 9, 2011, the RTC issued two (2) orders: (a) one granting petitioners' Omnibus Motion, nullifying the Notice of Garnishment, and setting a hearing to determine the proper computation of the award for attorney's fees;³⁶ and (b) another denying their motion to quash, since they never raised such jurisdictional issue in the proceedings *a quo*.³⁷

On January 20, 2012, a hearing was conducted for the determination of attorney's fees.³⁸ Thereafter, the parties were ordered to submit their respective position papers,³⁹ to which respondents complied with,⁴⁰ presenting the following alternative options upon which to base the computation of attorney's fees: (a) ₱3,387,970.00, equivalent to twenty-five percent (25%) of the zonal value of Lot 791 in 1996, the year when the Quieting of Title Case was filed; (b) ₱11,424,550.00, equivalent to twenty-five percent (25%) of the zonal value of Lot 791 in 2003, the year when the RTC rendered its Decision in the same case; or (c) ₱15,758,000.00, equivalent to twenty-five percent (25%) of the zonal value of Lot 791 in 2010, the year when the RTC Decision became final and executory.⁴¹

On the other hand, instead of filing the required position paper, petitioners filed a Consolidated Motion for Reconsideration⁴² of the RTC's December 9, 2011 twin Orders. In said motion, petitioners contended that the RTC failed to definitely rule on the validity of the writ of execution, and that it erred in holding that the RTC Decision was already final and executory despite the absence of summons on the Uy siblings.⁴³

³² Id. at 134.

³³ Id. at 132-133. See also id. at 44-45.

³⁴ Id. at 147-177.

³⁵ See id. at 172-173 and id. at 45.

³⁶ Records, Vol. 3, pp. 931-934.

³⁷ Id. at 936-937.

³⁸ See Order dated January 20, 2012; id. at 939.

³⁹ Id.

⁴⁰ See Plaintiff's Position Paper dated January 24, 2012; id. at 940-942.

⁴¹ Id. at 941-942. See also *rollo*, p. 46.

⁴² *Rollo*, pp. 230-290.

⁴³ See id. at 281-284. See also id. at 46-47.

In an Order⁴⁴ dated May 17, 2012, the RTC: (a) pegged the attorney's fees at ₱3,387,970.00,⁴⁵ using the zonal value of Lot 791 in 1996, the year when the Quieting of Title Case was instituted, it being the computation least onerous to petitioners; and (b) denied petitioners' Consolidated Motion for Reconsideration for lack of merit.

Dissatisfied, petitioners filed a petition for *certiorari*⁴⁶ with the CA, assailing the RTC's twin Orders dated December 9, 2011 and the Order dated May 17, 2012. Petitioners argued that instead of just declaring the Notice of Garnishment void, the RTC should have also declared the writ of execution void because the Uy siblings were never served with summons; and like the Notice of Garnishment, the Writ of Execution also altered the terms of the RTC Decision. Petitioners further added that the writ of execution was void because it made them liable beyond their inheritance from Jaime. They maintain that the estate of Jaime should instead be held liable for the adjudged amount and that respondents should have brought their claim against the estate, in accordance with Section 20, Rule 3 of the Rules of Court.⁴⁷

The CA Ruling

In a Decision⁴⁸ dated May 26, 2015, the CA affirmed the assailed Orders of the RTC. The CA found no merit in the claim that the Uy siblings were never served with summons, pointing out that in a Manifestation/Motion⁴⁹ dated November 26, 1997, their counsel in the trial proceedings, Atty. Alan C. Trinidad (Atty. Trinidad), stated that petitioners received the summons with a copy of the amended complaint.⁵⁰ It likewise refused to give credence to petitioners' denial of Atty. Trinidad's representation, observing that one of the Uy siblings, Ericson, even testified in court with the former's assistance, and that none of them showed any concern or apprehension before the court, which they would have if indeed Atty. Trinidad was not authorized to represent them.⁵¹

Anent petitioners' argument that they cannot be held personally liable with their separate property for Jaime's liability and that respondents should have filed a claim against Jaime's estate in accordance with Section 20, Rule 3 of the Rules of Court, the CA held that such provision only applies to contractual money claims and not when the subject matter is some other relief and the collection of any amount is merely incidental thereto, such as

⁴⁴ Records, Vol. 3, pp. 1012-1013.

⁴⁵ Inadvertently indicated as "₱3,387,470.00" in the said Order. See id. at 1013.

⁴⁶ Dated August 28-2012. *Rollo*, pp. 291-358.

⁴⁷ See id. at 314-321. See also id. at 49-50.

⁴⁸ Id. at 41-57.

⁴⁹ Records, Vol. 1, pp. 64-65.

⁵⁰ *Rollo*, p. 52.

⁵¹ Id. at 53.

by way of damages, as in this case.⁵² Besides, petitioners had all the opportunity to raise such perceived error when they elevated the case to the CA and to this Court, but they did not.⁵³ Following the principle of finality of judgment, the CA can no longer entertain such assignment of errors.⁵⁴

With respect to the validity of the writ of execution, the CA ruled that since the Writ of Execution made express reference to the RTC Decision without adding anything else, the same was valid, unlike the Notice of Garnishment which expressly sought to levy ₱13,788,250.00 in attorney's fees and, in the process, exceeded the purview of the said Decision.⁵⁵

Undaunted, petitioners moved for reconsideration,⁵⁶ which was, however, denied by the CA in its Resolution⁵⁷ dated February 22, 2016; hence, the present petition.

The Issue Before the Court

The issue for the Court's resolution is whether or not the CA correctly upheld the twin Orders dated December 9, 2011 and the Order dated May 17, 2012 of the RTC.

The Court's Ruling

The petition is partly meritorious.

At the outset, it is well to reiterate that petitioners are resisting compliance with the ruling in the Quieting of Title Case, on the grounds that: (a) they were never served with summons in relation thereto; and (b) they were merely impleaded as substitutes to Jaime therein, and as such, respondents should have proceeded against his estate instead, pursuant to Section 20, Rule 3 of the Rules of Court. However, a judicious review of the records would reveal that such contentions are untenable, as will be discussed hereunder.

⁵² Id. at 55.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id. at 55-56.

⁵⁶ Dated June 18, 2015. Id. at 481-514.

⁵⁷ Id. at 58-60.

Anent petitioners' claim that they were never served with summons, the CA correctly pointed out that in the November 26, 1997 Manifestation/Motion,⁵⁸ petitioners, through their counsel, Atty. Trinidad, explicitly stated, among others, that they "received the Summons with a copy of the Second Amended Complaint" and that "the Answer earlier filed serves as the Answer to the Second Amended Complaint."⁵⁹ Having admitted the foregoing, petitioners cannot now assert otherwise. "It is settled that judicial admissions made by the parties in the pleadings or in the course of the trial or other proceedings in the same case are conclusive and do not require further evidence to prove them. They are legally binding on the party making it, except when it is shown that they have been made through palpable mistake or that no such admission was actually made, neither of which was shown to exist in this case."⁶⁰

Assuming *arguendo* that petitioners did not receive summons for the amended complaint, they were nonetheless deemed to have voluntarily submitted to the RTC's jurisdiction by filing an Answer⁶¹ to the amended complaint and actively participating in the case.⁶² In fact, one of the petitioners and Uy siblings, Ericson, was presented as a witness for the defense.⁶³ Moreover, petitioners appealed the adverse RTC ruling in the Quieting of Title Case all the way to the Court. It is settled that the active participation of the party against whom the action was brought, is tantamount to an invocation of the court's jurisdiction and a willingness to abide by the resolution of the case, and such will bar said party from later on impugning the court's jurisdiction.⁶⁴ After all, jurisdiction over the person of the defendant in civil cases is obtained either by a valid service of summons upon him or by his voluntary submission to the court's authority.⁶⁵

In this regard, petitioners cannot also deny Atty. Trinidad's authority to represent them. As mentioned earlier, one of the petitioners, Ericson, even testified with the assistance of Atty. Trinidad.⁶⁶ Indeed, if Atty. Trinidad was not authorized to represent them, the natural reaction for petitioners was to exhibit concern. Based on the records, however, there is no indication that any of the petitioners or Ericson made even the slightest objections to Atty. Trinidad's representation. This only confirms the CA's finding that such

⁵⁸ Records, Vol. 1, pp. 64-65.

⁵⁹ *Id.* at 64.

⁶⁰ See *Odiamar v. Valencia*, G.R. No. 213582, June 28, 2016, citing *Josefa v. Manila Electric Company*, 739 Phil. 114, 129 (2014) and *Eastern Shipping Lines, Inc. v. BPI/MS Insurance Corp.*, G.R. No. 182864, January 12, 2015, 745 SCRA 98, 121.

⁶¹ Records, Vol. 1, pp. 28-32.

⁶² See Manifestation/Motion, *id.* at 64-65.

⁶³ TSN, December 12, 2001, p. 1.

⁶⁴ *Philippine Commercial International Bank v. Sps. Dy Hong Pi*, 606 Phil. 615, 635 (2009), citing *Meat Packing Corporation of the Philippines v. Sandiganbayan*, 411 Phil. 959, 977-978 (2001).

⁶⁵ *Ang Ping v. CA*, 369 Phil. 607, 614 (1999). See also Rule 14, Rules of Court.

⁶⁶ TSN, December 12, 2001, p. 1.

denial was a mere afterthought and a desperate attempt to undo a final and executory judgment against them.⁶⁷

As to petitioners' contention that respondents should have proceeded against Jaime's estate pursuant to Section 20, Rule 3 of the Rules of Court, it is well to point out that based on the records, the Uy siblings were not merely substituted in Jaime's place as defendant; rather, they were impleaded in their personal capacities. Under Section 16, Rule 3 of the Rules of Court, substitution of parties takes place when the party to the action dies *pending* the resolution of the case and the claim is not extinguished, *viz.:*

Section 16. Death of party; duty of counsel. — Whenever a **party to a pending action dies, and the claim is not thereby extinguished**, it shall be the duty of his counsel to inform the court within thirty (30) days after such death of the fact thereof, and to give the name and address of his legal representative or representatives. Failure of counsel to comply with his duty shall be a ground for disciplinary action.

The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator and the court may appoint a guardian *ad litem* for the minor heirs.

The court shall forthwith order said legal representative or representatives to appear and be substituted within a period of thirty (30) days from notice.

If no legal representative is named by the counsel for the deceased party, or if the one so named shall fail to appear within the specified period, the court may order the opposing party, within a specified time to procure the appointment of an executor or administrator for the estate of the deceased and the latter shall immediately appear for and on behalf of the deceased. The court charges in procuring such appointment, if defrayed by the opposing party, may be recovered as costs. (Emphases supplied)

Here, Jaime died on March 4, 1990,⁶⁸ or six (6) years before private respondents filed the Quieting of Title Case. Thus, after Conchita filed an Answer⁶⁹ informing the RTC of Jaime's death in 1990, the complaint was amended⁷⁰ to implead the Uy siblings. Accordingly, the Rules of Court provisions on substitution upon the death of a party do not apply and the Uy siblings were not merely substituted in place of Jaime in the Quieting of Title Case. Instead, they were impleaded in their personal capacities.⁷¹ In this regard, petitioners' argument that they cannot be held solidarily liable for the satisfaction of any monetary judgment or award must necessarily fail.⁷²

⁶⁷ See *rollo*, pp. 54-55.

⁶⁸ See copy of Certificate of Death; records, Vol. 1, p. 337.

⁶⁹ *Id.* at 28-32.

⁷⁰ *Id.* at 47-54.

⁷¹ *Id.* at 47-48.

⁷² See *Torres, Jr. v. CA*, 344 Phil. 348 (1997).

In this light, petitioners can no longer invoke Section 20, Rule 3 of the Rules of Court, which reads:

Section 20. *Action and contractual money claims.* — When the action is for recovery of money arising from contract, express or implied, and the **defendant dies before entry of final judgment in the court in which the action was pending at the time of such death**, it shall not be dismissed but shall instead be allowed to continue until entry of final judgment. A favorable judgment obtained by the plaintiff therein shall be enforced in the manner especially provided in these Rules for prosecuting claims against the estate of a deceased person. (Emphasis supplied)

A cursory reading of the foregoing provision readily shows that like Section 16, Rule 3 of the Rules of Court, it applies in cases where the defendant dies **while the case is pending and not before the case was even filed in court**, as in this case.

At this point, the Court notes that if petitioners truly believed that Jaime's estate is the proper party to the Quieting of Title Case, they could and should have raised the lack of cause of action against them at the earliest opportunity. Obviously, they did not do so; instead, they actively participated in the case, adopted the answer earlier filed by Conchita, and even litigated the case all the way to the Court. Petitioners cannot now question the final and executory judgment in the Quieting of Title Case because it happened to be adverse to them.

Time and again, the Court has repeatedly held that "a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. This principle, known as the doctrine of immutability of judgment, has a two-fold purpose, namely: (a) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (b) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Verily, it fosters the judicious perception that the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As such, it is not regarded as a mere technicality to be easily brushed aside, but rather, a matter of public policy which must be faithfully complied."⁷³ However, this doctrine "is not a hard and fast rule as the Court has the power and prerogative to relax the same in order to serve the demands of substantial justice considering: (a) matters of life, liberty, honor, or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) the lack of

⁷³ *National Housing Authority v. CA*, 731 Phil. 401, 405-406 (2014).

any showing that the review sought is merely frivolous and dilatory; and (f) that the other party will not be unjustly prejudiced thereby.”⁷⁴

In this case, a punctilious examination of the records, especially the Amended Complaint⁷⁵ in the Quieting of Title Case reveals that the disputed Lot 791 was covered by TCT No. 29129 in the names of Jaime and Conchita. Thus, while the Uy siblings were indeed impleaded in their personal capacities, the fact remains that they are merely succeeding to Jaime’s interest in the said lot and title. As successors-heirs, they cannot be personally bound to respond to the decedent’s obligations beyond their distributive shares.⁷⁶ Verily, this is a special or a compelling circumstance which would necessitate the relaxation of the doctrine of immutability of judgment, so as to somehow limit the liability of the Uy siblings in the payment of the monetary awards in favor of respondents in the Quieting of Title Case – *i.e.*, moral damages and litigation costs in the amount of ₱20,000.00 each, as well as attorney’s fees, equivalent to twenty-five percent (25%) of the zonal value of Lot 791⁷⁷ – within the value of their inherited shares, notwithstanding the finality of the ruling therein.

In sum, while the courts *a quo* correctly ruled that the Uy siblings may be held answerable to the monetary awards in the Quieting of Title Case, such liability cannot exceed whatever value they inherited from their late father, Jaime. For this purpose, the RTC is tasked to ensure that the satisfaction of the monetary aspect of the judgment in the Quieting of Title Case will not result in the payment by the Uy siblings of an amount exceeding their inheritance from Jaime. After all, the other party, *i.e.*, respondents, shall not be unjustly prejudiced by the same since Jaime’s spouse, Conchita, is still alive and the rest of the monetary awards may be applied against her, if need be.

WHEREFORE, the petition is **PARTLY GRANTED**. Accordingly, the Decision dated May 26, 2015 and the Resolution dated February 22, 2016 of the Court of Appeals in CA-G.R. SP No. 07120 are hereby **AFFIRMED** with **MODIFICATION** limiting the adjudged monetary liability of petitioners Christine Uy Dy, Sylvia Uy Sy, Jane Uy Tan, James Lyndon S. Uy, Irene S. Uy, Ericson S. Uy, Johanna S. Uy, and Jednathan S. Uy to the total value of their inheritance from Jaime Uy.

⁷⁴ *Bigler v. People*, G.R. No. 210972, March 2, 2016, 785 SCRA 479, 487-488, citing *Sumbilla v. Matrix Finance Corporation*, G.R. No. 197582, June 29, 2015, 760 SCRA 532, 543, further citing *Barnes v. Padilla*, 482 Phil. 903, 915 (2004).

⁷⁵ See Second Amended Complaint dated June 16, 1997; records, pp. 47-54.

⁷⁶ See Vitug, Jose C., *Civil Law Annotated*, Vol. II, Second Edition, p. 174 (2006).

⁷⁷ *Rollo*, p. 74.

SO ORDERED.

W. K.
ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:

M. Sereno
MARIA LOURDES P. A. SERENO
Chief Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

M. Del Castillo
MARIANO C. DEL CASTILLO
Associate Justice

A. B. Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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

Pursuant to Section 13, Article VIII of the Constitution, 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.

M. Sereno
MARIA LOURDES P. A. SERENO
Chief Justice