



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated March 18, 2021 which reads as follows:*

**“G.R. No 222948 – BARANGKA CREDIT COOPERATIVE, ROBERTO MASCARINA and Board of Director Members: GENOVEVA MORADA, DAVID SANTOS, PEDRO PONCE, FLORDELIZA ROZAL, CARMELITA CABACUNGAN AND IMELDA F. CRUZ, petitioners, versus EDITH SEIDEL AND JAMES SEIDEL, respondents.**

After a careful review of the instant Petition<sup>1</sup> and its annexes, as well as the Decision<sup>2</sup> dated July 31, 2015 and Resolution<sup>3</sup> dated February 9, 2016 of the Court of Appeals (CA), in CA-G.R. CV-101837, affirming the Decision<sup>4</sup> dated September 16, 2013 of the Regional Trial Court of Marikina City, Branch 272 (RTC), in Civil Case No. 06-11-8-MK, the Court resolves to **DENY** the Petition for lack of merit.

It is settled that a petition for review on *certiorari* “shall raise only questions of law, which must be distinctly set forth.”<sup>5</sup> In *Angeles v. Pascual*,<sup>6</sup> the Court held:

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<sup>1</sup> Rollo, pp. 28-61.

<sup>2</sup> Id. at 10-23. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla and concurred in by Associate Justices Normandie B. Pizarro and Agnes Reyes-Carpio.

<sup>3</sup> Id. at 25-26.

<sup>4</sup> Id. at 73-89. Penned by Judge Felix P. Reyes.

<sup>5</sup> RULES OF COURT, Rule 45, Sec. 1 provides:

**SECTION 1. Filing of petition with Supreme Court.** — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth. (1a, 2a) (Underscoring supplied)

<sup>6</sup> G.R. No. 157150, September 21, 2011, 658 SCRA 23.

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x x x In appeal by *certiorari*, therefore, only questions of law may be raised, because the Supreme Court is not a trier of facts and does not normally undertake the re-examination of the evidence presented by the contending parties during the trial. The resolution of factual issues is the function of lower courts, whose findings thereon are received with respect and are binding on the Supreme Court subject to certain exceptions. A question, to be one of law, must not involve an examination of the probative value of the evidence presented by the litigants or any of them. There is a question of law in a given case when the doubt or difference arises as to what the law is on certain state of facts; there is a question of fact when the doubt or difference arises as to the truth or falsehood of alleged facts.

Whether certain items of evidence should be accorded probative value or weight, or should be rejected as feeble or spurious; or whether or not the proofs on one side or the other are clear and convincing and adequate to establish a proposition in issue; whether or not the body of proofs presented by a party, weighed and analyzed in relation to contrary evidence submitted by adverse party, may be said to be strong, clear and convincing; whether or not certain documents presented by one side should be accorded full faith and credit in the face of protests as to their spurious character by the other side; whether or not inconsistencies in the body of proofs of a party are of such gravity as to justify refusing to give said proofs weight — all these are issues of fact. Questions like these are not reviewable by the Supreme Court whose review of cases decided by the CA is confined only to questions of law raised in the petition and therein distinctly set forth.<sup>7</sup>

A perusal of the Petition unequivocally shows that petitioners raised pure questions of fact that require a re-examination of the evidence presented by the parties. Specifically, petitioners claim that the lower courts erred in granting the complaint for rescission due to its alleged failure to finish the renovation of the subject property and in ordering petitioners to pay respondents the amount of ₱312,862.50 representing the balance from the partial payments after deducting rental payments.<sup>8</sup> Indeed, contrary to the factual findings of the lower courts, petitioners alleged that: 1) respondents undertook to complete the repair and renovation works and received money from the petitioners to undertake the same;<sup>9</sup> 2) the evidence proves that respondents were only able to pay the down payment of ₱100,000.00 and five rental payments in the amount of ₱36,837.50 for a total

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<sup>7</sup> Id. at 28-29. Underscoring supplied.

<sup>8</sup> *Rollo*, pp. 40-41.

<sup>9</sup> Id. at 42.

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payment of ₱284,187.50 only;<sup>10</sup> 3) respondents were the ones that substantially breached the *Kasunduan* by failing to pay the amounts due;<sup>11</sup> and 4) the cause of the delay in the renovations was respondents' constant interference with the repair works on the property.<sup>12</sup> These arguments manifestly fail to raise any question of law for the consideration of the Court. Again, the resolution of factual issues is the function of lower courts, whose findings thereon are given great respect and even finality. Although said rule is subject to certain exceptions,<sup>13</sup> petitioners failed to sufficiently allege or prove that any such exception applies.

However, the award of attorney's fees should be deleted. The general rule is that attorney's fees cannot be recovered as part of damages because of the policy that no premium should be placed on the right to litigate. They are not to be awarded every time a party wins a suit. The power of the court to award attorney's fees under Article 2208 demands factual, legal, and equitable justification. Even when a claimant is compelled to litigate with third persons or to incur expenses to protect his rights, still, attorney's fees may not be awarded where no sufficient showing of bad faith could be reflected in a party's persistence in a case other than an erroneous conviction of the righteousness of his cause.<sup>14</sup> There being no clear ground for attorney's fees, the RTC erred in awarding the same.

**WHEREFORE**, premises considered, the Petition is **DENIED**. The Decision dated July 31, 2015 and Resolution dated February 9, 2016 of the Court of Appeals, in CA-G.R. CV-101837 are hereby **AFFIRMED with MODIFICATION** in that the award of attorney's fees in favor of respondents Edith Seidel and James Seidel is deleted.

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<sup>10</sup> Id. at 45.

<sup>11</sup> Id.

<sup>12</sup> Id. at 47.


<sup>13</sup> In *Angeles v. Pascual*, supra note 6, the Court held: "Nonetheless, the Court has recognized several exceptions to the rule, including: (a) when the findings are grounded entirely on speculation, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) when there is grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) when the findings of facts are conflicting; (f) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (g) when the findings are contrary to those of the trial court; (h) when the findings are conclusions without citation of specific evidence on which they are based; (i) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (j) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (k) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion." Id. at 29-30.

<sup>14</sup> See *Timado v. Rural Bank of San Jose, Inc.*, G.R. No. 201436, July 11, 2016, 796 SCRA 185, 192.

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**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court<sup>1/2</sup>  
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DELOS ANGELES AGUIRRE  
OLAGUER SALOMON FABRO  
& OJEDA  
Counsel for Petitioners  
240 JP Rizal Street, Sta. Elena  
1800 Marikina City

Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 101837)

Atty. Benigno Y. Cornes  
Counsel for Respondents  
Bulo, Victoria, 2313 Tarlac

The Hon. Presiding Judge  
Regional Trial Court, Branch 272  
1800 Marikina City  
(Civil Case No. 06-1108-MK)

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