



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 15, 2022** which reads as follows:*

**“G.R. No. 241862 (*Victor B. Salalima v. People of the Philippines*).**  
– This Court resolves a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Revised Rules of Court filed by petitioner Victor B. Salalima (*Salalima*), seeking to reverse and/or set aside the Resolutions dated December 15, 2017<sup>2</sup> and August 3, 2018<sup>3</sup> rendered by the Court of Appeals (*CA*) in CA-G.R. SP No. 08439-MIN.

*The Antecedents*

On December 12, 2016, Agent Myrian A. Balbada (*Agent Balbada*), of the Philippine Drug Enforcement Agency (*PDEA*) filed before the Regional Trial Court of Butuan City (*RTC-Butuan*) an application for search warrant<sup>4</sup> against Salalima and his common-law wife, Jinky Digidigan (*Digidigan*) for their alleged violation of Sections 11 and 12, Article II of Republic Act (*R.A.*) No. 9165. The places to be searched were their apartment located at 5242 Cabiltes Street, *Barangay* 6, Cabadbaran City, and a white Kia motor vehicle with Plate No. LMK 626.

In the application for the search warrant, Agent Balbada stated the reason why the application was being filed before the RTC-Butuan instead of RTC of Cabadbaran City, Agusan del Norte (*RTC-Cabadbaran*), or the court having territorial jurisdiction where the place to be searched is located, thus:

5. By reason of the information gathered and verified that the subject persons are known to have clients and a (sic) close friends of local government officials in Cabadbaran City who might have access directly or indirectly in the Regional Trial Courts of Cabadbaran City, Agusan del

<sup>1</sup> *Rollo*, pp. 114-155.

<sup>2</sup> Penned by Associate Justice Perpetua T. Atal-Paño, with Associate Justices Romulo V. Borja and Ruben Reynaldo G. Roxas, concurring; *id.* at 11-17.

<sup>3</sup> *Id.* at 47-51.

<sup>4</sup> *Id.* at 285-286.

Norte, the same shall be considered as compelling reason/s for the undersigned to apply instead before the Honorable Court.<sup>5</sup>

After examining under oath the applicant and the witnesses, the RTC-Butuan, Branch 2 issued Search Warrant No. 1827-2016<sup>6</sup> against Salalima and Digdigan.

On December 17, 2016, the members of the PDEA – Regional Office XIII implemented the search warrant, which resulted to the filing of two separate Informations<sup>7</sup> against Salalima and Digdigan for violations of Sections 11 and 12, Article II of R.A. No. 9165.

On March 9, 2017, Salalima filed before the RTC-Cabadbaran a Motion to Quash Informations<sup>8</sup> contending, among others, that: (1) the search warrant was issued without probable cause;<sup>9</sup> and (2) the RTC-Butuan, which issued the search warrant, has no territorial jurisdiction over Cabadbaran City where the search warrant was implemented.<sup>10</sup>

On July 4, 2017, Digdigan also filed a Motion to Quash Search Warrant, which similarly contended that the RTC-Butuan has no territorial jurisdiction over the place to be searched.<sup>11</sup>

On September 4, 2017, the RTC-Cabadbaran rendered a Resolution<sup>12</sup> denying both motions, pointing out that the application for search warrant had stated a compelling reason for its filing in RTC-Butuan. The qualification of a compelling reason for the filing of an application for a search warrant other than the court having territorial jurisdiction over the place to be searched or things to be seized is best addressed to the sound discretion of the issuing court, or in this case, RTC-Butuan.

At odds with the ruling, Salalima moved for reconsideration<sup>13</sup> insisting that the search warrant is void for having been issued by the RTC-Butuan without territorial jurisdiction over Cabadbaran City and the compelling reason stated in the application fell short of the requirement under Section 2(b), Rule 126 of the Rules of Court.

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<sup>5</sup> *Id.* at 286.

<sup>6</sup> *Id.* at 259-260.

<sup>7</sup> *Id.* at 255-258.

<sup>8</sup> *Id.* at 261-274.

<sup>9</sup> *Id.* at 262.

<sup>10</sup> *Id.* at 265.

<sup>11</sup> *Id.* at 245.

<sup>12</sup> *Id.* at 245-246.

<sup>13</sup> *Id.* at 247-252.

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On October 25, 2017, the RTC-Cabadbaran issued a Resolution<sup>14</sup> denying the motion for reconsideration, reiterating that the determination of the existence of a compelling reason is best addressed to the sound discretion of the issuing court. Once this discretion has been exercised, it cannot be reviewed, save in the instances where such discretion is exercised in an arbitrary or capricious manner. Further, it cannot be questioned by a co-equal court.

Adamant, Salalima filed a petition for *certiorari*<sup>15</sup> before the CA, claiming that the RTC-Cabadbaran committed grave abuse of discretion in not declaring as null and void the search warrant for having been issued by a court without territorial jurisdiction over the place to be searched and absence of a compelling reason for its issuance.

On December 15, 2017, the CA rendered the assailed Resolution<sup>16</sup> dismissing the petition on the following grounds: (1) Salalima availed the wrong remedy because the denial of a motion to quash is an interlocutory order and, thus, unappealable; (2) none of the grounds for the quashal of a complaint, or information under Section 3, Rule 117 of the Rules of Court are present; and (3) under the doctrine of non-interference, the RTC-Cabadbaran does not have authority to interfere with the proceedings of a court of co-equal jurisdiction, much less to review, or modify its findings on the existence of compelling reason for the issuance of the assailed search warrant outside its territorial jurisdiction.

Undeterred, Salalima filed a motion for reconsideration,<sup>17</sup> but to no avail, as the CA denied the same in its impugned Resolution<sup>18</sup> dated August 3, 2018.

Hence, this present Petition.

### *Issue*

The primordial issue to be resolved is whether the CA erred in affirming the denial of the Motion to Quash Informations.

In raising arguments in support of the said issue, Salalima likewise raises issues on the denial of the Motion to Quash Search Warrant. He argues that: (1) it was issued by the RTC-Butuan having no territorial jurisdiction over Cabadbaran City;<sup>19</sup> (2) there is no compelling reason for the

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<sup>14</sup> *Id.* at 254.

<sup>15</sup> *Id.* at 211-244.

<sup>16</sup> *Id.* at 11-17.

<sup>17</sup> *Id.* at 18-42.

<sup>18</sup> *Id.* at 47-51.

<sup>19</sup> *Id.* at 132.

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issuance of the search warrant;<sup>20</sup> (3) the compelling reason stated in the application is not based on the personal knowledge of the applicants; and (4) the RTC-Butuan did not conduct searching questions and answers in relation to the compelling reason stated in the application.<sup>21</sup>

As the search warrant is patently null and void, Salalima propounds that any evidence obtained from such invalid search is inadmissible in evidence for being the fruit of a poisonous tree.<sup>22</sup>

On the other hand, the People, through the Office of the Solicitor General, submits that the matters raised in the petition are all factual in nature, and therefore, outside the purview of a Rule 45 petition. Moreover, the factual findings of the CA are not contrary to the factual findings of both the RTCs of Butuan and Cabadbaran and, thus, entitled to great respect.<sup>23</sup> In any case, there is no question of law to speak of, as the CA did not err in its application of existing laws and pertinent jurisprudence when it ruled that the RTC-Cabadbaran did not commit grave abuse of discretion in denying the Motion to Quash Informations.<sup>24</sup>

### *Our Ruling*

The petition is bereft of merit.

Prefatorily, it is settled that the jurisdiction of this Court in a petition for review on *certiorari* under Rule 45 of the Rules of Court is generally limited to errors of law,<sup>25</sup> as this Court is not a trier of facts.<sup>26</sup>

The distinction between a question of law and question of fact is well settled. There is a question of law in a given case when doubt, or difference arises as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts.<sup>27</sup> “For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by the litigants or any of them.”<sup>28</sup> The resolution of the issue must rest solely on what the law provides on the given set of circumstances. “Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.”<sup>29</sup>

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<sup>20</sup> *Id.* at 133.

<sup>21</sup> *Id.* at 142.

<sup>22</sup> *Id.* at 147.

<sup>23</sup> *Id.* at 342.

<sup>24</sup> *Id.*

<sup>25</sup> *Esperal v. Trompeta-Esperal*, G.R. No. 229076, September 16, 2020.

<sup>26</sup> *Lopez v. Saludo*, G.R. No. 233775, September 15, 2021.

<sup>27</sup> *Tiña v. Sta. Clara Estate, Inc.*, G.R. No. 239979, February 17, 2020.

<sup>28</sup> *Lorzano v. Tabuyag, Jr.*, 681 Phil. 39, 48 (2012).

<sup>29</sup> *Century Iron Works, Inc. v. Bañas*, 711 Phil. 576, 586 (2013).

In this case, a cursory reading of the petition unmistakably shows that petitioner raises substantially questions of fact, which are outside the ambit of this Court's limited jurisdiction in a petition for review on *certiorari*. More specifically, the determination of the existence of a compelling reason for the RTC-Butuan to issue the search warrant, the alleged insufficiency and lack of personal knowledge of the applicants as to the compelling reason stated in the application, and the supposed failure of the RTC-Butuan to conduct probing questions and answers to determine the veracity of the compelling reason are all factual in nature, the resolution of which would require this Court to reassess and reevaluate the evidence on record. Evidently, it is not the function of this Court to analyze, or weigh all over again, evidence already considered in the proceedings below.<sup>30</sup> Under a Rule 45 petition, this Court's discretionary power of judicial review is confined to the review of errors of law that may have been committed by the lower courts.<sup>31</sup> While this rule is not absolute, none of the recognized exceptions,<sup>32</sup> which allow this Court to review the factual issues in a Rule 45 petition, exists in the present case.

At any rate, even if the petition is given due course, the same must be denied.

Foremost, it is a fundamental principle that "an order denying a motion to quash is interlocutory and therefore not appealable."<sup>33</sup> Neither can it be the subject of a petition for *certiorari*, which is filed only in the absence of an appeal, or any other adequate, plain, and speedy remedy.<sup>34</sup> In a denial of a motion to quash information, the adequate, plain, and speedy remedy is to proceed to trial to determine the guilt or innocence of the accused.<sup>35</sup> Put differently, "the remedy against the denial of a motion to quash is for the movant accused to enter a plea, go to trial, and should the decision be adverse, reiterate on appeal from the final judgment and assign as error the denial of the motion to quash."<sup>36</sup> Instructive on this matter is the case of *Non v. Office of the Ombudsman*:<sup>37</sup>

As a rule, a denial of a motion to quash filed by an accused is not appealable, since an appeal from an interlocutory order is not allowed

<sup>30</sup> *Heirs of Racaza v. Spouses Abay-abay*, 687 Phil. 584, 590 (2012).

<sup>31</sup> *Torreda v. Investment and Capital Corporation of the Philippines*, 839 Phil. 1087, 1097 (2018).

<sup>32</sup> (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly 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. (*Tiangco v. Sunlife Financial Plans, Inc.* G.R. No. 241523, October 12, 2020).

<sup>33</sup> *Miranda v. Sandiganbayan*, 815 Phil. 123, 139 (2017).

<sup>34</sup> *Galzote v. Briones*, 673 Phil. 165, 172 (2011).

<sup>35</sup> *Cagang v. Sandiganbayan*, 837 Phil. 815, 845 (2018).

<sup>36</sup> *Enrile v. Hon. Manalastas*, 746 Phil. 43, 48 (2014).

<sup>37</sup> G.R. No. 251177, September 8, 2020.

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under Section 1(b), Rule 41 of the Rules of Court. Neither can it be a proper subject of a petition for certiorari, which is filed only in the absence of an appeal or any other adequate, plain, and speedy remedy. In a denial of a motion to quash information, the plain and speedy remedy is to proceed to trial.

In the usual course of procedure, a denial of a motion to quash filed by an accused results in the continuation of the trial and the determination of his guilt or innocence. If a judgment of conviction is rendered and the lower court's decision of conviction is appealed, the accused can raise the denial of his motion to quash, not only as an error committed by the trial court, but as an added ground to overturn the latter's ruling.<sup>38</sup>

Conformably with the foregoing, the CA aptly held that Salalima availed of the wrong remedy when he opted to immediately file a petition for *certiorari* to question the denial of his Motion to Quash Informations. The proper recourse of Salalima was to enter his plea, proceed with the trial before the RTC-Cabadbaran, and if an adverse final judgment is rendered against him, to file an appeal from the judgment and assign as error the unwarranted denial of his motion to quash. Plainly, the fact that another remedy — to proceed to trial — is ready, available, and at the full disposal of Salalima after the denial of his motion to quash already bars his immediate recourse to the CA *via* petition for *certiorari*.

Nevertheless, this Court is not oblivious that, in certain meritorious cases, a writ of *certiorari* is considered as an appropriate remedy to assail interlocutory orders, specifically pertaining to denials of motions to quash. These recognized instances are as follows:

- (a) when the court issued the order without or in excess of jurisdiction or with grave abuse of discretion;
- (b) when the interlocutory order is patently erroneous and the remedy of appeal would not afford adequate and expeditious relief;
- (c) in the interest of a more enlightened and substantial justice;
- (d) to promote public welfare and public policy; and
- (e) when the cases have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof.<sup>39</sup>

Regrettably, none of the foregoing exceptional circumstances obtained in this case. In fact, the CA aptly held that no grave abuse of discretion was committed by the RTC-Cabadbaran in denying the Motion to Quash Informations.

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<sup>38</sup> *Id.*

<sup>39</sup> *Querijero v. Palmes-Limitar*, 695 Phil. 106, 111 (2012).

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction.<sup>40</sup> “The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion, or personal hostility and must be so patent and gross as to amount to an evasion of positive duty, or to a virtual refusal to perform the duty enjoined by, or to act at all in contemplation of law.”<sup>41</sup> “In more concrete terms, not every error committed by a tribunal amounts to grave abuse of discretion. A misappreciation of the facts, or a misapplication of the law does not, by itself, warrant the filing of a special civil action for *certiorari*.”<sup>42</sup> There must be a clear abuse of the authority vested in a tribunal. This abuse must be so serious and so grave that it warrants the interference of the court to nullify, or modify the challenged action and to undo the damage done.<sup>43</sup>

In this case, far from being capricious, whimsical, or arbitrary, the findings and conclusions of the RTC-Cabadbaran, which the CA affirmed, are consistent with existing rules and applicable jurisprudence.

Section 2, Rule 126 of the Revised Rules of Criminal Procedure provides for the proper venue where applications for search warrant should be filed, to wit:

SECTION 2. *Court where applications for search warrant shall be filed.* -

An application for search warrant shall be filed with the following:

(a) Any court within whose territorial jurisdiction a crime was committed.

(b) For compelling reasons stated in the application, any court within the judicial region where the crime was committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

However, if the criminal action has already been filed, the application shall only be made in the court where the criminal action is pending.

From the foregoing, it is readily apparent that as a general rule, an application for a search warrant should be filed in the court within whose territorial jurisdiction the crime was committed. It is only when there is a compelling reason that an applicant can file the same in any court within the judicial region of the place where the crime was committed, if known, or before any court within the judicial region where the warrant should be enforced. This implies that the issuance of a search warrant by a court outside the territorial jurisdiction where the crime was committed is the exception, rather than the general rule.

<sup>40</sup> *Jarabelo v. Household Goods Patrons, Inc.*, G.R. No. 223163, December 2, 2020.

<sup>41</sup> *Pascual v. Burgos*, 776 Phil. 167, 185 (2016).

<sup>42</sup> *G.V. Florida Transport, Inc. v. Tiara Commercial Corporation*, 820 Phil. 235, 247 (2017).

<sup>43</sup> *Ubaña v. Du*, G.R. No. 224234, May 14, 2021.

In this case, the RTC-Cabadbaran, as affirmed by the CA, found that the application for search warrant has stated a compelling reason for its filing before the RTC-Butuan pursuant to Section 2(b), Rule 126 of the Revised Rules of Criminal Procedure. Salalima, however, assails the sufficiency of the said compelling reason contending that the same was not based on the personal knowledge of the PDEA agents and the RTC-Butuan did not conduct probing questions and answers to determine the veracity of the compelling reason. On these issues, the CA sustained the ruling of the RTC-Cabadbaran that under the doctrine of non-interference, the latter had no authority to interfere with the proceedings of a co-equal court, much less to review, or modify its findings on the existence of a compelling reason. Besides, the qualification of what constitutes as a compelling reason for the issuance of a search warrant under Section 2(b), Rule 126 is left to the sound discretion of the issuing court, or in this case, the RTC-Butuan.

The uniform findings of the RTC-Cabadbaran and CA find support from the case of *People v. Chiu*,<sup>44</sup> where this Court emphasized that it is within the sound discretion of the trial court where the application is filed to determine the existence of a compelling reason for the issuance of a search warrant, to wit:

The determination of the existence of compelling considerations of urgency, and the subject, time and place necessitating and justifying the filing of an application for a search warrant with a court other than the court having territorial jurisdiction over the place to be searched and things to be seized or where the materials are found is addressed to the sound discretion of the trial court where the application is filed, subject to review by the appellate court in case of grave abuse of discretion amounting to excess or lack of jurisdiction.<sup>45</sup>

Parenthetically, there is sufficient basis for the RTC-Cabadbaran to deny the Motion to Quash Informations, which essentially dealt with the validity of the search warrant. Even granting that the RTC-Cabadbaran committed a mistake in its findings and conclusions of law, the same only concerns the wisdom, or legal soundness of its decision and does not at all affect its jurisdiction to issue such decision. In other words, whatever mistake it might have committed in ruling against the Motion to Quash Informations, the same amounted to nothing more than mere errors of judgment, not errors of jurisdiction, and therefore, not within the province of a special civil action for *certiorari*.

It is elementary that “a special civil action for *certiorari* is a remedy designed for the correction of errors of jurisdiction and not errors of judgment”;<sup>46</sup> in the latter case, “the court may have been legally in error in its conclusion, but was still acting in the exercise of its jurisdiction.”<sup>47</sup>

<sup>44</sup> 468 Phil. 183 (2004).

<sup>45</sup> *Id.* at 198.

<sup>46</sup> *Law Firm of Abrenica, Tungol & Tibayan v. Court of Appeals*, 430 Phil 53, 63 (2002).

<sup>47</sup> *Biñan Rural Bank v. Carlos*, 759 Phil. 416, 422 (2015).

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Elsewise stated, “when the court has jurisdiction over the case, its questioned acts, even if its findings are not correct, would at most constitute errors of law and not abuse of discretion correctible by the extraordinary remedy of *certiorari*.”<sup>48</sup>

On this score, this Court quotes with imprimatur, the disquisitions of the CA:

We stress that the function of a writ of *certiorari* is to keep an inferior court within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to excess of jurisdiction. It is available only for these purposes and not to correct errors of procedure or mistakes in the judge’s findings or conclusions. **The mere fact that the court decide[d] the question wrong is utterly immaterial to the question of its jurisdiction. Thus, assuming *arguendo* that the court had committed a mistake, the error does not vitiate the decision considering that it had jurisdiction over the case.**

In this case, petitioner himself admits that RTC-Cabadbaran had jurisdiction to determine the validity of the search warrant issued by RTC-Butuan as well as the Informations filed as a result of the implementation of the subject search warrant. He insists[,] however, that the RTC-Cabadbaran erred in not finding that the RTC-Butuan did not have any compelling reason to issue the subject search warrant as provided under Section 2(b), Rule 126 of the Rules of Court and in not finding that the RTC-Butuan failed to conduct searching questions and answer under Section 5, Rule 126 of the Rules of Court. **In other words, petitioner is assailing the RTC-Cabadbaran’s judgment in denying his motion to quash, which he cannot do in a petition for *certiorari*.**<sup>49</sup> (Emphases supplied)

Finally, this Court adopts the findings of the CA that the denial of the Motion to Quash Informations was proper in view of Salalima’s failure to raise any of the grounds for the quashal of an Information under Section 3, Rule 117 of the Rules of Court, which states:

SECTION 3. *Grounds.* — The accused may move to quash the complaint or information on any of the following grounds:

- (a) That the facts charged do not constitute an offense;
- (b) That the court trying the case has no jurisdiction over the offense charged;
- (c) That the court trying the case has no jurisdiction over the person of the accused;
- (d) That the officer who filed the information had no authority to do so;

<sup>48</sup> *Angara v. Fedman Development Corporation*, 483 Phil. 495, 507 (2004).

<sup>49</sup> *Rollo*, p. 49.

- (e) That it does not conform substantially to the prescribed form;
- (f) That more than one offense is charged except when a single punishment for various offenses is prescribed by law;
- (g) That the criminal action or liability has been extinguished;
- (h) That it contains averments which, if true, would constitute a legal excuse or justification; and
- (i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.

Here, the ground pleaded by Salalima in his Motion to Quash Informations<sup>50</sup> primarily hinged on the alleged invalidity of the search warrant issued against him, which is not among the grounds enumerated under Section 3, Rule 117 of the Rules of Court to warrant the quashal of a criminal information.

Furthermore, “the designated purpose of a motion to quash is to assail the validity of the criminal information (or criminal complaint) for defects, or defenses apparent on the face of the information.”<sup>51</sup> As pointed out by the CA, the ground raised by Salalima is an extraneous matter that had no bearing and irrelevant to the validity of the Informations filed against him, which upon facial examination thereof, show that they are valid and regular.<sup>52</sup>

All told, this Court is convinced that the denial of the Motion to Quash Informations is amply supported by applicable laws and pertinent jurisprudence. No reversible error has been sufficiently shown in the challenged Resolutions of the CA to warrant the exercise of this Court’s discretionary appellate jurisdiction.

**FOR THESE REASONS**, the Petition for Review on *Certiorari* is **DENIED**. The Resolutions dated December 15, 2017 and August 3, 2018 of the Court of Appeals in CA-G.R. SP No. 08439-MIN are **AFFIRMED**.

The Motion to Quash Informations and Search Warrant are **DENIED**.

**SO ORDERED.**” (*Lazaro-Javier, J.*, on official leave)

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<sup>50</sup> *Id.* at 261-274.

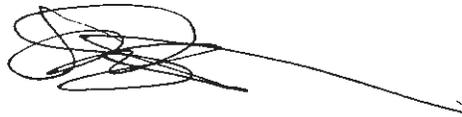
<sup>51</sup> *Supra* note 34, at 174.

<sup>52</sup> *Rollo*, p. 16.

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *pg 4/14*

19 AUG 2022

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Regional Trial Court, Branch 34  
Cabadbaran City, Agusan del Norte  
(Crim. Case Nos. CR-16-351 to 352)

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