

POLI

Courts cannot compel the OSG to file reversion cases. Such action rests solely within the executive's discretion under the separation of powers.— *Vines Realty Corp. v. Ret* (2021)

TAX

Government holding companies are not financial institutions and are not subject to local business tax on their dividend and interest earnings under the LGC.— *City of Davao v. AP Holdings, Inc.* (2020)

CIV

A claim for malicious prosecution requires proof of legal action filed with malice, without probable cause, and terminated in favor of the plaintiff.— *Sosmeña v. Bonafe* (2020)

LABOR

The POEA contract's three-day rule to consult a company doctor upon repatriation is not absolute and may be excused for valid, documented reasons grounded in labor justice.— *Caraan v. Grieg Philippines, Inc.* (2021)

CRIM

In robbery with homicide, liability remains even if the person killed is a co-conspirator and the killing was done by someone else.— *People v. Casabuena y Francisco* (2020)

REM

The absence of indispensable parties nullifies the court's judgment, even against those who were properly joined.— *Agcaoili v. Mata* (2020)

1

Everest Land Corp. sought the cancellation of Original Certificate of Title No. 5426, alleging it was fraudulently issued to Suncrest Landholdings over public land. The Department of Environment and Natural Resources and the Office of the President denied the request, invoking *res judicata* and opting not to pursue reversion. On appeal, the Court of Appeals reversed the OP. It ruled that *res judicata* did not apply, and directed the OSG to conduct its own investigation and consider filing reversion proceedings. **Is the appellate court's decision correct?**

Suggested answer: No. The appellate court's decision is not correct.

In *Vines Realty Corp. v. Ret*, the Supreme Court ruled that whether to investigate and file a reversion case is an executive function that courts cannot compel. The OSG operates under the President's constitutional power of control, and such discretion lies solely within the executive. The Court emphasized that the judiciary cannot substitute its judgment for that of the executive, especially in the absence of an actual case or controversy. Otherwise, the doctrine of separation of powers will be violated. Thus, the appellate court's directive to the OSG to act is not proper.

2

The AgriShare Fund under P.D. 924 was sourced from the coconut levy. The Fund acquired shares in Luzon Agro Industrial Corporation and established holding companies, including Polaris Holdings Corporation, solely to own and hold these shares. The City of Mati assessed Polaris for local business tax on its dividend and interest income, treating it as a financial institution under Section 143(f) of the Local Government Code. Polaris paid the tax under protest and subsequently sought a refund, which the Court of Tax Appeals granted. **Was the CTA correct?**

Suggested answer: Yes. The CTA was correct.

In *City of Davao v. AP Holdings, Inc.*, the Supreme Court ruled that the Coconut Industry Investment Fund holding companies, such as APHI, are not financial institutions under Section 143(f) of the Local Government Code. APHI, like Polaris, merely held government-owned shares for the coconut industry. Its income from dividends and interest was incidental and not part of a regular business activity. Since public funds were involved, the imposition of local business tax was invalid. Thus, the CTA correctly granted the refund.

3

Manuel del Prado, manager of Expo Logistics, discovered that Benjie, an air-conditioning assistant, had been spying on him and reporting to his business partner due to suspicions of unreported deals. Their relationship soured, and the workplace became hostile, forcing Benjie to resign. Shortly after, del Prado filed a criminal complaint for malicious mischief, accusing Benjie of cutting and concealing air-conditioning cables, allegedly causing ₱30 million in business losses. It was later shown that no such damage occurred, as the cables were recovered in time. The complaint was dismissed for lack of probable cause, with findings that del Prado acted out of personal grudge. Benjie then sued for malicious prosecution. **Will Benjie's complaint prosper?**

Suggested answer: Yes. Benjie's complaint will prosper.

In *Sosmeña v. Bonafe*, the Supreme Court ruled that malicious prosecution requires: (1) a legal action initiated by the defendant, (2) termination in the plaintiff's favor, (3) absence of probable cause, and (4) malice. All elements are present here. Del Prado filed the complaint against Benjie, which was dismissed for lack of probable cause, and it was further found that he was motivated by personal grudge. Thus, Benjie's complaint will prosper.

4

Anthony, a seafarer for Nordic Shipping, was medically repatriated on June 1, 2014. With no assistance from the company, he went straight home to Cavite. The next day, he used his company-issued health card to see a private doctor and was later hospitalized. He underwent surgery and was diagnosed with renal cancer. His wife notified the employer. Eight months later, two independent doctors declared him unfit to work. He then filed a claim for total and permanent disability. Nordic argued that Anthony forfeited his claim by failing to report to the company-designated physician within three days of repatriation, as required under the (then) POEA Standard Employment Contract. **Is Nordic correct?**

Suggested answer: No. Nordic is not correct.

In *Caraan v. Grieg Philippines*, the Supreme Court held that the three-day reportorial rule is not absolute. It may be excused for valid reasons, such as serious illness or the employer's failure to provide assistance. The Court emphasized that social justice and the liberal interpretation of labor laws must prevail. As in *Caraan*, Anthony sought immediate treatment for a serious illness, informed his employer, and was later declared unfit to work. Thus, his claim remains valid.

5

Luis, David, and Jonas boarded a jeepney and declared a holdup. Luis blocked the exit with a knife, David threatened the driver, and Jonas collected the valuables. As they fled, a police officer tried to arrest them. Jonas pulled a gun, leading to a scuffle where Jonas was shot and killed. Luis and David were charged with robbery with homicide. They argue they shouldn't be liable for Jonas's death since he was their co-conspirator, and it was the police officer who killed him. **Are Luis and David correctly charged with robbery with homicide?**

Suggested answer: Yes. Luis and David are properly charged with robbery with homicide.

In *People v. Casabuena*, the Supreme Court ruled that when a homicide occurs by reason or on the occasion of a robbery, the crime is robbery with homicide, regardless of who was killed, even a co-conspirator, and who caused the death, even a police officer. The Court emphasized that the law does not require the robbers themselves to have committed the killing. Since Luis and David conspired in the robbery that led to Jonas's death, they are liable for the special complex crime.

6

Martin Huang filed a complaint for annulment of subdivision plan, partition, and damages over land titled to his grandfather. He named only his cousins, Anna and Kelvin, as defendants, excluding their siblings, Bryan and Carol, who also claim an interest. The trial court declared the subdivision plan void and ordered partition between Martin, Anna, and Kelvin. **Was the trial court's decision valid?**

Suggested answer: No. The trial court's decision was not valid.

In *Agcaoili v. Mata*, the Supreme Court ruled that the absence of indispensable parties renders the court's actions null and void, not only as to those absent but even as to those present. In partition cases, all co-heirs and interested parties are indispensable and must be joined. Since Bryan and Carol were not joined, the trial court lacked the authority to resolve the case. The case should be remanded for their inclusion and full adjudication.