

SECOND DIVISION

[G.R. No. 170482, September 04, 2009]

MANILA ELECTRIC COMPANY, PETITIONER, VS. AGUIDA VDA. DE SANTIAGO, RESPONDENT.

DECISION

QUISUMBING, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court assails the Decision^[1] dated April 22, 2005 and the Resolution^[2] dated November 21, 2005, of the Court of Appeals in CA-G.R. CV No. 78800. The appellate court had reversed the Decision^[3] dated November 18, 2002 of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 18, in Civil Case No. 249-M-2000. Earlier the RTC dismissed the complaint for damages filed by Aguida vda. de Santiago (Aguida) against the Manila Electric Company (Meralco) and ordered Aguida to pay Meralco a differential billing amount of P65,819.75^[4] in her electric billing. The Court of Appeals, however, reversed the RTC's decision and found that Aguida had been deprived of electricity without due process of law. It ordered Meralco to pay Aguida moral and exemplary damages, and attorney's fees and dismissed Meralco's claim for differential billing.

The facts of the case, as summarized by the Court of Appeals, are as follows:

Respondent Aguida vda. de Santiago is the widow of the late Jose Santiago, a registered customer of petitioner Meralco. Since the death of her husband in October 1990, Aguida, along with her daughter Elsa, her five grandchildren and a housemaid, have been living in their residential house located at No. 26, Purok I Meyto, Calumpit, Bulacan, under the same contract of service entered into by Jose Santiago.

On March 10, 2000, Antonio Cruz, an inspector of Meralco, together with two other Meralco inspectors, conducted a routine inspection of Aguida's meter installation posted outside the gate of their ancestral house at a distance of more or less twenty meters.

After inspection, Cruz found that a self-grounding wire connected to the electric meter was being used to deflect the actual consumption of electricity. Cruz immediately disconnected the electric service and prepared a Meter/Socket Inspection Report^[5] and Notice of Disconnection^[6] which Aguida was made to sign. Thereafter, Cruz demanded payment of a differential billing amounting to P65,819.75. On the same day, Aguida filed a protest with the Malolos branch of Meralco and its main office in Ortigas, Pasig City. Aguida claimed that the electric meter was inspected without her knowledge or prior permission, nor were her neighbors called to witness the inspection. She also denied having seen a policeman in uniform during the inspection.

Meralco, on the other hand, relied on Cruz' report and sent a differential billing to Aguida totaling P385,467.10. It likewise invoked the provisions of the contract of service and Republic Act No. 7832,^[7] otherwise known as the "Anti-Electricity and Electric Transmission Lines/Materials Pilferage Act of 1994," to justify its right to effect immediate disconnection of the electric service.^[8]

On April 4, 2000, Aguida filed a complaint for damages against Meralco before the RTC of Malolos, Branch 18.^[9]

In a Decision dated November 18, 2002, the RTC dismissed the complaint for damages and ordered Aguida to pay Meralco P65,819.75 differential billing. The dispositive portion of the decision reads:

WHEREFORE, in view of the foregoing, Judgment is hereby rendered in favor of defendants [Meralco and Antonio Cruz] and against plaintiff [Aguida vda. de Santiago]:

1. dismissing plaintiff's Complaint for damages against defendants Manila Electric Company (Meralco) and Antonio Cruz;
2. ordering plaintiff or her representative to pay or deposit with defendant Manila Electric Company (Meralco) the "differential billing" in the amount of Sixty-Five Thousand Eight Hundred Nineteen Pesos and Seventy-Five Centavos (P65,819.75), Philippine currency, within ten (10) days from receipt of this Decision; and
3. ordering defendant Manila Electric Company (Meralco) to immediately restore or reconnect its electric service to plaintiff at [the] latter's residence at No. 26, Purok 1, Meyto, Calumpit, Bulacan, under the name of registered customer Jose Santiago, Aguida Vda. de Santiago, as user, upon payment by plaintiff of the foregoing "differential billing" of Sixty-Five Thousand Eight Hundred Nineteen Pesos and Seventy-Five Centavos (P65,819.75) with defendant Meralco. In the interest of public service and public interest, this particular disposition, with respect to immediate restoration of electric service only, is immediately executory without prejudice to any appeal that may be taken therefrom by any of the parties.

No pronouncement as to costs.

SO ORDERED.^[10]

Both parties appealed to the Court of Appeals. Meralco protested the order to pay P65,819.75, arguing it should be P385,467.10, while Aguida argued that the RTC erred in finding that there was a regular inspection of her residence.

On April 22, 2005, the Court of Appeals reversed the RTC's ruling after finding that there was no due process in the disconnection of Aguida's electric service. Thus:

WHEREFORE, premises considered, the Decision of the RTC Branch 18, Malolos, Bulacan is hereby **SET ASIDE** and **REVERSED**. Defendant-appellant MERALCO is hereby ordered to pay plaintiff-appellant the sum of P100,000.00 as moral damages and P50,000.00 exemplary damages plus P20,000.00 as attorney's fees. Furthermore, MERALCO's claim for P385,467.10 differential billing is hereby **DISMISSED** for lack of merit. Finally, the MERALCO is hereby ordered to immediately restore the electric supply of plaintiff-appellant.

SO ORDERED.^[11]

Meralco's motion for reconsideration was denied. Hence, the instant appeal by Meralco where it raises the following issues:

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT THERE WAS NO SUFFICIENT PROOF THAT RESPONDENT WAS FOUND USING SELF-GROUND WIRE.

II.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN FINDING THAT PETITIONER MERALCO DID NOT OBSERVE DUE PROCESS OF LAW WHEN IT DISCONTINUED THE ELECTRIC SUPPLY OF RESPONDENT.

III.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN DISREGARDING THE RIGHT OF PETITIONER TO DISCONNECT RESPONDENT'S ELECTRIC SERVICE PURSUANT TO THE PROVISIONS OF RA 7832.

IV.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN REVERSING THE RULING OF [THE] COURT A *QUO* BY AWARDING DAMAGES IN FAVOR OF RESPONDENT.^[12]

Simply, the issue is: Did the Court of Appeals err in reversing the RTC's decision dismissing respondent's complaint for damages against petitioner for allegedly disconnecting respondent's electric service without due process of law?

At the onset, well-settled is the rule that the Supreme Court is not a trier of facts. When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the following recognized exceptions:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises and 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) When the findings 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 petitioners' main and reply briefs are not disputed by the respondents; and
- (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.^[13] (Emphasis supplied.)

As a rule, only questions of law are entertained by this Court in petitions for review on certiorari under Rule 45. It is not our function to analyze or weigh all over again the evidence presented. It is a settled doctrine that in a civil case, final and conclusive are the factual findings of the trial court, but only if supported by clear and convincing evidence on record.^[14]

In this case, the findings of the Court of Appeals are contrary to the findings of the RTC. Hence, a review thereof is in order.

Section 4 of Rep. Act No. 7832 states:

SEC. 4. *Prima Facie Evidence.* – (a) The presence of any of the following circumstances shall constitute *prima facie* evidence of illegal use of electricity, as defined in this Act, by the person benefitted thereby, and shall be the basis for: (1) the immediate disconnection by the electric utility to such person after due notice, (2) the holding of a preliminary investigation by the prosecutor and the subsequent filing in court of the pertinent information, and (3) the lifting of any temporary restraining order or injunction which may have been issued against a private electric utility or rural electric cooperative: