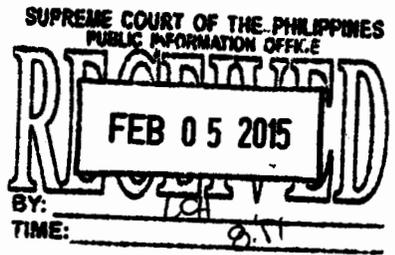




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 28, 2015**, which reads as follows:*

**“G.R. No. 211568 (*Piedras Negras Construction & Development Corporation vs. Fil-Estate Properties, Inc.*). – Resolving the Petition for Review on Certiorari, assailing the Decision<sup>1</sup> dated November 15, 2013 and Resolution<sup>2</sup> dated March 4, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 130746, the Court **AFFIRMS** the same **WITH MODIFICATION**.**

At the outset, only questions of law may be raised by the parties and passed upon by this Court in petitions for review on certiorari under Rule 45 of the Rules of Court. A question of law arises when there is doubt 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. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. 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>3</sup> Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.<sup>4</sup>

In the case at bar, petitioner claims to be entitled to interest and such other amounts as allegedly proved by the evidence it submitted before the Construction Industry Arbitration Commission (CIAC). This case necessarily involves a review of factual issues, as well as the authenticity of the evidence submitted by the parties, to determine the entitlement by

<sup>1</sup> Penned by Associate Justice Celia C. Librea-Leagogo, with the concurrence of Associate Justices Franchito N. Diamante and Angelita A. Gacutan.

<sup>2</sup> Penned by Associate Justice Celia C. Librea-Leagogo, with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Franchito N. Diamante.

<sup>3</sup> *Republic v. Malabanan*, G.R. No. 169067, October 6, 2010, 632 SCRA 338, 345.

<sup>4</sup> *Century Iron Works, Inc. et al. v. Bañas*, G.R. No. 184116, June 19, 2013, 699 SCRA 157, 167; citing *Leoncio v. De Vera*, G.R. No. 176842, February 18, 2008, 546 SCRA 180.

petitioner to the amounts claimed. Moreover, the CIAC was in a better position to determine the veracity of evidence presented.

Findings of fact of quasi-judicial bodies, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect, but also finality, especially when affirmed by the CA. In particular, factual findings of construction arbitrators are final and conclusive and not reviewable by this Court on appeal.<sup>5</sup> While this Court has recognized several exceptions to this rule, none of these exceptions finds application in this case.

Considering that no cogent reason or reversible error exists to disturb the common findings of the CIAC and the CA, the petition for review should be dismissed. However, the Decision of the CA should be modified to order the payment of interest at six percent (6%) per annum on the principal amount awarded from the date of finality of this judgment until fully paid, following the Bangko Sentral ng Pilipinas Monetary Board Circular No. 799, Series of 2013.

**WHEREFORE**, the instant petition is **DENIED**. The Decision dated November 15, 2013 and the Resolution dated March 4, 2014 of the Court of Appeals are hereby **AFFIRMED** with **MODIFICATION**. Respondent Fil-Estate Properties, Inc. is ordered to pay petitioner Piedras Negras Construction & Development Corporation interest at the rate of 6% per annum on the principal amount awarded by the Construction Industry Arbitration Commission in its Final Award dated June 21, 2013 from the date of finality of judgment until fully paid.

**SO ORDERED.”**

Very truly yours,

  
**WILFREDO V. LAPITAN**  
Division Clerk of Court  
2/2/15

Atty. Leonardo B. Mendoza II  
Counsel for Petitioner  
PONCE ENRILE REYES & MANALASTAS  
3/F Vernida IV Building  
128 L.P. Leviste Street, Salcedo Village  
1227 Makati City

COURT OF APPEALS  
CA G.R. SP No. 130746  
1000 Manila

<sup>5</sup> *Shinryo (Philippines) Company, Inc. v. RRN Incorporated*, G.R. No. 172525, October 20, 2010, 634 SCRA 123, 130; citing *IBEX International, Inc. v. Government Service Insurance System*, G.R. No. 162095, October 12, 2009, 603 SCRA 306.

CONSTRUCTION INDUSTRY ARBITRATION  
COMMISSION  
2/F Executive Bldg. Center  
369 Sen. Gil Puyat Avenue  
cor. Makati Avenue  
1200 Makati City  
(CIAC Case No. 41-2012)

Atty. Sienna A. Flores  
POBLADOR BAUTISTA & REYES  
Counsel for Respondent  
5th Floor, SEDCCO I Building  
120 Rada corner Legaspi Streets  
Legaspi Village, 1229 Makati City

PUBLIC INFORMATION OFFICE  
LIBRARY SERVICES  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila

211568



(88)