

THIRD DIVISION

[G.R. No. 159740, January 19, 2009]

METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM, PETITIONER, VS. ESM TRADING CORPORATION, RESPONDENT.

DECISION

YNARES-SANTIAGO, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court seeks a review of the March 14, 2003 Decision^[1] of the Court of Appeals in CA-G.R. SP No. 62920, which dismissed the petition for certiorari filed by petitioner Metropolitan Waterworks and Sewerage System (MWSS), as well as the August 28, 2003 Resolution^[2] which denied its Motion for Reconsideration.

On August 14, 1995, herein respondent ESM Trading Corporation (ESM) filed Civil Case No. G-2850 for nullification and cancellation of public bidding and damages with a prayer for Temporary Restraining Order and Preliminary Injunction with Branch 51 of the Regional Trial Court of Guagua, Pampanga, against petitioner MWSS, its officers, and Consuelo Commodities, Inc. (CCI), for awarding to the latter a contract for the supply of spring hydrants. ESM claims that it had suffered loss and damage as a result of the award to CCI, which turned out to be a non-complying and ineligible bidder.

On June 30, 2000, the trial court rendered in favor of ESM a decision,^[3] the dispositive portion of which reads, as follows:

WHEREFORE, judgment is hereby rendered, as follows:

1. Defendants Metropolitan Waterworks and Sewerage System (MWSS), Francisco A. Arellano, Edgardo Q. Esteban, Edgar Ariel Recto, Antonio F. Kaimo, Macra A. Cruz, Ruben A. Hernandez, Gregorio R. Vigilar, Oscar I. Garcia, Gregorio M. Datuin, Alfredo C. Reyes, Gliceria V. Sicat, Jose F. Mabanta and Amauri R. Gutierrez are hereby ordered to pay jointly and severally, plaintiff ESM Trading Corporation the sum equivalent in Philippine Pesos the amount of \$65,080.00 by way of actual damages, the conversion rate of which shall be computed on the basis of the year 1995 rate of exchange between the Philippine Peso to the United States of America dollars; and the legal rate of interest thereon from January, 1995 until paid;
2. Defendants MWSS, Francisco A. Arellano, Edgardo Q. Esteban, Edgar Ariel Recto, Antonio F. Kaimo, Macra A. Cruz, Ruben A. Hernandez, Gregorio R. Vigilar, Oscar I. Garcia, Gregorio M. Datuin, Alfredo C. Reyes, Gliceria V. Sicat, Jose F. Mabanta and Amauri R.