

****Title:****

Heirs of Agapito T. Olarte, et al. v. Office of the President of the Philippines, et al.

****Facts:****

1. ****Background and Property Description:****

- The subject property, Lot 12, Block 2 of the Tramo-Singalong Zonal Improvement Project (ZIP), located at 2131 F. Muñoz St., San Andres, Malate, Manila, was initially owned by the Philippine National Railways (PNR) and later turned over to the National Housing Authority (NHA).

- Petitioners, the heirs of Agapito and Angela Olarte, contend that their parents leased the subject property from PNR in 1943 and constructed a two-storey house thereon.

2. ****Certificate of Priority:****

- On November 3, 1965, Agapito Olarte was issued a Certificate of Priority by the Board of Liquidators under the Office of the President, certifying continuous occupation of the property since 1945 and entitling him to priority in the acquisition of the property.

3. ****Death of Original Occupants and Subsequent Events:****

- Agapito and Angela Olarte died in 1981 and 1984, respectively. Norma Olarte-Dineros was designated as the administratrix.

- In 1985, the property was declared under Agapito's name for tax purposes, and a portion was leased to respondents Eduardo Timbang and Demetrio Ocampo.

4. ****Census Tagging Operation and Subsequent Occupation:****

- In 1987, during the NHA's Census Tagging Operation, petitioners were identified as absentee structure owners. Later, Armando Olarte and Yolanda Olarte-Montecer began residing in the property post-census closure.

5. ****Ejectment Case and NHA Resolution:****

- Ocampo was judicially ejected in 1988 due to nonpayment of rent, and by 1990, this decision was sustained by the Supreme Court.

- On April 30, 1997, the NHA resolved conflicts of claims over the property in favor of Timbang and Ocampo, disqualifying the Olarte siblings for not being census residents.

6. ****Appeal and Procedural Timeline:****

- Petitioners filed an appeal on July 21, 1997, with the Office of the President (OP), which was dismissed on November 29, 2002, for being filed out of time and for lack of merit.

- A subsequent petition for certiorari with the CA was dismissed for procedural issues. The

case was elevated to the Supreme Court and remanded back to the CA, which again dismissed the petition sustaining the OP's ruling.

- Petitioners again filed a petition for review with the Supreme Court.

****Issues:****

1. Whether the OP's dismissal of petitioners' appeal for being filed late was justifiable.
2. Whether the petitioners were wrongfully disqualified as beneficiaries of the subject property.

****Court's Decision:****

1. ****Issue of Timeliness of the Appeal:****

- The Supreme Court ruled that the petitioners should not be blamed for the belated appeal since they reasonably relied on the NHA's erroneous statement granting a 30-day appeal period, contrary to the 15-day period mandated by law. The erroneous information provided by the NHA justified a liberal interpretation of the appeal period.

2. ****Qualification as Beneficiaries:****

- The petitioners, upon assessment of their situation during the official ZIP census, were found as absentee structure owners. The NHA identified Timurang and Ocampo as the occupants during the census, thereby qualifying them for the award.

- The court upheld the ZIP's Code of Policies, which disqualified absentee and uncensused households. Therefore, the petitioners were deemed disqualified despite their prolonged historical connection and prior priority certificate.

****Doctrine:****

- The ZIP census tagging is the primary determinant for beneficiary selection in ZIP Project areas.

- Absentee structure ownership disqualifies individuals from claiming lot allocation within ZIP zones.

****Class Notes:****

1. ****ZIP Census Tagging:****

- Essential for determining beneficiaries for land allocation.

- Absentee or uncensused households are automatically disqualified.

2. ****Due Process:****

- Substantial reliance on procedural misstatements by administrative bodies provides ground for equitable relief.

- Detailed procedural timelines must be adhered to, subject to exceptions for administrative errors.

3. **Ejectment vs. Property Rights:**

- Ejectment rulings concern possessory rights, not conclusive determinations of property ownership rights.

Historical Background:

- The case centers on the government's initiative through the Zonal Improvement Project (ZIP), aimed at providing housing for the landless under urban renewal programs. The dispute encapsulates the challenges of implementing housing policies amidst conflicting historical claims and occupancy status during census tagging. The decision reinforces the administrative focus on current possession criteria in public housing projects.