

**ALEJANDRO MANALOTO, PETITIONER AND APPELLANT, VS.
MIGUEL P. SANTOS, KAPISANANG "ANG BUHAY", INC.,
LAND TENURE ADMINISTRATION AND HON. GREGORIO N. GARCIA,
AS JUDGE OF THE MUNICI...**

G. R. No. L-21262. December 31, 1965

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an action for mandamus and prohibition, with preliminary injunction. It was commenced, in the Court of First Instance of Manila by petitioner Alejandro Manaloto against respondents Miguel P. Santos, Kapisanang "Ang Buhay", Inc., the Land Tenure Administration (herein referred to as the Administration), and Hon. Gregorio N. Garcia, as Judge of the Municipal Court of Manila, for the purpose of enjoining respondent Judge from hearing Civil Case No. 50654 of the latter court, of securing the cancellation of a final deed of sale issued by the Administration in favor of respondent Santos, covering Lot No. 7, Block 2, Psd-24819 of the Tuason Estate, as well as of Transfer Certificate of Title No. 45615 of Manila in the name of the same respondent, and of compelling the Administration to execute a new deed of sale of said lot in favor of petitioner. After appropriate proceedings, said court of first instance rendered a decision dismissing the petition, as well as a counter-claim filed by respondent Santos, without costs.

The pertinent facts and the reason for said dismissal are set forth in the appealed decision, from which we quote:

"The petition alleges, that petitioner was an occupant of the lot-in question while it was yet owned by the Heirs of D. Tuason; that the estate in which the lot occupied by petitioner was included, was later on acquired by the Government and subdivided into lots; that the lot in question was applied for by petitioner and also by respondent Miguel P. Santos; that on January 13, 1955, the Director of Lands, who was then vested with the power to enter into sales contract over the lots, adjudicated the sale in favor of respondent Miguel P. Santos, without giving petitioner 'His day in court'; that on April 6, 1955, petitioner filed his motion for reconsideration and new trial, but the same 'was summarily denied' by the respondent Land Tenure Administration, which in the meantime acquired the functions of the Division of Landed Estates of the Bureau of Lands, by virtue of the provisions of the Land Reform Act of 1955. It is likewise alleged in the petition that the order denying the motion for reconsideration was dated July 17, 1956 and (that) on October 9, 1956, petitioner filed a second motion for reconsideration, which was denied on November 20, 1956. * * * that thereafter a deed of sale was issued in favor of Miguel P. Santos and as a consequence, Transfer Certificate of Title No. 456 was issued in his favor.

"Under the Rules and Regulations Covering the Promulgation of Decisions and Orders of the Chairman of the Land Tenure Administration and the Filing of Appeals Therefrom to the Office of the President, * * * an appeal may lie from a decision or order of the Chairman of the Land Tenure Administration to the Office of the President within thirty (30) days from receipt of the order by an interested party unless he files a motion for reconsideration within said period in which case the running of the period shall be interrupted. If no such appeal is taken within the aforesaid period of thirty days, the decision or order shall become final.

"According to the petition, the decision adjudicating the lot in question to the respondent Miguel P. Santos was rendered on January 13, 1955 by the Director of Lands. In the meantime, the Land Reform Act of 1955 was passed and the powers of the Director of Lands were transferred to the Land Tenure Administration before which a motion for reconsideration of the order of January 13, 1955 was filed by petitioner on April 6, 1955 but the same was denied on July 17, 1956. Disregarding the period which transpired between the receipt of the order of the Director of Lands and the motion for reconsideration, we found that between July 17, 1956 when the motion for reconsideration was denied and October 9, 1956, when the second motion for reconsideration was filed, fully eighty four (84) days have transpired. While there is no proof as to the exact date when petitioner was notified of the order denying his first motion for reconsideration, It seems reasonable to hold that he received it more than thirty days prior to his second motion for reconsideration. At any rate when he received the denial of his second motion for reconsideration which denial was dated November 20, 1956, petitioner did not do anything: except to file this petition on July 19, 1957 or eight months later.

"Under the foregoing facts it is plain that the decision of the Land Tenure Administration became final because no appeal therefrom was made to the Office of the President. Having failed to exhaust his remedy administratively as provided for in the rules and regulations covering the promulgation of decisions and orders of the Chairman of the Land Tenure Administration above referred to; plaintiff may not now seek relief from the courts."

Invoking the case of Baladhay vs. Castrillo, 111 Phil. 690, (April 26, 1961), in his support, petitioner maintains that the lower court erred in dismissing the petition upon the ground of failure on his part to exhaust his administrative remedies. The ease cited is not, however, in point, involving as it did a free patent issued by the Director of Lands under the Public Land Law (Commonwealth Act No. 141), which was held inapplicable to the land claimed by Baladhay, for the same was not part of the public domain. The case at bar refers to a lot admittedly belonging to the State, from which petitioner claims to have a better right than that asserted by respondent Santos to purchase it. Moreover, this respondent relies upon an action taken by the Chairman of the Administration, not under said Commonwealth Act No. 141, but under Republic Act No. 1400, Section 6 of which empowers the Administration to: "promulgate such rules and regulations as may be necessary for the successful implementation of the provisions" thereof.

In the exercise of this authority, the Administration issued, on January 12, 1956, Administrative Order No. 1, Sections 2 and 3 of which read:

"Sec. 2. Appeal from decision or order of the Chairman of the Land Tenure Administration, motion for reconsideration.—An appeal shall lie from a decision or order of the Chairman of the Land Tenure Administration to the Office of the President within a Period of 30 days to be counted from the date the interested Pat received notice thereof unless a motion for reconsideration

13 filed within the said period, in which case, the running of the period for appeal shall be interrupted. * * *

"Sec. 3. When rejection nor cancellation is final.—If within the time specified in the preceding section, no appeal is taken from the action of the Chairman of the Land Tenure Administration rejecting or cancelling an application, or, in case an appeal has been taken, this has been dismissed, the said action shall there-after be considered as final."

Pursuant to these provisions,[1] the action taken by the Chairman of the Administration becomes final if not appealed to the Office of the President within the period therein stated. Although petitioner herein tried to appeal from the decision of said officer, the appeal was not perfected within the reglementary period therefor. Hence, said decision has already become final and executory, and is no longer subject to review by the courts of justice.

Wherefore, the decision appealed from is hereby affirmed, with costs against petitioner, Alejandro Manaloto. It is

so ordered.

Bengzon,, C. J., Bautista Angelo, Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P. and Znldivar, JJ.,
concur.

Judgment affirmed.

[1] No similar provisions existed in connection with the issue involved in the Baladhay case.

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