

CONRADO B. BELLOSILLO, PETITIONER, VS. HON. PAQUITO N. OCHOA, JR., EXECUTIVE SECRETARY, OFFICE OF THE PRESIDENT, AND THE HEIRS OF ALFREDO ARCANGEL, SR., REPRESENTED BY ALFREDO A...

Ponente: DIY, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/994a413bf3dc/>

DIY, J.:

Petitioner, by way of petition filed under Rule 43 of the 1997 Rules of Civil Procedure, seeks the review of the Office of the President's (OP, for brevity) Resolution dated May 23, 2011[2] denying with finality petitioner's Second Motion for Reconsideration[3] and Supplemental Motion to the Second Motion for Reconsideration.[4] Petitioner had earlier sought the reconsideration of the OP's October 22, 2008 Decision[5] in OP No. 05-J-362 reinstating the February 3, 2004 Order[6] of the Bureau of Fisheries and Aquatic Resources (BFAR, for brevity), and its May 7, 2009 Resolution[7] denying petitioner's first motion for reconsideration[8] of the October 22, 2008 Decision.

Subject of the present controversy is a 6.7273-hectare fishpond located at Barangay Marita, President Roxas, Capiz.

Petitioner and respondents agree on the fact that the previous possessor of the property was a certain Dr. Salvador Legaspi (hereinafter, Dr. Legaspi) and that Dr. Legaspi leased the property to respondents' predecessor-in-interest, Alfredo Arcangel, Sr., for a period of five (5) years from July 1, 1971 to June 30, 1976.

According to petitioner, Dr. Legaspi executed a deed of absolute sale over the property in petitioner's favor on November 28, 1975. Petitioner claimed that after the expiration of the lease executed between Dr. Legaspi and Alfredo Arcangel, Sr., the former delivered the possession of the property to petitioner. Petitioner thereafter sought to have the property registered in his name. Unsuccessful, he filed an application for a Fishpond Lease Agreement (FLA, for brevity) with the BFAR on October 30, 1997 over 1.5625 hectares of the property. Petitioner was thereafter issued FLA No. 6130 on March 5, 2000 by the Department of Agriculture (DA, for brevity).

However, in a Memorandum dated November 15, 2000,[9] respondents, claiming to be heirs of Alfredo Arcangel, Sr., sought the disapproval of an application for an FLA filed by a certain Andres Alado[10] and the approval of respondents' application for an FLA. Respondents likewise manifested therein their protest against the issuance of FLA No. 6130 in petitioner's favor alleging that the issuance thereof was attended with irregularities.

Besides admitting the prior occupation of Dr. Legaspi and the contract of lease entered into between Alfredo Arcangel, Sr. and Dr. Legaspi for a period of five (5) years, respondents disclosed in the memorandum that during the existence of the lease contract, Dr. Legaspi instituted a case for the registration of the property in his name. Respondents then alleged that while the case for registration was pending, Dr. Legaspi invited Alfredo Arcangel, Sr. to take part in a private bidding over the property. Likewise invited to bid were petitioner and Andres Alado. Petitioner turned out to be the highest bidder of said property, thus Dr. Legaspi instructed Alfredo Arcangel, Sr. to

turn over the possession of the property to petitioner at the expiration of the lease. The following day, however, Alfredo Arcangel, Sr. was allegedly informed by a well-meaning citizen that the bidding conducted was rigged. Said person allegedly informed Alfredo Arcangel, Sr. that two (2) weeks prior to the conduct of the bidding, Dr. Legaspi had already sold the property to petitioner and Andres Alado for the amount of P75,000.00. Thus, Alfredo Arcangel, Sr. thereafter verified with the BFAR the status of the property, specifically the eastern one-third portion of the same. The verification yielded the result that the property was timberland or forestal zone, hence, is not susceptible to registration. Alfredo Arcangel, Sr. was thus advised to file an application for an FLA instead. Alfredo Arcangel, Sr. heeded the advice and he filed an application for an FLA on September 15, 1976. He was thereafter assigned Fishpond Application No. 35954 per the then Director of Fisheries and Aquatic Resources letter dated October 4, 1976.[11] Nothing was heard of the matter until June 9, 1998 when a certain Mr. Roberto A. Articulo (hereinafter, Mr. Articulo), Provincial Action Fishery Officer of the DA's Provincial Fisheries Outreach Station, Roxas City, approached respondents.

In the meantime, respondents added, petitioner and Andres Alado intervened in the registration case[12] claiming that they were the successors-in-interest of Dr. Legaspi. The court where the registration case was then pending would thereafter grant the application for land registration in favor of petitioner, Andres Alado, and a certain Rodrigo Clarito. This Court, however, reversed the lower court's decision per its September 28, 1994 Decision.[13] The reversal was also affirmed by the Supreme Court in a Resolution dated August 30, 1995.[14]

On June 9, 1998, respondents were allegedly informed by Mr. Articulo of the pendency of the petitioner's and Andres Alado's application for an FLA over the same area covered by a previous application for an FLA filed by respondents' predecessor-in-interest. Respondents were then directed to appear before said Mr. Articulo and bring with them documents supporting their possession and occupancy of the property. Respondents were further instructed to file their own FLA over the property. Respondents, through their attorney-in-fact, Alfredo Arcangel, Jr., thus filed an application for FLA over said property on June 11, 1998. Respondents thereafter insinuated that Mr. Articulo then instructed them to inform their (respondents') lawyer to appear before Mr. Articulo as this was allegedly for respondents' own good. Mr. Articulo would later on return respondents' application for an FLA for the reason that respondents failed to comply with some documentary requirements. Respondents were then instructed to re-file another application not later than September 11, 1998. Respondents complied with Mr. Articulo's instruction and on September 11, 1998, they submitted an updated application for FLA and appended thereto the required documents. Notwithstanding their compliance, however, respondents were informed on June 27, 2000 that FLA No. 6130 had already been issued to petitioner. They were further ordered to vacate the property within thirty (30) days. According to respondents, petitioner was not contented with the FLA issued in his name over the property. Consequently, petitioner resorted to violence to wrest control over the property since on July 22, 2000, petitioner, aided with a number of unidentified armed men, forcibly took possession over a portion of that part of the fishpond covered by petitioner's FLA No. 6130. On August 31, 2000, allegedly employing the same violent tactic, petitioner forcibly took over possession of the entire portion of the fishpond covered by FLA No. 6130.

Petitioner, on the other hand, stated that respondents' memorandum was, for a time, disregarded by the DA and the BFAR. Petitioner, however, insinuated that with respondent Alfredo Arcangel, Jr.'s letters made to then President Gloria Macapagal-Arroyo importuning the latter that FLA No. 6130 was irregularly issued, and with the assistance given to Alfredo Arcangel, Jr. allegedly by friends in high places, the matter was expeditiously resolved.[15]

On February 3, 2004, the BFAR issued an Order[16] denying Alado's application for an FLA, cancelling petitioner's FLA No. 6130, and giving due course to respondents' application after respondents shall have

complied with requirements for the issuance of an FLA. The BFAR further ordered petitioner to vacate the property. The applications filed by petitioner, respondents, and Andres Alado were resolved by the BFAR in this wise:

In general, the issue of the case at bar is whether the protest filed by the heirs of Alfredo Arcanghel, Sr. have sufficient grounds for the denial of the application for FLA filed by Andres Alado and the cancellation of the FLA awarded to Conrado Bellosillo. Admittedly, there are two causes of actions [sic] in this instant case, namely: the claim of better right for the issuance of FLA of the heirs of Alfredo Arcanghel, Sr. as against Andres Alado and, corollary thereto, a petition for the cancellation of the FLA issued to Conrado Bellosillo.

To start with, the contract of lease entered into by and between Dr. Salvador Legaspi and Alfredo Arcanghel, Sr., as lessor and lessee, respectively, is, at the very least, unenforceable as against the State, the true owner thereof pursuant to the constitutionally adopted Regalian Theory. The said Dr. Salvador Legaspi had no authority to enter into such a contract that may, eventually, lawfully bind the State. Consequently, in the absence of any ratification coming from the State, through its authorized institution or agency, no right whatsoever was transferred by virtue thereof to the lessee. Alfredo Arcanghel, Sr. since from the onset the herein lessor, Dr. Salvador Legaspi did not possess any right over the same that may be subject of a valid conveyance.

However, it is worth stressing that the said Alfredo Arcangel, Sr. at the time of the consummation of the said contract until for quite a time thereafter, believed in good faith that the said contract of lease, and consequently, his possession of the said area has no inherent flaw and defect. He was therefore a possessor in good faith during the intervening period pursuant to the pertinent provision of the Civil Code on the matter, to wit:

Art. 526. "He is deemed a possessor in good faith who is not aware that there exists in his title or mode of acquisition any flaw which invalidates it.

He is deemed a possessor in bad faith who possessed in any case contrary to the foregoing."

Further, at the onset, Alfredo Arcanghel, Sr., in his possession of the said fishpond area, did the same in the concept of a mere holder; he, at that time, believed that the ownership thereof was absolutely vested with Dr. Salvador Legaspi. The pertinent law making such distinction provides:

Art. 525. "The possession of things or rights may be in one or two concepts: either in the concept of the owner, or in that of the holder of thing or right to keep or enjoy it, the ownership pertaining to another person."

Consequently, it is only after the allegedly rigged bidding, which, in effect, paved the way for the eventual discovery of Alfredo Arcanghel, Sr. that the disputed area is a public land, specifically classified as a timberland, as such, inalienable and non-disposable, that he fully knew of his legal standing as far as said fishpond area is concerned and the implications hounding the same.

Legally, it has, so to speak, opened his eyes to all the legal infirmities and defects of his occupancy to and possession of the subject property. His previous innocence from any infirmity and, thus, good faith was, thus, tainted with malice upon such discovery, transforming his then possession in good faith to bad faith. The discovery of the said infirmities is akin to the paradox of the biblical myth of Adam and Eve; that while it has increased his knowledge of his true standing as far as the said contract is concerned and the legal implications emanating from such standing, it has created a legal set back [sic] by the transformation of his previous possession in good faith to a possession in bad faith. Legally, it will spell a lot of difference, even to this instant case.

In contrast, the herein protestants, the heirs of the said Alfredo Arcanghel Sr. were already knowledgeable of the flaw or defect of their title over the said disputed areas. At the time of the death of the said Alfredo Arcanghel,

Sr., which coincides with the eventual change of hand in the actual possession of the said property to his legal heirs, the same already perfectly knew of the then pending controversies over the said property, which includes, among others, the filing of a petition for judicial land registration by Dr. Salvador Legaspi and, thereafter, a motion for intervention by Conrado Bellosillo and Andres Alado. Further, contrary to the position of Dr. Salvador Legaspi, Conrado Bellosillo, and Andres Alado, they all strongly and unequivocally maintain that the said area is a public land, as such, not available for titling. Impliedly, in the absence of a valid legal vinculum that may serve as bridge for such transfer of such actual possession, their locus standi as far as the said property is concerned can be said to mere unlawful entrants, who cannot legally maintain possessory nor any other proprietary rights, for that matter, as against the State, its lawful owner. In fine, they are all possessors in bad faith all throughout the span of time of their possession of the said fishpond area.

In resolving the issue of better right for the issuance of FLA between the heirs of Alfredo Arcanghel and Andres Alado over the disputed fishpond area, the foregoing provision, which as per force, serves as the basic guide for the same is worth examining, to wit:

Sec. 19. Priority right of application – “In determining the priority of applications, the following rules shall be observed:

(a) When two or more applications are filed for the same area which is unoccupied or unimproved, the first applicant shall have a right of preference thereto.

(b) Between an applicant for and a bona fide occupant of an area available for fishpond purposes, the latter shall have the right of preference to the said area, in which case, the actual occupant if qualified shall be advised by the director to file a fishpond application within thirty days (30) from his receipt of a notice to that effect. If the occupant is not qualified under the law to apply for and or loses his rights for failure or refusal to present his fishpond application within the time granted above, he shall be required to vacate the premises [sic]

(c) If two or more applications are filed for the same area on the same date, the applicant who can best meet the requirements of the fisheries laws and regulations based on financial capacity and [sic] or qualification shall have the right of preference thereto.”

Arguably, it can be claimed by the heirs of the protestants that their right over the fishpond area are purely derivative from the original application filed by the decedent, Alfredo Arcanghel, Sr.; hence, the first rule in the above-quoted provision applies. To this, this Bureau is inclined to disagree. It is worthy to note that the said disputed area, at the time of the submission of the application of Alfredo Arcanghel, Sr., was already occupied by him by virtue of the contract of lease previously entered into by him and Dr. Salvador Legaspi. Besides, a number of improvements thereto were already introduced by Alfredo Arcanghel, Sr. at the time of the filing of the same.

Further, their right over the said disputed area is not at all derivative since they have not complied with the condition precedent for the actual exercise of the said pre-emptive right. The pertinent law mandates the actual filing of another application within ninety (90) days from the death of the original holder thereof, to wit:

Sec. 7. Pre-emptive rights of heirs – “In case of the death of the lessee, his spouse and [sic] or his children as legal heirs, provided they are qualified, shall have pre-emptive rights to the unexpired term of his Fishpond Lease Agreement, upon filing of a fishpond application within ninety days from the death of the lessee subject to the same terms and conditions as originally provided therein.”

Furthermore, their entry into the said fishpond area was at the time when the development and improvements were already introduced; thus, making the first rule inapplicable.

In invoking the second rule of the above-stated provision, it is vital to determine if the protestants were indeed

bona fide occupants thereof. The focal determination is on the character of their occupancy, referring to their being bona fide or not, which is purely a state of mind and may, thus, be inferred on the series of overt acts determinative of the same.

In the case of *Bernardo v. Bernardo*, the High Court, in reference to Commonwealth Act No. 533, which deals with government acquisition of landed estates for resale to bona fide occupants defined being a bona fide occupant as “one who supposes he has good title and knows of no adverse claim or one who not only honestly supposes himself to be vested with true title but is ignorant that the title is contested by any other person claiming a superior right to it.” Similarly in the case of *Nepomuceno vs. Chairman, Land Transportation Administration*, the Court of Appeals stated that “bona fide occupant is defined as one who supposes he has good title to and knows of no adverse claim; one who only honestly supposes himself to be vested with true title but is ignorant that the title is contested by any other person claiming a superior right to it; that of possessor in good faith in the Civil Code.” The essence of bona fide or good faith rests in the honest belief in one’s superior claim over a property and the absence of intention to over reach another.

With the above-provided definition, relating the same to the herein given facts, as previously discussed, this Bureau is inclined to rule against the bona fide or good faith of the heirs of Alfredo Arcanghel, Sr. As can be gleaned from the above-discussed facts, the said heirs are not totally unblemished from any stain of previous knowledge of its legal infirmities nor from any adverse claim for a better right on the possession of the same.

Just as the said Alfredo Arcanghel, Sr. and, consequently, his legal heirs had been in bad faith in the course of their possession of the fishpond area, protestees, Andres Alado and Conrado Bellosillo were similarly in bad faith. They were co-conspirators of the said Dr. Salvador Legaspi in rigging the bidding purposely to elbow out the said Alfredo Arcanghel from the possession of the said fishpond area. In itself, the act constituted bad faith. Thereafter, they had been party-intervenors to a dispute for the titling of the said area, which stood for a long period of time, reaching the highest level of available appellate remedies. In the end, they lost; the said fishpond was declared a public land. In effect, the claimed rights of Andres Alado and Conrado Bellosillo over the said area were already foreclosed by the said adverse court decision. Despite the same and with full knowledge that, indeed, the said land was previously applied and occupied by Alfredo Arcanghel, Sr., both Andres Alado and Conrado Bellosillo similarly filed respective applications for FLA.

Considering the foregoing predicament that both parties are in bad faith, the second rule cannot all the more be strictly applied as basis for the determination of priority of rights.

Similarly, the third rule cannot be made applicable on the ground that the respective applications were submitted not on the same date, which apparently is made as a precondition for the application of the said rule. Further, as to financial capacity and qualifications, both parties, at the very least, have met the minimum requirements for the same.

In the absence of the available strict parameters, it is the presumed intendment of the state from the spirit of the above provided rules that should rightfully be applied. Consequently, in comparing the strengths and weaknesses of both parties, in a, so to speak, level of a plane field, the general criteria adopted by the aforementioned rules are the foregoing; personal qualifications, financial capacity, degrees of either bad faith or good faith, and the date of filing their respective applications.

Both parties, in accordance with the respective applications submitted, as assessed by the regional office concerned, are examined to have possessed at the very least the minimum requirements set by law as to personal qualifications and financial capacity. As to the date of filing, this Bureau is not that keen to use the same, especially in instances whereby the delay is due to justifiable causes. Naturally, in cases of protests to a pending

application, chances are the protestee is similarly the first; however, denial of the same is always anchored on justifiable grounds presented. In fine, the date of application is always deemed to be of lesser weight in cases whereby some other grounds are available for the determination of the same. It plays an important role only in cases whereby in all aspect everything else is equal.

In the instant case, the grounds relied upon by the protestants in claiming better right are the malicious but systematic acts of grabbing possession of such area perpetuated by the said Andres Alado in concert with Conrado Bellosillo, which, consequently, relates to the degrees of bad faith of the said applicants. In determining its gravity, the herein facts will speak that the bad faith of the said Andres Alado and Conrado Bellosillo are indeed grave, intentional, and, in fact, malicious. It is embedded from the circumstances in this case right from its very start. It is directly manifested by their respective overt acts.

In contrast, the bad faith of the herein protestants is merely passive if not negligible. They had been pursuing their claimed possessory rights over the said area pursuant to what they unwaveringly perceived as just and equitable. Notably, a fishpond application was submitted by the said Alfredo Arcangel, Sr. to the Bureau of Forestry as early as 1972, which remained unprocessed and, thus, not converted into a FLA until his demise in 1981 due to the then pending case for judicial titling[,] which impliedly tackles the nature of the land, as either public or private, and, thus, serves as a prejudicial question, a legal bar, to the issuance of the said FLA. Pursuant to such Fishpond Application No. 35954, their father Alfredo Arcangel, Sr. developed the said area into a fishpond out of his sweat and blood. Consequently, the fault of the protestants is its merely failure to apply for substitution to such application upon the demise of the said Alfredo Arcangel, Sr. Logically, had it not for this procedural lapse, which is the failure to apply for the substitution of the heirs, the said area indisputably pertains to the herein protestants by virtue of a valid and prior application.

Such being the case, the priority of right for the application for FLA is hereby resolved in favor of the herein protestants.

As to the case of cancellation of previously issued FLA, the issue of priority of rights over the said application should have been deemed foreclosed by the issuance of the same and, thus, its cancellation must therefore rest on grounds provided by law. The issue of priority of application and of better right for the same is, in accordance with the normal procedures, attendant prior to the issuance of a FLA, whereby a protest must be commenced and such cause of action pursued in the line of available administrative remedies, and, consequently, of judicial review, if the same is warranted. After its issuance, the basis for cancellation should have been on the forgoing [sic] separate and independent grounds, to wit:

Sec. 22. Grounds for cancellation/termination of lease –

“xxx xxx xxx.

With this case, however, this Bureau opted to take an exception due to the irregularity in the procedures in the issuance of this specifically questioned FLA. From the herein facts, it can be gleaned that despite the pendency of another application, specifically referring to that of the herein protestants, or at the very least, knowledge of a contending claim, the said FLA was issued without first resolving the issue on priority of right of application. Consequently, with the absence of the said prior resolution of such issue, the herein protestants were left with no other available recourse, referring to administrative appeals, since normally, as explained, with the adoption of the intricate procedures for the determination of prior right, the issuance of the said FLA legally confirms the same. As it now appears, the procedure which resulted in the foreclosure of a vital determinative [sic] aspect in the rightful issuance of the same was apparently railroaded and bypassed, wittingly or unwittingly; thus, favoring one party to the great prejudice of the other.

With the said factual incident, this Bureau is left with no other choice but to rectify that palpable error by brushing aside the technical bar in reviewing the question of better right and, thus, backtracking into the previously foreclosed issue of priority of right in the issuance of a FLA.

Consequently, the parameters above adopted with respect to the protest to the application of Andres Alado – this case for the determination of prior right of application between the protestants and Conrado Bellosillo having been anchored on the same facts as the former – is entirely applicable. Having completely the same facts the ensuing result will definitely be similar. Hence, as previously ruled, prior right for the application of FLA over the herein disputed area is hereby construed in favor of the herein protestants.”[17]

Petitioner and Andres Alado thereafter filed an Omnibus Motion essentially seeking reconsideration of the February 3, 2004 Order. Petitioner claimed that the order was issued without any prior investigation and hearing and that no formal protest was lodged by respondents - the protestants therein –with the BFAR. Petitioner further challenged the authority of the BFAR to issue the February 3, 2004 Order considering that FLA No. 6130 was issued by the DA, hence, according to petitioner, it is the DA which has the authority to cancel FLA No. 6130. Petitioner likewise sought the inhibition of Hon. Malcolm I. Sarmiento, Jr. who penned the BFAR decision.

Since the motions filed by petitioner and Andres Alado sought the inhibition of Hon. Malcolm I. Sarmiento, Jr., then the Director of the BFAR, petitioner and Alado’s motions were treated as an appeal and endorsed to the DA.

On April 21, 2005, the DA issued an Order[18] reversing the BFAR’s February 3, 2004 Order. It upheld the validity of petitioner’s FLA No. 6130 and denied “with finality” respondents’ petition for the cancellation of FLA No. 6130. It likewise gave due course to Andres Alado’s application for an FLA. Respondents’ opposition was also denied. The reversal of the BFAR’s February 3, 2004 Order was mainly anchored on respondents’ failure to exercise their preemptive rights as heirs. Section 7 of the Fisheries Administrative Order No. 197 grants the heirs preemptive rights to the unexpired term of the FLA of the actual lessee upon filing a fishpond application within ninety (90) days from the death of the lessee. Section 22 (b) of said Fisheries Administrative Order likewise provides that a previously issued FLA may be cancelled upon death of the lessee subject to the preemptive rights of the heirs which in this case respondents failed to exercise, thus the cancellation of Alfredo Arcangel, Sr.’s FLA.

Respondents were thereafter constrained to file a petition for review[19] before the OP, essentially seeking reconsideration of the DA’s April 21, 2005 Order. Respondents further prayed that an order be issued:

- Denying due course to the application for FLA of Andres Alado;
- Cancelling FLA No. 6130 issued to Conrado Bellosillo, herein petitioner; and
- Giving due course to respondents’ application for an FLA over the property.

On October 22, 2008, the OP rendered a decision²⁰ reversing and setting aside the DA’s April 21, 2005 Order and reinstating the BFAR’s February 3, 2004 Order. The OP ratiocinated:

In the questioned Order dated April 21, 2005, the Secretary of Agriculture anchored his denial of protestants-appellants’ petition for cancellation of protestee-appellee Bellosillo’s FLA and opposition to protestee-appellee Alado’s FLA application on the former’s alleged non-compliance with Sec. 7 of Fisheries Administrative Order (FAO) No. 197, which states:

xxx xxx xxx.

The Secretary of Agriculture is of the opinion that protestants-appellants failed to invoke and exercise these pre-emptive rights so they now lack standing to file protest and opposition. Perusal of the facts, however,

shows that Sec. 7 of FAO No. 197 is inapplicable to protestants-appellants precisely because their father's FLA application was never acted upon by BFAR so there was no "unexpired term of FLA" over which protestants-appellants could claim pre-emptive rights to within ninety (90) days after their father's demise in 1981. Their non-compliance therewith having no effect on their standing as protestants, the questioned Order of the Secretary of Agriculture loses its vital legal anchor.

In addition, the Secretary of Agriculture resolved the issue of priority of right of application in favor of protestees-appellees Bellosillo and Alado on the ground of their alleged "bona fide occupation" of the subject fishpond areas beginning March 2000. In its Order dated February 3, 2004, however, the BFAR found them not bona fide occupants but "possessors in bad faith" since they conspired with Dr. Legaspi in rigging the bidding to ease Alfredo Arcangel, Sr. out of the subject land, acted as parties-intervenors in the petition for the registration of the land and after losing to the State in the said petition, applied for FLAs even with the full knowledge that the land was already occupied by protestants-appellants' father and the subject of a FLA application filed by him. In fact, BFAR further stated that:

xxx xxx xxx.

This Office is bound by these findings of the BFAR in the absence of any showing that the same are patently wrong considering that it is in the best position to investigate this case first hand. Administrative agencies' findings in the matter falling under their jurisdiction and within their specific filed of expertise are generally accorded great respect, if not finality (citation omitted). Such findings are held to be binding and final so long as they are supported by substantial evidence on record as in this case (citation omitted).

Moreover, as pointed out by the BFAR in its Order dated February 3, 2004, in addition to the fact that the bad faith of protestants-appellants is lesser vis-à-vis protestees-appellees' own bad faith, an exception should be made in this case by opening the issue of priority of right of application due to the discovered irregularity in the procedures in the issuances of the questioned FLA in favor of protestee-appellee Bellosillo, which greatly prejudiced the rights of protestants-appellants to wit:

xxx xxx xxx.

Hence, in the interest of substantial justice and to correct a palpable error identified by BFAR, the questioned Order of the Secretary of Agriculture should be reversed and set aside.[21]

Petitioner moved for reconsideration[22] of the OP's October 22, 2008 Decision. Petitioner alleged in his motion that he was not accorded administrative due process before the BFAR. Petitioner further raised the grounds contained in his motion for reconsideration to the February 3, 2004 Order which were as follows:

- The February 3, 2004 Order was issued by the Bureau of Fisheries and Aquatic Resources without any prior investigation and hearing;
- The decision of the OP runs contrary to the Memorandum dated February 5, 2001 issued by Atty. Romeo de Sagun, Officer-in-charge, Assistant Director for Administrative Services, where FLA No. 6130 was evaluated and found to be properly issued;
- Respondents did not file any formal protest with the Bureau of Fisheries and Aquatic Resources;
- Respondents are not entitled to be issued an FLA by the DA;
- Petitioner is being subjected to endless harassments as he is constantly hounded by respondents' farcical claims.[23]

In a Resolution dated May 7, 2009,²⁴ the OP denied petitioner's motion for reconsideration. The aforementioned grounds proffered by petitioner were resolved by the OP in this wise:

After due consideration of the instant motion, this Office finds it to be devoid of merit.

First, contrary to protestee-appellee's allegation that BFAR erred in not resolving the aforementioned issues, records show that protestee-appellee himself and Andres Alado prevented BFAR from resolving the said issues when they filed separate motions to inhibit BFAR from resolving the very same issues. In fact, BFAR was consequently forced to elevate the issues to the Agriculture Secretary and treat the motions as appeals (BFAR Order dated November 4, 2004). In its Order dated February 3, 2004, however, BFAR resolved the issue of priority of right of application, the existence of protest and its merits. It is, therefore improper and dishonest for protestee-appellee to blame BFAR for something he himself caused. This impropriety does not augur well for this motion.

Second, even on the merits, this motion is dismissible for lack of merit. Protestee-appellee alleges that the BFAR Order dated February 3, 2004 was issued without prior investigation and hearing; that no formal protest was filed by protestants-appellants; that the latter are not entitled to FLA; and that their claims are farcical. As protestee-appellee himself admitted, these allegations are "questions of facts". Contrary to protestee-appellee's allegation, records show that ocular inspections, investigations, and hearing were conducted before the BFAR Order dated February 3, 2004 was issued. The requirements of administrative due process was, [sic] thus, complied with. In addition, BFAR found that as soon as protestants-appellants became aware of the FLA filed by protestees-appellees, they protested the same. BFAR also found merit in protestants-appellants' claim since they enjoy priority of right for filing the FLA. Well-settled is the rule, administrative agencies' findings on matters falling under their jurisdiction and within their specific field of expertise are accorded great respect, if not finality. (citation omitted). Such findings are held to be binding and final so long as they are supported by substantial evidence on record as in this case. (citation omitted).

And third, protestee-appellee's allegation that BFAR Order dated February 3, 2004 is contrary to the Memorandum dated February 5, 2001 of BFAR OIC Assistant Director Romeo de Sagun does not deserve much consideration. The BFAR Order is the official resolution of the rights of the parties in this case, while the memorandum is merely recommendatory and has no binding effect.[25]

Undaunted, petitioner filed a second motion for reconsideration.[26] This time, the motion delved on the propriety of the act of Hon. Manuel B. Gaité, Deputy Executive Secretary for Legal Affairs, in resolving the first motion for reconsideration. Petitioner argued that Hon. Manuel B. Gaité should have recused himself from resolving the first motion for reconsideration as the latter allegedly previously intervened and extended assistance to respondents in the matter. The records show that it was Hon. Manuel B. Gaité, who was then the Deputy Executive Secretary for Legal Affairs, who signed the letter endorsing Alfredo Arcangel Jr.'s two (2) letters to then President Gloria Macapagal-Arroyo. Petitioner further refuted the OP's assertion that it was petitioner's fault that he was not accorded administrative due process since it was petitioner himself who sought the inhibition of the BFAR. Petitioner countered that he merely sought the inhibition of Hon. Malcolm I. Sarmiento, Jr. and not the entire BFAR. Petitioner also protested the OP's claim that ocular inspection, investigation, and hearing were conducted by the BFAR as these never transpired. Petitioner likewise criticized the OP's ruling anent the incongruity between the OP's October 22, 2008 Decision and the BFAR Memorandum dated January 15, 2001[27] as a haphazard declaration arrived at in utter disregard of the very reason why the BFAR Memorandum was issued in the first place. Petitioner then reiterated the grounds contained in his first motion for reconsideration.

Alleging that there were supervening events which transpired and discovered only after the second motion for reconsideration was filed, petitioner filed a "Supplemental Motion to the Second Motion for Reconsideration with Leave"[28] on August 19, 2009 alleging the following:

The movant respectfully calls the attention of the Office of the President to consider the following grounds:

1. Hon. Manuel B. Gaité, Deputy Executive Secretary for Legal Affairs[,] resolved the first Motion for

Reconsideration dated 17 December 2008 without any legal authority as on the date he signed the Order dated 07 May 2009, he already vacated his post as such by virtue of his latest appointment to another government Office, the Securities and Exchange Commission, and took his oath of office as an official therein. Hence, on 07 May 2009, it is crystal clear that he was no longer the Deputy Executive Secretary for Legal Affairs at the Office of the President and was legally prohibited from performing the official duties and responsibilities of the office. Whatever duties and responsibilities he did during the period that he was not authorized to do so are ipso facto acts functus officio. The same are a nullity and cannot be salvaged by any legal semblance or color of authority;

When Hon. Gaité exercised acts of jurisdiction over a pending incident presumably in the absence of Hon. Eduardo R. Ermita, Executive Secretary, and which culminated in the signing of the Order dated 07 May 2009 for and in behalf of the latter knowingly [sic] fully well that he was no longer officially connected with the Office of the President, the same cannot even be considered as de facto acts of a public officer. Technically, he did so in his private capacity and to reiterate, without any semblance or color of authority. On this alone, the Resolution dated 07 May 2009 should be immediately set aside.

2. It is noteworthy to stress that under the attendant circumstances, only Hon. Ermita has the sole authority to affirm, reverse or modify the legal effects of the Decision dated 22 October 2008. It was he who rendered and signed the said decision upon which the movant filed his Motion for Reconsideration dated 17 December 2008. Under the rules, policies and practices of the Office of the President, it is only the Executive Secretary who can rule a pending incident brought to the said office for review and ultimate resolution;

As it was not Hon. Ermita who reviewed the pending incident – the judicious examination of the entire administrative records; and re-appreciation of the supposed evidence presented; all for the purpose of reconsidering and setting aside the conclusion of the Decision dated 22 October 2008 – and signed the Resolution dated 07 May 2009, it behooves upon the Office of the President to immediately set the same aside and prevent manifest injustice to the movant. Since the time he received a copy thereof, he has suffered grave prejudice and damage. No less than full and speedy action by the government agency is expected and prayed by the movant on the matter. Otherwise, he forever stands to lose [sic] his right to property without careful regard to the standards of administrative due process of law.[29]

On May 5, 2011, petitioner filed a “Motion for Resolution of all pending incidents”[30] reiterating the grounds set forth in his second motion for reconsideration and the supplement thereto.

On May 23, 2011, the OP issued a Resolution denying with finality petitioner’s “Second Motion for Reconsideration with Leave” and “Supplemental Motion to the Second Motion for Reconsideration with Leave”.[31] In issuing the resolution, the OP reasoned:

After due consideration of the instant Second Motion for Reconsideration and Supplement, this Office finds the same to be devoid of merit.

Sec. 7(2) of A.O. No. 18 dated February 12, 1987, which governs the appeals to this Office, states that “only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases” (italics supplied). There is nothing “exceptionally meritorious” in the Second Motion for Reconsideration and its Supplement so they are considered prohibited pleadings.

Contrary to appellee’s allegations, records would show that there is nothing improper in the actuations of former Deputy Executive Secretary for Legal Affairs (DESLA) Manuel B. Gaité. On July 7, 2003 and August 21, 2003, he merely indorsed the letters of appellants addressed to the President to the Secretary of Agriculture, which is a standard practice of this Office, and which could not be considered as actively intervening in the case. It was not shown that he pressured or dictated on the Secretary of Agriculture to favor one party over the other. As the indorsement letters state, he merely indorsed appellants’ letters to the Secretary of Agriculture for appropriate action”, so the decision on what to do with those letters was left to the sound discretion of the

Secretary of Agriculture. Considering that there was nothing improper in this kind of indorsement, there was no cogent reason for former DESLA Gaite to recuse himself from resolving this case. As regards the issuance of the questioned Resolution on May 7, 2009, former DESLA Gaite officially turned over his position to his successor, DESLA Natividad G. Dizon on May 8, 2009, so there nothing anomalous or improper in the said issuance, which was duly authorized by then Executive Secretary Eduardo R. Ermita. He took his oath of office as Commissioner of Securities and Exchange Commission on February 9, 2010.

Moreover, the arguments regarding the alleged issues not resolved by BFAR, the alleged lack of formal investigation, and the evidentiary weight of the recommendation of BFAR OIC Asst. Director Sagun were already sufficiently resolved in the Resolution of this Office dated May 7, 2009. Appellee miserably failed to present new evidence or arguments. Hence, these reiterated arguments should be dismissed for evident lack of merit.[32]

Hence, the instant petition seeking the resolution of the following issues:

ISSUES

The salient issues indentified [sic] by the petitioner –

- a. Who between the petitioner and private respondents are entitled to the possession of the subject matter fishpond;
- b. Who between the petition and private respondents are entitled to the award of the Fishpond Lease Agreement;[33]

Petitioner entreats that he was not accorded administrative due process. He surmises that had he been afforded such, he could have easily shown that he was entitled to be issued FLA No. 6130 over the subject property. Petitioner thus prays that the OP's October 22, 2008 Decision and its subsequent issuances affirming said decision be set aside and that the DA be ordered to forthwith conduct an administrative investigation and hearing to determine with finality who between the petitioner and respondents is rightfully entitled to be issued an FLA over the disputed property.

Due process in administrative proceedings requires compliance with the following cardinal principles: (1) the respondents' right to a hearing, which includes the right to present one's case and submit supporting evidence, must be observed; (2) the tribunal must consider the evidence presented; (3) the decision must have some basis to support itself; (4) there must be substantial evidence; (5) the decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected; (6) in arriving at a decision, the tribunal must have acted on its own consideration of the law and the facts of the controversy and must not have simply accepted the views of a subordinate; and (7) the decision must be rendered in such manner that respondents would know the reasons for it and the various issues involved.[34]

Petitioner insists that there was no prior formal investigation and hearing conducted by the BFAR. Petitioner alleges that he did not receive any formal protest from respondents and that the BFAR did not issue any order directing him to respond to the protest. The parties, according to petitioner, were not given full opportunity to present and submit oral and documentary evidence as well as position papers.[35] Petitioner laments that "he was kept in the dark and jolted to his senses only when on 10 February 2004 he received a copy of the Order dated February 3, 2004".[36]

In *Acuzar v. Jorolan, et al.*,[37] the Supreme Court held:

Due process in an administrative context does not require trial-type proceedings similar to those in courts of justice. Where opportunity to be heard either through oral arguments or through pleadings is accorded, there is

no denial of due process. The requirements are satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy. In other words, it is not legally objectionable for being violative of due process for an administrative agency to resolve a case based solely on position papers, affidavits or documentary evidence submitted by the parties as affidavits of witnesses may take the place of direct testimony.

Hence, the fact that no trial-type hearing was conducted in the case where the parties could have submitted oral and documentary evidence before the BFAR does not automatically mean that petitioner's right to administrative due process had been infringed. We put emphasis on the fact that petitioner was afforded fair and reasonable opportunity to explain his side of the controversy. Petitioner had known of the existence of respondents' protest against Andres Alado's application for an FLA and opposition to petitioner's previously issued FLA No. 6130. Petitioner himself claims to have known that respondents' memorandum dated November 15, 2000 was unacted upon by the appropriate officials for a long time until respondents allegedly pulled some strings, so to speak, in order that the resolution of the matter could be hastened. We further entertain serious doubt as to petitioner's claim that no prior investigation had been conducted. Had there been no hearings and investigations conducted, there would have been no BFAR Memorandum dated January 15, 2001 issued by Atty. Romeo B. De Sagun, Assistant Director for Administrative Services, upon which petitioner could rely to bolster his stand that FLA No. 6130 was evaluated and found to be regularly issued.[38]

Furthermore, petitioner was able to file a motion seeking reconsideration of the BFAR February 3, 2004 Decision. It is equally a well-settled rule that the essence of due process is simply an opportunity to be heard, or, as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of.[39]

Petitioner further asserts that his deprivation of administrative due process was brought about by the fact that respondents purportedly had friends in high places, so to speak which clinched the case for respondents. Petitioner harps on the impropriety of Deputy Executive Secretary for Legal Affairs Manuel Gaité authoring the May 7, 2009 Resolution of the OP when said Deputy Executive Secretary for Legal Affairs Manuel Gaité had earlier acted in endorsing the letters of respondent Alfredo Arcangel, Jr. addressed to then President Gloria Macapagal-Arroyo to the DA. According to petitioner, Deputy Executive Secretary for Legal Affairs Manuel Gaité should have recused himself from the matter out of delicadeza.

We find nothing improper about Deputy Executive Secretary for Legal Affairs Manuel Gaité's actuations. The letters sent by Alfredo Arcangel, Jr. to President Gloria Macapagal-Arroyo were properly cognizable by the Department of Agriculture. Transmitting these letters to the appropriate officer for appropriate action, as what was done by Deputy Executive Secretary for Legal Affairs Manuel Gaité, was the proper recourse. We likewise find it improbable for Deputy Executive Secretary for Legal Affairs Manuel Gaité to have previous knowledge of such matter considering that he was merely in possession of the letters sent by Alfredo Arcangel, Jr. We further find it quite far-fetched for Deputy Executive Secretary for Legal Affairs Manuel Gaité to make the connection between the letters he merely endorsed in 2003 and the decision he penned six (6) years later in 2009.

We moreover quote with approbation the OP's ratiocinations:

Contrary to appellee's allegations, records would show that there is nothing improper in the actuations of former Deputy Executive Secretary for Legal Affairs Manuel Gaité. xxx, he merely indorsed the letters of appellants addressed to the President to the Secretary of Agriculture, which is the standard practice of this Office, and which could not be considered as actively intervening in the case. It was not shown that he pressured or dictated on the Secretary of Agriculture to favor one party over the other. As the indorsement letters state, he merely indorsed appellants' letters to the Secretary of Agriculture for "appropriate action", so

the decision on what to do with those letters was left to the sound discretion of the Secretary of Agriculture. Considering that there was nothing improper in this kind of indorsement, there was no cogent reason for former DESLA Gaité to recuse himself from resolving this case.[40]

Likewise worth emphasizing is that imputation of any irregularity or illegality against public officers should be clearly and convincingly substantiated. Otherwise, the presumption of regularity in the performance of official functions stands as in this case.[41]

Petitioner further attacks the authority of Deputy Executive Secretary for Legal Affairs Manuel Gaité to pen the May 7, 2009 Resolution when according to petitioner, Deputy Executive Secretary for Legal Affairs Manuel Gaité was already appointed as Commissioner of the Securities and Exchange Commission on March 18, 2009 or prior to the issuance of the May 7, 2009 Resolution. Petitioner, however, has lost sight of the fact that an appointment must be accepted in order to be effective. An individual chosen to an office cannot be deemed to be either fully possessed of its rights and privileges or subject to the performance of its duties and obligations until he has, in fact, accepted it.[42]

In *Bermudez, et al. v. Torres, et al.*,[43] it was held that an appointment is deemed complete once the last act required of the appointing authority has been complied with and its acceptance thereafter by the appointee in order to render it effective.

In *Mendoza, et al. v. Laxina, Sr.*,[44] it was likewise ruled:

To be sure, an oath of office is a qualifying requirement for a public office; a prerequisite to the full investiture with the office. It is only when the public officer has satisfied the prerequisite of oath that his right to enter into the position becomes plenary and complete. However, once proclaimed and duly sworn in office, a public officer is entitled to assume office and to exercise the functions thereof.

It should be noted that the records in the case at bench show that Deputy Executive Secretary for Legal Affairs Manuel Gaité took his oath of office as Commissioner of the Securities and Exchange Commission on February 9, 2010. It is likewise noted that Deputy Executive Secretary for Legal Affairs Manuel Gaité also officially turned over his position to his successor on May 8, 2009.[45] These incidents transpired well after the issuance of the May 7, 2009 Order.

Petitioner persists that had he been accorded administrative due process, he could have shown that he is entitled to the possession of the property armed as he is with the November 28, 1975 Deed of Absolute Sale executed between petitioner and Dr. Legaspi. Petitioner maintains that while he may not have been able to have the property registered under his name, the Deed of Absolute Sale establishes his superior right over the property. Petitioner further points out that respondents cannot likewise rely on the Contract of Lease entered into between Dr. Legaspi and respondents' predecessor-in-interest, Alfredo Arcangel, Sr., since the lease was valid merely for five (5) years and after which, respondents' rights, if at all there were any, were terminated with the expiration of said contract.

This issue had already been resolved in the February 3, 2004 Order of the BFAR. [46] In said Order, the BFAR already ruled that the contracts entered into by Dr. Legaspi with petitioner for contract of sale and Alfredo Arcangel, Sr. for contract of lease are null and void since the subject of the contracts is timberland or classified as forestal zone. Being classified as timberland or forestal zone, the property is beyond the commerce of man and not susceptible of disposition or conveyance.[47] Dr. Legaspi consequently had no right to dispose or convey the property and no property rights had been passed either to petitioner or respondents' predecessor-in-interest, Alfredo Arcangel, Sr. *Nemo dat quod non habet*. [48] We likewise stress that the issue of the classification of the subject property as a timberland or forestal zone had already been laid to rest with finality.[49] *Res judicata* had

set in. Petitioner cannot thus be allowed to repeatedly harp on the Deed of Absolute Sale allegedly executed in his favor by Dr. Legaspi and rely upon the same to assert his alleged property rights over the same.

Neither do We agree with the DA April 21, 2005 Order that respondents is not entitled to be issued an FLA because they failed to exercise their preemptive rights as heirs. The pertinent provision of Fisheries Administrative Order No. 197 series of 2000 states:

SECTION 7. Preemptive rights of heirs. – In case of the death of the lessee, his spouse and/or children as legal heirs, provided they are qualified, shall have preemptive rights to the unexpired term of his Fishpond Lease Agreement, upon filing of a fishpond application within ninety (90) days from the death of the lessee subject to the same terms and conditions as originally provided therein.

As correctly found by the OP, there was no unexpired term of an FLA over which respondents could aspire to exercise their preemptive rights as no FLA had been issued to respondents' predecessor-in-interest. Alfredo Arcangel Sr.'s application for an FLA remained just that, a mere application, until his demise in 1981. Under Section 19 of the Fisheries Administrative Order No. 197 series of 2000, the death of an individual applicant is one of the grounds for the rejection of an application for lease. It can thus be deduced that Alfredo Arcangel, Sr.'s application for an FLA was rejected upon his death. It should, however, be noted that his heirs continued occupying the property after Alfredo Arcangel Sr.'s death.

Their respective claims of prior occupation and superior right being left with no leg to stand on, both petitioner and respondents stand on equal footing. They must consequently prove before the BFAR their qualifications and entitlement to an FLA in accordance with the Rules set forth on the matter.

We cannot, however, uphold the findings of the BFAR which has been affirmed by the OP and which is the prevailing adjudication on the instant case. We point out that the findings of the BFAR primarily hinged on the fact that bad faith on the part of petitioner was graver than that of respondents and that there was prior application made by respondents' predecessor-in-interest. As already discussed neither party can claim a prior superior right over the other. The November 28, 1975 Deed of Absolute Sale upon which petitioner relies upon to bolster his claim of prior superior right is void. On the other hand, the cancellation of the application of respondents' predecessor-in-interest had likewise deprived respondents of any preemptive right that they could have exercised. We have read Sections 11 and 22 of the Fisheries Administrative Order No. 197, Series of 2000, and find that these provisions do not consider the gravity of bad faith of a party as a disqualifying factor for the issuance of an FLA. As already adverted to, divested of their claimed prior superior right, petitioner and respondents stand on equal footing. This case must thus be remanded to the BFAR for the determination of who is better qualified to be issued an FLA over the property pursuant to Section 11 and 22 of the Fisheries Administrative Order No. 197, series of 2000.

As ruled in *Gonzales v. Office of the President, et al.*,^[50] factual findings of administrative bodies are controlling when supported by substantial evidence. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.^[51] We find that the findings of the BFAR failed to pass or muster the required quantum of evidence. We thus, hold to reverse and set aside said findings.

WHEREFORE, premises considered, the petition is **PARTIALLY GRANTED**. The October 22, 2008 Decision and May 7, 2009 and May 23, 2011 Orders of the Office of the President, insofar as they adopt the findings of the Bureau of Fisheries and Aquatic Resources (BFAR), are **REVERSED** and **SET ASIDE**. This case is ordered **REMANDED** to the Bureau of Fisheries and Aquatic Resources for the determination of who is rightfully entitled to be issued a Fishpond Lease Agreement over the disputed property in accordance with the provisions of Fisheries Administrative Order No. 197, Series of 2000.

SO ORDERED.

Maxino, and Diy, JJ., concur.

[1] The Office of the President should not have been impleaded pursuant to Section 6(a), Rule 43 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 46-48.

[3] Ibid., pp. 184-208.

[4] Ibid., pp. 209-226.

[5] Ibid., pp. 153-157.

[6] Ibid., pp. 64-73.

[7] Ibid., pp. 43-45.

[8] Ibid., pp. 166-183.

[9] Ibid., pp. 159-165.

[10] In the records, Andres Alado was likewise referred to as Andrea Alado. For purposes of uniformity, said person is herein referred to as Andres.

[11] Rollo, p. 289.

[12] The registration case was filed before Branch 18, Regional Trial Court of Roxas City.

[13] Rollo, pp. 270-281.

[14] Ibid., pp. 268-269.

[15] On June 24, 2003, Arcangel, Sr. wrote his first letter to then President Gloria Macapagal Arroyo (hereinafter, President Macapagal-Arroyo) on the alleged irregularities attending the issuance of FLA No. 6130. Thus, the matter was endorsed by then Deputy Executive Secretary for Legal Affairs, Office of the President, to the DA Secretary for appropriate action. Rollo, pp. 35-38.

In a letter dated August 1, 2003, then Senate President Pro Tempore Juan Flavio, wrote to then President Macapagal-Arroyo reiterating the alleged irregularities attending the issuance of a FLA No. 6130. Petitioner surmised the same was impelled by Arcangel, Sr.'s constant lobbying with Senator Flavio. Rollo, p. 39.

On August 7, 2000, Chip Santos, a Sigma Rho fraternity brother of then DA Secretary, Edgardo Angara, wrote to the latter soliciting help on Arcangel, Sr.'s alleged problem with FLA No. 6130. Rollo, p. 40.

Not contented with his first letter, Arcangel, Sr. wrote a second letter to then President Macapagal-Arroyo. Like the first letter, the same was endorsed by then Deputy Executive Secretary for Legal Affairs, Office of the President, to the Secretary of Agriculture for appropriate action. Rollo, pp. 41-42.

[16] Supra. See note no. 6.

[17] Rollo, pp. 66-72.

[18] Ibid., pp. 74-79.

[19] Ibid., pp. 80-93.

[20] Supra., See note no. 5.

[21] Rollo, pp. 155-157.

[22] Ibid., pp. 166-183.

[23] Ibid., p. 168.

[24] Supra., See note no. 7.

[25] Rollo, pp. 44-45.

[26] Supra., See note no. 3.

[27] In said BFAR Memorandum dated January 15, 2001, Atty. Romeo B. De Sagun, Assistant Director for Administrative Services, allegedly stated:

Please be informed further, that the subject area is a portion of the area released for fishpond development under BFD Administrative Order No. 4-1777 dated January 17, 1986. Hence, after the termination of the cases involving the area, Conrado Bellosillo filed his fishpond application covering the same. Upon evaluation of the requirements submitted and finding that there are no legal impediments thereon, FLA No. 6130 was processed and recommended to be given due course and subsequently granted in his favor. Rollo, p. 191.

[28] Supra., See note no. 4.

[29] Rollo, pp. 210-211.

[30] Ibid., pp. 215-226.

[31] Supra., See note no. 2.

[32] Rollo, pp. 47-48.

[33] Ibid., p. 20.

[34] Office of the Ombudsman v. Reyes, G.R. No. 170512, October 5, 2011 citing Department of Health v. Camposano, G.R. No. 157684, April 27, 2005.

[35] Rollo, p. 194.

[36] Ibid.

[37] G.R. No. 177878, April 7, 2010.

[38] Rollo, p. 191.

[39] Heritage Hotel Manila v. NUWHRAIN-HHMSC, G.R. No. 178296, January 12, 2011.

[40] Rollo, p. 47-48.

[41] College of Immaculate Conception, v. NLRC, et al., G.R. No. 167563, March 22, 2010.

[42] De Leon, The Law on Public Officers and Election Law, (2008 ed.), pp. 62-63. Citing Borromeo v. Manalo, 41 Phil. 322 (1921) and Lacson v. Romero, 84 Phil. 740 (1949).

[43] G.R. No. 131429, August 4, 1999.

[44] G.R. No. 146875, July 14, 2003.

[45] Rollo, p. 48.

[46] Rollo, p. 66.

[47] Valiao, et al. v. Republic of the Philippines, et al., G.R. No. 170757, November 28, 2011.

[48] No one can give what he does not have.

[49] Rollo, pp. 268-281.

[50] G.R. Nos. 196231 and 196232, September 4, 2012.

[51] Section 5, Rule 133, Rules of Court.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.