

**ANTONIO LADERA III, AMY RUTH MITRE, EDGARDO ESPIRITU,
CRISPIN DELA CRUZ, LUIS LARA IV, ZORAHAYDA BANIGAN, NENITA
D. FAJARDO, RODOLFO TEODORO, AND BAYANI M. BILUAN,
PETITIONERS, ...**

Ponente: BUESER, J.

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BUESER, J.:

Before this Court is a Petition for Review seeking the annulment and reversal of the Order dated November 20, 2013[1] issued by the Office of the President, which dismissed petitioners' Notice of Appeal from the Decision dated July 4, 2013[2] of the Board of Commissioners

of the Housing and Land Use Regulatory Board ("HLURB") for lack of jurisdiction pursuant to Section 20 (d) of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners' Associations" ("Republic Act No. 9904").

The Facts

The pertinent facts and antecedent proceedings, as borne by the records, are undisputed.

Respondents are homeowners of BF Resort Village in Las Piñas, Metro Manila and are members of the BF Resort Village Homeowners' Association, Inc. ("BFRVHAI"). Respondents sought to be elected but lost in the 2012 elections held by the association. On the other hand, petitioners were the elected members of the BFRVHAI Board of Directors for the years 2010-2012 and 2012-2014.

In their capacities as members of BFRVHAI, respondents filed a Complaint dated June 12, 2012[3] against petitioners before the HLURB Expanded National Capital Region Field Office ("Field Office"). Claiming that the BFRVHAI funds had been mishandled and used by herein petitioners for their personal interests, respondents entreated that they be allowed to inspect the BFRVHAI books of accounts, bank records, official receipts, vouchers, issued checks and other financial records for the year 2012.

In its Decision dated November 20, 2012,[4] the HLURB Field Office granted respondents' prayer observing that the filing of the present complaint is a valid exercise of the latter's express legal right to inspect corporate and financial records. The dispositive portion of said November 20, 2012 Decision reads in this wise:

"WHEREFORE, premises considered, judgment is hereby rendered directing the respondents, 2012-2014 Board of Directors, to allow the complainants and their duly authorized representative/s, together with respondents Myrna Mercader and Ester Mendoza and their authorized representative/s to inspect the corporate papers and financial records of BFRVHAI for the period July 2011 up to the time of the conduct of the requested inspection during reasonable office hours to be conducted at the office of the BFRVHAI upon advance notice by the complainants and their duly authorized representative/s, together with respondents Myrna Mercader and Ester Mendoza and their authorized representative/s.

The prayer by some of the respondents for the award of damages is denied for lack of merit.

It is so ordered.”[5]

Aggrieved by said pronouncement, petitioners filed an appeal before the HLURB Board of Commissioners.

In its assailed Decision dated July 4, 2013, the HLURB Board of Commissioners denied petitioners’ appeal and affirmed the questioned pronouncements of its Field Office, the dispositive portion of which reads:

“WHEREFORE, in view of the foregoing considerations, the instant appeal is DENIED and the assailed Decision is hereby AFFIRMED.

Further, complainants-appellees are hereby allowed to inspect/photocopy the corporate papers and financial records of BFRVHAI within office hours at their expense.

All other claims and counterclaims are hereby dismissed for lack of merit.

SO ORDERED.” [6]

Dissatisfied, petitioners filed a Notice of Appeal[7] before the Office of the President, which was denied by the latter in its now assailed Order dated November 20, 2013 for lack of jurisdiction.

Not content, petitioners filed the present petition.

The Issue

The sole issue to be resolved in the present petition is whether the Office of the President has jurisdiction to resolve the appeal filed by petitioners questioning the assailed Decision of the HLURB Board of Commissioners.

The Court’s Ruling

We find the petition devoid of merit.

Well-settled is the rule that the right to appeal is neither a natural right nor a part of due process, except where it is granted by statute in which case it should be exercised in the manner and in accordance with the provisions of law. It is a right of statutory and not of constitutional origin.[8]

As expressly provided under Section 20 of R.A. 9904, the Notice of Appeal from the Decision dated July 4, 2013 rendered by the HLURB Board of Commissioners should be directly filed with Court of Appeals. Section 20 states:

Section 20. Duties and Responsibilities of the HLURB. - In addition to the powers, authorities and responsibilities vested in it by Republic Act No. 8763, Presidential Decree No. 902 - A, Batas Pambansa Big. 68 and Executive Order No. 535, Series of 1981, as amended, the HLURB shall:

xxx xxx xxx

(d) Hear and decide inter - association and/or inter - association controversies and/or conflicts, without prejudice to filing civil and criminal cases by the parties concerned before the regular courts: Provided, That all decisions of the HLURB are appealable directly to the Court of Appeals;

xxx xxx xxx”

Regardless of the aforesaid legal provision, petitioners filed their appeal before the Office of the President. Rightly so, the Office of the President, acknowledging that the Court of Appeals has jurisdiction over the case, dismissed petitioners’ appeal for lack of jurisdiction.

Aside from, and by reason of, this jurisdictional faux pas, petitioners failed to abide by the provisions of Section 60 (b) of Rule 17 of the 2011 HLURB Revised Rules of Procedure with respect the prescriptive period within

which to file the appeal. It explicit provides:

Section 60. Finality of Judgment. - Decisions or orders of the Arbiter and the Board of Commissioners shall be deemed final and executory in accordance with the following:

xxx xxx xxx

(b) Decisions, resolutions or orders of the Board of Commissioners shall become final and executory fifteen (15) days after the receipt thereof by the parties and no appeal has been filed within the said period.”

Having received the HLURB Decision dated July 4, 2013 on August 14, 2013, petitioners have fifteen (15) days from receipt of the July 4, 2013 Decision or until August 29, 2013 within which to file an appeal before the Court of Appeals pursuant to Section 20 of R.A. 9904.

Emphatically, the perfection of an appeal in the manner and within the reglementary period allowed by law is not only mandatory but also jurisdictional. Thus, if no appeal is perfected on time, as it is the case here, the decision or final order becomes final and executory by operation of law after the lapse of the reglementary period of appeal. Being final and executory the decision or final order in question can no longer be altered, modified, or reversed by the trial court or by the appellate court.[9]

Thus, regardless of the efforts exerted by the petitioners in the present recourse to question the disquisitions of the HLURB Board of Commissioners and its Field Office and considering further the lack of persuasive arguments to sustain said efforts, this Court finds no cogent reason to disregard the finality of the assailed HLURB decisions.

As stated, since petitioners erroneously filed a Notice of Appeal before the Office of the President, the period within which to file the appeal had already lapsed and as a consequence, the HLURB Decision dated July 4, 2013 had already attained finality. Evidently so, the doctrine of immutability of a final judgment thus bars petitioners from attacking said Decision of July 4, 2013.

Nothing is more settled in law than that a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land.[10]

Also, it bears to stress that the rule upholding the finality of the decisions, orders or resolutions of a judicial, quasi-judicial or administrative body is “not a question of technicality but of substance and merit,” the underlying consideration therefore, being the protection of the substantive rights of the winning party.[11]

Parenthetically, the heavy reliance of the petitioners on the doctrine of exhaustion of administrative remedies and hierarchy of appeal fails to persuade, as it is unfounded and misplaced. With the express provisions of Section 20 of Republic Act No. 9904 vesting it with jurisdiction over all HLURB decisions or orders, there is no longer any ambiguity that direct recourse should be made to the Court of Appeals. There is nothing in said legal provision that requires prior resort to the Office of the President or any other administrative body before elevating the appeal before the Court of Appeals.

True, under said Rule 43 of the Rules of Court, the Court of Appeals has jurisdiction over assailed decisions of the Office of the President. However, this, in itself, does not require resort of the present controversy to the Office of the President as a condition sine qua non. Rule 43, in so far as it applies to the appellate jurisdiction of the Court of Appeals over decisions of the Office of the President, may find application in cases filed before other administrative agencies but not with respect to cases decided by the HLURB.

Suffice is to state, the provisions of Section 20 of R. A. 9904 cannot be more explicit in providing that all decisions of the HLURB are appealable directly to the Court of Appeals. Being an express provision of law, said

Section 20 refutes petitioners' sheer and unfounded reliance on Rule 43 of the Rules of Court.

Equally misplaced is the insistence of petitioners that Section 61 (a), Rule 18 of the 2011 HLURB Revised Rules of Procedure^[12] is illustrative of the inclusion of the Office of the President in the hierarchy of appeals of HLURB cases. While said provision includes the Office of the President among those that can issue an entry of judgment or certificate of finality as a requirement for the execution of judgment, the provision also expressly recognizes the Court of Appeals as one of those that can issue the same. The phrase "as the case may be" only shows that the certificate of finality shall issue depending on the antecedents and circumstances of the case.

All told, petitioners cannot plausibly find fault in the dismissal of their appeal. The express provisions of Section 20 of R.A. 9904 cannot be defeated by mere surmises or postulations on the part of the petitioners.

WHEREFORE, the foregoing considered, the instant petition is hereby DENIED and the assailed Order dated November 20, 2013 issued by the Office of the President AFFIRMED in toto. No costs.

IT IS SO ORDERED.

Bruselas, Jr., A. D., Chairman, and [*]Sorongon, E. D., JJ., concur.

[*]Acting Junior Member, in view of the inhibition of J. Victoria Isabel A. Paredes.

[1] Rollo, p. 21.

[2] Id. at pp. 16-20.

[3] Id. at pp. 24-28.

[4] Id. at pp. 59-61.

[5] Id. at pp. 60-61.

[6] Id. at p. 19.

[7] Id. at p. 97.

[8] Peña vs. Government Service Insurance System, G.R. No. 159520, September 19, 2006.

[9] Tiger Construction and Development Corporation vs. Abay, G.R. No. 164141, 26 February 2010.

[10] Fua, Jr. vs. Commission on Audit, G.R. No. 175803, December 4, 2009.

[11] Angeles vs. Gaite, G.R. No. 176596, March 23, 2011.

[12] "Section 61. Execution of Judgments. - Execution shall issue only upon motion of an interested party upon a final decision, resolution or order. A motion for execution shall be filed, copy furnished the other parties, with the Regional Field Office of origin and accompanied by:

(a) The original copy or certified true copy of the entry of judgment or certificate or order of finality issued by the Board of Commissioners, the Office of the President, the Court of Appeals or the Supreme Court, as the case may be; and, xxx "

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