DECISION OF THE OFFICE OF THE PRESIDENT

BOC MEMORANDUM CIRCULAR NO. 298-98, September 03, 1998

Read online (full-text search, related cases, audio case brief): https://batas.org/library/d75ab7a38f83/

Attached for your guidance and information is the 1st Endorsement dated 29 July 1998 of the Honorable Secretary of Finance (Annex "A")[*] referring to the Order dated 22 July 1998 of the Executive Secretary (Annex "B") in O.P. Case No. 5585 entitled in Re: Petition of Nullify Board Resolution No. 5 of the Board of Water Plumbing (Professional Regulation Commission) dated 21 December 1993 Filipino Pipe and Foundry Corporation, Petition Appellant, the dispositive portion of which reads:

> "Wherefore, premises considered, the Resolution of this Office dated July 10, 1998 is hereby Set Aside and the Order dated June 3, 1998 is also of this Office, declared final and executory."

inviting attention to the directive of the Honorable Secretary to the Bureau to take steps to ensure that the said Order is properly implemented subject to pertinent laws, rules and regulations.

Likewise attached is the Order dated June 3, 1998 (Annex "C")[*] also from the Office of the Executive Secretary.

Adopted: 03 Sept. 1998

(SGD.) JULITA S. MANAHAN
Deputy Commissioner
Internal Administration Group

“ATTACHEMENT”
Annex B

IN RE : PETITION TO NULLIFY BOARD RESOLUTION No. 5 OF THE BOARD OF MASTER PLUMBING (PROFESSIONAL REGULATION COMMISSION) DATED DEC. 21, 1993

O.P. Case No. 5585

FILIPINO PIPE AND FOUNDRY CORPORATION, Petitioner-Appellant.

ORDER

On July 10, 1998, this Office issued a Resolution declaring that the Order of this Office dated June 3, 1998 has not yet become final and executory pursuant to Section 7 of Administration Order No. 18 dated February 12, 1987.

However, record shows that on July 07, 1998, an "Omnibus Opposition to the Manifestation and Notice of Appeal of Total 2000 Corporation dated June 26, 1998", was filed by petitioner-appellant Filipino Pipe and Foundry Corporation. It also filed on July 13, 1998 its "Comment on the Manifestation and Motion for Clarification Order both dated June 29, 1998" of Total 2000 Corporation.

Since both pleadings were not considered prior to the issuance of the Resolution dated July 10, 1998, a re-study of

this case has to be made in view of issues raised therein.

In its Comment/Opposition, appellant claims that Total 2000 Corporation is not a party to the case and therefore has no legal personality to intervene in this case; that its entry to the instant case should be struck down by this Office and all its motions and manifestations be set aside and not given due course.

Appellant further alleges that assuming, a gratia argumenti that Total 2000 Corporation is a party to the case, still the Order of June 3, 1998 must remain as there was no appeal seasonably filed; that on October 10, 1994, this Office issued a Decision ruling in favor of appellant. A copy of said Decision was received by Total 2000 Corporation on October 27, 1994. On November 10, 1994 or fourteen (14) days after receipt of the Decision, Total 2000 Corporation, thru counsel Atty. Luis Ma. Jose G. Sison filed a Motion for Reconsideration. On June 3, 1998, this Office resolved the motion for reconsideration of Total 2000 Corporation dated November 10, 1994 as well as the Motion for reconsideration of the Board of Master Plumbing.

Moreover, appellant claims that per records of the case, the Order of June 3, 1998 was sent to Atty. Sison on June 10, 1998, but was returned; that appellant's copy was sent on June 11, 1998 and it was received on June 16, 1998; that by force of law or analogy, Total 2000 Corporation is deemed to have received it on June 15, 1998; that appellant cited the case of Republic vs. Court of Appeals, CA L-38540, April 30, 1987, in which the High Court declared that mail matter is deemed complete and effective upon the expiration of five (5) days after mailing and that addressee had received it. Counting from the presumed date of receipt on June 15, it was only on June 26 or eleven (11) days after receipt of the Order that Total 2000 Corporation filed its Manifestation and Notice of Appeal; that adding the fourteen (14) days incurred in filing the Motion for Reconsideration of November 10, 1994 and the eleven (11) days which elapsed after receipt of the June 3, 1998 Order would give a total of twenty-five (25) days, way beyond the required fifteen (15) days reglementary period for filing appeal.

Appellant also claims that the two (2) addresses "1819" and "1849" are true addresses of Atty. Sison as shown in the Order of this Office dated November 4, 1994 in which Atty. Sison's address is 1819 Mendoza Guanzon St., Paco, Manila. Also, the Order of this Office dated November 21, 1994, the address is 1849.

Another point raised by appellant is the fact that per certification of Mr. Endaya, Postmaster, the "First Notice" was issued on June 15, 1998. Under the Rules of Court, the addressee shall be given five (5) days within which to claim such mailed matter, after which, the addressee is deemed to have been received and in this case it is deemed received on June 20, 1998. When Total 2000 Corporation filed its Notice of Appeal on June 26, 1998, there is a lapse of six (6) days which when added to the fourteen (14) days equals twenty (20) days, way beyond the 15-day reglementary period.

Thus, the main issues raised are: (1) whether or not the June 3, 1998 Order was properly sent to counsel of Total 2000 Corporation, Atty. Sison; and (2) whether or not the said Order of June 3, 1998 has attained finality as there was no appeal seasonably filed.

We rule in the affirmative for both issues.

Before going to the main issues, let it be set clear in passing, that Total 2000 Corporation is not a party to the case. It came into the picture only following the letter of Director Renato V. Navarrete, Bureau of Product Standards, Department of Trade and Industry, dated October 12, 1993, directing Total 2000 Corporation to cease and desist from distributing in the commercial market of the imported hubless cast iron soil pipes, the Decision dated October 10, 1994 also reiterated the cease and desist order. Subsequent appearances of said corporation were tolerated only for said purpose and nothing more.

Section 8, Rule 13 of the Rules of Court provides, to wit:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> "Sec. 8 Completeness of Service. —
>
> x x x Service by registered mail is complete upon actual receipt by the addressee; but if he fails to claim his mail from the post office within five (5) days from the date of first notice of the post master, service shall take effect at the expiration of such time."

A Certification was issued by Renato M. Endaya, Postmaster, Central Post Office, Manila, on June 26, 1998, which reads:

> "This is to certify that according to the record of this Office Registered Letter No. 1492 sent by the Office of the President, Malacañang, Manila processed by this Office on June 15, 1998 addressed to Atty. Jose Ma. Luis Sison at 1849 Mendoza Guanzon St., Paco, Manila was returned to sender on June 23, 1998 for the reason "unknown", and that the First Notice was issued on June 15, 1998. (Emphasis Supplied).

This certification was later superseded by another certification dated June 29, 1998, wherein the "1819" was changed to "1849".

Pursuant to the cited provision of the Rules of Court, failure of counsel to claim his mail after five (5) days from the date of first notice, that is June 15, 1998 the service is deemed complete after five (5) days or on June 20, 1998. So much so that when Total 2000 Corporation filed its Notice of Appeal on June 26, 1998, the period to appeal has already lapsed since only one (1) day was left within which to appeal when the motion was denied. The fourteen (14) days were consumed in filing the Motion for Reconsideration.

The June 3, 1998 Order of this Office was properly sent to Atty. Sison at 1819 at Mendoza Guanzon St., Paco, Manila, as shown in the envelope. This communication was returned. However, another communication of this Office, specifically Order dated November 4, 1994 was similarly sent to "1819" and this was received by a certain Delfin Mallari for Atty. Sison. In the same vein, Order dated November 21, 1994 sent to Atty. Sison at "1849" was also received for Atty. Sison.

It is therefore clear that either of the two (2) addresses is correct, if only the addresses will receive it.

WHEREFORE, premises considered, the Resolution of this Office dated July 10, 1998 is hereby SET ASIDE and the Order dated June 3, 1998, also of this Office, declared final and executory.

SO ORDERED.

By Authority of the President:

(SGD.) RONALDO B. ZAMORA
Executive Secretary

---

[*] Text available at Office of the National Administrative Register (ONAR), U.P. Law Center, Diliman, Quezon City.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

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.