

FLOR CAPILITAN, PLAINTIFF AND APPELLANT, VS. VIRGINIA DE LA CRUZ, JOINED BY HER HUSBAND CANDIDO IGNACIO; THE LAND TENURE ADMINISTRATION; AND THE EXECUTIVE SECRETARY TO THE PRESI...

G.R. Nos. L-29536-37. February 28, 1974

Ponente: MAKALINTAL, C.J.

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MAKALINTAL, C.J.:

Sometime in 1947 Virginia de la Cruz filed an application with the defunct Rural Progress Administration — the agency then entrusted with the duty of screening prospective applicants-buyers of government-purchased estates offered for resale at cost to bonafide tenants and occupants — for the purchase of 2 residential lots in Tondo, Manila, more particularly described as follows:

"A parcel of land known as Lot No. 19, Block No. 15, Nuestra Sra. de Guia Estate, Pcs-2557, containing an area of 49.4 square meters, more or less." and

"A parcel of land known as Lot No. 7, Block No. 1, Nuestra Sra. de Guia Estate, Pcs-2558, containing an area of 22.5 square meters, more or less."

Her application was evidently approved for on October 31, 1950 she made a down payment of P223.20 (10% of the value of the lots) with the Rural Progress Administration, for which the corresponding official receipt was issued to her.

About 5 years later, on August 10, 1955, Flor Capilitan applied with the Bureau of Lands, the agency which had taken over the functions of the Rural Progress Administration, for the purchase of the same lots. The resulting conflict of claims between Virginia de la Cruz and Flor Capilitan was threshed out in a formal investigation conducted by the Land Tenure Administration which by operation of law had in the meantime succeeded the Bureau of Lands as the national agency charged with the disposition of landed estates owned by the government. On October 16, 1956 the Land Tenure Administration rendered a decision rejecting the claim of Virginia de la Cruz and giving due course to Flor Capilitan's application to purchase. A copy of the said decision was received by Virginia de la Cruz, through counsel, on October 26, 1956.

On the 33rd day from receipt of the decision counsel for Virginia de la Cruz moved, on November 28, 1956, for extension of time to file a motion for reconsideration. On December 1, 1956 the Land Tenure Administration considered, "in the interest of justice," Virginia de la Cruz's motion for extension as the motion for reconsideration itself and at the same time granted her a period of twelve (12) days within which to file a memorandum in support thereof. On December 10, 1956, within the period allowed, Virginia de la Cruz filed her memorandum in support of her motion for reconsideration, which was later duly opposed by Flor Capilitan.

On February 18, 1957 the Land Tenure Administration issued an order reconsidering its decision of October 16, 1956 "in the sense that Lots Nos. 7 and 19 of Blocks Nos. 1 and 15 respectively of the Nuestra Senora de Guia

Estate are hereby awarded to oppositor Virginia de la Cruz and the application of Flor Capilitan is hereby denied." Flor Capilitan thereafter appealed to the Office of the President, which eventually affirmed the February 18 order of the Land Tenure Administration. Her motion for reconsideration was found not only to be without merit but was even considered as having been filed after "the decision sought to be reconsidered had already become final."

Mainly claiming that the order of the Land Tenure Administration of February 18, 1957 and the subsequent orders of the Office of the President sustaining the same were null and void for having set aside the decision of October 16, 1956 which was already final, Flor Capilitan commenced suit (C. C. No. 49494) in the Court of First Instance of Manila (Br. XXI) on February 1, 1962, for annulment of the said orders and cancellation of TCT No. 64131 which had been issued in the name of Virginia de la Cruz pursuant thereto. Flor Capilitan contends that when Virginia de la Cruz moved for extension of time to file her motion for reconsideration of the decision of October 16, 1956 the same had already become final and executory in view of the provisions of sections 2 and 3 of the rules and regulations of the Land Tenure Administration, 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 party received notice thereof unless a motion for reconsideration is filed within the said period, in which case, the running of the period for appeal shall be interrupted. x x x

SEC. 3. When rejection or 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 thereafter be considered final."

In the meantime, Flor Capilitan's appeal^[1] from an earlier adverse decision of the City Court of Manila in an ejectment case filed by Virginia de la Cruz was docketed in the Court of First Instance as Civil Case No. 51369 and was later reassigned to Branch XXI to be tried jointly with Civil Case No. 49494. Inasmuch as the pertinent facts as heretofore related are hardly disputed, the contending parties submitted the two cases jointly for decision on a stipulation of facts. The ultimate question presented for resolution was as to which of the two — the decision dated October 16, 1956 or the reconsideration order of February 18, 1957, both of the Land Tenure Administration — was valid.

On May 15, 1963 the court a quo rendered its decision in favor of Virginia de la Cruz, sustaining the validity of the February 18, 1957 order. The material portions of the decision read:

"This Court considers these facts highly persuasive in the resolution of the legal issue herein involved: (a) the thirty-day period for finality of the Land Tenure Administration's action is not a statutory prescription, but a period created by dint of administrative order; (b) the thirty-day period is a rule of procedure and not of substantive nature; (c) the very authorities who ordained the thirty-day period created an exception to the same; (d) the thirty-day period was not exceeded for an unreasonably long period of time — a mere two days lapsed from finality of the administrative action; (e) the exception to the thirty-day period was made in favor of one (defendant Virginia de la Cruz) who, way back in 1947 had filed her application for the purchase of the subject lots, and since then had possessed the same, so much so that on February 18, 1957, the said application was duly approved and she paid the required down payment on the purchase price; (f) on the other hand the one (plaintiff Flor Capilitan) objecting to the created exception filed her application over the same land some eight (8) years later, and after the former had long been in possession thereof, had applied for and granted a sale thereof consummated by making the required down payment; lastly (g) the exception to the thirty-day period was made not to accommodate a technicality, but on the basis of actual merits of the case.

The Court also took note that when plaintiff Flor Capilitan filed her answer to the Motion for Reconsideration

of defendant Virginia de la Cruz dated January 14, 1957 with the Land Tenure Administration, obtained an unfavorable decision therefrom, and appealed the same to the Office of the President of the Philippines, she submitted to the jurisdiction not only of the Land Tenure Administration but also of the Office of the President of the Philippines and it was too late for her to question the jurisdiction of such administrative offices when she filed case No. 49494, after the titles of the lots in question were already issued in favor of Virginia de la Cruz and her husband.

In view of the foregoing considerations, this Court is not prepared to reverse the questioned administrative action by defendant Land Tenure Administration, stamped as it is with Presidential approval — the Court hesitates, unless for clear and compelling reasons, to disturb the determination by a co-equal and coordinate branch of the government.

Consequently, in Civ. Case No. 5139, defendant Flor Capilitan is ordered to vacate the lots in question, to pay the sum of P250.00, representing the back rents from July to December, 1961 with interest thereon at the legal rate from the date of the filing of the complaint until fully paid, to pay the sum of P50.00 as monthly rentals, beginning January, 1962 and monthly thereafter, until the time defendant shall have surrendered possession of the lots to plaintiff, plus attorney's fees in the amount of P200.00.

Flor Capilitan is hereby ordered to pay the costs of suits in both cases."

Although originally elevated to the Court of Appeals (CA-G. R. Nos. 32500-R & 32501-R), these cases were subsequently endorsed to this Court, the question involved being purely legal.

The petitioner contends that the decision of the LTA dated October 16, 1956 had already become final when it was reconsidered in the order dated February 18, 1957, the motion for reconsideration having been filed after the lapse of the reglementary 30-day period.

The Land Tenure Administration, in the "interest of justice," in effect granted the motion for extension of time and even considered it as the motion for reconsideration itself, allowing the movant to submit a memorandum in support thereof. Flor Capilitan, in her opposition to the motion, did not raise the question of its late filing but instead confined herself to a discussion of the merits of the motion. In fact, it was only when she moved, on July 26, 1961, that the Office of the President's order affirming that of the Land Tenure Administration dated February 18, 1957 (more than four and a half years after Virginia de la Cruz filed her motion for reconsideration on November 28, 1956) that the petitioner for the first time made reference to the fact of late filing and questioned the jurisdiction of the Land Tenure Administration. Under the circumstances she must be considered estopped to do so, especially after having unsuccessfully tried, on the merits, to secure favorable relief from the said office. As was made clear in *Tijam vs. Sibonghanoy*[2], this Court frowns upon the "undesirable practice" of a party submitting his case for decision and then accepting the judgment only if favorable, and attacking it for lack of jurisdiction when adverse.

In any event, the regulations of the Land Tenure Administration fixing the period within which a motion for reconsideration may be filed and/or an appeal perfected, do not preclude extensions in meritorious cases. As this Court stated in a comparable case[3], "(T)he rules fixing the periods of time within which certain acts relating to procedure must be done are not so rigid to render the periods thus fixed absolutely non-extendible, unless the rules themselves so provide." It should be remembered that what is in issue here is not a simple conflict of private rights, but the validity of an award of government property to promote a declared public purpose and policy; and the furtherance thereof should not be sacrificed to minor procedural technicalities.

WHEREFORE, the decision is affirmed without pronouncement as to costs.

Ruiz Castro, Teehankee, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] By reason of the issuance of TCT No. 64131 to Virginia de la Cruz on June 29, 1961, she instituted Civil Case No. 94075, Municipal Court of Manila, against Flor Capilitan for ejectment. When Flor Capilitan lost the ejectment case, she appealed to the CFI of Manila where the case was docketed as Civil Case No. 51369 on August 5, 1962. The complaint alleged that Flor Capilitan notwithstanding her promise to vacate, refused to surrender the disputed lots to Virginia de la Cruz (see Resolution of the Court of Appeals dated August 20, 1968).

[2] L-21450, April 15, 1968; 23 SCRA 29.

[3] Castaneda vs. Court of Appeals, L-20268, April 28, 1969; 27 SCRA 1085.

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