

APOLINARIO VALERIO, PLAINTIFF AND APPELLEE, VS. HON. SECRETARY OF AGRICULTURE & NATURAL RESOURCES, ET AL., DEFENDANTS, LUCERO DE GUZMAN, DEFENDANT AND APPELLANT.

G. R. No. L-18587. April 23, 1963

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f0d05adfd67a/>

BAUTISTA ANGELO, J.:

On July 5, 1950, Apolinario Valerio filed an application with the Rural Progress Administration to purchase Lot 10, Block 18, Pcs-2561 of the Nstra. Sra. de Guia Estate Subdivision, which was acquired by the government for resale to bona fide occupants in accordance with Commonwealth Acts Nos. 20, 260, 378, 460 and 589. On August 5, 1950, Lucero de Guzman filed a similar application to purchase the same lot. Because of these conflicting claims, the Director of Lands ordered a formal hearing in order to determine who has a better right to purchase the lot, and on July 24, 1952, Assistant Director Zoilo Castrillo rendered decision awarding the lot to Apolinario Valerio.

On September 23, 1952, Lucero de Guzman appealed to the Secretary of Agriculture & Natural Resources who, on January 14, 1953, rendered decision reversing that of the Director of Lands and awarding the lot to De Guzman.

On October 30, 1953, Valerio filed a motion for reconsideration, which was denied by the Secretary of Agriculture & Natural Resources, whereupon Valerio filed before the Court of First Instance of Manila a complaint praying that the decision of said Secretary be set aside and that he be declared with preferential right to purchase the lot being the lawful and actual occupant thereof. He also prayed that the order of said Secretary denying his motion for reconsideration be set aside.

The Secretary of Agriculture & Natural Resources answered the complaint alleging that the award he made of the lot in favor of Lucero de Guzman was made in accordance with the evidence presented in the administrative investigation conducted by the Bureau of Lands.

The Director of Lands also filed his answer stating that Ms decision was reversed by the Secretary of Agriculture & Natural Resources and hence he is bound by it, but nevertheless he was adopting the answer filed by said Secretary.

Lucero de Guzman on his part answered denying the basic allegations of the complaint and averring that he was the bona fide occupant of the lot in question and that the award made in his favor was made in accordance with the law and the evidence.

Based on the stipulation of facts submitted by the parties, the court a quo rendered its decision on March 18, 1960 wherein it annulled the decision of the Secretary of Agriculture and Natural Resources, as well as the order he entered on November 6, 1953, denying the motion for reconsideration interposed by the plaintiff. As a

consequence, it ordered that the application filed by the plaintiff for the purchase of the lot be given due course.

Defendant Lucero de Guzman interposed the instant appeal.

From the stipulation of facts submitted by the parties, the following may be deduced: On July 5, 1950, Apolinario Valerio applied with the Rural Progress Administration for the purchase of the lot in question. On August 5, 1950, Lucero de Guzman also filed a similar application to purchase the same lot with the same office. Because of the conflicting claims, the Director of Lands ordered a formal hearing thereon to determine who has a better right to purchase the lot and, on July 24, 1952, Assistant Director Zoilo Castrillo rendered decision awarding the lot to Apolinario Valerio. De Guzman appealed to the Secretary of Agriculture & Natural Resources who, on January 14, 1953, reversed the decision of the Director of Lands, and awarded the lot to Lucero de Guzman.

It appears that copy of this decision was received by Valerio's counsel on March 9, 1953, but he filed his motion for reconsideration only on October 30, 1953, or after the lapse of the reglementary period of 30 days provided for in the rules and regulations of the Bureau of Lands within which a losing party may file a motion for reconsideration of the decision either of the Director of Lands or the Secretary of Agriculture & Natural Resources. And because of this late filing, said Secretary denied the motion holding that his decision of January 14, 1953 has long become final and executory. Accordingly, he ordered that his decision be enforced and executed giving his reasons as follows:

"An examination of the records of this case reveals that Atty, Dario Aquino, former counsel of the herein movant, received a copy of the aforesaid decision March 9, 1953; and that the present motion was filed only on October 30, 1953 or after the lapse of the reglementary period of thirty (30) days provided for by the rules and regulations of the land department within which a losing party may file a motion for the reconsideration of its decision.

"Presumably foreseeing the adverse effect of the failure of Apolinario Valerio and his original counsel to file a motion for the reconsideration of the decision dated January 14, 1953 of this Office in this case within the reglementary period of thirty (30) days, the new counsel for the said applicant advanced the theory that the counting of the prescriptive period of thirty (30) days should not be applied in his case, claiming that the original counsel had not notified his client of the aforesaid decision; and that the said attorney had already withdrawn his appearance as his counsel in this case. Consequently, he argues that Valerio should be relieved of any adverse effect caused by the omission of his lawyer,

"From the records of this case, it appears that Atty. Dario Aquino entered his appearance as counsel for Apolinario Valerio at the proceedings of this case in the Bureau of Lands; that he continued to act as such counsel for the said applicant when he filed a petition with this Office asking for an extension of time within which to file an answer to the memorandum on appeal of Lucero de Guzman; that thereafter he filed his answer thereto; that on March 9, 1953, he received a copy of the decision of this Office of January 14, 1953; that on July 6, 1953 he informed the Director of Lands that he was withdrawing as counsel for Apolinario Valerio; and that said withdrawal lacked the consent of his client.

"It will be seen from the foregoing facts that Atty. Dario Aquino has always been considered by this Office as the attorney of record of Apolinario Valerio and, hence, the notice to him of any decision or order of this Office in this case is a valid notice to his client. His withdrawal, therefore, as such counsel would not be a valid ground to relieve his client from the effects of the decision rendered on January 14, 1953 by" this Office for the reason that when said counsel withdrew his said appearance on July 6, 1953, the aforesaid decision of this Office had already become final and executory as the expiration thereof was on April 9, 1953. In other words, his withdrawal as such counsel was filed about two months after the said decision had already become final and executory."

It is now contended that the court *a quo* erred in setting aside the above order, of respondent Secretary which

denies the motion for reconsideration of appellee it appearing that take same was justified by the facts and by the peitihent regulations on the matter.

We are inclined to agree to this contention not only because appellee is bound by the negligence of his own attorney who failed to notify him of the decision rendered in the case but also because the Secretary did nothing but to comply with what is provided for in the regulation on the matter of his own department. Moreover, appellee should have known that his counsel filed a motion for reconsideration which may be acted, upon sooner or latter By the Secretary and yet be allowed more than seven months to elapse before inquiring into the matter. It was only after the lapse of that period that he learned that his counsel withdrew from, the case. He should, therefore, partly be blamed for the delay which resulted in the decision becoming final and executory.

And it cannot be contended, as the court a quo, intimated, that an administrative regulation should not be given the the same weight as a rule of court but should rather be given a more liberal interpretation for, as is well-known, a regulation adopted pursuant to law has the force and effect of law.[1] In fact, it is a wise policy that administrative regulations be given the same force as rules of court in order to maintain the regularity of administrative proceedings. Any way, there is no evidence to show that the Secretary has abused his discretion in promulgating the questioned order which on its face appears well justified.

With regard to the merits of the ease, we find no bask for the insinuation that respondent Secretary was merely coerced into reversing the decision of the Director of Lands because of the indiscriminate threats hurled by appellant's counsel in the written appeal he has submitted to the office of said Secretary, not only because the same is unfair and his highly presumptuous, but because his decision was based strictly on the merits of the evidence presented. The best refutation of said innuendo is the following portion of the decision which is self-explanatory:

"As an undeniable evidence of the official recognition of appellant's possession over Lot No, 10, it is of record that his predecessor in interest, Marina Aguirre was the only actual occupant of Lot 10 (Lot 1535) as listed in the official census of all occupants of late within the Nuestra Sefiora de Guia Estate in 1947 and again on April 12, 1949 Lucero de Guzman, the predecessor in interest of said Marina Aguirre was officially recognized as the actual occupant of Lot 10 when he was required to pay rentals for his occupation therefore from 1947 to 1949. All of the foregoing facts operate as governmental recognition of the constructive possession of Lot 10 by Lucero de Guzman to the exclusion of all other subsequent claimants therefor. Lucero de Guzman on his part, has been filling Lot No. 10 since it was transferred to him by Marina Aguirre so much so that from a marshy and muddy pond said lot had been transformed into a habitable residential lot; and as a natural spontaneous manifestation and incidence of his exercise of dominion therefor, when Apolinario Valerio began constructing a house over Lot No. 10 in 1950 he immediately took steps to prevent, the intrusion by reporting the matter to the authorities concerned. Under the foregoing circumstances, there can be no question that Lucero de Guzman is the legitimate and bona fide occupant of Lot No. 10 and that he has taken all the necessary legal steps to establish and protect his possession thereof.

"We now come to the second allegation of the herein appellant, in which he claims to be the prior occupant of the lot in question. The records show that in the census of 1947 made by the defunct Rural Progress Administration Marina Aguirre, predecessor in m terest of Lucero de Guzman was listed as already occupying the lot in question. On the other hand, the claim of the appellee that he is entitled to 3 priority right over the lot in question for the reasoa that he had purchased a house belonging to one Benedicts Saria Topacio over a supposed house standing on a portion thereof is not sustained by the evidence of record. He claims that the alleged deed'. of sale executed between him and the said Benedicta Saria Topacio over the said house was done in a private document that the copies thereof which were in possession of both Valerio and Topacio were lost. This is contrary to the natural course of things, for It is very inconceivable that the vendor and the vendee would not have kept securely a copy of the said deed of sale, knowing as they do that, the said document is

necessary to establish their right to the land in question. To render the pretended sale more doubtful is the fact that there is no official record to show that Benedicta Saria Topacio the predecessor in interest of Apolinario Valerio had ever been an occupant of the lot in dispute or any lot for that matter in the entire Nuestra Señora, de Guia Estate. If it is really true as contended by the appellee that his predecessor in interest had really a house on the said lot in 1947, the name of said JSenedieta Saria Topacio would have been included in the list of occupants of a lot in the Nuestra Señora de Guia Estate. The records fail to show that, during the census of occupants of the Nuestra Señora de Guia Estate In 1947, the name of Benedicta Saria Topacio had been included In the list thereof. Neither is there any record to show that Apolinario Valerio has even had anything to do with Lot No. 10 prior to November 16, 1949 when he was allowed to pay rentals therefor by the defunct Rural Progress Administration. From the foregoing facts and from the preponderance of evidence adduced during the investigation of this case, it is safely concluded that Lucero de Guzman is the prior occupant of Lot No. 10 and the recent occupation of Apolinario Valerio on the same lot was only made in September 1950 when the herein appellant, Lucero de Guzman, filed his protest against Valerias illegal construction of a house thereon.

"Moreover, altho it is admitted that Apolinario Valerio is the actual occupant of a portion of the lot in question yet his occupation thereof cannot be considered as having been done in good faith for the reason that when he entered the land in 1950 he knew already that Lucero de Guzman had been paying rentals therefor and already introduced some filtings thereon. As a matter of fact, and as already stated elsewhere in this decision, when Valerio constructed his house in 1950 in the said lot, De Guzman filed his objection thereto by reporting the matter to the Mayor of the City of Manila, who in turn directed the Manila Police Department to stop the said illegal construction and that when members of the Manila Police Department went to the premises to execute the order of the Mayor, Valerio tried to hide as he did hide from them to avoid service of execution from the said force. Under the above facts, this office believes and so holds that Apolinario Valerio cannot be considered as a bona fide occupant under the provision of Section 1 of Commonwealth Act No. 539." (Italics supplied)

Wherefore, the decision appealed from is reversed. No costs.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Barrera., Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Pascual vs. Commissioner of Customs, G. R. No. L-12219 April 25, 1962

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.