

PACITA TING, PETITIONER, VS. HON. COURT OF APPEALS, AURORA TANALEON, EPIFANIA GOMILLA, ELIZA SUBALDO, AND ROBERTO/SHIRLEY YEBRA, RESPONDENTS.

G.R. No. 109216. October 27, 1994

Ponente: ROMERO, J.

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ROMERO, J.:

Sometime in 1965, the spouses Jose and Pacita Ting purchased a house standing on a 212-square meter lot known as Lot 10, Block 17 of the West Crame ZIP (Zonal Improvement Program). The lot was bought by the government under Presidential Decree No. 1517, otherwise known as the "Urban Land Reform Act," for disposition to qualified beneficiaries. These beneficiaries were determined in the 1978 census conducted by the Municipality of San Juan. Jose Ting was listed as a structure owner and was given Tag No. 80-0417-01. Pacita Ting allegedly allowed the private respondents herein to occupy portions of the lot in question after their house was razed in a fire which gutted the entire neighborhood on February 8, 1981.

On June 17, 1986, the private respondents applied for individual lot allocations with the NHA. The Awards and Arbitration Committee (AAC) of West Crame, to whom the request was forwarded by the NHA, denied the applications because the parties were disqualified for lot award. Upon appeal to the NHA, this decision was reversed and the private respondents were awarded the lots occupied by their respective structures inside Lot 10, Block 17.

Pacita Ting twice moved for a reconsideration of the award, but the NHA upheld its decision on both occasions, denying her second motion with finality in an order dated May 29, 1989.

She then appealed to the Office of the President (OP), which rendered a decision on August 15, 1990, affirming the NHA's ruling, with the following observations:

"The appealed order, it bears stressing, is primarily assayed on the factual and unrebutted findings of the office a quo anent the extent of and actual occupancy by appellant and appellees of their respective areas. Consequently, appellant's contention that she alone is entitled to the award of the entire Lot 10, Block 17, with an area of 212 square meters, on the strength of her allegation that the other claimants are not qualified project beneficiaries, is untenable.

That subject lot had been earlier awarded by the ZIP project's Arbitration and Adjudication Committee (AAC) to appellant adds nothing in the way of conclusiveness to the legality of her claim to the whole area, much more confers upon her a vested right thereto, to the exclusion of appellees who, as shown by the evidence, are as much as qualified to be lot awardees of the NHA. For, in the first place, no formal award of the controverted lot has been made by the NHA to appellant for lack of Notice of Award issued by the NHA General Manager, and, more importantly, no Conditional Contract to Sell of said lot was even executed between appellant and the NHA. And, in the second place, the decision of the AAC is merely recommendatory and subject to the final approval of the NHA, thru its General Manager. Hence, the disapproval of appellee's applications for lot award and their subsequent elevation of the case to the NHA by way of appeal is but in accord with the NHA rule of

proceedings, the AAC's award to appellant not having yet acquired the character of finality.

Appellant's lot allocation cannot, and should not, extend to portions of the lot where appellees' structures had been constructed. Otherwise, appellant would be the virtual owner of the structures put up by appellees on the portions of subject lot which the former had leased to the latter without the required prior approval by the NHA. And worst, such arrangement would constitute a palpable violation of NHA policy against multiple ownership of structures in its ZIP projects, as defined under Section V, Paragraph 5 of NHA Circular No. 13, dated February 19, 1982.

Were this Office to rule that appellant is entitled to the award of the entire Lot 10, Block 17, whereon several other structures have been constructed, the net result thereof would be a stultification, if not complete evisceration, of the NHA policy of "one structure, one lot," which eventuality this Office cannot legally countenance.

Appellant's claim that the NHA proceedings was punctuated with bias and partiality is a mere play on emotion that cannot defeat the overriding considerations of justice and fair play. In so ruling for herein appellees, the NHA simply fittingly supplied its long standing policy of awarding NHA lots to the actual occupants thereof and within the permissible limits. What is more, appellant had failed to overthrow the presumption of regularity that the courts attach to acts of administrative bodies/officers.

Finally, considering that the NHA is tasked with the determination of the technical aspects of mass housing, which includes the feasibility of subdividing lots for multiple allocations, the award of the contested lot to all the contending parties in the manner heretofore adjudged, on the basis of their actual occupancy, is but in consonance with the government's declared policy under Section 3 of PD 757, "[t]o provide and maintain adequate housing for the greatest possible number of people."

Petitioner's motion for reconsideration of this decision was likewise denied.

Not satisfied with these pronouncements, petitioner appealed to the Court of Appeals raising, as one of the issues, the lack of jurisdiction of the NHA to entertain the appeal of the private respondents from the decision of the AAC.

The appellate court dismissed the petition in its decision dated December 29, 1992, and denied petitioner's motion for reconsideration on March 3, 1993.

Hence, petitioner filed this petition for review with the following assigned errors:

"I

THE FINDINGS AND CONCLUSIONS OF THE NATIONAL HOUSING AUTHORITY, THAT PRIVATE RESPONDENTS SEASONABLY FILED THE NOTICE OF APPEAL WITH THE NATIONAL HOUSING AUTHORITY FROM THE DECISION OF THE AWARD AND ARBITRATION COMMITTEE IS NOT SUPPORTED WITH EVIDENCE.

II

ASSUMING WITHOUT CONCEDING THAT PRIVATE RESPONDENTS INTERPOSED THE APPEAL FROM THE DECISION OF THE AWARD AND ARBITRATION COMMITTEE STILL, THE NATIONAL HOUSING AUTHORITY HAS NO JURISDICTION TO ENTERTAIN THE APPEAL, HAVING BEEN FILED OUT OF TIME.

III

THE DECISION OF THE NATIONAL HOUSING AUTHORITY WHICH WAS AFFIRMED BY THE OFFICE OF THE PRESIDENT AND THE HONORABLE RESPONDENT COURT OF APPEALS IS TAINTED WITH UNFAIRNESS AND ARBITRARINESS AMOUNTING TO ABUSE OF DISCRETION.

IV

THE CONSTRUCTION AND INTERPRETATION GIVEN BY THE NATIONAL HOUSING AUTHORITY UPON SEC. 3 OF P.D. 757 IS IN VIOLATION OF NHA CIRCULAR NO. 13 KNOWN AS THE CODE OF POLICY, PARTICULARLY SEC. V, PAR. 3, THEREOF.

V

THE NATIONAL HOUSING AUTHORITY GRAVELY ERRED IN AWARDING LOTS TO PRIVATE RESPONDENTS WHO WERE ADMITTEDLY UNCENSUSED HOUSEHOLD OWNERS IN ZIP WEST CRAME BECAUSE THEY (sic) FOUR ARE ALL DISQUALIFIED.

VI

THE PRIVATE RESPONDENTS ARE DEEMED TO HAVE ADMITTED PETITIONER'S ALLEGATION IN THE PETITION FILED WITH THE COURT OF APPEALS FOR FAILURE TO FILE THEIR COMMENT/ANSWER TO IT AS REQUIRED BY THE COURT."

It must be noted at this juncture that this petition is actually a special civil action for certiorari filed under Rule 65. A perusal of the errors cited above instantly reveals that the basis of this petition is grave abuse of discretion amounting to lack of jurisdiction allegedly committed, not by the respondent Court of Appeals, but by the NHA and the Office of the President. It even prays for the reinstatement of the AAC's decision. Henceforth, we shall treat this petition as one for certiorari under Rule 65.

Petitioner claims that the NHA has no jurisdiction to reverse the AAC's decision and award the lot to the private respondents because the latters' appeal was filed out of time. It is also claimed, in the alternative, that there is no proof as to the existence of said appeal by the respondents. How then can petitioner allege the late filing of an appeal which she claims does not even exist? Her argument simply defies logic and must consequently be stricken out.

The issue of lack of jurisdiction was first raised before the Court of Appeals. It appears, however, that whereas in the proceedings below, petitioner claimed that the NHA lacked jurisdiction to entertain the appeal from the AAC's decision, the basis of the same allegation of lack of jurisdiction raised in the instant petition is the NHA's entertainment of the appeal in spite of having been filed late.

This may be a desperate effort on the part of the petitioner to overturn the unanimous decisions of the appellate court and the administrative bodies concerned, considering that the Court of Appeals has sufficiently and correctly rejected the claim of lack of jurisdiction of the NHA to entertain the appeal.

Under paragraph V(7) of NHA Circular No. 13, dated February 19, 1982 upon which the petitioner also relies, "All decisions of the AAC shall be subject to review and approval of the General Manager of the Authority, the local Mayors, and finally the Governor of the Metropolitan Manila Commission."

It is clear from this provision that the NHA was acting within its statutory authority when it reversed the decision of the AAC and awarded the lot to the respondents. While it is true that NHA Circular No. 13 does not provide for any period within which to appeal, the 15-day period applied to appeals from quasi-judicial bodies to the Court of

Appeals cannot apply to an appeal from the AAC's decision to the NHA which is an intra-agency recourse. Anyhow, the decision of the NHA in this case was reached "after a judicious review and evaluation of the records and the documentary evidence submitted," and "in consonance with the mandate of the Authority to provide and maintain adequate housing for the greatest number of people."

The petitioner also claims that the "construction given by the National Housing Authority over Sec. 3 of P.D. 757 is in violation of NHA Circular No. 13," and that the NHA "gravely erred in awarding (the) lot to private respondents who were admittedly uncensused household owner(s) in ZIP West Crame."

This argument is untenable.

In the first place, "the construction given to a statute by an administrative agency charged with the interpretation and application of that statute is entitled to great respect and should be accorded great weight by the courts, unless such construction is clearly shown to be in sharp conflict with the governing statute or the Constitution and other laws. x x x The courts give much weight to contemporaneous construction because of the respect due the government agency or officials charged with the implementation of the law, their competence, expertness, experience and informed judgment, and the fact that they frequently are the drafters of the law they interpret." [1]

In the second place, these are factual issues already touched upon and decided by the Court of Appeals which may not be assailed in this petition, there being nothing on record that would justify a relaxation of the rule that the appellate court's findings of fact are conclusive upon the Court, which may only review and correct errors of law. [2]

On the issue that the challenged NHA decision is "tainted with unfairness and arbitrariness amounting to lack of jurisdiction," suffice it to say that the Court has consistently declared that findings or conclusions of administrative bodies which have gained expertise in their fields because their jurisdiction is confined to specific matters, supported as they are by substantial evidence, are generally respected and even given finality, in the absence of a showing of unfairness or arbitrariness on the part of the administrative body amounting to abuse of discretion or lack of jurisdiction. [3] Hence, the decision of the NHA, as well as that of the Office of the President, should not be disturbed on appeal.

Finally, petitioner alleges that the "private respondents are deemed to have admitted petitioner's allegation in the petition with the Court of Appeals for their failure to file their comment/answer as required by the Court of Appeals."

The non-filing of the comment/answer by the private respondents cannot be interpreted as an admission of the allegations in the petition. Under Section 8, Rule 65 (which applies in this case instead of Section 1, Rule 9, stating that allegations not specifically denied are deemed admitted), upon the expiration of the period to file an answer, "the court may order the proceedings complained of to be forthwith certified up for review and shall hear the case, and if after such hearing the court finds that the allegations of the petition are true, it shall render judgment for such of the relief prayed for as the petitioner is entitled to" Conversely, if the court finds the allegations to be false, then it is not duty bound to grant any of the reliefs sought, and may dismiss the petition outright.

WHEREFORE, in view of the foregoing, the instant petition for review (properly certiorari) is hereby DISMISSED for lack of merit.

SO ORDERED.

Bidin, (Acting Chairman), Melo, and Vitug, JJ., concur.

Feliciano, J., on leave.

[1] Nestle Philippines, Inc. v. Court of Appeals, 203 SCRA 504 [1991], citing Asturias Sugar Central, Inc. v. Commissioner of Customs, 29 SCRA 617 [1969].

[2] Godines v. Court of Appeals, 226 SCRA 338 [1993], citing Ronquillo v. Court of Appeals, 195 SCRA 433 [1991].

[3] Tiatco v. Civil Service Commission, 216 SCRA 749 [1992], citing Filipinas Manufacturers Bank v. NLRC, 182 SCRA 848 [1990], and Earth Minerals Exploration, Inc. v. Macaraig, Jr., 194 SCRA 1 [1991]; Villanueva, Sr. v. Leogardo Jr., 215 SCRA 835 [1992], citing Special Events & Central Shipping Office Workers Union v. San Miguel Corporation, 122 SCRA 557 [1983]; Sesbreno v. Ala, 208 SCRA 359 [1992].

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