

FELISA L. PEÑA, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), RESPONDENT.

G.R. NO. 159520. September 19, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure seeking to set aside and to declare null and void the Decision[1] of the Court of Appeals in CA-G.R. SP No. 53088 dated 24 April 2003 and its Resolution[2] dated 14 August 2003, which affirmed the Decision[3] of the Office of the President dated 12 May 1999 declaring as valid and subsisting the mortgage between Queen's Row Subdivision, Inc., and herein respondent Government Service Insurance System (GSIS).

The antecedent facts of the case are:

On 13 March 1985, herein petitioner Felisa Peña acquired three subdivision lots, covered by Transfer Certificates of Title No. T-89547, No. T-89647, and No. T-89662 of the Register of Deeds of Cavite, from Queen's Row Subdivision, Inc., through its President Isabel Arrieta, by virtue of a Deed of Absolute Sale, with a right to repurchase the same within two months, for the sum of P126,000.00 plus interest. However, petitioner alleged that Queen's Row Subdivision, Inc. failed to repurchase said lots and refused to deliver the corresponding titles of the said subdivision lots because the same were mortgaged to herein respondent GSIS, allegedly sometime in 1971 and 1972, without the written approval of the Housing and Land Use Regulatory Board (HLURB) as required by Presidential Decree No. 957, otherwise known as "The Subdivision and Condominium Buyers" Protective Decree."

Thus, on 21 January 1994, petitioner filed a Complaint for Specific Performance, Annulment of Mortgage, and Damages[4] before the HLURB Regional Office against Queen's Row Subdivision, Inc., its President Isabel Arrieta, and respondent, asking for the cancellation of the mortgage to respondent and the consolidation of ownership to her, alleging that the mortgage of the subject lots to the respondent was null and void because it had no written approval of the HLURB as required under Presidential Decree No. 957.

Queen's Row Subdivision, Inc. and its President Isabel Arrieta did not file any responsive pleading. Respondent, on the other hand, filed its Answer asserting that the subject properties had been mortgaged, foreclosed, and transferred to its name even before the petitioner purchased the same.

HLURB, through Housing and Land Use Arbiter Cesar A. Manuel, rendered a Decision[5] dated 20 December 1995 in favor of petitioner, the dispositive portion of which reads, thus:

WHEREFORE, premises considered, judgment is hereby rendered:

- Confirming the sale of Queen's Row Subdivision lots covered by TCT Nos. T-89547, T-89647, and T-89662 of the Register of Deeds of Cavite in favor of [petitioner] and consolidating ownership thereof in favor of the latter;

- Declaring the mortgage of the subject lots to respondent GSIS as voidable insofar as [petitioner] is concerned but valid only as evidence of indebtedness insofar as Queen's Row Subdivision, Inc. and [respondent] GSIS are concerned;
- Directing respondent GSIS to deliver the owners (sic) duplicate copy (sic) of the titles of subject lots to the [petitioner] within thirty days from finality hereof;
- Directing the Register of Deeds of Cavite to cancel the annotation of the mortgage on said TCTs Nos. T-89547, T-89647, and T-89662, without prejudice to the right of [respondent] GSIS to collect the obligation of Queen's Row Subdivision, Inc.;
- Directing respondents Queens Row Subdivision, Inc. and Isabel Y. Arrieta to jointly and severally pay [petitioner] the sums of P200,000.00 as and by way of exemplary damages; P200,000.00 as and by way of moral damages; P100,000.00 plus 30% of the award granted to [petitioner], as and for attorney's fees and the cost of suit

Let copy of this judgment be furnished the Register of Deeds of Cavite.[6]

On 30 January 1996, respondent filed a Notice of Appeal[7] from the afore-mentioned Decision. On 9 February 1996, HLURB Arbiter Manuel issued an Order[8] denying the said appeal, citing Sections 22 and 23 of Resolution No. R-537, Series of 1994, "Adopting the 1994 Rules of Procedure of the Housing and Land Use Regulatory Board,"[9] which states that:

Section 22. Petition for Review. - No motion for reconsideration of or mere Notice of Petition from the decision shall be entertained. Within thirty (30) days from receipt of the decision, any aggrieved party may, on any legal ground and upon payment of the review fee, file with the Regional Office or directly with the Board of Commissioners a petition for review. Copy of such a petition shall be furnished the other party and the Regional Office in case the petition is directly filed with the Board of Commissioners.

Within ten (10) days from receipt of a petition or an order of elevation from the Board, the Regional Officer shall cause the elevation of the records to the Board of Commissioners thru the Appeals Review Group.

Section 23. Contents of a Petition for Review. - The petition for review shall contain the petitioner's assignment of errors on the decision sought to be reviewed, the issues to be resolved, the law on which it is based and the arguments in support thereof.[10]

Petitioner then claimed that for failure of respondent to file the proper mode of appeal within the reglementary period before the HLURB, its Decision dated 20 December 1995 already became final and executory.[11]

However, on 25 September 1996, respondent filed a Motion to Declare Judgment Null and Void Ab Initio[12] before the Board of Commissioners of the HLURB, claiming that the Regional Office of HLURB had no jurisdiction to resolve the Complaint for it involved title to, possession of, or interest in real estate, the jurisdiction of which belonged to the Regional Trial Court. Respondent also contended that the mortgage transaction was exempt from the provisions of Presidential Decree No. 957 because it was entered into prior to the effectivity of the said decree. Then, on 20 January 1997, the HLURB Board of Commissioners issued an Order[13] denying the said Motion for lack of merit.

Dissatisfied, respondent sought reconsideration of the aforesaid Order on 24 April 1997. Still, on 14 July 1997,[14] the HLURB Board of Commissioners denied the Motion for Reconsideration of the respondent because the Decision of HLURB dated 20 December 1995 has already become final and executory as early as March 1996.[15] The HLURB Board of Commissioners granted, however, the Ex-Parte Motion for Execution dated 20 December 1995 filed by petitioner.

Once again aggrieved, respondent appealed the foregoing Order of the HLURB Board of Commissioners to the Office of the President. On 12 May 1999, the Office of the President issued the assailed Decision, declaring that:

The Order appealed from being clearly erroneous, this Office is constrained to excuse the failure of the [respondent] GSIS to file the proper Petition for Review, a mere procedural infirmity incomparable to the injustice that is sought to be prevented.

WHEREFORE, the Order of the Housing and Land Use Regulatory Board dated July 14, 1997 is hereby SET ASIDE and the mortgage of the subject lots to [respondent] GSIS declared VALID and SUBSISTING.[16]

Consequently, on 4 June 1999, petitioner filed a Petition for Review[17] under Rule 43 of the 1997 Rules of Civil Procedure before the Court of Appeals alleging that the Office of the President committed the following grave and serious errors, to wit: (1) in not holding that the Decision of the HLURB Regional Office dated 20 December 1995 had become final and executory; (2) in not holding that the HLURB Board of Commissioners as well as the Office of the President had no jurisdiction or authority to revive, review, change, or alter the said final and executory Decision dated 20 December 1995; (3) in excusing and ignoring the failure of respondent to file the proper Petition for Review; (4) in not holding that said Decision of the HLURB Regional Office dated 20 December 1995 was supported by substantial evidence, and; (5) in issuing the Decision in question dated 12 May 1999 and in setting aside the Order of the HLURB Board of Commissioners dated 14 July 1997 and holding that the mortgage of subject lots to respondent valid and subsisting.

The Court of Appeals subsequently rendered its Decision on 24 April 2003 denying the Petition for Review filed by petitioner and affirming the Decision of the Office of the President dated 12 May 1999.

On 15 May 2003, petitioner filed a Motion for Reconsideration of the said Decision. Nevertheless, the Court of Appeals in its Resolution dated 14 August 2003 denied said Motion because there were no new or substantial reasons to reverse or even modify the challenged Decision.

Hence, this Petition.

In the petitioner's Memorandum,[18] she avers that the Decision of the HLURB Regional Office dated 20 December 1995 had long become final and executory for failure of the respondent to seasonably appeal or file a Petition for Review within the reglementary period. Consequently, the Office of the President had no more jurisdictions over such final and executory judgment.

She further argues that a final and executory judgment rendered by the HLURB Regional Office cannot be revived by the filing of a Motion to Declare Judgment Null and Void Ab Initio several months after it had become final and executory.

Finally, she claims that the Court of Appeals may have been misled by the confusing arguments of the respondent and overlooked the fact that the Decision of HLURB Regional Office dated 20 December 1995 has already become final and executory. Hence, the Court of Appeals acted without jurisdiction or with grave abuse of discretion in affirming the Decision of the Office of the President that reversed or changed a final and executory judgment of the HLURB Regional Office.

In contrast, respondent, in its Memorandum,[19] maintains that the outright dismissal of its Notice of Appeal by the HLURB Regional Office on the ground that the filing thereof was prohibited under the HLURB Rules, denied respondent justice inasmuch as it has meritorious claims. Thus, the Court of Appeals was correct in affirming the Decision of the Office of the President that set aside the Order of the HLURB Board of Commissioners dated 14 July 1997 and declaring as valid and subsisting the mortgage of the subject lots to respondent.

From the foregoing arguments of the parties, this Court identifies the following issues for resolution in this Petition, to wit:

- Whether the Office of the President can set aside and reverse a judgment of the HLURB Regional Office that has long become final and executory for failure of the respondent to interpose the proper mode of appeal within the reglementary period as provided for in the 1994 Rules of Procedure of HLURB; and
- Whether the Court of Appeals committed a reversible error in affirming the Decision of the Office of the President that reversed a final and executory judgment of the HLURB.

Noteworthy is 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.[20] In other words, appeal is a right of statutory and not of constitutional origin.[21] The perfection of an appeal in the manner and within the period prescribed by law is not only mandatory but also jurisdictional[22] and the failure of a party to conform to the rules regarding appeal will render the judgment final and executory and, hence, unappealable,[23] for it is more important that a case be settled than it be settled right.[24] Furthermore, it is axiomatic that final and executory judgments can no longer be attacked by any of the parties or be modified, directly or indirectly, even by the highest court of the land.[25] Just as the losing party has the right to file an appeal within the prescribed period, so also the winning party has the correlative right to enjoy the finality of the resolution of the case.[26]

Under Section 22[27] of the 1994 Rules of Procedure of the HLURB, no Motion for Reconsideration or a mere Notice of Petition from the Decision shall be entertained. What are required under said HLURB Rules are for the aggrieved party to file a Petition for Review within 30 days from receipt of the Decision on any legal ground and upon payment of the review fee.

In the case at bar, it must be noted that after the HLURB Regional Office rendered its 20 December 1995 Decision, respondent, instead of filing a Petition for Review within 30 days from receipt of the said Decision which was the proper mode of appeal before the HLURB Board of Commissioners, opted to file a mere Notice of Appeal on 30 January 1996 which was denied in the Order of HLURB Arbiter Manuel dated 9 February 1996 because it was prohibited by the Rules of HLURB. Consequently, for failure of the respondent to file the proper mode of appeal within the reglementary period, the afore-mentioned Decision of the HLURB became final and executory as early as March 1996.

It is true, as the Court of Appeals mentioned in its Decision, that rules of procedure are mere tools designed to facilitate the attainment of justice and their strict and rigid application which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be avoided[28] and they cannot be blindly adhered to if they would serve no other purpose than to put into oblivion the very *lis mota* of the controversy under scrutiny.[29] However, there are certain procedural rules that must remain inviolable like those setting the periods for perfecting an appeal or filing a Petition for Review, for it is doctrinally entrenched that the right to appeal is a statutory right and one who seeks to avail of that right must comply with the statute or rules. These rules, particularly the requirements for perfecting an appeal within the reglementary period specified in the law, must be strictly followed as they are considered indispensable interdictions against needless delays and for orderly discharge of judicial business.[30]

The Notice of Appeal filed by the respondent cannot equate to the Petition for Review required by the HLURB Rules. The Notice of Appeal filed by the respondent merely states that:

Respondent Government Service Insurance System (GSIS) thru counsel, unto this Honorable Office most respectfully gives notice that it is appealing the Decision dated 20 December 1995 of HLURB Arbiter, Hon.

Cesar A. Manuel to the Housing and Land Use Regulatory Board on both questions of law and fact.

Pasay City for Quezon City, January 30, 1996.[31]

whereas, the Petition for Review under Section 23 of the 1994 HLURB Rules must contain the petitioner's assignment of errors on the decision sought to be reviewed, the issues to be resolved, the law on which it is based and the arguments in support thereof. There is a wide difference between Notice of Appeal and a Petition for Review in terms of substance that the relaxation of the rigid rules of procedure cannot be permitted.

Furthermore, it was highly improbable for the respondent to be so unmindful of the HLURB Rules of Procedure regarding the proper mode of appeal. Additionally, it must be noted that when respondent filed its Notice of Appeal, it did not even state the reason why instead of filing a Petition for Review it filed a Notice of Appeal. Hence, HLURB Arbiter Manuel of the Regional Office cannot be faulted when he denied respondent's Notice of Appeal as it was prohibited under the HLURB Rules. Also, there is nothing to prevent the 20 December 1995 Decision of the HLURB Arbiter Manuel from becoming final and executory since respondent failed to perfect its appeal in the manner and within the period provided for in the HLURB Rules. Where a party does not institute the correct mode of appeal such as a Petition for Review instead of a mere Notice of Appeal, he loses it.[32]

Since the 20 December 1995 Decision of HLURB Regional Office was already final and executory, no court, not even the highest court of the land, can revive, review, change or alter the same. It is already well settled in our jurisdiction that the decisions and orders of administrative agencies rendered pursuant to their quasi-judicial authority, have, upon their finality, the force and binding effect of a final judgment within the purview of the doctrine of *res judicata*. The rule of *res judicata*, which forbids the reopening of a matter once judicially determined by competent authority, applies as well to the judicial and quasi-judicial acts of public, executive, or administrative officers and boards acting within their jurisdiction.[33]

In view of the foregoing, the Motion to Declare Judgment Null and Void *Ab Initio* filed by respondent on 25 September 1996, or after so many months from the finality of the Decision it seeks to be declared null and void, can no longer be entertained by the HLURB Board of Commissioners. The same was just an attempt to reinstate an appeal that had already been lost. Even granting *arguendo* that the said Motion was proper, still, the allegation therein of the respondent that the HLURB Regional Office had no jurisdiction over the case because it involved title to, possession of, or interest in real estate, the jurisdiction of which supposedly belonged to the Regional Trial Court, was not sufficient to warrant the declaration of the Decision of the HLURB as null and void. Such ground relied upon by the respondent is untenable because the jurisdiction involving unsound real estate practices and other matters in connection thereto belongs to HLURB.

It must be remembered that Presidential Decree No. 1344 of 2 April 1978 expanded the jurisdiction of the National Housing Authority (NHA) to include the following:

Section 1. In the exercise of its functions to regulate the real estate trade and business and in addition to its powers provided for in Presidential Decree No. 957, the National Housing Authority shall have exclusive jurisdiction to hear and decide cases of the following nature:

- Unsound real estate business practices;
- Claims involving refund and any other claims filed by subdivision lot or condominium unit buyer against the project owner, developer, dealer, broker, or salesman; and
- Cases involving specific performance of contractual and statutory obligations filed by buyers of subdivision lot or condominium unit against the owner, developer, dealer, broker or salesman.

On 7 February 1981, Executive Order No. 648 transferred the regulatory and quasi-judicial functions of the NHA to Human Settlements Regulatory Commission.

Section 8. TRANSFER OF FUNCTIONS. - The regulatory functions of the National Housing Authority pursuant to Presidential Decrees No. 957, 1216, 1344 and other related laws are hereby transferred to the Commission, together with such applicable personnel, appropriation, records, equipment and property necessary for the enforcement and implementation of such functions. Among these regulatory functions are:

- Regulation of the real estate trade and business;
- Registration of subdivision lots and condominium projects;
- Issuance of license to sell subdivision lots and condominium units in the registered units;
- Approval of performance bond and the suspension of license to sell;
- Registration of dealers, brokers, and salesmen engaged in the business of selling subdivision lots or condominium units;
- Revocation of registration of dealers, brokers and salesmen;
- Approval of mortgage on any subdivision lot or condominium unit made by the owner or developer;
- Granting of permits for the alteration of plans and the extension of period for completion of subdivision or condominium projects;
- Approval of the conversion to other purposes of roads and open spaces found within the project which have been donated to the city or municipality concerned;
- Regulation of the relationship between lessors and lessees; and
- Hear and decide cases on unsound real estate business practices; claims involving refund filed against project owners, developers, dealers, brokers or salesmen and cases of specific performance.

Executive Order No. 90 dated 17 December 1986 changed the name of the Human Settlements Regulatory Commission to Housing and Land Use Regulatory Board (HLURB).[34]

When an administrative agency or body is conferred quasi-judicial functions, all controversies relating to the subject matter pertaining to its specialization are deemed to be included within the jurisdiction of said administrative agency or body. Split jurisdiction is not favored.[35] Therefore, the Complaint for Specific Performance, Annulment of Mortgage, and Damages filed by petitioner against respondent, though involving title to, possession of, or interest in real estate, was well within the jurisdiction of the HLURB for it involves a claim against the subdivision developer, Queen's Row Subdivision, Inc., as well as respondent.

Attention should also be called to the fact that respondent failed to act promptly to protect its rights after HLURB Arbiter Manuel denied its Notice of Appeal. It did not even offer an explanation why it took many months before it filed its Motion to Declare Judgment Null and Void Ab Initio with the HLURB Board of Commissioners. For such inaction of the respondent for a long period of time, the 20 December 1995 Decision of the HLURB Regional Office became final and executory and that was the price respondent had to pay for its delayed reaction.

Thus, when the Office of the President acted upon the appeal of the respondent and thereby reversing the final and executory Decision of the HLURB Regional Office, it acted without jurisdiction. It bears stressing that after the Decision of the HLURB Regional Office had become final and executory as early as March 1996, even the Office of the President had no more jurisdiction to revive, review, change or alter the same. Such final resolution or

decision of an administrative agency also binds the Office of the President even if such agency is under the administrative supervision and control of the latter.[36]

In sum, the Decision of the HLURB Regional Office dated 20 December 1995 had become final and executory for failure of respondent to perfect an appeal within the reglementary period in the manner provided for in the HLURB Rules. Hence, the said Decision became immutable; it can no longer be amended nor altered by the Office of the President. Accordingly, inasmuch as the timely perfection of an appeal is a jurisdictional requisite, the Office of the President had no more authority to entertain the appeal of the respondent. Otherwise, any amendment or alteration made which substantially affects the final and executory judgment would be null and void for lack of jurisdiction.[37]

This Court had stated before that administrative decisions must end sometime, as fully as public policy demands that finality be written on judicial controversies. Public interest requires that proceedings already terminated should not be altered at every step, for the rule of non *quieta movere* prescribes that what had already been terminated should not be disturbed. A disregard of this principle does not commend itself to sound public policy.[38]

The rule on finality of 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.[39] 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.[40]

The reason for this is that litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that once a judgment has become final, the winning party be not deprived of the fruits of the verdict. Court must guard against any scheme calculated to bring about that result and must frown upon any attempt to prolong the controversies. The only exceptions to the general rule are the correction of clerical errors, the so-called *nunc pro tunc* entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.[41]

The orderly administration of justice requires that the judgments/resolutions of a court or quasi-judicial body must reach a point of finality set by the law, rules, and regulations. The noble purpose is to write *finis* to dispute once and for all. This is a fundamental principle in our justice system, without which there would be no end to litigations. Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act, which violates such principle, must immediately be struck down.[42] Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of what are ordinarily known as courts, but it extends to all bodies upon which judicial powers had been conferred.[43]

As a final point. Having said that the Decision of the HLURB Regional Office dated 20 December 1995 had become final and executory, it was, therefore, a reversible error on the part of the Court of Appeals to affirm the Decision of the Office of the President reversing the HLURB Regional Office, because such Decision was rendered by the Office of the President without jurisdiction. Hence, when the Court of Appeals affirmed the Decision of the Office of the President, it likewise acted without jurisdiction. Well-settled is the rule that once a judgment has become final and executory, no court, not even this Court, has the power to revive, review, change or alter the same.

WHEREFORE, premises considered, the instant Petition is hereby GRANTED. Both the Court of Appeals and

the Office of the President have no more jurisdictions to review much more to reverse the 20 December 1995 Decision of the HLURB Regional Office, as it was already final and executory. Thus, the Decision of the Court of Appeals dated 24 April 2003 and its Resolution dated 14 August 2003 affirming the Decision of the Office of the President dated 12 May 1999 declaring as valid and subsisting the mortgage between Queen's Row Subdivision, Inc. and herein respondent are SET ASIDE and the Decision of the HLURB Regional Office dated 20 December 1995 is hereby REINSTATED. No costs.

SO ORDERED.

Panganiban, C. J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Penned by Associate Justice Roberto A. Barrios with Associate Justices Josefina Guevarra-Salonga and Lucas P. Bersamin, concurring, rollo, pp. 27-38.

[2] Id. at 40-41.

[3] Id. at 84-89.

[4] Id. at 59-62.

[5] Id. at 63-67.

[6] Id. at 66.

[7] Id. at 68.

[8] Id. at 69-70.

[9] The 2004 Rules of Procedure of the Housing and Land Use Regulatory Board, specifically Sections 1 and 2, Rule XVI thereof now provides:

Section 1. Appeal Memorandum. - Any party aggrieved by the decision of the Regional Officer, on any legal ground and upon payment of the appeal fee, may appeal thereof by filing with the Regional Office a verified appeal memorandum in three (3) copies within thirty (30) days from receipt thereof.

In cases decided by the Executive Committee, the verified appeal memorandum shall be filed with the Executive Committee through the Board Secretariat. The appellant shall furnish the adverse party a copy of the appeal memorandum. Mere notice of appeal shall not be entertained.

Within ten (10) days from receipt of the appeal memorandum, the Regional Officer or the Executive Committee as the case may be, shall elevate the records of the case to the Board of Commissioners together with the summary of proceedings before the Regional Office or Executive Committee.

An appeal from a decision rendered by the Executive Committee shall be taken cognizance of by the Board en banc.

Section 2. Contents of the Appeal Memorandum. - The appeal memorandum shall state the date when the appellant received a copy of the decision, the grounds relied upon, the arguments in support thereof, and the relief prayed for.

In addition, the appellant shall attach to the appeal memorandum the following:

- Affidavit of service of the appeal memorandum executed jointly by the appellant and his counsel, which substantially complies with Supreme Court Circular No. 19-91, stating in essence the date of such service, copies of the registry return receipt shall likewise be attached;

- A verified certification jointly executed by the appellant and his counsel in accord with Supreme Court

Circular No. 28-91 as amended, attesting that they have not commenced a similar, related or any other proceeding involving the same subject matter or causes of action before any other court or administrative tribunal in the Philippines; and

- In case of money judgment, an appeal bond satisfactory to the Board equivalent to the amount of the award excluding interests, damages and attorney's fees.

[10] Resolution No. R-537, Adopting the 1994 Rules of Procedure of the Housing and Land Use Regulatory Board.

[11] Order of the HLURB dated 15 October 1996, states that:

In consonance with our Office's Order of 9 February 1996, denying respondent's (GSIS) notice of appeal, the decision dated 20 December 1994 [sic] in the above entitled case is now considered final and executory. Accordingly, this takes (the) place of certificate of finality of judgment requested by the complainant [herein petitioner]. (Rollo, p. 90.)

[12] Id. at 71-75.

[13] Id. at 76-79.

[14] Id. at 80-83.

[15] In the HLURB Rules, the Decision of the Regional Office shall become final and executory after 30 days from receipt of a copy thereof by the parties concerned and no Petition for Review is filed within the said period. However, there is nothing in the record to show when respondent received the Decision of the HLURB Regional Office, dated 20 December 1995, from which we could have determined the exact date that it became final and executory. As the respondent filed its Notice of Appeal on 30 January 1996, it can be safely presumed that it already had a copy of the aforesaid Decision; otherwise, it will not be able to file said Notice of Appeal. Nonetheless, as the respondent failed to file the proper mode of appeal within that 30-day period, the 20 December 1995 Decision of the HLURB Regional Office became final and executory after the lapse of that period within which to file a Petition for Review. Thus, in the absence of any proof to the contrary, we are relying on the pronouncement of the HLURB Board of Commissioners, that the said Decision became final and executory sometime in March 1996.

[16] Rollo, p. 89.

[17] CA Rollo, pp. 2-12.

[18] Rollo, pp. 239-256.

[19] Id. at 221-231.

[20] *Tropical Homes, Inc. v. National Housing Authority*, G.R. No. L-48672, 31 July 1987, 152 SCRA 540, 548, citing *Bello v. Fernando*, 114 Phil. 101, 103; and *Rodriguez v. Director of Prisons*, 150-B Phil. 853, 858 (1972).

[21] *Tropical Homes, Inc. v. National Housing Authority*, id.

[22] *Manila Memorial Park Cemetery, Inc. v. Court of Appeals*, 398 Phil. 720, 729 (2000); *Petilla v. Court of Appeals*, G.R. No. 150792, 3 March 2004, 424 SCRA 254, 262.

[23] *Lapulapu Development and Housing Corp. v. Group Management Corporation*, 437 Phil. 297, 313-314 (2002).

[24] *Azores v. Securities and Exchange Commission*, 322 Phil. 425, 433 (1996).

- [25] Teodoro v. Court of Appeals, 437 Phil. 336, 346 (2002).
- [26] Manila Memorial Park Cemetery, Inc. v. Court of Appeals, *supra* note 22 at 777.
- [27] Section 22. Petition for Review. - No motion for reconsideration of or mere Notice of Petition from the decision shall be entertained. Within thirty (30) days from receipt of the decision, any aggrieved party may, on any legal ground and upon payment of the review fee, file with the Regional Office or directly with the Board of Commissioners a petition for review. Copy of such a petition shall be furnished the other party and the Regional Office in case the petition is directly filed with the Board of Commissioners. x x x.
- [28] Casa Filipina Realty Corporation v. Office of the President, 311 Phil. 170, 181 (1995).
- [29] Planters Products, Inc. v. Court of Appeals, 375 Phil. 615, 622 (1999).
- [30] Petilla v. Court of Appeals, *supra* note 22.
- [31] Rollo, p. 68.
- [32] Yao v. Court of Appeals, 398 Phil. 86, 100 (2000).
- [33] Dulay v. Minister of Natural Resources, G.R. No. 48766, 9 February 1993, 218 SCRA 562, 568.
- [34] Union Bank of the Philippines v. Housing and Land Use Regulatory Board, G.R. No. 95364, 29 June 1992, 210 SCRA 558, 562-564.
- [35] Tejada v. Homestead Property Corporation, G.R. No. 79622, 29 September 1989, 178 SCRA 164, 168.
- [36] Camarines Norte Electric Cooperative, Inc. v. Torres, 350 Phil. 315, 330-331 (1998).
- [37] SGM Realty Corporation v. Office of the President, 393 Phil. 697, 704-705 (2000).
- [38] Camarines Norte Electric Cooperative, Inc. v. Torres, *supra* note 36.
- [39] Long v. Basa, G.R. Nos. 134963-64, 27 September 2001, 366 SCRA 113, 124.
- [40] Sacdalan v. Court of Appeals, G.R. No. 128967, 20 May 2004, 428 SCRA 586, 599.
- [41] *Id.*
- [42] Fortich v. Corona, 352 Phil. 461, 486 (1998).
- [43] San Luis v. Court of Appeals, G.R. No. 80160, 26 June 1989, 174 SCRA 258, 271.

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