

ANGELA TAGUINOD AND RODOLFO G. TAGUINOD, PETITIONERS, VS. MAXIMINO DALUPANG AND COURT OF APPEALS, RESPONDENTS.*G.R. No. 166883. November 23, 2005*

Ponente: YNARES-SANTIAGO, J.

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This petition for review on certiorari under Rule 45 of the Rules of Court assails the October 14, 2004 Decision[1] of the Court of Appeals in CA-G.R. SP No. 84953 which affirmed the June 30, 2003 Decision[2] of the Office of the President in O.P. Case No. 99-F-8759; and its January 27, 2005 Resolution[3] denying petitioners' motion for reconsideration.

On October 16, 1987, former President Corazon C. Aquino issued Proclamation No. 172[4] which declared the barangays of Lower Bicutan, Upper Bicutan, Western Bicutan and Signal Village situated in the Municipality of Taguig, open for disposition under the provisions of Republic Act (RA) No. 274[5] and RA No. 730.[6]

By virtue of Proclamation No. 172, a parcel of land located in Block 131, Signal Village, Taguig, with an area of 570-square meters and subdivided into Lots 6 and 11 became open for purchase. Consequently, Maximino Dalupang filed a sales application[7] covering Lot 11. Thereafter, petitioner Angela G. Taguinod also filed her own application[8] over the same Lot 11.

Upon learning of Dalupang's application, petitioner filed a protest[9] with the Land Management Sector of the Department of Environment and Natural Resources (DENR), claiming that she is the actual occupant, owner, claimant and applicant over Lot 11 and that Dalupang is only the caretaker of Lot 11 whom she allowed to stay in a portion of the property where the latter built a hut and put up a store.

Afterwards, petitioner Rodolfo G. Taguinod, the son of Angela Taguinod, filed a separate application over Lot 6.

Subsequently, Lot 11 was subjected to two ocular inspections which resulted into the submission of two conflicting findings and recommendations. Land Investigator Danilo G. Lim concluded that Dalupang is disqualified to own the lot based on the following findings:

- On ocular inspection conducted, it was found out, that subject area, Lot 11, is but a portion of a whole compound fenced by an old concrete wall;
- That the compound has an area of 570 sq. meters and is more than 300 sq. meters the maximum area for residential purposes under Pres. Proc. No. 172, hence the subdivision of the lot into Lot 6, and Lot 11, Blk-13, Psd-15-002057;
- That an old concrete house owned by the Taguinod stands in the middle of Lot 6 and Lot 11, Blk-13, and is declared under Tax Declaration No. 1303 in the name of Eusebio Taguinod. (Xerox copy of Tax Declaration is hereto attached);
- Also existing in Lot 11 is a small house of light materials owned by Maximino Dalupang more or less 20 sq. meters;

- That in early part of 1975, Capt. Eusebio Taguinod (Ret.) husband of Angela Taguinod, built a semi-concrete house in a parcel of land that later on be know (sic) as Lot 6, and Lot 11, Blk-13, Psd-15-002057;
- That also later in the same year Mr. Maximino Dalupang a townmate of the Taguinods and a fire victim in Parañaque asked for a permission from the Taguinods to temporarily stay in their newly built house;
- The Taguinods being busy and are industriously tending their livelihood, did not only allowed the Dalupang (sic) to stay temporarily, but even took them as caretaker;
- That for privacy reasons, the Dalupangs were even allowed to construct their own dwelling unit;
- But in early part of 1988 Mr. Dalupang tried to improve and widen his occupation but was restrained to pursue the said construction by Mrs. Taguinod, as can be gleamed there in the pictures attached by Mr. Dalupang in this IGPS Application and was marked as Exhibits "1" and "2";
- Attached herewith is a sworn statement of Lt. Manuel B. Binag (Ret) former Barrio Captain of Signal Village to further boost the claim of Angela Taguinod;
- That Maximino Dalupang is a recipient of a government award under the National Housing Authority over Lot 6, Blk-36, Area H, Psd-13-001949, Sapang Palay Resettlement Project, San Jose del Monte, Bulacan....[10]

On the other hand, Land Investigator Jose Exequiel Vale, Jr. recommended that the application of respondent Dalupang be given due course on account of the following reasons:

- That per ocular inspection the family of Mr. Maximino Dalupang is the actual occupant of Lot 6, Blk-131, Signal Village, Taguig, MM.
- That on said lot exists a residential house made of mixed materials owned by Mr. Dalupang;
- That per list of claimant, Ms. Angela Taguinod appears a claimant over said lot;
- That immediately adjoining said lot exists a concrete house owned by a certain Ms. Angela Taguinod;
- That on the date of ocular inspection said Ms. Taguinod was not around and only visits said area oftentimes;
- That in actuality the house allegedly owned by Ms. Taguinod is being taken cared of by the family of Mr. Dalupang aside from the residential house owned by Mr. Dalupang;

In view hereof it is hereby recommended that the application of Mr. Maximino Dalupang which is herein attached be accepted and given the necessary due course.[11]

In his supplementary report,[12] Vale, Jr. corrected the lot assignment in Dalupang's application on the basis of his findings that he is actually occupying Lot 6 and not Lot 11 as stated in the sales application.

Based on the conflicting reports, the DENR Regional Executive Director rendered a Decision[13] disposing thus:

WHEREFORE, in the light of the foregoing facts and conclusions, the instant case should be dropped from the records. The sales application of Maximino Dalupang covering Lot 6, Blk. 131, shall now be given further due course, while that of Angela Taguinod, shall only include Lot 11, Blk 131.

SO ORDERED.[14]

Petitioner Angela Taquinod filed an appeal[15] with the Office of the DENR Secretary on March 22, 1990. On even date, petitioner Rodolfo Taguinod filed, also with the Office of the DENR Secretary, a Motion to Intervene and Appeal in Intervention.[16]

While the appeals of the petitioners were still pending, the application of Angela Taguinod for Lot 11 was approved. Consequently, Transfer Certificate of Title (TCT) No. 14431[17] was issued by the Registry of Deeds for the Province of Rizal in the name of petitioner Angela Taguinod.

On February 26, 1996, the DENR Secretary rendered a Decision[18] affirming the decision of the DENR Regional Executive Director. The DENR Secretary held that respondent Dalupang had clearly established his actual occupation and residence on Lot 6 while Angela Taguinod, on the other hand, only makes monthly visits on the property.

Acting on petitioners' motion for reconsideration, the DENR Secretary reversed the earlier decision and declared Rodolfo Taguinod as the qualified applicant over Lot 6. The decision further disqualified Dalupang on account of a previous award of a lot to him by the National Housing Authority (NHA).[19]

Dalupang moved to reconsider[20] the above decision but the same was denied. Dalupang appealed[21] to the Office of the President where it was docketed as O.P. Case No. 99-F-8759. On June 30, 2003, the Office of the President rendered a Decision[22] upholding the appeal of Dalupang ratiocinating that:

There can be no quibbling that Dalupang and his family have been in actual occupation of the subject lot. Angela admitted that, sometime in 1976, she allowed Dalupang and his family to stay on what is now Lot No. 6. Since then, the Dalupang family has remained in actual occupation of the lot. Section 3 of RA No. 274 provides "that in the sale of the lands, first priority shall be given to bonafide occupants of such lands". Similarly, RA No. 730 and MO 119, s. 1987, require that the applicant must be a bonafide resident of the parcel of public land being applied for.

On the other hand, Rodolfo failed to establish by independent evidence his occupation of the subject lot because he merely adopted the substantive allegations of, including the pieces of evidence submitted by, his mother. But such evidence only established Angela's entitlement to purchase Lot 11 and not Lot 6. In fact, the title to Lot 11 had already been transferred in May 1991 to her name. She thus effectively lost her legal personality to participate in the appellate proceedings before the DENR and this Office. Under this circumstance, Rodolfo cannot claim a right over Lot 6 better than his mother, who, as stated earlier, was legally disqualified to purchase said lot having already been awarded Lot 11. As the cliché goes, the spring cannot rise higher than its source.

....

Compared to Rodolfo who has not adduced evidence to show his entitlement to the lot in question, Dalupang presented substantial evidence to prove that he and his family were, during the period material, in physical occupation of the subject lot and have constructed a house thereon as early as 1977. Among these are documents cited by the DENR Secretary no less in his decision of February 26, 1996, viz.: (1) official receipt dated May 16, 1977 issued by the Municipality of Taguig for electrical wiring permit fee paid by Dalupang; (2) certificate of electrical inspection dated May 17, 1977 issued by the Office of the Mayor of Taguig in connection with the electrical wiring work of Dalupang; and (3) permit dated May 16, 1977 issued by the Office of the Mayor of Taguig for the installation by Dalupang of electrical wiring apparatus.

....

WHEREFORE, premises considered, the appealed Decisions dated February 17, 1998 and March 19, 1999 of the DENR Secretary are hereby SET ASIDE and a new one entered declaring appellant Maximino Dalupang as rightfully entitled to purchase Lot 6, Blk. 131, Psd-13-002057 containing an area of 291 square meters, situated at Signal Village, Taguig, Metro Manila. Accordingly, the DENR officials concerned are hereby directed to give further due course to Dalupang's IGPSA over Lot 6.

Petitioners filed a petition for review before the Court of Appeals, which affirmed the decision of the Office of the

President. Hence, this petition raising the following issues:

WAS THERE A VALID SALES APPLICATION AS TO CONFER AUTHORITY TO PUBLIC RESPONDENT TO GRANT LOT 6 IN FAVOR OF MAXIMINO DALUPANG?

CAN A DISQUALIFIED VENDEE OF A LOT SOLD BY THE NATIONAL HOUSING AUTHORITY REVIVE HIS PRIVILEGE AND BE AN AWARDEE OF ANOTHER AS THAT OF LOT 6?[23]

Petitioners contend that Dalupang's sales application did not comply with the requirements of Proclamation No. 172. They also assert that Dalupang cannot validly be an awardee of Lot 6 since he was a previous awardee of a home lot in Sapang Palay Resettlement Project, San Jose Del Monte, Bulacan, given by the NHA.

The petition lacks merit.

We find the sales application filed by the respondent as valid. Memorandum Order No. 119[24] provided the guidelines in evaluating the application to purchase the land which have been declared open for disposition, thus:

(1) He/She must be a bona fide resident of the proclaimed areas. To be considered a bona fide resident, the applicant must have the following qualifications:

a)

A Filipino citizen of legal age and/or a head of the family;

b)

Must have constructed a house in the area proclaimed for disposition on or before January 6, 1986 and actually residing therein;

c)

Must not own any other residential or commercial lot in Metro Manila;

d)

Must not have been a registered awardee of any lot under the administration of the NHA, MHS, or any other government agency, nor the AFP Officer's village;

e)

Must not be a professional squatter. A professional squatter, for purposes of this Order, is one who engages in selling lots in the areas proclaimed for disposition; and

f)

Has filed the proper application to purchase.

Petitioners claim that respondent's application was invalid because he never applied for Lot 6 but for Lot 11 which was already awarded to petitioner Angela Taguinod. Petitioners allege that respondent submitted the same application he used in applying for Lot 11 when he applied for Lot 6 since in the second application, the figures "11" appeared to have been erased and the figure "6" was written over the space where figure "11" was written.

In his defense, respondent countered that he originally placed "11" in his application because Lot 11 which was originally 570 square meters was subsequently subdivided into two lots, Lots 6 (291 sq. m.) and 11 (279 sq. m.). Respondent added that he cannot be faulted for believing that the lot on which his house was erected was Lot 11 and not Lot 6 because he only relied on the lot designation given to him by the land investigator from the DENR

who conducted the ocular inspection of the premises.

We find the reasoning of the respondent to be more in accord with the records of this case. In the report submitted by Land Investigator Vale, Jr., it was mentioned that respondent and his family were the actual occupants of Lot 6, Blk-131, Signal Village, Taguig, Metro Manila. More importantly, it was expressly stated in the supplementary report that:

With reference to the abovenoted subject, it is respectfully requested that the previous report of the undersigned be amended to underscore the error on lot assignment for applicant Maximino Dalupang and thereafter to state as follows:

"That instead of lot 11, Blk-131, Signal Village, Taguig, MM., spouses Maximino and Gloria Dalupang are actually in occupation of lot 6, Blk 131, Signal Village, Taguig, MM."[25]

This factual finding of Land Investigator Vale, Jr. was duly considered by the DENR Regional Executive Director when he upheld the sales application of the respondent over Lot 6. The Court of Appeals also recognized the oversight made by the respondent in his sales application when it declared that:

It appears that Land Investigator Vale, Jr. corrected the lot assignment in Dalupang's application on the basis of his finding that said applicant is actually occupying Lot 6 and not Lot 11 as stated therein, considering the same as merely an oversight....[26]

All told, no ill will or bad faith attended the correction by the respondent of the lot number in the sales application. Respondent could not be faulted if he relied on the representations of the land investigators concerning the lot number of the land he was occupying and applying for. It was natural for respondent to defer to the findings of the land investigators because by the nature of their position, it is presumed that they have the technical expertise to determine the lot number of the property in question. Such correction was merely the product of an oversight which would not invalidate respondent's application nor make it improper.

Moreover, the fact that respondent was a previous awardee of an NHA lot will not disqualify him from filing a sales application for Lot 6. As pointed out by the Court of Appeals in the assailed decision:

The more substantial challenge to Dalupang's qualification lies in his being a previous registered awardee of an NHA lot. As correctly held by the OP, however, the previous NHA lot award is no longer decisive because of the NHA Administrator's certification that Dalupang, after transferring his rights to his nephew, was "permanently disqualified" from acquiring any other lot administered by the NHA. This only means that Dalupang had ceased to be a registered NHA lot awardee. To our mind, moreover, the exclusion of Dalupang from any NHA property did not result in a permanent disqualification for him to acquire any government home lot. To construe the disqualification as attaching to any claimant who became a registered NHA awardee at sometime in the past without actually acquiring the lot and despite its subsequent transfer for the purpose of acquiring another government lot for which the applicant fully complied with the requirements of the law – will certainly lead to harsh and unjust consequences. Clearly, this was never intended by the executive branch when it issued MO No. 119.

On the basis of the entire evidence on record, We find the interpretation of MO No. 119 by the OP more in keeping with the policy and objective of Proclamation No. 172 in relation to RA No. 730. Between two statutory interpretations, that which better serves the purpose of the law should prevail. It must also be underscored that it is the provisions of MO No. 119 and not RA No. 730 which are the subject of dispute, the former was issued to implement Proclamation No. 172 in accordance with RA No. 730. MO No. 119 should be interpreted and applied to every case in a manner that is consistent with the objective of Proclamation No. 172 and RA No. 730....[27]

WHEREFORE, the petition is DENIED. The October 14, 2004 Decision of the Court of Appeals in CA-G.R. SP

No. 84953 which affirmed the June 30, 2003 Decision of the Office of the President in O.P. Case No. 99-F-8759; and its January 27, 2005 Resolution, are AFFIRMED.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Quisumbing, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 187-205. Penned by Associate Justice Martin S. Villarama, Jr. and concurred in by Associate Justices Edgardo F. Sundiam and Japar B. Dimaampao.

[2] Id. at 134-138.

[3] Id. at 243.

[4] EXCLUDING FROM THE OPERATION OF PROCLAMATION NO. 423 DATED JULY 12, 1957, WHICH ESTABLISHED THE MILITARY RESERVATION KNOWN AS FORT WILLIAM MCKINLEY (NOW FORT ANDRES BONIFACIO) SITUATED IN THE MUNICIPALITIES OF PASIG, TAGUIG, PATEROS AND PARAÑAQUE, PROVINCE OF RIZAL AND PASAY CITY (NOW METROPOLITAN MANILA), AS AMENDED BY PROCLAMATION NO. 2476 DATED JANUARY 7, 1986, CERTAIN PORTIONS OF LAND EMBRACED THEREIN KNOWN AS BARANGAYS LOWER BICUTAN, UPPER BICUTAN, WESTERN BICUTAN AND SIGNAL VILLAGE SITUATED IN THE MUNICIPALITY OF TAGUIG, METROPOLITAN MANILA AND DECLARING THE SAME OPEN FOR DISPOSITION UNDER THE PROVISIONS OF REPUBLIC ACT NO. 274 AND REPUBLIC ACT NO. 730 IN RELATION TO THE PROVISIONS OF THE PUBLIC LAND ACT, AS AMENDED; AND PROVIDING THE IMPLEMENTING GUIDELINES.

[5] AN ACT AUTHORIZING THE DIRECTOR OF LANDS TO SUBDIVIDE THE LANDS WITHIN MILITARY RESERVATIONS BELONGING TO THE REPUBLIC OF THE PHILIPPINES WHICH ARE NO LONGER NEEDED FOR MILITARY PURPOSES, AND TO DISPOSE OF THE SAME BY SALE SUBJECT TO CERTAIN CONDITIONS, AND FOR OTHER PURPOSES.

[6] AN ACT TO PERMIT THE SALE WITHOUT PUBLIC AUCTION OF PUBLIC LANDS OF THE REPUBLIC OF THE PHILIPPINES FOR RESIDENTIAL PURPOSES TO QUALIFIED APPLICANTS UNDER CERTAIN CONDITIONS.

[7] Rollo, p. 33.

[8] Id. at 35.

[9] Id. at 36-37.

[10] Id. at 38-39.

[11] Id. at 307.

[12] Id. at 308.

[13] Id. at 46-47.

[14] Id. at 47.

[15] Id. at 53-60.

[16] Id. at 49-52.

[17] Id. at 48.

[18] Id. at 61-68.

[19] Id. at 73-78.

[20] Id. at 79-95.

[21] Id. at 98-119.

[22] Id. at 134-138.

[23] Id. at 13-14.

[24] Providing Guidelines for the Implementation of Proclamation No. 172 dated October 16, 1987.

[25] Rollo, p. 308.

[26] Id. at 189.

[27] Id. at 203.

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