

**TACLOBAN II NEIGHBORHOOD ASSOCIATION, INC., PETITIONER, VS.
OFFICE OF THE PRESIDENT, ERICKSON M. MALIG, ROLANDO V.
MIRANDA, RENEDEL B. MENDOZA, DANTE R. MANALAYSAY,
ROMULO R. DE...**

G.R. No. 168561. September 26, 2008

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 Rules of Court assailing the Decision[1] dated 21 February 2005 and Resolution[2] dated 10 June 2005 of the Court of Appeals in CA-G.R. SP No. 83556. In its assailed Decision, the Court of Appeals dismissed the Petition[3] for Certiorari under Rule 65 of the Rules of Court filed by the petitioner Tacloban II Neighborhood Association, Inc. after finding that the Office of the President (OP) did not commit grave abuse of discretion when it denied petitioner's Motion for Reconsideration for having been filed out of time. In its assailed Resolution, the appellate court denied petitioner's Motion for Reconsideration.

At the crux of the present controversy is Lot No. 404, Cad 245, Mariveles Cadastre, with an area of 15 hectares, located at Lucanin, Mariveles, Bataan (subject property). Sometime in 1996, private respondents Erickson M. Malig, Rolando B. Miranda, Renedel B. Mendoza, Dante R. Manalaysay, Romulo R. del Rosario, Jr. and Bayani Torres were issued Free Patents No. 030807-96-1257, No. 030807-96-1260, No. 030807-96-1259, No. 030807-96-1261, No. 030807-96-1258 and No. 030807-96-1256, respectively, with the corresponding Original Certificates of Title (OCTs), over said lot.[4]

On 24 November 1996 and 16 December 1996, protests[5] against the aforementioned free patents issued to private respondents were filed before the Department of Environment and Natural Resources Regional Office (DENR-RO) No. III by petitioner, represented by its President Rodolfo Limbawan and Sofronio Dilao. According to petitioner, its members are the actual occupants of the subject lot since 1970. Its members had filed their Free Patent applications within the period of 17 February to March 1993 with the Community Environment and Natural Resources Office (CENRO) in Bagac, Bataan, which were not acted upon by said office. They would later on discover that free patents to the subject property were already issued in the names of private respondents, through fraud and misrepresentation, with the connivance of some DENR personnel in Bagac, Bataan.

In their Answer to petitioner's protests, private respondents denied the allegations of petitioner. They asserted that their free patents on the subject property were regularly issued. They derived their rights to the subject property from its original claimant, the late Saturno Ramirez, through a Waiver of Rights[6] executed in their favor by the heirs of the latter, represented by Jose Ramirez. Saturno Ramirez, through his tenant, Sofronio Dilao, had long been in possession and occupation of the subject property, as recognized by the Order dated 14 March 1983 of the Director of Lands.[7] Saturno Ramirez had even declared said property in his name under Tax Declaration No. 7976.[8] The preferential right of the heirs of Saturno Ramirez to apply for free patent on the subject property was

sustained in the Judgment dated 26 May 1989 rendered by the Regional Trial Court (RTC), Branch I, Balanga, Bataan.[9] Petitioner's members are mere squatters and tenants on the land, so their claim thereon cannot ripen into a valid claim of ownership.

Acting on the Protests, an investigation was conducted by the DENR-RO personnel, which included an ocular inspection of the subject property. At the end thereof, the parties were required to submit their position papers. The DENR-RO personnel then submitted their Report dated 21 April 1997, in which DENR Regional Executive Director (DENR-RED) Ricardo V. Serrano (Serrano) based his undated letter-decision.[10] DENR-RED Serrano found that the free patents on the subject property were issued to private respondents through fraud and misrepresentation; that the free patents were not processed in accordance with the procedure provided under the Public Land Act, and that petitioner's members were the actual occupants of the disputed land. DENR-RED Serrano concluded in his letter-decision that:

Based on the facts above-narrated it was established beyond scintilla of doubt that, indeed, [herein private respondents] committed fraud and misrepresentation of facts which led this Office to issue the free patents in their favor by stating in their applications that the subject land is not being claimed or occupied by any other person, when in truth and in fact, the same is presently being occupied by the [members of herein petitioner]. Likewise, the deceitful acts perpetrated by the [private respondents] in connivance with the DENR employees is a violation of Section 16 of the Public Land Act and should, therefore, warrant the cancellation of the patents issued to the former.[11]

DENR-RED Serrano accordingly recommended the cancellation of the subject free patents by the Office of the Solicitor General (OSG), thus:

In view of the foregoing and pursuant to Section 91 of C.A. 141, it is respectfully recommended that an action for reversion be instituted leading to the cancellation of free patents and the corresponding original certificate of titles issued and registered to the [herein private respondents]. Thus, we are forwarding the complete records of the case consisting of 277 pages together with the draft of the complaint for your review and approval.[12]

The OSG received a copy of DENR-RED Serrano's letter-decision, together with the records of the case, on 23 July 1997.

Private respondents appealed DENR-RED Serrano's letter-decision to the Office of the DENR Secretary. However, it appears that petitioner was not furnished a copy of said appeal, nor was it notified of any re-investigation which was conducted by the Office of the DENR Secretary in connection therewith, much less required to file any comment, answer or opposition thereto. Apparently, petitioner only learned of the appeal when it followed up with the OSG the status of the recommendation for cancellation and reversion of private respondents' free patents made in the letter-decision of DENR-RED Serrano. At the OSG, petitioner saw a letter dated 4 February 1999, written by Atty. S. F. Rodriguez, Director, Legal Service of the DENR Central Office, requesting the OSG to forward the records of the case to the DENR so that the latter could act on the appeal. Acting on Atty. Rodriguez's request, Assistant Solicitor General Nestor J. Ballacillo forwarded the case records to the DENR Central Office, appropriately covered by a transmittal letter dated 9 February 1999.

Based on the claim that the appeal was filed before the Office of the DENR Secretary only several months after receipt by private respondents of a copy of DENR-RED Serrano's letter-decision and was, thus, filed beyond the reglementary period of 15 days for appeal, petitioner's counsel wrote Atty. Rodriguez on 25 August 2000,[13] imploring the DENR to "uncover and investigate the person behind the move to resurrect the instant case which had long acquired the stamp of finality," and requested that "the records of the case be returned to the Office of the Solicitor General." There is nothing on record, however, to indicate when private respondents actually received a notice of the appealed letter-decision.

On 13 July 2001, petitioner's counsel went to the Legal Service Division of the DENR Central Office to inquire about the status of private respondents' appeal. To his surprise, he was informed by the personnel therein that an Order^[14] reversing the findings of DENR-RED Serrano was issued by DENR Secretary Antonio H. Cerilles (Cerilles) as early as 8 January 2001, the dispositive portion of which states:

WHEREFORE, in the light of all the foregoing, the undated letter of the then Regional Executive Director Ricardo B. Serrano, recommending for the cancellation of the free patents of the [herein private respondents] is hereby REVERSED and the Free Patents of the [private respondents] are hereby AFFIRMED.^[15]

Petitioner was only able to acquire a copy of the afore-quoted Order of DENR Secretary Cerilles on the day of its counsel's visit to the DENR Central Office on 13 July 2001.^[16] On 24 July 2001, or 11 days from receipt of a copy of said Order, petitioner filed a Petition for Review^[17] with the Office of the President (OP).

On 10 December 2003, the OP issued a Resolution dismissing petitioner's appeal and affirming the Order dated 8 January 2001 of DENR Secretary Cerilles, viz:

This refers to the appeal of Tacloban II Neighborhood Association, Inc. and Sofronio Dilao, thru counsel, from the order of the Secretary of Environment and Natural Resources, dated January 8, 2001, reversing the undated letter-decision of then DENR Regional Executive Director Ricardo V. Serrano, which recommended the cancellation of the Free Patent Applications of Erickson M. Malig, Rolando B. Miranda, Renedel B. Mendoza, Dante R. Manalaysay, Romulo R. Del Rosario, Jr. and Bayani Torres over Lot No. 404, Cad. 245, Mariveles Cadastre, located at Lucanin, Mariveles, Bataan, and giving due course thereto instead.

After a careful and thorough evaluation and study of the records of this case, this Office hereby adopts by reference the findings of facts and conclusions of law contained in the order appealed from.

A copy of the DENR order dated January 8, 2001 is hereto attached as Annex "A" and made an integral part hereof.

Apart therefrom, this Office notes with affirmation the 1st Indorsement, dated August 7, 2001, of the Director, DENR Legal Service, Quezon City, that the aforementioned assailed order may now be considered final and executory, in view of the certification dated July 23, 2001, of the Chief, Records Management and Documentation Division, DENR, that, based on the records, there is no Notice of Appeal/Motion for Reconsideration filed by the parties concerned relative to said DENR order.

WHEREFORE, premises considered, the instant appeal is hereby DISMISSED and the order appealed from AFFIRMED.^[18]

The Motion for Reconsideration^[19] filed by petitioner failed to convince the OP to reverse its earlier Resolution. In an Order dated 13 February 2004, the OP denied petitioner's motion, reasoning that:

After a careful perusal of the instant motion, this Office finds no fact or circumstance on which to premise the reversal or modification of subject OP Resolution. [Herein petitioner's members'] naked assertion that they officially received a copy of the assailed DENR order only on July 13, 2001 and that, therefore, their appeal to this Office was filed on time cannot stand against the documented fact of record consisting of the 1st Indorsement, dated August 7, 2001 of the Director, DENR Legal Service, Quezon City, that the aforementioned DENR order may now be considered final and executory on account of the Certification, dated July 23, 2001, of the Chief, DENR Records Management and Documentation Division, that based on the records, there is no Notice of Appeal/Motion for Reconsideration filed by [petitioner's members] vis-à-vis said DENR order.

Apart therefrom, the present motion was inopportune filed and, hence, beyond our jurisdictional competence to pass upon, [petitioner's members'] counsel having admitted therein that he received a copy of OP Resolution

dated December 10, 2003 on January 9, 2004 and yet filed the motion at hand only on January 27, 2004 or beyond the 15-day reglementary period for filing the same. Thus, Section 7 of Administrative Order No. 18, dated February 12, 1987, entitled "PRESCRIBING RULES AND REGULATIONS GOVERNING APPEALS TO THE OFFICE OF THE PRESIDENT OF THE PHILIPPINES," provides:

"SEC. 7. Decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed within such period.

WHEREFORE, premises considered, the instant motion is hereby DENIED.[20]

Petitioner then filed a Petition for Certiorari under Rule 65 before the Court of Appeals, alleging grave abuse of discretion on the part of the OP for having denied its Motion for Reconsideration.

In its Decision dated 21 February 2005, the Court of Appeals ruled:

Due to petitioner's abject failure to explain why public respondent [OP] acted with grave abuse of discretion in denying its motion for reconsideration for having been filed out of time, this Court has no choice but to uphold the validity of public respondent's [OP's] Order dated February 13, 2004 decreeing said denial, and, conformably, its Resolution dated December 10, 2003 dismissing petitioner's appeal and affirming the Order dated January 21, 2001 of DENR Secretary Antonio H. Cerilles.

WHEREFORE, the petition is hereby DISMISSED.[21]

When the appellate court denied petitioner's Motion for Reconsideration in its Resolution[22] dated 10 June 2005, petitioner was prompted to file the instant Petition before this Court, based on the following sole issue:

The only issue to be resolved is whether or not the said motion for reconsideration was filed on time when it was sent by registered mail on January 22, 2004, not on January 27, 2004.[23]

In its 13 February 2004 Order, the Office of the President denied petitioner's Motion for Reconsideration of its Resolution dated 10 December 2003, dismissing petitioner's appeal, because (1) petitioner did not promptly appeal or file a Motion for Reconsideration of the Order dated 8 January 2001 of DENR Secretary Cerilles affirming the free patents issued to private respondents; hence, the said Order has become final and executory, foreclosing any further remedy on the part of petitioner; and (2) petitioner's Motion for Reconsideration of the 10 December 2003 Resolution of the OP was likewise belatedly filed as petitioner received a copy thereof on 9 January 2004 and filed its Motion for Reconsideration only on 27 January 2004. The Court of Appeals, in its assailed Resolution, affirmed in its entirety the ruling of the OP.

Petitioner, however, belies the finding of the OP that it filed its Motion for Reconsideration of the 10 December 2003 Resolution of the OP on 27 January 2004, and vigorously insists that the said Motion was timely filed by registered mail on 22 January 2004.

We grant the petition.

Appeals to the Office of the President are governed by Administrative Order No. 18, Series of 1987. Section 7 thereof governs the filing of a motion for reconsideration:

Sec. 7. Decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed within such period.

Only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases.

According to the afore-quoted provision, a party has 15 days from receipt of a copy of the decision/resolution/order of the OP within which to file a motion for reconsideration of the same.

We are inclined to believe that petitioner's Motion for Reconsideration of the 10 December 2003 Resolution of the OP was filed on time. According to the Certification[24] issued by the Postmaster, petitioner's Motion for Reconsideration was sent by registered mail on 22 January 2004 - not 27 January 2004, as erroneously found by the OP in its Order dated 13 February 2004 - only 13 days after petitioner's receipt of a copy of the 10 December 2003 Resolution of the OP on 9 January 2004, and well-within the reglementary period for the filing of a motion for reconsideration thereof. We accordingly give credence to the Postmaster's Certification, in light of the legal presumption, based on wisdom and experience, that official duty has been regularly performed. The Postmaster's Certification is sufficient evidence of the fact of mailing. This Certification is also fortified by the attached official receipt[25] evidencing the payment of the appropriate fee for the issuance of the said Certification by the Postmaster, as required by Memorandum Circular 2000-17[26] dated 18 February 2000 of the Department of Transportation and Communication. The burden of proving the irregularity, if any, in the official conduct of the Postmaster falls on the party asserting the same.[27] Private respondents failed to discharge such burden in this case.

That petitioner presented the Postmaster's Certification only before the Court of Appeals is simply logical, considering that the date of filing of its Motion for Reconsideration became an issue only when the OP, in its Order dated 13 February 2004, denied said Motion for being belatedly filed. Since, under the general rule, petitioner can no longer file a second Motion for Reconsideration before the OP, to which it could have attached the Postmaster's Certification proving the actual date of mailing of its Motion for Reconsideration on 22 January 2004 instead of 24 January 2004, then petitioner submitted the said certification to the Court of Appeals before which it assailed the 13 February 2004 Order of the OP for having been rendered with grave abuse of discretion.

Even assuming arguendo that petitioner's Motion for Reconsideration was timely filed before the OP, it is argued that the same cannot be granted, given that petitioner's appeal before the OP was itself filed beyond the reglementary period. The Order of DENR Secretary Cerilles was issued on 8 January 2001; yet, petitioner only filed its appeal thereof before the OP on 24 July 2001, after a lapse of more than six months. Thus, the 8 January 2001 Order of DENR Secretary Cerilles had already become final and executory and can no longer be the subject of an appeal.

Noticeably, both the OP and the Court of Appeals lightly brushed aside the very serious allegations of petitioner that it did not previously receive any copy of the Order dated 8 January 2001 of DENR Secretary Cerilles, and that its counsel personally received a copy of the same only on 13 July 2001 when he visited the DENR Central Office. According to the OP, the naked assertions of petitioner cannot stand against the "documented fact of record consisting of the 1[st] Indorsement, dated 7 August 2001 of the Director, DENR Legal Service, Quezon City, that the aforementioned DENR order may now be considered final and executory on account of the Certification, dated 23 July 2001, of the Chief, DENR Records Management and Documentation Division, that based on the records, there is no Notice of Appeal/Motion for Reconsideration filed by [petitioner's members] vis-à-vis said DENR order." These documents, however, to which the OP referred, did not establish that a copy of the 8 January 2001 Order of DENR Secretary Cerilles was actually sent to petitioner and received by the latter, and the date of such receipt. Made part of the records was a hand-written letter dated 13 July 2001 of petitioner's counsel requesting for a copy of the 8 January 2001 Order of DENR Secretary Cerilles, which was received and favorably acted upon by the DENR Central Office on the same date[28]; it is the only proof that petitioner indeed received a copy of said Order.

Administrative Order No. 87, series of 1990,[29] provides for the procedure for the perfection of appeals from the

decisions/orders of the DENR Regional Offices to the DENR Secretary. It states:

Sec. 1. Perfection of Appeals. - a) Unless otherwise provided by law or executive order, appeals from the decisions/orders of the DENR Regional Offices shall be perfected within fifteen (15) days after receipt of a copy of the decision/order complained of by the party adversely affected, by filing with the Regional Office which adjudicated the case a notice of appeal, serving copies thereof upon the prevailing party and the Office of the Secretary, and paying the required fees.

Very obviously, as mandated by the above provision, it is the bounden duty of the private respondents to furnish the petitioner with copies of their appeal to the DENR Secretary. The burden is upon them to show that they had complied with the legal duty. They failed to discharge said burden. It thus appear that petitioner was not a participant in the appeal interposed by private respondents. Such non-participation was never petitioner's choice as the record is lacking in any indication that petitioner was notified of private respondents' appeal. Neither was petitioner required to comment thereon.[30] Even then, when petitioner was able to get a copy of the order of 8 January 2001, on 13 July 2001, it filed a petition for review with the OP on 24 July 2001, or 11 days from receipt of the copy of the order on 13 July 2001.

Clearly, there could have been no basis for holding that petitioner (a) did not appeal the decision of the DENR Secretary and (b) belatedly filed its motion for reconsideration of the OP's 10 December 2003 decision, thus making the decision final and executory.

Assuming, without admitting, that there were technical procedural lapses committed by the petitioner, public interest and the interest of substantial justice require a resolution on the merits of the case instead of a mere dismissal thereof based on alleged technical grounds. The following reasons led us towards this direction:

(1) It must be emphasized that DENR-RED Serrano's findings are in direct conflict with those of DENR Secretary Cerilles: while the former ruled in favor of petitioner, finding that the free patents of private respondents were issued through fraud and misrepresentation, the latter found in favor of private respondents, upholding their free patents. Hence, there is apparent need to review the arguments raised and evidence submitted by the parties.

(2) We also take note that private respondents themselves filed a case for Unlawful Detainer against the petitioner before the Municipal Trial Court (MTC) of Mariveles, Bulacan, docketed as Civil Case No. 97-717. In its Consolidated Decision[31] dated 27 July 1998, the MTC decided the case in petitioner's favor, awarding to it the possession of the subject property.[32] This MTC decision had already attained finality and the corresponding writ of execution was already issued for the satisfaction of the judgment.

(3) There are important multiple and factual issues to be resolved, which may include but not necessarily be limited to whether petitioner, and not private respondents, are in possession of the subject property; whether petitioner applied for free patents over the subject property ahead of private respondents; whether petitioner, rather than private respondents, has a better right to the free patents on the subject property; whether the free patents in the name of private respondents were issued based on fraud and misrepresentation of facts; whether private respondents' free patents may be cancelled; and whether any of the apparent conflicting resolutions of the different courts in various cases should bind or affect the ruling in this case.

(4) Most importantly, the present controversy involved petitioner's sacrosanct right to property, which is protected by the Constitution. No person should be deprived of life, liberty, or property without due process of law.[33]

While it is true that rules of procedure are intended to promote rather than frustrate the ends of justice, and while the swift unclogging of the dockets of the courts is a laudable objective, it nevertheless must not be met at the expense of substantial justice.[34]

The Court has allowed some meritorious cases to proceed despite inherent procedural defects and lapses. This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice, and that strict and rigid application of rules which would result in technicalities that tend to frustrate rather than promote substantial justice must always be avoided. It is a far better and more prudent cause of action for the court to excuse a technical lapse and afford the parties a review of the case to attain the ends of justice, rather than dispose of the case on technicality and cause grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.[35]

In cases where we dispense with the technicalities, we do not mean to undermine the force and effectivity of the periods set by law. In those rare cases to which we did not stringently apply the procedural rules, there always existed a clear need to prevent the commission of a grave injustice. Our judicial system and the courts have always tried to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that every litigant is given the full opportunity for a just and proper disposition of his cause.[36]

The emerging trend in the rulings of this Court is to afford every party litigant the amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities. Time and again, we have consistently held that rules must not be applied so rigidly as to override substantial justice.[37]

What is more, rules of procedure are, as a matter of course, construed liberally in proceedings before administrative bodies. Thus, technical rules of procedure imposed in judicial proceedings are unavailing in cases before administrative bodies. Administrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in the courts of law. Rules of procedure are not to be applied in a very rigid and technical manner, as they are used only to hold secure and not to override substantial justice.[38]

ALL TOLD, the OP and, consequently, the Court of Appeals should have looked beyond the alleged technicalities to open the way for the resolution of the substantive issues in the instance case. There was grave abuse of discretion on the part of the OP for dismissing petitioner's appeal on illusory technical grounds even in the light of the meritorious circumstances which should have compelled it to look beyond procedural rules. The Court of Appeals, thus, erred in dismissing petitioner's Petition for Certiorari. By dismissing the said Petition, therefore, affirming the dismissal by the OP of petitioner's appeal on technical grounds, the Court of Appeals absolutely foreclosed the resolution of all the substantive issues petitioner was repeatedly attempting to raise before the proper forum. Indubitably, justice would have been better served if the Court of Appeals directed the OP to resolve petitioner's appeal on the merits.

Ordinarily, when there is sufficient evidence before the Court to enable it to resolve fundamental issues, it will dispense with the regular procedure of remanding the case to the lower court or appropriate tribunal in order to avoid a further delay in the resolution of the case. However, a remand of this case, while time consuming, is necessary because the proceedings below are grossly inadequate to settle factual issues.[39]

When the law entrusts the review of factual and substantive issues to a lower court or to a quasi-judicial tribunal, the court or agency must be given the opportunity to pass upon these issues. Only thereafter may the parties resort to this Court.[40]

WHEREFORE, premises considered, the Petition is GRANTED. The Decision dated 21 February 2005 and Resolution dated 10 June 2005 of the Court of Appeals in CA-G.R. SP No. 83556 are SET ASIDE. This case is remanded to the Office of the President for further proceedings and determination thereof on the merits. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Reyes, and Leonardo-De Castro,[*] JJ., concur.

* Justice Teresita J. Leonardo-de Castro was designated to sit as additional member, replacing Justice Antonio Eduardo B. Nachura per Raffle dated 23 May 2008.

[1] Penned by Associate Justice Magdangal M. de Leon with Associate Justices Salvador J. Valdez, Jr. and Mariano C. del Castillo, concurring. Rollo, pp. 28-37.

[2] Rollo, p. 38.

[3] CA rollo, p. 2.

[4]Id. at 26-27.

[5] Id. at 51.

[6] Annex D, id. at 26-27.

[7] Docketed as B.L. Claim No. 2589(N) entitled "Heirs of Amado Ynaga and Heirs of Saturnino Ramirez v. Eduardo Mallari" It was held therein that Saturno Ramirez thru their tenant had been in continuous possession of the land in dispute. (CA rollo, p. 90.)

[8]CA rollo, p. 90.

[9] Civil Case 3634, in which Saturno Ramirez was an Intervenor and the RTC of Balanga Branch 1 awarded the property, in this case, Lot 404, to Saturno Ramirez (CA rollo, p. 90).

[10] CA rollo, p. 65. Received by the OSG on 23 July 1997.

[11]Id. at 66-67.

[12] Id. at 67.

[13] Id. at 85.

[14]Id. at 87.

[15]Id. at 93.

[16] Id. at 94.

[17] Id. at 97.

[18] Id. at 18.

[19]Id. at 115.

[20]Id. at 20-21.

[21] Rollo, p. 37.

[22]Id. at 38.

[23] Id. at 173.

[24] THIS IS TO CERTIFY that as per records filed in this office Registered Letter No. 314 mailed and posted on

Jan. 22, 2004 addressed to the Office of the President, Malacañang, Manila sent by Atty. Eleuterio M. Obial was dispatched under Bill N. 15 line 14 on Jan. 23, 2004 CMEC-DOM. Reg.

THIS CERTIFICATION is issued upon request of Atty. Obial for whatever legal purpose this may serve him. (CA rollo, p. 142.)

[25]CA rollo, p. 143.

[26] Prescribing the amount of Php20.00 to be paid for the issuance of a certification of document or information based on record on file at the Central Records Station of the Post Office

[27] Forever Security & General Services v. Flores, G.R. No. 147961, 7 September 2007, 532 SCRA 454, 467.

[28]CA rollo, p. 94.

[29]Regulations Governing Appeals to the Office of the Secretary from the Decisions/Orders of the Regional Offices.

[30] Philippine National Construction Corporation v. National Labor Relations Commission, 354 Phil. 274, 280 (1998).

[31] CA rollo, p. 77.

[32] Entitled "Renedel Mendoza vs. Micahel Pesimo, Civil Case No. 97-718; Dante Manalaysay vs. Sofronio Dilao, Civil Case No.97-717 and Erickson Malig vs. Rodolfo Limbawan, Civil Case No. 97-719." The Consolidated decision of the MTC dated 27 July 1998 in favor of the herein petitioner became final and executory; and the MTC of Mariveles, Bataan, issued a writ of execution dated 22 October 1999. (CA rollo, p. 82.)

[33] PHILIPPINE CONSTITUTION, Article III, Section 1; Macasasa v. Sicad, G.R. No. 146547, 20 June 2006, 491 SCRA 368, 383.

[34] Wack Wack Golf and Country Club v. National Labor Relations Commission, G.R. 149793 15 April 2005, 456 SCRA 380, 294.

[35] Id.

[36]Neypes v. Court of Appeals, G.R. No. 141524, 14 September 2005, 469 SCRA 633, 643.

[37] Peñoso v. Dona, G.R. No. 154018, 3 April 2007, 520 SCRA 232, 240-241.

[38]Department of Agrarian Reform v. Uy, G.R. No. 169277, 9 February 2007, 515 SCRA 376, 397-399.

[39] Simon v. Canlas, G.R. No. 148273, 19 April 2006, 487 SCRA 433, 450..

[40] Torres v. Specialized Packaging Development Corporation, G.R. No.149634, 6 July 2004, 433 SCRA 455, 468.

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