

NATIONAL HOUSING AUTHORITY, PETITIONER, VS. COURT OF APPEALS, BERNABE NOBLE, WILLIAM GAN, JULIO RODRIGUEZ, JR., SAMUEL LIM, SANDRA YAP NG, ALFONSO UY, AND BOARD OF COMMISSIONERS...*G.R. No. 173802. April 07, 2014*

Ponente: PERLAS-BERNABE, J.

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Assailed in this petition for review on certiorari[1] is the Resolution[2] dated June 30, 2006 of the Court of Appeals (CA) in CA-G.R. CV No. 73725 which dismissed petitioner National Housing Authority's (NHA) appeal and held that the Order[3] dated August 3, 1998 of the Regional Trial Court (RTC) of Cagayan de Oro City, Misamis Oriental (Misamis), Branch 17 (court a quo) in Civil Case No. 7847 (Assailed Order) had become final and executory.[4]

The Facts

On May 25, 1981, the NHA filed a case against respondents Bernabe Noble, et al. (respondents-landowners) for the expropriation of their properties situated in Lapasan, Cagayan de Oro City (subject properties), pursuant to Letter of Instructions No. (LOI) 555, mandating a nationwide Slum Improvement and Resettlement Program, and LOI 557, otherwise known as "Adopting Slum Improvement." The case was docketed as Civil Case No. 7847 and originally raffled to Branch V of the then Court of First Instance of Misamis Oriental, but was transferred to Branch 20 of the Misamis RTC (Branch 20), upon the effectivity of Batas Pambansa Bilang 129.[5] Consequently, Branch 20 issued a writ of possession placing the respondent-landowners' properties under the NHA's control.[6]

Thereafter, the case was transferred to Branch 23 of the Misamis RTC (Branch 23), which appointed commissioners who appraised the fair market value (FMV) of the subject properties at P470.00 per square meter, as of 1984. Later on, the case was once more transferred to the court a quo, which then issued an Order dated April 5, 1990, approving the aforementioned amount as just compensation, and ordering the NHA to pay respondents-landowners the same.[7]

Dissatisfied, the NHA appealed the commissioners' valuation of the subject properties before the CA, docketed as CA-G.R. CV No. 33832. On August 11, 1992, the CA rendered a decision remanding the case to the court a quo for further proceedings on the issue of just compensation. On May 12, 1993, the CA issued an Entry of Judgment which closed and terminated the said appeal proceeding.[8]

Accordingly, the records were remanded to the court a quo for further proceedings, during which a new set of commissioners was appointed to re-appraise the FMV of the subject properties. Eventually, the commissioners pegged the just compensation at ₱705.00 per square meter, taking into consideration the value of the subject properties in 1984 and the accumulated improvements thereon since then.[9]

The Court A Quo Ruling

On August 3, 1998, the court a quo issued the Assailed Order, approving the commissioners' valuation of the subject properties at P705.00 per square meter and, thus, ordering the NHA to pay respondents-landowners the amounts due to them.[10]

Claiming that it only received a copy of the Assailed Order on March 3, 1999, the NHA filed a Manifestation and Motion for Reconsideration (motion) on March 11, 1999, arguing that the FMV of the subject properties should have been determined at the time the expropriation proceeding was instituted. For its part, respondents-landowners opposed the NHA's motion on the ground that it was belatedly filed and thus, the said order already became final and executory. In particular, respondents-landowners contended that contrary to the NHA's claim, the registry return receipt on record shows that it received a copy of the questioned Order on November 10, 1998.[11]

Finding respondents-landowners' opposition to be well-taken, the court a quo denied the NHA's motion on May 21, 1990. Aggrieved, the NHA appealed to the CA.[12]

The CA Ruling

In a Resolution[13] dated September 9, 2002, the CA initially dismissed the NHA's appeal on the ground that it failed to file its appellant's brief on time. The NHA moved for reconsideration, which was granted in a Resolution[14] dated September 10, 2003. As such, the CA ordered respondents-landowners to file their comment to said appeal. However, instead of filing their comment as directed, respondents-landowners moved for the resolution's reconsideration, contending that the appeal should be dismissed since the Assailed Order had long become final and executory due to the NHA's failure to timely file a motion for reconsideration therefrom or perfect its appeal within the prescribed reglementary period.[15]

In a Resolution[16] dated June 30, 2006, the CA dismissed the appeal and held that the Assailed Order had already become final and executory. Accordingly, it ordered that the entire records of the case be remanded to the court a quo for execution proceedings. The CA held that contrary to NHA's claim that it only received a copy of the Assailed Order on March 3, 1999 and, thus, timely filed its motion for reconsideration on March 11, 1999, the registry return receipt on record clearly shows that it already received a copy of the same on November 10, 1998. It opined that the issuance of the registry return receipt enjoys the presumption of regularity, and, hence, the entries on said receipt should be given full evidentiary weight, including, among others, the date indicated thereon. As a result, the Assailed Order had long become final and executory and the outright dismissal of NHA's appeal was deemed to be proper.[17]

At odds with the CA's ruling, the NHA filed the instant petition.

The Issue Before the Court

The primordial issue raised for the Court's resolution is whether or not the CA erred in finding that the Assailed Order had already become final and executory.

The Court's Ruling

The petition is without merit.

It is well-settled 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 and law, and whether it be made by the court that rendered it or by the Highest Court of the land. This principle, commonly known as the doctrine of immutability of judgment, has a two-fold purpose, namely: (a) to avoid delay in the

administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (b) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Verily, it fosters the judicious perception that the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As such, it is not regarded as a mere technicality to be easily brushed aside, but rather, a matter of public policy which must be faithfully complied.[18]

In this case, the Court concurs with the CA's view that the Assailed Order had already become final and executory at the time when the NHA sought to have it reconsidered before the court a quo. As evidenced by the registry return receipt on record, the NHA received a copy of the Assailed Order on November 10, 1998. However, it moved for reconsideration therefrom only on March 11, 1999, or more than four (4) months from notice. As the motion was filed way beyond the 15-day reglementary period prescribed therefor, the court a quo's judgment had already lapsed into finality. Consequently, the Assailed Order cannot be made subject to further appellate review and now constitutes res judicata as to every matter offered and received in the proceedings below as well as to any other matter admissible therein and which might have been offered for that purpose.[19]

In an effort to remove itself from this quandary, the NHA points out that as per the registry return receipt on record, it received a copy of the Assailed Order on November 10, 1998 through a certain Atty. Epifanio P. Recaña (Atty. Recaña). The NHA claims that as early as January 1997, Atty. Recaña ceased to be connected with it and thus, it contends that he could not have validly received a copy of the Assailed Order in its behalf.[20]

The contention is untenable.

Other than its bare assertions and a self-serving certification[21] emanating from its own human resource management department, the NHA has not shown any sufficient proof that the service of a copy of the Assailed Order to it on November 10, 1998 is invalid. Moreover, the NHA could have easily presented Atty. Recaña, or at least a statement of his, to disown any authority to receive a copy of the Assailed Order in the former's behalf but it failed to do so. Succinctly put, the NHA's unsubstantiated assertions cannot prevail over the contrary statement of a postal official as embodied in the registry return receipt, considering that it is the latter's primary duty to send mail matters and thus, accorded with the presumption of regularity.[22]

WHEREFORE, the petition is DENIED. The Resolution dated June 30, 2006 of the Court of Appeals in CA-G.R. CV No. 73725 is hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Perez, JJ., concur.

[1] Rollo, pp. 9-18.

[2] Id. at 45-54. Penned by Associate Justice Rodrigo F. Lim, Jr., with Associate Justices Teresita Dy-Liacco Flores and Sixto C. Marella, Jr., concurring.

[3] Not attached in the rollo.

[4] Rollo, p. 54.

[5] Entitled "An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and for Other Purposes."

[6] Rollo, p. 46.

[7] Id. at 46-47.

[8] Id. at 47.

[9] Id.

[10] Id. at 47-48.

[11] Id. at 48.

[12] Id. at 48-50.

[13] Not attached in the rollo.

[14] Not attached in the rollo.

[15] Rollo, pp. 50-51.

[16] Id. at 45-54.

[17] Id. at 51-52.

[18] See Sangguniang Barangay of Pangasugan, Baybay, Leyte v. Exploration Permit Application (EXPA-000005-VIII) of Philippine National Oil Company, G.R. No. 162226, September 2, 2013; citations omitted.

[19] See Melotindos v. Tobias, 439 Phil. 910, 916 (2002); citations omitted.

[20] Rollo, pp. 39-40 and 145-146.

[21] Id. at 150.

[22] See Melotindos v. Tobias, *supra* note 19, at 916-917; citations omitted.

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