SPOUSES RICARDO HIPOLITO, JR. AND LIZA HIPOLITO, PETITIONERS, VS. TERESITA CINCO, CARLOTA BALDE CINCO AND ATTY. CARLOS CINCO, RESPONDENTS.

G.R. No. 174143. November 28, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

Findings of fact by administrative agencies are generally accorded great respect, if not finality, by the courts[1] by reason of the special knowledge and expertise of said administrative agencies over matters falling under their jurisdiction.

Challenged in this Petition for Review on Certiorari[2] are the May 19, 2006 Decision[3] and August 15, 2006 Resolution[4] of the Court of Appeals (CA) in CA-G.R. SP No. 89783 which dismissed petitioners' Petition for Review and denied their Motion for Reconsideration respectively. Said assailed CA Decision which affirmed the February 28, 2005 Resolution[5] of the Office of the President (OP), in O.P. Case No. 04-F-262, states, viz:

> In fine, we hold that public respondent Office of the President, in affirming the resolution of the Secretary of the DPWH which sustained the resolution and the demolition order of the OBO, committed no grave abuse of discretion, the same being supported by evidence and having been issued in accordance with law and jurisprudence.
>
> WHEREFORE, the petition is DISMISSED. The assailed Resolution dated February 28, 2005 of the Office of the President of the Philippines, issued through the Deputy Executive Secretary for Legal Affairs in O.P. Case No. 04-F-262, is AFFIRMED.
>
> SO ORDERED.[6]

Petitioners beseech this Court to reverse and set aside said Decision and consequently, to alter a string of consistent Resolutions issued by the OP in the said O.P. Case No. F-262, the Secretary of the Department of Public Works and Highways (DPWH) in NBC Case No. 17-03-I-MLA,[7] and the Office of the Building Official (OBO) of the City of Manila in NBC Case No. NG-2002-06.[8]

Factual Antecedents

Petitioner-spouses Ricardo Hipolito, Jr. and Liza Hipolito (petitioners) allege that on June 15, 1989, Edeltrudis Hipolito y Mariano (Edeltrudis)[9] entered into an agreement[10] with Francisco Villena[11] (now deceased) to rent a portion of the property located at 2176 Nakar Street, San Andres Bukid, Manila and to construct an apartment-style building adjacent to the existing house thereon. The contract was for a period of 20 years. Pursuant to the agreement, Edeltrudis built a three-storey apartment building without securing a building permit. Petitioners inherited the apartment building upon the death of Edeltrudis.

In 2002 or 13 years after the execution of the agreement, petitioners and the heirs of Francisco Villena, all residing in the property, were informed that respondent Atty. Carlos D. Cinco (Atty. Cinco) acquired the subject

property through a deed of sale sometime in 1976.

On June 17, 2002, herein respondents Atty. Cinco, Teresita Cinco and Dr. Carlota Balde Cinco (respondents) filed with the OBO a verified request[12] for structural inspection of an old structure located at 2176 Nakar Street, San Andres Bukid, Manila.

Acting on the request, Building Inspector Engineer Leonardo B. Rico (Engr. Rico) conducted an initial inspection. In his memorandum Engr. Rico reported that two old and dilapidated buildings made of wooden materials were found in the premises and recommended that the matter be referred to the Committee on Buildings (Committee) for further appropriate action and disposition.

Deemed as a petition for condemnation/abatement pursuant to the National Building Code (NBC) and its Implementing Rules and Regulations, the verified request of the respondents was referred to the Committee for Hearing/ Investigation.

With prior notices to the parties and the tenants, three hearings were subsequently held from August 12, 2002 to September 20, 2002 for purposes of resolving the focal issue of "the structural stability, architectural presentability, electrical and fire safety aspect to determine [whether] or not the subject buildings are still safe for continued occupancy."[13] On September 20, 2002, Victoria Villena, wife and heir of Francisco Villena and owner of one of the two buildings, filed a counter manifestation questioning respondents' personality to file the petition for condemnation, and refuting the technical evaluation reports of Engr. Rico and respondents' commissioned engineer. Whereupon, the Committee was constrained to schedule an ocular inspection of the subject buildings on October 7, 2002. A report on the ocular inspection conducted was thereafter submitted through a Memorandum[14] dated October 8, 2002, which states:

> x x x The subject structure is a 3-storey at the rear portion and Two (2)[-] storey at the front made up of wooden materials with G.I. sheet roofings.
>
> II. Findings:
>
> - Corrugated G.I. sheet roofings and its accessories incurred extensive deterioration/[dilapidation] due to weathering.
>
> - Ceiling boards [bulging] attributed to water leaks from defective roofing.
>
> - Exterior and interior wooden boards deteriorated.
>
> - Doors/windows including its jambs deteriorated/[dilapidated].
>
> - No provisions of firewall on the sides abutting private lot.
>
> - Rafters, purlins, and girts deteriorated due to neglect of maintenance.
>
> - Vibrations were felt on the wooden flooring when exerting wt. An indication that its support suffered [material] fatigue due to wear and tear and termite infestation.
>
> - Wooden columns incurred deterioration/[dilapidation] due to weathering and termite infestation.
>
> - Open wiring installation/fire hazard.
>
> - With notices of condemned installation No. 2K3-62042 EPM issued by OIC, City Electrical Division, DEPW.
>
> - Inadequate water supply and drainage system.

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- Outmoded T & G due to neglect of maintenance.

- Inadequate sanitary/plumbing installation.

III. RECOMMENDATION:

From the foregoing, the subject buildings [appear] to have incurred extensive deterioration/[dilapidation] [attributed] mainly to long weather exposure, poor maintenance and termite infestation on its architectural and structural components by 60-80% which constitutes an Architectural eyesore, structurally unsafe as well as fire and electrical hazard thereby endangering the life, safety, health and welfare [of] the general public specifically the tenants thereat, hence, it is strongly recommended that the subject building be declared dangerous and ruinous in pursuance of Sec. 214 and 215 and Rules VII and Rule VIII of the Implementing Rules and Regulations of P.D. 1096.

Ruling of the Office of the Building Official

In a Resolution[15] dated March 26, 2003, the OBO declared the buildings dangerous and ruinous, and recommended their demolition, to wit:

x x x x

On the basis of the ocular inspection report submitted by the Committee on Buildings and the findings of the OIC, City Electrical Division DEPW which form part of this resolution, it appearing that the subject structures incurred an extensive degree of [dilapidation]/deterioration by 60-80% attributed mainly to long weather exposure, termite infestation and neglect of maintenance on its architectural and structural component which constitute architectural eyesore, structurally unsafe as well as electrical hazards thereby endangering the life, health property and welfare of the general public particularly the tenants thereat [sic].

Such sorry condition of said structures exist to the extent that remedial/ rehabilitation which is no longer practical and economical as it would entail/ necessitate a total overdone thereof [sic].

WHEREFORE, premises considered the Committee on Buildings and in consonance with the findings of the OIC, City Electrical Division DEPW the subject buildings are hereby found and declared Dangerous and Ruinous and strongly recommending the issuance of the corresponding Demolition Order in pursuance of Section[s] 214 and 215 of the National Building Code and Rule VII and VIII of its Implementing Rules and Regulations further directing the tenants/ occupants thereat to vacate the premises within fifteen (15) days from receipt hereof to pave the way for its peaceful and orderly [d]emolition activity.

SO ORDERED.

A Demolition Order[16] addressed to the respondents was accordingly issued on even date with petitioners and their tenants duly furnished with a copy thereof.

Petitioners thus appealed[17] to the DPWH.

Ruling of the Department of Public Works and Highways

In their appeal, petitioners prayed for the reversal of the Resolution of the OBO and for the setting aside of the Demolition Order on the ground that same were anomalously issued. They likewise contended that respondents' petition for condemnation was actually an attempt to circumvent their rights as builders in good faith. Petitioners prayed for a separate inspection of the two buildings by an impartial body.

Thus, another ocular inspection was conducted by the Inspectorate Team of the DPWH to determine the actual physical condition of the subject buildings. The Inspectorate Team reported thus:

There are two (2) Buildings/Structures subject of this appeal. For proper identification of the two (2) Storey Residential Building located at front No. 2176 Nakar Street, San Andres Bukid, is designated as Building I while the Three (3) Storey Residential Building located at the rear portion is designated as [B]uilding 2.

Building 1

Building I is pre-war vintage (t)wo (2)[-](s)torey structure generally made of wooden materials. Corrugated G.I. roofing sheets and its accessories are extensively corroded and deteriorated due to long existence, weather exposure and improper maintenance. Gutters and [down spouts] are already missing. Interior and exterior wooden board partitions are deteriorated by about eighty percent (80%). Roof eaves and media agues are deteriorated and some wooden members are ready to collapse. Doors and windows including [their] jambs are deteriorated by about eighty percent (80%). Wooden stair[s] leading to second floor is rotten and deteriorated due to long existence and termite infestation. Wooden board floorings are sagging and vibration can be felt when walking on it. Plywood ceiling boards are deteriorated by about eighty percent (80%).

The wooden roof framing parts such as rafters, purlins, and girts are rotten. Majority of the wooden posts are termite infested and deteriorated. The wooden beams and floor joists are noted to have incurred deterioration. Vibration is felt at the second floor wooden flooring when walked upon, an indication that its wooden structural supports show signs of material fatigue due to wear and tear and termite infestation. Structural components of the structure were observed to have deteriorated by about seventy five percent (75%).

Sanitary/Plumbing fixtures and systems within the building are noted outmoded, inadequate and not properly maintained. Inadequate water supply and drainage system within the building is noted. The comfort room is useable and functioning but is not properly ventilated and unsanitary.

The electrical wiring insulation shows sign of brittleness due to excessive exposure to ambient heat, moisture and time element. Excessive octopus connections and dangling of wires/extensions [sic] cords are observed. Some switches and convenience outlets are detached and defective. Junction/pullboxes are not properly covered thus exposing electrical wiring connections. Some electrical wiring installations are attached to deteriorated parts of the building. The electrical wiring installations are already old, not properly maintained and inadequate to conform to the rules and regulations of the Philippine Electrical Code (PEC).

Building 2

Building 2 is a three (3)[-](s)torey structure located at the back of the Building I, and the usage is purely for residential purposes. The building is constructed [out] of wooden materials, corrugated G.I. roofing sheets and plain G.I. sheets for its accessories. The said building was constructed sometime in 1989, however, the construction is not in accordance with the standard and the requirements of the National Building Code (PD 1096). Corrugated G.I. roofing sheets are corroded and deterioration is about seventy percent (70%). [Down spouts] and gutters are no longer in place. Interior and exterior wooden board sidings have incurred about sixty percent (60%) deterioration. Some rooms have no proper ventilation due to excessive partitioning. Eaves [have] no ceiling. Wooden board floorings are sagging and vibration is felt when walked upon due to undersized wooden framing. Substandard ceiling height. Plywood ceiling boards are bulging. No fire resistive wall provided between the two buildings.

As to the Structural, Sanitary/Plumbing and Electrical aspects, Building 2 has the same findings as in Building I.

From the foregoing, it appears that the subject building attained a degree of dilapidation that repair works are no longer practical and economical to undertake.

Therefore, it is recommended that the Demolition Order issued by the OBO, Manila be sustained.[18]

On May 19, 2004, the Secretary of the DPWH rendered a Resolution[19] dismissing the appeal of the petitioners

for lack of merit and affirming the Resolution of the OBO and the issuance of the Demolition Order.

In the same Resolution, the Secretary of the DPWH opined:

> x x x x
>
> In condemnation proceedings of dangerous and ruinous building pursuant to the National Building Code (NBC) and its Implementing Rules and Regulations (IRR), the authority of the Building Official is confined to the assessment of the physical condition of the building sought to be condemned and abated, and depending on the degree of its deterioration and dilapidation, to issue appropriate order, taking into consideration the welfare and safety not only of its occupants, but the public in general as well. Corollary thereto, said official is mandated under the Code, even in the absence of a petitioner or complainant, to motu propio initiate condemnation proceedings of reported dangerous and ruinous buildings. The inclusion thereof of the 3-storey building which appellant claims to have been built by Ediltrudis Villena on the subject property in the hearing/investigation of the case was within the bounds of the duties and responsibilities of the OBO. In the said proceedings, the Building Official shall not delve on issues affecting contract involving the property or of the building subject of the case or of lessee-lessor relationship, since those are matters within the competence of the court to pass upon.
>
> Appellants' allegation that inspection of the premises was done without their participation and [that they were] not given the chance to engage the services of an engineer deserves scant consideration. Records revealed that appellants who actively participated in the proceedings of the case were duly furnished with copies of appellees' petition for condemnation and the technical evaluation report of their (appellees) commissioned engineer, and were enjoined to submit their counter technical report. They however failed to comply. Appellants who at the same time are residents of the building subject of the proceedings could have easily participated or hire[d] an engineer to represent them in the inspection conducted by the Committee on Buildings on the premises as they were duly notified about it and of which they signified their conformity during the hearing on September 20, 2002. x x x[20]

Undaunted, petitioners filed an appeal[21] with the OP.

Ruling of the Office of the President

Before the OP, the petitioners asserted that the findings of the DPWH Inspectorate Team is erroneous and that they are builders in good faith. However, the OP found no reversible error to justify the reversal or modification of the DPWH Resolution, and thus resolved to dismiss the appeal in a Resolution[22] dated February 28, 2005.

The OP likewise subsequently denied with finality petitioners' Motion for Reconsideration[23] in an Order[24] dated April 25, 2005.

Aggrieved, petitioners filed a Petition for Review[25] with the CA.

Ruling of the Court of Appeals

Before the CA, petitioners again raised the issues they advanced before the administrative bodies, particularly the issue regarding the ownership of the lot vis-à-vis their right as builders in good faith.

However, the CA dismissed the petition for review and affirmed the OP Resolution without addressing the issue of ownership. Petitioners filed a Motion for Reconsideration[26] but same was denied in a Resolution[27] dated August 15, 2006 for being a mere rehash or repetition of the issues raised in the petition.

Unwilling to concede, petitioners now come before this Court by way of Petition for Review on Certiorari under Rule 45 of the Rules of Court.

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Issues

Petitioners raise the following issues:

A.
WHETHER x x x THE COURT OF APPEALS ERRED IN AFFIRMING THE RESOLUTION OF THE ADMINISTRATIVE AUTHORITIES SUSTAINING THE RECOMMENDATIONS OF THE OFFICE OF THE BUILDING OFFICIAL OF MANILA.

B.

WHETHER x x x THE OFFICE OF THE BUILDING OFFICIAL GRAVELY ERRED IN NOT OBSERVING THE CARDINAL PRIMARY RIGHTS/DUE PROCESS REQUIREMENTS IN THE CONDUCT OF THE HEARING AND IN THE CONTENTS OF THE INSPECTION REPORT SUBMITTED BY THE INSPECTION TEAM INCLUDING THE RESOLUTION OF THE OBO.

C.

WHETHER x x x [THE] OFFICE OF THE BUILDING OFFICIAL (OBO) OF MANILA OVERSTEPPED THE BOUNDS OF ITS AUTHORITY IN NOT APPLYING ARTICLE 482 AND ARTICLES 694 TO 707 OF THE NEW CIVIL CODE IN IMPLEMENTING THE PROVISIONS OF SECTION 215 OF THE BUILDING CODE P.D. 1096 IN THIS CASE.

D.

WHETHER x x x THE PETITIONER[S] OR THEIR PREDECESSOR IN INTEREST [ARE]/IS A BUILDER IN GOOD FAITH OF THE 3[-]STOREY APARTMENT BUILDING LOCATED AT THE REAR PORTION OF THE PROPERTY AND REFERRED TO AS BLDG. 2.

E.

WHETHER x x x THE ACTION FOR EXTRAJUDICIAL ABATEMENT OF NUISANCE IS PROPER IN THIS CASE.[28]

Our Ruling

The petition lacks merit.

At the outset, "[i]t bears stressing that in a petition for review on certiorari [under Rule 45 of the Rules of Court], the scope of this Court's judicial review of decisions of the [CA] is generally confined only to errors of law, and questions of fact are not entertained."[29] The Supreme Court is not a trier of facts and it is not duty-bound to analyze and weigh again the evidence considered in the proceedings below.[30] More so, this Court is not duty-bound to analyze and weigh evidence pertaining to factual issues which have not been subject of any proper proceedings below. "Well-entrenched and settled is the rule that points of law, theories, issues and arguments not brought to the attention of the trial court adequately and on time need not be, and ordinarily will not be, considered by a reviewing court as they cannot be raised for the first time on appeal."[31] The determination of who owns the subject property, the authenticity of the evidence of both parties, and whether petitioners are builders in good faith are questions of fact, the resolution of which requires the examination of evidence that should be ventilated in a separate action brought before a proper forum.

As correctly stated by the Secretary of the DPWH in its Resolution,[32] the administrative agencies' jurisdiction in this case is confined to the assessment of the physical condition of the building sought to be condemned and the issuance of the appropriate order relative thereto. Issues affecting contract involving the property or of the buildings subject of the case are not within their competence to rule upon. Lest this Court becomes a court of first

instance instead of a court of last resort, we decline to act on matters that have not run the proper legal course.

Nevertheless, we note that petitioners' purported right to occupy the property has already ended two years ago when the 20-year period of the lease agreement expired in year 2009. There being no provision in the contract, tacit or otherwise, for renewal or extension of the lease, petitioners no longer have basis to keep hold of Building 2. Hence, the determination of whether petitioners are builders in good faith is no longer necessary.

As to the other issues, suffice it to say that they boil down to the question of whether the issuance of the OBO Resolution and Demolition Order was proper, and whether the CA erred when it affirmed the Resolutions of the OP and the Secretary of the DPWH, which in turn, likewise affirmed the said OBO Resolution.

A Building Official has the authority to order the condemnation and demolition of buildings which are found to be in a dangerous or ruinous condition.

"[I]t is unquestionable that the Building Official has the authority to order the condemnation and demolition of buildings which are found to be in a dangerous or ruinous condition."[33] This authority emanates from Sections 214 and 215 of the National Building Code (Presidential Decree [P.D.] No. 1096) which provides:

> Section 214. Dangerous and Ruinous Buildings or Structures
>
> Dangerous buildings are those which are herein declared as such or are structurally unsafe or not provided with safe egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health or public welfare because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or which otherwise contribute to the pollution of the site or the community to an intolerable degree.
>
> Section 215. Abatement of Dangerous Buildings
>
> When any building or structure is found or declared to be dangerous or ruinous, the Building Official shall order its repair, vacation or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken under the provisions of Articles 482 and 694 to 707 of the Civil Code of the Philippines.

There is, therefore, no question as to the authority of the OBO to render the challenged issuances. Here, the Building Official was authorized to issue the questioned Demolition Order in view of his finding that the disputed structures are dangerous and ruinous buildings within the purview of P.D. No. 1096, in relation to its Implementing Rules and Regulations. Correspondingly, no irregularity in the process in which the resolution and demolition order were issued is evident. As found by the CA, the records show that the OBO issued the resolution and Demolition Order only after ocular inspections and hearings were conducted. Notably, the Inspectorate Team of the DPWH came up with the same conclusion as the OBO when it conducted its own ocular inspection of the premises, that is both Buildings 1 and 2 had structural, sanitary, plumbing and electrical defects of up to 80%.[34]

What is more, contrary to the position of the petitioners that the provisions of the Civil Code on abatement of nuisances should have been applied in their case, the fact that the buildings in question could also constitute nuisances under the Civil Code does not preclude the Building Official from issuing the assailed Demolition Order. As provided by P.D. No. 1096, the authority of the Building Official to order the repair, vacation or demolition, as the case may be, is without prejudice to further action that may be undertaken under the relevant provisions of the Civil Code.[35]

The position taken by petitioners that the OBO is duty-bound to first order the repair of ruinous and dangerous buildings is erroneous. Petitioners, in their Memorandum,[36] quoted Section 215 of the National Building Code,

thus:

> Section 215. Abatement of Dangerous Buildings
>
> When any building or structure is found or declared to be dangerous or ruinous, the Building Official shall order its repair, vacation or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken under the provisions of Articles 482 and 694 to 707 of the Civil Code of the Philippines.[37]

A careful reading of the provision shows that it does not require the OBO to take actions in the same order or sequence that Section 215 enumerates them. Instead, it authorizes the Building Official to order either the repair, vacation, or demolition of the building depending on the circumstances presented before it, particularly on the degree of danger to life, health and safety. In the case at bench, the OBO, based on its assessment of the buildings, deemed it necessary to recommend and order the demolition of the said buildings, having found them dilapidated and deteriorated by up to 80%.

The Court of Appeals correctly affirmed the resolution issued by the Office of the President

Petitioners find error in the CA's reliance on the report of the OBO in affirming the resolution of the OP. Petitioners contend that the initiation of the proceedings in the OBO was calculated to oust them from the property and to circumvent their rights as builders in good faith thereby making the findings and issuances of the OBO unreliable. Petitioners thus beseech this Court to ascertain facts that have already been determined by the administrative agencies involved and thereafter reviewed and affirmed by the CA.

We find the contention without merit.

The mandate of the OBO is to act motu proprio, or upon petition validly received, on reported dangerous and ruinous buildings and structures that pose a threat to the life, health and well-being of the inhabitants, and the general public. Hence, the OBO, based on its findings, can still act on the matter pursuant to such mandate, notwithstanding petitioners' claim that respondents initiated the proceedings to circumvent their rights under the law as builders in good faith. Otherwise stated, respondents' motive in initiating the proceedings which led to the issuance of the challenged OBO Resolution and Demolition Order is immaterial as far as the OBO is concerned, so long as it is satisfied that a building or structure is dangerous and ruinous.

Remarkably, both the DPWH and the OP found no irregularities in the manner that officials of the OBO performed their duties and in coming up with its Resolution and Demolition Order. This conclusion was affirmed by the CA when it resolved the petition before it.

We find no error on the part of the CA when it relied on the findings of fact of the OBO and the other administrative bodies. As correctly stated by the CA in its Decision:

> The powers granted by law, particularly the National Building Code to the Building Official regarding demolition of buildings are executive and administrative in nature. It is a well-recognized principle that purely administrative and discretionary functions may not be interfered with by the courts. In general, courts have no supervising power over the proceedings and actions of the administrative departments of the government. This is generally true with respect to acts involving the exercise of judgment or discretion and findings of fact. The established exception to the rule is where the issuing authority has gone beyond its statutory authority, exercised unconstitutional powers or clearly acted arbitrarily and without regard to his duty or with grave abuse of discretion. None of these obtains in the case at bar. (Citations omitted.)[38]

"By reason of the special knowledge and expertise of said administrative agencies over matters falling under their jurisdiction, they are in a better position to pass judgment thereon; thus, their findings of fact in that regard are

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generally accorded great respect, if not finality, by the courts."[39] Such findings must be respected as long as they are supported by substantial evidence, even if such evidence is not overwhelming or even preponderant.[40] It is not the task of the appellate court to once again weigh the evidence submitted before and passed upon by the administrative body and to substitute its own judgment regarding sufficiency of evidence.[41]

Similarly, this Court will not disturb these factual findings absent compelling reasons to do so. This Court, in numerous occasions, has cited exceptions to the general rule that it is not a trier of facts. None of the said exceptions is present in this case. The conclusion reached by the administrative agencies involved after thoroughly conducting their ocular inspections and hearings and considering all pieces of evidence presented before them, which finding was affirmed by the CA, must now be regarded with great respect and finality by this Court.

We take this opportunity to inform petitioners that the appellate court cannot be expected to actually perform the inspection itself for purposes of validating the findings of the administrative bodies. Reliance on findings of fact of the lower courts or, in this case, administrative bodies, does not mean that the appellate court does not conduct its own review. In fact, the appellate court painstakingly studies every piece of document that comes into its hands, putting together every piece of the puzzle to come up with the whole picture of the controversy brought before it. That is no easy task.

WHEREFORE, the petition is DENIED. The Decision dated May 19, 2006 and the Resolution dated August 15, 2006 of the Court of Appeals in CA-G.R. SP No. 89783 are AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

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[1] Villaflor v. Court of Appeals, 345 Phil. 524, 562 (1997); Amigo Manufacturing, Inc. v. Cluett Peabody Co., Inc., 406 Phil. 905, 916 (2001).

[2] Rollo, pp. 9-23.

[3] CA rollo, pp. 148-155; penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Remedios A. Salazar-Fernando and Sesinando E. Villon.

[4] Id. at 188.

[5] Rollo, pp. 57-61.

[6] Supra note 3 at 155.

[7] Rollo, pp. 52-56.

[8] Id. at 49-50.

[9] Petitioner Ricardo Hipolito's mother and predecessor-in-interest.

[10] Rollo, p. 175.

[11] Heir of Apolonia Villena, one of the co-owners of the subject property.

[12] Rollo, p.172

[13] See OBO Resolution dated March 26, 2003, id. at 49.

[14] Id. at 47.

[15] Id. at 49-50.

[16] Id. at 46.

[17] CA rollo, pp. 48-51.

[18] Full text of summarized report as reproduced in the Resolution issued by the DPWH dated May 19, 2004, rollo, pp. 52-56.

[19] Id.

[20] Id. at 53-54.

[21] CA rollo, pp. 36-42.

[22] Id. at 52-56.

[23] Id. at 57-59.

[24] Id. at 60.

[25] Under Rule 43 of the Rules of Court; id at 7-24.

[26] Id. at 170-176.

[27] Supra note 4.

[28] Rollo, pp. 117-118.

[29] Diokno v. Cacdac, G.R. No. 168475, July 4, 2007, 526 SCRA 440, 460, citing Gerlach v. Reuters Limited, Phils., 489 Phil. 501, 512 (2005).

[30] Diokno v. Cacdac, id. at 460-461, citing Umpoc v. Mercado, 490 Phil. 118, 133 (2005).

[31] Remman Enterprises, Inc. v. Court of Appeals, 335 Phil. 1150, 1162 (1997).

[32] Supra note 22.

[33] Chua Huat v. Court of Appeals, G.R. Nos. 53851 and 63863, July 9, 1991, 199 SCRA 1, 17.

[34] Supra note 18.

[35] Spouses Genoblazo v. Court of Appeals, 255 Phil. 832, 839 (1989).

[36] Rollo, pp. 110-200.

[37] Id. at 126-127.

[38] CA rollo, pp. 154-155.

[39] Villaflor v. Court of Appeals, supra note 1.

[40] Id.

[41] Id.

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