

HEIRS OF AGAPITO T. OLARTE AND ANGELA A. OLARTE, NAMELY NORMA OLARTE-DINEROS, ARMANDO A. OLARTE, YOLANDA OLARTE-MONTECER AND RENATO A. OLARTE, PETITIONERS, VS. OFFICE OF THE PRE...

G.R. No. 177995. June 15, 2011

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

Before us is a petition for review on certiorari seeking to set aside the February 23, 2007 Decision[1] and May 22, 2007 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP. No. 79163 which dismissed petitioners' petition for certiorari.

Subject of the instant case is a parcel of land denominated as Lot 12, Block 2 of the Tramo-Singalong Zonal Improvement Project (ZIP) located at 2131 F. Muñoz St., San Andres, Malate, Manila. The property used to be owned by the Philippine National Railways (PNR), but was later turned over to the National Housing Authority (NHA).

Petitioners, siblings Armando Olarte, Norma Olarte-Dineros, Yolanda Olarte-Montecer and Renato A. Olarte, claim that their parents, the late Agapito and Angela Olarte, started occupying the subject property in 1943 by virtue of a lease contract with the PNR and constructed thereon a two-storey residential house. Petitioners further allege that they were born and raised during their parents' occupancy of the subject property.

On November 3, 1965, the Board of Liquidators under the Office of the President (OP) awarded a Certificate of Priority to Agapito Olarte, to wit:

Certificate of Priority

TO WHOM IT MAY CONCERN:

This is to certify that Agapito Olarte, Filipino, of legal age, single/married to Angela A. Olarte, has since 1945 continuously occupied a portion of Lot No. Parcel -7 situated in the City/Municipality of Singg., Malate, Province of Manila, and is therefore entitled to priority in the acquisition of said portion, subject to such rules and regulations as may hereafter be promulgated.

The right acquired hereunder is non-transferable and any transfer thereof shall be null and void.

Given under my hand at Manila, on this 3[rd] day of November, in the year of our Lord, one thousand nine hundred sixty(-)five.

DIOSDADO MACAPAGAL
PRESIDENT OF THE PHILIPPINES

BY AUTHORITY OF THE PRESIDENT:

(Sgd.)

RODOLFO P. HIZON

CHAIRMAN-GENERAL MANAGER [3]

Agapito and Angela thereafter passed away in 1981 and 1984, respectively. Petitioner Norma Olarte-Dineros was then designated as administratrix of the residential house and the subject parcel of land.

In 1985, the two-storey residential house was declared in the name of Agapito for taxation purposes.[4] In the same year, petitioners leased out a portion of the residential house to respondents Eduardo Timbang and Demetrio Ocampo.

Thereafter, Yolanda left for Saudi Arabia to work while Norma lived with her husband in Pangarap Village, Caloocan City.[5]

In 1987, the NHA conducted a Census Tagging Operation in the area where the subject property is located.

In 1988, Ocampo was judicially ejected from the premises by petitioners for nonpayment of rentals. On October 15, 1990, this Court in G.R. No. 95206 denied Ocampo's petition for review of the CA decision which sustained the trial court's judgment ejecting Ocampo from the leased premises. On December 14, 1990, this Court's decision became final and executory.[6]

What transpired thereafter is not extant from the records, but it appears that on April 30, 1997, the NHA issued a Resolution resolving a conflict of claims between petitioners and respondents Timbang and Ocampo over the subject property. The full text of the April 30, 1997 NHA Resolution reads:

Sirs/Mesdames:

This has reference to your conflict of claims over Lot 12, Block 2, Tramo-Singalong Zip Project, Manila.

Records show that:

1. Structure with Tag No. 497 was censused as owned by Norma Olarte[-]Dineros, an absentee structure owner. Said structure was rented out to the following:

- A certain Mr. Ilagan who has left the premises with no forwarding address.
- Eduardo Timbang who is still residing in the said structure.
- Demetrio Ocampo who was judicially ejected and left the rented unit in 1993.

2. The present occupants of the structure are:

- Norma Olarte who is the censused absentee structure owner.
- Eduardo Timbang who is a censused renter.
- Armando Olarte - brother of Norma Olarte who occupied the portion vacated by Mr. Ilagan in 1988 one year after the official closure of the census tagging operation [of] the project.
- Yolanda Olarte Montecer, sister of Norma Olarte who occupied in 1994 [a] portion vacated by Demetrio Ocampo.

3. In 1988, Norma Olarte[-]Dineros filed an ejectment case against Demetrio Ocampo who finally left the premises in 1993 by virtue of a court order.

4. The District Office recommended that the subject lot be awarded in favor of Armando Olarte and Eduardo Timbang per area of actual occupancy and that Demetrio Ocampo be qualified to apply for a generated lot or

buy a structure within the project site.

After judicious review and evaluation of the records of the case, we found that:

- Eduardo Timbang and Demetrio Ocampo are the only qualified beneficiaries of the subject lot for having been censused as renters therein. Norma Olarte[-]Dineros, Armando Olarte, and Yolanda Olarte Montecer, are all disqualified for not being census residents within the project site.
- The decision of the court with regards to the ejectment case filed against Demetrio Ocampo treated only the possessory rights over the structure but not the determination of who is the rightful awardee/beneficiary of the lot.
- The Court of Appeals as affirmed by the Supreme Court declared:

"until they (Olartes) are refunded the necessary and useful expenses for the residential house, they have a right to retain possession of it."

In other words, the Olartes can only be entitled to reimbursement of their lawful expenses for the construction of the existing structure built on the controverted lot.

- The departure of Demetrio Ocampo from the contested structure was not voluntary. He has no intention of leaving the premises were it not to the adverse decision of the court in which case he has no other recourse but to reside even outside the project area. In short, he cannot be punished for his involuntary act of looking shelter outside the project area.

In view of the foregoing, you are advised that:

1. Eduardo Timbang and Demetrio Ocampo are to negotiate with Norma Olarte-Dineros for the voluntary sale of the structure of Ms. Dineros or voluntarily dismantle the same, in case of failure of negotiations within sixty (60) days upon receipt hereof; otherwise, this Authority shall cause the dismantling of the said structure.
2. Mr. Armando Olarte is not qualified for lot award as he was not included in the census or is not a bonafide resident as defined in the code of policies as he occupied the structure one year after the official closure of tagging operation in the project site.
3. Lot 12, Block 2, Tramo-Singalong ZIP Project is hereby awarded to Eduardo Timbang and Demetrio Ocampo in equal share.
4. This resolution is FINAL. Should the aggrieved parties opt to appeal, they have thirty (30) days from receipt hereof within which to file an appeal with the Office of the President, pursuant to Administrative Order No. 18, series of 1987.

Very Truly yours,

(Sgd)

MARCIANO M. PINEDA

General Manager[7]

(Emphasis supplied.)

The April 30, 1997 Resolution was received by petitioners on June 25, 1997.

Twenty-six (26) days later, or on July 21, 1997, petitioners filed an Appeal and Memorandum on Appeal with the OP anchored on the following grounds:

I.

THE GENERAL MANAGER OF THE NATIONAL HOUSING AUTHORITY (NHA) COMMITTED A SERIOUS AND REVERSIBLE ERROR AND GRAVE ABUSE OF AUTHORITY IN RESOLVING THAT EDUARDO TIMBANG AND DEMETRIO OCAMPO ARE THE ONLY QUALIFIED BENEFICIARIES OF THE SUBJECT LOT FOR HAVING BEEN CENSUSED AS RENTERS OF THE LOT; AND IN AWARDING TO THEM LOT 12, BLOCK 2, TRAMO-SINGALONG ZIP PROJECT IN EQUAL SHARE.

II.

THE GENERAL MANAGER OF THE NATIONAL HOUSING AUTHORITY (NHA), THE HONORABLE MARCIANO M. PINEDA, COMMITTED A SERIOUS [AND] REVERSIBLE ERROR IN RESOLVING FURTHER THAT NORMA OLARTE[-]DINEROS, ARMANDO OLARTE AND YOLANDA OLARTE MONTECER ARE ALL DISQUALIFIED FOR NOT BEING CENSUS RESIDENTS WITHIN THE PROJECT SITE AND THAT THE OLARTES CAN ONLY BE ENTITLED TO REIMBURSEMENT OF THEIR LAWFUL EXPENSES FOR THE CONSTRUCTION OF THE EXISTING STRUCTURE BUILT ON THE LOT.

III.

THAT THERE WAS A SERIOUS IRREGULARITY AND CORRUPTION IN THE CENSUS TAGGING OPERATIONS DELIBERATELY DESIGNED TO FAVOR THE RENTERS EDUARDO TIMBANG AND DEMETRIO OCAMPO AND TO DISQUALIFY THE PETITIONERS DESPITE THE FACT THAT THEY AND THEIR PREDECESSORS-IN-INTEREST HAVE BEEN IN CONTINUOUS, OPEN AND UNINTERRUPTED POSSESSION AND OCCUPANCY OF THE SAID LOT 12, BLOCK 2, TRAMO-SINGALONG ZIP PROJECT SINCE 1943 AND WERE EARLIER GIVEN PRIORITY RIGHTS TO ACQUIRE THE SAID PROPERTY.

IV.

THAT THE PETITIONERS WERE DENIED DUE PROCESS OF LAW AND THEY ARE ABOUT TO LOSE THE RESIDENTIAL HOUSE WHICH IS THE ONLY PIECE OF PROPERTY AND THE RIGHTS TO LOT 12, BLOCK 2, TRAMO-SINGALONG ZIP PROJECT WHERE ALL OF THEM WERE BORN AND HAVE GROWN UP, WHICH THE PETITIONERS INHERITED FROM THEIR PARENTS, HENCE, SAID RESOLUTION IS NULL AND VOID.[8]

On November 29, 2002, the OP, thru Deputy Executive Secretary Arthur P. Autea, issued a Resolution[9] dismissing petitioners' appeal for being filed out of time and for lack of merit.

The OP cited Section 2[10] of Presidential Decree (P.D.) No. 1344[11] which provides that an appeal from the decision of the NHA should be made within fifteen (15) days from receipt of the decision and that if an appeal was made and said decision is not reversed and/or amended within a period of thirty (30) days, the decision is deemed affirmed. The OP held that since more than thirty (30) days had lapsed since the appeal became ripe for decision and there was no reversal or amendment of the appealed ruling, the questioned award of the NHA is deemed affirmed. The OP further ruled that the appeal was filed out of time, noting that it took petitioners twenty-six (26) days to file it.

The OP further ruled that findings of fact of administrative bodies will not be interfered with, in the absence of a grave abuse of discretion or unless the findings are not supported by substantial evidence. It held that petitioners failed to prove grave abuse of discretion on the part of the NHA and that the records show that the assailed ruling is supported by substantial evidence.

Petitioners moved to reconsider the November 29, 2002 Resolution of the OP arguing that petitioners rightly relied on the statement of the NHA regarding the period for filing the appeal because the NHA was the entity

specifically charged with deciding the parties' rights and obligations to the subject land. They contend that there was no bad faith or any intention on their part to delay the disposition of the case; hence, the OP should have relaxed the rules on the matter of perfection of appeals. They likewise claim that the delay is not unreasonable since it was precipitated by a mistake of the NHA itself. Petitioners add that there was grave abuse of discretion on the NHA's part for completely disregarding the facts as laid down by petitioners, and for relying on its census tagging to favor respondents Timbang and Ocampo.

By Resolution[12] dated June 27, 2003, however, the OP denied petitioners' motion for reconsideration.

Thus, on September 15, 2003, petitioners filed a petition for certiorari with the CA assailing the OP's rulings.

In a Resolution[13] dated September 19, 2003, the CA dismissed the petition for certiorari outright on the grounds that the certification of non-forum shopping was signed by only two of the four petitioners and that they erroneously availed of the remedy of certiorari under Rule 65 instead of an appeal under Rule 43 of the 1997 Rules of Civil Procedure, as amended. Petitioners moved to reconsider the dismissal of their petition, but the same was denied by the CA in a Resolution[14] dated August 3, 2004.

The case was thereafter elevated to this Court via a petition for review on certiorari, docketed as G.R. No. 165821.

On June 21, 2005, this Court rendered a Decision[15] reversing and setting aside the September 19, 2003 and August 19, 2004 CA Resolutions and remanding the case to the CA for further proceedings. The Court ruled that the ends of justice would be better served if substantial issues are squarely addressed, especially since either side stands to lose a family home. However, since the issues involved are factual in nature, this Court ruled that such issues are best addressed to the CA, which has the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings.

Upon remand, however, the CA again dismissed the petition sustaining the OP's ruling.

Thus, petitioners again brought this case before this Court, raising the following arguments:

- THE SUPREME COURT HAS ALREADY SETTLED THE ISSUE OF WHO IS THE LAWFUL POSSESSOR OF THE DISPUTED LAND.

THE CERTIFICATE OF PRIORITY IS [A] RECOGNITION BY THE STATE OF PETITIONER[S] POSSESSION OF THE DISPUTED PROPERTY.

PRIVATE RESPONDENTS ARE MERE LESSEES OF PETITIONERS.

- PETITIONERS WERE DEPRIVED OF DUE PROCESS OF LAW.

- THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE OFFICE OF THE PRESIDENT WHICH EARLIER DISMISSED THE APPEAL OF THE PETITIONERS FOR HAVING BEEN FILED OUT OF TIME.

THE HONORABLE COURT HAS ALREADY RULED THAT A LIBERAL INTERPRETATION OF THE RULES MUST BE ACCORDED THE PETITIONERS SINCE IT IS THEIR FAMILY HOME THAT IS AT STAKE.[16]

Petitioners argue that the issue of prior possession has already been passed upon and settled by this Court in its Decision dated October 15, 1990 in G.R. No. 95206. Thus, it is erroneous for the NHA to award the subject land to respondents on the ground that petitioners are not censused owners since petitioners by and through their predecessors in interest have been in actual, continuous, uninterrupted, open, public and adverse possession since

1943. They further contend that the Certificate of Priority awarded to their parents Agapito and Angela operated to grant them the right to purchase the said property as soon as it became open for acquisition by private individuals. Thus, the blind reliance of the OP on the NHA resolution on the tagging census operation effectively deprived petitioners of their lawful rights to the property without due process of law and invalidated altogether the Certificate of Priority earlier issued to their parents.

Petitioners likewise argue that they were deprived due process of law as the tagging operations were conducted without prior notice to the owners or lawful occupants of the area. At the time of the tagging operations, petitioners Armando and Renato were in possession thereof. This, however, was conveniently ignored by the NHA when it concluded that Armando is not qualified for a lot award and is not a bona fide resident. Worse, petitioners contend that they were never informed nor given the opportunity to present or adduce evidence of their continued occupancy of the subject property by themselves and through their predecessors in interest. The NHA simply relied on the tagging operations.

Petitioners also submit that the CA, in affirming the OP's decision, effectively denied them the opportunity to present completely their meritorious case on appeal. They point out that it is the NHA resolution itself which provided for a thirty (30)-day appeal period and petitioners, in their honest belief that they were granted said amount of time within which to file their appeal, cannot be faulted for having filed the appeal beyond the reglementary period mandated in P.D. No. 1344. They argue that while the government is usually not estopped by the mistake or error of its officials or agents, the rule does not afford a blanket or absolute immunity.

Petitioners further contend that this Court has already ruled that a liberal interpretation of the rules must be accorded them since it is their family home that is at stake.

The Office of the Solicitor General (OSG), for the NHA, on the other hand argues that though petitioners blame the NHA for their belated filing of the appeal when its resolution granted them a period of thirty (30) days within which to appeal to the OP, such does not change the fact that their appeal was filed beyond the reglementary period. The OSG submits that the OP aptly held that the error of the NHA, which did not take into account Section 2 of P.D. No. 1344 providing for the fifteen (15)-day period to appeal, cannot be invoked as a ground for estoppel. Also, petitioners have no one to blame but themselves for the belated filing of their appeal as ignorance of the law excuses no one from compliance therewith.

The OSG likewise argues that a perusal of the records of the case would show that petitioners need not present evidence to establish their possession because although they allege to be owners, they are nonetheless disqualified from being beneficiaries of the land. As to Armando, even though he actually occupied the property, he did so one year after the official closure of the census tagging operation. As to Norma and Yolanda, they are disqualified for not being census residents.

The OSG also contends that the Certificate of Priority cannot be considered title to the property. In fact, petitioners could be deemed to have abandoned whatever right they may have over the property by virtue of the Certificate of Priority when they stopped residing on the property as they were found by NHA as not census residents within the project area. Clearly therefore, there was basis for the NHA for holding Timbang and Ocampo as eligible beneficiaries.

Essentially, the issues to be resolved in the instant case are: (1) Should petitioners be blamed for filing their appeal late because they relied on the erroneous pronouncement in the NHA resolution that they have thirty (30) days to file it instead of fifteen (15) days as mandated by law? and (2) Are petitioners disqualified to be awardees for Lot 12, Block 2, Tramo-Singalong ZIP, Manila?

As to the first issue, we answer in the negative.

Time and again, it has been held that the right to appeal is not a natural right or a part of due process, but merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of the law. The party who seeks to avail of the same must comply with the requirements of the rules, failing in which the right to appeal is lost.[17]

In the instant case, the proximate cause of petitioners' failure to comply with the rules, specifically that pertaining to the period within which to appeal, is the pronouncement in the appealed resolution itself that they have thirty (30) days contrary to what is prescribed in Section 2 of P.D. No. 1344, the applicable law in the case. We agree with petitioners that they cannot be blamed for honestly believing that they indeed had thirty (30) days considering it was the NHA itself which said so. Being the agency tasked to implement P.D. No. 1344, it is but plausible for petitioners to assume that what the NHA pronounced is the correct period within which they can file their appeal.

However, as to the second issue, we rule in the affirmative.

The Zonal Improvement Project or ZIP was adopted to strengthen further the efforts of the government to uplift the living conditions in the slums and blighted areas[18] in line with the spirit of the constitutional provision guaranteeing housing and a decent quality of life for every Filipino.[19] The ownership of land by the landless is the primary objective of the ZIP.[20]

The Code of Policies embodied in NHA Circular No. 13 governed the implementation of the ZIP as to the classification and treatment of existing structures, the selection and qualification of intended beneficiaries, the disposition and award of fully developed lots in all ZIP zones within Metro Manila, and other related activities.[21] In the Declaration of Policy, it provides that the tagging of structures and the census of occupants shall be the primary basis for determining beneficiaries within ZIP Project sites.[22] Paragraph V, on the other hand, lays down the rules on beneficiary selection and lot allocation:

V. BENEFICIARY SELECTION AND LOT ALLOCATION

- The official ZIP census and tagging shall be the primary basis for determining potential program beneficiaries and structures or dwelling units in the project area.
- Issuance of ZIP tag number in no way constitutes a guarantee for ZIP lot allocation.
- Absentee censused households and all uncensused households are automatically disqualified from lot allocation.
- Only those households included in the ZIP census and who, in addition, qualify under the provisions of the Code of Policies, are the beneficiaries of the Zonal Improvement Program.
- A qualified censused-household is entitled to only one residential lot within the ZIP project areas of Metro Manila.
- Documentation supporting lot allocation shall be made in the name of the qualified household head.
- An Awards and Arbitration Committee (AAC) shall be set up in each ZIP project area to be composed of representative each from the Authority, the local government, the barangay and the community. The AAC shall determine lot allocation amongst qualified beneficiaries, arbitrate in matters of claims and disputes, and safeguard the rights of all residents in ZIP project areas by any legal means it may consider appropriate. All decisions of the AAC shall be subject to review and approval of the General Manager of the Authority, the local Mayors, and finally the Governor of the Metropolitan Manila Commission.[23]

The declaration of policy in the Code of Policies stated that an absentee or uncensused structure owner was disqualified from owning a lot within the ZIP zones.[24] The Code of Policies shows the following persons to be automatically disqualified as beneficiaries of the project, namely:

(1)

Absentee censused household - censused household that vacates a duly tagged structure or dwelling unit and leaves the project area for a continuous period for at least six months without written notice to the NHA and the local government unit;

(2)

Uncensused household - household that is not registered in the official ZIP census;

(3)

Absentee structure owner - any individual who owns a structure or dwelling unit in a ZIP project area and who has not occupied it prior to the official closure of the Census; and

(4)

Uncensused structure owner - any person who owns a structure or dwelling unit not registered in the official ZIP census.[25] (Emphasis supplied.)

Thus, in the award of the ZIP lot allocation, the primary bases for determining the potential program beneficiaries and structures or dwelling units in the project area were the official ZIP census and tagging conducted. It was, therefore, the primordial requisite that the intended beneficiary must be the occupant of the tagged structure at the time of the official ZIP census or at the closure thereof. Otherwise, the person was considered an absentee structure owner for being absent from his usual residence or domicile. [26]

Here, at the time of the official ZIP census, the NHA found that Norma was an absentee structure owner and it was not petitioners but respondents Timbang and Ocampo and a certain Mr. Ilagan who were occupying the subject property. Armando on the other hand occupied the portion vacated by Mr. Ilagan in 1988 one year after the official closure of the census tagging operation while Yolanda occupied a portion vacated by Demetrio Ocampo in 1994 after the latter was judicially evicted in 1993. Though there was no mention as to Renato, petitioners in their pleadings admit that he was working in Novaliches and would only go to the subject property during weekends. Petitioners however dispute the NHA and census findings and allege that Armando and Renato never left the subject property, but we find no cogent reason to disturb the findings of the NHA.

It is settled that the Court is not a trier of facts and accords great weight to the factual findings of lower courts or agencies whose function is to resolve factual matters. It is not for the Court to weigh evidence all over again. Moreover, findings of fact of administrative agencies and quasi-judicial bodies, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but finality when affirmed by the CA,[27] as in the case at bar.

Evidently, all petitioners cannot qualify as beneficiaries because they were not the occupants of the subject property at the time of the census. They were living elsewhere at that crucial time. Undeniably, they were primarily using the subject property as a source of income by renting it out to third persons and not as their abode. Petitioners thus are not homeless persons which the ZIP intended to benefit. That petitioners were the descendants of the persons who built the residential house does not mean that the lot on which it stood would automatically be awarded to them.

Petitioners cannot anchor their rights on the Certificate of Priority awarded to their parents. As correctly argued

by the OSG, petitioners are deemed to have abandoned whatever right they may have over the property by virtue of the Certificate of Priority, when they chose not to reside on the subject property and found by NHA as not census residents within the project area.

Neither can petitioners rely on this Court's final judgment sustaining Ocampo's ejectment from the subject property. The only issue for resolution in an ejectment case is physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants. An ejectment case is designed to restore, through summary proceedings, the physical possession of any land or building to one who has been illegally deprived of such possession, without prejudice to the settlement of the parties' opposing claims of juridical possession in appropriate proceedings. Any ruling on the question of ownership is only provisional and made for the sole purpose of determining who is entitled to possession de facto.[28] Certainly, a judgment in an ejectment case could only resolve the question as to who has a better right to possess the subject property but definitely, it could not conclusively determine whether petitioners are entitled to the award under the ZIP or ascertain if respondents are disqualified beneficiaries.[29]

We likewise disagree with petitioners' argument that they were deprived due process since they were not notified of the census tagging operations in their area. It cannot be said that the census was conducted for one day only that petitioners could have just missed their opportunity to be considered as censused occupants. If in fact they actually live on the subject property and are really occupants thereof, there is no way that they will not be aware of the census tagging operations since all residents in the area were subjected to it. The fact that they allegedly knew nothing of the census tagging operations all the more bolsters the NHA's finding that petitioners are mere absentee structure owners and not occupants of the subject property.

Similarly without merit is petitioners' contention that they were deprived of due process of law. If petitioners were not able to present evidence to substantiate their claim, they only have themselves to blame and not the NHA or the Office of the President whom they believed to have ignored their claims and contentions. Nothing in the records show that petitioners invoked the jurisdiction of the Awards and Arbitration Committee (AAC) that was set up in their area to determine lot allocation amongst qualified beneficiaries, arbitrate in matters of claims and disputes, and safeguard the rights of all residents in the ZIP project area.[30] If at the first instance, they already went to the AAC, they could have easily proven their claims since it includes members from the barangay and the community who know them and could attest that they are indeed actual residents of the subject property. Petitioners, however, failed to avail of this remedy.

In sum, while this Court finds that petitioners' appeal to the OP should be considered timely filed, we find the same to be without merit.

WHEREFORE, the petition for review on certiorari is DENIED.

With costs against the petitioners.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, and Sereno, JJ., concur.

[1] Rollo, pp. 67-77. Penned by Associate Justice Jose L. Sabio, Jr. with Associate Justices Jose C. Reyes, Jr. and Myrna Dimaranan Vidal concurring.

[2] Id. at 79.

[3] Id. at 93.

[4] Id. at 88-89.

[5] Id. at 116.

[6] See *Heirs of Agapito T. Olarte v. Office of the President of the Philippines*, G.R. No. 165821, June 21, 2005, 460 SCRA 561, 564.

[7] Rollo, pp. 108-110.

[8] OP records, pp. 106-107.

[9] Id. at 151-153.

[10] Section 2. - The decision of the National Housing Authority shall become final and executory after the lapse of fifteen (15) days from the date of its receipt. It is appealable only to the President of the Philippines and in the event the appeal is filed and the decision is not reversed and/or amended within a period of thirty (30) days, the decision is deemed affirmed. Proof of the appeal of the decision must be furnished the National Housing Authority.

[11] *Empowering the National Housing Authority to Issue Writ of Execution in the Enforcement of its Decision Under Presidential Decree No. 957* dated April 2, 1978.

[12] OP records, pp. 185-186.

[13] Id. at 286.

[14] CA rollo, p. 161.

[15] Id. at 289-296; *Heirs of Agapito T. Olarte v. Office of the President of the Philippines*, supra note 6.

[16] Rollo, pp. 48-58.

[17] *Producers Bank of the Philippines v. Court of Appeals*, G.R. No. 126620, April 17, 2002, 381 SCRA 185, 197.

[18] Paragraph I, NHA Circular No. 13 dated February 19, 1982.

[19] Paragraph III (1), id.

[20] Paragraph III (4), id.

[21] Paragraph II, id.

[22] Paragraph III (3), id.

[23] Paragraph V, id.

[24] Paragraph III (5), id.

[25] *Blas v. Galapon*, G.R. No. 159710, September 30, 2009, 601 SCRA 369, 379-380.

[26] Id. at 381.

[27] *Ortega v. Social Security Commission*, G.R. No. 176150, June 25, 2008, 555 SCRA 353, 363-364.

[28] *Keppel Bank Philippines, Inc. v. Adao*, G.R. No. 158227, October 19, 2005, 473 SCRA 372, 378-379.

[29] See *Blas v. Galapon*, supra note 25 at 383.

[30] Paragraph V (7), NHA Circular No. 13 dated February 19, 1982.

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