

**HEIRS OF FILOMENO TUYAC, REPRESENT-ED BY QUIRICA
TUYAC-AMORA, PETITIONERS, VS. HON. FRANCISCO Z.
CONSOLACION, JUDGE, COURT OF FIRST INSTANCE, DAVAO CITY,
BRANCH III, HON. JACOBO...**

G.R. NO. 60161. March 21, 1990

Ponente: NARVASA, J.

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NARVASA, J.:

This otherwise pedestrian case is made remarkable only by the implacable obduracy with which the petitioners and their predecessor-in-interest for many years sought to obtain administrative or judicial sanction of their plainly unmeritorious claim.

The case concerns a small parcel of residential land, measuring some 313 square meters. It is a part of Government property known as the "Mitsui Bussan Kaisha Subdivision" located at Bajada, Davao City, and designated as Lot No. 15 thereof. The subdivision was placed under the administration of the Bureau of Building and Real Property Management by Republic Act No. 477.[1] Under this law, the Bureau was authorized to award the lots of which the subdivision was comprised to qualified persons in accordance with a stated order of preference pertinently reading as follows:[2]

" *** That preference shall be given first to bona fide occupants thereof on or before December twelve, nineteen hundred and forty-six and second, to veterans of the last war, and to members of the guerilla organizations and other qualified persons who entered the land after December twelve, nineteen hundred and forty-six, but not later than December thirty-one, nineteen hundred and fifty-three and who shall be limited to the area they have actually improved and maintained."

Pursuant thereto, Lot 15 was awarded by the Bureau of Building and Real Property Management to Alfredo Martin, a veteran, who claimed to have occupied it on December 19, 1953.[3] The award was protested by the heirs of Filomeno Tuyac on November 3, 1964. They alleged that they were preferred in the purchase because their predecessor-in-interest, Filomeno Tuyac, had occupied Lot 15 on April 9, 1953[4] -- earlier, therefore, than Alfredo Martin, whose occupancy dates only from December 19, 1953.

Relevant to the protest are certain facts none of which is disputed.[5] These are:

- 1) Alfredo Martin is a veteran, whereas Filomeno Tuyac was a civilian;
- 2) Filomeno Tuyac and his daughter, Quirica Tuyac-Amora, together with many other individuals, had filed a complaint, docketed as Civil Case No. 4297 of the Court of First Instance at Davao City,[6] praying for the invalidation of the "announced sale by lottery of Mitsui Bussan Kaisha Subdivision lots," in which they declared that they were the "actual occupants and have been so since after December 31, 1953 but before June 18, 1961" of Lots Numbered 15 and 14 of the subdivision, respectively;
- 3) the records of the City Court of Davao City establish that Filomeno Tuyac built a house on Lot 15 in May,

1964, but the Court declared his house to be an illegal construction and ordered him to demolish the house on August 25, 1964, and the demolition was effected by the corresponding writs.

The protest of the Tuyac Heirs was dismissed on November 18, 1964 by Hon. Celerino Sapitula, the Director of the Bureau of Building and Real Property Management at the time, for having been tardily filed.

Sapitula's decision was appealed by the Tuyac Heirs to the Secretary of General Services, Hon. Duma Sinsuat. In a decision rendered on June 11, 1965, Secretary Sinsuat dismissed the appeal and affirmed Director Sapitula's decision awarding Lot 15 to Alfredo Martin.[7] He ruled that Tuyac was not qualified for an award of the lot in question under the law because he had failed to prove that he had occupied the lot applied for not later than December 31, 1953, and even assuming otherwise, he could not be regarded as coming within the second preference, since he was neither a veteran, a member of a duly organized guerilla organization, nor an otherwise qualified person.

About ten (10) years later, Quirica Tuyac-Amora succeeded in re-opening the case. She filed a petition dated June 7, 1975 asking for such a re-opening on the ground of newly discovered evidence which the Secretary of General Services (Hon. Constancio Castañeda) granted by Order dated September 12, 1975. But the verdict still went against the Tuyac claim.[8] After the matter was reinvestigated and further studied, Secretary Castañeda issued an Order dated November 20, 1978 pertinently disposing as follows:

"After going over the petition and the evidence adduced by claimant Quirica Tuyac-Amora in support of her petition, this Office finds no justifiable grounds to reverse the stand of this Office dated June 11, 1965 awarding subject lot in favor of Alfredo Martin.

"The Officer-in-Charge, Bureau of Building and Real Property Management, is therefore directed to issue a final award in favor of Alfredo Martin."

Undaunted, Quirica appealed, this time to the Office of the President. Again she was rebuffed. That Office affirmed the appealed decision of November 20, 1978, the affirming decision having issued on September 4, 1979 through Presidential Executive Assistant Jacobo Clave,[9] who also, on February 5, 1980, denied Quirica's motion for reconsideration.

Having run the entire gamut of the relevant administrative processes, the Tuyac Heirs turned to the courts. They commenced on April 12, 1980 a special action of certiorari in the Court of First Instance of Davao for the nullification of the decision of September 4, 1979 and the resolution of February 5, 1980, and of the award to Alfredo Martin of Lot 15. After due trial, the Trial Court dismissed the case and adjudged the award to Alfredo Martin to have been given in accordance with law.[10]

They are now before this Court on appeal by certiorari and ascribe to the Trial Court certain errors which they craftily state as follows:

- 1) "not voiding the award *** for being violative of the stare decisis of the Bureau of Building and Real Property Management and/or the Ministry of General Services;"
- 2) "not upholding the executive findings of fact that Tuyac occupied the disputed lot earlier than private respondent 'within the period provided by law';"
- 3) "not holding that Tuyac's admission that he was a "squatter" on the disputed lot did not affect his bona fide status under RA 477 as amended;
- 4) "not holding that the executive interpretation of Sec. 3, R.A. 477 ** was a patent error or misconstruction of the law;" and

5) "not holding that the executive findings are in violation of the laws, and are not free from fraud or imposition and that there is no reasonable support in the evidence for such findings."

For all their clever formulation, the issues sought to be raised are obviously factual for the most part, or contrived.

The facts show that Tuyac could make no valid claim to any precedence in award over the lot in question under RA 477, as amended. He could not fall under the first preference, i.e., bona fide occupation on or before December 12, 1946, because admittedly he was a squatter[11] who -- without any pretense of having good title to the land occupied or lack of awareness of any adverse claim thereto, which are the characteristics of a bona fide occupant[12] -- had entered the land only in April, 1953. He could not fall under the second preference because he was neither (a) a veteran, nor (b) a member of a duly organized guerrilla organization, nor (c) a qualified person who entered the land on or before December 31, 1953. Alfredo Martin, on the other hand, although not within the first order of precedence -- he occupied the land many years after December 12, 1946 -- undoubtedly was within the second preference: he was a veteran, a fact about which there is no controversy. Absent any bona fide occupant of the land, Lot 15, falling within the first preference, Martin, as second preferred awardee, clearly had a better right to an award of the property than Tuyac, who had no preference at all.

The facts show furthermore that the Tuyacs' protest against the award of Lot 15 to Martin was presented late and was properly dismissed on this account. It was filed only on November 3, 1964, seven (7) months after the cut-off of April 26, 1964.[13]

The facts do not consequently furnish basis for a departure from the general proposition of long standing that decisions of administrative agencies and officials on specific matters within their jurisdiction and about which they have acquired specialized knowledge and expertise, are not to be disturbed by the courts but accorded respect and even finality, unless said decisions be shown to have been rendered without or in excess of jurisdiction or with grave abuse of discretion,[14] a circumstance not present in the case at bar.

The Tuyacs' claim that there is precedent justifying an award to their predecessor, a civilian, in preference to a war veteran, is utterly without merit. The case cited, *Bihasa Cerdan v. Pedro Aplicador*,* dealt with a civilian, Aplicador, who had entered the property in controversy on July 20, 1946, years ahead of a war veteran, Cerdan, who had commenced to occupy it only in 1957. The award to the civilian in accordance with RA 477 was, therefore, eminently justified by the facts.

WHEREFORE, the petition is DENIED for lack of merit, with costs against petitioners. This decision is immediately executory.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] SEE Rollo, p. 68; petitioners' brief, p. 5

[2] SEC. 3, RA 477, as amended by RA 3348. The section was further amended to extend the period to not later than October 31, 1960, PD 967, eff. July 24, 1976

[3] Occupant's Affidavit of Alfredo Martin dated May 6, 1964 (Exh. B)

[4] Tuyac's Occupant's Affidavit dated August 21, 1963.

[5] Rollo, pp. 67-70

[6] Docketed as Civil Case No. 4297

[7] Records, Annex E, pp. 15-18

[8] Brief of public respondents, pp. 5-6

[9] Rollo, pp. 74-76

[10] Brief for public respondents, p. 9

[11] His admission appears in his Occupant's Affidavit dated August 31, 1963.

[12] SEE C.A. 539; Godoy v. Ramirez, 168 SCRA 85 [1988]; Words & Phrases, Vol. 39-A, p. 57

[13] Set in the telegraphic instructions of March 24, 1964 of Director Sapitula, quoted in his decision of November 18, 1964 dismissing petitioners' protest, *supra*, p. 2; Rollo, p. 27

[14] SEE Lianga Bay Logging Co., Inc. v. Lopez Enaje, 152 SCRA 81 (1987)

* Rollo, p. 93 (Appellants' Brief [pp. 24-26]); 38-40

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