

CENON MARTIRES, PETITIONER, VS. HONORABLE COURT OF APPEALS, BENJAMIN LABAYEN AND ANNA MORALES, RESPONDENTS.

G.R. Nos. 78036-37. August 03, 1990

Ponente: CRUZ, J.

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CRUZ, J.:

The acute housing problem in the urban areas, particularly Metropolitan Manila, is the reason for the many bitter disputes over plots of earth that by their size alone may seem insignificant and not worth the aggravation of a protracted litigation. It is only when we understand the desperate need of many families for a roof over their heads on a piece of land they can call their own that we begin to realize the importance of these disputes as not involving pesos and centavos only but the legitimate yearning for a decent life.

The lot disputed in this case is situated in Diliman, Quezon City, and has an area of only 588 square meters. It was originally owned by the People's Homesite and Housing Corporation, now the National Housing Authority. The record shows that in 1957 Benjamin Labayen applied for the purchase of this lot, but his application was opposed by Cenon Martires, Faustino Morales and Iluminada Amansec, who each asserted adverse claims. A special committee was formed to examine the protests, and on December 12, 1961, after hearing the parties, it submitted a recommendation in favor of Labayen. Accordingly, on December 15, 1961, the PHHC approved his application and confirmed the award of the lot to him.

Only Morales appealed the action of the PHHC to the Office of the President; Martires and Amansec did not. Almost eight years later, on February 19, 1969, the appeal was dismissed and the award in favor of Labayen was affirmed. Labayen paid the total purchase price for the lot, which was then transferred to him in a deed of sale dated February 28, 1969. This was followed by the registration of the land in his name under TCT No. 137894 in the Register of Deeds of Quezon City.

Thus armed, Labayen now filed a complaint for recovery of possession of the lot against Martires, Morales and Amansec on April 20, 1972. This was docketed as Civil Case No. Q-16475. The complainant's allegation was that he was the registered owner of the lot; that the defendants had stealthily entered the same and constructed their houses thereon; and that they had refused to vacate the said land despite repeated demands.

Amansec did not answer and was declared in default. Martires averred that Labayen's title was void ab initio because it had been fraudulently obtained. Denying he had stealthily entered the land, he contended he was a bona fide possessor thereof, having occupied the lot since 1954. Anna Morales (in substitution of her husband, who had died pendente lite) asserted substantially the same defense. But more than this, she commenced her own case against Labayen and the PHHC, docketed as Civil Case No. Q-20337, in which she sought nullification of Labayen's title on the ground of fraud and disqualification. Martires, not to be outdone, now filed a complaint in intervention in which he challenged the claims of both Labayen and Morales and insisted he had a superior right to the lot in question.

The two cases were consolidated and tried jointly. On October 22, 1982, Judge Jose P. Castro of the Court of First Instance of Rizal rendered a decision, the dispositive portion of which read:

IN VIEW OF THE FOREGOING, judgment is hereby rendered -

a. In Civil Case No. Q-16475, ordering defendants Anna Morales, Iluminada Amansec and Cenon Martires and all persons claiming rights under them to vacate the premises of Lot No. 5, Block 150-E of East Avenue (Piñahan) Subdivision, Quezon City, and surrender possession thereof to the plaintiff; all defendants to pay jointly and severally the plaintiff the sum of P300.00 monthly from March 1969 until the place is vacated and the sum of P3,000.00 as attorney's fees and the costs of suit.

b. In Civil Case No. Q-20337, the complaint of Anna Morales as well as the complaint in intervention by Cenon Martires are all dismissed. Considering that both cases were jointly heard, the Court believes that Labayen is no longer entitled to attorney's fees.

SO ORDERED.

Both Martires and Morales appealed, but the decision was affirmed in toto by the Court of Appeals. On a motion for reconsideration, the said court modified the decision by awarding the lot to Anna Morales. However, in its resolution dated April 6, 1987, it reconsidered its earlier resolution and reinstated its original decision dismissing the appeal.[1] It was at this point that Martires decided to file this petition for certiorari under Rule 45 of the Rules of Court.

In this petition, Martires claims it is he who is entitled to the award of the lot and that the respondent court committed grave abuse of discretion in affirming the decision of the trial court in favor of Labayen.

Before anything else, the Court notes that in a petition for review under Rule 45, where only questions of law may be raised, grave abuse of discretion is not an allowable ground. To argue as the petitioner does that grave abuse of discretion is a question of law is, in our view, merely to split hairs. This posture disregards the admonition in Section 4 thereof that "a review is not a matter of right" and is allowed only when there are special and important reasons therefor and in such instances as:

(a) When the Court of Appeals has decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court.

(b) When the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision.

Even if it be conceded that grave abuse of discretion is a question of law that may be properly raised in this kind of petition, we do not find that such ground exists in the case before us.

What strikes the Court at the outset is the incontrovertible fact that Martires did not appeal to the Office of the President when the PHHC awarded the lot in question to Labayen in 1961. Morales did, but Martires did not, along with Amansec who had given up the fight even then. This omission is stressed by the PHHC, which submits that failure to exhaust administrative remedies is ground enough for the denial of the petition.

The petitioner's justification for this omission is not acceptable. He says that the principle of exhaustion of administrative remedies is not absolute and admits of exceptions, one of which is when the question to be raised before the courts is purely legal. True. But this exception is based on the justification that resort to administrative remedies would only entail waste of time (and effort) and should not prevent speedier resolution of the question by a judicial body, which after all is the final authority on the matter.

It does not appear that the petitioner took that speedier action to justify the exception. The record does not show that instead of resorting to an administrative appeal, he immediately asked the courts of justice to rectify the award of the lot to Labayen. In fact, the petitioner acted only after more than a decade, when he was sued by Labayen for recovery of the possession of the disputed lot in 1972. Having lost in the administrative action, which he did not appeal, he desisted from further pursuing his claim to the lot until he was sought to be ousted therefrom eleven years later. It was only then that it occurred to him to question the administrative decision.

It is clear that he can no longer appeal at this late hour from that decision rendered in 1961 and affirmed in 1969. Laches should operate against him.[2] And even if he could, he has failed to establish that the decision was tainted with what he calls grave abuse of discretion, as the ground for its reversal. Absent such a showing, the decision of administrative bodies are accepted as correct and, indeed, received with respect by the courts of justice. Judges recognize the expertise and experience of administrative bodies in the examination and resolution of the particular issues entrusted by law to their jurisdiction.

Furthermore, the issues in the case at bar are mainly factual and therefore not reviewable in appeals under Rule 45. It has not been shown that the factual conclusions of the respondent court are not based on the evidence adduced by the parties.

The petitioner's averment that he was a bona fide occupant of the lot because he filed an application to purchase it (although there is no evidence of such application) deserves scant attention. The administrative officials and the courts below conclusively found that he was a squatter. Surely, he cannot contend that such status was automatically corrected when he filed his application to buy the lot, assuming he really did apply.

The petitioner's argument that his claim should be preferred because he does not own his own lot must also be rejected. We defer to the factual findings of the special committee, as affirmed by the Office of the President and later sustained by the lower courts, that private respondent Labayen had the better claim to the property.

The petitioner invokes *Kempis v. Gonzales*,[3] but a simple reading of that case will show it is not applicable. The Court held there that under Com. Act No. 648 and the social justice policy preference in the purchase of residential lots from the PHHC should be accorded the bona fide occupants of such lots. But the simple fact is that the petitioner was not such an occupant.

On the contrary, the petitioner entered the property when it was still registered in the name of the PHHC and did not even secure its permission. His occupancy was never recognized by the PHHC. Worse, he remained in possession after his opposition to Labayen's application was dismissed in 1961, even after Morales' appeal to the Office of the President was denied in 1969, and even after the complaint for recovery of possession of the lot was filed against him by Labayen in 1972. We do not see how, in these circumstances, the petitioner could validly claim to be an occupant in good faith of the disputed lot.

While we sympathize with the millions of our people who are unable to afford the basic necessity of shelter, let alone the comforts of a decent home, this sympathy cannot extend to squatting, which is a criminal offense. Social justice cannot condone the violation of law nor does it consider that very wrong to be a justification for priority in the enjoyment of a right. This is what the petitioner wants us to grant him. But we cannot heed his unjust plea because the rule of law rings louder in our ears.

WHEREFORE, the petition is DENIED, with costs against the petitioner. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision penned by Sison, P.V., J., Bidin, Veloso and Jurado, JJ., concurring.

[2] Golloy v. Court of Appeals, 173 SCRA 26; Chung Ka Bio v. Intermediate Appellate Court, 163 SCRA 534; Rafols v. Barba, 119 SCRA 146; Perez v. Ong Chua, 116 SCRA 732; Barsobia v. Cuenco, 113 SCRA 547.

[3] 60 SCRA 439.

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