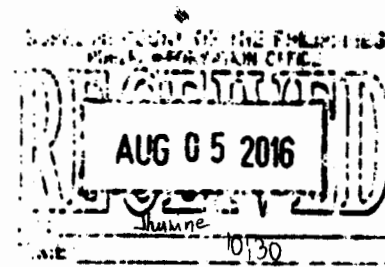




Republic of the Philippines
Supreme Court
 Manila



FIRST DIVISION

**FELICISIMO FERNANDEZ, SPOUSES
 DANILO and GENEROSA VITUG-
 LIGON,**

G. R. No. 187400

Petitioners,

Present:

-versus-

SERENO, *CJ*, Chairperson,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 PERLAS-BERNABE, and
 CAGUIOA, *JJ*.

**SPOUSES ISAAC and CONCEPCION
 RONULO**

Promulgated:

JUL 13 2016

Respondents.

X ----- X

DECISION

SERENO *CJ*:

This is a Petition for Review on Certiorari¹ under Rule 45 seeking to annul and set aside the Decision² and the Resolution³ of the Court of Appeals (CA) dated 22 December 2008 and 17 April 2009, respectively, in CA-G.R. SP No. 85011.

This case stemmed from the Order⁴ dated 09 October 1995 issued by Regional Director Antonio G. Principe (Director Principe) of the Department of Environment and Natural Resources (DENR) in DENR Case No. IV-5516. The Order cancelled the Survey Plan with Psu No. 04-008565 in the name of Tomas Fernandez, as it included the land that respondents were occupying.⁵

¹ *Rollo*, pp. 8-41.

² *Id.* at 44-65; penned by Associate Justice Regalado E. Maambong with the concurrence of Associate Justices Monina Arevalo-Zenarosa and Arturo G. Tayag.

³ *Id.* at 67-69; penned by Associate Justice Monina Arevalo-Zenarosa, with the concurrence of Associate Justices Josefina Guevara-Salonga and Arturo G. Tayag.

⁴ *Id.* at 194-197.

⁵ *Id.* at 12.

In the appeal⁶ docketed as DENR Case No. 5102, the DENR Secretary promulgated a Decision⁷ dated 28 May 1999 reversing the Order of Director Principe.

In O.P. Case No. 00-1-9241,⁸ the Office of the President (OP) issued the Resolution⁹ and the Order¹⁰ dated 24 March 2004 and 11 June 2004, respectively, reversing and setting aside the Decision of the DENR Secretary.

The assailed CA Decision and Resolution affirmed the OP's Resolution and Order.¹¹

ANTECEDENT FACTS

Sometime in 1970, Tomas Fernandez filed a Free Patent Application over a parcel of land with an area of 9,478 square meters located in *Sitio Kuala, Barangay Wawa* in Nasugbu, Batangas.¹² When he died, his son Felicisimo (herein petitioner) pursued the application. On 24 April 1984, the Bureau of Lands (BoL) approved Survey Plan Psu No. 04-008565 covering the entire property.¹³

In 1985, respondents asked the OP to investigate their claim that the approved Survey Plan in the name of Tomas Fernandez included the 1,000 square meters of land they had been occupying since the 1950s. The OP referred the matter to the BoL, which then referred it to the DENR Region IV Office for appropriate action.¹⁴

Acting on that same request of respondents, Presidential Executive Assistant Juan C. Tuvera also issued a Memorandum dated 12 April 1985 regarding the matter.¹⁵ The request became the subject of a Memorandum Order of Investigation dated 25 April 1985 sent by Assistant Regional Director Claudio C. Batilles, Regional Lands Office No. IV, Quezon City, to Atty. Raymundo L. Apuhin of the same office.¹⁶

Findings of the DENR Region IV Office

On 20 March 1985, Land Inspector Julian B. De Roxas of the Sub Office of the BoL in Balayan, Batangas, conducted an investigation and

⁶ Id. at 81.

⁷ Id. at 81-96.

⁸ Id. at 80.

⁹ Id. at 105-111.

¹⁰ Id. at 121-122.

¹¹ Supra notes 2 and 3.

¹² Id. at 45.

¹³ Id. at 11.

¹⁴ Id.

¹⁵ Id. at 46.

¹⁶ Id. at 47.

ocular inspection to determine the veracity of respondents' claim. Roxas submitted his Report of Investigation on 21 May 1985 recommending the dismissal of the claim. Concurring with the Report, the officer-in-charge of the sub office indorsed it to the Regional Land Director, Regional Office No. IV, Quezon City, on the same date.¹⁷

Findings of Regional Lands Office No. IV

Atty. Apuhin likewise conducted his own investigation and ocular inspection covering the subject land on 20 May 1985. In his initial report dated 21 May 1985 submitted to Assistant Regional Director Batilles, Atty. Apuhin verified and ascertained that (1) the land was situated at *Sitio* Kuala, *Barangay* Wawa, Nasugbu, Batangas; (2) there were improvements on the property allegedly introduced by respondents; and (3) respondents had previously stayed outside the land and only transferred their house within in 1984. The report also mentioned that Fernandez could not pinpoint the improvements that he and his predecessors-in-interest might have introduced on the land.¹⁸

On 26 November 1987, Atty. Apuhin wrote a letter to the Regional Technical Director (RTD) of the Land Management Sector in Region IV. The former requested that the continuation of the investigation be referred to the District Land Officer of Balayan, Batangas, up to its termination.¹⁹ RTD Pedro Calimlim acted on the request in a 1st Indorsement dated 04 December 1987.²⁰

On 18 April 1991, Atty. Apuhin submitted his Final Report of Investigation to the Regional Executive Director of DENR Region IV in Ermita, Manila.²¹ The former recommended that the survey plan in the name of Tomas Fernandez be cancelled.

Regional Executive Director (Provision Region IV-A) Antonio G. Principe subsequently issued an Order dated 09 October 1995 in DENR Case No. IV-5516, *Isaac and Concepcion Ronulo v. Felicisimo Fernandez*, adopting *in toto* the report and recommendation of Atty. Apuhin.²² The Order stated that petitioner Fernandez failed to establish his claim of ownership over the land in question²³ and was found to have never occupied or possessed even a portion thereof. It was ruled that respondents had a

¹⁷ *Supra* note 13.

¹⁸ *Id.* at 47-48.

¹⁹ *Id.* at 48.

²⁰ *Id.* at 12.

²¹ *Id.* at 49.

²² *Supra* note 4.

²³ *CA rollo*, p. 98.

better preferential right to the land in question for being its actual occupants and possessors for quite a number of years already.²⁴

On 20 November 1995, petitioner Fernandez moved for reconsideration of the Order dated 9 October 1995.²⁵ Director Principe denied the motion on 8 January 1996.²⁶ The Order became final and executory, as no appeal thereon was filed within the allowed period.²⁷ The DENR Region IV Office issued a Certificate of Finality dated 5 March 1996.²⁸ A day before the issuance of the certification or on 4 March 1996, however, petitioner Fernandez filed a notice of appeal on the Order of Director Principe at the Office of the DENR Secretary.²⁹ The appeal was docketed as DENR Case No. 5102.³⁰

Disposition of the subject property by the parties

In the meantime, the then already widowed Concepcion Ronulo (Concepcion) and petitioner Fernandez made separate dispositions involving the disputed lot. Concepcion, on the one hand, executed an Affidavit of Waiver of Rights on 20 October 1995 over the property, subject of DENR Case No. IV-5516, in favor of Charlie Lim. The Affidavit also identified Lim as the one who “would file the appropriate public land application.”³¹ On even date, the children of Concepcion executed an Affidavit of conformity to the waiver, conveyance, and transfer of the property to Lim.³²

Petitioner Fernandez, on the other hand, sold the entire 9,478-square-meter property to the spouses Ligon, who introduced improvements thereon, including a beach house. On 31 October 1995, the Registry of Deeds of Nasugbu, Batangas, issued Transfer Certificate of Title (TCT) No. TP-1792 in the name of the spouses Ligon from Free Patent No. IV03A issued on 11 December 1986 and an analogous Original Certificate of Title (OCT) No. OP-1808 dated 16 December 1993, both in the name of petitioner Fernandez.³³

Complaint for Forcible Entry

On 17 September 1996, Lim filed a separate Complaint for forcible entry against the spouses Ligon with the Municipal Trial Court (MTC) of Nasugbu.³⁴ The MTC ruled in favor of Lim based on the evidence of his

²⁴ Id. at 100.

²⁵ *Rollo*, p. 436.

²⁶ Id. at 52.

²⁷ Id. at 437; *CA rollo*, p. 426.

²⁸ Id.

²⁹ Id. at 437.

³⁰ Id. at 52.

³¹ Id. at 13, 52; *CA rollo*, pp. 419, 456.

³² Id. at 13, Id. at 456.

³³ Id.

³⁴ *CA rollo*, p. 345.

prior possession of the land and ordered the spouses Ligon to vacate the property.³⁵ On appeal, the Regional Trial Court (RTC) and thereafter the CA sustained the judgment of the MTC.³⁶ The case was brought to the Supreme Court as *Spouses Ligon v. Lim* and was docketed as G.R. No. 139856.³⁷

Continuation of Administrative Proceedings

In the administrative proceedings, meanwhile, the DENR Secretary noted the conflicting findings of De Roxas and Atty. Apuhin in the records of DENR Case No. IV-5516. The Secretary issued a Memorandum dated 3 June 1998 addressed to the DENR Legal Service directing an investigation on and ocular inspection of the property. The purpose was to determine and verify the truth of the allegations in the appeal of petitioner Fernandez.³⁸

The Legal Service found that (1) the improvements introduced by the spouses Ligon were approximately valued at ₱7 million; (2) TCT No. TP-1792 was duly registered and entered in the books of the Registry of Deeds of Nasugbu, Batangas in the name of the spouses Ligon; (3) the land was located at *Sitio* Kuala, *Barangay* Wawa, Nasugbu, Batangas, and was owned by petitioner Fernandez; and (4) the spouses Isaac and Concepcion Ronulo (spouses Ronulo) abandoned the property in 1995, after which their whereabouts could no longer be ascertained based on information gathered from appellant's previous counsel, a certain Atty. Unay.³⁹

Ruling of the DENR Secretary

On 28 May 1999, the DENR Secretary rendered a Decision in DENR Case No. 5102, the dispositive portion of which states:⁴⁰

WHEREFORE, the Protest of appellees, Sps. Isaac and Concepcion Ronulo is hereby DISMISSED AND DROPPED from the records of the case for lack of merit. Consequently, the Order dated October 9, 1995 of DENR Region IV Regional Executive Director is hereby ordered REVERSED and the Transfer Certificate of Title (TCT) No. TP-1792 in the name of Spouses Danilo and Generosa Vitug Ligon is hereby ordered and shall remain UNDISTURBED for having attained the category of a private property.

The ruling was anchored on the findings that (1) the Protest of respondents was filed out of time;⁴¹ and (2) the Order of Director Principe

³⁵ Id. at 411-412.

³⁶ Id. at 413-430.

³⁷ Id. at 431.

³⁸ *Rollo*, p. 85.

³⁹ Id.

⁴⁰ Id. at 53.

⁴¹ Id. at 91.

was a collateral attack against the title of the spouses Ligon.⁴² Quoting the Court in *Legarda v. Saleeby*,⁴³ the DENR Secretary said that “[a] title may be attacked only on the ground of actual fraud within one (1) year from the date of its entry” and that “[s]uch attack must be direct and not by a collateral proceeding.”⁴⁴

On 18 June 1999, respondents moved for the reconsideration⁴⁵ of the Decision, but the DENR Secretary denied their motion in an Order⁴⁶ dated 21 December 1999.

On 16 January 2000, respondents filed a second Motion for Reconsideration,⁴⁷ in which they presented the Resolution⁴⁸ of the Court in *Spouses Ligon*⁴⁹ (G.R. No. 139856), which involved the ejectment case. Respondents claimed that the Court’s denial of the Petition in that case in effect sustained the findings of the MTC, the RTC, and the CA that petitioner Fernandez had never been in actual occupation and possession of the subject property, consistent with the findings of Director Principe.⁵⁰

Complaint for Quieting of Title, Recovery of Possession, and Damages

On 21 February 2000, the spouses Ligon filed a separate Complaint for quieting of title, recovery of possession, and damages with prayer for a Temporary Restraining Order (TRO) and Preliminary Injunction against Lim before the RTC, Nasugbu, Batangas, Branch 14, over the **entire 9,478-square-meter property**.⁵¹ In its Decision⁵² dated 3 February 2004, the trial court declared the spouses Ligon as the owners of the property and ordered that it be returned to their possession.

Lim appealed to the CA, which affirmed the judgment of the RTC with modifications as to the monetary awards.⁵³ The case reached the Supreme Court as *Lim v. Spouses Ligon*⁵⁴ and docketed as G.R. No. 183589.

⁴² Id. at 94.

⁴³ 31 Phil. 590 (1915).

⁴⁴ *Rollo*, pp. 94-95.

⁴⁵ Id. at 231-239.

⁴⁶ Id. at 240-243.

⁴⁷ Id. at 244-248.

⁴⁸ CA *rollo*, p. 431.

⁴⁹ *Spouses Ligon v. Lim*, G.R. No. 139856 (Resolution), 13 October 1999.

⁵⁰ *Rollo*, p. 245.

⁵¹ Id. at 249-262.

⁵² Id. at 263-273; penned by Acting Presiding Judge Elihu A. Ybanez of the Regional Trial Court, Nasugbu, Batangas, Branch 14.

⁵³ *Lim v. Spouses Ligon*, G.R. No. 183589, 25 June 2014.

⁵⁴ Id.

Denial of the Second Motion for Reconsideration Before the DENR Secretary

On 29 August 2000, the DENR Secretary issued an Order⁵⁵ denying respondents' second Motion for Reconsideration. The Order underscored the point that the motion did not toll the time to appeal, since it was a prohibited pleading.⁵⁶ Respondents received the Order on 05 September 2000.⁵⁷

Appeal to the OP and its Ruling

On 28 September 2000, the counsel of petitioners received the Appeal Memorandum filed by respondents with the OP where the appeal was docketed as O.P. Case No. 00-1-9241.⁵⁸

On 10 October 2000, petitioner Fernandez filed a Motion to Dismiss Appeal⁵⁹ with the OP, citing respondents' failure to perfect the appeal. The movant claimed that the appeal was time-barred, as the DENR had ruled that the filing of respondents' second Motion for Reconsideration did not toll the period of appeal.⁶⁰ Moreover, he alleged that respondents committed a procedural lapse by filing an appeal memorandum directly with the OP, instead of filing a notice of appeal with the agency that adjudicated the case – the DENR in this instance – and paying the appeal fee therein as the rules required.⁶¹

The OP did not act upon the motion of petitioner Fernandez,⁶² but eventually dismissed the appeal of respondents in a Resolution⁶³ dated 27 June 2003.

On 27 August 2003, respondents filed a Motion for Reconsideration,⁶⁴ arguing that their appeal was highly meritorious.⁶⁵ They claimed that the one-page Resolution of the OP dismissing their appeal violated Section 14, Article VIII of the Constitution,⁶⁶ as it merely adopted by reference the findings of fact in the Decision dated 28 May 1999 issued by the DENR Secretary.⁶⁷

⁵⁵ *Rollo*, pp. 274-275.

⁵⁶ *Id.* at 274.

⁵⁷ *Id.* at 15.

⁵⁸ *Supra* note 8.

⁵⁹ *Rollo*, pp. 304-307.

⁶⁰ *Id.* at 305.

⁶¹ *Id.* at 305-306.

⁶² *Id.* at 16.

⁶³ *Id.* at 80.

⁶⁴ *Id.* at 97-104.

⁶⁵ *Id.* at 100.

⁶⁶ Sec. 14 – No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

⁶⁷ *Id.* at 98-99.

Ruling of the OP on the Motion for Reconsideration

In a Resolution⁶⁸ dated 24 March 2004, the OP granted respondents' motion, reversing and setting aside the DENR Secretary's Decision dated 28 May 1999. The OP said that it had been established "that appellants have been the actual occupants of the disputed land since 1953 or for more than thirty years as to be entitled to a grant from the government;"⁶⁹ and therefore, "the plan Psu-04-008565 of appellee covering the said land, being ineffective, could not render nugatory the actual occupation of appellants and should be cancelled."⁷⁰ It gave weight to the final Decision on the earlier mentioned ejectment case that favored appellants.⁷¹

Petitioners filed a Motion for Reconsideration⁷² of the Resolution on 22 April 2004 and an Addendum⁷³ to the motion on 7 May 2004. When their motion was denied,⁷⁴ they filed a Petition for Review⁷⁵ with the CA.

Petition to the CA and its Ruling

The CA denied the Petition and the subsequent Motion for Reconsideration.⁷⁶ The appellate court said that the OP did not err when the latter entertained the spouses Ronulo's appeal and subsequent Motion for Reconsideration.⁷⁷ The CA further said that since the main issue was actual possession of the disputed land, the OP merely corrected its previous error in issuing the assailed Resolution dated 24 March 2004.⁷⁸

Petition before this Court

On 4 June 2009, the instant Petition was filed assailing the CA Decision and Resolution.

Decision of the Court in G.R. No. 183589

On 25 June 2014, the Court issued its Decision in *Lim*⁷⁹ (G.R. No. 183589) involving the Complaint for Quieting of Title, Recovery of Possession, and Damages filed by the spouses Ligon. It affirmed the indefeasibility of the spouses Ligon's title over the **entire 9,478-square-meter property**, saying that petitioner Lim failed to adduce evidence to

⁶⁸ Id. at 105-111.

⁶⁹ Id. at 111.

⁷⁰ Id.

⁷¹ Id. at 111.

⁷² Id. at 112-118.

⁷³ Id. at 119-120.

⁷⁴ Id. at 122.

⁷⁵ Id. at 123-163.

⁷⁶ Supra notes 2 and 3.

⁷⁷ *Rollo*, p. 62.

⁷⁸ Id. at 64.

⁷⁹ Supra note 54.

overturn the ruling of both the RTC and the CA. In that ruling, the Court said that the findings of the DENR Regional Executive Director, as affirmed by the OP in the instant case, did not operate as *res judicata* in the Complaint for quieting of title that would have the effect of cancelling the title of the spouses Ligon.⁸⁰ The Court held:⁸¹

While there is identity of parties and subject matter between the instant case and the matter before the DENR and later the OP, the causes of action are not the same. The present case arose from a case for quieting of title where the plaintiff must show or prove legal or equitable title to or interest in the property which is the subject-matter of the action. Legal title denotes registered ownership, while equitable title means beneficial ownership. Without proof of such legal or equitable title, or interest, there is no cloud to be prevented or removed. The administrative proceedings before the DENR and now the OP, on the other hand, were instituted on behalf of the Director of Lands, in order to investigate any allegation of irregularity in securing a patent and the corresponding title to a public land under Section 91⁸² of the Public Land Act, xxx.

x x x x

To be sure, even if there was an identity of the issues involved, there still would have been no bar by prior judgment or conclusiveness of judgment since the March 24, 2004 Resolution of the OP has not reached finality – it being the subject of an appeal by respondents Spouses Ligon under CA-G.R. SP No. 85011. Furthermore, in terms of subject matter, the property involved in the administrative proceedings is a 1,000-square meter tract of land over which petitioners' alleged right of possession could ripen into ownership. On the other hand, the instant case involves the issue of the ownership or the validity of the title of respondents over the entire 9,478- square meter tract of land where petitioners claim to have enjoyed open, continuous, exclusive, and notorious possession for more than thirty years over a 1,000-square meter portion thereof.


THE ISSUES

The issues in this case are as follows:

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Sec. 91. The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statement therein or omission of facts altering, changing, or modifying the consideration of the facts set forth in such statements, and any subsequent modification, alteration or change of the material facts set forth in the application shall ipso facto produce the cancellation of the concession, title, or permit granted. It shall be the duty of the Director of Lands, from time to time and whenever he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands is hereby empowered to issue *subpoenas* and *subpoenas duces tecum* and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a *subpoena* or *subpoena duces tecum* lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings.



1. Whether or not the respondents' second Motion for Reconsideration of the Decision of the DENR Secretary tolled the period of appeal to the OP; and

2. Whether or not the CA failed to resolve the following issues:

- A. The OP erred in reversing the Decision of the DENR Secretary.
- B. The validity of the DENR Secretary's finding that the Order of Regional Director Principe is a collateral attack on petitioners' title.

THE RULING OF THE COURT

The Petition has no merit.

I

On the first issue raised, petitioners argue that the CA erred in finding that the second Motion for Reconsideration filed by respondents before the DENR Secretary was valid and thus tolled the period of appeal to the OP.⁸³ They say that the CA wrongly based its conclusion on the alleged declaration in *Spouses Ligon*⁸⁴ that OCT No. OP-1808 issued in the name of petitioner Fernandez, the derivative title of the spouses Ligon's TCT No. TP-1792, was obtained through fraud and misrepresentation, having been issued during the pendency of DENR Case No. 5516 (and 5102).⁸⁵ They insist that no such fraud or misrepresentation was mentioned in the Decision of the MTC, the RTC, or the CA to warrant the acceptance of the second Motion for Reconsideration.⁸⁶ They point out that what the courts relied upon in deciding in favor of Lim in the ejectment case was the finding that the Order of Director Principe in DENR Case No. IV-5516 was already final.⁸⁷ They cite relevant portions of the MTC Decision, to wit:⁸⁸

That the Ronulos have possession of subject property over and above that of Felicisimo Fernandez is anchored on the affirmation thereof by the DENR in its cited order dated October 9, 1995 x x x the dispositive portion of which states-

WHEREFORE, premises considered and finding the protest of Spouses Isaac and Concepcion Ronulo to be meritorious, the plan Psd-04-0085565 approved in the name of Tomas Fernandez is hereby, as it is, ordered

⁸³ *Rollo*, p. 17.

⁸⁴ *Supra* note 30.

⁸⁵ *Rollo*, pp. 21-22, 61.

⁸⁶ *Id.* at 21-22.

⁸⁷ *Id.* at 22.

⁸⁸ *Id.*

CANCELLED and whatever amount paid in account thereof forfeited in favor of the Government. Consequently, the aforementioned spouses Ronulo are hereby advised to cause the survey and to file the appropriate public land application over the land actually possessed and occupied by them.

Per certification dated March 5, 1996, issued by the same office, the aforecited order had become final and executory, there being no appeal filed thereof. x x x.

Petitioners argue that the basis of the MTC Decision – which was subsequently affirmed by the RTC, CA, and this Court – was erroneous. They contend that Director Principe's Order, being the subject of the case at bar, has yet to become final.⁸⁹ Hence, they say that the second Motion for Reconsideration was not based on indubitable grounds and should not have tolled the appeal.⁹⁰

Petitioners further contend that the second Motion for Reconsideration was not filed under any extraordinary circumstance to warrant a liberal interpretation of the rules and a waiver of the procedural proscription against the filing thereof.⁹¹ Citing various cases,⁹² they stress that (1) procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party;⁹³ (2) justice is to be administered according to the rules in order to obviate arbitrariness, caprice, or whimsicality;⁹⁴ (3) rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extrajudicial proceedings;⁹⁵ (4) procedural rules are not to be belittled or dismissed simply because their nonobservance may have resulted in prejudice to a party's substantive rights, they are required to be followed except only when, for the most persuasive of reasons, they may be relaxed to relieve litigants of an injustice not commensurate with the degree of their thoughtlessness in not complying with the procedure prescribed;⁹⁶ and (5) liberality in the interpretation and application of the rules applies only in proper cases and under justifiable causes and circumstances.⁹⁷

In light of these arguments, petitioners conclude that the CA should have ruled that the appeal of respondents to the OP was not interposed within the reglementary period, resulting in the finality of the DENR Secretary's Decision.⁹⁸

⁸⁹ Id. at 25.

⁹⁰ Id.

⁹¹ Id.

⁹² Id. at 25-27.

⁹³ *Santos v. Court of Appeals*, G.R. No. 92862, 4 July 1991, 198 SCRA 806.

⁹⁴ *Vasco v. Court of Appeals*, 171 Phil. 673 (1978).

⁹⁵ *Sps. Galang v. Court of Appeals*, 276 Phil. 748 (1991); *Tupas v. Court of Appeals*, 271 Phil. 268 (1991); *Santos v. Court of Appeals*, supra; *Limpot v. Court of Appeals*, 252 Phil. 377 (1989).

⁹⁶ *Limpot v. Court of Appeals*, supra.

⁹⁷ *Garbo v. Court of Appeals*, 2327 Phil. 780 (1996).

⁹⁸ *Rollo*, pp. 27-28.

On their end, respondents aver that filing a second Motion for Reconsideration is not absolutely prohibited and is allowed in exceptionally meritorious circumstances, as in the instant case. They claim that this case is imbued with utmost public interest, since it involves the integrity and validity of a public land grant and, as such, warrants a liberal interpretation of the rules. They cite *Allied Banking Corporation and Pacita Uy v. Spouses David and Zenaida Eserjose*,⁹⁹ in which the Court held that “[t]he period for appeal set by law must be deemed mandatory save for the most extraordinary of circumstances.”¹⁰⁰

Respondents assert that petitioners’ Motion for Reconsideration before DENR Region IV and appeal filed with the DENR Secretary were the ones actually time-barred. They said petitioners’ counsel received the Order on 20 October 1995, but filed the Motion for Reconsideration only on 20 November 1995. They also claim that petitioners’ counsel received the notice of the denial of the Motion for Reconsideration on 3 February 1996, but filed an appeal only on 4 March 1996. They present the Certificate of Finality dated 5 March 1995 on file with the DENR Region IV Office to prove that the Order of Director Principe had long become final and executory.¹⁰¹

Both parties presented allegations that the other committed technical procedural lapses in the course of this case. Clearly they are aware that observance of the rules of procedure should not be lightly estimated, as the Court considers it a matter of public policy.¹⁰² Indeed, the rules were conceived and promulgated not only to effectively dispense justice,¹⁰³ but also to fully protect the rights of the parties.¹⁰⁴

Courts, however, are not shorn of the discretion to suspend the rules or except a particular case from their operation when their rigid application would frustrate rather than promote justice.¹⁰⁵ The policy is to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that litigants are given the full opportunity for a just and proper disposition of their cause. In some cases, it is a far better and more prudent cause of action for the court to excuse a technical lapse and afford the parties a review of the case to attain the ends of justice. In those cases, in which technicalities are dispensed with, the courts do not mean to undermine the force and effectivity of the periods set by law. When the

⁹⁹ *Allied Banking Corporation and Pacita Uy v. Spouses David and Zenaida Eserjose*, 484 Phil. 159 (2004).

¹⁰⁰ *Rollo*, pp. 428-429.

¹⁰¹ *Id.* at 436-438.

¹⁰² *Olizon v. Central Bank of the Philippines*, 120 Phil. 355 (1964).

¹⁰³ *De Jesus v. Office of the Ombudsman*, 562 Phil. 502 (2007), citing *Coronel v. Desierto*, 448 Phil. 894 (2003).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*



courts do so, it is because of the existence of a clear need to prevent the commission of a grave injustice.¹⁰⁶

Public interest and the interest of substantial justice require that the instant case be resolved on the merits, and not on mere technical grounds, for the following reasons:

1. DENR Regional Director Principe's findings are in direct conflict with those of the DENR Secretary; hence, there is a need to review the arguments raised and evidence submitted by the parties.
2. Petitioners benefitted from the relaxation of the rules when they were able to file a Motion for Reconsideration before the DENR Regional Office and an appeal before the DENR even after the prescribed period had lapsed; they cannot question the same liberality afforded to respondents by the OP.
3. The present controversy involves both parties' sacrosanct right to property, which is protected by the constitutional provision that "[n]o person shall be deprived of life, liberty, or property without due process of law."¹⁰⁷

Moreover, it bears stressing that rules of procedure are construed liberally in proceedings before administrative bodies. In *Department of Agrarian Reform v. Uy*,¹⁰⁸ the second Motion for Reconsideration filed by the respondent before the OP was allowed, even if it was considered *pro forma* or not exceptionally meritorious. The Court reasoned:

[T]echnical rules of procedure imposed in judicial proceedings are unavailing in cases before administrative bodies. Administrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in the courts of law. Rules of procedure are not to be applied in a very rigid and technical manner, as they are used only to help secure and not to override substantial justice.

All told, the CA was correct in validating the OP's decision to give due course to respondents' appeal of the DENR Secretary's Order on the basis of the second Motion for Reconsideration.

II

Petitioners raise as the second ground for this Petition the argument that the CA failed to resolve the following issues: (1) whether the OP erred in reversing the Decision of the DENR Secretary; and (2) whether the

¹⁰⁶ *Tacloban II Neighborhood Association, Inc. v. Office of the President*, 588 Phil. 177 (2008).

¹⁰⁷ Constitution, Article 3, Section 1.

¹⁰⁸ 544 Phil. 308 (2007).

finding of the DENR Secretary that the Order of Director Principe was a collateral attack on their title was valid.

It is noteworthy to emphasize at this point that the jurisdiction of this Court in a Petition for Review on *Certiorari* under Rule 45 of the Revised Rules of Court is limited to reviewing only errors of law. Factual questions are not the proper subject of an appeal by *certiorari*.¹⁰⁹

A question of law is present when there is a doubt or difference in opinion as to what the law is on a certain set of facts, while a question of fact exists when a doubt or difference arises as to the truth or falsehood of the alleged facts.¹¹⁰ Unless the case falls under any of the recognized exceptions, the Court is limited solely to a review of legal questions.¹¹¹

The allegation of petitioners that there was an omission on the part of the CA when it failed to resolve the issues they had put forth obviously involves a factual question, which is outside this Court's authority to act upon.

At any rate, this Court finds that the CA has actually ruled upon the issues mentioned by petitioners. The CA declared that the OP did not err in reversing the Decision of the DENR Secretary. Quoted hereunder is the relevant portion of the appellate court's Decision:

Considering the foregoing and the fact that the issue in this case is actual possession of the disputed land, We hold and so conclude that the Office of the President just corrected its previous error when it reconsidered and set aside its June 27, 2003 Resolution and issued the assailed March 24, 2004 Resolution.¹¹²

The CA likewise resolved, albeit indirectly when it affirmed the OP's factual findings, the question of whether the Order of Director Principe was a collateral attack on petitioners' title. It particularly cited the following conclusions of the OP:

Anent the Free Patent application of appellee (herein petitioners), suffice it to state that the same was never pursued from the time of its filing in 1970 and the approved plan under Psu-04-008565 did not confer any title to the land to appellee in the light of the actual occupation of the land by appellants (herein respondents).

x x x x

Summing up, it has been established that appellants have been the actual occupants of the disputed land since 1953 or for more than thirty years as

¹⁰⁹ *Miro v. Vda. de Ederos*, G.R. Nos. 172532 & 172544-45, 20 November 2013.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Rollo*, p. 64.

to be entitled to a grant from the government. Therefore, the plan under Psu-04-008565 of appellee covering the said land, being ineffective, could not render nugatory the actual occupation of appellants and should be cancelled.¹¹³

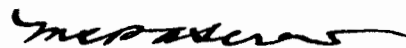
By agreeing to these findings of fact, the CA impliedly refused to recognize the title to the property held by petitioners. Since it deemed that they had no title to speak of, the issue of collateral attack was consequently answered in the negative. This view is in line with the principle that “a judgment is an adjudication on all the matters which are essential to support it, and that every proposition assumed or decided by the court leading up to the final conclusion and upon which such conclusion is based is as effectually passed upon as the ultimate question which is finally solved.”¹¹⁴

In their Motion for Reconsideration of the CA Decision, petitioners also highlighted the appellate court’s alleged failure to resolve these two particular questions. The fact that the CA denied the motion on the ground that the arguments advanced therein had already been considered and passed upon in its Decision further indicates that the appellate court has fully covered and resolved the issues in this case.

On a final note, this Court finds that the Decision of the OP merely affirmed the Order of Director Principe. Contrary to petitioners’ claim, the OP did not in any way grant unto respondents possession of the entire 9,748 square meters of property registered under petitioners’ name. The CA upheld the OP Decision also without any such pronouncement. To be clear, the subject matter of this case involves only the 1,000 square meters of land that respondents have long possessed and occupied, but that has been included as part of petitioner’s property.

WHEREFORE, premises considered, this Court **DENIES** the Petition. The Decision and Resolution of the Court of Appeals dated 22 December 2008 and 17 April 2009, respectively in C.A.-G.R. SP. No. 85011, are hereby **AFFIRMED**. Cost against petitioners.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice, Chairperson

¹¹³ *Rollo*, p. 64.

¹¹⁴ *Concepcion v. Agana*, 335 Phil. 773, 783 (1997), citing *Lopez v. Reyes*, 166 Phil. 641, 650 (1977); *Smith Bell and Company (Phils.), Inc. v. Court of Appeals*, 274 Phil. 472, 482 (1991).

WE CONCUR:

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

Alfredo Benjamin S. Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

Maria Lourdes P. A. Sereno
MARIA LOURDES P. A. SERENO
Chief Justice