743 Phil. 513

SECOND DIVISION

[G.R. No. 176121, September 22, 2014]

SPOUSES TEODORICO AND PACITA ROSETE, PETITIONERS, VS. FELIX AND/OR MARIETTA BRIONES, SPOUSES JOSE AND REMEDIOS ROSETE, AND NEORIMSE AND FELICITAS CORPUZ, RESPONDENTS.

D E C I S I O N

DEL CASTILLO, J.:

Assailed in this Petition for Review on *Certiorari*[1] are the October 30, 2006 Decision[2] of the Court of Appeals (CA) which denied the Petition for Review in CA-G.R. SP No. 79400 and its December 22, 2006 Resolution[3] denying the herein petitioners' Motion for Reconsideration.[4]

Factual Antecedents

The subject lot is a 152-square meter lot located at 1014 Estrada Street, Malate, Manila which is owned by the National Housing Authority (NHA).

On July 30, 1987, the NHA conducted a census survey of the subject lot, and the following information was gathered:

> **Tag No. 674**
> Ricardo Dimalanta, Sr. - absentee structure owner
> Felix Briones - lessee
> Neorimse Corpuz - lessee
>
> **Tag No. 87-0675**
> Teodoro Rosete - residing owner
> Jose Rosete - lessee[5]

The NHA awarded the subject lot to petitioner Teodorico P. Rosete (Teodorico).[6] The herein respondents, Jose and Remedios Rosete (the Rosetes), Neorimse and Felicitas Corpuz (the Corpuzes), and Felix and Marietta Briones (the Brioneses) objected to the award, claiming that the award of the entire lot to Teodorico was erroneous.

In 1990, a Declaration of Real Property was filed and issued in Teodorico's name.[7] On March 21, 1991, he made full payment of the value of the subject lot in the amount of P43,472.00.[8] He likewise paid the real property taxes thereon.[9]

In an August 5, 1994 Letter-Decision,[10] the NHA informed Teodorico that after consideration of the objections raised by the Rosetes, the Corpuzes and the Brioneses, the original award of 152 square meters in his favor has been cancelled and instead, the subject lot will be subdivided and awarded as follows:

1. Teodorico – 62 square meters
2. The Brioneses – 40 square meters
3. The Rosetes – 25 square meters
4. The Corpuzes – 15 square meters
5. Easement for pathwalk – 10 square meters

In the same Letter-Decision, NHA likewise informed Teodorico that his payments shall be adjusted accordingly, but his excess payments will not be refunded; instead, they will be applied to his co-awardees' amortizations. His co-awardees shall in turn pay him, under pain of cancellation of their respective awards. NHA also informed Teodorico that the matters contained in the letter were final, and that if he intended to appeal, he should do so with the Office of the President within 30 days.

In an October 18, 1994 letter[11] to the NHA, Teodorico protested and sought a reconsideration of the decision to cancel the award, claiming that it was unfair and confiscatory. He likewise requested that his co-awardees be required to reimburse his property tax payments and that the subject lot be assessed at its current value.

Meanwhile, on October 24, 1994, the Rosetes and the Corpuzes appealed the NHA's August 5, 1994 Letter-Decision to the Office of the President (OP), which case was docketed as O.P. Case No. 5902.

On February 2, 1995, Teodorico filed an undated letter[12] in O.P. Case No. 5902. In the said letter, he directed the OP's attention to the Rosetes and the Corpuzes' resolve not to question the 62-square meter allocation/award to him. At the same time, he manifested his assent to such allocation, thus:

> Undersigned is satisfied with the 62 sq. m. lot awarded to him. However, in the adjudication of the above-mentioned case and in furtherance of justice, it is prayed that:
>
> 1. The period within which refund to the undersigned by the spouses Jose and Remedios Rosete, Neorimse and Felicitas Corpuz, and Felix and Marietta Briones of the purchase price of the lots awarded to them be fixed, with interest thereon from March 21, 1991 until full reimbursement is made;
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> 2. The foregoing awardees be ordered likewise to reimburse to the undersigned the real estate taxes paid on their respective lots from 1980, plus interest thereon, until full reimbursement; and
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> 3. Other relief in favor of the undersigned be issued.[13]

On November 19, 1997, the OP issued its Decision[14] in O.P. Case No. 5902, dismissing the appeal for being filed out of time.

On March 27, 1998, the OP issued a Resolution[15] declaring that the above November 19, 1997 Decision in O.P. Case No. 5902 has become final and executory since no motion for reconsideration was filed, nor appeal taken, by the parties.

In another July 28, 1999 letter[16] to the NHA, Teodorico, the Rosetes, and the Corpuzes sought approval of their request to subdivide the subject lot on an "as is, where is" basis as per NHA policy, since it appeared that the parties' respective allocations/awards did not correspond to the actual areas occupied by them and thus could result in unwanted demolition of their existing homes/structures.

In a November 12, 1999 Letter-Reply,[17] the NHA informed the parties that the original awards/allocations were being retained; it also advised them to hire a surveyor for the purpose of subdividing the subject lot in accordance with such awards.

Through counsel, Teodorico wrote back. In his November 23, 1999 letter,[18] he reiterated his request to subdivide the subject lot on an "as is, where is" basis and to be reimbursed by his co-awardees for his overpayments, with interest. This was followed by another March 29, 2001 letter[19] by his counsel.

Receiving no response from the NHA regarding the above November 23, 1999 letter, Teodorico sent a May 7, 2003 letter cum motion for reconsideration[20] to the OP, in which he sought a reconsideration of the November 19, 1997 Decision in O.P. Case No. 5902. He claimed that the August 5, 1994 Letter-Decision of the NHA containing the award/allocation of the subject lot to the parties is null and void as it violated the provisions of Presidential Decree No. 1517[21] (PD 1517) and PD 2016; [22] that the award of 40 square meters to the Brioneses is null and void as they were mere "renters" (lessees); that because the August 5, 1994 Letter-Decision of the NHA is a nullity, it never became final and executory. Thus, he prayed:

> WHEREFORE, it is reiterated that the "as is, where is" policy of the NHA be followed in the instant case and that Teodorico P. Rosete be reimbursed by Marietta Briones, et al. of the value of the lots adjudicated in their favor and the real estate taxes he paid on the lots they occupy, plus interest thereon to be determined by the NHA. We will not demand the cancellation of the awards to Marietta Briones, et al. so as not to prejudice their respective families.[23]

In a September 8, 2003 Resolution,[24] the OP denied Teodorico's May 7, 2003 letter cum motion for reconsideration, saying that –

> Before this Office is the motion filed by Teodorico P. Rosete, requesting reconsideration of the Decision of this Office dated November 19, 1997

dismissing the appeal for having been filed out of time.

On March 27, 1998, this Office also declared the said Decision dated November 19, 1997 as having become final and executory. Being so, this Office has no more jurisdiction over the case. There is nothing left for the office a quo except to implement the letter-decision of the National Housing Authority (NHA) dated October 24, 1994.[25]

Besides, contrary to appellants' motion, the said NHA letter-decision is in accordance with NHA Circular No. 13 dated February 19, 1982, pertinent provisions of which read:

> "V. BENEFICIARIES SELECTION AND LOT ALLOCATION
>
> 1. The official ZIP census and tagging shall be the primary basis for determining potential program beneficiaries and structures or dwelling units in the area.
>
> x x x x
>
> 4. 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.
>
> 5. A qualified censused-household is entitled to only one residential lot within the ZIP Project area of Metro Manila."
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> Hence, the letter decision of the NHA is a valid judgment.

WHEREFORE, premises considered, the instant motion for reconsideration is hereby DENIED. Let the records of the case be remanded to the office-a-quo for implementation.

SO ORDERED.[26]

Ruling of the Court of Appeals

Teodorico and his wife Pacita, the Rosetes, and the Corpuzes went up to the CA by Petition for Review,[27] docketed as CA-G.R. SP No. 79400. They essentially claimed that pursuant to the "pertinent laws on Beneficiary Selection and Disposition of Homelots in Urban Bliss Projects,"[28] the Rosetes, the Corpuzes, and the Brioneses are not entitled to own a portion of the subject lot since they were mere "renters" or lessees therein; for this reason, the NHA's August 5, 1994 Letter-Decision and November 19, 1997 Decision and September 8, 2003 Resolution of the OP are null and void. The Petition contained a prayer for the CA to order the NHA to allocate the subject lot on an "as is, where is" basis; that the assailed Decision and Resolution be stayed; and that the Rosetes, the Corpuzes and the Brioneses be ordered to reimburse Teodorico in such manner as originally prayed for by him in

the NHA and OP.

On October 30, 2006, the CA issued the questioned Decision, which held as follows:

> Clearly, the Office of the President, in issuing the assailed Resolution, mainly anchored its denial of Petitioner TEODORICO's motion for reconsideration of the Decision dated 19 November 1997 on the *finality* of said Decision, which accordingly, the said Office has no jurisdiction to disturb.
>
> We agree with the Office of the President.
>
> It bears emphasis that as early as 27 March 1998, the Office of the President had issued a Resolution which essentially states, thus:
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> > Considering that appellants in the above-entitled case have received certified copies of the decision of this Office, dated November 17, 1997, as shown by registry return receipts attached to the records' copy of said decision, and as of March 23, 1998, no motion for reconsideration thereof has been filed nor appeal taken to the proper court, this Office resolves to declare said decision, dated November 19, 1997, to have become FINAL and EXECUTORY.
>
> Necessarily therefore, the subsequent filing by Petitioner TEODORICO of a motion for reconsideration of the Decision, *supra*. before the Office of the President did not produce any legal effect as to warrant a reversal of the said Decision.
>
> Generally, once a decision has become final and executory, it can no longer be modified or otherwise disturbed. Thus, it is the ministerial duty of the proper judicial or quasi-judicial body to order its execution, except when, after the decision has become final and executory, facts and circumstances would transpire which render the execution impossible or unjust. On this regard, in order to harmonize the disposition with the prevailing circumstances, any interested party may ask a competent court to stay its execution or prevent its enforcement.
>
> However, the Petitioners failed to prove that the aforesaid exception is present in the case at bar. Instead, they insist that Decisions/Resolutions of the NHA and of the Office of the President are wanting in validity because they allegedly violated certain statutes and jurisprudence.
>
> Sadly, We cannot sustain Petitioners' theory.
>
> x x x x
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> Accordingly, the findings of the NHA and of the Office of the President are perforce no longer open for review.
>
> x x x x