

FIRST DIVISION

[G.R. No. 174143, November 28, 2011]

**SPOUSES RICARDO HIPOLITO, JR. AND LIZA HIPOLITO,
PETITIONERS, VS. TERESITA CINCO, CARLOTA BALDE CINCO
AND ATTY. CARLOS CINCO, RESPONDENTS.**

D E C I S I O N

DEL CASTILLO, J.:

Findings of fact by administrative agencies are generally accorded great respect, if not finality, by the courts^[1] by reason of the special knowledge and expertise of said administrative agencies over matters falling under their jurisdiction.

Challenged in this Petition for Review on *Certiorari*^[2] are the May 19, 2006 Decision^[3] and August 15, 2006 Resolution^[4] of the Court of Appeals (CA) in CA-G.R. SP No. 89783 which dismissed petitioners' Petition for Review and denied their Motion for Reconsideration respectively. Said assailed CA Decision which affirmed the February 28, 2005 Resolution^[5] of the Office of the President (OP), in O.P. Case No. 04-F-262, states, *viz*:

In fine, we hold that public respondent Office of the President, in affirming the resolution of the Secretary of the DPWH which sustained the resolution and the demolition order of the OBO, committed no grave abuse of discretion, the same being supported by evidence and having been issued in accordance with law and jurisprudence.

WHEREFORE, the petition is DISMISSED. The assailed Resolution dated February 28, 2005 of the Office of the President of the Philippines, issued through the Deputy Executive Secretary for Legal Affairs in O.P. Case No. 04-F-262, is AFFIRMED.

SO ORDERED.^[6]

Petitioners beseech this Court to reverse and set aside said Decision and consequently, to alter a string of consistent Resolutions issued by the OP in the said O.P. Case No. F-262, the Secretary of the Department of Public Works and Highways (DPWH) in NBC Case No. 17-03-I-MLA,^[7] and the Office of the Building Official (OBO) of the City of Manila in NBC Case No. NG-2002-06.^[8]

Factual Antecedents

Petitioner-spouses Ricardo Hipolito, Jr. and Liza Hipolito (petitioners) allege that on

June 15, 1989, Edeltrudis Hipolito y Mariano (Edeltrudis)^[9] entered into an agreement^[10] with Francisco Villena^[11] (now deceased) to rent a portion of the property located at 2176 Nakar Street, San Andres Bukid, Manila and to construct an apartment-style building adjacent to the existing house thereon. The contract was for a period of 20 years. Pursuant to the agreement, Edeltrudis built a three-storey apartment building without securing a building permit. Petitioners inherited the apartment building upon the death of Edeltrudis.

In 2002 or 13 years after the execution of the agreement, petitioners and the heirs of Francisco Villena, all residing in the property, were informed that respondent Atty. Carlos D. Cinco (Atty. Cinco) acquired the subject property through a deed of sale sometime in 1976.

On June 17, 2002, herein respondents Atty. Cinco, Teresita Cinco and Dr. Carlota Balde Cinco (respondents) filed with the OBO a verified request^[12] for structural inspection of an old structure located at 2176 Nakar Street, San Andres Bukid, Manila.

Acting on the request, Building Inspector Engineer Leonardo B. Rico (Engr. Rico) conducted an initial inspection. In his memorandum Engr. Rico reported that two old and dilapidated buildings made of wooden materials were found in the premises and recommended that the matter be referred to the Committee on Buildings (Committee) for further appropriate action and disposition.

Deemed as a petition for condemnation/abatement pursuant to the National Building Code (NBC) and its Implementing Rules and Regulations, the verified request of the respondents was referred to the Committee for Hearing/ Investigation.

With prior notices to the parties and the tenants, three hearings were subsequently held from August 12, 2002 to September 20, 2002 for purposes of resolving the focal issue of "the structural stability, architectural presentability, electrical and fire safety aspect to determine [whether] or not the subject buildings are still safe for continued occupancy."^[13] On September 20, 2002, Victoria Villena, wife and heir of Francisco Villena and owner of one of the two buildings, filed a counter manifestation questioning respondents' personality to file the petition for condemnation, and refuting the technical evaluation reports of Engr. Rico and respondents' commissioned engineer. Whereupon, the Committee was constrained to schedule an ocular inspection of the subject buildings on October 7, 2002. A report on the ocular inspection conducted was thereafter submitted through a Memorandum^[14] dated October 8, 2002, which states:

x x x The subject structure is a 3-storey at the rear portion and Two (2) [-] storey at the front made up of wooden materials with G.I. sheet roofings.

II. Findings:

1. Corrugated G.I. sheet roofings and its accessories incurred extensive deterioration/[dilapidation] due to weathering.

2. Ceiling boards [bulging] attributed to water leaks from defective roofing.
3. Exterior and interior wooden boards deteriorated.
4. Doors/windows including its jambs deteriorated/[dilapidated].
5. No provisions of firewall on the sides abutting private lot.
6. Rafters, purlins, and girts deteriorated due to neglect of maintenance.
7. Vibrations were felt on the wooden flooring when exerting wt. An indication that its support suffered [material] fatigue due to wear and tear and termite infestation.
8. Wooden columns incurred deterioration/[dilapidation] due to weathering and termite infestation.
9. Open wiring installation/fire hazard.
10. With notices of condemned installation No. 2K3-62042 EPM issued by OIC, City Electrical Division, DEPW.
11. Inadequate water supply and drainage system.
12. Outmoded T & G due to neglect of maintenance.
13. Inadequate sanitary/plumbing installation.

III. RECOMMENDATION:

From the foregoing, the subject buildings [appear] to have incurred extensive deterioration/[dilapidation] [attributed] mainly to long weather exposure, poor maintenance and termite infestation on its architectural and structural components by 60-80% which constitutes an Architectural eyesore, structurally unsafe as well as fire and electrical hazard thereby endangering the life, safety, health and welfare [of] the general public specifically the tenants thereat, hence, it is strongly recommended that the subject building be declared dangerous and ruinous in pursuance of Sec. 214 and 215 and Rules VII and Rule VIII of the Implementing Rules and Regulations of P.D. 1096.

Ruling of the Office of the Building Official

In a Resolution^[15] dated March 26, 2003, the OBO declared the buildings dangerous and ruinous, and recommended their demolition, to wit:

x x x x

On the basis of the ocular inspection report submitted by the Committee on Buildings and the findings of the OIC, City Electrical Division DEPW which form part of this resolution, it appearing that the subject structures incurred an extensive degree of [dilapidation]/deterioration by 60-80% attributed mainly to long weather exposure, termite infestation and neglect of maintenance on its architectural and structural component which constitute architectural eyesore, structurally unsafe as well as electrical hazards thereby endangering the life, health property and welfare of the general public particularly the tenants thereat [sic].

Such sorry condition of said structures exist to the extent that remedial/ rehabilitation which is no longer practical and economical as it would entail/ necessitate a total overdone thereof [sic].

WHEREFORE, premises considered the Committee on Buildings and in consonance with the findings of the OIC, City Electrical Division DEPW the subject buildings are hereby found and declared Dangerous and Ruinous and strongly recommending the issuance of the corresponding Demolition Order in pursuance of Section[s] 214 and 215 of the National Building Code and Rule VII and VIII of its Implementing Rules and Regulations further directing the tenants/ occupants thereat to vacate the premises within fifteen (15) days from receipt hereof to pave the way for its peaceful and orderly [d]emolition activity.

SO ORDERED.

A Demolition Order^[16] addressed to the respondents was accordingly issued on even date with petitioners and their tenants duly furnished with a copy thereof.

Petitioners thus appealed^[17] to the DPWH.

Ruling of the Department of Public Works and Highways

In their appeal, petitioners prayed for the reversal of the Resolution of the OBO and for the setting aside of the Demolition Order on the ground that same were anomalously issued. They likewise contended that respondents' petition for condemnation was actually an attempt to circumvent their rights as builders in good faith. Petitioners prayed for a separate inspection of the two buildings by an impartial body.

Thus, another ocular inspection was conducted by the Inspectorate Team of the DPWH to determine the actual physical condition of the subject buildings. The Inspectorate Team reported thus:

There are two (2) Buildings/Structures subject of this appeal. For proper identification of the two (2) Storey Residential Building located at front No. 2176 Nakar Street, San Andres Bukid, is designated as Building I while the Three (3) Storey Residential Building located at the rear portion is designated as [B]uilding 2.

Building 1

Building I is pre-war vintage (t)wo (2)[-](s)torey structure generally made of wooden materials. Corrugated G.I. roofing sheets and its accessories are extensively corroded and deteriorated due to long existence, weather exposure and improper maintenance. Gutters and [down spouts] are already missing. Interior and exterior wooden board partitions are deteriorated by about eighty percent (80%). Roof eaves and media agues are deteriorated and some wooden members are ready to collapse. Doors and windows including [their] jambs are deteriorated

by about eighty percent (80%). Wooden stair[s] leading to second floor is rotten and deteriorated due to long existence and termite infestation. Wooden board floorings are sagging and vibration can be felt when walking on it. Plywood ceiling boards are deteriorated by about eighty percent (80%).

The wooden roof framing parts such as rafters, purlins, and girts are rotten. Majority of the wooden posts are termite infested and deteriorated. The wooden beams and floor joists are noted to have incurred deterioration. Vibration is felt at the second floor wooden flooring when walked upon, an indication that its wooden structural supports show signs of material fatigue due to wear and tear and termite infestation. Structural components of the structure were observed to have deteriorated by about seventy five percent (75%).

Sanitary/Plumbing fixtures and systems within the building are noted outmoded, inadequate and not properly maintained. Inadequate water supply and drainage system within the building is noted. The comfort room is useable and functioning but is not properly ventilated and unsanitary.

The electrical wiring insulation shows sign of brittleness due to excessive exposure to ambient heat, moisture and time element. Excessive octopus connections and dangling of wires/extensions [sic] cords are observed. Some switches and convenience outlets are detached and defective. Junction/pullboxes are not properly covered thus exposing electrical wiring connections. Some electrical wiring installations are attached to deteriorated parts of the building. The electrical wiring installations are already old, not properly maintained and inadequate to conform to the rules and regulations of the Philippine Electrical Code (PEC).

Building 2

Building 2 is a three (3)[-](s)torey structure located at the back of the Building I, and the usage is purely for residential purposes. The building is constructed [out] of wooden materials, corrugated G.I. roofing sheets and plain G.I. sheets for its accessories. The said building was constructed sometime in 1989, however, the construction is not in accordance with the standard and the requirements of the National Building Code (PD 1096). Corrugated G.I. roofing sheets are corroded and deterioration is about seventy percent (70%). [Down spouts] and gutters are no longer in place. Interior and exterior wooden board sidings have incurred about sixty percent (60%) deterioration. Some rooms have no proper ventilation due to excessive partitioning. Eaves [have] no ceiling. Wooden board floorings are sagging and vibration is felt when walked upon due to undersized wooden framing. Substandard ceiling height. Plywood ceiling boards are bulging. No fire resistive wall provided between the two buildings.

As to the Structural, Sanitary/Plumbing and Electrical aspects, Building 2 has the same findings as in Building I.