

SECOND DIVISION

[G.R. NO. 142669, March 15, 2006]

**PHILIPPINE ECONOMIC ZONE AUTHORITY (PEZA),
REPRESENTED BY ITS BAGUIO CITY ECONOMIC ZONE
ADMINISTRATOR, DIGNA TORRES, PETITIONER, VS. ABRAHAM
B. BORRETA, PRESIDING JUDGE, REGIONAL TRIAL COURT,
BAGUIO CITY, BRANCH 59, AND BENEDICTO CARANTES,
RESPONDENTS**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

This is a petition for certiorari and mandamus seeking the annulment of the Orders dated November 29, 1999 and January 17, 2000 of the Regional Trial Court (RTC), Branch 59, Baguio City, in Criminal Case No. 9452-R, entitled "People of the Philippines v. Benedicto Carantes y Umayon."

Carantes, private respondent, was charged with Violation of Section 301 in Relation to Section 213 of Presidential Decree No. 1096 (Building Without Permit) in an Information which reads:

That in or about the month of April 1991 in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously construct or cause to be constructed a house at Magsaysay Drive, Brgy. Apugan, BCEPZA, Baguio City, without first securing the requisite building permit from the Building Official or Government authorities concerned, in violation of the aforementioned law.

CONTRARY TO LAW.

On December 8, 1994, the RTC rendered its Decision finding Carantes guilty as charged and sentencing him to pay a fine of P5,000.00 with subsidiary imprisonment in case of insolvency and "to remove or demolish the subject structures."

On appeal, the Court of Appeals affirmed the RTC Decision. The Appellate Court's Decision became final and executory on June 14, 1997.

On February 26, 1999, the trial court issued a writ of demolition. Carantes then voluntarily demolished one of the structures built on the area and paid a fine of P5,000.00.

In a Manifestation/Motion dated April 12, 1999 filed with the trial court, Carantes averred that the writ should be limited only to the structure built "in or about the

month of April 1991" as alleged in the Information and should not include the one built by his father sometime in 1970. He prayed for the stay of execution.

On June 15, 1999, the trial court denied the motion, thus:

Acting upon the accused's Manifestation/Motion dated April 12, 1999, the same is hereby DENIED on the ground that the Decision of December 8, 1994 rendered by this Court in the above-entitled case speaks of two (2) structures. On appeal, the Court of Appeals rendered a Decision dated May 19, 1997 finding no reversible error in the judgment appealed from, hence, the Decision of this Court was AFFIRMED in toto.

The Court of Appeals' Decision, which also speaks of "structures," having become final and executory, let a writ be issued for the demolition of the other structure of the accused subject of this case.

Carantes filed a Motion for Reconsideration but it was denied on July 20, 1999, thus:

The Decision of this Court needs no clarification. It is clear therefrom that the offense for which the accused was charged involved the construction of two structures, not one as claimed by the accused. In fact, the Resolution of the City Prosecutor finding a prima facie case of Violation of P.D. 1096 against the accused and which became the basis of accused's prosecution in court also speaks of two houses or structures illegally constructed by the accused.

WHEREFORE, finding no compelling or cogent reason to reconsider its Order dated June 15, 1999, the Court hereby DENIES accused's Motion for Reconsideration.

Two (2) months thereafter, or on September 20, 1999, Carantes filed a Manifestation (actually a second motion for reconsideration) that on September 7, 1999, before the filing of the Information against him, a building permit for the remaining structure was issued by the City Engineer of Baguio. Thus, he prayed that a hearing be first conducted to enable him to prove that the subject structure was built with the required permit.

In its Comment dated October 16, 1999, the Philippine Economic Zone Authority (PEZA), petitioner, maintained that under Section 1, Rule VII of the Rules and Regulations Implementing Republic Act No. 7916,^[1] it is the PEZA which has the authority to issue building permits over structures built within its area. Hence, the building permit issued by the City Engineer of Baguio has no force and effect; and assuming that the said building permit is in order, still, Carantes is liable after the Decision of the Court of Appeals became final and executory.

In his Reply dated October 26, 1999, Carantes submitted for the first time a copy of the Certificate of Ancestral Land Claim CAR-CALC (CAR-CALC) No. 022 issued to him by the Department of Environment and National Resources on September 9, 1995 showing his pending claim or application over the area on which the structure was built.