

THIRTEENTH DIVISION

[CA-G.R. SP No. 108807, February 28, 2014]

**SUSAN ENRIQUEZ AND ALMA RODRIGUEZ, PETITIONERS, VS.
WENEFREDO PARREÑO, RONNIE CUEVAS AND JOSEPH
DENAMARCA, RESPONDENTS.**

D E C I S I O N

YBAÑEZ, J.:

Before Us is a Petition for Review filed by petitioners Susan Enriquez and Alma Rodriguez pursuant to Rule 43 of the Revised Rules of Court seeking to annul and set aside the Decision rendered on 30 September 2008 by the Office of the President in OP Case No. 07-H-323 (DENR Case No. 5884), as well as the Resolution promulgated on 25 March 2009 denying the Motion for Reconsideration thereof.

The Facts

On 13 July 1998, respondents Wenefredo Parreño (Parreño), Ronnie Cuevas (Cuevas) and Joseph Denamarca (Denamarca) filed a protest with the DENR Regional Office against the issuance of Transfer Certificates of Title (TCTs) Nos. 14391 and 14188 by the Register of Deeds of Rizal covering Lot 4, Block 78 and Lot Nos. 32 and 36, Block 99, both situated at Signal Village, Taguig City, Metro Manila, in the names of herein petitioners Susan Enriquez (Enriquez) and Alma Rodriguez (Rodriguez), respectively.

In their protest, respondents alleged that, sometime in 1984, Parreño occupied Lot 4, Block 78 (Plan Psd-13-002057) located in Signal Village, Taguig City. Likewise, on the same year, respondents Cuevas and Denamarca established their occupancy on portions of Lot 32 and Lot 36, respectively, of Block 99, also of Signal Village, Taguig City. Respondents alleged that they immediately constructed thereon their houses built of semi-concrete materials where they have continuously resided. However, without their knowledge, their houses had been tagged in the names of petitioners Enriquez and Rodriguez in connivance with sister Malou San Gabriel, Zone Leader Adelfa Fernandez, Surveyor Evelyn Celzo and Land Investigator Raul Bacares of South CENRO. Respondents claimed that petitioners never occupied or resided on the subject lots or in the community where the lots are located. Thus, respondents were surprised to learn that petitioners had claimed ownership over said parcels of land by virtue of TCT No. 14391^[1] issued by the Register of Deeds in favor of petitioner Enriquez covering Lot 4, Block 78; and TCT No. 14188^[2] issued by the Register of Deeds in favor of petitioner Rodriguez covering Lots 32 and 36, Block 99 of Signal Village, Taguig City.

Petitioners, on the other hand, countered that they complied with all the requirements prescribed in the guidelines of Proclamation No. 172, as implemented by Memorandum Order No. 119^[3]. They claimed that House Tag Nos. 2952 and 3940 were issued by the Brgy. Signal Village, Taguig City, in the names of

petitioners Enriquez and Rodriguez, respectively. According to them, they have proved prior physical possession of the subject lots since they have been occupying the houses erected on the said premises. They further claimed that the subject lots were actually surveyed^[4] to determine the specific location and boundaries thereof, and that the verified survey plan was subsequently approved by the Land Management Services on 18 April 1996. Petitioners also averred that they religiously paid real estate taxes on the subject lots^[5].

Respondents further narrated that, on 09 October 1990, the DENR-Land Management Bureau of Manila issued a notice^[6] indicating the names of all residents of Taguig City who applied for the purchase of public land for residential purposes without public auction in accordance with the provisions of Republic Act No. 730, in relation to Chapter IX of the Public Land Act, and Act No. 3038 covering lots within Subdivision Survey Psd-13-002057 of which petitioners were among the applicants. Thereafter, the Director of Lands executed the corresponding Deeds of Sale dated 16 May 1991^[7] and 13 March 1991^[8] in favor of respondents Enriquez and Rodriguez, respectively. On 28 December 1990, Certificates of Award^[9] were issued in favor of petitioners, and, consequently, TCT No. 14391^[10] was issued by the Register of Deeds of Rizal in favor of petitioner Enriquez, while TCT No. 14188^[11] was issued by the Register of Deeds of Rizal in favor of petitioner Rodriguez.

On 26 October 1999, the Officer-in-Charge at the Office of the Regional Executive Director of the DENR- NCR rendered a Decision^[12] dismissing respondents' protest. In her decision, the Officer-in-Charge Corazon C. Davis declared that respondents failed to present convincing evidence to justify their allegations of fraud and misrepresentation on the part of petitioners in procuring the questioned TCTs. Hence, she held that TCT Nos. 14391 and 14188 issued in the names of petitioners Enriquez and Rodriguez, respectively, are valid for having been duly issued pursuant to existing laws, rules and regulations on the matter.

On appeal, the DENR Secretary reversed the findings of the Officer-in-Charge at the Office of the Regional Executive Director of the DENR-NCR. In his Decision^[13] rendered on 25 January 2007, the DENR Secretary found irregularities in the issuance of the subject TCTs in favor of petitioners. He ruled that petitioners failed to comply with the residency requirement for the purchase of lands which have been declared open to disposition pursuant to Proclamation No. 172, since, after an ocular inspection and thorough scrutiny of the records of the case, the following were discovered: (1) petitioners are not residents of Signal Village, Taguig City, where the contested lots are situated. Instead, petitioner Enriquez is a resident of 753 Old Balara, Tandang Sora, Quezon City, while petitioner Rodriguez is a resident of 1561 4th St., Fabie State Subdivision, Paco, Manila; (2) the residents surrounding the subject lots do not know the petitioners; (3) the petitioners, in their Appeal Memorandum and other pleadings, did not state the year of their alleged occupancy of the disputed lots and its duration; and (4) the Order issued on 20 July 2001 by Branch 74 of the Metropolitan Trial Court in Taguig affirmed the fact that the petitioners are not residents of Signal Village in Taguig. Instead, the DENR Secretary held that it is the respondents who established through clear and convincing evidence that they are the residents of the subject lots, as shown by their residence certificate, barangay resident's card, voter's affidavit issued by Taguig City, application for electrical installation approved by Meralco, and tax declarations

covering the subject lots; as opposed to the petitioners who merely presented house tags to prove their alleged occupation of the subject premises. Moreover, the DENR Secretary observed that the survey plan approved on 18 April 1996 by the Land Management Services of the DENR-NCR for petitioners Enriquez and Rodriguez contains no verification survey number. Thus, the DENR Secretary concluded that petitioners fraudulently misrepresented themselves as residents of Signal Village in Taguig City where the subject lots are situated, and therefore do not qualify as applicants of Insular Government Property Sales. The dispositive portion^[14] of the said Decision reads as follows, viz:

"WHEREFORE, premises considered, the instant appeal is hereby **GRANTED**. The Decision of the Officer-in-Charge, Office of the Regional Executive Director, DENR-NCR, Araneta Avenue, Quezon City (now Ermita, Manila), dated October 26, 1999, is hereby **SET ASIDE**. Upon finality of this Decision, this case shall be referred to the Office of the Solicitor General to initiate the cancellation proceedings in the proper court.

SO ORDERED."

Aggrieved, petitioners filed a Motion for Reconsideration^[15] from the said Decision, which was denied by the DENR Secretary in an Order^[16] issued on 31 July 2007.

Not satisfied, petitioners elevated the case to the Office of the President^[17], arguing that the DENR Secretary gravely abused his discretion in setting aside the Decision of the Officer-in-Charge of the Office of the Regional Executive Director of the DENR-NCR Region, as they insist that their right to the subject lots can no longer be impugned, since TCTs were already issued in their names. Corollary thereto, they contended that the DENR Secretary erred in not recognizing the presumption of regularity of official functions with regard to the issuance of the TCTs in their favor.

In the assailed Decision^[18] dated 30 September 2008, the Office of the President denied petitioners' appeal and affirmed in toto the 25 January 2007 Decision of the DENR Secretary.

Aggrieved, petitioners filed a Motion for Reconsideration^[19] of the said Decision, which was denied by the Office of the President in the assailed Resolution^[20] issued on 25 March 2009.

Undaunted, petitioners filed on 22 June 2009 the instant petition^[21] raising the following issues^[22] to be resolved by Us, viz:

I.

WHETHER OR NOT *RES JUDICATA* HAS SET IN;