

**[HLURB ADMINISTRATIVE ORDER NO. 02, S.
2011, July 21, 2011]**

**RESOLUTION NO. R-871, PROMULGATING THE 2011 REVISED
RULES OF PROCEDURE OF THE HOUSING AND LAND USE
REGULATORY BOARD**

Attached herewith is HLURB Board Resolution No. R-871, Series of 2011, Promulgating the 2011 Revised Rules of Procedure of the Housing and Land Use Regulatory Board, approved by the Board on 19 April 2011.

The above was published in The Official Gazette on 11 July 2011, and, in accordance with the provisions of law, will take effect fifteen (15) days from its date of publication, on 26 July 2011. This Administrative Order No. 02, S. of 2011, supersedes Administrative Order No. 03, Series of 2010 (Board Resolution No. 851, S. of 2010).

Please be guided accordingly.

(SGD.) ANTONIO M. BERNARDO
Chief Executive Officer and Commissioner

Attachment:

Resolution No. 871, s. 2011

**Promulgating the 2011 Revised Rules of Procedure
of the Housing and Land Use Regulatory Board**

PURSUANT TO Section 5 (c) and (j), Executive Order No. 648, Series of 1981, as amended by Executive Order No. 90, Series of 1986, and Executive Order No. 535, Series of 1979, as amended by Section 26 of Republic Act No. 8763, and Republic Act No. 9904, the Housing and Land Use Regulatory Board (HLURB) hereby adopts and promulgates the following Rules of Procedure.

**Part 1
COMMON PROVISIONS**

**Rule 1
TITLE AND CONSTRUCTION**

Section 1. Title. – The following shall be known as the 2011 Revised Rules of Procedure of the Housing and Land Use Regulatory Board, hereinafter referred to as the “Rules”.

Section 2. Coverage. – This Rules shall be applicable to the following disputes or controversies:

- a. Actions concerning unsound real estate business practices filed by buyers;
- b. Claims involving refund and other claims filed by subdivision lot or condominium unit buyer against the project owner, developer, dealer, broker or salesman;
- c. Cases involving specific performance of contractual and statutory obligations filed by subdivision lot or condominium unit buyer against the project owner, developer, dealer, broker or salesman;
- d. Intra-association disputes or controversies arising out of the relations between and among members of homeowners associations; between any or all of them and the homeowners association of which they are members;
- e. Inter-association disputes or controversies arising out of the relations between and among two or more homeowners associations;
- f. Disputes between such homeowners association and the state insofar as it concerns their individual franchise or right to exist and those which are intrinsically connected with the regulation of homeowners associations or dealing with the internal affairs of such entity;
- g. Suits filed in opposition to an application for certificate of registration and license to sell, development permit for condominium projects, clearance to mortgage, or the revocation or cancellation thereof, and locational clearances, certifications or permits, when issued by the Regional Field Office of HLURB;
- h. Appeals from decisions of local and regional planning and zoning bodies; and,
- i. Other analogous cases.

Section 3. Construction. – This Rules shall be liberally construed in order to promote the general welfare and to assist the parties in obtaining a just and speedy determination of every action application or proceeding.

Section 4. Nature of Proceedings. – Proceedings before HLURB shall be summary in nature. The provisions of the Rules of Court shall not be applicable except in a suppletory character.

Rule 2

ACTIONS AND PROCEEDINGS

Section 5. Actions and Proceedings. – An action or proceedings means any suit filed with HLURB by which one party sues another for the enforcement or protection of a right or for the prevention or redress of a wrong.

Section 6. Order of Proceedings. – The following proceedings shall be uniform for all cases filed before the Arbiter:

- (a) The commencement of an action through the filing of a verified complaint and upon payment of the required legal fees;
- (b) Service of summons on the respondent, together with a copy of the complaint and all attachments thereto;
- (c) Filing of the answer;
- (d) Mandatory conference;
- (e) Optional submission of additional evidence; and,
- (f) Notice of the decision.

Section 7. Venue. – All complaints or actions shall be filed in the Regional Field Office which has jurisdiction over the area where the project involved is located or, in cases of homeowners suits, in the Regional Field Office where the homeowners association is registered.

Rule 3

REAL PARTY IN INTEREST, COUNSELS AND REPRESENTATIVES

Section 8. Parties. – Every action or proceeding must be prosecuted and defended in the name of the real party in interest.

All natural or juridical persons who claim an interest in the subject matter of the action or proceeding and in obtaining the relief demanded shall be joined and referred to as “complainants”.

All natural or juridical persons who claim an interest in the controversy or in the subject matter thereof adverse to the complainant, or who are necessary to a complete determination or settlement of the issues involved therein, shall be joined and referred to as “respondents”.

Section 9. Indigent Litigants. – The rule on the qualifications of indigent litigants and their exemption from the payment of filing fees shall be in accordance with such rules as may be promulgated by the Supreme Court.

Section 10. Derivative Suit. – A member of a homeowners association in good standing may bring an action on behalf of the association provided that:

- a. The complainant was a member at the time the acts or transactions subject of the action occurred and at the time the action was filed;

- b. The complaint alleges with particularity that reasonable efforts were exerted to exhaust all remedies available under the association's articles of incorporation, bylaws, laws or rules for the purpose of obtaining the relief prayed for; and,
- c. The complaint states a valid cause of action.

Section 11. Appearance of Counsel or Representative. – The appearance of counsel or representative is optional.

- a. If a party is represented by counsel, the lawyer must indicate the following in the pleadings:

- 1. Mailing address which is not a post office box number, including the lawyer's telephone/cellular phone number and email address, if available;
- 2. Roll of Attorneys Number;
- 3. Current Professional Tax Receipt Number, including the date and place of issue;
- 4. IBP Official Receipt Number or IBP Lifetime Membership Number, including the date and place of issue; and,
- 5. Mandatory Continuing Legal Education Compliance or Exemption Certificate Number and the date of issue.

- b. A non-lawyer who represents a party shall attach to the pleading a special power of attorney authorizing such person to file the case and an affidavit duly executed by the party represented stating the reasons why such person was so authorized.
- c. In case the real party-in-interest is out of the country, the special power of attorney must be authenticated by the consular office concerned and comply with other applicable formalities for their execution.
- d. In case the party represented is a corporation, the representative shall attach to the complaint, a board resolution authorizing such person to act on behalf of the corporation.

Failure of the party to comply with the requirements herein shall render the pleading as not filed.

Rule 4

PLEADINGS, MOTIONS, AND PRACTICE

Section 12. Pleadings and Motions. – Pleadings and motions shall be filed in

triplicate, plus such number of copies as there are respondents, with proof of service to the other parties.

Section 13. Pleadings Allowed. – Pleadings are either mandatory or discretionary.

- a. Mandatory Pleadings. – Mandatory pleadings are those which are absolutely necessary for the resolution of the case, such as, the Complaint, Answer, and Appeal Memorandum.
- b. Discretionary Pleadings. – All other pleadings not prohibited may be filed. The filing of these pleadings does not toll the reglementary periods and failure to file the same shall not have any adverse effect on the rights of the parties.

Section 14. Prohibited Pleadings and Motions. – The following shall be considered as prohibited pleadings and motions which shall not be entertained:

- a. Motion to dismiss;
- b. Motion for a bill of particulars;
- c. Petition for relief from judgment;
- d. Motions for reconsideration in whatever stage of the proceedings;
- e. Appeal from any interlocutory order, including but not limited to, cease and desist orders;
- f. Motions for extension of time;
- g. Motions for postponement except for justifiable reasons;
- h. Motion to admit pleadings filed beyond the reglementary period;
- i. Reply, except in answer to a compulsory counterclaim;
- j. Fourth and subsequent party complaints; and,
- k. Motion for clarification of final orders and decisions.

The filing of such pleadings or motions shall not interrupt the running of the prescriptive period and shall not bar the adjudication of the case.

An opposition to a motion may be filed, without waiting for a separate order therefor, within five (5) days from the receipt of a copy of the motion.

Rule 5 COMPLAINT

Section 15. Complaint. – The complaint shall contain the following:

- a. *Caption and Title.* – In all cases filed before the Regional Field Offices, the party initiating the action shall be called the "Complainant" and the opposing party the "Respondent".