

SECOND DIVISION

[G.R. No. 194702, April 20, 2015]

**SAN LORENZO RUIZ BUILDERS AND DEVELOPERS GROUP, INC.
AND OSCAR VIOLAGO, PETITIONERS, VS. MA. CRISTINA F.
BAYANG, RESPONDENT.**

D E C I S I O N

BRION, J.:

This is a petition for review on *certiorari* assailing the July 23, 2010 decision^[1] and the December 2, 2010 resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 100332. The CA affirmed the resolutions dated November 17, 2006 and July 26, 2007 of the Office of President in O.P. Case No. 06-D-160, which dismissed the appeal of petitioners San Lorenzo Ruiz Builders and Developers Group, Inc. (*SLR Builders*) and Oscar Violago for having been filed out of time.

Facts

On April 15, 2000, petitioner SLR Builders (then known as Violago Builders, Inc), as seller, and respondent Ma. Cristina F. Bayang (*Cristina*), as buyer, entered into a "**contract to sell**" of a sixty (60)-square meter lot in Violago Homes Parkwoods Subdivision, located in *Barangay* Payatas, Quezon City.

Upon full payment of the monthly amortizations on the purchased lot, Cristina demanded from SLR Builders the execution of the deed of absolute sale and the lot's certificate of title but the latter failed to deliver, prompting Cristina to file a **complaint for specific performance and damages** against SLR Builders and its President, Oscar Violago (*petitioners*) before the Housing and Land Use Regulatory Board (*HLURB*).

In a decision^[3] dated February 16, 2004, Housing and Land Use Arbiter Atty. Joselito F. Melchor ruled in Cristina's favor, to wit:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. Ordering the respondents (*referring to the petitioners*) to execute the Deed of Absolute Sale of the subject property in the name of the complainant (*referring to the respondent*) and deliver the title thereof free from all liens and encumbrances;
2. In the alternative, in case of legal and physical impossibility of the respondents to perform the aforementioned acts in the preceding paragraph, respondent San Lorenzo Ruiz Builders and Developers

Group, Incorporated is hereby ordered to reimburse to the complainant the amount of THREE HUNDRED TWENTY FOUR THOUSAND EIGHT HUNDRED SIXTY FIVE PESOS & 16/100 (P324,865.16) with legal interest of twelve percent (12%) per annum to be computed from the filing of the complaint on November 04, 2002 until fully paid; and

3. Ordering respondent San Lorenzo Ruiz Builders and Developers Group, Incorporated to pay the following sums:

- a. FIVE THOUSAND PESOS (P5,000.00) as moral damages;
- b. FIVE THOUSAND PESOS (P5,000.00) as exemplary damages;
- c. FIVE THOUSAND PESOS (P5,000.00) as attorney's fees;
- d. An administrative fine of TEN THOUSAND PESOS (P10,000.00) payable to this Office fifteen (15) days upon receipt of this decision, for violation of Section 18 in relation to Section 38 of PD 957.

SO ORDERED.^[4]

The petitioners appealed Arbiter Melchor's decision to the HLURB Board of Commissioners. The Board dismissed^[5] and denied,^[6] respectively, the petitioners' appeal and subsequent motion for reconsideration. The petitioners then brought their case to the Office of the President (OP), which was docketed as O.P. Case No. 06-D-160.

In a resolution^[7] dated November 17, 2006, the OP dismissed the petitioners' appeal for having been filed out of time. The OP's resolution stated:

A review of the records shows that the HLURB Decision affirming the Arbiter's decision was received by the respondents/appellants (*referring to the petitioners*) on July 27, 2005. On that date, the 15-day prescriptive period within which to file an appeal began to run. Instead of preparing an appeal, respondents-appellants opted to file a Motion for Reconsideration on August 10, 2005. Their filing of the said motion interrupted the period of appeal by that time, however, *fourteen (14) days had already elapsed.*

On April 17, 2006, respondents-appellants received the Resolution denying their Motion for Reconsideration. Following the above rules, respondents-appellants have only one (1) day left, or until April 18, 2006, within which to file their notice of appeal to this Office. Unfortunately, they were able to do so only on April 27, 2006, or nine (9) days late^[8] (Emphasis supplied.)

The petitioners moved to reconsider and argued that the "fresh period rule" enunciated in the case of *Domingo Neypes, et al. v. Court of Appeals, et al.*^[9] should be applied to their case.