

## SECOND DIVISION

[ G.R. No. 182707, September 01, 2010 ]

**SPOUSES ERNESTO LIM AND ZENAIDA LIM, PETITIONER, VS.  
RUBY SHELTER BUILDERS AND REALTY DEVELOPMENT  
CORPORATION, RESPONDENT.**

### DECISION

**ABAD, J.:**

This case is about the jurisdiction of the Housing and Land Use Regulatory Board (HLURB) over an action to compel a land developer to deliver a promised title over one-fourth of a subdivided lot.

#### The Facts and the Case

Sometime in May 2001 petitioners Ernesto and Zenaida Lim (the Lims) bought for P190,000.00 a 318-square meter lot that then formed part of a bigger lot<sup>[1]</sup> in Barangay Triangulo, Naga City. Respondent Ruby Shelter Builders and Realty Development Corporation (Ruby Shelter), the seller and owner, undertook to subdivide the lot and, upon approval by the Bureau of Lands, execute a deed of absolute sale in favor of the Lims. In December 2001 Ruby Shelter delivered the deed of sale to the spouses with a promise to give them the title to the lot as soon as the subdivision plan had been approved.

Ruby Shelter then caused the approval of a subdivision plan for its lot, dividing it into four, including the one sold to the Lims, identified as Lot 9-E-2-B. But, despite repeated demands, Ruby Shelter did not deliver the Lims' title. Consequently, the latter filed an action against it for delivery of title with damages before the HLURB.

On March 1, 2004 the HLURB Legal Services Group (LSG) rendered a decision for the Lims, which decision the HLURB Board of Commissioners affirmed. On September 5, 2005, acting on Ruby Shelter's appeal, the Office of the President (OP) upheld the HLURB decision, a copy of which Ruby Shelter got on September 20, 2005. On October 11, 2005 the latter filed a motion for leave to be allowed to file an attached belated motion for reconsideration. The OP denied the motion. On December 29, 2005 it further issued an Order declaring its September 5, 2005 decision final and executory.

Notwithstanding the OP's above Order, on January 31, 2006 Ruby Shelter filed a motion for extension of time to file a petition for review with the Court of Appeals (CA). On October 23, 2006 the Lims moved for the issuance of a writ of execution, which the HLURB LSG granted.

Meanwhile, the CA gave due course to Ruby Shelter's petition for review and on December 6, 2007 rendered a decision granting the same and setting aside the OP's