

SECOND DIVISION

[G.R. No. 165387, December 18, 2009]

MAYON ESTATE CORPORATION AND EARTH LAND DEVELOPERS CORPORATION, PETITIONERS, VS. LUALHATI BELTRAN, RESPONDENT.

RESOLUTION

CARPIO, J.:

The Case

This petition for review^[1] assails the 22 July 2004 Decision^[2] and 22 September 2004 Resolution^[3] of the Court of Appeals in CA-G.R. SP No. 80036. The Court of Appeals annulled the 28 February 2003 Order^[4] and 24 September 2003 Decision^[5] of the Housing and Land Use Regulatory Board (HLURB) Board of Commissioners, and denied the motion for reconsideration filed by petitioners Mayon Estate Corporation (Mayon) and Earthland Developers Corporation (Earthland).

The Antecedents

The present controversy originated from two complaints filed by respondent Lualhati Beltran (Beltran) before the HLURB. Beltran filed the *first* case, docketed as HLURB Case No. REM-071597-9831, against Mayon and Earthland.

On 25 January 2002, Arbiter Balasolla rendered a Decision^[6] in HLURB Case No. REM-071597-9831 (25 January 2002 Decision), the dispositive portion of which reads:

WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered as follows:

1. Ordering respondents to immediately complete development of Peñafrancia Hills in accordance with the approved subdivision plan.
2. Ordering respondents/or any person acting for and in its behalf to surrender the possession of Lot 1, Block 43 and Lot 27, Block 49 Annex II Peñafrancia Hills Subdivision in favor of the complainant by removing whatever structure illegally constructed thereon;
3. Ordering respondents to permanently desist from any act of harassment and/or dispossession against the complainant or any person acting for and in her behalf in the aforementioned properties.

4. Ordering complainant to pay respondents P13,379.34 as full payment for Lot 1, Block 43 and P10,663.68 as full payment for Lot 27, Block 47 and thereafter for respondents to execute the Deeds of Sale thereto and deliver the corresponding titles free from all liens and encumbrances.
5. Ordering respondents to pay jointly and severally, the complainant the following sums:
 - a) The amount of P200,000.00 with legal interest computed from the time of the demolition of the houses until fully paid;
 - b) Moral damages of P100,000.00;
 - c) Exemplary damages of P100,000.00;
 - d) Attorneys fees of P100,000.00;
6. Ordering respondents to pay this Office an administrative fine of P10,000.00 for violation of Section 20 in relation to Section 38 of PD 957.

IT IS SO ORDERED.^[7]

On 21 March 2002, the last day for the filing of the appeal, the petitioners filed a petition for review. Since the petition was neither verified nor certified for non-forum shopping by the authorized corporate officer, Beltran moved for the execution of the 25 January 2002 Decision on 23 May 2002, claiming that the 25 January 2002 Decision became final on 22 March 2002 for failure of the petitioners to perfect an appeal.

On 21 August 2002, Arbiter Balasolla issued an Order denying the petition for review and granting Beltran's motion for execution, thus:

ORDER

Respondents' Petition For Review is hereby denied for failure to comply with Section 3 Rule XII of The 1996 Revised Rules of Procedure of HLURB as amended by Resolution No. R-655 S. 1999, to wit:

"Section 3. Contents of the Petition for Review. - The petition for review shall contain the grounds relied upon and the arguments in support thereof, the relief prayed for and a statement of the date when the petitioner received a copy of the Decision.

In addition the petitioner shall attach to the petition, the following:

x x x.

b. A verified certification jointly executed by the petitioner and his counsel in accord with Supreme Court Circular No. 28-91 as amended, attesting that they have not commenced a similar, related or any other proceeding involving the same subject matter or causes of action before any other court or administrative tribunal in the Philippines.

x x x."^[8]

On 19 September 2002, petitioners filed an Omnibus Motion (1) For Reconsideration of Order Dated August 21, 2002; (2) To Inhibit HUL Arbiter Rowena C. Balasolla; and (3) To Order HUL Arbiter Rowena C. Balasolla to Cease and Desist From Further Hearing Illegal Execution Proceedings.^[9]

On 14 October 2002, petitioners filed an *amended* petition for review,^[10] which on 18 November 2002 Arbiter Balasolla denied with finality, to wit:

ORDER

For resolution is respondent's Omnibus Motion (1) For Reconsideration on the Order dated August 21, 2002 denying their Petition For Review on the Decision in the instant case (2) To Inhibit the undersigned (3) To Order the undersigned to Cease and Desist from further hearing Illegal Execution Proceedings. On October 16, 2002, respondents filed a Manifestation and Motion withdrawing their Omnibus Motion. However, respondents filed at the same time, an Amended Petition for Review on the Decision dated January 25, 2002.

Records reveal that this Office has already acted on and denied the previous Petition for Review of the Decision dated January 25, 2002. Hence, this Office has no other recourse but to deny with finality the Amended Petition for Review. This Office having previously granted complainant's Motion for Execution, let a writ of execution be issued accordingly.

IT IS SO ORDERED.^[11]

On 26 November 2002, petitioners filed a petition for injunction with the HLURB Board of Commissioners, docketed as HLURB Case No. REM-A-021122-0268, assailing the 21 August 2002 and 18 November 2002 Orders issued by Arbiter Balasolla.

On 28 February 2003, the HLURB Board of Commissioners^[12] issued an Order disposing of the petition for injunction, thus:

Wherefore, the petition is granted. The orders dated August 21, 2002 and November 18, 2002, as well as the writ of execution dated (*sic*) are set aside. Complainant is directed to file her comment to the amended petition for review within 30 days after which the said petition shall be deemed submitted for resolution.

So ordered .^[13]

On 31 March 2003, Beltran filed a motion for reconsideration.

On 8 May 2003, Beltran also filed her comment on the petition for injunction of the petitioners "without waiving her Motion for Reconsideration."

Meanwhile, Beltran filed a *second* case, docketed as HLURB Case No. REM-051702-11905, this time against NBC-Agro and its president, Atty. Romeo G. Roxas, after her lot was sold by the latter to Carmelita Cruz (Cruz) on 12 September 2001. Also impleaded as respondents were the Register of Deeds of Antipolo City, Earthland, and Insular Savings Bank, to whom Cruz mortgaged the lot as security for a loan of P6,000,000.

On 21 February 2002, Arbiter Balasolla rendered a Decision in HLURB Case No. REM-051702-11905 (21 February 2002 Decision), the dispositive portion of which reads:

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

1. Declaring the sale of Lot 1, Block 43, Annex II of Penafrancia Hills to Carmelita Cruz null and void;
2. Ordering respondent Register of Deeds of Antipolo City to cancel TCT No. R-2591 in the name of Carmelita Cruz, and reinstate TCT No. 35528, free from all liens and encumbrances and to annotate thereon the Contract to Sell of Patricia Caceres and the Transfer of Rights in favor of the complainant;
3. Ordering respondent Carmelita Cruz, Romeo Roxas, NBC Agro Industrial and Development Corporation and Earthland Developers Corporation to immediately restore complainant to the peaceful and undisturbed possession of the subject lot;
4. Ordering respondent Carmelita Cruz, Romeo Roxas and NBC Agro Industrial and Development Corporation to jointly and severally pay complainant the following:
 - a) Moral Damages of P100,000.00;
 - b) Exemplary Damages of P100,000.00; and
 - c) Attorney's Fees of P50,000.00.

All other claims and counterclaims are hereby dismissed for lack of merit.

IT IS SO ORDERED.^[14]

NBC-Agro, Insular, and Cruz filed separate petitions for review of the 21 February 2002 Decision of Arbiter Balasolla. These petitions were docketed as HLURB Case No. REM-A-030428-0104.

The HLURB Board of Commissioners consolidated HLURB Case No. REM-A-021122-0268 with HLURB Case No. REM-A-030428-0104.

On 24 September 2003, the HLURB Board of Commissioners rendered a Decision^[15] in the consolidated cases (HLURB Case No. REM-A-021122-0268 and HLURB Case No. REM-A-030428-0104), the dispositive portion of which reads:

Wherefore, the motion for reconsideration of the complainant (Beltran) is denied while the respective petitions for review of respondents NBC/Roxas, Cruz and Insular are dismissed.

However, the decision of the Office below in REM-A-021122-0268 dated January 25, 2003 is modified; hence, its dispositive portion shall read as follows:

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

1. Ordering respondents to immediately complete the development of Peñafrancia Hills in accordance with the approved subdivision plan;
2. Ordering respondents and/or any person acting for and in its behalf to surrender the possession of Lot 1, Block 43 and Lot 27, Block 49, Annex II, Peñafrancia Hills Subdivision in favor of the complainant by removing whatever structure illegality constructed thereon;
3. Ordering respondents to permanently desist from any act of harassment and/or dispossession against the complainant or any person acting for and in her behalf in the aforementioned properties;
4. Ordering complainant to pay respondents P13,379.34 as full payment for Lot 1, Block 43 and P10,663.68 as full payment for Lot 27, Block 47, both with legal interest reckoned from the date the complainant effected unilateral suspension.

The Office below is directed to determine the date when the above-mentioned suspension was effected;