

**[HLURB ADMINISTRATIVE ORDER NO. 03, S.
2010, April 27, 2010]**

**RESOLUTION NO. R-851, ADOPTING THE 2009 REVISED RULES
OF PROCEDURE OF THE HOUSING AND LAND USE REGULATORY
BOARD**

Attached herewith is HLURB Board Resolution No. R-851, Series of 2009, Adopting the 2009 Revised Rules of Procedure of the Housing and Land Use Regulatory Board, which was approved by the Board on 16 December 2009.

The above was published in the Philippine Daily Inquirer on 24 April 2010, and, in accordance with the provisions of law, will take effect fifteen (15) days from its date of publication, 09 May 2010.

For your information and guidance.

(SGD.) ROMULO Q.M. FABUL
Commissioner and Chief Executive Officer

Attachment:

HLURB Resolution No. 851-09

**Adopting the 2009 Revised Rules of Procedure of the Housing and Land Use
Regulatory Board**

**RULE I
Title and Construction**

SECTION 1. Title. – These Rules shall be known as the 2009 Revised Rules of Procedure, hereinafter referred to as the “Rules”, of the Housing and Land Use Regulatory Board or “Board” for brevity.

SECTION 2. Construction. – The Rules shall be liberally construed in order to promote the general welfare, and to assist the parties in obtaining a just, speedy and inexpensive determination of every action, application or proceeding.

SECTION 3. Nature of the Proceedings. – Proceedings before the Board shall be summary in nature. The provisions of the Rules of Court shall not be applicable except in a suppletory character.

RULE II
Parties to a Complaint

SECTION 1. Complainant and Respondent. – In any complaint filed before the Board, the person filing the same shall be called the complainant, while the person against whom it is filed shall be called the respondent.

RULE III
Parties to a Disputed Application

SECTION 1. Applicant and Oppositor. – Any person, natural or juridical, or entity authorized by law, who files an application before the Board for the issuance of any license, permit or clearance, or the authority to exercise any right or privilege granted under any law, proclamation, decree or executive order administered or implemented by the Board, shall be called the applicant.

Any person, natural or juridical, or entity authorized by law who opposes or claims an adverse right or interest in any application shall be called the oppositor.

RULE IV
Commencement of Action, Summons and Answer

SECTION 1. When Action is Deemed Commenced. – An action is deemed commenced upon the filing of a verified complaint with the Regional Office of the Board, in three (3) copies and in such number of copies as there are respondents, with supporting documents and upon payment of the required filing fees.

SECTION 2. Parts of the Complaint. –

A. The body.

The body of the complaint sets forth the full name of the real parties in interest, whether natural or juridical, showing capacity to sue and to be sued, status, mailing address, designation, the allegations of the party's claims, the reliefs prayed for, and the date of the pleading.

B. Signature, address, and representation.

Every complaint must be signed by the party or his duly authorized counsel, stating in either case his address which should not be a post office box.

A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, he shall indicate in his pleadings and motions his Roll of Attorney's Number, current Professional Tax Receipt Number, IBP Official

Receipt Number or IBP Lifetime Membership Number and MCLE Compliance or Exemption Certificate Number and their date of issue. The signature of counsel constitutes a certification by him that he has read the complaint; that to the best of his knowledge and information there is good ground to support it; and that it is not interposed for delay.

A non-lawyer who represents a party shall attach to the complaint a special power of attorney authorizing him to file the case and an affidavit duly executed by the party represented stating the reasons why he is physically incapable of personally prosecuting the action. In case the real party-in-interest is out of the country, these instruments must be certified or authenticated by the consular office concerned and comply with other applicable formalities for their execution.

C. Verification.

A complaint is verified by an affidavit that the affiant has read the complaint and that the allegations therein are true and correct of his personal knowledge.

A complaint based on "information and belief," or upon "knowledge, information and belief," shall be dismissed.

D. Certification Against Forum Shopping.

The complainant shall certify under oath in the complaint or other initiatory pleadings asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the Board wherein his aforesaid complaint or initiatory pleading has been filed.

The following shall be attached to the complaint upon filing:

A. Proof of payment of fees;

B. In homeowners association cases, a certification issued by the chairman of the Election Committee in cases involving elections, or by the chairman of the Grievance Committee or any other committee constituted to resolve any matter in controversy at the association level, as the case may be, stating under oath that the parties have been invited to participate in the proceedings to settle the dispute but that no amicable settlement was reached; and

C. In the absence of an Election Committee and Grievance Committee or refusal to issue the certification, an affidavit attesting to this fact

shall be made and further stating that complainant has exhausted administrative remedies.

Non-compliance with any of the above requirements shall be a ground for the immediate dismissal of the complaint.

SECTION 3. Summons. – Upon filing of the complaint and the payment of correct filing fees and a determination that the complaint is sufficient in form and substance, the Arbiter shall forthwith issue the corresponding summons to the respondent.

Summons, together with a copy of the complaint, shall be served by registered mail, unless the complainant desires to serve the summons through personal service after seeking written permission from the Arbiter.

Personal service shall be made to the respondent in person or by leaving a copy thereof with a competent person of suitable age and discretion, who appears or represents himself to be in charge of the respondent's office or residence, as the case may be. If the respondent or his representative refuses to receive it, service of summons shall be effected by tendering or leaving a copy thereof in the address on record of the respondent. Thereafter, the server shall execute an affidavit of service and file the same with the Regional Office within three (3) days from date of service.

SECTION 4. Verified Responsive Pleading or Answer. – The respondent shall file his verified responsive pleading or answer, together with the supporting documents within a non-extendible period of fifteen (15) days from receipt of the summons, furnishing complainant/s copies thereof.

All grounds for a motion to dismiss, counterclaim, or cross-claim must be pleaded or incorporated in the answer, otherwise these shall be deemed waived. A third-party complaint may be filed by respondent provided the grounds therefor are manifested in the answer. (a)

SECTION 5. Opposition to Application for a Permit, License or Clearance. –

- A. An opposition to an application for clearance, permit or license shall be treated as a complaint and all other provisions of these Rules on complaints shall, except as otherwise provided, apply to such oppositions.
- B. An opposition to an application for locational clearance for projects of national and regional significance, if filed with the Regional Office, shall be elevated to the Board of Commissioners which shall assume original jurisdiction and resolve the opposition. All projects are presumed to be of local significance unless otherwise declared by the National Economic and Development Authority (NEDA).
- C. The decision of the Board of Commissioners on oppositions to applications shall be immediately executory.

The rules pertaining to contested applications for license, permit or clearance shall

apply to cases filed for the revocation thereof.

RULE V

Prohibited Motions and Pleadings

SECTION 1. Prohibited Motions and Pleadings. – The following shall be considered as prohibited motions and shall not be entertained:

- A. Motion to dismiss, except for lack of jurisdiction;
- B. Motion for extension of time to file answer;
- C. Motion to admit answer filed beyond the reglementary period;
- D. Motion for a bill of particulars;
- E. Motion for reconsideration of any order or decision of the arbiter;
- F. Reply except in answer to a compulsory counterclaim;
- G. Fourth and subsequent party complaints; and
- H. Petitions for certiorari, mandamus, prohibition or injunction from any interlocutory order of the Arbiter are also considered as prohibited pleadings.

Should one be filed, the same shall not interrupt the running of the proper prescriptive period and shall not bar the adjudication of the case. Said prohibited pleadings shall also be expunged from the records of the case.

RULE VI

Default

SECTION 1. Declaration of Default. – If the respondent fails to answer or file a responsive pleading within fifteen (15) days from service of summons, the Arbiter, upon motion of the complainant with notice to the respondent, and with proof of such service, declare the respondent in default.

In an opposition to an application for a license, permit, or clearance filed with the Board or any of its Regional Field Offices, where the applicant fails to file his or its comment thereon within fifteen (15) days from service of notice, the case shall be deemed submitted for resolution.

SECTION 2. Motion to Lift Order of Default and Admit Answer. – A motion to lift the order of default and admit the answer attached thereto, may be filed by the party declared in default, furnishing the opposing party with notice thereof, within five (5) days from receipt of the order of default.

The motion must be accompanied by an affidavit of merit showing fraud, accident, mistake or excusable negligence, and meritorious defense. Thereafter, the Arbiter shall resolve the motion.

SECTION 3. Effect of Order of Default. – The Arbiter, upon declaring a party in