

[HLRB RESOLUTION R-537 , s. 1994, February 16, 1994]

ADOPTING THE 1994 RULES OF PROCEDURE OF THE HOUSING AND LAND USE REGULATORY BOARD

BE IT RESOLVED, as it is hereby resolved, that pursuant to Section 5, (c) and (j) of Executive Order No. 648, Series of 1981, as amended by Executive Order No. 90, Series of 1986, the following Rules of Procedure of the Housing and Land Use Regulatory Board be adopted, as the same are hereby adopted:

Title and Construction

SECTION 1. Title - These rules shall be known as the 1994 Rules of Procedure of the Housing and Land Use Regulatory Board.

SECTION 2. Construction - These Rules shall be liberally construed in order to promote public interest and to assist the parties in obtaining just, speedy and inexpensive determination of every action, application or other proceedings.

SECTION 3. Nature of the Proceedings - Proceedings before the Board shall be summary in nature without regard to legal technicalities obtaining in the courts of law. The Rules of Court shall not apply in said proceedings except in suppletory character and whenever practicable. Appearance by counsel is optional.

Parties

SECTION 4. Applicant and Oppositor - Any person, natural or juridical, applying with the Board for issuance of any license, permit, development and/or locational clearance or authority to exercise any right or privilege under any law administered or enforced by the Board shall be called applicant.

In case where the conjugal property is the subject matter of the complaint the same may be brought by the husband or wife or both.

Any person claiming interest in any application filed with the Board, or in the subject matter thereon, which is adverse to the applicant, shall be called the oppositor.

SECTION 5. Complainant and Respondent - In the complaints filed with the Board, any person filing the same shall be called the complainant, while the person against whom a complaint is made shall be called the respondent.

Commencement of Action, Summons and Answer

SECTION 6. When Action Deemed Commenced - An action is deemed commenced upon the filing of a verified complaint/affidavit or opposition, in three copies

together with all the supporting documents, and upon payment of the filing fees.

SECTION 7. Dismissal of the Complaint or Opposition - The Regional Officer may, prior to the raffle of the complaint or opposition to the Arbiter, dismiss the same for lack of jurisdiction or cause of action.

SECTION 8. Summons and Notice of Hearing - If the complaint or opposition is not dismissed on any of the grounds stated above, summons shall be issued requiring the respondent to file his answer/counter-affidavit, copy furnished the complainant/oppositor, and to appear for hearing on the date specified therein.

SECTION 9. Answer - The respondent shall file his answer, together with all documents to the complaint, within ten (10) days from receipt of the summons, furnishing complainant a copy thereof. No motion to dismiss shall be filed nor entertained. All grounds for a motion to dismiss, counterclaim, crossclaim or a third-party complaint, shall be pleaded or incorporated in the answer, otherwise these shall be barred.

On meritorious grounds, only one (1) motion for extension to file answer of not exceeding ten (10) days is allowed.

Hearing

SECTION 10. Preliminary Conference - Upon receipt of the summons and notices, the parties shall personally appear before the HLA to explore the possibility of an amicable settlement, amendment of their respective pleadings, admissions, or stipulations of facts, or for simplification of the issues.

All preliminary proceedings shall be terminated within sixty (60) days from the date set for the initial conference.

SECTION 11. Default - Should the respondent fail to answer the complaint within the ten-day period provided for in the summons, an order of default shall be issued and the arbiter, with the concurrence of the Regional Officer, shall decide the case on the basis of the complaint and the evidence presented.

SECTION 12. Non-Suit - The arbiter, with the concurrence of the Regional Officer, shall dismiss the complaint or opposition for lack of interest to prosecute upon the failure of complainant/oppositor to appear for preliminary conference without justifiable cause.

SECTION 13. Amicable Settlement - If amicable settlement is arrived at, the arbiter with the concurrence of the Regional Officer, shall issue the appropriate judgment upon compromise or order of dismissal.

SECTION 14. Summary Resolution - Should amicable settlement fail, the arbiter with the concurrence of the Regional Officer, shall summarily resolve the case on the basis of the complaint and the answer, together with all relevant documentary evidence as well as pertinent records of the Board, position papers and draft decision to be submitted. If, however, the said concurrence is not obtained, the case shall be decided by the Regional Officer.

SECTION 15. Hearing, when Ordered - Where the Arbiter deems it necessary to clarify specific factual matters or to require the presentation of additional evidence, he shall set the case for hearing, specifying the witnesses and documents to be presented and examined.

Motions

SECTION 16. Motions - All motions shall be made in writing, except motions for continuance made in the presence of the adverse party or those made in the course of the hearing, and shall state the order sought to be obtained and the grounds therefor.

SECTION 17. Notice and Service of Motions - Notice of motion shall be served by the movant upon all other parties concerned five days (5) before, and the other party shall have five (5) days to comment. Thereafter, the same is submitted for resolution.

SECTION 18. Motion for Postponement - A party in a case may be allowed only one (1) postponement for a period not exceeding fifteen (15) days.

Powers of the Arbiter

SECTION 19. Powers of the Housing and Land Use Arbiter - The Housing and Land Use Arbiter shall have the following powers:

- a. To hear and decide upon concurrence of the Regional Officer cases cognizable by the Board, consistent with these rules;
 - b. To issue subpoena and subpoena duces tecum;
 - c. To cite and/or declare any person in direct contempt in accordance with Article IV, Section 5, q), 1) and 2) of Executive Order No. 648, dated 07 February 1981, as amended by Executive Order No. 90 dated 17 December 1986;
 - d. To recommend to the Regional Officer the citation of indirect contempt in accordance with the aforesaid article;
 - e. To hear and resolve motions;
 - f. To submit recommended resolution/decision to the Regional Officer for his concurrence within twenty (20) days from the date the case is submitted for decision;
 - g. To issue, with the concurrence of the Regional Officer, cease and desist order, and such other similar ancillary writs and orders; and
 - h. To perform such other functions and powers as may be assigned by the Board.
- (20a)

Decision

SECTION 20. Recommendation/Decision - Within twenty (20) days from the date