

SECOND DIVISION

[G.R. No. 141820, July 09, 2008]

JOSE LUIS HAURIE, JOSE R. EBRO, JR., AND TREASURE LAND DEVELOPERS, INC., PETITIONERS, VS. MERIDIEN RESOURCES, INC., CENTURY PROPERTIES, INC., PIO MARTIN T. LAUENGCO, AND LE GRAND CONDOMINIUM CORPORATION, RESPONDENTS.

DECISION

QUISUMBING, J.:

Assailed in this petition for review under Rule 45 of the Rules of Court are the Resolutions dated September 6, 1999^[1] and January 31, 2000, ^[2] of the Court of Appeals in CA-G.R. SP No. 52471. The appellate court had dismissed petitioners' appeal from the Decision^[3] dated April 6, 1999, of the Office of the President.

The pertinent facts are as follows:

Respondent Meridien Resources, Inc. (MRI) is the owner-developer of a condominium project known as the *Le Grand Condominium* located at No. 126 Valero Street, Salcedo Village, Makati City. Under the Master Deed with Declaration of Restrictions, the condominium project was described as an 11-storey building with a total of 49 residential units and two commercial/office units.

Before selling the units, MRI decided to convert the administration office into a commercial unit and the maintenance room into an administration office. On December 16, 1987, the Housing and Land Use Regulatory Board (HLURB) issued an Alteration of Plan Approval^[4] approving the conversion. In the meantime, petitioner Jose Luis Haurie bought two units in the condominium project.

On December 23, 1987, MRI amended the master deed which increased the commercial/office units from two to three. The new commercial unit was identified as Unit No. 103.

In 1988, MRI executed a Deed of Absolute Sale^[5] in favor of Haurie. Haurie in turn sold one of his units to petitioner Treasure Land Developers, Inc. (TLDI). On later dates, petitioner Jose R. Ebro, Jr. bought a unit while respondent Pio Martin T. Lauengco acquired Unit No. 103.

On December 22, 1989, petitioners and respondent Le Grand Condominium Corporation (LGCC) filed a complaint with the Office of Appeals, Adjudication and Legal Affairs (OAALA)-HLURB for the cancellation of the Amended Master Deed with Declaration of Restrictions and the Deed of Absolute Sale in favor of Lauengco. They contended that the conversion of the administration office into a commercial unit was void since it was made without their consent.

On April 1, 1993, the OAALA-HLURB dismissed the complaint, as follows:

PREMISES CONSIDERED, judgment is hereby rendered DISMISSING this case for lack of cause of action. Accordingly, respondent Pio Martin Lauengco is hereby declared as the lawful owner of Condominium Unit No. 103 of Le Grand Condominium Project.

On the counterclaim, judgment is hereby rendered ORDERING complainants to pay [respondents] Century Properties, Inc. and Pio Martin Lauengco jointly and severally the sum of P100,000.00 as and for moral and exemplary damages and the sum of P50,000.00 as and for attorney's [fees] .^[6]

Petitioners appealed to the Board of Commissioners-HLURB which affirmed the Decision of the OAALA-HLURB:

WHEREFORE, premises considered, Meridien Resources, Inc. [MRI] is hereby pronounced as entitled to the award of damages and attorney's fees, all other aspects of the decision of the Office of Appeals, Adjudication and Legal Affairs dated 01 April 1993 are hereby AFFIRMED.
^[7]

Upon elevation of the case to the Office of the President, the decision was also affirmed. The Office of the President noted that there were still no unit owners at the time MRI decided to alter the plans of the condominium project. Furthermore, the amended master deed was in consonance with the Alteration of Plan Approval issued by the HLURB. Absent any proof to the contrary, such approval is presumed to have been regularly issued and to be valid.

Haurie, Ebro, and TLDI filed a petition docketed as CA-G.R. SP No. 52471 with the Court of Appeals where they impleaded LGCC as one of the respondents. However, the appellate court dismissed the appeal for failure of petitioners to attach certified true copies of the following documents: (1) verified complaint; (2) respondents' answers thereto; (3) decision of the OAALA-HLURB; (4) decision of the Board of Commissioners-HLURB; and (5) petitioners' appeal memorandum and respondents' reply memorandum in the Office of the President.

Petitioners filed an Alternative Motion for Reconsideration or Motion for Time to File Required Papers or Motion for Transmittal or Elevation of Originals of Required Papers or Entire Record of Proceedings^[8] dated October 13, 1999. Said motion was also denied by the appellate court. Hence, this petition.

During the pendency of CA-G.R. SP No. 52471, Haurie, Ebro, TLDI, and LGCC filed another petition docketed as CA-G.R. SP No. 53254 which the Court of Appeals dismissed. The appellate court upheld the legality of the conversion and sale of the administration office since (1) there were still no unit owners at the time MRI decided to alter the plans of the condominium project; (2) the amended master deed, stating that there were 3 commercial/office units in the ground floor, was annotated in LGCC's title; (3) the amended master deed was in consonance with the Alteration of Plan Approval issued by the HLURB.^[9]

Reconsideration having been denied, petitioners filed a petition docketed as G.R. No. 164999 with this Court. On December 1, 2004, the Court denied the petition since: (1) only one of the petitioners signed the verification; and (2) the petitioners failed to show that the Court of Appeals committed any reversible error in the appealed decision.^[10]

In this petition filed on March 22, 2000, petitioners raise the following issues:

I.

THE COURT OF APPEALS COMMITTED AN ERROR OF LAW IN DECIDING ON A QUESTION OF SUBSTANCE NOT IN ACCORD WITH LAW OR WITH APPLICABLE DECISIONS OF THE SUPREME COURT, WHEN IT HELD THAT THE FAILURE TO ATTACH CERTIFIED TRUE COPIES OF THE COMPLAINT, THE ANSWERS THERETO, THE DECISIONS OF THE HOUSING AND LAND USE ARBITER AND THE BOARD OF COMMISSIONERS OF THE HOUSING AND LAND USE REGULATORY BOARD, PETITIONERS' APPEAL MEMORANDUM AND RESPONDENTS' REPLY MEMORANDUM IN THE OFFICE OF THE PRESIDENT CONSTITUTED SUFFICIENT GROUND FOR THE DISMISSAL OF THE PETITION FOR REVIEW.

II.

THE COURT OF APPEALS COMMITTED AN ERROR OF LAW IN DISMISSING PETITIONERS' APPEAL FROM THE DECISION OF THE OFFICE OF THE PRESIDENT BASED ON PURE TECHNICALITY, IN UTTER DISREGARD OF THE CARDINAL PRINCIPLE OF CONSTRUCTION THAT THE RULES OF PROCEDURE ARE NOT TO BE APPLIED IN SUCH A RIGID OR TECHNICAL SENSE AS TO FRUSTRATE AND DEFEAT SUBSTANTIAL JUSTICE.^[11]

Simply put, the issue is: Did the Court of Appeals err in dismissing the petition based on technicality?

The Court of Appeals, in our view, did not err in dismissing the petition in CA-G.R. SP No. 52471. Petitioners' failure to attach to their petition the required various documents in support of their allegations violates Section 6, Rule 43 of the Rules of Court, which provides:

SEC. 6. Contents of the petition. -- The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; **(c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers** ; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (Emphasis supplied.)

Pursuant to Section 7 of the same Rule, failure to comply with the requirements under Section 6 warrants the dismissal of the petition, thus: