



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
 Manila
SECOND DIVISION

SPOUSES JOSE and G.R. No. 183324
CORAZON RODRIGUEZ,
 Petitioners,

- versus -

HOUSING AND LAND USE
REGULATORY BOARD
(HLURB), SPS. JOHN
SANTIAGO and HELEN
KING, IMELDA ROGANO and
SPS. BONIE GAMBOA and
NANCY GAMBOA, represented
 by **JOHN SANTIAGO,**
 Respondents.

x-----x
SPOUSES DR. AMELITO S.
NICOLAS and EDNA B.
NICOLAS,
 Petitioners,

G.R. No. 209748

Present:

CARPIO, J., Chairperson,
JARDELEZA,*
CAGUIOA,
J. REYES, JR., and
LAZARO-JAVIER, JJ.

- versus -

SPOUSES JOSE and
CORAZON RODRIGUEZ and
EDJIE* MANLULU,
 Respondents.

Promulgated:

19 JUN 2019

x-----x
[Handwritten signature]

DECISION

CAGUIOA, J.:

Before the Court are two consolidated petitions. In **G.R. No. 183324**, the Spouses Jose and Corazon Rodriguez (Sps. Rodriguez) filed a Petition

* Spelled as "Edgie" in some parts of the *rollo*.
 * Designated Additional Member per Raffle dated February 14, 2018.

for Review on *Certiorari*¹ (Petition) under Rule 45 against the Housing and Land Use Regulatory Board (HLURB), the Spouses John Santiago and Helen King (Sps. Santiago), Imelda Rogano (Rogano), and the Spouses Bonie and Nancy Gamboa (Sps. Gamboa), assailing the Resolutions dated January 7, 2008² (first assailed Resolution) and May 6, 2008³ (second assailed Resolution) rendered by the Court of Appeals (CA) in CA-G.R. SP No. 101644.

In **G.R. No. 209748**, the Spouses Dr. Amelito S. Nicolas and Edna B. Nicolas (Sps. Nicolas) filed a Petition for Indirect Contempt⁴ dated November 22, 2013 against the Spouses Rodriguez and Edjie Manlulu (Manlulu).

The Facts and Antecedent Proceedings

As culled from the records of the instant case, the pertinent facts and antecedent proceedings are as follows:

A verified Complaint⁵ dated October 20, 2004 was filed by the Spouses Rustico and Erlinda Balbino (Sps. Balbino) and the Sps. Nicolas against the Sps. Rodriguez before the Regional Field Office III (RFO III) of the HLURB. The complainants therein filed an Amended Complaint⁶ on November 4, 2004. An Order⁷ dated November 19, 2004 was issued by the HLURB-RFO III issuing a Writ of Preliminary Injunction/Cease and Desist Order against the Sps. Rodriguez.

Another Complaint⁸ involving the same issues was filed by the Sps. Santiago, Rogano and the Sps. Gamboa on November 23, 2004 before the HLURB-RFO III. An Order⁹ dated November 23, 2004 was issued by the HLURB-RFO III issuing a Temporary Restraining Order against the Sps. Rodriguez. Eventually, the two Complaints, *i.e.*, HLURB Case No. REM-03-04-0051 and HLURB Case No. REM-03-04-0055, were consolidated by the HLURB-RFO III.

The aforementioned Complaints deal with the Ruben San Gabriel Subdivision (subject subdivision), which is located at Barangay Wakas, Bocaue, Bulacan. The subject subdivision consists of two (2) blocks with a total of twenty (20) residential lots and **one (1) road lot (subject road lot)**

¹ *Rollo* (G.R. No. 183324), pp. 18-27.

² *Id.* at 28-30. Penned by Associate Justice Estela M. Perlas-Bernabe (now a Member of this Court) with Associate Justices Portia Alifio-Hormachuelos and Lucas P. Bersamin (now a Member of this Court), concurring.

³ *Id.* at 40.

⁴ *Rollo* (G.R. No. 209748), pp. 3-17.

⁵ *Rollo* (G.R. No. 183324), pp. 165-170.

⁶ *Id.* at 174-180.

⁷ *Id.* at 195.

⁸ *Id.* at 196-200.

⁹ *Id.* at 201.



which served as an access of the inner lots to the MacArthur Highway. In 1978, Ruben San Gabriel (San Gabriel), the owner of the subdivision, sold nine (9) lots to one Renato Mendoza (Mendoza). Sometime in 1995, the Sps. Rodriguez acquired these nine (9) lots from Mendoza. All in all, the Sps. Rodriguez acquired thirteen (13) lots from San Gabriel and Mendoza.¹⁰

On May 24, 1996, San Gabriel and Mendoza executed an Assignment of Right,¹¹ wherein the latter's interest in the subdivision road lot was assigned and transferred in favor of the Sps. Rodriguez. Subsequently, the Sps. Rodriguez applied for and was granted an approval for Alteration of Plan¹² that consolidated all their titles on January 21, 1998. On the basis of this, the Land Management Services of the Department of Environment and Natural Resources (DENR) subsequently approved the consolidation plan on February 2, 1998. Consequently, the separate titles of the lots, including that of the subject road lot, were cancelled and in lieu thereof, Transfer Certificate of Title (TCT) No. 336132 covering an area of 4,865 square meters was issued in the name of the Sps. Rodriguez.¹³

It was alleged by the complainants that they are residents of the subject subdivision. They asserted that the subject road lot being claimed by the Sps. Rodriguez as their own property cannot be closed or conveyed without the prior approval of the court because it is an existing road lot subject to the provisions of Republic Act No. 440. The complainants alleged that the Sps. Rodriguez are taking control and possession of the subject road lot by introducing diggings, construction for fencing, and closing the said road lot for the exclusive use of the Sps. Rodriguez. The complainants prayed for the issuance of a permanent cease and desist order preventing the Sps. Rodriguez from developing and fencing the subject road lot, and for declaring the Assignment of Rights executed by San Gabriel null and void with respect to the subject road lot.¹⁴

The Ruling of the HLURB-RFO III

In its Consolidated Decision¹⁵ dated October 3, 2005, the HLURB-RFO III found merit in the Complaint and held that “[t]here can be no consolidation of the road lot with the other properties of the [Sps. Rodriguez.]”¹⁶

The HLURB-RFO III held that:

Prior to its sale of subdivision lots to the prospective residents of the subdivision and in keeping with the provisions of PD 957, the

¹⁰ Id. at 42.

¹¹ Id. at 87-90.

¹² Id. at 91.

¹³ Id. at 42-43.

¹⁴ Id. at 45-46.

¹⁵ Id. at 45-49. Penned by Housing and Land Use Arbiter Pher Gedo B. de Vera.

¹⁶ Id. at 47.



developer had represented to the former what areas are available for residential lots and what open areas are reserved for parks, roads, etc. It was also represented that there would be a major thoroughfare or road lot with an area of 634.00 square meters. Acting upon the strength of the subdivision plan, the prospective residents (herein complainants) chose which lot they preferred to occupy, bearing in mind the access to the open areas and to their lots. The owners of a subdivision (*sic*) include all costs, such as the setting aside of road spaces and open areas for parks, and possibly the construction of curbs and gutters, underground drainage, an adequate water supply, and whatever improvements it may have published to entice lot buyers, in computing the value at which all the lots shall be sold. If the subdivision owner/developer reneges on any of its commitments, as exemplified in this case, the lot buyers are short-changed. They are made to pay more for less than what was agreed upon. They are, in the whole context of the issues presented, parties in interest.

Subdivision owners are mandated to set aside such open spaces before their proposed subdivision plans may be approved by this Office and other the (*sic*) government authorities, and that such open spaces shall be devoted exclusively for the use of the **general public** and the subdivision owner need not be compensated for the same. A subdivision owner must comply with such requirement before the subdivision plan is approved and the authority to sell is issued. That said, it can be easily inferred that road lots, which are part and parcel of the open space, are for public use, non-buildable and are, therefore[,] beyond the commerce of men.¹⁷

The dispositive portion of the Consolidated Decision reads:

Wherefore, above premises considered, this Board **ORDERS** the [Sps. Rodriguez] to cease and desist from further including the road lot in the consolidation of their title. This Board **ORDERS** and makes permanent the cease and desist (*sic*) of the development of the road lot.

Cost against the respondent.

SO ORDERED.¹⁸

The Sps. Rodriguez appealed the Consolidated Decision rendered by the HLURB-RFO III before the HLURB, Board of Commissioners, First Division (Board).

The Ruling of the HLURB Board

In its Decision¹⁹ dated October 10, 2006, the HLURB Board overturned the HLURB-RFO III's Consolidated Decision. The HLURB Board held that "the closure of a road lot in a subdivision is not absolutely prohibited. When the same is done with or pursuant to an Alteration Plan

¹⁷ Id. at 48.

¹⁸ Id. at 49.

¹⁹ Id. at 42-44.



approved by this Board as required under Section 22 [of PD 957], the same is allowable.”²⁰

The complainants filed a reconsideration of the aforesaid Decision.

On January 17, 2007, the HLURB Board issued a Resolution²¹ granting the complainants’ motion for reconsideration, reinstating HLURB–RFO III’s Consolidated Decision dated October 3, 2005.

In reversing itself, the HLURB Board held that “until a valid alteration permit for the road lot’s conversion into a regular lot is obtained, said road lot shall remain as such and may not be appropriated, consolidated with regular lots or closed.”²² The HLURB Board explained that it previously “ruled that the closure of the road lot was allowable but this conclusion was based on the premise that the alteration approval covered the road lot. While we maintain that the alteration permit was validly issued, a closer scrutiny thereof discloses that the approval did not include the conversion of the road lot into a regular lot and hence, its consolidation with the properties of [the Sps. Rodriguez] into one title was bereft of basis.”²³

The Sps. Rodriguez filed their Motion for Reconsideration²⁴ dated January 28, 2007, which was denied by the HLURB Board in its Resolution²⁵ dated August 10, 2007.

Without filing an appeal before the Office of the President (OP), the Sps. Rodriguez filed a Petition for Certiorari, Prohibition, and Mandamus²⁶ (Rule 65 Petition) dated December 12, 2007 under Rule 65 of the Rules of Court before the CA against the HLURB, the Sps. Santiago, Rogano, and the Sps. Gamboa.

The Ruling of the CA

In its first assailed Resolution, the CA dismissed outright the Sps. Rodriguez’ Rule 65 Petition for failing to exhaust available administrative remedies, as well as for not being accompanied with the pertinent pleadings. The dispositive portion of the first assailed Resolution reads:

IN VIEW THEREOF, the petition is hereby **DISMISSED** outright.

SO ORDERED.²⁷

²⁰ Id. at 44.

²¹ Id. at 50-52.

²² Id. at 52.

²³ Id. at 51.

²⁴ Id. at 53-59.

²⁵ Id. at 60-61.

²⁶ Id. at 281-290.

²⁷ Id. at 30.



The Sps. Rodriguez filed their Motion for Reconsideration²⁸ dated January 28, 2008, which was denied by the CA in its second assailed Resolution.

Hence, the instant Petition in G.R. No. 183324.

The respondents filed their Comment²⁹ to the Petition on October 28, 2008, to which the Sps. Rodriguez responded with their Reply,³⁰ which was filed on July 15, 2009.

G.R. No. 209748 – Petition for Indirect Contempt

On November 22, 2013, the Sps. Nicolas filed a Petition for Indirect Contempt against the Sps. Rodriguez and Manlulu, alleging that “despite vigorous protestation on the part of the [Sps. Nicolas], and after having been warned of the existence of the Cease and Desist Order [issued by the HLURB], [the Sps. Rodriguez], in complete defiance of the injunction issued by the HLURB continuously, maliciously and feloniously dump[ed] filling materials that [would] ultimately block the road lot leading to the inner lots of the subdivision.”³¹

On April 1, 2014, the Court issued a Resolution³² consolidating G.R. Nos. 183324 and 209748.

On October 13, 2014, the Sps. Rodriguez and Manlulu filed their Comment³³ to the Petition for Indirect Contempt, to which the Sps. Nicolas responded by filing their Reply to Comment³⁴ on March 25, 2015.

The Sps. Santiago filed their Manifestation³⁵ dated November 24, 2015, manifesting that during the pendency of G.R. Nos. 183324 and 209748 before the Court, the Sps. Rodriguez still filed a Motion and Manifestation³⁶ before the HLURB, praying that they be allowed to construct and introduce developments with respect to the subject road lot. The Sps. Santiago also manifested that they opposed this Motion and Manifestation of the Sps. Rodriguez before the HLURB.

On July 15, 2016, the Sps. Nicolas filed a Manifestation,³⁷ alleging that the supposed continuing defiance by the Sps. Rodriguez’ of the HLURB’s Cease and Desist Order has caused the flooding of their property.

²⁸ Id. at 31-39.

²⁹ Id. at 107-114.

³⁰ Id. at 136-164.

³¹ *Rollo* (G.R. No. 209748), p. 4.

³² Id. at 58.

³³ Id. at 78-87.

³⁴ Id. at 106-116.

³⁵ Id. at 125-127.

³⁶ Id. at 128-135.

³⁷ Id. at 162-169.



Issues

With respect to G.R. No. 183324, the singular issue is whether the CA erred in dismissing the Sps. Rodriguez' Rule 65 Petition outright. With respect to G.R. No. 209748, the singular issue is whether the Petition for Indirect Contempt filed by the Sps. Nicolas is meritorious.

The Court's Ruling

The Court finds both Petitions in G.R. Nos. 183324 and 209748 unmeritorious.

I. G.R. No. 183324

The CA did not err in dismissing the Sps. Rodriguez' Rule 65 Petition.

As held time and time again by the Court, for a writ of *certiorari* to issue, a petitioner must not only prove that the tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction. He must also show that there is **no plain, speedy and adequate remedy in the ordinary course of law** against what he perceives to be a legitimate grievance. **An available recourse affording prompt relief from the injurious effects of the judgment or acts of a lower court or tribunal is considered a plain, speedy and adequate remedy.**³⁸

The Sps. Rodriguez do not dispute whatsoever that they have failed to appeal the assailed Resolutions of the HLURB Board before the OP prior to filing its Rule 65 Petition before the CA.

To emphasize, under the Rules of Procedure of the HLURB, "[a]ny party may, upon notice to the Board and the other party, appeal a decision rendered by the Board of Commissioners to the **Office of the President** within fifteen (15) days from receipt thereof, in accordance with P.D. No. 1344 and A.O. No. 18 Series of 1987."³⁹

In the instant Petition, the Sps. Rodriguez failed to provide any explanation whatsoever to justify their failure to seek prior recourse before the OP.

To stress, **the special civil action of *certiorari* cannot be used as a substitute for an appeal which petitioner has lost.** The fact that the only question raised in a petition is a jurisdictional question is of no moment.

³⁸ *National Irrigation Administration v. Court of Appeals*, 376 Phil. 362, 372 (1999).

³⁹ HLURB Resolution No. 765, Rule XXI, Sec. 2 (2004); emphasis supplied.



***Certiorari* lies only when there is no appeal nor any plain, speedy, and adequate remedy in the ordinary course of law.⁴⁰**

Nevertheless, even if the Court entertains the Sps. Rodriguez' central argument in their Petition, *i.e.*, that the HLURB does not have jurisdiction over the subject road lot, the instant Petition still fails to convince. The Sps. Rodriguez argue that "what is involved in this case is a private titled land and definitely NOT a subdivision or condominium."⁴¹ Hence, according to the Sps. Rodriguez' theory, since the subject road lot is private property owned by a private lot owner, not being owned by the subdivision, the subject matter is within the province of the regular courts.

This theory is directly belied by the factual findings of the HLURB, which found that "[n]either the approved alteration plan nor the permit issued therefor indicated approval for the consolidation of the road lot with the other lots of the subdivision, much less its conversion into a regular lot."⁴² Time and again, the Court has ruled that in reviewing administrative decisions, the findings of fact made therein must be respected as long as they are supported by substantial evidence, even if not overwhelming or preponderant.⁴³ In the instant case, as factually held by the HLURB, the subject road lot never became a "regular" private lot that is beyond the scope of the HLURB's jurisdiction.⁴⁴ There is no cogent reason to overturn the HLURB's factual findings. In fact, in clear recognition of the HLURB's jurisdiction over the subject road lot, it is not disputed that the Sps. Rodriguez themselves filed a Motion and Manifestation before the HLURB praying that they be allowed to construct and introduce developments with respect to the subject road lot.

Hence, the Sps. Rodriguez' Petition in G.R. No. 183324 is denied for lack of merit.

II. G.R. No. 209748

In G.R. No. 209748, the Sps. Nicolas allege in their Petition for Indirect Contempt that the Court should cite the Sps. Rodriguez and Manlulu in indirect contempt for allegedly defying and disobeying the injunction issued by the HLURB when the Sps. Rodriguez began dumping filling materials that blocked the subject road lot leading to the inner lots of the subdivision.

The Court holds that the Sps. Nicolas' Petition for Indirect Contempt should be dismissed.

⁴⁰ *Republic v. Court of Appeals*, 379 Phil. 92, 97 (2000).

⁴¹ *Rollo* (G.R. No. 183324), p. 23.

⁴² *Id.* at 51.

⁴³ *Energy Regulatory Board v. Court of Appeals*, 409 Phil. 36, 53 (2001).

⁴⁴ *Rollo* (G.R. No. 183324), p. 51.



In the instant case, the Sps. Nicolas allege that there is a case for indirect contempt against the Sps. Rodriguez and Manlulu as the latter supposedly disobeyed and resisted the lawful order of a quasi-judicial body, *i.e.*, the HLURB.

Section 12, Rule 71 of the Rules of Court is clear and unequivocal in stating that, with respect to contumacious acts committed against quasi-judicial bodies such as the HLURB, it is the regional trial court of the place where the contemptuous acts have been committed, and not the Court, that acquires jurisdiction over the indirect contempt case:

SEC. 12. *Contempt against quasi-judicial entities.*—Unless otherwise provided by law, this Rule shall apply to contempt committed against persons, entities, bodies or agencies exercising quasi-judicial functions, or shall have suppletory effect to such rules as they may have adopted pursuant to authority granted to them by law to punish for contempt. The Regional Trial Court of the place wherein the contempt has been committed shall have jurisdiction over such charges as may be filed therefor.⁴⁵

There is absolutely no basis under the Rules of Court to support the Sps. Nicolas' theory that the Court has jurisdiction over a case for indirect contempt allegedly committed against a quasi-judicial body just because the decision of the said quasi-judicial body is pending appeal before the Court. To the contrary, the Rules of Court unambiguously state that it is the regional trial courts that have jurisdiction to hear and decide indirect contempt cases involving disobedience of quasi-judicial entities.

In the instant Petition for Indirect Contempt, the Sps. Nicolas pray that the Court conduct a hearing and receive evidence on the supposed disobedience and resistance being committed by the Sps. Rodriguez and Manlulu. In other words, the Sps. Nicolas would want the Court to conduct a fact-finding hearing to determine whether the Sps. Rodriguez and Manlulu committed indirect contempt. Obviously, such a prayer cannot be seriously entertained. As held time and time again, it is elementary that the Court is not a trier of facts.⁴⁶ It is within the province of the lower courts, and not the Court, to receive evidence and to make factual findings based on such evidence.

Hence, the Sps. Nicolas' Petition for Indirect Contempt is dismissed.

WHEREFORE, in view of the foregoing, the appeal in G.R. No. 183324 is hereby **DENIED**. The Resolutions dated January 7, 2008 and May 6, 2008 rendered by the Court of Appeals in CA-G.R. SP No. 101644 are **AFFIRMED**.

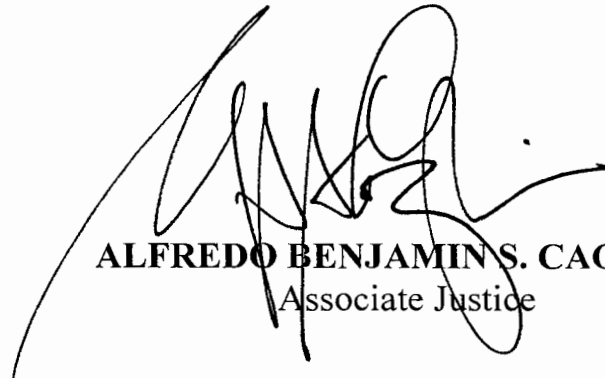
⁴⁵ Emphasis and underscoring supplied.

⁴⁶ *Magno v. Court of Appeals*, 287 Phil. 247, 253 (1992).



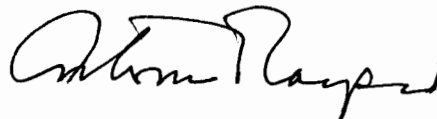
Further, in G.R. No. 209748, the Petition for Indirect Contempt instituted by petitioners Spouses Dr. Amelito S. Nicolas and Edna B. Nicolas is hereby **DISMISSED**.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

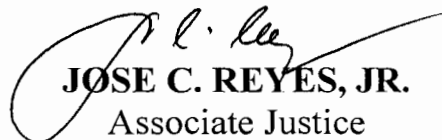
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



FRANCIS H. JARDELEZA
Associate Justice



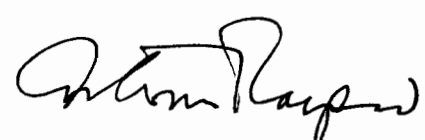
JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


LUCAS P. BERSAMIN
Chief Justice

