

1996 HLRB RULES OF PROCEDURE

HLRB ADMINISTRATIVE ORDER NO. 05. S. 1996, June 27, 1996

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1. The 1996 Rules of Procedure of the Housing and Land Use Regulatory Board, approved by the Board of Commissioners on 10 June 1996 under Resolution No. R-586 (Annex A hereof), was published in Malaya, on 25 June 1996, and takes effect fifteen (15) days thereafter or on 10 July 1996.

2. Section 4, Rule XXII of the above Rules provides:

"Section 4. Effectivity. These Rules shall take effect after fifteen (15) days from publication in the Official Gazette or in a newspaper of general circulation. Proceedings of cases then pending shall be governed by these Rules, except when in the opinion of the Board their application would be impractical or would work injustice, in which event the former rules of procedure would apply."

3. Rule XXI, Legal Fees, further amends Resolution No. R-581 as promulgated under Administrative Order No. 02 dated 22 February 1996.

For your guidance and information.

Adopted: 27 June 1996

(SGD.) ROMULO Q. FABUL

Commissioner and Officer-in-Charge, OCEO

ANNEX "A"

Resolution No. R- 586, s. 1996

Adopting the 1996 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:

RULE I

Title and Construction

SECTION 1. Title — These rules shall be known as the 1996 Rules of Procedure of the Housing and Land Use Regulatory Board. (1a)

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. (2)

SECTION 3. Nature of Proceedings — Proceedings before the Board shall be summary in nature without strictly adhering to legal technicalities obtaining in the courts of law. Appearance by counsel is optional. (3a)

RULE II

Parties

SECTION 1. Complainant and Respondent — In any complaint filed with the Board, the person filing the same shall be called the complainant, while the person against whom a complaint is made shall be called the respondent. A complaint may be filed by either spouse even if only one of them is a signatory to the contract. (5)

RULE III

Commencement of Action, Summons and Answer

SECTION 1. When Action Deemed Commenced — An action is deemed commenced upon the filing of a verified complaint with the Regional Office of this Board, in three copies, together with the supporting documents, and upon payment of the filing fees. A certification of non-forum shopping which complies with Supreme Court Circular No. 28-91, as amended should be attached to the complaint. (6a)

SECTION 2. Summons — Upon the filing of the complaint, summons shall forthwith be issued to the respondent, together with a copy of the complaint. It shall be served by handing the summons and the complaint 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 respondent's office or residence, as the case may be. If respondent or his representative refuses to receive it, summons shall be effected by tendering the same and leaving a copy thereof with respondent or said responsible person.

The summons shall require respondent to file an answer and not a motion to dismiss. (8)

SECTION 3. Answer — The respondent shall file his answer together with the supporting documents thereto within a non-extendible period of twenty (20) calendar days from receipt of the summons, furnishing complainant a copy thereof. No motion to dismiss may be filed nor entertained.

All grounds for a motion to dismiss, counterclaim, crossclaim shall be pleaded or incorporated in the answer, otherwise these shall be waived. A third party complaint may with leave of the arbiter be filed by respondent provided the grounds therefor are manifested in the answer. (9)

RULE IV

Prohibited Pleadings in Original Proceedings (n)

SECTION 1. Prohibited Pleadings — The following shall be considered as prohibited pleadings and shall not be entertained:

- Motion to dismiss;
- Motion for extension of time to file answer;
- Motion to admit answer filed beyond the reglementary period;
- Reply, except in answer to a compulsory counterclaim;
- Rejoinder and answer to rejoinder;
- Motion for bill of particulars;
- Fourth and subsequent party complaint; and

- Motion for reconsideration of any order or decision of the arbiter.

Should one be filed, the same shall not interrupt the running of the period for filing of an answer and shall not bar the adjudication of a case. Said prohibited pleadings shall also be expunged from the records of the case.

Petitions for certiorari, mandamus, prohibition or injunction from any interlocutory order of the arbiter are also considered as prohibited pleadings and may not be filed before the Board of Commissioners of HLRB.

RULE V

Default

SECTION 1. Order of Default — If respondent fails to answer within the time specified in Rule III hereof, an order of default shall be issued, and the complainant shall submit his position paper together with supporting documents. Thereafter the case shall be submitted for resolution. (11a)

SECTION 2. Lifting of Default — A motion to lift the order of default may be filed by the party declared in default within five (5) calendar days from receipt of said order. He shall attach thereto his position paper together with supporting documents.

Upon the filing of the motion to lift the order of default, the said order shall automatically be lifted and the case shall be submitted for resolution based on the evidence and pleadings on record.

After the lapse of said five (5)-day period, and no motion to lift the order of default is filed, the arbiter can proceed to decide the case based on the evidence and the records of this Board. (n)

SECTION 3. Review of Judgment of Default — If the party declared in default who for good cause was unable to file a motion to lift the order of default, and a judgment by default was consequently rendered, he may still file a petition for review of the judgment by default with the Board in accordance with Rule XII of these Rules and whatever defenses he has against the complainant may still be raised in said petition. (n)

RULE VI

Preliminary Conference and Resolution

SECTION 1. Preliminary Conference — Upon receipt of the answer, the arbiter shall set the case for preliminary conference.

During said conference, the arbiter shall explore possibility of an amicable settlement and arriving at an admission or stipulation of facts, and define, clarify and/or simplify the issues for resolution.

Said proceedings shall be terminated within sixty (60) calendar days from the date of the initial conference. (10)

SECTION 2. Ocular Inspection and/or Clarificatory Questions — During the conference, and/or at any time before or after the case is submitted for resolution, the arbiter may in his discretion, require an ocular inspection of the project, examination of the records of the owner or developer, and the presentation of witnesses solely for purposes of clarification or additional information on the evidence on record. (15a)

SECTION 3. Amicable Settlement — If an amicable settlement is reached, then a judgment shall be rendered based on the compromise agreement. (13a)

SECTION 4. Position Papers — If the parties fail to settle within the period of preliminary conference, then they will be given a period of not more than thirty (30) calendar days to file their respective verified position papers,

attaching thereto the affidavits of their witnesses and documentary evidence.

In addition, as provided for by Execution Order No. 26, Series of 1992, the parties shall be required to submit their respective draft decisions within the same thirty (30)-day period.

Said draft decision shall state clearly and distinctly the findings of facts, the issues and the applicable law and jurisprudence on which it is based. The arbiter may adopt in whole or in part either of the parties' draft decision, or reject both and prepare his own decision.

The party who fails to submit a draft decision shall be fined P2,000.00. (n)

SECTION 5. Summary Resolution — With or without the position paper and draft decision the Arbiter shall summarily resolve the case on the basis of the verified pleadings and pertinent records of the Board. (14a)

RULE VII

Cease and Desist Order (n)

SECTION 1. Temporary Restraining Order — Upon the filing of a complaint with a prayer for a temporary restraining order (TRO), the Arbiter upon consideration of the merits of the complaint may immediately issue a TRO valid only for twenty (20) calendar days from the date of receipt of the order by the adverse party.

The order granting the TRO shall already state the hearing for a cease and desist order, which shall be within the period of three (3) calendar days from the date of issuance of the said order.

SECTION 2. Cease and Desist Order — After said hearing, the arbiter shall immediately resolve whether or not to grant a cease and desist order (CDO). No CDO shall be granted unless it is established that: (a) the complainant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of such act or acts, either for a limited period or perpetually; (b) that the commission or continuance of such act complained of during the litigation, would probably work injustice or cause grave and irreparable injury to the complainant; or (c) that the respondent is doing, threatening or is about to do, or is procuring or suffering to be done, some act probably in violation of existing laws and/or regulations being implemented by this Board, or of complainant's rights respecting the subject of the action, tending to render the judgment ineffectual.

If the arbiter decides to grant a CDO, the complainant shall be required to file with the Regional Office of the Board, a bond executed in favor of the party enjoined in an amount to be determined by the arbiter, to the effect that the complainant will pay to such party all damages which he may sustain by reason of the injunction if the Board should finally decide that the complainant is not entitled thereto.

SECTION 3. Effectivity of Cease and Desist Order — An order to cease and desist from performing an illegal act shall be immediately executory, without prejudice to a petition for review therefrom being filed in accordance with the next section. The CDO shall be valid from the date of issuance until final judgment of the case.

SECTION 4. Review of Cease and Desist Order — The party against whom a CDO has been issued can elevate the said order to the Board for review, by way of a petition for review in accordance with Rule XII of these Rules. The filing of such a petition shall NOT have the effect of automatically staying such CDO, unless a supersedeas bond executed in favor of the enjoining party, equal to twice the amount of the original CDO bond, is also posted with the Board.

RULE VIII

Powers of the Arbiter

SECTION 1. Powers of the Housing and Land Use Arbiter — The Housing and Land Use Arbiter shall have the following powers:

- To issue subpoena and subpoena duces tecum;
- To cite and/or declare any person in direct or indirect 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;
- To issue temporary restraining order and cease and desist order in accordance with Rule VII of these Rules, and such other similar ancillary writs and orders; and
- To perform such other functions and powers as may be assigned by the Board. (19a)

RULE IX

Inhibition and Disqualification of the Arbiter (n)

SECTION 1. Grounds for Disqualification — The arbiter may inhibit or may be disqualified from adjudicating a case on any of the following grounds:

- When he, his spouse, child or relative within the sixth degree of consanguinity or affinity is pecuniarily interested in the subject of the litigation;
- When he is related to either of the parties or their counsel within the sixth degree of consanguinity or affinity; and
- When he has participated as a counsel in the case.

SECTION 2. Voluntary Inhibition — Aside from the grounds mentioned above, the arbiter may voluntarily inhibit himself from hearing or adjudicating a case on any just and valid grounds, as set forth in Rule 137 of the Rules of Court.

SECTION 3. Procedure for Disqualification or Inhibition — The party alleging partiality of the arbiter shall file with the arbiter his objection in writing stating the grounds therefor.

The arbiter shall decide the incident.

SECTION 4. Signatory/Case Assignment in Case of Inhibition/Disqualification of HLRB Arbiter — In case the arbiter inhibits or disqualifies himself from adjudicating a case, the case shall be assigned by raffle to another arbiter assigned in the region. In the absence thereof, the records of the case shall be elevated to the Director of the Legal Services Group (LSG) who shall assign the case by raffle to a lawyer within his group who shall act as arbiter thereon.

RULE X

Procedure in Regional Offices Without Arbiters or Legal Officers (n)

SECTION 1. Procedure in Regions Without Arbiters/Legal Staff — In case a Regional Office does not have a duly designated arbiter or legal officer who can perform the powers and functions of an arbiter, the following rules

shall apply:

1. The Regional Officer shall act as hearing officer who shall be responsible for the conduct of preliminary conference/ amicable settlement proceedings; and the issuance of initial compulsory processes such as summons, subpoena and temporary cease and desist orders;
2. In case the complaint is not settled amicably and the case is already submitted for resolution, the Regional Officer shall certify and elevate the records of the case to the Legal Services Group of the Central Office of the Board, for resolution, in which case the procedure in Section 4 of Rule IX shall apply; and
3. After resolution of the case by the Legal Services Group the records of the case shall be remanded to the regional offices of origin for release and service of the decision.

RULE XI

Decision

SECTION 1. Decision — The case shall be decided within thirty (30) calendar days from the date it is submitted for resolution, in accordance with Executive Order No. 26, Series of 1992.

All pending motions as well as those filed after the submission of the case for resolution shall be resolved in the resolution/decision. (20a)

SECTION 2. Finality of Decision — The decision shall become final and executory after thirty (30) calendar days from receipt of a copy thereof by the parties concerned, and no petition for review is filed within the said period. Thereafter, the same shall be entered in the Book of Judgments which shall be maintained by the Board in accordance with Rule XIX hereof. (21a)

RULE XII

Petition for Review

SECTION 1. Petition for Review — The aggrieved party on any legal ground and upon payment of the review fee, may file with the Regional Office a verified petition for review of the arbiter's decision within thirty (30) calendar days from receipt thereof. Copy of such petition shall be furnished the other party and the Board of Commissioners. No motion for reconsideration of or mere notice of petition for review from the decision shall be entertained.

Within ten (10) calendar days from receipt of petition, the arbiter or Regional Officer shall elevate the records to the Board of Commissioners together with the summary of proceedings before the arbiter. (22a)

SECTION 2. Effect of Failure to Comply with the Requirements for Filing a Petition for Review — In case a petitioner fails to pay the prescribed fees or to furnish the adverse party and the Board of Commissioners with copies of the petition, the same shall be considered as failure to perfect his appeal, and the decision appealed from shall become final and executory. (n)

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:

- Affidavit of service of the petition executed jointly by the petitioner and his counsel, which substantially complies with Supreme Court Circular No. 19-91, stating in essence the date of such service, as well as an undertaking to submit proof thereof immediately upon receipt thereof, in case service was effected through registered mail, copies of the registry return receipt (RRR) shall likewise be attached.

- 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.

- In cases of an award of a money judgment in the complainant's favor, an appeal bond satisfactory to the Board equivalent to the amount of the award excluding interest, damages and attorney's fees. (23a)

SECTION 4. Proof of Receipt of Petition by Adverse party — In addition to the requirements of the two (2) preceding Sections, the petitioner must submit to the Board proof of receipt of his petition by the adverse party, within five (5) calendar days from the time he is able to secure confirmation or evidence of such receipt.

If the addressee's acknowledgment or other direct proof of actual receipt cannot be obtained by the petitioner, he shall present proof of constructive receipt, in the form of a certification of issuance of notices by the delivery post office, together with certified copies of the postal notices and unclaimed or returned mail matter involved therein.

If the proof submitted by the petitioner is in the Board's opinion inadequate or inconclusive, the Board may issue an order requiring the submission of such additional proofs as may be necessary. (n)

SECTION 5. Opposition to the Petition — Upon receipt of a copy of the petition and without waiting for a separate order from the Board, the appellee shall file five (5) copies of his opposition with the Board of Commissioners within an inextendible period of thirty (30) calendar days from receipt of said petition, with proof of service to the petitioner. (n)

SECTION 6. Effect of Filing a Petition for Review — The filing of a petition for review in accordance with these rules shall have the effect of automatically staying the execution of any decision or order of the arbiter. (n)

RULE XIII

Prohibited Pleadings in Review Proceedings (n)

SECTION 1. Prohibited Pleadings — The following pleadings are prohibited and may not be filed during the pendency of a petition for review before the Board of Commissioners:

- Motion for extension of time to file petition for review or any other pleadings;
- Reply and rejoinder memorandum; and
- Other memoranda or pleadings subsequent thereto;

Should one be filed the same shall be expunged from the record and shall not bar the resolution of the petition.

RULE XIV

Dismissal of Petition

SECTION 1. Dismissal of the Petition. — The petition for review shall be dismissed on any of the following grounds:

- Joint motion of the parties to dismiss the petition;
- Withdrawal of the petition;
- Failure to pay review fees;
- Failure to comply with the orders of the Board and/or the requirements of these Rules; and
- Failure to post an appeal bond, as required in Section 3 of Rule XII.

An appeal from such dismissal shall not stay or bar the execution of the original decision unless specifically enjoined by the Office of the President. (25a)

RULE XV

Incidental Proceedings and Remedies

SECTION 1. Ancillary Remedies Pending Appeal — Pending resolution of the case sought to be reviewed by the Board of Commissioners, the Board may, *motu proprio* or upon motion by either party, issue a cease and desist order, special orders to perform, order of execution pending appeal, or such other ancillary writs. (26a)

SECTION 2. Admissibility of New Evidence on Review — The Board may in the evaluation of petition for review order reception of evidence or conduct further proceedings, or take judicial notice of other records of the Board, pursuant to Section 22 of Chapter IV, Book VII, of Executive Order No. 292, series of 1987. (n)

RULE XVI

Submission and Resolution (n)

SECTION 1. Submission of Draft Decision — Upon receipt of the adverse party's opposition to the petition, or upon the lapse of the period for submission thereof, reckoned from the date of oppositor's receipt of the petition as established by the petitioner, the Board shall issue to both parties an order directing them to simultaneously submit their respective drafts of the decision that they desire to be rendered on the petition, in accordance with Executive Order No. 26, Series of 1992 within an inextendible period of thirty (30) calendar days from receipt thereof.

A party who fails to submit a draft decision shall be fined P2,000.00.

SECTION 2. Submission of the Petition for Resolution — With or without a draft decision, the petition shall be submitted for resolution .

The Director of the Appeals Review Group shall then issue an order informing the parties that the petition is already submitted for resolution, and cause the inclusion of the case in the list of cases for raffle and deliberation by the Board.

Upon issuance of said order, no further incidents or ancillary motions shall be entertained by the Board.

SECTION 3. Resolution — After the raffle of a case to a division the same shall be decided in accordance with the internal procedures of the Board.

RULE XVII

Proceedings Before the Board of Commissioners (n)

SECTION 1. Jurisdiction of the Board of Commissioners — The jurisdiction of the Board of Commissioners is as provided in its charter under existing laws.

SECTION 2. Internal Functioning of the Board En Banc and its Divisions —

- The Board en banc. The Board composed of its Chairman and eight (8) members shall sit en banc only for the following purposes:

(1) To promulgate rules and regulations governing the conciliation, hearing and disposition of cases by the Board en banc and by division, as well as by its Housing and Land Use Arbiters and Regional Officers;

(2) To formulate policies and guidelines affecting its administration and operations; and

(3) To resolve adjudicatory cases, at the first instance or on review, upon referral/indorsement to the Board en banc by the Chairman or by the division to which the case was originally raffled, in cases where in the Chairman's or division's opinion, the case is clearly impressed with significant public interest, or involves grave, critical and urgent policy issues that require immediate resolution.

- Divisions. Unless otherwise provided in this Section, the Board shall exercise its adjudicatory powers only upon proper petition for review, and only through its divisions. The decisions of the division is deemed the decision of the Board en banc.

SECTION 3. Organization of Regular and Special Divisions — The Board shall have three (3) regular divisions composed of three (3) members each as hereinafter specified and a special division composed of any three (3) of the four (4) regular Commissioners of the Board.

Of the three (3) regular divisions, one (1) division shall be composed of two (2) regular Commissioners and one (1) ex-officio Commissioner, while the two (2) other divisions shall each be composed of one (1) regular Commissioner and two (2) ex-officio Commissioners.

The assignment of Board Members, including the Chairman, to a regular division shall be determined by raffle during the first regular Board meeting held after the effectivity of these Rules, and shall remain in effect until otherwise determined by the Board which may effect such changes as may be necessary in the interest of the service.

SECTION 4. The Role of the Chairman — The Chairman shall preside over all sessions of the Board en banc. He shall be the Presiding Commissioner of the First Division; however, he may also join meetings of any other division whenever he is available. The Chairman may also undertake the following:

- Determine whether a case requires resolution en banc;

- Indorse to a division or to a special group as may be created by the Board the investigation or resolution of any incident or ancillary matter pertaining to any case that is pending before the Board en banc; and

- Such other powers and functions as may be conferred upon him by the Board.

SECTION 5. Other Presiding Officers —

- En Banc. — In the absence or unavailability of the Chairman, the Board may designate the Chief Executive Officer or any of the Commissioners to preside at meetings of the Board en banc unless the Chairman has

authorized an official representative to preside at such meetings;

- Regular Division. — Where a Division has only one (1) regular Commissioner as a member thereof, he shall be its presiding officer, unless the Chairman is also a member or is present at such meeting, in which case the latter may preside thereat. In the case of a division which has more than one (1) regular Commissioner as members, the most senior regular Commissioner shall be the presiding officer thereof.

- Special Division. — The Chief Executive Officer shall be the presiding officer of the Special Division.

SECTION 6. Powers of the Board. — In the exercise of its review functions, the Board shall have the following powers:

- Call on any officer, unit or employee of the Board, or any other government agency, officer or instrumentality, or private person or entity for assistance in the performance of its functions;

- Cause the reception of new or additional evidence or the conduct of ocular inspection while the case is under review by the Board;

- Hear oral arguments or presentation by the parties;

- Remand the case to the Arbiter for further proceedings; and

- Perform such other powers as may be inherent, incident, implied or necessarily related to the foregoing.

SECTION 7. Secretariat and Support Staff for Appealed Cases — Whenever it meets en banc or sits in divisions to act, deliberate or decide on appealed cases the Board of Commissioners shall be assisted by the Appeals Review Group hereinafter referred to as ARG, which shall act as the Board Secretariat for appealed cases. The ARG shall be headed by a director, under the general supervision of a Commissioner duly designated for said purpose.

It shall among others be responsible for the issuance of notices of orders and decisions arrived at by the Board during such meetings, and the transmittal of dockets to appropriate offices.

The ARG shall be composed of lawyers and such other legal and technical staff as may be necessary for the effective discharge of such functions as may be assigned by the Board or the supervising Commissioner for appeals.

SECTION 8. Substitution — Whenever any member of a division is absent, or inhibits himself from participating in the deliberation of a case, the Chairman or any other available member from other divisions shall sit in place of the absent or inhibiting member.

SECTION 9. Assignment of Cases — All cases appealed to the Board shall unless otherwise directed by the Chairman pursuant to Section 4 of this Rule be raffled to a division, for deliberation. Such raffle shall be conducted every Board Meeting.

SECTION 10. Quorum —

- Meeting en banc — A majority of Board members must be personally present at a meeting in order that a quorum may exist and to transact business. Any action taken by a majority of the quorum shall be considered an act of the Board.

- Meetings by Division — At least two (2) members of any Division should be personally present in order that it may have a quorum and transact business.

SECTION 11. Attendance — Generally, personal attendance by Board members for the duration of a meeting shall

be required. However, upon leave of the Board and for unavoidable or just and meritorious reasons, a member may relinquish attendance to a permanent alternate who is authorized to make commitments in his behalf and perform functions normally conferred on hearing officers of the Board.

SECTION 12. Voting — In the adjudication of cases Board members shall personally cast their votes.

SECTION 13. Signing of Decisions/Resolutions — All decisions and resolutions deliberated by the Board shall be personally examined and signed by its members.

SECTION 14. Minutes of Board Meetings. — The proceedings of every meeting shall be properly recorded and attested to by the Board Secretary. The minutes of each meeting shall be prepared by the Board Secretariat in sufficient copies for distribution to the members at least five days before the next scheduled meeting.

SECTION 15. The Executive Committee — The Executive Committee shall be composed of the four regular Commissioners and the Ex-Officio Commissioner from the Department of Justice.

The position of Chairman of the Executive Committee shall be rotated among its members every six months according to their terms of office, commencing with the Commissioner appointed/designated for six years, and so on, including in the rotation the Ex-Officio Commissioner from the Department of Justice.

The Executive Committee shall act for the Board on policy matters, measures or proposals concerning the management and substantive administrative operations of the Board subject to ratification by the Board en banc. It shall also approve the proposed agenda of meetings of the Board en banc.

SECTION 16. Proceedings of the Executive Committee — Every decision of the Executive Committee must be with the consent and approval of at least a majority of members present. If this required number is not obtained the matter shall be decided by the Board sitting en banc.

The Executive Committee may meet at any mutually agreed date, time and place. Minutes of all meetings of the Executive Committee shall be kept and carefully preserved as a record of the business transacted at such meeting and attested to by the Secretary of the Board.

RULE XVIII

Appeal From Board Decisions

SECTION 1. Motion for Reconsideration — Within the period for filing an appeal from a Board decision, order or ruling of the Board of Commissioners, any aggrieved party may file a motion for reconsideration with the Board only on the following grounds: (1) serious errors of law which would result in grave injustice if not corrected; and (2) newly discovered evidence.

Only one (1) motion for reconsideration shall be entertained.

Motions for reconsideration shall be assigned to the division from which the decision, order or ruling originated.
(n)

SECTION 2. Appeal — Any party may upon notice to the Board and the other party appeal a decision rendered by the Board of Commissioners en banc or by one of its divisions to the Office of the President within fifteen (15) calendar days from receipt thereof, in accordance with P.D. No. 1344 and A.O. No. 18 Series of 1987. (27a)

RULE XIX

Entry of Judgment (n)

SECTION 1. Entry of Judgment — Decisions and orders of arbiters and the Board of Commissioners which have become final and executory in accordance with these Rules shall prior to execution thereof be entered in the Book of Judgment of this Board which shall be maintained at the Central Office by the Appeals Review Group and at the Regional Offices by the Legal Services Sections thereof.

SECTION 2. Rules on Finality — For purposes of determining when a decision or order has become final and executory for purposes of entry in the Book of Judgment, the following rules shall be observed:

- Unless otherwise provided in a decision, or resolution of an arbiter or the Board of Commissioners, the orders contained therein shall become final as regards a party thirty (30) calendar days after the date of receipt thereof and no petition for review or appeal therefrom has been filed within the said period;
- A decision shall be entered in the Book of Judgment only after all the parties have received their copies of the decision and it has become final for all of such parties;
- Orders or resolutions dismissing a petition for review for failure to comply with the requirements of this Board shall be immediately executory, notwithstanding any appeal that may be interposed therefrom and may also be so entered.
- Ancillary orders are likewise immediately final and executory and may likewise be entered;
- In all other cases not governed by these rules, the provisions of the Rules of Court on service and presumption of receipt of orders and decisions shall be applicable.

SECTION 3. Verification of Mailing and Receipt — If despite the lapse of sixty (60) days from mailing of a decision, no proof of receipt thereof has been received, verification thereof shall be immediately made with the postal authorities concerned. In the absence of any adverse comment from such authorities, within thirty (30) days from such verification the order or decision shall be presumed to have been duly received as of the lapse of said period and entry of judgment may accordingly be made.

SECTION 4. Notice of Entry and Effect thereof — Upon entry of a decision or ancillary order in the Book of Judgment, notice thereof shall be served upon counsel and the parties, and the decision or order may be immediately executed on the basis thereof, even in the absence of the remand of records from higher authorities.

RULE XX

Execution

SECTION 1. Execution Upon Final Decision — Execution shall issue only upon motion of an interested party upon a final order or decision save in cases where execution pending appeal is allowed by the Board of Commissioners. However, the Board may *motu proprio* issue writs of execution for the collection of fees and fines it may impose. (28a)

SECTION 2. Enforcement of Decision — All writs of execution shall be issued by the arbiter or Regional Officer and directed to the provincial or city sheriff concerned. (29)

RULE XXI

Legal Fees (n)

SECTION 1. Complaint/Opposition Fee — The fee for filing a complaint/ opposition, or a complaint in intervention, or a permissive counter-claim, or for filing a third-party complaint before the Regional Offices shall be, if the total sum claimed or the stated value of the property in litigation is:

- a. Not more than P20,000.00 - P120.00
- b. More than P20,000.00 but less than P40,000.00 - P150.00
- c. P40,000.00 or more but less than P60,000.00 - P200.00
- d. P60,000.00 or more but less than P80,000.00 - P250.00
- e. P80,000.00 or more but less than P100,000.00 - P400.00
- f. P100,000.00 or more but less than P150,000.00 - P600.00
- g. P150,000.00 or more - P600.00 plus P3.00 for every P1,000.00 in excess of P150,000.00

If the relief claimed is incapable of pecuniary estimation, the filing fee therefor shall be P300.00.

SECTION 2. Petition for Review Fee — The fee for filing a petition for review with the Board of Commissioners is One Thousand Pesos (P1,000.00).

SECTION 3. Pauper Litigants Exempt from Payment of Legal Fees — A pauper litigant whose gross income does not exceed six thousand pesos (P6,000.00) a month if residing in Metropolitan Manila, and four thousand pesos (P4,000.00) a month if residing outside Metropolitan Manila and who does not own real property shall be exempt from the payment of legal fees.

The legal fees shall be a lien on any judgment rendered in the case favorably to the pauper litigant, unless the Board otherwise provides.

To be entitled to the exemption herein provided, the pauper litigant shall execute an affidavit that he and his immediate family do not earn the gross income abovementioned, nor do they own any real property with the assessed value aforementioned, supported by an affidavit of a disinterested person attesting to the truth of the pauper litigant's affidavit.

Any falsity in the affidavit of a pauper litigant or disinterested person shall be sufficient cause to strike out the pleading of the party claiming to be a pauper litigant, without prejudice to whatever criminal liability may have been incurred.

SECTION 4. Government Exemption from Fees — The Republic of the Philippines, its agencies and instrumentalities, are exempt from paying the legal fees provided herein. Local governments and government-owned or controlled corporations with or without independent charters are not exempt from paying such fees.

RULE XXII

Miscellaneous Provisions

SECTION 1. Periodic Report on Decisions — All decisions rendered on cases including those which have become final and executory, aside from being entered into a book of judgment, shall be reported by the Regional Officer to the Board of Commissioners monthly by submitting a copy thereof as authenticated by the records officer. (30)

SECTION 2. Supplementary or Amendatory Rules — The Board may issue from time to time supplementary rules to govern matters not covered by these rules or to amend provisions thereof. (31)

SECTION 3. Repealing Clause — These Rules repeal Resolution Nos. 537 and 538, Series of 1994 and all other resolution and administrative issuances or such parts thereof as are inconsistent herewith. (n)

SECTION 4. Effectivity — These rules shall take effect after fifteen (15) days from publication in the Official Gazette or in a newspaper of general circulation. Proceedings of cases then pending shall be governed by these rules, except when in the opinion of the Board their application would be impractical or would work injustice, in which event the former rules of procedure shall apply. (32)

Adopted: 10 June 1996

(SGD.) DIONISIO C. DE LA SERNA

Chairman, HUDCC and Ex-Officio Chairman, HLRB

(SGD.) PRESBITERO VELASCO, JR.

(SGD.) ROMULO Q. FABUL

Undersecretary, DOJ

Commissioner

Ex-Officio Commissioner

(SGD.) ISAGANI B. VALDELLON

(SGD.) TERESITA DESIERTO

Deputy Director-General, NEDA

Commissioner

Ex-Officio Commissioner

(SGD.) ALVIN G. DANS

(SGD.) JOEL L. ALTEA

Undersecretary, DILG

Asst. Secretary, DPWH

Ex-Officio Commissioner

Ex-Officio Commissioner

Attested By:

(SGD.) CAROLINA A. CASAJE

Officer-in-Charge, Board Secretariat

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