

AMENDING HLRB BOARD RESOLUTION NO. R-391, SERIES OF 1987, OTHERWISE KNOWN AS THE RULES OF PROCEDURES GOVERNING PROCEEDINGS BEFORE THE HOUSING AND LAND USE REGULATORY BOARD, PRES...

LTO RESOLUTION NO. R-520 s. 1992, February 16, 1993

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WHEREAS, the Revised Administrative Code adopted in 1987 calls for the speedy but judicious disposition of cases filed before administrative bodies;

WHEREAS, Executive Order No. 26 of 7 October 1992 mandates the incorporation in the Rules of Procedures of Administrative agencies of innovative techniques and requirements, for a speedier resolution of cases:

NOW THEREFORE, be it RESOLVED, AS IT IS HEREBY RESOLVED, that the following amendments to Board Resolution No. R-391, Series of 1987 be APPROVED, AS THEY ARE HEREBY APPROVED, to wit:

1. Sections 14 and 15 of the said Rules are hereby amended to read as follows:

"Section 14. Summary Resolution — Should amicable settlement fail, the Arbiter shall [summarily resolve the case on the basis of the complaint and the answer as well as all relevant documentary evidence and position papers which may be submitted.] EXCEPT WHEN HEARING IS ORDERED PURSUANT TO SECTION 15 HEREOF, REQUIRE THE PARTIES TO SIMULTANEOUSLY SUBMIT THEIR RESPECTIVE POSITION PAPERS AS WELL AS DRAFT RESOLUTIONS/DECISIONS OF PAPERS AS WELL AS DRAFT RESOLUTIONS/DECISIONS OF INCIDENT/CASE STATING CLEARLY AND DISTINCTLY THE FACTS AND THE LAW UPON WHICH IT IS BASED, WITHIN THIRTY (30) DAYS THEREFROM, AFTER WHICH THE INCIDENT/CASE SHALL BE CONSIDERED SUBMITTED FOR RESOLUTION.

THE ARBITER MAY, AFTER CONSIDERING AND APPRECIATING THE APPLICABLE LAW, RULES AND REGULATIONS AND EVIDENCE SUBMITTED, ADOPT, IN WHOLE OR IN PART, EITHER OF THE PARTIES DRAFT RESOLUTION/DECISION OR REJECT BOTH."

"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. DURING THE HEARING, AFFIDAVITS OR DEPOSITIONS IN LIEU OF DIRECT TESTIMONIES WHEREVER PRACTICABLE AND CONVENIENT SHALL BE SUBMITTED."

2. The sub-title of the Rules after Section 20 which reads "DECISION, PETITION FOR REVIEW AND APPEAL" is hereby amended to read as:

"RESOLUTION/DECISION, PETITION FOR REVIEW AND APPEALS"

3. Section 21 of the Rules is hereby amended to read as follows:

"Section 21. Resolution/Decision — The HLA shall [as far as practicable] render his resolution/decision within [45 days after] THIRTY (30) DAYS FROM the date of submission of ANY INCIDENT OR OF the case for resolution. The decision of the Arbiter shall become final after fifteen (15) days from receipt of copies thereof

by the parties concerned.

No motion for reconsideration from the decision of the case by an Arbiter shall be entertained. But if one is filed, the same shall be treated as a petition for review [of] BEFORE [the decision by] the Board of Commissioners.

4. Section 23 of the Rules is hereby amended to read as follows:

"Section 23. Parties Memorandum for Review — A motion for reconsideration of an Arbiter's decision and the adverse party's opposition shall be treated as the respective memorandum for review of the parties thereto. But if only a notice of petition for review is filed, the Board Secretary shall upon receipt of the records direct the petitioners to file with the Board [twelve] FIVE (5) copies of his memorandum within ten (10) days from receipt of said order, with proof of service thereof upon the other party. [The latter shall also have ten days within which to file twelve copies of his memorandum, copy furnished the petitioner] THE SAME NOTICE SHALL, IN ADDITION:

a. ADVISE THE ADVERSE PARTY (APPELLEE) THAT HE MAY FILE 5 COPIES OF HIS REPLY MEMORANDUM WITHIN TEN (10) DAYS FROM RECEIPT OF THE PETITION OR MEMORANDUM FOR REVIEW, ALSO COPY FURNISHED THE OTHER PARTY, OTHERWISE HE SHALL BE DEEMED TO HAVE SUBMITTED HIS CASE ON THE BASIS OF AVAILABLE RECORDS;

b. ADVISE BOTH PARTIES TO SIMULTANEOUSLY SUBMIT THIRTY (30) DAYS FROM THE DATE SET FORTH IN THE NOTICE OF RECEIPT OF RECORDS, WHICH SHALL NOT BE LATER THAN TEN (10) DAYS AFTER THE DEADLINE FOR THE FILING OF REPLY MEMORANDA, A DRAFT OF THE DECISION THAT THEY DESIRE TO BE RENDERED IN THE CASE, SETTING FORTH CLEARLY THE FACTS AND THE LAW ON WHICH THE SAME ARE BASED.

THE NOTICE SHALL STATE THAT THE PERIOD FOR SUBMISSION OF DRAFT DECISIONS IS INEXTENDIBLE, THAT THE BOARD MAY ADOPT IN WHOLE OR IN PART EITHER DRAFT DECISION, OR REJECT BOTH, AND THAT FAILURE TO SUBMIT A DRAFT DECISION ON TIME SHALL MEAN A WAIVER OF THE PARTY'S RIGHT TO SUBMIT THE SAME.

Thereafter, the case shall be deemed submitted for Resolution.

BE IT FURTHER RESOLVED, as it is hereby RESOLVED that these amendments shall take effect immediately.

Adopted: 16 Nov. 1992

(Sgd.) ANICETO M. SOBREPENA

(Sgd.) ERNESTO C. MENDIOLA

Dep. Dir.-Gen., NEDA

Commissioner and Chief

Ex-Officio Commissioner

Executive Officer

(Sgd.) RAMON S. ESGUERRA

(Sgd.) AMADO B. DELORIA

Undersecretary, DOJ

Commissioner

Ex-Officio Commissioner

(Sgd.) ROMULO Q. FABUL

(Sgd.) LUIS T. TUNGPALAN

Commissioner

Commissioner

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