

RSG DEV’T. CORPORATION, ET AL., PETITIONERS, VS. TERESITA P. PORNOBE, RESPONDENT.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

For consideration is respondent's Motion to Dismiss the petition.

In her motion to dismiss the petition, respondent argued that petition to this Court is not the proper remedy for seeking relief from the adverse decisions by the HLURB, further contending that under Rule XVIII of HLURB Rules of Procedure (HLURB Administrative Order No. 05), any aggrieved party may file a motion for reconsideration under Section 1, thereof or may appeal to the Office of the President with fifteen (15) days from receipt of the decision in accordance with P.D. No. 1344 and A.O. No. 18. Indeed, Sections 1 and 2 of Rule XVIII provide:

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

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

Moreover, Section 2 of P.D. No. 1344 provides that the decision of the National Housing Authority (now HLURB) is appealable only to President of the Philippines, thus:

“Section 2 – The decision of the National Housing Authority shall become final and executory after the lapse of fifteen (15) days from the date of its receipt. It is appealable only to the President of the Philippines and in the event the appeal is filed and the decision is not reversed and/or amended within a period of thirty (30) days, the decision is deemed affirmed. Proof of the appeal of the decision must be furnished the National Housing Authority.”

As noticed, petitioners went directly to this Court via a petition for review without first availing of these remedies which are readily available to them. The doctrine of non-exhaustion of administrative remedies requires that resort be first made with the administrative authorities in the resolution of the controversy falling under their jurisdiction before the controversy may be elevated to a court of justice for review.[1] A premature invocation of a court's intervention renders the complaint without cause of action and dismissible.[2]

Granting that the aforesaid ground is not meritorious enough to cause the petition's dismissal, it can be dismissed on technicality based on the following grounds:

- a) The issuance date of counsel for petitioners' MCLE Compliance No. IV-0013289 was not indicated (Bar Matter No. 1922);

b) The Verification and Certification of Non-Forum Shopping was signed for and in behalf of petitioner Honeycomb Builders, Inc. by one Jayve M. Grospe, a Legal Assistant in the said corporation's Legal Department, without any written authority (Board Resolution or Secretary's Certification) that he was duly authorized to act for the petitioner-corporation;

c) the petition is bereft of a corresponding Verification and Certification of Non-Forum Shopping executed by an authorized representative of the other corporate petitioner, RSG Development Corporation;

d) The Affidavit of Service incorporated in the Verification and Certification of Non-Forum Shopping was not in the proper form prescribed by Sections 12 and 13 , Rule 13 of the Rules of court; and

e) The Decision dated December 9, 2013 of the HLURB subject of the petition is only a mere photocopy instead of the required signed duplicate original or certified true copy as prescribed in Section 6(c), Rule 43 of the Rules of Court.

WHEREFORE, premises considered, the motion to dismiss is hereby GRANTED, and the instant petition is hereby ordered DISMISSED.

SO ORDERED.

Bruselas, Jr., and Gaerlan, JJ., concur.

[1]The Alexandra Condominium Corporation vs. Laguna Lake Development Authority, G.R. No. 169228, September, 11, 2009

[2] Estrada vs. Court of Appeals, 484 Phil. 730

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