HERMINIO A. SIASOCO, SIXTO A. SIASOCO, AMPARO SIASOCO, ROSITA SIASOCO, AND RODOLFO A. SIASOCO, AS THE SURVIVING HEIRS OF DAVID SIASOCO, PETITIONERS, VS. JANUARIO N. NARVAJA, REP...

G.R. No. 130460. September 23, 1999

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review on certiorari of the decision[1] of the Court of Appeals, dated August 29, 1997, affirming the denial by the Regional Trial Court of Laguna, Branch 31, of two motions filed by the petitioners, one to dismiss and the other one to suspend proceedings on a petition to compel petitioners to surrender their owners' duplicate certificates of title over two lots in a subdivision in Sta. Rosa, Laguna to respondent Januario Narvaja.

The facts are as follows:

David Siasoco was the registered owner of Lot Nos. 29 and 30, Block 2 of the Saint John Village, Sta. Rosa, Laguna, covered by TCT Nos. T-38343 and T-28344. Petitioners are the heirs of David Siasoco, who allegedly died on November 23, 1982.[2] On August 20, 1984, petitioners, represented by petitioner Rodolfo A. Siasoco, sold the two lots to respondent Narvaja.[3]

Respondent Narvaja later filed a complaint for specific performance against petitioner Rodolfo A. Siasoco in the Housing and Land Use Regulation Board (HLURB). In his decision, dated November 3, 1992, the HLURB Arbiter ordered petitioners:

> 1. To accept the amount of P105,320.00 from herein complainant representing his balance for the purchase of the 2 questioned parcels of land;
>
> 2. To execute the Deed of Absolute Sale in the name of herein complainant Januario N. Narvaja for Lot Nos. 29 and 30, Block 2 of St. John Village located at Sta. Rosa, Laguna and consequently deliver their corresponding Transfer Certificate of Title.[4]

Petitioners appealed to the HLURB Board of Commissioners, but their appeal was dismissed on the ground of failure to prosecute. The HLURB Board of Commissioners ordered HLURB Arbiter Alfredo Tan II to do the following at the expense of petitioners:

> 1. To accept the amount of P105,320.00 from Rosa Narvaja-Balog and/or Januario N. Narvaja in trust for respondent Siasoco which amount represents the balance for the purchase of Lots 29 and 30 of Block 2, St. John Village, Sta. Rosa, Laguna; and
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> 2. To execute the Deeds of Absolute Sale in favor of Januario N. Narvaja relative to the aforementioned parcels of land.[5]

Upon compliance with the above enumerated directives, the Registrar of Deeds of Laguna was directed to transfer the titles to Lot Nos. 29 and 30 of Block 2, St. John Village, Sta. Rosa, Laguna to respondent Januario N. Narvaja.

Accordingly, on February 20, 1995, a deed of absolute sale, covering the properties in question, was executed by respondent Narvaja on the one hand and HLURB Arbiter Alfredo H. Tan II, acting in behalf of petitioner Rodolfo A. Siasoco, on the other hand.[6] However, the Registrar of Deeds refused to register the said deed of absolute sale until the owner's duplicate certificates covering the properties in question had been presented to him.[7] Upon the refusal of petitioner Rodolfo A. Siasoco to deliver the owner's duplicate certificates in his possession, respondent filed a petition before the trial court to require the former to surrender the same.

Petitioners filed a motion to dismiss and another motion to suspend proceedings. They contended that the trial court lacked jurisdiction to entertain the petition and that another case involving the same issue and the same parties was still pending in the HLURB. In its orders of September 9 and October 28, 1996, the trial court respectively denied petitioners' motions.

Petitioners then filed a special civil action for certiorari in the Court of Appeals which, however, dismissed the action. In its decision, dated August 27, 1997, the Court of Appeals held:

> We find no merit in this petition. The court a quo is consistent in its findings that the subject matter, cause of action and issues raised to the HLURB are different from those raised to the trial court. This was the basis of the trial court's denial of the motion to dismiss filed by the intervenors. We agree with the findings of the trial court.[8]
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> Hence, this petition. Petitioners contend:
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> 1. THE APPELLATE COURT COMMITTED A REVERSIBLE ERROR IN NOT SETTING ASIDE THE ORDER DATED SEPTEMBER 9, 1996 OF THE TRIAL COURT DENYING PETITIONER'S MOTION TO DISMISS THAT IT IS THE HOUSING AND LAND USE REGULATORY BOARD WHICH HAS ORIGINAL AND EXCLUSIVE JURISDICTION OVER THE INSTANT CASE;
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> 2. THE APPELLATE COURT COMMITTED A REVERSIBLE ERROR IN NOT SETTING ASIDE THE ORDER DATED OCTOBER 28, 1996 OF THE TRIAL COURT DENYING PETITIONER' S MOTION TO SUSPEND PROCEEDINGS, AS WELL AS ITS ORDERS DATED JANUARY 23, 1997 DENYING PETITIONER'S MOTION FOR RECONSIDERATION OF THE ORDER DATED OCTOBER 28, 1996.[9]

The petition is meritorious. Under the Executive Order[10] creating it, the HLURB has exclusive jurisdiction to "hear and decide cases of unsound real estate business practices; claims involving refund filed against project owners, developers, dealers, brokers, or salesmen; and cases of specific performance." Accordingly, in United Housing Corporation v. Dayrit,[11] we ruled that it is the HLURB, not the trial court, which has jurisdiction over complaints for specific performance filed against subdivision developers to compel the latter to execute deeds of absolute sale and to deliver the certificates of title to buyers.

In the instant case, respondent Narvaja properly filed his complaint for specific performance against petitioner Rodolfo A. Siasoco with the HLURB, which eventually decided in his favor and ordered its Arbiter, Alfredo Tan II, to execute, in behalf of petitioner Rodolfo A. Siasoco, a deed of absolute sale over the lots in question in favor of respondent Narvaja and the Registrar of Deeds to issue to the latter the corresponding certificates of title. Therefore, respondent Narvaja should have filed his motion to require petitioner Rodolfo A. Siasoco to surrender the owner's duplicate certificates of title to the lots before the HLURB.

In United Housing Corporation v. Dayrit, we ordered the developer to deliver to the buyer the owner's duplicate certificate of title over the property in question, although the latter erroneously filed their action for specific

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performance with the Regional Trial Court. This was because resort to the courts was made necessary primarily by the continued refusal of the seller in that case to abide by its commitment embodied in the parties' compromise agreement and secondarily by the failure of the Human Settlements Regulatory Commission (HSRC), the predecessor of the HLURB, to act on the motion for execution filed by the buyers. These considerations are not present here, and the trial court should, therefore, have dismissed petitioner's action.

WHEREFORE, the decision of the Court of Appeals is REVERSED and the petition filed by respondent Januario N. Narvaja is DISMISSED.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, and Buena, JJ., concur.

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[1] Per Justice Omar U. Amin and concurred in by Justices Jainal D. Rasul and Godardo A. Jacinto.

[2] Petition, Annex C, Rollo, p. 47.

[3] Id., Annex B, Rollo, p. 42.

[4] Id., Annex A, Rollo, p. 37.

[5] Id., pp. 38-39.

[6] Comment, Rollo, p. 101.

[7] Ibid.

[8] Petition, Annex A, Rollo, p. 40.

[9] Id., p. 17.

[10] E.O. No. 648, §8(11) (1981), as amended by E.O. No. 90 (1986).

[11] 181 SCRA 285 (1990).

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