

**ROBERTO RUBIO ALCASID, CLARISSA A. RUBIO, ELENITA A. RUBIO,
RUBEN RUBIO, PATRICIA RUBIO AND EDUARDO RUBIO LAYGO,
PETITIONERS, VS. COURT OF APPEALS AND SAMAHANG BUKLOD NG
BARANGA...**

G.R. No. 94927. January 22, 1993

Ponente: CRUZ, J.

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CRUZ, J.:

On December 3, 1984, the private respondents filed a complaint-affidavit with the National Housing Authority (now Housing and Land Use Regulatory Board) to compel Eduardo Laygo, the administrator of the property of the deceased spouses Apolonia Elasequi and Alejandro Rubio, to execute in favor of the complainants the corresponding contracts of sale over the lots they were occupying and on which they said they had already made partial payments.[1] They claimed that the property was a subdivision project and that the necessary improvements should be made thereon in accordance with PD 957, PD 1216 and PD 1344.

On March 22, 1985, the same group filed with the Laguna Provincial Fiscal's Office a complaint for estafa and violation of PD 957 against Laygo, but this was later dismissed on the ground that the respondent was not the owner or dealer of the property in question.

On May 15, 1987, the Enforcement Office of the HLRB, acting on the private respondents' complaint-affidavit, ordered Laygo to secure the registration of the land as a subdivision, to obtain a license to sell the same, and to pay a fine of P10,000.00.[2]

On June 16, 1988, the private respondents organized themselves into the Samahang Buklod ng Barangay IV and VI and filed with the Regional Trial Court of Laguna a class suit against the same respondents in the HLRB suit seeking the annulment and cancellation of titles to and reconveyances of the disputed property made in favor of or by the defendants.[3]

They also demanded that the defendants be compelled to execute the corresponding contracts of sale in favor of the plaintiffs over the lots occupied by them and on which they had been making installment payments, to fix the reasonable purchase price of the said lots "in line with the laws, rules and regulations governing subdivisions," and to introduce the necessary facilities in the area.

On July 29, 1988, the defendants filed a motion to dismiss the complaint on the ground, among others, that there was a pending action before the HLRB between the same parties involving the same issues.[4]

In an order dated March 16, 1989, the trial court denied the motion,[5] declaring inter alia that the case filed with the HLRB was a criminal complaint for violation of PD 957 and, moreover, had already been dismissed.

The order was appealed to the respondent court on certiorari. On June 28, 1990, the Court of Appeals[6] ruled that an order denying a motion to dismiss was interlocutory and could not be the subject of a petition for certiorari. On

the merits, it held that the trial court had jurisdiction over the complaint under Sec. 19 of BP 129, reading as follows:

Section 19. Jurisdiction in Civil Cases. - Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x

2. in all civil actions which involve the title to, or possession of, real property, or any interest therein; x x x.

In this petition for review under Rule 45 of the Rules of Court, the decision of the respondent court is faulted for being contrary to law and jurisprudence.

We begin by observing that as a general rule interlocutory orders are indeed not assailable by certiorari or prohibition, such relief being available only when it is shown that the court acted without or in excess of jurisdiction or with grave abuse of discretion.[7] In such exceptional instances, as in this case, it is not necessary to await the final disposition of the case before these special remedies may be resorted to for faster relief.

On the issue of jurisdiction, we note that beginning with the case of *Tropical Homes v. NHA*,^[8] this Court has consistently stressed the quasi-judicial jurisdiction conferred on the NHA by PD 1344, thus:

Section 1. In the exercise of its functions to regulate the real estate trade and business and in addition to its powers provided for in Presidential Decree No. 957, the National Housing Authority shall have exclusive jurisdiction to hear and decide cases of the following nature:

A. Unsound real estate business practices;

B. Claims involving refund and any other claims filed by subdivision lot or condominium unit buyer against the project owner developer, dealer, broker or salesman; and

C. Cases involving specific performance of contractual and statutory obligations filed by buyers of subdivision lots or condominium broker or salesman. (Emphasis supplied.)

It is true that jurisdiction over the annulment of certificates of sale of ordinary lands lies exclusively with the Regional Trial Court under BP 129. However, as the complaint in Civil Case No. 1233-88-C itself plainly suggests, the disputed property is not an ordinary land but a subdivision project on which in fact the plaintiffs demand the introduction of the necessary facilities, “such as asphaltting, street lights, and other necessities in the subdivision.”

A subdivision project is defined as “a tract or a parcel of land registered under Act No. 496 which is partitioned primarily for residential purposes into individual lots with or without improvements thereon, and offered to the public for sale, in cash or in installment terms. It shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project.” [9]

The rule is that what characterizes an action is not its designation or caption but the allegations in the body of the complaint or petition.[10] In the case at bar, it is plain that the complaint filed by the private respondents with the Regional Trial Court of Laguna comes under Paragraph C of the above-quoted provision in PD 1344. What the plaintiffs seek is specific performance of alleged contractual and statutory obligations of the defendants, to wit, the execution of contracts of sale in favor of the plaintiffs and the introduction in the disputed property of the facilities required by the subdivision laws. Hence, exclusive jurisdiction over the case rests with the HLRB and not the RTC.

It bears remembering the observation of this Court in *C.T. Torres v. Hibionada*,^[11] to wit:

The argument that only courts of justice can adjudicate claims resolvable under the provisions of the Civil Code

is out of step with the fast-changing times. There are hundreds of administrative bodies now performing this function by virtue of a valid authorization from the legislature. This quasi-judicial function, as it is called, is exercised by them as an incident of the principal power entrusted to them of regulating certain activities falling under their particular expertise.

In the *Solid Homes* case, for example, the Court affirmed the competence of the Housing and Land Use Regulatory Board to award damages although this is an essentially judicial power exercisable ordinarily only by the courts of justice. This departure from the traditional allocation of governmental powers is justified by expediency, or the need of the government to respond swiftly and competently to the pressing problems of the modern world.

Thus we have held:

It is by now commonplace learning that many administrative agencies exercise and perform adjudicatory powers and functions, though to a limited extent only. Limited delegation of judicial or quasi-judicial authority to administrative agencies (e.g. the Securities and Exchange Commission and the National Labor Relations Commission) is well recognized in our jurisdiction, basically because the need for special competence and experience has been recognized as essential in the resolution of questions of complex or specialized character and because of a companion recognition that the dockets of our regular courts have remained crowded and clogged.

x x x

There is no question that a statute may vest exclusive original jurisdiction in an administrative agency over certain disputes and controversies falling within the agency's special expertise. The very definition of an administrative agency includes its being vested with quasi-judicial powers. The ever increasing variety of powers and functions given to administrative agencies recognizes the need for the active intervention of administrative agencies in matters calling for technical knowledge and speed in countless controversies which cannot possibly be handled by regular courts.

The private respondents have taken an ambivalent position in insisting that the property in question is a subdivision under the jurisdiction of the HLRB and an ordinary property under the jurisdiction of the civil courts. They must choose one or the other and stand or fall by whatever choice they make. They mock the administration of justice by filing the same complaint in separate forums, in hopes perhaps of succeeding in one where they might fail in the other. Litigations are not won by such subterfuges.

Considering that the HLRB has exclusive jurisdiction over the demands of the private respondents, we find that the motion to dismiss their complaint before the RTC should have been granted.

WHEREFORE, the challenged decision of the respondent court is REVERSED and Civil Case No. 1233-88-C in the Regional Trial Court of Calamba, Laguna, is DISMISSED for lack of jurisdiction.
SO ORDERED.

Padilla, Griño-Aquino, and Bellosillo, JJ., concur.

[1] Rollo, pp. 84-87.

[2] *Ibid.*, p. 96.

[3] *Id.*, pp. 88-94.

[4] *id.*, pp. 105-117.

[5] *id.*, pp. 103-104.

[6] Pronove, Jr., J., ponente, Melo and Benipayo, JJ., concurring.

[7] Espiritu v. Solidum, 52 SCRA 131, Van Dorn v. Romillo, 139 SCRA 139, Newsweek v. Intermediate Appellate Court, 142 SCRA 17.

[8] 152 SCRA 540.

[9] Sec. 2(d), PD 957.

[10] Dominguez v. Lee, 155 SCRA 705; Eugenio, Sr. v. Velez, 185 SCRA 425.

[11] 191 SCRA 268.

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