



REPUBLIC OF THE PHILIPPINES  
 SUPREME COURT  
 Manila

SPECIAL SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **17 June 2020** which reads as follows:*

**"G.R. No. 219673 - *Solid Homes, Inc. v. Heirs of Spouses Artemio Jurado and Consuelo O. Jurado, namely, Yvonne Concepcion C. Jurado, Jesusa Elizabeth C. Jurado, Priscila Amelita C. Jurado, and Aurora Jurado Sanchez***

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 This resolves the Motion for Reconsideration dated February 4, 2020 and Motion for Partial Reconsideration dated February 11, 2020 filed by respondents and petitioner, respectively, from our Decision dated September 2, 2019.

Briefly, the facts are as follows:

A contract to sell covering a lot was entered into between Solid Homes, Inc. (Solid Homes) and the spouses Jesus and Violeta Calica (spouses Calica). Later, the spouses Calica assigned their rights as vendees to the spouses Artemio Jurado and Consuelo O. Jurado (spouses Jurado). Spouses Jurado, thus, paid for the lot. When the spouses Jurado inquired as to the transfer of title to their names, they discovered that Solid Homes mortgaged the lot and that said mortgage was already foreclosed.

Consequently, the spouses Jurado filed a complaint before the Housing and Land Use Regulatory Board (HLURB) to order Solid Homes to replace the lot, or to convey and transfer to them a substitute lot, or in the alternative, to pay the current value of the lot, or to return the payments made with interest.

The HLURB Arbiter dismissed the complaint for lack of merit, but this was reversed by the HLURB Board of Commissioners. The HLURB Board of Commissioners observed that the spouses Jurado still have an unpaid balance for the lot. Eventually, the HLURB Board of Commissioners ordered Solid Homes to replace the lot and for the spouses Jurado to pay its remaining balance, and, thereafter, for Solid Homes to convey the same to the spouses Jurado. In case of failure to do so, Solid Homes was ordered to pay the fair market value of the lot with interest.

The Office of the President (OP) affirmed such ruling. On appeal, the CA likewise affirmed the OP's ruling except for the award of damages and attorney's fees.

Solid Homes, thus, resorted to this petition. In our Decision dated September 2, 2019, we ruled, among others, that there was a valid

assignment by the spouses Calica's rights as vendees under the contract to sell in favor of the spouses Jurado. Resultantly, rights to the lot should be restored to the spouses Jurado or the same should be replaced by another acceptable lot. However, since the spouses Jurado have not yet paid the full purchase price, title and ownership over the lot cannot, as yet, be transferred to them. If restoration or replacement of the lot is no longer feasible, we held that the spouses Jurado should be refunded with the installment payments made with interest.

The instant Motion for Reconsideration is filed on the ground that instead of being merely reimbursed with the installment payments made with interest, the spouses Jurado should be entitled to the current market value of the lot, if restoration or replacement of the lot could no longer be made.

The Motion for Partial Reconsideration meanwhile questions the imposition of interest and the reckoning date or period in case of payment.

**We resolve to deny both motions.**

The issues raised in the two motions are mere rehash or reiterations of matters already threshed out and resolved in the assailed decision.

We emphasize that the spouses Jurado have not yet paid the purchase price for the lot in full. As such, Solid Homes cannot be ordered to convey title over the replacement lot or to pay the value of the lot foreclosed at this point. Indeed, without full payment, there can be no breach of the obligation to sell because Solid Homes has no obligation yet to turn over the title, or in the alternative, to pay its value.

While we recognize that for reasons of equity and to prevent unjust enrichment, the injured party should be paid the current market value of the lot, such pronouncement presupposes that the buyer had already paid the purchase price in full. To reiterate, since the spouses Jurado have yet to fully pay the purchase price, they should be entitled, not to the entire current market value of the property, but to a refund of the installments they paid with interest in case Solid Homes fails to replace the property with another acceptable lot.

Anent the motion to substitute the spouses Jurado by their heirs, namely, Yvonne Concepcion C. Jurado, Jesusa Elizabeth C. Jurado, Priscila Amelita C. Jurado, and Aurora Jurado Sanchez, on account of the spouses Jurado's death as evidenced by copies of the Certificates of Death,<sup>1</sup> we find the same to be in order and, thus, grant the substitution as prayed for.

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<sup>1</sup> *Rollo*, pp. 138-139 and 142.

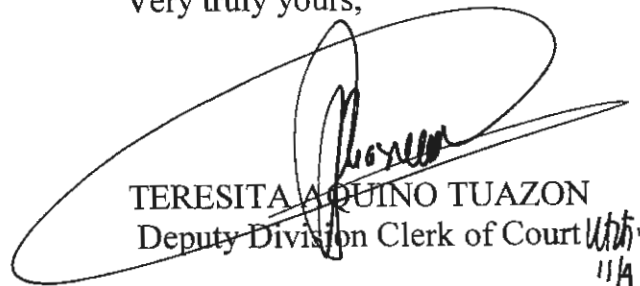
**WHEREFORE**, the Motion for Reconsideration dated February 4, 2020 and Motion for Partial Reconsideration dated February 11, 2020 are **DENIED with FINALITY**.

The deceased spouses Artemio Jurado and Consuelo Jurado are allowed to be **substituted** as respondents by their heirs, namely, Yvonne Concepcion C. Jurado, Jesusa Elizabeth C. Jurado, Priscila Amelita C. Jurado, and Aurora Jurado Sanchez:

Let entry of judgment be issued immediately.

**SO ORDERED.** (J. Delos Santos, designated additional member *vice* J. Carpio (ret.) pursuant to Sec. 8, Rule 2 of IRSC)'

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *with*  
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