

Title:

City Government of Quezon City v. Hon. Judge Vicente G. Erica and Himlayang Pilipino, Inc.: The Unconstitutional Taking of Property for Burial Grounds of Paupers

Facts:

In Quezon City, Philippines, an ordinance (No. 6118, S-64) was enacted which, among other things, required that at least six percent of the total area of private cemeteries be set aside for the burial of deceased indigent residents of Quezon City. Upon non-enforcement of this provision for several years, the City Council passed a resolution requesting the City Engineer to implement Section 9 of the ordinance, prohibiting any further sales or transactions of memorial park lots where the owners had not complied with the requirement.

Respondent Himlayang Pilipino, Inc., a private cemetery corporation affected by this ordinance, filed a petition for declaratory relief, prohibition, and mandamus with preliminary injunction in the Court of First Instance of Rizal, Branch XVIII, asserting that Section 9 of the ordinance was unconstitutional. The case proceeded on the basis of the pleadings as the parties agreed that there were no factual issues to be tried, only legal ones.

The Court of First Instance declared Section 9 of the ordinance null and void, siding with Himlayang Pilipino, Inc. that the ordinance was an invalid exercise of police power amounting to the confiscation of property without due process.

The City Government of Quezon City and its City Council filed a petition for review to the Supreme Court of the Philippines, arguing that the ordinance was a legitimate exercise of police power and aimed to address the city's public welfare by providing burial grounds for its indigent residents.

Issues:

1. Whether Section 9 of Ordinance No. 6118, S-64 is a valid exercise of police power.
2. Whether the ordinance constitutes an unconstitutional taking of private property without just compensation.
3. The applicability of the general welfare clause and the local government's power to regulate burials within its jurisdiction.

Court's Decision:

The Supreme Court affirmed the decision of the Court of First Instance, finding that Section 9 of the ordinance represents an invalid exercise of police power and an unconstitutional

taking of private property without just compensation. The Supreme Court underscored that the regulation went beyond mere regulation of property use and instead amounted to an outright confiscation, with no reasonable relation to the promotion of health, morals, order, safety, or the general welfare.

Doctrine:

1. Police power involves regulation for the public welfare but does not include outright confiscation of property without compensation.
2. A municipal ordinance that results in an uncompensated taking of property cannot be justified on the basis of the general welfare clause.
3. Local governments may regulate the burial of the dead within their jurisdiction, but any expropriation of private land for this purpose requires just compensation.

Class Notes:

- Due process clause: No person shall be deprived of life, liberty, or property without due process of law.
- Police power: Promotes the public welfare by regulating the use of liberty and property.
- Eminent domain requires compensation when property is taken for public use.
- General welfare clause: Allows local governments to enact ordinances for the health and safety, prosperity, morals, peace, good order, comfort, convenience, and protection of property and inhabitants.
- Expropriation of private property for public cemeteries requires just compensation and cannot be mandated upon private cemeteries without due process.

Historical Background:

The case reveals the conflicts between property rights and government regulations aimed at public welfare. Historically, Philippine jurisprudence upholds the sanctity of private property, subject to reasonable regulation for public purposes. However, when such regulation impinges upon the rights of owners without observable public benefit or compensation, the State's exercise of its inherent powers is curtailed in favor of individual rights. This case also illustrates the limitations of the local government's police power, particularly where it conflicts with constitutional protections. The situation gives context to the balance of power between individual rights and the extent of government intervention, a legal dilemma that remains relevant even beyond the specifics of cemetery regulation.