

Title: Hon. Ma. Lourdes C. Fernando et al. vs. St. Scholastica's College et al.

Facts:

St. Scholastica's College (SSC) and St. Scholastica's Academy-Marikina, Inc. (SSA-Marikina) owned parcels of land within the jurisdiction of Marikina City. The land had a tall concrete perimeter fence, which had been in existence for 30 years. City Ordinance No. 192 was enacted by Marikina City, which set height restrictions on fences and required certain fences to be 80% see-through and some to be setback for a parking area. SSC received a notice requiring them to comply with the ordinance.

After several exchanges with city officials asserting the ordinance, SSC filed a petition for prohibition with a writ of preliminary injunction and temporary restraining order with the Regional Trial Court (RTC). SSC argued that the implementation of the ordinance would amount to de facto appropriation of their property without due process and without payment of just compensation. The petitioners (Marikina City officials) countered by arguing that the ordinance was a valid exercise of police power for the public's safety, health, and general welfare.

The RTC granted the writ of preliminary injunction, and after considering the merits, permanently prohibited the petitioners from implementing Ordinance No. 192 against SSC, asserting that it amounted to an illegal taking of property.

Upon appeal to the Court of Appeals (CA), the appellate court affirmed the RTC's decision, stating that the ordinance effectively took the respondents' property without due process.

The petitioners then escalated the matter to the Supreme Court, raising issues on the validity of the exercise of police power and eminent domain, alleging violation of due process with retrospective application, and asserting the validity of the city ordinance.

Issues:

1. Whether or not Ordinance No. 192, Series of 1994, represents a valid exercise of police power.
2. Whether or not the enforcement of Ordinance No. 192 is an exercise of the power of eminent domain.
3. Whether or not the implementation of City Ordinance No. 192 violated the due process clause.
4. Whether or not the ordinance can have retroactive application.

Court's Decision:

The Supreme Court denied the petition, affirming the decision of the RTC but modifying it to specify that the respondents are permanently enjoined from enforcing Sections 3.1 and 5 of Ordinance No. 192 against SSC's property. The Court found that these sections of the ordinance were not reasonable exercises of police power and were oppressive to private rights. The setback requirement was ruled as a form of taking of property for public use without just compensation, violating the Constitution. The requirement for the 80% see-thru fence proved excessive, had no reasonable basis, and was unduly intrusive on property and privacy rights.

Doctrine:

This case reiterates the limitations of police power and eminent domain. Police power requires the concurrence of a lawful subject and a lawful method, and cannot be used to permanently divest owners of beneficial use of property solely for aesthetic purposes. Eminent domain necessitates compensation for private property taken for public use. Legislation, even under the guise of correcting insufficiencies in previous laws, may not retroactively impair vested substantive rights.

Class Notes:

1. Police Power: A government's power to regulate for the public welfare, health, and safety.
2. Eminent Domain: The government's power to take private property for public use with just compensation.
3. Due Process: The constitutional guarantee against deprivation of life, liberty, or property without following proper legal procedure and fairness.
4. Separability Clause: If parts of a statute are found to be unconstitutional, other parts that can be separated from the invalid parts can still be enforced.

Historical Background:

Ordinance No. 192 was enacted during the 1990s within the jurisdiction of Marikina City amidst an effort to modernize and improve the cityscape. It was within the broader context of urban development and initiatives such as the "Clean and Green Program." The controversy highlights the tension between local government exercises of power and individual property rights. It provides historical insight into the scope and limits of local legislative actions against the background of constitutional protections.