

****Title:** Robidante L. Kabling et al. vs. The National Housing Authority and The Republic of the Philippines**

****Facts:**** The petitioners, originally composed of a group of individuals later joined by others, filed a petition against the National Housing Authority (NHA) and the Republic of the Philippines challenging the constitutionality of Presidential Decree (P.D.) No. 1808. They contended that the decree violated their constitutional rights by depriving them of their property without due process and just compensation, denied them equal protection under the law, and impaired the obligation of contracts. They further claimed that their properties were not suitable subjects for government expropriation.

The legal journey began with the filing of the original petition on July 14, 1981. The respondents were ordered to comment, leading to a series of submissions by both sides, including the NHA's detailed development and compensation efforts for the affected properties. After an amended petition was admitted by the Supreme Court which introduced the argument of non-publication of P.D. No. 1808, the case eventually led to the dismissal of the amended petition for lack of merit on July 22, 1985. This was followed by a motion for reconsideration by the petitioners, which was ultimately denied by the Court, affirming the constitutionality of P.D. No. 1808 and the actions taken under it.

****Issues:**** The Supreme Court was tasked to examine whether P.D. No. 1808 violated the Constitution by depriving property without due process and just compensation, denying equal protection of the laws, and impairing contract obligations.

****Court's Decision:**** The Court denied the motion for reconsideration, affirming the dismissal of the amended petition for lack of merit. It held that P.D. No. 1808 did not violate the Constitution as claimed. The Court justified the decree as a valid exercise of the State's police power, aimed at resolving the land tenure problems in the Agno-Leveriza area to facilitate community development. It ruled that the challenge against P.D. No. 1808 based on contract impairment was without merit since the exercise of police power in the interest of public welfare prevails over the non-impairment clause. Furthermore, the Court stated that the petitioners could not claim deprivation of property without due process or just compensation as provisions were made for fair compensation, and unresolved compensation issues were subject to judicial determination.

****Doctrine:**** The Supreme Court reiterated the doctrine that the State's police power is paramount to individual rights in matters of public health, safety, and welfare. It also

reinforced the principle that the guarantee of non-impairment of obligations is subject to the legitimate exercise of police power.

****Class Notes:****

- ****Police Power:**** The inherent power of the state to regulate or restrict property rights in the interest of public health, safety, morals, and general welfare.
- ****Non-Impairment Clause:**** Constitutional provision that contracts must not be impaired by subsequent laws. However, this is subject to the State's police power.
- ****Due Process and Just Compensation in Expropriation:**** Government may not take property without following proper legal procedures and ensuring just compensation, except under police power for public welfare.
- ****Relevant Statutes/Cases:****
- ****P.D. No. 1808:**** Directs cancellation and reconveyance of certain properties for upgrading under Zonal Improvement Program (ZIP).
- ****Export Processing Zone Authority vs. Hon. Ceferino Dulay:**** Reference for judicial determination of just compensation.

****Historical Background:**** P.D. No. 1808 was promulgated within the context of government efforts to address urban housing challenges, particularly for underprivileged communities. The Agno-Leveriza Tenant Association Subdivision development, as part of the Zonal Improvement Program, aimed at resolving tenure issues and improving living conditions in selected depressed areas. This case exemplifies the tension between state development initiatives and individual property rights within the legal and socio-political landscape of the Philippines during the period of martial law and its aftermath.