

### Title: Heirs of Alberto Suguitan vs. City of Mandaluyong

### Facts:

The roots of this case trace back to October 13, 1994, when the Sangguniang Panlungsod of Mandaluyong City passed Resolution No. 396, S-1994, authorizing Mayor Benjamin S. Abalos to initiate expropriation proceedings over Alberto Suguitan's property located at Boni Avenue and Sto. Rosario Streets. The intended purpose was to expand the Mandaluyong Medical Center. Suguitan refused to sell the property following an offer by Mayor Abalos, leading the City of Mandaluyong to file an expropriation complaint with the Regional Trial Court (RTC) of Pasig, marked as SCA No. 875, on March 13, 1995.

Suguitan's motion to dismiss the complaint was denied by the trial court on October 24, 1995. Subsequently, the court, acting on a motion by the City of Mandaluyong, ordered Suguitan's immediate property possession upon the city's deposit of P621,000, which was 15% of the property's fair market value. By December 14, 1995, Mandaluyong City took control of the property through a court-sanctioned writ of possession. Controversy arose when petitioners contended that the city's power of eminent domain could only be exercised via an ordinance as per section 19 of Republic Act (RA) 7160, not a resolution. This objection led to the appeal to the Supreme Court after the trial court ruled in favor of the expropriation.

### Issues:

1. Whether the City of Mandaluyong's use of a resolution, instead of an ordinance, to initiate expropriation proceedings was lawful.
2. Whether the City of Mandaluyong properly exercised its delegated power of eminent domain in accordance with section 19 of RA 7160 (Local Government Code of 1991).

### Court's Decision:

The Supreme Court granted the petition, reversing and setting aside the trial court's decision. The ruling clarified that the exercise of eminent domain by a local government unit (LGU) requires an ordinance, and not merely a resolution, as mandated by section 19 of RA 7160. An ordinance is legislated law by a local government council, differing substantially from a resolution, which merely expresses the council's opinion or sentiment on specific matters. Thus, in accordance with RA 7160 and due process, initiating expropriation proceedings and appropriating public funds for property acquisition demands enactment of an ordinance.

### Doctrine:

The Supreme Court reasserted the necessity for a local government unit to enact an ordinance, not a mere resolution, to validly exercise the power of eminent domain. This aligns with the requirement under Section 19 of RA 7160, asserting that not only is methodical legislation necessary, but it also secures the right to due process for the property owner. Any deviation from this process is illegal and void.

### Class Notes:

- **Eminent Domain**: Sovereign power to take private property for public use, with just compensation.
- **RA 7160, Section 19**: LGUs can exercise eminent domain via an ordinance, not a resolution, establishing the legal procedure for expropriation.
- **Ordinance vs. Resolution**: An ordinance is a permanent legislative act within its jurisdiction. A resolution is a temporary act that is a mere expression of opinion or mind of the legislative body.
- **Due Process in Eminent Domain**: Property can't be taken without judicious procedure that includes an ordinance and just compensation.

### Historical Background:

The case underscores the tension between local government autonomy and property rights within the context of the Philippines' Local Government Code (RA 7160), which was designed to empower LGUs while ensuring due process rights are safeguarded. It highlights the judicial system's role in mediating this balance, affirming that while LGUs have significant autonomy, they must exercise their powers within the boundaries of the law to ensure individual rights are not infringed.