

Title:

Frabelle Properties Corp. vs. AC Enterprises, Inc.: A Case Analysis on Noise Pollution and Nuisance Law

Facts:

Frabelle Properties Corporation, the petitioner, manages Frabella I Condominium in Legaspi Village, Makati, and lodged complaints against AC Enterprises, Inc., the respondent, for nuisance claims due to the latter's commercial building, Feliza Building, also in Legaspi Village. The petitioner alleged that the respondent's external air-conditioning units generated excessive noise and irritating hot air, affecting the petitioner and its tenants.

The petitioner had communicated its grievances to the respondent through letters and sought resolution through the Pollution Adjudication Board (PAB) and Makati City Mayor, but to no avail. Respondent made some modifications, but the petitioner regarded them as insufficient. Consequently, the petitioner filed a Complaint for Abatement of Nuisance with Damages against the respondent.

The trial process unfolded with both parties presenting evidence. The respondent underscored its voluntary steps to mitigate noise and hot air emissions, refuting the nuisance claim. The Regional Trial Court (RTC) ruled in favor of the petitioner, identifying the noise as a private nuisance and awarding damages. This decision was reversed by the Court of Appeals (CA), which found insufficient evidence of actionable nuisance, prompting a petition for review by the Supreme Court.

Issues:

1. Whether the noise emitted by the respondent's air-conditioning units constitutes an actionable nuisance.
2. Whether the petitioner is entitled to damages and attorney's fees.

Court's Decision:

The Supreme Court denied the petition, affirming the CA's decision and reasoning. It underscored the distinctions between mere annoyances tolerable within urban living and actionable nuisance, emphasizing that petitioner failed to substantiate its claims with preponderant evidence. The Court elaborated on the factors constituting nuisance and judged the evidence presented by petitioner as insufficient, particularly highlighting the reliability of recent noise pollution tests and the lack of significant harm demonstrated to the community or individual sensibilities. Damages and attorney's fees were also denied due

to the failure to establish a qualifying nuisance.

Doctrine:

The Supreme Court reiterated the doctrine that for noise to constitute a nuisance actionable by law, it must injuriously affect the health or comfort of the community or individuals to an unreasonable extent beyond the normal tolerances of urban living. The determination of whether an alleged disturbance constitutes a nuisance involves assessing the character of the locality, the evidence of physical discomfort, and the reasonableness of the defendant's actions.

Class Notes:

- **Nuisance Law**: The essence lies in the unreasonable interference with the use and enjoyment of property, not merely based on personal discomfort but on the substantial evidence of harm to the community or individual in ordinary sensibilities.
- **Burden of Proof**: The plaintiff must establish their claim of nuisance by a preponderance of evidence, demonstrating that the defendant's actions have exceeded reasonable community tolerances and have caused substantial harm or discomfort.
- **Evidence Evaluation**: The credibility, reliability, and preponderance of evidence, particularly in environmental and community disturbance cases, weigh heavily in court determinations. Recent, scientifically backed, and impartial assessments carry considerable weight.
- **Damages**: Claimants must substantiate the actual harm or loss suffered due to the defendant's actions to warrant damages, operating under the principle of *damnum absque injuria* (damage without wrongful act does not constitute a cause of action).

Historical Background:

This case underscores the evolving legal standards and societal tolerance in urban settings regarding environmental disturbances like noise pollution. It reflects on the judiciary's meticulous approach in distinguishing between ordinary urban living conditions and levels of disturbance rising to the level of legal nuisance, affirming the necessity of substantive evidence in such claims.