

### Title:

**\*\*Parayno vs. Jovellanos and The Municipality of Calasiao: A Discourse on Local Zoning, Police Powers, and Legal Precedents\*\***

### Facts:

The case began when some residents of Calasiao, Pangasinan petitioned its Sangguniang Bayan (SB) in 1989 to either close or relocate Concepcion Parayno's gasoline filling station, citing it as a public hazard. This petition prompted investigations by various municipal and national agencies, which eventually led the SB to recommend the station's closure or relocation via Resolution No. 50. The reasons cited for the recommendation included violations of zoning laws, building and fire safety codes, and concerns over health, safety, and traffic congestion.

Parayno contested the SB's decision, arguing that her gasoline filling station was governed by a different section of the Zoning Code (Section 21) than what the SB considered (Section 44), which deals with gasoline service stations. She further contended that a previous Housing and Land Use Regulatory Board (HLURB) decision in a case filed by Jose Jovellanos against her predecessor should bar the SB's actions based on res judicata principles.

Upon denial of her motions by the SB and her subsequent loss in the Regional Trial Court (RTC) of Dagupan City, Parayno took her case to the Court of Appeals (CA), which also denied her petition. This denial led her to elevate the matter to the Supreme Court of the Philippines under a petition for review on certiorari.

### Issues:

1. Whether the principle of ejusdem generis applied to Parayno's case.
2. The validity of the municipality's exercise of police powers in mandating the closure or relocation of Parayno's gasoline station.
3. Whether the principle of res judicata applied, barring the municipality's action against Parayno's gasoline station.

### Court's Decision:

The Supreme Court granted Parayno's petition, reversing the CA's decision. It held as follows:

1. **\*\*Ejusdem Generis Principle\*\***: The Court clarified that the Zoning Ordinance distinctly separated "gasoline service station" (Section 44) from "gasoline filling station" (Section 21), negating the applicability of the ejusdem generis principle. Thus, Section 44 was deemed

not to encompass Parayno's type of business.

2. **\*\*Exercise of Police Powers\*\***: The Court found the municipality's action to close or relocate Parayno's gasoline station an invalid exercise of police power, lacking due process and failing to satisfy the requisites of lawful application of police powers.

3. **\*\*Res Judicata Principle\*\***: The Supreme Court agreed that the principle of res judicata applied, as the issues raised by the municipality had been conclusively settled in a previous decision by the HLURB, which must be respected to prevent endless litigation.

### ### Doctrine:

The decision highlighted important legal doctrines, notably:

- **\*\*Ejusdem Generis\*\***: This legal principle holds that where a law lists specific classes of persons or things and then refers to them in general, the general statements only apply to the same kind of persons or things specifically listed.
- **\*\*Expressio Unius Est Exclusio Alterius\*\***: The express mention of one thing excludes all others. This was applied in distinguishing between gasoline service stations and gasoline filling stations under the zoning ordinance.
- **\*\*Res Judicata\*\***: A final judgment on the merits by a court having jurisdiction is conclusive of the rights of the parties and their privies in all other actions on points and matters determined in the former suit.

### ### Class Notes:

- **\*\*Zoning Laws\*\***: Distinguish between types of businesses and their governance under specific municipal codes.
- **\*\*Police Powers\*\***: Recognize the criteria for the lawful exercise of police powers by local government units, including the necessity for public interest and observance of due process.
- **\*\*Legal Maxims\*\***: Understand and apply the principles of ejusdem generis and expressio unius est exclusio alterius in statutory interpretation.
- **\*\*Res Judicata\*\***: Identify the elements required for the application of res judicata to prevent relitigation of settled disputes.

### ### Historical Background:

This case reflects the intricate balance between local government's regulatory authority under its police powers and property rights of individuals. It underscores the importance of clear legal guidelines and precedents in resolving disputes arising from municipal actions against private businesses deemed nuisances or hazards to the community.