

**\*\*Title:\*\* Republic of the Philippines v. Power Ads Intelli-Concepts Advertising and Production Corporation**

**\*\*Facts:\*\***

1. **\*\*Agreement and Circulars:\*\***

- On August 31, 2010, DPWH and MMDA signed a MOA deputizing MMDA to enforce rules on regulated signs under PD 1096 (National Building Code).
- MMDA issued Memorandum Circular No. 10, Series of 2011 and MMDA Regulation No. 04-004, Series of 2004, guidelines regulating billboards in Metro Manila.

2. **\*\*Notice of Demolition:\*\***

- MMDA issued a notice to Power Ads to demolish its billboard at Brgy. West Rembo, Makati for lack of necessary permits.

3. **\*\*Legal Action by Power Ads:\*\***

- Power Ads filed a Petition for Prohibition and Injunction with the RTC to stop the demolition, asserting undue delegation of rule-making power and lack of legal authority by MMDA.

4. **\*\*RTC Proceedings:\*\***

- January 20, 2012: RTC issued a TRO in favor of Power Ads.
- Power Ads amended its complaint twice, adding the City Building Official of Makati as a respondent.
- Both DPWH/MMDA and the City Building Official responded with answers.

5. **\*\*Writ of Preliminary Injunction Issued:\*\***

- May 11, 2016: RTC granted Power Ads' application for a writ of preliminary injunction.
- The DPWH/MMDA's motions to dissolve the writ were denied on August 12, 2016.
- Both filed motions for reconsideration, which were also denied.

6. **\*\*Appeal to the CA:\*\***

- DPWH and MMDA filed a Petition for Certiorari with the CA.
- CA affirmed the RTC's issuance of the writ, emphasizing that Power Ads had a validly obtained clearance and a vested property right.

**\*\*Issues:\*\***

1. **\*\*Whether the RTC committed grave abuse of discretion in issuing the writ of preliminary**

injunction:\*\*

- **Petitioners' Arguments:** Power Ads did not have the necessary building permit; the right to maintain billboards is a statutory privilege, not a vested right; the enforcement by MMDA was a compliance with PD 1096.

- **Respondent's Arguments:** The MMDA's actions were arbitrary and violated procedural due process; Power Ads had ongoing negotiations with OBO-Makati, thus their billboard shouldn't be demolished under a moratorium not applicable retrospectively; MMDA lacked the regulatory authority.

**Court's Decision:**

1. **Assessment of Right and Legal Permit:**

- **Prima Facie Evidence Required:** The Court found that Power Ads failed to establish prima facie evidence of an unmistakable right. The City Building Official's evidence cast doubt on the validity of the building permit allegedly issued to Power Ads.

2. **MMDA and OBO-Makati Coordination:**

- **MMDA's Subsequent Acts:** While MMDA first acted alone, subsequent enforcement actions were in coordination with OBO-Makati, which had jurisdiction under Section 205 of PD 1096.

3. **Due Process and Demolition Orders:**

- **Abatement/Demolition Process:** The OBO-Makati's letters dated April 4 and June 5, 2012 to Power Ads indicated the billboard violated building regulations, was a nuisance, and a dangerous structure, thereby meeting the requirements under the ARR for issuance of abatement or demolition orders.

4. **Trackworks Decision Distinction:**

- **MMDA Authority:** Unlike the Trackworks precedent, the efforts to dismantle Power Ads' billboard were backed by declarations from OBO-Makati that the structure violated PD 1096, thus validating MMDA's subsequent actions.

**Doctrine:**

1. **Prima Facie Requirement for Injunction:** A party seeking a writ of preliminary injunction must establish a clear and unmistakable right with prima facie evidence, not conclusively establish their claims, pending the full discussion of merits.

2. **Regulation and Due Process:** Proper coordination and adherence to prescribed legal

processes, such as seeking a building permit and appealing adverse declarations, are critical before issuing and enforcing demolition orders.

3. **Statutory Privilege vs. Vested Rights:** Ownership of billboards along public areas is a statutory privilege subject to compliance with national laws and regulations, not a vested right immune from regulatory authority.

**Class Notes:**

- **Rule 58 of Rules of Court:** Issuance of preliminary injunction depends on a demonstrable clear right and imminent substantial invasion.
- **Administrative Code Sec. 35:** OSG must represent government agencies in legal matters; agencies should not derail this function.
- **PD 1096 Section 301 & 205:** Building permits are essential for construction, and enforcement lies with Building Officials.
- **ARR Paragraph 8:** Detailed process for the abatement/demolition, highlighting due process in enforcement actions.

**Historical Background:**

This case illustrates the move towards stricter regulatory oversight on billboard installations in Metro Manila due to safety and aesthetic concerns. It highlights the complexity of administrative authority and the procedural rigours protecting property rights balanced against public safety and urban planning imperatives.