

JUANITA LAYSICO, PLAINTIFF-APPELLANT, VS. CITY GOVERNMENT OF QUEZON CITY, OFFICE OF THE MAYOR, TADEO M. PALMA, IN HIS CAPACITY AS SECRETARY TO THE MAYOR, VOLTAIRE B. ALCANTARA, ...

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MACALINO, J:

This is an appeal[1] from the Order[2] dated June 25, 2012 of the Regional Trial Court of Quezon City, Branch 96 in Civil Case No. Q-11-69662, the dispositive portion of which reads:

“WHEREFORE, premises considered, the Motion to Dismiss, filed by the respondents, is hereby GRANTED.

Let the instant petition be, as it is hereby dismissed.

As regards the Motion for Reconsideration and all other pending incidents, the same are already moot and academic.

SO ORDERED.”[3]

The facts, as culled from the records, are as follows:

On July 20, 2011, plaintiff-appellant Juanita Laysico (“Juanita”) filed an action for injunction with prayer for issuance of temporary restraining order,[4] alleging that she has been residing at No. 24 Mindoro St., cor. Cotabato, Quezon City since 1960. She further alleged that she acquired said property from Atty. Benito Ching (“Atty. Ching”) for PhP250,000.00 as evidenced by a “Deed of Absolute Sale”[5] dated October 30, 1996. Juanita averred that Atty. Ching acquired his rights from a certain B. E. San Diego, the purported registered owner of the property.

Prior to the filing of the action for injunction, a “Notice of Demolition”[6] dated July 8, 2011 addressed to Froilan Laysico (“Froilan”), Juanita’s son, was sent by Voltaire B. Alcantara, officer-in-charge of Task Force Copriss or “Control and Prevention of Illegal Structures and Squatting.” The said Notice states:

“Ipinaalam sa inyo na mayroong ORDER na may petsang June 30, 2011, ang Kalihim ng Punong Lungsod (Secretary to the Mayor/City Building Official) ng Lungsod Quezon na nagsasaad ng mga sumusunod:

“Republic Act 9207”

Binibigyan kayo ng 15 araw/palugit mula sa pagkakatanggap nito upang kusang loob ninyong baklasin ang inyong istruktura at kusang loob na umalis at kung hindi ang Tanggapang ito ay mapipilitang ipatupad ang nasabing kautusan.”

A Memorandum[7] dated June 30, 2011 and signed by Tadeo M. Palma, the Secretary to the Mayor, was attached to the notice. The Memorandum provides in part:

“The area subject for re-blocking and the demolition of various structures are presently occupied by Ms. Juanita Laysico and Mr. Froilan Laysico/Carina Nuguid. This area has been identified by the National

Government Center Eastside Development Project as part of the National Government Center and is to be allocated to qualified beneficiaries.

The affected occupants shall be allotted their respective lot assignments within same subdivision should they meet the requirements prescribed by the National Government Center Eastside Development Project.

The area to be cleared will accommodate qualified NGC beneficiaries particularly affected by the construction of additional school building for Pres. Corazon Aquino Elementary at IBP Road, Barangay Batasan Hills.

The National Government Center East development Project Administrator, Engr. Antonio P. Del Rosario has already served notices of re-blocking to the concerned potential beneficiaries of the homeowners association, including Mr. Froilan Laysico, [e]t [a]l. The latter did not heed on the notice of the Project Administrator and persuasions made by the officers of Cotabato Homeowners Association.

On two (2) occasions, May 13, and 19, 2011, Respondents (sic) Froilan Laysico was invited for a meeting. However, the scheduled meetings were ignored.

In the Implementing Rules and Regulations of Republic Act No. 9207 of the “National Government Center Housing and [L]and Utilization Act of 2003,” the Quezon City Local Government Unit is tasked to undertake demolition of structures, in accordance with existing laws, rules and regulations of the National Government Center.”

Juanita and Froilan responded to the Notice and Memorandum through counsel in a letter[8] dated July 15, 2011 and insisted that Juanita purchased the subject property from Atty. Ching and denied that Froilan ignored the meetings. They also pointed out in the same letter the lack of court order for eviction and demolition.

The trial court in due course, conducted a hearing on the application for a temporary restraining order and thereafter issued a “Resolution”[9] dated August 12, 2011 disposing as follows:

“WHEREFORE, a TEMPORARY RESTRAINING ORDER (TRO) is hereby issued for a period of Twenty (20) days from receipt hereof by the respondents. During the said period, the defendants public respondents, their successors, agents, assignees, and any and all persons or entities acting in their behalf or as authorized or in coordination with the public respondents, are hereby directed to DESIST and to REFRAIN from enforcing and implementing a Notice of Eviction and/or Demolition upon the plaintiff.

xxx.

SO ORDERED.”[10]

On August 18, 2011, defendants-appellees Tadeo M. Palma and Voltaire B. Alcantara filed a “Motion to Dismiss,”[11] arguing that Juanita has no clear and unmistakable right over the subject property. They pointed out that Juanita did not apply for qualification as beneficiary of the Community Development Plan of National Government Center-East Development Project, therefore she shall be evicted from the project, citing Section 3 of the Implementing Rules and Regulations of Republic Act No. 9207 or the National Government Center Housing and Land Utilization Act of 2003, and Holy Spirit HOA, et al. v. Secretary Michael Defensor, et al.[12] They further asserted that the demolition is valid and lawful and adequate relocation is no longer necessary as Juanita failed to apply for qualification, thus waiving her right to become a beneficiary of the project.

The trial court granted the Motion to Dismiss, reasoning that Juanita has no unequivocal right entitled to be protected by law through a writ of injunction because she failed to establish her ownership and title over the property. Juanita sought reconsideration[13] of the Order dismissing the action for injunction but the same was denied by the trial court in its Order[14] dated October 17, 2012. On appeal, Juanita raises the following issues:

“1. WHETHER OR NOT THE LOWER COURT IS CORRECT IN DISMISSING THE PETITION ON THE

BASIS OF THE MOTION TO DISMISS WHICH CONTAINED MERE ALLEGATIONS WITHOUT ANY EVIDENCE PRESENTED IN SUPPORT THERETO.

2. WHETHER OR NOT IT IS LEGAL FOR THE LOWER COURT TO SIMPLY IGNORE THE RIGHTS OF THE PLAINTIFF-APPELLANT OVER THE DEED OF ABSOLUTE SALE EXECUTED IN HER FAVOR OVER THE LOT AND THE HOUSE SUBJECT MATTER OF THIS CASE AS WELL AS THE IMPROVEMENTS INTRODUCED THEREON ESPECIALLY WHEN ON RECORD DEFENDANTS-APPEL[L]EES DO NOT CLAIM OWNERSHIP OVER THE SAME.

3. WHETHER OR NOT THE LOWER COURT ACTED JUDICIOUSLY IN DISREGARDING THE VIOLATION OF DUE PROCESS COMMITTED BY DEFENDANT[S]-APPELLEES WHEN THEY PROCEEDED TO THE HOUSE OF PLAINTIFF-APPELLANT TO CONDUCT DEMOLITION OF HER PROPERTY WITHOUT ANY NOTICE OR LEGAL BASIS IN CLEAR VIOLATION OF R.A. 7279.

4. WHETHER OR NOT THE CITY GOVERNMENT OF QUEZON CITY HAS THE LEGAL RIGHT TO EVICT PLAINTIFF-APPELLANT OR DEMOLISH HER HOUSE WHEN IT HAS STATED ON RECORD THAT SAID LOCAL GOVERNMENT HAS NO TITLE OVER THE SUBJECT PROPERTY NOR HAS PRESENTED ANY TITLE OVER THE SAID PROPERTY IN FAVOR OF THE NATIONAL GOVERNMENT CENTER OR ANY AUTHORITY TO CONDUCT DEMOLITION FROM ANY GOVERNMENT AGENCY OR THE COURT.

5. WHETHER OR NOT THERE WAS FAILURE ON THE PART OF THE LOWER COURT TO RECOGNIZE THE RIGHTS OF THE PLAINTIFF-APPELLANT OVER THE PROPERTY AT ISSUE IN THIS CASE WHERE SHE HAS BEEN IN ACTUAL PEACEFUL AND CONTINUOUS POSSESSION FOR MORE THAN 60 YEARS AS AGAINST THE DEFENDANTS-APPEL[L]EES WHO HAVE NO TITLE, PRIOR POSSESSION OR EVEN CLAIM OF OWNERSHIP OVER THE SAME.”[15]

Juanita asserts that defendants-appellees have no right to evict her from the subject premises because the offices that they represent, the Quezon City Government and the National Government Center failed to present their title. She underscores the lack of notice to evict which is violative of her constitutional right against deprivation of property without due process of the law and of R.A. No. 7279.[16]

The appeal is meritorious.

Herein defendants-appellees opted to file a motion to dismiss upon the ground that, “[t]he petition states, and petitioner has, no cause of action.” A cause of action is the act or omission by which a party violates a right of another. The existence of a cause of action is determined by the allegations in the complaint. A complaint is said to sufficiently assert a cause of action if, admitting what appears solely on its face to be correct, the plaintiff would be entitled to the relief prayed for. The elementary test for failure to state a cause of action is whether the court may render a valid judgment upon the facts alleged in the complaint. The inquiry is into the sufficiency, not the veracity of the material allegations. If the allegations in the complaint furnish sufficient basis on which it can be maintained, it should not be dismissed regardless of the defense that may be presented by the defendants. Failure to state a cause of action is properly a ground for a motion to dismiss under Section 1(g), Rule 16 of the Rules of Court, while lack of cause of action is not a ground for dismissal.[17]

In the instant case, plaintiff-appellant specifically alleged the facts which formed the basis of her right and the wrongful acts and omissions of defendants-appellees, to wit:

“3. That [plaintiff-appellant] has been residing at the [subject property] since 1960 and paying the said property on installment to Atty. Benito Ching until said property was fully paid, copy of the Deed of Sale is hereto attached and marked as Annex “A”.

xxx

5. That, [plaintiff-appellant] has built her house and that of her children, among whom is FROILAN LAYSICO and spent money for the development of the subject premises such as perimeter fencing, landfill, planting of agricultural products.

xxx

9. That, a NOTICE OF DEMOLITION (Paunawa sa Pagbabaklas) dated July 8, 2011 addressed to FROILAN LAYSICO was sent by [defendant-appellee] VOLTAIRE B. ALCANTARA giving FROILAN LAYSICO a period of 15 days from receipt to voluntarily vacate the subject premises otherwise, the order of demolition shall be implemented, copy of the said notice is hereto attached and marked as Annex "B".

xxx

13. That, there is no notice of meeting or notice of demolition given to the herein [plaintiff-appellant], being the owner of the property which [defendants-appellees] desire to demolish, hence, to proceed with the demolition would obviously violate the constitutional right of [plaintiff-appellant] against deprivation of property without due process and result to irreparable damage, which though not capable of pecuniary estimation will result to at least P500,000.00 actual damage being an innocent purchaser for value and builder in good faith.

14. That, [defendants-appellees] are not the owners of the property which they intend to occupy for and on behalf of their intended beneficiaries nor have they shown any legal right to exercise demolition over the subject property.

xxx

19. That, serious and grave injustice shall be committed by [defendants-appellees] against [plaintiff-appellant] and her family once the eviction and demolition is enforced despite its non-compliance with the provisions of Republic Act 7279."[18]

Hypothetically admitting the truth of these allegations, plaintiff-appellant can seek relief from the court against defendants-appellees. The argument that plaintiff-appellant has no cause of action is not a ground for dismissal and defenses such as ownership of the National Government Center of the subject property, failure of plaintiff-appellant to apply for qualification as beneficiary, and non-compliance with the 30-day notice requirement, still have to be established on trial.

Plaintiff-appellant was not given a chance to prove and establish that she has a clear and actual right that ought to be protected. The main action of injunction seeks a judgment embodying a final injunction. There are vital facts that have yet to be presented during the trial and the trial court needs to conduct substantial proceedings in order to put the main controversy to rest, which in this case is whether or not the applicant is entitled to an injunctive writ.[19] Note that plaintiff-appellant based her claim of ownership over the subject property on the strength of a notarized Deed of Absolute Sale from a certain Atty. Benito O. Ching, Jr., and on the fact that she is in actual possession of the property for many years. She also raised issues regarding the lack of notice of demolition and violation of the provisions of R.A. No. 7279. Defendants-appellees on the other hand, have to prove the alleged ownership of the government and the satisfaction of the requirements of R.A. No. 9207 and 7279. These allegations presented factual issues that called for evidence.

Without an opportunity to present evidence regarding their respective claims and without showing that the acts sought to be restrained have already been accomplished or fully executed, the action for injunction should not be dismissed.[20]

WHEREFORE, in view of all the foregoing, the instant appeal is GRANTED. The Order dated June 25, 2012 of the Regional Trial Court of Quezon City, Branch 96 in Civil Case No. Q-11-69662 is REVERSED and SET ASIDE. The case is REMANDED to the Regional Trial Court of Quezon City, Branch 96 for further proceedings.

SO ORDERED.

Villon (Chairperson) and Corales, JJ., concur.

[1] Rollo, pp. 21-39.

[2] Rollo, pp. 40-43.

[3] Rollo, pp. 42-43.

[4] Records, pp. 1-10.

[5] Records, p. 11.

[6] Records, p. 12.

[7] Records, pp. 13-14.

[8] Records, pp. 15-17.

[9] Records, pp. 49-51.

[10] Records, p. 51.

[11] Records, pp. 56-62.

[12] G.R. No. 163980, August 3, 2006.

[13] Records, pp. 126-134.

[14] Records, p. 160.

[15] Rollo, pp. 30-31.

[16] Otherwise known as the “Urban Development and Housing Act of 1992.”

[17] Unicapital, Inc., et al. v. Consing, Jr., et al., G.R. Nos. 175277 and 175285, September 11, 2013 and Consing, Jr. v. Macaraig-Guillen, et al., G.R. No. 192073, September 11, 2013.

[18] Records, pp. 2-7.

[19] Urbanes, Jr. v. Court of Appeals, et al., G.R. No. 117964, March 28, 2001.

[20] Manila Banking Corporation v. Court of Appeals and Luzon Brokerage Corporation, G.R. No. L-45961, July 3, 1990.

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