

HONORATA B. MANGUBAT, PETITIONER, VS. HON. ANTONIO J. VILLEGAS, CITY MAYOR OF MANILA; M. CUDIAMAT, CITY TREASURER OF MANILA; GAUDENCIO STA. ANA, MARKET ADMINISTRATOR, CITY OF MA...

G.R. No. L-28141. March 16, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

The Court resolves this appeal pending since 1967. The facts are stated in the decision appealed from:

Market stall PS-16-B of the Manila Central Market was originally registered in the name of Benito Barredo, husband of Valentina de la Paz, the above couple being the parents of petitioner Honorata B. Mangubat and a brother, Pablo Barredo, who died before his father, Benito Barredo. The respondent, Dominador Barredo, is the son of the said Pablo Barredo.

It is Honorata B. Mangubat and Dominador Barredo who are now contesting for the right and occupancy of the market stall in question.

Under the provision of Section 20 of the Market Code quoted above, upon the death of Benito Barredo, the right to occupy said market stall passed to his surviving spouse, Valentina de la Paz. This woman continued the occupation of said stall until she died at the ripe age of 82 years. The petitioner tried to eject her nephew, Dominador Barredo, from said stall, and in a separate legal action before the city authorities, the City Treasurer appears to have rendered the decision in her favor. The petitioner was claiming that her mother was already very old and no longer fit to engage in business and occupy the said stall. Upon another investigation, it was however found that Valentina de la Paz, although old, was still actively in management and occupancy of said premises and that the report as to her mental condition showed that there was no impairment with her mind. During this time, Valentina de la Paz authorized the herein respondent, Dominador Barredo, to occupy the said stall for her and even executed an affidavit in favor of Dominador Barredo, passing her right over said market stall to her grandson, Dominador Barredo. In the meantime, the Mayor's Office was asked to intervene in this case, and upon proper investigation, the Mayor decided that the herein petitioner could not qualify to occupy said stall because her daughter, unmarried, and living with petitioner, was already the registered holder of several market stalls in the same market. And under the provisions of Section 20 of the Market Code, the petitioner is disqualified to further apply for possession of another stall.[1]

The lower court[2] dismissed the petition and held for the private respondent, Dominador Barredo. The petitioner appealed to this Court on pure questions of law.

Pending further proceedings, this Court, on December 14, 1983, issued a resolution requiring "the parties and the City Officials of the City of Manila to SHOW CAUSE why, with the passage of time and intervening events resulting in change of the circumstances of the parties, the appeal in this case should not be declared moot and academic." [3] On July 15, 1987, we reiterated this resolution, requiring the parties to "MANIFEST whether or not they are still interested in prosecuting this case." [4]

On December 14, 1987, the Court received a manifestation from the Office of the City Legal Officer (Manila) informing the Court that "the market stall in question has been registered and occupied since 1975 by one Aurelia, who is still the present holder thereof." [5] Pursuant to our resolution of January 1, 1988, we required said Aurelia Andres to comment to the petition within ten days from notice. [6] Since then, this Court has received manifestations [7] from the parties praying that the appeal be resolved. Aurelia Andres has not however filed the required comment.

In finding for the private respondent, it was the opinion of the court a quo, that:

xxx (t)he right to occupy the stall now devolves on the respondent, Dominador Barredo. This is based on the consideration of several facts that upon the death of Benito Barredo, the right to occupy said stall passed to Valentina de la Paz. On the death of Valentina de la Paz, the Court believes that the successional right of Dominador Barredo is better than that of his aunt, Honorata B. Mangubat, because the grandmother, Valentina de la Paz, was living with Dominador Barredo, and that Dominador Barredo was the supporting member of the family. This is especially and particularly provided by the Manila Market Code. [8]

The Court rejected the petitioner's claim, she being already a stallholder. [9]

The City of Manila's Market Code, as amended, provides as follows:

SECTION 1. Section 20 Ordinance No. 2898, known as the Market Code, as amended by Ordinance No. 2959 is hereby further amended by adding thereto the following provisos:

"PROVIDED, That if an adjudicated regular stallholder dies, or, becomes physically incapacitated permanently for work, the surviving spouse, if living together, may succeed said adjudicated stallholder to the occupancy of the stalls thereof; PROVIDED, HOWEVER, That if the stallholder leaves no spouse, or, is physically incapacitated, the eldest legitimate son or daughter, as the case may be, upon whom devolves the support of the family of the deceased or incapacitated stallholder, shall be the one next in line to succeed said stallholder; AND PROVIDED, FURTHER, That no drawing of lots shall be required in this case, and that this succession in the occupation of market stalls shall be limited to cases where the surviving spouse, son, or daughter, as the case may be, is a citizen of the Philippines." [10]

We agree with the court insofar as it denies the petitioner the right to succeed as stallholder following her mother's death. As found by the court, the petitioner was, at the time of the controversy, already a stallholder in the same market. She is, hence, disqualified from holding another stall whether by right of succession or pursuant to a bid. This is provided by Section 13 of the Market Code. [11]

We, however, reverse the court insofar as it sustains the private respondent's claim over the same stall. For clearly, the private respondent is not one of those granted the right to succeed a deceased stallholder.

The resolution of the respondent City Mayor declared the stall vacant pursuant to Section 20 of the Code. We accordingly sustain the City Mayor and dismiss this appeal.

WHEREFORE, the appeal is DISMISSED. Stall No. Ps-16-B, Central Market is hereby declared VACANT, and accordingly, open for new bids, with the QUALIFICATION that should the present occupant, Aurelia Andres, have been holding the same pursuant to a valid bid, her occupancy should be respected.

No costs.

IT IS SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, and Padilla, JJ., concur.

[1] Record, 143-149.

[2] Court of First Instance of Manila, Branch XVI, Bocar, Juan, Presiding Judge.

[3] Rollo, 32.

[4] Id., 39.

[5] Id., 40.

[6] Id., 44.

[7] Id., 43, 45.

[8] Record, id., 146.

[9] Id.

[10] Id., 143-144.

[11] See id., 31, 146.

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