

**CONCEPCION ABELLA, PLAINTIFF AND APPELLEE VS.
MUNICIPALITY OF NAGA, ET AL., DEFENDANTS. MUNICIPALITY OF
NAGA, DEFENDANT AND APPELLANT.**

G.R. No. L-3738. November 20, 1951

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7594b0af57dc/>

TUASON, J.:

This is an appeal from a judgment of the Court of First Instance of Camarines Sur sentencing the municipality of Naga, now Naga City, to pay the plaintiff, now appellee, P300 damages resulting from the closing of a municipal street.

The complaint alleged two causes of action and the parties submitted in the court below an agreed statement of facts on both. As the second cause of action was dismissed and the plaintiff did not appeal, and as the stipulated facts are long and somewhat involved and many or most of them have become irrelevant to the issues formulated in this appeal, it will suffice to state for the purpose of these issues, that the defendant municipality by resolution ordered the closing of that part of a municipal street which ran between the public market and the plaintiff's property, and used the closed thoroughfare to expand the market. "As a consequence of this resolution, and immediately after the passage of the same,—says the agreement—permanent, semi-permanent, as well as temporary constructions were allowed by the defendant municipality of Naga along the sidewalk of plaintiff's property and abutting to said property, facing P. Prieto Street, and extending out in the middle of the same street, hence depriving the plaintiff's property of access to said street, and consequently retarding her reconstructions." It was further stipulated "that if at all damages is to be awarded the plaintiff, the same should not exceed the sum of Three hundred pesos (P300)."

The appellant is the municipality of or city of Naga and the burden of its contention is that "it acted and exercised its police power" "prompted to preserve the peace and good order of the community and promote the general welfare;" and this being the case, it believes that it is not liable for damages.

The appellant misses the point. The municipality or city of Naga was not charged with any unlawful act, or with acting without authority, or with invasion of plaintiff's property rights; the basis of the lower court's decision is Section 2246 of the Revised Administrative Code copied in appellant's brief, which provides that no municipal road, street, etc. or any part thereof "shall be closed without indemnifying any person prejudiced thereby."

The question then for determination by the court below was reduced to whether the plaintiff was prejudiced by defendant municipality's action. That she was economically damaged, the stipulation of facts admits; and that the indemnity assessed is within the bounds of the damages suffered, there is no dispute. As a matter of fact, the damages awarded seem to be nominal judged by the description of the plaintiff's interests adversely affected by the conversion of P. Prieto Street into a market.

The appeal is absolutely without merit, and the appealed decision will be affirmed, with costs against the appellant.

Paras, C.J., Feria, Pablo, Bengzon, Padilla, Reyes, Jugo, and Bautista Angelo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.