

FELICIDAD MEJORADA, ET AL., PETITIONERS-APPELLANTS, VS. THE MUNICIPAL COUNCIL OF DIPOLOG, ET AL., RESPONDENTS-APPELLEES.

G.R. No. L-37389. August 31, 1973

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

In this appeal questioning the constitutionality of a municipal resolution, certified to this Court on August 20, 1973 by the Court of Appeals, the Court affirms the appealed judgment upholding the validity of the resolution and reiterates the settled doctrine that courts will not lightly set aside legislative action unless a clear invasion and trans-gression of personal or property rights under the guise of police regulation is shown.

Petitioners, holders and occupants under lease without a term of ordinary stalls Nos. 37 and 38 of the public market of Dipolog, Zam-boanga del Norte filed on April 4, 1964 in the court of first instance of the province their petition for declaratory relief for a declaration of unconstitutionality of Resolution No. 73 passed on February 27, 1964 by the municipal council and duly approved by respondent mayor converting stalls Nos. 37 and 38 into meat stalls and giving petitioners as occupants until March 31, 1964 within which to vacate the same. Petitioners moved for reconsideration of the resolution, but the municipal council after suspending its enforcement pending study, subsequently denied the same. Hence, the petition filed by petitioners assailing the resolution as impairing the obligation of contracts and being oppressive and discriminatory.

Respondents traversed the petition averring that petitioners' stall leases had no fixed period but were renewable from month to month and petitioners were duly given a thirty-day period to vacate the premises; that the resolution was prompted by public welfare as the two stalls were near the meat stalls and there was need to expand the meat section, which would provide the municipality with more revenue.

The lower court granted petitioners on April 13, 1964 a writ of preliminary injunction upon a P1,000-bond, enjoining the enforcement of the resolution in question.

The parties submitted the case on a stipulation of facts on the factual background and on the pleadings filed by them. Under date of August 12, 1964, the lower court rendered its decision upholding the validity and constitutionality of the challenged resolution and dissolving the preliminary injunction issued by it.

Petitioners appealed in due course to the Court of Appeals, which as per its resolution of August 20, 1973 certified the appeal to this Court, involving as it does purely question of law, viz, the constitutionality of the resolution in question, which appertain to this Court's exclusive jurisdiction.

The Court finds no merit in the appeal.

No error was committed by the lower court in finding that petitioners' leases were deemed on a month-to-month basis since they were paying their rentals at the rate of P10.00 monthly, pursuant to Article 1687 of the Civil Code, and that the challenged resolution could not be voided as being oppressive, discriminatory and class

legislation as con-tended by petitioners as their occupancy of the stalls were subject to the municipal council's legislative and supervisory authority over the stalls in the interest of the public welfare. The council in the exercise of its prerogative had found it necessary and profitable to expand the market's meat section by the absorption of petitioners' stalls which were near the meat section.

Petitioners, who presented no evidence on their behalf, thus failed to make out any case of oppression or discrimination that would warrant the nullification of the resolution. As further stressed in res-pondents' brief, after the conversion of the stalls into meat stalls and following the prescribed procedure, the same were to be bidden first, in which bid petitioners were free to participate, with the highest bidder being awarded the right to lease and operate the same.

This is but in line with the doctrine consistently followed by the Court that the courts will not lightly set aside legislative action un-less a clear invasion and transgression of personal or property rights under the guise of police regulation is shown, since in the case of muni-cipalities, the councilors as the elected representatives of the people, must in the very nature of things be familiar with the necessities of their particular municipality and with all the facts and circumstances which surround the subject and necessitate action. Hence, the presumption of validity and that their regulations and actions are essential and beneficial to the welfare and well-being of the people.[*]

Petitioners' side-issue on appeal, raised for the first time on appeal, that the lower court's failure to call the parties for a pre-trial before setting the case for trial vitiated the proceedings is patently un-meritorious. The submittal by the parties of their stipulation of facts when the case was called for hearing fulfilled in actuality, if not in form, the very object of having a pre-trial of obtaining stipulations or admissions of facts and simplification of the issues so as to arrive at a prompt dis-position of the action. Petitioners are of course barred by estoppel and by their failure to timely raise the question in the proceedings below.

ACCORDINGLY, the appealed judgment is hereby affirmed, with costs against petitioners-appellants.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Fernando, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[*] See U. S. vs. Salaveria, 39 Phil 102, cited in Ermita-Malate Hotel-Motel Operators' Assn. vs. City Mayor of Manila, 20 SCRA 849 (1967) and other cases cited therein.

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