

**TINIG NG MARALITA AT KATIYAKAN SA PANINIRAHAN, INC.,
IRMELDA REGALADO, ALJUH N MAMENG, NORLY NAVALES, JR.,
FRANCISCA GUANSING, EMILIA DEMA FELIX AND NORLY NAVALES,
SR. PLAINTIFF-A...**

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

The Tatalon Estate has been the subject of too many legal discords. This is one such case involving an Appeal from the Decision[1] dated 23 July 1999 of the Regional Trial Court of Quezon City, Branch 87, dismissing plaintiff-appellants' Complaint for Damages in Civil Case No. Q-94-18989.

The records reveal these antecedents:

Plaintiff-appellant Tinig ng Maralita at Katiyakan sa Paninirahan, Inc. ("Tinig ng Maralita") is a duly organized homeowners association representing individual plaintiff-appellants Irmelda Regalado, Aljuhn Mameng, Norly Navales, Jr., Francisca Guansing, Emilia Demafelix and Norly Navales, Sr., all occupants of certain portions of Barangay Tatalon, Quezon City.

On 27 October 1993, individual members of the Tinig ng Maralita received from defendant-appellee National Housing Authority (NHA), the administrator of the Tatalon Estate Housing Project[2], a Patalastas ng Paglilikas[3], pertinent portions of which read:

"Ito ay hinggil sa inyong paninirahan sa loteng pag-aari ng National Housing Authority sa ilalim ng RA 2616 at PD 1261.

Kaugnay ng mga pagpapapulong na ginanap sa tanggapan ng NHA TEUBP sa mga panahong nagdaan, nais namin ipabatid sa inyo na kayo ay nakatakdang ilikas ng pamahalaan sa pamamagitan ng aming tanggapan magmula sa Macatao Area, Block 533 Araneta Ave. Q. City Tatalon Estate, Quezon City, na inyong kinalalagyan sa ngayon, hanggang Sapang Palay Resettlement Project pagkatapos ng Sampung araw (10) days sa pagtanggap ng abisong ito, upang maisakatuparan ang pagsasaayos ng nasabing lugar alinsunod sa kasalukuyang batas na pinaairal.

Kung mayroon kayong suliranin sa takdang paglilikas ng inyong istruktura sa nasabing lugar, mangyari lamang na makipag-ugnayan kayo sa aming tanggapan sa lalong madaling panahon bago dumating ang araw ng paglilikas.

Inaasahan po namin ang inyong malugod na pakikipagtulungan tungo sa ikauunlad ng ating lipunan at ng ating pamahalaan."

The scheduled ejectment as announced in the afore-quoted Patalastas ng Paglilikas did not materialize as in fact it was only on 17 January 1994 that the eviction took place.[4] Consequently, several members of the Tinig ng Maralita were displaced and evicted from their home.

Positing that the eviction was done without prior notice and without the proper court order, Tinig ng Maralita filed

a Complaint for Damages[5] against NHA before the Regional Trial Court of Quezon City, docketed as Civil Case No. Q-94-18989, subsequently raffled to Branch 87.

Tinig ng Maralita averred that its members have been living in the subject land for 14 long years[6] so that their eviction violated their Constitutionally protected property rights as their houses were condemned without previous hearing.[7] More significantly, Tinig ng Maralita asserted that its members were not squatters who could be summarily ejected from their homes, but rather they were bonafide owners by virtue of the Deed of Absolute Sale[8] dated 9 December 1993 executed in their favor by the previous owners, the heirs of Blas Fajardo and Pantaleona Santiago. To this end, Tinig ng Maralita called the court a quo's attention to a pending Petition for Reconstitution of Original Certificate of Title[9] supposedly covering the disputed portions of Barangay Tatalon. Individual plaintiff-appellants thus prayed that they be awarded damages for the injury they allegedly suffered on account of the unjust eviction and demolition, to wit:

Irmelda Regalado - P10,0000.00

Aljhun Mameng - P10,0000.00

Norly Navales, Jr. - P10,0000.00

Francisca Guansing - P10,0000.00

Emilia Demafelix - P15,0000.00

Norly Navales, Sr. - P15,0000.00[10]

NHA, on the other hand, resolutely stood its ground that it is the owner and administrator of the Tatalon Estate as bolstered by TCT Title Nos. RT-28755 (257595)[11] and RT-28746 (257597)[12]. NHA narrated that it acquired the Tatalon Estate from its previous owners J.M. Tuazon and Company, Inc., Gregorio Araneta and Company, Inc., and Florencio Deudor, et al.[13] through expropriation proceedings by virtue of Republic No. Act 2616[14] which took effect way back on 3 August 1959. As admitted by Tinig ng Maralita, its members have been staying on the disputed land for 14 years or since 1980 only. Only those families who were included in the 1958 and 1976 Census shall be accorded priority over the expropriated lots sold at cost by the Philippine Government.

Denying that members of the Tinig ng Maralita were never furnished any notice of the impending eviction and demolition, NHA avowed that several dialogues and conferences were conducted with the representative of the Tinig ng Maralita in attendance.[15] Moreover, the relocation of the members of the Tinig ng Maralita to Sapang Palay was approved by the General Manager of NHA by virtue of a Memorandum[16] dated 26 January 1993 and by NHA Management Committee's Resolution No. 1544[17] dated 21 September 1993.

Weighing the conflicting stance of the parties, the court a quo rendered the Decision[18] dated 23 July 1999 ruling thus:

“In view of all the foregoing considerations and in line with the rulings issued by the Supreme Court on similar cases, the complaint for damages based on alleged violation of property rights filed by plaintiffs Tinig Ng Maralita At Katiyakan Sa Paninirahan, Inc., et al., versus the defendant National Housing Authority (NHA) is hereby DISMISSED.

SO ORDERED.”

Hence, this Appeal raising the following assignment of errors:

I.

THE TRIAL COURT ERRED IN HOLDING THAT PLAINTIFF-APPELLANT ASSOCIATION HAD NOT PRE-SENTED AN IOTA OF EVIDENCE TO PROVE ITS OWNERSHIP OVER THE SUBJECT PROPERTY, DISRE-GARDING THE FACT THAT APPELLANT ASSOCIATION HAD A DEED OF SALE WHICH SHOULD HAVE BEEN GIVEN WEIGHT AS AGAINST THE REGISTERED TITLES OF THE DEFENDANT-APPELLEE NHA.

II.

THE TRIAL COURT ERRED IN HOLDING THAT PLAIN-TIFFS-APPELLANTS DO NOT HAVE THE RIGHT TO OCCUPY THE SUBJECT PROPERTY.

III.

THE TRIAL COURT ERRED IN HOLDING THAT DE-FENDANT-APPELLEE HAD THE RIGHT TO DEMOLISH PLAINTIFFS-APPELLANTS' STRUCTURES BUILT ON NHA PROPERTY, DISREGARDING AND OVERLOOKING THE FACT THAT APPELLANTS HAVE THE RIGHT TO OCCUPY THE SUBJECT PROPERTY.

IV.

THE TRIAL COURT ERRED IN HOLDING THAT PLAIN-TIFFS-APPELLANTS HAVE NO RIGHT TO COLLECT DAMAGES FROM THE DEFENDANT-APPELLEE NHA, AND IN NOT HOLDING THAT APPELLANTS ARE RIGHTFULLY ENTITLED TO THE AWARD OF DAMAGES ARISING FROM THE HIGHLY ARBITRARY, ILLEGAL AND UNJUSTIFIED ACTS OF APPELLEE NHA IN DEMOLISHING THE HOUSES OF SOME OF THE INDIVIDUAL APPELLANTS AND IN THREATENING TO DEMOLISH THE OTHER HOUSES OR IMPROVEMENTS OF THE APPELLANTS AND OTHER MEMBERS OF APPELLANT ASSOCIATION.

After an assiduous evaluation of the records, illumined by the evidence and the prevailing law and jurisprudence, We find the Appeal bereft of merit.

This is an action for damages primarily anchored on NHA's supposed violation of Tinig ng Maralita's property rights. In resolving this case, one crucial question necessarily comes to mind— Are individual-appellants, herein members of Tinig ng Maralita, truly the owners of the disputed portions of the Tatalon Estate?

We rule in the negative.

We refuse to accord credence to the nebulous claim of ownership interposed by appellant Tinig ng Maralita for to do so would reopen the floodgates for yet another drawn-out litigation over this issue. It need not be emphasized that this matter was decisively settled by no less than the Supreme Court in *Tiburcio, et al. v. PHHC and U.P*[19], *Galvez v. Tuason*[20], and *People's Homesite and Housing Corporation v. Mencias*[21]. These cases categorically and positively sustained the ownership of the previous owners of the Tatalon Estate, namely J.M. Tuazon and Company, Inc., Gregorio Araneta and Company, Inc. and Florencio Deudor, et al.

Then, with the enactment of Republic Act No. 2616[22], expropriation proceeding over the Tatalon Estate with the end in view of developing the property and selling them to the present bona fide occupants commenced. Years later, Pre-sidential Decree No. 1216[23] duly authorized the National Housing Authority as the administrator of the Tatalon Estate. This is precisely the reason why appellee NHA has in its favor TCT Title Nos. RT-28755 (257595)[24] and RT-28746 (257597)[25]. Certainly, appellant Tinig ng Maralita's specious claim of ownership on the basis of a Deed of Absolute Sale[26] dated 9 December 1993 executed in its favor by the alleged previous owners of the disputed portions of the Tatalon Estate, the heirs of Blas Fajardo and Pantaleona Santiago, crumbles in the face of TCT Title Nos. RT-28755 (257595)[27] and RT-28746 (257597)[28] issued in the name of appellee

NHA.

Having settled this query, We now proceed to the *lis mota* of this action for damages— whether appellant Tinig ng Maralita was denied due process as its members were evicted from their homes supposedly without previous notice, and without the proper court order.

Appellant Tinig ng Maralita is clutching at straws.

Distinctly appearing on the records are the Minutes of the Meeting[29] dated 26 October 1993 and 6 November 1993 which proved without an iota of doubt that a number of discourses and conferences were conducted by the NHA precisely to apprise members of appellant Tinig ng Maralita of the impending demolition, the relocation site allocated for them, and such other matters relative thereto. Moreso, members of appellant Tinig ng Maralita were furnished individual letters of ejectment as shown by the Patalastas ng Paglilikas[30] dated 27 October 1993. NHA even posted notices of eviction[31] in conspicuous places in Barangay Tatalon.

To Our mind, this is more than sufficient compliance with due process especially when juxtaposed with the mandate of PD 1472[32]:

“SECTION 2. The National Housing Authority shall have the power to summarily eject, without the necessity of judicial order, any and all squatters’ colonies or government resettlement projects, as well as, any illegal occupant in any homelot, apartment or dwelling unit owned or administered by it. In the exercise of such power, the National Housing Authority shall have the right and authority to request the help of the Barangay Chairman and any peace officer in the locality. Illegal occupant as used in this Decree shall mean to include those awardees or lessees whose right to occupy or lease the subject homelot, apartment or dwelling unit has already ceased by reason of his violation of the conditions of his award of lease agreement executed in his favor by the National Housing Authority or its predecessors-in-interest. In all these cases, however, proper notice of ejectment either by personal service or by posting the same in the lot or door of the apartment as the case may be given to the squatter or illegal occupant concerned as the case may be at least 10 days before his scheduled ejectment from the premises. The provision of Section 2 of Republic Act No. 6026 that no awardee shall be ejected unless he is transferred to another housing project or to his hometown with the assistance of the Department of Social Welfare is hereby repealed.” (Emphasis supplied)

A reading of the afore-quoted Section 2 of PD 1472 clearly shows that no judicial order is necessary to eject members of appellant Tinig ng Maralita from the property in litigation. The constitutionality of PD 1472 insofar as it allowed the ejectment of illegal occupants of the Tatalon Estate even without a judicial order has long been upheld in the 1982 case of *Mendoza v. National Housing Authority*[33]. Speaking through Justice Concepcion, Jr., the Highest Court declared:

“(Petitioners) cannot therefore be said to be deprived of property which is not legally theirs.

At any rate, Presidential Decree No. 1472 does not violate the constitutional due process clause since it requires proper notice of ejectment to the squatter or illegal occupant concerned either by personal service or by posting the same in the lot or door of the apartment as the case may be at least 10 days before his scheduled ejectment from the premises, which has been amply complied with in the case of the petitioners. Here, notices of ejectment were served upon the petitioners after it had been determined that they are not “Tatalon Estate beneficiaries” and, consequently, squatters on the land occupied by them. As squatters, they are a public nuisance which can be abated even without judicial proceedings.” (Emphasis supplied)

Invariably, We give Our imprimatur to the wise dis-quisitions of the court a quo:

“All the foregoing considered vis-à-vis the arguments of the plaintiffs (Tinig ng Maralita) as regards the rightful owner of the subject property, the Court is convinced that defendant NHA’s evidence, both testimonial

and documentary which are sufficiently substantiated by applicable laws and decisions of the Supreme Court, weigh heavily in its favor. Therefore, the issues raised (sic) are hereby resolved, thus:

- Defendant NHA had the right to demolish the plaintiffs' structures built on NHA property after sufficient notices were served on said plaintiffs regarding their relocation to Sapang Palay Resettlement Area. Plaintiff's continued resistance to remove their structures from subject property despite notification delayed the government's infrastructure of P.D. No. 1472, said agency is authorized to summarily eject such illegal occupants.

- Plaintiffs do not have the right to collect damages as they anchored their claim solely on a supposed deed of sale which appears to have been hurriedly executed after they were formally informed by defendant NHA that they are occupying NHA property and that they are scheduled for relocation to Sapang Palay in view of the impending infrastructure development of the said area. Since they failed to show proof that they have actual and existing right over the subject property, there was, therefore, no violation of property rights, hence, they are not entitled to collect damages for alleged violation thereof.

- Plaintiffs do not have the right to occupy the subject property. While they claim to have been occupants thereof for fourteen years, verification showed that they were not included in the 1958 census of the Aranetas and the 1976 census of the NHA which were made the basis for awarding homelots. They were illegal occupants or squatters.”[34]

All told, the cause of appellant Tinig ng Maralita and the individual members thereof necessarily fails.

WHEREFORE, the Appeal is hereby DENIED. The Decision dated 23 July 1999 of the Regional Trial Court of Quezon City, Branch 87, is AFFIRMED.

SO ORDERED.

Buzon, and Maambong, JJ., concur.

[1] Rollo, pp. 83-99; Records, Vol. I, pp. 320-335.

[2] By virtue of Presidential Decree No. 1261 dated 15 December 1977 entitled AMENDING REPUBLIC ACT NO. 2616, PROVIDING ADDITIONAL FUNDS FOR THE ACQUISITION OF THE TATALON ESTATE AND DESIGNATING THE NATIONAL HOUSING AUTHORITY AS THE ADMINISTRATOR OF THE TATALON ESTATE HOUSING PROJECT; Records, Vol. I, pp. 193- 196.

[3] Records, Vol. I, p. 9.

[4] Paragraph 2.6 of the Complaint dated 18 January 1994; Records, Vol. I, p. 3.

[5] Records, Vol. I, pp. 1-8.

[6] Paragraph 3.3 of the Complaint dated 18 January 1994; Records, Vol. I, p. 6.

[7] TSN, Norly Navales, 11 July 1996, p. 3.

[8] Records, Vol. I, pp. 10-12.

[9] Id.,pp. 106-109.

[10] Paragraph 2.7 of the Complaint dated 18 January 1994; Records, Vol. I, p. 4.

[11] Records, Vol. I, p.25.

[12] Id., p. 26.

[13] Section 1 of Republic Act No. 2616.

[14] Entitled AN ACT PROVIDING FOR THE EXPROPRIATION OF THE TATALON ESTATE IN QUEZON CITY AND FOR THE SALE, AT COST, OF THE LOTS THEREIN TO THEIR PRESENT BONA FIDE OCCUPANTS, AND AUTHORIZING THE APPROPRIATION OF TEN MILLION PESOS FOR THE PURPOSE.

[15] See Minutes of Meeting dated 26 October 1993 and 8 November 1993; Records, Vol. I, pp. 27-30.

[16] Records, Vol. I, pp. 33-34.

[17] Id., pp. 38-39.

[18] Records, Vol. I, pp. 320-335; Rollo, pp. 83-99.

[19] 106 Phil 477 (1959).

[20] 10 SCRA 344 (1964)

[21] 20 SCRA 1031 (1967).

[22] Supra at Note 14.

[23] Supra at Note 2.

[24] Records, Vol. I, p.25.

[25] Id., p. 26.

[26] Id.,pp. 10-12.

[27] Records, Vol. I, p.25.

[28] Id., p. 26.

[29] Id.,pp. 27-30.

[30] Id., p. 9.

[31] See Patalastas dated 28 April 1994; Records, Vol. I, p. 45.

[32] Entitled AMENDING REPUBLIC ACTS NOS. 4852 AND 6026 BY PROVIDING ADDITIONAL GUIDELINES IN THE UTILIZATION, DISPOSITION AND ADMINISTRATION OF ALL GOVERNMENT HOUSING AND RESETTLEMENT PROJECTS, effective 11 June 1978.

[33] 111 SCRA 637, 647-648 (1982).

[34] Pages 16-17 of the assailed Decision dated 23 July 1999; Records, Vol. I, pp. 334-335; Rollo, pp. 98- 99.

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