NATIONAL HOUSING AUTHORITY, PETITIONERS, VS. HONORABLE MAURO T. ALLARDE, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 123, KALOOKAN CITY AND SPOUSES RUFINO AND JUANITA MA...

G.R. No. 106593. November 16, 1999

Ponente: PURISIMA, J.

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PURISIMA, J.:

Before the Court is a Petition for Certiorari under Rule 65 of the Revised Rules of Court assailing the Order,[1] dated April 8, 1992, of Branch 123 of the Regional Trial Court of Kalookan City,[2] in Civil Case No. C-15325, which granted the motion of the herein private respondents for the issuance of a writ of preliminary injunction, and the Order[3] of August 4, 1992, denying petitioner's motion for reconsideration.

The facts that matter may be culled as follows:

Lots 836 and 839, registered in the name of the Republic of the Philippines, and covered by Transfer Certificates of Title No. 34624 and No. 34627, respectively, were acquired by the Republic on April 2, 1938 from Philippine Trust Company.[4] Said lots form part of the Tala Estate in Bagong Silang, Kalookan City, which, on April 26, 1971, was reserved by Proclamation No. 843 for, among others, the housing programs of the National Housing Authority.

According to private respondent Rufino Mateo, he had lived in the disputed lots since his birth in 1928. In 1959, he started farming and working on a six-hectare portion of said lots, after the death of his father who had cultivated a thirteen-hectare portion of the same lots.[5]

On September 1, 1983, the National Housing Authority notified the respondent spouses of the scheduled development of the Tala Estate including the lots in question, warning them that it would not be responsible for any damage which may be caused to the crops planted on the said lots.[6]

In 1989, private respondent Rufino Mateo filed with the Department of Agrarian Reform a petition for the award to them of subject disputed lots under the Comprehensive Agrarian Reform Program (CARP).[7]

In January 1992, in pursuance of the implementation of Proclamation No. 843, petitioner caused the bulldozing of the ricefields of private respondents, damaging the dikes and irrigations thereon, in the process.

On March 18, 1992, the respondent spouses, relying on their claim that subject lots are agricultural land within the coverage of the CARP,[8] brought before the respondent Regional Trial Court a complaint for damages with prayer for a writ of preliminary injunction, to enjoin the petitioner from bulldozing further and making constructions on the lots under controversy. Petitioner traversed such complaint, contending that the said lots which were previously reserved by Proclamation No. 843 for housing and resettlement purposes, are not covered by the CARP as they are not agricultural lands within the definition and contemplation of Section 3 (c) of R. A.

No. 6657.[9]

On April 8, 1992, the respondent Court issued its assailed Order granting private respondents' prayer for a writ of preliminary injunction; opining and ruling thus:

> "x x x
>
> The Court, after considering the testimony of herein plaintiff Rufino Mateo as well as the Agrarian Reform Officer, Danilo San Gil, that the herein plaintiffs have been occupying the subject property and actual tillers/farmers of the land owned by the government and registered in the name of, and administered by, the NHA, the land being an agricultural land and is, therefore, covered by the Comprehensive Agrarian reform Program (CARP), is of the opinion that in order to maintain the status quo of the subject property that the aforesaid prayer for the issuance of the said writ should be, as it is hereby, GRANTED.
>
> WHEREFORE, upon the filing by the herein plaintiffs of a bond, in the amount of P5,000.00 duly approved by this Court, let a writ of preliminary injunction be immediately issued restraining the defendants herein from bulldozing and making any constructions on the land farmed and tilled by plaintiffs located in Phase IX, Bagong Silang, Kalookan City, designated as lot 836 of the Tala Estate and of dispossessing them of said land, or until further orders by this Court.
>
> SO ORDERED"[10]

Dissatisfied therewith, the petitioner presented a Motion for Reconsideration, pointing out that the preliminary injunction thus issued is a blatant violation of P.D. No. 1818, which proscribes the issuance of injunctive writs against the execution or implementation of government infrastructure projects. But on August 4, 1992, the said motion was denied by respondent Court's second Order under attack.

Undaunted, petitioner found its way to this Court via the Petition under consideration, theorizing that:

> I.
>
> RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN RENDERING HIS ORDER OF APRIL 8, 1992 GRANTING RESPONDENT'S SPOUSES' APPLICATION FOR PRELIMINARY INJUCNTION AND ISSUING THE WRIT OF PRELIMINARY INJUNCTION DATED APRIL 15, 1992, BECAUSE HE HAD NO JURISDICTION TO ISSUE IT AND THEY ARE NOT ENTITLED TO IT.
>
> II
>
> RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN RENDERING HIS ORDER OF AUGUST 4, 1992 DENYING PETITIONER'S MOTION FOR RECONSIDERATION AND ADDENDUM THERETO ON THE FINDING THAT THE GROUNDS RAISED THEREIN ARE EVIDENCIARY IN NATURE, DESPITE THE FACT THAT THEY ARE ALL SETTLED LEGAL QUESTIONS.[11]

As a rule, direct recourse to this Court is not allowed unless there are special or important grounds for the issuance of extra-ordinary writs.[12] In the case of Garcia vs. Burgos,[13] where pure questions of law were raised, this Court, mindful of P.D. No. 1818, entertained a direct invocation of its jurisdiction to issue extraordinary writs, realizing the serious consequences of delay in essential government projects.[14] So also, in Republic vs. Silverio,[15] a similar case involving government infrastructure projects, the Court Took cognizance of an original action for Certiorari against a Regional Trial Court.

In light of the foregoing, the Court believes, and so holds, that the present case merits consideration by the Court. To the end that the prosecution and progress of government projects vital to the national economy be not

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disrupted or hampered, this Court should pass upon and resolve the questions of law raised by the petitioner.

The pivotal issues for resolution here are: 1) Whether or not the Compressive Agrarian Reform Law (CARL) covers government lands reserved for specific public purposes prior to the effectivity of said law; and 2) Whether or not housing, plants and resettlements are "infrastructure projects" within the contemplation of P.D. No. 1818.

The petition is impressed with merit.

In Natalia Realty, Inc. vs. Department of Agrarian Reform,[16] the Court succinctly held that lands reserved for, or converted to, non-agricultural uses by government agencies other than the Department of Agrarian Reform, prior to the effectivity of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), are not considered and treated as agricultural lands and therefore, outside the ambit of said law,[17] on the basis of the following disquisition:

> "x x x Section 4 of R.A. 6657 provides that the CARL shall 'cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands.' As to what constitutes 'agricultural land,' it is referred to as 'lands devoted to agricultural activity as defined in this Act and not classified as mineral, forest, residential, commercial or industrial land. The deliberations of the Constitutional Commission confirm this limitation. 'Agricultural lands' are only those lands which are 'arable and suitable agricultural lands' and 'do not include commercial, industrial and residential lands'
>
> Based on the foregoing, it is clear that the undeveloped portions of the Antipolo Hills Subdivision cannot in any language be considered as 'agricultural lands.' These lots were intended for residential use. They ceased to be agricultural lands upon approval of their inclusion in the Lungsod Silangan Reservation. x x x"[18]

Thus, since as early as April 26, 1971, the Tala Estate (including the disputed lots) was reserved, inter alia, under Presidential Proclamation No. 843, for the housing program of the National Housing Authority, the same has been categorized as not being devoted to the agricultural activity contemplated by Section 3 (c) of R.A. No. 6657,[19] and is, therefore, outside the coverage of the CARL. Verily, the assailed Orders of the respondent Court declaring the lots under controversy as "agricultural land" and restraining the petitioner from involving the same in its housing project thereon, are evidently bereft of any sustainable basis.

Section 1 of Presidential Decree No. 1818, provides:

> "SECTION 1. No court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project, or a mining, fishery, forest or other natural resource development project of the government, or any public utility operated by the government, including among others public utilities for the transport of the goods or commodities, stevedoring and arrastre contracts, to prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project, or the operation of such public utility, or pursuing any lawful activity necessary for such execution, implementation or operation" (Emphasis supplied)

Clearly, the aforecited provision of law in point prohibits the Courts of the land from issuing injunctive writs against the implementation or execution of government infrastructure projects.[20]

Untenable is private respondents' contention that the housing and resettlement projects at stake are not infrastructure projects within the purview of Presidential Decree No. 1818.[21]

As regards the definition of infrastructure projects, the Court stressed in Republic of the Philippines vs. Salvador Silverio and Big Bertha Construction:[22]

> "The term `infrastructure projects' means `construction, improvement and rehabilitation of roads, and bridges,

> railways, airports, seaports, communication facilities, irrigation, flood control and drainage, water supply and sewage systems, shore protection, power facilities, national buildings, school buildings, hospital buildings, and other related construction projects that form part of the government capital investment."[23]

Applying the principle ejusdem generis, the Court is of the view, and so holds, that the government projects involved "(2) For the various plants and installations of the National Housing Corporation, for its future expansion and for its staff and pilot housing development,"[24] and "(5) For housing, resettlement sites and other uses necessary and related to an integrated social and economic development of the entire estate and environs, x x x."[25] are "infrastructure projects". The various plants and installations, staff and pilot housing development projects, and resettlement sites related to an integrated social and economic development of the entire estate are construction projects forming part of the government capital investment, undertaken in compliance with the mandate of the Constitution for the state to embark upon a continuing program of urban land reform and housing envisioned to provide at affordable cost decent housing and basic services to the unprivileged and homeless in urban centers and resettlement areas.[26]

The questioned Orders of respondent Court (which is bound to follow P.D. No.1818),[27] enjoining or preventing the implementation of subject housing and resettlement projects under the administration of the National Housing Authority, are repugnant to Presidential Decree No. 1818. Well-settled to the point of being elementary is the doctrine that "before a writ of preliminary injunction may issue, there must be a clear showing by the complaint of a right to be protected" and that the acts against which the writ is to be directed infringe such right.[28] Here, it is decisively clear that the private respondents have no right to the relief sought for.

Premises studiedly viewed in proper perspective, the Court is of the irresistible finding and conclusion that the respondent Court gravely abused its discretion in issuing the challenged Orders in Civil Case No. C-15325.

WHEREFORE, the petition is GRANTED; the Orders, dated April 8, 1992 and August 4, 1992, respectively, of the Regional Trial Court of Kalookan City, in Civil Case No. C-15325 are hereby SET ASIDE; and the writ of preliminary injunction issued by virtue thereof DISSOLVED. Costs against the private respondents.

SO ORDERED.

Melo (Chairman), Vitug, and Gonzaga-Reyes, JJ., concur.
Panganiban, J., in the result.

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[1] Annex "H", Rollo, p. 35.

[2] Presided by Judge Mauro T. Allarde.

[3] Annex "N", Rollo, p. 56.

[4] Motion to Dismiss, Annex "C", Rollo, pp. 26-27.

[5] Complaint, Annex "A", Rollo, p. 21.

[6] Motion for Reconsideration, Annex "I", Rollo, p. 37.

[7] Republic Act No. 6657; approved on June 10, 1988

[8] Complaint, Rollo, p. 21.

[9] Memorandum, Rollo, p. 128.

[10] Annex "H", Rollo, p. 35.

[11] Petition, Rollo, p. 10.

[12] Uy vs. Contreras, 237 SCRA 167, p.170.

[13] 291 SCRA 546 [1998].

[14] Id., p. 578.

[15] 272 SCRA 280 [1997].

[16] 225 SCRA 278.

[17] Id., p. 283.

[18] Natalia, supra, pp.282- 283, citing: Sec. 3©, R.A. 6657; and Luz Farms v. Secretary of Agrarian Reform, 192 SCRA 51, citing Record, CONCOM, 7 August 1986, Vol. III, p. 30.

[19] Sec. 3 (c). Agricultural Land refers to land devoted to agricultural activity as defined in this Act and not classified as mineral, forest, residential, commercial or industrial land.

[20] Garcia vs. Burgos, 291 SCRA 546, pp. 571 - 572; citing: Republic of the Philippines vs. Salvador Silverio and Big Bertha Construction, G.R. No. 108869 [May 6, 1997].

[21] Comment, Rollo, pp. 73 - 74.

[22] 272 SCRA 280.

[23] Ibid, pp. 286 - 287; citing: Letter of Instruction No. 1186, promulgated on January 13, 1982, 83 VLD 79; Philippine Ports Authority vs. CA, 253 SCRA 213 [1996].

[24] Presidential Proclamation No. 843.

[25] Ibid

[26] Section 9, Article XIII, 1987 Constitution.

[27] Garcia vs. Burgos, 291 SCRA 546, p. 578, citing: Section 1, Rule 129 of the Rules of Court.

[28] Ibid, citing: China Banking Corporation vs. Court of Appeals, 265 SCRA 327, 343, December 5, 1996, per Francisco, J.

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