

DE CASTRO HOMESITE, INC., PETITIONER, VS. HON. EMILIO L. LEACHON, JR., PRESIDING JUDGE, RTC BR. 224, QUEZON CITY; LERMA MILLARE, RAZEL ANA, MARITA ABRUA, ALFREDO ABRUA, MARICRIS...

G.R. NO. 124856. March 10, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us are two consolidated petitions, the pivotal issue of both being the constitutionality of Presidential Decree No. 772 or the “Anti-Squatting Law.”

G.R. No. 124856 involves a Petition for Certiorari dated 25 January 1996, challenging the legality of the Order[1] of the Regional Trial Court (RTC) of Quezon City, Branch 224, declaring Presidential Decree No. 772 unconstitutional, annulling the orders[2] of the Metropolitan Trial Court (MeTC) of Quezon City, Branch 35, which denied private respondents’ Motion to Quash and Motion for Reconsideration, and issuing a preliminary injunction against the MeTC, enjoining the latter from proceeding with the arraignment and trial of the criminal cases filed against private respondents.

G.R. No. 127971 on the other hand, pertains to a Petition for Review on Certiorari dated 20 March 1997, assailing the Court of Appeals Decision[3] denying their appeal and affirming the RTC decision[4] which sustained the denial of petitioners’ (defendants therein) Motion to Quash, on the ground that Pres. Decree No. 772 has not yet been finally declared unconstitutional under the 1987 Constitution or repealed by Republic Act No. 7279.[5]

G.R. No.124856

On 24 August 1993, petitioner De Castro Homesite, Inc., a duly organized corporation and the owner of twelve (12) parcels of residential land situated along 21st Avenue, Cubao, Quezon City, known as the Dupax Compound, filed a complaint against private respondents for violation of Pres. Decree No. 772.

After the preliminary investigation, the City Prosecutor of Quezon City, on 20 January 1995, resolved to file before the MeTC separate but identical Informations for violation of Pres. Decree No. 772 against all private respondents.

Private respondents, on 11 April 1995, filed a Motion to Quash the Information on the ground that Pres. Decree No. 772 is unconstitutional. Said Motion was denied by the MeTC which stated that said law has not yet been declared unconstitutional by the proper tribunal. A Motion for Reconsideration was subsequently denied.

With the denial of the Motion for Reconsideration, the lower court scheduled the arraignment of the respondents on 29 May 1995. On even date, counsel for the respondents informed the court that he had yet to receive the Order denying the Motion for Reconsideration, hence, the court a quo reset the arraignment on 31 August 1995 in order to give defendants time to take whatever legal step was necessary.

On 15 August 1995, private respondents filed a petition[6] before the Regional Trial Court (RTC) for Certiorari and Prohibition with Prayer for Preliminary Injunction and/or Temporary Restraining Order seeking to annul the orders denying the Motion to Quash and the Motion for Reconsideration, to enjoin the MeTC from proceeding with the arraignment of private respondents, and to have Pres. Decree No. 772 declared unconstitutional.

During the scheduled arraignment on 31 August 1995, counsel for private respondents requested for postponement alleging that they had previously filed a petition for Certiorari with prayer for issuance of a Temporary Restraining Order before the RTC.

Since no restraining order was issued by the RTC, Branch 97, the arraignment proceeded on 10 October 1995 where private respondents all entered a plea of “not guilty” to the charge of violation of Pres. Decree No. 772. The initial hearing was set on 11 January 1996 and continued on 11 March 1996.

Following the creation of several new branches of the Quezon City RTC, the Petition for Certiorari was reraffled to Branch 224, presided by respondent Judge Emilio L. Leachon, Jr. After which, the case was scheduled for pre-trial on 11 January 1996, but the same was cancelled as the presiding judge went on leave, and was reset for further pre-trial on 02 February 1996. On said date, the trial court directed the parties to file their respective memoranda, after which the case was submitted for resolution.

On 12 April 1996, the RTC issued an Order in favor of private respondents, the dispositive portion of which reads:

Accordingly, therefore, the Court hereby makes the following pronouncements:

- That Presidential Decree No. 772 is unconstitutional with the adoption of the 1987 Constitution and impliedly repealed by R.A. No. 7279;
- Setting aside as annulled the Orders of respondent Hon. Presiding Judge Gregorio Dayrit, MTC, Branch 35, Quezon City dated May 4, 1995 and June 22, 1995, denying the petitioners’ Motion to Quash; and
- Issuing the Writ of Preliminary Injunction to enjoin the respondent Court from proceeding to arraignment and trial in Criminal Cases Nos. 35-174, 35-175, 35-176, 35-178, 35-179, 35-180, 35-181, 35-183, 35-184, 34-186, 35-189, 35-196, 35-197, 35-198, 35-199, 35-200, 35-202, 35-203, 35-204, 35-205, 35-206 after posting of an injunction bond in the amount of P50,000.00.[7]

G.R. No.127971

On 10 November 1993, respondent De Castro Homesite, Inc., filed a complaint-affidavit before the Quezon City Prosecutor’s office against petitioners for violation of Pres. Decree No. 772. Pursuant to said complaint, four (4) Informations were filed against petitioners on 08 August 1994, and raffled to Branch 31 of the MeTC of Quezon City.

Petitioners filed on 27 September 1994 a motion to Quash said Informations on the ground that the facts charged do not constitute an offense since the constitutionality of Pres. Decree No. 772 was put into question with the adoption of the 1987 Constitution and the passage of Republic Act No. 7279.

The Motion to Quash was denied in an Order dated 17 November 1994, stating that the grounds relied upon in the Motion to Quash is evidentiary in character which could be properly ventilated during trial.

Petitioners filed a Motion for Reconsideration maintaining that the issues raised in the Motion to Quash are purely questions of law which have to be adjudicated in order to determine whether or not the case against petitioners may proceed. Said Motion for Reconsideration was subsequently denied in an Order dated 13 December 1994. The MeTC stated thus:

Considering however that P.D. 772 has not yet been declared unconstitutional by our Supreme Court, it is but proper for this court to accept the constitutionality of P.D. 772. True, it is not within the jurisdiction of this court to declare the constitutionality or unconstitutionality of P.D. 772, but the fact is that the same has not yet been declared unconstitutional.

In view of the above observations, the Motion for Reconsideration is hereby DENIED for lack of merit.[8]

On 20 February 1995, petitioner filed before the RTC a Petition for Certiorari and Prohibition with prayer for issuance of a Writ of Preliminary Injunction and/or Temporary Restraining Order, which was denied in a decision dated 05 May 1995. The RTC opined:

This Court finds no grave abuse of discretion committed by the judge a quo considering that P.D. 772 has not yet been finally declared by our Supreme Court as unconstitutional under the 1987 Constitution or repealed by RA 7279, the Urban Land Reform Law or Lina Law. Moreover, it has not yet been established that the petitioners are squatters and, therefore, as held below, the motion to quash in question is quite premature as submission of evidence is still required.

ACCORDINGLY, the instant petition is hereby DENIED.[9]

Petitioners then filed a Petition for Review with the Court of Appeals which was thereafter dismissed in the assailed decision of the appellate court.

Hence the consolidated petitions.

From the facts, it is clear that the controversies arising from the two consolidated cases center on the question of the constitutionality and legality of Pres. Decree No. 772 vis-à-vis the adoption of the 1987 Constitution and the enactment of Rep. Act No. 7279.

The solution to the above dilemma, however, has already been supplied by Congress with the enactment of the “Anti-Squatting Law Repeal Act of 1997” (Republic Act No. 8368) which took effect on 27 December 1997. Rep. Act No. 8368 was enacted solely for the purpose of expressly repealing Pres. Decree No. 772. Moreover, Section 3 thereof specifically provides that “all pending cases under the provisions of Presidential Decree No. 772 shall be dismissed upon the effectivity of this Act.”

Necessarily, the legal effect of this declaration by a co-equal branch of government renders superfluous further disquisition of the cases at hand.

Furthermore, after the repeal of Pres. Decree No. 772, the governing law with respect to the subject matter of “squatting” is now the Urban Development and Housing Act of 1992 (Rep. Act 7279). Under Article VII, Section 27 of said Republic Act:

[T]he local government units, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as herein defined.

Any person or group identified as such shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail of the benefits of the Program. A public official who tolerates or abets the commission of the above-mentioned acts shall be dealt with in accordance with existing laws.

For purposes of this Act, professional squatters or members of squatting syndicates shall be imposed the penalty of six (6) years imprisonment or a fine of not less than Sixty thousand pesos (P60,000) but not more than One hundred thousand pesos (P100,000), or both, at the discretion of the court.

Article I, Section 3 of Rep. Act No. 7279 defines “professional squatters” as individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have previously been awarded homelot or housing units by the Government but who sold, leased, transferred the same to settle illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing.

WHEREFORE, premises considered, the consolidated Petitions are hereby DISMISSED, correspondingly, Criminal Cases No. 35-174, 35-175, 35-176, 35-178, 35-179, 35-180, 35-181, 35-183, 35-184, 34-186, 35-189, 35-196, 35-197, 35-198, 35-199, 35-200, 35-202, 35-203, 35-204, 35-205, and 35-206 in G.R. No. 124856 and Criminal Cases No. 94-0126, 94-0127, 94-0128, and 94-0129 in G.R. No. 127971, are likewise DISMISSED.

No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Dated 12 April 1996, Rollo, pp. 117-122.

[2] Dated 4 May 1995 and 22 June 1995, respectively.

[3] Dated 24 January 1997, penned by now Associate Justice of the Supreme Court, Justice Cancio C. Garcia, with Associate Justices Eugenio Labitoria and Omar U. Amin concurring.

[4] Dated 05 May 1995.

[5] “Urban Development and Housing Act of 1992.”

[6] Docketed as Case No. Q-95-24735 and raffled to Branch 97.

[7] Rollo, p. 122.

[8] Rollo, p. 167.

[9] Rollo, p. 181.

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