

JUANA COMPLEX I HOMEOWNERS ASSOCIATION, INC., ANDRES C. BAUTISTA, BRIGIDO DIMACULANGAN, DOLORES P. PRADO, IMELDA DE LA CRUZ, EDITHA C. DY, FLORENCIA M. MERCADO, LEOVINO C. DATAR...

G.R. No. 152272. March 05, 2012

Ponente: MENDOZA, J.

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MENDOZA, J.:

Before the Court are two (2) consolidated petitions assailing the July 31, 2001 Decision[1] and February 21, 2002 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 60543, which annulled and set aside the March 3, 1999 Order[3] of the Regional Trial Court, Branch 25, Biñan, Laguna (RTC), granting the application for the issuance of a writ of preliminary injunction, and upheld the June 16, 2000 Omnibus Order[4] denying the motion to dismiss.

The Facts:

On January 20, 1999, Juana Complex I Homeowners Association, Inc. (JCHA), together with individual residents of Juana Complex I and other neighboring subdivisions (collectively referred as JCHA, et. al.), instituted a complaint[5] for damages, in its own behalf and as a class suit representing the regular commuters and motorists of Juana Complex I and neighboring subdivisions who were deprived of the use of La Paz Road, against Fil-Estate Land, Inc. (Fil-Estate), Fil-estate Ecocentrum Corporation (FEEC), La Paz Housing & Development Corporation (La Paz), and Warbird Security Agency and their respective officers (collectively referred as Fil-Estate, et al.).

The complaint alleged that JCHA, et al. were regular commuters and motorists who constantly travelled towards the direction of Manila and Calamba; that they used the entry and exit toll gates of South Luzon Expressway (SLEX) by passing through right-of-way public road known as La Paz Road; that they had been using La Paz Road for more than ten (10) years; that in August 1998, Fil-estate excavated, broke and deliberately ruined La Paz Road that led to SLEX so JCHA, et al. would not be able to pass through the said road; that La Paz Road was restored by the residents to make it passable but Fil-estate excavated the road again; that JCHA reported the matter to the Municipal Government and the Office of the Municipal Engineer but the latter failed to repair the road to make it passable and safe to motorists and pedestrians; that the act of Fil-estate in excavating La Paz Road caused damage, prejudice, inconvenience, annoyance, and loss of precious hours to them, to the commuters and motorists because traffic was re-routed to narrow streets that caused terrible traffic congestion and hazard; and that its permanent closure would not only prejudice their right to free and unhampered use of the property but would also cause great damage and irreparable injury.

Accordingly, JCHA, et al. also prayed for the immediate issuance of a Temporary Restraining Order (TRO) or a writ of preliminary injunction (WPI) to enjoin Fil-Estate, et al. from stopping and intimidating them in their use of La Paz Road.

On February 10, 1999, a TRO was issued ordering Fil-Estate, et al, for a period of twenty (20) days, to stop preventing, coercing, intimidating or harassing the commuters and motorists from using the La Paz Road. [6]

Subsequently, the RTC conducted several hearings to determine the propriety of the issuance of a WPI.

On February 26, 1999, Fil-Estate, et al. filed a motion to dismiss[7] arguing that the complaint failed to state a cause of action and that it was improperly filed as a class suit. On March 5, 1999, JCHA, et al. filed their comment[8] on the motion to dismiss to which respondents filed a reply.[9]

On March 3, 1999, the RTC issued an Order [10] granting the WPI and required JCHA, et al. to post a bond.

On March 19, 1999, Fil-Estate, et al. filed a motion for reconsideration[11] arguing, among others, that JCHA, et al. failed to satisfy the requirements for the issuance of a WPI. On March 23, 1999, JCHA, et al. filed their opposition to the motion.[12]

The RTC then issued its June 16, 2000 Omnibus Order, denying both the motion to dismiss and the motion for reconsideration filed by Fil-Estate, et al.

Not satisfied, Fil-Estate, et al. filed a petition for certiorari and prohibition before the CA to annul (1) the Order dated March 3, 1999 and (2) the Omnibus Order dated June 16, 2000. They contended that the complaint failed to state a cause of action and that it was improperly filed as a class suit. With regard to the issuance of the WPI, the defendants averred that JCHA, et al. failed to show that they had a clear and unmistakable right to the use of La Paz Road; and further claimed that La Paz Road was a torrens registered private road and there was neither a voluntary nor legal easement constituted over it.[13]

On July 31, 2001, the CA rendered the decision partially granting the petition, the dispositive portion of which reads:

WHEREFORE, the petition is hereby partially GRANTED. The Order dated March 3, 1999 granting the writ of preliminary injunction is hereby ANNULLED and SET ASIDE but the portion of the Omnibus Order dated June 16, 2000 denying the motion to dismiss is upheld.

SO ORDERED.[14]

The CA ruled that the complaint sufficiently stated a cause of action when JCHA, et al. alleged in their complaint that they had been using La Paz Road for more than ten (10) years and that their right was violated when Fil-Estate closed and excavated the road. It sustained the RTC ruling that the complaint was properly filed as a class suit as it was shown that the case was of common interest and that the individuals sought to be represented were so numerous that it was impractical to include all of them as parties. The CA, however, annulled the WPI for failure of JCHA, et al. to prove their clear and present right over La Paz Road. The CA ordered the remand of the case to the RTC for a full-blown trial on the merits.

Hence, these petitions for review.

In G.R. No. 152272, JCHA, et al. come to this Court, raising the following issues:

(A)

THE HONORABLE COURT OF APPEALS, IN HOLDING THAT A FULL-BLOWN TRIAL ON THE MERITS IS REQUIRED TO DETERMINE THE NATURE OF THE LA PAZ ROAD, HAD DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR AN EXERCISE OF THE POWER OF SUPERVISION.

(B)

THE HONORABLE COURT OF APPEALS, IN HOLDING THAT THE PETITIONERS FAILED TO SATISFY THE REQUIREMENTS FOR THE ISSUANCE OF A WRIT OF PRELIMINARY INJUNCTION, HAD DECIDED NOT IN ACCORD WITH LAW AND WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT.[15]

In G.R. No. 152397, on the other hand, Fil-Estate, et al. anchor their petition on the following issues:

I.

The Court of Appeals' declaration that respondents' Complaint states a cause of action is contrary to existing law and jurisprudence.

II.

The Court of Appeals' pronouncement that respondents' complaint was properly filed as a class suit is contrary to existing law and jurisprudence.

III.

The Court of Appeals' conclusion that full blown trial on the merits is required to determine the nature of the La Paz Road is contrary to existing laws and jurisprudence.[16]

JCHA, et al. concur with the CA that the complaint sufficiently stated a cause of action. They, however, disagree with the CA's pronouncement that a full-blown trial on the merits was necessary. They claim that during the hearing on the application of the writ of injunction, they had sufficiently proven that La Paz Road was a public road and that commuters and motorists of their neighboring villages had used this road as their means of access to the San Agustin Church, Colegio De San Agustin and to SLEX in going to Metro Manila and to Southern Tagalog particularly during the rush hours when traffic at Carmona Entry/Exit and Susana Heights Entry/Exit was at its worst.

JCHA, et al. argue that La Paz Road has attained the status and character of a public road or burdened by an apparent easement of public right of way. They point out that La Paz Road is the widest road in the neighborhood used by motorists in going to Halang Road and in entering the SLEX-Halang toll gate and that there is no other road as wide as La Paz Road existing in the vicinity. For residents of San Pedro, Laguna, the shortest, convenient and safe route towards SLEX Halang is along Rosario Avenue joining La Paz Road.

Finally, JCHA, et al. argue that the CA erred when it voided the WPI because the public nature of La Paz Road had been sufficiently proven and, as residents of San Pedro and Biñan, Laguna, their right to use La Paz Road is undeniable.

In their Memorandum,[17] Fil-Estate, et al. explain that La Paz Road is included in the parcels of land covered by Transfer Certificates of Title (TCT) Nos. T-120008, T-90321 and T-90607, all registered in the name of La Paz. The purpose of constructing La Paz Road was to provide a passageway for La Paz to its intended projects to the south, one of which was the Juana Complex I. When Juana Complex I was completed, La Paz donated the open spaces, drainage, canal, and lighting facilities inside the Juana Complex I to the Municipality of Biñan. The streets within the subdivisions were then converted to public roads and were opened for use of the general public. The La Paz Road, not being part of the Juana Complex I, was excluded from the donation. Subsequently, La Paz became a shareholder of FEEC, a consortium formed to develop several real properties in Biñan, Laguna, known as Ecocentrum Project. In exchange for shares of stock, La Paz contributed some of its real properties to the Municipality of Biñan, including the properties constituting La Paz Road, to form part of the Ecocentrum Project.

Fil-Estate, et al. agree with the CA that the annulment of the WPI was proper since JCHA, et al. failed to prove that they have a clear right over La Paz Road. Fil-Estate, et al. assert that JCHA, et al. failed to prove the existence of a right of way or a right to pass over La Paz Road and that the closure of the said road constituted an

injury to such right. According to them, La Paz Road is a torrens registered private road and there is neither a voluntary nor legal easement constituted over it. They claim that La Paz Road is a private property registered under the name of La Paz and the beneficial ownership thereof was transferred to FEEC when La Paz joined the consortium for the Ecocentrum Project.

Fil-Estate, et al., however, insist that the complaint did not sufficiently contain the ultimate facts to show a cause of action. They aver the bare allegation that one is entitled to something is an allegation of a conclusion which adds nothing to the pleading.

They likewise argue that the complaint was improperly filed as a class suit for it failed to show that JCHA, et al. and the commuters and motorists they are representing have a well-defined community of interest over La Paz Road. They claim that the excavation of La Paz Road would not necessarily give rise to a common right or cause of action for JCHA, et al. against them since each of them has a separate and distinct purpose and each may be affected differently than the others.

The Court's Ruling

The issues for the Court's resolution are: (1) whether or not the complaint states a cause of action; (2) whether the complaint has been properly filed as a class suit; and (3) whether or not a WPI is warranted.

Section 2, Rule 2 of the Rules of Court defines a cause of action as an act or omission by which a party violates the right of another. A complaint states a cause of action when it contains three (3) essential elements of a cause of action, namely:

- (1) the legal right of the plaintiff,
- (2) the correlative obligation of the defendant, and
- (3) the act or omission of the defendant in violation of said legal right.[18]

The question of whether the complaint states a cause of action is determined by its averments regarding the acts committed by the defendant.[19] Thus, it must contain a concise statement of the ultimate or essential facts constituting the plaintiff's cause of action.[20] To be taken into account are only the material allegations in the complaint; extraneous facts and circumstances or other matters aliunde are not considered.[21]

The test of sufficiency of facts alleged in the complaint as constituting a cause of action is whether or not admitting the facts alleged, the court could render a valid verdict in accordance with the prayer of said complaint.[22] Stated differently, if the allegations in the complaint furnish sufficient basis by which the complaint can be maintained, the same should not be dismissed regardless of the defense that may be asserted by the defendant.[23]

In the present case, the Court finds the allegations in the complaint sufficient to establish a cause of action. First, JCHA, et al.'s averments in the complaint show a demandable right over La Paz Road. These are: (1) their right to use the road on the basis of their allegation that they had been using the road for more than 10 years; and (2) an easement of a right of way has been constituted over the said roads. There is no other road as wide as La Paz Road existing in the vicinity and it is the shortest, convenient and safe route towards SLEX Halang that the commuters and motorists may use. Second, there is an alleged violation of such right committed by Fil-Estate, et al. when they excavated the road and prevented the commuters and motorists from using the same. Third, JCHA, et al. consequently suffered injury and that a valid judgment could have been rendered in accordance with the relief sought therein.

With respect to the issue that the case was improperly instituted as a class suit, the Court finds the opposition without merit.

Section 12, Rule 3 of the Rules of Court defines a class suit, as follows:

Sec. 12. Class suit. – When the subject matter of the controversy is one of common or general interest to many persons so numerous that it is impracticable to join all as parties, a number of them which the court finds to be sufficiently numerous and representative as to fully protect the interests of all concerned may sue or defend for the benefit of all. Any party in interest shall have the right to intervene to protect his individual interest.

The necessary elements for the maintenance of a class suit are: 1) the subject matter of controversy is one of common or general interest to many persons; 2) the parties affected are so numerous that it is impracticable to bring them all to court; and 3) the parties bringing the class suit are sufficiently numerous or representative of the class and can fully protect the interests of all concerned.[24]

In this case, the suit is clearly one that benefits all commuters and motorists who use La Paz Road. As succinctly stated by the CA:

The subject matter of the instant case, i.e., the closure and excavation of the La Paz Road, is initially shown to be of common or general interest to many persons. The records reveal that numerous individuals have filed manifestations with the lower court, conveying their intention to join private respondents in the suit and claiming that they are similarly situated with private respondents for they were also prejudiced by the acts of petitioners in closing and excavating the La Paz Road. Moreover, the individuals sought to be represented by private respondents in the suit are so numerous that it is impracticable to join them all as parties and be named individually as plaintiffs in the complaint. These individuals claim to be residents of various barangays in Biñan, Laguna and other barangays in San Pedro, Laguna.

Anent the issue on the propriety of the WPI, Section 3, Rule 58 of the Rules of Court lays down the rules for the issuance thereof. Thus:

- (a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the acts complained of, or in the performance of an act or acts, either for a limited period or perpetually;
- (b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or
- (c) That a party, court, or agency or a person is doing, threatening, or attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

A writ of preliminary injunction is available to prevent a threatened or continuous irremediable injury to parties before their claims can be thoroughly studied and adjudicated.[25] The requisites for its issuance are: (1) the existence of a clear and unmistakable right that must be protected; and (2) an urgent and paramount necessity for the writ to prevent serious damage.[26] For the writ to issue, the right sought to be protected must be a present right, a legal right which must be shown to be clear and positive.[27] This means that the persons applying for the writ must show that they have an ostensible right to the final relief prayed for in their complaint.[28]

In the case at bench, JCHA, et al. failed to establish a prima facie proof of violation of their right to justify the issuance of a WPI. Their right to the use of La Paz Road is disputable since they have no clear legal right therein. As correctly ruled by the CA:

Here, contrary to the ruling of respondent Judge, private respondents failed to prove as yet that they have a clear and unmistakable right over the La Paz Road – which was sought to be protected by the injunctive writ. They merely anchor their purported right over the La Paz Road on the bare allegation that they have been using the same as public road right-of-way for more than ten years. A mere allegation does not meet the standard of

proof that would warrant the issuance of the injunctive writ. Failure to establish the existence of a clear right which should be judicially protected through the writ of injunction is a sufficient ground for denying the injunction.

Consequently, the case should be further heard by the RTC so that the parties can fully prove their respective positions on the issues.

Due process considerations dictate that the assailed injunctive writ is not a judgment on the merits but merely an order for the grant of a provisional and ancillary remedy to preserve the status quo until the merits of the case can be heard. The hearing on the application for issuance of a writ of preliminary injunction is separate and distinct from the trial on the merits of the main case. [29] The evidence submitted during the hearing of the incident is not conclusive or complete for only a "sampling" is needed to give the trial court an idea of the justification for the preliminary injunction pending the decision of the case on the merits.[30] There are vital facts that have yet to be presented during the trial which may not be obtained or presented during the hearing on the application for the injunctive writ.[31] Moreover, the quantum of evidence required for one is different from that for the other.[32]

WHEREFORE, the petitions are DENIED. Accordingly, the July 31, 2001 Decision and February 21, 2002 Resolution of the Court of Appeals in CA-G.R. SP No. 60543 are AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Abad, and Perlas-Bernabe, JJ., concur.

[1] Rollo (G.R. No. 152272), pp. 164-178. Penned by then Associate Justice Ruben T. Reyes (now a retired member of this Court) with Associate Justice Mercedes Gozo-Dadole and Associate Justice Juan Q. Enriquez, Jr., concurring.

[2] Id. at 218-219.

[3] Id. at 144-148; rollo (G.R. No. 152397), pp. 139-143.

[4] Rollo (G.R. No. 152272), pp. 117-143.

[5] Id. at 64-74.

[6] Rollo (G.R. No. 152397), pp. 272-275.

[7] Id. at 591-606.

[8] Id. at 612-622.

[9] Id. at 623-638.

[10] Rollo (G.R. No. 152272), pp. 144-148; rollo (G.R. No. 152397), pp. 139-143.

[11] Rollo (G.R. No. 152272), pp. 95-116.

[12] Id. at 117-143.

[13] CA rollo, pp. 2-57.

[14] Rollo (G.R. No. 152272), p. 178.

[15] Id. at 362.

- [16] Rollo (G.R. 152397), p. 17.
- [17] Rollo (G.R. No. 152272), pp. 314-351.
- [18] Makati Stock Exchange, Inc. v. Campos, G.R. No. 138814, April 16, 2009, 585 SCRA 120, 126.
- [19] Goodyear Philippines, Inc. v. Sy, 511 Phil. 41, 49 (2005).
- [20] Jimenez, Jr. v. Jordana, 486 Phil. 452, 465 (2004).
- [21] Supra note 19 at 50.
- [22] Misamis Occidental II Cooperative, Inc. v. David, 505 Phil. 181, 189, (2005).
- [23] Makati Stock Exchange, Inc. v. Campos, supra note 18 at 126-127.
- [24] Oscar M. Herrera, I Remedial Law, 2000 ed., 390.
- [25] City of Naga v. Asuncion, G. R. No. 174042, July 9, 2008, 557 SCRA 528, 544.
- [26] Talento v. Escalada, Jr., G.R. No. 180884, June 27, 2008, 556 SCRA 491, 500.
- [27] Del Rosario v. Court of Appaels, 325 Phil. 424, 432, (1996).
- [28]
502 Phil. 191, 201 (2005).
- [29] Commissioner of Internal Revenue v. Court of Appeals, 327 Phil. 1, 48, (1996).
- [30] Landbank of the Philippines v. Continental Watchman Agency Incorporated, 465 Phil. 607, 617, (2004).
- [31] Urbanes, Jr. v. Court of Appeals, 407 Phil. 856, 867, (2001).
- [32] Supra note 29.

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