

**NEW SUN VALLEY HOMEOWNERS’ ASSOCIATION, INC.,
PETITIONER, VS. SANGGUNIANG BARANGAY, BARANGAY SUN
VALLEY, PARAÑAQUE CITY, ROBERTO GUEVARRA IN HIS CAPACITY
AS PUNONG BARANGAY AND ...**

G.R. No. 156686. July 27, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court against the Decision[1] dated October 16, 2002 in CA-G.R. CV No. 65559 and the Resolution[2] dated January 17, 2003, both of the Court of Appeals.

The facts are as follows:

The Sangguniang Barangay of Barangay Sun Valley (the "BSV Sangguniang Barangay") issued BSV Resolution No. 98-096[3] on October 13, 1998, entitled "Directing the New Sun Valley Homeowners Association to Open Rosemallow and Aster Streets to Vehicular and Pedestrian Traffic," the pertinent portions of which read as follows:

NOW, THEREFORE, be it resolved as it is hereby resolved by the Sangguniang Barangay in session assembled that -

1. Pursuant to its power and authority under the Local Government Code of 1991 (Rep. Act No. 7160), the New Sun Valley Homeowners Association (NSVHA) is hereby directed to open Rosemallow and Aster Sts. to vehicular (private cars only) and pedestrian traffic at all hours daily except from 11 p.m. to 5 a.m. at which time the said streets may be closed for the sake of the security of the residents therein.
2. The Barangay government take steps to address the security concerns of the residents of the area concerned, including the possible assignment of a barangay tanod or traffic enforcer therein, within the limits of the authority and financial capability of the Barangay.
3. This Resolution shall become executory within 72 hours upon receipt hereof by the Association or any of its members.[4]

The New Sun Valley Homeowners Association, Inc. (NSVHAI), represented by its President, Marita Cortez, filed a Petition[5] for a "Writ of Preliminary Injunction/Permanent Injunction with prayer for issuance of TRO" with the Regional Trial Court (RTC) of Parañaque City. This was docketed as Civil Case No. 98-0420. NSVHAI claimed therein that the implementation of BSV Resolution No. 98-096 would "cause grave injustice and irreparable injury" as "[the] affected homeowners acquired their properties for strictly residential purposes";[6] that the subdivision is a place that the homeowners envisioned would provide them privacy and "a peaceful neighborhood, free from the hassles of public places";[7] and that the passage of the Resolution would destroy the character of the subdivision. NSVHAI averred that contrary to what was stated in the BSV Resolution, the

opening of the gates of the subdivision would not in any manner ease the traffic congestion in the area, and that there were alternative routes available. According to NSVHAI, the opening of the proposed route to all kinds of vehicles would result in contributing to the traffic build-up on Doña Soledad Avenue, and that instead of easing the traffic flow, it would generate a heavier volume of vehicles in an already congested choke point. NSVHAI went on to state that a deterioration of the peace and order condition inside the subdivision would be inevitable; that the maintenance of peace and order in the residential area was one of the reasons why entry and exit to the subdivision was regulated by the Association and why the passing through of vehicles was controlled and limited; and that criminal elements would take advantage of the opening to public use of the roads in question.[8]

NSVHAI further contested the BSV Resolution by submitting the following arguments to the RTC:

12. The road network inside the subdivision and drainage system is not designed to withstand the entry of a heavy volume of vehicles especially delivery vans and trucks. Thus, destruction of the roads and drainage system will result. The safety, health and well-being of the residents will face continuous danger to their detriment and prejudice;

13. When the residents bought their residential properties, they also paid proportionately for the roads and the park in then subdivision. They have therefore an existing equity on these roads. To open the roads to public use is a violation of the rights and interests to a secure, peaceful and healthful environment;

14. Aside from the availability of a better route to be opened, there are other ways to ease traffic flow. The continuous presence of traffic enforcers on all identified traffic choke points will prevent snarls which impede smooth travel. The strict enforcement of traffic rules and regulations should be done;

15. There are a lot of undisciplined drivers of tricycles, jeepneys, trucks and delivery [vans], which contribute to the traffic congestion. The barangay should require these drivers to observe road courtesy and obedience to traffic rules[.][9]

Executive Judge Helen Bautista-Ricafort of the RTC issued a Temporary Restraining Order[10] (TRO) in Civil Case No. 98-0420 on October 30, 1998. Said Order provides:

Acting on the Application for Writ of Preliminary Injunction/ Permanent Injunction with Prayer for Issuance of a Temporary Restraining Order, filed by plaintiff and considering that there is extreme urgency, such that unless the same is issued, plaintiff would suffer grave injustice and/or irreparable injury, let a Temporary Restraining Order issue directing the Sangguniang Barangay as represented by Punong Barangay Roberto Guevarra to cease and desist from the implementation of Resolution No. 98-096 or otherwise maintain the status quo until further Orders of this Court.

This Temporary Restraining Order shall be effective for seventy two (72) hours from issuance hereof, unless extended by another Order of this Court.

Let this case be set for special raffle and conference on November 3, 1998 at 10:30 in the morning.

On November 3, 1998, the RTC issued another Order[11] stating that, by agreement of the parties, the status quo shall be maintained for seventeen (17) more days, and that the case was set for hearing on the prayer for the issuance of a writ of preliminary injunction on November 20, 1998 at 8:30 a.m.

NSVHAI submitted an Amended Petition[12] on November 13, 1998, at about 11:10 a.m., wherein it claimed that the BSV Sangguniang Barangay had no jurisdiction over the opening of Rosemallow and Aster Streets (the "subject roads"). NSVHAI likewise attached to its Amended Petition its Position Paper[13] dated July 21, 1998, which set forth its objection to the opening of the subject roads for public use and argued that a Barangay Resolution cannot validly cause the opening of the subject roads because under the law, an ordinance is required

to effect such an act.[14]

The BSV Sangguniang Barangay filed its Motion to Dismiss[15] likewise on November 13, 1998. The copy provided by petitioner to the Court indicates the time of receipt by NSVHAI as 11:00 a.m.[16]

The RTC heard the case on November 20, 1998, as scheduled, and thereafter submitted the matter for decision.[17] On the same date, the RTC issued the following Order[18]:

Acting on the prayer for the issuance of a writ of preliminary injunction filed by petitioner, it appearing that petitioner may suffer grave injustice or irreparable injury, let a writ of preliminary injunction issue prohibiting the Sangguniang Barangay represented by Punong Barangay Roberto Guevarra from implementing Resolution no. 98-096 until further orders from this Court.

Petitioner is directed to file a bond in the amount of ONE HUNDRED THOUSAND (P100,000.00) PESOS (sic) to answer for damages to defendants in the event the Court finds petitioner is not entitled to said injunction.

The BSV Sangguniang Barangay filed on December 4, 1998 a Motion for Reconsideration and to Dissolve Preliminary Injunction (with Memorandum of Authorities).[19]

NSVHAI then filed an Urgent Ex-Parte Motion to Expunge on December 10, 1998, moving to declare the above motion of the BSV Sangguniang Barangay as a mere scrap of paper for being filed out of time and for failure to serve a copy thereof to the counsel of petitioner.

The RTC subsequently dismissed the case in an Order[20] dated August 17, 1999, stating as follows:

Defendant Barangay Sun Valley moves to dismiss the instant case on the grounds that the complaint states no cause of action and the court has no jurisdiction over the subject matter. In summary, defendant alleges that the subject streets Aster and Rosemallow inside Sun Valley Subdivision are owned by the local government. Such streets have long been part of the public domain and beyond the commerce of man. In support of this, defendant cited the case of White Plains Association, Inc. vs. Legaspi, 193 SCRA 765 wherein it was held that road lots of subdivisions constitute a part of the mandatory open space reserved for public use; ownership of which is automatically vested in the Republic of the Philippines although it is still registered in the name of the developer/owner, its donation to the government is a mere formality." The power or authority to close or open the said streets is vested in the local government units and not on homeowner's associations, pursuant to Section 21 of the local Government Code (RA 7160) quoted as follows: "Section 21. Closure and Opening of Roads. (a) A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction x x x." In view thereof, Resolution No. 98-096 was passed by the Sangguniang Barangay. Hence there is no right whatsoever on the part of Plaintiff NSVHA entitled to the protection of the law. Further, defendant contends that petitioner failed to exhaust administrative remedies as ordained in Sections 32 and 57 of the Local Government Code giving the city mayor the supervisory power, and the power of review by the Sangguniang Panlungsod, respectively.

No opposition to the motion to dismiss was filed by the Plaintiff.

Same defendant seeks to reconsider the order granting the issuance of the writ of preliminary injunction alleging that there is a pending motion to dismiss and Plaintiff has not been able to establish an actually existing right.

Plaintiff has not filed an opposition thereto, instead it filed an urgent ex-parte motion to expunge the motion for reconsideration on the ground that its counsel has not been furnished with a copy of the motion for reconsideration, but the record shows that Maria Cortez (plaintiff's representative) has received a copy of said motion.

After considering the arguments of the parties in their respective pleadings, this court hereby resolves as follows:

- The "Motion for Reconsideration" and the "Urgent Ex-parte Motion to Expunge (motion for reconsideration)" are Denied being devoid of merit; and
- The "Motion to Dismiss" is hereby Granted for failure of the plaintiff to exhaust the administrative remedies under Sections 32 and 57 of the Local Government Code.

WHEREFORE, let this case be as it is hereby ordered Dismissed. The writ of preliminary injunction is hereby lifted.[21]

NSVHAI filed a Motion for Reconsideration[22] of the above-quoted Order but this was denied by the RTC for lack of merit in an Order[23] dated September 21, 1999.

NSVHAI raised the matter to the Court of Appeals and the case was docketed as CA-G.R. CV No. 65559. NSVHAI alleged that "despite the lack of the required hearing" [24] and without any order requiring it to submit its Comment/Opposition to the BSV Sangguniang Barangay's Motion to Dismiss or that of submitting said Motion for resolution, Judge Bautista-Ricafort issued an Order which, to NSVHAI's complete surprise, granted the Motion. NSVHAI argued that the RTC gravely erred in taking cognizance of, and thereafter ruling on, said Motion and refusing to exercise jurisdiction over the subject matter of Civil Case No. 98-0420. Petitioner likewise argued that the RTC committed serious errors which, if not corrected, would cause grave or irreparable injury to petitioner and cause a violation of law.[25]

The BSV Sangguniang Barangay, Roberto Guevarra in his capacity as Punong Barangay, and members of the Sangguniang Barangay (hereinafter, "respondents"), in their Appellees' Brief, argued as follows:

I

THE TRIAL COURT DID NOT ERR IN GRANTING DEFENDANTS-APPELLEES' MOTION TO DISMISS DUE TO LACK OF CAUSE OF ACTION AND JURISPRUDENCE OVER THE SUBJECT MATTER AND APPELLANT'S FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES. AS NOTED BY THE COURT, NO OPPOSITION TO THE MOTION TO DISMISS WAS EVER FILED BY APPELLANT.

II

THE TRIAL COURT'S DISMISSAL OF THE ACTION ASSAILING ITS SUBJECT-MATTER, BARANGAY RESOLUTION NO. 98-096, CONSISTING OF A DIRECTIVE OF AN LGU TO A DEFIANT PRIVATE ORGANIZATION WITHIN ITS JURISDICTION, IS JUDICIAL RECOGNITION OF THE SOLE COMPETENCE AND WISE DISCRETION OF THE BARANGAY OVER A LOCAL TRAFFIC PROBLEM.

III

THE TRIAL COURT DID NOT COMMIT ANY SERIOUS ERROR, PROCEDURAL OR SUBSTANTIVE, AS FOUND BY THE COURT A QUO. IT IS APPELLANT THAT HAS COMMITTED THE ERROR OF NOT EXHAUSTING ADMINISTRATIVE REMEDIES. HENCE, NO GRAVE OR IRREPARABLE INJURY CAN BE CAUSED TO APPELLANT FOR IT HAS NO RIGHT TO PROTECT.[26]

Respondents claimed that Barangay Resolution No. 98-096 was simply a directive to petitioner, "a private aggrupration of some self-seeking homeowners,"[27] and was just a measure of internal policy among residents; that the opening of roads for traffic reasons was "within the sole competence of the barangay to determine";[28] and the Mayor could have chosen, as it was within his power to do so, to cause the demolition of the gates, which

were illegally built by petitioner and therefore were obstructions on the road, even without a Barangay resolution. Respondents likewise claimed that the BSV's action could be considered a political question, which should be essentially withdrawn from judicial cognizance, and constitutional law doctrine provides that the courts would not interfere with political issues unless grave abuse of discretion is shown, of which there was none on the part of the Barangay. Respondents argued that petitioner did not have any actual legal right entitled to the protection of the law.[29]

Respondents attached to their Appellees' Brief six documents, labeled as Annexes "2" to "7," all stamped "Certified True Copy" by a certain Roman E. Loreto, Legal Officer II of Legal Department.[30] The detailed information contained in each of the documents that comprise respondents' Annexes "2" to "7" is copied below:

1. 1[st] Indorsement[31] from the Office of the Mayor of Parañaque dated May 20, 1988, signed by Luzviminda A. Concepcion, Administrative Officer II, stating as follows:

Respectfully indorsed to Atty. Antonio G. Cruz, Municipal Attorney, of this municipality the herein attached "Original Copies of Transfer Certificate of Title for Sun Valley Open Space and Road Lots" with TCT Nos. 133552, 119836, and 122443 for your appropriate actions.

2. Letter[32] dated December 27, 1990 from Francisco B. Jose, Jr., Municipal Attorney of Parañaque, addressed to the Municipal Council Secretary, which reads:

This has reference to your request dated December 18, 1990 relative to the letter of inquiry of the Barangay Captain of Barangay Sun Valley dated December 13, 1990.

We wish to inform you that based on the available records of our office the open space and road lots of Sun Valley Subdivision is already owned by the Municipal Government of Parañaque as evidenced by TCT NOS. 133552, 119836, and 122443. Copies of which are hereto attached for your ready reference.

Considering that the Municipality of Parañaque is the registered owner of the road lots of Sun Valley Subdivision, we are of the opinion that the roads become public in use and ownership, and therefore, use of the roads by persons other than residents of the Subdivision can no longer be curtailed. However, should the Municipal Government decides to delegate its right to regulate the use of the said roads to the Sun Valley Homeowner's Association or Sun Valley Barangay Council, such right may be exercise[d] by said association or council.

3. Certification[33] dated October 8, 1990 issued by Francisco B. Jose, Jr. under the letterhead of the Office of the Municipal Attorney of Parañaque, which reads:

This is to certify that based on the available records of this Office, the open space and road lots of Sun Valley Subdivision has been donated and now owned by the Municipality of Paranaque, as evidenced by TCT Nos. 133552, 119836, and 122443 copies of which are hereto attached.

This certification is being issued upon the request of Mr. Mario Cortez, President of Sun Valley Homeowners Association.

4. Certification[34] dated June 13, 1994, again signed by Francisco B. Jose, Jr., of the Office of the Municipal Attorney, providing as follows:

This is to certify that based on the available records of this Office, the only road lots in Sun Valley Subdivision titled in the name of the Municipality of Parañaque are those covered by Transfer Certificates of Title Nos. 133552 and 122443.

This certification is being issued upon the request of Coun. Manuel T. De Guia.

5. Certification[35] dated March 2, 1995 issued by Rodolfo O. Alora, OIC, Asst. Municipal Legal Officer, which reads:

This is to certify that based on the available records of this Office, the open space within Sun Valley Subdivision has already been donated to the Municipality as evidenced by Transfer Certificate of Title No. 119836, copy of which is hereto attached.

This certification is being issued upon the request of Atty. Rex G. Rico.

6. Certification[36] dated October 26, 1998 issued by Ma. Riza Pureza Manalese, Legal Researcher, Office of the Municipal Attorney, Parañaque City, which reads:

This is to certify that based on the available records of this Office, road lots of Sun Valley Subdivision have already been donated to the Municipality of Paranaque as evidenced by TCT NO. 133552, 119836, and 122443.

This certification is being issued upon the request of MR. WILLIAM UY.

The Court of Appeals issued a Decision dated October 16, 2002 denying the appeal and affirming the Orders of the RTC dated August 17, 1999 and September 21, 1999. The Court of Appeals likewise denied NSVHAI's Motion for Partial Reconsideration in its Resolution promulgated on January 17, 2003, stating that after a thorough study of the Motion for Reconsideration, it found no sufficient reason to deviate from its findings and conclusion reached in its decision.

Thus, NSVHAI (hereinafter, "petitioner") went to this Court.

Arguments of Petitioner

Petitioner alleges that the decision of the Court of Appeals was based on "facts that [were] outside of the original Petition and Amended Petition and on supposed findings of facts that are not even evidence offered before the court a quo." [37] Petitioner likewise alleges that the facts used by the Court of Appeals in dismissing the case were contrary to the records of Civil Case No. 98-0420.

Petitioner lists the following as its Questions of Law:

A

In sustaining the dismissal of Civil Case No. 98-0420, the Honorable Court of Appeals sanctioned the departure of the Regional Trial Court from the accepted and usual course of judicial proceedings

B

Whether or not the issuance of the Resolution promulgated January 17, 2003 and the Decision promulgated October 16, 2002 by the Former 4th Division and the 4th Division of the Court of Appeals sustaining the validity of dismissal of Civil Case No. 98-0420 is not in accord with law or with the applicable decisions of this Honorable Supreme Court

C

Whether or not the Honorable Court of Appeals, with due respect, departed from the accepted and usual course of judicial proceedings by making findings of fact not supported by evidence of record [38]

Petitioner avers that the hearing for the respondents' Motion to Dismiss was set on November 20, 1998, without indication as to time and that during the hearing on such date, counsel for respondents moved that their Motion to Dismiss be heard over the objection of counsel for petitioner, who explained that there was an urgency in ruling

on the prayer for the issuance of a writ of preliminary injunction in view of the expiration of the temporary restraining order (TRO).[39]

Petitioner quotes the transcript of stenographic notes (TSN) from the November 20, 1998 hearing before the RTC in the following manner:

Atty. Herrera:

Then, Your Honor, I files [sic] a motion petitioning to dismiss this instant case, which should be resolved first before hearing this case.

Atty. Nuñez:

Your Honor, please, with due respect to the opposing counsel, the hearing today is supposed to be on the presentation of petitioner's evidence in support of its prayer for preliminary injunction. In connection with the amended complaint, I guess it is a matter of right to amend its pleading. What happened here, the amended petition was filed before this Honorable Court on November 13 at 11:10 a.m. but I think the motion to dismiss was filed by the respondent on November 13 at 11:20 a.m.. Therefore, it is the right of the petitioner insofar as the case is concerned.

And therefore, this Court should proceed with the hearing on the preliminary injunction instead of entertaining this matter. The temporary restraining order will expire today and we have the right to be heard.

Court:

We will proceed first with the hearing (referring to the scheduled hearing of the prayer for the issuance of the writ of preliminary injunction). (Transcript of Stenographic Notes, November 20, 1998) (Underscoring and explanation petitioner's.)[40]

Petitioner claims that the RTC proceeded to hear the prayer for the issuance of a preliminary injunction and no hearing was conducted on the Motion to Dismiss. Petitioner reiterates its earlier claim that it did not receive an order requiring it to submit its Comment/Opposition to the Motion to Dismiss or informing it that said Motion had been submitted for resolution.[41]

Petitioner alleges that the dismissal of Civil Case No. 98-0420 arose from the grant of respondents' Motion to Dismiss. Petitioner claims that it filed its Amended Petition on November 13, 1998 at 11:10 a.m., or before respondents served any responsive pleading, or before they had filed their Motion to Dismiss on the same date at about 11:20 a.m.[42] Petitioner avers that the filing of said Amended Petition was a matter of right under Section 2, Rule 10 of the 1997 Rules of Civil Procedure, and had the effect of superseding the original petition dated October 28, 1998. Petitioner concludes that the Motion to Dismiss was therefore directed against a non-existing Petition.[43]

Petitioner argues that the RTC's ruling on the Motion to Dismiss is contrary to procedural law because no hearing was conducted on said Motion to Dismiss; that said motion violated Section 5, Rule 10 of the 1997 Rules of Civil Procedure for failing to set the time of hearing thereof; and that instead of being resolved, said motion should have been declared as a mere scrap of worthless paper.[44]

Petitioner claims that during the proceedings before the RTC on November 20, 1998, both parties manifested that the Motion to Dismiss was never set for hearing, and that when Judge Bautista-Ricafort said, "We will proceed first with the hearing,"[45] she was referring to the scheduled hearing of the prayer for the issuance of the writ of preliminary injunction. Petitioner claims that it is crystal clear that it was deprived due process when a ruling was had on the Motion to Dismiss despite the clear absence of a hearing. Petitioner concludes that the Court of

Appeals was manifestly mistaken when it ruled that due process was observed in the issuance of the assailed Orders of Judge Bautista-Ricafort, despite the lack of opportunity to submit a comment or opposition to the Motion to Dismiss and the lack of issuance of an order submitting said motion for resolution. Petitioner alleges that the Court of Appeals sanctioned the ruling of the RTC that violated both substantial and procedural law. [46]

Moreover, petitioner avers that contrary to the ruling of the Court of Appeals, the RTC had jurisdiction to hear and decide the Amended Petition, and the doctrine of exhaustion of administrative remedies was not applicable. This is because, according to petitioner, such doctrine "requires that where a remedy before an administrative agency is provided, relief must first be sought from the administrative agencies prior to bringing an action before courts of justice." [47] Petitioner claims that when it filed Civil Case No. 98-08420, it did not have the luxury of time to elevate the matter to the higher authorities under Sections 32 and 57 of the Local Government Code. Petitioner alleges that the tenor of BSV Resolution No. 98-096 necessitated the immediate filing of the injunction case on October 29, 1998, to forestall the prejudicial effect of said resolution that was to take effect two days later. Thus, petitioner claims that it had no other plain, speedy, and adequate remedy except to file the case. [48]

Anent the question of whether the Sangguniang Barangay should have passed an ordinance instead of a resolution to open the subject roads, petitioner alleges that the Court of Appeals should not have relied on respondents' claim of ownership, as this led to the erroneous conclusion that there was no need to pass an ordinance. Petitioner insists that the supposed titles to the subject roads were never submitted to the RTC, and the respondents merely attached certifications that the ownership of the subject roads was already vested in the City Government of Parañaque City as Annexes to their Appellees' Brief before the Court of Appeals. Those annexes, according to petitioner, were not formally offered as evidence. [49]

Petitioner avers that the records of Civil Case No. 98-0420 clearly show that there was no proof or evidence on record to support the findings of the Court of Appeals. This is because, allegedly, the dismissal of said case was due to the grant of a motion to dismiss, and the case did not go to trial to receive evidence. [50] Petitioner avers that a motion to dismiss hypothetically admits the truth of the facts alleged in the complaint. [51] In adopting the annexes as basis for its findings of fact, the Court of Appeals allegedly disregarded the rules on Evidence.

Petitioner raises the following grounds for the issuance by this Court of a temporary restraining order and/or writ of preliminary injunction:

Sangguniang Barangay Resolution No. 98-096 is repugnant to the proprietary rights of the affected homeowners who are members of petitioner NSVHAI, such rights undoubtedly protected by the Constitution.

As there is no proof otherwise (except the baseless findings of fact by the Honorable Court of Appeals) that the streets encompassed by the concerned subdivision, Sun Valley Subdivision, are all private properties. As such, the residents of Sun Valley Subdivision have all the right to regulate the roads and open spaces within their territorial jurisdiction.

This Honorable Supreme Court can take judicial knowledge that criminal activities such as robbery and kidnappings are becoming daily fares in Philippine society. Residents have invested their lifetime's savings in private subdivision since subdivision living afford them privacy, exclusivity and foremost of all, safety. Living in a subdivision has a premium and such premium translates into a comparatively more expensive lot because of the safety, among others, that subdivision lifestyle offers.

But, with the enactment and intended implementation of Sangguniang Barangay Resolution No. 98-096 to open Rosemallow and Aster Streets for public use, it is indubitable that, instead of promoting the safety of resident of Sun Valley Subdivision, respondents are endangering the life and property of the residents of the said subdivision as they will now be exposed to criminal and lawless elements.

It is respectfully submitted that Sangguniang Barangay Resolution No. 98-096 has a place only in an authoritarian government where proprietary rights and privacy are alien concepts. Lest it be forgotten, ours is a democratic society and therefore, it should not be ruled in a manner befitting of a despotic government.

Petitioner NSVHAI, in protection of the rights and interest of the residents of Sun Valley Subdivision and in order to ensure that public officials will not abuse governmental powers and use them in an oppressive and arbitrary manner, invokes the judicial power of this Honorable Supreme Court and pray that a writ of preliminary injunction be issued and, after hearing, be declared permanent. [52]

A perusal of the documents attached by petitioner as Annexes revealed to the Court the following, which were not discussed in the body of the petition:

1. A letter[53] dated January 25, 2003 signed by Sonia G. Sison, President of NSVHAI, to Mayor Joey P. Marquez, the pertinent portions of which provide:

We admit that we erred in not going to you directly because at that time, the NSVHA received the letter-order of Brgy. Capt. Guevara two days before the effectivity of the order. Aside from this, there was a long holiday (long weekend prior to November 1). Thus, the Board of Governors had no other recourse but to seek a TRO and thereafter a permanent injunction.

We now would like to seek your assistance concerning this urgent problem. For your information there are already two (2) gates in and out of Sun Valley Subdivision.

Under P.D. 957, the Homeowners Association is mandated to protect the interest of the homeowners and residents especially in so far as it affects the security, comfort and the general welfare of the homeowners.

Thank you and because of the urgency of the matter, we anticipate your prompt and favorable action. (Emphasis ours.)

2. A letter[54] signed by Parañaque City Mayor Joey Marquez dated January 27, 2003, addressed to Mr. Roberto Guevara, Office of the Barangay Captain, Barangay Sun Valley, which reads in part:

This refers to your intended implementation of Barangay Sun Valley Resolution No. 98-096 entitled, "A RESOLUTION DIRECTING THE NEW SUN VALLEY HOMEOWNERS ASSOCIATION TO OPEN ROSEALLOW AND ASTER STREETS TO VEHICULAR AND PEDESTRIAN TRAFFIC."

In this regard and pursuant to the provisions of Sec. 32 of the Local Government Code of 1991 which vests upon the city mayor the right to exercise general supervision over component barangays, to ensure that said barangays act within the scope of their prescribed powers and functions, you are hereby directed to defer your implementation of the subject ordinance based on the following grounds:

- The roads subject of your resolution is a municipal road and not a barangay road;
- The opening or closure of any local road may be undertaken by a local government unit pursuant to an ordinance and not through a mere resolution as provided under Sec. 21 of the Local Government Code of 1991;
- There is no more need to order the opening of the aforementioned roads in view of the fact that Gelia and State Ave., have already been opened by the subdivision to the general public to accommodate vehicular and pedestrian traffic in the area;
- There is a need to conduct public hearings, as in fact we shall be conducting public hearings, on the matter to enable us to arrive at an intelligent resolution of the issues involved.

3. A letter[55] dated January 31, 2003 addressed to Mayor Joey Marquez, signed by counsel for respondents,

wherein the latter wrote:

We regret to observe that all the reasons that you have cited in your letter as grounds for your order of non-implementation of the Barangay Resolution have been passed upon and decided by the Court of Appeals, which lately denied the NSVHA Motion for Reconsideration x x x.

x x x x

The Decision of the Court of Appeals is now the subject of an appeal taken by the NSVHA to the Supreme Court. In deference to the high Court, you would do well to reconsider your order to the Barangay and not pre-empt the high Court on its decision. x x x.

Arguments of Respondents

Respondents filed their Comment[56] on July 17, 2003. They manifest that the petition is substantially a reproduction of petitioner's brief filed with the Court of Appeals, and consists of almost identical issues which have already been ventilated and decided upon by the said court.

Respondents claim that the hearing held on November 20, 1998, as found by the Court of Appeals, covered both the injunction and dismissal incidents, and that the motion to dismiss on issues of jurisdiction was a prejudicial matter. Respondents confirm that the RTC said it will proceed first with the hearing, but the lower court did not specify if the hearing was going to take up the prayer for the issuance of preliminary injunction or the motion to dismiss. Respondents further claim that by the end of the hearing, after Atty. Florencio R. Herrera's manifestation on the donated public roads, counsels for both parties were asked by the court if they were submitting, and both of them answered in the affirmative. [57] Respondents aver that petitioner's reply to its charge of misleading the Court was an admission that counsel had tampered without authority with the TSN, and that the phrase "referring to the scheduled hearing of the prayer for the issuance of the writ of preliminary injunction"[58] was said counsel's own mere footnote.

Respondents allege that the issuance of the titles in favor of Parañaque over all the roads in Sun Valley Subdivision was an official act by the land registration office of the City of Parañaque, and was perfectly within the judicial notice of the Courts, pursuant to Rule 129, Section 1 of the Rules of Court.[59] Respondents likewise allege that the gates were earlier built illegally on the roads by the Association, and while petitioner may lend a helping hand to the barangay, it cannot control the latter's discretion as to the wisdom of its traffic policies within the barangay. They maintain that petitioner had no business putting up road blocks in the first place; that this matter is purely a local government determination; and that it is even doubtful if courts would encroach upon this autonomous determination for local constituents of the Barangay in deference to the doctrine of separation of powers.

Respondents claim that since the subject matter of the case is a directive of the Barangay to the petitioner, the requirement for an ordinance would not be necessary, as there was no legislative determination in the Barangay resolution regarding what class of roads to open or what to close by way of general policy. [60]

Respondents contend that the Barangay Resolution was internal and temporary, passed to solve a traffic problem. They propose a reason why petitioner allegedly wants to control the subject roads, as follows:

The directive of the Barangay is certainly a declaration of an intention expressed by resolution on complaints of residents for a convenient outlet of cars and pedestrians during certain hours of the [day] or night. This need not be the subject of an ordinance. It is addressed to a special group of residents, and not to the general community. It refers to particular roads and at certain hours only, not to all the roads and at all hours.

Hence, the Barangay Resolutions (sic) is but temporary in character, being a solution to a momentary traffic

problem then visualized by the Barangay and encouraged by the MMDA. There is no legal question involved that is of any concern to the NSVHA. The prevailing reason why the NSVHA desires to control the roads is the monetary consideration it gains by its unilateral requirement of car stickers and of substantial fees exacted from delivery vans and trucks for bringing in cargo into the subdivision. And yet, the residents who, never gave their consent to this activities (sic), are busy people and have merely tolerated this for a long time now. This tolerance did not of course give legality to the illegal act. x x x.[61]

As regards petitioner's argument that the BSV Sangguniang Barangay should have passed an ordinance instead of a resolution, respondents present their counter-argument as follows:

Hence, even assuming for the sake of argument that a legal question exists on whether it be a resolution or ordinance that should contain the Barangay directive, such an issue is of no moment as plaintiff-appellant failed to exhaust the necessary administrative remedies before resorting to court action, as found by the trial court and the Court of Appeals. Section 32, R.A. 7160 (Local Government Code of 1991) provides for a remedy from Barangay actions to the Mayor under the latter's power of general supervision.[62]

With regard to the Mayor's involvement in this case, respondents have this to say:

The Mayor's act of interfering in Barangay Sun Valley affairs stemmed out of a long-standing political feud of the Mayor with the Punong Barangay. Its general supervision did not extend to pure Barangay matters, which the Barangay would be x x x in a better position to determine.

Furthermore, the general supervision of the Mayor is limited to the overseeing authority that the Barangays act within the scope of their prescribed powers and functions. Sadly, there is nothing in this Mayor's letter x x x that would as much as show a deviation by the Barangay Sun Valley from any prescribed powers or function. The Mayor's directive to the Barangay is of doubtful legality.

It was mainly the mounting traffic problem progressively experienced through the years that prompted the Barangay to resolve to open Rosemallow and Aster Streets in accordance with its power under Section 21 of R.A. 7160 to "temporarily open or close any local road falling within its jurisdiction". This Resolution x x x was decided upon after the Barangay Council made the necessary investigation and conducted hearings in consultation with affected residents. In order to maintain some kind of cordial relationship with the NSVHA, the Barangay by its resolution, opted to give the NSVHA the chance to open the roads, which it earlier closed by means of arbitrarily putting up steel gates without any apparent authority.[63]

Furthermore, respondents aver that the trial court and the appellate court have ruled that only a local government unit (LGU), in this case the Barangay, can open or close roads, whether they be public or private, in accordance with Section 21 of the Local Government Code. Respondents contend that *Metropolitan Manila Development Authority v. Bel-Air Village Association, Inc.*, [64] wherein the Court discussed the power of LGUs to open and close roads, is substantially in point.[65]

After the submission of the parties' respective memoranda,[66] this case was submitted for decision.

The issues before us are:

- Whether or not petitioner has a right to the protection of the law that would entitle it to injunctive relief against the implementation of BSV Resolution No. 98-096; and
- Whether or not petitioner failed to exhaust administrative remedies.

The Ruling of the Court

The Court of Appeals passed upon petitioner's claims as to the validity of the dismissal in this wise:

We do not agree. Although the Motion to Dismiss was filed on the same day, but after, the Amended Petition

was filed, the same cannot be considered as directed merely against the original petition which Appellant already considers as non-existing. The records will show that Appellant's Amended Petition contained no material amendments to the original petition. Both allege the same factual circumstances or events that constitute the Appellant's cause of action anent the Appellee's alleged violation of Appellant's propriety rights over the subdivision roads in question. Corollarily, the allegations in Appellees' Motion to Dismiss, as well as the grounds therefore predicated on lack of cause of action and jurisdiction, could very well be considered as likewise addressed to Appellant's Amended Petition.

x x x x

It bears stressing that due process simply means giving every contending party the opportunity to be heard and the court to consider every piece of evidence presented in their favor (Batangas Laguna Tayabas Bus Company versus Benjamin Bitanga, G.R. Nos. 137934 & 137936[]). In the instant case, Appellant cannot be said to have been denied of due process. As borne by the records, while Appellees' Motion to Dismiss did not set the time for the hearing of the motion, the day set therefore was the same date set for the hearing of Appellant's prayer for the issuance of a writ of preliminary injunction - that is, November 20, 1998, with the precise purpose of presenting evidence in support of the motion to dismiss on the same said scheduled hearing date and time when Appellant and its counsel would be present. Moreover, Appellant's predication of lack of due hearing is belied by the fact that the hearing held on November 20, 1999 took up not only the matter of whether or not to grant the injunction, but also tackled the jurisdictional issue raised in Appellees' Motion to Dismiss, which issues were intertwined in both incidents. [67]

We see no reason to depart from these findings by the Court of Appeals. Petitioner's recourse in questioning BSV Resolution No. 98-096 should have been with the Mayor of Parañaque City, as clearly stated in Section 32 of the Local Government Code, which provides:

Section 32. City and Municipal Supervision over Their Respective Barangays. - The city or municipality, through the city or municipal mayor concerned, shall exercise general supervision over component barangays to ensure that said barangays act within the scope of their prescribed powers and functions.

We do not see how petitioner's act could qualify as an exception to the doctrine of exhaustion of administrative remedies. We have emphasized the importance of applying this doctrine in a recent case, wherein we held:

The doctrine of exhaustion of administrative remedies is a cornerstone of our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.[68]

It is the Mayor who can best review the Sangguniang Barangay's actions to see if it acted within the scope of its prescribed powers and functions. Indeed, this is a local problem to be resolved within the local government. Thus, the Court of Appeals correctly found that the trial court committed no reversible error in dismissing the case for petitioner's failure to exhaust administrative remedies, as the requirement under the Local Government Code that the closure and opening of roads be made pursuant to an ordinance, instead of a resolution, is not applicable in this case because the subject roads belong to the City Government of Parañaque.

Moreover, being the party asking for injunctive relief, the burden of proof was on petitioner to show ownership over the subject roads. This, petitioner failed to do.

In civil cases, it is a basic rule that the party making allegations has the burden of proving them by a preponderance of evidence. Parties must rely on the strength of their own evidence and not upon the weakness of

the defense offered by their opponent.[69]

Petitioner dared to question the barangay's ownership over the subject roads when it should have been the one to adduce evidence to support its broad claims of exclusivity and privacy. Petitioner did not submit an iota of proof to support its acts of ownership, which, as pointed out by respondents, consisted of closing the subject roads that belonged to the then Municipality of Parañaque and were already being used by the public, limiting their use exclusively to the subdivision's homeowners, and collecting fees from delivery vans that would pass through the gates that they themselves had built. It is petitioner's authority to put up the road blocks in the first place that becomes highly questionable absent any proof of ownership.

On the other hand, the local government unit's power to close and open roads within its jurisdiction is clear under the Local Government Code, Section 21 of which provides:

Section 21. Closure and Opening of Roads. - (a) A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: Provided, however, That in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the members of the sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided.

We quote with approval the ruling of the Court of Appeals in this regard, as follows:

Contrary, however, to Appellant's position, the above-quoted provision, which requires the passage of an ordinance by a local government unit to effect the opening of a local road, can have no applicability to the instant case since the subdivision road lots sought to be opened to decongest traffic in the area - namely Rosemallow and Aster Streets - have already been donated by the Sun Valley Subdivision to, and the titles thereto already issued in the name of, the City Government of Parañaque since the year 1964 (Annexes "2" to "7" of Appellees' Brief). This fact has not even been denied by the Appellant in the proceedings below nor in the present recourse. Having been already donated or turned over to the City Government of Parañaque, the road lots in question have since then taken the nature of public roads which are withdrawn from the commerce of man, and hence placed beyond the private rights or claims of herein Appellant. Accordingly, the Appellant was not in the lawful exercise of its predicated rights when it built obstructing structures closing the road lots in question to vehicular traffic for the use of the general Public. Consequently, Appellees' act of passing the disputed barangay resolution, the implementation of which is sought to be restrained by Appellant, had for its purpose not the opening of a private road but may be considered merely as a directive or reminder to the Appellant to cause the opening of a public road which should rightfully be open for use to the general public.[70]

Petitioner wants this Court to recognize the rights and interests of the residents of Sun Valley Subdivision but it miserably failed to establish the legal basis, such as its ownership of the subject roads, which entitles petitioner to the remedy prayed for. It even wants this Court to take "judicial knowledge that criminal activities such as robbery and kidnappings are becoming daily fares in Philippine society." [71] This is absurd. The Rules of Court provide which matters constitute judicial notice, to wit:

Rule 129

WHAT NEED NOT BE PROVED

SECTION 1. Judicial notice, when mandatory.--A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.(1a)

The activities claimed by petitioner to be part of judicial knowledge are not found in the rule quoted above and do not support its petition for injunctive relief in any way.

As petitioner has failed to establish that it has any right entitled to the protection of the law, and it also failed to exhaust administrative remedies by applying for injunctive relief instead of going to the Mayor as provided by the Local Government Code, the petition must be denied.

WHEREFORE, premises considered, the petition is hereby DENIED. The Court of Appeals' DECISION dated October 16, 2002 and its RESOLUTION dated January 17, 2003 in CA-G.R. CV No. 65559 are both AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Peralta,[*] Bersamin, and Villarama, Jr., JJ., concur.

[*] Per Raffle dated July 25, 2011.

[1] Rollo, pp. 39-47; penned by Associate Justice Candido V. Rivera with Associate Justices Godardo A. Jacinto and Associate Justice Mariano C. del Castillo (now a member of this Court), concurring.

[2] Id. at 37.

[3] Id. at 53-54.

[4] Id. at 53.

[5] Id. at 55-58.

[6] Id. at 56.

[7] Id.

[8] Id. at 56-57.

[9] Id. at 57.

[10] Id. at 67.

[11] Id. at 68.

[12] Id. at 69-72. The Amended Petition, although stamped received on November 13, 1998, was dated October 28, 1998. The copy submitted to the court was marked (SIGNED) by the representative of NSVHAI, but no signature appears on the document.

[13] Id. at 76-78.

[14] Id. at 70.

[15] Id. at 79-85.

[16] Id. at 79.

[17] Id. at 314-315.

[18] Id. at 95.

[19] Id. at 96-101.

[20] Id. at 49-50.

[21] Id.

[22] Id. at 107-116.

[23] Id. at 52.

[24] Id. at 131.

[25] Id. at 126.

[26] Id. at 161-162.

[27] Id. at 163.

[28] Id. at 164.

[29] Id. at 163-165.

[30] Id. at 179-184.

[31] Id. at 179.

[32] Id. at 180.

[33] Id. at 181.

[34] Id. at 182.

[35] Id. at 183.

[36] Id. at 184.

[37] Id. at 17.

[38] Id. at 18.

[39] Id. at 13.

[40] Id. at 24.

[41] Id. at 14.

[42] Id. at 12.

[43] Id. at 22-23.

[44] Id. at 23.

[45] Id. at 24.

[46] Id. at 26-27.

[47] Id. at 20; citing De Leon and De Leon, Jr., *Administrative Law: Text and Cases* (1993 Edition), p. 320.

[48] Id. at 21-22.

[49] Id. at 28.

[50] Id. at 28-29.

[51] Citing Justice Florenz Regalado, Remedial Law Compendium, Volume 1 (Sixth Revised Edition), p. 242.

[52] Rollo, pp. 31-32.

[53] Id. at 239.

[54] Id. at 240-241.

[55] Id. at 243-244.

[56] Id. at 294-306.

[57] Id. at 297.

[58] Id.

[59] Id. at 300.

[60] Id. at 301.

[61] Id. at 302-303.

[62] Id. at 303.

[63] Id. at 304-305.

[64] 385 Phil. 586 (2000).

[65] Rollo, p. 305.

[66] Id. at 358-403, 415-435.

[67] Id. at 43-44.

[68] Universal Robina Corp. (Corn Division) v. Laguna Lake Development Authority, G.R. No. 191427, May 30, 2011.

[69] Heirs of Pedro De Guzman v. Perona, G.R. No. 152266, July 2, 2010, 622 SCRA 653, 661.

[70] Rollo, pp. 45-46.

[71] Id. at 31.

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