OFFICIAL GAZETTE · SECOND DIVISION · MAY 30, 2011

# BARANGAY CAPTAIN BEDA TORRECAMPO, PETITIONER, VS. METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM, DIOSDADO JOSE ALLADO, ADMINISTRATOR, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, SECR...

*G.R. No. 188296, May 30, 2011*

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The Case

G.R. No. 188296 is a petition for injunction[1] with prayer for issuance of a Temporary Restraining Order and Writ of Preliminary Injunction. Barangay Captain Beda Torrecampo (Torrecampo) of Barangay Matandang Balara, Quezon City, in his capacity as taxpayer and on behalf of his barangay constituents and eight million Metro Manila residents, filed the present petition against respondents Manila Waterworks and Sewerage System (MWSS) and Diosdado Jose M. Allado (Allado) in his official capacity as Administrator, and the Department of Public Works and Highways (DPWH) and Hermogenes Ebdane (Ebdane) in his official capacity as Secretary. Torrecampo sought to enjoin respondents from implementing the Circumferential Road 5 (C-5) Extension Project over Lot Nos. 42-B-2-A, 42-A-6 and 42-A-4 (subject lots),[2] all of which are owned by the MWSS. The C-5 Road Extension Project will connect the South Luzon Expressway (SLEX) to the North Luzon Expressway (NLEX).

The Facts

In his petition,[3] Torrecampo narrated that his constituents approached him on 30 June 2009 to report that personnel and heavy equipment from the DPWH entered a portion of Barangay Matandang Balara to implement the C-5 Road Extension Project over Lot Nos. 42-A-4, 42-A-6 and 42-A-4.[4] Torrecampo alleged that if the MWSS and the DPWH are allowed to continue and complete the C-5 Road Extension Project within Barangay Matandang Balara, three aqueducts of the MWSS which supply water to eight million Metro Manila residents will be put at great risk. Torrecampo insisted that the RIPADA area, consisting of Pook Ricarte, Pook Polaris and Pook Dagohoy, located in Barangay University of the Philippines (UP), Diliman, Quezon City, is a better alternative to subject lots.

Torrecampo filed the present petition on 1 July 2009, the very next day after the DPWH's entry. We considered the allegations and the issues in the petition and required respondents to comment thereon. We also issued a status quo order, effective from 1 July 2009 and continuing until further orders. We set the urgent application for ex-parte temporary restraining order and/or writ of preliminary injunction for hearing on 6 July 2009.[5]

Pertinent portions of the resolution which summarized the hearing read:

> Atty. Alfredo L. Villamor, Jr. avers that the instant petition for injunction seeks to enjoin the implementation of the DPWH C-5 Road Extension Project to connect the South Luzon Expressway (SLEX) to the North Luzon Expressway (NLEX), alleging that the project would result to grave injustice and irreparable injury to petitioner and the eight million residents of Metro Manila considering that the impending DPWH road project includes the portion known as "Tandang Sora Section" located within petitioner's barangay, underneath which



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> are the aqueducts supplying water to eight million residents of Metro Manila, which aqueducts might be damaged and thus imperil and disrupt water supply to all Metro Manila residents; that the petition raises the fundamental right to health under Sec. 15, Art. II of the 1987 Constitution; and that this petition for injunction has to be filed directly with the Supreme Court rather than with the lower court, pursuant to Section 3 of R.A. 8975 "An Act to Ensure the Expeditious Implementation and Completion of Government Infrastructure Projects by Prohibiting Lower Courts from Issuing Temporary Restraining Orders, Preliminary Injunctions or Preliminary Mandatory Injunctions, Providing Penalties for Violations."
>
> Assistant Solicitor General Eric Remegio Panga, lead counsel for respondent DPWH, asserts among others, that petitioner's case does not fall within the exception cited in R.A. 8975 and that under the principle of hierarchy of courts, the petition should have been filed with the Regional Trial Court. Said counsel likewise clarified that the proposed C-5 Road Expansion Project shall not be undertaken pending completion by the DPWH of studies and tests on the safety concerns, including the determination of the existence and actual location of the aqueducts in the area.
>
> Atty. Alberto C. Agra for respondent MWSS finds as premature the filing of the petition for injunction as there is yet no road expansion project to be implemented; that the project as conceived has yet to pass prior review by the MWSS after submission by the DPWH of a detailed study as to actual engineering design and actual tests for the conduct of any construction work; that the entry of DPWH in the area is to conduct study on the soil and on the location of the aqueducts; and that under the premises, there is yet no justiciable controversy as alleged by petitioner.[6]

After the respective counsels presented their arguments and answered queries from the members of the Court, we resolved to require all parties to submit their memoranda within ten days from the hearing. We also deliberated on the prayer for a temporary restraining order, and resolved to lift the status quo order of 1 July 2009 considering that no grave injustice or irreparable injury would arise.

In their memorandum,[7] the MWSS and Allado, through the OGCC, explained the purpose of the MWSS and its participation in the C-5 Road Extension Project. Under Republic Act No. 6234 (the MWSS Charter), the MWSS owns and has jurisdiction, supervision and control over all waterworks and sewerage systems within the development path of the expanding Metro Manila area, Rizal province, and a portion of Cavite province.[8] The MWSS installed three sub-terrain aqueducts that connect raw water from the La Mesa Dam to the Balara Filtration Plant located in Barangay Matandang Balara, Diliman, Quezon City. Portions of these aqueducts are located underneath Commonwealth Avenue in Quezon City, and are buried in varying depths because of the uneven surface of Quezon City's landscape.

Presidential Proclamation No. 1395 (PP 1395), issued by then President Gloria Macapagal-Arroyo on 25 September 2007, declared and reserved certain parcels of land of the RIPADA area for two purposes:

> 1. As an access highway for the new road alignment of the C-5 [Road] Extension Project that will connect the NLEX and SLEX with an area of THIRTY SEVEN THOUSAND EIGHT HUNDRED TWENTY (37,820) SQUARE METERS, more or less.
>
> 2. As housing facilities for deserving and bonafide occupants, to include those active and retired UP employees presently residing in the said communities with an area of FORTY SIX THOUSAND FIVE HUNDRED SIXTY THREE (46,563) SQUARE METERS, more or less.[9]

The land reserved by PP 1395 has a total area of 84,383 square meters, and is bounded by University Valley Subdivision on the North, Katipunan Avenue on the South, Tandang Sora Avenue on the East, and Dagohoy Street on the West. Lot 42-C-8-B has an area of 37,820 square meters, while Lot 42-C-8-C has an area of 46,563 square meters. PP 1395 directed the Metropolitan Manila Development Authority (MMDA), under the direct


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supervision of the Office of the President, to coordinate with DPWH for detailed engineering plans and designs for the access highway as well as with the Land Registration Authority and Land Management Bureau of the Department of Environment and Natural Resources for a comprehensive development plan for housing facilities for the affected families in the areas.[10] At the time of issuance of PP 1395, MWSS did not have any participation in the C-5 Extension Project.

On 3 December 2007, then MMDA Chairperson Bayani F. Fernando (Chairperson Fernando) wrote to then MWSS Administrator Lorenzo H. Jamora and proposed the utilization of certain MWSS properties for constructing Medium Rise Buildings (MRBs) for the affected families who will be displaced by the C-5 Road Extension Project.[11]

The Board of Trustees of the MWSS, in a meeting held on 19 June 2008, resolved to uphold the position of the MWSS management that the MWSS could not accede to Chairperson Fernando's request. Portions of Resolution No. 2008-120 read:

> WHEREAS, Lot 42-B-2-A consisting of 9,018.20 square meters, more or less, is one of the operational facilities turned over to [Manila Water Company, Inc.] MWCI. Three (3) main aqueducts [two-1575 mm. diameter Reinforced Concrete Pipes - AQ1 and AQ2 (constructed in 1928 and 1955, respectively), and one 2010 mm. Reinforced Concrete Pipe, Hexagonal] conveying raw water from La Mesa Dam to Balara Treatment Plants are located underneath the subject area. The 60-meter wide ROW was designed to provide enough space for the rehabilitation, upgrading, and maintenance of the aqueducts which have been in existence for more than 50 years, and maintenance thereof has to be undertaken to ensure sustainability of water supply. The area should also be insulated from disruptions and disturbances such as increased traffic, construction activities, and heavy loadings, as the subject areas were not technically designed to withstand such dynamic activities. Technically, the integrity of the pipes underneath is compromised in cases of heavy loadings;
>
> WHEREAS, Lot 42-A-6 consisting of an area of 2,026.50 square meters, more or less, is an extension of the above-mentioned property and for the same reasons, the same should remain free from disruptions and disturbances;
>
> WHEREAS, Lot 42-A-3 with an area of 15,647.60 square meters, more or less, located in front of MWSS complex is now developed as part of the C-5 road extension project;
>
> WHEREAS, Lot 42-A-4 with an area of 47,655.70 square meters, more or less, is an extension of the C-5 road extension project;
>
> WHEREAS, that parcel of land from the aggregate Lot 2 as shown in subdivision Plan PCS-8245 covered by TCT No. 80123 consisting of 8,414.71 square meters, more or less, is located within the MWSS Balara Complex and serves as a buffer zone of the chlorine house and other water facilities comprising the Balara Treatment Plant No. 1.
>
> x x x
>
> WHEREFORE, on motion made by Trustee Reyes and duly seconded by Trustee Dumlao, BE IT RESOLVED, as it is hereby resolved, to UPHOLD the position of Management that it cannot accede to the segregation of the aforementioned parcels of land of the MWSS in Barangay Balara, Quezon City for the housing program of families affected by the C-5 Road Extension Project (NLEX-SLEX Connection). The aqueduct [Right-of-Way] ROW must be retained/exclusively used for the proposed rehabilitation/upgrading works of the three (3) aqueducts by MWCI programmed from 2008 and beyond given the fact that the ages or economic life of the same are nearly reached and/or future improvements considering the increase of population of Metro Manila.[12]

Between 3 December 2007 and 20 June 2008, there were correspondences between Atty. Rowena


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Turingan-Sanchez (Atty. Turingan-Sanchez), Director IV of the Office of the President and Administrator Allado of the MWSS;[13] between MMDA Chairperson Fernando and Executive Secretary Eduardo Ermita (Exec. Sec. Ermita);[14] between Leonor C. Cleofas, Deputy Administrator of the MWSS' Operations Department, and Vicente Elefante, Manager of the Property Management Department of the MWSS;[15] and between the Board of Directors of the MWSS and the Chairperson of the MMDA on one hand, and Exec. Sec. Ermita on the other.[16] All these correspondences referred to the segregation of MWSS-owned lots for the construction of MRBs for those affected by the C-5 Road Extension Project.

On 12 March 2009, MWSS issued Board Resolution No. 2009-052 and allowed DPWH to use the 60 Meter Right-of-Way for preliminary studies in the implementation of the C-5 Road Extension Project. The Resolution reads:

> Subject to the prior review by Management of the road construction design and the opinion of the OGCC approving the use of the right-of-way (ROW), as recommended by Management and the joint Board Committees on Concession, Monitoring and Construction Management, RESOLVED, as it is hereby resolved, to allow the use by the Department of Public Works and Highways of the MWSS Balara-La Mesa aqueduct ROW, including the area of the Capitol Golf Course consisting of 93,941 square meters, for the implementation of the Katipunan/Tandang Sora Segment Circumferential Road 5 Project.[17]

DPWH entered the said properties of the MWSS on 30 June 2009 to conduct the necessary complete study and detailed design of the C-5 Road Extension Project, including test pitting and geothermal profiling.

In their memorandum,[18] DPWH, through the Office of the Solicitor General (OSG), stated that to execute the Magsaysay Avenue - Congressional Avenue segment of the C-5 Road Extension Project, the DPWH will follow the direction of the existing Katipunan Avenue - Tandang Sora Avenue road connection. A portion of Tandang Sora road, from Magsaysay Avenue to Damayan Road, will be widened to attain a 30-meter road width, allowing three lanes per direction. The road-widening aspect of the above-mentioned portion of the project affects Lots 42-A-4 and 42-B-2-A of the MWSS. A portion of Lot 42-B-2-A was occupied by the Capitol Hills Golf & Country Club until the early part of July 2009, when the MWSS allowed DPWH's entry pursuant to Board Resolution No. 2009-052.

The Issues

Torrecampo raises only one issue: Whether respondents should be enjoined from commencing with and implementing the C-5 Road Extension Project along Tandang Sora Road, affecting MWSS' properties. Torrecampo argues that (1) he has the legal standing to file the present suit; (2) only the Supreme Court may issue a restraining order and/or writ of preliminary injunction against government projects, according to the exception in Section 3 of R.A. 8975; (3) the present suit is not premature; and (4) the implementation of the C-5 Road Extension Project violates and defeats the purpose of R.A. 8975 unless it is enjoined.

The MWSS seeks the dismissal of Torrecampo's petition on the following grounds: (1) the petition does not present a justiciable matter that requires the Court to exercise its power of judicial review; (2) the petition failed to allege Torrecampo's right that warrants the issuance of an injunction under R.A. 8975; and (3) Torrecampo failed to exhaust administrative remedies.

The DPWH also limits the issue to Torrecampo's entitlement to an injunctive writ. The DPWH argues that: (1) Torrecampo violated the doctrine of hierarchy of courts; (2) MWSS did not object to DPWH's proposed project on the alleged ground that the project would destroy the aqueducts; (3) there is no credible proof that the project is implemented in the RIPADA area; (4) the alignment in the RIPADA area is more difficult to undertake compared to the DPWH alignment; (5) the petition cannot be a valid class suit because Torrecampo failed to show proof that

he represents the interest of eight million residents of Metro Manila; (6) the petition is not a valid taxpayer's suit as there is yet no project to speak of; (7) the DPWH's determination of the location of the project in accordance with its specialized skills and technical expertise should be accorded with finality and respect; (8) Torrecampo is not entitled to the issuance of an injunctive writ; and (9) Torrecampo has no cause of action.

The Court's Ruling

The petition must fail. Torrecampo is not entitled to an injunction. Torrecampo seeks judicial review of a question of Executive policy, a matter outside this Court's jurisdiction. Torrecampo failed to show that respondents committed grave abuse of discretion that would warrant the exercise of this Court's extraordinary certiorari power.

Judicial Review of a Question of Executive Policy

At the outset, we declare that Torrecampo seeks judicial review of a question of Executive policy, and quotes the Constitution as a thin veil for his weak arguments.

Torrecampo asserts that "[t]he right of the eight million residents of Metro Manila to clean and potable water is greatly put at risk x x x"[19] and alleges that the MWSS and the DPWH violate Section 16, Article II[20] and Section 6, Article XII[21] of the Constitution should they choose to proceed with the C-5 Road Extension Project using MWSS' properties instead of the RIPADA area. These issues, however, are "dependent upon the wisdom, not legality, of a particular measure."[22] Under the guise of the relative importance of the rights of a lesser number of motorists to a wider road vis-a-vis the rights of some eight million residents of Metro Manila to clean and potable water, Torrecampo wants this Court to determine whether the Tandang Sora area is a better alternative to the RIPADA area for the C-5 Road Extension Project.

Despite the definition of judicial power under Section 1, Article VIII of the Constitution,[23] an inquiry on issues raised by Torrecampo would delve into matters that are exclusively within the wisdom of the Executive branch. The possibility of judicial interference, as well as the speculative nature of the present petition, was clearly shown during the oral arguments:

> JUSTICE CARPIO:
>
> Ok, so, is it the province of this Court to tell the DPWH that [it] should construct the road not in the Ripada area but here in the Tandang Sora area. Do we have that jurisdiction?
>
> Atty. Villamor[24]:
>
> No, Your Honor. Maybe what your jurisdiction is to stop or enjoin the DPWH from constructing the DPWH and the Honorable Court need not direct it, or not direct the DPWH to instead construct the Ripada area because it is already an ongoing concern Your Honor.
>
> JUSTICE CARPIO:
>
> Is that our duty or that's the duty of the President to tell the DPWH Secretary, don't waste our money, we have already the road on this Ripada side...
>
> Atty. Villamor:
>
> It can be the duty of the President Your Honor, but the petitioner here Your Honor...
>
> JUSTICE CARPIO:
>
> Did you go to the President and ask the President to tell the DPWH Secretary not to waste the taxpayers' money?


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Atty. Villamor:

No, the point Your Honor, the petitioner here is a lowly Barangay Captain...

JUSTICE CARPIO:

Yes, but you can also go to the President if you think that there is a waste of funds by the DPWH Secretary?

Atty. Villamor:

We did not contemplate of [sic] that possibility Your Honor.

JUSTICE CARPIO:

You should go to the superior first of the Department Secretary, ask the President. We are not the overseer of the President in terms of Executive functions here.

Atty. Villamor:

Yes, but that is wanting. Maybe the Court is trying to say that we should have exhausted...

JUSTICE CARPIO:

Ok, do you know if the plan of DPWH includes fortifications of the aqueducts [so] that x x x the integrity will not suffer if there is a road over it?

Atty. Villamor:

We do not know, Your Honor.

JUSTICE CARPIO:

You do not know?

Atty. Villamor:

Yes, Your Honor.

JUSTICE CARPIO:

So, it could be possible that they included that in their plans?

Atty. Villamor:

Well, Your Honors, as I have said Your Honor, apart from the fact that aqueducts will be put in danger, there is an ongoing Government project, Your Honor.

JUSTICE CARPIO:

So, do you agree with me that it is possible x x x the DPWH did x x x make plans for remedial measures, so it's possible that they in fact made remedial measures?

Atty. Villamor:

Yes, that's possible, Your Honor.

JUSTICE CARPIO:

Ok. You are coming here and you are alleging so many factual issues that hundreds of millions of pesos have already been disbursed?

Atty. Villamor:

Yes, Your Honor.

JUSTICE CARPIO

What are your supporting papers on this?

Atty. Villamor:

The SARO that I have just shown, Your Honor.

JUSTICE CARPIO:

Yes, the SARO doesn't mean actual expenditure, there has to be a contract and the payments must have been made. There are so many SAROs floating around and not a single centavo has been spent.

Atty. Villamor:

I'm not saying by virtue of the SARO, Your Honor, moneys have been spent, what I'm saying is that by virtue of that SARO the project is being implemented and being pushed through by the MMDA, Your Honor.[25]

The OGCC, in its presentation of the case for MWSS during the oral arguments, further explained the nature of DPWH's entry into MWSS' premises:

Atty. Agra:

x x x

MWSS Board of Trustees, mindful of its mandate under its Charter, issued Resolution No. 2009-052 on March 12, 2009. The MWSS Board resolved to allow the use by the Department of Public Works and Highways of the MWSS Balara, La Mesa aqueducts' Right of Way for the implementation of the Katipunan-Tandang Sora segment circumferential road [extension] project. However, as pointed out by counsel, the implementation of the Resolution, is subject to two conditions precedent: (1) prior review by management of MWSS of the road construction design, and (2) opinion from the Office of the Government Corporate Counsel approving the use of the Right of Way. To date, the conditions have not been complied with, simply because no road construction design has been prepared and submitted to the MWSS management for consideration. The objective, therefore, of the entry into the MWSS property last week is two (2) fold. First, the purpose of the entry is to fence off, clear, segregate and secure the property in order that DPWH can conduct the necessary complete study and detailed design of the proposed road extension project. The study includes test pitting and geo-technical profiling. The results of the study will show the condition and location of the aqueducts, the condition and classification of the soil, the requirements to protect the aqueducts, assuming that the detailed design is approved by the MWSS. Second reason, the entry is simply an act of the ownership of the MWSS over its property along Tandang Sora. The lease contract with Capitol Golf expired in 2005. And therefore, with or without the road extension project, the property should be fenced off. In sum, no approval of the road extension project has been made by the MWSS since no study has been submitted to it.

MWSS recognizes the existence of two plans concerning the extension of the C-5. The other plan referred to in the petition as the better alternative is being pursued by the Metropolitan Manila Development Authority. The proposed road shall traverse Pook Ricarte, Pook Polaris and Dagohoy, which is referred to as the Ripada, within the University of the Philippines. An integral part of the project per Proclamation 1395, is the proposed construction of medium-rise buildings within the University of the Philippines. Therefore, Your Honors, under Proclamation 1395, MWSS has no role, there is no aqueduct that would be affected by this proposed project under Proclamation No. 1395. However, in a proposed proclamation which would effectively amend Proclamation No. 1395, the proposed relocation site of the bonafide residents of the University of the

> Philippines shall be within MWSS property along Tandang Sora. This is the subject of the petition. The letter of Administrator Diosdado Allado dated June 20, 2008, which is attached to the petition as Annex "B," was written in connection with the proposed proclamation not in connection with Proclamation No. 1395. The proposed proclamation again pertains to the proposed relocation of UP residents within the MWSS property, in connection with the proposed C-5 project being carried out by MMDA. The first paragraph of the letter was conveniently omitted by petitioner in his discussion. Because the first paragraph of the letter puts into context the objections of the MWSS. What petitioner projects is that the objections of the MWSS pertains to the road extension project while in truth and in fact the letter referred, signed by Mr. Allado, the Administrator of the MWSS, refers to the objections not on the the proposed road widening project, but on the proposed housing project. The objections of the MWSS of any disruption or any disturbance on the aqueducts are confined to the proposed construction of medium-rise buildings that will be constructed on top of the aqueducts. Thus, MWSS is not objecting to any proposed extension road project on top of the aqueducts. At this point MWSS cannot object or concur with any road project since no comprehensive study has been made and has been submitted to the MWSS for its approval.
>
> Further, it would be erroneous to automatically assume that any road above the aqueducts would necessarily impair or compromise the integrity of the aqueducts. At present, as pointed out by the Office of the Solicitor General, there are portions of the aqueducts which are under Commonwealth Avenue, Luzon Avenue and Tandang Sora. The aqueducts to this day are intact and serve the water needs of the 8 million residents of Metro Manila.[26]

The determination of where, as between two possible routes, to construct a road extension is obviously not within the province of this Court. Such determination belongs to the Executive branch. Moreover, in this case the DPWH still has to conduct the proper study to determine whether a road can be safely constructed on land beneath which runs the aqueducts. Without such study, the MWSS, which owns the land, cannot decide whether to allow the DPWH to construct the road. Absent such DPWH study and MWSS decision, no grave abuse of discretion amounting to lack of jurisdiction can be alleged against or attributed to respondents warranting the exercise of this Court's extraordinary certiorari power.[27]

Indeed, for the above reason alone, Torrecampo's petition must fail. There is no need to further discuss the other issues raised by the parties.

WHEREFORE, we DENY the petition filed by Barangay Captain Beda Torrecampo. No pronouncement as to costs.

**SO ORDERED.**

Nachura, Peralta, Abad, and Mendoza, JJ., concur.

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[1] Pursuant to Republic Act No. 8975 (R.A. 8975), An Act to Ensure the Expeditious Implementation and Completion of Government Infrastructure Projects by Prohibiting Lower Courts from Issuing Temporary Restraining Orders, Preliminary Injunctions or Preliminary Mandatory Injunctions, Providing Penalties for Violations Thereof, and for Other Purposes.

[2] Lot Nos. 42-B-2-A, 42-A-6 and 42-A-4 are also referred to as the "Tandang Sora section" in various submissions to the present case. In paragraph 8 under Statement of Relevant Facts of his petition, Torrecampo specified Lot Nos. "42-A-4, 42-A-6 and 42-A-4" as the portions of Barangay Matandang Balara entered into by the DPWH. However, in paragraph 1 under Prayer of his petition, Torrecampo asked that respondents be restrained from implementing the C-5 Road Extension Project over "Lot Nos. 42-B-2-A, 42-A-6, [and] 42-A-24." Rollo, pp. 14, 18.


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[3] Rollo, pp. 3-20.

[4] See note 2.

[5] The following appeared for the parties during the 6 July 2009 hearing:

(a) Atty. Alfredo L. Villamor, Jr. as counsel for Torrecampo;

(b) Atty. Alberto C. Agra and Atty. Ma. Victoria Sardillo of the Office of the Government Corporate Counsel (OGCC) for MWSS and Allado; and

(c) Asst. Solicitor General Eric Remegio Panga, Asst. Solicitor General Bernard Hernandez, Senior State Solicitor Nyriam Susan Hernandez, State Solicitor Walter Junia, Associate Solicitor Victor Nicasio Torres and Associate Solicitor Karla Moraleda for DPWH and Ebdane.

[6] Rollo, pp. 56-57.

[7] Id. at 123-181.

[8] Section 2(c) of the MWSS Charter enumerated the following areas: the cities of Manila, Pasay, Quezon, Cavite and Caloocan and the municipalities of Antipolo, Cainta, Las Piñas, Makati, Malabon, Mandaluyong, Marikina, Montalban, Navotas, Parañaque, Pasig, Pateros, San Juan, San Mateo, Taguig, Taytay, all of Rizal Province, the municipalities of Bacoor, Imus, Kawit, Noveleta, Rosario, all of Cavite province and Valenzuela, Bulacan.

[9] Rollo, p. 32.

[10] This portion of PP 1395 reads:

Specifically, the METROPOLITAN MANILA DEVELOPMENT AUTHORITY, pursuant to its mandated functions on transport and traffic management, and the development of shelter and housing facilities among others, in the delivery of metro-wide services as specified in Items (b) and (e) of R.A. 7924, and being the Regional Development Council in NCR per Executive Order 113, is hereby tasked to perform and execute the following activities under the direct supervision of the OFFICE OF THE PRESIDENT, to ensure the effective and efficient implementation of this Proclamation, stated to wit:

1. Preparation of Detailed Engineering Plans and Designs for the construction of the access highway for the new road alignment of the C-5 Extension Project in coordination with the Department of Public Works and Highways (DPWH).

2. Preparation of a Comprehensive Development Plan for housing facilities for the affected families of the areas. MMDA is authorized to tap and solicit the assistance and support services of concerned government agencies to implement the total development of the areas, including the conduct of parcellary and topographic surveys in coordination with the Land Registration Authority and Land Management Bureau, DENR.

3. Formulation, adoption and implementation of guidelines, rules and regulations pertaining to land disposition such as qualifications of beneficiaries, lot pricing, financing scheme, awarding of lots and facilities, required financial plans, and other related procedures.

4. Any and all proceeds to be generated from the land disposition shall accrue and be utilized for the development and general welfare of the community and of the University of the Philippines.

[11] Rollo, p. 183.


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[12] Id. at 184-186.

[13] Id. at 22-23, dated 20 June 2008; id. at 187, dated 28 April 2008.

[14] Id. at 188, dated 22 April 2008.

[15] Id. at 193, dated 13 May 2008.

[16] Id. at 194-196, dated 26 May 2008.

[17] Id. at 251.

[18] Id. at 258-300.

[19] Id. at 16.

[20] The State shall protect the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

[21] The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

[22] Tañada and Macapagal v. Cuenco, 103 Phil. 1051, 1067 (1957). In summarizing the definition of the term, "political question," Justice Concepcion wrote: "In short, the term `political question' connotes, in legal parlance, what it means in ordinary parlance, namely, a question of policy. In other words, in the language of Corpus Juris Secundum, it refers to `those questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the Legislature or executive branch of the Government.' It is concerned with issues dependent upon the wisdom, not legality, of a particular measure." (Italics in the original)

[23] The second paragraph of Section 1, Article VIII of the Constitution reads: "Judicial power includes the duty of the court of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government."

[24] Counsel for petitioner Torrecampo. See note 5.

[25] TSN, 6 July 2009, pp. 71-76.

[26] Id. at 105-110.

[27] See note 23.


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