

THE MALABON SUGAR COMPANY, PLAINTIFF AND APPELLEE, VS. THE MUNICIPALITY OF MALABON, ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 41825. August 07, 1935

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-41825/>

IMPERIAL, J.:

The plaintiff brought this action to annul or set aside ordinance No. 11, approved by the municipal council of 718 PHILIPPINE REPORTS

Malabon Sugar Co. vs. Municipality of Malabon

Malabon, Province of Rizal, on November 10, 1928, reading as follows:

"THE MUNICIPAL GOUNCIL OF MALABON, PROVINCE OF RIZAL, P. I., IN THE FULL EXERCISE OF ITS POWERS, DECREES:

"Section 1. There is hereby prohibited the passage of any vehicle pulling more than one car or wagon, or carrying more than four tons of freight, or whose width does not leave a space of at least one yard from the sidewalk on both sides, on the San Agustin, Sigua, Beacom, Burgos, Asuncion, Talipapa, now Andres Bonifacio, Naval, now A. Ayroso, and Women's Club streets, within this municipality.

"Sec. 2. Each violation of any of the provisions of this Ordinance shall be punished by a fine of not less than twenty pesos or by imprisonment from ten days to Six months, or by both such fine and imprisonment, in the discretion of the court.

"Sec. 3. Ordinance No. 7, series of 1928, and all ordinances and resolutions or parts thereof in violation of the present Ordinance are hereby repealed.

"Sec. 4. This Ordinance shall take effect ten days after its approval.

"Approved unanimously today, November 10, 1928."

The ordinance Was approved by the defendant municipality in the exercise of the power conferred upon it by section 2242, paragraph (e), of the Revised Administrative Code, the pertinent portion of which reads:

"Sec. 2242. Certain legislative powers of mandatory character.—It shall be the duty of the municipal council, conformably with law:

* * * * *

"(e) To regulate the construction, care, and use of streets, sidewalks, canals, wharves and piers in the municipality, and prevent and remove obstacles and encroachment on ithe same"

The material and admitted facts may be stated as follows: The eight streets or alleys mentioned in the ordinance are the narrowest thoroughfares in the municipality of Malabon. They are crowded and the traffic thereon

consisting of pedestrians, motor vehicles, vehicles drawn by horses, and passenger and freight trucks, is unusually heavy. Plaintiff's refinery and candy factory were established on the Island of Tanza in 1883. At least, from 1922 to 1933, its freight trucks used to pass through the Women's Club Street in transporting goods from and to the factory to Malabon and other places, and there is no other way in the locality through which said trucks could transport said goods and merchandise. The plaintiff constructed a wooden bridge over the Tanza River which is being used indiscriminately by its trucks and by the inhabitants of the island and their vehicles in going to the town, as well as by the residents of the municipality of Malabon and their vehicles in going to the said island. As the Women's Club Street has been abandoned for lack of municipal funds, the plaintiff has been financing its repair and maintenance. The widest part of the Women's Club Street is 3 meters and 14 centimeters; a certain portion of it where there is a sidewalk is 3.385 meters wide, and the narrowest part adjoining the bridge constructed by the plaintiff is only 2.83 meters in width.

We have no occasion to describe certain accidents, more or less important, which have occurred along the said street, because such accidents, in our opinion, are isolated and immaterial.

The question for decision, in the light of the facts above stated, is whether or not the ordinance in question is reasonable and has been enacted to promote the welfare of the inhabitants of the said municipality. There is no truth in the appellants' statement that the Women's Club Street, in its narrowest part, is 3.38 meters wide, and that, consequently, the carromatas and carretelas, which pass through it comply with the ordinance because they leave a yard on both sides intended for pedestrians. We said that the statement is untrue because in Exhibit 1 presented by them it appears that the narrowest part of said street is only 2.83 meters wide. If this is the width at this point, it is evident that the carromatas and carretelas would violate the ordinance whenever they pass through it in view of the fact that, according to the defendants, a carretela has a width of not less than 1.50 meters and a yard contains 91.5 centimeters. This means that at the narrowest point, a carromata or a carretela would leave no more than 1.33 meters of space on both sides, whereas to comply with the ordinance it is necessary to leave a space of 1.83 meters on both sides.

Having shown that even the carretelas and carromatas, admittedly the means of transportation of the majority of the residents and inhabitants of the municipality of Malabon and of the Island of Tanza, would fall within the prohibition of the ordinance, in connection with the passage through the Women's Club Street, we are forced to hold that said ordinance is illegal because unreasonable and oppressive and because it has not been enacted to protect or promote the welfare of the inhabitants of the municipality of Malabon.

The appealed judgment is affirmed, with the costs of this instance to the appellants. So ordered.

Malcolm, Villa-Real, Butte, and Goddard, JJ., concur.

Judgment affirmed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.