

EN BANC

G.R. No. 208788 – QUEZON CITY GOVERNMENT, represented by HONORABLE HERBERT M. BAUTISTA, in his capacity as CITY MAYOR OF QUEZON CITY, and TOMASITO L. CRUZ, in his capacity as the CITY PLANNING AND DEVELOPMENT OFFICER AND ZONING OFFICIAL OF QUEZON CITY, Petitioners, v. MANILA SEEDLING BANK FOUNDATION, INC., represented by its President and Chairman, LUCITO M. BERTOL, Respondent.

G.R. No. 228284 – MANILA SEEDLING BANK FOUNDATION, INC., represented by its President and Chairman, LEONARDO D. LIGERALDE, Petitioner, v. QUEZON CITY GOVERNMENT, represented by HON. HERBERT M. BAUTISTA, in his capacity as CITY MAYOR OF QUEZON CITY, GEN. ELMO SAN DIEGO, in his capacity as Head, Department of Public Order and Safety (DPOS), ROGER CUARESMA, and CAMERAN, M.J., and other members of the DPOS, Respondents.

Promulgated:

July 23, 2024

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CONCURRING OPINION

GESMUNDO, C.J.:

I concur in the *ponencia*. I write nonetheless to delve deeper on the interplay between *a presidential proclamation and a local zoning ordinance*. Notably, this case involves, on the one hand, Presidential Proclamation No. 1670, s. 1977 (Proclamation No. 1670) that granted usufructuary rights to Manila Seedling Bank Foundation, Inc. (MSBFI) and, on the other, Zoning Ordinance No. SP-918, s. of 2000, amended in 2013 (Zoning Ordinance), which reclassified the property previously occupied by MSBFI as falling within a metropolitan commercial and institutional zone.

The *ponencia* declares *ultra vires* certain provisions of the Zoning Ordinance insofar as they infringe on the usufructuary rights of MSBFI granted under Proclamation No. 1670. Pertinently, it holds:

We agree with the RTC that the Zoning Ordinance, by reclassifying the usufruct area into a use that is different from what was originally intended, and ultimately depriving the [MSBFI] of its



usufructuary rights, is considered *ultra vires* as it is beyond the competence of the local legislative body to amend a national law, i.e., Proclamation No. 1670.

.....

Here, Proclamation No. 1670 granted the [MSBFI] the authority to exercise its usufructuary rights over the subject property, which was confirmed by the Court to be valid until 2027. However, the Zoning Ordinance, in the guise of “regulating” the use of the subject property, effectively deprived the [MSBFI] of its usufructuary rights guaranteed by Proclamation No. 1670. Essentially, the Zoning Ordinance restricted the [MSBFI] from using the subject property by reclassifying and changing its nature. This is evident [from] the City’s refusal to renew the [MSBFI’s] Certificate of Non-Conformance, and accordingly, its business permit. The intention to render obsolete the [MSBFI’s] rights over the subject property is also made manifest by the relocation and phase out feature in the Zoning Ordinance for non-conforming properties. Indeed, *the Zoning Ordinance is in conflict with Proclamation No. 1670 since it limited and altogether restricted the [MSBFI’s] usufructuary rights* guaranteed thereunder.¹ (Emphasis supplied)

I agree that portions of the Zoning Ordinance should be rendered *ultra vires* insofar as they directly contravene MSBFI’s usufructuary rights. To underscore, Proclamation No. 1670 *prevails* over the local zoning ordinance as regards how the property should be used. It bears stressing that Proclamation No. 1670 reserved the subject property for a specific public purpose—to counter environmental degradation and deforestation through the establishment of a tree seedling facility. This specific public purpose has not been withheld, modified, or amended by law or proclamation. Thus, while the Zoning Ordinance was validly enacted, it is my view that the implementation of the reclassification against MSBFI’s use of the subject property contravenes the presidential proclamation. Given this context, it thus seems proper *to not implement* the Zoning Ordinance on the subject property until the expiration of the usufruct in 2027. I expound below.

*President’s power to reserve
public land vis-à-vis the local
government’s power to enact
the Zoning Ordinance*

To contextualize, the present case does not simply involve private property rights. For one, the subject property in the present case is a seven-hectare *government land* owned by the National Housing Authority.² For

¹ *Ponencia*, pp. 29–30.

² See *National Housing Authority v. Court of Appeals*, 495 Phil. 693 (2005) [Per J. Carpio, First Division].

another, the contending factors are a local ordinance and a presidential proclamation – both were issued in the exercise of police power and provide contradicting declarations on how the subject public land should be used. The presidential proclamation mandates the use of the subject property in MSBFI's operation to counter environmental degradation, while the local ordinance's strict implementation requires using the property for industrial and commercial purposes.

This case requires the Court to examine the correct delineation between the power of local government units to regulate the use of lands within their respective territories, and the power of the President to reserve a portion of such land for a specific public use or purpose. Alternatively stated, the question before the Court is *whether a local government unit may, through a zoning ordinance, validly withdraw, change, or alter the use or purpose for which a State property has been reserved, expressly or impliedly, by a presidential proclamation*. I humbly answer in the negative.

An examination of the sources and interrelation of the President's power to reserve lands of the public domain and the local government's power to pass zoning ordinances is an essential starting point of analysis. Thereafter, the Court can proceed to ascertain how these two governmental powers should be harmonized.

President's power to reserve lands via a proclamation for specific public purposes until declared otherwise

The President has the statutorily-delegated³ power to reserve public land for a public purpose. Section 64(d) of the Administrative Code of 1917, which was applicable at the time when Proclamation No. 1670 was issued, states:

Section 64. *Particular powers and duties of (Governor-General) President of the Philippines.* – In addition to his general supervisory authority, the (Governor-General) President of the Philippines shall have such specific powers and duties as are expressly conferred or imposed on him by law and also, in particular, the powers and duties set forth in this chapter.

Among such special powers and duties shall be:

³ The statutorily-delegate power is emphasized to distinguish it from the President's inherent rule-making power in the performance of its constitutional duty to see that the laws are faithfully executed. (See CORTES, IRENE RIAN, THE PHILIPPINE PRESIDENCY: A STUDY OF EXECUTIVE POWER 82 [1966]).

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- (d) *To reserve from settlement or public sale and for specific public uses any of the public domain of the (Philippine Islands) Philippines the use of which is not otherwise directed by law, the same thereafter remaining subject to the specific public uses indicated in the executive order by which such reservation is made, until otherwise provided by law or executive order.*⁴
(Emphasis supplied)

Three points must be highlighted from this provision: (1) an executive order appears to be the *prescribed form* to reserve a public land; (2) the reservation of public land must be for a *specific public use*; and (3) the property shall remain subject to the specific public use “*until otherwise provided by law or executive order.*”

On the first point, although Section 64 of the Administrative Code of 1917 specifies an executive order as the form in which the presidential issuance reserving a property should be made, Section 63 of same law states that a proclamation has the same force as an executive order. Hence, the use of an executive proclamation for such purpose is permissible. Notably, Section 63 of the same law states:

Section 63. *Executive orders and executive proclamations.* – Administrative acts and commands of the (Governor-General) President of the Philippines touching the organization or mode of operation of the Government or rearranging or readjusting any of the districts, divisions, parts, or ports of the (Philippine Islands) Philippines and all acts and commands governing the general performance of duties by public employees or disposing of issues of general concern shall be made effective in executive orders.

Executive orders fixing the dates when specific laws, resolutions, or orders are to have or cease effect and any information concerning matters of public moment determined by law, resolution, or executive orders, may be promulgated in an *executive proclamation, with all the force of an executive order.*⁵ (Emphasis supplied)

In fact, the counterpart provision in the Administrative Code of 1987 on the President's power to reserve land for public use, no longer specifies the form to be used in the presidential pronouncement, to wit:

⁴ ADM. CODE (1917), Title II, Chapter 4, Article II, sec. 64(d).

⁵ ADM. CODE (1917), Title II, Chapter 4, Article I, sec. 63.

Section 14. *Power to Reserve Lands of the Public and Private Domain of the Government.* – (1) The President shall have the power to reserve for settlement or public use, and for specific public purposes, any of the lands of the public domain, the use of which is not otherwise directed by law. The reserved land shall thereafter remain subject to the specific public purpose indicated until otherwise provided by law or proclamation.⁶ (Emphasis supplied)

In her book entitled *The Philippine Presidency: A Study of Executive Power*, Justice Irene Cortes remarked on the non-binding nature of a statute's prescribed form for presidential issuances thus:

What binding effect would a statutory provision regulating the form and procedure for presidential acts have? It would seem that insofar as the rules and regulations issued by the president in the performance of functions vested in him by the constitution are concerned, the legislature cannot in any way interfere by prescribing the form and procedure he should take. But if the legislature delegates rule-making functions to the president the conditions under which the rules should issue, such as public hearings to be conducted and publications to be made, may be prescribed in the statute. Still *as far as the courts are concerned[,] the substance rather than the form prevails* in cases where the sufficiency of the president's manner of rule-making is made an issue.⁷ (Emphasis supplied)

Hence, the President has the power to reserve a property for public use whether such declaration is in the form of an executive order or a proclamation. The form or instrument by which the President reserves public land has no bearing on the validity or legal effect of the presidential action,⁸ notwithstanding the fact that the Administrative Code of 1917 specifies the use of an executive order in the reservation of public land.

Pertinently, the land subject of this case had been reserved for specific public purposes in at least three *presidential proclamations*. The subject property appears to have been part of the land previously reserved by President Ramon Magsaysay in Proclamation No. 42, s. 1954⁹ to become the Quezon Memorial Park.¹⁰ A portion of that land was later reserved by

⁶ See ADM. CODE (1987), Book III, Title I, Chapter 4, sec. 14(1). Notably, the Administrative Code of 1987 also acknowledges the equal force of an executive order and proclamation as follows:

Section 4. *Proclamations.* – Acts of the President fixing a date or declaring a status or condition of public moment or interest, upon the existence of which the operation of a specific law or regulation is made to depend, shall be promulgated in proclamations which shall have the force of an executive order. (Emphasis supplied). (See ADM. CODE (1987), Book III, Title I, Chapter 2, Article II, sec. 4).

⁷ See CORTES, IRENE RIAN, *THE PHILIPPINE PRESIDENCY: A STUDY OF EXECUTIVE POWER* 84 (1966).

⁸ *Id.* at 83.

⁹ Proclamation No. 42 (1954). Revoking Proclamations Nos. 422 and 431, Both Series of 1953, and Reserving the Parcels of Land Embraced Therein Situated in Quezon City for National Park Purposes to be Known as Quezon Memorial Park.

¹⁰ Pursuant to Republic Act No. 826 (1952), *An Act Creating the Commission on Parks and Wildlife, defining its Powers, Functions, and Duties.*



President Ferdinand Marcos, Sr. in Proclamation No. 481, s. 1968¹¹ to become the National Government Center Site (NGC Site). Nine years later, Proclamation No. 1670¹² was issued excluding the seven-hectare portion of that land from the NGC Site and reserving it, instead, for the MSBFI's "use in its operation and projects." This most recent proclamation reads, thus:

EXCLUDING FROM THE OPERATION OF PROCLAMATION NO. 481, DATED OCTOBER 24, 1968, WHICH ESTABLISHED THE NATIONAL GOVERNMENT CENTER SITE, SITUATED AT DILIMAN, QUEZON CITY, CERTAIN PARCELS OF LAND EMBRACED THEREIN, AND RESERVING THE SAME FOR THE PURPOSES OF THE MANILA SEEDLING BANK FOUNDATION

Pursuant to the powers vested in me by the Constitution and the laws of the Philippines, I, FERDINAND E. MARCOS, President of the Philippines, *do hereby exclude from the operation of Proclamation No. 481*, dated October 24, 1968, which established the National Government Center Site, certain parcels of land embraced therein and *reserving the same for the Manila Seedling Bank Foundation, Inc., for use in its operation and projects*, subject to private rights if any there be, and to future survey, under the administration of the Foundation.

This parcel of land, which shall *embrace 7 hectares*, shall be determined by the future survey based on the technical descriptions found in Proclamation No. 481, and most particularly on the original survey of the area, dated July 1910 to June 1911, and on the subdivision survey, dated April 19-25, 1968.¹³ (Emphasis supplied)

Based on the foregoing, the use of presidential proclamations as the form to reserve public lands is allowed.

On the second point, the reservation of a public land must be for a **specific public purpose**. In the present case, the subject property has been specifically reserved for the tree seedling facility in order to counter environmental degradation and deforestation.

Presidential Decree No. 1197, s. of 1977,¹⁴ specifically recognizes MSBFI as "a non-profit, non-stock organization, [which] was organized

¹¹ Proclamation No. 481 (1968), Excluding from the Operation of Proclamation No. 42, Dated July 5, 1954, Which Established the Quezon Memorial Park, Situated at Diliman, Quezon City, Certain Parcels of the Land Embraced Therein and Reserving the Same for National Government Center Site Purposes.

¹² Proclamation No. 1670 (1977), Excluding from the Operation of Proclamation No. 481, Dated October 24, 1968, Which Established the National Government Center Site, Situated at Diliman, Quezon City, Certain Parcels of Land Embraced Therein, and Reserving the Same for the Purposes of the Manila Seedling Bank Foundation.

¹³ Proclamation No. 1670 (1977).

¹⁴ Presidential Decree No. 1197 (1977), Exempting the Manila Seedling Bank Foundation, Inc. From Payment of Taxes and Customs Duties and Other Imposts.

primarily to engage in the *production of tree seedlings to supply the needs of the various government offices and agencies in all kinds of activities relating to tree planting[.]*¹⁵ Consistent with this purpose, MSBFI, since its creation in 1977, established an Environmental Center which serves as a plant nursery for the government's reforestation projects, and leases a portion of the subject property for garden centers, pet shops, and cut flower centers. It also offers various services such as tree pruning, tree balling and relocation, disease treatment, tree farming, greenhouse construction and maintenance, and plant clinics. In addition, it provides seminars and workshops on reforestation, environmental preservation, waste disposal management, composting and others.

From the foregoing, it can be clearly inferred that the subject property was not simply entrusted by the national government to MSBFI for the latter's discretionary use. It was reserved specifically for the production of seedlings, among others, towards the end of protecting and preserving the environment.

While the precise reason for reserving the land does not explicitly appear on the face of Proclamation No. 1670, such purpose was announced and is readily discernable from the speech of President Ferdinand Marcos, Sr. during the inauguration of MSBFI. Relevantly, he signed Proclamation No. 1670 while he was delivering his speech during such inauguration. Essentially, the purpose was to enable the MSBFI to counter environmental degradation and deforestation through the tree seedling facility. He said thus:

[I]f the environment and the land have been degraded by man and the machine, now we turn around and convert the land and the machine into the means by which to *restore and recover the environment and the land.*

.....

[T]he encroachment — gradual but relentless — of the wasters of our forests, the degradation, the erosion, the denudation is now very obvious and palpable even to the most complacent among our people.

.....

The causes are many. Some point to the kaingeros, some to the loggers. Whichever it is, it is now necessary that we confront the causes and overcome whatever causes the wasting of our land.

.....

¹⁵ Presidential Decree No. 1197 (1977), Whereas clause.

[T]he physical environment of that past is fast receding. And unless we do something about it, we will never be able to transmit even the shadow of that past to our children and their children.

Thus, I welcome this opportunity to participate in this gallant and noble effort at the *restoration of our environment*. For this is principally a restoration work.

....

The other matter is this particular facility. This does not belong to the Manila Seedling Bank Foundation, Inc. yet. *Can you give me that decree which transfers it to the Foundation? Let me sign it in your presence.* I hereby transfer this land of about seven hectares, subject to survey and boundary segregation, and exclude it from the operation of Proclamation No. 418, dated October 24, 1968, which established the national government center site. You see, this is a part of the national government center site in Diliman, Quezon City. Where is the mayor of Quezon City? We will have to take this away from your jurisdiction now, and hereby *reserve the same for the purposes set in the charter of the Foundation. In your presence, I sign this decree.*

....

We speak of saving the country as if it were a war. And I want to inform you that it is a war. It is a war against the *environmental degradation that threatens to engulf the Philippines* if we were to allow the loss of 100,000 hectares every year. We will lose our forests in no time at all. When we lose our forests, we lose our agricultural land. When we lose our agricultural land, we lose our source of living. We will have to import everything that we eat. And we will end up with the deserts which many of the countries have as a result of past prodigality. Before we reach such a state, we now must go into this program.¹⁶ (Emphasis supplied)

MSBFI was incorporated earlier that month or on September 5, 1977, based on the records of the Securities and Exchange Commission.¹⁷ On September 7 of that year, Proclamation No. 1197, s. 1977¹⁸ was issued exempting MSBFI from the payment of all taxes, customs duties, and other imposts. Relevantly, that issuance described MSBFI as “a non-profit, non-stock organization,” which “was *organized primarily to engage in the production of tree seedlings to supply the needs of the various government offices and agencies* in all kinds of activities relating to tree planting.”

¹⁶ Ferdinand Emmanuel Edralin Marcos, Sr., 10th President of the Republic of the Philippines, speech delivered at the inauguration of the Manila Seedling Bank Foundation, Inc. September 19, 1977, available at <<https://www.officialgazette.gov.ph/1977/09/19/remarks-of-president-marcos-at-the-inauguration-of-the-manila-seedling-bank-foundation-inc/>>.

¹⁷ Internal Note: see search results in <https://secexpress.ph> for Manila Seedling Bank Foundation Inc. with SEC Registration Number: 0000075473.

¹⁸ Exempting the Manila Seedling Bank Foundation, Inc. From Payment of Taxes and Customs Duties and Other Imposts, signed on September 7, 1977, available at <<https://www.officialgazette.gov.ph/1977/09/07/presidential-decree-no-1197-s-1977/>>.



Within that same month, or on September 19, 1977, MSBFI was inaugurated and Proclamation No. 1670 was signed. It is therefore apparent that the subject property was reserved by President Marcos, Sr. for a specific public purpose.

The third point answers this question: until when must such specific public purpose be followed? The Administrative Code of 1917 expressly states that the land shall remain subject to the specific purpose for which it was reserved “*until otherwise provided by law or executive order.*”¹⁹ In other words, the only means by which such specific public purpose is withdrawn, changed, or modified is through the passage of a statute, or the issuance of a subsequent executive order or presidential proclamation.

In the present case, the purpose for which the subject property has been reserved by Proclamation No. 1670 has not been changed or withdrawn by law, executive order, or by a subsequent presidential proclamation. Records show that the Quezon City (QC) Government failed to refer to any law, executive order, or presidential proclamation changing or withdrawing the specific public purpose for which the subject property has been reserved.

While the President can reserve public land for a specific public use, local governments, through their zoning ordinances, can also regulate the *use* of land within their respective territorial jurisdictions.

Zoning power of the local government

Zoning ordinance is defined as a local city or municipal legislation which logically arranges, prescribes, defines, and apportions a given political subdivision into specific *land uses* as present and future projection of needs.²⁰ Zoning classification is an exercise of police power by a local government.²¹ Section 20 of the Local Government Code (LGC) states that the power to enact zoning ordinance for comprehensive land use must be “in conformity with existing laws.” Section 447 thereof echoes that such zoning

¹⁹ ADM. CODE (1917), Title II, Chapter 4, Article II, sec. 64(d). It states that:

(d) To reserve from settlement or public sale and for specific public uses any of the public domain of the (Philippine Islands) Philippines the use of which is not otherwise directed by law, the same thereafter *remaining subject to the specific public uses* indicated in the executive order by which such reservation is made, *until otherwise provided by law or executive order.* (Emphasis supplied)

²⁰ *Buklod Nang Magbubukid Sa Lupaing Ramos, Inc. v. E. M. Ramos and Sons, Inc.*, 661 Phil. 34, 67 (2011) [Per J. Leonardo-De Castro, First Division]; *Social Justice Society v. Atienza, Jr.*, 568 Phil. 658, 704 (2008) [Per J. Corona, First Division]. See also *Sta. Rosa Realty Development Corporation v. Court of Appeals*, 419 Phil. 457, 476 (2001) [Per J. Pardo, First Division], citing Presidential Decree No. 449, sec. 4(b) or the Cockfighting Law of 1974.

²¹ See *Social Justice Society v. Atienza, Jr.*, *id.*

ordinances are “subject to existing laws, rules and regulations.” The relevant provisions of Sections 20 and 447 of the LGC, respectively, state:

Section 20. Reclassification of Lands.

.....

(c) The local government units shall, *in conformity with existing laws*, continue to prepare their respective *comprehensive land use plans enacted through zoning ordinances* which shall be *the primary and dominant bases for the future use of land resources*: Provided, That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

.....

Section 447. *Powers, Duties, Functions and Compensation*. — (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

.....

(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of this Code with particular attention to agro-industrial development and countryside growth and progress, and relative thereto, shall:

.....

(ix) *Enact integrated zoning ordinances* in consonance with the approved comprehensive land use plan, *subject to existing laws, rules and regulations*; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code[.]²² (Emphasis supplied)

Clearly, the local government’s zoning power must conform to, and not be inconsistent with, the restrictions imposed by the national government.

²² LOCAL GOVERNMENT CODE (1991), secs. 20 and 447, Republic Act No. 7160.

To my mind, the restrictions on the local governments' zoning power include the President's express reservation of a public land for a specific use. The presidential proclamation to this effect falls within the category of "existing laws, rules and regulations" that limits the local governments' power to regulate the use of land.

Besides, the national interest contemplated to be served by the President's reservation of a public land should not be curtailed by zoning ordinances which promote primarily local interests. Otherwise, overarching policies of the national government would not be implemented without the concurrence of local governments. In the present case, for example, if the QC Government were to be allowed to commercialize the subject property, which has been specifically reserved to aid the national government's efforts to fight environmental degradation – then local interests would consequently obstruct the efforts to address a pressing national interest which affects communities beyond the locality.

For these reasons, I am of the view that local government units, through the passage of zoning ordinances, cannot conveniently alter the specific public purpose for which a land has been reserved by the President.

During the deliberations on this case, it was posited that the Zoning Ordinance simply limited or restricted MSBFI's use of the subject property. That being so, MSBFI need only to conduct its operations on the subject property, in accordance with the restrictions provided by or appurtenant to the classifications of the subject property as institutional and metropolitan commercial zones. Hence, the local regulation was argued to have validly imposed a restriction on MSBFI's usufructuary right.

I humbly disagree.

As discussed above, MSBFI's projects and operations are circumscribed by the purpose of its creation as stated in Presidential Decree No. 1197, to wit: "to engage in the *production of seedlings to supply the needs of the various government offices and agencies in all kinds of activities relating to tree planting*["]²³ Since its creation in 1977, MSBFI operated its facilities within the subject property to fulfill this objective. Clearly, MSBFI's use of the subject property has been consistent with its primary purpose, and ultimately with the purpose for having usufructuary rights under Proclamation No. 1670.

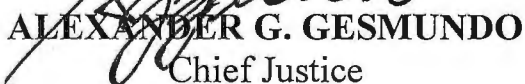
²³ Presidential Decree No. 1197 (1977), Whereas clause.

Since the subject property has been used for the above-mentioned purpose even prior the enactment of the Zoning Ordinance, the reclassification of the area where the subject property is located into institutional and metropolitan commercial zones, coupled with the QC Government's refusal to issue a certificate of non-conformance permit effectively prevented MSBFI from using the subject property pursuant to its contemplated use under Proclamation No. 1670. Due to this, the MSBFI could not fully perform its operation as a tree seedling facility or plant nursery because it is inconsistent with the metropolitan commercial and institutional classification zone imposed by the Zoning Ordinance.

Lest it be misunderstood, the QC Government is not prohibited from issuing the Zoning Ordinance. Section 20 of the LGC states that the zoning ordinances containing the comprehensive land use plans shall be "the primary and dominant bases for the *future use* of land resources." Hence, the local government may classify the land as an industrial zone as a forward-looking measure. What is objectionable in the present case is the strict implementation of the Zoning Ordinance on the subject property during the subsistence of the reservation of the land for a public purpose. Notably, the usufruct granted in MSBFI's favor started in 1977 and will end in 2027.²⁴ Instead of issuing a certificate of non-conformance, the QC Government opted not to allow MSBFI to legally operate even though its operation was pursuant to the presidential proclamation.

All told, the *ponencia* correctly affirms the trial court's ruling to declare *ultra vires* some provisions of the Zoning Ordinance insofar as they infringe on the usufructuary rights of MSBFI under Proclamation No. 1670.

ACCORDINGLY, I vote to **DENY** the Petition in G.R. No. 208788 and to **DISMISS** the Petition in G.R. No. 228284.


ALEXANDER G. GESMUNDO
Chief Justice

²⁴ See *National Housing Authority v. Court of Appeals*, 495 Phil. 693, 704–705 (2005) [Per J. Carpio, First Division]; see also *National Housing Authority v. Manila Seedling Bank Foundation, Inc.*, 787 Phil. 531, 533–534 (2016) [Per C.J. Sereno, First Division].