

TRIBUNAL DE APELACIONES DE PUERTO RICO

Consejo de Titulares Condominio Pavilion Court v. Sylvia Esther
Santiago Figueroa, Cynthia Michelle Burgos López

TA2025AP00231 · No. TA2025AP00231 · Decided January 13, 2026

SUMMARY

The Puerto Rico Court of Appeals reviews a partial judgment dismissing an action by the condominium owners’ council seeking preliminary and permanent injunctive relief. The dispute concerns access to patios adjoining condominium apartments to repair perimeter fences and install security concertina wire. The court modifies the trial court’s judgment based on the parties’ competing factual assertions and the governing condominium documents.

CASE DETAILS

COURT	Tribunal de Apelaciones de Puerto Rico
WRITING FOR THE COURT	Rodríguez Casillas; Barresi Ramos; Santiago Calderón
JURISDICTION	Puerto Rico Court of Appeals
DECIDED	January 13, 2026
DOCKET	TA2025AP00231
DISPOSITION	remanded
PROCEDURAL POSTURE	Appeal from a partial judgment granting no relief on the appellant's motion for summary judgment and dismissing its preliminary and permanent injunction claims and the action in its entirety.
STANDARD OF REVIEW	Summary-judgment rulings are reviewed de novo, with the appellate court in the same position as the trial court and applying the requirements of Rule 36. The appellate court may not consider evidence not presented below or resolve disputed material facts. Review of discretionary trial-court decisions is deferential absent prejudice, partiality, clear abuse of discretion, or error in applying procedural or substantive law.
PRECEDENTIAL VALUE	Published
PARTIES	Consejo de Titulares del Condominio Pavilion Court v. Sylvia Esther Santiago Figueroa, Cynthia Michelle Burgos López

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QUESTIONS PRESENTED

1. Whether the trial court erred by dismissing the entire action after denying the Consejo's motion for summary judgment instead of identifying disputed material facts and ordering further proceedings under Rule 36.4.
2. Whether the appellate court could determine on de novo review that a material factual dispute existed regarding whether security coils were installed on the appellees' fences before Hurricane María.
3. Whether the Consejo was entitled to preliminary or permanent injunctive relief on the summary-judgment record.

HOLDINGS

1. The trial court erred by dismissing the entire action when the summary-judgment record presented a material factual dispute. It was required to identify the disputed and undisputed facts and allow the unresolved issue to proceed to an ordinary trial under Rule 36.4.
2. A genuine dispute of material fact existed as to whether the fences serving apartments 5-A and 5-B had security coils before Hurricane María.
3. The Consejo was not entitled to an injunction on the summary-judgment record because it failed to establish that the security coils had existed on the appellees' fences before the hurricane. The request for access to install the coils therefore could not be granted before trial.

KEY QUOTATIONS

“Dado lo anterior, estamos impedidos de conceder el injuncion solicitado, y en consecuencia, otorgar el acceso al patio de la parte apelada para la instalación de dichas serpentinas.” (at 26)

“Es decir, la única controversia a resolver consiste en, si previo al huracán María, las verjas de los apartamentos de las apeladas contaban con una serpentina instalada.” (at 27)

“Por lo tanto, la controversia de hecho a resolverse en un juicio ordinario es la siguiente: ¿Si antes del evento del Huracán María, existían las serpentinas en las verjas de las apeladas en los apartamentos 5-A y 5-B?” (at 27)

FACTUAL BACKGROUND

The Pavilion Court condominium is governed by a horizontal-property regime whose master deed classifies perimeter and interior fences as common elements and places their maintenance on the condominium. After Hurricane María, the Consejo approved a reconstruction plan and contracted for replacement of perimeter fences, including stainless-steel security coils. The owners of apartments 5-A and 5-B permitted fence repairs but

refused to allow installation of the coils, disputing whether coils had existed on their fences before the hurricane and raising safety, aesthetic, and uniformity concerns. The Consejo sought an injunction requiring access to the patios and moved for summary judgment.

PROCEDURAL HISTORY

The Consejo de Titulares filed an action seeking preliminary and permanent injunctive relief to obtain access to the appellees' patios for repair of perimeter fences and installation of security coils. The Puerto Rico Court of First Instance denied the Consejo's summary-judgment motion and dismissed the injunction claims and the entire action, concluding that the Consejo had not conclusively shown that security coils existed on the appellees' fences before Hurricane María. The court denied reconsideration. The Court of Appeals held that the disputed issue required an ordinary trial and modified the judgment to allow the case to continue.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must continue the action and conduct an ordinary trial on the factual question whether, before Hurricane María, security coils existed on the fences serving the appellees' apartments 5-A and 5-B. The remaining portions of the trial court's judgment are affirmed.

CASES CITED

- Coop. Seguros Múltiples de PR v. Lugo, 136 DPR 203, 208 (1994)
- Rivera y otros v. Bco. Popular, 152 DPR 140, 155 (2000)
- Rodríguez García v. UCA, 200 DPR 929 (2018)
- Velázquez Ortiz v. Mun. de Humacao, 197 DPR 656, 661 (2017)
- Vera v. Dr. Bravo, 161 DPR 308, 333 (2004)
- Fernández Martínez v. RAD-MAN San Juan III-D, LLC, 208 DPR 310, 335 (2021)
- Rivera Matos et al. v. Triple-S et al., 204 DPR 1010, 1025 (2020)
- González Santiago v. Baxter Healthcare, 202 DPR 281, 291 (2019)
- Meléndez González et al. v. M. Cuebas, 193 DPR 100, 118-119 (2015)
- Municipio de Loíza v. Sucs. Suárez, 154 DPR 333, 367 (2001)
- Asoc. Vec. v. Caparra v. Asoc. Fom. Educ., 173 DPR 304, 319, 325 (2008)
- VDE Corporation v. F & R Contractors, 180 DPR 21, 41 (2010)
- Pérez Vda. Muñoz v. Criado, 151 DPR 355, 372-373 (2000)
- Aut. Tierras v. Moreno & Ruiz Dev. Corp., 174 DPR 409 (2008)
- Loíza Sugar Co. v. Hernáiz y Albandoz, 32 DPR 903 (1924)
- Mun. de Ponce v. Gobernador, 136 DPR 776, 785-786, 790-791 (1994)
- PR Telephone Co. v. Tribunal Superior, 103 DPR 200, 202 (1975)

- Noriega Rodríguez v. Hernández Colón, 130 DPR 919 (1992)
- García v. World Wide Entmt. Co., 132 DPR 378, 389-390 (1992)
- Next Step Medical v. Bromedicon, 190 DPR 474, 487 (2014)

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