

PUERTO RICO COURT OF APPEALS

Junta de Planificación del Gobierno de Puerto Rico v. Ocasio Algarín

KLAN202500212 · No. KLAN202500212 · Decided April 24, 2026

SUMMARY

The Puerto Rico Court of Appeals reviews the dismissal without prejudice of the Planning Board's statutory injunction action seeking demolition of allegedly unauthorized construction and payment of an administrative fine. The court holds that dismissal for failure to join an indispensable party was improper because the complaint could be amended and the defendant, who owned the property when the Planning Board intervened, could remain in the action under Article 14.1 of Puerto Rico Law No. 161-2009. The judgment is reversed, and the case is remanded to allow amendment of the complaint to include any additional indispensable parties, including the current owner.

CASE DETAILS

COURT	Puerto Rico Court of Appeals
WRITING FOR THE COURT	Juez Barresi Ramos; Jueza Cintrón Cintrón; Jueza Rivera Marchand
JURISDICTION	Puerto Rico Court of Appeals
DECIDED	April 24, 2026
DOCKET	KLAN202500212
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Junta de Planificación appealed from the Puerto Rico Court of First Instance's dismissal without prejudice of its statutory injunction action for failure to join an indispensable party.
STANDARD OF REVIEW	A dismissal under Rule 10.2 is reviewed under the standard requiring courts to accept well-pleaded factual allegations as true, construe the complaint liberally in the plaintiff's favor, and determine whether the complaint states a plausible claim. Review of a trial court's discretionary joinder determination is for clear abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential value under Puerto Rico appellate practice is not otherwise specified in the text.
PARTIES	Junta de Planificación del Gobierno de Puerto Rico v. Michael Ocasio Algarín

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court of First Instance erred by dismissing the statutory injunction action without prejudice for failure to join an indispensable party.
2. Whether the court should have allowed the Junta an opportunity to amend the complaint to include the current owner and other indispensable parties.
3. Whether Article 14.1 of Puerto Rico Law 161-2009 requires a statutory injunction action to be brought only against the current owner or titleholder of the property.

HOLDINGS

1. The trial court erred by dismissing the complaint without prejudice because the complaint was susceptible to amendment and the appropriate first option was to allow the plaintiff an opportunity to join the indispensable parties.
2. A defendant in an Article 14.1 statutory injunction action need not possess a current ownership or title interest in the property; therefore, Ocasio Algarín, who owned the property when the Junta intervened, could remain in the action while the current owner was added.

KEY QUOTATIONS

“En fin, una sentencia formulada sin la presencia de una parte indispensable es nula.” (12)

“Por ende, como primera opción, resulta totalmente razonable conceder la oportunidad enmendar.” (13)

“el Artículo 14.1 no requiere que el procedimiento especial y sumario proceda únicamente en contra del titular o dueño del inmueble objeto de la controversia.” (13)

FACTUAL BACKGROUND

A permit-related complaint concerned a residential property where a second floor and a concrete staircase allegedly had been constructed without the required permits and in violation of setback regulations, and where several apartments were allegedly being rented without a use permit. The property was inspected in 2021, and the Junta issued a notice of findings and order to show cause in 2023, but Michael Ocasio Algarín did not comply. The Junta filed a statutory injunction action seeking demolition, payment of a \$2,448 fine, and attorney fees and costs. At the January 2025 hearing, Ocasio Algarín stated that he had sold the property in 2021 and later produced a deed identifying the current owner.

PROCEDURAL HISTORY

The Junta issued a notice of findings and order to show cause concerning allegedly unpermitted construction, inadequate setbacks, and unauthorized apartment use. After the respondent stated that he had sold the property,

the Court of First Instance dismissed the action without prejudice for failure to join an indispensable party and denied reconsideration. The Court of Appeals reversed and remanded for a brief period to amend the complaint and join all indispensable parties.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of First Instance must grant the Junta a brief period to amend the complaint to include all indispensable parties, including the current owner, Michael Rubén Ocasio Algarín, and then continue the proceedings consistently with the appellate ruling.

CASES CITED

- Díaz Vázquez v. Colón Peña, 214 DPR 1135 (2024)
- Román Ortiz v. OGPe, 203 DPR 947, 957 (2020)
- Laureano v. Mun. de Bayamón, 197 DPR 420, 433 (2017)
- Horizon v. Jta. Revisora, RA Holdings, 191 DPR 228, 236 (2014)
- Miranda Correa v. DDEC et al., 211 DPR 738 (2023)
- CBS Outdoor v. Billboard One, Inc. et al., 179 DPR 391, 408 (2010)
- González Méndez v. Acción Social et al., 196 DPR 213 (2016)
- Asoc. Importadores de Cerveza, Inc. v. E.L.A., 171 DPR 140, 149 (2007)
- Harguindey Ferrer v. U.I., 148 DPR 13, 30 (1999)
- Aut. Tierras v. Moreno & Ruiz Dev. Corp., 174 DPR 409 (2008)
- Colón Rivera et al. v. ELA, 189 DPR 1033, 1049 (2013)
- Ortiz Matías et al. v. Mora Development, 187 DPR 649 (2013)
- Pérez Ríos et al. v. CPE, 213 DPR 203 (2023)
- Inmob. Baleares et al. v. Benabe et al., 214 DPR 1109 (2024)
- FCPR v. ELA, 211 DPR 521, 531 (2023)
- Infante v. Maeso, 165 DPR 474 (2005)
- Granados v. Rodríguez Estrada II, 124 DPR 593 (1989)
- Meléndez v. Levitt & Sons of P.R., Inc., 106 DPR 437, 439 (1977)
- Carrasquillo v. Tribunal Superior, 87 DPR 661, 668 (1963)

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