

Title: Department of Transportation and Communications (DOTC) v. Spouses Vicente and Maria Cleofe Abecina

Facts: Spouses Vicente and Maria Cleofe Abecina owned multiple parcels of land in Camarines Norte. Due to erroneous inclusion in a land donation, the Department of Transportation and Communications (DOTC) built a local telephone exchange on the Abecinas' property as part of a telecommunication project, in management with Digitel Telecommunications Philippines, Inc. The exchange was not built on the land initially donated by Jose Panganiban municipality and encroached on the Abecinas' property. Upon discovering the unauthorized use of their land in the mid-1990s, the Spouses demanded Digitel vacate and pay damages, which was refused by Digitel, claiming they were following an agreement with the DOTC. The Spouses Abecina sued for recovery of possession and damages. The DOTC invoked state immunity but later admitted the Abecinas' rightful ownership. The parties could not resolve the issue, which led to litigation.

Issues:

1. Whether the DOTC, being a government agency, is immune from suit.
2. Whether the doctrine of immunity from suit can be used to perpetuate injustice against a citizen.
3. Whether there was an implied waiver of state immunity by the DOTC.

Court's Decision:

1. The Supreme Court noted that while the DOTC, as a government agency, generally enjoys sovereign immunity, this doctrine is not absolute. The state can waive this immunity by express or implied consent.
2. The Court held that invoking the doctrine to perpetuate injustice is not permissible, as exemplified by previous jurisprudence.
3. The Court determined that the DOTC's unauthorized entry and occupation of the property, followed by its failure to initiate expropriation proceedings, amounted to an implied waiver of immunity. Therefore, maintaining immunity in this situation would undermine the constitutional guarantee of due process.

Doctrine:

The Court restated the doctrine that the State may not be sued without its consent (doctrine of state immunity) but emphasized that the doctrine is not absolute and may be waived. The Court also reiterated that the State's blanket immunity cannot be used to defeat a valid claim for compensation arising from an unauthorized appropriation of property (*actus rei*

imperii versus actus rei gestionis). Moreover, the Court suggested that the act of taking possession and failure to initiate expropriation proceedings constitutes an implied waiver of State immunity.

**Historical Background:**

Historically, the principle of sovereign immunity in the Philippines has evolved to accommodate the changing scope of state activities. The State's role has expanded from sovereign and governmental acts to also include commercial and proprietary acts. This case reflects the ongoing tension between traditional sovereign immunity and the rights of citizens, as well as the evolving role of the State in economic and commercial spheres. The adjudication in this case underscores the modern approach of Philippine jurisprudence to state immunity, particularly in situations where government actions intersect with private property rights and due process.