

### ### Title

**\*\*National Power Corporation vs. Santa Loro Vda. De Capin and Sps. Julito Quimco and Gloria Capin\*\***

### ### Facts

The National Power Corporation (NAPOCOR), a government-owned and controlled corporation with the power of eminent domain, embarked on the 230 KV Leyte-Cebu Interconnection Project, necessitating the expropriation of several parcels of land in Carmen and Danao City, Cebu. Among these were properties owned by respondents Santa Loro Vda. De Capin and Spouses Julito and Gloria Quimco. With permissions obtained through representations of just compensation, NAPOCOR built transmission towers and lines, finishing in 1996. These constructions restricted respondents' use of their lands and substantially affected their income, without fair compensation, leading them to discover disparities in payment with other landowners resisting expropriation. Respondents thus filed a Complaint for various reliefs against NAPOCOR at the Regional Trial Court (RTC), Danao City, seeking fair compensation.

The RTC and subsequently the Court of Appeals found in favor of the respondents, determining just compensation at P448.33 per square meter, totaling P1,434,207.67. NAPOCOR's subsequent appeals focused on issues around the application of summary judgment, the determination of just compensation, and the application of its charter regarding easement fees.

### ### Issues

1. Whether the Court of Appeals erred in upholding the trial court's resort to summary judgment.
2. Whether the Court of Appeals erred in affirming the trial court's findings on the actual area affected.
3. Whether previous court decisions provided a sufficient basis for setting the rate of just compensation.
4. Whether the Court of Appeals erred in not applying NAPOCOR's Charter regarding the limitation to easement fees.

### ### Court's Decision

The Supreme Court denied NAPOCOR's petition, affirming the decisions of the lower courts. It clarified that:

- Summary judgment was appropriate as there were no genuine issues of material fact,

aside from the amount of damages due.

- NAPOCOR failed to timely contest the measurement of the land affected, and its inactivity on the matter of verification of the land area was considered a dilatory tactic.
- The determination of just compensation based on market value, as supported by evidence and comparable to nearby parcels, was valid.
- NAPOCOR's acquisition amounted to a taking under the power of eminent domain requiring fair compensation, not merely an easement fee.

### ### Doctrine

The Supreme Court reiterated that even a right-of-way easement can constitute "taking" under the power of eminent domain, thus requiring the payment of just compensation. Just compensation should reflect the property's full and fair equivalent value at the loss of the owner, not merely an easement fee limited by the expropriator's charter.

### ### Class Notes

- **Eminent Domain**: The government's right to take private property for public use upon payment of just compensation.
- **Just Compensation**: The full and fair equivalent of the property taken from its owner, reflecting the owner's loss rather than the taker's gain.
- **Summary Judgment**: A procedural device used for prompt resolution of a case without a trial, appropriate when there's no genuine issue of material fact.

### Relevant Statutes:

- **Rule 67 of the Revised Rules of Court**: Governs expropriation proceedings, requiring the appointment of commissioners to ascertain just compensation.
- **Section 3-A of NAPOCOR's Charter**: Stipulates the payment of an easement fee but is overridden by constitutional mandates on just compensation.

### ### Historical Background

The case highlights the complexities and disputes arising from government infrastructure projects requiring land acquisition. It underscores the constitutional protection for property owners against arbitrary or inadequate compensation, emphasizing the judiciary's role in determining just compensation beyond statutory limitations.