

Title:

****Miguel Beluso, et al. vs. The Municipality of Panay, Capiz: A Legal Examination of Eminent Domain and the Requirements for Its Exercise by Local Government Units****

Facts:

The case revolves around the expropriation proceedings initiated by the Municipality of Panay (respondent) against the properties owned by Miguel Beluso and others (petitioners). The local government aimed to exercise eminent domain over parcels of land totaling 20,424 square meters, covered by Free Patent Nos. 7265-7270. The proceedings were grounded on Resolution No. 95-29 issued by the Sangguniang Bayan of Panay on November 8, 1995, which authorized the municipal mayor to initiate the expropriation.

Subsequently, on April 14, 1997, the Municipality of Panay filed a Petition for Expropriation before the Regional Trial Court (RTC), Roxas City, docketed as Civil Case No. V-6958. The petitioners objected, arguing that the expropriation served private interests, was politically motivated, and lacked valid consent from supposed beneficiaries.

The RTC denied the motion to dismiss, upholding the expropriation as for public use. Despite the petitioners' opposition and motions challenging the process, including the valuation of just compensation, the RTC proceeded with the expropriation process. The petitioners appealed to the Court of Appeals (CA) through a Petition for Certiorari but were unsuccessful, leading to a petition before the Supreme Court.

Issues:

1. Whether the Municipality of Panay lawfully exercised the power of eminent domain through a mere resolution instead of an ordinance as required by law.
2. Whether the Municipality of Panay made a valid and definite offer to purchase the properties from the petitioners.
3. Whether the petitioners were denied due process in the expropriation proceedings.

Court's Decision:

The Supreme Court granted the petition, reversing and setting aside the CA's decision. Key points resolved include:

- ****Eminent Domain by Resolution vs. Ordinance****: The Supreme Court held that the power of eminent domain must be exercised through an ordinance as required by Section 19 of RA No. 7160 (Local Government Code), not merely through a resolution. This requirement underscores the fundamental difference between ordinances (laws) and resolutions

(expressions of opinion or sentiment). The Municipality of Panay's action based on a resolution did not fulfill legal requirements, rendering the expropriation process defective.

- ****Valid and Definite Offer****: The Court highlighted the necessity of a valid and definite offer to purchase the property from the owners as a prerequisite to expropriation proceedings but found it unnecessary to further delve into this aspect due to the conclusive defect in the proceeding's initiation.

- ****Due Process****: Given the procedural misstep in initiating the expropriation, the Court deemed it unnecessary to extensively discuss the due process concern but indicated that the petitioners were indeed afforded opportunities to present their objections.

Doctrine:

This case reaffirms the doctrine that the power of eminent domain by Local Government Units must be exercised in strict compliance with legislative delegation, particularly requiring an ordinance, not merely a resolution, as the legal foundation for the initiation of expropriation proceedings.

Class Notes:

- ****Eminent Domain****: The power of the state to appropriate private property for public use upon payment of just compensation, delegated to LGUs under specific legal conditions.

- ****Local Government Code (RA No. 7160, Sec. 19)****: Explicitly mandates that the exercise of eminent domain by LGUs requires an ordinance, not a resolution.

- ****Ordinance vs. Resolution****: An ordinance is a law with general and permanent character, whereas a resolution expresses temporary sentiment or opinion; an expropriation must be based on the former.

Historical Background:

This case illustrates the evolving jurisprudence regarding the balance between local government autonomy and the protection of private property rights. It underscores the judiciary's role in scrutinizing the exercise of eminent domain, emphasizing adherence to statutory requirements to safeguard constituents' constitutional rights.