

****Title:**** *Masikip v. The City of Pasig: A Philippine Supreme Court Decision on Eminent Domain and Public Use*

****Facts:****

Lourdes Dela Paz Masikip, the petitioner, is the registered owner of a 4,521 square meter property in Caniogan, Pasig City. In early 1994, the then Municipality of Pasig expressed its intention to expropriate a 1,500 square meter portion of this property for “sports development and recreational activities” of Barangay Caniogan’s residents—later added to “provide land opportunities” for the community’s poor sectors. Masikip contended the expropriation was unconstitutional, invalid, and oppressive. The City of Pasig persisted, citing its expropriation purpose as providing recreational facilities for its poor residents. Following a complaint filed by the city in 1995, Masikip’s Motion to Dismiss argued on the absence of genuine necessity and the city’s arbitrary choice in property. The Regional Trial Court (RTC) denied this motion, prompting Masikip to challenge the decisions up to the Court of Appeals (CA), which also sided with the trial court. Thus, Masikip took her case to the Supreme Court.

****Issues:****

1. Whether there is a genuine necessity for the expropriation of Masikip’s property.
2. Whether the intended expropriation satisfies the requirement of public use.
3. Whether the City of Pasig complied with the conditions precedent for exercising the power of eminent domain.
4. Whether the procedural handling of the expropriation case by the lower courts was in accordance with law.

****Court’s Decision:****

The Supreme Court granted Masikip’s petition, reversing the decisions of the Court of Appeals and the trial court, thereby dismissing the expropriation complaint filed by the City of Pasig. The Court found that the City of Pasig failed to establish a genuine necessity for the expropriation. It was revealed that the intended beneficiary was a private association, not the public or the poor residents of Caniogan. Additionally, Pasig City already had a functional recreational facility—the Rainforest Park, accessible to all its residents, undermining the claim of necessity. The Court also discussed procedural errors, noting that Masikip’s motion to dismiss was the proper responsive pleading under the rules at that time and that the trial court should have instead focused on evidentiary hearings for necessity

rather than summarily appointing commissioners for just compensation.

****Doctrine:****

The Supreme Court reiterated the doctrine that the right to exercise eminent domain is founded on genuine necessity and that the purpose of taking must be genuinely for public use. It also reinforced the rule that the property owner's right is constitutionally protected unless the requisites of public use and genuine necessity are clearly established.

****Class Notes:****

- ****Power of Eminent Domain:**** The government's right to expropriate private property for public use, given there is just compensation.
- ****Genuine Necessity and Public Use:**** Essential requirements for a valid exercise of eminent domain. The expropriation must serve a public purpose, and there must be a true need for the property to be taken.
- ****Procedural Requirements:**** The parties' compliance with procedural steps, such as properly responding to complaints for expropriation, is critical.

****Historical Background:****

This case provides insights into the Philippine legal system's handling of eminent domain issues, especially around the balance between government interests and individual property rights. It highlights the judiciary's role in scrutinizing the genuine necessity and public use prerequisites for the expropriation of private property, ensuring that government power is not exercised arbitrarily against property owners.