

Title: **\*\*Jesus Is Lord Christian School Foundation, Inc. v. City of Pasig\*\***

Facts:

The Municipality of Pasig, Metro Manila, sought to construct an access road from E.R. Santos Street to Barangay Sto. Tomas Bukid, impacting 51 square meters of a 1,791-square meter property owned by Lorenzo Ching Cuanco and co-owners. Despite notifying the owners of the intent to purchase the property for public use and their rejection, the municipality proceeded with expropriation proceedings under R.A. No. 7160 (Local Government Code) after enacting an ordinance. Jesus Is Lord Christian School Foundation, Inc. (JILCSFI), the property's new owner, was unrecognized in the initial complaint, leading it to intervene. JILCSFI challenged the expropriation on several grounds, including the lack of a valid offer to purchase the property, questioning the public necessity for the expropriation, and arguing the property was earmarked for religious and educational purposes. Despite JILCSFI's challenge, both the RTC and the Court of Appeals (CA) favored the municipality, citing substantial compliance with expropriation requirements and public necessity.

Issues:

1. Did the Municipality of Pasig comply with the requirement of making a valid and definite offer to acquire the property before initiating the expropriation complaint?
2. Can a property already intended for public use be subjected to expropriation?
3. Are the requirements for establishing an easement of right-of-way applicable to the case at hand?

Court's Decision:

The Supreme Court ruled in favor of JILCSFI, reversing the decisions of the CA and RTC. The Court found no evidence that the Municipality of Pasig had made a valid and definite offer to purchase the property from its owners, which is a prerequisite under Section 19 of the Local Government Code. The purported letter of intent did not constitute a definite offer, and the annotation of *lis pendens* and reliance on a municipal ordinance were deemed insufficient for compliance. Furthermore, the Court dismissed the necessity of adhering to easement of right-of-way requirements since the case involved expropriation for public use. However, the SC noted the city's failure to demonstrate the necessity of constructing the road particularly on JILCSFI's property. The decision mandates the dismissal of the expropriation complaint, allowing for its re-filing subject to compliance with statutory requirements.

Doctrine:

The exercise of eminent domain requires strict compliance with statutory requirements, especially the necessity of making a valid and definite offer to the property owner before initiating expropriation proceedings.

Class Notes:

- Eminent domain requires a valid and definite offer and refusal thereof before initiating expropriation.
- Expropriation for public use demands strict statutory compliance.
- Property intended for public use by private entities does not exempt it from expropriation; however, the government must demonstrate the public necessity and particular need for the specific property.
- Easement of right-of-way requirements do not directly apply to expropriation cases.

Historical Background:

This case highlights the tension between local government units' developmental objectives and private property rights, emphasizing the legal rigor required for exercising eminent domain. It illustrates the procedural and substantive safeguards the law places on property rights against the backdrop of urban development and public interest in the Philippines.