

Title: National Power Corporation v. Posada, G.R. No. 193886

Facts:

- Institution of Expropriation Proceedings:** The National Power Corporation (NPC) filed expropriation proceedings to acquire a right-of-way easement over parcels of land in Barangay Marinawa, Bato, Catanduanes. The properties were owned by Socorro Posada, Renato Bueno, Alice Balin, Adrian Tablizo, Teofilo Tablizo, and Lydia Tablizo.
- Initial Valuation and Answer:** NPC offered to buy the properties at P500.00 per square meter. The respondents rejected this offer, asserting that the properties were worth P2,000.00 per square meter.
- RTC Orders and Commission Creation:** Regional Trial Court (RTC) Branch 43 confirmed NPC's right to expropriate and appointed a commission to determine just compensation.
- Deposit and Issuance of Writ of Possession:** NPC deposited P3,280.00 with the Land Bank as provisional value and filed a notice to take possession on January 28, 2003. The commissioners recommended a fair market value of P1,500.00 per square meter.
- NPC's Motion and Opposition:** NPC opposed the recommendation and amended its complaint, explaining the need to acquire parts of the properties fully, not just an easement. Despite NPC's deposit of P580,769.93 with the Land Bank, the RTC granted a Writ of Possession.
- Respondents' Motions and RTC Decision:** Respondents filed motions to lift the writ and for additional deposits for their houses. The RTC ordered NPC to deposit P827,000.00 for structures and improvements, but NPC failed to deposit the additional P262,639.17. Consequently, the trial court set just compensation at P2,000.00 per square meter and recalled the Writ of Possession.
- Appeals and Higher Courts:** NPC appealed, and the Court of Appeals upheld the RTC's decisions. After a subsequent denial of a motion for reconsideration, NPC sought a review before the Supreme Court.
- Withdrawal of the Petition:** During the Supreme Court proceedings, NPC decided to acquire an alternative site and filed a Motion to Withdraw its petition for review, indicating that it no longer needed the original properties for the project.

****Issues:****

1. ****Withdrawal of Appeal:**** Whether NPC can withdraw its Petition for Review before the Supreme Court.
2. ****Effect of Withdrawal:**** Whether the withdrawal of the petition results in the dismissal of the expropriation complaint before the trial court.

****Court's Decision:****

1. ****Granting the Motion to Withdraw:**** The Supreme Court granted NPC's Motion to Withdraw the Petition for Review, acknowledging that abandoning the expropriation of the original site aligns with the change in circumstances and public necessity.
2. ****Remand to Trial Court:**** Ordered remand to the RTC of Virac, Catanduanes, Branch 43, to determine whether respondents are entitled to damages due to the expropriation process.

****Analysis of Legal Issues:****

1. ****Withdrawal and Dismissal of Expropriation Proceedings:****
 - The Supreme Court determined that NPC is allowed to withdraw its appeal because the necessity for expropriation had ceased due to the identification of an alternative site.
 - However, the withdrawal of the appeal does not automatically void the trial court's previous rulings, particularly on just compensation, making the necessity to remand the case back to the trial court for proper final action.
2. ****Just Compensation and Writ of Possession:****
 - The court affirmed that just compensation must reflect fair market value and that proper procedure dictates immediate payment based on Republic Act No. 8974.
 - The Supreme Court noted errors in the trial court's initial issuance of the Writ of Possession due to NPC's non-compliance with the outlined procedures, particularly immediate payment requirements.

****Doctrine:****

- The ****power of eminent domain**** should serve a valid public purpose, requiring the government to follow stringent procedural rules to ensure fair compensation, starting with the immediate payment of just compensation based on zonal valuations and established

valuations for improvements.

****Class Notes:****

1. ****Eminent Domain:**** Refers to the power of the state to take private property for public use, subject to payment of just compensation.
 - ****Constitutional Provision:**** Article III, Section 9, Philippine Constitution - Private property shall not be taken for public use without just compensation.
2. ****Bureau of Internal Revenue (BIR) Zonal Valuation:**** Use of current zonal valuations for provisional payment calculations.
3. ****Republic Act No. 8974:**** Governs acquisition of properties for national infrastructure projects, requires immediate payment based on BIR zonal values.
4. ****RT Procedures in Expropriation:**** Rule 67, 1997 Rules of Civil Procedure
 - ****Phase One:**** Establishes the authority to expropriate and determines necessity.
 - ****Phase Two:**** Determines just compensation.
5. ****Doctrine from Case:**** Compliance with payment precedents and precise procedural steps are mandatory before state possession of private property.

****Historical Background:****

The case exemplifies the legal, procedural, and administrative complications in infrastructure development projects within the Philippines, highlighting the need for due process and the balancing of public necessity against private property rights. The legislative enactments and judicial interpretations underscore the evolution of practices in eminent domain to safeguard the interests of property owners while enabling state-driven development goals.

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