

**\*\*Title:\*\*** Republic of the Philippines v. Ortigas and Company Limited Partnership (G.R. No. 173275, March 3, 2014)

**\*\*Facts:\*\***

Respondent Ortigas and Company Limited Partnership owned a 70,278-square meter land in Pasig City, designated as Lot 5-B-2. Upon the request of the Department of Public Works and Highways (DPWH), Ortigas segregated and reserved Lot 5-B-2-A (1,445 square meters) for road widening of Ortigas Avenue, and caused the annotation of “road widening” on the title. Only 396 sq. meters was used for the C-5 flyover project completed in 1999, leading to further subdivision into Lot 5-B-2-A-1 (utilized portion) and Lot 5-B-2-A-2 (unutilized portion).

On February 14, 2001, Ortigas filed a petition in the Regional Trial Court (RTC) of Pasig for authority to sell Lot 5-B-2-A-1 to the government. The RTC set a hearing and ordered the publication and distribution of notices. No oppositions were filed, and Ortigas presented evidence ex parte proving ownership and non-compensation for the used property. Thus, the RTC authorized the sale on June 11, 2001.

The Republic, represented by the Office of the Solicitor General (OSG), opposed and filed a motion for reconsideration, alleging the property should be donated as per Section 50 of Presidential Decree No. 1529. The RTC denied the motion, prompting the Republic to appeal to the Court of Appeals (CA). However, the CA dismissed the appeal on procedural grounds and later denied a motion for reconsideration.

**\*\*Issues:\*\***

1. Whether the CA erred in denying the Republic’s appeal based on procedural technicalities.
2. Whether the CA erred in dismissing the appeal regarding the RTC’s grant of authority to Ortigas to sell the land instead of donating it as required by law.
3. Whether Section 50 of Presidential Decree No. 1529 applies to the conveyance of the subject property.

**\*\*Court’s Decision:\*\***

**\*\*Issue 1:\*\*** The Supreme Court affirmed CA’s decision dismissing the appeal. The Republic raised only a question of law, which should be appealed to the Supreme Court under Rule 45, not CA under Rule 41.

**\*\*Issue 2:\*\*** The Court clarified that the CA correctly dismissed the appeal as the Republic

erroneously appealed a non-appealable interlocutory order.

**Issue 3:** The Court found Section 50 of Presidential Decree No. 1529 inapplicable. The government's permanent use of the land for a public road constituted taking requiring just compensation due to the elements of taking (permanent use, public purpose, legal authority, deprivation of beneficial use).

**Doctrine:**

1. **Appeals on Questions of Law:** Appeals to the CA raising purely questions of law are improper and dismissible under Rule 41, Section 2(c) of the Rules of Court.
2. **Taking and Just Compensation:** Private property taken for public use, even if initially reserved or segregated upon government request, entitles the owner to just compensation (Art. III, Sec. 9, 1987 Constitution).
3. **Expropriation and Compensation:** Delineated roads for public use are distinct from subdivision roads and require compensation either through expropriation proceedings or negotiated sale.

**Class Notes:**

- **Key Concepts:** Expropriation, Just Compensation, Procedural Rules for Appeals.
- **Civil Code, Article 428:** Defines property owner's rights—encompasses jus utendi, jus fruendi, jus abutendi, jus disponendi, and jus vindicandi.
- **Presidential Decree No. 1529, Section 50:** Governs subdivisions and consolidation of land, requiring donation for roads delineated in subdivisions, but not applicable to public thoroughfares.
- **1987 Constitution, Article III, Section 9:** Protects property rights, mandating just compensation for public use.

**Historical Background:**

This case highlights issues in the Philippines related to eminent domain and the government's obligations under the Constitution. It illustrates the tension between public infrastructure needs and private property rights, underscoring the importance of just compensation for taken property to balance development with fair treatment of landowners.