

### \*\*Republic of the Philippines vs. Leonor A. Macabagdal\*\*

\*G.R. No. 207940, March 13, 2019\*

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### \*\*Facts\*\*

This case involves the expropriation of land essential for the implementation of the C-5 Northern Link Road Project in Barangay Ugong, Valenzuela City. On January 23, 2008, the Republic of the Philippines, represented by the Department of Public Works and Highways (DPWH), filed a complaint for expropriation, initially naming an unidentified owner, “John Doe YY.” Following efforts to identify the landowner, a motion for a writ of possession was filed, and such writ was issued once a deposit representing the zonal value of the land was submitted.

On October 13, 2008, Atty. Conrado E. Panlaque moved to substitute Elena A. Macabagdal (Elena) as the defendant, claiming she was the rightful owner. However, neither Elena nor her counsel attended the hearing. Subsequently, Atty. Ricardo C. Pilares Jr. informed the court of Elena’s death and sought to substitute Leonor A. Macabagdal (Leonor), the sole heir, as represented by Eulogia Macabagdal-Pascual. The RTC confirmed the substitution, citing documents and testimonies that proved Leonor was the legal heir.

Petitioner DPWH filed a Motion for Partial Reconsideration, arguing that Leonor’s substitution was improper due to the unregistered and unpublished extrajudicial settlement deed. The RTC denied the motion, asserting that Rule 74, Section 1 of the Rules of Court (concerning extrajudicial settlement) was not a prerequisite for substitution under Rule 3, Section 16. Dissatisfied, the DPWH sought certiorari with the Court of Appeals (CA), which denied their petition for the same reasons, leading to the current involvement of the Supreme Court.

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### \*\*Issues\*\*

1. Whether the CA erred in finding that the RTC did not commit grave abuse of discretion in allowing respondent Leonor’s substitution as a party defendant in the expropriation case.

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### **Court's Decision**

The Supreme Court denied the petition. It held that the issue raised was factual and not a pure question of law, which was improperly elevated in a Rule 45 petition. The court added that both the RTC and CA correctly determined that Leonor was the surviving heir based on substantial evidence including testimonies, the Death Certificate of Elena, and other pertinent documents.

The Court found that the DPWH had implicitly acknowledged Leonor's status as the heir when it noted that the expropriated property corresponded with the title registered to Elena. The non-registration or non-publication of the extrajudicial settlement did not diminish its evidentiary value concerning Leonor's heirship. The document's notarization further established a presumption of its regularity and truthfulness.

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### **Doctrine**

1. **Factual Issues in Certiorari**: Purely factual issues are generally not reviewable under a Rule 45 petition for certiorari as the Supreme Court is not a trier of facts.
2. **Effect of Non-registration/Non-publication of Extrajudicial Settlement**: An unregistered and unpublished extrajudicial settlement does not invalidate the document's use to prove heirship in estate claims.
3. **Presumption of Notarized Documents**: A notarized document is presumed to be regular and truthful, serving as prima facie evidence of the facts stated therein.

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### **Class Notes**

- **Substitution of Parties (Civil Law)**:
- **Rule 3, Section 16 (Rules of Court)**: Substitution applies when a party dies and there is a valid heir to continue the proceedings.
- **Rule 74, Section 1 (Rules of Court)**: Concerns the procedural requisites of extrajudicial settlements; non-registration and non-publication affect third-party binding but not heirship proof.
- **Requirements for Admissibility**:
- Must be properly substantiated through documentary evidence.

- Notarized documents are presumed regular and truthful and are admissible unless proven otherwise.
- **Certiorari and Review**:
- **Rule 45**: Limited to questions of law, factual issues require proper substantiation and specific procedural tools like a motion for reconsideration at the lower court and an appeal for factual discrepancies.
- **Grave Abuse of Discretion**: Exists when a court acts arbitrarily or despotically by reason of passion or personal hostility tantamount to an evasion of positive duty or virtual refusal to perform the duty enjoined by law.

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### **Historical Background**

The context of this case lies in the Philippine judicial system's handling of land expropriation and property rights amidst infrastructure development. The expropriation for the C-5 Northern Link Road Project underscores the balance between public utility projects and the property rights of individuals. This decision highlights procedural adherence and evidentiary standards in property and succession disputes, informing future expropriations and estate claim litigations in the Philippines.