

NATIONAL RESETTLEMENT AND REHABILITATION ADMINISTRATION, PLAINTIFF AND APPELLANT, VS. TERESA R. DE FRANCISCO, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-14111. October 24, 1960

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal on points of law from a judgment of the Court of First Instance of Nueva Ecija (Civil Case No. 2006) dismissing condemnation proceedings instituted by the National Resettlement and Rehabilitation Administration (NARRA).

It appears from the record that on June 11, 1955, Republic Act No. 1266 became operative. This law provided as follows:

"Section 1. The National Resettlement and Rehabilitation Administration (NARRA) is hereby authorized to expropriate within six months from the approval of this Act, the Hacienda del Rosario situated at Valdefuente, Cabanatuan City, and pay the price of the land and cost of such expropriation out of its funds. The said hacienda, shall be subdivided into lots not bigger than one hectare each and resold to bona-fide occupants thereof at such price as may be determined by the Board of Directors of the NARRA which shall include the price of the land and the cost of such expropriation, administration, subdivision, resale and interests. The purchase price of the resale to bona-fide tenants and lessees shall be payable in installments within the period of not more than ten years. Sec. 2. This Act shall take effect upon its approval."

In accordance with the statute, the NARRA instituted these eminent domain proceedings in the Court below against the heirs of the original owner of the Hacienda (the late Judge Simplicio del Rosario, who died in 1947) and their subsequent vendees. The lands involved totalled 669 hectares, more or less; but during the pendency of the proceedings, the heirs Dolores R. de Concepcion, Teresa R. de Francisco and Paz R. de Tubangui agreed to the expropriation of their respective holding; while defendant spouses Carmen R. de Ciocon and Jaime Ciocon also agreed to the expropriation of their corresponding share, except a portion of 85.0414 hectares, which said spouses were occupying and wished to reserve for their seven (7) children and sixteen (16) grandchildren. As a result, all the defendants mentioned voluntarily ceded to the NARRA about 391.7583 hectares.

The case then continued against the remaining defendants who (except the Ciocons) were purchasers and sub-acquirers of various portions of the original hacienda, and held different areas ranging from one-half to thirteen (13) hectares, all acquired between 1949 and 1954; before the passage of Republic Act No. 1266.

Invoking the decisions of this Court in *Republic vs. Baylosis*, 96 Phil., 461; 51 Off. Gaz., 722 and *Rural Progress Administration vs. Guido*, 84 Phil., 847, the Court a quo declared that the condemnation proceedings did not lie against the remaining defendants, and held that:

"Long before Republic Act No. 1266 was approved on June 11, 1955, the lots of the defendants were already segregated from and were no longer identified with, the Hacienda del Rosario. As a matter of fact, since April

7, 1938, or on October 11, 1951, Hacienda del Rosario ceased to exist. If it exists at all, it does so in name only; for the estate which was formerly known by said name was already broken up and partitioned among the five vendees and heirs of the original owner, the late Judge Simplicio del Rosario. Hence, Republic Act 1266 cannot apply to the lots of the remaining defendants as it authorizes condemnation proceedings only against the Hacienda del Rosario.

Moreover, by reason of their small areas, the said lots cannot be the subject of expropriation for purposes of resale, because each lot is not the big landed estate contemplated in Section 4 of Article XIII, Constitution, as construed by the Supreme Court in numerous cases. The case of *Republic of the Philippines vs. Baylosis*, (96 Phil., 461; 51 Off. Gaz., 722) is decisive of the case at bar. Not even the decision in the case of *Rural Progress Administration vs. Reyes* (G.R. No. L-4703, Oct. 8, 1953), which the *Baylosis* case supersedes, can be applied to the present case by analogy.

* * * * *

"It shall be noted that the 300 or so families who are to be favored by the expropriation can easily be accommodated in the expropriation area of about 391 plus hectares.

"The foregoing reasoning operates likewise against the right of the plaintiff to expropriate the 85 hectares now presently owned and occupied by the defendants-spouses Carmen R. Ciocon and Jaime Ciocon. Considering that the Ciocon family had already agreed to the expropriation of about 108 hectares of their property; that the said family is composed of seven children and 16 grand-children; that the Ciocon family are actually occupying and cultivating the said 85 hectares through mechanized methods and not through tenants, much less through any of the alleged 300 or so occupants of the other lots; the said 85 hectares could not be considered as a big landed estate within the purview of Section 4 of Article XIII of the Constitution."

The NARRA appealed from the decision, contending that the authorities cited by the Court below were not applicable because they involved condemnation proceedings under Commonwealth Act No. 539; that in view of the terms of Republic Act 1266, "the Court can not inquire into nor review the action of the Legislature in designating the particular property it has authorized the NARRA to expropriate."

We see no merit in the appeal. The power to expropriate, under both Republic Act 1266 and Commonwealth Act No. 539, is predicated upon the provisions of Article XIII, Sec. 4 of the Constitution, providing:

"Sec. 4. The Congress may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals";

hence, the rulings of this Court as to the limits of the condemning power rendered in expropriation proceedings instituted pursuant to Commonwealth Act No. 539 are applicable to the case at bar.

This Court, in the *Guido* and *Baylosis* cases, has already-ruled that, under the quoted constitutional provision, the government may only expropriate landed estates with extensive areas, and that once a landed estate has been broken up and divided into parcels of reasonable extent, the resulting portions are no longer subject to further expropriation, the existence of tenancy troubles therein notwithstanding.

The doctrine, while not unanimous, still stands unreversed; hence, it must be applied to the present case, since the subdivision of the original Hacienda del Rosario, and the reasonable size of the portions now involved in this appeal, is uncontested. There is the more reason for adhering to the rulings above-mentioned, now that the NARRA has already acquired almost two-thirds of the original hacienda, and the court below found as a fact that the tenants' families intended to be favored by the expropriation can be easily accommodated in the area already acquired.

The appellant relies on *City of Manila vs. Chinese Community*, 40 Phil., 350, wherein it was stated that where the

legislature has directly determined the necessity of appropriating private property for a particular public improvement at a specified location, the utility, necessity and expediency of the improvement and the suitability of the location are questions for the legislature to determine and the courts have no power to interfere and substitute their own discretion. The doctrine thus invoked is entirely inappropriate, for the question now before the Court is not the necessity of the expropriation but the power or authority to expropriate under Article XIII, Sec. 4, of the Constitution. The validity of the statute directing the expropriation is certainly a judicial question.

The judgment appealed from is affirmed, with costs against appellant.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Barrera, Gutierrez David, and Paredes, JJ., concur.

Judgment affirmed.

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