

THE MUNICIPALITY OF CALOOCAN, RIZAL, PLAINTIFF AND APPELLANT, VS. MANOTOK REALTY, INC., AND SEVERINO MANOTOK, DEFENDANTS AND APPELLEES.

G.R. No. L-6444. May 14, 1954

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/962c88de3b50/>

BENGZON, J.:

The municipality of Caloocan, Rizal, has appealed from the decision of Hon. Bienvenido A. Tan, Judge, who dismissed its complaint of April 22, 1952, seeking to expropriate a parcel of land of the defendant Manotok Realty, Inc. Avowedly acting under Rep. Act No. 267, as amended, the plaintiff proposed to subdivide the property for resale to the actual tenants thereof.

Answering the complaint on May 7, 1952, the defendants moved for dismissal, setting up three main defenses: (a) Nullity of the resolution of the municipal council directing the expropriation, because the approval of the Department Head had not been obtained; (b) The Government's right to expropriate lands for resale to tenants applied only to landed estates—which was not the case, defendants' property having hardly an area of four hectares, 39,374 sq. m., to be exact; and (c) The expropriation did not appear to be for public use and benefit—it was simply to accommodate a few individuals.

After considering arguments on both sides, the judge upheld the motion to dismiss holding, in short, that the property was not a "landed estate", (citing pertinent decisions) and that the condemnation did not serve a public purpose.

The plaintiff has appealed as stated, and has vigorously maintained, in its printed brief, the proposition that the lower court erred: (a) in holding there was no legal authority nor plausible reason for the taking of defendants' land and (b) in declaring the expropriation was not for public purposes.

The defendants, on the other hand, besides justifying His Honor's position, disputed the timeliness of this appeal, and reiterate the essential need of approval by the Department Head.

The issues and the facts are well-defined. The expropriation we believe was clearly improper. The lot measured less than four hectares, and was not a landed estate, subject to expropriation for purposes of subdivision and resale to occupants thereof.[1] In *Urban Estates Inc. vs. Montesa* (see below) we said a parcel containing about five hectares was not a landed estate subject to expropriation for division among tenants.

The piece of land here in question was purchased in 1943 from Dr. Leonides Lerma, by defendant Severino Manotok for the benefit of his children. So that in May 1946 a Transfer Certificate of Title was duly issued in the name of said children, nine of them, each becoming registered owner of one-ninths (1/9) of the property. And before this proceeding was started, they formed the corporation Manotok Realty Co., to administer their interests.

Divided among nine persons, the title would give 4375 square meters of land to each. Obviously the Government—insular or municipal—can not consider that four thousand square meters is "landed estate" for

expropriation purposes. And grouping the nine persons together, or suing them together as a corporation does not conceal the resultant deprivation of nine individuals of their landed portions of 4375 square meters each. It would undoubtedly be unfair to implead twenty owners of small contiguous lands and then maintain that they own a large estate subject to condemnation proceedings (Cf. Republic vs. Samia, 89 Phil., 483).

Anyway, even considered as a whole, the Manotok property is not a large estate subject to expropriation under the Constitution.

The other questions do not need to be decided. Judgment affirmed. So ordered.

Paras, C. J., Pablo, Montemayor, Jugo, Bautista Angelo, Labrador, and Concepcion, JJ., concur.

[1] Guido vs. Rural Progress Adm. 47 Off. Gaz., 1848, 84 Phil., 847; City of Manila vs. Arellano Law College, 47 Off. Gaz., 4197, 85 Phil., 663; Republic of the Philippines vs. Samia 89 Phil., 483; Urban Estate Inc. vs. Montesa, 88 Phil., 348.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.