

**REPUBLIC OF THE PHILIPPINES (REPRESENTED BY THE LAND
TENURE ADMINISTRATION), PLAINTIFF AND APPELLANT, VS.
MANUEL SAMIA, ET AL., DEFENDANTS AND APPELLEES.**

G.R. No. L-17569. May 31, 1963

Ponente: REGALA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c3cc3047fd59/>

REGALA, J.:

On July 18, 1957, the plaintiff filed a complaint in the Court of First Instance of Manila for the expropriation of 21 parcels of land located on Pingkian Street, Tondo, Manila, pursuant to Republic Act No. 1162, as amended. The lands, with a total area of 10,618.60 square meters, are owned by Manuel, Antonio, Amidea, Virgilio Asis and Maria Teresa Asis, all surnamed Samia, all of whom were named party defendants.

Defendants filed a motion to dismiss, after which the case was tried upon a stipulation of facts entered into by the parties.

Later, on May 29, 1959, the plaintiff amended its complaint in order to include 10 other parcels of land belonging to the minor children of Manuel, Antonio and Amidea Samia, who were also made party defendants. These lots have a total area of 18,660.70 square meters and are located at the corner of Jose Abad Santos Avenue and Bambang Street.

In sum, therefore, as the trial court found, the plaintiff seeks in this case to expropriate 31 parcels of land located in two different parts of Manila and owned by 14 persons. Thus, 21 lots are found on Pingkian Street, Tondo, Manila while 10 are at the corner of Jose Abad Santos Avenue and Bambang Street. The combined area of the two groups is 38,279.30 square meters.

On motion of the defendants, the trial court suspended the trial of the case and later dismissed the case on the ground that plaintiff had no right to expropriate the lands in question, pursuant to our ruling in *Guido vs. Rural Progress Administration*, 84 Phil, 847, and in other cases.

Its motion for reconsideration having been denied, the plaintiff brought this appeal to the Court of Appeals which certified the same to Us on the ground that the value of the properties involved exceeds P200,000.00.

Plaintiff contends that the trial court should have allowed it to complete the presentation of evidence instead of granting at once defendant's motion to dismiss. In support of this contention, plaintiff invokes Section 4 of Rule 69 (Eminent Domain) of the Rules of Court which provides that-

"Within the time specified in the summons, each defendant, in lieu of answer, shall present in a single motion to dismiss or for other appropriate relief, all of his objections and defenses to the right of the plaintiff to take his property for the use specified in the complaint. All such objections and defenses not so presented are waived. A copy of the motion shall be served on the plaintiffs attorney of record and filed with the court with the proof of service."

and our ruling in *Rural Progress Administration vs. Guzman*, 87 Phil., 176 to the effect that, in expropriation proceedings, a motion to dismiss "need not be set for hearing it being the pleading that takes the place of an answer in an ordinary civil action."

While We held that, in expropriation proceedings, a motion to dismiss takes the place of an answer so that the court may thereafter hear the evidence, nowhere in the case cited did we ever rule that an ordinary motion to dismiss under Rule 8 may not be entertained in cases of this nature. On the contrary, in *Republic of the Philippines vs. Samia*, 89 Phil., 483, We sustained the order of the lower court granting the defendant's motion to dismiss " after the Republic had introduced about a third of its proofs."

Indeed, there is nothing in the Rules of Court which prohibits the filing of motions to dismiss in expropriation proceedings and there is no reason why cases should not be promptly disposed of if, judging from the allegations of the complaint, the plaintiff appears to have no valid cause of action. This was what the trial court did in this case and we think it correctly granted the motion to dismiss for the following reasons:

As stated earlier, plaintiff's action is based on Republic Act No. 1162. As originally enacted on June 18, 1954, Section 1 of this law provided:

"The expropriation of landed estates or haciendas in the City of Manila, which have been and are actually leased to tenants, is hereby authorized."

On June 17, 1956, the law was amended making, among other things, Section 1 provide as follows:

"The expropriation of landed estates or haciendas, or lands which formerly formed part thereof, in the City of Manila, which are and have been leased to tenants for at least ten years, is hereby authorized: Provided, That such lands shall have at least fifty houses of tenants erected thereon." (Rep. Act No. 1599)

Again, on June 22, 1957, the law was amended, thus:

"SECTION 1.-The expropriation of landed estates or haciendas, in the City of Manila, Quezon City and its suburbs, which have been and are actually being leased to tenants, is hereby authorized." (Rep. Act No. 1990)

Finally, on June 20, 1959, the law was again amended. As it now stands, Section 1 of Republic Act No. 1162, as amended by Republic Act No. 2342, provides:

"The expropriation of landed estates or haciendas, or lands which formerly formed part thereof, or any piece of land in the City of Manila, Quezon City and suburbs, which have been and are actually being leased to tenants for at least ten years, is hereby authorized. Provided, That such lands shall have at least fifty houses of tenants erected thereon."

Plaintiff contends that, tested by the provisions of Section 1 of the law as amended by Republic Act No. 2342, its complaint stated a cause of action so that its dismissal constitutes a reversible error. It is urged that expropriation is proper because the lots in question constitute either "landed estates or haciendas, or lands which formerly formed part thereof," within the meaning of the law and that at any rate the law authorizes the condemnation of any piece of land so long as the same has been leased to tenants for at least ten years and that such lands have at least fifty houses of tenants erected thereon.

The point is not well taken. Plaintiff can claim that the lots it is seeking to expropriate have an area of 38,298.30 square meters only because it has grouped together 31 parcels of land owned by 14 individuals. As already indicated above, these lots are located in two parts of the City of Manila, 21 of them being on Pingkian Street, Tondo, while 10 others are situated at the corner of Jose Abad Santos Avenue and Bambang Street. It should be remembered that in the earlier case of *Republic vs. Samia*, *infra*, one of the reasons why the lots therein were not

considered "large estate" within the precept of the Constitution was the fact that the lots included therein are not contiguous to each other. In *Municipality of Caloocan, Rizal vs. Manotok Realty, Inc., et al.*, 94 Phil., 1003, We condemned the practice of grouping several lots so as to give them the appearance of a vast estate. We said in that case:

"Divided among nine persons, the title would give 4,375 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 4,375 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 (*Republic vs. Samia*, 89 Phil., 483)."

The amended complaint shows that the biggest lot is that covered by Transfer Certificate of Title No. 16168 registered in the names of Virgilio Asis and Maria Asis Samia which has an area of 4,260.70 square meters and that the biggest aggrupation owned by a single individual is that owned by Manuel Samia which has a combined area of 6,614.50 square meters. Certainly, these lots could hardly be considered landed estates within the meaning of the law.

Neither can the position of the plaintiff be helped any by the fact that Republic Act No. 2342 authorizes the expropriation of "any piece of land." In the first place, in the cases of *Republic vs. Antonio Prieto, et al.*, G.R. No. L-17946; *Republic vs. Carmen Prieto de Caro, et at*, G. R. No. L-18042, both promulgated April 30, 1963, we ruled that Republic Act No. 2342 which took effect on June 20, 1959, cannot be given retrospective application so as to govern the present proceedings for condemnation, because it affects substantive rights and not merely procedural matters.

Now, the amended complaint in this case, as already stated, was filed on May 29, 1959. At that time, the law applicable was Republic Act No. 1990 which referred only to "landed estates or haciendas in the City of Manila, Quezon City and its suburbs."

In the second place, even assuming that Republic Act No. 2342 is applicable to this case, still expropriation of the lands involved herein would not be proper. The phrase Many piece of lands in Republic Act No. 2342 is qualified by the proviso that the piece of land sought to be condemned must have been leased for at least ten years and must have at least 50 houses built thereon.

Certainly, even the biggest group of lots owned by air individual defendant (Manuel Samia) which, as already stated, has a total area of 6,614.50 square meters, cannot accommodate the minimum number of fifty houses if, by plaintiff's own example, each house must have about 150 square meters (Sec. 3, Republic Act No. 1162, as amended). Such group of lots can accommodate only 44 houses at most - not to mention the need to provide for roads and streets. And the fact remains that, as the trial court found, in none of the lots owned by each individual defendant are there; more than fifty bona fide tenants who have erected their houses thereon more than ten years prior to the filing of the complaint."

Indeed, Section 1 of the law must be read in context. It must be understood in the light of its own limiting clause. (Sec. 3.)

WHEREFORE , the order dismissing the appeal is hereby affirmed without pronouncement as to costs.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, and Makalintal, JJ., concur.

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.