

REPUBLIC OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. FRANCISCO YAPTINCHAY, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-13684. July 26, 1960

Ponente: BARRERA, J.

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BARRERA, J.:

From the decision of the Court of First Instance of Cavite (in Civil Case No. 4680), the Republic of the Philippines, as expropriator of several parcels of land situated in Carmona, Cavite, appealed to the Court of Appeals, assailing the correctness of the amount fixed by the lower court as value thereof. The case was, however, elevated to us for final disposition pursuant to Section 17 of the Judiciary Act, as amended by Republic Act 2613, the amount involved being more than P200,000.00.

On September 15, 1948, the Republic of the Philippines; through the Rural Progress Administration (later succeeded by the Land Tenure Administration), instituted condemnation proceedings to expropriate, for subdivision and sale at cost to the tenants-occupants thereof, the following properties:

- Eight (8) parcels of land covered by Original Certificate of Title Nos. 2364 and 2365, located at Calayugan, Carmona, Cavite, with an aggregate area of 791,685 square meters, owned by the Heirs of Maria Yaptinchay, namely—

Antonia Gonzales,
Encarnacion Almeda, married to Francisco Casas,
Antonio Almeda,
Heirs of Esteban Almeda,
Natividad Almeda,
Dolores Almeda,
Fausto Manducdoc;

- Three (3) parcels of land covered by Original Certificate of Title No. 4348, with an aggregate area of 411,980 square meters located in Calayugan, Carmona, Cavite, owned by

Miguel Yaptinchay, and
Maria R. Mateo de Yaptinchay;

- Two (2) parcels of land covered by Transfer Certificate of Title No. 21422, with an aggregate area of 86,249 square meters, located in Ulong Tubig, Carmona, Cavite, owned by the Heirs of Guido Yaptinchay, namely:

Francisco Yaptinchay,
Albina Yaptinchay,
Isidro Yaptinchay,
Alberto Yaptinchay,
Miguel Yaptinchay,

Agustin Yaptinchay,
Felix Yaptinchay;

- Two (2) parcels of land covered by Original Certificate of Title No. 4349, with an aggregate area of 361,798 square meters, located in sitio Sangayad, Bancal, Carmona, Cavite, owned by

Alberto A. Yaptinchay, and
Milagros Marfori de Yaptinchay;

- Two (2) parcels of land covered by Transfer Certificate of Title No. 21421, with a total area of 95,642 square meters, located in Ulong-Tubig, Carmona, Cavite, owned by

Antonio Almeda, married to Ricarda Medel,
Encarnacion Almeda, married to Francisco Casas,
Raymunda Almeda, married to Mariano S. Yatco,
Estate of Rosenda Almeda;

- Seven (7) parcels of land covered by Original Certificate of Title No. 4347, with a total area of 766,086 square meters, located in sitio Linaua-an, Cabilang-Baybay, Carmona, Cavite, owned by

Agapito Yaptinchay;

- One (1) parcel of land covered by Original Certificate of Title No. 4355, with an area of 462,972 square meters, located in sitio Encanto, barrios of Biga and Maguyam, Carmona, Cavite owned by

Albina Yaptinchay, Antonio Almeda, married to Ricarda Medel,
Encarnacion Almeda, married to Francisco Casas,
Raymunda Almeda, married to Mariano S. Yatco,
Estate of Rosenda Almeda;

- Four (4) parcels of land covered by Original Certificate of Title No. 4346, with a total area of 104,222 square meters located in Maduya, Carmona, Cavite, owned by

Albina Yaptinchay;

- Eight (8) parcels of land covered by Transfer Certificate of Title No. A-399, with a total area of 476,042 square meters, located in Maduya, Carmona Cavite, owned by

Trinidad Yaptinchay,
Tita Yaptinchay,
Macaria Yaptinchay, married to Eliseo Abad,
Flora Yaptinchay, married to Teodoro Evangelista,
Estate of Rosenda Yaptinchay;

- Seven (7) parcels of land known as Cadastral Lots Nos. 746, 1632, 1507, 1518, 723, 724, and 728 with a total area of 750,979 square meters, located in barrios Lantic and Ulong-Tubig, Carmona, Cavite, owned by

Tita Yaptinchay, married to Hermenegildo Lao,
Trinidad Yaptinchay,
Macaria Yaptinchay, married to Eliseo Abad,
Flora Yaptinchay, married to Teodoro Evangelista,
Felix Yaptinchay,
Francisco Yaptinchay,

Isidro Yaptinchay.

As the landowners offered no objection to the expropriation of their properties, the court appointed Clerk of Court Ponciano F. Martinez, as chairman, Perpetuo Laurito (at the suggestion of the tenants) and Eduardo Barretto (suggested by the land owners), as members, of the committee that would determine the actual market value of the properties subject of the proceedings.

After due hearing, wherein both parties presented their respective evidence chairman Martinez, concurred in by member Laurito, taking into account the fact that the tenants took possession of the lands from the landowners (allegedly by force) since before the outbreak of the Second World War, expressed the opinion that the compensation must be based on the market value of the properties during said period. However, as there was no evidence of the prevailing land valuation in 1940, the two commissioners considered the sworn tax declarations of the landowners executed in 1942 to be reflecting the true value of the said properties, which, on this basis, totalled to P85,500.00. Nevertheless, as the court fixed the sum of P111,290.00 as provisional value of the properties, without objection from the landowners, it was recommended that this latter amount be fixed as full compensation therefor, from which the sum of P10,220.00, value of certain lots which were ordered segregated and excluded from the complaint, shall be deducted.

Member Eduardo Barretto, on the other hand, made the following recommendations:

For the properties referred to in—

No. 1

P1,900.00 per hectare

No. 2

1,900.00 per hectare

No. 3

2,000.00 per hectare

No. 4

1,700.00 per hectare

No. 5 (lot No. 21)

P0.70 per square meter

(lot No. 22)

2,000.00 per hectare

No. 6

2,000.00 per hectare

No. 7

1,800.00 per hectare

No. 8

4,000.00 per hectare

No. 9

4,500.00 per hectare

No. 10

2,500.00 per hectare

In its decision of June 28, 1956, the court held that the landowners should be considered to have been deprived of possession of their properties only upon actual delivery thereof by the Sheriff to the plaintiff, or on September 21, 1950, and, disregarding the recommendations of the commissioners, fixed the compensation due the landowners, as follows:

For residential land (Lot No. 21 of No. 5)

P0.50 per square meter

For irrigated lands (Nos. 8, 9)

P4,000.00 per hectare

For unirrigated lands (Nos. 1, 2, 3, 4, 6, 7, 10,
and Lot No. 22 of No. 5)

P2,000.00 per hectare

In the last 2 instances, interest was also awarded at the rate of 6% per annum, computed from the date of actual delivery to the plaintiff. With respect to the lands wherein ownership was contested, payment thereof was ordered withheld and the corresponding amount deposited with the Provincial Treasurer pending final settlement of the controversy.

Plaintiff in this appeal now claims that the court a quo erred in fixing the abovementioned amounts as compensation, for the reason that they are higher than that demanded by the owners and even more than the recommendation of commissioner Barretto. We find reason to sustain plaintiff-appellant's contention.

The valuation arrived at by the trial court was based on two decisions: (1) the case of *Alejo vs. Provincial Government of Cavite* (54 Phil., 304) decided by this Court in 1930, involving a property located in the sitio of Palangue, Naic, Cavite wherein the price of the expropriated land was fixed at P2,000.00 per hectare, and (2) the case of *Municipality of Bacoar vs. Cuenca*, decided by said court in 1951, involving a parcel of land located in Bacoar, Cavite, wherein the price was fixed at P2.00 per square meter. Certainly, valuations made at some other time, involving other parcels of land situated in different localities can hardly be considered evidentiary facts of the prices of land elsewhere. In order that purchases and sales of properties may be considered competent proof of the market value of an expropriated property, the former must be shown to be adjoining the latter,[1] or at least, within the zone of commercial activity with which the condemned property is identified.[2] This is not true in the instant case. Aside from the fact that the expropriations subject of the decisions relied upon by the lower court took place at a different period, judicial notice may be taken of the fact that Carmona, which is a mountainous region, can not be identified with the commercial activity of Bacoar and Naic, which are nearer Manila and in the lowlands. The prices of land in the latter places, cannot, therefore, be considered indicative of the market value of the properties in Carmona.

Upon the other hand, the records show that in the course of the hearing conducted by the Committee on Appraisal, some of the landowners, testifying in their own behalf, in answer to questions propounded by their counsel, demanded as compensation for their properties the following amounts:

Miguel Yaptinchay—P1,500.00 per hectare for his properties referred to as Nos. 2 and 3 (p. 62, t.s.n., Oct. 19, 1953);

Antonio Almeda—P0.50 per square meter, for the property described as Lot No. 21 of No. 5, and P1,500.00 per hectare for Nos. 1, 7 (p. 87-88, t.s.n., Dec. 15, 1953);

Alberto Yaptinchay—P1,000.00 per hectare, for No. 4 (p. 117, t.s.n., March 2, 1954);

Agapito Yaptinchay—P1,500.00 per hectare, for No. 3 (p. 137, t.s.n., March 2, 1954);

Albina Yaptinchay—P2,000.00 per hectare, for Nos. 7 and 8. (p. 141, t.s.n., March 2, 1954);

Tita Yaptinchay Lao—P5,000.00 per hectare (because of sentimental value), for Nos. 9 and 10 (p. 149, t.s.n., March 8, 1954).

It further appears that in a "Memorandum" dated September, 1948 (at about the same time when the expropriation proceedings commenced), addressed to then President Elpidio Quirino, Francisco Yaptinchay, for himself and on behalf of his brothers Felix, Alberto, Agapito, Isidro, Miguel and Agustin, and sister Albina, offered to sell the dame properties to the Rural Progress Administration at the rate of P700.00 per hectare, including all the improvements existing thereon. This fact, was confirmed during the bearing by Francisco Yaptinchay himself and commissioner Eduardo Barretto, who endowed the said memorandum to the President (p. 178-179, t.s.n., April 26, 1954).

The admission by the owners is evidence of the highest order. Their Valuation of the property may not in law be binding on the government or the courts, but it should at least set a ceiling price for the compensation to be awarded. The price of the condemned property should not be higher than what the owner demanded. (*Republic vs. Narciso*, G. R. No. L-6594, May 18, 1956).

It is true that of the landowners who testified during the hearing, at least one of them, Tita Yaptinchay-Lao demanded the sum of P5,000.00 per hectare as compensation, because of its sentimental value to her family, one of her sons having been killed there. But this demand does not reflect the actual compensable loss suffered by

them, for neither the sentimental value of a property to its owner nor the inconvenience resulting from the loss thereof is an element in the determination of damages (Republic vs. Lara, 96; Phil., 170; 50 Off. Gaz. (17)5778). Furthermore, considering plaintiff's Exhibit B (a deed of sale executed on August 19, 1959, covering 2 lots in sitio Agiid, barrio Bangkal, Carmona, Cavite, with a total area of 5.5357 hectares, sold for P450.00); Exhibit E-1 (a deed of sale executed in 1951 involving .77 hectare located in Maduya, Carmona, Cavite, sold for P500.00) and Exhibit F (a deed of sale executed on August 13, 1951 involving 5.2618 hectares located in Ulong-Tubig, Carmona, Cavite, sold for P1,300.00), we believe and so declare that the price of P1,000.00 per hectare for irrigated lands with sugar quota; P800.00 per hectare for irrigated lands without sugar quota and unirrigated lands with quota; P600.00 per hectare for unirrigated lands without sugar quota, and P0.50 per square meter for residential lands, would be reasonable compensation. The owners of the expropriated properties shall also be entitled to recover legal interest on the amount payable to them and not covered by the deposit made by the plaintiff, computed from the date of delivery of possession to the latter (September 21, 1950) to the date of actual payment thereof. (Republic vs. Lara, supra.)

Wherefore, and with the above modification, the decision appealed from is hereby affirmed, without special pronouncement as to costs. So ordered.

Paras, C. J., Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.
Gutierrez David, J., reserves his vote.

[1] Metropolitan Water District vs. Escueta, 57 Phil., 293.

[2] Manila Railroad Company vs. Mitchel, 49 Phil., 801.

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