

ALEJANDRO MANOSCA, ASUNCION MANOSCA AND LEONICA MANOSCA, PETITIONERS, VS. HON. COURT OF APPEALS, HON. BENJAMIN V. PELAYO, PRESIDING JUDGE, RTC-PASIG, METRO MANILA, BRANCH 168, H...

G.R. No. 106440. January 29, 1996

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-106440/>

VITUG, J.:

In this appeal, via a petition for review on certiorari, from the decision[1] of the Court of Appeals, dated 15 January 1992, in CA-G.R. SP No. 24969 (entitled "Alejandro Manosca, et al. v. Hon. Benjamin V. Pelayo, et al."), this Court is asked to resolve whether or not the "public use" requirement of Eminent Domain is extant in the attempted expropriation by the Republic of a 492-square-meter parcel of land so declared by the National Historical Institute ("NHI") as a national historical landmark.

The facts of the case are not in dispute.

Petitioners inherited a piece of land located at P. Burgos Street, Calzada, Taguig, Metro Manila, with an area of about four hundred ninety-two (492) square meters. When the parcel was ascertained by the NHI to have been the birthsite of Felix Y. Manalo, the founder of Iglesia Ni Cristo, it passed Resolution No. 1, Series of 1986, pursuant to Section 4[2] of Presidential Decree No. 260, declaring the land to be a national historical landmark. The resolution was, on 06 January 1986, approved by the Minister of Education, Culture and Sports. Later, the opinion of the Secretary of Justice was asked on the legality of the measure. In his Opinion No. 133, Series of 1987, the Secretary of Justice replied in the affirmative; he explained:

"According to your guidelines, national landmarks are places or objects that are associated with an event, achievement, characteristic, or modification that makes a turning point or stage in Philippine history. Thus, the birthsite of the founder of the Iglesia ni Cristo, the late Felix Y. Manalo, who, admittedly, had made contributions to Philippine history and culture has been declared as a national landmark. It has been held that places invested with unusual historical interest is a public use for which the power of eminent domain may be authorized x x x.

"In view thereof, it is believed that the National Historical Institute as an agency of the Government charged with the maintenance and care of national shrines, monuments and landmarks and the development of historical sites that may be declared as national shrines, monuments and/or landmarks, may initiate the institution of condemnation proceedings for the purpose of acquiring the lot in question in accordance with the procedure provided for in Rule 67 of the Revised Rules of Court. The proceedings should be instituted by the Office of the Solicitor General in behalf of the Republic."

Accordingly, on 29 May 1989, the Republic, through the Office of the Solicitor-General, instituted a complaint for expropriation[3] before the Regional Trial Court of Pasig for and in behalf of the NHI alleging, inter alia, that:

"Pursuant to Section 4 of Presidential Decree No. 260, the National Historical Institute issued Resolution No.

1, Series of 1986, which was approved on January, 1986 by the then Minister of Education, Culture and Sports, declaring the above described parcel of land which is the birthsite of Felix Y. Manalo, founder of the 'Iglesia ni Cristo,' as a National Historical Landmark. The plaintiff perforce needs the land as such national historical landmark which is a public purpose."

At the same time, respondent Republic filed an urgent motion for the issuance of an order to permit it to take immediate possession of the property. The motion was opposed by petitioners. After a hearing, the trial court issued, on 03 August 1989,[4] an order fixing the provisional market (P54,120.00) and assessed (P16,236.00) values of the property and authorizing the Republic to take over the property once the required sum would have been deposited with the Municipal Treasurer of Taguig, Metro Manila.

Petitioners moved to dismiss the complaint on the main thesis that the intended expropriation was not for a public purpose and, incidentally, that the act would constitute an application of public funds, directly or indirectly, for the use, benefit, or support of Iglesia ni Cristo, a religious entity, contrary to the provision of Section 29(2), Article VI, of the 1987 Constitution.[5] Petitioners sought, in the meanwhile, a suspension in the implementation of the 03rd August 1989 order of the trial court.

On 15 February 1990, following the filing by respondent Republic of its reply to petitioners' motion seeking the dismissal of the case, the trial court issued its denial of said motion to dismiss.[6] Five (5) days later, or on 20 February 1990,[7] another order was issued by the trial court, declaring moot and academic the motion for reconsideration and/or suspension of the order of 03 August 1989 with the rejection of petitioners' motion to dismiss. Petitioners' motion for the reconsideration of the 20th February 1990 order was likewise denied by the trial court in its 16th April 1991 order.[8]

Petitioners then lodged a petition for certiorari and prohibition with the Court of Appeals. In its now disputed 15th January 1992 decision, the appellate court dismissed the petition on the ground that the remedy of appeal in the ordinary course of law was an adequate remedy and that the petition itself, in any case, had failed to show any grave abuse of discretion or lack of jurisdictional competence on the part of the trial court. A motion for the reconsideration of the decision was denied in the 23rd July 1992 resolution of the appellate court.

We begin, in this present recourse of petitioners, with a few known postulates.

Eminent domain, also often referred to as expropriation and, with less frequency, as condemnation, is, like police power and taxation, an inherent power of sovereignty. It need not be clothed with any constitutional gear to exist; instead, provisions in our Constitution on the subject are meant more to regulate, rather than to grant, the exercise of the power. Eminent domain is generally so described as "the highest and most exact idea of property remaining in the government" that may be acquired for some public purpose through a method in the nature of a forced purchase by the State.[9] It is a right to take or reassert dominion over property within the state for public use or to meet a public exigency. It is said to be an essential part of governance even in its most primitive form and thus inseparable from sovereignty.[10] The only direct constitutional qualification is that "private property shall not be taken for public use without just compensation."[11] This proscription is intended to provide a safeguard against possible abuse and so to protect as well the individual against whose property the power is sought to be enforced.

Petitioners assert that the expropriation has failed to meet the guidelines set by this Court in the case of *Guido v. Rural Progress Administration*,[12] to wit: (a) the size of the land expropriated; (b) the large number of people benefited; and, (c) the extent of social and economic reform.[13] Petitioners suggest that we confine the concept of expropriation only to the following public uses,[14] i.e., the -

"x x x taking of property for military posts, roads, streets, sidewalks, bridges, ferries, levees, wharves, piers, public buildings including schoolhouses, parks, playgrounds, plazas, market places, artesian wells, water

supply and sewerage systems, cemeteries, crematories, and railroads."

This view of petitioners is much too limitative and restrictive.

The court, in *Guido*, merely passed upon the issue of the extent of the President's power under Commonwealth Act No. 539 to, specifically, acquire private lands for subdivision into smaller home lots or farms for resale to bona fide tenants or occupants. It was in this particular context of the statute that the Court had made the pronouncement. The guidelines in *Guido* were not meant to be preclusive in nature and, most certainly, the power of eminent domain should not now be understood as being confined only to the expropriation of vast tracts of land and landed estates.[15]

The term "public use," not having been otherwise defined by the constitution, must be considered in its general concept of meeting a public need or a public exigency.[16] Black summarizes the characterization given by various courts to the term; thus:

"Public Use. Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, 'public use' is one which confers same benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a 'public advantage' or 'public benefit' accrues sufficient to constitute a public use. *Montana Power Co. vs. Bokma*, Mont. 457 P. 2d 769, 772, 773.

"Public use, in constitutional provisions restricting the exercise of the right to take private property in virtue of eminent domain, means a use concerning the whole community as distinguished from particular individuals. But each and every member of society need not be equally interested in such use, or be personally and directly affected by it; if the object is to satisfy a great public want or exigency, that is sufficient. *Rindge Co. vs. Los Angeles County*, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but must be in common, and not for a particular individual. The use must be a needful one for the public, which cannot be surrendered without obvious general loss and inconvenience. A 'public use' for which land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences, changing conceptions of scope and functions of government, and other differing circumstances brought about by an increase in population and new modes of communication and transportation. *Katz v. Brandon*, 156 Conn., 521, 245 A.2d 579, 586." [17]

The validity of the exercise of the power of eminent domain for traditional purposes is beyond question; it is not at all to be said, however, that public use should thereby be restricted to such traditional uses. The idea that "public use" is strictly limited to clear cases of "use by the public" has long been discarded. This Court in *Heirs of Juancho Ardon v. Reyes*, [18] quoting from *Berman v. Parker* (348 U.S. 25; 99 L. ed. 27), held:

"We do not sit to determine whether a particular housing project is or is not desirable. The concept of the public welfare is broad and inclusive. See *DayBrite Lighting, Inc. v. Missouri*, 342 US 421, 424, 96 L. Ed. 469, 472, 72 S Ct 405. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. In the present case, the Congress and its authorized agencies have made determinations that take into account a wide variety of values. It is not for us to reappraise them. If those who govern the District of Columbia decide that the Nation's Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way.

"Once the object is within the authority of Congress, the right to realize it through the exercise of eminent domain is clear. For the power of eminent domain is merely the means to the end. See *Luxton v. North River Bridge Co.* 153 US 525, 529, 530, 38 L. ed. 808, 810, 14 S Ct 891; *United States v. Gettysburg Electric R. Co.*

160 US 668, 679, 40 L. ed. 576, 580, 16 S Ct 427."

It has been explained as early as *Seña v. Manila Railroad Co.*,^[19] that:

"x x x A historical research discloses the meaning of the term 'public use' to be one of constant growth. As society advances, its demands upon the individual increase and each demand is a new use to which the resources of the individual may be devoted. x x x for 'whatever is beneficially employed for the community is a public use.'"

Chief Justice Enrique M. Fernando states:

"The taking to be valid must be for public use. There was a time when it was felt that a literal meaning should be attached to such a requirement. Whatever project is undertaken must be for the public to enjoy, as in the case of streets or parks. Otherwise, expropriation is not allowable. It is not so any more. As long as the purpose of the taking is public, then the power of eminent domain comes into play. As just noted, the constitution in at least two cases, to remove any doubt, determines what is public use. One is the expropriation of lands to be subdivided into small lots for resale at cost to individuals. The other is the transfer, through the exercise of this power, of utilities and other private enterprise to the government. It is accurate to state then that at present whatever may be beneficially employed for the general welfare satisfies the requirement of public use."^[20]

Chief Justice Fernando, writing the ponencia in *J.M. Tuason & Co. vs. Land Tenure Administration*,^[21] has viewed the Constitution a dynamic instrument and one that "is not to be construed narrowly or pedantically" so as to enable it "to meet adequately whatever problems the future has in store." Fr. Joaquin Bernas, a noted constitutionalist himself, has aptly observed that what, in fact, has ultimately emerged is a concept of public use which is just as broad as "public welfare."^[22]

Petitioners ask: But "(w)hat is the so-called unusual interest that the expropriation of (Felix Manalo's) birthplace become so vital as to be a public use appropriate for the exercise of the power of eminent domain" when only members of the Iglesia ni Cristo would benefit? This attempt to give some religious perspective to the case deserves little consideration, for what should be significant is the principal objective of, not the casual consequences that might follow from, the exercise of the power. The purpose in setting up the marker is essentially to recognize the distinctive contribution of the late Felix Manalo to the culture of the Philippines, rather than to commemorate his founding and leadership of the Iglesia ni Cristo. The practical reality that greater benefit may be derived by members of the Iglesia ni Cristo than by most others could well be true but such a peculiar advantage still remains to be merely incidental and secondary in nature. Indeed, that only a few would actually benefit from the expropriation of property does not necessarily diminish the essence and character of public use.^[23]

Petitioners contend that they have been denied due process in the fixing of the provisional value of their property. Petitioners need merely to be reminded that what the law prohibits is the lack of opportunity to be heard;^[24] contrary to petitioners' argument, the records of this case are replete with pleadings^[25] that could have dealt, directly or indirectly, with the provisional value of the property.

Petitioners, finally, would fault respondent appellate court in sustaining the trial court's order which considered inapplicable the case of *Noble v. City of Manila*.^[26] Both courts held correctly. The Republic was not a party to the alleged contract of exchange between the Iglesia ni Cristo and petitioners which (the contracting parties) alone, not the Republic, could properly be bound.

All considered, the Court finds the assailed decision to be in accord with law and jurisprudence.

WHEREFORE, the petition is DENIED. No costs.

SO ORDERED.

Padilla, Bellosillo, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Penned by Justice Nathanael De Pano, Jr., with the concurrence of Justices Luis Victor and Fortunato Vailoces.

[2] "The National Museum and the National Historical Commission are hereby vested with the right to declare other such historical and cultural sites as National Shrines, Monuments, and/or Landmarks, in accordance with the guidelines set forth in R.A. 4846 and the spirit of this Decree."

[3] Rollo, pp. 77-82.

[4] Rollo, pp. 66-67.

[5] Sec. 29. xxx.

(2) No public money or property shall be appropriated, applied, paid, or employed, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or of any priest, preacher, minister, or other religious teacher, or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces, or to any penal institution, or government orphanage or leprosarium.

[6] Rollo, pp. 68-69.

[7] Rollo, p. 70.

[8] Rollo, pp. 71-76.

[9] Black's Law Dictionary, 6th ed., p. 523.

[10] Visayan Refining Company vs. Camus, 40 Phil. 550.

[11] Sec. 9, Art. III, 1987 Constitution.

[12] 84 Phil. 847.

[13] Rollo, pp. 38-39.

[14] Rollo, p.42.

[15] See Province of Camarines Sur vs. Court of Appeals, 222 SCRA 173.

[16] See U.S. vs. Toribio, 15 Phil. 85.

[17] Black's Law Dictionary, p. 1232.

[18] 125 SCRA 220.

[19] 42 Phil. 102.

[20] Enrique Fernando, The Constitution of the Philippines, 2nd ed., pp. 523-524.

[21] 31 SCRA 413.

[22] Joaquin Bernas, *The Constitution of the Republic of the Philippines*, Vol. 1, 1987 ed., p. 282.

[23] *Philippine Columbian Association v. Panis*, 228 SCRA 668.

[24] *Capuno v. Jaramillo*, 234 SCRA 212.

[25] Those pleadings include:

(a) An urgent motion that the hearing on the fixing of the property's provisional value and the taking of possession by the Republic over the same be held in abeyance until after petitioners shall have received a copy of the complaint and summons (Rollo, pp. 86-88;

(b) A motion to dismiss, dated 08 August 1989, seeking to dismiss the complaint instituted by the Republic on the ground that the expropriation in question is not for a public purpose and contrary to Section 29(a), Article VI, of the 1987 Constitution (Rollo, pp. 90-91);

(c) A motion for reconsideration and/or suspension of the implementation of the 03 August 1989 Order (Rollo, pp. 93-95); and

(d) A motion for reconsideration of the orders dated 15 and 20 February, 1990 (Rollo, pp. 103-111).

[26] The Noble case holds that where there is a valid and subsisting contract between the owners of the property and the expropriating authority, there is no need or reason for expropriation (67 Phil. 1).

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.