

THE MUNICIPAL COUNCIL OF NUEVA CACERES, FOR AND IN REPRESENTATION OF THE MUNICIPALITY OF NUEVA CACERES OF THE PROVINCE OF AMBOS CAMARINES, PLAINTIFF AND APPELLEE, VS. BIBIANA IS...

G. R. No. 13477. October 23, 1920

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-13477/>

JOHNSON, J.:

This action was commenced in the Court of First Instance of the Province of Ambos Camarines. Its purpose was to expropriate a small parcel of land in the municipality of Naga for the purposes of a market for said municipality. From the record the following facts appear:

- That the action was commenced on the 21st day of July, 1913; that Mariano Abella answered the complaint and opposed the expropriation of said parcel of land, on the 17th day of November, 1913; that the Honorable Percy M. Moir, Judge, on the 17th day of November, 1913, issued an order permitting the said municipality to take possession of said parcel of land, upon depositing with the provincial treasurer the sum of P2,000; that later, the owners of the land presented an amended answer, and on the 4th day of August, 1914, certain tenants who claimed to have an interest in the land in question, presented a petition for intervention.
- That upon the issue presented by the complaint and the various answers, the cause was brought on for trial; and on the 7th day of December, 1915, the Honorable M. V. del Rosario, in a carefully prepared opinion, rendered a judgment in favor of the owners of the parcel of land in question, ordering the plaintiff to pay to the said owners the value of the land fixed in said decision.
- That on the 19th day of January, 1916, the prosecuting attorney of the Province of Ambos Camarines presented a motion for a new trial, for several reasons.
- That on the 28th day of January, 1916, in conformity with an agreement of all the parties concerned, the Honorable J. C. Jenkins, Judge, granted a new trial.
- That on the 23d day of February, 1916, commissioners were appointed to take proof upon the question of the value of the land in question.
- That on the 29th day of February, 1916, the defendants presented another amended answer. In said amended answer the defendants claimed that the parcel of land in question contained 10,756 square meters, of the value of P3 per square meter, and that there existed on said parcel of land in question a tennis court of the value of P80.
- That upon the issue presented by the original petition and the third amended answer, and after hearing the report of the commissioners duly appointed, the Honorable M. V. del Rosario, Judge, rendered a judgment in favor of the defendants and against the plaintiff, allowing the defendants to recover the sum of P2.20 for each square meter of land appropriated and, in addition thereto, the sum of P80, the value of said "tennis court."

- That on the 9th day of October, 1916, the attorney for the plaintiff presented a motion for a new trial; that on the 25th day of October, 1916, the attorneys for the defendants asked for a modification of the judgment of the lower court as well as for a new trial.

- That on the second day of March, 1917, the Honorable Maximino Mina, Judge, considering said various motions for a new trial, granted the same and ordered a new trial.

- That later a rehearing was had and on the 27th day of March, 1917, the Honorable Maximino Mina rendered a third judgment in said cause, the dispositive part of which is as follows:

"Wherefore, judgment is rendered, (a) declaring that the municipality of Naga has the right to expropriate the two parcels of land described in the complaint and it is declared to be the owner of said parcels; (b) sentencing said municipality to pay to the defendants the sum of four thousand five hundred pesos (P4,500), the value of said parcels, plus eighty pesos (P80), the value of the tennis court, with interest at the legal rate on both sums, from July 31, 1914, until full payment, and (c) absolving both the plaintiff and the defendants from the claim for damages presented by the intervenors.

"The plaintiff shall furthermore pay the costs of this instance.

"So ordered."

From that judgment the defendants appealed to this court.

The appellants allege, for their first assignment of error, that the lower court committed an error in granting a new trial in its order of the 2d day of March, 1917. With reference to that assignment of error, it may be said (a) that both the plaintiff and the defendants requested, by motion, a modification of the decision of the 9th of September, 1916, within the time prescribed by the law, and (b) that the granting of a new trial in the premises was within the sound discretion of the court. In view of those facts, we find no reason nor justification for changing or modifying the said order.

The appellants further allege that the lower court committed an error in rendering a judgment contrary to the report of the commissioners. We have decided in numerous cases that the Judge of the Court of First Instance, as well as the Supreme Court, is fully justified under the law, in the face of the report of commissioners in expropriation proceedings, to examine the evidence and to fix a value upon the property in question in accordance with the proof adduced, without reference to the value fixed by the commissioners. (*City of Manila vs. Estrada*, 25 Phil., 208; *Manila Railroad Co. vs. Velasquez*, 32 Phil., 286; *Manila Railroad Co. vs. Aguilar*, 35 Phil., 118; *Manila Railroad Co. vs. Alano*, 36 Phil., 500; *City of Manila vs. Ruymann*, 37 Phil., 421.)

In the third assignment of errors the appellants contend that the value fixed on the parcel of land in question was not in accordance with the finding of the commissioners. That contention of the appellants has been answered in the argument above with reference to the second assignment of error. It may be added, however, that the conclusion of the lower court with reference to the value of the land is more favorable to the appellants than the report of the commissioners was.

Finding as we do that the errors complained of by the appellants were not committed by the lower court, we are of the opinion and so decide that the judgment of the lower court should be and is hereby affirmed, with costs. So ordered.

Araullo, Malcolm, Avanceña and Villamor, 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.