

**PATRICIA L. TIONGSON, SPS. EDUARDO GO AND PACITA GO,
ROBERTO LAPERAL III, ELISA MANOTOK, MIGUEL A.B. SISON, ET
AL., PETITIONERS, VS. NATIONAL HOUSING AUTHORITY,
RESPONDENT.**

G.R. No. 140377. July 14, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The present petition for review on certiorari raises the question of from what date should just compensation of the subject properties sought to be expropriated be reckoned - whether it is from the taking of the property or on the filing of the complaint.

Respondent National Housing Authority (NHA) took possession in 1978 of properties belonging to petitioners Patricia L. Tiongson, et al. pursuant to P.D. No. 1669, "AN ACT PROVIDING FOR THE EXPROPRIATION OF THE PROPERTY KNOWN AS THE 'TAMBUNTING ESTATE' REGISTERED UNDER TCT NOS. 119059, 122450, 122459, 122452 AND LOT NOS. 1-A, 1-C, 1-D, 1-E, 1-F, 1-G AND 1-H OF (LRC) PSD-230517 (PREVIOUSLY COVERED BY TCT NO. 119058) OF THE REGISTER OF DEEDS OF MANILA AND FOR THE SALE AT COST OF THE LOTS THEREIN TO THE BONA FIDE OCCUPANTS AND OTHER SQUATTERS FAMILIES AND TO UPGRADE THE SAME, AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE PURPOSE" (underscoring supplied), and of properties belonging to Patricia Tiongson, et al. pursuant to P.D. No. 1670, "AN ACT PROVIDING FOR THE EXPROPRIATION OF THE PROPERTY ALONG THE ESTERO DE SUNOG-APOG FORMERLY CONSISTING OF LOTS NOS. 55-A, 55-B AND 55-C, BLOCK 2918 OF THE SUBDIVISION PLAN PSD-11746, COVERED BY TCT NOS. 49286, 49287 AND 49288, RESPECTIVELY, OF THE REGISTER OF DEEDS OF MANILA AND FOR THE SALE AT COST OF THE LOTS THEREIN TO THE BONA FIDE OCCUPANTS AND OTHER SQUATTER FAMILIES AND TO UPGRADE THE SAME, AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE PURPOSE" (underscoring supplied).

In G.R. Nos. L-55166, "Elisa R. Manotok, et al.v. National Housing Authority et al.," and 55167 , "Patricia Tiongson et al. v. National Housing Authority, et al.," this Court, by Decision of May 21, 1987,[1] held that "Presidential Decree Numbers 1669 and 1670, which respectively proclaimed the Tambunting Estate and the Estero de Sunog-Apoy area expropriated, are declared unconstitutional and, therefore, null and void," they being violative of the therein petitioners' right to due process of law. The decision had become final and executory.

Subsequently or on September 14, 1987, NHA filed before the Regional Trial Court of Manila a complaint against petitioners, docketed as Civil Case No. 87-42018, which was later amended, for expropriation of parcels of land - part of those involved in G.R. No. L-55166.

By Order of April 29, 1997,[2] Branch 41 of the Manila RTC[3] to which the complaint for expropriation was raffled brushed aside a previous order dated June 15, 1988 of the then Presiding Judge of said branch of the

RTC[4] and held that the determination of just compensation of the properties should be reckoned from the date of filing of NHA's petition or on September 14, 1987. The NHA moved to reconsider the said April 29, 1997 Order of the trial court, contending that the determination of the just compensation should be reckoned from the time it took possession of the properties in 1978. The trial court, by Order of August 5, 1997,[5] denied NHA's motion for reconsideration.

The NHA assailed the above-stated trial court's Orders of April 29, 1997 and August 5, 1997 via petition for certiorari before the Court of Appeals. The appellate court, by the challenged Decision of June 16, 1999,[6] reversed and set aside the trial court's orders and held that the just compensation should be "based on the actual taking of the property in 1978." Thus it disposed:

WHEREFORE, the lower court's Order dated April 29, 1997 ruling that the amount of just compensation should be based on the date of the filing of the complaint in 1987, as well as the Order dated August 5, 1997 denying the motion for reconsideration are hereby set aside and the appointed commissioners are ordered to re-convene and submit to the court a recommendation on the amount of just compensation of subject property based on the actual taking of the property in 1978. (Underscoring supplied)

Petitioners moved for a reconsideration of the appellate court's decision but the same was denied by Resolution of October 7, 1999,[7] hence, the present petition for review on certiorari.

In its Petition for Expropriation filed before the RTC on September 14, 1987, the NHA alleged, inter alia, that:

x x x

- Pursuant to Presidential Decree No. 1669 providing for the expropriation of the subject properties and granting the plaintiff the authority to immediately take possession, control and disposition, with power of demolition of the subject properties, plaintiff took and had been in possession of the subject properties, until Presidential Decree No. 1669 was declared unconstitutional by the Supreme Court in the case entitled Patricia Tiongson, et al. vs. National Housing Authority and Republic of the Philippines, G.R. No. 5516[6][8] (Emphasis and underscoring supplied) x x x,

and prayed as follows:

WHEREFORE, it is respectfully prayed of this Honorable Court that:

1. An order be issued provisionally fixing the value of said properties in the amount equal to the assessed value of the same and authorizing the plaintiff to enter or take possession and/or placing the plaintiff in possession of the parcels of land described above; (Emphasis and underscoring supplied)

x x x x

In the present petition, petitioners argue that since P.D. No. 1669 pursuant to which NHA took possession of their properties in 1978 was declared unconstitutional, "[n]ecessarily, in thereafter resurrecting the filing of another (sic) complaint for expropriation of the same properties," it would be unlawful . . . to fix the reckoning period for purposes of computing the just compensation . . . based on [NHA's] previous unlawful taking of said properties in 1978." They thus maintain that the trial court's Order of April 29, 1997 holding that the determination of the just compensation of their properties should be reckoned from the date NHA filed the petition before the RTC on September 14, 1987 is in order.

The petition is impressed with merit.

In declaring, in its challenged Decision, that the determination of just compensation should be reckoned from NHA's taking of the properties in 1978, the appellate court simply relied on Annex "C" of NHA's petition before

it, the Order dated June 15, 1988 of the then Presiding Judge of the trial court reading:

In this condemnation proceedings, by agreement of the parties, the total value of the properties to be condemned is hereby fixed at P14,264,465.00, provisionally, and considering the admission of the parties that plaintiff has taken possession of the properties in question sometime in 1978, or long before the complaint in this case was filed, plaintiff is hereby authorized to retain possession thereof upon its depositing with the City Treasurer of Manila the aforesaid sum of P14,264,465.00 subject to the Orders of this Court and forthwith submit the Official Receipt of the said deposit to this Court,[9] (Emphasis and underscoring supplied),

and thus concluded that "the parties admitted that [NHA] took possession of the subject properties as early as 1978." The appellate court reached that conclusion, despite its recital of the antecedents of the case including herein petitioners' sustained moves, even before the trial court, in maintaining that the reckoning of just compensation should be from the date of filing of the petition for expropriation on September 14, 1987.

The earlier-quoted allegations of the body and prayer in NHA's Petition for Expropriation filed before the RTC constitute judicial admissions [10] of NHA - that it possessed the subject properties until this Court's declaration, in its above-stated Decision in G.R. No. L-55166 promulgated on May 21, 1987, that P.D. No. 1669 pursuant to which NHA took possession of the properties of petitioners in 1978 was unconstitutional and, therefore, null and void. These admissions, the appellate court either unwittingly failed to consider or escaped its notice.

Petitioners even brought to the appellate court's attention, in their Motion for Reconsideration[11] of its Decision of June 16, 1999, the fact that they had called the trial court's attention to NHA's allegation-admissions in the body and prayer of its petition. But the appellate court, by Resolution of October 7, 1999, [12] denied petitioners' motion upon the ground that it raised substantially the same issues that were already considered and passed upon in arriving at its decision. The appellate court's June 16, 1999 decision glaringly shows, however, that the matter of judicial admissions of NHA in the body and prayer in its petition were not considered by it.

Following then Rule 67, Section 4 of the Rules of Court reading:

SEC. 4. Order of expropriation. - If the objections to and the defenses against the right of the plaintiff to expropriate the property are overruled, or when no party appears to defend as required by this Rule, the court may issue an order of expropriation declaring that the plaintiff has a lawful right to take the property sought to be expropriated, for the public use or purpose described in the complaint, upon the payment of just compensation to be determined as of the date of the taking of the property or the filing of the complaint, whichever came first.

x x x x (Emphasis and underscoring supplied),

vis a vis the factual backdrop of the case, the just compensation of petitioners' properties must be determined "as of the date of . . . the filing of [NHA's] complaint" on September 14, 1987."

WHEREFORE, the challenged June 16, 1999 Decision of the Court of Appeals is REVERSED and SET ASIDE and the April 29, 1997 Order of Branch 41 of the Regional Trial Court of Manila in Civil Case No. 87-42018 is REINSTATED.

SO ORDERED.

Quisumbing, (Chairperson), Tinga, Velasco, JR. and Brion., JJ., concur.

* Under Section 4 of Rule 45, the court a quo need not be impleaded as party.

[1] 150 SCRA 89-112.

[2] Annex "C" of NHA's Petition for Certiorari before the Court of Appeals, CA rollo, p. 21.

[3] Presided by Judge Rodolfo Ponferrada.

[4] Judge Domingo Panis.

[5] Annex "B" to NHA's Petition for Certiorari before the Court of Appeals, CA rollo, p. 22.

[6] Rollo, pp. 44-48.

[7] Id. at 50.

[8] Id. at 78.

[9] CA rollo, p. 23.

[10] Vide Sec. 4 of Rule 129, Rules of Court.

[11] CA rollo, pp. 89-100.

[12] Supra note 7.

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