

NATIONAL POWER CORPORATION, PETITIONER, VS. HON. PATERNO V. TAC-AN, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 84, BATANGAS CITY; ROLANDO QUINIO, COU...*G.R. No. 155172. February 14, 2003*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-155172/>**MENDOZA, J.:**

On September 23, 1999, petitioner National Power Corporation (NPC), through its General Counsel, with office address at the National Power Corporation, corner Quezon Avenue and Agham Road, Quezon City, filed a complaint for eminent domain in the Regional Trial Court, Branch 84, Batangas City[1] for the acquisition of an easement of right of way over certain properties[2] situated in Brgys. Banaba East and Banaba Silangan, Batangas City. The properties, owned by private respondents, have a total area of 4,366 square meters and an assessed value of P8,734.76. The easement is intended to be used for the construction and maintenance of NPC's San Pascual 230-KV Associated Transmission Line Project.[3]

It appears that after its General Counsel had entered his appearance, petitioner engaged the services of a private counsel, Atty. Sofronio A. Hernandez, who worked under the supervision and control of the General Counsel in Quezon City. In the pleadings filed in the trial court, Atty. Hernandez used as his address of record Batangas Transmission Reinforcement Project (BTRP) Office, San Jose, Batangas.[4] In addition, with respect to petitioner's other project, the Ilijan Project, he gave as his official mailing address Ilijan Natural Gas Power Project (INGPP) Office, Ibaan, Batangas.[5]

On December 10, 1999, petitioner, through its General Counsel, filed an urgent ex parte motion for the issuance of a writ of possession,[6] alleging that it had deposited with the Land Bank of the Philippines, Quezon City the amount of P8,734.76,[7] and that, for that reason, it was entitled to the possession of the properties sought to be expropriated.

On March 29, 2000, the trial court appointed commissioners to determine the fair market value of the properties. On October 10, 2000, the commissioners submitted to the court copies of the documents (including deeds of sale), showing the selling price to be P4,000.00 per square meter.[8]

On October 19, 2000, petitioner, through Atty. Hernandez, filed its comment on the commissioners' valuation report stating that, according to the appraisal conducted by a bank, Cuervo Independent Appraisal Company, and City Appraisal Committee (CAC) of Batangas City, the correct basis for determining the compensation to be paid to private respondents was P390.00 per square meter.

On November 10, 2000, the trial court issued an order declaring the value to be P2,000.00 per square meter. The order states:

The Committee submitted a report on September 27, 2000 on the fair market valuation of the real estate

properties of the defendants showing actual sales data of P1,500.00 per square meter for lot located along Balete road. The lots are located in Banaba East, Batangas City with a distance ranging from 300 to 750 meters away from the Balete road. The Committee cited a Deed of Sale dated March 29, 2000 of Demetria Aguda to Sps. Iglecerio Blanco, located at Banaba East.

On the other hand, petitioner contended that the fair market value shown in Resolution No. 98-184 [is] only P390.00 per square meter.

The defendants proposed that it be P4,000.00 per square meter based on the Deeds of Sale of Real Property dated March 29, 2000 covering sales of real properties at the nearby [b]arangay, Barangay Balagtas, Batangas City along diversion road showing a price of P4,000.00 per square meter.

The Court is of the opinion that it should be at P2,000.00 per square meter, mainly based on the sale of the land of Sps. Blanco of P1,500.00, and taking into consideration the depreciation of peso at this point in time.

SO ORDERED.

Batangas City, November 10, 2000.[9]

A copy of this order was received by Atty. Hernandez's secretary at his private law office at the Pag-Ibig Bldg. in Batangas City on November 15, 2000. The General Counsel of petitioner National Power Corporation in Quezon City was likewise served a copy of the order on November 23, 2000.

On December 6, 2000, Atty. Hernandez filed a notice of appeal questioning as exorbitant the price fixed by the trial court.[10] However, private respondent spouses Fabian and Erlinda Lopez moved to strike out the notice of appeal for having been filed out of time.[11] Their motion was granted. In an order, dated December 18, 2000, the trial court ruled:

There being a Certification from the Philippine Postal Corporation that counsel for the plaintiff already received the Order dated November 10, 2000 on November 15, 2000, the Motion to Strike Out Notice of Appeal is hereby GRANTED.

WHEREFORE, the Notice of Appeal filed by Atty. Sofronio A. Hernandez, counsel for the plaintiff National Power Corporation, is hereby stricken out from the records.

SO ORDERED.[12]

On December 27, 2000, the trial court ordered execution of its order:

Considering that the Order of this Honorable Court dated November 10, 2000 has already attained its finality as of December 1, 2000, let a Writ of Execution be issued to enforce said Decision.

SO ORDERED.[13]

Petitioner sought reconsideration of the order, but it was denied in another order dated January 8, 2001.[14] Consequently, on January 9, 2001, a writ of execution was issued.

Petitioner, represented by the Office of the Solicitor General, then filed a petition for certiorari in the Court of Appeals.[15] Its petition was denied, however, even as the trial court's orders were affirmed on the ground that the notice of appeal had been filed late. The appeals court held that there was valid service of the November 10, 2000 order of the trial court upon petitioner through its counsel, Atty. Hernandez, at the latter's private law office at the Pag-Ibig Bldg. in Batangas City, although his address of record was at the Batangas Transmission Reinforcement Project (BTRP) Office of the NPC in San Jose, Batangas. Citing the case of *Philippine Commercial and Industrial Bank v. Ortiz*,[16] the Court of Appeals stated that "although the notice was delivered

to an address other than that on record, delivery thereof was still considered valid because said notice would surely reach the person to whom it was addressed.”[17] Petitioner moved for a reconsideration, but its motion was denied. Hence, this present petition.

Petitioner argues that its counsel’s address was Batangas Transmission Reinforcement Project (BTRP), NPC, San Jose, Batangas and that, although Atty. Sofronio A. Hernandez had a private office at the Pag-Ibig Bldg. in Batangas City, as NPC’s deputized counsel, he should have been served a copy of the order in question at his address of record in San Jose, Batangas. For lack of service at the San Jose, Batangas address of its counsel, petitioner contends that proper service of the November 10, 2000 order must be deemed to have been made only when petitioner’s General Counsel in Quezon City actually received a copy on November 23, 2000. Hence, its notice of appeal, which was filed on December 6, 2000, was within the 15-day reglementary period of appeal.

Petitioner also contends that granting *arguendo* that service of the said order on Atty. Hernandez’s secretary at his private law office in Batangas City was valid, the delay of seven (7) days, from November 15, 2000, should have been overlooked in the spirit of the “liberal application of the procedural rules so as to serve the demands of substantial justice,” considering that the amount of P8,732,000.00, which it is being made to pay private respondents for the easement of right of way, is “exorbitant, unjust, and unreasonable.”

In their comment, private respondents counter that since Atty. Hernandez was retained as counsel of petitioner, the reckoning date for purposes of computing the 15-day period to appeal is the date when Atty. Hernandez received a copy of the trial court’s order at his private law office; that the subsequent service of the copy to petitioner’s general counsel in Quezon City is of no consequence; that since petitioner’s notice of appeal was filed late, the trial court’s order of November 10, 2000 became final and executory; that petitioner was not deprived of due process as it was accorded the opportunity to submit its pleadings and cross-examine the court-appointed commissioners hearing the case; and that the trial court’s valuation of P2,000.00 per square meter on the subject properties was based on the evaluation and recommendation of the commissioners.

We find the petition to be meritorious.

As a rule, where a party appears by attorney in an action or proceeding in a court of record, all notices or orders required to be given therein must be given to the attorney of record. Accordingly, notices to counsel should be properly sent to his address of record, and, unless the counsel files a notice of change of address, his official address remains to be that of his address of record.[18] Thus, the November 10, 2000 order of the trial court should have been served on Atty. Hernandez at his address of record at the NPC projects either in San Jose or in Ibaan, Batangas. Although Atty. Hernandez’s private law office is at the Pag-Ibig Bldg. in Batangas City, service at this address was improper as it was not his address of record. To consider the service of the order at this address, when he did not give it to the court as his address for the particular case in which he entered his appearance, would be to sanction the service of court processes and orders on counsel wherever he may have an office. Although some attorneys maintain more than one office, only the one given by them in their appearance should be considered his address of record for that particular case.

In the case of *Philippine Commercial and Industrial Bank v. Ortiz*, [19] cited by the Court of Appeals and relied upon by private respondents, service on an office in the same building given by counsel as its address was considered sufficient because it was shown that counsel had previously accepted service through this office. That case is therefore inapplicable to this case. As this Court explained:

It is of course the rule that notices, pleadings, motions and papers should be served on a party’s counsel of record, at the latter’s given address. But it is certain that the counsel is entirely at liberty to change his address, for purposes of service, or expressly or impliedly adopt one different from that initially entered in the record.

When he does this, he cannot afterwards complain that the person who received the notice, pleading, motion or paper at such new address did not promptly deliver the same to him or bring it to his attention. This is what happened in this case. PCIB's attorneys had acquiesced to and impliedly adopted a different address for service of notices to them. They had accepted service at this place, three floors down from the address originally given by them, without objection of any sort. They cannot now disown this adopted address to relieve them from the effects of their negligence, complacency or inattention. Service, therefore, on July 15, 1978 of the notice of judgment at the Ground Floor, LRT Building, should be deemed as effective service on PCIB's attorneys. The failure of the receiving clerk to deliver the notice to them on the same day, and what is worse, the lawyers' omission to inquire [with] said receiving clerk exactly when the notice was received, and their blithe assumption that service was effected on July 17, 1978 since this was the day that the notice was handed over to them, is arrant imprudence and cannot in any sense be deemed to constitute that excusable negligence as would warrant reconsideration under Section 1 (a), Rule 37 of the Rules of Court.[20]

Indeed, our ruling today is simply an application of the more general rule that service of notice when a party is represented by counsel should be made upon counsel at the latter's "exact given address." [21] In lieu of service on Atty. Hernandez, the service of the order on petitioner's General Counsel at the National Power Corporation, corner Quezon Avenue and Agham Road, Quezon City on November 23, 2000 should be considered appropriate, although in entering his appearance, the General Counsel should have given notice to the court that in case of final orders and decisions, it is service on him, and not on the private counsel, that is controlling for purposes of determining whether petitioner's appeal is seasonable.

WHEREFORE, the petition is GRANTED and the assailed decision of the Court of Appeals is REVERSED and SET ASIDE. The Regional Trial Court of Batangas City, Branch 84, is DIRECTED to give due course to the notice of appeal filed by petitioner National Power Corporation in Civil Case No. 5429 on December 6, 2000.

SO ORDERED.

Bellosillo, J., (Chairman), Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Civil Case No. 5429, entitled "National Power Corporation v. Sps. Nicasia A. Roxas and Cornelio H. Arguelles, Priscillo Lopez, married to Elena Tamboong, Romeo Dinglasan and Sabina Hernandez, Fabian Lopez, married to Erlinda Tomedeon, and Enriqueta Lopez, married to Ernesto la Guardia."

[2] Annexes A to J of Complaint (Annex E of CA Petition); CA Rollo, pp. 37-46.

[3] Annex B of Petition; Rollo, pp. 38-43.

[4] See Notice of Hearing in the Motion to Strike Out Notice of Appeal (filed by respondent spouses Fabian Lopez and Erlinda Tomedeon in RTC, Branch 84), Annex J of CA Petition, CA Rollo, p. 61; Annex H of Petition, Rollo, p. 58.

[5] Plaintiff's (herein petitioner) Comment on Commissioners' Valuation Report; Annex G of CA Petition, CA Rollo, p. 55.

[6] Annex C of Petition; Rollo, pp. 45-47.

[7] Landbank Certificate of Time Deposit, issued on October 18, 1999 and due on November 17, 1999; CA Rollo, p. 52.

[8] Annex D of Petition; Rollo, p. 50.

[9] Annex F of Petition; Rollo, p. 54.

[10] Id., Annex G; id., pp. 55-56.

[11] Id., Annex H; id., pp. 57-59.

[12] Id., Annex I; id., p. 60.

[13] Id., Annex J; id., p. 61.

[14] RTC Order dated January 8, 2001, Annex C of CA Petition; CA Rollo, p. 27.

[15] CA Rollo, pp. 2-24.

[16] 150 SCRA 380 (1987).

[17] Per Justice Eloy R. Bello, Jr. and concurred in by Associate Justices Godardo A. Jacinto and Rebecca De Guia-Salvador.

[18] Parada v. Veneracion, 269 SCRA 371 (1997).

[19] 150 SCRA 380 (1987).

[20] 150 SCRA 380, 388 (1987).

[21] National Investment and Development Corp.–Philippine National Bank v. Court of Appeals, 270 SCRA 497 (1997).

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.