

THE PROVINCIAL GOVERNMENT OF BULACAN, PLAINTIFF AND APPELLEE, VS. URSULA ADUNA ET AL., DEFENDANTS AND APPELLANTS, AND THE PROVINCIAL GOVERNMENT OF BULACAN, PLAINTIFF AND APPELLE...

G. R. No. 15648. October 13, 1921

Ponente: JOHNSON, J.

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JOHNSON, J.:

The above entitled cases were instituted by the provincial government of Bulacan on the 3d and 26th days of May, 1915, respectively, for the purpose of expropriating several parcels of land situated in that province for the construction of the interprovincial road from Calumpit, Bulacan, to Apalit, Pampanga, and from Pulilan to Calumpit, Bulacan. By order of the court of the 4th and 27th days of May, 1915, respectively, the plaintiff was authorized to immediately take possession of the lands in question upon the deposit by it of the estimated value thereof with the provincial treasurer.

Subsequently, the various defendants having appeared and answered the respective complaints, commissioners were duly appointed to hear the evidence and appraise the lands in question. The two cases were consolidated and heard together. After hearing the proofs the commissioners, on the 21st day of September, 1916, submitted their report to the court, in which they appraised the lands of the defendants surnamed Jacinto at twelve centavos (P0.12) per square meter and those of the other defendants at ten centavos (P0.10) per square meter.

To that report of the commissioners the plaintiff, through the provincial fiscal of Bulacan, presented an objection upon the ground that the assessment made by the commissioners was excessive; that the proof shows that the lands in question are worth three centavos (P0.03) per square meter for agricultural land and four centavos (P0.04) per square meter for urban land.

Upon a consideration of the commissioners' report and the said objection of the fiscal, the Hon. P. M. Moir, judge, rendered a judgment, finding that the reasonable value of the lands in question is four centavos (P0.04) per square meter, and modified the commissioners' report accordingly, ordering the provincial government of Bulacan to immediately pay to the interested parties the value of their respective lands at four centavos (P0.04) per square meter. From that judgment several of the defendants appealed to this court.

The main contention of the appellants is based upon the following statement (found at page 8 of their brief):

"After the filing of this report (referring to Commissioners' report) in court, it was not objected to either by plaintiff's counsel or by defendants-appellants'. The court, without taking these circumstances into account, made its own findings, disapproving the report."

That statement is contrary to the real fact appearing of record; for, as we have stated above, the provincial fiscal of Bulacan, in representation of the plaintiff, presented a vigorous objection to said report of the commissioners. (See fol. 264, Expediente No. 1488.)

The appellants argue that, there being no objection whatever, upon the part of either party, to the commissioners' report, the lower court was not justified in modifying the same and substituting its own finding. In the first place, it will be readily seen that that argument of appellants is based upon a wrong premise. In the second place, this court has held in various cases that the Court of First Instance and, on appeal, the Supreme Court, may substitute its own estimate of the value as gathered from the record submitted to it in cases, among others, where the commissioners have disregarded a clear preponderance of the evidence. (*City of Manila vs. Estrada and Estrada*, 25 Phil., 208; *Manila Railroad Co. vs. Velasquez*, 32 Phil., 286; *City of Manila vs. Neal*, 33 Phil., 291; *Manila Railroad Co. vs. Alano*, 36 Phil., 500.)

An examination of the record in the present case shows that a clear preponderance of the evidence supports the conclusion of the lower court and not that of the commissioners. It appears that several land owners affected by the construction of the public road in question voluntarily sold their respective portions of land to the plaintiff at three or four centavos per square meter. The witness Pedro Garcia, an employee in the office of the district engineer of Bulacan, whose work was to negotiate the purchase of lands needed for public roads, testified that the reasonable value of appellants' lands was four centavos per square meter. The appellant Andres Jacinto himself, whose land the commissioners appraised at twelve centavos (P0.12) per square meter, testified that he had been offered P10,000 for a portion of his land containing 30 hectares; that he did not sell it at that price for he asked P15,000. From this it will be seen that the offer to this appellant's land was only three and one-third centavos (P0.03 1/3) per square meter, and what he asked for was only five centavos (P0.05) per square meter. And yet, the commissioners appraised his land at twelve centavos (P0.12) per square meter, simply because in a former expropriation proceeding the provincial government of Bulacan paid twelve centavos per square meter for the land of one Donato Teodoro. In our opinion, the conclusion of the commissioners, based upon such reason, is erroneous. The fact that the Government had, at one time, paid an exorbitant price for one parcel of land, is no reason or justification for requiring it to pay the same price on all subsequent occasions. As to the finding of the commissioners that the lands of the other appellants are worth ten centavos (P0.10) per square meter, there is no proof in the record to support it, except the statement of the said Donato Teodoro that he bought a piece of land adjoining to his at ten centavos per square meter. That isolated transaction certainly cannot serve as the basis of the valuation in this case, especially if we take into consideration the fact that several other landowners voluntarily sold to the Government the portions of their respective lands needed by the latter in the construction of the road in question, at three or four centavos per square meter.

The appellants further allege that the lower court committed an error in making no finding in its judgment as to the payment to them of the damages awarded by the commissioners, representing the value of the improvements on their respective lands. It appears, however, that previous to the rendition of the judgment appealed from, to wit: on the 24th day of November, 1916, the lower court had ordered that such damages be paid to the defendants in accordance with the stipulation of the parties. (See fols. 272 and 297, Exrpediente No. 1488.) It was, therefore, unnecessary for the lower court to again pass upon that question in its decision.

For the foregoing reasons, the judgment appealed from is hereby affirmed, with costs. So ordered.

Araullo, Street, Avancena, and Villamor, JJ., concur.

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