

NATIONAL POWER CORPORATION, PETITIONER, VS. PUREFOODS CORPORATION, SOLID DEVELOPMENT CORPORATION, JOSE ORTEGA, JR., SILVESTRE BAUTISTA, ALFREDO CABANDE, HEIRS OF VICTOR TRINIDAD...*G.R. No. 160725. September 12, 2008*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-160725/>**TINGA, J.:**

This is a petition for review on certiorari[1] under Rule 45 of the 1997 Rules of Civil Procedure assailing the Decision[2] dated 07 November 2003 of the Court of Appeals in CA-G.R. CV No. 73460 which affirmed with modification the Decision[3] dated 17 September 2001 of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 18 in Civil Case No. 915-M-97 for eminent domain.

The following factual antecedents are undisputed and are matters of record.

Petitioner National Power Corporation (NAPOCOR) is a government-owned and controlled corporation created by virtue of Republic Act (R.A.) No. 6395,[4] as amended, for the purpose of undertaking the development of hydroelectric power generation, the production of electricity from nuclear, geothermal and other sources, and the transmission of electric power on a nationwide basis. It is also empowered to acquire property incident to or necessary, convenient or proper to carry out the purposes for which it was created,[5] enter private property in the lawful performance of its business purposes provided that the owners of such private property shall be indemnified for any damage that may be caused thereby, and exercise the right of eminent domain.

To construct and maintain its Northwestern Luzon Project, or particularly the the San Jose-San Manuel 500 KV Transmission Line Project, NAPOCOR had to acquire an easement of right-of-way over certain parcels of land situated in the towns of Angat, San Rafael and San Ildefonso and in the city of San Jose del Monte—all in the province of Bulacan.

On 5 November 1997, NAPOCOR filed a special civil action for eminent domain[6] before the RTC of Malolos, Bulacan. Named defendants were the vendors and vendees of the affected parcels of land, namely, Arcadio T. Cruz, Calixto Cruz, Deogracias C. Mendoza, Hacienda Sapang Palay, and herein respondents Purefoods Corporation (Purefoods), Solid Development Corporation (SDC), Jose Ortega, Jr., Silvestre Bautista, Alfredo Cabande, the Heirs of Victor Trinidad (Heirs of Trinidad) and Moldex Realty Incorporated (Moldex).

The complaint alleged that the defendants were either the registered owners or the claimants of the affected pieces of property described as follows:

Owner/ Claimant

Lot/ Blk. No.

Tax Dec. No.

Title No.

Total Area In Sq. M.

Area Affected In Sq. M.

Assessed Value P

Classifi-cation Of Land

1. Arcadio T. Cruz/ Purefoods Corp.

2965

95- 01010-01090

RT-73-15217

246,061

11,083

P3,324.90

Cogon land

2. Calixto Cruz/ Purefoods Corp.

1948

97-01010-00153

T-278-287 (M)

27,981

4,161

14,979.60

Poultry/ Piggery/ Livestock Site

3. Deogracias C. Mendoza/ Moldex Realty Corp.

1258

94-21011-02796

-

18,992

3,387.50

7,398.31

Agri-cultural

4. Hacienda Sapang Palay/Moldex Realty Corporation

1255

96-21017-00134

-

1,450,810

25,170

77,669.12

Agri-cultural

5. Solid Dev't. Corp. rep. by Domingo P. Gaw

1889

93-020-00171

CLOA-T-2322

21,743

6,871

8,039.00

Riceland

6. Jose Ortega, Jr.

2186-C

00027

T-50926

12,060

2,471

4,293.27

Riceland/Pasture

7. Silvestre Bautista/ Alfredo Cabande rep. by Temestocles Cabande, Jr.

1981-B

93-020-00564

-

7,785

5,927

6,934.70

Agri-cultural

8. Heirs of Lucia Vda. de Trinidad/ Alfredo Cabande rep. by Temestocles Cabande, Jr.

1981-A

93-020-00563

CLOA-T-6359

13,200

3,356

3,926.52

Agri-cultural

[Total]

62,426.50 sq.m.

P126,565.42[7]

The complaint also alleged the public purpose of the Northwestern Luzon Project, as well as the urgency and necessity of acquiring easements of right-of-way over the said parcels of land consisting of 62,426.50 square meters. It also averred that the affected properties had not been expropriated for public use and were selected by NAPOCOR in a manner compatible with the greatest public good and the least private injury and that the negotiations between NAPOCOR and the defendants had failed.[8] The complaint prayed, among others, that the RTC issue a writ of possession in favor of NAPOCOR in the event that it would be refused entry to the affected properties.[9]

Among the several defendants, only herein respondents Heirs of Trinidad,[10] SDC,[11] Moldex[12] and Purefoods[13] filed their respective answers.

For their part, respondent Heirs of Trinidad claimed that they should be indemnified for the value of the affected property based on the prevailing market purchase price of P750.00/sq m and that co-defendant Alfredo Cabande, not being the owner of any of the affected properties, should not be compensated. They added that there are other parcels of land within the area which are more suitable for NAPOCOR's project.

Respondent Moldex, for its part, alleged that the expropriation of part of the landholding in which it has a propriety interest would divest the peripheral area of its value and render the same totally useless; thus, it should be compensated for the loss of the peripheral area as well.[14]

In praying for the dismissal of the complaint, respondent SDC averred that the taking would not serve any public purpose and that the selection of its property for expropriation would not be compatible with the greatest public good and the least private injury.[15]

Respondent Purefoods similarly prayed for the dismissal of the complaint on the ground of the failure of NAPOCOR to append copies of the pertinent Torrens titles to the complaint. It also averred that co-defendants Arcadio and Calixto Cruz had no rights or interests in the affected properties as they both had already sold the properties to it. As to the amount of just compensation, it averred that NAPOCOR's offer was excessively low, undervalued and obsolete and that its action had caused extreme prejudice to its investment and further delay in the construction and development of its piggery business, thereby adversely affecting its operation.[16]

Meanwhile, NAPOCOR filed its Urgent Ex Parte Motion for the Issuance of Writ of Possession[17] on 19 December 1997 wherein it alleged that it had deposited with the Land Bank of the Philippines, NPC Branch, Diliman, Quezon City the amount of P126,565.42 as provisional valuation of the properties sought to be expropriated and that it had sent a Notice to Take Possession[18] of said properties. On 06 January 1998, the RTC directed the clerk of court to issue a writ of possession.[19]

After the pre-trial conference, the RTC issued an Order[20] dated 14 June 1999, reflecting the parties' agreement to limit the issues to the amount of just compensation and to whether respondent Moldex was entitled to just compensation on the devaluation of the peripheral area within its property.

When the first set of appointed commissioners failed to discharge their duties, the RTC appointed a second set of commissioners-- namely, Ret. General Juanito Malto, Atty. Emmanuel Ortega and Atty. Antonio V. Magdasoc--who took their oaths of office and forthwith conducted a hearing.[21] On 18 May 2001, the commissioners submitted separate reports to the RTC which formed part of the case records.[22] In the main, the commissioners recommended that the compensation due from NAPOCOR be based on the fair market value of P600.00/sq m for properties belonging to respondent Moldex and P400.00/sq m for the undeveloped or underdeveloped properties belonging to the rest of the respondents.[23] The case was then submitted for decision.[24]

On 17 September 2001, the RTC rendered a Decision,[25] the dispositive portion of which reads:

WHEREFORE, in view of the foregoing premises, Judgment is hereby rendered as follows:

- Ordering the expropriation of:

- 3,305 square meters portion of 18,992 square meters of land of Lot 1258-A, situated in San Jose del Monte, Bulacan, described and covered by Tax Declaration No. 94-21011-02796 issued by then Municipal Assessor of San Jose del Monte, Bulacan, owned by/registered in the name of MOLDEX REALTY INCORPORATED;

- 24,180 square meters portion of 1,450,810 square meters of land (Lot 2A-1, formerly Lot 1255), situated in San Jose del Monte, Bulacan, described in and covered by Tax Declaration No. 96-21017-00134 by then Municipal Assessor of San Jose del Monte, Bulacan, owned by/registered in the name of MOLDEX REALTY INCORPORATED;

- 11,083 square meters portion of 246,061 square meters of land (Lot 2965), situated in Angat, Bulacan, described in and covered by TCT No. RT-73-15217 (T-274516-M) issued by the Register of Deeds of Bulacan, owned by/registered in the name of PUREFOODS CORPORATION;

- 4,161 square meters portion of 27,981 square meters of land (Lot 1948), situated in Angat, Bulacan described in and covered by TCT No. T-278287 (M) issued by the Register of Deeds of Bulacan, owned by/registered in the name of PUREFOODS CORPORATION;

- 6,871 square meters portion of 27,743 square meters of land (Lot 1889), situated in San Idelfonso, Bulacan, described in and covered by CLOA T-2322, issued by the Register of Deeds of Bulacan, owned by/registered in the name of SOLID DEVELOPMENT CORPORATION;

- 2,471 square meters portion of 12,060 square meters of land (Lot 2186-C), situated in San Rafael, Bulacan, described in and covered by TCT No. T-50926, issued by the Register of Deeds of Bulacan, owned by/registered in the name of Jose Ortega, Jr.;

- 5,927 square meters portion of 7,785 square meters of land (Lot 1981-B), situated in San Idelfonso, Bulacan, described in and covered by Tax Declaration No. 93-020-00564, issued by the Municipal Assessor of San Idelfonso, Bulacan, owned by/registered in/claimed by Silvestre Bautista/Alfredo Cabande;

- 3,356 square meters portion of 13,200 square meters of land (Lot 1981-A), situated in San Ildefonso, Bulacan, described in and covered by CLOA T-6359, issued by the Register of Deeds of Bulacan, owned by/registered in/claimed by the Heirs of Victor Trinidad/Alfredo Cabande,

all in favor of plaintiff NATIONAL POWER CORPORATION and against above-named defendants, for the public use or purpose described in the Complaint and in this Decision;

- fixing the amount of Six Hundred Pesos (P600.00) per square meter for 27,485 square meters of land of MOLDEX REALTY INCORPORATED as just compensation and fixing the amount of Four Hundred Pesos (P400.00) per square meter for 15,244 square meters of land of PUREFOODS CORPORATION, 6,871 square meters of land of SOLID DEVELOPMENT CORPORATION, 2,471 square meters of land of JOSE ORTEGA, JR., 5,927 square meters of land of SILVESTRE BAUTISTA/ALFREDO CABANDE and 3,356 square meters of land of the HEIRS OF VICTOR TRINIDAD/ALFREDO CABANDE, as just compensation, to be paid by plaintiff NATIONAL POWER CORPORATION to said defendants/claimants or their representatives, deducting therefrom any unpaid and overdue real estate taxes due to the Government;

- ordering payment of said just compensation by plaintiff NATIONAL POWER CORPORATION to named defendants or the latter's representatives with legal interest at 6% per annum from January 6, 1998 until finality of this Decision and at 12% per annum from its finality until full payment thereof.

Let each copy of this DECISION be furnished to and recorded in the Office of the Register of Deeds of Bulacan, Municipal Assessor of Angat, Bulacan, City Assessor of City of San Jose del Monte, Bulacan, Municipal Assessor of San Ildefonso, Bulacan and Municipal Assessor of San Rafael, Bulacan.

No costs is hereby ordered since plaintiff NATIONAL POWER CORPORATION is, under its Charter, exempt from payment of costs of the proceedings.

SO ORDERED.[26]

Respondent Moldex sought reconsideration of the aforesaid decision[27] but the same was denied by the RTC in its Order[28] dated 07 December 2001. Both NAPOCOR and respondent Moldex filed separate appeals before the Court of Appeals.

Respondent Moldex argued that the RTC erred in the following instances: (1) in ruling that just compensation should be paid at P600.00/sq m and not P1,600.00/sq m; (2) in not imposing an interest of 12% per annum reckoned from the taking until the finality of the decision; and (3) in not ordering the payment of just compensation for the peripheral portion of the affected property.

For its part, NAPOCOR assailed the RTC's valuations of the properties at P600.00/sq m and P400.00/sq m, contending that the same are not based on the value of the properties at the time of taking when the properties were still agricultural in nature. It claimed that only an easement fee, which should not exceed 10% of the declared market value, should be paid to respondents. It also questioned the award of interest of 12% per annum from the finality of the decision until the full payment of the amount adjudged.

On 7 November 2003, the Court of Appeals rendered the assailed decision, affirming the RTC decision in all respects except for the period during which the interest of 12% per annum would accrue.[29]

Only respondent Moldex sought reconsideration of the 07 November 2003 Decision of the Court of Appeals.[30]

NAPOCOR, through the Office of the Solicitor General (OSG), elevated the case to this Court via a petition for review on certiorari.[31] Respondent Moldex nonetheless filed a comment on the petition, stating that its motion for reconsideration of the 7 November 2003 Decision of the Court of Appeals was still pending and that hence taking cognizance of the petition would be premature.[32] Respondents Heirs of Trinidad,[33] Purefoods[34] and

SDC[35] likewise filed separate comments on NAPOCOR's petition.

However, on 12 April 2004, NAPOCOR filed an Omnibus Motion To Withdraw Petition For Review On Certiorari And To Remand The Case To The Court Of Appeals,[36] informing the Court of the compromise agreement forged on 19 March 2004 between NAPOCOR and respondent Moldex. NAPOCOR subsequently filed a Manifestation and Motion,[37] praying that the case be remanded to the Court of Appeals for proper disposition only insofar as respondent Moldex is concerned. Attached to the said pleading is a copy of the compromise agreement[38] dated 19 March 2004 and a copy of NAPOCOR Board Resolution No. 2003-13,[39] evincing that the proposed compromise settlement submitted by respondent Moldex has been duly approved.

In a Resolution[40] dated 2 June 2004, the Court resolved to defer action on NAPOCOR's omnibus motion and instead require respondent Moldex to comment thereon. On 7 July 2004, respondent Moldex filed a Comment,[41] confirming the existence of the compromise agreement and manifesting its conformity with the omnibus motion filed by the OSG. On 18 August 2004, the Court issued a Resolution granting the withdrawal of the petition only as regards respondent Moldex.[42]

In the instant petition, NAPOCOR is assailing the Court of Appeals' reliance on the commissioners' report in fixing just compensation based on the full market value of the affected properties. NAPOCOR contends that only an easement of right-of-way for the construction of the transmission line project is being claimed, thus, only an easement fee equivalent to 10% of the fair market value of the properties should be paid to the affected property owners. NAPOCOR cites Section 3A, R.A. 6395, as amended[43] and the implementing regulation of R.A. No. 8974[44] in support of this argument.

Respondent Purefoods counters that the appellate court's determination of just compensation is a factual finding, which may be reviewed by this Court only when the case falls within the recognized exceptions to the prohibition against factual review. Since the instant case does not fall under any of the exceptions, it argues that the issue of just compensation may not be reviewed in the instant proceeding.

On the other hand, there is a question of law when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of facts being admitted and the doubt concerns the correct application of law and jurisprudence on the matter. On the other hand, there is a question of fact when the doubt or controversy arises as to the truth or falsity of the alleged facts. When there is no dispute as to fact, the question of whether or not the conclusion drawn therefrom is correct is a question of law.[45] In the instant case, NAPOCOR is raising a question of law, that is, whether or not only an easement fee of 10% of the market value of the expropriated properties should be paid to the affected owners. This issue does not call for the reevaluation of the probative value of the evidence presented but rather the determination of whether the pertinent laws cited by NAPOCOR in support of its argument are applicable to the instant case.

Now, to the core issue of just compensation.

The question of just compensation for an easement of right-of-way over a parcel of land that will be traversed by NAPOCOR's transmission lines has already been answered in *National Power Corporation v. Manubay Agro-Industrial Development Corporation*. [46] In that case, the Court held that because of the nature of the easement, which will deprive the normal use of the land for an indefinite period, just compensation must be based on the full market value of the affected properties. The Court explained, thus:

Granting arguendo that what petitioner acquired over respondent's property was purely an easement of a right of way, still, we cannot sustain its view that it should pay only an easement fee, and not the full value of the property. The acquisition of such an easement falls within the purview of the power of eminent domain. This conclusion finds support in similar cases in which the Supreme Court sustained the award of just compensation

for private property condemned for public use. Republic v. PLDT held thus:

"x x x. Normally, of course, the power of eminent domain results in the taking or appropriation of title to, and possession of, the expropriated property; but no cogent reason appears why the said power may not be availed of to impose only a burden upon the owner of condemned property, without loss of title and possession. It is unquestionable that real property may, through expropriation, be subjected to an easement of right of way."

True, an easement of a right of way transmits no rights except the easement itself, and respondent retains full ownership of the property. The acquisition of such easement is, nevertheless, not gratis. As correctly observed by the CA, considering the nature and the effect of the installation power lines, the limitations on the use of the land for an indefinite period would deprive respondent of normal use of the property. For this reason, the latter is entitled to payment of a just compensation, which must be neither more nor less than the monetary equivalent of the land.[47]

Also, in National Power Corporation v. Aguirre-Paderanga,[48] the Court noted that the passage of NAPOCOR's transmission lines over the affected property causes not only actual damage but also restriction on the agricultural and economic activity normally undertaken on the entire property. While NAPOCOR in that case was seeking to acquire only an easement of right-of-way, the Court nonetheless ruled that the just compensation in the amount of only 10% of the market value of the property was not enough to indemnify the incursion on the affected property.

The Court explained therein that expropriation is not limited to the acquisition of real property with a corresponding transfer of title or possession. The right-of-way easement resulting in a restriction or limitation on property rights over the land traversed by transmission lines, as in the present case, also falls within the ambit of the term "expropriation." [49] In eminent domain or expropriation proceedings, the general rule is that the just compensation to which the owner of the condemned property is entitled is the market value. Market value is "that sum of money which a person desirous but not compelled to buy, and an owner willing but not compelled to sell, would agree on as a price to be given and received therefor. The aforementioned rule, however, is modified where only a part of a certain property is expropriated. In such a case the owner is not restricted to compensation for the portion actually taken. In addition to the market value of the portion taken, he is also entitled to recover the consequential damage, if any, to the remaining part of the property. At the same time, from the total compensation must be deducted the value of the consequential benefits." [50]

While Section 3(a) of R.A. No. 6395, as amended, and the implementing rule of R.A. No. 8974 indeed state that only 10% of the market value of the property is due to the owner of the property subject to an easement of right-of-way, said rule is not binding on the Court. Well-settled is the rule that the determination of "just compensation" in eminent domain cases is a judicial function.[51] In Export Processing Zone Authority v. Dulay,[52] the Court held that any valuation for just compensation laid down in the statutes may serve only as guiding principle or one of the factors in determining just compensation but it may not substitute the court's own judgment as to what amount should be awarded and how to arrive at such amount.[53] The executive department or the legislature may make the initial determinations but when a party claims a violation of the guarantee in the Bill of Rights that private property may not be taken for public use without just compensation, no statute, decree, or executive order can mandate that its own determination shall prevail over the court's findings. Much less can the courts be precluded from looking into the "just-ness" of the decreed compensation.[54]

NAPOCOR argues that the Court of Appeals should not have adopted the commissioners' report hook, line and sinker because the same was based exclusively on relative prices of adjoining lots without showing evidence on their proximity and of the sales of similar classification.

The duty of the court in considering the commissioners' report is to satisfy itself that just compensation will be made to the defendant by its final judgment in the matter, and to fulfill its duty in this respect, the court will be

obliged to exercise its discretion in dealing with the report as the particular circumstances of the case may require. Rule 67, Section 8 of the 1997 Rules of Civil Procedure clearly shows that the trial court has the discretion to act upon the commissioners' report in any of the following ways: (1) it may accept the same and render judgment therewith; or (2) for cause shown, it may [a] recommit the report to the commissioners for further report of facts; or [b] set aside the report and appoint new commissioners; or [c] accept the report in part and reject it in part; and it may make such order or render such judgment as shall secure to the plaintiff the property essential to the exercise of his right of expropriation, and to the defendant just compensation for the property so taken.[55]

In the instant case, the Court finds no reversible error in the RTC's determination of just compensation even if the same was based on the commissioners' report, there being no showing that said report was tainted with irregularity, fraud or bias. Noteworthy are the following observations made by the Court of Appeals on the RTC's assessment of the commissioners' report:

In the case at bar, the trial court based its determination of just compensation on the reports and proceedings made by the Commissioners, by adopting the findings of Commissioners' Ortega and Magdasoc who made a Joint Commissioners' Report. The aforesaid report has also taken into consideration the report made by the other Commissioner B/G Malto. In their joint report, the commissioners recommended that the fair market value of the property subject of the expropriation proceedings, owned by Moldex is P700.00 per square meter while other properties at P400.00. In the separate report of Commissioner Malto, at first it valued the subject properties at P700.00 per square meter and subsequently, it made an amended report, taking into account the Discovery of the Contracts to Sell during the year 1996 showing that the value of the property of Moldex was P1,600 per square meter and another in the year 1999 that shows that its value was P1,800 per square meter. x x x However, there was no evidence that such lands subject of the aforesaid contracts to sell is sufficiently similar to the properties subject of expropriation owned by appellant Moldex. x x x It cannot be said that all properties in this area have the same market value nor do the contracts to sell conclusive as to the fair market price of a parcel of land because it may be above its fair market value. Appellant Moldex did not present evidence showing that the lots subject of contracts to sell is similar to the lands subject of expropriation. Thus, evidence presented by appellant Moldex cannot be a basis in determining the real fair market value of the properties subject of expropriation. x x x

x x x It should be observed in the report made by the Commissioners that they made an ocular inspection of the area and they found that the property is semi-cogonal and agricultural in character and that during their inspection they noticed trace of old rice stalks that marked the surrounding [e]specially under the transmission lines of the plaintiff-appellant NPC. Since the Commissioners are disinterested persons who made the ocular inspection and report, their report is entitled to great weight.

x x x It can be clearly deduced from the report of the Commissioners that although the report was made in year 2001, they considered other facts which were reflective of the value of the subject properties even before such time. x x x they also considered the Deeds of Sale execute[d] in 1996 and they also inquired with the Office of the Provincial Assessors to aid them in arriving at the fair market value of the subject lands. x x x n the joint report of Commissioners' Ortega and Magdasoc, it was reflected that the value of the property ranged from P500.00 to P1,000.00 if the property is developed and improved and in the report of Commissioner Malto, from an appraisal of Cuervo Appraisers, Inc. and Asian Appraisal Co. the developed lots in the area could be valued at P525.00 to P700.00 per square meter. x x x Thus, from this [sic] facts, it could be clearly shown that in recommending the valuation of the subject properties, allowance was made taking into consideration the time of taking of the property subject of expropriation and the filing of complaint. x x x [56]

Based on the foregoing elucidation, the Court of Appeals affirmed the RTC's finding of the value of just compensation based on the majority report's valuation of P400.00 per square meter for the properties belonging to respondents with the exception of respondent Moldex. Both the Court of Appeals and the RTC were convinced

that the commissioners' recommendation was arrived at after a judicious consideration of all factors. Absent any showing that said valuation is exorbitant and unjustified, the same is binding on this Court.

WHEREFORE, the instant petition for review on certiorari is DENIED and the Decision of the Court of Appeals in CA-G.R. CV No. 73460 is AFFIRMED. Costs against petitioner.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Velasco, Jr., and Brion, JJ., concur.

[1] Rollo, pp. 8-36.

[2] Penned by J. Mercedes Gozo-Dadole, Acting Chairman of the Special Fifth Division and concurred in by JJ. Juan Q. Enriquez, Jr. and Rosmari D. Carandang.

[3] CA rollo, pp. 55-60.

[4] Entitled, "An Act Revising the Charter of the National Power Corporation;" effective 10 September 2001.

[5] Republic Act No. 6395, Sec. 3(h).

[6] Records, pp. 1-9.

[7] Id. at 3-4.

[8] Id. at 4-5.

[9] Id. at 5-6.

[10] Id. at 38-44.

[11] Id. at 91-95.

[12] Id. at 137-142.

[13] Id. at 115-119.

[14] Id. at 140.

[15] Id. at 92-93.

[16] Id. at 116-118.

[17] Id. at 100-104.

[18] Id. at 106.

[19] Id. at 165.

[20] Id. at 286.

[21] Id. at 328-335.

[22] Id. at 336-339.

[23] Id. at 339.

[24] Id. at 379.

[25] Supra note 3.

[26] Id. at 58-59.

[27] Records, pp. 388-394.

[28] Id. at 406.

[29] Supra note 2.

[30] CA rollo, pp. 270-283.

[31] Supra note 1.

[32] Rollo, pp. 89-101.

[33] Id. at 81-88.

[34] Id. at 121-129.

[35] Id. at 130-137.

[36] Id. at 140-144.

[37] Id. at 145-150.

[38] Id. at 151-156.

[39] Id. at 157-158.

[40] Id. at 166-167.

[41] Id. at 168-171.

[42] Id. at 176.

[43] Republic Act 6395, as amended by Presidential Decree No. 938, Section 3A provides: In acquiring private property or private property rights through expropriation proceedings where the land or portion thereof will be traversed by the transmission lines, only a right-of-way easement thereon shall be acquired when the principal purpose for which such land is actually devoted will not be impaired, and where the land itself or portion thereof will be needed for the projects or works, such land or portion thereof as necessary shall be acquired.

In determining the just compensation of the property or property sought to be acquired through expropriation proceedings, the same shall -

(a)

With respect to the acquired land or portion thereof, not exceed the market value declared by the owner or administrator or anyone having legal interest in the property, or such market value as determined by the assessor, whichever is lower.

(b)

With respect to the acquired right-of-way easement over the land or portion thereof, not to exceed ten percent (10%) of the market value declared by the owner or administrator or anyone having legal interest in the property, or such market value as determined by the assessor whichever is lower.

In addition to the just compensation for easement of right-of-way, the owner of the land or owner of the

improvement, as the case may be, shall be compensated for the improvements actually damaged by the construction and maintenance of the transmission lines, in an amount not exceeding the market value thereof as declared by the owner or administrator, or anyone having legal interest in the property, or such market value as determined by the assessor whichever is lower; Provided, that in cases any buildings, houses and similar structures are affected by the right-of-way for the transmission lines, their transfer, if feasible, shall be effected at the expense of the Corporation; Provided, further, that such market value prevailing at the time the Corporation gives notice to the landowner or administrator or anyone having legal interest in the property, to the effect that his land or portion thereof is needed for its projects or works shall be used as basis to determine the just compensation therefore.

[44] ENTITLED "AN ACT TO FACILITATE THE ACQUISITION OF RIGHT-OF-WAY, SITE OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS AND FOR OTHER PURPOSES;" effective 7 November 2000.

[45] Gomez v. Sta. Ines, G.R. No. 132537, 14 October 2005, 473 SCRA 25, 37.

[46] G.R. No. 150936, 18 August 2004, 437 SCRA 60.

[47] Id. at 67-68.

[48] G.R. No. 155065, 28 July 2005, 464 SCRA 481.

[49] Id. at 493.

[50] National Power Corporation v. Chiong, 452 Phil. 649, 663-664 (2003).

[51] Land Bank of the Philippines v. Celada, G.R. No.164876, 23 January 2006.

[52] G.R. No. L-59603, 29 April 1987, 149 SCRA 305.

[53] Id. at 314.

[54] Id. at 316.

[55] National Power Corporation v. Chiong, 452 Phil. 649, 660 (2003).

[56] Citations omitted.

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.