

NATIONAL POWER CORPORATION, PETITIONER, VS. DR. ANTERO BONGBONG AND ROSARIO BONGBONG, RESPONDENTS.

G.R. NO. 164079. April 03, 2007

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is a Petition for Review of the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 65913 dated May 23, 2003, and the Resolution[2] dated April 12, 2004 denying the motion for reconsideration thereof.

Spouses Antero and Rosario Bongbong are the registered owners of a 364,451-square-meter parcel of land situated at Barangay Sambulawan, Villaba, Leyte. The property is covered by Original Certificate of Title (OCT) No. R-2189 of the Register of Deeds of the Province of Leyte.

As early as 1996, the National Power Corporation (NPC) negotiated with the spouses Bongbong to use a portion of the property for the construction of a 230 KV LCIP Malitbog-Tabango CETL TWR SITE 1046 for the Leyte-Cebu Interconnection Project. When the spouses Bongbong agreed, NPC occupied a 25,100-sq-m portion of the property.

On April 22, 1996, NPC paid the spouses Bongbong the amount of P33,582.00 representing the value of the improvements that were damaged by the construction of the project. The voucher for the payment of easement fee was prepared. However, when NPC offered a check for P163,150.00 (representing 10% of the total market value of the area affected) as payment for the easement fee, Antero refused to accept the amount and demanded that NPC pay the full value of the 25,100-sq-m portion it had occupied. On October 28, 1997, the spouses Bongbong received the P163,150.00 under protest.[3]

On October 3, 1997, the spouses Bongbong demanded that the NPC pay P8,748,448.00 which they alleged to be the just and reasonable value for their land and improvements. The refusal of NPC to heed their demands prompted the spouses Bongbong to file a complaint[4] for just compensation before the Regional Trial Court (RTC) of Palompon, Leyte. The case against NPC was docketed as Civil Case No. PN-0207.

In the complaint, the spouses Bongbong alleged that NPC was given the authority to enter the property due to its assurances and promises that it would pay just compensation, but it never did. It pointed out that nearby landowners were paid P300.00 per sq m; considering that the price of land has increased with the devaluation of the peso, the amount of P250.00 per sq m was reasonable. They prayed, among others, that commissioners be appointed to determine the fair market value of the land as well as the improvements thereon; and to recommend that the total amount due and payable to them be at least P7,493,448.00 (P250.00 per square meter), and that they be paid 10% of the proceeds as attorney's fees, and P100,000.00 as litigation expenses.

In its Answer, NPC claimed that its obligation towards the spouses Bongbong had already been extinguished when it paid the amount of P33,582.15 for the damaged improvements on April 22, 1996, and the easement fee

pursuant to Republic Act (R.A.) No. 6395, as amended by Presidential Decree (P.D.) No. 938, in the amount of P163,150.00 on October 28, 1997.

On May 21, 1999, the spouses Bongbong filed a Motion to Admit as Supplement to the Amended Complaint the New Reappraisal of Plaintiffs' Real Property and Improvements,[5] dated February 8, 1999. In the said Reappraisal, which was issued by the Provincial Appraisal Committee (PAC) of Leyte (Resolution No. 03-99), the lot was valued at P300.00 per sq m.

NPC opposed the motion, alleging that the payment of just compensation should be based on the market value of the property at the time of its taking in 1997; pursuant to its charter, it paid only an easement fee.[6]

On July 2, 1999, the trial court issued another Order admitting the PAC Reappraisal.[7] On August 2, 1999, the trial court directed the spouses Bongbong to submit in writing their proposal on the amount of just compensation, and to furnish a copy thereof to Atty. Marianito delos Santos, NPC's counsel, who was given ten days to comment thereon.[8]

On August 18, 1999, the spouses Bongbong filed a Motion to Resolve the Market Value of Plaintiffs' Property and Improvements,[9] praying that the court declare the value of the land at P350.00 per sq m or the total amount of P8,785,000.00, and declare the value of the improvements to be P1,218,448.00, a total of P10,003,448.00.

Among the pertinent documents the spouses Bongbong submitted to the court were the following:

- List of Affected Improvements for the Province of Leyte affected by the NPC Transmission Lines Project.[10]
- Original Certificate of Title No. N-2189 over the subject property;[11]
- Tax Declaration No. ARP No. 00034 covering the subject property;[12]
- Disbursement Voucher for the payment of the easement fee of P163,150.00;[13]
- Certification dated October 24, 1997, acknowledging receipt under protest of the payment of P163,150.00 as easement fee;[14]
- Resolution No. 11-97 of the Provincial Appraisal Committee dated May 2, 1997, finding the value of the subject property consisting of 25,100 square meters to be P1,631,500.00 at P65.00 per square meter;[15]
- Letter dated January 21, 1999 of Dante Polloso, Project Manager of NPC, to Atty. Rafael Iriarte, Leyte Provincial Assessor, requesting for the reappraisal of the subject property;[16]
- Reappraisal by the Provincial Appraisal Committee dated February 8, 1999, finding the market value of the subject property to be P7,530,000.00 at P300.00 per square meter;[17]
- Letter dated October 3, 1997 of Antero Bongbong to NPC, demanding payment of P7,530,000.00 for the 25,100 square meters of land plus P1,218,448.00 for coconuts and other damages;[18]
- Permission to Enter Property for Construction of Transmission Line Project;[19]
- Deed of Absolute Sale dated January 16, 1997 between NPC and Spouses Felipe and Mercedes Larrazabal over a portion of a parcel of land situated in Naghalin, Kananga, Leyte consisting of 11,281 square meters for P3,384,300.00 at P300.00 per square meter;[20]
- Deed of Absolute Sale dated January 16, 1997 between NPC and Melchor Larrazabal, in behalf of Faustino Larrazabal, over a portion of a parcel of land situated in Naghalin, Kananga, Leyte consisting of 5,027 square meters for P1,508,000.00 at P300.00 per square meter;[21]

- Deed of Absolute Sale dated January 16, 1997 between NPC and Fedelina L. Tuazon over a portion of a parcel of land situated in Naghalin, Kananga, Leyte consisting of 5,700 square meters for P1,710,000.00 at P300.00 per square meter;[22]
- Deed of Absolute Sale dated July 8, 1997 between NPC and Merlo Aznar, as representative of Aznar Enterprises, over a portion of a parcel of land situated in Tabango, San Isidro, Leyte consisting of 61,008 square meters for P18,302,400.00 at P300.00 per square meter;[23]
- Deed of Absolute Sale dated January 16, 1997 between NPC and Florence Tan over a portion of a parcel of land situated in Naghalin, Kananga, Leyte consisting of 4,075 square meters for P1,426,250.00 at P350.00 per square meter;[24]
- Deed of Absolute Sale dated March 4, 1997 between NPC and Yolinda O. Beduya over a portion of a parcel of land situated in Campokpok, Tabango, Leyte consisting of 2,109 square meters for P632,700.00 at P300.00 per square meter;[25] and
- Deed of Absolute Sale dated March 4, 1997 between NPC and Trinidad O. Palanas over a parcel of land situated in Campokpok, Tabango, Leyte consisting of 2,109 square meters for P632,700.00 at P300.00 per square meter.[26]

On November 5, 1999, the trial court issued an Order[27] fixing the just compensation due to respondent, thus:

WHEREFORE, all the foregoing premises considered, this Court has determined that the value of the plaintiffs' property at the time of taking in 1997 is THREE HUNDRED (P300.00) PESOS per square meter or the total amount of SEVEN MILLION FIVE HUNDRED THIRTY THOUSAND (P7,530,000.00) PESOS.

SO ORDERED.[28]

The trial court stressed that just compensation should be reckoned from 1997 — when the taking took place. It noted that, in 1997, NPC consistently paid P300.00 per square meter to the spouses Felipe and Mercedes Larrazabal, Melchor Larrazabal, Fedelina Tuazon, Aznar Enterprises, Inc., Yolinda Beduya, and Trinidad Palanas for the properties it acquired for its transmission lines. It held that NPC should not discriminate against the spouses Bongbong, who should thus be paid the same rate.

NPC elevated the case to the CA through a notice of appeal. On May 23, 2003, the CA rendered a Decision[29] affirming the RTC decision, thus:

WHEREFORE, the assailed November 5, 1999 Order of the Regional Trial Court of Palompon, Leyte is AFFIRMED in its entirety.

SO ORDERED.[30]

The CA found no cogent reason to reverse the finding of the trial court. It agreed with the trial court that the spouses Bongbong should not be discriminated against in the determination of just compensation. Considering therefore that NPC had paid P300.00 per square meter for properties belonging to other landowners in the Province of Leyte for the construction of its transmission line, it should pay respondents the same amount. The appellate court stressed that the value of the property at the time the government took possession of the land, not the increased value resulting from the passage of time, represents the true value to be paid as just compensation for the property taken.[31]

Moreover, the CA held that Section 5, Rule 67 of the Revised Rules of Civil Procedure on the creation of a board of commissioners does not apply to the present case since it is not an expropriation proceeding.[32]

On April 12, 2004, the CA resolved to deny NPC's motion for reconsideration.[33]

NPC, now petitioner, filed the instant petition seeking the reversal of the CA decision on the following grounds:

- The Court of Appeals seriously and grossly erred in failing to consider: (a) the value of the land (which was P65.00 per square meter as of May 2, 1997) and its character (which was and still is agricultural) at the time of its taking by NAPOCOR in early 1997; and (b) that the P300.00 per square meter valuation thereof is the post-taking reappraisal value made by the Provincial Appraisal Committee (PAC) on February 8, 1999, and as such is inapplicable and cannot be given retroactive effect.
- The Court of Appeals seriously and grossly erred in ignoring and in not applying NAPOCOR's Charter RA No. 6395, as amended, as legal basis for the payment of just compensation which should consist of simple right-of-way easement fee of ten [percent] (10%) of the value of the land, instead of full compensation, as the reasonable and adequate disturbance or compensation fee for the right-of-way easement on agricultural land of respondents traversed by its overhead transmission lines.
- Assuming *arguendo* that full compensation, instead of simple easement fee is proper, the Court of Appeals seriously and grossly erred in not ordering the transfer of the title and ownership over the subject parcel of land in favor of NAPOCOR.[34]

Petitioner argues that the deeds of sale relied upon by the trial court involve parcels of land 20 to 40 kilometers away from Villaba, Leyte, and as such are classified and declared as either residential, industrial or commercial lots. On the other hand, respondents' property is classified as agricultural. It asserts that the value of the land and its character at the time it was taken by the government should be the criteria in determining just compensation; hence, it should not have been based on the reappraisal made by the PAC on February 8, 1999.[35]

Petitioner further contends that it should only pay an easement fee and not the full value of the property since it acquired only a simple right-of-way easement for the passage of its overhead transmission lines; respondents retained the full ownership and right to use the land. It points out that under Sec. 3-A[36] of R.A. No. 6395, as amended by P.D. No. 938, it is only authorized to acquire a right-of-way easement where a portion of a land will be traversed by transmission lines, and to pay only an easement fee — 10% of the market value of the land.[37]

Finally, petitioner submits that the CA should have ordered the transfer of the title and ownership over the subject portion of the land to petitioner after it had adjudged the latter liable for the full market value of the property.[38]

Respondents, for their part, aver that the present petition should be dismissed for having been filed out of time. Petitioner's Motion for Extension to File a Petition for Review should have been filed on or before June 30, 2004, that is, fifteen days from its receipt of the notice denying its motion for reconsideration; respondent filed the petition only on July 8, 2006. The Court, in effect, granted no extension of time since petitioner failed to file its motion for extension of time.[39]

Respondents further contend that the court *a quo* and the CA did not err in fixing the value of the land at P300.00 per sq m, the "reappraisal price" determined by the PAC of Leyte. They aver that, since petitioner did not file an expropriation case, it had no basis to insist that just compensation be fixed at the price of the property at the time of the taking (P65.00 per sq m). Finally, they assert that the CA was under no duty to order the transfer of the title and ownership of the land to petitioner since no payment had yet been made.[40]

The issues in this case are as follows: (1) whether the petition for review should be denied for having been filed out of time; (2) whether the trial court, as affirmed by the CA, was correct in fixing just compensation at P300.00 per sq m; (3) whether petitioner is obliged to pay the full value of the property taken or easement fee only; (4)

whether the procedure laid down in Rule 67 should be followed in determining just compensation; and (5) whether the CA erred in not ordering the transfer of the title over the subject property to petitioner after it was ordered to pay its full market value.

The petition is partially granted.

The present petition has, indeed, been filed out of time. The records show that petitioner's Regional Counsel in Cebu City received the CA Resolution denying the motion for reconsideration on June 15, 2004; hence, petitioner had until June 30, 2004 to file a petition for review or a motion for extension of time to file a petition for review with this Court. On June 23, 2004, however, the case was indorsed to the Office of the Solicitor General (OSG). It was only on July 8, 2004 that the OSG was able to file a motion for extension of time to file a petition for review with the Court.

While we agree with respondent that the petition has been filed out of time, we do not agree with its plea that the petition should be dismissed solely on this ground. As much as possible, appeals should not be dismissed on a mere technicality in order to afford the litigants the maximum opportunity for the adjudication of their cases on the merits.^[41] While rules of procedure must be faithfully followed, they may be relaxed, for persuasive and weighty reasons, to relieve a litigant of an injustice commensurate with his failure to comply with the prescribed procedure.^[42]

Petitioner, through the OSG, explained that it failed to file the motion for extension of time because it did not participate in the proceedings below and the case had been indorsed to it only on June 23, 2004. Further, the Solicitor to whom it was assigned received the records of the case only on July 2, 2004. We find this explanation adequate to warrant the relaxation of the rules. As will be shown later, a contrary view would cause an injustice to petitioner whose appeal deserves to be heard on the merits.

We agree with the contention of petitioner that the trial court erred in the determination of just compensation at P300.00 per sq m based on the fact that it paid a similar rate to the other landowners whose properties were likewise acquired by petitioner.

Just compensation is the fair value of the property as between one who receives, and one who desires to sell, fixed at the time of the actual taking by the government. This rule holds true when the property is taken before the filing of an expropriation suit, and even if it is the property owner who brings the action for compensation.^[43] The nature and character of the land at the time of its taking is the principal criterion for determining how much just compensation should be given to the landowner.^[44] In determining just compensation, all the facts as to the condition of the property and its surroundings, its improvements and capabilities, should be considered.^[45]

In the present case, the trial court determined just compensation without considering the differences in the nature and character or condition of the property compared to the other properties in the province which petitioner had purchased. It simply relied on the fact that petitioner paid P300.00 per sq m to the other landowners whose lands had been taken as a result of the construction of transmission lines. But a perusal of the Deeds of Sale shows that the properties covered by the transmission lines are located in the municipalities of Kananga, Leyte or Tabango, Leyte, while the subject property is located in Villaba, Leyte; the Deeds of Sale describe the properties as industrial, residential/commercial, while the tax declaration of the subject property describes it as "agricultural." Petitioner consistently pointed out these differences and the trial court should not have ignored them. It must be stressed that although the determination of the amount of just compensation is within the court's discretion, it should not be done arbitrarily or capriciously. It must be based on all established rules, upon correct legal principles and competent evidence.^[46]

In addition, petitioner insists that commissioners should at least be appointed to determine just compensation in accordance with the procedure in Section 5[47] of Rule 67. On this point, we do not agree with petitioner. Rule 67 need not be followed where the expropriator has violated procedural requirements. This is clearly expressed in *Republic v. Court of Appeals*.^[48] In the said case, the National Irrigation Administration (NIA) contended that it was deprived of due process when the trial court determined just compensation without the assistance of commissioners. The Court held as follows:

Rule 67, however, presupposes that NIA exercised its right of eminent domain by filing a complaint for that purpose before the appropriate court. Judicial determination of the propriety of the exercise of the power of eminent domain and the just compensation for the subject property then follows. The proceedings give the property owner the chance to object to the taking of his property and to present evidence on its value and on the consequential damage to other parts of his property.

Respondent was not given these opportunities, as NIA did not observe the procedure in Rule 67. Worse, NIA refused to pay respondent just compensation. The seizure of one's property without payment, even though intended for public use, is a taking without due process of law and a denial of the equal protection of the laws. NIA, not respondent, transgressed the requirements of due process.

When a government agency itself violates procedural requirements, it waives the usual procedure prescribed in Rule 67. This Court ruled in the recent case of *National Power Corporation ("NPC") v. Court of Appeals*, to wit:

We have held that the usual procedure in the determination of just compensation is waived when the government itself initially violates procedural requirements. NPC's taking of Pobre's property without filing the appropriate expropriation proceedings and paying him just compensation is a transgression of procedural due process. (Emphasis supplied.)

Like in NPC, the present case is not an action for expropriation. NIA never filed expropriation proceedings although it had ample opportunity to do so. Respondent's complaint is an ordinary civil action for the recovery of possession of the Property or its value, and damages. Under these circumstances, a trial before commissioners is not necessary.^[49]

In *National Power Corporation v. Court of Appeals*,^[50] the Court clarified that when there is no action for expropriation and the case involves only a complaint for damages or just compensation, the provisions of Rule 67 would not apply, thus:

In this case, NPC appropriated Pobre's Property without resort to expropriation proceedings. NPC dismissed its own complaint for the second expropriation. At no point did NPC institute expropriation proceedings for the lots outside the 5,554 square-meter portion subject of the second expropriation. The only issues that the trial court had to settle were the amount of just compensation and damages that NPC had to pay Pobre.

This case ceased to be an action for expropriation when NPC dismissed its complaint for expropriation. Since this case has been reduced to a simple case of recovery of damages, the provisions of the Rules of Court on the ascertainment of the just compensation to be paid were no longer applicable. A trial before commissioners, for instance, was dispensable.^[51]

Further, petitioner insists that if any amount should be paid to respondents, it should only be an easement fee of 10% the value of the property, not the full value, since it acquired only a simple right-of-way easement for the passage of its overhead transmission lines. It points out that its charter authorizes the acquisition only of a right-of-way easement for its transmission lines and the payment of an easement fee.

Again, we do not agree. The Court has consistently held that the determination of just compensation is a judicial

function. No statute, decree, or executive order can mandate that its own determination shall prevail over the court's findings.[52]

In *National Power Corporation v. Manubay Agro-Industrial Development Corporation*,[53] petitioner (also the NPC) likewise sought the expropriation of certain properties which would be traversed by its transmission lines. In the said case, petitioner similarly argued that only an easement fee should be paid to respondent since the construction of the transmission lines would be a mere encumbrance on the property, and respondent would not be deprived of its beneficial enjoyment. It posited that respondent should be compensated only for what it would actually lose, that is, a portion of the aerial domain above its property. The Court noted, however, that petitioner sought, and was later granted, authority to enter the property and demolish all the improvements thereon. It, therefore, concluded that the expropriation would, in fact, not be limited to an easement of a right of way only.

Similarly, the expropriation by petitioner in the present case does not amount to a mere encumbrance on the property. The records in this case show that petitioner has occupied a 25,100-sq-m area of respondents' property. This was not disputed by respondents. Further, the Court ruled in the *Manubay* case that:

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 just compensation, which must be neither more nor less than the monetary equivalent of the land.[54]

Finally, the CA did not err in not directing the transfer of the title over the subject property to petitioner since no payment has yet been made. It is only upon payment of just compensation that title over the property passes to the expropriator.[55]

In sum, we find that the trial court arbitrarily fixed the amount of just compensation due to respondent at P300.00 per sq m without considering the differences in the nature, character and condition of the subject property compared to other properties in the province which petitioner had acquired. For this reason, the Court has no alternative but to remand the case to the trial court for the proper determination of just compensation.

IN LIGHT OF ALL THE FOREGOING, the petition is **PARTIALLY GRANTED**. The case is **REMANDED** to the Regional Trial Court of Palompon, Leyte, for the proper determination of just compensation.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.
Nachura, J., no part. signed pleading as Solicitor General.

[1] Penned by Associate Justice Elvi John S. Asuncion, with Associate Justices Ruben T. Reyes and Lucas P. Bersamin, concurring; rollo, pp. 40-47.

[2] Rollo, p. 49.

[3] Records, pp. 2-3.

[4] Id. at 1-5.

[5] Id. at 87-89.

[6] Id. at 95-96.

[7] Id. at 102.

[8] Id. at 103.

[9] Id. at 104-110.

[10] Id. at 160-163.

[11] Id. at 165.

[12] Id. at 167.

[13] Id. at 168.

[14] Id. at 169.

[15] Id. at 170-171.

[16] Id. at 172.

[17] Id. at 173-174.

[18] Id. at 178.

[19] Id. at 181.

[20] Id. at 175-177.

[21] Id. at 183-185.

[22] Id. at 186-188.

[23] Id. at 189-191.

[24] Id. at 192-194.

[25] Id. at 195-196.

[26] Id. at 197-199.

[27] Rollo, p. 102.

[28] Id.

[29] Id. at 40-47.

[30] Id. at 46.

[31] Id. at 44-45.

[32] Id. at 44.

[33] Id. at 49.

[34] Id. at 22-23.

[35] Id. at 25-28.

[36] Sec. 3-A. 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 a 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 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 actually affected by the right-of-way for the transmission lines, their transfer, if feasible, shall be affected 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 therefor.

[37] Rollo, pp. 28-31.

[38] Id. at 33.

[39] Id. at 152-153.

[40] Id. at 155.

[41] *Mendoza v. David*, G.R. No. 147575, October 22, 2004, 441 SCRA 172, 181.

[42] *Far Corporation v. Magdaluyo*, G.R. No. 148739, November 19, 2004, 443 SCRA 218, 228.

[43] *Republic v. Court of Appeals*, G.R. No. 147245, March 31, 2005, 454 SCRA 516, 534.

[44] *National Power Corporation v. Manubay Agro-Industrial Development Corporation*, G.R. No. 150936, August 18, 2004, 437 SCRA 60, 69.

[45] *Id.* See also *Export Processing Zone Authority v. Dulay*, G.R. No. L-59603, April 29, 1987, 149 SCRA 305, 315.

[46] *Manansan v. Republic of the Philippines*, G.R. No. 140091, August 10, 2006, 498 SCRA 348, 363.

[47] Section 5, Rule 67 of the Rules of Court provides that:

SEC. 5. Ascertainment of compensation. — Upon the rendition of the order of expropriation, the court shall appoint not more than three (3) competent and disinterested persons as commissioners to ascertain and report to the court the just compensation for the property sought to be taken. The order of appointment shall designate the time and place of the first session of the hearing to be held by the commissioners and specify the time within which their report shall be submitted to the court.

Copies of the order shall be served on the parties. Objections to the appointment of any of the commissioners shall be filed with the court within ten (10) days from service, and shall be resolved within thirty (30) days after all the commissioners shall have received copies of the objections.

[48] *Supra* note 43.

[49] *Id.* at 530-531.

[50] G.R. No. 106804, August 12, 2004, 436 SCRA 195.

[51] *Id.* at 210. (Emphasis supplied.)

[52] *Export Processing Zone Authority v. Dulay*, *supra* note 45, at 316.

[53] *Supra* note 44.

[54] *Id.* at 67-68. (Emphasis supplied.)

[55] *Republic v. Salem Investment Corporation*, 389 Phil. 658, 668 (2000).

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