

REPUBLIC OF THE PHILIPPINES REPRESENTED BY THE NATIONAL POWER CORPORATION, PETITIONER, VS. SPOUSES RUPERTO LIBUNAO AND SONIA P. SANOPPO & HEIRS OF BENITA DOMINGO, RESPONDENTS.

G.R. No. 166553. July 30, 2009

Ponente: PERALTA, J.

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PERALTA, J.:

Assailed in this petition for review on certiorari filed by the petitioner National Power Corporation is the Decision[1] dated April 30, 2004 and the Resolution[2] dated January 3, 2005 of the Court of Appeals (CA) in CA-G.R. CV No. 70582 entitled, "National Power Corporation v. Spouses Ruperto Libunao and Sonia P. Sanopo and Heirs of Benita Domingo.

The antecedents, as summarized by the Regional Trial Court (RTC) and adopted by the CA, are as follows:

This is an action for Eminent Domain filed by the plaintiff National Power Corporation, a government-owned and controlled corporation, created and existing by virtue of Rep. Act No. 6395, as amended, against the defendants spouses Ruperto Libunao and Sonia P. Sanopo, and the defendants heirs of Benita Domingo, namely: spouses Antonio Apacible & Clarita Sioson and spouses Eligio Garcia & Salud Sioson, represented by Clarita S. Apacible.

The plaintiff is seeking to expropriate the following properties:

- Lot No. 1277-A-3-A covered by Transfer Certificate of Title 52726, under Tax Declaration No. 05203-00456, located at Sumacab Norte, Cabanatuan City, with an area of 1,212 square meters registered in the name of Sonia P. Sanopo, married to Ruperto Libunao, issued by the Register of Deeds of Cabanatuan City;

- A portion of 4,380 square meters of Lot No. 1236 covered by Transfer Certificate of Title No. 889 issued by the Register of Deeds of Cabanatuan City, with a total area of 113,745 square meters in the name of Heirs of Benita Domingo, namely: Clarita Sioson, married to Antonio Apacible, and Salud Sioson, married to Eligio Garcia, covered by Tax Declaration No. 05201-00207, located at Sumacab Norte, Cabanatuan City;

in order to construct and maintain its Cabanatuan-Talavera 69 KV Transmission Line Project for public purpose, hence, the need to acquire an easement of right- of- way over the affected portions of the above-described parcels of land.

The defendants, through their lawyers filed their answers to the plaintiff's complaint.

Upon motion of the plaintiff, a writ of possession was issued by the court and on January 7 and 8, 1998, the plaintiff was placed in possession of the properties in question.

Upon motion of Atty. Marianito Bote, Reynaldo Joson, Pablo Mamaclay and Clodualdo Adao were allowed to intervene by the Court.

This Court, upon motion of the parties and pursuant to Sec. 5, Rule 67 of the Rules of Court created a Commission or Committee composed of a Chairman and two members. The City Assessor of Cabanatuan, Lorenza Esguerra, was appointed as Chairwoman and the members are Oligario B. Enrile for the defendants and Atty. Manuel Bugayon and Atty. Henry Alog for the plaintiff. The Chairman and the members took their oaths of office.

A City Appraisal Committee was likewise formed composed of City Assessor Lorenza Esguerra as Chairwoman and City Treasurer Bernardo C. Pineda and City Engineer Mac Arthur S. Yap, all of Cabanatuan City as members.

The aforesaid City Appraisal Committee of Cabanatuan issued Resolution No. 07-[S]-2000 dated March 22, 2000 whereby it resolved that Lot No. 1277-A-3-A with an area of 1,212 square meters registered in the name of defendant Sonia Sanopo, married to Ruperto Libunao has a current and fair market value which may be appraised at P2,200 per square meter.

Likewise, said Appraisal Committee issued Resolution No. 08-[S]-2000 dated March 22, 2000 whereby it resolved that a portion of 4,480 square meters of Lot 1236 registered in the name of the Heirs of Benita Domingo has a current and fair market value which may be appraised at P1,200 per square meter.

Atty. Henry P. Alog, appointed Commissioner of the National Power Corporation submitted his Commissioner's Report dated June 7, 2000 and made the following recommendations:

- For plaintiff NPC to pay defendants for those areas affected that is classified and is actually devoted for agricultural purposes, an easement fee equivalent to 10% of the market value of the agricultural lots based on the area covered by the right-of-way clearance;
- For plaintiff NPC to acquire and pay defendant Libunao the full market value of his property (174.00 sq. m.) that is classified as residential lot.

The plaintiff NPC paid all the defendants and intervenors the damages to improvements existing on their lands such as palay crops, fruit, trees, etc.

On August 29, 1997, the City Appraisal Committee of Cabanatuan composed of City Assessor Engr. Norberto P. Cajucom, as Chairman and City Treasurer Bernardo C. Pineda and City Engineer Mac Arthur S. Yapas, members, issued Resolution No. 03-[S]-97 recommending that the current and fair market value of the lots in question be appraised at P700.00 per square meter for residential lot and P460.00 per square meter for agricultural lot. Hence, the said committee recommended the total amount of P122,919.61 as payment for the 1,212.00 square meters of the land owned by the defendant Sonia P. Sanopo, married to Ruperto Libunao and the total amount of P204,480.00 as payment for the 4,380 square meters of land owned by the defendants heirs of Benita Domingo.[3]

On January 5, 2001, the RTC, taking into consideration the Commissioners' Reports, issued its Decision,[4] the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered:

- Upholding the right of the plaintiff to expropriate the properties of the defendants which are particularly described below for public use or purpose as stated in the complaint;
- Ordering the plaintiff National Power Corporation to pay the defendants spouses Ruperto Libunao and Sonia P. Sanopo the total sum of P1,818,000.00 at the rate of P1,500.00 per square meter of Lot 1277-A-3-A covered by Transfer Certificate of Title No. T-52726 issued by the Register of Deeds of Cabanatuan City in the name of Sonia P. Sanopo, married to Ruperto Libunao, located at Sumacab Norte, Cabanatuan City with an area of 1,212 square meters covered by Tax Declaration No. 05203-00456;

- Ordering the plaintiff to pay the defendants heirs of Benita Domingo the total sum of P2,628,000.00 at the rate of P600.00 per square meter of a portion of 4,380 square meters of Lot 1236 covered by Transfer Certificate of Title No. T-889 issued by the Register of Deeds of Cabanatuan City in the names of the heirs of Benita Domingo, namely: spouses Antonio Apacible and Clarita Sioson, and Spouses Eligio Garcia and Salud Sioson, located in Sumacab Norte, Cabanatuan City, covered by Tax Declaration No. 05201-00207;

- Ordering the plaintiff to pay the said defendants the legal rate of interest of the said amounts of compensation fixed by this Court from the taking of the possession of the properties in question by the plaintiff on January 7 and 8, 1998, until fully paid;

- Ordering the plaintiff to pay the costs of this suit;

- Ordering a certified copy of this judgment or decision to be recorded in the Office of the Register of Deeds of Cabanatuan City upon its finality.

SO ORDERED.[5]

In so ruling, the RTC considered the 3 recommendations/resolutions of different dates submitted to it by the City Appraisal Committee (CAC) of Cabanatuan City for the purpose of ascertaining the just compensation for the subject properties to wit: Resolution No. 03-S-97 dated August 29, 1997, and Resolution Nos. 07-S-2000 and 08-S-2000 both dated March 22, 2000, and the Report submitted by Commissioner Henry P. Alog for petitioner. It ruled that the amount of just compensation should be based on the value of the property as of the date of its taking or the filing of the complaint, whichever came first; that petitioner's complaint was filed on October 30, 1997 and petitioner's taking of the properties was made on January 7 and 8, 1998, thus, the just compensation for the expropriated property should be reckoned from October 30, 1997.

The RTC did not give its approval to CAC's recommended appraised value of P2,200 per sq. meter for respondents Spouses Libunao's property and P1,200 per sq. meter for the property of respondents Heirs of Domingo, because the appraisals were determined in 2000 and not on October 30, 1997 when the complaint was filed. The RTC then fixed the value of the properties of respondents Spouses Libunao at P1,500 per sq. meter and of respondents Heirs of Domingo at P600.00 per sq. meter.

Dissatisfied, petitioner and respondents Heirs of Domingo separately appealed the RTC Decision to the CA.

On April 30, 2004, the CA issued its assailed Decision, the dispositive portion of which reads:

WHEREFORE, the appealed Decision dated January 5, 2001 is MODIFIED. The amount of just compensation to be paid to the Sps. Libunao and to the Heirs of Domingo for NPC's taking of their properties with an area of 1,212 square meters and 4,380 square meters described in TCT No. 52776 and T-889, respectively, is hereby fixed at P700.00 per square meter for residential land and P460.00 per square meter for agricultural land. The costs of suit awarded in favor of the Sps. Libunao and the Heirs of Benita Domingo are deleted.[6]

Anent petitioner's appeal assailing the amounts fixed by the RTC as the fair market value for the subject properties, the CA found that CAC Resolution No. 03-S-97 dated August 29, 1997, recommending the rates of P700.00 per sq. meter for residential lot and P460.00 per sq. meter for agricultural lot was the most reliable proof of valuation; that, as between the valuation based on the prevailing market value on March 22, 2000, or almost three years after the filing of the complaint, and another based on the appraisal made on August 29, 1997, or two months prior to the filing of the complaint, the latter was considered as the just and equitable basis for compensation being the closest assessment of the market value of the properties to the time the expropriation complaint was filed.

The CA found no reversible error committed by the RTC in ordering the acquisition of the entire 1,212 sq. meters

of land owned by respondents Spouses Libunao, since in the document entitled DATA OF LOT EXPROPRIATED, which was attached to Commissioner Alog's Report, it was admitted that the total land area affected was 1,212 sq. meters for respondents Spouses Libunao and 4,380 sq. meters for respondents Heirs of Domingo.

The CA upheld the RTC's award of legal interest on the amount of compensation since a judgment in expropriation proceedings must provide for the payment of legal interest as a matter of law from the time the government took over the land until it paid the owners thereof, thus, the government is liable to pay 6% if no immediate payment was made for the value of the property at the time of actual taking. It found that the amount which petitioner allegedly deposited in a bank merely represented the provisional value of the properties sought to be expropriated to enable it to take possession of the land; that the amount withdrawn by the property owners corresponded to the consequential loss or damage to improvements suffered by the owners due to the installation of the transmission lines. The RTC's award of the cost of the suit was deleted since petitioner's charter exempts it from the obligation to pay the costs of the proceedings.

The CA found no merit on the appeal of respondents Heirs of Domingo and ruled that the valuation embodied in Resolution No. 03-S-97 dated August 29, 1997 be also made applicable to them.

Petitioner moved for a partial reconsideration of the Decision, which the CA denied in its Resolution[7] dated January 3, 2005.

Hence, herein petition assigning the following errors committed by the CA:

THE COURT OF APPEALS SERIOUSLY ERRED IN PRONOUNCING THAT THE EXPROPRIATION SHOULD COVER THE ENTIRE AREA OF RESPONDENTS' PROPERTIES, ALTHOUGH ONLY A RIGHT-OF-WAY EASEMENT THEREON WAS ACTUALLY TAKEN AND BEING USED BY PETITIONER.

THE COURT OF APPEALS GRAVELY ERRED IN REQUIRING PETITIONER TO PAY INTERESTS TO BE RECKONED FROM THE DATE OF TAKING UNTIL FULL PAYMENT OF THE WHOLE PROPERTY.[8]

Petitioner contends that it simply needed a mere right-of-way easement on the aerial space above respondents' properties; that the presence of transmission lines over the subject area will not damage, impair or render the entire area thereof inutile for agricultural and residential purposes; that it conducted relevant studies and initiated safety nets to ensure that the transmission lines are technically safe, environmental-friendly and would cause least injury to the affected area compatible with public interest; that, in contrast, respondents did not present any evidence to the contrary and even the two CAC Resolutions failed to mention any actual damage or impairment that the transmission lines would possibly cause on the subject properties; that it is but proper and legal that petitioner should only be obligated to pay 10% of the market value of the subject properties in accordance with Section 3-A of Republic Act (R.A.) 6395.[9]

Petitioner claims that it had already paid respondents the full assessed value of the properties in the amount of P5,196.58 prior to the use of the aerial space above respondents' properties and such amount was already withdrawn by respondents; that the amount of just compensation determined by the RTC and modified by the CA indubitably followed the formula of just compensation equals market value plus consequential loss minus consequential benefit; that consequential loss necessarily included whatever interest may be due to the owner relative to the unpaid balance of just compensation; and, that a separate computation for interest in addition to the consequential loss included in the aforesaid formula is grossly unfair and disadvantageous to the government as it will amount to double compensation.

Respondents Spouses Libunao argue that the petition should be denied for having failed to present issues involving questions of law; that the CA correctly ordered the payment of their 1,212 sq. meter land since the construction of the transmission lines impaired the agricultural purpose of their land; that the check dated August 5, 1998 in the amount of P387,699.00 issued by petitioner to respondents Spouses Libunao was payment for the damaged improvements in their subject property and not as payment for the assessed value of the property; and that the CA correctly upheld the RTC's order for petitioner to pay legal interest on the amount of compensation.

Respondents Heirs of Domingo claim that the first issue raised in the petition involves a question of fact and, therefore, it is not proper for a petition for review, nonetheless, they argue that there was no reversible error committed by the CA. They contend that in the document entitled DATA OF LOT EXPROPRIATED attached to the Report submitted by Commissioner Alog, it stated in no uncertain terms that the area of respondents Heirs of Domingo's properties affected by the expropriation was 4,380 sq. meter; that petitioner's allegations that it had conducted relevant studies and initiated safety nets to guarantee the safety of the transmission lines were not at all raised in the RTC; and that payment of legal interest on the amount of just compensation is provided under Section 10, Rule 67 of the Rules of Court.

In its Consolidated Reply, petitioner argues that there is no factual issue involved with respect to the correct application and interpretation of Section 3-A of R.A. 6395; that there are instances where factual findings of the appellate court may be reviewed by the Court such as when the CA failed to notice certain relevant facts which if properly considered will justify a different conclusion; that such exception applies in this case since the CA failed to consider that petitioner had conducted studies on the subject properties which result showed that the installation of transmission lines on the aerial space above the subject properties was safe and would not, in any way, affect the beneficial use thereof for agricultural purposes.

The petition lacks merit.

The Court shall first resolve the procedural matter raised by respondents, i.e., whether petitioner should pay just compensation for the entire area of respondents' properties or only an easement fee of 10% of the market value of the properties traversed by the transmission lines is a factual matter which is not proper for a petition for review.

In *National Power Corporation v. Purefoods Corporation*,^[10] the Court held:

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. The issue raised by petitioner of whether or not only an easement fee of 10% of the market value of the expropriated properties should be paid to the affected owners is a question of law. 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.^[11]

On the substantive issue, the Court finds no reversible error committed by the CA in affirming the RTC's conclusion that the payment of just compensation should be for the entire area of respondents' subject properties. Petitioner's argument that it should only be required to pay an easement fee of 10% of the market value of the properties since it simply needed a right-of-way easement on the aerial space above respondents' properties for the passage of its transmission lines has long been found unmeritorious by the Court.

In *National Power Corporation v. Manubay Agro-Industrial Development Corporation*,^[12] a case involving an easement of a right-of-way over a parcel of land that would be traversed by high-powered transmission lines, just

like the situation obtaining in the instant petition, the Court held that the nature and effect of the installation of power lines and the limitations on the use of the land for an indefinite period should be considered, as the owners of the properties would be deprived of the normal use of their properties. For this reason, the property owners are entitled to the payment of just compensation based on the full market value of the affected properties. The Court explained:

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 of 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.

Just compensation is defined as the full and fair equivalent of the property taken from its owner by the expropriator. The measure is not the taker's gain, but the owner's loss. The word "just" is used to intensify the meaning of the word "compensation" and to convey thereby the idea that the equivalent to be rendered for the property to be taken shall be real, substantial, full and ample.

In eminent domain or expropriation proceedings, the just compensation to which the owner of a condemned property is entitled is generally 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." Such amount is not limited to the assessed value of the property or to the schedule of market values determined by the provincial or city appraisal committee. However, these values may serve as factors to be considered in the judicial valuation of the property.[13]

This ruling has been repeatedly reiterated in subsequent cases[14] and continues to be the controlling doctrine.

In its complaint for expropriation, petitioner sought authority to enter and take possession and control over the subject properties, together with the improvements, and to demolish all improvements existing thereon to commence and undertake the construction of its transmission line project. In fact, petitioner had already taken possession of the subject properties and had demolished the plants, trees and crops found in the subject properties as evidenced by checks payments for the damaged improvements. The overhead transmission lines which traverse respondents' properties could be considered indefinite in nature. Moreover, the high-tension electric current passing through the transmission line would expose respondents' lives and limbs to danger. Thus, the expropriation would in fact not be limited to an easement of right-of-way only.[15]

In *National Power Corporation v. Aguirre-Paderanga*,[16] the Court said:

[I]t cannot be gainsaid that NPC's complaint merely involves a simple case of mere passage of transmission lines over Dilao, et al.'s property. Aside from the actual damage done to the property traversed by the

transmission lines, the agricultural and economic activity normally undertaken on the entire property is unquestionably restricted and perpetually hampered as the environment is made dangerous to the occupant's life and limb.

Petitioner's allegation that it had conducted relevant studies and initiated safety nets to guarantee that the transmission lines are technically safe and would cause least injury to the affected areas was not raised at all in the RTC as correctly argued by respondents Heirs of Domingo, thus, could no longer be considered on appeal.

Petitioner's reliance on Section 3-A of R.A. 6395, as amended, is misplaced. While Section 3-A of R.A. 6395 indeed states 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.[17] It has been reiterated that the determination of "just compensation" in eminent domain cases is a judicial function.[18] Any valuation for just compensation laid down in the statutes may serve only as a 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.[19]

Petitioner's claim that it should not be ordered to pay interest to be reckoned from the date of taking until the full payment of the value of the subject properties deserves scant consideration.

Section 10, Rule 67 of the Rules of Court provides:

SEC. 10. Rights of plaintiff after judgment and payment. - Upon payment by the plaintiff to the defendant of the compensation fixed by the judgment, with legal interest thereon from the taking of the possession of the property, or after tender to him of the amount so fixed and payment of the costs, the plaintiff shall have the right to enter upon the property expropriated and to appropriate it for the public use or purpose defined in the judgment, or to retain it should he have taken immediate possession thereof under the provision of section 2 hereof. x x x.

Clearly, respondents are entitled to the payment of legal interest on the compensation for the subject lands from the time of the taking of their possession up to the time that full payment is made by petitioner.[20] In accordance with jurisprudence, the legal interest allowed in payment of just

compensation for lands expropriated for public use is six percent (6%) per annum.[21]

Finally, the Court finds no merit on petitioner's claim that the amount of P5,196.58 which petitioner deposited in a bank to be able to obtain the issuance of the writ of possession was already withdrawn by respondents. A perusal of the records does not show any evidence that respondents had withdrawn such amount. On the contrary, the CA found that the amount withdrawn by respondents corresponds to the consequential loss or damages to improvements suffered by them by reason of petitioner's installation of its transmission lines.[22]

WHEREFORE, the petition is DENIED. The Decision dated April 30, 2004 and the Resolution dated January 3, 2005 of the Court of Appeals in CA-G.R. CV No. 70582 are AFFIRMED.

SO ORDERED.

Puno, C.J.[*], Ynares-Santiago, Chico-Nazario, and Velasco, Jr., JJ., concur.

[*] Designated as an additional member, in lieu of Associate Justice Antonio Eduardo B. Nachura, per raffle dated September 26, 2007.

[1] Penned by Associate Justice Vicente S.E. Veloso, with Associate Justices Rodrigo V. Cosico and Amelita G.

Tolentino, concurring; rollo, pp. 9-22.

[2] Id. at 30-31.

[3] Rollo, pp. 11-13.

[4] Penned by Judge Raymundo Z. Annang; docketed as Civil Case No. 2892 AF, raffled to Branch 86; records, pp. 320-324.

[5] Id. at 323-324.

[6] Rollo, pp. 21-22.

[7] Supra note 2.

[8] Rollo, pp. 43-44.

[9] 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 to 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 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 therefor.

[10] G.R. No. 160725, September 12, 2008.

[11] Emphasis supplied.

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

[13] Id. at 67-68.

[14] See *National Power Corporation v. Santa Loro Vda. de Capin*, G.R. No. 175176, October 17, 2008; *National Power Corporation v. Maria Bagui, Vedasto Bagui, et al.*, G.R. No. 164964, October 17, 2008; *National Power*

Corporation v. Purefoods Corporation, *supra* note 10; National Power Corporation v. Bongbong, G.R. No. 164079, April 3, 2007, 520 SCRA 290; National Power Corporation v. Aguirre-Paderanga, G.R. No. 155065, July 20, 2005, 464 SCRA 481; National Power Corporation v. Chiong, G.R. No. 152436, June 20, 2003, 404 SCRA 427.

[15] National Power Corporation v. Bongbong, *supra* note 13.

[16] *Supra* note 13, at 495.

[17] National Power Corporation v. Purefoods Corporation, *supra* note 10.

[18] *Id.*, citing Land Bank of the Philippines v. Celada, 479 SCRA 495,505 (2006).

[19] *Id.*, citing Export Processing Zone Authority v. Dulay, 149 SCRA 305, 312 (1987).

[20] National Power Corporation v. Court of Appeals, G.R. No. 106804, August 12, 2004, 436 SCRA 195, 211, citing National Power Corporation v. Court of Appeals, 129 SCRA 665, 674 (1984), Amigable v. Cuenca, 43 SCRA 360, 364-365 (1972); National Power Corporation v. Angas, 208 SCRA 542, 548-549 (1992)

[21] *Id.*

[22] Records, p. 20.

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