

**REPUBLIC OF THE PHILIPPINES (UNIVERSITY OF THE PHILIPPINES),
PETITIONER, VS. RODOLFO L. LEGASPI, SR., QUEROBIN L. LEGASPI,
OFELIA LEGASPI-MUELA, PURISIMA LEGASPI VDA. DE MONDEJA...**

G.R. No. 177611. April 18, 2012

Ponente: PEREZ, J.

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PEREZ, J.:

Assailed in this petition for review on certiorari filed pursuant to Rule 45 of the 1997 Rules of Civil Procedure is the Decision dated 26 April 2007[1] rendered by the Eighteenth Division of the Court of Appeals (CA) in CA-G.R. SP No. 85735,[2] denying for lack of merit the Rule 65 petition for certiorari filed by petitioner Republic of the Philippines, thru the University of the Philippines in the Visayas (UPV), for the nullification of the orders dated 17 November 2003[3] and 31 May 2004[4] issued by the Hon. Roger B. Patricio, Presiding Judge of Branch 38 of the Regional Trial Court (RTC) of Iloilo City, in the expropriation case docketed thereat as Civil Case No. 19921.

The Facts

In December 1978, respondent Rosalina Libo-on (Rosalina) accomplished a letter of intent signifying her willingness to sell to UPV Lot No. 1 of Psu-193912 Amd., the 40,133-square meter property situated at Miag-ao, Iloilo registered in her name under Original Certificate of Title (OCT) No. F-20020 of the Iloilo provincial registry.[5] Forthwith, a Deed of Definite Sale was executed by the parties whereby Rosalina, with the conformity of her then tenant, Vicente Libo-on, sold the subject parcel in favor of UPV for the stated consideration of P56,479.50.[6] As a consequence, UPV immediately took possession of the property and, in line with its educational development plan, started building thereon road networks, infrastructure and school facilities. The record shows that further use and development of the property was subsequently taken up at the 1093rd meeting of the UP Board of Regents held in Quezon City on 15 December 1995.[7]

On 4 January 1980, however, Rosalina wrote a letter, informing UPV that she was rescinding the sale of the subject parcel on the ground that she was no longer the owner of the property in view of her 5 September 1978 conveyance thereof by way of barter or exchange in favor of respondents Rodolfo Legaspi, Sr., Querobin Legaspi,[8] Ofelia Legaspi-Muela, Purisima Legaspi Vda. De Mondejar, Vicente Legaspi, Rodolfo Legaspi II and the Spouses Rosalina and Dominador Libo-on, among others. UPV subsequently learned that Lot 1 was subdivided into ten lots denominated and later registered in the names of respondents[9] in the following wise:

Lot No.

Area (Sqm.)

TCT No.

Registered Owner

21609-A

9,078

8192

Querobin Legaspi, et al.

21609-B

2,648

8193

Rodolfo Legaspi, Sr.

21609-C

4,374

8194

Rodolfo Legaspi, Sr.

21609-D

16,286

8195

Querobin Legaspi, et al.

21609-E

1,494

8196

Rodolfo Legaspi, Sr.

21609-F

1,250

8197

Ofelia Legaspi Muela

21609-G

1,251

8198

Rodolfo Legaspi

21609-H

1,250

8199

Querobin Legaspi

21609-I

1,251

8200

Purísima Legaspi Vda. De Mondejar

21609-J

1,251

8201

Vicente Legaspi

On 8 August 1991, petitioner, thru UPV, filed against respondents the complaint for eminent domain docketed before the RTC as Civil Case No. 19921. Petitioner alleged, among other matters, that the subject parcel is within the approved and delineated campus of the UPV which had well-established its presence in the area by building its laboratories, classrooms, faculty and student centers, among other facilities; and, that it had been constrained to resort to expropriation in view of the failure of its efforts to negotiate with respondents for the retention of the property on which it constructed considerable improvements already being used for academic purposes. Maintaining that the fair market value of the property at the time of its entry was P49,298.00, UPV sought confirmation of its right of condemnation as well as the fixing of the just compensation for the property.[10]

On 2 September 1991, the RTC issued an order granting petitioner's motion to allow UPV to continue its possession of the subject parcel upon deposit with the Iloilo Provincial Treasurer of the sum of P50,070.00, representing the provisional valuation of the property.[11] In their answer dated 16 December 1991, however, respondents averred that petitioner's right of expropriation should only be limited to the three lots covered by Transfer Certificate of Title (TCT) Nos. T-8193, 8194 and 8196,[12] containing an aggregate area of 8,516 square meters. Finding no opposition to petitioner's motion for a declaration on its right to expropriate the same, the RTC issued an order of condemnation dated 1 April 1992,[13] upholding UPV's right to expropriate said three parcels which had been denominated as Lot Nos. 21609-B, 21609-C and 21609-E, to wit:

WHEREFORE, an ORDER OF CONDEMNATION is hereby entered covering the above-mentioned parcels of land, [petitioner] having a lawful right to take the properties sought to be condemned, for the public use or purpose described in the complaint, upon payment of just compensation to be determined by three (3) Commissioners who shall ascertain and report to the court the just compensation for the properties sought to be taken.

Appointment of the three (3) Commissioners is hereby held in abeyance to give the court sufficient time to select the three (3) competent and disinterested persons as Commissioners provided for under Section 5 of Rule 67 of the Revised Rules of Court.

Notify Counsels.

Considering that the foregoing condemnation order covered only three (3) of the ten (10) lots comprising the subject property, petitioner moved for the continuation of the condemnation proceedings insofar as the remaining seven lots were concerned.[14] On 10 November 1994, petitioner also filed an amended complaint, impleading as additional defendants the Rural Bank of Miag-ao (Iloilo), Inc. (RBMI), the Philippine National Bank (PNB) and the Iloilo Finance Corporation (IFC), in view of the mortgages constituted in their favor by respondents over some

of the lots into which the Lot 1 had been subdivided.[15] Claiming to have relied on the certificates of title presented to them by the mortgagors, however, RBMI, PNB and IFC filed their individual answers maintaining that the said mortgages were entered into for value and in good faith.[16] The issues thus joined and the pre-trial conference subsequently terminated, the RTC went on to issue the 7 July 1997 pre-trial order summarizing the parties' admissions, their respective positions as well as the issues to be tried in the case.[17]

On 13 April 1998, the Office of the UPV Chancellor sent respondent Rodolfo Legaspi a letter, protesting against the latter's occupation of a portion of the property in litigation.[18] Calling the RTC's attention to its 2 September 1991 Order which allowed UPV's continued possession of the property, petitioner also filed its 7 July 1998 manifestation and motion praying for the grant of a writ of possession over the entirety of Lot 1.[19] Without resolving the motion, however, the RTC went on to issue the 16 June 2000 order,[20] fixing the just compensation for Lot Nos. 21609-B, 21609-C and 21609-E, based on the evidence adduced by the parties and the report submitted by the commissioners, to wit:

WHEREFORE, in view of all the foregoing, order is hereby issued fixing the just compensation of subject Lots Nos. 21609-B, 21609-C and 21609-E covering a total area of 8,516 sq. meters, as fifty one thousand ninety six pesos (P51,096.00) at the rate of six pesos (P6.00) per sq. meter. Accordingly, the [petitioner] is hereby ordered to pay [respondents] Judge Rodolfo L. Legaspi, et al fifty one thousand ninety six pesos (P51,096.00) for the total just compensation of the three (3) aforementioned subject lots. This amount includes the amount of fifty thousand seventy pesos (P50,070.00) deposited by the [petitioner] in the Office of the Provincial Treasurer of Iloilo.

There being no evidence presented by the parties to support their respective claims for damages, none is herein awarded.[21]

On 17 November 2003, the RTC further issued the herein assailed condemnation order of the same date, upholding petitioner's authority to expropriate the remaining seven lots comprising the property, namely, Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J. Excluding therefrom the area occupied by the Villa Marina Beach Resort which respondent Rodolfo Legaspi, Sr. operated in the premises,[22] the RTC ruled as follows:

WHEREFORE, an Order of Condemnation is hereby entered allowing the [petitioner] to expropriate for public use the remaining seven (7) subject Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J all situated in Barangay Sapa, Miag-ao, Iloilo, except such area therein as is occupied by the Villa Marina Beach resort and which [respondent] Rodolfo L. Legaspi, Sr. has been operating a business.

In properly fixing the just compensation to be paid to the [respondents] Legaspis over the aforesaid 7 lots, the Provincial Treasurer, the Provincial Assessor and the Provincial Engineer, all of the Province of Iloilo, are hereby appointed as commissioners to assist the Court in the fixing the just compensation of the subject lots. Before these commissioners so appointed discharge their respective duties, they may take their oath to faithfully perform their duties as such commissioners and their oaths shall be filed before this Court as part of the records of the proceedings in this case.

The commissioners who are hereby appointed are requested to make known their acceptance within ten (10) days from receipt of this order.

On 19 December 2003, petitioner[23] and UPV[24] filed motions for reconsideration of the foregoing order on the ground that the exclusion of the Villa Marina Beach Resort area from the condemned lots is bereft of legal basis and contrary to the evidence presented in the case which showed that the same is an integral part of the UPV's developmental plan for research and educational use. On 22 December 2003, respondents also filed their manifestation and partial motion for reconsideration of the same order alleging, among other matters, that Lot

Nos. 21609-F, 21609-G, 21609-H, 21609-I and 21609-J comprise the area occupied by Villa Marina Beach Resort; that Lot No. 21609-A is the area where respondent Rodolfo Legaspi, Sr. operates a business called Omp's Corner; that UPV has no intended use for Lot No. 21609-D which is being used for residential purposes by respondent Vicente Legaspi; and, that the foregoing lots, together with the portion of Lot No. 1 of Psu-193912 Amd. utilized by the Municipality of Miag-ao as a public cemetery should be excluded from petitioner's exercise of its right of expropriation.[25] Finding that the exclusion of the aforesaid lots would not defeat UPV's plan for its campus, the RTC issued the order dated 31 May 2004,[26] the decretal portion of which states as follows:

WHEREFORE, finding the [petitioner's] Motion for Reconsideration dated December 19, 2003 without merit, the same is denied. The Manifestation and Partial Motion for Reconsideration dated December 19, 2003 of [respondents] Legaspis being meritorious is, thus, granted and the Order dated November 17, 2003 of this Court is partially reconsidered and judgment is hereby entered denying the expropriation of subject Lots Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J.

As a consequence hereof, the order of this Court appointing as Commissioners the Provincial Treasurer, the Provincial Assessor and the Provincial Engineer, all of the Province of Iloilo is likewise reconsidered and set aside.

Let copies of this Order be furnished the Office of the Solicitor General, Atty. Cornelio Salinas, Atty. Rodolfo Legaspi, Sr., Atty. Legaspi II, Atty. Alejandro Somo, the Provincial Treasurer, the Provincial Assessor and the Provincial Engineer, all of the Province of Iloilo.

No pronouncement as to costs.[27]

Aggrieved, petitioner filed on 16 August 2004 the Rule 65 petition for certiorari and mandamus docketed before the CA as CA-G.R. SP No. 85735, assailing the RTC's order dated 31 May 2004 on the ground that grave abuse of discretion attended the denial of the expropriation of the subject lots after the right to expropriate the same was earlier upheld in the likewise assailed order dated 17 November 2003.[28] On 26 April 2007, the CA's then Eighteenth Division rendered the herein assailed decision denying the petition on the ground that, under Rule 67 of the 1997 Rules of Civil Procedure, the proper remedy from said assailed orders was an ordinary appeal which, once lost, cannot be substituted by a Rule 65 petition for certiorari and mandamus. Even if petitioner's choice of remedy were, moreover, to be considered proper under the circumstances, the CA ruled that the RTC's issuance of said assailed orders was well within its power and duty to review, amend or reverse its findings and conclusions if it deems it necessary for the administration of justice within the scope of its jurisdiction.[29] Without moving for a reconsideration of the foregoing decision, petitioner filed the petition at bench on 25 June 2007.

The Issue

Petitioner urges the nullification of the CA's assailed 26 April 2007 Decision on the following ground:

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN DENYING THE PETITION FOR CERTIORARI AND AFFIRMING THE ORDER DATED MAY 31, 2004 OF BRANCH 38 OF THE REGIONAL TRIAL COURT OF ILOILO CITY WHICH DID NOT STATE THE FACTS AND THE LAW ON WHICH IT IS BASED.[30]

The Court's Ruling

We find the petition impressed with merit.

Expropriation or the exercise of the power of eminent domain is the inherent right of the state and of those entities to which the power has been lawfully delegated to condemn private property to public use upon payment of just compensation.[31] Governed by Rule 67 of the Rules of Court, the proceedings therefor consist of two (2) stages:

(a) the condemnation of the property after it is determined that its acquisition will be for a public purpose or public use; and, (b) the determination of just compensation to be paid for the taking of private property to be made by the court with the assistance of not more than three commissioners.[32] The nature of these two stages was discussed in the following wise in the case of Municipality of Biñan vs. Judge Garcia,[33] to wit:

1. There are two (2) stages in every action for expropriation. The first is concerned with the determination of the authority of the plaintiff to exercise the power of eminent domain and the propriety of its exercise in the context of the facts involved in the suit. It ends with an order, if not of dismissal of the action, "of condemnation declaring that the plaintiff has a lawful right to take the property sought to be condemned, for the public use or purpose described in the complaint, upon the payment of just compensation to be determined as of the date of the filing of the complaint." An order of dismissal, if this be ordained, would be a final one, of course, since it finally disposes of the action and leaves nothing more to be done by the Court on the merits. So, too, would an order of condemnation be a final one, for thereafter, as the Rules expressly state, in the proceedings before the Trial Court, "no objection to the exercise of the right of condemnation (or the propriety thereof) shall be filed or heard.

The second phase of the eminent domain action is concerned with the determination by the Court of "the just compensation for the property sought to be taken." This is done by the Court with the assistance of not more than three (3) commissioners. The order fixing the just compensation on the basis of the evidence before, and findings of, the commissioners would be final, too. It would finally dispose of the second stage of the suit, and leave nothing more to be done by the Court regarding the issue. Obviously, one or another of the parties may believe the order to be erroneous in its appreciation of the evidence or findings of fact or otherwise. Obviously, too, such a dissatisfied party may seek a reversal of the order by taking an appeal therefrom.

It cannot, therefore, be gainsaid that the outcome of the first phase of expropriation proceedings – be it an order of expropriation or an order of dismissal – finally disposes of the case and is, for said reason, final. The same is true of the second phase that ends with an order determining the amount of just compensation[34] which, while essential for the transfer of ownership in favor of the plaintiff, is but the last stage of the expropriation proceedings and the outcome of the initial finding by the court that the plaintiff has a lawful right to take the property sought to be expropriated, for the public use or purpose described in the complaint.[35] In the same manner that the order of expropriation may be appealed by any party by filing a record on appeal, a second and separate appeal may likewise be taken from the order fixing the just compensation. Indeed, jurisprudence recognizes the existence of multiple appeals in a complaint for expropriation because of said two stages in every action for expropriation.[36]

In the case at bench, the RTC split the determination of UPV's right of expropriation over the ten lots into which Lot No. 1 of Psu-193912 Amd. had been subdivided. Considering the lack of opposition on the part of respondents, the RTC issued the order dated 1 April 1996, upholding UPV's right to expropriate the three (3) lots denominated as Lot Nos. 21609-B, 21609-C and 21609-E, with an aggregate area of 8,516 square meters.[37] Without any appeal having been perfected therefrom, the RTC's 1 April 1996 order attained finality and left no more question as to the propriety of the acquisition of said lots for the public purpose alleged in the complaint from which the instant suit originated. Accordingly, the RTC correctly went on to issue the order dated 16 June 2000, fixing the just compensation for Lot Nos. 21609-B, 21609-D and 21609-E at P51,096.00, less the P50,070.00 UPV appears to have already deposited with the Provincial Treasurer of Iloilo.[38]

On the other hand, with respect to Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J, the record shows that the RTC issued the herein assailed 17 November 2003 order which, while likewise upholding UPV's right of expropriation over said lots, ordered the exclusion of the portion occupied by Villa Marina Beach Resort from the 31,617 square meters comprising said lots.[39] Acting on the motions for

reconsideration of said order filed by petitioner, UPV and respondents, however, the RTC issued the second assailed 31 May 2004 order, altogether denying said right of expropriation,[40] upon the following succinct findings and conclusions:

It bears stressing that even before the filing of the original complaint, [respondent] Rodolfo Legaspi, Sr. was already operating as his business establishment the Villa Marina Resort and this must be the reason why [petitioner] had expressly excluded this area from the area it intended to expropriate, the amended complaint notwithstanding, and must also be the reason why former UP President Angara wrote a letter (Exh. 10) to defendant Legaspi, Sr. conveying a 'happy compromise acceptable to all'.

It likewise bears stressing the fact that insofar as Lot No. 21609-A, a portion thereof has been utilized by defendant Rodolfo Legaspi, Sr.'s "Omp's Corner" and the rest of the said lot has been utilized by the Municipality of Miag-ao, Iloilo as a public cemetery.

The total area covered by Lots Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J is only 31,617 sq. meters. Based on the locations of these lots, acquisition by [UPV] would not impair or defeat the purpose of its campus site. In other words, without including in the expropriation the Villa Marina Resort, the "Omp's Corner" and the public cemetery and the residential land where [respondent] Vicente Legaspi's family is residing, [UPV's] operation as a university would not be adversely affected.

As to the Villa Marina Resort and the "Omp's Corner" these places have been utilized by defendant Rodolfo Legaspi, Sr. for his business even before the filing of the instant complaint. As to [respondent] Vicente Legaspi's lot, including this in the expropriation would force his family to go astray as they have no place where to live.

As to the portion being utilized as public cemetery, this Court believes and so holds that allowing the plaintiff to expropriate the same would be bordering to the long cherished and revered customs and tradition of respecting the dead. x x x[41]

The order of denial of UPV's right to expropriate Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J, is final in nature and not merely interlocutory. However, instead of perfecting an appeal from said order which it received on 16 June 2004,[42] petitioner filed on 16 August 2004 the Rule 65 petition for certiorari docketed before the CA as CA-G.R. SP No. 85735, on the ground that the RTC acted with grave abuse of discretion in denying the expropriation of the subject lots after its right to expropriate the same had been earlier determined. Narrow in scope and unflexible in character,[43] a petition for certiorari is, concededly, intended to correct errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction[44] and lies only when there is no appeal nor any plain, speedy and adequate remedy in the ordinary course of law.[45] Hence, the CA denied the petition filed by petitioner on the principle that certiorari cannot be used as substitute for an appeal that has been lost.[46]

Although certiorari cannot be generally used as a substitute for a lapsed appeal, the CA lost sight of the fact, however, that the rule had been relaxed on a number of occasions, where its rigid application will result in a manifest failure or miscarriage of justice.[47] This Court has allowed the issuance of a writ of certiorari despite the availability of appeal where the latter remedy is not adequate or equally beneficial, speedy and sufficient or there is need to promptly relieve the aggrieved party from the injurious effects of the acts of an inferior court or tribunal.[48] In *SMI Development Corporation v. Republic of the Philippines*,[49] this Court significantly upheld the CA's grant of the Rule 65 petition for certiorari filed in lieu of an ordinary appeal which was not considered a speedy and adequate remedy that can sufficiently address the urgent need of the National Children's Hospital to expand and extend quality medical and other health services to indigent patients. Indeed, certiorari and appeal are not mutually exclusive remedies in certain exceptional cases, such as when there is grave abuse of discretion or

when public welfare so requires.[50]

Petitioner has more than amply demonstrated that the RTC's issuance of the assailed orders dated 17 November 2003 and 31 May 2004 was attended with grave abuse of discretion. In the context of a Rule 65 petition for certiorari, grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction.[51] It has been ruled that the abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[52] To our mind, the grave abuse of discretion imputable against the RTC was manifest as early in the assailed 17 November 2003 order where, without giving any rationale therefor, and while it upheld petitioner's right of expropriation over Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J, it excluded the area occupied by the Villa Marina Beach Resort owned and operated by respondent Rodolfo Legaspi, Sr. No less than the Constitution mandates that "(n)o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based." [53]

Since it is a requirement of due process that the parties to a litigation be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court,[54] the rule is settled that a decision that does not conform to the form and substance required by the Constitution and the law is void and deemed legally nonexistent.[55] In *Yao v. Court of Appeals*, [56] this Court ruled as follows:

Faithful adherence to the requirements of Section 14, Article VIII of the Constitution is indisputably a paramount component of due process and fair play. It is likewise demanded by the due process clause of the Constitution. The parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to the higher court, if permitted, should he believe that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is precisely prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. More than that, the requirement is an assurance to the parties that, in reaching judgment, the judge did so through the processes of legal reasoning. It is, thus, a safeguard against the impetuosity of the judge, preventing him from deciding *ipse dixit*. Vouchsafed neither the sword nor the purse by the Constitution but nonetheless vested with the sovereign prerogative of passing judgment on the life, liberty or property of his fellowmen, the judge must ultimately depend on the power of reason for sustained public confidence in the justness of his decision.

Thus the Court has struck down as void, decisions of lower courts and even of the Court of Appeals whose careless disregard of the constitutional behest exposed their sometimes cavalier attitude not only to their magisterial responsibilities but likewise to their avowed fealty to the Constitution.

The RTC compounded its error when, acting on the motions for reconsideration filed by the parties, it issued the assailed 31 May 2004 Order, denying petitioner's right of expropriation over Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J, on the ground that the same were already used by respondents for their businesses and/or residences. Subject to the direct constitutional qualification that "private property shall not be taken for public use without just compensation," [57] the power of eminent domain is, after all, the ultimate right of the sovereign power to appropriate any property within its territorial sovereignty for a public purpose [58] thru a method that partakes the nature of a compulsory sale. [59] The fact that said lots are being utilized by respondents Legaspis for their own private purposes is, consequently, not a valid reason to deny exercise of the right of expropriation, for as long as the taking is for a public purpose and just compensation is paid.

Our review of the documents attached to the pleadings filed in connection with the petition before the CA and this Court also failed to yield any basis for the RTC's pronouncement that UPV excluded the area occupied by the Villa Marina Resort from its exercise of the right of expropriation. This is belied by petitioner's motion for continuation of the condemnation proceedings for the seven remaining lots into which Lot No. 1 of Psu-193912 Amd. had been subdivided,[60] UPV's 13 April 1998 letter-protest against respondent Rodolfo Legaspi, Sr.'s occupation of the property,[61] its motion for the grant of a writ of possession of the entire lot[62] and the motions for reconsideration of petitioner and UPV filed from the condemnation order dated 17 November 2003.[63] Considering that the site of the Villa Marina Resort appears to have already been earmarked for UPV's proposed National Institute of Marine Biotechnology,[64] the RTC clearly abused its discretion when it ruled that the exclusion of 31,617 square meters from the original 40,133 sought to be expropriated would not adversely affect UPV's operations. Granted that no part of the ground of a public cemetery can be taken for other public uses under a general authority,[65] there is, likewise, no showing in the record of the location and area of the public cemetery of Miag-ao in relation to the subject property.

In sum, we find the RTC gravely abused its discretion when, without stating the factual and legal bases therefor, it issued the assailed 17 November 2003 condemnation order, excluding the area occupied by the Villa Marina Resort from petitioner's exercise of its right of expropriation. The RTC likewise gravely abused its discretion when, in total disregard of the evidence on record, it issued the second assailed 31 May 2004 order which reconsidered its first assailed order and altogether denied petitioner's right of expropriation over Lot Nos. 21609-A, 21609-D, 21609-F, 21609-G, 21609-H, 21609-I and 21609-J.

WHEREFORE, premises considered, the CA's Decision dated 26 April 2007 is REVERSED and SET ASIDE. In lieu thereof, another is entered NULLIFYING the assailed orders dated 17 November 2003 and 31 May 2004 and directing the Regional Trial Court of Iloilo City, Branch 38 to resolve the case in compliance with Section 14, Article VIII of the Constitution and in accordance with the evidence on record.

SO ORDERED.

Carpio, (Chairperson), Brion, Sereno, and Reyes, JJ., concur.

[1] Penned by CA Associate Justice Agustin S. Dizon with Associate Justices Arsenio J. Magpale and Francisco P. Acosta, concurring.

[2] CA's 26 April 2007 Decision, CA rollo, pp. 191-198.

[3] RTC's 17 November 2003 Order, id. at 32.

[4] RTC's 31 May 2004 Order, id. at 33-36.

[5] Libo-on's undated Letter of Intent, id. at 38.

[6] The Parties' undated Deed of Definite Sale, id. at 39-43.

[7] Excerpts of the UP Board of Regents' 15 December 1995 Meeting, id. at 44-46.

[8] Respondent Querubin Legaspi's name in the Pre-Trial Conference Order is spelled as "Querubin", id. at 47-50.

[9] As summarized in the RTC's 7 July 1997 Pre-Trial Conference Order, id. at 47-50, 57.

[10] Petitioner's 29 July 1991 Complaint, id. at 54-63.

- [11] RTC's 2 September 1991 Order, stated as P15,070.00, id. at 78.
- [12] As narrated in the RTC's 16 June 2000 Order, id. at 83.
- [13] RTC's 1 April 1992 Order, id. at 79.
- [14] Rollo, p. 16.
- [15] CA rollo, Petitioner's 29 July 1991 Amended Complaint, pp. 64-77.
- [16] As narrated in the RTC's 16 June 2000 Order, id. at 83-84.
- [17] RTC's 7 July 1997 Pre-Trial Conference Order, id. at 47-53.
- [18] UPV Chancellor's 13 April 1998 Letter, id. at 96.
- [19] Petitioner's 7 July 1998 Manifestation and Motion, id. at 97-102.
- [20] RTC's 16 June 2000 Order, id. at 80-93.
- [21] Id. at 93.
- [22] RTC's 17 November 2003 Order, id. at 32.
- [23] Petitioner's 19 December 2003 Motion for Reconsideration, id. at 125-129.
- [24] UPV's 19 December 2003 Motion for Reconsideration, id. at 121-124.
- [25] Respondents' 19 December 2003 Manifestation and Partial Motion for Reconsideration, id. at 103-104.
- [26] RTC's 31 May 2004 Order, id. at 33-36.
- [27] Id. at 36.
- [28] Petitioner's 12 August 2004 Rule 65 Petition, id. at 1-20.
- [29] CA's 26 April 2007 Decision, id. at 191-198.
- [30] Rollo, p. 20
- [31] *Robern Development Corp. v. Judge Quitain*, 373 Phil. 773, 792-793 (1999).
- [32] *City of Manila v. Serrano*, 411 Phil. 754-765 (2001).
- [33] 259 Phil. 1058, 1068-1069 (1989).
- [34] *NHA v. Heirs of Guivelondo*, 452 Phil. 481, 491 (2003).
- [35] *Heirs of Alberto Suguitan v. City of Mandaluyong*, 384 Phil. 676, 692 (2000).
- [36] *Marinduque Mining and Industrial Corporation v. Court of Appeals*, G.R. No. 161219, 6 October 2008, 567 SCRA 483, 493.
- [37] CA rollo, p. 79.
- [38] Id. at 80-93.
- [39] Id. at 32.
- [40] Id. at 33-36.

[41] Id. at 35.

[42] Id. at 2.

[43] Land Bank of the Phils. v. Court of Appeals, 456 Phil. 755, 784 (2003).

[44] Julie's Franchise Corporation v. Hon. Chandler O. Ruiz, G.R. No. 180988, 28 August 2009, 597 SCRA 463, 471.

[45] Section 1, Rule 65, 1997 Rules of Procedure.

[46] Republic of the Philippines v. Court of Appeals, 379 Phil. 92, 97 (2000).

[47] Republic of the Phils. v. CA, 357 Phil. 174, 187 (1998).

[48] Provident International Resources, Corp. v. CA, 328 Phil. 871, 885-886 (1996).

[49] G.R. No. 137537, 380 Phil. 832 (2000).

[50] Estate of Salud Jimenez v. Phil. Export Processing Zone, 402 Phil. 271, 285 (2001).

[51] Gaston v. Court of Appeals, 390 Phil. 36, 43 (2000).

[52] First Women's Credit Corporation v. Hon. Hernando B. Perez, G.R. No. 169026, 15 June 2006, 490 SCRA 774, 777-778.

[53] Section 14, Article VIII, Constitution of the Philippines.

[54] Nicos Industrial Corporation v. Court of Appeals, G.R. No. 88709, 11 February 1992, 206 SCRA 127, 132.

[55] Velarde v. Social Justice Society, G.R. No. 159357, 28 April 2004, 428 SCRA 283, 285.

[56] 398 Phil. 86, 105-106 (2000).

[57] Manosca v. CA, 322 Phil. 442, 448 (1996).

[58] Jesus is Lord Christian School Foundation, Inc. v. Municipality (now city) of Pasig, Metro Manila, 503 Phil. 845, 861 (2005).

[59] Manapat v. Court of Appeals, G.R. Nos. 110478, 116176, 116491-503, 15 October 2007, 536 SCRA 32, 48.

[60] Rollo, p. 16.

[61] Id. at 96.

[62] Id. at 97-102.

[63] Id. at 121-129.

[64] Id. at 44.

[65] The City of Manila v. Chinese Community of Manila, 40 Phil. 349, 369 (1919).

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