REPUBLIC OF THE PHILIPPINES REPRESENTED BY THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH), PETITIONERS, VS. SPS. TAN SONG BOK AND JOSEFINA S. TAN, SPS. JUNIOR SY AND JOSEFIN...

G.R. No. 191448. November 16, 2011

Ponente: MENDOZA, J.

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MENDOZA, J.:

Questioned in this petition for review is the February 19, 2010 Decision[1] of the Court of Appeals (CA) which affirmed with modification the April 14, 2004 Decision[2] of the Regional Trial Court, Branch 57, Angeles City (RTC) in Civil Case No. 9956, expropriating eight (8) lots located in the province of Pampanga owned by the respondents.

The Facts

The factual milieu and procedural antecedents were succinctly recited in the CA decision as follows:

> On November 10, 2000, the Republic of the Philippines, represented by the Toll Regulatory Board (TRB), through the Office of the Solicitor General (OSG), filed a complaint before the Regional Trial Court, Angeles, for Expropriation of the following parcels of land to become an integral part of the Luzon Expressway (NLE) Project, to wit:
>
> OWNER
>
> TCT NO.
>
> AFFECTED AREA
> (in sq. m)
>
> Sps. Tan Song Bok & Josefina So-Tan, Josefina Tan married to Junior Sy, Edgardo Tan, Nenita Tan, Ricardo tan, Jr. and Albert Tan
>
> 101012
>
> 3440
>
> Sps. Tan Song Bok & Josefina So-Tan
>
> 82425
>
> 16827
>
> Sps. Tan Song Bok & Josefina So-Tan
>
> 395874-R

862

Sps. Tan Song Bok & Josefina So-Tan

398835-R

15

R.S. Agri-Development Corporation

80483

35824

Eriberto H. Gomez, married to Wilhelmina Rodriguez, Edgardo H. Gomez, Eloisa H. Gomez, Erlinda H. Gomez, married to Camilo Manaloto

92065

10052

Cleofe Consunji-Hizon, Ma. Asuncion H. Dizon married to Benjamin Dizon, Ramon L. Hizon married to Caridad Garchitorena, Ma. Lourdes C. Hizon, married to John Sackett, Jose Maria C. Hizon, married to Ma. Sarah Sarmiento, Ma. Fredesvinda C. Hizon, married to Manuel Yoingko, Roberto C. Hizon, Arthur Hizon, Ma. Salome Hizon, Ma. Milagros C. Hizon, Presentacion C. Hizon, and Frederick C. Hizon, Ma. Engracia H. David, Antonio H. David, married to Consuelo Goseco, Eloisa P. Hizon, married to Domingo C. Gomez, Eriberto H. Gomez, married to Wilhelmina Rodriguez, Edgardo H. Gomez, Eloisa H. Gomez, and Erlinda H. Gomez, married to Camilo Manaloto

91441

439

Ramon L. Hizon, married to Caridad Garchitorena, Ma. Asuncion H. Dizon, married to Benjamin Dizon, Ma. Lourdes C. Hizon, married to John Sackkett, Jose Maria C. Hizon, married to Sarah Sarmiento, Ma. Fredesvinda C. Hizon, married to Manuel Yoingko, Roberto C. Hizon, Arthur C. Hizon, Ma. Salome C. Hizon, Ma. Milagros C. Hizon, Presentacion C. Hizon and Frederick C. Hizon.

92058

4796

On April 18, 2002, a Writ of Possession was issued placing the plaintiff-appellant in possession of the above-mentioned properties. Consequently, a Committee was created and subsequently a consolidated report was submitted on September 27, 2002. The Committee recommended the following:

In view of the foregoing consideration, and after a final deliberation, the members of the committee jointly recommends as follows:

- The amount of P3,750.00 per sq. meter for Lot 99-V-2-C-4, owned by Tan Song Bok, et al;

- The amount of P3,750.00 per sq. meter for Lot 122-E-4-B owned by Tan Song Bok, et al;

- The amount of P3,650.00 per sq. meter for Lot 73-A-3-C owned by Tan Song Bok, et al;

- The amount of P3,650.00 per sq. meter for Lot 73-A-3-D owned by Tan Song Bok, et al;

- The amount of P4,400.00 per sq. meter for Lot 2 owned by R.S. Agri. Ent.;

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- The amount of P3,900.00 per sq. meter for Lot 122-E-1-D-24-B-3 owned by E. Gomez, et al.;

- The amount of P3,900.00 per sq. meter for Lot 122-E-1-D-24-A, owned C. Hizon, et al.;

- The amount of P3,900.00 per sq. meter for Lot 122-E-1-D-24-B-2 owned by R. Hizon, et al;

all located in the Province of Pampanga, to be the just compensation to be paid by the plaintiff to the corresponding defendants in this case, which is reasonable and fair enough to the advantage of both parties considering the devaluation of pesos and the development of the vicinity of the properties of the defendants, which are the subject matter of the instant case.

Since the amount of provisional value deposited by the plaintiff is only the amount equivalent to P200.00 per square meter, it is recommended by the committee that the plaintiff deposit the equivalent of the remaining percentage per square meter, recommended by the committee, for the respective parcels of lands owned by the respective defendants in this case.

On November 18, 2002, plaintiff-appellant filed its Comment/Objection to the Consolidated Committee Report arguing that the amounts recommended by the committee did not constitute fair and just equivalent of the properties sought to be expropriated because there was no sufficient basis for the recommended prices as no document or any deed of sale involving similar property was presented to show the current selling price and that the commissioners did not consider other factors such as tax declarations, zonal valuation and actual use of the lands. It likewise argued that the committee report was based mainly on the personal opinion of two of its commissioners when they allegedly conducted an ocular inspection of the properties.

On February 3, 2003, defendants Sps. Tan Song Bok, Josefina S. Tan, Sps. Junior Sy and Josefina Tan, Edgardo Tan, Nenita Tan, Ricardo Tan, Jr., Albert Tan, and R.S. Agri-Development Corporation, through counsel, filed their Reply arguing therein that the Consolidated Committee Report clearly stated the basis used to determine and arrive at the recommended just compensation, such as; (i) the zonal value as evidenced by the certification from the BIR submitted by plaintiff; (ii) the certification issued by BIR containing the price of the latest recorded sale of property in the area; (iii) Verification with the proper offices of Magalang, Mabalacat and Angeles City; (iv) ocular inspection. Further, they argued that the propriety of the actions of the committee are supported by Section 5, Republic Act No. 8974, and that both Mr. Alberto Y. Murillo, as the long incumbent City Assessor of Angeles City, and Mr. Rommel Jose DG Suarez, are both experts in the said price determination as their findings were surely based on their knowledge, expertise and experience in the field of real property assessment and real estate brokering. In the same way, defendants-appellees Hizons and Gomezes, in their Reply/Opposition filed on February 27, 2003, had propounded the same arguments.

The Decision of the RTC

On April 14, 2004, after due hearing, the RTC rendered a decision declaring that the petitioner has the right to condemn for public use the affected properties of the respondents upon payment of just compensation. In this regard, the trial court adopted the findings and recommendations of the Committee on Appraisals[3] (the Committee) in its Consolidated Committee Report (the Report)[4] dated September 20, 2003, as being reflective of the true, fair and just compensation for the expropriation of the affected properties of the respondents. The RTC ruled, among others, that the payment shall be in the following manner:

1. The amount of P3,750.00 per sq. meter for Lot 99-V-2-C-4, owned by Tan Song Bok, et al; (T.C.T. No. 101012)

xxx

Total Area Affected – 3, 440 sq. m
Compensation: P12,900,000.00
Less: Partial Payment per Order dated Dec. 16, 2003 (P688,000.00)

Compensation Due: P12,212,000.00

2. The amount of P3,750.00 per sq. meter for Lot 122-E-4-B owned by Tan Song Bok, et al; (T.C.T. No. 82425)

Xxx

Total Area Affected – 16, 827 sq. m
Compensation: P63,101,250.00
Less: Partial Payment per Order dated Dec. 16, 2003 (P3,365,400.00)
Compensation Due: P59,735,850.00

3. The amount of P3,650.00 per sq. meter for Lot 73-A-3-C owned by Tan Song Bok, et al; (T.C.T. No. 395874-R)

xxx

Total Area Affected – 862 sq. m
Compensation: P3,146,300.00
Less: Partial Payment per Order dated Dec. 16, 2003 (P172,400.00)
Compensation Due: P2,973,900.00

4. The amount of P3,650.00 per sq. meter for Lot 73-A-3-D owned by Tan Song Bok, et al; (T.C.T. No. 398835-R)

xxx

Total Area Affected – 15 sq. m
Compensation: P54,750.00
Less: Partial Payment per Order dated Dec. 16, 2003 (P3,000.00)
Compensation Due: P51,750.00

5. The amount of P4,400.00 per sq. meter for Lot 2 owned by R.S. Agri. Ent.; (previously Lot 2 T.C.T. No. 80483 now Lots 5 and 7 T.C.T. Nos. 122746 and 122748, respectively)

xxx

Total Area Affected – 35, 824 sq. m
Compensation: P157,625,600.00
Less: Partial Payment per Order dated Dec. 16, 2003 (P7,164,800.00)
Compensation Due: P150,460,800.00

6. The amount of P3,900.00 per sq. meter for Lot 122-E-1-D-24-B-3 owned by E. Gomez, et al.; (T.C.T. No. 92065)

xxx

Total Area Affected – 10,052 sq. m
Compensation: P39,202,800.00
Less: Partial Payment per Order dated Dec. 16, 2003 (P2,010,400.00)
Compensation Due: P37,192,400.00

7. The amount of P3,900.00 per sq. meter for Lot 122-E-1-D-24-A, owned C. Hizon, et al.; (T.C.T. No. 91441)

xxx

Total Area Affected – 439 sq. m

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> Compensation: P1,712,100.00
> Less: Partial Payment per Order dated Dec. 16, 2003 (P87,800.00)
> Compensation Due: P1,624,300.00
>
> 8. The amount of P3,900.00 per sq. meter for Lot 122-E-1-D-24-B-2 owned by R. Hizon, et al; (T.C.T. No. 92058)
>
> xxx
>
> Total Area Affected – 4,797 sq. m
> Compensation: P18,708,300.00
> Less: Partial Payment per Order dated Dec. 16, 2003 (P959,200.00)
> Compensation Due: P17,749,100.00

Not in conformity with the RTC decision, the petitioner elevated the matter to the CA anchored mainly on the argument that the just compensation recommended by the committee was based on insufficient evidence. According to the petitioner, the appraised values recommended by the committee did not approximate the actual value of the properties at the time of taking, but were purely speculative based on hearsays and gratuitous personal opinions. Hence, the RTC should not have completely adopted its recommendation in determining the just compensation for the subject properties.

The Decision of the CA

On February 19, 2010, the CA rendered a decision affirming the RTC decision with modification, as follows:

> WHEREFORE, premises considered, the assailed decision is hereby MODIFIED as follows:
>
> - Plaintiff-appellant should pay defendants R. Hizon, et al. just compensation for the affected area of 4, 796 sq. m. instead of 4,797 sq. m. in the amount of P18,704,400.00;
>
> - The payment of the just compensation is immediately executory upon receipt of this decision;
>
> - Plaintiff shall pay 6% interest per annum reckoned from the date the trial court rendered the decision on April 14, 2004.
>
> SO ORDERED.

The CA stated , among others, that the RTC did not rely solely on the appraisal report submitted by the Committee but it also conducted hearings for the purpose of receiving the parties' evidence. It added that in order to determine the just compensation of the subject properties, the members of the Committee did not just confine themselves to the documents submitted by the parties but made verifications from the proper offices of Magalang, Mabalacat and Angeles City and conducted ocular inspections of the subject lots. The tax declarations, BIR zonal valuation and the deeds of sale presented by the petitioner were considered as only among the many factors for the determination of just compensation. Although such were some of the indices of the fair market value of real estate, they could not be the only bases of just compensation in expropriation cases.

Finding the CA decision unacceptable, the petitioner filed this petition for review raising the following

> ISSUE
>
> WHETHER OR NOT THE HONORABLE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR WHEN IT AFFIRMED THE DECISION OF THE COURT A QUO WITH RESPECT TO THE JUST COMPENSATION OF THE EXPROPRIATED LANDS.

In advocacy of its position, the petitioner argues that it was deprived of its right to due process when it was not

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given an opportunity to present its evidence by the Committee. The petitioner claims that the committee did not conduct any hearing to enable the parties to present their respective evidence. Instead, they based the Report on documents submitted by the parties, verifications from offices, ocular inspections and local market conditions, and unsubstantiated statements as to the highest and best use of the properties, and the devaluation of the peso.

The petitioner claims that the RTC merely conducted a clarificatory hearing wherein the commissioners were asked questions on the Report, when it should have conducted further proceedings to allow the reception and presentation of evidence needed in the determination of just compensation. Furthermore, the Report failed to state what particular documents were used as references for the determination of just compensation. No documentary evidence was presented by any of the parties before the preparation of the Report since the Committee did not set any hearing for the reception and presentation of evidence. The report neither stated the specific deed of sale used by the Committee as reference for the determination of the fair market value of the subject properties. The concept of devaluation was likewise missaplied in the Report.

Finally, the petitioner contends that since just compensation is based on the price or value of the property at the time it is taken, the value of the subject properties at the time of the filing of the complaint on November 10, 2000 should be the basis for the determination of their value. The market value of the subject properties could not possibly command a price over and above their zonal value per square meter especially because their classification, use and location as undeveloped agricultural and residential lots were taken into account. The petitioner is of the view that the just compensation in favor of the respondents should be approximate with their tax declarations of P200.00 per square meter.

Respondents' position

The respondents counter that the petitioner was not deprived of its right to due process. After the examination of the commissioners, the petitioner was allowed to present its evidence in support of the expropriation case. Thus, it presented the testimonies of Cleofe Umlas, Administrative Officer of the Bureau of Internal Revenue; Liberato L. Navarro, Revenue District Officer, Revenue District No. 21, Pampanga; James Suarez, Bureau of Internal Revenue District Officer; and Ronnie Vergara of the Register of Deeds of Angeles City. After considering the pieces of evidence presented by the opposing parties, the RTC rendered its decision adopting the valuation recommended by the Committee as reflective of the true, fair and just compensation for the respondents' properties and as the reasonable replacement value thereof.

The respondents stressed that the RTC did not merely rely on the Report but it also conducted hearings for the purpose of receiving the parties' evidence. Moreover, the Committee members did not just confine themselves to the documents submitted by the parties but made verifications from the proper offices of Magalang, Mabalacat and Angeles City, and conducted ocular inspections of the properties to see for themselves the actual condition of the subject premises. In short, the respondents claim that both parties were given all the opportunities to justify their respective positions.

Hence, the petitioner's claim that the determination of just compensation did not have factual and legal basis is unwarranted. The Report was based on all the evidence submitted by the parties, the verifications made from the proper offices and the ocular inspections. The findings as to the valuation of the subject properties need no longer be disturbed because there was no showing that the Committee members assigned by the trial court acted with abuse of discretion in the evaluation of the evidence submitted to them or misappreciated the evidence.

On the other hand, the price of P200.00 per square meter offered by the petitioner is unjust and unreasonable considering the prevailing value of the properties in the affected areas and the development of the vicinity of the properties at the time of taking. The petitioner's price estimate is prejudicial to them because the value of the

affected properties has obviously increased.

The Court's Ruling

The Court shall resolve two (2) principal issues in this case: 1) whether or not petitioner was deprived of its right to due process; and 2) whether or not the RTC and the CA had sufficient basis in arriving at the questioned amount of just compensation of the subject properties.

After a careful review of the records, the Court resolves the first issue in the negative and the second issue in the affirmative.

On the first issue, the Court finds without basis petitioner's argument that it was not given the opportunity to present evidence by the Committee.

Records show that when the RTC issued its June 10, 2002 Order of expropriation, it created a committee on appraisal which was composed of three (3) commissioners who would determine and report the just compensation for the properties subject of expropriation. Upon submission of the Report by the Committee on September 20, 2002, petitioner filed its comment/objection to the Report arguing that it did not have sufficient basis for the recommended prices and, thus, the amounts recommended were not justified. Likewise, the petitioner prayed that the commissioners be reconvened for reception of evidence and further proceedings. After the respondents filed their reply to the petitioner's comment/objection, the RTC set the hearing for clarificatory questions.

During the clarificatory hearing, the three (3) appointed commissioners, Alberto Murillo, Angeles City Assessor; Rommel DG. Suarez, private realtor; and Mrs. Anita G. Nuñag, Acting Branch Clerk of Court of the RTC, testified and were subjected to cross-examination.

Thereafter, the petitioner presented its evidence in support of its positions consisting of the testimonies of Cleofe Umlas, Administrative Office of the Bureau of Internal Revenue; Liberato L. Navarro, Revenue District Officer, Revenue District No. 21, Pampanga; James Suarez, Bureau of Internal Revenue District Officer; and Ronnie Vergara, Register of Deeds of Angeles City.

Clearly, the petitioner was afforded due process. The pleadings it submitted and the testimonial evidence presented during the several hearings conducted all prove that the petitioner was given its day in court. The Court notes that the RTC acceded to the petitioner's request, over the respondents' objection, for the reconvening of the Committee for reception of evidence and further proceedings. It also heard and allowed both sides to present evidence during the clarificatory hearings and rendered a decision based on the evidence presented.

On the second issue, the Court reiterates the rule, even in expropriation cases, that "questions of facts are beyond the pale of Rule 45 of the Rules of Court as a petition for review may only raise questions of law. Moreover, factual findings of the trial court, particularly when affirmed by the Court of Appeals, are generally binding on this Court."[5]

In another expropriation case, it was stressed that "only questions of law may be raised in petitions to review decisions of the CA filed before this Court. The factual findings of the CA affirming those of the trial court are final and conclusive. They cannot be reviewed by this Court, save only in the following circumstances: (1) when the factual conclusion is a finding grounded entirely on speculations, surmises and conjectures; (2) when the inference is manifestly mistaken, absurd or impossible; (3) when there is a grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the CA went beyond the issues of the case in making its findings, which are further contrary to the admissions of both the appellant and the appellee; (7) when the CA's findings are contrary to those of the trial court; (8) when the

conclusions do not cite the specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) when the CA's findings of fact, supposedly premised on the absence of evidence, are contradicted by the evidence on record."[6]

In this case, the petitioner has failed to show that the present case falls under any of the aforecited exceptions. An evaluation of the facts and evidence presented does not persuade the Court to deviate from the findings of fact of the two courts below. The lower courts properly appreciated the evidence submitted by both parties as regards the true value of the expropriated lots at the time of taking.

> Eminent domain is the power of the State to take private property for public use. It is an inherent power of State as it is a power necessary for the State's existence; it is a power the State cannot do without. As an inherent power, it does not need at all to be embodied in the Constitution; if it is mentioned at all, it is solely for purposes of limiting what is otherwise an unlimited power. The limitation is found in the Bill of Rights – that part of the Constitution whose provisions all aim at the protection of individuals against the excessive exercise of governmental powers.
>
> Section 9, Article III of the 1987 Constitution (which reads "No private property shall be taken for public use without just compensation.") provides two essential limitations to the power of eminent domain, namely, that (1) the purpose of taking must be for public use and (2) just compensation must be given to the owner of the private property.
>
> It is not accidental that Section 9 specifies that compensation should be "just" as the safeguard is there to ensure a balance – property is not to be taken for public use at the expense of private interests; the public, through the State, must balance the injury that the taking of property causes through compensation for what is taken, value for value.
>
> Nor is it accidental that the Bill of Rights is interpreted liberally in favor of the individual and strictly against the government. The protection of the individual is the reason for the Bill of Rights' being; to keep the exercise of the powers of government within reasonable bounds is what it seeks.
>
> The concept of "just compensation" is not new to Philippine constitutional law, but is not original to the Philippines; it is a transplant from the American Constitution. It found fertile application in this country particularly in the area of agrarian reform where the taking of private property for distribution to landless farmers has been equated to the "public use" that the Constitution requires. In Land Bank of the Philippines v. Orilla, a valuation case under our agrarian reform law, this Court had occasion to state:
>
> Constitutionally, "just compensation" is the sum equivalent to the market value of the property, broadly described as the price fixed by the seller in open market in the usual and ordinary course of legal action and competition, or the fair value of the property as between the one who receives and the one who desires to sell, it being fixed at the time of the actual taking by the government. Just compensation is defined as the full and fair equivalent of the property taken from its owner by the expropriator. It has been repeatedly stressed by this Court that the true measure is not the taker's gain but the owner's loss. The word "just" is used to modify the meaning of the word "compensation" to convey the idea that the equivalent to be given for the property to be taken shall be real, substantial, full and ample.[7]

Republic Act (R.A.) No. 8974 (An Act to Facilitate the Acquisition of Right-Of-Way, Site or Location for National Government Infrastructure Projects and for Other Purposes) provides, as follows:

> Section 5. Standards for the Assessment of the Value of the Land Subject of Expropriation Proceedings or Negotiated Sale. - In order to facilitate the determination of just compensation, the court may consider, among other well-established factors, the following relevant standards:
>
> (a) The classification and use for which the property is suited;

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(b) The developmental costs for improving the land;
(c) The value declared by the owners;
(d) The current selling price of similar lands in the vicinity;
(e) The reasonable disturbance compensation for the removal and/or demolition of certain improvement on the land and for the value of improvements thereon;
(f) Th[e] size, shape or location, tax declaration and zonal valuation of the land;
(g) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
(h) Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

Regarding the findings of a committee, it has been written that:

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

In the case at bench, the Report reads as follows:

> In order to arrive at a fair and reasonable appraisal of the just compensation of the properties in question to be paid by the plaintiff to the defendants, the committee did not confine itself with the documents submitted to the court by both parties, but made verifications from the proper offices of Magalang, Mabalacat and Angeles City and on two (2) instances conducted ocular inspection of the premises in question to satisfy itself of the actual condition/situation of the subject premises.
>
> From the ocular inspection, the committee found out that:
>
> The subject matter of the instant case are parcels of land affected by the impending relocation of the North Expressway, Angeles City Entry/Exit and the widening/expansion along the said expressway, subject matter of this case, located in the City of Angeles, Municipality of Mabalacat, Pampanga, more particularly situated within the vicinity of the North Expressway and Provincial Road leading to Magalang, Pampanga as well as Don Bonifacio Blvd.
>
> Having inspected the properties and investigated the local market conditions, and having given consideration to the extent, description of properties, character, location, identification, neighborhood data, facilities and utilities, progression/regression, increasing and diminishing returns, highest and best use of its properties, and varying development in the immediate vicinity of each propert[y], the two (2) commissioners in the persons of the City Assessor of Angeles City, Mr. Alberto Y. Murillo, and the licensed real estate broker, Mr. Rommel Suarez, submitted to the chairperson, their respective appraisal, xxx.

The Court affirms the ruling of the RTC and the CA that the Report is founded on evidence. The uniform findings of fact upon the question of just compensation reached by the CA and the RTC are entitled to the greatest respect. They are binding on the Court in the absence of a strong showing by the petitioner that the courts below erred in appreciating the established facts and in drawing inferences from such facts.[9]

This Court would like to stress that the petitioner is silent on the undisputed fact that no less than its witness, Cleofe Umlas, Administrative Officer of the Bureau of Internal Revenue, testified and certified that the prevailing fair market value of land located at Pulung Maragul, Angeles City is at P4,800.00/s.qm. as per CAR 00158912 dated August 1, 2001. She apparently based her testimony and certification on the latest documents and deeds submitted to the Bureau of Internal Revenue (BIR) Regional Office at that time. Obviously, her statement corroborated the findings of the Committee. Hence, there was proper basis for the determination of the just compensation for the expropriated properties.

The petitioner's tax declarations, the BIR zonal valuation and the deeds of sale it presented are not the only proof of the fair value of properties. Zonal valuation is just one of the indices of the fair market value of real estate. By itself, this index cannot be the sole basis of "just compensation" in expropriation cases.[10]

Various factors come into play in the valuation of specific properties singled out for expropriation. The values assigned by provincial assessors are usually uniform for very wide areas covering several barrios or even an entire town with the exception of the poblacion. Individual differences are never taken into account. The value of land is based on such generalities as its possible cultivation for rice, corn, coconuts or other crops. Very often land described as 'cogonal' has been cultivated for generations. Buildings are described in terms of only two or three classes of building materials and estimates of areas are more often inaccurate than correct. Tax values can serve as guides but cannot be absolute substitutes for just compensation.[11]

In view of the foregoing, the Court upholds the CA decision except on the point that it is immediately executory. Any disposition in this case becomes executory only after its finality.

WHEREFORE, the petition is DENIED. Accordingly, the February 19, 2010 Decision of the Court of Appeals is hereby AFFIRMED except on the immediate execution of the decision.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Abad, and Perez,[*] JJ., concur.

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[*] Designated as additional member in lieu of Associate Justice Estela M. Perlas-Bernabe, per Special Order No. 1152 dated November 11, 2011.

[1] Rollo, pp. 54-73 (Penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justice Josefina Guevara-Salonga and Associate Justice Pampio A. Abarintos)

[2] Id. at 261-279.

[3] Created by the RTC in its June 10, 2002 Order, composed of OIC/Branch Clerk of Court Mrs. Anita G. Nunag, as Chairperson; City Assessor, Mr. Alberto Y. Murillo and Licensed Real Estate Broker, Mr. Rommel DG. Suarez, as members, id. at 239-240.

[4] Id. at 244-249.

[5] National Power Corporation v. Court of Appeals, 479 Phil. 850 (2004).

[6] PNOC v. Maglasang, G.R. No. 155407, November 11, 2008, 570 SCRA 560, 571.

[7] Apo Fruits Corporation v. Land Bank of the Philippines, G.R. No. 164195, October 12, 2010, 632 SCRA 739-741.

[8] National Power Corporation v. Purefoods Corporation, G.R.No. 160725, September 12, 2008, 565 SCRA 17.

[9] EPZA v. Jose Pulido, G.R. No. 188995, August 24, 2011.

[10] LECA Realty Corp. v. Republic, G.R. 155605, September 27, 2006, 503 SCRA 563.

[11] EPZA v. Dulay, G.R.No. L-59603, April 29, 1987, 233 Phil. 313.

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