

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH),
PETITIONER, VS. ESTRELLA R. DECENA, MARIETA DECENA BRAZIL,
NOLAND D. BRAZIL, HEIR...**

G.R. No. 212786. July 30, 2018

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CAGUIOA, J:

This is a petition for review on certiorari[1] (Petition) under Rule 45 of the Rules of Court filed by the Petitioner Republic of the Philippines, represented by the Department of Public Works and Highways (DPWH), through the Office of the Solicitor General (OSG), against herein Respondents Estrella R. Decena, Marieta D. Brazil, Noland D. Brazil, and Heirs of Edita R. Decena, all represented by Virgilio C. Brazil, Sr., assailing the Court of Appeals' (CA) Decision[2] dated February 28, 2014 and Resolution[3] dated May 28, 2014 in CA-G.R. CV No. 100485.[4]

In the assailed rulings, the CA affirmed in toto the Resolution[5] of the Regional Trial Court of Quezon City, Branch 83 (RTC) dated July 5, 2012 in Civil Cases Nos. Q-10-68298, Q-10-68299, Q-10-68390, Q-10-68731, and Q-10-68732, in which the RTC determined and fixed the just compensation at Twenty-Five Thousand Pesos (P25,000.00) per square meter for Respondents' expropriated property.[6]

The Antecedent Facts

As part of its Circumferential Road 5 (C5 Road) Extension Road Widening Project, Petitioner sought to acquire Respondents' properties (subject properties), all of which are located along Old Balara, Quezon City.[7] When attempts by Petitioner to obtain the subject properties through negotiated sale failed,[8] Petitioner instituted five (5) separate complaints for expropriation against Respondents between November 2010 and February 2011.[9] These complaints[10] were later consolidated before the RTC.

On June 1, 2011, Petitioner filed an Ex-Parte Motion for the Issuance of Writ of Possession with the RTC, stating that it had deposited with the Land Bank of the Philippines (LBP) an amount equivalent to 100% of the current zonal valuation of the subject properties,[11] in compliance with Section 4(a) of Republic Act No. (R.A.) 8974.[12] The amounts deposited are broken down as follows:

Amount deposited with LBP

Owner

P1,428,000.00

Estrella Decena

P3,668,000.00

Marieta Decena-Brazil

P4,410,000.00

Nolan Decena-Brazil

P3,346,000.00 and P1,554,000.00

Edita Brazil[13]

On June 17, 2011, the RTC issued a Writ of Possession ordering the sheriff to place the Petitioner in possession of the property.[14]

Subsequently, on December 12, 2011, the RTC issued an Order of Condemnation and created a Board of Commissioners (BOC), viz.:

WHEREFORE, in view of the foregoing existing rule, an ORDER OF CONDEMNATION is hereby issued declaring that the plaintiff, Republic of the Philippines, represented by the Department of Public Works and Highways, has a lawful right to take the subject parcels of land more specifically covered by Transfer Certificate of Title Nos. RT-127975 (352132), 004-201000207, N-310774, 004-RT2010010365 (352129) and RT-128458 (352131) registered in the names of the above-named defendants at the Registry of Deeds for Quezon City for public use or purpose as stated in the Complaints, upon payment of just compensation.

Accordingly, aside from the recommendation of the defendants through a private evaluator or assessor, in order to reasonably ascertain the just compensation, a Board of Commissioners is hereby created and the following disinterested persons are hereby appointed as members, to wit: (1) the Branch Clerk of Court of this Court, (2) the Quezon City Assessor or his authorized representative, and (3) the Quezon City Treasurer or his authorized representative.

SO ORDERED.[15]

The BOC valuation

The BOC submitted its report[16] on May 14, 2012, recommending an amount of P17,893.33 per square meter as just compensation.[17] In arriving at this amount, the BOC considered the following: (i) the BIR zonal valuation of P14,000.00; (ii) the average recorded sales of properties within the vicinity of P14,490.00 which were based on Records[18] from the year 2011-2012;[19] and (iii) the highest recorded sale for adjacent properties, which was P25,190.00.[20]

The RTC, noticing that one year had already lapsed between the filing of the complaints and the actual valuation made by the BOC, ordered the BOC to review its valuation.[21] Subsequently, in a supplemental report dated June 26, 2012, the BOC affirmed its valuation of P17,893.33 per square meter, finding that there was no significant change in the value of the properties over the course of 12 months.[22]

The PACI evaluation

For their part, Respondents submitted, through a Manifestation[23] before the RTC, a valuation based on the Appraisal Report[24] of the Philippine Appraisal Company, Inc. (PACI). The PACI report recommended a valuation of P30,000.00 per square meter.[25] The PACI employed a "market data approach,"[26] considering the prices for sales, listings, and other data of comparable properties within the vicinity, with specific focus on properties located along Commonwealth and within the Ayala Heights Subdivision.[27] In its data-gathering process, PACI considered the classification of property, site data (i.e., development and shape of the lot), neighborhood data, utilities available, as well as the highest and best use of the property.[28] PACI likewise considered the time element, noting that the valuation was made on November 10, 2011.[29]

Ruling of the RTC

The RTC, in a Resolution dated July 5, 2012, fixed the just compensation at P25,000.00 per square meter, ruling as follows:

WHEREFORE, premises considered, and under [the] given circumstances, this Court fixes the just compensation for the subject properties, to wit:

Transfer Certificate of Title No.

Registered Owner

RT - 127975 (352132)

Estrella R. Decena

004-RT2010010365 (352129)

Edita R. Decena

N-310774

Nolan Decena Brazil

RT-128458 (352131)

Edita R. Decena

004-2010002076

Marieta Decena Brazil

at Php25,000.00 per square meter to be paid to the registered owners through their attorney-in[-]fact Virgilio C. Brazil, Sr.

SO ORDERED.[30] (Additional emphasis supplied)

In fixing the amount of just compensation at P25,000.00, the RTC ruled:

This Court, in determining the just compensation for the property subject matter of this appropriation (sic) case cannot take into consideration the BIR Zonal Valuation as the same is always relatively less than the fair market value. The valuation recommended by the commissioners cannot also be adopted as the appraised value was arrived at considering only the average of recorded sales of property within or adjacent to the subject property in Tandang Sora[,] ranging from as low as P5,780.00 to as high as Php25,190.00 per square meter, the BIR Zonal Valuation of Php14,000.00 and the highest recorded sale for adjacent property of Php25,190.00. No other documents or proofs that can serve as basis for determining market value were presented to substantiate their recommended valuation. The valuation recommended by Philippine Appraisal Co., Inc. (PACI) predominantly based on the sales, listings and other market data of comparable property within the vicinity cannot be entirely relied upon. The highest appraised value of a lot within the immediate vicinity is at Php38,500.00 per square meter is expected considering the presence of a golf course in the area, the existence of which will always command a high market value. From the foregoing, this Court believes that the fair market value for the properties subject of these expropriation cases is Php25,000.00 per square meter.[31] (Underscoring supplied)

Petitioner's motion for reconsideration was denied by the RTC in a Resolution[32] dated November 29, 2012, for lack of merit.

Unsatisfied, Petitioner appealed to the CA, alleging that the RTC erred when it ruled that the fair market value of the properties subject of expropriation is P25,000.00 instead of P17,893.33 per square meter.[33]

Ruling of the CA

In its Decision dated February 28, 2014 the CA denied Petitioner's appeal and consequently, affirmed the RTC Decision in toto, viz.:

Given the foregoing, We find the amount of P25,000.00 fixed by the court a quo as the full and fair equivalent of the properties sought to be expropriated. The amount considered by the court a quo for the subject properties appears to be substantial, full and ample under the circumstances.

WHEREFORE, premises considered, the assailed Resolution of the court a quo is hereby AFFIRMED IN TOTO. Accordingly, the instant appeal is hereby DENIED.[34] (Emphasis in the original)

The CA observed that the case before it involved three (3) varying market values arrived at for the purpose of determining the proper amount of compensation for the subject property.[35] These values were: P17,893.33 per square meter according to the BOC, P30,000.00 per square meter according to PACI, and P25,000.00 per square meter according to the RTC.[36]

Guided by the list of factors in Section 5 of R.A. 8974[37] that may be considered in determining a property's market value, the CA ruled that the BOC report is clearly insufficient, it being based only on the zonal valuation and average recorded sales within the area.[38] As well, the PACI report was deemed insufficient basis by the CA because the same relied heavily on the "asking price"[39] of properties located within the vicinity. Relying on *LECA Realty Corporation v. Republic*,[40] the CA noted that in *LECA*, the Court refused to give credence to real property valuations based on newspaper advertisements of offers for sale of properties within the vicinity, because these valuations are merely "asking prices" which remain subject to further negotiations.[41]

Thus, in upholding the RTC's determination of just compensation in the amount of P25,000.00, the CA ruled that the RTC considered all the data and evidence submitted and carefully and judiciously set the amount of compensation at a reasonable and fair middle ground that will entitle the owners, herein Respondents, to receive just shares for their condemned properties and likewise enable the Republic, herein Petitioner, to take said subject properties for public use at a reasonable amount.[42]

Aggrieved by the CA's Decision, Petitioner filed a motion for reconsideration,[43] but the same was denied by the CA in a Resolution dated May 28, 2014.

Hence, this petition.

The Parties' Arguments

In its Petition, Petitioner asserts that the CA committed an error of law when it affirmed the valuation set by the trial court instead of the valuation set by the BOC.[44] Specifically, Petitioner alleges that the parameters set forth by law must be fully taken into consideration and that the determination of just compensation is "more than the discovery of the middle ground." [45] To Petitioner, just compensation in the amount of P25,000.00, which the RTC determined to be the middle ground between the BOC's recommended P17,893.33 and the PACI's recommended P30,000.00, is essentially the same figure as the highest recorded sale for adjacent properties (P25,190.00 per square meter).[46]

For their part, Respondents, in their Comment,[47] submit that the CA acted in accordance with law when it affirmed the trial court's determination of the amount of just compensation, considering that the amount was arrived at based on all the data and evidence submitted by the parties. To Respondents therefore, the CA correctly affirmed the RTC's determination of just compensation in the amount of P25,000.00 per square meter.[48]

Issue

The sole issue for this Court's resolution is whether the CA committed reversible error in its Decision dated February 28, 2014 and Resolution dated May 28, 2014, when it affirmed RTC's determination of just compensation for Respondents' expropriated property at P25,000.00 per square meter.

Our Ruling

The petition lacks merit.

At the outset, the rule that only questions of law are the proper subject of a petition for review on certiorari under Rule 45 of the Rules of Court[49] applies with equal force to expropriation cases.[50] Inasmuch as issues-pertaining to the value of the expropriated property are questions of fact, such issues are beyond the scope of the Court's judicial review in a Rule 45 petition,[51] and, absent a showing of exceptional circumstances[52] that would warrant ruling otherwise, are final and conclusive upon the Court.[53]

Here, in claiming that "evidentiary weight should be accorded [by the RTC] to the recommendation of the BOC,"[54] Petitioner is asking the Court to recalibrate and weigh anew the evidence already passed upon by the lower courts; yet, Petitioner has not alleged, much less proven, the presence of any of the exceptional circumstances that would warrant a deviation from the rule that the Court is not a trier of facts.[55] On this ground alone, the denial of the petition is warranted.

The determination of just compensation is a judicial function

Nevertheless, the Court finds that the sole issue raised by Petitioner — that is, whether the lower courts "fully considered"[56] the standards laid down in Section 5 of R.A. 8974 — equally lacks merit. Section 5 of R.A. 8974 provides:

SEC. 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;
- (b) The development 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 improvements on the land and for the value of the improvements thereon;
- (f) The 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.

To begin with, it has been held in a plethora of cases[57] that the determination of just compensation in an expropriation proceeding is a function addressed to the sound discretion of the courts.[58] This judicial function has a constitutional *raison d'être*; Article III of the 1987 Constitution mandates that no private property shall be taken for public use without payment of just compensation.[59] Consequently, the determination of just compensation remains to be an exercise of judicial discretion,[60] so long as courts consider the standards laid down in statutes for the determination of just compensation,[61] in this case, Section 5 of R.A. 8974.

The specific wording of Section 5 of R.A. 8974 provides: "[i]n order to facilitate the determination of just compensation, the court[s] may consider [them]"[62] — thus operating to confer discretion.[63] Being simply

standards, it is still the court that renders judgment as to what amount should be awarded and how to arrive at such an amount.[64] And, in the absence of a finding of abuse, arbitrariness, or serious error,[65] the exercise of such discretion may not be interfered with.[66]

In the present case, the Court finds no abuse, arbitrariness, or error on the part of the lower court.

That the RTC found the amounts recommended by the BOC or the PACI to be, by themselves, incomplete indication of the fair market value of the property cannot be considered an indicium of arbitrariness. To recall, the BOC Report was primarily based on the zonal valuation and average recorded sales of property within the vicinity,[67] while the PACI report was predominantly based only on sales and listings of comparable property within the vicinity.[68] With both recommended valuations — a BOC valuation of P17,893.33 per square meter and a PACI valuation of P30,000.00 — as guideposts, the court determined the fair market value of the property to be P25,000.00, in the exercise of its discretion to substitute its own estimate of the value of the property as gathered from the records.[69] Considering that the amount of just compensation was arrived at after due consideration of the applicable statutory standards, the Court sees no cogent reason to disturb the findings of the RTC, as wholly affirmed by the CA.

In fine, the Court holds that the CA did not err when it found that the RTC had properly and judiciously considered the standards set forth in Section 5 of R.A. 8974 in arriving at the just compensation of P25,000.00 per square meter.

Interests due on the amount of just compensation

Finally, with respect to the issue of interest due on the compensation, the Court notes that on June 1, 2011, Petitioner filed an Ex-Parte Motion for the Issuance of Writ of Possession asserting that it had deposited with the Land Bank of the Philippines an amount[70] equivalent to 100% of the zonal value of the subject properties prior to taking possession of the subject properties pursuant to the RTC's issuance of a Writ of Possession on June 17, 2011.[71] Although this initial deposit made by Petitioner complied with R.A. 8974, Section 4(a)[72] requiring the government to pay "100% of the value of the property based on the current relevant zonal valuation of the Bureau of Internal Revenue [upon the filing of the complaint for expropriation]," it does not, by itself constitute "just compensation" as contemplated by Article III, Section 9 of the 1987 Constitution,[73] as indeed it was subject to further proceedings before the RTC on the proper or correct amount of just compensation.

In accordance with prevailing jurisprudence,[74] just compensation contemplates just and prompt payment, and 'prompt' payment, in turn, requires the payment in full of the just compensation as finally determined by the courts.[75] Read vis-a-vis Section 10, Rule 67 of the Rules of Court,[76] this means that the Petitioner incurs in delay if it does not pay the property owner in the full amount of just compensation as of the date of the taking. This too is the mandate of Section 4 of R.A. 8974, viz.: "[w]hen the decision of the court becomes final and executory, the implementing agency shall pay the owner the difference between the amount already paid and the just compensation as determined by the court." [77]

In other words, R.A. 8974 requires the government to pay at two stages: first, immediately upon the filing of the complaint, the initial deposit which is 100% of the value of the property based on the current relevant zonal valuation of the BIR, and the value of the improvements and/or structures sought to be expropriated; and second, the just compensation as determined by the court, when the decision becomes final and executory, in which case the implementing agency shall pay the owner the difference between the just compensation as determined by the court and the amount already or initially paid.[78]

Accordingly, absent full payment of just compensation, interest on the unpaid portion (i.e., the just compensation

determined by the court at the time the decision becomes final and executory minus the initial deposit), likewise runs as a matter of law and follows as a matter of course^[79] — in order to place the owner in a position as good as (but not better than) the position he was in before the taking occurred.^[80] The underlying reason is simple. Compensation would not be "just" if the government does not pay the property owner interest on the just compensation from the date of the taking of the property.^[81]

As aptly observed by the Court in *Evergreen Manufacturing Corp. v. Republic*:^[82]

Section 9, Article III of the 1987 Constitution provides that "no private property shall be taken for public use without just compensation." Just compensation in expropriation cases has been held to contemplate just and timely payment, and prompt payment is the payment in full of the just compensation as finally determined by the courts.^[83] Thus, just compensation envisions a payment in full of the expropriated property. Absent full payment, interest on the balance would necessarily be due on the unpaid amount. In *Republic v. Mupas*,^[84] we held that interest on the unpaid compensation becomes due if there is no full compensation for the expropriated property, in accordance with the concept of just compensation. We held:

The reason is that just compensation would not be "just" if the State does not pay the property owner interest on the just compensation from the date of the taking of the property. Without prompt payment, the property owner suffers the immediate deprivation of both his land and its fruits or income. The owner's loss, of course, is not only his property but also its income-generating potential.

Ideally, just compensation should be immediately made available to the property owner so that he may derive income from this compensation, in the same manner that he would have derived income from his expropriated property.

However, if full compensation is not paid for the property taken, then the State must pay for the shortfall in the earning potential immediately lost due to the taking, and the absence of replacement property from which income can be derived. Interest on the unpaid compensation becomes due as compliance with the constitutional mandate on eminent domain and as a basic measure of fairness.

Thus, interest in eminent domain cases "runs as a matter of law and follows as a matter of course from the right of the landowner to be placed in as good a position as money can accomplish, as of the date of taking."^[85] (Emphasis in the original)

While it is ideal that just compensation be immediately made available to the property owner so that he may derive income from that compensation, that is not always the case. If full payment is not paid for the property taken, the State must pay for the shortfall in the earning potential that the owner immediately lost due to the taking.^[86] Consequently, interest on the unpaid portion becomes due as compliance with the constitutional mandate on eminent domain and as a basic measure of fairness.^[87]

Considering the foregoing, the Court finds that Petitioner owes Respondents: (1) the unpaid portion of the fair market value, that is, the balance between the fair market value as finally determined by the court (computed at P25,000.00 per square meter) and the amount of the initial deposit made by the government; (2) interest on that unpaid portion, which interest begins to run from the date of taking; and (3) interest on the fair market value from the date of the taking to the date of the initial deposit by Petitioner.

As to the specific date of taking, Section 4, Rule 67 of the Rules of Court clearly provides that the value of just compensation shall be determined as of the date of the taking of the property or the filing of the complaint, whichever came first.^[88] As held by the Court in *B.H. Berkenkotter & Co. v. Court of Appeals*:^[89]

It is settled that just compensation is to be ascertained as of the time of the taking, which usually coincides with the commencement of the expropriation proceedings. Where the institution of the action precedes entry into the property, the just compensation is to be ascertained as of the time of the filing of the complaint.^[90]

(Emphasis supplied)

Thus, in a situation where the property is taken for public use before the initial deposit is made — such as in this case — interest must necessarily accrue from the time the property is taken to the time when compensation is actually paid or deposited with the court,[91] in order to ensure that the owner is fully placed in a position as whole as he was before the taking occurred.

Inasmuch as the filing of the complaints for expropriation (i.e., between November 2010 and February 2011) preceded the actual possession of the property (i.e., June 17, 2011), just compensation and the corresponding interests thereon shall be determined based on the respective dates of the filing of the complaints for expropriation.

Considering that the present petition originated from several complaints for expropriation filed by Petitioner against Respondents over the course of November 2010 and February 2011[92] and later consolidated before the RTC, the latter is hereby ordered to compute the unpaid portions of just compensation and the corresponding interest on those unpaid portions, from the respective dates of filing of the complaints for expropriation in Civil Cases Nos. Q-10-68298, Q-10-68299, Q-10-68390, Q-10-68731, and Q-10-68732 with the RTC.

To recapitulate in the light of the foregoing discussion, Respondents are entitled to the following amounts from Petitioner:

- (1) the unpaid portion of the fair market value (i.e., fair market value as finally determined by the Court minus the amount of initial deposit made by Petitioner);
- (2) legal interest on the unpaid portion of the fair market value, which interest begins to run from the respective dates of the filing of the complaints for expropriation in Civil Cases Nos. Q-10-68298, Q-10- 68299, Q-10-68390, Q-10-68731, and Q-10-68732;[93]
- (3) legal interest on the fair market value from the date of the filing of the respective complaints to the date of the initial deposit by Petitioner.

WHEREFORE, finding no reversible error on the part of the Court of Appeals, the petition is hereby DENIED. The Court of Appeals' Decision dated February 28, 2014 and Resolution dated May 28, 2014 in CA-G.R. CV No. 100485, determining the amount of just compensation to be P25,000.00 are hereby AFFIRMED, with the amounts due to each of the Respondents for their respective properties, consisting of:

- The unpaid portion of the just compensation corresponding to each of the subject properties, which shall be the difference between the fair market value as finally determined by the Court (computed at P25,000.00 per square meter (FMV)) and the amount of initial deposit made by the Republic of the Philippines with the Land Bank of the Philippines.
- Interest, computed as follows:
 - twelve percent (12%) legal interest per annum applied to the FMV, reckoned from the respective dates of the filing of the complaints for expropriation in Civil Cases Nos. Q-10-68298, Q-10-68299, Q-10-68390, Q-10-68731, and Q-10-68732 (between November 2010 and February 2011)[94] up to the date of the initial deposit made by the Republic of the Philippines (June 1, 2011);
 - twelve percent (12%) legal interest per annum from June 2, 2011 to June 30, 2013;[95] and thereafter, six percent (6%) legal interest per annum[96] in accordance with the Monetary Board of the Bangko Sentral ng Pilipinas Circular No. 799 (s. 2013) until finality of this Decision, to be applied to the unpaid portion per item (1) above; and

- six percent (6%) legal interest on items (1) and (2) above, from the date of finality of this Decision until full payment,[97] also in accordance with the Monetary Board of the Bangko Sentral ng Pilipinas Circular No. 799 (s. 2013).

SO ORDERED.

Carpio, Senior Associate Justice, (Chairperson), Peralta, Perlas-Bernabe, and Gesmundo,[*] JJ., concur.

[*] Designated additional Member per Raffle dated July 30, 2018.

[1] Rollo, pp. 12-30.

[2] Id. at 36-49. Penned by Presiding Justice Andres B. Reyes, Jr. (now a Member of this Court) and concurred in by Associate Justices Normandie B. Pizarro and Manuel M. Barrios.

[3] Id. at 52-54.

[4] Republic of the Philippines, rep. by the Department of Public Works and Highways (DPWH) v. Estrella R. Decena, et al.

[5] Rollo, pp. 93-98. Penned by Presiding Judge Ralph S. Lee.

[6] Id. at 3, 105.

[7] Id. at 39.

[8] Id.

[9] Id.

[10] Civil Cases Nos. Q-10-68298, Q-10-68299, Q-10-68390, Q-10-68731, Q-10-68732. Id. at 15, 93.

[11] Rollo, p. 39.

[12] SEC. 4. Guidelines for Expropriation Proceedings. - Whenever it is necessary to acquire real property for the right-of-way, site or location for any national government infrastructure project through expropriation, the appropriate implementing agency shall initiate the expropriation proceedings before the proper court under the following guidelines:

(a) Upon the filing of the complaint, and after due notice to the defendant, the implementing agency shall immediately pay the owner of the property the amount equivalent to the sum of (1) one hundred percent (100%) of the value of the property based on the current relevant zonal valuation of the Bureau of Internal Revenue (BIR); x x x. (now Section 6(a)(l) of R.A. 10752, AN ACT FACILITATING THE ACQUISITION OF RIGHT-OF-WAY SITE OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS, March 7, 2016).

[13] Rollo, p. 39.

[14] Id. at 40.

[15] Id. at 16.

[16] Id. at 55-58.

[17] Id. at 40, 57, 94.

[18] The "records" referred to in the CA Decision refer to data gathered from the Department of Assessment, Quezon City. According to these records, the prices for the sale of properties within the vicinity ranged from P5,780.00 to P25,190.00 per square meter. Id. at 44.

[19] Rollo, p. 44.

[20] Id.

[21] Id. at 41.

[22] Id. at 17.

[23] Id. at 59-60.

[24] See id. at 61-92.

[25] Id. at 66, 77, 88.

[26] Id.

[27] Id. at 44-45.

[28] Id. at 44.

[29] Id.

[30] Id. at 97.

[31] See id. at 96-97.

[32] Id. at 99-101.

[33] Id. at 42.

[34] Id. at 48-49.

[35] Id. at 44.

[36] Id.

[37] SEC. 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;
- (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 improvements on the land and for the value of improvements thereon;
- (f) The 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, (now Section 7 of R.A. 10752).

[38] Rollo, p. 47.

[39] Id.

[40] 534 Phil. 693 (2006).

[41] Rollo, p. 47.

[42] Id. at 48.

[43] On March 21, 2014, id. at 53.

[44] Rollo, p. 19.

[45] Id. at 21.

[46] Id. at 22.

[47] Id. at 105-110, filed on December 10, 2014.

[48] Id. at 108.

[49] SECTION 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgement or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

[50] Republic v. Heirs of Eladio Santiago, G.R. No. 193828, March 27, 2017, 821 SCRA 497, 505, citing Rep. of the Phils. v. C.C. Unson Company, Inc., 781 Phil. 770 (2016); Rep. of the Phils. v. Heirs of Sps. Pedro Bautista and Valentino Malaban, 702 Phil. 284, 297 (2013); Rep. of the Phils. v. Sps. Tan, 676 Phil. 337, 351 (2011).

[51] Evergreen Manufacturing Corp. v. Republic, G.R. Nos. 218628 & 218631, September 6, 2017, p. 7.

[52]

(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; see *Rep. of the Phils. v. Sps. Tan*, supra note 50.

[53] See *Republic v. Heirs of Eladio Santiago*, supra note 50.

[54] *Rollo*, p. 25.

[55] *Republic v. Heirs of Eladio Santiago*, supra note 50, citing *Carbonell v. Carbonell-Mendes*, 762 Phil. 529, 536 (2015).

[56] *Rollo*, p. 21.

[57] *National Power Corporation v. Sps. Asoque*, 795 Phil. 19, 48 (2016), citing *National Power Corporation v. Sps. Zabala*, 702 Phil. 491, 499-500 (2013); *Evergreen Manufacturing Corp. v. Republic*, supra note 51, at 8, citing *Landbank of the Philippines v. Celada*, 515 Phil. 467, 477 (2006); *National Power Corporation v. Tuazon*, 668 Phil. 301, 313 (2011); *National Power Corp. v. Bagui*, 590 Phil. 424, 432 (2008); *Alfonso v. Land Bank of the Philippines*, G.R. Nos. 181912 & 183347, November 29, 2016, 811 SCRA 27, 89, citing *Export Processing Zone Authority v. Judge Dulay*, 233 Phil. 313, 326 (1987).

[58] *Id.*

[59] See *National Power Corporation v. Tuazon*, supra note 57, at 312.

[60] *Alfonso v. Land Bank of the Philippines*, supra note 57, at 73.

[61] *Id.* at 158.

[62] *Italics supplied.*

[63] *Rep. of the Phils. v. C.C. Unson Company, Inc.*, supra note 50, at 784.

[64] *National Power Corporation v. Sps. Zabala*, supra note 57, citing *National Power Corp. v. Bagui*, supra note 57.

[65] *Republic v. Heirs of Eladio Santiago*, supra note 50, at 508.

[66] *Rep. of the Phils. v. C.C. Unson Company, Inc.*, supra note 50, at 784, citing *Rep. of the Phils. v. Heirs of*

Sps. Pedro Bautista and Valentina Malabanan, *supra* note 50, at 298.

[67] Rollo, pp. 96-97.

[68] *Id.* at 97.

[69] *Rep. of the Phils. v. Court of Appeals*, 612 Phil. 965, 979 (2009), citing *Rep. of the Phils. v. Santos*, 225 Phil. 29, 35 (1986).

[70] See rollo, p. 39.

[71] *Id.* at 40.

[72] SEC. 4. Guidelines for Expropriation Proceedings. - Whenever it is necessary to acquire real property for the right-of-way, site or location for any national government infrastructure project through expropriation, the appropriate implementing agency shall initiate the expropriation proceedings before the proper court under the following guidelines:

(a) Upon the filing of the complaint, and after due notice to the defendant, the implementing agency shall immediately pay the owner of the property the amount equivalent to the sum of (1) one hundred percent (100%) of the value of the property based on the current relevant zonal valuation of the Bureau of Internal Revenue (BIR); x x x. (now Section 6(a)(l) of R.A. 10752).

[73] Section 9. Private property shall not be taken for public use without just compensation.

[74] *Evergreen Manufacturing Corp. v. Republic*, *supra* note 51.

[75] *Id.* at 12, citing *Land Bank of the Phils. v. Alfredo Hababag, Sr.*, 786 Phil. 503, 508 (2016), further, citing *Land Bank of the Phils. v. Santos*, 119 Phil. 587, 610 (2016).

[76] 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 provisions of section 2 hereof. If the defendant and his counsel absent themselves from the court, or decline to receive the amount tendered, the same shall be ordered to be deposited in court and such deposit shall have the same effect as actual payment thereof to the defendant or the person ultimately adjudged entitled thereto. (Underscoring supplied)

[77] *Evergreen Manufacturing Corp. v. Republic*, *supra* note 51, at 13.

[78] *Rep. of the Phils. v. Judge Mupas*, 769 Phil. 21, 195 (2015).

[79] *Evergreen Manufacturing Corp. v. Republic*, *supra* note 51, at 12, citing *id.*

[80] *Id.*

[81] *Id.*

[82] *Id.*

[83] *Land Bank of the Phils. v. Alfredo Hababag, Sr.*, *supra* note 75, citing *Land Bank of the Phils. v. Santos*, *supra* note 76.

[84] *Supra* note 78.

[85] Evergreen Manufacturing Corp. v. Republic, *supra* note 51, at 12.

[86] *Id.*

[87] *Id.*

[88] Sec. 4, Rule 67 provides:

x x x If the objections to and the defenses against the right of the plaintiff to expropriate the property are overruled, or when no party appears to defend as required by this Rule, the court may issue an order of expropriation declaring 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, upon payment of just compensation to be determined as of the date of the taking of the property or the filing of the complaint whichever came first. (Underscoring supplied); see also *National Power Corp. v. Co.*, 598 Phil. 58, 70 (2009); *Evergreen Manufacturing Corp. v. Republic*, *supra* note 51, at 6.

[89] 290-A Phil. 371 (1992).

[90] *Id.* at 375, citing *Republic of the Philippines v. Phil. National Bank*, 111 Phil. 572, 576 (1961) and reiterated in *National Power Corp. v. Spouses Dela Cruz*, 543 Phil. 53, 70 (2007); *Romonafe Corp. v. National Power Corp.*, 542 Phil. 411, 416 (2007); *National Power Corporation v. Ong Co*, 598 Phil. 58, 70 (2009).

[91] See *Rep. of the Phils. v. Court of Appeals*, 433 Phil. 106, 122 (2002); see also *Apo Fruits Corp. v. Land Bank of the Phils.*, 647 Phil. 251, 283 (2010).

[92] *Rollo*, p. 39.

[93] *Id.*

[94] *Id.*

[95] *Rep. of the Phils. v. Judge Mupas*, *supra* note 78, at 198, citing *Eastern Shipping Lines Inc. v. Court of Appeals*, 304 Phil. 236 (1994), *Reyes v. National Housing Authority*, 443 Phil. 603 (2003), *Land Bank of the Phils. v. Wycoco*, 464 Phil. 83 (2004), *Rep. of the Phils. v. Court of Appeals*, 494 Phil. 494 (2005); *Land Bank of the Phils. v. Imperial*, 544 Phil. 378 (2007); *Philippine Ports Authority v. Rosales-Bondoc*, 557 Phil. 737 (2007); *Sps. Curata v. Philippine Ports Authority*, 608 Phil. 9 (2009); *Evergreen Manufacturing Corp. v. Republic*, *supra* note 51.

[96] *Id.*

[97] See *Land Bank of the Phils. v. Alfredo Hababag, Sr.*, *supra* note 75.

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