

PAZ E. REBADULLA, PERRAIN E. REBADULLA, JOCELYN E. REBADULLA, CLEVIS E. REBADULLA, HAZEL R. RIGUERA, ARIEL E. REBADULLA, GIOVANNI CLYDE E. REBADULLA, ROEL E. STA. MARIA, KLEINER ...

G.R. No. 222159. January 31, 2018

Ponente: TIJAM, J.

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TIJAM, J.:

These are consolidated[1] Petitions for Review on Certiorari assailing the Decision[2] dated February 24, 2015 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 136787, affirming with modification the December 23, 2013 Decision[3] and May 13, 2014 Order of the Regional Trial Court (RTC), Branch 51 of Manila in SCA No. 02-105424, which ordered the Republic to pay just compensation for the taking of parcels of land belonging to the Rebadulla family (petitioners in G.R. No. 222159 and respondents in G.R. No. 222171), and the CA's January 7, 2016 Resolution[4] denying the latter's Motion for Reconsideration.

The Facts

Paz E. Rebadulla is the widow of Pablo G. Rebadulla with whom she had seven children, Perrain E. Rebadulla, Jocelyn E. Rebadulla, Clevis E. Rebadulla, Hazel R. Riguera, Ariel E. Rebadulla, Giovanni Clyde E. Rebadulla and Paz R. Sta. Maria. Paz R. Sta. Maria died while the case was pending a quo and was substituted by her heirs, Roel E. Sta. Maria, Kleiner Kyle R. Sta. Maria and Kerschel R. Sta. Maria.[5] They are collectively referred to herein as "the Rebadullas."

On March 17, 1997, the Department of Public Works and Highways (DPWH) took parcels of land belonging to the Rebadullas for its Small Water Impounding Management Project (SWIM Project) in Macagtas, Catarman, Northern Samar.[6] The Rebadullas rejected the price offered by the DPWH, at P2.50 per square meter, based on the valuation of the Provincial Appraisal Committee (PAC).[7] No expropriation proceedings were instituted by the DPWH.[8]

In 1998, the Rebadullas wrote to the SWIM Project Management Office, requesting for a reappraisal of their property and stating that P200.00 per square meter (sq m) was its fair value.[9] In 1999, SWIM Project Manager, Engr. Tomas L. Buen (Engr. Buen), requested a reappraisal from the PAC,[10] which the latter denied.[11] Thereafter, the Rebadullas wrote to the Department of Finance-Bureau of Local Government Finance (DOF-BLGF) asking for the reappraisal of their properties.[12] In 2000, the DOF-BLGF, finding merit in their request, indorsed the matter to the Provincial Assessor of Northern Samar for appropriate action.[13] The Provincial Assessor, however, did not act on the indorsement.[14]

In its letter of April 25, 2001, the DOF-BLGF informed the Rebadullas that although it had recommended a reappraisal of the property, with P100.00 per square meter as a benchmark, the PAC declined to change its initial valuation. The DOF-BLGF, thus, suggested that the Rebadullas pursue judicial remedies.[15]

On October 15, 2002, the Rebadullas, through counsel, wrote to Engr. Buen with a final demand for P33,010,800.00, or P200.00 per sq m of their properties measuring 165,054 sq m.[16] Subsequently, they filed a Complaint[17] for mandamus and damages before the RTC, against the Republic, the Secretary of Public Works and Highways and Engr. Buen (collectively, the "Government"), praying that the Republic and/or DPWH pay just compensation, in the amount to be determined as the fair market value by the RTC, for the taking and use of the following properties located in Catarman, Northern Samar:

Transfer/Original Certificate of Title No. (Registry of Deeds for the Province of Northern Samar)

Registered Owner(s)

Area (sq m)

TCT No. T-1108

Spouses Pablo G. Rebadulla and Paz C. Escobar

30,000

TCT No. T-2547

Perrain Escobar Rebadulla

44,945

OCT No. 9501

Pablo G. Rebadulla

90,109

Total:

165,054[18]

The Rebadullas likewise prayed that the Republic and/or DPWH be directed to pay legal interest on the just compensation at the rate of six percent (6%) per annum computed from the taking of the said properties until full payment. They also sought to recover moral and exemplary damages from Engr. Buen and attorney's fees.[19]

The Government's Comment, which questioned the propriety of mandamus as a remedy for the payment of just compensation, was not admitted by the RTC for having been filed out of time. During trial, while the Government was already presenting its evidence, it filed a Motion to Dismiss essentially repeating the arguments in its Comment. The RTC denied the Motion to Dismiss and after the presentation of evidence was concluded, rendered a Decision on December 23, 2013, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is rendered ordering:

1. The Republic of the Philippines to pay the fair market value based on the BIR zonal valuation at Seven Pesos (Php7.00) per square meter or a total of Php1,081,650.43; and
2. The Republic of the Philippines to pay six (6%) legal interest per annum from the time of filing of the complaint until fully paid.

3. The Republic of the Philippines to pay Sixty Thousand Pesos (Php60,000.00) Attorney's fees.

SO ORDERED.[20]

The RTC held that while the case was one for mandamus and damages, the allegations in the complaint establish an action for recovery of just compensation which was the only relief available to the Rebadullas since they already rejected DPWH's offer and it was no longer feasible to demand the return of the property as it was already taken and used in constructing dams for DPWH's SWIM project.

The RTC found that both parties failed to satisfy the quantum of proof to support their respective valuations of the properties. It noted that the Rebadullas' private appraiser failed to show the acquisition cost and to present the deeds of absolute sale of properties in the same location, to justify his valuation. The trial court likewise noted that the Rebadullas were not even certain as to the value of the properties as they "vacillated and had three (3) figures in mind, Two Hundred Pesos (P200.00), Ninety Five Pesos (P95.00) and Ten Pesos (P10.00)."[21] As regards the Government's valuation, the RTC indicated that no witness was presented to explain how the PAC arrived at its figure of P2.50 per sq m. The trial court likewise observed that while the Government entered the properties in 1997, the PAC's valuation was based on a 1994 PAC resolution.

For this reason and holding that courts could exercise their discretion to determine just compensation, the RTC took judicial notice of the Bureau of Internal Revenue's (BIR's) zonal valuation of the properties in 2002, when the case was filed in court, at P7.00 per sq m. The RTC reckoned the just compensation in 2002, noting that DPWH's entry into the properties in 1997 was not with an intention to expropriate as it was adamant on closing a negotiated sale and the Rebadullas, at that time, merely consented to the removal of the improvements.

Interest at six percent (6%) per annum was imposed by the RTC as a matter of law, to compensate the landowners for the time they were deprived of the enjoyment of their land.

Finally, the RTC awarded attorney's fees, holding that the Government's act of taking possession of the properties without initiating expropriation proceedings and without the Rebadullas' consent, despite the latter's repeated demands for compensation, compelled them to litigate.

The parties' respective Motions for Reconsideration were both denied in the RTC's May 13, 2014 Order for lack of merit. Both parties appealed to the CA.

On February 24, 2015, the CA rendered the assailed Decision, affirming the RTC's determination of just compensation, increasing the interest rate to twelve percent (12%) per annum, and deleting the award of attorney's fees. The dispositive portion of the decision reads:

WHEREFORE, the appeals are DENIED. The December 23, 2013 Decision and May 13, 2014 Order of the Regional Trial Court, Branch 51, Manila in Civil Case No. 02-105424 is AFFIRMED, with MODIFICATION that interest rate of 12% per annum should be imposed on the adjudged compensation.

SO ORDERED.[22]

The Rebadullas' Motion for Reconsideration was denied in the CA's January 7, 2016 Resolution.[23]

Both parties impugn the CA's ruling in the instant petitions.

The Rebadullas argued that the CA erred when it: (a) relied on the BIR's zonal valuation as the sole basis for determining just compensation; (b) disregarded the appraisal report of its witness, real estate appraiser Victor R. Salinas; (c) affirmed the trial court's finding that only 154,521.49 square meters were taken; (d) failed to hold Engr. Buen personally liable for moral and exemplary damages; (e) reckoned the interest from the filing of the

complaint rather than from the taking of the subject properties; and (f) deleted the award of attorney's fees for failure to adduce evidence in support thereof.

The Government maintains that the determination of just compensation is improper in a mandamus proceeding because the same is available only to compel the performance of a ministerial duty, and not one involving the exercise of sound judgment and discretion that takes into consideration several factors such as land classification and location. The Government posits that even assuming that mandamus was proper, the CA erred in fixing the just compensation at P7.00 per sq m and in raising the interest rate to 12% per annum, arguing that zonal valuation cannot be the only basis for determining just compensation and the 6% interest originally fixed by the RTC was not questioned by either party on appeal.

The Court's Ruling

A case for recovery of just compensation

Jurisprudence clearly provides for the landowner's remedies when his property is taken by the government for public use: he may recover his property if its return is still feasible or, if it is not, he may demand payment of just compensation for the land taken.[24]

In this case, the return of the subject properties is no longer feasible as they had been used in the construction of dams for the DPWH's SWIM project which was already completed.[25] Thus, the Rebadullas' relief was to recover just compensation.

It is true that the case filed by the Rebadullas was one for "mandamus and damages." The Government adamantly argues that just compensation cannot be determined or recovered in such a proceeding. However, as both the trial and appellate courts held, the allegations in the complaint are controlling. Indeed, it is a hornbook principle that the nature of an action is determined based on the averments in the complaint and the character of the relief prayed for.[26] The Rebadullas' complaint plainly sought to recover just compensation for the taking of their properties, in an amount to be determined as the fair market value thereof by the court. It has been more than two decades since the subject properties were taken for public use without compensation to the Rebadullas. As the CA explained, "(t)o construe the mandamus case solely as a means to compel the government to just file expropriation proceedings would only further prolong injustice." [27] In fine, the allegations and the reliefs prayed for in the Complaint make out a case for payment of just compensation as determined by the court, damages (plus interest) and attorney's fees.

The Government argues that even if the action were to be deemed as one for sum of money, it must still be dismissed for lack of jurisdiction due to the Rebadullas' alleged failure to pay the required docket fees. This issue, however, appears to have been belatedly raised before this Court.

Time and again, the Court held: "It is well-settled that no question will be entertained on appeal unless it has been raised in the proceedings below. Points of law, theories, issues and arguments not brought to the attention of the lower court, administrative agency or quasi-judicial body, need not be considered by a reviewing court, as they cannot be raised for the first time at that late stage. Basic considerations of fairness and due process impel this rule. Any issue raised for the first time on appeal is barred by estoppel." [28] Furthermore, Section 1, [29] Rule 9 of the Rules of Court provides that:

Defenses and objections not pleaded. - Defenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived. However, when it appears from the pleadings or the evidence on record that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, or that the action is barred by a prior judgment or by statute of limitations, the court shall

dismiss the claim. (Emphasis ours.)

The Court has also held that:

Although the payment of the proper docket fees is a jurisdictional requirement, the trial court may allow the plaintiff in an action to pay the same within a reasonable time before the expiration of the applicable prescriptive or reglementary period. If the plaintiff fails to comply with this requirement, the defendant should timely raise the issue of jurisdiction or else he would be considered in estoppel. In the latter case, the balance between the appropriate docket fees and the amount actually paid by the plaintiff will be considered a lien on any award he may obtain in his favor.[30]

Amount of just compensation

At the core of these cases is the issue of how much the Rebadullas should be paid as just compensation. Sustained by the CA, the RTC fixed the just compensation based on the zonal valuation of P7.00 per sq m effective from December 25, 1995 to December 27, 2002.[31]

Just compensation is "the sum equivalent of the market value of the property, broadly described as the price fixed in open market by the seller in the usual and ordinary course of legal action or competition, or the fair value of the property as between one who receives and who desires to sell it, fixed at the time of the actual taking by the government." [32] The word "just" is used to emphasize the meaning of the word "compensation" so as to convey the idea that the equivalent to be rendered for the property to be taken should be real, substantial, full and ample.[33]

The nature and character of the land at the time of taking is thus the principal criterion in determining just compensation. All the facts as to the condition of the property and its surroundings, as well as its improvements and capabilities, must be considered.[34] The "just"-ness of the compensation can only be attained by using reliable and actual data as bases in fixing the value of the condemned property.[35]

The Court notes with agreement the RTC's finding, as affirmed by the CA, that the evidence adduced by both parties during trial failed to sufficiently establish the fair market value of the subject properties. The DPWH's valuation at P2.50 per sq m was based on a 1994 PAC resolution whereas the taking was, by both parties' accounts, done in 1997. No evidence was also adduced to explain how such amount was determined by the PAC. Similarly, the private appraisal submitted by the Rebadullas, which ultimately pegged the price at P95.00 per sq m in 1997, was not sufficiently substantiated. It failed, for instance, to specify and support by corroborative documents, the comparable land values which the appraiser used to value the properties at the time of taking. As the trial court noted, the appraisal was unsupported by deeds of absolute sale of properties in the same location; it likewise failed to consider other factors such as the zonal valuation and the acquisition cost.

The Court had occasion to rule:

In *National Power Corporation v. Manubay Agro-Industrial Development Corporation*, the recommended price of the city assessor was rejected by this Court. The opinions of the banks and the realtors as reflected in the computation of the market value of the property and in the Commissioners' Report, were not substantiated by any documentary evidence.

Similarly, in *National Power Corporation v. Diato-Bernal*, this Court rejected the valuation recommended by court-appointed commissioners whose conclusions were devoid of any actual and reliable basis. The market values of the subject property's neighboring lots were found to be mere estimates and unsupported by any corroborative documents, such as sworn declarations of realtors in the area concerned, tax declarations or zonal valuation from the BIR for the contiguous residential dwellings and commercial establishments. Thus, we ruled that a commissioners' report of land prices which is not based on any documentary evidence is manifestly

hearsay and should be disregarded by the court.

We find that the trial court did not judiciously determine the fair market value of the subject property as it failed to consider other relevant factors such as the zonal valuation, tax declarations and current selling price supported by documentary evidence. Indeed, just compensation must not be arrived at arbitrarily, but determined after an evaluation of different factors.[36]

The RTC, however, erred in fixing the just compensation based solely on the zonal valuation of the properties.

Zonal valuation is simply one of the indices of the fair market value of real estate; it cannot be the sole basis of "just compensation." [37] Thus, in *Leca Realty Corporation v. Republic*, [38] the Court held:

The Republic is incorrect, however, in alleging that the values were exorbitant, merely because they exceeded the maximum zonal value of real properties in the same location where the subject properties were located. The zonal value may be one, but not necessarily the sole, index of the value of a realty. *National Power Corporation v. Manubay Agro-Industrial* held thus:

"xxx [Market value] is not limited to the assessed value of the property or to the schedule of market values determined by the provincial or city appraisal committee. However, these values may serve as factors to be considered in the judicial valuation of the property."

The above ruling finds support in *EPZA v. Dulay* in this wise:

"Various factors can come into play in the valuation of specific properties singled out for expropriation. The values given 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. " (Emphasis supplied)

Among the factors to be considered in determining the fair market value of the property are the cost of acquisition, the current value of like properties, its actual or potential uses, and in the particular case of land, its size, shape, location, and the tax declaration thereon. The measure is not the taker's gain but the owner's loss. To be just, the compensation must be fair not only to the owner but also to the taker.[39]

Since the determination of the value of the property is factual in nature, the Court finds a need to remand the case to the trial court to determine its value.[40] The determination shall reflect the value of the property at the time of taking,[41] and not at the time of filing of petitioners' Complaint. Thus, in *Secretary of the Department of Public Works and Highways v. Tecson*, [42] the Court held:

Just compensation is "the fair value of the property as between one who receives, and one who desires to sell, x x x fixed at the time of the actual taking by the government." This rule holds true when the property is taken before the filing of an expropriation suit, and even if it is the property owner who brings the action for compensation.

xxxx

The reason for the rule has been clearly explained in *Republic v. Lara, et al.*, and repeatedly held by the Court in recent cases, thus:

xxx "[T]he value of the property should be fixed as of the date when it was taken and not the date of the filing of the proceedings." For where property is taken ahead of the filing of the condemnation proceedings, the value thereof may be enhanced by the public purpose for which it is taken; the entry by the plaintiff upon the

property may have depreciated its value thereby; or, there may have been a natural increase in the value of the property from the time it is taken to the time the complaint is filed, due to general economic conditions. The owner of private property should be compensated only for what he actually loses; it is not intended that his compensation shall extend beyond his loss or injury. And what he loses is only the actual value of his property at the time it is taken xxx.

The Government is of the view that pursuant to Rule 67 of the Rules of Court, commissioners must be appointed by the trial court to initially ascertain the just compensation, failing which the trial court's valuation will be ineffectual.

On this matter, the Court's ruling in *Republic of the Philippines v. Court of Appeals, et al.*[43] finds application. There, the Court ruled that "when there is no action for expropriation and the case involves only a complaint for damages or just compensation, the provisions of the Rules of Court on ascertainment of just compensation (i.e., provisions of Rule 67) are no longer applicable, and a trial before commissioners is dispensable." Even so, the Court held that the appointment of commissioners was "not improper," as it was mainly meant to aid the Court in determining the just compensation and was not opposed by the parties, and the trial court had the discretion either to adopt the commissioners' valuation or to substitute its own estimate of the value based on the records.

Area taken for public use

The RTC and the CA both determined that of the three parcels of land covered by TCT Nos. T-1108 and T-2547 and OCT No. T-9501, with a total area of 165,054 sq m, 154,521.49 sq m were taken by the Government for the DPWH's SWIM Project. The Rebadullas, however, maintain that the Government took the total area. For its part, the Government asserts that the project affected only the lots under TCT No. 2547 and OCT No. T-9501 measuring 135,054 sq m, based on a Certification issued by the SWIM Project Engineer on April 25, 2014.

The Court sustains the lower courts' common finding that 154,521.49 sq m of land were taken by the Government. The Court is not a trier of facts. Factual findings of the trial court, when affirmed by the CA, are generally binding on this Court.[44] Neither party has sufficiently shown cause for the Court to depart from the lower courts' shared conclusion. The Government had every opportunity to raise the issue before the trial court, but admittedly failed to present evidence on the exact area covered by the project. The Certification it proffered was issued after the RTC had rendered its decision. The settled rule is that evidence not formally offered cannot be taken into consideration.[45] It bears noting, too, that the Certification appears to be incomplete and uncertain since by the Government's own admission, verification as to the third title (TCT No. T-1108) was "still on-going." [46] The Rebadullas' claim, on the other hand, is belied by the very Certification [47] they attached to, and used to support, their Complaint. Issued by the SWIM Project-in-Charge and Project Engineer on November 15, 1998, it certified that the SWIM Project affected the three lots [48] and utilized a total of 154,521.49 sq m.

Interest on just compensation

Section 9, Article III of the 1987 Constitution provides that "no private property shall be taken for public use without just compensation." Ideally, just compensation should be immediately paid 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 property. However, if full compensation is not paid, the State must make up for the shortfall in the earning potential immediately lost due to the taking. Interest on the unpaid compensation becomes due not only as compliance with the constitutional mandate on eminent domain but also as a basic measure of fairness. Interest in eminent domain cases, thus, accrues as a matter of law and follows as a matter of course from the landowner's right to be placed in as good a position as money can accomplish, as of the date of taking.[49]

The just compensation due to the property owner is effectively a forbearance of money.[50] Effective July 1,

2013, Bangko Sentral ng Pilipinas Circular No. 799 amended Central Bank Circular No. 905, Series of 1982, reducing the legal interest on loans and forbearance of money, when not stipulated, from 12% to 6% per annum.[51] Accordingly, the Government shall pay legal interest from the time of taking of the property on March 17, 1997 at the rate of 12% per annum until June 30, 2013. From July 1, 2013 until the finality of the decision fixing the just compensation, the legal interest is 6% per annum.[52] Furthermore, pursuant to Article 2212 of the Civil Code and the guidelines laid down in *Eastern Shipping Lines, Inc. v. Court of Appeals*,[53] as modified in *Nacar v. Gallery Frames*,[54] the interest due shall itself earn interest from the time just compensation was judicially demanded by the Rebadullas on December 23, 2002.

From the finality of the decision fixing the just compensation until full payment, the total amount due to the Rebadullas shall earn a straight 6% legal interest as the court's decision takes the nature of a judicial debt.[55]

Damages and Attorney's Fees

The Court finds no reason to disturb the CA's decision not to grant the damages prayed for and to delete the award of attorney's fees.

Unless there is a clear showing of malice or bad faith or gross negligence, a public officer is not liable for moral and exemplary damages for acts done in the performance of duties.[56]

Furthermore, the general rule is that attorney's fees cannot be recovered as part of damages because of the policy that no premium should be placed on the right to litigate. They are not awarded each time a party wins a suit, and they are not necessarily equated to the amount paid by a litigant to a lawyer.[57] The fact alone that a claimant was compelled to litigate to protect his rights will not justify the award of attorney's fees where there is no sufficient showing of bad faith.[58]

Good faith is presumed and he who alleges bad faith has the duty to prove the same. Bad faith, on the other hand, does not simply connote bad judgment or simple negligence; it involves a dishonest purpose or moral obloquy and conscious doing of a wrong, a breach of known duty due to some motive or interest or ill will that partakes of the nature of fraud.[59]

No proof of such malice or bad faith has been adduced to justify the imposition of moral and exemplary damages against Engr. Buen or the award of attorney's fees against the Government.

Records also show that the Rebadullas gave permission[60] to the DPWH to enter their lots and construct the dams, subject to the payment of just compensation. They were offered, but rejected, the price of P2.50 per sq m for their land based on the PAC's valuation. Upon their request, both Engr. Buen and the DOF-BLGF endeavored to ask the PAC for a reappraisal but the latter had been convinced of the propriety of its valuation. In light of these circumstances, the Court is hard-pressed to sustain the Rebadullas' claim that the Government dealt with them in "gross and evident bad faith" and in a "tyrannical and oppressive manner."

WHEREFORE, the Court of Appeals' Decision dated February 24, 2015 in CA-G.R. SP No. 136787 is **AFFIRMED** with **MODIFICATION** in that:

1. The case is remanded to the Regional Trial Court, Branch 51 of Manila for the proper determination of just compensation in conformity with this Decision. To forestall any further delay in the resolution of the case, the trial court is ordered to make the determination within six (6) months from its receipt of this Decision and afterwards to report its compliance.
2. From the date of taking of the property on March 17, 1997 until June 30, 2013, the amount of just compensation shall earn legal interest at twelve percent (12%) per annum. From July 1, 2013 until the finality of

the decision fixing the just compensation, the legal interest shall be six percent (6%) per annum. The interest due shall itself earn interest from the time of judicial demand on December 23, 2002 until the finality of the decision fixing the just compensation, at the applicable interest rate. The total amount due shall earn a straight six percent (6%) legal interest per annum, from the finality of the decision fixing the just compensation until full payment.

3. The Clerk of Court of the Regional Trial Court of Manila is ordered, within the period stated in paragraph 1, to determine any deficiency in the payment of docket fees, in accordance with the foregoing discussion, which deficiency shall constitute a lien on the judgment.

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-De Castro, Del Castillo, and Jardeleza, JJ., concur.

[1] Resolution dated February 10, 2016. Rollo (G.R. No. 222159), p. 8.

[2] Penned by Associate Justice Magdangal M. de Leon and concurred in by Associate Justices Jane Aurora C. Lantion and Nina G. Antonio-Valenzuela. Id. (G.R. No. 222159), at 30-47.

[3] Penned by Presiding Judge Merianthe Pacita Manzano Zuraek. Id. at 92-101.

[4] Id. at 49-50.

[5] Id. at 11 and 102.

[6] Id. at 32, 69 and 97.

[7] Id. at 32 and 96. Rollo (G.R. No. 222171). p. 14.

[8] Rollo (G.R. No. 222159), p. 32.

[9] Id. at 32 and 79-80.

[10] Id. at 81.

[11] Id. at 33 and 82.

[12] Id. at 33 and 83-86.

[13] Id. at 33 and 87-88.

[14] Id. at 33.

[15] Id.

[16] Id. at 33 and 91.

[17] Id. at 51-62.

[18] Id. at 53-54.

[19] Id. at 61.

[20] Id. at 101.

[21] Id. at 98.

[22] Id. at 46.

[23] Id. at 50.

[24] Secretary of the Department of Public Works and Highways, et al., v. Sps. Tecson, 713 Phil. 55, 70 (2013).

[25] Rollo (G.R. No. 222159), p. 98; Rollo (G.R. No. 222171), p. 15.

[26] Padlan v. Sps. Dinglasan, 707 Phil. 83, 91 (2013).

[27] Rollo (G.R. No. 222159), p. 41.

[28] S.C. Megaworld Construction and Development Corporation v. Engr. Parada, 717 Phil. 752, 760 (2013). Calanasan v. Sps. Dolorito, 722 Phil. 1, 7 (2013). Heirs of Cesar Marasigan, et al., v. Marasigan, et al., 572 Phil. 190, 215 (2008).

[29] Rule 9 of the Rules of Court.

[30] National Steel Corporation v. Court of Appeals, 362 Phil. 150, 151 (1999).

[31] Rollo (G.R. No. 222159), p. 99.

[32] Leca Realty Corporation v. Republic of the Philippines, 534 Phil. 693, 707 (2006), citing Rep. of the Phils., v. Court of Appeals, 433 Phil. 106, 122 (2002). Rep. of the Phils., v. Rural Bank of Kabacan, Inc., et al., 680 Phil. 247, 257 (2012).

[33] Leca Realty Corporation v. Republic of the Philippines, supra at 707. National Power Corporation v. Suarez, et al., 589 Phil. 219, 225 (2008).

[34] National Power Corporation v. Suarez, et al., supra at 225.

[35] Republic of the Philippines v. Asia Pacific Integrated Steel Corporation, 729 Phil. 402, 415, (2014).

[36] Republic of the Philippines v. Asia Pacific Integrated Steel Corporation, supra note 35, id. at 414-415, citing Leca Realty Corporation v. Rep. of the Phils., supra note 33, id. at 710.

[37] Evergreen Manufacturing Corporation v. Republic of the Philippines, G.R. No. 218628, September 6, 2017.

[38] Supra note 32, id. at 708-709.

[39] Republic of the Philippines, v. Asia Pacific Integrated Steel Corporation, supra note 35, id. at 417, citing Rep. of the Phils., v. Court of Appeals, et al., 612 Phil. 965, 977 (2009).

[40] Department of Education v. Casibang, G.R. No. 192268, January 27, 2016, 782 SCRA 326, 343. Republic of the Philippines, v. Asia Pacific Integrated Steel Corporation, supra. Leca Realty Corporation v. Republic, supra note 33, id. at 710.

[41] Evergreen Manufacturing Corporation v. Republic of the Philippines, supra note 37. Secretary of the Department of Public Works and Highways v. Sps. Tecson, 713 Phil. 55 (2013).

[42] Supra at 70-73.

[43] 612 Phil. 965, 978 (2009).

[44] Rep. of the Phils. v. Heirs of Sps. Pedro Bautista and Valentina Malabanan, 702 Phil 284 297 (2013).

[45] Heirs of Serapio Mabborang, el al. v. Mabborang, et al., 759 Phil. 82, 95 (2015).

[46] Rollo (G.R. No. 222159), p. 128.

[47] Id. at 70.

[48] Based on the Certification, only 34,382.26 sq m of the lot covered by TCT No. T-2547 was used. Id.

[49] Evergreen Manufacturing Corporation v. Rep. of the Phils., supra note 37, citing Rep. of the Phils., et al. v. Judge Mupas, et al., 769 Phil. 21, 194-195 (2015).

[50] Rep. of the Phils., et al. v. Judge Mupas, et al., id. at 198.

[51] Nacar v. Gallery Frames, et al., 116 Phil. 267, 280-281 (2013).

[52] Evergreen Manufacturing Corporation v. Rep. of the Phils., supra note 37.

[53] 304 Phil. 236, 253 (1994).

[54] Nacar v. Gallery Frames, et al., supra note 51

[55] Secretary of the Dept. of Public Works and Highways, et al. v. Sps. Tecson, 758 Phil. 604 (2015). Evergreen Manufacturing Corporation v. Republic of the Philippines, supra note 37.

[56] Saber v. Court of Appeals, 480 Phil. 723, 747 (2004).

[57] PNCC v. Apac Marketing Corp., 710 Phil. 389, 395 (2013).

[58] Benedicto v. Villaflores, 646 Phil. 733, 742, (2010).

[59] Saber v. Court of Appeals, supra note 56, id. at 747-748.

[60] Rollo (G.R. No. 222171), pp. 77-78.

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