

THE CITY OF MANILA, PLAINTIFF AND APPELLANT, VS. J. C. RUYMANN ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 24414. January 15, 1926*

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-24414/>**OSTRAND, J.:**

This action was originally brought by the City of Manila on March 26, 1914, for the expropriation of the so called Hacienda de Pinugay, embracing 3,043 hectares of land and situated in the municipality of Antipolo, Province of Rizal.

By authority of Act No. 648 of the Philippine Commission, the Civil Governor of the Philippine Islands, on July 26, 1904, issued Executive Order No. 33 reserving some 90 square miles of the watershed of the Mariquina river in the Province of Rizal for the protection of the water supply system of the City of Manila. Before the issuance of said Executive Order, the Philippine Commission, on May 10, 1904, passed Act No. 1150 which among other things provided that "ordinances enacted for the purpose of protecting the purity of the water supply of Manila shall apply to and be enforced over all territory within the drainage area of such water supply or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service."

The Hacienda de Pinugay was then the property of the heirs of one Robert Wilson and was situated within the limits of the reservation. On November 3, 1908, subsequent to the establishment of the reservation, the defendants J. C. Ruymann and H. G. Farris bought the hacienda from Wilson's widow, the value of the consideration, consisting partly in Manila real estate, being worth over P18,000 according to the defendants' estimate; the plaintiff places the value at P8,678.

On August 17, 1911, the City of Manila, by virtue of its charter and under the provisions of Act No. 1150, passed Ordinance No. 149 prescribing regulations for the prevention of the contamination of the Miriquina river and its tributary streams. The enforcement of the regulations was carried out partly by the Constabulary and partly by reservation guards appointed by the city and, in course of time, led to friction with the defendants' tenants some of whom were arrested for bathing in the streams. The defendants complained that by reason of the trespasses and interference of the agents of the city, their tenants were frightened away from the hacienda and, on February 17, 1914, an action was brought in the Court of First Instance of Manila in which the herein defendants asked for a writ of injunction against the city and for damages in the sum of P100,000. In its decision of the case that court, Judge Crossfield presiding, said among other things:

"The City of Manila undoubtedly is endeavoring to protect its citizens against the use of impure water, and its action in that regard should not meet with objection, but in order to do so within its rights, it should exercise the right of eminent domain which it may have over the land in question, even though beyond its geographical limits.

* * * * *

"While the defendant is not warranted in trespassing upon plaintiffs' lands and preventing plaintiffs from the ordinary use and control of them, yet for the purposes hereinbefore stated, there may be some justification in what it has done, though such justification will cease to exist unless defendant should promptly proceed to exercise any power which it may have in order to carry out the purposes referred to.

"I am of the opinion that there is no question but that the plaintiffs are entitled to have defendant restrained from trespassing upon their premises, or performing any act which shall prevent them from the ordinary exercise of care and custody over their property. I am also of the opinion that an opportunity should be given the defendant to take the necessary steps looking to obtain the possession and control over the lands in question by legal procedure.

"Let judgment be entered restraining the defendant from, through its officers, agents, or employees, or any other person in its behalf, entering upon the land herein-before described according to the plan thereof, as appears from the map marked 13, attached to the record herein, or from interfering in any way with plaintiffs' entry thereupon through themselves or their agents or tenants or employees, or from in any way interfering with the use and occupation by the plaintiffs of the land in question, within the ordinary, reasonable limits of rightful use and occupation for agricultural or other purposes to which the lands are adapted.

"The judgment thus ordered will not be executed before the 25th day of March, 1914; and not then, if in the meantime the defendant shall have taken the proper legal steps to exercise its right and control over the land described by purchase thereof or by the exercise of the right of eminent domain."

No appeal was taken from this decision and upon the expiration of the term fixed therein the city instituted the present action for the expropriation of the hacienda. The defendants filed their answer and the court ordered the deposit by the plaintiff of the sum of P13,090, the assessed value of the land, to enable the plaintiff to take immediate possession of property. The money was duly deposited by the plaintiff, who nevertheless now maintains that it never took actual possession of the land. As we shall presently see, this court has already decided that the plaintiff did take possession and the plaintiff's contention in that respect need, therefore, not be here considered.

On February 24, 1915, the Governor-General issued Executive Order No. 33 modifying the boundary lines of the reservation so as to exclude therefrom the Hacienda de Pinugay. As a consequence thereof, the plaintiff presented a motion for the dismissal of the expropriation proceedings and, on April 27, 1915, the Court of First Instance issued an order dismissing the case upon payment of the costs of suit and of the fees of the commissioners of valuation, without prejudice to the defendants' right to bring another action for damages. The plaintiff paid the bill of costs and the fees of the commissioners and, on July 21, 1915, the court declared the case definitely dismissed. From that order the defendants appealed to this court.

In its decision upon appeal, this court said among other things:

"This appeal presents three questions of law. They are: (1) May the petitioner, in an action of expropriation, after t he has been placed in possession of the property and before the termination of the action, dismiss his petition? (2) In case said action is dismissed, may the defendant recover damages growing out of the action and said possession of the plaintiff? and (3) May said damages be ascertained as an incident in the principal action, or must the defendant submit to the dismissal of the action and commence an independent action for damages?

"Upon the second question, whether or not the defendant should be entitled to damages, if any had been occasioned by the abandonment of the proceedings by the plaintiff, must, we think, depend upon the question whether or not any damages had been caused. Upon that question, whether damages may at all be recovered in cases like the present, the authorities are again in great conflict. A careful examination of the decisions upon that question, we think, will show that the result has been due to the fact that no damages had been occasioned, rather than to the rule that no damages could be recovered. We think the rule which should be established in

cases like the present is no different from the rule in any other case where one party causes damage to another. In this jurisdiction, the petitioner, upon the presentation of his petition, the ascertainment of the value of the property in question, and the deposit of said value with the proper official, is justified in taking possession of the land being expropriated. In the present case the petition was presented, a value was fixed upon the land, the deposit was made, and the plaintiff took actual possession of the land, thereby causing the defendant to quit the possession of the same, to remove his animals and machinery therefrom, and to cease to exercise any right or control over the same. The plaintiff remained in possession of the land for some time prior to the presentation of his motion to dismiss his action. To deny defendant at least the right to prove that he had been damaged by such dispossession would be to deny him the right to prove, in any case, that he had been damaged by the dispossession of his property by another. Whether or not he has been damaged is a question of proof. He is entitled, at least, to an opportunity to present proof upon that question.

"Therefore, and for the reasons hereinbefore given, it is hereby ordered and decreed that the judgment of the lower court be affirmed, reserving to the defendants the right, before a final judgment is rendered in the court below, and within a period of twenty days after the return of the record to the lower court and notice thereof, to present their claim for damages, either as an incident to the present action or in a separate action. And without any finding as to costs, it is so ordered." (*City of Manila vs. Ruymann*, 37 Phil., 421.)

Upon the return of the case to the Court of First Instance, the defendants elected to treat the determination of the damages as an incident to the expropriation case and, on May 24, 1918, filed a cross-complaint asking damages in the sum of P150,000.

The plaintiff in its answer denies the principal allegations of the cross-complaint and sets up as special defenses: (1) That it never had actual possession of the land and had limited its acts to the carrying out of sanitary regulations and to the protection of the city water supply against contamination, and (2) that under section 2430 of the Administrative Code, the city cannot be held liable for damages or injuries to persons or property arising from the failure of the Municipal Board, or any city officer, to enforce the provisions of the charter of the city, or any other law or ordinance, or from negligence of said board or other officers while enforcing or attempting to enforce the same. Upon trial, the court below held that considering that, the defendants' claim for damages was presented as an incident to the expropriation proceedings, no damages could be awarded neither for the period preceding the institution of said proceedings on March 26, 1914, nor for the period subsequent to the dismissal of the action by the Court of First Instance. Judgment was rendered in favor of the defendants and against the plaintiff for the sum of P3,384.50, as damages sustained by the defendants during the period from March 26, 1914, until July, 1915, with the costs. From this judgment both parties appeal.

The plaintiff-appellant assigns as errors:

"(1) That the court erred in declaring that the city took possession of the defendants' property sought to be expropriated; (2) that it likewise erred in awarding the defendants damages; and (3) that it erred in declaring that the plaintiff, and not the Metropolitan Water District, was responsible for such damages as the defendants might have suffered."

The first assignment of error was decided adversely to the plaintiff's contention in the case of *City of Manila vs. Ruymann* (37 Phil., 421), and the second assignment will be considered in connection with the defendants' appeal.

The third assignment is clearly without merit; the Metropolitan Water District has assumed liability for certain contractual obligations of the city, but cannot be held liable in damages for the torts of the latter.

The defendants in their brief on appeal insist that they should have been awarded damages in the total sum of P520,367 upon the following items:

1. For loss in the sale of 48 carabaos

P2,880.00

2. For loss in the sale of 5 horses

375.00

3. For loss in the sale of 32 head of swine

460.00

4. For loss in the sale of 70 goats

130.00

5. For loss of fowls

120.00

6. For loss of wire fencing

855.00

7. For damages suffered by the defendants from 1911 to April, 1914

21,250.00

8. For damages suffered by defendants for the years 1916 and 1917

45,500.00

9. For the year 1914

22,740.00

10. For the year 1915

22,740.00

11. For damages on account of the burning of houses and contents

12,777.00

12. For damages to roads, trails, dikes and irrigation ditches

2,300.00

13. For damages arising from the forced sale of defendants' plantation

350,000.00

14. For attorneys' fees.

15,000.00

15. For damages from loss of advances and destruction of business

23,240.00

Total

520,367.00

Upon the first item the court allowed the sum of P900 and items Nos. 2, 3, 4, 5 and 6 were allowed in full. The court further allowed the sum of ₱251.10 for loss of palay in 1914 and P293.40 for palay lost in 1915. All other claims were rejected.

In our opinion, the court did not err in rejecting items Nos. 7 and 15; it is self-evident that in this action only damages arising out of the expropriation proceedings can be considered and that the plaintiff cannot here be held liable for damages for acts occurring before such proceedings were commenced.

The lower court found that the damages referred to in items Nos. 9 and 10 amounted only to P544.50 and its estimate is probably as nearly correct as it was possible to make it, taking into consideration the general unreliability of the evidence.

As to item No. 11, the defendants are undoubtedly entitled to damages for the loss of the houses which burned down during the time the plaintiff held possession of the land; the houses were part of the property to be expropriated and upon the dismissal of the proceedings, it was the plaintiff's duty to return the buildings to the defendants, or in default thereof, to pay damages. But we fail to see upon what ground the plaintiff can be held liable in damages for the loss of the personal property stored in the houses; such property was not the subject of the expropriation proceedings and the defendants must be held to have left it on the land at their own risk. It is possible that the defendants are entitled for damages upon some of the other items, but their evidence is so unsatisfactory that it is impossible to arrive at any exact estimate of their losses. In fact, we feel justified in saying that the only thing clearly shown by the testimony of their principal witness is a remarkable disregard for the truth.

Considering the record as a whole, the majority of this court is of the opinion that the defendants should be allowed a total amount of P10,000, in full satisfaction of the damages suffered by them through the aforesaid expropriation proceedings.

The judgment appealed from is therefore modified by increasing the amount of the defendants' recovery to the Total sum of P10,000, with interest at 6 per cent per annum from May 24, 1918, the date of the filing of the cross complaint. No costs will be allowed. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Johns, and Romualdez, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.