

THE COMMONWEALTH OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. MIGUEL BATAC, DEFENDANT AND APPELLANT.*CA-G.R. No. 70. February 28, 1946*

Ponente: PARAS, J.

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The plaintiff seeks to acquire, for public use, a certain piece of land, situated in Masantol, Pampanga, containing an area of 9,9688 square meters. The defendant Miguel Batac, owner of the land and now substituted in this case by his heirs in view of his death, has not challenged the plaintiff's right of condemnation, and the only issue raised by the parties concerns the just compensation. The commissioners on appraisal appointed by the Court of First Instance of Pampanga, one of whom represented the plaintiff, another the defendant, and a third the court, submitted a unanimous report recommending that the defendant be paid P2,297.24 as the market value of the land, and P793.89 as consequential damages. The Court of First Instance rendered judgment fixing the value of the land at P2,297.24, or at P0.23 per square meter, and disallowing the consequential damages recommended by the commissioners. Both the plaintiff and the defendant have appealed, the former claiming that the land should be appraised at only P1,000 per hectare, and the latter insisting on the damages found to be due in the commissioners' report.

Plaintiff's appeal is not tenable. The value specified by the trial court is merely the amount paid for the land by the defendant in 1922, and greatly lower than the price (P0.37 per square meter) for which an adjoining parcel was sold at about the same time. Although they were not sufficiently coeval transactions, the same are influential factors in the determination of the market value, since there is absolutely no intimation that, on the date of the condemnation proceedings, the price of land in defendant's locality was lower than P0.23 per square meter. We are inclined to adopt the appraisal of the commissioners, not only because they made an ocular inspection of the land but because they had full opportunity to hear and weigh the testimony of witnesses, in conjunction with the documentary evidence; and their report finds substantial support in such evidence. This report is obviously more disinterested and acceptable than the appraisal of P0.10 per square meter made by the committee created pursuant to Executive Order No. 132, series of 1937, and relied upon by the plaintiff, inasmuch as the latter committee was wholly composed of public officials, not to mention the absence of a showing that, during its proceedings, the defendant had been given his "day in court." It is true that in 1927 the land was declared by the defendant for taxation purposes at about P0.05 per square meter, but the same cannot have a decisive bearing in its market value in 1946, for the reason that the land was in said declaration represented as No. 2 in productivity, class B in accessibility, and partly irrigated; whereas, according to the finding of the commissioners on appraisal, the property is first-class irrigated riceland, with two heavy and abundant harvests annually, accessible to any water craft, and free from floods. Moreover, in compliance with Commonwealth Act No. 530, the defendant had declared the land in 1940 at its purchase price, or P0.23 per square meter.

Upon the other hand, we hold that the defendant is entitled to the following consequential damages:

- (a) Two pesos and twenty-six centavos.— It appearing that the defendant had paid in full the 1940-tax on the

land which included the condemned portion, which is approximately one-half of the entire area; that the plaintiff took possession in July, 1940; and that the amount paid was P8.93, the defendant ought to be reimbursed in a sum equivalent to one-half of the tax corresponding to the second semester of 1940, of P2.26. This item is conceded by the plaintiff in its brief as appellee.

(b) Six hundred pesos.— There is uncontradicted evidence to the effect that the irrigation system of the remaining portion of the defendant's land had been destroyed or otherwise rendered worthless as a result of the expropriation of the other portion and that the construction of a new system will cost P600, according to the very estimate of Celedonio Espiritu, an experienced employee in the District Engineer's Office who was, at the behest of the provincial fiscal of Pampanga, appointed by the trial court in representation of the plaintiff. Said amount, unanimously, recojuciated by the commissioners on appraisal, is an expense brought about by the condemnation proceedings for which the defendant should be indemnified.

(c) One hundred seventy-two pesos and twenty-five centavos.— There is also uncontradicted evidence that the defendant was prevented from harvesting rice crops standing on the condemned land which were destroyed to give way to the purpose for which the land was expropriated, as well as rice crops standing on the remaining western portion which were destroyed by rain inundation caused by the very high dykes constructed by the plaintiff. Said lost crops would have netted the defendant P172.25, erroneously reported by the commissioners as P165.63, upon the computation that the minimum total yield would have been sixty-five cavans and the prevailing price of palay was P2.65 per cavan.

(d) Twenty-six pesos.— This is the amount unquestionably paid by the defendant for the original survey plan of the defendant's entire land which had become useless by the exclusion of the expropriated portion. There is consequent necessity for a new survey plan.

Wherefore, with the modification that the plaintiff is ordered to pay the defendant the sum of P800.51 as consequential damages, the appealed judgment is in other respects affirmed. So ordered, without costs.

Moran, C. J., Jaranilla, Feria, Pablo, and Briones, JJ., concur.

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