

EN BANC

[G.R. Nos. 154211-12, June 22, 2009]

SPOUSES ERNESTO F. CURATA AND LOURDES M. CURATA, EDUARDO M. MONTALBO, SPOUSES MARCELINO DALANGIN AND VITALIANA DALANGIN, PABLO SUMANGA, HEIRS OF MATEO MACARAIG, HEIRS OF PAULINA ACOSTA, HEIRS OF NICOLAS ALDOVER, SPOUSES MARCIANO MANALO AND LUCIA GABIA, GREGORIO FALTADO, SILVERIO ROSALES, AND CESARIO ILAO, HEIRS OF ALDOVER, CATALINA PEREZ, LORNA PANTANGCO, SONIA PANTANGCO, BELEN PANTANGCO, IRENEO PANTANGCO, JR., PEDRO CHAVEZ, SATURNINA PEREZ, ESTELITA C. PEREZ, ESTELITA M. PEREZ, ROMEO PEREZ, RUBEN PEREZ, MARIO PEREZ, NABOCHO DONAZA PEREZ, MANUEL PEREZ, HERMINIGILDO PEREZ, MAYHAYDA PEREZ, ALFREDO PEREZ, ERNESTO PEREZ AND ARACELI PEREZ (REPRESENTED BY ROSARIO PEREZ ROSEL), ROSALINDA BUENAFE, FRED M. HERNANDEZ MARRIED TO SUSANA ILAO, VICENTE GUTIERREZ, MARIA LACSAMANA, HEIRS OF JUANA MACALADLAD, FELISA HERNANDEZ, FELINO HERNANDEZ AND FLORENTINO MACATANGAY, HEIRS OF BASILIO MACARAIG AND PACIENCIA DEL MUNDO, AND ROSALINDA BUENAFE, PETITIONERS, VS. PHILIPPINE PORTS AUTHORITY, RESPONDENT.

[G.R. NO. 158252]

PHILIPPINE PORTS AUTHORITY, PETITIONER, VS. REMEDIOS ROSALES-BONDOC, JOSE ROSALES, JR., ANTONIO ANTOLIN, MARIA THERESA ANTOLIN-YUPANGCO, ADORACION CABRAL, AGRIFINA GARCIA, ALFREDO BAUTISTA, EMELIA M. BERBA, ANDREA BALINA, ARSENIO ABACAN, AUGUSTO CLAVERIA, AUREA AND CONSOLACION ACOSTA, AZUCENA AND ARNEL PEREZ, BENJAMIN CASTILLO, BIENVENIDO MARALIT, BRIGIDO LONTOC, CONSTANCIA VILLAMOR BARCELO, CONSUELO ALCANTARA, CORAZON AND ISABEL ILAO, DANIEL MAGADIA, DR. EFREN ESPINO, DELIA ESPINO VELASCO AND ALFREDO P. ESPINO, ESPERANZA DIMAANDAL, ESTEBAN ESPINO, EVARISTO BAUAN, FELINO AND FELISA HERNANDEZ, FLORENTINO MACATANGAY, GENEROSA BUENAFE, GERARDO ABACAN, ERLINDA ABACAN, LILIANA ABACAN, GODOFREDO ROSALES, GREGORIA DAPAT, GUADALUPE DAYANGHIRANG, HEIRS OF LUCILA ALDOVER, HEIRS OF POPULA LLANA, JOSE MARANAN, JOSE NOEL AGBING, ET AL., LAURO ABRAHAN, LIBRADA MACATANGAY VDA. DE ABAS, LILIA SINGUIMOTO, LUIS AND ZENAIDA LIRA, LUISA VDA. DE MONTALBO, LUISA VILLANUEVA, MA. CONSOLACION SARMIENTO, MARCIANA BUENAFE, MARIA CAEDO, MARIA ESPAÑOL, MARIA LACSAMANA, MARIA M.

MONTALBO, MILAGROS MACATANGAY, PABLO MENDOZA, PEDRO ALCANTARA AND DOROTEA MACATANGAY, PEDRO MARASIGAN, PRISCILLA BUENAFE, RAFAEL S. BERBA, RUFINO GERON, SEGUNDINA GUALBERTO, SIMEON BALITA, SIXTO GUALBERTO, SPS. CARLITO AND ENRIQUETA CASAS, AND SPS. JAIME AND REYNADA TAURO, RESPONDENTS.

[G.R. NO. 166200]

PHILIPPINE PORTS AUTHORITY, PETITIONER, VS. HONORABLE COURT OF APPEALS (SPECIAL SIXTEENTH DIVISION), HON. PATERNO TAC-AN, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BATANGAS CITY, BRANCH 84, FELIPA ACOSTA, SPS. EMILIO BERBERABE, HEIRS OF SPS. ATANACIA ALDOVER AND CESARIO RIVERA, ROMULO S. BALINA, ADORACION MAGTIBAY, SOLE HEIR OF SPS. PEDRO MONTALBO AND MAURICIA BALINA-CATALINA, MONTALBO ALDOVER, HEIRS OF LEOCADIO AND LEONILA ALANO, HEIRS OF SPS. LEOCADIO ALANO AND FELIPA MACATANGAY, LEANDRO R. GALVEZ, HEIRS OF SIMEON MAGTIBAY, GRABRIELA ACOSTA FOR HERSELF AND AS SOLE HEIR OF ESTANESLAWA ACOSTA, HEIRS OF NESTORA ALCANTARA AND BROTHERS, SPS. ZOLIO ALDOVER AND CATALINA MONTALBO ALDOVER, CATALINA D. BALINA, SIMEON D. BALINA, ERLINDA D. BALINA MARRIED TO ALBERTO REYES, SOLE HEIR OF FORTUNATO D. BALINA MARRIED TO FAUSTINA BURAL, JOSEFA GRACE BRUAL, NEMESIO D. BALINA MARRIED TO CONCHITA MORALES, HEIRS OF TOMASA BALINA, FRANCISCO A. BERBERABE, EMELIO FRANCISCO BERBERABE JR., THOMAS A. BERBERABE MARRIED TO NYMPHA ATIENZA, JOEL A. BERBERABE MARRIED TO MURITA REYES, HEIRS OF CECILIA DIMAANDAL, SPS. EDILBERTO DIMAANDAL, LILIA GARCIA, JUANA DIMAANDAL, HEIRS OF VICENTA GUTIERREZ, HEIRS OF EVARISTO MONTALBO AND FELISA MONTALBO, HEIRS OF FRANCISCO SUMANGA, NEMESIO D. BALINA AND ERLINDA D. BALINA, AND CAROLINA B. ACOSTA AND ABIGAIL B. ACOSTA, RESPONDENTS.

[GR. NO. 168272]

ROSALINDA BUENAFE AND MELENCIO CASTILLO, PETITIONERS, VS. PHILIPPINE PORTS AUTHORITY, RESPONDENT.

[G.R. NO. 170683]

PHILIPPINE PORTS AUTHORITY, PETITIONER, VS. CAROLINE B. ACOSTA, ABIGAIL B. ACOSTA, NEMESIO D. BALINA, AND ERLINDA D. BALINA, RESPONDENTS.

[G.R. NO. 173392]

PHILIPPINE PORTS AUTHORITY, PETITIONER, VS. REMEDIOS ROSALES-BONDOC, JOSE K. ROSALES, JR., MARIA TERESA

ANTOLIN-YUPANGCO, MARIA LOURDES ANTOLIN, ARSENIO ABACAN, PEDRO ALCANTARA, HEIRS OF POPULA LLANA, GODOFREDO ROSALES, LUIS LIRA, ZENAIDA LIRA, CORAZON ILAO, MILAGROS MACATANGAY, LILIA SINGUIMOTO, GERARDO ABACAN, JOSE NOEL AGBING, ET AL., MARCIANA BUENAFE, ESTEBAN ESPINO, BRIGIDO LONTOK, BIENVENIDO MARALIT, AUREA ACOSTA, CONSUELO ALCANTARA, BENJAMIN CASTILLO, AUGUSTO CLAVERIA, RUFINO GERON, SEGUNDINA GUALBERTO, SIXTO GUALBERTO, ADORACION CABRAL, HEIRS OF LUCILA ALDOVER, JAIME TAURO, SIMEON MAGTIBAY, CONSTANCIA VILLAMOR BARCELO, MA. CONSOLACION SARMIENTO, PRISCILLA BUENAFE, MA. CLARA BERBA, PACITA BERBA, AMELIA BERBA, RAFAEL BERBA, MARIANO DIOKNO, HEIRS OF BASILIO MACARAIG, FELINO HERNANDEZ, JOSE MARANAN, GREGORIO DAPAT, MANUEL AMUL, DANIEL MAGADIA, LUISA MONTALBO, SIMEON BALITA, MARIA LACSAMANA, MARIA CAEDO, MARIA ESPAÑOL, PEDRO MARASIGAN, ANDREA BALINA, EULALIO BUENAFE, GENEROSA BUENAFE, LILIANA ABACAN (CO-OWNER OF GERARDO ABACAN), ERLINDA ABACAN (CO-OWNER OF GERARDO ABACAN), CONSOLACION ACOSTA, CECILLE OLIVIA CUISIA, DELIA E. VELASCO, ALFREDO P. ESPINO, EFREN ESPINO, ALFREDO BAUTISTA, RAFAEL LLANA, RUSTICA LLANA, PEDRO MAGADIA, ROSE MAGADIA, ARNEL PEREZ, EVARISTA BAUAN, CARLITO CASAS, AZUCENA PEREZ, ESPERANZA DIMAANDAL, JUANA MACALALAD, PABLO MENDOZA, DOROTEO MACATANGAY, FRANCISCO SUMANGA, LIBRADA MACATANGAY VDA. DE ABAS, MARIA MONTALBO, WILSON ONG, AGRIFINA GARCIA, ISABEL ILAO, HEIRS OF MELANIO ACOSTA AND PELAGIA ACOSTA, ROSA D. MAGADIA, GUADALUPE DAYANGHIRANG, LAURO ABRAHAM, FELISA MACATANGAY, FRANCISCO ABALOS, PETRA ALANO, HEIRS OF SEVERO ALANO, HEIRS OF SOLEDAD ALANO, HEIRS OF INOCENCIO ALANO, HEIRS OF REMEDIOS ALANO, HEIRS OF ANTONIO ALANO, HEIRS OF FELIPE ALANO, ERLINDA D. BALINA, NEMESIO BALINA, FELIPA ACOSTA, LAMBERTO ACOSTA, EMILIO BERBERABE, SOLE HEIR OF GABRIELA ACOSTA, ESTANISLAW ACOSTA, HEIRS OF CECILIA DIMAANDAL, HEIRS OF FRANCISCO SUMANGA, HEIRS OF SIMEON MAGTIBAY, HEIRS OF CESARIO RIVERA AND ANATACIA ALDOVER, FRANCISCO A. BERBERABE, EMILIO F. BERBERABE, JR., ANITA G. ESCANO, LYDIA G. CAPULONG, ERLINDA BERMER (GERMER), ERLINDA G. GONZALES, ROMULO G. GONZALES, ANUNCIACION GUTIERREZ, SILVERIO ATIENZA, FELIPE SERRANO AND SPOUSE, J.L. GANDIONCO REALTY, GREGORIO BALIWAG, LOURDES MERCADO, AUGUSTO MERCADO, HEIRS OF FIDENCIO MERCADO, HEIRS OF CONCEPCION MERCADO, SATURNINO PEREZ, ET AL., DOMINGO L. TAN, DANIEL MAGADIA, CELIA PASION DIMAANDAL, ET AL., LUISA VILLANUEVA, SIMEON BALINA, JOEL BERBERABE, THOMAS BERBERABE, HEIRS OF NESTOR ALCANTARA, ENRICO ALCANTARA, LEONARDO ALCANTARA, ROMULO BALINA, JUANA DIMAANDAL, CATALINA D. BALINA, HEIRS OF FORTUNATA BALINA, SPS. ZOILO ALDOVER AND CATALINA MONTALBO,

HEIRS OF PEDRO MONTALBO AND MAURICIA BALINA, ADORACION MAGTIBAY, HEIRS OF VICENTE GUTIERREZ, EDILBERTO DIMAANDAL AND LILIA GABIA, HEIRS OF EVARISTO MONTALBO AND FELISA MONTALBO, HEIRS OF LEOCADIO ALANO AND LEONILA ALANO, TOMASA BALINA, LUMIN ANTOLIN (REP. BY LEANDRO GALVEZ), VICENTE DE RIVERA, RENE DE RIVERA, FRANCISCO MERCADO, SERAFIN MONTALBO, FORTUNATA BAUNA, SALUD MACARAIG, FLORENDO MACATANGAY, PASTOR REALTY CORP., LUZ BALMES, PERPETUA ATIENZA, FORTUNATA ATIENZA, ISABELO ATIENZA, BROTHERS OF FORTUNATA BALINA, ROSALINDA C. ROSALES, AND PATRICIO SUMANGA, RESPONDENTS.

D E C I S I O N

VELASCO JR., J.:

The Cases

Before the Court are six petitions and a motion for reconsideration of our Decision dated August 24, 2007,^[1] all offshoots of various orders, writs, and processes issued by the Regional Trial Court (RTC), Branch 84 in Batangas City in **Civil Case No. 5447**, a suit for expropriation initiated on October 14, 1999 by the Philippine Ports Authority (PPA), entitled *Philippine Ports Authority v. Felipa Acosta, et al.*

While procedural and collateral issues abound, central to these petitions, however, is the matter of just compensation for the lots sought to be expropriated by PPA for the Batangas Port Zone (BPZ) project (Phase II) subject of the July 10, 2000 and August 15, 2000 RTC Orders and various orders implementing the August 15, 2000 Order.

In the two (2) petitions under Rule 45 (**G.R. Nos. 154211-12**), petitioners Ernesto F. Curata, et al., seek a review of the July 30, 2001 Decision^[2] and the July 11, 2002 Resolution^[3] of the Court of Appeals (CA) in the consolidated cases entitled *PPA v. Hon. Paterno V. Tac-an, Rolando Quino, Ernesto Curata, et al.*, docketed as CA-G.R. SP No. 60314 and *PPA v. Hon. Paterno V. Tac-an, Arsenio Abacan, et al.*, docketed as CA-G.R. SP No. 63576 which granted PPA's petitions and accordingly annulled various RTC orders. In CA-G.R. SP No. 60314, PPA, as petitioner therein, questioned the actions taken by the trial court in connection with its **First Compensation Order**^[4] dated **July 10, 2000**, fixing the just compensation at PhP 5,500 per square meter, more specifically (1) the July 24, 2000 order granting the motion to execute pending appeal the said July 10, 2000 order and (2) the July 31, 2000 order issuing the writ and various notices of garnishment. PPA likewise sought to annul the Orders that emanated from the Notice of Appeal filed by PPA from the First Compensation Order. These orders are the August 25, 2000 Order denying PPA's Notice of Appeal with Motion for Extension to pay appellate docket fees and file a record on appeal, the August 28, 2000 Order denying PPA's record on appeal, and the September 18, 2000 Order denying PPA's Motion for Reconsideration.

In the certiorari and mandamus proceedings in CA-G.R. SP No. 63576, PPA sought to annul the RTC's August 18, 2000 Order, which implemented the **Second**

Compensation Order^[5] dated **August 15, 2000** also pegging the just compensation at PhP 5,500 per square meter, and several related issuances that followed including an Order of December 13, 2000 denying PPA's record on appeal.

In the third petition (**G.R. No. 158252**), PPA assails the May 16, 2003 Decision^[6] of the CA in CA-G.R. SP No. 73848 entitled *PPA v. Hon. Paterno Tac-an, Remedios Rosales-Bondoc, et al.* which dismissed PPA's petition for certiorari to annul these RTC orders, to wit: the July 12, 2002 RTC Order for the release to lot owners Remedios Rosales-Bondoc, et al. of the deposit equivalent to 100% of the zonal valuation of the expropriated lots based on Republic Act No. (RA) 8974, the July 29, 2000 Order denying PPA's Omnibus Motion to Withdraw the June 27, 2002 Manifestation, and the September 5, 2002 Order denying PPA's Motion for Reconsideration.

In the fourth petition (**G.R. No. 166200**), PPA likewise impugns, as having been issued in grave abuse of discretion, the November 22, 2004 CA Decision^[7] in CA-G.R. SP No. 83570 entitled *PPA v. Hon. Paterno Tac-an, Felipa Acosta, et al.* The CA affirmed the RTC orders dated December 2, 2003, December 18, 2003, February 13, 2004, March 24, 2004, and April 12, 2004 and the Supplemental Order dated April 15, 2004 relating to the initial payment of the zonal value of the lots pursuant to RA 8974 at PhP 4,250 per square meter to lot owners Felipa Acosta, et al.

In the fifth petition (**G.R. No. 168272**), petitioners Rosalinda Buenafe and Melencio Castillo seek a review of the March 31, 2005 Decision^[8] and May 26, 2005 Resolution^[9] of the CA in CA-G.R. SP No. 82917 entitled *PPA v. Hon. Paterno V. Tac-an, Rosalinda Buenafe, et al.* which nullified the November 6, 2003 RTC Order^[10] granting the writ of execution in favor of landowners Rosalinda Buenafe and Melencio on the basis of the September 29, 2000 writ of execution earlier issued by the trial court.

In the sixth petition (**G.R. No. 170683**), PPA assails the July 28, 2005 Decision^[11] and the November 24, 2005 Resolution of the CA in CA-G.R. CV No. 70023 entitled *PPA v. Felipa Acosta, et al.*, which affirmed the September 7, 2000 RTC Order,^[12] setting the just compensation at PhP 5,500 per square meter pursuant to the August 15, 2000 Order (Second Compensation Order), for intervenors Caroline B. Acosta, et al.

Finally, in the seventh and last petition (**G.R. No. 173392**), pending resolution is the motion for reconsideration^[13] interposed by PPA of the Court's Decision^[14] dated August 24, 2007 which affirmed the July 3, 2006 CA Resolution^[15] in consolidated cases CA-G.R. CV No. 77668 (*PPA v. Remedios Rosales-Bondoc, et al.*), SP No. 87844 (*PPA v. Hon. Paterno V. Tac-an, Remedios Rosales-Bondoc, et al.*), and SP No. 90796 (*PPA v. Hon. Paterno V. Tac-an*), and dismissed PPA's appeal from the August 15, 2000 RTC Order (Second Compensation Order). The CA Resolution affirmed the May 29, 2001^[16] and November 18, 2004^[17] RTC Orders granting the November 22, 2004 Writ of Execution^[18] and the November 23, 2004 Notices of Garnishment.^[19] Lastly, it denied PPA's petition to cite RTC Judge Paterno V. Tac-an for contempt for lack of merit.