

SPECIAL SECOND DIVISION

[CA-G.R. CV NO. 94726, March 13, 2015]

NATIONAL POWER CORPORATION, PLAINTIFF-APPELLANT, VS. SPOUSES PRIMITIVA GENER & MARCOS GUMASING, SPOUSES ESPIRIDION & LOURDES POLICARPIO, SPOUSES ALFREDO & GERTUDES MATEO, HEIRS OF LUCIA NIETO REPRESENTED BY PERFECTO LEANG AND DOLORES LEANG-HERRERA, GENEROSO AVANCEÑA, SPOUSES ELENA & BIENVENIDO BUENAVENTURA, SPOUSES RUBEN & DOLORES CABRERA, SR., SPOUSES PERFECTO & ERLINDA AVANCEÑA, SPOUSES ANTONIO & ZENAIDA AVANCEÑA, LEONITA AVANCEÑA REPRESENTED BY GENEROSO AVANCEÑA, SPOUSES ANDRES & CRISANTA AVENA, SPOUSES ROGELIO MENDOZA & EVELYN TOMAS, SPOUSES ISAGANI MENDOZA & URSULA SALINO, SPOUSES AVELINO CRUZ & LEONARA MENDOZA, SOLEDAD MENDOZA, ADELA MENDOZA REPRESENTED BY ROGELIO AND ADELA MENDOZA, DEFENDANTS,

ESTATE OF LOURDES S. PASCUAL AND/OR BANCO FILIPINO SAVINGS AND MORTGAGE BANK, EFENDANTS-APPELLEES.

DECISION

CRUZ, R.A., J.:

THE CASE

This is an appeal under Rule 41 of the Rules of Court assailing the Partial Judgment dated June 24, 2009^[1] of the Regional Trial Court (RTC) of Malolos City, Bulacan, Branch 76 in Civil Case No. 1090-M-1997. The dispositive portion of the Partial Judgment reads, as follows:

“ xxx xxx xxx

IN VIEW OF THE FOREGOING, judgment is hereby rendered as follows:

1. Ordering the expropriation of Lot (sic) 1823 with a combined total area of 92,524 square meters, described and covered by TCT No. T-129607^[2] in favor of plaintiff National Grid Corporation of the Philippines (sic) for public use or purpose it was intended, free from all liens and encumbrances whatsoever;
2. Ordering the plaintiff to pay the rightful and lawful owner of Lot (sic) 1823 the amount of P4,000.00 per square meter as the just compensation for the taking with legal interest thereon at 6% per annum commencing on 7 September 2007 until finality of this partial judgment, deducting therefrom plaintiff's provisional deposit in the amount of P1,285,177.70 with the Land Bank of the Philippines, NPC Branch, Diliman, Quezon City, under Account Number HYSA-2821-0103-68;
3. Pending the determination of the real owner of the subject property, plaintiff is directed to deposit the amount abovementioned under custodia legis, thru the Land Bank of the Philippines, Malolos City, Bulacan Branch.

Plaintiff is likewise directed to submit in court the bank passbook as proof of deposit of the aforesaid just compensation;

4. Ordering the parties to pay each commissioner the amount of P800.00 per hearing as commissioners' fee;

Let this partial judgment be recorded in the Office of the Register of Deeds of Tabang, Guiguinto, Bulacan.

Furnish copies of this Order (sic) to plaintiff NGCP (sic), Banco Filipino Savings and Mortgage Bank, defendant Lourdes S. Pascual and their respective counsels, the commissioners, as well as the Registry of Deeds of Tabang, Guiguinto, Bulacan

SO ORDERED.

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amount of P4,000.00, Philippine Currency, per square meter. Moreover, since the taking, the whole portion of Lot No. 1823 was rendered unusable as the tower and high voltage transmission lines built thereon continuously pose great threat and danger to the lives of the people.

Thus, it decreed that:

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IN VIEW OF THE FOREGOING, judgment is hereby rendered as follows:

1. Ordering the expropriation of Lot (sic) 1823 with a combined total area of 92,524 square meters, described and covered by TCT No. T-129607^[41] in favor of plaintiff National Grid Corporation of the Philippines (sic) for public use or purpose it was intended, free from all liens and encumbrances whatsoever;
2. Ordering the plaintiff to pay the rightful and lawful owner of Lot (sic) 1823 the amount of P4,000.00 per square meter as the just compensation for the taking with legal interest thereon at 6% per annum commencing on 7 September 2007 until finality of this partial judgment, deducting therefrom plaintiff's provisional deposit in the amount of P1,285,177.70 with the Land Bank of the Philippines, NPC Branch, Diliman, Quezon City, under Account Number HYSA-2821-0103-68;
3. Pending the determination of the real owner of the subject property, plaintiff is directed to deposit the amount abovementioned under custodia legis, thru the Land Bank of the Philippines, Malolos City, Bulacan Branch. Plaintiff is likewise directed to submit in court the bank passbook as proof of deposit of the aforesaid just compensation;
4. Ordering the parties to pay each commissioner the amount of P800.00 per hearing as commissioners' fee;

Let this partial judgment be recorded in the Office of the Register of Deeds of Tabang, Guiguinto, Bulacan.

Furnish copies of this Order (sic) to plaintiff NGCP (sic), Banco Filipino Savings and Mortgage Bank, defendant Lourdes S. Pascual and their respective counsels, the commissioners, as well as the Registry of Deeds of Tabang, Guiguinto, Bulacan

SO ORDERED.

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Unsatisfied with the partial judgment, plaintiff filed a Motion for Reconsideration^[42] arguing that the case of *Heirs of Mateo Pidacan et al., v. Air Transportation* is inapplicable. Moreover, the valuation of the property subject of expropriation should be computed from the date of taking or filing of the complaint, whichever is earlier. Defendant Pascual also filed a Motion to Amend Partial Judgment^[43] and Supplemental Motion to Amend Partial Judgment.^[44]

The RTC, in its Order dated November 9, 2009,^[45] denied the motions filed by the plaintiff and Defendant Lourdes Pascual. The *fallo* of the Order reads, as follows:

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WHEREFORE, premises considered, plaintiff's motion for reconsideration and defendant Lourdes Pascual's motion to amend partial judgment and supplemental motion to amend partial judgment with leave of court are hereby **DENIED** for lack of merit.

Furnish copies of this Order to plaintiff National Transmission Corporation (sic), Banco Filipino Savings and Mortgage Bank, defendant Lourdes S. Pascual and their respective counsels, as well as the Registry of Deeds of Tabang, Guiguinto, Bulacan.

SO ORDERED.

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Hence, this appeal.

THE ASSIGNED ERRORS

Plaintiff, now appellant before Us, ascribes the following errors that: