

SECOND DIVISION

[G.R. No. 151084, July 02, 2010]

PROVINCE OF CAMARINES SUR, REPRESENTED BY GOVERNOR LUIS R. VILLAFUERTE, PETITIONER, VS. HEIRS OF AGUSTIN PATO, ADOLFO DEL VALLE BRUSAS AND ZENAIDA BRUSAS; TRIFONA FEDERIS, MAURICIO MEDIALDEA AND NELSON TONGCO; MARIANO DE LOS ANGELES; HEIRS OF MIGUEL PATO, ARACELI BARRAMEDA ACLAN AND PONCIANO IRAOLA; HEIRS OF CRESENCIA VDA. DE SAN JOAQUIN,* RESPONDENTS.

D E C I S I O N

PERALTA, J.:

Before this Court is a petition for review on *certiorari*,^[1] under Rule 45 of the Rules of Court, seeking to set aside the Resolutions of the Court of Appeals (CA) dated May 31, 2001^[2] and November 19, 2001^[3] in CA-G.R. CV No. 69735.

The facts of the case are as follows:

Expropriation proceedings were initiated by petitioner Province of Camarines Sur against respondents Heirs of Agustin Pato, Adolfo del Valle Brusas & Zenaida Brusas, Trifona Federis, Mauricio Medialdea & Nelson Tongco, Mariano de los Angeles, Heirs of Miguel Pato, Araceli Barrameda Aclan and Ponciano Iraola sometime in 1989 in the Regional Trial Court (RTC) of Pili, Camarines, Sur, Fifth Judicial Region, Branch 32. In the proceedings which was docketed as Special Civil Action No. P-2-'89, petitioner proposed to pay respondents P20,000.00 per hectare, or P2.00 per square meter, as just compensation for their lands. Respondents resisted the attempt of petitioner to expropriate their properties arguing, among others, that there was no public necessity. Motions to Dismiss filed by respondents were, however, denied by the RTC. After a protracted litigation that led to the appointment of Commissioners to determine the proper value of the properties, the RTC rendered a Decision,^[4] the dispositive portion of which reads:

IN VIEW OF THE FOREGOING, judgment is hereby rendered:

1. Expropriating, in favor of plaintiff Province, for the public use detailed in its complaint, and in Res. No. 129, S. of 1998, the lands described in its pars. 1 and 4, consolidated complaint, as further described its sketch plan, p. 361 records;
2. Condemning plaintiff to pay defendants as just compensation for the land, owned by defendants named in the consolidated complaint and enumerated in Annex A as well as the improvements standing thereon, at the time this decision is executed, and set forth in Annex C hereof, which

is made an integral part of this decision, with 6% interest per annum from the date cases were individually filed until paid; and

3. Condemning plaintiff to pay Financial Assistance per E.O. 1035, Sec. 18 to the tenants mentioned in the summary of the commissioner's report and enumerated in Annex A; and to pay Commissioners Co, Altar and Malali, P5,000.00 each, immediately.

NO COSTS.

SO ORDERED.^[5]

The RTC ruled that the reasonable value of the lands to be expropriated were as follows:

Irrigated riceland - P9.00 per sq. m.

Unirrigated riceland, coconut land, orchard - P8.00 per sq. m.

Residential land - P120.00 per sq. m.^[6]

Petitioner filed a Motion for Reconsideration^[7] to the RTC Decision, specifically arguing that the value of just compensation should only be P20,000.00 per hectare, or P2.00 per square meter. Petitioner argued that such value was the amount awarded by other RTCs in the area, which involved landholdings of the same condition as that of the subject properties.

On June 9, 2000, the RTC issued an Omnibus Order^[8] denying petitioner's motion to reduce the valuations it made.

On June 15, 2000, petitioner filed with the RTC a Notice of Appeal.^[9]

On May 31, 2001, the CA issued a Resolution^[10] dismissing the appeal of petitioner for failure to pay the docket fees, thus:

x x x x

The Court RESOLVES to:

x x x x

(d) DISMISS the appeal of plaintiff-appellant Province of Camarines Sur for failure to pay the jurisdictional requirement of payment of the docket fee pursuant to Sec. 1 (c) of the 1997 Rules of Civil Procedure.^[11]

Aggrieved, petitioner filed a Motion for Reconsideration,^[12] which was, however, denied by the CA in a Resolution^[13] dated November 19, 2001.

Hence, herein petition, with petitioner raising the following errors committed by the CA, to wit:

i.

THE COURT OF APPEALS GRAVELY ERRED AND GROSSLY ABUSED ITS DISCRETION IN DISMISSING THE APPEAL OF HEREIN PETITIONER PROVINCE OF CAMARINES SUR AND IN DENYING ITS MOTION FOR RECONSIDERATION SUCH DISMISSAL AND DENIAL BEING ENTIRELY NOT IN ACCORD AND DIRECTLY IN CONTRAVENTION WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT IN THE INSTANT CASE, CONSIDERING THE ATTENDANT CIRCUMSTANCES HEREIN WHICH JUSTIFY THE LIBERAL INTERPRETATION AND APPLICATION OF THE RULES OF COURT.

ii.

THE COURT OF APPEALS SERIOUSLY ERRED IN DISMISSING THE APPEAL OF HEREIN PETITIONER PROVINCE OF CAMARINES SUR SINCE SAID APPEAL IS EXCEPTIONALLY MERITORIOUS AS THE APPEALED DECISION COMPLETELY DEPARTED FROM THE APPLICABLE RULES AND DULY ESTABLISHED JURISPRUDENCE IN THE DETERMINATION OF JUST COMPENSATION IN EXPROPRIATION CASES AND INSTEAD THE JUDGE IN THE LOWER COURT USED HIS OWN PERSONAL VIEW AND BELIEF IN COMING UP WITH THE VALUATION OF THE PROPERTY AS TO URGENTLY REQUIRE THE EXERCISE OF THE POWER OF JUDICIAL INTERVENTION AND SUPERVISION BY THE COURT OF APPEALS.

iii.

THE COURT OF APPEALS COMMITTED REVERSIBLE ERROR WHEN IT DENIED THE MOTION FOR RECONSIDERATION FILED BY HEREIN PETITIONER AND AFFIRMED ITS RESOLUTION DISMISSING THE APPEAL OF HEREIN PETITIONER PROVINCE BY CITING ONE CASE WHICH IS NOT APPLICABLE IN THIS INSTANT CASE AND CITING ANOTHER WHICH IS, IN FACT, SUPPORT OF THE APPEAL OF HEREIN PETITIONER.^[14]

At the crux of the controversy is a determination of the propriety of the CA's resolution dismissing petitioner's appeal for failure to pay the docket fees. In its Motion for Reconsideration^[15] before the CA, petitioner argued that its failure to pay the docket fees was due to the honest inadvertence and excusable negligence of its former counsel, Atty. Victor D.R. Catangui, to wit:

x x x x

1. The failure of the former counsel of herein Plaintiff-Appellant Province