

FIRST DIVISION

[G.R. No. 160890, November 10, 2004]

**BANK OF THE PHILIPPINE ISLANDS, PETITIONER, VS. COURT OF
APPEALS AND NATIONAL POWER CORPORATION,
RESPONDENTS.**

DECISION

YNARES-SATIAGO, J.:

This is a petition for review under Rule 45 of the Rules of Court, assailing the Decision dated August 30, 2002 of the Court of Appeals in CA-G.R. CV No. 69402,^[1] which reversed the Decision of the Regional Trial Court of Imus, Cavite, Branch 21,^[2] reducing from P10,000.00 to P3,000.00 the amount of just compensation for the expropriated land of petitioner; and decreasing from P10,000.00 to P3,000.00 the commissioners' fee for each of the three commissioners.

On April 15, 1996, private respondent National Power Corporation (NAPOCOR) filed a Complaint for Eminent Domain, seeking to expropriate a portion of petitioner Bank of the Philippine Islands' (BPI) property located in Barrio Bucal, Dasmariñas, Cavite, for the purpose of constructing and maintaining its Dasmariñas-Zapote 230 KV Transmission Line Project.

On August 1, 1996, pursuant to Section 2 of Rule 67 of the Rules of Court,^[3] NAPOCOR deposited with the Philippine National Bank, NPC Branch, in Quezon City, the amount of P3,013.60, equivalent to the assessed value of the property. On August 15, 1996, NAPOCOR notified BPI, through registered mail, of its intention to take possession of the property. Thereafter, the trial court granted their urgent ex-parte motion for the issuance of a writ of possession and authorized them to enter and take possession of the premises.^[4]

Previously, petitioner BPI filed a motion for bill of particulars which the trial court denied.^[5] Consequently, BPI moved for the dismissal of the case and the same was granted without prejudice to its reinstatement.^[6] Private respondent NAPOCOR filed a motion for reconsideration. The trial court granted the motion and reinstated the case.^[7]

In its Order dated November 28, 1997,^[8] the trial court designated three commissioners to determine the just value of the property subject of the expropriation in this case, namely: Mr. Lamberto C. Parra, Provincial Assessor of Cavite; Mr. Regalado Andaya, Municipal Assessor of Dasmariñas, Cavite; and Mr. Rodolfo D. Leonen, Defendant's Representative.

Accordingly, on February 26, 1999, the Commissioners submitted its Report which assessed the sum of the area of the property taken and the estimated value of just

compensation at 75.34 square meters x P10,000.00 = P753,400.00, and recommended an additional payment of P524,660.00 as severance damage, or a total of P1,278,060.00.^[9] Likewise, they submitted an undated Commissioners' Valuation Report citing the "Market Data Approach" as the method used in arriving at the amount of P10,000.00 per square meter as just compensation, whereby the value of the land is based on sales and listing of comparable property registered within the immediate vicinity.^[10]

On August 5, 1999, the trial court rendered judgment in favor of BPI, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered declaring that the portion of the parcel of land situated in Bucal, Dasmariñas, Cavite, embraced in, and covered by, Transfer Certificate of Title No. T-292517 of the Registry of Deed of Cavite consisting of 75.34 square meters to have been lawfully expropriated and now belongs to the plaintiff to be used for the construction and maintenance of its Dasmariñas-Zapote 230 KV Transmission Line Project.

The plaintiff is hereby ordered to pay to the defendant, through the Branch Clerk of this Court, the fair market value of the property at P10,000.00 per square meter or a total sum of P753,400.00 with legal rate of interest reckoned from the date of possession by the plaintiff.

The commissioner's fee is hereby fixed at P10,000.00 each to be paid by the plaintiff through the Branch Clerk of this Court.

The Clerk of this Court is ordered to have a certified copy of this decision be registered in the office of the Register of Deeds of Cavite.

SO ORDERED.^[11]

After the denial of its motion for reconsideration, NAPOCOR appealed to the Court of Appeals, which ruled as follows:

WHEREFORE, the appealed judgment is hereby REVERSED. A new one is entered ordering plaintiff-appellant NAPOCOR to pay defendant-appellant BPI the amount of P3,000.00 per square meter as just compensation for the expropriated land; and P3,000.00 commissioner's fee to each of the three (3) commissioners.

SO ORDERED.^[12]

Petitioner BPI moved for the reconsideration of the decision of the Court of Appeals, but the same was denied for lack of merit.

Hence, this petition for review based on the sole issue of whether the Court of Appeals gravely abused its discretion and seriously erred in fixing the just compensation for the subject property at P3,000.00 per square meter.

In petitions for review on certiorari under Rule 45 of the Rules of Court, the general