Supreme Court E-Library

WHEREFORE, the judgment of the Regional Trial Court of Lianga, Branch 28, of Surigao del Sur, in Criminal Cases Nos. L-1614, L-1615 and L-1616 is *AFFIRMED* insofar as it finds appellant Gaudencio Umbaña *GUILTY* of three counts of rape, ordering him to pay ₱50,000 as moral damages for each count of rape, with the *MODIFICATIONS* that the death sentences imposed are reduced to *reclusion perpetua*, and the amount of civil indemnity is reduced to ₱50,000 for each count of rape, and that of exemplary damages is reduced to ₱25,000 for each count of rape. Costs *de oficio*.

SO ORDERED.

Davide, Jr., C .J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, and *Callejo, Sr., JJ.*, concur.

THIRD DIVISION

[G.R. No. 146886. April 30, 2003.]

DEVORAH E. BARDILLON, *petitioner, vs.* **BARANGAY MASILI of Calamba, Laguna,** *respondent.*

SYNOPSIS

Two complaints for eminent domain were filed by the respondent to expropriate a 144-square meter parcel of land in Bgy. Masili, Calamba, Laguna to provide a multi-purpose hall. The first complaint was filed with the MTC which was subsequently dismissed "for lack of interest" for failure of respondent to appear at the pre-trial. The second complaint was filed with the RTC. Petitioner moved to dismiss the case before the RTC on the ground of *res judicata,* but it was denied. The RTC subsequently issued an order for the issuance of the

Supreme Court E-Library

writ of possession in favor of the respondent. The CA affirmed the assailed orders of the RTC.

Upholding the CA decision, the Supreme Court held that an expropriation suit is incapable of pecuniary estimation, accordingly, it falls within the jurisdiction of the RTC, regardless of the value of the property. Thus, when the respondent filed the second complaint for eminent domain before the RTC, respondent is not barred by *res judicata*; neither is respondent guilty of forum shopping. The Supreme Court also held that the RTC correctly issued the writ of possession after the respondent had complied with the requisites for authorizing immediate entry.

SYLLABUS

1. **REMEDIAL LAW; SPECIAL CIVIL ACTIONS; EXPROPRIATION; RTC HAS JURISDICTION OVER AN EXPROPRIATION SUIT AS IT IS INCAPABLE OF PECUNIARY ESTIMATION.** — An expropriation suit does not involve the recovery of a sum of money. Rather, it deals with the exercise by the government of its authority and right to take property for public use. As such, it is incapable of pecuniary estimation and should be filed with the regional trial courts.

2. **ID.; CIVIL PROCEDURE; *RES JUDICATA*; REQUISITES THEREOF; NOT APPLICABLE IN CASE AT BAR.** — *Res judicata* literally means a matter adjudged, judicially acted upon or decided, or settled by judgment. It provides that a final judgment on the merits rendered by a court of competent jurisdiction is conclusive as to the rights of the parties and their privies; and constitutes an absolute bar to subsequent actions involving the same claim, demand or cause of action. The following are the requisites of *res judicata*: (1) the former judgment must be final; (2) the court that rendered it had jurisdiction over the subject matter and the parties; (3) it is a judgment on the merits; and (4) there is — between the first and the second actions — an identity of parties, subject matter and cause of action. Since the MTC had no jurisdiction over expropriation proceedings, the doctrine of *res judicata* finds no application even if the Order of dismissal may have been an adjudication on the merits.

Supreme Court E-Library

3. ID.; SPECIAL CIVIL ACTIONS; EXPROPRIATION; WRIT OF POSSESSION; REQUISITES FOR A VALID ISSUANCE THEREOF; CASE AT BAR. — The requirements for the issuance of a writ of possession in an expropriation case are expressly and specifically governed by Section 2 of Rule 67 of the 1997 Rules of Civil Procedure. On the part of local government units, expropriation is also governed by Section 19 of the Local Government Code. Accordingly, in expropriation proceedings, the requisites for authorizing immediate entry are as follows: (1) the filing of a complaint for expropriation sufficient in form and substance; and (2) the deposit of the amount equivalent to 15 percent of the fair market value of the property to be expropriated based on its current tax declaration. In the instant case, the issuance of the Writ of Possession in favor of respondent after it had filed the Complaint for expropriation and deposited the amount required was proper, because it had complied with the foregoing requisites.

APPEARANCES OF COUNSEL

Lizardo Carlos & Assoc. for petitioner.
Reynaldo V. Improgo for respondent.

D E C I S I O N

PANGANIBAN, *J.*:

An expropriation suit is incapable of pecuniary estimation. Accordingly, it falls within the jurisdiction of regional trial courts, regardless of the value of the subject property.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, seeking to set aside the January 10, 2001 Decision and the February 5, 2001 Resolution of the Court of Appeals[2]

---

[1] *Rollo*, pp. 10–34.

[2] Fourteenth Division. Written by Justice Martin S. Villarama Jr.; concurred in by Justice Conrado M. Vasquez Jr. (Division chairman) and Justice Perlita J. Tria-Tirona (acting member).

Supreme Court E-Library

(CA) in CA-GR SP No. 61088. The dispositive part of the Decision reads:

"WHEREFORE, premises considered, the present [P]etition for [C]*ertiorari* is hereby DENIED DUE COURSE and accordingly DISMISSED, for lack of merit."[3]

The assailed Resolution[4] denied petitioner's Motion for Reconsideration.

The Facts

The factual antecedents are summarized by the CA as follows:

"At the root of this present [P]etition is the controversy surrounding the two (2) [C]omplaints for eminent domain which were filed by herein respondent for the purpose of expropriating a ONE HUNDRED FORTY FOUR (144) square meter-parcel of land, otherwise known as Lot 4381-D situated in Barangay Masili, Calamba, Laguna and owned by herein petitioner under Transfer Certificate of Title No. 383605 of the Registry of Deeds of Calamba, Laguna. Petitioner acquired from Makiling Consolidated Credit Corporation the said lot pursuant to a *Deed of Absolute Sale* which was executed by and between the former and the latter on October 7, 1996.

"The first [C]omplaint for eminent domain, docketed as Civil Case No. 3648 and entitled '***Brgy. Masili, Calamba, Laguna v. Emelita A. Reblara, Eugenia Almazan & Devorah E. Bardillon***,' was filed before the Municipal Trial Court of Calamba, Laguna ('MTC') on February 23, 1998, following the failure of Barangay Masili to reach an agreement with herein petitioner on the purchase offer of TWO HUNDRED THOUSAND PESOS (₱200,000.00). The expropriation of Lot 4381-D was being pursued in view of providing Barangay Masili a multi-purpose hall for the use and benefit of its constituents.

"On March 5, 1999, the MTC issued an order dismissing Civil Case No. 3648 'for lack of interest' for failure of the [respondent] and its counsel to appear at the pre-trial. The MTC, in its Order dated May 3, 1999, denied [respondent's] [M]otion for [R]econsideration thereof.

---

[3] Assailed CA Decision, p. 5; *rollo*, p. 142.

[4] *Rollo*, p. 151.

Supreme Court E-Library

"The second [C]omplaint for eminent domain, docketed as Civil Case No. 2845-99-C and entitled ***'Brgy. Masili, Calamba, Laguna v. Devorah E. Bardillon'*** was filed before Branch 37 of the Regional Trial Court of Calamba, Laguna ('RTC') on October 18, 1999. This [C]omplaint also sought the expropriation of the said Lot 4381-D for the erection of a multi-purpose hall of Barangay Masili, but petitioner, by way of a *Motion to Dismiss*, opposed this [C]omplaint by alleging in the main that it violated Section 19(f) of ***Rule 16*** in that [respondent's] cause of action is barred by prior judgment, pursuant to the doctrine of *res judicata*.

"On January 21, 2000, [the] Judge issued an order denying petitioner's *Motion to Dismiss*, holding that the MTC which ordered the dismissal of Civil Case No. 3648 has no jurisdiction over the said expropriation proceeding.

"With the subsequent approval of Municipal Ordinance No. 2000-261 on July 10, 2000, and the submission thereof in compliance with [the] Judge's Order dated June 9, 2000 requiring herein respondent to produce the authority for the expropriation through the Municipal Council of Calamba, Laguna, the assailed Order dated August 4, 2000 was issued in favor of Barangay Masili xxx and, on August 16, 2000, the corresponding order for the issuance of the *[W]rit of [P]ossession* over Lot 4381-D."[5]

Ruling of the Court of Appeals

In dismissing the Petition, the CA held that the Regional Trial Court (RTC) of Calamba, Laguna (Branch 37)[6] did not commit grave abuse of discretion in issuing the assailed Orders. It ruled that the second Complaint for eminent domain (Civil Case No. 2845-99-C) was not barred by *res judicata*. The reason is that the Municipal Trial Court (MTC), which dismissed the first Complaint for eminent domain (Civil Case No. 3648), had no jurisdiction over the action.

Hence, this Petition.[7]

---

[5] Assailed CA Decision, pp. 2–3; *rollo*, pp. 139–140. Citations omitted. Emphasis in the original.

[6] Presided by Judge Juanita T. Guerrero.

[7] This case was deemed submitted for decision on December 6, 2001, upon the Court's receipt of petitioner's Memorandum signed by Atty. Rufino

Supreme Court E-Library

The Issues

In her Memorandum, petitioner raises the following issues for our consideration:

"A. Whether or not, the Honorable Respondent Court committed grave abuse of discretion amounting to lack of jurisdiction when it denied and dismissed petitioner's appeal;

"B. Whether or not, the Honorable Respondent Court committed grave abuse of discretion when it did not pass upon and consider the pending Motion for Reconsideration which was not resolved by the Regional Trial Court before issuing the questioned Orders of 4 and 16 August 2000;

"C. Whether or not, the Honorable Respondent Court committed grave abuse of discretion in taking the total amount of the assessed value of the land and building to confer jurisdiction to the court *a quo*;

"D. Whether or not, the Honorable Respondent Court committed grave abuse of discretion in ignoring the fact that there is an existing multi-purpose hall erected in the land owned by Eugenia Almazan which should be subject of expropriation; and

"E. Whether or not, the Honorable Respondent Court committed grave abuse of discretion in failing to consider the issue of forum shopping committed by Respondent Masili."[8]

Simply put, the issues are as follows: (1) whether the MTC had jurisdiction over the expropriation case; (2) whether the dismissal of that case before the MTC constituted *res judicata*; (3) whether the CA erred when it ignored the issue of entry upon the premises; and (4) whether respondent is guilty of forum shopping.

The Court's Ruling

The Petition has no merit.

C. Lizardo of Lizardo Carlos & Associates. Respondent's Memorandum, signed by Atty. Reynaldo V. Improgo, was received by the Court on November 29, 2001.

[8] Petitioner's Memorandum, pp. 8–9; *rollo*, pp. 428–429. Original in upper case.

Supreme Court E-Library

First Issue:

Jurisdiction Over Expropriation

Petitioner claims that, since the value of the land is only ₱11,448, the MTC had jurisdiction over the case.[9]

On the other hand, the appellate court held that the assessed value of the property was ₱28,960.[10] Thus, the MTC did not have jurisdiction over the expropriation proceedings, because the amount involved was beyond the ₱20,000 jurisdictional amount cognizable by MTCs.

An expropriation suit does not involve the recovery of a sum of money. Rather, it deals with the exercise by the government of its authority and right to take property for public use. [11] As such, it is incapable of pecuniary estimation and should be filed with the regional trial courts.[12]

This was explained by the Court in *Barangay San Roque v. Heirs of Francisco Pastor*:[13]

"It should be stressed that the *primary* consideration in an expropriation suit is whether the government or any of its instrumentalities has complied with the requisites for the taking of private property. Hence, the courts determine the authority of the government entity, the necessity of the expropriation, and the observance of due process. In the main, the subject of an expropriation suit is the government's exercise of eminent domain, a matter that is incapable of pecuniary estimation.

"True, the value of the property to be expropriated is estimated in monetary terms, for the court is duty-bound to determine the just

---

[9] Annex "A-1" — Tax Declaration No. 032-00318 issued by the Municipal Assessor of Calamba, Laguna; *rollo*, p. 346.

[10] Assailed CA Decision, p. 4; *rollo*, p. 410.

[11] *Barangay San Roque, Talisay, Cebu v. Heirs of Francisco Pastor*, 334 SCRA 127, June 20, 2000; *Republic v. La Orden de PP. Benedictos de Filipinas*, 111 Phil. 230, February 28, 1961.

[12] §19 (1) of BP 129, as amended by RA 7691.

[13] *Supra*.

Supreme Court E-Library

compensation for it. This, however, is merely incidental to the expropriation suit. *Indeed, that amount is determined only after the court is satisfied with the propriety of the expropriation.*"

"Verily, the Court held in *Republic of the Philippines v. Zurbano* that 'condemnation proceedings are within the jurisdiction of Courts of First Instance,' the forerunners of the regional trial courts. The said case was decided during the effectivity of the Judiciary Act of 1948 which, like BP 129 in respect to RTCs, provided that courts of first instance had original jurisdiction over 'all civil actions in which the subject of the litigation is not capable of pecuniary estimation.' The 1997 amendments to the Rules of Court were not intended to change these jurisprudential precedents.[14]

To reiterate, an expropriation suit is within the jurisdiction of the RTC regardless of the value of the land, because the subject of the action is the government's exercise of eminent domain — a matter that is incapable of pecuniary estimation.

Second Issue:
Res Judicata

Petitioner claims that the MTC's dismissal of the first Complaint for eminent domain was with prejudice, since there was no indication to the contrary in the Order of dismissal. She contends that the filing of the second Complaint before the RTC should therefore be dismissed on account of *res judicata*.

Res judicata literally means a matter adjudged, judicially acted upon or decided, or settled by judgment.[15] It provides that a final judgment on the merits rendered by a court of competent jurisdiction is conclusive as to the rights of the parties and their privies; and constitutes an absolute bar to subsequent actions involving the same claim, demand or cause of action.[16]

---

[14] *Id.*, p. 134, per Panganiban, *J.* Emphasis in original.

[15] *Mirpuri v. Court of Appeals*, 318 SCRA 116, November 19, 1999; citing 46 Am Jur 2d, "Judgments" Sec. 394 (1969 ed.)

[16] *Republic of the Philippines v. Court of Appeals*, 324 SCRA 560, February 3, 2000; *Firestone Ceramics, Inc. v. Court of Appeals*, 313 SCRA

Supreme Court E-Library

The following are the requisites of *res judicata*: (1) the former judgment must be final; (2) the court that rendered it had jurisdiction over the subject matter and the parties; (3) it is a judgment on the merits; and (4) there is — between the first and the second actions — an identity of parties, subject matter and cause of action.[17]

Since the MTC had no jurisdiction over expropriation proceedings, the doctrine of *res judicata* finds no application even if the Order of dismissal may have been an adjudication on the merits.

Third Issue:
Legality of Entry Into Premises

Petitioner argues that the CA erred when it ignored the RTC's Writ of Possession over her property, issued despite the pending Motion for Reconsideration of the ruling dismissing the Complaint. We are not persuaded.

The requirements for the issuance of a writ of possession in an expropriation case are expressly and specifically governed by Section 2 of Rule 67 of the 1997 Rules of Civil Procedure.[18]

522, September 2, 1999; *Lee Bun Ting v. Aligaen*, 76 SCRA 416, April 22, 1977; *Philippine National Bank v. Barretto*, 52 Phil. 818, February 21, 1929.

[17] *Quezon Province v. Marte*, 368 SCRA 145, October 23, 2001; *Avisado v. Rumbaua*, 354 SCRA 245, March 12, 2001; *Vda. de Salanga v. Alagar*, 335 SCRA 728, July 14, 2000; *Siapian v. Court of Appeals*, 327 SCRA 11, March 1, 2000; *Ocampo v. Buenaventura*, 154 Phil. 253, January 24, 1974.

[18] "SECTION 2. *Entry of plaintiff upon depositing value with authorized government depositary.* — Upon the filing of the complaint or at any time thereafter and after due notice to the defendant, the plaintiff shall have the right to take or enter upon the possession of the real property involved if he deposits with the authorized government depositary an amount equivalent to the assessed value of the property for purposes of taxation to be held by such bank subject to the orders of the court. xxx

xxx xxx xxx

"After such deposit is made the court shall order the sheriff or other proper officer to forthwith place the plaintiff in possession of the property involved and promptly submit a report thereof to the court with service of copies to the parties."

Supreme Court E-Library

On the part of local government units, expropriation is also governed by Section 19 of the Local Government Code.[19] Accordingly, in expropriation proceedings, the requisites for authorizing immediate entry are as follows: (1) the filing of a complaint for expropriation sufficient in form and substance; and (2) the deposit of the amount equivalent to 15 percent of the fair market value of the property to be expropriated based on its current tax declaration.[20]

In the instant case, the issuance of the Writ of Possession in favor of respondent after it had filed the Complaint for expropriation and deposited the amount required was proper, because it had complied with the foregoing requisites.

The issue of the necessity of the expropriation is a matter properly addressed to the RTC in the course of the expropriation proceedings. If petitioner objects to the necessity of the takeover of her property, she should say so in her Answer to the Complaint.[21] The RTC has the power to inquire into the legality of the exercise of the right of eminent domain and to determine whether there is a genuine necessity for it.[22]

---

[19] "SECTION 19. *Eminent Domain.* — A local government unit may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose, or welfare for the benefits of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws; *Provided, however*, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: *Provided, further*, That the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: *Provided, finally*, That the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property."

[20] *Biglang-awa v. Bacalla*, 345 SCRA 562, November 22, 2000.

[21] §3 of Rule 67 of the Rules of Court.

[22] *Moday v. Court of Appeals*, 335 Phil. 1057, February 20, 1997; *Republic of the Philippines v. La Orden de PP. Benedictinos de Filipinas*, *supra*; *City of Manila v. Chinese Community*, 40 Phil. 349, October 31, 1919.

Supreme Court E-Library

Fourth Issue:
Forum Shopping

Petitioner claims that respondent is guilty of forum shopping, because it scouted for another forum after obtaining an unfavorable Decision from the MTC.

The test for determining the presence of forum shopping is whether the elements of *litis pendentia* are present in two or more pending cases, such that a final judgment in one case will amount to *res judicata* in another.[23]

Be it noted that the earlier case lodged with the MTC had already been dismissed when the Complaint was filed before the RTC. Even granting *arguendo* that both cases were still pending, a final judgment in the MTC case will not constitute *res judicata* in the RTC, since the former had no jurisdiction over the expropriation case.

WHEREFORE, the Petition is ***DENIED*** and the assailed Decision ***AFFIRMED***. Costs against petitioner.

SO ORDERED.

Puno (Chairman), *Sandoval-Gutierrez, Corona,* and *Carpio Morales, JJ.,* concur.

---

[23] *Heirs of Victorina Motus Peñaverde v. Heirs of Mariano Peñaverde*, 344 SCRA 69, October 20, 2000; *Ong v. Court of Appeals*, 333 SCRA 189, June 8, 2000; *Philippine Woman's Christian Temperance Union, Inc. v. Abiertas House of Friendship, Inc.*, 354 Phil. 791, July 22, 1998; *Buan v. Lopez Jr.*, 229 Phil. 65, October 13, 1986.