



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,  
 represented by the MANILA  
 INTERNATIONAL AIRPORT  
 AUTHORITY (MIAA),

G.R. No. 193828

Present:

Petitioner,

CARPIO, J., Chairperson,  
 PERALTA,  
 MENDOZA,\*  
 LEONEN,  
 MARTIRES, JJ.

- versus -

HEIRS OF ELADIO SANTIAGO c/o  
 SABAS SANTIAGO AND JERRY T.  
 YAO,

Promulgated:

27 MAR 2017

Respondents.

X-----*HM Cabalag Inflectio*-----X

DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking the reversal and setting aside of the Decision<sup>1</sup> and Resolution<sup>2</sup> of the Court of Appeals (CA), dated April 27, 2010 and September 15, 2010, respectively, in CA-G.R. CV No. 89842. The assailed Decision dismissed the appeal filed by herein petitioner and affirmed the September 28, 2006 Order<sup>3</sup> of the Regional Trial Court (RTC) of Parañaque City, Branch 257, in Civil Case No. 02-0041 which fixed the just compensation for the properties of herein respondents that were actually expropriated by petitioner for the installation of MIAA's runway approach lights.

\* On wellness leave.

<sup>1</sup> Penned by Associate Estela M. Perlas-Bernabe (now a member of this Court), with the concurrence of Associate Justices Mario V. Lopez and Elihu A. Ybañez, Annex "A" to Petition, *rollo* pp. 64-70.

<sup>2</sup> Annex "B" to Petition, *id.* at 71-72.

<sup>3</sup> Penned by Judge Rolando G. How; Annex "T" to Petition, *id.* at 222-226.

The pertinent factual and procedural antecedents of the case are as follows:

On January 30, 2002, herein petitioner filed with the RTC of Parañaque City a Complaint<sup>4</sup> for the expropriation of fragments of two parcels of land in Parañaque City for the purpose of installing runway approach lights spanning nine hundred (900) meters. The properties sought to be expropriated are: (1) a 180-square-meter portion of Lot 4174 located at Barangay San Dionisio which has an aggregate area of 2,151 square meters, covered by Original Certificate of Title (*OCT*) No. 189 registered in the name of a certain Eladio Santiago but is now owned by herein respondents who are his heirs (*heirs of Santiago*), and (2) a 540-square-meter portion of Lot No. 5012 located at Barangay La Huerta, with a total area of 68,778 square meters, covered by Transfer Certificate of Title (*TCT*) No. D-005-01300 registered in the names Antonio, Patricio and Cecilia, all surnamed Bernabe, but was subsequently sold to and now owned by Titan Construction Corporation, represented by herein respondent Jerry Yao (*Yao*).

In its Complaint, petitioner contended that it was compelled to institute the action for expropriation because several meetings were held between the parties concerning the proposed acquisition of the needed areas but no agreement was reached because respondents wanted petitioner to buy their entire properties; however, the total areas of which are beyond what were needed for the project. Petitioner also alleged that under Ordinance No. 96-16 of Parañaque City, the zonal value of the subject lots is fixed at ₱3,000.00 per square meter.

In their Answer,<sup>5</sup> respondents heirs of Santiago aver that: they are willing to sell provided the entire lot covered by OCT No. 189 be expropriated because the remaining portion shall be rendered useless after the completion of the project; the zonal valuation of the property by the Bureau of Internal Revenue (*BIR*) per Department Order No. 16-98, dated February 2, 1998, is not less than ₱30,000.00 per square meter, and petitioner should also be made to pay consequential damages, interest, attorney's fees and costs of suit.

On his part, respondent Yao, in his Answer,<sup>6</sup> asserted that the expropriation sought by petitioner is improper, invalid and inappropriate as there are still other probable and better properties which can serve the purpose alleged in the complaint; assuming the expropriation will push through, respondent should be made to pay not only the 540-square meter portion sought to be expropriated but also the Northwest and Southeast areas

<sup>4</sup> Annex "D" to Petition, *id.* at 75-81.

<sup>5</sup> Annex "F" to Petition, *id.* at 136-140.

<sup>6</sup> Annex "E" to Petition, *id.* at 128-135.



lying on both sides of the strip which would be rendered useless because of the risk caused by departing and landing aircrafts as well as the danger produced by the noise and air pressure generated by the aircrafts; the fair market value of the area to be expropriated, including the other affected areas, should not be less than ₱10,000.00 per square meter. Yao also interposed a counterclaim contending that since the expropriation sought will divide the entire property into separate areas, petitioner should be compelled to pay an amount of ₱35,000,000.00 for building a bridge over the Parañaque River to serve as the only means of going into and coming out of the Northwest area of the property; Yao also asked for the payment of moral and temperate damages, attorney's fees and litigation expenses.

Pursuant to the provisions of Section 2, Rule 67 of the Rules of Court, the RTC issued an Order<sup>7</sup>, dated May 7, 2002, directing petitioner to deposit the amount of ₱2,160,000.00 with the Land Bank of the Philippines, Sucat Branch as payment for the provisional value of the property which is a prerequisite to the issuance of a writ of possession in its favor.

After petitioner's compliance with the above Order, the RTC issued another Order,<sup>8</sup> dated May 24, 2002, directing the court's Deputy Sheriff to place petitioner in possession of the subject properties.

In its Orders dated June 11, 2002<sup>9</sup> and June 14, 2002,<sup>10</sup> the RTC allowed respondent Yao to withdraw the total amount of ₱1,620,000.00, which corresponds to its share in the deposit made by petitioner.

In the same manner, the RTC, in its Order<sup>11</sup> dated August 29, 2002, allowed respondents heirs of Santiago to withdraw their share of ₱540,000.00 from the same deposit made by petitioner.

Meanwhile, in compliance with the Order<sup>12</sup> of the RTC dated August 19, 2002, the parties submitted the names of the commissioners of their choice for the purpose of determining the just compensation for the property sought to be expropriated. In the same Order, the RTC designated the City Assessor of Parañaque as Chairman of the commissioners.

Thereafter, the commissioners submitted their respective appraisal reports indicating therein the amounts which were suggested as just compensation for the subject properties, to wit:

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<sup>7</sup> Annex "G" to Petition, *id.* at 152.  
<sup>8</sup> Annex "H" to Petition, *id.* at 153-154.  
<sup>9</sup> Annex "I" to Petition, *id.* at 155.  
<sup>10</sup> Annex "J" to Petition, *id.* at 156.  
<sup>11</sup> Annex "L" to Petition, *id.* at 160.  
<sup>12</sup> Annex "K" to Petition, *id.* at 157-158.

Royal Asia Appraisal Corporation (*RAAC*), chosen by herein petitioner – PhP2,500.00 per square meter for both properties;

Justiniano C. Montano IV, chosen by respondent Yao – PhP15,000.00 per square meter;

Vic. T. Salinas Realty and Consultancy Services, chosen by respondents heirs of Santiago – PhP12,500.00 per square meter; and

City Assessor of Parañaque – PhP5,900.00 per square meter for both properties.

However, the group of commissioners failed to reach a consensus as to the amount of just compensation for the subject properties. Thus, this issue was submitted for resolution to the RTC.

On September 28, 2006, the RTC issued its subject Order disposing as follows:

WHEREFORE, for the payment of just compensation on the properties actually expropriated, the Republic of the Philippines, represented by the Manila International Airport Authority (*MIAA*), is held liable to the heirs of Eladio Santiago the amount of ₱4,500.00 per square meter multiplied by the expropriated area of 180 square meters and to Jerry Yao the amount of ₱5,900.00 per square meter multiplied by the expropriated area of 540 square meters. Since the heirs of Eladio Santiago had already received the sum of ₱540,000.00 and Jerry Yao the sum of ₱1,287,360.00 from the Republic of the Philippines, represented by *MIAA*, the said amounts shall be deducted from the payments.

SO ORDERED.<sup>13</sup>

Petitioner filed a Motion for Reconsideration<sup>14</sup> of the above Order, but the RTC denied it in its Order<sup>15</sup> dated March 28, 2007.

Petitioner, then, filed an appeal with the CA. Subsequently, on April 27, 2010, the CA rendered its assailed Decision dismissing petitioner's appeal and affirming the September 28, 2006 Order of the RTC.

Petitioner's subsequent Motion for Reconsideration was denied by the CA in its Resolution dated September 15, 2010.

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<sup>13</sup> *Id.* at 226.

<sup>14</sup> Annex "U" to Petition, *id.* at 227-231.

<sup>15</sup> Annex "X" to Petition, *id.* at 240.

Hence, the instant petition for review on *certiorari* based on the following grounds:

## I

The Court of Appeals committed serious error of law in affirming the findings of the expropriation court relative to the latter's determination of just compensation for the properties of respondents, thereby ignoring the standards provided under Section 5 of RA 8974 for the determination of just compensation

## II

The Court of Appeals committed serious error of law in sustaining the ruling of the expropriation court that the recommendation of petitioner's appraiser, Royal Asia Appraisal Corporation, lacks sufficient basis to support its conclusion.<sup>16</sup>

The petition lacks merit.

At the outset, the Court deems it proper to dispose of the factual matters raised in the instant petition as they call for a recalibration or reevaluation of the evidence submitted by the parties.

Settled is the rule that this Court is not a trier of facts, and it is not its function to examine, review, or evaluate the evidence all over again.<sup>17</sup> A petition for review on *certiorari* under Rule 45 of the Rules of Court should cover only questions of law.<sup>18</sup> This rule equally applies in expropriation cases.<sup>19</sup>

Moreover, the factual findings of the CA affirming those of the trial court are final and conclusive. They cannot be reviewed by this Court, save only in the following circumstances: (1) when the factual conclusion is a finding grounded entirely on speculations, surmises and conjectures; (2) when the inference is manifestly mistaken, absurd or impossible; (3) when there is a grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the CA went beyond the issues of the case in making its findings, which are further contrary to the admissions of both the appellant and the appellee; (7) when the CA's findings are contrary to those of the trial court; (8) when the conclusions do not cite the specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) when the

<sup>16</sup> *Rollo*, pp. 32-33.

<sup>17</sup> *Carbonell v. Carbonell-Mendes*, G.R. No. 205681, July 1, 2015, 761 SCRA 260, 268.

<sup>18</sup> *Id.*

<sup>19</sup> *Republic of the Philippines v. C.C. Unson Company, Inc.*, G.R. No. 215107, February 24, 2016; *Republic of the Philippines v. Heirs of Spouses Pedro Bautista and Valentina Malabanan*, 702 Phil. 284, 297 (2013); *Republic v. Spouses Tan, et al.*, 676 Phil. 337, 351 (2011).

CA's findings of fact, supposedly premised on the absence of evidence, are contradicted by the evidence on record.<sup>20</sup> While petitioner contends that the CA “manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion,” which is also a recognized exception, the Court finds that it (petitioner) failed to establish that the present case falls under the above-enumerated exceptions. Thus, absent competent proof that the RTC and the CA committed error in establishing the facts concerning the issue of just compensation and in drawing conclusions from them, the Court finds no cogent reason to deviate from such findings and conclusions.

Based on the above discussions alone, the Court finds that the instant petition is dismissible.

In the same manner, the Court finds that even the sole legal issue, which arises by reason of petitioner's averments in the instant petition, lacks merit for reasons similar to those discussed above.

In petitioner's first ground, the issue raised is whether or not the RTC and the CA took into consideration the standards provided under Republic Act No. 8974 (*RA 8974*), otherwise known as *An Act to Facilitate the Acquisition of Right-Of-Way, Site or Location For National Government Infrastructure Projects and For Other Purposes*, in determining just compensation, particularly Section 5 thereof, which provides as follows:

SECTION 5. Standards for the Assessment of the Value of the Land Subject of Expropriation Proceedings or Negotiated Sale. – In order to facilitate the determination of just compensation, the court may consider, among other well-established factors, the following relevant standards:

- (a) The classification and use for which the property is suited;
- (b) The developmental costs for improving the land;
- (c) The value declared by the owners;
- (d) The current selling price of similar lands in the vicinity;
- (e) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of the improvements thereon;
- (f) The size, shape or location, tax declaration and zonal valuation of the land;
- (g) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
- (h) Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly-situated

<sup>20</sup> *Republic of the Philippines v. Tan, et al., supra; Philippine National Oil Company v. Maglasang, et al.*, 591 Phil. 534, 545 (2008).



lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

Consistent with the above standards set by law, it has been this Court's consistent ruling that just compensation cannot be arrived at arbitrarily.<sup>21</sup> As enumerated above, several factors must be considered, such as, but not limited to, acquisition cost, current market value of like properties, tax value of the condemned property, its size, shape, and location.<sup>22</sup>

In consonance with the above rule, it has also been repeatedly emphasized that the determination of just compensation in eminent domain cases is a judicial function and that any valuation for just compensation laid down in the statutes may serve only as a guiding principle or one of the factors in determining just compensation but it may not substitute the court's own judgment as to what amount should be awarded and how to arrive at such amount.<sup>23</sup> Thus, this Court has held that the courts are not bound to consider the standards laid down under Section 5 of RA 8974 because the exact wording of the said provision is that "in order to facilitate the determination of just compensation, the courts may consider" them.<sup>24</sup> The use of the word "may" in the provision is construed as permissive and operating to confer discretion.<sup>25</sup> In the absence of a finding of arbitrariness, abuse or serious error, the exercise of such discretion may not be interfered with.<sup>26</sup> In the present case, the Court finds no arbitrariness, abuse or serious error in the findings of the RTC. Considering that the determination of the amount of just compensation by the RTC was even affirmed by the CA, which had the opportunity to examine the facts anew, this Court sees no reason to disturb it.

In any case, even assuming, *arguendo*, that the instant case necessitates the review of the evidence presented *vis-a-vis* the standards set under the abovequoted Section 5 of RA 8974, this Court, nonetheless finds that the RTC and the CA did not ignore the standards set by law and did not commit error in arriving at their findings and conclusions as to the amount of just compensation due to respondents.

As to the classification and use for which the subject properties are suited, both the RTC and the CA found that they were primarily agricultural in nature as they were used as salt beds and fishponds. This finding is

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<sup>21</sup> *National Power Corporation v. Spouses Zabala and Baylon*, 702 Phil. 491, 501 (2013).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 500; *National Power Corporation v. Tuazon, et. al.*, 668 Phil. 301, 313 (2011); *National Power Corporation v. Bagui, et al.*, 590 Phil. 424, 432 (2008).

<sup>24</sup> *Republic of the Philippines v. Heirs of Spouses Pedro Bautista and Valentina Malabanan*, *supra* note 19, at 298.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

supported by the appraisal report of the commissioners of herein petitioner and respondents.<sup>27</sup>

Nonetheless, the parties' commissioners were all in agreement that the subject properties' immediate vicinity is booming with commercial activity, which shows the potential use or the use for which the property is best suited.<sup>28</sup> In particular, RAAC's Appraisal Report noted that "beside the subject property is the Global Airport Business Park intended for warehousing and display, which cater[s to] local and foreign locators."<sup>29</sup> Also, the commissioners listed some of the commercial establishments within the vicinity such as the Olivares Plaza, MIAA Complex, Parañaque Fresh Food Terminal, Airport Citimall, among others.<sup>30</sup> Based on their assessment in their respective Appraisal Reports, respondents' commissioners averred that commercial and light industrial development represent the highest and best use of the disputed lots, while RAAC does not discount the possibility that these properties may be devoted to other uses other than agricultural. "Highest and best use" is defined as the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.<sup>31</sup> This Court has held that among the factors to be considered in arriving at the fair market value of a property is its potential use.<sup>32</sup> Also, it has been held that a property's potential use, or its adaptability for conversion in the future, may be considered in cases where there is a great improvement in the general vicinity of the expropriated property, although it should never control the determination of just compensation.<sup>33</sup> In fact, the Appraisal Reports of the parties' commissioners clearly indicate that at the time when the subject properties are being expropriated, the locality where they are found already abounds with commercial and industrial activities. Aside from that, the commissioners also noted that the subject properties are also near developed residential areas such as the Multinational Village.<sup>34</sup> As this Court has held, all the facts as to the condition of the property and its surroundings, as well as its improvements and capabilities, should be considered.<sup>35</sup> Certainly, the potential use or uses of the subject properties would affect their fair market value.

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<sup>27</sup> See Appraisal Reports of commissioners, records, vol. IV.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Republic v. Department of Transportation and Communications, et al.*, G.R. Nos. 181892, 209917, 209696 and 209731, September 8, 2015.

<sup>32</sup> *Republic v. Asia Pacific Integrated Steel Corporation*, 729 Phil. 402, 417 (2014).

<sup>33</sup> *Land Bank of the Philippines v. Montinola-Escarilla and Co., Inc.*, 687 Phil. 245, 251 (2012); *Land Bank of the Philippines v. Livioco*, 645 Phil. 337, 357 (2010).

<sup>34</sup> *Supra* note 27.

<sup>35</sup> *National Power Corporation v. Manubay Agro-Industrial Development Corporation*, 480 Phil. 470, 480 (2004).





Anent the other factors enumerated under Section 5 of RA 8974, the RTC correctly found that the parties' commissioners uniformly used the Market Data Approach.

With respect to petitioner, it quoted the report of its chosen commissioner, RAAC, which described the subject properties as interior lots, and explained as follows:

x x x x

x x x In this approach, the value of the land is based on sales and listings of comparable properties registered in the vicinity. The technique of this approach requires the establishing of comparable properties by reducing reasonable comparative sales and listings to a common denominator.

This is done by adjusting the differences between the subject property and those actual sales and listings regarded as comparables. The properties used as bases of comparison are situated within the immediate vicinity of the subject property. Our comparison was premised on the factors of location, characteristics of the lot, time element, quality, and prospective use. We have searched the market for comparable properties and gathered the following:<sup>36</sup>

RAAC then made a list of comparable properties, to wit:

LISTINGS:

1. Currently, an interior lot having an area of 30,000 sq. m., more or less, located at the back of Green Heights, Brgy. Sucat, Paranaque City, Metropolitan Manila, is being offered for sale x x x at an asking price of PhP5,500 per sq. m.
2. Still, a commercial lot having an area of 16,458 sq. m., more or less, located along Dr. A. Santos Avenue (Sucat Road) across SM, Brgy. San Dionisio, Paranaque City, Metropolitan Manila, is being offered for sale x x x at an asking price of PhP18,000 per sq. m.
3. Still, an interior lot having an area of 16,548 sq. m., more or less, located within Sun Victorias Compound, Paranaque City, Metropolitan Manila, is being offered for sale x x x at an asking price of PhP6,500 per sq. m.
4. Still, a commercial lot having an area of 1,828 sq. m., more or less, located about 100 meters away from NAIA Road, Paranaque City, Metropolitan Manila, is being offered for sale x x x at an asking price of PhP20,000.00 per sq. m.
5. Still, a commercial lot having an area of 1,500 sq. m., more or less, located along NAIA Road, Paranaque City, Metropolitan Manila, is being offered for sale x x x at an asking price of PhP20,000.00 per sq. m.<sup>37</sup>

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<sup>36</sup> *Rollo*, pp. 38-39.

<sup>37</sup> *Id.* at 39-40.



It is evident from the above list that the lowest asking price for the comparable properties was ₱5,500.00 per square meter, which is an interior lot like the subject properties, while the most expensive lot, which is commercial in nature and is along a main road, commands an asking price of PhP20,000.00. However, without presenting any competent proof, RAAC proceeded to contradict its own evidence and alleged that it also “sought the opinion of real estate brokers, bank appraisers and other knowledgeable individuals who, in [its] opinion, may be conversant with land values in the area and gathered that properties with regular cut for commercial development along Dr. A. Santos and Ninoy Aquino Avenues with an average depth of 100 meters can command a price range from PhP20,000 to PhP25,000 per sq. m., while interior properties without access have a going price of PhP2,000 to PhP4,000 per sq. m.” RAAC then concludes that the market value of the properties sought to be expropriated should be pegged at ₱2,500.00 per square meter. However, RAAC failed to present satisfactory proof to support its valuation of the subject properties. On the contrary, its own search of comparable properties yielded a different result, where, as mentioned earlier, the cheapest asking price for an interior lot was ₱5,500.00 per square meter. This is nowhere near RAAC's valuation of ₱2,500.00 per square meter, which as noted by the RTC is even lower than the ₱3,000.00 per-square-meter zonal value of the properties in 1996 which is six (6) years prior to the expropriation.<sup>38</sup> Thus, the RTC did not commit error in refusing to accept RAAC's valuation.

In the same manner, the prices of ₱15,000.00 and ₱12,500.00 per square meter, as suggested by the commissioners of Yao and the heirs of Santiago, respectively, were correctly rejected by the RTC as they did not accurately reflect the fair equivalent of the value of the subject lots because these prices match those of already highly developed residential and commercial properties which are near or along main roads and established thoroughfares.

On the other hand, the Parañaque City Assessor's list of comparable properties located in the same or nearby barangays which were sold for the previous two (2) years shows that these lots fetched selling prices ranging from ₱4,000.00 to ₱6,700.00 per square meter.<sup>39</sup> While these properties are residential lots, the Court, nonetheless, notes that two of the interior lots listed as comparable properties by RAAC were each valued at ₱5,500.00 and ₱6,500.00 per square meter. These valuations fall within the price range of the properties listed by the Parañaque City Assessor.

At this point, it bears to reiterate that just compensation is defined as the full and fair equivalent of the property taken from its owner by the

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<sup>38</sup> See Parañaque City Ordinance No. 96-16, records, vol. I, pp. 15-16.  
<sup>39</sup> See records, vol. IV, pp. 1-3.

expropriator.<sup>40</sup> The measure is not the taker's gain, but the owner's loss.<sup>41</sup> The word "just" is used to intensify the meaning of the word "compensation" and to convey, thereby, the idea that the equivalent to be rendered for the property to be taken shall be substantial, full and ample.<sup>42</sup>

In this regard, the Court finds it *apropos* to quote pertinent portions of the findings of the RTC which explain the bases for its valuation of the subject lots and the difference in the said valuation, to wit:

Being an agricultural land, this Court believes that the amount of just compensation or fair value for the expropriated property of the heirs of Eladio Santiago is in the amount of ₱4,500.00 per square meter[,] a little higher than the Zonal Valuation (Ordinance No. 96-16) of ₱3,000.00 per square meter. It is a reasonable amount for its market value assuming that there is an interested buyer. The Court believes that the heirs would not be able to sell it for a higher amount. And assuming [that] there is an interested buyer, the latter would most likely not offer an amount higher than ₱4,500.00 considering its difficult accessibility since it is surrounded by a river.

The property of the heirs of Eladio Santiago is not a residential property with a value of ₱6,000.00 to ₱10,000.00 just like the developed subdivisions such as Moonwalk Subdivision, Bricktown Subdivision and Multinational Village which are located in the neighboring area. Neither could it be considered a commercial land found in the neighboring area which could command a value higher than residential properties. Those properties are not similarly situated since the property of the heirs of Eladio Santiago is surrounded by a river.

The property of Jerry Yao as depicted in the pictures, vicinity maps and Tax Declarations, among others[,] is also an agricultural land. His property was used as a fish pond, understandably because of its proximity to the Don Galo River. As it is now, his property remains an agricultural land although there are residential and commercial properties located not very far away from his property. His property could not be compared to the residential properties nearby since his land is undeveloped. Although there are pictures showing some commercial properties such as the Olivarez Plaza, Airport Citimall, AMVEL Land and the Global Park nearby, those properties are developed commercial properties. Moreover, Olivarez Plaza and Airport Citimall are located alongside Sucat Road and AMVEL Land and Global Park are well-developed commercial properties with very close accessibility to Sucat Road.

Using the same ruling as basis for determining just compensation of the property of Jerry Yao, this Court believes that the amount he would be entitled as a fair value or just compensation for his expropriated property is ₱5,900 as correctly estimated by the Assessor's Office.

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<sup>40</sup> *Republic v. C.C. Unson Company, Inc.*, *supra* note 19.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*


This Court did not arrive on the same valuation for the properties of the heirs of Eladio Santiago and Jerry Yao since both properties are not similarly situated. The property of the heirs of Eladio Santiago is surrounded by the Don Galo River, thus, accessibility is difficult while the property of Jerry Yao is comparatively more accessible since it is not surrounded by a river. In fact, Mr. Yao's property would have commanded a higher value had it been developed. x x x

x x x<sup>43</sup>

Inasmuch as the determination of just compensation in expropriation cases is a judicial function, as earlier discussed, and there being no showing that the RTC did not act capriciously or arbitrarily in its valuation of the subject lots, and that such valuation is affirmed by the CA upon review, the Court sees no reason to disturb the lower courts' factual findings as to such valuation. The findings of the RTC and the CA were based on documentary evidence and the amounts fixed and agreed to by the trial court and respondent appellate court are not grossly exorbitant or otherwise unjustified.

**WHEREFORE**, the instant petition is **DENIED**. The Decision and Resolution of the Court of Appeals, dated April 27, 2010 and September 15, 2010, respectively, in CA-G.R. CV No. 89842, are **AFFIRMED**.

**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Associate Justice

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<sup>43</sup> *Rollo*, pp. 225-226.

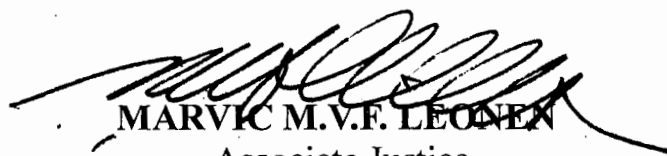
**WE CONCUR:**



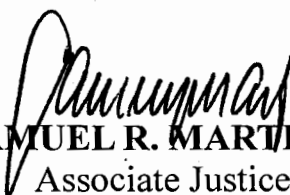
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

On wellness leave.

**JOSE CATRAL MENDOZA**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice



**SAMUEL R. MARTIRES**  
Associate Justice

**ATTESTATION**

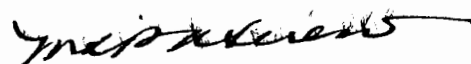
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice