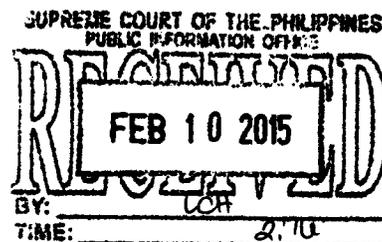




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2015** which reads as follows:*

**“G.R. No. 214366 (National Power Corporation v. Mimbisa Amboloto).-** The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the March 18, 2014 Decision<sup>1</sup> and September 9, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 02840 for failure of the National Power Corporation (petitioner) to show that the CA committed any reversible error in upholding the trial court’s award of actual damages in favor of Mimbisa Amboloto (respondent).

As correctly held by the CA, respondent had satisfactorily established his ownership over the property subject of this case and the damage caused to him by petitioner’s construction of its transmission lines which passed through the same. As petitioner had failed to prove payment of the compensation due to respondent owing to such damage, then the award of actual damages remains in order. Verily, one is entitled to an

- over – two (2) pages .....

<sup>1</sup> *Rollo*, pp. 11-17. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Marie Christine Azcarraga-Jacob and Edward B. Contreras, concurring.  
<sup>2</sup> *Id.* at 19-20. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Edward B. Contreras and Maria Filomena D. Singh, concurring.

adequate compensation only for such pecuniary loss suffered by him as he has duly proved,<sup>3</sup> as respondent was able to prove in this case. Moreover, findings of facts by a trial court, when affirmed by the CA, are binding on the Court. Any exception to these principles must be clearly and convincingly proven, a burden that herein petitioner failed to discharge.<sup>4</sup>

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
 Division Clerk of Court *g ab*  
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The Solicitor General (x)  
 Makati City

Court of Appeals  
 9000 Cagayan de Oro City  
 (CA-G.R. CV No. 02840)

PUBLIC ATTORNEY'S OFFICE  
 Counsel for Respondent  
 Regional Special and Appealed  
 Cases Unit  
 Hall of Justice  
 9000 Cagayan de Oro City

The Hon. Presiding Judge  
 Regional Trial Court, Br. 10  
 Marawi City 9700  
 (Civil Case No. 1706-99)

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SR

<sup>3</sup> Article 2199 of the Civil Code provides:

ART. 2199. Except as provided by law or by stipulation, one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proved. Such compensation is referred to as actual or compensatory damages.

<sup>4</sup> *Salcedo v. People*, 400 Phil. 1302, 1304 (2000).

