



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

REPUBLIC OF THE
 PHILIPPINES, represented by the
 TOLL REGULATORY BOARD,
 Petitioner,

G.R. No. 215107

Present:

CARPIO, J., Chairperson,
 BRION,*
 DEL CASTILLO,
 MENDOZA, and
 LEONEN, JJ.

- versus -

C.C. UNSON COMPANY, INC.,
 Respondent.

Promulgated:

24 FEB 2016

X ----- X

DECISION

MENDOZA, J.:

This is a petition for review on *certiorari* seeking to reverse and set aside the March 21, 2014 Decision¹ and the October 22, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 96407, which affirmed the December 23, 2009 Decision³ and the July 6, 2010 Order⁴ of the Regional Trial Court, Branch 35, Calamba City (RTC), in an expropriation case docketed as Civil Case No. 3818-05-C.

On August 3, 2005, a complaint for expropriation⁵ was filed by petitioner Republic of the Philippines (*petitioner*), through the Toll Regulatory Board (TRB). Under Section 3(c) of Presidential Decree No.

* On leave.

¹ *Rollo*, pp. 29-40. Penned by Associate Justice Sesinando E. Villon, with Associate Justice Florito S. Macalino and Associate Justice Eduardo B. Peralta, Jr., concurring.

² *Id.* at 51.

³ *Id.* at 41-48; penned by Judge Romeo C. De Leon.

⁴ *Id.* at 49.

⁵ *Id.* at 58-64.

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1112,⁶ the TRB was authorized to condemn private property for public use upon payment of just compensation.

Petitioner, through the TRB, sought to implement the South Luzon Tollway Extension Project (*SLEP*), particularly the Calamba City, Laguna – Sto. Tomas, Batangas Section, which aimed to extend the South Luzon Expressway for faster travel in the region.

Respondent C.C. Unson Company, Inc. (*Unson*) was the owner of the affected properties which were described as follows: (1) Lot No. 6-B (*Lot 6B*) under Transfer Certificate Title (*TCT*) No. T-57646,⁷ covering an area of 8,780 sq.m; and (2) Lot 4-C-2 (*Lot 4C2*) under TCT No. T-51596,⁸ covering an area of 16,947 sq.m. It sought to expropriate Lot 6B and Lot 4C2 in the amount of ₱2,250.00 per square meter (*sq.m.*)

On November 15, 2006, petitioner filed its Motion for Leave to File Amended Complaint and to Admit Attached Amended Complaint.⁹ In the Amended Complaint,¹⁰ petitioner indicated that Lot 4C2 should have a lower zonal value of ₱1,050.00 per sq.m instead of ₱2,250.00 per sq.m., pursuant to the certification¹¹ and tax declaration¹² issued by Revenue District Office No. 56 and the City Assessor's Office.

In its Answer,¹³ as well as in its Answer to Amended Complaint,¹⁴ Unson, by way affirmative defense, alleged that both properties had been classified and assessed as residential. Thus, Lot 4C2 should have a higher value ranging from ₱5,000.00 to ₱10,000.00 per sq.m.

On December 4, 2006, Unson filed the Urgent Twin Motion: To Release Initial Deposit and to Order Plaintiff to make Additional Deposit (*twin motion*).¹⁵ It reiterated that Lot 4C2 should have a higher valuation because the affected areas were classified as residential with zonal value in the amount of ₱2,250.00 per sq.m. Accordingly, Unson sought the release of an additional amount of ₱20,336,400.00 to complete the total of ₱38,130,750.00 which was required for Lot 4C2. It also prayed that

⁶ Authoring the Establishment of Toll Facilities on Public Improvements, Creating a Board for the Regulation Thereof and For Other Purposes.

⁷ Records, Volume I, p. 11.

⁸ Id. at 76.

⁹ Id. at 54-58.

¹⁰ Id. at 60.

¹¹ Id. at 108.

¹² Id. at 77.

¹³ Id. at 31-33.

¹⁴ Id. at 38-39.

¹⁵ Id. at 89-91.

petitioner release the amount of ₱37,549,350.00 pending compliance with the additional deposit of ₱20,336,400.00.

On December 20, 2006, petitioner filed the Urgent Ex-Parte Motion for Issuance of Writ of Possession¹⁶ (*December 20, 2006 Motion*) alleging that it had already deposited ₱37,549,350.00 or 100% of the total zonal value for the said properties with the Development Bank of the Philippines (*DBP*). It prayed that a writ of possession be issued in its favor and that the RTC order the Register of Deeds of Calamba City to register the said writ and annotate the same in the subject TCTs.

On December 21, 2006, the RTC issued the Order¹⁷ granting the December 20, 2006 motion and the motion to release initial deposit. The RTC further directed the parties to submit their nominees to the commission who would determine just compensation.

On January 3, 2007, petitioner filed its Motion for Issuance of Order of Expropriation¹⁸ praying that an order for expropriation be issued in its favor.

In its Order,¹⁹ dated June 15, 2007, the RTC directed petitioner to pay the additional amount of ₱20,336,400.00. To quote the RTC:

To the mind of the Court, the affected portion of TCT No. T-51596, particularly lot 4-C-2, is classified as residential and the corresponding BIR zonal value of said affected portion should be computed at Php2,250.00 per square meter. Hence, plaintiff should make an additional deposit equivalent to Php20,336,400.00

xxx From all indications, the required portion of defendant's property falls within that portion of Lot 4 (TCT No. T-51596) classified as residential. Plaintiff cannot simply claim that defendant has failed to delineate which portion is residential or industrial for purposes of computing the appropriate zonal value of the subject property. It should have been the plaintiff itself who must have determined first hand what particular portion of defendant's property would be traversed by the expropriation proceedings so as to conform with the deposit requirement of R.A. 8974.

In sum, Unson received the total amount of ₱57,886,750.00 from petitioner.

¹⁶ Id. at 97-107.

¹⁷ Id. at 110-112.

¹⁸ Id. at 113-115.

¹⁹ Id. at 166-168.

Through a motion,²⁰ dated August 14, 2007, Unson asked the trial court to include the remaining 750 sq.m. dangling lot in the expropriation proceedings. Although by no means a small area, the said 750 sq.m. lot had been rendered without value to Unson considering its resultant shape.

In the Order,²¹ dated July 17, 2009, the RTC instituted the Board of Commissioners (*Board*) and appointed the following: Atty. Allan Hilbero (*Chairman Hilbero*) as chairman with Antonio Amata (*Commissioner Amata*) and Engineer Salvador Oscianas, Jr. (*Commissioner Oscianas*) as members. An ocular inspection was conducted by the Board on August 17, 2009.²² As can be gleaned from the Commissioner's Report,²³ dated November 25, 2009, the Board considered the following factors in the assessment of just compensation:

- (1) Location Description- the parcels of land could be reached from the National Highway via concrete Barangay Road located across Yakult Philippines Compound. The property was beside Diver Sy Liver Corporation and more or less across Laguna Rubber. At the time of the inspection, the property was undergoing road construction.
- (2) Highest and Most Profitable Use- an analysis of the prevailing land usage led the Board to hold that industrial development would represent the highest and best use of the property.
- (3) Ocular Inspection- the Board, guided by the parcellary plan, was able to identify the properties which were directly affected by the expropriation proceedings as well as the portion which would not be affected by it.
- (4) Valuation/Appraisal- the Board conducted hearings and held several interviews and deliberations on the fair market value. Chairman Hilbero directed the two other commissioners to make and prepare an appraisal report on the subject properties. In his report, Commissioner Oscianas manifested that he personally inspected the property and investigated the local market conditions. He also considered the extent, character and utility of the property, the highest and best use of the property; and the sales and holding prices of similar or comparable land as basis of appraisal using the Market Data Approach. Commissioner Amata, on the other hand, did not submit any appraisal report.
- (5) BIR Certificate on Zonal Valuation- using Tax Declaration Nos. E-030-05276 and E-030-05242, the members of the Board were of the consensus that the subject properties were

²⁰ Id. at 193-195.

²¹ Id. at 339-340.

²² Id. at 42.

²³ Id. at 58-67.

classified as industrial which had a zonal valuation of ₱2,250.00 per sq.m.

- (5) Market Value- the Board considered the narrative report of Commissioner Oscianas to determine the market value of the subject properties.

On November 12, 2009, during the deliberation of the Board on the just compensation, Chairman Hilbero directed the two other commissioners to state their respective positions. Commissioner Oscianas recommended the amount of ₱4,400 per sq.m. after considering the following factors as stated in his narrative report:²⁴

- a. extent, character and utility of the property;
- b. highest and best use of the property; and
- c. sales and holding prices of similar or comparable lands as basis of appraisal using the Market Data Approach.
- d. that the property is easily accessible from the national highway;
- e. that the vicinity had several existing manufacturing plants/factories and that there are also residential subdivisions in the area; and
- f. that the prices of the nearby parcels of land and similar in characteristics ranged from ₱3,000.00 per square meter at the lowest and ₱8,000.00 per square meter at the highest;
- g. that the subject property is adjacent to a concrete barangay road; and
- h. that it is one of the first, if not the first, parcels of land right after the existing South Luzon Expressway (SLEX).

[Underscoring Supplied]

In addition, Commissioner Oscianas opined that the consequential damages suffered by Unson should also be taken into consideration. The expropriation left two dangling lots which could no longer be utilized. It would be unfair for Unson to continue paying taxes on the lots as industrial when these could no longer be utilized for such purposes.

Commissioner Amata, on the other hand, posited that Unson was already fully compensated and that the amount of ₱2,250.00 per sq.m. for the two lots should be enough.

²⁴ Id. at 65-66.

To break the stalemate, Chairman Hilbero suggested that they consider the amount of ₱3,000.00 as compromise amount.

The Ruling of the RTC

The RTC, after carefully considering the recommendation of the Board, fixed the amount at ₱3,500.00 per sq.m, as just compensation in its Decision, dated December 23, 2009.

In rendering judgment, the RTC emphasized that the Board did not only rely on the potential use of the properties as basis for just compensation, but also considered all the factors set forth in Section 5 of Republic Act (R.A.) No. 8974.²⁵

Relative to the consequential damages suffered by Unson, the RTC took cognizance of the expert opinion of Commissioner Oscianas, a highly qualified appraiser, that the remaining 750 sq.m. of the property which consisted of two irregularly shaped dangling lots could no longer be utilized by Unson because of the expropriation. The dispositive portion of the RTC decision reads:

WHEREFORE, with the foregoing premises, this Court renders judgment fixing the amount of Three Thousand Five Hundred (₱3,500.00) Pesos per square meter as the just compensation for the properties of defendant corporation herein. Accordingly, the Republic of the Philippines, represented by the Toll Regulatory Board is ordered to pay the defendant corporation the amount of ₱32,158,750.00 which represents the difference between the ₱57,885,750.00 received by the defendant as provisional payment for the 25,727 sq. meter lots owned by defendant corporation and the amount of ₱90,044,500.00 computed at the rate of ₱3,500.00 per square meter.

²⁵ 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 land and for the value of 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 submitted;
- h. Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

Further, the defendants are hereby ordered to pay Commissioner's fee of Ten Thousand Pesos (₱10,000.00) each Commissioner.

SO ORDERED.²⁶

Petitioner then filed an appeal under Rule 41, Section 2(a) of the 1997 Rules of Civil Procedure before the CA.

The Ruling of the CA

The CA found no reversible error in the RTC's determination of just compensation and held that the conclusions and findings of fact of the trial court were entitled to great weight and should not be disturbed unless there appeared some fact or circumstance of weight which had been misinterpreted and that, if considered, would have affected the result of the case.

The CA concurred with the RTC that the highest and best use of the land would be where it was best suited in terms of profitability and utility.²⁷ Contrary to petitioner's assertion, the highest and best use of the land did not equate to potential use. The RTC was able to take into account several other factors in determining just compensation. The CA further held that petitioner placed too much premium on the value of the lots adjacent and similar to the subject parcels of land but there was no evidence to show that such lots were similar to the property under expropriation.²⁸

Neither was there any reason for the appellate court to reverse or modify the ruling of the RTC having found that the Board substantially performed their assigned duties in accordance with law.

With respect to the 750 sq.m. dangling lot, the CA ruled that it was only just and proper that Unson be compensated as there was sufficient evidence to show that the expropriation of the subject property resulted in a complete alteration of the shape of the remaining lot.²⁹ The decretal portion of the CA decision reads:

²⁶ *Rollo*, p. 48.

²⁷ *Id.* at 34.

²⁸ *Id.* at 35.

²⁹ *Id.* at 37.

WHEREFORE, in the light of the foregoing, the decision dated December 23, 2009 and order dated July 6, 2010 of Branch 35, RTC of Calamba City in Civil Case No. 3818-05-C are hereby AFFIRMED.

SO ORDERED.³⁰

Petitioner filed its motion for reconsideration³¹ but the same was denied by the CA in the assailed resolution,³² dated October 22, 2014.

Hence, this petition.

**REASON RELIED UPON
FOR THE ALLOWANCE OF THE PETITION**

I

**THE HONORABLE COURT OF APPEALS ERRED IN
AFFIRMING THE TRIAL COURT'S DETERMINATION
OF JUST COMPENSATION IN THIS CASE.³³**

In its petition for review,³⁴ petitioner asserted that the commissioners' report was flawed because it took into consideration the potential use of the subject properties. The report noted the properties' industrial development as its highest and best use. The ocular inspection, however, revealed that the subject properties did not have any improvement. Hence, the conclusion arrived at by the Board was nothing but mere speculation. Petitioner further posited that the possible industrial development of the subject properties, which referred to their potential use, was a factor that could not have been used in determining just compensation.

In its Comment,³⁵ while reiterating the ruling of the CA that the "highest and best use" of expropriated properties did not equate to "potential use," Unson stressed that the courts below took into consideration several other factors other than the "highest and best use" criterion. Moreover, Unson affirmed that it should be properly compensated for the remaining 750 sq. m. of the property which served no other purpose for the corporation

³⁰ Id. at 39.

³¹ Id. at 51.

³² Id. at 50.

³³ Id. at 15.

³⁴ Id. at 3-41.

³⁵ Id. at 77-85.

as it had entirely lost its value because of the fact that it was “not one, but two, dangling and irregularly shaped lots.”³⁶

Petitioner filed a manifestation,³⁷ praying that it be excused from filing a reply because the matters raised by Unson in its comment were sufficiently addressed in the petition for review.

The Court’s Ruling

The petition is without merit.

*Determination of just compensation
is a judicial function*

In *Republic v. Asia Pacific Integrated Steel Corporation*,³⁸ the Court defined just compensation “as the full and fair equivalent of the property taken from its owner by the expropriator. The measure is not the taker’s gain, but the owner’s loss. 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 real, substantial, full, and ample. Such ‘just’-ness of the compensation can only be attained by using reliable and actual data as bases in fixing the value of the condemned property. Trial courts are required to be more circumspect in its evaluation of just compensation due the property owner, considering that eminent domain cases involve the expenditure of public funds.”³⁹

The Court further stated in *National Power Corporation v. Tuazon*,⁴⁰ that “[t]he determination of just compensation in expropriation cases is a function addressed to the discretion of the courts, and may not be usurped by any other branch or official of the government. This judicial function has constitutional *raison d’être*; Article III of the 1987 Constitution mandates that no private property shall be taken for public use without payment of just compensation.”⁴¹ Legislative enactments, as well as executive issuances, fixing or providing for the method of computing just compensation are tantamount to impermissible encroachment on judicial prerogatives. They

³⁶ Id. at 81.

³⁷ Id. at 89-91.

³⁸ *Republic v. Asia Pacific Integrated Steel Corporation*, G.R. No. 192100, March 12, 2014, 719 SCRA 50.

³⁹ Id. at 63.

⁴⁰ *National Power Corporation v. Tuazon*, 668 Phil. 301 (2011).

⁴¹ Id. at 312.

are not binding on courts and, at best, are treated as mere guidelines in ascertaining the amount of just compensation.⁴²

This Court, however, is not a trier of facts; and petitions brought under Rule 45 may only raise questions of law. This rule applies in expropriation cases as well. In *Republic v. Spouses Bautista*,⁴³ the Court explained the reason therefor:

This Court is not a trier of facts. Questions of fact may not be raised in a petition brought under Rule 45, as such petition may only raise questions of law. **This rule applies in expropriation cases.** Moreover, factual findings of the trial court, when affirmed by the CA, are generally binding on this Court. An evaluation of the case and the issues presented leads the Court to the conclusion that it is unnecessary to deviate from the findings of fact of the trial and appellate courts.

Under Section 8 of Rule 67 of the Rules of Court, the trial court sitting as an expropriation court may, after hearing, accept the commissioners' report and render judgment in accordance therewith. This is what the trial court did in this case. The CA affirmed the trial court's pronouncement in toto. Given these facts, the trial court and the CA's identical findings of fact concerning the issue of just compensation should be accorded the greatest respect, and are binding on the Court absent proof that they committed error in establishing the facts and in drawing conclusions from them. There being no showing that the trial court and the CA committed any error, we thus accord due respect to their findings.

The only legal question raised by the petitioner relates to the commissioners' and the trial court's alleged failure to take into consideration, in arriving at the amount of just compensation, Section 5 of RA 8974 enumerating the standards for assessing the value of expropriated land taken for national government infrastructure projects. What escapes petitioner, however, is that the courts are not bound to consider these standards; the exact wording of the said provision is that "in order to facilitate the determination of just compensation, the courts may consider" them. The use of the word "may" in the provision is construed as permissive and operating to confer discretion. In the absence of a finding of abuse, the exercise of such discretion may not be interfered with. For this case, the Court finds no such abuse of discretion.⁴⁴

[Emphasis Supplied]

⁴² *National Power Corporation v. Spouses Zabala*, G.R. No. 173520, January 30, 2013, 689 SCRA 554, 555-556.

⁴³ G.R. No. 181218, January 28, 2013, 689 SCRA 349.

⁴⁴ *Id.* at 362-363.

In this case, petitioner has repeatedly imputed error on the part of the RTC when it pegged the amount of just compensation at ₱3,500.00 per sq.m. after it took into consideration the commissioners' report. Contrary to petitioner's contention, the RTC did not only rely on the potential use of the subject properties. Absent any showing, however, that there was any serious error on the part of the trial court, its ruling and discretion should not be interfered with.

To emphasize, the RTC, after hearing, had the option either to (1) accept the report and render judgment in accordance therewith; (2) for cause shown, it may (a) recommit the same to the commissioners for further report of facts; or (b) it may set aside the report and appoint new commissioners; or (c) it may accept the report in part and reject it in part; and (d) it may make such order or render such judgment as shall secure to the plaintiff the property essential to the exercise of his right of expropriation, and to the defendant just compensation for the property so taken.⁴⁵

The determination of the amount of just compensation by the RTC was even affirmed by the appellate court, which had the opportunity to examine the facts anew. Hence, the Court sees no reason to disturb it.

*Payment for the 750 sq.m
dangling lots; ownership
transferred to petitioner*

There is no question that the remaining 750 sq.m. dangling lots were not expropriated by petitioner. The RTC and the CA, however, agreed that Unson was entitled to just compensation with respect to the said portions.

Both courts took cognizance of the report of Commissioner Oscianas that the remaining 750 sq.m. dangling lots could no longer be used for any business purpose, viz.:

This Court likewise takes cognizance on the expert opinion of Engr. Oscianas Jr., a highly qualified appraiser relative to the consequential damages suffered by the defendant corporation as a result of the ongoing expropriation proceedings. Based on their ocular inspection and the other documents attached to the records of this case, this Court agrees with the position of the defendant corporation that the remaining areas left to the latter will be practically unutilizable. This conclusion is arrived at because what was left to the defendant after the taking of the properties are two dangling lots with irregular shapes which can no longer be utilized for any business purposes by the defendant corporation. In fact,

⁴⁵ *Republic v. Spouses Tan*, 676 Phil. 337, 354 (2011), citing *National Power Corporation*, 586 Phil. 587, 604 (2008).

even if these lots are sold by the defendant corporation, there will be no takers because the remaining lots have become practically useless. Worse, the land owner will be required to pay taxes for the remaining lots as industrial when these lots can no longer be utilized for industrial purposes.xxx⁴⁶

As a general rule, just compensation, to which the owner of the property to be expropriated is entitled, is equivalent to the market value. “Market value is that sum of money which a person desirous but not compelled to buy, and an owner willing but not compelled to sell, would agree on as a price to be paid by the buyer and received by the seller. The general rule, however, is modified where only a part of a certain property is expropriated. In such a case, the owner is not restricted to compensation for the portion actually taken, he is also entitled to recover the consequential damage, if any, to the remaining part of the property.”⁴⁷

Section 6 of Rule 67 speaks of consequential damages. It specifically provides:

Section 6. Proceedings by commissioners. — Before entering upon the performance of their duties, the commissioners shall take and subscribe an oath that they will faithfully perform their duties as commissioners, which oath shall be filed in court with the other proceedings in the case. Evidence may be introduced by either party before the commissioners who are authorized to administer oaths on hearings before them, and the commissioners shall, unless the parties consent to the contrary, after due notice to the parties, to attend, view and examine the property sought to be expropriated and its surroundings, and may measure the same, after which either party may, by himself or counsel, argue the case. The commissioners shall assess the consequential damages to the property not taken and deduct from such consequential damages the consequential benefits to be derived by the owner from the public use or purpose of the property taken, the operation of its franchise by the corporation or the carrying on of the business of the corporation or person taking the property. But in no case shall the consequential benefits assessed exceed the consequential damages assessed, or the owner be deprived of the actual value of his property so taken.

[Emphasis Supplied]

Also in *Republic v. BPI*,⁴⁸ the Court categorically stated that if as a result of the expropriation made by the petitioner, the remaining portion of the property of the owner suffers from impairment or decrease in value, consequential damages were to be awarded.

⁴⁶ *Rollo*, p. 48.

⁴⁷ *Republic v. Soriano*, G.R. No. 211666, February 25, 2015, citing *Republic of the Philippines v. Bank of the Philippines Islands*, G.R. No. 203039, September 11, 2013, 705 SCRA 650, 665.

⁴⁸ G.R. No. 203039, September 11, 2013, 705 SCRA 650.

In arriving at ₱3,500.00 as the amount of just compensation, the RTC already factored in the consequential damages suffered by Unson for the unusable 750 sq.m. lots. In essence, petitioner was already ordered to pay for the dangling lots when the just compensation was pegged at ₱3,500.00. If the ownership of the dangling lots was to be retained by Unson, it would run against the equitable proscription of unjust enrichment. The principle of unjust enrichment requires two conditions: (1) that a person is benefited without a valid basis or justification, and (2) that such benefit is derived at the expense of another.⁴⁹

Having established that there was no serious error on the part of the lower courts in fixing the amount of just compensation, the Court deems it proper that the ownership over the dangling lots is transferred to petitioner upon payment thereof.

To effectuate the transfer of ownership, it is necessary for petitioner to pay Unson the full amount of just compensation. At this point, there is still no full payment yet. Hence, upon paying the amount of ₱32,158,750.00, the ownership of both the 25,727 sq.m. expropriated property and the remaining unutilized 750 sq.m. dangling lots should be transferred to petitioner.

WHEREFORE, the petition is **DENIED**. The March 21, 2014 Decision of the Court of Appeals in CA-G.R. CV No. 96407 and its October 22, 2014 Resolution are **AFFIRMED**. The Republic of the Philippines, through the Toll Regulatory Board, is **ORDERED** to pay C.C. Unson Company, Inc., the amount of ₱32,158,750.00 which represents the difference between the amount of ₱57,885,750.00 already received by the respondent and the amount of ₱90,044,500.00 computed at the rate of ₱3,500.00 per square meter for the 25,727-square meter property and the dangling lots.

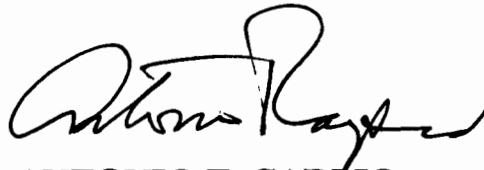
After full payment for the subject properties and dangling lots, ownership and title should be registered in the name of the petitioner.

SO ORDERED.


JOSE CATRAL MENDOZA
Associate Justice

⁴⁹ *Flores v. Spouses Lindo*, 664 Phil. 210, 221 (2011), citing *Republic v. Court of Appeals*, 612 Phil. 965, 982 (2009).

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson

(On Leave)

ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

A T T E S T A T I O N

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