



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SOCIAL SECURITY SYSTEM,
Petitioner,

G.R. No. 231145

- versus -

Present:

HON. GINA M. BIBAT-
PALAMOS, in her capacity as
Acting Presiding Judge of Branch
108, Regional Trial Court of
Pasay City, and the NATIONAL
GRID CORPORATION OF THE
PHILIPPINES,

Respondents.

LEONEN,* *Acting Chief Justice*,
LAZARO-JAVIER,**
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

Promulgated:

JUN 26 2023

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RESOLUTION

KHO, JR., J.:

Before the Court is a special civil action for *certiorari*¹ under Rule 65 of the Rules of Court filed by petitioner Social Security System (SSS) assailing the Orders dated March 2, 2017² and April 24, 2017³ issued by public respondent Regional Trial Court of Pasay City, Branch 108 (RTC) in Civil Case No. R-PSY-20219-CV. The assailed orders granted private respondent National Grid Corporation of the Philippines's (NGCP) motion for issuance of writ of possession in its complaint for expropriation against SSS.

* Acting Chief Justice per Special Order No. 2989 dated June 24, 2023.

** Working Chairperson per Special Order No. 2993 dated June 26, 2023.

¹ See Petition for *Certiorari* dated May 9, 2017; *rollo*, pp. 3–20.

² *Id.* at 26–28. Penned by Acting Presiding Judge Gina M. Bibat-Palamos.

³ *Id.* at 29–32.

The Facts

NGCP is a private corporation that, pursuant to Republic Act No. (RA) 9511,⁴ was granted a franchise to “operate, manage and maintain, and . . . engage in the business of conveying or transmitting electricity . . . and to construct, install, finance, manage, improve, expand, operate, maintain, rehabilitate, repair, and refurbish the present nationwide transmission system of the Republic of the Philippines.”⁵

On July 16, 2015, NGCP filed a Complaint⁶ for expropriation of a 46,218 sq. m. parcel of land registered in the name of the Republic of the Philippines and occupied by SSS. NGCP alleged that it needed the property for its *Pasay 230kV Substation, Project* aimed at meeting the increasing demand for electricity in the Greater Manila Area.⁷ The Complaint was subsequently amended⁸ to remove the other defendants and retain SSS.

On November 2, 2016, NGCP filed an Urgent Motion⁹ to deposit the provisional amount of PHP 1,460,928,000.00, representing the value of the property based on the zonal valuation of the Bureau of Internal Revenue (BIR). In the same motion, NGCP prayed that after the deposit is made, an Order be issued granting it the right to take possession of the property.¹⁰ SSS filed its Opposition¹¹ to the Motion, to which NGCP replied.¹²

In an Order¹³ dated December 20, 2016, the RTC directed NGCP to deposit the amount of PHP 1,460,928,000.00 with the Office of the Clerk of Court. NGCP then filed its Compliance with the RTC’s Order, coupled with an Urgent Ex-Parte Motion for the Issuance of a Writ of Possession.¹⁴ SSS also opposed¹⁵ said Motion, to which NGCP replied.¹⁶

⁴ Entitled “An Act Granting the National Grid Corporation of the Philippines a Franchise to Engage in the Business of Conveying or Transmitting Electricity Through High Voltage Back-Bone System of Interconnected Transmission Lines, Substations and Related Facilities, and for Other Purposes,” approved on December 1, 2008.

⁵ *Rollo*, p. 34.

⁶ *Id.* at 33–42.

⁷ *Id.* at 34–36.

⁸ *Id.* at 50–57.

⁹ *Id.* at 111–113.

¹⁰ *Id.* at 112.

¹¹ *Id.* at 117–123.

¹² *Id.* at 124–132.

¹³ *Id.* at 133–134.

¹⁴ *Id.* at 135–139.

¹⁵ *Id.* at 147–151.

¹⁶ *Id.* at 152–161.

The RTC Ruling

In its Order¹⁷ dated March 2, 2017, the RTC granted NGCP's Motion and issued a writ of possession in its favor. Citing Section 6 of RA 10752,¹⁸ it

¹⁷ *Id.* at 26–28.

¹⁸ Section 6 of RA 10752, entitled "AN ACT FACILITATING THE ACQUISITION OF RIGHT-OF-WAY SITE OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS," approved on March 7, 2016, reads:

SECTION 6. *Guidelines for Expropriation Proceedings.* – Whenever it is necessary to acquire real property for the right-of-way site or location for any national government infrastructure through expropriation, the appropriate implementing agency, through the Office of the Solicitor General, the Office of the Government Corporate Counsel, or their deputize government or private legal counsel, shall immediately initiate the expropriation proceedings before the proper court under the following guidelines.

(a) Upon the filing of the complaint or at any time thereafter, and after due notice to the defendant, the implementing agency shall immediately deposit to the court in favor of the owner the amount equivalent to the sum of:

(1) One hundred percent (100%) of the value of the land based on the current relevant zonal valuation of the Bureau of Internal Revenue (BIR) issued not more than three (3) years prior to the filing of the expropriation complaint subject to subparagraph (c) of this section;

(2) The replacement cost at current market value of the improvements and structures as determined by:

(i) The implementing agency;

(ii) A government financial institution with adequate experience in property appraisal; and

(iii) An independent property appraiser accredited by the BSP.

(3) The current market value of crops and trees located within the property as determined by a government financial institution or an independent property appraiser to be selected as indicated in subparagraph (a) of Section 5 hereof.

Upon compliance with the guidelines abovementioned, the court shall immediately issue to the implementing agency an order to take possession of the property and start the implementation of the project.

If, within seven (7) working days after the deposit to the court of the amount equivalent to the sum under subparagraphs (a) (1) to (a) (3) of this section, the court has not issued to the implementing agency a writ of possession for the affected property, the counsel of the implementing agency shall immediately seek from the court the issuance of the writ of possession. The court shall issue the writ of possession *ex parte*; no hearing shall be required.

The court shall release the amount to the owner upon presentation of sufficient proofs of ownership.

(b) In case the owner of the property cannot be found, if unknown, or deceased in cases where the estate has not been settled, after exerting due diligence, or there are conflicting claims over the ownership of the property and improvements and structures thereon, the implementing agency shall deposit the amount equivalent to the sum under subparagraphs (a)(1) to (a)(3) of this section to the court for the benefit of the person to be adjudged in the same proceeding as entitled thereto.

Upon compliance with the guidelines abovementioned, the court shall immediately issue to the implementing agency an order to take possession of the property and start the implementation of the project.

If, within seven (7) working days after the deposit to the court of the amount equivalent to the sum under subparagraphs (a) (1) to (a) (3) of this section, the court has not issued to the implementing agency a writ of possession for the affected property, the counsel of the implementing agency shall immediately seek from the court the issuance of the writ of possession.

The court shall release the amount to the person adjudged in the same expropriation proceeding as entitled thereto.

(c) In provinces, cities, municipalities, and other areas where there is no land classification, the city or municipal assessor is hereby mandated, within the period of sixty (60) days from the date of filing of the expropriation case, to come up with the required land classification and the corresponding declaration of real property and improvement for the area. In provinces, cities, municipalities, and other areas where there is no zonal valuation, or where the current zonal valuation has been in force for more than three (3) years, the BIR is mandated, within the period of sixty (60) days from the date of filing of the expropriation case, to conduct a zonal valuation of the area, based on the land classification done by the city or municipal assessor.

(d) With reference to subparagraph (a)(1) of this section, in case the completion of a government infrastructure project is of utmost urgency and importance, and there is no land

held that upon payment by the agency seeking expropriation of the value of the property based on the BIR zonal valuation, the court shall immediately issue an order for the implementing agency to take possession of the property. SSS sought for reconsideration,¹⁹ which the RTC denied through an Order²⁰ dated April 24, 2017.

SSS then filed the instant special civil action for *certiorari*²¹ directly with the Court, arguing that: (a) the principle of hierarchy of courts should be relaxed in this case since it involves an issue of transcendental importance, namely, whether a private corporation such as NGCP can initiate expropriation proceedings on its own without proper deputation from the Office of the Solicitor General (OSG) or the Office of the Government Corporate Counsel (OGCC); (b) the RTC gravely abused its discretion in issuing the assailed orders because Section 6 of RA 10752 applies only to acquisition of real properties needed as right-of-way, site, or location for national government projects undertaken by agencies of the government. As a private corporation, NGCP is not included in this provision of law; (c) Section 6 of RA 10752 also requires the OSG or the OGCC or its deputized counsel to initiate the expropriation proceedings; (d) NGCP's delegated right of eminent domain under RA 10752 does not allow it to expropriate property that is already devoted to public use, as in this case, where the property is occupied by another government agency; (e) the RTC gravely abused its discretion when it issued the writ of possession without first resolving the issue of NGCP's authority to expropriate a government property; and (f) it appears that there is no genuine necessity to expropriate since NGCP did not offer to buy the property. SSS also prayed for the issuance of a *status quo ante* order.²²

NGCP filed its Comment²³ on July 20, 2017, asserting that: (1) the Petition violates the principle of hierarchy of courts for directly resorting to this Court; (2) the RTC committed no grave abuse of discretion in issuing the assailed Orders; and (3) SSS is not entitled to a *status quo ante* order.

classification or no existing zonal valuation of the area concerned or the zonal valuation has been in force for more than three (3) years, the implementing agency shall use the BIR zonal value and land classification of similar lands within the adjacent vicinity as the basis for the valuation.

(e) In any of the cases in subparagraphs (a) to (d) of this section, upon its receipt of the writ of possession issued by the court, the implementing agency may take possession of the property and start the implementation of the project.

(f) In the event that the owner of the property contests the implementing agency's proffered value, the court shall determine the just compensation to be paid the owner within sixty (60) days from the date of filing of the expropriation case. When the decision of the court becomes final and executory, the implementing agency shall pay the owner the difference between the amount already paid and the just compensation as determined by the court.

(g) With regard to the taxes and fees relative to the transfer of title of the property to the Republic of the Philippines through expropriation proceedings, the implementing agency shall pay the documentary stamp tax, transfer tax and registration fees, while the owner shall pay the capital gains tax and any unpaid real property tax.

¹⁹ *Rollo*, pp. 172-177.

²⁰ *Id.* at 29-32.

²¹ *Id.* at 3-20.

²² *Id.* at 11-17.

²³ *Id.* at 197-234.

In a Resolution²⁴ dated June 21, 2017, the Court issued a *status quo ante* order enjoining the implementation of the assailed Orders.

SSS filed its Reply²⁵ to NGCP's comment on November 20, 2017, after which, in its Resolution²⁶ dated June 27, 2018, the Court required the parties to file their respective memoranda. SSS filed its Memorandum²⁷ on November 12, 2018, while NGCP filed its Memorandum²⁸ on November 15, 2018.

On June 30, 2020, NGCP filed a Motion to Remand²⁹ the case records to the RTC. NGCP manifested that due to the uncertainty as to when it can start its project in the property, it has decided to look for alternative sites. Thus, it filed an Omnibus Motion to Withdraw the complaint for expropriation and provisional deposit.³⁰ However, its Motion to Withdraw cannot be acted on without the case records. Accordingly, the Court granted the Motion to Remand and transmitted the case records to the court of origin.³¹

On March 7, 2022, SSS filed a Motion to Withdraw³² the instant Petition. It manifested that in an Order³³ dated July 21, 2021, the RTC, upon receipt of the case records from this Court, granted NGCP's Motion to Withdraw its expropriation complaint. Accordingly, the present Petition has been rendered moot.

The Issue Before the Court

The issue for the Court's resolution is whether the Petition may be dismissed on the ground of mootness.

The Court's Ruling

The Petition is dismissed.

An order issuing a writ of possession in an expropriation case is an interlocutory order.³⁴ As an interlocutory order, it is dependent on and incidental to the main petition for expropriation. Here, it is borne by the

²⁴ See Notice of Resolution, *id.* at 195–196.

²⁵ *Id.* at 303–316.

²⁶ See Notice of Resolution, *id.* at 363–364.

²⁷ *Id.* at 370–394.

²⁸ *Id.* at 395–444.

²⁹ *Id.* at 449–452.

³⁰ *Id.* at 453–458.

³¹ See Notices of Resolution dated July 27, 2020 and March 18, 2021, *id.* at 459–460 and 468, respectively.

³² *Id.* at 472–476.

³³ *Id.* at 477. Penned by Presiding Judge Albert C. Cansino.

³⁴ *City of Manila v. Serrano*, 411 Phil. 754, 756 (2001) [Per. J. Mendoza, Second Division].

records and pointed out by SSS that the RTC granted NGCP's Motion to Withdraw the complaint and released the provisional deposits made by NGCP.

Indeed, case law provides that where the main action is already dismissed or disposed of, resolving a petition for *certiorari* assailing interlocutory orders issued in that case would be manifestly pointless.³⁵ In *Philippine Veterans Bank v. Court of Appeals*,³⁶ the Court elucidated on this matter as follows:

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness. This is because the judgment will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.³⁷

A case becomes moot when no useful purpose can be served in passing upon the merits. The Court will generally refuse to resolve issues that are moot and academic, except in a few instances,³⁸ which however, do not obtain here.

Further, the Court finds that none of the exceptions exist that would enable it to resolve the issues here despite their mootness. Given the foregoing, and discerning that no practical relief can be granted in this case, the Court finds that the Petition must be dismissed.

ACCORDINGLY, the Petition is **DISMISSED** for being moot and academic.

SO ORDERED.


ANTONIO T. KHO, JR.

Associate Justice

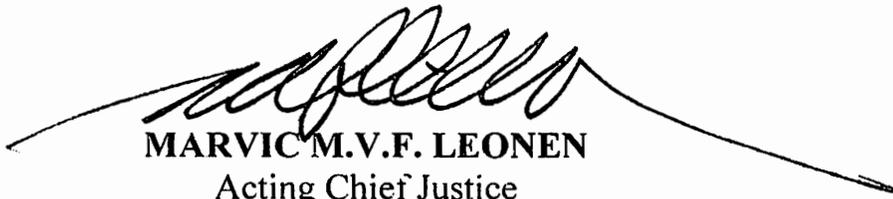
³⁵ *Ley Construction & Development Corporation v. Hyatt Industrial Manufacturing Corporation*, 393 Phil. 633, 637 (2000) [Per J. Panganiban, Third Division].

³⁶ G.R. No. 249353, August 22, 2022 [Per J. Kho, Jr., Second Division].

³⁷ *Id.*, citing *Sahar International Trading, Inc. v. Warner Lambert Co., LLC*, 735 Phil. 613, 621 (2014) [Per J. Perlas-Bernabe, Second Division].

³⁸ *Villamar-Sandoval v. Cailipan*, 705 Phil. 312 (2013) [Per J. Perlas-Bernabe, Second Division], citing *Baldo v. Commission on Elections*, 607 Phil. 281 (2009) [Per J. Chico-Nazario, *En Banc*].

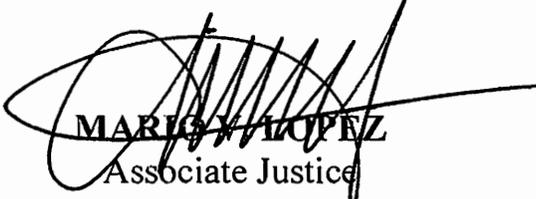
WE CONCUR:



MARVIC M.V.F. LEONEN
Acting Chief Justice



AMY C. LAZARO-JAVIER
Associate Justice
Working Chairperson



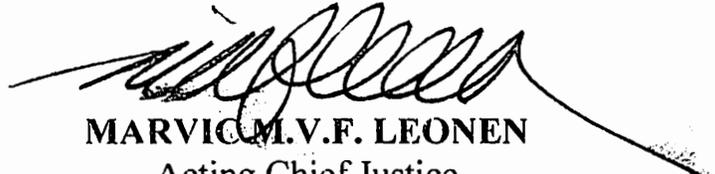
MARIA LOPEZ
Associate Justice



JHOSEP LOPEZ
Associate Justice

CERTIFICATION

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



MARVIC M.V.F. LEONEN
Acting Chief Justice