



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 February 2021** which reads as follows:*

“G.R. No. 254356 (City Government of Valenzuela, represented by City Mayor Hon. Rexlon T. Gatchalian v. Arsenio Chua). – After a review of the records, the Court resolves to **DENY** the petition for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its August 24, 2020 Decision¹ and November 9, 2020 Resolution,² as to warrant the exercise of the Court’s appellate jurisdiction.

At the outset, the Court notes that while the petition was correctly filed under Rule 45 of the Rules of Court, City Government of Valenzuela, represented by City Mayor Hon. Rexlon T. Gatchalian (*petitioner*) alleges grave abuse of discretion on the part of the CA, which is the proper subject of a petition for *certiorari* under Rule 65. To emphasize, decisions, final orders or resolutions of the CA, in any case, *i.e.*, regardless of the nature of the action or proceedings involved, may be appealed to the Court by filing a petition for review on *certiorari* under Rule 45 of the Rules of Court. Through this remedy, the Court reviews errors of judgment allegedly committed by the CA. On the other hand, a petition for *certiorari* under Rule 65 is not an appeal but a special civil action restricted to resolving errors of jurisdiction and grave abuse of discretion, not errors of judgment.³ As such, petitioner erred in ascribing grave abuse of discretion on the part of the CA in the instant petition.

Moreover, the Court notes that only questions of law should be raised in a petition for review on *certiorari* under Rule 45. Factual findings of the lower courts will generally not be disturbed. The issues pertaining to the value

¹ *Rollo*, pp. 39-52; penned by Associate Justice Gabriel T. Robeniol with Associate Justice Edwin D. Sorongon and Associate Justice Carlito B. Calpatura, concurring.

² *Id.* at 54-55.

³ *Kondo v. Toyota Boshoku (Phils.)*, G.R. No. 201396, September 11, 2019.

of the property expropriated are questions of fact which are generally beyond the scope of the judicial review of the Court under Rule 45.⁴ In the instant case, in claiming that the CA should have pegged the just compensation at ₱1,000.00 per square meter, instead at ₱6,800.00, petitioner is asking the Court to recalibrate and weigh anew the evidence already passed upon by the Regional Trial Court (*RTC*) and the CA. However, petitioner was not able to prove the presence of any of the exceptional circumstances which would warrant a deviation from the rule that the Court is not a trier of facts. On this ground alone, the denial of the petition is justified.

Nevertheless, the petition must still be denied for lack of merit.

The Court agrees with the findings of the CA that the RTC took into consideration the contrasting valuations recommended by the Commissioners in determining the proper just compensation for the subject property. As the RTC held:

After a judicious review of the records, the Court gives weight to the BIR zonal valuation presented by the Commissioners. However, the Court does not agree with the amount recommended by Commissioner Crespo and Commissioner Evangelista. By examining the increase of the zonal value in 2003 to 2014 in the amount of Three Thousand One Hundred Pesos (Php 3,100.00) per square meter, the average increase would be around Two Hundred Sixty Pesos (Php 260.00) per year. This amount should be multiplied to eleven (11) years or until 2014, when the complaint was filed, which is considered the time of taking of the subject property. Thus, the increase of the zonal value until 2014 is in the average of Two Thousand Eight Hundred Sixty Pesos (Php 2,900.00) (*sic*) per square meter. This value can be added to the zonal value of the subject lot in 2003 in the amount of Three Thousand Nine Hundred Pesos (Php 3,900.00) per square meter for a total of Six Thousand Eight Hundred Pesos (Php 6,800.00) per square meter. The Court hereby increases the amount of just compensation of the subject lot to Six Thousand Eight Hundred Pesos (Php 6,800.00) per square meter.

The Court agrees with the defendant that the zonal valuation is just one of the indices in determining the just compensation $x \times x$. In this case, the zonal valuation was updated in 2015 by D.O. # 81-15 making it a determining factor in ascertaining the just compensation $x \times x$.⁵

⁴ *Republic of the Philippines v. Spouses Silvestre*, G.R. No. 237324, February 6, 2019, citing *Evergreen Manufacturing Corporation v. Republic of the Philippines*, 817 Phil. 1048, 1057 (2017).

⁵ *Rollo*, p. 76.

However, the Court deems it necessary to correct the computation of just compensation. As can be gleaned from the discussion of the RTC, which the appellate court quoted verbatim in its assailed decision, it translated the average increase in zonal value from 2003 to 2014 in the amount of ₱2,860.00, as written in words, to ₱2,900.00 as written in figures, to wit:

x x x Thus, the increase of the zonal value until 2014 is in the average of Two Thousand Eight Hundred Sixty Pesos (Php 2,900.00) (sic) per square meter. This value can be added to the zonal value of the subject lot in 2003 in the amount of Three Thousand Nine Hundred Pesos (Php 3,900.00) per square meter for a total of Six Thousand Eight Hundred Pesos (Php 6,800.00) per square meter.⁶ (underscoring supplied)

The CA correctly inserted “*sic*” to highlight the mistake of the RTC, but nonetheless relied on the amount as written in figures.

As correctly pointed out by petitioner, settled is the rule in statutory construction that the amount as written in words prevails over the amount written in figures. In the instant case, the amount in words as written by the RTC is Two Thousand Eight Hundred Sixty Pesos (₱2,860.00). This amount should control and is deemed to be the increase in zonal value of the subject lot from 2003 to 2014, which would then be added to Three Thousand Nine Hundred Pesos (₱3,900.00), which is the lot’s zonal value in 2003. The amount of just compensation should then be Six Thousand Seven Hundred Sixty Pesos (₱6,760.00) per square meter.

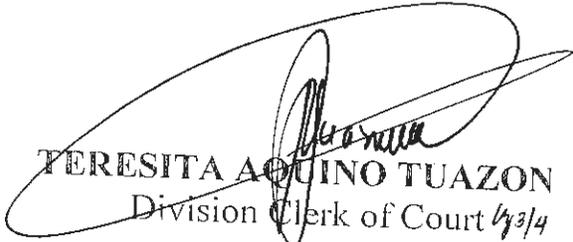
WHEREFORE, the petition is **DENIED**. The August 24, 2020 Decision and November 9, 2020 Resolution of the Court of Appeals in CA-G.R. CV No. 111163 are **AFFIRMED with MODIFICATION**. The just compensation for the property expropriated consisting of five thousand (5,000) square meters covered by Transfer Certificate of Title No. B-24714 is hereby fixed at Six Thousand Seven Hundred Sixty Pesos (₱6,760.00) per square meter for a total amount of Thirty-Three Million Eight Hundred Thousand Pesos (₱33,800,000.00). After deducting the provisional deposit in the amount of Seven Hundred Fifty Thousand Pesos (₱750,000.00), petitioner is **ORDERED to PAY** the balance of Thirty-Three Million Fifty Thousand Pesos (₱33,050,000.00), subject to the payment of any unpaid realty and other

⁶ Id.

relevant taxes. This amount shall earn legal interest of six percent (6%) *per annum* from the time of the filing of the Complaint until finality of this Resolution. Upon finality of this Resolution, the total amount due including interest shall be subject to 6% interest *per annum* until fully satisfied.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *4/3/4*
 04 MAR 2021

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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 75
 1140 Valenzuela City
 (Civil Case No. 32-V-14)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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 Supreme Court, Manila

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 CA-G.R. CV No. 111163

*with copy of CA Decision dated 24 August 2020
Please notify the Court of any change in your address.
 GR254356. 02/15/2021(5)URES