



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 232-2015

TO : REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, AND MUNICIPAL TRIAL COURTS

SUBJECT : APPLICATION OF REPUBLIC ACT NO. 8974

The attention of the Office of the Court Administrator has been called on the lower courts' delay in the issuance of writs of possession in expropriation proceedings involving national government infrastructure projects.

In *Republic of the Philippines v. Spouses Agustin and Imelda Cancio*,¹ the Court clarified when a writ of possession in expropriation proceedings should be issued:

There is therefore no need yet to determine with reasonable certainty the final amount of just compensation in resolving the issue of a writ of possession. In fact, it is the ministerial duty of the trial court to issue the writ upon compliance with the requirements of Section 4 of (R.A. No. 8974). No hearing is required and the court cannot exercise its discretion in order to arrive at the amount of the provisional value of the property to be expropriated as the legislature has already fixed the amount under the aforementioned provision of the law.

Section 4, R.A. No. 8974,² provides:

Guidelines for Expropriation Proceedings. - Whenever it is necessary to acquire real property for the right-of-way or location for any national government infrastructure project through expropriation, the appropriate implementing agency shall initiate the expropriation proceedings before the proper court under the following guidelines:

¹ G.R. No. 170147, January 30, 2009.

² Act to Facilitate the Acquisition of Right-of-Way, Site, or Location for National Government Infrastructure Projects and for Other Purposes, November 7, 2000.

(a) Upon the filing of the complaint, and after due notice to the defendant, the implementing agency shall immediately pay the owner of the property the amount equivalent to the sum of (1) one hundred percent (100%) of the value of the property based on the current relevant zonal valuation of the Bureau of Internal Revenue (BIR); and (2) the value of the improvements and/or structures as determined under Section 7 hereof;

(b) In provinces, cities, municipalities and other areas where there is no zonal valuation, the BIR is hereby mandated within the period of sixty (60) days from the date of the expropriation case, to come up with a zonal valuation for said area; and

(c) In case the completion of a government infrastructure project is of utmost urgency and importance, and there is no existing valuation of the area concerned, the implementing agency shall immediately pay the owner of the property its proffered value taking into consideration the standards prescribed in 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.

Before the court can issue a Writ of Possession, the implementing agency shall present to the court a certificate of availability of funds from the proper official concerned. (Emphasis supplied.)

In view of the foregoing, all courts are hereby **ENJOINED** to eschew delay and strictly comply with Section 4, R.A. No. 8974, as explained by existing jurisprudence.

For strict compliance.

15 October 2015


JOSE MIDAS P. MARQUEZ
Court Administrator