



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

OCA CIRCULAR NO. 12-2021

**TO : ALL JUDGES OF SECOND LEVEL COURTS WITH
PENDING EXPROPRIATION CASES**

**RE : GUIDELINES FOR THE SPECIAL EXPROPRIATION
COURTS FOR PUBLIC ROADS**

Pursuant to the Resolution of the Court *En Banc* dated 11 August 2020, in Memorandum Circular No. 08-2020,¹ which designated “special courts to specifically hear, try, and decide expropriation cases involving national government infrastructure projects,”² eleven (11) Regional Trial Courts (RTCs) in the cities of Imus, Trece Martires, Dasmariñas, Tagaytay, Caloocan, and Manila were initially designated as “Special Expropriation Courts for Public Roads.”

Upon the approval of the Honorable Chief Justice Diosdado M. Peralta, the following Guidelines shall be observed in expropriation cases filed under Republic Act No. 10752, or the Right-of-Way Act.³

1. All RTC judges with pending expropriation cases in their respective dockets, within ten (10) days from receipt hereof, shall make an inventory of all expropriation cases involving the implementation of national government infrastructure projects in accordance with the Right-of-Way Act. The inventory shall indicate the following:
 - a. Case number;
 - b. Date when the complaint or petition was filed;
 - c. Date when the Writ of Possession (WOP) was issued, if already issued; and,
 - d. Status of each case, *i.e.*, whether the WOP was issued, appointment of commissioners, pre-trial, or decision.

The inventory shall be submitted to the Office of the Court Administrator at expropriationcases@judiciary.gov.ph, copy furnished the Executive Judges of the RTCs concerned.

¹ *Designation of Special Courts to specifically hear, try, and decide expropriation cases involving National Government Infrastructure Projects*, Memorandum Circular No. 08-2020, 11 August 2020.

² *Ibid.*

³ Republic Act No. 10752 (2016).

2. All newly-filed expropriation cases pursuant to the Right-of-Way Act shall be raffled or assigned to the duly designated Special Expropriation Courts for Public Roads in their respective territorial jurisdictions. Correspondingly, the Executive Judges of the RTCs concerned shall raffle the expropriation cases where there are at least two (2) special expropriation courts, or assign the expropriation cases where there is only one (1) special expropriation court.
3. As far as practicable, all Special Expropriation Courts for Public Roads, as well as other RTCs with pending expropriation cases, shall devote at least one (1) day a week to hear expropriation cases.
4. Pursuant to Sec. 12(f), Rule 15, 2019 Proposed Amendments to the 1997 Rules of Civil Procedure,⁴ the filing of a motion for postponement shall not be allowed except if it is based on acts of God, *force majeure*, or physical inability of the witness to appear and testify.⁵
5. Expropriation cases referred to herein shall strictly comply with the 2019 Proposed Amendments to the 1997 Rules of Civil Procedure where trial shall be terminated within one hundred eighty (180) days from the initial presentation of evidence. Judgment shall be rendered within ninety (90) days from submission for decision unless otherwise provided by law or the Court.
6. In instances where the sole issue in the expropriation case is the determination of just compensation, and the owner of the property contests the implementing agency's proffered value, the court shall determine the just compensation to be paid to the owner within sixty (60) days from the date of filing of the expropriation case⁶ pursuant to Sec. 6(f), Right-of-Way Act.
7. In the event of inhibition of the judge of a designated Special Expropriation Court for Public Roads, the following guidelines shall be observed:
 - a. Where there is only one (1) Special Expropriation Court for Public Roads in the station, the pairing system for multiple-branch stations subject to Circ. No. 19-98,⁷ as reiterated in OCA Circ. No. 06-2020,⁸ shall apply;⁹
 - b. Where there are two (2) Special Expropriation Courts for Public Roads in the station, the expropriation case shall be assigned to the other special court; and,

⁴ 2019 Proposed Amendments to the 1997 Rules of Civil Procedure, A.M. No. 19-10-20-SC, 1 May 2020.

⁵ Sec. 6(a)(1), Republic Act No. 10752.

⁶ Sec. 6(f), *Id.*

⁷ *Expanded Authority of Pairing Courts*, OCA Circular No. 19-98, 18 February 1998.

⁸ *Reiteration of Circular No. 19-98 dated 18 February 1998*, OCA Circular No. 06-2020, 20 January 2020.

⁹ *Guidelines on the Selection and Designation of Executive Judges and Defining their Powers, Prerogatives, and Duties*, A.M. No. 03-8-02-SC, 15 February 2004, Sec. 9(4)(i).

- c. Where there are more than two (2) Special Expropriation Courts for Public Roads in the station, the Executive Judge shall immediately raffle the case to the other Special Expropriation Courts for Public Roads. In case the Presiding Judge of the other special court is also disqualified or inhibits himself/herself, the case shall be forwarded to the pairing judge of the special court which originally handled the case. If the pairing judge is also disqualified or inhibits himself/herself, the case shall be raffled to the other regular courts. At the next raffle, an additional case shall be assigned to the disqualified or inhibiting judge/s to replace the case so removed from his/her/their court.¹⁰

8. In case of temporary incapacity, absence, or disability of the judge of the designated special expropriation court to perform his/her duties, the pairing system for multiple-sala stations subject to Circ. No. 19-98 dated 18 February 1998, as reiterated in OCA Circ. No. 06-2020, shall apply.

9. Pursuant to OCA Circ. No. 113-2019¹¹ dated 16 July 2019, in compliance with Sec. 6, Right-of-Way Act, the Office of the Clerk of Court for multiple-sala courts, and the court itself in a single-sala court, shall receive the deposit equivalent to the sum of:
 - a. 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;¹²
 - b. Replacement cost at current market value of the improvements and structures;¹³ and,
 - c. Current market value of crops and trees located within the property as determined by a government financial institution or an independent property appraiser.¹⁴

10. Upon deposit of the amount equivalent to the sum mentioned in paragraph 9 herein, the concerned court shall forthwith issue the WOP within seven (7) days from deposit pursuant to Sec. 6, Right-of-Way Act.

11. These guidelines shall apply exclusively to the expropriation of properties affected by national government infrastructure projects as defined by Sec. 3, Right-of-Way Act, and shall be adopted by all Special Expropriation Courts for Public Roads and RTCs with pending expropriation cases.

¹⁰ Sec. 9(4)(ii), *Id.*

¹¹ *Clarification on expropriation cases, acquisition of right-of-way, issuance of Writs of Possession, and entitlement to interest pursuant to Republic Act No. 10752, OCA Circular No. 113-2019, 16 July 2019.*

¹² Sec. 6(a)(1), Republic Act No. 10752.

¹³ Sec. 6(a)(2), *Id.*

¹⁴ Sec. 6(a)(3), *Id.*

The provisions of the Rules of Court shall continue to apply in a suppletory character.

For purposes of monitoring the status of filed expropriation cases, all RTCs with pending expropriation cases shall accomplish the monthly report form, the link for which will be posted at the Official Announcements and Issuances Teams Channel in the Philippine Judiciary Office 365 platform.

For strict compliance.

19 January 2021


JOSE MIDAS P. MARQUEZ
Court Administrator