



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

**OCA CIRCULAR NO. 42-2022**

**TO: ALL JUDGES AND CLERKS OF COURT OF THE OFFICE OF THE CLERK OF COURT OF THE REGIONAL TRIAL COURTS**

**RE: CLARIFICATION ON THE COVERAGE OF OCA CIRCULAR NO. 113-2019 DATED 16 JULY 2019 ON EXPROPRIATION CASES, ACQUISITION OF RIGHT-OF-WAY, ISSUANCE OF WRITS OF POSSESSION, AND ENTITLEMENT TO INTEREST PURSUANT TO REPUBLIC ACT NO. 10752**

For consideration is the letter dated 5 February 2022 of Mr. Anthony L. Almeda, President and CEO of the National Grid Corporation of the Philippines (NGCP), requesting, primarily, to expedite the NGCP Expropriation cases currently pending before different courts nationwide, particularly in Bulacan, Pampanga, Cavite, Camarines Sur, Lanao Del Norte, Zamboanga del Sur, Zamboanga del Norte, and Cebu, and to shed light on some matters that will be thoroughly addressed herein.

It is hereby clarified that the NGCP is covered by Republic Act (R.A.) No. 10752 or the "Right-of-Way Act" concerning National Government Infrastructure Projects, and, consequently, by OCA Circular No. 113-2019. The Implementing Rules and Regulations (IRR) of R.A. 10752 erases all doubts:

***"Section 3. DEFINITION OF TERMS***

xxx

xxx

- a. ***National Government Projects*** – as defined in Section 3 of the Act, refers to all national government infrastructure projects xxx These projects shall include, but not be limited to the following:

xxx

***(5) Power generation, transmission and distribution facilities; xxx"***  
(emphasis supplied)

Further, the following points are reiterated with elucidation, to wit:

1. It is the ministerial duty of the clerk of court to accept the deposit of the amount equivalent to the sum under items (a)(1) to (a)(3) of Section 6 of R.A. No. 10752 and Section 7 of its IRR, without prior hearing and/or court order. The said law is clear that the deposit must be "*the amount equivalent to the sum of 100% of the value of the land based on the current relevant zonal valuation of the BIR*

issued not more than three (3) years prior to the filing of the expropriation complaint.<sup>1</sup>”

Considering that transmission projects are essential and must be expediently completed, in the absence of the said updated zonal valuation, Section 7(d) of the IRR of R.A. 10752 shall be applied:

“d. With reference to item (a)(1) of Section 7 of this IRR, in case the completion of a government infrastructure project is of utmost urgency and importance, and there is no land 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 IA [Implementing Agency] shall use the BIR zonal value and land classification of similar lands within the adjacent vicinity as the basis for the valuation. xxx”

2. The deposit of the proper amount confers jurisdiction on the court over the *res*, which is what is essential in *quasi in rem* actions such as expropriation. Consequently, service of summons may be dispensed with for this purpose and the court shall promptly issue the writ of possession *ex parte*.<sup>2</sup> Should there be disagreement as to just compensation, it shall be resolved within sixty (60) days from the filing of the expropriation case;<sup>3</sup>

Proceeding therefrom, the court may accept a provisional deposit, following item (1) herein, insofar as the immediate and ministerial issuance of a writ of possession is concerned, and later determine the final amount of just compensation.

3. Pending the designation of additional Regional Trial Courts (RTCs) as Special Expropriation Courts for Public Roads and Transmission Projects, should this Office see the need to do so, all RTCs with pending expropriation cases are hereby enjoined to decide the same with utmost dispatch.

The provisions of the Rules of Court shall continue to apply in a suppletory character. OCA Circular No. 113-2019 and the Guidelines laid down therein shall still be followed to the letter.

For strict compliance.

28 February 2022



**RAUL BAUTISTA VILLANUEVA**

Deputy Court Administrator

Officer-in-Charge

Office of the Court Administrator

Per Memorandum Order No. 108-2021 dated 17 November 2021

<sup>1</sup> Section 6 a (1), R.A. No. 10752

<sup>2</sup> Section 7 (a) of the IRR of R.A. No. 10752

<sup>3</sup> Section 6 of R.A. No. 10752; Section 7(f) of its IRR