



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

OCA CIRCULAR NO. 103-2024

TO: ALL CONCERNED JUDGES HANDLING EXPROPRIATION CASES

RE: EXPROPRIATION CASES INVOLVING THE MANILA WATER COMPANY, INC. AND THOSE WITH SIMILAR LEGISLATIVE FRANCHISES AS WATER CONCESSIONAIRES

In a letter dated 1 March 2024 of Atty. Amabelle C. Asuncion, Chief Legal Officer of the Manila Water Company, Inc. (MWCI), she recounted that during expropriation proceedings filed in court, the MWCI encounters the following challenges: 1) requirement for a hearing prior to the issuance of a writ of possession; 2) requirement for an order to implement the writ of possession; and 3) uncertainty as to the appropriate payee for tender of just compensation in case of deceased or unknown defendants.

The MWCI, pursuant to its legislative franchise under Republic Act (R.A.) No. 11601¹, was authorized to exercise the power of eminent domain insofar as it may be reasonably necessary for the efficient establishment, improvement, upgrading, rehabilitation, maintenance, and operation of services.² Similarly, in the Implementing Rules and Regulations (IRR) of R.A. No. 10752 or the “Right-of-Way Act”, “water supply, sanitation, sewerage and waste management facilities”³ were enumerated among those considered as involving National Government Projects.

Incidentally, in OCA Circular No. 42-2022 dated 28 February 2022⁴; this Office stated that “power generation, transmission and distribution facilities”, such as those undertaken by the National Grid Corporation of the Philippines, were likewise included in the IRR of R.A. No. 10752 involving National Government Projects.

Accordingly, expropriation cases initiated by the MWCI, or any company also with a legislative franchise similar to it as a government-sanctioned water

¹ R.A. No. 11601 “An Act Granting Manila Water Company, Inc. A Franchise to Establish, Operate and Maintain a Waterworks System and Sewerage and Sanitation Services in The East Zone Service Area of Metro Manila and Province of Rizal”

² Sec. 12 *Right of Eminent Domain, ibid.*

³ Sec. 3 Definition of Terms, (d) National Government Projects, (10)

⁴ 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

concessionaire, should be governed by the proceedings and rules being observed for expropriation cases under R.A. No. 10752, which includes the following basic policies:

“Upon filing of the complaint or at any time after due notice to the defendant, the implementing agency (or company) shall deposit to 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);

“(2) The replacement cost at current market value of the improvements and structures; and

“(3) The current market value of crops and trees located within the property.”

“The same amount shall be paid by the implementing agency if in case the owner of the property cannot be found, is unknown, or is 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/or structures thereon.”

Nothing in the said law, rules, or existing jurisprudence which states that a court order is necessary before the clerk of court can accept the deposit of the implementing agency. Clerks of court must accept the deposit “upon filing of the complaint or at any time thereafter, and after due notice to the defendant”⁵.

More importantly, the court shall immediately issue to the implementing agency (or company) an order to take possession of the property and start the implementation of the project. If after seven (7) working days from the deposit of the sum, no writ has been issued by the court, the counsel of the implementing agency (or company) shall immediately seek from the court such writ. **The court shall issue the writ of possession *ex parte*; no hearing shall be required.**⁶

Lastly, to reiterate, expropriation is a *quasi in rem* proceeding and jurisdiction over the person of the defendant is not a prerequisite to confer jurisdiction on the court, provided that the latter has jurisdiction over the *res*.⁷ Further, the service of summons may be dispensed with in issuing a writ of possession so long as diligent efforts were made to effect the service. It is sufficient that the plaintiff submits to the court a document/proof that notice

⁵ OCA Circular No. 113-2019 dated 16 July 2019

⁶ R.A. No. 10752 “The Right-of-Way Act”


⁷ G.R. No. 164041, July 29, 2005 Alba vs. CA

to take possession of the property was sent to the defendant, and provisional deposit in the proper amount⁸ was posted with the court.⁹

All existing OCA Circulars on Expropriation¹⁰ shall continue to be observed insofar as applicable.

For guidance and strict compliance.

11 April 2024



RAUL B. VILLANUEVA
Court Administrator

[MVA/mmmm.MWCI.Expropriation/jjm031224.Misc.64.\[B2\]/031424.csn031824.032124.040124.040324/jjm040824](#)

⁸ The implementing agency shall immediately deposit to the court in favor of the owner the sum under items (a) (1) to (3) of Section 6 of R.A. No. 10752 and Section 7 of its IRR, without prior hearing and/or court order.

⁹ OCA Circular No. 354-2022, 21 December 2022

¹⁰ OCA Circular Nos. 113-2019 dated 16 July 2019, 68-2022 dated 25 March 2022, 354-2022 dated 21 December 2022, and 15-2023 dated 19 January 2023