

domain case are satisfied if the parties are given the opportunity to present their evidence before the commissioners whose findings (together with the pleadings, evidence of the parties, and the entire record of the case) are reviewed and considered by the expropriation court. It is the parties' total failure to present evidence on just compensation that renders the trial court's ruling void. The opportunity to present evidence during the trial remains to be the vital requirement in the observance of due process."

Court's Action

Upon the expiration of the 10-day period to object to the commissioners' report, or even before the expiration of such period but after all the interested parties have filed their objections thereto or their statement of agreement therewith, the court, after hearing, may:

1. accept the report and render judgment in accordance therewith; or
2. for cause shown, recommit the same to the commissioners for further report of facts; or
3. set aside the report and appoint new commissioners; or
4. accept the report in part and reject it in part; and
5. make such order or render such judgment as shall secure to the plaintiff the property essential to the exercise of his or her right of expropriation, and to the defendant just compensation for the property so taken.

For expropriation under R.A. No. 8974, when the decision of the court in the determination of just compensation becomes final and executory, the implementing agency shall make a final payment to the owner equal to the difference between the amount initially paid and the just compensation as determined by the court.

Interest on Just Compensation

Ideally, just compensation should be immediately made available to the property owner so that he or she may derive income from this compensation, in the same manner that he or she would have derived income from his or her expropriated property.

If full compensation is not paid for the property taken, then the State must pay for the shortfall in the earning potential immediately lost