

due to the taking, and the absence of replacement property from which income can be derived. Interest on the unpaid compensation becomes due as compliance with the constitutional mandate on eminent domain and as a basic measure of fairness.⁶

The reason is that just compensation would not be "just" if the State does not pay the property owner interest on the just compensation from the date of the taking of the property. Without prompt payment, the property owner suffers the immediate deprivation of both his or her land and its fruits or income. The owner's loss, of course, is not only his or her property but also its income-generating potential. Thus, interest in eminent domain cases runs as a matter of law and follows as a matter of course from the right of the landowner to be placed in as good a position as money can accomplish, as of the date of taking.⁷

Rights of Plaintiff after Judgment and Payment

Upon payment by the plaintiff to the defendant of the compensation fixed by the judgment, with legal interest thereon from the taking of the possession of the property, or after tender to him or her of the amount so fixed and payment of the costs, the plaintiff shall have the right to:

- a. enter upon the property expropriated and to appropriate it for the public use or purpose defined in the judgment; or
- b. retain it if plaintiff have previously taken immediate possession thereof.

If the defendant and his or her counsel absent themselves from the court, or decline to receive the amount tendered, the same shall be ordered to be deposited in court and such deposit shall have the same effect as actual payment thereof to the defendant or the person ultimately adjudged entitled thereto.

Judgment

The judgment entered in expropriation proceedings shall state definitely, by an adequate description, the particular property or

⁶Evergreen Manufacturing Corp. vs. Republic, G.R. No. 218628, September 6, 2017.

⁷Supra