



Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

**JOCELYN S. LIMKAICHONG,**      **G.R. No. 158464**  
Petitioner,

Present:

SERENO, *C.J.*,  
CARPIO,  
VELASCO, JR.,  
LEONARDO-DE CASTRO,  
\*BRION,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
PEREZ,  
MENDOZA,  
REYES,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA, and  
CAGUIOA, *JJ.*

- versus -

**LAND BANK OF THE  
PHILIPPINES, DEPARTMENT  
OF AGRARIAN REFORM,  
REPRESENTED BY THE  
SECRETARY OF AGRARIAN  
REFORM, THROUGH THE  
PROVINCIAL AGRARIAN  
REFORM OFFICER,**  
Respondents.

Promulgated:

August 2, 2016

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**DECISION**

**BERSAMIN, J.:**

Being now assailed in this appeal are the decision promulgated by the Court of Appeals (CA) on November 22, 2002 (dismissing the petitioner's petition for *certiorari* for not being the proper remedy, thereby affirming the dismissal of Civil Case No. 12558 by the trial court on the ground of the valuation by the Department of Agrarian Reform (DAR) having already become final due to her failure as the landowner to bring her action for judicial determination of just compensation within 15 days from notice of

\* On leave.

such valuation),<sup>1</sup> and the resolution promulgated on June 2, 2003 (denying her motion for reconsideration).<sup>2</sup>

### Antecedents

The petitioner was the registered owner of agricultural lands with a total area of 19.6843 hectares situated in Villegas, Guihulngan, Negros Oriental and covered by Original Certificate of Title No. (OCT) FV-34400, OCT No. 34401, OCT No. 34402, and OCT No. 34403, all of the Register of Deeds of Negros Oriental. For purposes of placing those lands within the coverage of Republic Act No. 6657 (R.A. No. 6657),<sup>3</sup> the Department of Agrarian Reform Adjudication Board (DARAB), Office of the Provincial Adjudicator, in Dumaguete City sent to her in 1998 several Notices of Land Valuation and Acquisition by which her lands were valued for acquisition by the DAR as follows:

1. OCT FV-34400– ₱177,074.93;<sup>4</sup>
2. OCT FV-34401– ₱171,061.11;<sup>5</sup>
3. OCT FV-34402– ₱167,626.62;<sup>6</sup> and
4. OCT FV-34403– ₱140,611.65.<sup>7</sup>

After the petitioner rejected such valuation of her lands, the DARAB conducted summary administrative proceedings for the determination of just compensation.<sup>8</sup> On May 28, 1999, the DARAB issued its order affirming the valuation of the lands upon finding the valuation consistent with existing administrative guidelines on land valuation.<sup>9</sup>

On August 19, 1999, the petitioner filed in the Regional Trial Court (RTC) in Dumaguete City a complaint for the fixing of just compensation for her lands,<sup>10</sup> impleading as defendant the Land Bank of the Philippines (LBP) and the DAR, represented by the DAR Secretary, through the Dumaguete Provincial Agrarian Reform Officer (PARO). Her complaint, docketed as Civil Case No. 12558, prayed that the DARAB valuation be set aside and declared null and void, and that in its stead the price of her lands be fixed based on the fair market value thereof.

<sup>1</sup> *Rollo*, pp. 165-169; penned by Associate Justice Perlita J. Tria Tirona (retired), with the concurrence of Associate Justice Roberto A. Barrios (retired/deceased) and Associate Justice Edgardo F. Sundiam (retired/deceased).

<sup>2</sup> *Id.* at 189-190.

<sup>3</sup> *Comprehensive Agrarian Reform Law*, signed by President Corazon Aquino on June 10, 1988.

<sup>4</sup> *Rollo*, pp. 69-70.

<sup>5</sup> *Id.* at 71-72.

<sup>6</sup> *Id.* at 76.

<sup>7</sup> *Id.* at 73-74.

<sup>8</sup> Docketed as DARAB Case Nos. VII-203-NO-98, VII-204-NO-98, VII-213-NO-98, and VII-228-NO-98.

<sup>9</sup> *Rollo*, pp. 98-103.

<sup>10</sup> *Id.* at 82-85.

After filing their answer, the respondents filed a manifestation and motion to dismiss,<sup>11</sup> stating that the petitioner's failure to timely appeal the May 28, 1999 DARAB order had rendered the order final and executory pursuant to Section 51<sup>12</sup> of R.A. No. 6657. They attached to the motion to dismiss a June 23, 2000 certification of finality issued by the Clerk of the DARAB,<sup>13</sup> stating that the May 28, 1999 order had become final and executory because there had been no appeal filed within the reglementary period provided by law.

In her opposition to the respondents' motion to dismiss,<sup>14</sup> the petitioner admitted that Civil Case No. 12558 was filed beyond the reglementary period, but insisted that the RTC sitting as special agrarian court (SAC) was not barred from acquiring jurisdiction over the complaint for determination of just compensation, because her cause of action was anchored on the respondents' violation of her right to due process and their taking of her property without just compensation due to the DARAB valuation being too low and having been arbitrarily arrived at. She claimed that the RTC as the SAC should accord her the same treatment it had accorded to other landowners who had been given the chance to be heard on their claim for re-valuation despite the belated filing of their complaints for just compensation.

On June 7, 2001, the RTC as the SAC granted the respondents' motion to dismiss.<sup>15</sup> Citing Section 51 and Section 54<sup>16</sup> of R.A. No. 6657 and Section 11 of Rule XIII of the 1994 DARAB Rules of Procedure,<sup>17</sup> it held that the petitioner's complaint should have been filed within 15 days from notice of the assailed order. It dismissed her argument that the case was anchored on violations of her constitutional rights to due process and just compensation, declaring that the controlling ruling was *Philippine Veterans Bank v. Court of Appeals*,<sup>18</sup> not *Republic v. Court of Appeals*.<sup>19</sup> Thus, applying the ruling in *Philippine Veterans Bank*, the RTC concluded that

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<sup>11</sup> Id. at 104-105.

<sup>12</sup> Section 51. Finality of Determination. - Any case or controversy before it (DAR) shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for consideration shall be allowed. Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.

<sup>13</sup> *Rollo*, p. 106.

<sup>14</sup> Id. at 107-110.

<sup>15</sup> Id. at 116-121.

<sup>16</sup> Section 54. *Certiorari*. - Any decision, order, award or ruling of the DAR on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform may be brought to the Court of Appeals by *certiorari* except as otherwise provided in this Act within fifteen (15) days from receipt of a copy thereof.

<sup>17</sup> Section 11. *Land Valuation and Preliminary Determination and Payment of Just Compensation*. The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Courts designated as Special Agrarian Courts within fifteen (15) days from receipt of the notice thereof. Any party shall be entitled to only one motion for reconsideration.

<sup>18</sup> G.R. No. 132767, January 18, 2000, 322 SCRA 139.

<sup>19</sup> G.R. No. 122256, October 30, 1996, 263 SCRA 758.

dismissal was proper because she had filed Civil Case No. 12558 beyond the statutory 15-day period.

The petitioner moved for reconsideration,<sup>20</sup> but to no avail.

Thus, on October 22, 2001, the petitioner brought her petition for *certiorari* in the CA assailing the dismissal of Civil Case No. 12558.

On November 22, 2002, the CA rendered its decision affirming the dismissal of Civil Case No. 12558, opining that because the June 7, 2001 order of the RTC dismissing Civil Case No. 12558 was a final order, the petitioner's remedy was not the special civil action for *certiorari* but an appeal in the CA; that she chose the wrong remedy because *certiorari* could not take the place of an appeal; and that the RTC thus committed no grave abuse of discretion that warranted the issuance of the writ of *certiorari*.

### Issue

The petitioner raises the following issue for resolution:

WHETHER OR NOT ON THE QUESTION OF CONSTITUTIONAL RIGHT TO EQUAL PROTECTION OF LAW, THE COURT OF APPEALS DECISION DATED NOVEMBER 22, 2002 RULING THAT THE PETITION FOR *CERTIORARI* WAS NOT THE PROPER REMEDY IS CONTRARY TO THE LAW AND JURISPRUDENCE AS APPLIED TO THE EVIDENCE ON RECORD.<sup>21</sup>

The petitioner argues that she is entitled to equal protection and treatment accorded by the very same trial court to other landowners whose landholdings were placed under agrarian reform coverage, listing the cases involving other landowners who had been given the chance to be heard on their claim for re-valuation by the trial court.<sup>22</sup> She justifies her resort to *certiorari* by claiming that the RTC, in dismissing Civil Case No. 12558, acted whimsically and arbitrarily, and gravely abused its discretion; and that *certiorari* was necessary to prevent irreparable damage and injury to her resulting from the acquisition by the State of her lands based on wrongful valuation and without paying her the proper and just compensation.

In their respective comments,<sup>23</sup> the respondents counter that the petitioner's reliance on the equal protection clause of the fundamental law is misplaced and bereft of legal and factual basis; that, on the contrary, they

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<sup>20</sup> *Rollo*, pp. 122-135.

<sup>21</sup> *Id.* at 18.

<sup>22</sup> *Id.* at 19-24, 138-155.

<sup>23</sup> *Id.* at 215-228, 232-250.

faithfully performed their task in relation to her landholdings, and in accordance with the agrarian laws and guidelines issued in furtherance thereof; that the final and executory DARAB valuation should no longer be disturbed by her frivolous claim of lack of due process; that her failure to properly observe the rules of procedure relative to reglementary periods should not be concealed by a trivial claim of violation of her constitutional rights; that pursuant to Section 60<sup>24</sup> of RA 6657, the decision became final because an appeal by petition for review was not taken from the decision of the RTC as the SAC within 15 days from notice of the decision; and that there was no proof of service on the CA of a copy of the petition as required by Section 3, Rule 45 of the *Rules of Court* and Circular No. 19-91, thereby warranting the outright dismissal of the petition.

### **Ruling of the Court**

The petition for review is meritorious.

#### **I**

#### ***Certiorari* was a proper remedy despite the availability of appeal**

The CA ruled that the proper remedy of the petitioner was not to bring the petition for *certiorari* but to appeal the dismissal of Civil Case No. 12558 in accordance with the *Rules of Court*; and that appeal as her proper remedy was already time-barred.

Ostensibly, the assailed dismissal by the RTC was an order that had finally disposed of Civil Case No. 12558; hence, the petitioner's proper recourse therefrom was an appeal taken in due course because the order of dismissal was a final disposition of the case.<sup>25</sup> In that situation, *certiorari* would not have been appropriate.

However, the petitioner would not be prevented from assailing the dismissal by petition for *certiorari* provided her resort complied with the requirements of the *Rules of Court* for the bringing of the petition for *certiorari*. In that regard, the following requisites must concur for *certiorari* to prosper, namely: (1) the writ is directed against a tribunal, a board or any officer exercising judicial or quasi-judicial functions; (2) such tribunal,

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<sup>24</sup> Section 60. Appeals.- An appeal may be taken from the decision of the Special Agrarian Courts by filing a petition for review with the Court of Appeals fifteen (15) days from receipt of notice of the decision; otherwise, the decision shall become final.

An appeal from the decision of the Court of Appeals, or from any order, ruling or decision of DAR, as the case may be, shall be by a petition for review with the Supreme Court within a non-extendible period of fifteen (15) days from receipt of a copy of said decision.

<sup>25</sup> *Heirs of Spouses Teofilo M. Reterta and Elisa Reterta v. Lopez*, G.R. No. 159941, August 17, 2011, 655 SCRA 580, 590-591.

board or officer has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (3) there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law.<sup>26</sup> *Without jurisdiction* means that the court acted with absolute lack of authority. There is *excess of jurisdiction* when the court transcends its power or acts without any statutory authority. *Grave abuse of discretion* implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction; in other words, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.<sup>27</sup>

Indeed, the Court has held that the availability of an appeal as a remedy is a bar to the bringing of the petition for *certiorari* only where such appeal is in itself a sufficient and adequate remedy, in that it will promptly relieve the petitioner from the injurious effects of the judgment or final order complained of.<sup>28</sup> The Court does not hesitate or halt on its tracks in granting the writ of *certiorari* to prevent irreparable damage and injury to a party in cases where the trial judge capriciously and whimsically exercised his judgment, or where there may be a failure of justice,<sup>29</sup> or where the assailed order is a patent nullity; or where the grant of the writ of *certiorari* will arrest future litigations; or for certain considerations, such as public welfare and public policy.<sup>30</sup>

Here, the petitioner laments that she had not been accorded equal protection and treatment by the trial court which had awarded to other landowners a higher valuation of their property despite the belated filing of their petitions. For sure, the petition for *certiorari* thereby plainly alleged that the RTC had committed grave abuse of discretion by violating the petitioner's constitutional right to due process or equal protection. Such a petition should not be forthwith dismissed but should be fully heard if only to ascertain and determine if the very serious allegations were true.

## II

### Dismissal of petitioner's action was unfair and improper

Section 9, Article III of the 1987 Constitution provides that “[p]rivate property shall not be taken for public use without just compensation.” The

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<sup>26</sup> *De los Santos v. Court of Appeals*, G.R. No. 169498, December 11, 2008, 573 SCRA 690, 700.

<sup>27</sup> *Id.*

<sup>28</sup> *Metropolitan Bank and Trust Company, Inc. v. National Wages and Productivity Commission*, G.R. No. 144322, February 6, 2007, 514 SCRA 346, 358; *Silvestre v. Torres and Oben*, 57 Phil. 885, 890 (1933).

<sup>29</sup> *Rodriguez v. Court of Appeals*, G.R. No. 85723, June 19, 1995, 245 SCRA 150, 152.

<sup>30</sup> *Bristol Myers Squibb, (Phils.), Inc. v. Vilorio*, G.R. No. 148156, September 27, 2004, 439 SCRA 202, 211.

determination of just compensation has been the subject of various discordant rulings of the Court. Although some of the later rulings have supposedly settled the controversy of whether the courts or the DAR should have the final say on just compensation, the conflict has continued, and has caused some confusion to the Bench and the Bar, as well as to the other stakeholders in the expropriation of agricultural landholdings.

Under existing law and regulation, respondent LBP is tasked with the responsibility of initially determining the value of lands placed under land reform and the just compensation to be paid the landowners for their taking.<sup>31</sup> By way of notice sent to the landowner pursuant to Section 16(a)<sup>32</sup> of R.A. No. 6657, the DAR makes an offer to acquire the land sought to be placed under agrarian reform. If the concerned landowner rejects the offer, a summary administrative proceeding is held, and thereafter the provincial adjudicator (PARAD), the regional adjudicator (RARAD) or the central adjudicator (DARAB), as the case may be, fixes the price to be paid for the land, based on the various factors and criteria as determined by law or regulation. Should the landowner disagree with the valuation, he/she may bring the matter to the RTC acting as the SAC.<sup>33</sup> This is the procedure for the determination of just compensation under R.A. No. 6657.<sup>34</sup>

There appears to be no question on the respondents' observance of the proper procedure for acquisition of the petitioner's lands. The remaining issue concerns whether the trial court's dismissal of her petition because of her failure to file it before the decision/order of the DARAB became final and executory pursuant to Section 51 of R.A. No. 6657 was fair and proper.

We rule in the negative.

There have been divergent rulings on whether the courts or another agency of the government could address the determination of just compensation in eminent domain, but the starting point is the landmark 1987 ruling in *Export Processing Zone Authority (EPZA) v. Dulay*,<sup>35</sup> which resolved the challenge against several decrees promulgated by President

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<sup>31</sup> Executive Order No. 405 (VESTING IN THE LAND BANK OF THE PHILIPPINES THE PRIMARY RESPONSIBILITY TO DETERMINE THE LAND VALUATION AND COMPENSATION FOR ALL LANDS COVERED UNDER REPUBLIC ACT NO. 6657, KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988), dated June 14, 1990.

<sup>32</sup> Section 16. Procedure for Acquisition and Distribution of Private Lands.- For purposes of acquisition of private lands, the following procedures shall be followed:

(a) After having identified the land, the landowners and the beneficiaries, the DAR shall send its notice to acquire the land to the owners thereof, by personal delivery or registered mail, and post the same in a conspicuous place in the municipal building and barangay hall of the place where the property is located. Said notice shall contain the offer of the DAR to pay a corresponding value in accordance with the valuation set forth in Sections 17, 18, and other pertinent provisions hereof.

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<sup>33</sup> Section 51 of R.A. No. 6657; Section 11 of Rule XIII of the 1994 DARAB Rules of Procedure.

<sup>34</sup> *Republic v. Court of Appeals*, supra note 19, at 764-765.

<sup>35</sup> G.R. No. L-59603, April 29, 1987, 149 SCRA 305.

Marcos. The decrees provided certain measures to the effect that the just compensation for property under expropriation should be either the assessment of the property by the Government or the sworn valuation of the property by the owner, whichever was *lower*. In declaring the decrees unconstitutional, the Court cogently held:

The method of ascertaining just compensation under the aforesaid decrees constitutes impermissible encroachment on judicial prerogatives. It tends to render this Court inutile in a matter which under this Constitution is reserved to it for final determination.

Thus, although in an expropriation proceeding the court technically would still have the power to determine the just compensation for the property, following the applicable decrees, its task would be relegated to simply stating the lower value of the property as declared either by the owner or the assessor. As a necessary consequence, it would be useless for the court to appoint commissioners under Rule 67 of the Rules of Court. Moreover, the need to satisfy the due process clause in the taking of private property is seemingly fulfilled since it cannot be said that a judicial proceeding was not had before the actual taking. However, the strict application of the decrees during the proceedings would be nothing short of a mere formality or charade as the court has only to choose between the valuation of the owner and that of the assessor, and its choice is always limited to the lower of the two. The court cannot exercise its discretion or independence in determining what is just and fair. Even a grade school pupil could substitute for the judge insofar as the determination of constitutional just compensation is concerned.

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In the present petition, we are once again confronted with the same question of whether the courts under P.D. No. 1533, which contains the same provision on just compensation as its predecessor decrees, still have the power and authority to determine just compensation, independent of what is stated by the decree and to this effect, to appoint commissioners for such purpose.

This time we answer in the affirmative.

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It is violative of due process to deny the owner the opportunity to prove that the valuation in the tax documents is unfair or wrong. And it is repulsive to the basic concepts of justice and fairness to allow the haphazard work of a minor bureaucrat or clerk to absolutely prevail over the judgment of a court promulgated only after expert commissioners have actually viewed the property, after evidence and arguments pro and con have been presented, and after all factors and considerations essential to a fair and just determination have been judiciously evaluated.<sup>36</sup>

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<sup>36</sup> Id. at 311-316.



The Court has reiterated *EPZA v. Dulay* in its later decisions, stressing that such determination was the function of the courts of justice that no other branch or official of the Government could usurp.

Upon the effectivity of R.A. No. 6657 in 1988, the DAR, as the central implementing agency of the law, promulgated the DARAB Rules of Procedures in 1989, 1994, 2003, and 2009 pursuant to the provisions of Section 49<sup>37</sup> and Section 50<sup>38</sup> of R.A. No. 6657 vesting it with the power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of the CARL. Moreover, Section 57 of the CARL defines the jurisdiction of the RTC sitting as the SAC, viz.:

Section 57. *Special Jurisdiction* - The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision.

*Republic v. Court of Appeals*,<sup>39</sup> which was principally relied upon by the petitioner herein, reiterated that the determination of just compensation for the taking of lands under the CARL was a power vested in the courts and not in administrative agencies, clarifying that the jurisdiction of the SAC was not appellate but original and exclusive, to wit:

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<sup>37</sup> Section 49. Rules and Regulations. The PARC and the DAR shall have the power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of this Act. Said rules shall take effect ten (10) days after publication in two (2) national newspapers of general circulation.

<sup>38</sup> Section 50. Quasi-Judicial Powers of the DAR. The DAR is hereby vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and *subpoena duces tecum* and to enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempt in the same manner and subject to the same penalties as provided in the Rules of Court

Representatives of farmer leaders shall be allowed to represent themselves, their fellow farmers or their organizations in any proceedings before the DAR: *Provided, however*, that when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory except a decision or portion thereof involving solely the issue of just compensation.

<sup>39</sup> *Supra* note 20.

Apart from the fact that only a statute can confer jurisdiction on courts and administrative agencies — rules of procedure cannot — it is noteworthy that the New Rules of Procedure of the DARAB, which was adopted on May 30, 1994, now provide that in the event a landowner is not satisfied with a decision of an agrarian adjudicator, the landowner can bring the matter directly to the Regional Trial Court sitting as Special Agrarian Court. Thus Rule XIII, §11 of the new rules provides:

§11. *Land Valuation and Preliminary Determination and Payment of Just Compensation.* - The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Courts designated as Special Agrarian Courts within fifteen (15) days from receipt of the notice thereof. Any party shall be entitled to only one motion for reconsideration.

This is an acknowledgment by the DARAB that the decision of just compensation cases for the taking of lands under R.A. No. 6657 is a power vested in the courts.

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x x x. In accordance with it, the private respondent's case was properly brought by it in the RTC, and it was error for the latter court to have dismissed the case. In the terminology of §57, the RTC, sitting as a Special Agrarian Court, has "original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners." It would subvert this "original and exclusive" jurisdiction of the RTC for the DAR to vest original jurisdiction in compensation cases in administrative officials and make the RTC an appellate court for the review of administrative decisions.

Consequently, although the new rules speak of directly appealing the decision of adjudicators to the RTCs sitting as Special Agrarian Courts, it is clear from §57 that the *original* and *exclusive* jurisdiction to determine such cases is in the RTCs. Any effort to transfer such jurisdiction to the adjudicators and to convert the original jurisdiction of the RTCs into appellate jurisdiction would be contrary to §57 and therefore would be void. What adjudicators are empowered to do is only to determine in a preliminary manner the reasonable compensation to be paid to landowners, leaving to the courts the ultimate power to decide this question.<sup>40</sup>

In the January 18, 2000 ruling in *Philippine Veterans Bank*,<sup>41</sup> the Court, through Justice Vicente V. Mendoza who had penned *Republic v. Court of Appeals*, upheld the DARAB rule to the effect that the adjudicator's preliminary determination of just compensation must be brought to the SAC within 15 days from receipt of the notice thereof; otherwise, the parties would be concluded by the result. The Court then declared:

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<sup>40</sup> Id. at 764-765.

<sup>41</sup> Supra note 19.

As we held in *Republic v. Court of Appeals*, this rule is an acknowledgment by the DARAB that the power to decide just compensation cases for the taking of lands under R.A. No. 6657 is vested in the courts. It is error to think that, because of Rule XIII, §11, the original and exclusive jurisdiction given to the courts to decide petitions for determination of just compensation has thereby been transformed into an appellate jurisdiction. It only means that, in accordance with settled principles of administrative law, primary jurisdiction is vested in the DAR as an administrative agency to determine in a preliminary manner the reasonable compensation to be paid for the lands taken under the Comprehensive Agrarian Reform Program, but such determination is subject to challenge in the courts.

The jurisdiction of the Regional Trial Courts is not any less “original and exclusive” because the question is first passed upon by the DAR, as the judicial proceedings are not a continuation of the administrative determination. For that matter, the law may provide that the decision of the DAR is final and unappealable. Nevertheless, resort to the courts cannot be foreclosed on the theory that courts are the guarantors of the legality of administrative action.

Accordingly, as the petition in the Regional Trial Court was filed beyond the 15-day period provided in Rule XIII, §11 of the Rules of Procedure of the DARAB, the trial court correctly dismissed the case and the Court of Appeals correctly affirmed the order of dismissal.<sup>42</sup>

However, in the 2007 ruling in *Land Bank v. Suntay*,<sup>43</sup> the Court opined that the RTC erred in dismissing the Land Bank’s petition for determination of just compensation on the ground that it was filed beyond the 15-day period provided in Section 11, Rule XIII of the DARAB New Rules of Procedure. This Court then emphatically reminded that the SAC’s jurisdiction over petitions for the determination of just compensation was original and exclusive; that any effort to transfer such jurisdiction to the adjudicators of the DARAB and to convert the original jurisdiction of the RTC into appellate jurisdiction was void for being contrary to R.A. No. 6657; and that what DARAB adjudicators were empowered to do was only to determine *in a preliminary manner* the reasonable compensation to be paid to the landowners, leaving to the courts the ultimate power to decide this question.<sup>44</sup>

To purge any uncertainties brought about by the conflicting jurisprudence on the matter, this Court held in its July 31, 2008 resolution in *Land Bank v. Martinez*.<sup>45</sup>

On the supposedly conflicting pronouncements in the cited decisions, the Court reiterates its ruling in this case that **the agrarian reform adjudicator's decision on land valuation attains finality after the**

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<sup>42</sup> Id. at 145-147.

<sup>43</sup> G.R. No. 157903, October 11, 2007, 535 SCRA 605.

<sup>44</sup> Id. at 618-619.

<sup>45</sup> G.R. No. 169008, July 31, 2008, 560 SCRA 776.

***lapse of the 15-day period stated in the DARAB Rules. The petition for the fixing of just compensation should therefore, following the law and settled jurisprudence, be filed with the SAC within the said period.*** This conclusion, as already explained in the assailed decision, is based on the doctrines laid down in *Philippine Veterans Bank v. Court of Appeals* and *Department of Agrarian Reform Adjudication Board v. Lubrica*.

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The Court notes that the *Suntay* ruling is based on *Republic of the Philippines v. Court of Appeals*, decided in 1996 also through the pen of Justice Vicente V. Mendoza. In that case, the Court emphasized that the jurisdiction of the SAC is original and exclusive, not appellate. *Republic*, however, was decided at a time when Rule XIII, Section 11 was not yet present in the DARAB Rules. Further, *Republic* did not discuss whether the petition filed therein for the fixing of just compensation was filed out of time or not. The Court merely decided the issue of whether cases involving just compensation should first be appealed to the DARAB before the landowner can resort to the SAC under Section 57 of R.A. No. 6657.

To resolve the conflict in the rulings of the Court, we now declare herein, for the guidance of the bench and the bar, that the better rule is that stated in *Philippine Veterans Bank*, reiterated in *Lubrica* and in the August 14, 2007 Decision in this case. Thus, ***while a petition for the fixing of just compensation with the SAC is not an appeal from the agrarian reform adjudicator's decision but an original action, the same has to be filed within the 15-day period stated in the DARAB Rules; otherwise, the adjudicator's decision will attain finality.*** This rule is not only in accord with law and settled jurisprudence but also with the principles of justice and equity. Verily, a belated petition before the SAC, e.g., one filed a month, or a year, or even a decade after the land valuation of the DAR adjudicator, must not leave the dispossessed landowner in a state of uncertainty as to the true value of his property.<sup>46</sup> (Emphasis supplied)

In all of the foregoing rulings of the Court as well as in subsequent ones, it could not have been overemphasized that the determination of just compensation in eminent domain is a judicial function. However, the more recent jurisprudence uphold the preeminence of the pronouncement in *Philippine Veterans Bank* to the effect that the parties only have 15 days from their receipt of the decision/order of the DAR within which to invoke the original and exclusive jurisdiction of the SAC; otherwise, the decision/order attains finality and immutability.

It remains uncontested that the petitioner filed her complaint in the RTC for the determination of just compensation after more than two and a half months had already elapsed from the time the DARAB issued the assailed valuation. Following the pronouncement in *Philippine Veterans Banks*, her failure to file the complaint within the prescribed 15-day period

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<sup>46</sup> Id., at 781-783.

from notice would have surely rendered the DARAB's valuation order final and executory. As such, it would seem that there was sufficient ground for the dismissal of the petitioner's complaint for having been filed out of time,

However, we cannot fairly and properly hold that the petitioner's complaint for the determination of just compensation should be barred from being tried and decided on that basis. The prevailing rule at the time she filed her complaint on August 19, 1999 was that enunciated in *Republic v. Court of Appeals* on October 30, 1996.<sup>47</sup> The pronouncement in *Philippine Veterans Bank* was promulgated on January 18, 2000 when the trial was already in progress in the RTC. At any rate, it would only be eight years afterwards that the Court *en banc* unanimously resolved the jurisprudential conundrum through its declaration in *Land Bank v. Martinez* that the better rule was that enunciated in *Philippine Veterans Bank*. The Court must, therefore, prospectively apply *Philippine Veterans Bank*. The effect is that the petitioner's cause of action for the proper valuation of her expropriated property should be allowed to proceed. Hence, her complaint to recover just compensation was properly brought in the RTC as the SAC, whose dismissal of it upon the motion of Land Bank should be undone.

**WHEREFORE**, we **GRANT** the petition for review on *certiorari*, and **REVERSE** the decision of the Court of Appeals dated November 22, 2002; and **DIRECT** the Regional Trial Court, Branch 30, in Dumaguete City to resume the proceedings in Civil Case No. 12558 for the determination of just compensation of petitioner Jocelyn S. Limkaichong's expropriated property.

No pronouncement on costs of suit.

**SO ORDERED.**



LUCAS P. BERSAMIN  
Associate Justice

**WE CONCUR:**



MARIA LOURDES P. A. SERENO  
Chief Justice

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<sup>47</sup> Supra note 19.

*I join the Separate Opinion of Justice Velasco,*  
*Antonio T. Carpio*

**ANTONIO T. CARPIO**  
Associate Justice

*I leave see Separate Concurring Opinion*

**PRESBITERO J. VELASCO, JR.**  
Associate Justice

*Permita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

(On Leave)  
**ARTURO D. BRION**  
Associate Justice

*Diosdado M. Peralta*  
**DIOSDADO M. PERALTA**  
Associate Justice

*Mariano C. Del Castillo*  
**MARIANO C. DEL CASTILLO**  
Associate Justice

*Jose Portugal Perez*  
**JOSE PORTUGAL PEREZ**  
Associate Justice

*Jose Catral Mendoza*  
**JOSE CATRAL MENDOZA**  
Associate Justice

*Bienvenido L. Reyes*  
**BIENVENIDO L. REYES**  
Associate Justice

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

*see separate concurring opinion*

*Marvic M.V.F. Leonen*  
**MARVIC M.V.F. LEONEN**  
Associate Justice

*Francis H. Jardeleza*  
**FRANCIS H. JARDELEZA**  
Associate Justice

*see separate concurring opinion*

*Alfredo Benjamin S. Caguioa*  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

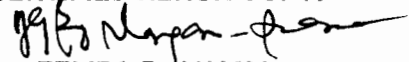
## CERTIFICATION

I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the court.



**MARIA LOURDES P. A. SERENO**  
Chief Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA  
CLERK OF COURT, EN BANC  
SUPREME COURT