

PROVINCIAL AGRARIAN REFORM OFFICER AND LANDBANK OF THE PHILIPPINES, RESPONDENTS, VS. BENITO MARASIGAN, JR., PETITIONER.

Ponente: LOPEZ, J.

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LOPEZ, J.:

The Department of Agrarian Reform (DAR) placed under the coverage of the Comprehensive Agrarian Reform Program (CARP) specific portions of the two (2) parcels of land owned by petitioner Benito Marasigan, Jr., to wit:

Transfer Certificate of Title No.

Total Land Area

Area Covered by CARP

T-24060

13.5550 hectares

1.0063 hectares

T-24063

4.5183 hectares

.6616 hectare

The Land Bank of the Philippines (LBP) valued the parcels of land at P60,795.96 for 1.0063 hectares and P52,975.14 for 0.6616 hectares. DAR offered to pay the amounts to petitioner, but the offer was rejected. Thus, DAR filed with the Provincial Agrarian Reform Adjudication Board (PARAD) two (2) actions for summary administrative proceedings for the preliminary determination of just compensation.

On November 17, 2011, Provincial Adjudicator Victor B. Baguilat rendered two (2) separate Decisions upholding LBP's valuation of the properties, thus:

In LV-0401-049-09 (T-24063)

Clearly, the amount of Php52,975.14, the land value being offered by petitioner DAR as just compensation of the 0.6616 hectares(sic) of the property placed under coverage, was reached using relevant data and upon application of the proper formula in computing land value of agricultural lands under CARP and absent any showing to the contrary, the same is found to be a valid valuation.

WHEREFORE, xxx, judgment is hereby rendered declaring the computed land value of Php52,975.14 as just compensation of the area actually placed under CARP measuring 0.6616 hectares embraced by TCT No. T-24063.[1]

xxx

In LV-0401-041-09 (T24060)

Clearly, the amount of Php 60,795.60, the land value being offered by petitioner DAR as just compensation of the 1.0063 hectares property placed under coverage, was reached using relevant data and upon application of the proper formula in computing land value of agricultural lands under CARP and absent any showing to the contrary, the same is found to a valid valuation.

WHEREFORE, xxx, judgment is hereby rendered declaring the computed land value of Php 60,795.60 as just compensation of the area actually placed under CARP measuring 1.0063 hectares embraced by TCT No. T-24060.[2]

Petitioner appealed to the Department of Agrarian Reform Adjudication Board (DARAB). In his Memorandum,[3] petitioner maintained that the subject parcels of land should not have been placed under the coverage of CARP because he did not receive a Notice of Coverage and a Notice of Acquisition which violated his right to administrative due process. Moreover, the portions of the properties placed under the coverage of CARP were not clearly identified.

In its Decision dated May 3, 2013,[4] DARAB denied the appeal for lack of jurisdiction. The action filed by the DAR with the PARAD is for the preliminary determination of just compensation. Thus, petitioner's remedy from the adverse decision of the Adjudicator is to file an original action for judicial determination of just compensation with the regional trial court sitting as Special Agrarian Court (SAC).

Petitioner is now before this Court via Rule 43[5] of the Rules of Court contending that the DARAB erred when:

I. xxx IT DISMISSED THESE CASES FOR LACK OF JURISDICTION WHICH ERROR IF NOT CORRECTED WOULD CAUSE GRAVE AND IRREPARABLE DAMAGE OR INJURY TO THE PETITIONER;

II. xxx IT DISREGARDED THE FACT THAT THE HONORABLE PROVINCIAL ADJUDICATOR HAS ALREADY COMMITTED GRAVE ERROR IN HEARING AND DECIDING THESE CASES DESPITE THE FACT THAT THE SUBJECT LAND SHOULD NOT HAVE BEEN PLACED UNDER CARP [I]N THE FIRST PLACE, WHICH ERROR IF NOT CORRECTED WOULD CAUSE GRAVE AND IRREPARABLE DAMAGE OR INJURY TO THE PETITIONER;

III. xxx IT DISREGARDED THE FACT THAT THE HONORABLE PROVINCIAL ADJUDICATOR HAS ALREADY COMMITTED GRAVE ERROR IN CONCLUSIONS OF LAW WHEN IT HEARD AND DECIDED THESE CASES DESPITE THE FACT THAT THE SUBJECT LAND WAS NOT YET CLEARLY AND PARTICULARLY IDENTIFIED, WHICH ERROR IF NOT CORRECTED WOULD CAUSE GRAVE AND IRREPARABLE DAMAGE OR INJURY TO THE PETITIONER.[6]

Petitioner contends that the PARAD should have deferred the hearing on the determination of just compensation because there is a pending controversy as to the validity of the Notice of Acquisition and the identity of the portions of the lands covered. Alternatively, the PARAD should have referred the case to the DAR to address these issues.

The petition lacks merit.

Under R.A. No. 6657,[7] LBP is charged with the preliminary determination of just compensation for the taking of lands placed under the land reform program. LBP initiates the acquisition of agricultural lands by notifying the landowner of the government's intention to acquire his land and the valuation for the lands. Within thirty (30) days from receipt of notice, the landowner shall inform the DAR whether he accepts or rejects the offer. If he

rejects it, a summary administrative proceeding is held by the provincial (PARAD), the regional (RARAD) or the central (DARAB) adjudicator, as the case may be, depending on the value of the land, for the purpose of determining the compensation. The landowner, the LBP, and other interested parties are then required to submit evidence as to the just compensation for the land. The adjudicator decides the case within thirty (30) days after it is submitted for decision. If the landowner finds the price unsatisfactory, he may bring the matter directly to the appropriate Regional Trial Court sitting as Special Agrarian Court[8] (SAC), as provided in Section 57 of RA 6657, viz:

Section 57. Special Jurisdiction. – The Special Agrarian Court 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. x x x

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

If any of the parties disagree with the decision of the PARAD in an administrative case for preliminary determination of just compensation, such party may file an original action with the Regional Trial Court sitting as a SAC for final determination. Hence, DARAB correctly dismissed the appeal for lack of jurisdiction.[9]

Petitioner's contention that the PARAD should have deferred the hearings on just compensation, because of the alleged controversy in the validity of the Notice of Acquisition and identity of the portions of the land covered by CARP, is improper. We stress that what was filed before the PARAD is a summary administrative proceeding for the preliminary determination of just compensation – an action which it was duty-bound to resolve. Had there been an issue regarding the propriety of CARP coverage, then the petitioner should have filed the appropriate action before the Department of Agrarian Reform (DAR), which has jurisdiction over this matter.[10] Petitioner cannot belatedly blame the PARAD for the failure to avail of proper remedies.

Pertinently, Section 6, Rule XIX[11] of the 2009 DARAB Rules of Procedure provides:

Section 6. Filing of Original Action with the Special Agrarian Court for Final Determination. - The party who disagrees with the decision of the Board/Adjudicator may contest the same by filing an original action with the Special Agrarian Court (SAC) having jurisdiction over the subject property within fifteen (15) days from his receipt of the Board/Adjudicator's decision.

Immediately upon the filing with the SAC, the party shall file a Notice of Filing of Original Action with the Board/Adjudicator, together with a certified true copy of the petition filed with the SAC.

Failure to file a Notice of Filing of Original Action or to submit a certified true copy of the petition shall render the decision of the Board/Adjudicator final and executory. Upon receipt of the Notice of Filing of Original Action or certified true copy of the petition filed with the SAC, no writ of execution shall be issued by the Board/Adjudicator. [Emphasis Ours.]

Thus, a party aggrieved by the PARAD's decision is given 15 days to file the original petition before the SAC-RTC. Here, petitioner received a copy of the November 17, 2011 PARAD Decision on December 8, 2011.[12] Petitioner did not move for reconsideration, hence, the fifteen day period to file an original action with the RTC commenced to run on that day until December 23, 2011. Petitioner then filed the appeal with the DARAB which was an improper forum according to the DARAB Rules. For failing to file an action with the RTC-SAC, the assailed November 17, 2011 PARAD Decision has become final and executory on December 23, 2011.

FOR THESE REASONS, the petition is DENIED.

SO ORDERED.

Reyes, Jr., J.C., (Chairperson) and Inting, JJ., concur.

[1] Rollo, pp. 202-203.

[2] Id., pp. 200-201.

[3] Id., pp. 206-220.

[4] Id., pp. 173-183.

[5] Appeals from the Court of Tax Appeals and Quasi-Judicial Agencies to the Court of Appeals.

[6] Id., pp. 148-149.

[7] Comprehensive Agrarian Reform Law.

[8] Philippine Veterans Bank v. Court of Appeals, et al., G.R. No. 132767, January 18, 2000.

[9] Rollo, pp. 181-183.

[10] 2003 Rules of Agrarian Law Implementation Cases, Rule II, Section 8. Jurisdiction over protestes or petitions to lift coverage. The Regional Director shall exercise primary jurisdiction over protests against CARP coverage. If the ground for the protest or petition to lift CARP coverage is exemption or exclusion of the subject land from CARP coverage, the Regional Director shall either resolve the same if he has jurisdiction, or refer the matter to the Secretary if jurisdiction over the case belongs to the latter.

[11] Preliminary Determination of Just Compensation.

[12] Rollo, p. 221. Notice of Appeal.

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