

LAND BANK OF THE PHILIPPINES, PETITIONER, VS. FELICIANO F. WYCOCO, RESPONDENT.*G.R. No. 140160. January 13, 2004*

Ponente: YNARES-SATIAGO, J.

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Before the Court are consolidated petitions, the first seeking the review of the February 9, 1999 Decision[1] and the September 22, 1999 Resolution[2] of the Court of Appeals in CA-G.R. No. SP No. 39913, which modified the Decision[3] of Regional Trial Court of Cabanatuan City, Branch 23, acting as a Special Agrarian Court in Agrarian Case No. 91 (AF); and the second for mandamus to compel the said trial court to issue a writ of execution and to direct Judge Rodrigo S. Caspillo to inhibit himself from Agrarian Case No. 91 (AF).

The undisputed antecedents show that Feliciano F. Wycoco is the registered owner of a 94.1690 hectare unirrigated and untenanted rice land, covered by Transfer Certificate of Title No. NT-206422 and situated in the Sitios of Ablang, Saguingan and Pinamunghilan, Barrio of San Juan, Licab, Nueva Ecija.[4]

In line with the Comprehensive Agrarian Reform Program (CARP) of the government, Wycoco voluntarily offered to sell the land to the Department of Agrarian Reform (DAR) for P14.9 million.[5] In November 1991, after the DAR's evaluation of the application and the determination of the just compensation by the Land Bank of the Philippines (LBP), a notice of intention to acquire 84.5690 hectares of the property for P1,342,667.46[6] was sent to Wycoco. The amount offered was later raised to P2,594,045.39 and, upon review, was modified to P2,280,159.82.[7] The area which the DAR offered to acquire excluded idle lands, river and road located therein. Wycoco rejected the offer, prompting the DAR to indorse the case to the Department of Agrarian Reform Adjudication Board (DARAB) for the purpose of fixing the just compensation in a summary administrative proceeding.[8] The case was docketed as DARAB VOS Case No. 232 NE 93. Thereafter, the DARAB requested LBP to open a trust account in the name of Wycoco and deposited the compensation offered by DAR.[9] In the meantime, the property was distributed to farmer-beneficiaries.

On March 29, 1993, DARAB required the parties to submit their respective memoranda or position papers in support of their claim.[10] Wycoco, however, decided to forego with the filing of the required pleadings, and instead filed on April 13, 1993, the instant case for determination of just compensation with the Regional Trial Court of Cabanatuan City, Branch 23, docketed as Agrarian Case No. 91 (AF).[11] Impleaded as party-defendants therein were DAR and LBP.

On April 30, 1993, Wycoco filed a manifestation in VOS Case No. 232 NE 93, informing the DARAB of the pendency of Agrarian Case No. 91 (AF) with the Cabanatuan court, acting as a special agrarian court.[12] On March 9, 1994, the DARAB issued an order dismissing the case to give way to the determination of just compensation by the Cabanatuan court. Pertinent portion thereof states:

Admittedly, this Forum is vested with the jurisdiction to conduct administrative proceeding to determine compensation. [H]owever, a thorough perusal of petitioner's complaint showed that he did not only raise the

issue of valuation but such other matters which are beyond the competence of the Board. Besides, the petitioner has the option to avail the administrative remedies or bring the matter on just compensation to the Special Agrarian Court for final determination.

WHEREFORE, premises considered, this case is hereby dismissed.

SO ORDERED.[13]

Meanwhile, DAR and LBP filed their respective answers before the special agrarian court in Agrarian Case No. 91 (AF), contending that the valuation of Wycoco's property was in accordance with law and that the latter failed to exhaust administrative remedies by not participating in the summary administrative proceedings before the DARAB which has primary jurisdiction over determination of land valuation.[14]

After conducting a pre-trial on October 3, 1994, the trial court issued a pre-trial order as follows:

The parties manifested that there is no possibility of amicable settlement, neither are they willing to admit or stipulate on facts, except those contained in the pleadings.

The only issue left is for the determination of just compensation or correct valuation of the land owned by the plaintiff subject of this case.

The parties then prayed to terminate the pre-trial conference.

AS PRAYED FOR, the pre-trial conference is considered terminated, and instead of trial, the parties are allowed to submit their respective memoranda.

WHEREFORE, the parties are given twenty (20) days from today within which to file their simultaneous memoranda, and another ten (10) days from receipt thereof to file their Reply/Rejoinder, if any, and thereafter, this case shall be deemed submitted for decision.

SO ORDERED.[15]

The evidence presented by Wycoco in support of his claim were the following: (1) Transfer Certificate of Title No. NT-206422; (2) Notice of Land Valuation dated June 18, 1992; and (3) letter dated July 10, 1992 rejecting the counter-offer of LBP and DAR.[16] On the other hand, DAR and LBP presented the Land Valuation Worksheets.[17]

On November 14, 1995, the trial court rendered a decision in favor of Wycoco. It ruled that there is no need to present evidence in support of the land valuation inasmuch as it is of public knowledge that the prevailing market value of agricultural lands sold in Licab, Nueva Ecija is from P135,000.00 to 150,000.00 per hectare. The court thus took judicial notice thereof and fixed the compensation for the entire 94.1690 hectare land at P142,500.00 per hectare or a total of P13,428,082.00. It also awarded Wycoco actual damages for unrealized profits plus legal interest. The dispositive portion thereof states:

WHEREFORE, premises considered, judgment is hereby rendered:

- Ordering the defendants to pay the amount of P13,419,082.00 to plaintiff as just compensation for the property acquired;
- Ordering the defendants to pay plaintiff the amount of P29,663,235.00 representing the unrealized profits from the time of acquisition of the subject property and the sum of P8,475,210.00 for every calendar year, until the amount of compensation is fully paid including legal interest which had accrued thereon.

No pronouncement as to costs.

SO ORDERED.[18]

The DAR and the LBP filed separate petitions before the Court of Appeals. The petition brought by DAR on jurisdictional and procedural issues, docketed as CA-G.R. No. SP No. 39234, was dismissed on May 29, 1997.[19] The dismissal became final and executory on June 26, 1997.[20] This prompted Wycoco to file a petition for mandamus before this Court, docketed as G.R. No. 146733, praying that the decision of the Regional Trial Court of Cabanatuan City, Branch 23, in Agrarian Case No. 91 (AF) be executed, and that Judge Rodrigo S. Caspillo, the now presiding Judge of said court, be compelled to inhibit himself from hearing the case.

The petition brought by LBP on both substantive and procedural grounds, docketed as CA-G.R. No. SP No. 39913, was likewise dismissed by the Court of Appeals on February 9, 1999.[21] On September 22, 1999, however, the Court of Appeals modified its decision by deducting from the compensation due Wycoco the amount corresponding to the 3.3672 hectare portion of the 94.1690 hectare land which was found to have been previously sold by Wycoco to the Republic, thus –

WHEREFORE, and conformably with the above, Our decision of February 9, 1999 is hereby MODIFIED in the sense that the value corresponding to the aforesaid 3.3672 hectares and all the awards appertaining thereto in the decision a quo are ordered deducted from the totality of the awards granted to the private respondent. In all other respects, the decision sought to be reconsidered is hereby RE-AFFIRMED and REITERATED.

SO ORDERED.[22]

In its petition, LBP contended that the Court of Appeals erred in ruling:

I

THAT THE TRIAL COURT ACTING AS A SPECIAL AGRARIAN COURT MAY ASSUME JURISDICTION OVER AGRARIAN CASE NO. 91 (AF) AND RENDER JUDGMENT THEREON WITHOUT AN INITIAL ADMINISTRATIVE DETERMINATION OF JUST COMPENSATION BY THE DARAB PURSUANT TO SECTION 16 OF RA 6657, OVER THE TIMELY OBJECTION OF THE PETITIONER, AND IN VIOLATION OF THE RULE ON EXHAUSTION OF ADMINISTRATIVE REMEDIES AND ON FORUM SHOPPING;

II

THAT THE JUST COMPENSATION DETERMINED BY THE TRIAL COURT WAS SUPPORTED BY SUBSTANTIAL EVIDENCE, WHEN IT WAS BASED ONLY ON JUDICIAL NOTICE OF THE PREVAILING MARKET VALUE OF LAND BASED ON THE ALLEGED PRICE OF TRANSFER OF TENURAL RIGHTS, TAKEN WITHOUT NOTICE AND HEARING IN VIOLATION OF RULE 129 OF THE RULES OF COURT;

III

THAT THE TRIAL COURT CAN REQUIRE THE PETITIONER TO COMPENSATE THE PORTIONS OF RESPONDENT'S PROPERTY WHICH WERE NOT DECLARED BY THE DAR FOR ACQUISITION, NOR SUITABLE FOR AGRICULTURE NOR CAPABLE OF DISTRIBUTION TO FARMER BENEFICIARIES UNDER THE CARP;

IV

THAT THE TRIAL COURT CAN AWARD AS PART OF JUST COMPENSATION LEGAL INTEREST ON THE PRINCIPAL AND ALLEGED UNREALIZED PROFITS OF P29,663,235.00 FROM THE TIME OF ACQUISITION OF THE SUBJECT PROPERTY AND P8,475,210.00 FOR EVERY CALENDAR YEAR THEREAFTER, CONSIDERING THAT THE SAME HAS NO LEGAL BASIS AND THAT THE

RESPONDENT RETAINED THE TITLE TO HIS PROPERTY DESPITE THE DAR'S NOTICE OF ACQUISITION;

V

THAT THE TRIAL COURT HAD VALIDLY GRANTED EXECUTION PENDING APPEAL ON THE ALLEGEDLY GOOD REASON OF THE PETITIONER'S ADVANCED AGE AND WEAK HEALTH, CONTRARY TO THE APPLICABLE JURISPRUDENCE AND CONSIDERING THAT THE RESPONDENT IS NOT DESTITUTE.[23]

The issues for resolution are as follows: (1) Did the Regional Trial Court, acting as Special Agrarian Court, validly acquire jurisdiction over the instant case for determination of just compensation? (2) Assuming that it acquired jurisdiction, was the compensation arrived at supported by evidence? (3) Can Wycoco compel the DAR to purchase the entire land subject of the voluntary offer to sell? (4) Were the awards of interest and damages for unrealized profits valid?

Anent the issue of jurisdiction, the laws in point are Sections 50 and 57 of Republic Act No. 6657 (Comprehensive Agrarian Reform Law of 1988) which, in pertinent part, provide:

Section 50. Quasi-judicial Powers of the DAR. – The DAR is hereby vested with 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)....

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.

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

In Republic v. Court of Appeals,[24] it was held that Special Agrarian Courts are given original and exclusive jurisdiction over two categories of cases, to wit: (1) all petitions for the determination of just compensation; and (2) the prosecution of all criminal offenses under R.A. No. 6657. Section 50 must be construed in harmony with Section 57 by considering cases involving the determination of just compensation and criminal cases for violations of R.A. No. 6657 as excepted from the plenitude of power conferred to the DAR. Indeed, there is a reason for this distinction. The DAR, as an administrative agency, cannot be granted jurisdiction over cases of eminent domain and over criminal cases. The valuation of property in eminent domain is essentially a judicial function which is vested with the Special Agrarian Courts and cannot be lodged with administrative agencies.[25] In fact, Rule XIII, Section 11 of the New Rules of Procedure of the DARAB acknowledges this power of the court, thus –

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. (Emphasis supplied)

Under Section 1 of Executive Order No. 405, Series of 1990, the Land Bank of the Philippines is charged with the initial responsibility of determining the value of lands placed under land reform and the just compensation to be paid for their taking.[26] Through a notice of voluntary offer to sell (VOS) submitted by the landowner, accompanied by the required documents, the DAR evaluates the application and determines the land's suitability

for agriculture. The LBP likewise reviews the application and the supporting documents and determines the valuation of the land. Thereafter, the DAR issues the Notice of Land Valuation to the landowner. In both voluntary and compulsory acquisition, where the landowner rejects the offer, the DAR opens an account in the name of the landowner and conducts a summary administrative proceeding. If the landowner disagrees with the valuation, the matter may be brought to the Regional Trial Court acting as a special agrarian court. This in essence is the procedure for the determination of just compensation.[27]

In *Land Bank of the Philippines v. Court of Appeals*,[28] the landowner filed an action for determination of just compensation without waiting for the completion of DARAB's re-evaluation of the land. This, notwithstanding, the Court held that the trial court properly acquired jurisdiction because of its exclusive and original jurisdiction over determination of just compensation, thus –

...It is clear from Sec. 57 that the RTC, sitting as a Special Agrarian Court, has "original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners." This "original and exclusive" jurisdiction of the RTC would be undermined if the DAR would vest in administrative officials original jurisdiction in compensation cases and make the RTC an appellate court for the review of administrative decisions. Thus, although the new rules speak of directly appealing the decision of adjudicators to the RTCs sitting as Special Agrarian Courts, it is clear from Sec. 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 an appellate jurisdiction would be contrary to Sec. 57 and therefore would be void. Thus, direct resort to the SAC [Special Agrarian Court] by private respondent is valid. (Emphasis supplied)[29]

In the case at bar, therefore, the trial court properly acquired jurisdiction over Wycoco's complaint for determination of just compensation. It must be stressed that although no summary administrative proceeding was held before the DARAB, LBP was able to perform its legal mandate of initially determining the value of Wycoco's land pursuant to Executive Order No. 405, Series of 1990. What is more, DAR and LBP's conformity to the pre-trial order which limited the issue only to the determination of just compensation estopped them from questioning the jurisdiction of the special agrarian court. The pre-trial order limited the issues to those not disposed of by admission or agreements; and the entry thereof controlled the subsequent course of action.[30]

Besides, the issue of whether Wycoco violated the rule on exhaustion of administrative remedies was rendered moot and academic in view of the DARAB's dismissal[31] of the administrative case to give way to and in recognition of the court's power to determine just compensation.[32]

In arriving at the valuation of Wycoco's land, the trial court took judicial notice of the alleged prevailing market value of agricultural lands in Licab, Nueva Ecija without apprising the parties of its intention to take judicial notice thereof. Section 3, Rule 129 of the Rules on Evidence provides:

Sec. 3. Judicial Notice, When Hearing Necessary. – During the trial, the court, on its own initiative, or on request of a party, may announce its intention to take judicial notice of any matter and allow the parties to be heard thereon.

After trial and before judgment or on appeal, the proper court, on its own initiative, or on request of a party, may take judicial notice of any matter and allow the parties to be heard thereon if such matter is decisive of a material issue in the case.

Inasmuch as the valuation of the property of Wycoco is the very issue in the case at bar, the trial court should have allowed the parties to present evidence thereon instead of practically assuming a valuation without basis. While market value may be one of the bases of determining just compensation, the same cannot be arbitrarily

arrived at without considering the factors to be appreciated in arriving at the fair market value of the property e.g., the cost of acquisition, the current value of like properties, its size, shape, location, as well as the tax declarations thereon.[33] Since these factors were not considered, a remand of the case for determination of just compensation is necessary. The power to take judicial notice is to be exercised by courts with caution especially where the case involves a vast tract of land. Care must be taken that the requisite notoriety exists; and every reasonable doubt on the subject should be promptly resolved in the negative. To say that a court will take judicial notice of a fact is merely another way of saying that the usual form of evidence will be dispensed with if knowledge of the fact can be otherwise acquired. This is because the court assumes that the matter is so notorious that it will not be disputed. But judicial notice is not judicial knowledge. The mere personal knowledge of the judge is not the judicial knowledge of the court, and he is not authorized to make his individual knowledge of a fact, not generally or professionally known, the basis of his action.[34]

Anent the third issue, the DAR cannot be compelled to purchase the entire property voluntarily offered by Wycoco. The power to determine whether a parcel of land may come within the coverage of the Comprehensive Agrarian Reform Program is essentially lodged with the DAR. That Wycoco will suffer damages by the DAR's non-acquisition of the approximately 10 hectare portion of the entire land which was found to be not suitable for agriculture is no justification to compel DAR to acquire the whole area.

We find Wycoco's claim for payment of interest partly meritorious. In *Land Bank of the Philippines v. Court of Appeals*,^[35] this Court struck down as void DAR Administrative Circular No. 9, Series of 1990, which provides for the opening of trust accounts in lieu of the deposit in cash or in bonds contemplated in Section 16 (e) of RA 6657.

"It is very explicit ...from [Section 16 (e)] that the deposit must be made only in 'cash' or in 'LBP bonds.' Nowhere does it appear nor can it be inferred that the deposit can be made in any other form. If it were the intention to include a 'trust account' among the valid modes of deposit, that should have been made express, or at least, qualifying words ought to have appeared from which it can be fairly deduced that a 'trust account' is allowed. In sum, there is no ambiguity in Section 16(e) of RA 6657 to warrant an expanded construction of the term 'deposit.'"

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"In the present suit, the DAR clearly overstepped the limits of its powers to enact rules and regulations when it issued Administrative Circular No. 9. There is no basis in allowing the opening of a trust account in behalf of the landowner as compensation for his property because, as heretofore discussed, Section 16(e) of RA 6657 is very specific that the deposit must be made only in 'cash' or in 'LBP bonds.' In the same vein, petitioners cannot invoke LRA Circular Nos. 29, 29-A and 54 because these implementing regulations can not outweigh the clear provision of the law. Respondent court therefore did not commit any error in striking down Administrative Circular No. 9 for being null and void."^[36]

Pursuant to the forgoing decision, DAR issued Administrative Order No. 2, Series of 1996, converting trust accounts in the name of landowners into deposit accounts. The transitory provision thereof states –

VI. TRANSITORY PROVISIONS

All trust accounts issued pursuant to Administrative Order No. 1, S. 1993 covering landholdings not yet transferred in the name of the Republic of the Philippines as of July 5, 1996 shall immediately be converted to deposit accounts in the name of the landowners concerned.

All Provincial Agrarian Reform Officers and Regional Directors are directed to immediately inventory the claim folders referred to in the preceding paragraph, wherever they may be found and request the LBP to

establish the requisite deposit under this Administrative Order and to issue a new certification to that effect. The Original Certificate of Trust Deposit previously issued should be attached to the request of the DAR in order that the same may be replaced with a new one.

All previously established Trust Deposits which served as the basis for the transfer of the landowner's title to the Republic of the Philippines shall likewise be converted to deposits in cash and in bonds. The Bureau of Land Acquisition and Distribution shall coordinate with the LBP for this purpose.

In light of the foregoing, the trust account opened by LBP in the name of Wycoco as the mode of payment of just compensation should be converted to a deposit account. Such conversion should be retroactive in application in order to rectify the error committed by the DAR in opening a trust account and to grant the landowners the benefits concomitant to payment in cash or LBP bonds prior to the ruling of the Court in *Land Bank of the Philippines v. Court of Appeals*. Otherwise, petitioner's right to payment of just and valid compensation for the expropriation of his property would be violated.[37] The interest earnings accruing on the deposit account of landowners would suffice to compensate them pending payment of just compensation.

In some expropriation cases, the Court imposed an interest of 12% per annum on the just compensation due the landowner. It must be stressed, however, that in these cases, the imposition of interest was in the nature of damages for delay in payment which in effect makes the obligation on the part of the government one of forbearance.[38] It follows that the interest in the form of damages cannot be applied where there was prompt and valid payment of just compensation. Conversely, where there was delay in tendering a valid payment of just compensation, imposition of interest is in order. This is because the replacement of the trust account with cash or LBP bonds did not ipso facto cure the lack of compensation; for essentially, the determination of this compensation was marred by lack of due process.[39]

Accordingly, the just compensation due Wycoco should bear 12% interest per annum from the time LBP opened a trust account in his name up to the time said account was actually converted into cash and LBP bonds deposit accounts. The basis of the 12% interest would be the just compensation that would be determined by the Special Agrarian Court upon remand of the instant case. In the same vein, the amount determined by the Special Agrarian Court would also be the basis of the interest income on the cash and bond deposits due Wycoco from the time of the taking of the property up to the time of actual payment of just compensation.

The award of actual damages for unrealized profits should be deleted. The amount of loss must not only be capable of proof, but must be proven with a reasonable degree of certainty. The claim must be premised upon competent proof or upon the best evidence obtainable, such as receipts or other documentary proof.[40] None having been presented in the instant case, the claim for unrealized profits cannot be granted.

From the foregoing discussion, it is clear that Wycoco's petition for mandamus in G.R. No. 146733 should be dismissed. The decision of the Regional Trial Court of Cabanatuan City, Branch 23, acting as Special Agrarian Court in Agrarian Case No. 91 (AF), cannot be enforced because there is a need to remand the case to the trial court for determination of just compensation. Likewise, the prayer for the inhibition of Judge Rodrigo S. Caspillo in Agrarian Case No. 91 (AF) is denied for lack of basis.

WHEREFORE, in view of all the foregoing, the petition in G.R. No. 140160 is **PARTIALLY GRANTED**. Agrarian Case No. 91 (AF) is **REMANDED** to the Regional Trial Court of Cabanatuan City, Branch 23, for the determination of just compensation. The petition for mandamus in G.R. No. 146733 is **DISMISSED**.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Carpio, and Azcuna, JJ., concur.

[1] Penned by Associate Justice Cancio C. Garcia and concurred in by Associate Justices Conrado M. Vasquez, Jr. and Teodoro P. Regino. (Rollo of G.R. No. 140160, p. 9.)

[2] Rollo of G.R. No. 140160, p. 7.

[3] Penned by Judge Feliciano V. Buenaventura. (Rollo of G.R. No. 140160, p. 149.)

[4] Rollo of G.R. No. 140160, p. 258.

[5] Id., p. 113.

[6] Id., p. 132; Complaint, p. 125.

[7] LBP's petition for review before the Court of Appeals, CA Rollo, p. 12; Land Valuation Worksheet, pp. 71-79.

[8] Rollo of G.R. No. 140160, p. 123.

[9] CA Rollo, p. 80.

[10] Rollo of G.R. No. 140160, p. 123.

[11] Id., p. 124.

[12] CA Rollo, p. 91.

[13] Rollo of G.R. No. 140160, p. 140.

[14] Decision, CA Rollo, p. 40.

[15] Rollo of G.R. No. 140160, p. 148.

[16] CA Rollo, pp. 88-90.

[17] Id., p. 71-79.

[18] Id., p. 46.

[19] Rollo of G.R. No. 146733, p. 37; The Decision was penned by Associate Justice B.A. Adefuin-De La Cruz, and concurred in by Associate Justices Gloria C. Paras and Ricardo P. Galvez.

[20] Rollo of G.R. No. 146733, p. 38.

[21] Rollo of G.R. No. 140160, p. 9.

[22] Id., p. 8.

[23] Id., pp. 49-50.

[24] 331 Phil. 1071 (1996).

[25] Id., p. 1075, citing *EPZA v. Dulay*, G.R. No. L-59603, 4 April 1987, 149 SCRA 305; *Sumulong v. Guerrero*, G.R. No. L- 48685, 30 September 1987, 154 SCRA 461.

[26] Escano, Jr. v. Court of Appeals, 380 Phil. 20, 27 (2000).

[27] Administrative Order No. 9, Series of 1990 (Amended DAR Administrative Order Nos. 12, 14 & 17, Series of 1989)

Administrative Order No. 9, Series of 1990 was further amended by DAR A.O. No. 5, Series of 1992; DAR A.O. No. 1, Series of 1993; DAR A.O. No. 2, Series of 1996; and DAR A.O. No. 1, Series of 1998.

[28] 376 Phil. 252 (1999).

[29] *Id.*, pp. 262-263.

[30] Rule 18, Section 7, 1997 Revised Rules on Civil Procedure; Caltex Inc. v. Court of Appeals, G.R. No. 97753, 10 August 1992, 212 SCRA 448, 462.

[31] Rollo of G.R. No. 140160, p. 140.

[32] Land Bank of the Philippines v. Court of Appeals, *supra*, citing Medalla Jr. v. Sayo, 191 Phil. 170 (1981).

[33] B. H. Berkenkotter & Co. v. Court of Appeals, G.R. No. 89980, 14 December 1992, 216 SCRA 584, 587.

[34] State Prosecutor v. Judge Muro, A.M. No. RTJ-92-876, 19 September 1994, 236 SCRA 505, 521-522.

[35] 319 Phil. 246 (1995). The Resolution denying LBP and DAR's motion for reconsideration was promulgated on July 5, 1996 (327 Phil. 1084).

[36] *Id.*, pp. 257-258.

[37] Constitution, Art. III, Sec. 9.

[38] Reyes v. National Housing Authority, G.R. No. 147511, 20 January 2003, citing Republic v. Court of Appeals, G.R. No. 146587, 2 July 2002, 383 SCRA 611.

[39] Roxas & Co., Inc. v. Court of Appeals, 378 Phil. 727, 756 (1999).

[40] Magat, Jr. v. Court of Appeals, G.R. No. 124221, 4 August 2000, 337 SCRA 298, 308.

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