

LAND BANK OF THE PHILIPPINES, REPRESENTED BY MARGARITO B. TEVES, PRESIDENT AND CEO, LETICIA LOURDES CAMARA, DEPARTMENT HEAD-LANDOWNERS COMPENSATION DEPARTMENT II, AND ROMEO V. C...

G.R. NO. 146581. December 13, 2005

Ponente: SANDOVAL GUTIERREZ, J.

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SANDOVAL GUTIERREZ, J.:

For our resolution is the instant petition for review on certiorari assailing the Resolutions dated November 22, 2000[1] and January 9, 2001[2] of the Court of Appeals (Seventeenth Division) in CA-G.R. SP No. 59492.

The instant case stemmed from twenty one (21) petitions[3] for just compensation filed on April 6, 1999 by several landowners with the Regional Trial Court, Branch 2, Tagum City, sitting as a Special Agrarian Court. The Land Bank of the Philippines (LBP), herein petitioner, and the Department of Agrarian Reform (DAR) were impleaded as respondents. The petitions involve several tracts of land forming part of a banana plantation operated by the AMS Group of Companies, one of herein respondents. Pursuant to the Comprehensive Agrarian Reform Program (CARP), the landowners offered to sell these parcels of land to the government.

The Special Agrarian Court consolidated the cases and named a panel of Commissioners to receive and evaluate evidence on the amount of compensation to be paid to the landowners. After trial, the Special Agrarian Court admitted and approved the Appraisal Report of the Commissioners. On February 7, 2000, the said court rendered its joint Decision, the dispositive portion of which reads:

WHEREFORE, all the foregoing premises duly considered, the Court hereby renders its judgment fixing, as it has judiciously determined, the just compensation for the landholdings and the improvements of all the herein petitioners in all these above-captioned docketed agrarian cases, as follows:

First – Hereby fixing, as determined, the just compensation of herein petitioners' aggregate landholdings of 123.4629 hectares hereby fixed and determined at P25,405,553.55, plus the fixed and determined just compensation for the existing improvements thereon of P32,800,000.00, or a total of P58,205,553.55; and proper-computed adjustment to make such valuation at par with current true value of the Philippine Peso vis-à-vis the US Dollar, said upgraded amount in its upgraded value totals P89,547,005.46; and further adding thereto the computed interests pegged at 6% per annum, which amounted to P21,986,680.68, the total amount of just compensation which Respondent-DAR through LBP must pay, jointly and severally, to petitioners for their landholdings and improvements would be, as it is hereby fixed in the aggregate amount of P111,533,686.14;

Second – Hereby ordering the Respondent DAR, through the LBP, to pay jointly and severally, all fees/expenses payable to the Commissioners which shall be taxed, as part of the costs, as expressly mandated under Section 12, Rule 67 of the 1997 Rules of Civil Procedure, as amended, to be claimed by petitioners in a Bill of Costs to be submitted for proper action by the Court;

Third – Hereby ordering the Respondent DAR, through the LBP, to pay, jointly and severally, the 10% attorney's fees based on the total amount herein fixed and approved for payment as the just compensation to the petitioners, likewise to be claimed in a Bill of Costs which petitioners shall submit for proper action by the Court.

Fourth – All such amounts to be paid jointly and severally by Respondent DAR through LBP, in cash or LBP bonds, are to be deposited with the Clerk of Court of this Court, for ultimate turnover to the petitioners through their Attorneys-in-Fact within fifteen (15) days from finality of this judgment.

IT IS SO ORDERED.

On March 7, 2000, petitioner LBP filed a motion for reconsideration but was denied by the Special Agrarian Court.

On March 17, 2000, the LBP filed with the same court a Notice of Appeal. On March 23, 2000, the DAR also filed its Notice of Appeal.

On March 24, 2000, the Special Agrarian Court issued an Order denying due course to the LBP's Notice of Appeal. Its counsel received a copy of this Order on April 6, 2000. On the same date, the Special Agrarian Court likewise denied due course to the DAR's Notice of Appeal.

On April 14, 2000, the LBP filed a motion for reconsideration of the Order dated March 24, 2000 but was denied by the Special Agrarian Court in its Order dated March 24, 2000. Counsel for the LBP received a copy of this Order on May 2, 2000.

On May 3, 2000, the joint Decision, having become final and executory, was entered in the Book of Entries of Judgment of the Special Agrarian Court.

On August 2, 2000, the LBP filed with the Court of Appeals a petition for certiorari, docketed as CA-G.R. SP No. 59492.

In a Resolution dated November 22, 2000, the Court of Appeals dismissed the petition for having been filed thirty-two (32) days beyond the sixty (60) day reglementary period prescribed by Section 4, Rule 65 of the 1997 Rules of Civil Procedure, as amended.

The LBP filed a motion for reconsideration but it was denied by the Appellate Court in a Resolution dated January 9, 2000.

Hence, the instant petition for review on certiorari. Petitioner bank admits that its petition before the Court of Appeals was indeed filed thirty-two (32) days late. However, it pleads for an exemption from the operation of Section 4, Rule 65 by reasons of justice and equity.

We deny the petition outright.

Section 4, Rule 65 of the 1997 Rules of Civil Procedure, as amended, provides:

SEC. 4. When and where petition filed. – The petition may be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed or new trial is timely filed, whether such motion is required or not, the sixty day period shall be counted notice of the denial of said motion.

The petition shall be filed in the Supreme Court or, if it relates to the act or omission of a lower court or of a corporation, board, officer, or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is

in aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its appellate jurisdiction, If it involves the acts or omissions of a quasi-judicial agency, and unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.

No extension of time shall be granted except for compelling reasons and in no case exceeding 15 days.

In *Yutingco v. Court of Appeals*,^[4] we held that the period of 60 days to file a petition for certiorari is reasonable and sufficient. It provides for ample time for a party to mull over and prepare a petition asserting grave abuse of discretion by a lower court, tribunal, board, or officer, It was specifically set to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their cases. Hence, the 60-day period must be considered non-extendible, except where a good and sufficient reason can be shown to warrant an extension.

While we agree with petitioner LBP that this Court has the power to suspend its Rules, however, it has not shown any compelling reason why we should do so. Moreover, records reveal that petitioner has paid respondents the amounts specified in the joint Decision of the Special Agrarian Court. This has rendered the case moot and academic.

WHEREFORE, the petition is DENIED. The challenged Resolutions of the Court of Appeals in CA-G.R. SP No. 59492 are AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] Rollo at. 64-66. Per Associate Justice Martin S. Villarama, Jr., and concurred in by Associate Justice Romeo J. Callejo, Jr., (now a member of the Supreme Court) and Associate Justice Juan Q. Enriquez, Jr.

[2] Rollo at 68-69.

[3] Docketed as DAR Cases Nos. 31-99 to 51-99.

[4] G.R. No. 137264, August 1, 2002, 386 SCRA 85.

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