LANDBANK OF THE PHILIPPINES, PETITIONER, VS. JOSEFINA R. DUMLAO, A. FLORENTINO R. DUMLAO, JR., STELLA DUMLAO-ATIENZA, AND NESTOR R. DUMLAO, REPRESENTED BY ATTORNEY-IN-FACT, A. F...

G.R. NO. 167809. July 23, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

For resolution is the Motion for Reconsideration[1] filed by petitioner Land Bank of the Philippines on January 5, 2009 from the Decision[2] of this Court dated November 27, 2008, affirming the February 16, 2005 Decision[3] of the Court of Appeals (CA).

We find that petitioner did not raise substantially new grounds to justify the reconsideration sought. Petitioner merely reiterated the arguments already passed upon by this Court. Thus, no cogent reason exists to warrant a reconsideration of this Court's Decision.

This notwithstanding, we will discuss hereunder the arguments raised by petitioner in its motion for reconsideration in order to put a closure to the controversy.

Petitioner insists that the pronouncement in Gabatin v. Land Bank of the Philippines[4] should guide the Court in settling the issue as to what constitutes just compensation for the lands covered by Presidential Decree (PD) No. 27.[5] Petitioner contends that in Gabatin, this Court applied the formula prescribed in PD No. 27 and Executive Order (EO) No. 228[6] for computing the Land Value (LV) of properties covered by PD No. 27. Petitioner now insists that we use the same formula in the present case.

However, petitioner's reliance on Gabatin is clearly misplaced. It bears noting that Gabatin revolved around two issues absent in the present case: i.e., which amount is applicable in determining the Government Support Price (GSP) for palay, and whether the same shall be pegged at the time of the taking of the properties.[7] Petitioners in that case did not question the applicability of the formula prescribed in PD No. 27 and in EO No. 228, unlike respondents herein. Hence, Gabatin cannot apply to the controversy in the case at bar.

Moreover, the determination of just compensation in cases of expropriation is a judicial prerogative. In Export Processing Zone Authority v. Dulay,[8] this Court succinctly, yet clearly, explained:

> The determination of "just compensation" in eminent domain case is a judicial function. The executive department or the legislature may make the initial determinations, but when a party claims a violation of the guarantee in the Bill of Rights that private property may not be taken for public use without just compensation, no statute, decree, or executive order can mandate that its own determination shall prevail over the court's findings. Much less can the courts be precluded from looking into the "just-ness" of the decreed compensation.[9]

Petitioner likewise maintains that this Court ruled that Republic Act (RA) No. 6657 is the principal law governing

the determination of just compensation for lands acquired pursuant to PD No. 27[10] which, in effect, gave RA No. 6657 a retroactive effect.[11]

Petitioner's conclusion unduly stretches the Court's pronouncement in its November 27, 2008 Decision. What we simply said was:

> Due to the divergent formulae or guidelines presented by these laws,[12] a number of cases have already been brought to the Court regarding which law applies in computing just compensation for landholdings acquired under PD No. 27. On this score, the Court has repeatedly held that if just compensation was not settled prior to the passage of RA No. 6657, it should be computed in accordance with said law, although the property was acquired under PD No. 27.[13] (Emphasis supplied)

At the risk of being repetitive, we explain again that Section 17 of RA No. 6657[14] is made to apply only if the amount of just compensation of lands acquired through PD No. 27 remains unresolved despite the passage of RA No. 6657. It is only in such a case, and to such extent only, that this provision on the determination of just compensation in the Comprehensive Agrarian Reform Law (CARL) of 1988 is made to apply retrospectively.

WHEREFORE, premises considered, the Motion for Reconsideration filed by petitioner Land Bank of the Philippines is DENIED. The case is REMANDED to the trial court for final determination of just compensation long due the herein respondents.

SO ORDERED.

Ynares-Santiago, (Chairperson), Quisumbing[*], Carpio[*], and Nazario, JJ., concur.

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[1] Rollo, pp. 294-313.

[2] Id. at 265-293.

[3] Id. at 60-74.

[4] 486 Phil. 366 (2004).

[5] Decreeing the Emancipation of Tenants from the Bondage of the Soil Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanisms Therefor (Issued on October 21, 1972).

[6] Declaring Full Land Ownership to Qualified Farmer Beneficiaries Covered by Presidential Decree No. 27, Determining the Value for Remaining Unvalued Rice and Corn Lands Subject of P.D. No. 27, and Providing for the Manner of Payment by the Farmer Beneficiary and Mode of Compensation to the Landowner (Issued on July 17, 1987).

[7] Supra note 1 at 283.

[8] G.R. No. L-59603, April 29, 1987, 149 SCRA 305.

[9] Id. at 316.

[10] Rollo, p. 302.

[11] Id.

[12] Referring to PD No. 227, EO No. 228, and RA No. 6657.

[13] Rollo, p. 274.

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[14] Section 17 of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988, reads in full:

Sec. 17. Determination of Just Compensation. - In determining just compensation, the cost of acquisition of the land, the current value of the like properties, its nature, actual use and income, the sworn valuation by the owner, the tax declarations, and the assessment made by government assessors shall be considered. The social and economic benefits contributed by the farmers and the farmworkers and by the Government to the property as well as the non-payment of taxes or loans secured from any government financing institution on the said land shall be considered as additional factors to determine its valuation.

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