

LAND BANK OF THE PHILIPPINES, PETITIONER, VS. SEVERINO LISTANA, RESPONDENT.

G.R. No. 168105. July 27, 2011

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

Before us is a petition for review on certiorari under Rule 45 which seeks to set aside the Decision[1] dated November 12, 2004 and Resolution[2] dated May 11, 2005 of the Court of Appeals (CA) in CA-G.R. CV No. 70979. The CA affirmed the Order[3] dated October 25, 2000 of the Regional Trial Court (RTC) of Sorsogon, Sorsogon, Branch 52, sitting as a Special Agrarian Court, in Civil Case No. 99-6639 dismissing the petition for determination of just compensation on the ground of late filing.

Respondent Severino Listana is the owner of a 246.0561-hectare land located at Inlagadian, Casiguran, Sorsogon and covered by Transfer Certificate of Title (TCT) No. T-20193. The land was voluntarily offered for sale to the government under the Comprehensive Agrarian Reform Program (CARP) pursuant to Republic Act (R.A.) No. 6657.

Petitioner Land Bank of the Philippines (LBP) valued the 240.9066 hectares for acquisition at P5,871,689.03. Since the respondent rejected the said amount, a summary proceeding for determination of just compensation was conducted by the Department of Agrarian Reform (DAR). On May 2, 1996, respondent wrote LBP Department Manager III, Engr. Alex A. Lorayes, requesting the release of payment of the cash portion of the "accepted x x x 151.1419 has. with an equivalent valuation of P5,607,874.69." Consequently, on May 7, 1996, a Deed of Transfer was executed by respondent over the said portion of his landholding in consideration of payment received from the transferee Republic of the Philippines consisting of cash (P1,078,877.54) and LBP bonds (P2,747,858.60).[4]

On October 14, 1998, DAR Provincial Adjudicator Manuel M. Capellan rendered a decision[5] fixing the amount of just compensation at P10,956,963.25 for the entire acquired area of 240.9066 hectares. Copy of the said decision was received by petitioner on October 27, 1998.

Almost a year later, or on September 6, 1999, petitioner filed before the RTC of Sorsogon, Sorsogon, Branch 52, a petition[6] for judicial determination of just compensation (Civil Case No. 99-6639). Petitioner argued that the PARAD's valuation is unacceptable and that the initial valuation of P5,871,689.03 for the 240.9066 hectares is in accordance with Section 17 of R.A. No. 6657 and DAR Administrative Order No. 11, series of 1994, as amended by DAR AO No. 5, series of 1998.

Respondent filed a motion to dismiss[7] contending that the landowner's acceptance of the DAR's valuation resulted in a binding contract and therefore constitutes *res judicata* as it is in the nature of a compromise agreement that has attained finality. Respondent also cited the contempt proceedings against the LBP for its refusal to comply with the writ of execution issued by the Provincial Agrarian Reform Adjudicator's (PARAD's) Office on June 18, 1999.

The matter of contempt proceedings was the subject of G.R. No. 152611 (Land Bank of the Philippines v. Listana, Sr.). The PARAD had issued on August 20, 2000 an order granting respondent's motion for contempt and LBP Manager Alex A. Lorayes was cited for indirect contempt and ordered to be imprisoned until he complied with the PARAD's October 14, 1998 decision. After its motion for reconsideration was denied, petitioner filed a Notice of Appeal which was likewise denied due course by PARAD Capellan who also ordered the issuance of an alias Writ of Execution for the payment of the adjudged amount of just compensation and subsequently directed the issuance of an arrest order against Lorayes. Petitioner then filed with the RTC a petition for injunction with application for the issuance of a writ of preliminary injunction to restrain PARAD Capellan from issuing the order of arrest. A writ of preliminary injunction was eventually issued by the trial court and LBP posted a P5,644,773.02 cash bond. Respondent went to the CA and challenged said writ via a special civil action for certiorari (CA-G.R. SP No. 65276). On December 11, 2001, the CA rendered its decision nullifying the trial court's orders. In our Decision dated August 5, 2003, we granted the petition filed by LBP and reinstated the January 29, 2001 Order of the RTC of Sorsogon, Sorsogon, Branch 51 which enjoined the PARAD from enforcing its order of arrest against Lorayes pending the final termination of Civil Case No. 99-6639 of RTC Branch 52.[8]

Petitioner filed its opposition to the motion to dismiss,[9] arguing that the filing of petition with SAC is not an appeal from the decision of the PARAD which is deemed vacated upon filing of the case before the SAC; hence res judicata cannot be applied. It stressed that the determination of just compensation is inherently judicial in nature. There being no speedy and adequate remedy in the ordinary course of law, petitioner averred that unless it is authorized to file this case it cannot protect the interest of the government who is the owner of the Agrarian Reform Fund.

In an Amended Petition,[10] petitioner additionally alleged the fact that respondent had already accepted the valuation of the cocoland portion (151.1419 hectares) in the amount of P5,312,190.23; that payment therefor had been received by respondent; and that a Deed of Transfer of the said portion had been executed in favor of the government which was notarized on May 7, 1996 and registered with the Registry of Deeds. Petitioner thus asserted that the valuation and compensation process insofar as the 151.1419-hectare portion, should now be considered terminated. Respondent, on his part, contended that by bringing the question of valuation before the court, petitioner is estopped from asserting that such issue had already been laid to rest with the alleged acceptance by respondent of the prior valuation.[11]

On April 28, 2000, the trial court denied the motion to dismiss.

In his Answer,[12] the respondent asserted that petitioner, being part of the administrative machinery charged under the law to determine the government land valuation/compensation offer is bound by the compensation fixed by the DARAB. Hence, respondent's acceptance of such offered compensation resulted in a binding contract, especially under the Voluntary Offer to Sell (VOS) scheme. The PARAD's decision therefore constitutes res judicata as it is, in effect, a judgment upon a compromise. Respondent also filed a motion for reconsideration of the order denying his motion to dismiss.

On October 25, 2000, the trial court issued the order[13] granting respondent's motion for reconsideration and dismissing the petition for having been filed almost one year from receipt of the copy of the PARAD's decision.

Petitioner filed a motion for reconsideration[14] alleging that it had filed a motion for reconsideration from the PARAD's decision dated October 14, 1998 but the order denying said motion was received only on May 12, 1999. It further averred that the cause of delay was not solely attributable to it but also to the respondent through his counsel "because there was a manifestation on their part to settle this case amicably." Petitioner stressed that

while there was really a late filing, it was done in good faith and without any intent to prejudice any person. Invoking a liberal construction of procedural rules, petitioner argued that it is without any speedy and adequate remedy in this case, which is necessary for the protection of the government's interest.

In its Order dated March 27, 2001, the trial court denied petitioner's motion for reconsideration. Copy of the said order was received by petitioner on April 6, 2001 and on the same date it filed a notice of appeal.[15]

In its memorandum, petitioner argued that on the matter of its late filing of the petition for judicial determination of just compensation, the trial court should have given primacy to the very clear demands of substantial justice over the rigid application of technicalities. It cited Section 57 of R.A. No. 6657 allowing a party to bring the issue of valuation of lands acquired by virtue of CARP to the Special Agrarian Courts, which should be liberally construed to afford LBP the amplest opportunity to prove that its valuation pertaining to the remaining portion of 89.1419 hectares of the subject landholding is in accordance with the legally prescribed formula spelled out in DAR AO No. 5, series of 1998. Moreover, the government has not acceded to the alteration of the valuation pertaining to the 151.1419 hectares, to which both the landowner and government gave their consent, which had become a perfected contract having the force of law between the parties.[16]

In the meantime, following this Court's ruling in *Land Bank of the Philippines v. Listana, Sr.* (supra) which voided all contempt proceedings against LBP Manager Lorayes, petitioner filed with the RTC a motion to withdraw the P5,644,773.02 cash bond. The RTC denied the motion and petitioner's motion for reconsideration was likewise denied. Petitioner challenged the trial court's order before the CA which eventually dismissed the petition. When the case was elevated to this Court, we affirmed the CA and sustained the RTC's orders denying LBP's motion to withdraw the cash bond. By Decision dated May 30, 2011, we ruled that LBP cannot withdraw the P5,644,773.02 cash bond which is a condition for the issuance of the writ of preliminary injunction issued by the RTC enjoining the PARAD from implementing the warrant of arrest against Manager Lorayes pending final determination of the amount of just compensation for the property.[17]

By Decision dated November 12, 2004, the CA dismissed petitioner's appeal from the SAC's dismissal of its petition for judicial determination of just compensation. The CA said that petitioner failed to adequately explain its failure to abide by the rules and "its loss of appellate recourse cannot be revived by invoking the mantra of liberality." We quote the pertinent portion of the appellate court's ruling:

The argument of Listana that he rejected the pricing for the entire area and that the Request to Open a Trust Fund x x x is proof of his refusal, is unmeritorious. If indeed Listana rejected the entire valuation then he would not have executed a Deed of Transfer of Unsegregated Portion of a Parcel of Land x x x covering the 51.1419 [sic] hectares. Said document is not only valid and binding but also reflects the true intention of the parties and is athwart the claim of Listana that he rejected the valuation of this portion of the property.

The PARAB in the summary proceeding it conducted to determine the land valuation, should not have included in its determination of just compensation the accepted portion but should have limited the scope to only the rejected portion of 89.7647 hectares.

While there is thus good cause to seek recourse against the PARAB ruling, Land Bank took this appeal 117 days later and thus beyond the fifteen (15) day period provided by Rule XIII Sec. 11 of the DARAB Rules of Procedure. Land Bank claims the court a quo was wrong in saying that it was late for less than one year for it was tardy only for 120 days by its reckoning. But whether it is one or the other, the fact is it was late for a considerable time and cannot be absolved by the poor excuse that there was a prospect for an amicable settlement. Rudimentary prudence dictated that appellate recourse should have been timely taken instead of just relying with crossed fingers that settlement would come about.[18] (Emphasis supplied.)

Petitioner's motion for reconsideration was likewise denied by the CA.

Hence, this petition alleging that the CA committed serious errors of law, as follows:

- THE DARAB ORDER DATED 14 OCTOBER 1998 WHICH ALLEGEDLY BECAME FINAL AND EXECUTORY CANNOT ABROGATE OR RENDER WITHOUT EFFECT A CONSUMMATED CONTRACT INVOLVING THE GOVERNMENT AND RESPONDENT LISTANA RELATIVE TO 151.1419 HECTARES OF SUBJECT PROPERTY. BEING IMMUTABLE, THE CONSUMMATED CONTRACT CAN NO LONGER BE DISTURBED OR ABROGATED BY THE DARAB ORDER DATED 14 OCTOBER 1998, WHICH THE COURT A QUO AND THE COURT OF APPEALS ERRONEOUSLY AFFIRMED.

- THE CHALLENGED DECISION AND THE QUESTIONED RESOLUTION PLACE SO MUCH PREMIUM ON A PROCEDURAL RULE AT THE EXPENSE OF SUBSTANTIAL JUSTICE, A CIRCUMSTANCE THAT HAS UNNECESSARILY PUT A COLOR OF VALIDITY TO THE DARAB ORDER WHICH IS VOID AB INITIO AS IT UTTERLY DISREGARDED SECTION 17 OF R.A. NO. 6657 AND THE SUPREME COURT RULING IN "LBP vs. SPOUSES BANAL," (G.R. NO. 143276, 20 JULY 2004).[19]

The sole issue to be resolved is whether the SAC may take cognizance of the petition for determination of just compensation which is filed beyond the prescribed 15-day period or more than 100 days after the PARAD rendered its valuation in a summary administrative proceeding.

The valuation of property in expropriation cases pursuant to R.A. No. 6657 or the Comprehensive Agrarian Reform Law, is essentially a judicial function which is vested in the RTC acting as Special Agrarian Court and cannot be lodged with administrative agencies such as the DAR.[20] Section 57 of said law explicitly states that:

SEC. 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 Court shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision.

The CA affirmed the SAC's order of dismissal applying Section 11, Rule XIII of the 1994 DARAB Rules of Procedure which provides that:

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 notice thereof. Any party shall be entitled to only one motion for reconsideration. (Emphasis supplied.)

Petitioner admits the late filing of an action with the SAC but nonetheless argue that the serious errors committed by the PARAD when it included the 151.1419 hectares -- despite the initial valuation offered by LBP having been already accepted by respondent who already conveyed said portion to the government -- in its decision fixing just compensation, and non-application of the formula provided in Section 17 of R.A. No. 6657 and DAR AO No. 11, series of 1994, as amended by DAR AO No. 5, series of 1998 on the remaining 89.1419 hectares, warrants a review by this Court. It contends that this case deserves a relaxation of the procedural rule governing finality of judgments, adding that its "thoughtlessness" should not be deemed fatal to the instant petition "for at stake is an OVERPAYMENT amounting to more than SEVEN MILLION PESOS, which is GREATLY PREJUDICIAL to

public interest, as the said amount shall be debited from the Agrarian Reform Fund (ARF)."

The petition is unmeritorious.

In *Republic v. Court of Appeals*,^[21] private respondent landowner rejected the government's offer of its lands based on LBP's valuation and the case was brought before the PARAD which sustained LBP's valuation. Private respondent then filed a Petition for Just Compensation in the RTC sitting as Special Agrarian Court. However, the RTC dismissed its petition on the ground that private respondent should have appealed to the DARAB, in accordance with the then DARAB Rules of Procedure. Additionally, the RTC found that the petition had been filed more than fifteen days after notice of the PARAD decision. Private respondent then filed a petition for certiorari in the CA which reversed the order of dismissal of RTC and remanded the case to the RTC for further proceedings. The government challenged the CA ruling before this Court via a petition for review on certiorari. This Court, affirming the CA, ruled as follows:

Thus, under the law, the Land Bank of the Philippines is charged with the initial responsibility of determining the value of lands placed under land reform and the compensation to be paid for their taking. Through notice sent to the landowner pursuant to §16(a) of R.A. No. 6657, the DAR makes an offer. In case the landowner rejects the offer, a summary administrative proceeding is held and afterward the provincial (PARAD), the regional (RARAD) or the central (DARAB) adjudicator as the case may be, depending on the value of the land, fixes the price to be paid for the land. If the landowner does not agree to the price fixed, he may bring the matter to the RTC acting as Special Agrarian Court. This in essence is the procedure for the determination of compensation cases under R.A. No. 6657. 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 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.^[22] (Emphasis supplied.)

The above ruling was reiterated in *Philippine Veterans Bank v. Court of Appeals*.^[23] In that case, petitioner landowner who was dissatisfied with the valuation made by LBP and DARAB, filed a petition for determination of just compensation in the RTC (SAC). However, the RTC dismissed the petition on the ground that it was filed beyond the 15-day reglementary period for filing appeals from the orders of the DARAB. On appeal, the CA upheld the order of dismissal. When the case was elevated to this Court, we likewise affirmed the CA and declared that:

To implement the provisions of R.A. No. 6657, particularly §50 thereof, Rule XIII, §11 of the DARAB Rules of Procedure provides:

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.

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 the 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.[24] (Emphasis supplied.)

The Court noted that *Republic v. Court of Appeals* does not serve as authority for disregarding the 15-day period to bring an action for judicial determination of just compensation as there was no pronouncement therein invalidating Rule XIII, Section 11 of the New Rules of Procedure of the DARAB. Moreover, we stated that any speculation as to the applicability of said provision was foreclosed by our subsequent ruling in *Philippine Veterans Bank* (supra) where we affirmed the order of dismissal of a petition for determination of just compensation for having been filed beyond the fifteen-day period under Section 11.[25]

However, in the 2007 case of *Land Bank of the Philippines v. Suntay*,[26] the Court ruled that the RTC erred in dismissing LBP's petition for determination of just compensation on the ground that it was filed beyond the fifteen-day period provided in Section 11, Rule XIII of the DARAB New Rules of Procedure. Citing *Republic v. Court of Appeals* (supra), we stressed therein the original and exclusive -- not appellate -- jurisdiction of the SAC over all petitions for the determination of just compensation to landowners.[27]

To foreclose any uncertainty brought by the *Suntay* ruling, this Court in its July 31, 2008 Resolution denying LBP's motion for reconsideration of the August 14, 2007 Decision in the case of *Land Bank of the Philippines v. Martinez*[28] held:

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 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*.

x x x x

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.[29] (Emphasis supplied.)

Petitioner's action before the SAC having been filed, by its own reckoning, 117 days after notice of the PARAD's denial of its motion for reconsideration of the decision fixing the just compensation for respondent's landholding, the same has attained finality.

Anent petitioner's plea of liberality and relaxation of procedural rules, it is contended that in the interest of substantial justice, the matter of overpayment which is greatly prejudicial to the agrarian reform fund must be addressed by this Court notwithstanding petitioner's "thoughtlessness" in the tardy filing of its case before the RTC.

In the more recent case of *Land Bank of the Philippines v. Umandap*,[30] the Court, in a decision penned by Associate Justice Teresita Leonardo-De Castro, set aside the CA's amended decision affirming the RTC's order dismissing the petition for judicial determination of just compensation which was re-filed beyond the 15-day period provided in Section 11, Rule XIII of the 1994 DARAB Rules of Procedure. After LBP's initial valuation of the landowners' property was rejected, a summary administrative proceeding was conducted by the DAR's Regional Agrarian Reform Adjudicator (RARAD). Dissatisfied with the valuation fixed by the RARAD, LBP timely filed a petition for judicial determination of just compensation before the RTC. The RTC dismissed the petition on the ground that LBP failed to submit a proper certification against forum shopping. LBP immediately filed a motion for reconsideration attaching thereto a certification signed by its LBP President confirming the authority of its regional operation manager to sign the verification and certification against forum shopping. The RTC, however, denied the motion for reconsideration, and the order of denial was received by LBP on May 29, 2003. On June 3, 2003, LBP re-filed the petition attaching more documents showing the authority of its regional operation manager to sign the verification and certification against forum shopping. The RTC still dismissed the petition, ruling that even though the previous dismissal was without prejudice, LBP nevertheless failed to re-file the petition within the period allowed by the DARAB Rules of Procedure, and thus, the Adjudicator's decision fixing the just compensation of the subject property attained finality. LBP filed a petition for certiorari in the CA which initially reversed and nullified the RTC's orders. Respondent landowners filed a motion for reconsideration and subsequently the CA rendered an Amended Decision dismissing LBP's petition and holding that certiorari is not the proper remedy since the RTC order dismissing the re-filed petition was a final order and based on *res judicata*, hence certiorari is not the proper remedy.

In a petition for review on certiorari, LBP assailed the CA's amended decision dismissing its petition for certiorari. The Court noted that at the core of the controversy is a jurisdictional issue, that is, whether the SAC acted without jurisdiction in outrightly dismissing the petition for the determination of just compensation. The Court declared that since the SAC statutorily exercises original and exclusive jurisdiction over all petitions for determination of just compensation to landowners, it cannot be said that the decision of the adjudicator, if not appealed to the SAC, would be deemed final and executory, under all circumstances. Citing *Philippine Veterans*

Bank v. Court of Appeals (supra) which affirmed the order of dismissal of a petition for determination of just compensation for having been filed beyond the said period and explained that Section 11 is not incompatible with the original and exclusive jurisdiction of the SAC, we held:

Notwithstanding this pronouncement, however, the statutorily mandated original and exclusive jurisdiction of the SAC led this Court to adopt, over the years, a policy of liberally allowing petitions for determination of just compensation, even though the procedure under DARAB rules have not been strictly followed, whenever circumstances so warrant:

1. In the 1999 case of *Land Bank of the Philippines v. Court of Appeals*, we held that the SAC properly acquired jurisdiction over the petition to determine just compensation filed by the landowner without waiting for the completion of DARAB's re-evaluation of the land.

2. In the 2004 case of *Land Bank of the Philippines v. Wycoco*, we allowed a direct resort to the SAC even where no summary administrative proceedings have been held before the DARAB.

3. In the 2006 case of *Land Bank of the Philippines v. Celada*, this Court upheld the jurisdiction of the SAC despite the pendency of administrative proceedings before the DARAB. We held:

It would be well to emphasize that the taking of property under RA No. 6657 is an exercise of the power of eminent domain by the State. The valuation of property or determination of just compensation in eminent domain proceedings is essentially a judicial function which is vested with the courts and not with administrative agencies. Consequently, the SAC properly took cognizance of respondent's petition for determination of just compensation.

4. In the 2009 case of *Land Bank of the Philippines v. Belista*, this Court permitted a direct recourse to the SAC without an intermediate appeal to the DARAB as mandated under the new provision in the 2003 DARAB Rules of Procedure. We ruled:

Although Section 5, Rule XIX of the 2003 DARAB Rules of Procedure provides that the land valuation cases decided by the adjudicator are now appealable to the Board, such rule could not change the clear import of Section 57 of RA No. 6657 that the original and exclusive jurisdiction to determine just compensation is in the RTC. Thus, Section 57 authorizes direct resort to the SAC in cases involving petitions for the determination of just compensation. In accordance with the said Section 57, petitioner properly filed the petition before the RTC and, hence, the RTC erred in dismissing the case. Jurisdiction over the subject matter is conferred by law. Only a statute can confer jurisdiction on courts and administrative agencies while rules of procedure cannot.

In the case at bar, the refiling of the Petition for Judicial Determination of Just Compensation was done within five days from the denial of the Motion for Reconsideration of the order dismissing the original petition, during which time said dismissal could still be appealed to the Court of Appeals. The SAC even expressly recognized that the rules are silent as regards the period within which a complaint dismissed without prejudice may be refiled. The statutorily mandated original and exclusive jurisdiction of the SAC, as well as the above circumstances showing that LBP did not appear to have been sleeping on its rights in the allegedly belated refiling of the petition, lead us to assume a liberal construction of the pertinent rules. To be sure, LBP's intent to question the RARAD's valuation of the land became evident with the filing of the first petition for determination of just compensation within the period prescribed by the DARAB Rules. Although the first petition was dismissed without prejudice on a technicality, LBP's refiling of essentially the same petition with a proper non-forum shopping certification while the earlier dismissal order had not attained finality should have been accepted by the trial court.

In view of the foregoing, we rule that the RTC acted without jurisdiction in hastily dismissing said refiled Petition. Accordingly, the Petition for Certiorari before the Court of Appeals assailing this dismissal should be

granted.[31] (Emphasis supplied.)

In contrast to the diligence showed by LBP in the above-cited case, herein petitioner LBP admitted its "thoughtless" filing of the petition before the SAC more than 100 days after notice of the denial of its motion for reconsideration of the PARAD's decision fixing the just compensation for the subject property. Petitioner did not offer any explanation for its tardiness and neglect, and simply reiterated the great prejudice to the agrarian reform fund with the erroneous inclusion in the PARAD's valuation of the 151.1419 hectares already conveyed to the government. As to the remaining 89.1419 hectares, petitioner asserts that the PARAD's valuation failed to apply the computation provided in Sec. 17 of R.A. No. 6657 as translated in DAR AO No. 5, series of 1998.

Petitioner clearly slept on its rights by not filing the petition in the SAC within the prescribed fifteen-day period or a reasonable time after notice of the denial of its motion for reconsideration. Even assuming there was already a consummated sale with respect to the 151.1419 hectares and LBP's valuation thereof had been fully paid to the respondent, the amount already paid by LBP shall be deducted from the total compensation as determined by the PARAD. Notably, LBP exhibited lack of interest in the discharge of its statutory functions as it failed to actively participate in the summary administrative proceeding despite due notice of the hearings. Clearly, there exists no compelling reason to justify relaxation of the rule on the timely availment of judicial action for the determination of just compensation.

It is a fundamental legal principle that a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the highest court of the land. The only exceptions to the general rule on finality of judgments are the so-called nunc pro tunc entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision which render its execution unjust and inequitable.[32] Indeed, litigation must end and terminate sometime and somewhere, even at the risk of occasional errors.[33]

WHEREFORE, the petition for review on certiorari is DENIED. The Decision dated November 12, 2004 and Resolution dated May 11, 2005 of the Court of Appeals in CA-G.R. CV No. 70979 are AFFIRMED.

No costs.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Del Castillo, JJ., concur.

[1] Rollo, pp. 56-64. Penned by Associate Justice Roberto A. Barrios (now deceased) with Associate Justices Amelita G. Tolentino and Vicente S.E. Veloso concurring.

[2] Id. at 66-68.

[3] CA rollo, pp. 9-11. Penned by Judge Honesto A. Villamor.

[4] Records, pp. 43-51.

[5] Id. at 20-22.

[6] Id. at 1-6.

[7] Id. at 18-19.

[8] Land Bank of the Philippines v. Listana, Sr., G.R. No. 152611, August 5, 2003, 408 SCRA 328.

[9] Records, pp. 27-29.

[10] Id. at 33-37.

[11] Id. at 65.

[12] Id. at 72-74.

[13] Id. at 102-104.

[14] Id. at 105-107.

[15] Id. at 125-127.

[16] CA rollo, pp. 178-189.

[17] Land Bank of the Philippines v. Heirs of Severino Listana, G.R. No. 182758, May 30, 2011.

[18] Rollo, pp. 62-63.

[19] Id. at 35-36, 46.

[20] Land Bank of the Philippines v. Wycoco, G.R. Nos. 140160 & 146733, January 13, 2004, 419 SCRA 67, 75, citing Republic v. Court of Appeals, G.R. No. 122256, October 30, 1996, 263 SCRA 758, 763.

[21] G.R. No. 122256, October 30, 1996, 263 SCRA 758.

[22] Id. at 764-765.

[23] G.R. No. 132767, January 18, 2000, 322 SCRA 139.

[24] Id. at 146-147.

[25] Land Bank of the Philippines v. Umandap, G.R. No. 166298, November 17, 2010.

[26] G.R. No. 157903, October 11, 2007, 535 SCRA 605.

[27] Id. at 612-614, 616-617.

[28] G.R. No. 169008, July 31, 2008, 560 SCRA 776.

[29] Id. at 781, 783.

[30] Supra note 25.

[31] Id. at 18-20.

[32] Sacdalan v. Court of Appeals, G.R. No. 128967, May 20, 2004, 428 SCRA 586, 599.

[33] Gallardo-Corro v. Gallardo, G.R. No. 136228, January 30, 2001, 350 SCRA 568, 578.

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