

MR. TERESO TAN, ANDRE T. ALMOCERA, FOR THEMSELVES AND IN BEHELF OF THE FIRST BUILDERS MULTI-PURPOSE COOPERATIVE (FBMPC), PETITIONERS, VS. MANUEL “GUY” LINK, ATTY. ARNOLD ARRIETA...

G.R. No. 172849. December 10, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is an appeal by certiorari under Rule 45 of the 1997 Rules of Civil Procedure seeking the reversal and setting aside of (1) the Decision[1] dated 21 February 2006 of the Court of Appeals in CA-G.R. SP No. 82957 dismissing the Petition for Certiorari under Rule 65 of herein petitioners for their failure to pay docket fees on time, and affirming the Orders dated 26 September 2003 and 23 December 2003 of the Regional Trial Court (RTC) of Bogu, Cebu, Branch 61, in Civil Case No. Bogu-00994; and (2) the Resolution[2] dated 12 May 2006 of the appellate court in the same case denying petitioners' Motion for Reconsideration.

The instant Petition arose from a complaint[3] for "Action Reindivicatoria (sic), Damages, Certiorari, Prohibition and Mandamus with Prayer for Writ of Preliminary Prohibitory Injunction and Restraining Order" filed on 19 November 2002 by petitioners First Builders Multi-Purpose Cooperative (FBMPC), Andre T. Almocera (Almocera), and Tereso C. Tan (Tan) against respondents Manuel "Guy" Link (Link), Arnold Arrieta (Arrieta),[4] Rosalio T. Kintanar (Kintanar), Vivian Maquiling (Maquiling),[5] Land Bank of the Philippines (LBP), Cirilo Yuro, Jr. (Yuro), Reinerio Cabangbang (Cabangbang),[6] Manuel Bartolaba (Bartolaba),[7] and the Register of Deeds of the Province of Cebu. Their complaint was docketed before the RTC as Civil Case No. Bogu-00994.

Petitioners made the following allegations in their complaint:

Respondent Link sold his eight parcels of land situated in Barangays Anonang and Binanag, Bogu, Cebu (subject properties), to petitioners FBMPC and Almocera, evidenced by a Deed of Absolute Sale dated 2 April 2002.[8] The certificates of title to the subject properties remained in the name of respondent Link.

Unknown to petitioners, respondent Link had voluntarily offered the subject properties for sale under the coverage of the Comprehensive Agrarian Reform Program (CARP) of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL). In accordance with the provisions of the CARL, the subject properties were valued by the Valuation Office of respondent Land Bank of the Philippines (LBP) in order to determine the just compensation for the same. The Notice of Valuation, stating the amounts at which the subject properties were valued and giving notice that such amounts had already been deposited with the LBP Branch in P. del Rostio St., Cebu City, was sent to respondent Link.

The subject properties were initially valued at around P2,000,000.00. Respondent Link, purportedly in connivance with officers of the Cebu Provincial Office of the Department of Agrarian Reform (DAR), who included respondent Bartolaba, filed with the Department of Agrarian Reform Adjudication Board (DARAB) an

application for valuation of the subject properties. The petitions of respondent Link were docketed as DARAB Cases No. V11-1225-C-1997 and No. V11-1220-C-96 and assigned to respondent Kintanar, a Provincial Agrarian Reform Adjudicator.

Upon their discovery of the transgressions committed by Link, petitioners, through counsel, wrote a letter dated 12 August 2001 addressed to respondent Kintanar of the DARAB; with copy furnished respondent Yuro, an LBP officer. Petitioners claimed in their letter that the subject properties had already been sold to them by respondent Link. They further requested that any claim, request, or undertaking involving the subject properties by other individuals or entities be set aside.

Acting on petitioners' letter dated 12 August 2001, which he treated as a motion for the payment of just compensation, respondent Kintanar required the parties to file their respective position papers. Based on the submitted position papers, respondent Kintanar subsequently issued an Order dated 10 December 2001 denying for want of merit petitioners' letter/motion for payment of just compensation for the subject properties, based on the following reasoning:

A careful calibration of the evidence adduced herein, the claim of FBMPC as the lawful and absolute owner of the subject lots on the basis of an unregistered Deed of Sale dated April 2, 1995 is diametrically baseless, farfetched and preposterous for utter failure to register the said sale and secure the necessary Certificate of Title in its name as prescribed by law. No amount of rhetorical force could smokescreen the fatal flaw emanating from the defective sale as provided for by laws heretofore indicated.

Besides, it is significant to note that the subject properties are within the pale of CARP Coverage as enshrined under Republic Act 6657. CARP Law and these lots are purposely acquired by the government and intended solely and exclusively for distribution to farmer-beneficiaries, not to any private persons and/or associations like the FBMPC. x x x.[9]

Respondent Kintanar thus ordered:

WHEREFORE, premises considered, the Letter-Motion for Payment of Just Compensation over the subject properties by FBMPC is hereby DENIED DUE COURSE for want of merit. Accordingly, directing Land Bank Office, Cebu City to pay the just compensation to Mr. Manuel Link as warranted by law and evidence adduced hereof. Further still, ordering the DAR Provincial Office of Cebu through PARO Ma. Lourdes B. Mariano and CARPO Operations to properly note the instant directive heretofore indicated.[10]

Petitioners filed a Motion for Reconsideration of respondent Kintanar's Order dated 10 December 2001. It was already respondent Arrieta, a Regional Agrarian Reform Adjudicator, who acted on petitioners' Motion for Reconsideration and denied the same in an Order dated 21 March 2002.[11]

Respondent Kintanar issued an Order dated 20 August 2002 inhibiting himself from resolving any further incident or motion in DARAB Cases No. V11-1225-C-1997 and No. V11-1220-C-96 and directing the DARAB Clerk of Court to immediately forward the records of the cases to respondent Maquiling, another Provincial Agrarian Reform Adjudicator.

Despite the foregoing attempts of petitioners to preclude any other action on the pending DARAB cases, petitioner Tan was informed by LBP officials that the release of funds to pay respondent Link just compensation for the subject properties was already imminent unless a restraining order or injunction would be issued by the regular courts.

Hence, petitioners instituted Civil Case No. Bogo-00994 before the RTC of Bogo, Cebu, Branch 61.

Respondent Link filed a Motion to Dismiss Civil Case No. Bogo-00994 on the following grounds:

A) The Honorable Court has no jurisdiction over the person of [respondent Link];

B) The Complaint states no cause of action;

C) The Honorable Court has no appellate jurisdiction over DARAB cases; and

D) This is patent case of forum shopping[12]

The RTC granted respondent Link's motion in an Order dated 8 April 2003. After recounting the proceedings before the DARAB, the RTC ruled that:

In view of this environmental milieu and the antecedent proceedings of this case which originated from the aforesaid DARAB Cases, this Court is constrained to respect the said DARAB proceedings and the Orders they had issued, for after all, this Court is not the appellate court of the DARAB.

Rule XIV (Judicial Review, Section 1, of the DARAB New Rules of Procedure provides that:

"SECTION 1. Certiorari to the Court of Appeals. Any decision, order, award or ruling by the Board or on any matter pertaining to the application, implementation of agrarian reform laws or rules and regulations promulgated thereunder, may be brought within fifteen (15) days from receipt of a copy thereof, to the Court of Appeals by certiorari. x x x.

If [herein petitioners] want to set aside the DARAB Orders dated December 10, 2001, March 21, 2002 and August 20, 2002 which they are now asking from this Court, they should have directed their case to the Court of Appeals and not to this Court, pursuant to the aforementioned provision of the DARAB Rules of Procedure.

Certainly, this Court cannot be blinded by the instant Complaint which was filed under the guise of adding party plaintiffs and defendants, and adding a cause of action which is the reivindicatory action with damages, in order not to be detected and charged with violation of forum shopping. These additions cannot hide the fact that the main purpose of the [petitioner] FBMPC in the instant complaint is to delay, if not to block, the payment of the just compensation in favor of [herein respondent] Manuel Link, which the DARAB, in its Order dated December 10, 2001, had already awarded in favor of the said [respondent]. This Court does not want to be party to this act of the [petitioners].[13]

And consequently decreed, thus:

WHEREFORE, premises considered, the instant MOTION TO DISMISS dated January 4, 2003 filed by [respondent] Manuel Link is hereby GRANTED.

Accordingly, the instant Complaint dated November 12, 2002, is hereby ordered DISMISSED.[14]

Petitioners filed a Motion for Reconsideration of the foregoing RTC Order but the same was denied by the same court in an Order dated 28 July 2003.[15] Petitioners received a copy of the 28 July 2003 Order of the RTC on 15 August 2003.

On 29 August 2003, petitioners filed their Notice of Appeal via registered mail, accordingly furnishing the respondents a copy of the same.[16]

On 1 September 2003, petitioner Tan had to travel from Cebu City to Bogu, Cebu. He arrived at Bogu already late in the afternoon, and unable to find an employee of the RTC, he left the amount for the payment of the docket fees

for their appeal to Mrs. Estrella Nini, an employee of the Municipal Trial Court.

On 26 September 2003, the RTC issued an Order dismissing petitioners' Notice of Appeal. According to the RTC:

Considering that Tereso C. Tan is not a real party-in-interest in this case, neither was he specifically authorized by [herein petitioners] First Multi-Purpose Cooperative and Andre T. Almocera to institute an appeal from the Orders of this Court dated April 8, 2003 and July 8, 2003 and considering further that the corresponding appeal fee was paid by him only on September 2, 2003,[17] which is beyond the last day of the reglementary period of filing the appeal on August 30, 2003, the opposition of [herein respondent] Manuel Link to the said appeal is hereby GRANTED.

WHEREFORE, premises considered, the NOTICE OF APPEAL dated August 29, 2003 filed by Tereso Tan is hereby ordered DISMISSED and NOT GIVEN DUE COURSE, for lack of merit.[18]

Petitioners' Motion for Reconsideration[19] of the afore-quoted Order was denied by the RTC in another Order dated 23 December 2003.[20]

Petitioners sought recourse from the Court of Appeals by filing a Petition for Certiorari, under Rule 65, docketed as CA-G.R. SP No. 82957.

The Court of Appeals, however, in a Decision dated 21 February 2006, affirmed the RTC Orders dated 26 September 2003 and 23 December 2003.

In its Decision, the appellate court found that contrary to the ruling of the RTC, petitioner Tan had authority to file the Notice of Appeal on behalf of petitioners FBMPC and Almocera:

The notarized Secretary'[s] Certificate signed by Jovita A. Padilla dated May 22, 2002 of FBMPC further shows that a resolution was passed by the cooperative on March 15, 2002 authorizing Tereso Tan to be their lawful attorney in fact; to act for their name, place and stead the filing of the necessary criminal, civil and administrative action against Manuel "Guy" Link and others; to prosecute, by himself and through authorized agents the said cases including the filing of whatever pleadings, motions, briefs, memoranda, including the pursuit of any appeal to any appellate body, including administrative agencies; and to do what is absolutely necessary and proper as required of in said cases. Clothed with the authority to act for and in behalf of the petitioners, Tereso Tan therefore had the right to file the notice of appeal.[21]

However, the Court Appeals agreed with the RTC on the issue of late payment of docket fees, to wit:

As to the issue on the late payment of docket fees, petitioner Tereso Tan contend that the notice of appeal was made on August 29, 2003 and the payment of docket fee was made on September 1, 2003, which is the last day for filing the notice of appeal because the 15[th] day of the period to file appeal fell on August 30, 2003, a Saturday.

Thus, on September 1, 2003, Tereso Tan traveled from Cebu City to Bogu, Cebu in order to pay the filing fee. "Due to traffic due to vehicular defect," Tereso Tan was not able to find any employee of the RTC when he arrived at the Palace of Justice of Bogu. With no RTC employee to entertain him, he asked Mrs. Estrella Nini, an employee of MTCC of Bogu, Medellin whose office is just at the ground floor of the same building of the RTC, to receive the payment of the docket fee for practical purposes. However, the appeal fee was paid only on September 3, 2003. x x x.

In the case of Lazaro, et al. v. Court of Appeals, et al., the Supreme Court time and again ruled that failure to pay docket and other lawful fees within the prescribed period is a ground for the dismissal of an appeal.[22]

The dispositive portion of the Decision of the Court of Appeals reads:

Wherefore, in the light of the foregoing, the assailed Orders dated September 26, 2003 and December 23, 2003

of the RTC of Bogo, Cebu are AFFIRMED.[23]

The appellate court denied petitioners' Motion for Reconsideration in a Resolution dated 12 May 2006.[24]

Petitioners are presently before this Court arguing that:

THE COURT OF APPEALS VIOLATED THE RIGHT OF PETITIONER TO DUE PROCESS WHEN IT DID NOT CONSIDER THE REMITTANCE OF THE AMOUNT OF P500.00 BY PETITIONER TO MS. ESTRELLA NINI, AN MTC COURT EMPLOYEE, ON 1 SEPTEMBER 2003 AS CONSTRUCTIVE PAYMENT OF SAID DOCKET FEE;

THE COURT OF APPEALS VIOLATED THE RIGHT OF PETITIONER TO DUE PROCESS WHEN IT DISREGARDED SUBSTANTIAL JUSTICE AND EQUITY CONSIDERING THE PETITIONER FILED HIS NOTICE OF APPEAL AS EARLY AS 29 AUGUST 2003 AND HAD TRAVELLED ALL THE WAY FROM CEBU CITY ON 1 SEPTEMBER 2003 FOR THE PURPOSE OF PAYING THE DOCKET FEE;

ASSUMING FOR THE SAKE OF DISCUSSION THAT THE DOCKET FEE WAS FILED ONLY ON 2 SEPTEMBER 2003 OR ACTUALLY ONE (1) DAY LATE, THE CIRCUMSTANCES OF PETITIONER CLEARLY JUSTIFY ITS ADMISSION.[25]

Clearly, the fundamental issue in this case is whether the RTC was correct in denying petitioners' appeal on the ground of late payment of docket fees.

This issue is not new and has been the subject of jurisprudence in numerous cases.

The dismissal of an appeal as the inevitable aftermath of the late payment of the appellate docket fee has been mandated since the effectivity of the 1997 Rules of Civil Procedure under Section 4 of Rule 41.

The payment of docket fees is a requirement in filing an ordinary appeal from the decision or final order of the RTC, as provided in Rule 41, Section 4 of the 1997 Rules of Civil Procedure, which reads:

Sec. 4. Appellate court docket and other lawful fees. - Within the period for taking an appeal, the appellant shall pay to the clerk of the court which rendered the judgment or final order appealed from, the full amount of the appellate court docket and other lawful fees. Proof of payment of said fees shall be transmitted to the appellate court together with the original record or the record on appeal.

The 1997 Rules of Civil Procedure, as amended, which took effect on 1 July 1997, now require that appellate docket and other lawful fees must be paid within the same period for taking an appeal. This is clear from the opening sentence of Section 4, Rule 41 of the same Rules that, "[w]ithin the period for taking an appeal, the appellant shall pay to the clerk of the court which rendered the judgment or final order appealed from, the full amount of the appellate court docket and other lawful fees."

The use of the word "shall" underscores the mandatory character of the Rule. The term "shall" is a word of command, one which has always been or which must be given a compulsory meaning, and it is generally imperative or mandatory.

The right to appeal is purely a statutory right. Not being a natural right or a part of due process, the right to appeal may be exercised only in the manner and in accordance with the rules provided therefor. For this reason, payment of the full amount of the appellate court docket and other lawful fees within the reglementary period is mandatory and jurisdictional.[26]

This Court has consistently upheld the dismissal of an appeal or notice of appeal for failure to pay the full docket fees within the period for taking the appeal. The payment of docket fees within the prescribed period is mandatory for the perfection of the appeal. Without such payment, the appellate court does not acquire jurisdiction over the

subject matter of the action and the decision sought to be appealed from becomes final and executory.[27]

We have upheld the dismissal of deficient appeals in such cases as *Lazaro v. Court of Appeals*,[28] *Chan v. Court of Appeals*,[29] *Oriental Assurance Corp. v. Solidbank Corp.*,[30] *Manalili v. De Leon*,[31] *La Salette College v. Pilotin*,[32] *Navarro v. Metropolitan Bank & Trust Company*,[33] *Saint Louis University v. Cordero*,[34] *M.A. Santander Construction, Inc. v. Villanueva*,[35] and *Tamayo v. Tamayo, Jr.*[36]

Notwithstanding the catena of cases we have earlier cited, there are, admittedly, exceptions to the general rule on the timely payment of appellate docket fees which are also embodied in jurisprudence.[37] Yet a common thread in all of said cases is an exceptionally meritorious reason why the appellate docket fees in the cases were not timely paid.

Thus, our only point of focus in determining whether there stands an exceptionally meritorious reason why petitioners' appeal should be given due course is the justification that petitioner Tan traveled all the way to Cebu but the traffic stalled him. That is all. Yet if we were to grant the petition, it would set an ignoble precedent wherein mere allegation of traffic is sufficient to relax the jurisdictional requirements for the perfection of an appeal.

In this case, petitioners received a copy of the RTC Order dated 28 July 2003 denying their motion for reconsideration on 15 August 2003. They had 15 days therefrom, or until 30 August 2003, to perfect their appeal. However, 30 August 2003 was a Saturday. Hence, they had until 1 September 2003, Monday, the immediately succeeding working day, within which to file their notice of appeal. Although petitioners claim that petitioner Tan left the amount for payment of the docket fees with an MTC employee on 1 September 2003, said payment was actually made and recorded on 3 September 2003 as shown by the official receipt issued to the petitioners.[38] Undeniably, the docket fees were paid late, and without payment of the docket fees, petitioners' appeal was not perfected within the reglementary period.

Petitioners' excuse is not satisfactory. Petitioner Tan's late arrival at Boggo, Cebu was not unpreventable for he could have left much, much earlier for his destination, considering that the traffic congestion is almost infamous in Cebu, a fact certainly known to Tan. Their failure to pay the docket fees on time manifested their lack of foresight and planning. Petitioner Tan having arrived after office hours, he cannot expect any RTC employee to have stayed behind.

In cases where the Court upheld the liberal application of the rules, the appellants therein hinged their arguments on exceptionally meritorious circumstances peculiar to their particular situations that would convince the Court that they were entitled to a lax application of the Rules. Petitioners herein did not show such meritorious circumstance.

We further explained the rule on payment of dockets when we held that:

In all, what emerges from all of the above is that the rules of procedure in the matter of paying the docket fees must be followed. However, there are exceptions to the stringent requirement as to call for a relaxation of the application of the rules, such as: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of

the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances. Concomitant to a liberal interpretation of the rules of procedure should be an effort on the part of the party invoking liberality to adequately explain his failure to abide by the rules. Anyone seeking exemption from the application of the Rule has the burden of proving that exceptionally meritorious instances exist which warrant such departure.[39]

Moreover, the Court finds no reversible error in the assailed Decision of the Court of Appeals affirming the dismissal of Civil Case No. Bogo-00994 by the RTC.

Basic is the rule that jurisdiction is determined by the allegations in the Complaint.[40] In this case, we find that jurisdiction over the complaint of the petitioners fell on the DARAB. Mainly, petitioners do not agree in the Orders of the DARAB officials which were prejudicial to them. Petitioners allege that the orders were issued by the DARAB with grave abuse of discretion or with lack or excess of jurisdiction. Perusal of petitioners' complaint would reveal that petitioners themselves invoked and accepted the jurisdiction of the DARAB over their dispute with respondent Link. Petitioners' prayer[41] is even more obvious: they request the RTC to reverse/set aside the DARAB Order directing payment of just compensation to respondent Link and the DARAB Order denying their Motion for reconsideration.

Section 1, Rule II, 2002 DARAB Rules of Procedure pointedly covers this particular issue before us. It provides:

Section 1. Primary And Exclusive Original and Appellate Jurisdiction. - The board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, 229, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. x x x.

Islanders CARP-Farmers Beneficiaries Multi-Purpose Cooperative, Inc. v. Lapanday Agricultural and Development Corporation[42] clearly instructs that:

All controversies on the implementation of the Comprehensive Agrarian Reform Program (CARP) fall under the jurisdiction of the Department of Agrarian Reform (DAR), even though they raise questions that are also legal or constitutional in nature. All doubts should be resolved in favor of the DAR, since the law has granted it special and original authority to hear and adjudicate agrarian matters. (Emphasis supplied.)

In *Centeno v. Centeno*[43] we stated that:

[U]nder Section 50 of R.A. 6657 (the Comprehensive Agrarian Reform Law of 1988), the DAR is vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have the exclusive jurisdiction over all matters involving the implementation of the agrarian reform program. The rule is that the DARAB has jurisdiction to try and decide any agrarian dispute or any incident involving the implementation of the Comprehensive Agrarian Reform Program.

Since the DARAB's jurisdiction over the Complaint of the petitioners had been settled, and since the DARAB had already ruled on the petitioners' objection to the payment of just compensation in favor of Link, the proper remedy for the petitioners was to question at the Court of Appeals the DARAB's Orders through a Petition for Certiorari under Rule 65[44] of the Rules of Court[45] as embodied under the DARAB Rules of Procedure, Rule XIV, Section 1, viz:

Section 1. Certiorari to the Court of Appeals. - Any decision, order, resolution, award or ruling of the Board on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, interpretation of agrarian reform laws or rules and regulations promulgated thereunder, may be brought within fifteen (15) days from receipt of a copy thereof, to the Court of Appeals by certiorari. x x x.

Wherefore, premises considered, the Petition is Denied. The Decision of the Court of Appeals dated 21 February 2006 and the Resolution of the same court dated 12 May 2006 are affirmed without prejudice to the filing of the proper case at the RTC to determine the issue of ownership. Costs against petitioners.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Justice Arsenio J. Magpale with Associate Justices Vicente L. Yap and Apolonio D. Bruselas, Jr. concurring; rollo, pp. 31-38

[2] Rollo, p. 40.

[3] Id. at 42.

[4] Formerly the Regional Adjudicator of DAR Region VII.

[5] Kintanar and Maquiling work at the DAR Adjudication Board (DARAB).

[6] Cabangbang and Yuro are Officers of the LBP Valuation Office.

[7] Impleaded in his official capacity as Officer of the DAR in Cebu; rollo, pp. 43-44.

[8] Date of Deed of Sale as appearing in the Petition filed by the petitioner to this Court (Rollo, p. 21) and the decision of the Court of Appeals (Rollo, p. 32) although petitioner claim that as early as 1995, they already acquired the parcels of land. (Rollo, p. 22.)

[9] Id. at 177.

[10] Id. at 178.

[11] Id. at 90.

[12] Id. at 63.

[13] Id. at 91-93.

[14] Id. at 93.

[15] Id. at 98.

[16] Id. at 185.

[17] Official receipt issued to petitioners show that docket fees was paid 3 September 2003. (Rollo, p. 236.)

[18] Id. at 101.

[19] Id. at 102.

[20] Id. at 110-111.

[21] Id. at 35-36.

[22] Id. at 36.

[23] Id. at 37.

[24] Id. at 40.

[25] Id. at 273-274.

[26] Jose v. Court of Appeals, 447 Phil. 159, 165 (2003).

[27] See Manalili v. De Leon, 422 Phil. 214, 220 (2001); St. Louis University v. Cordero, G.R. No. 144118, 21 July 2004, 434 SCRA 575, 583.

[28] 386 Phil. 412, 417 (2000).

[29] 390 Phil. 615, 620 (2000).

[30] 392 Phil. 847, 854-855 (2000).

[31] Supra note 27.

[32] 463 Phil. 785, 854-855 (2003).

[33] G.R. No. 138031, 27 May 2004, 429 SCRA 439, 446-447.

[34] Supra note 27.

[35] G.R. No. 136477, 10 November 2004, 441 SCRA 525, 529-530.

[36] G.R. No. 148482, 12 August 2005, 466 SCRA 618, 622-623.

[37] Mactan Cebu International Airport Authority v. Mangubat, 371 Phil. 393, 398 (1999); Ayala Land, Inc. v. Carpo, 399 Phil. 327, 333-334 (2000); Yambao v. Court of Appeals, 399 Phil. 712, 717-718 (2000); Buenaflor v. Court of Appeals, 400 Phil. 395, 401 (2000); Alfonso v. Andres, 439 Phil. 298, 305-306 (2002); Villamor v. Court of Appeals, G.R. No. 136858, 21 July 2004, 434 SCRA 565, 573-574.

[38] Rollo, p. 236.

[39] KLT Fruits, Inc. v. WSR Fruits, Inc., G.R. No. 174219, 23 November 2007, 538 SCRA 713, 728.

[40] Vda. de Victoria v. Court of Appeals, G.R. No. 147550, 26 January 2005, 449 SCRA 319, 326.

[41] WHEREFORE, it is most respectfully prayed that:

- Writs of certiorari, prohibition and mandamus with preliminary prohibitory injunction issue against defendant officials as follows:

- A writ of certiorari issue setting aside the orders dated December 10, 2001 (Annex "L"), May 13, 2002 (Annex "P") and August 20, 2002 (Annex "V") and any subsequent orders of the DARAB Provincial/Regional Adjudicator of Cebu Province/Region VII that may have been issued without the intervention of herein plaintiffs, for being issued in grave abuse of discretion amounting to lack of jurisdiction; that with regards to the register of deeds of the province of Cebu, to set aside the registration of any transaction with respect to the said lands in derogation of the rights of ownership and possession of the herein plaintiffs;

- A writ of prohibition and writ of mandamus issue against the said officers prohibiting them from taking further cognizance of the land valuation cases over the subject properties and from further issuing any order that will affect the payment of compensation on the said properties, as well as prohibiting the defendant Land Bank Officers from releasing any amount of the moneys now deposited with the Land Bank Depositary in its Cebu City Branch in P. del Rosario Street, Cebu City or any other branch or main office where such moneys are deposited; that should such orders for release of the moneys be already issued, that the defendant officials be prohibited from enforcing them; and with respect to the defendant register of deeds of the province of Cebu,

that he be prohibited from registering any transaction;

- A writ of preliminary mandatory and prohibitory injunction issue against the above-named officers restraining all of them: (a) on the part of DAR adjudicators from taking further cognizance of the case or from issuing orders particularly with respect to the release of any moneys due as just compensation of the lands subject of the instant case to defendant Manuel Guy Link; (b) with respect to defendant Land Bank Officials and any other authorized representative of Land Bank of the Philippines, from releasing any such moneys to defendant Manuel "Guy" Link; (c) that should said orders for release be already issued, that the defendant DAR adjudicators and Land Bank Officials be prohibited from enforcing the same; (d) that with respect to the defendant register of deeds of the province of Cebu, that he be restrained from registering any transaction involving the lands subject of the instant case in derogation of the rights of ownership and possession of the plaintiffs. (Rollo, pp. 55-56.).

[42] G.R. No. 159089, 3 May 2006, 489 SCRA 80, 92-93.

[43] 397 Phil. 170, 177 (2000).

[44] Certiorari, Prohibition and Mandamus.

[45] Islanders CARP-Farmers Beneficiaries Multi-Purpose Cooperative, Inc. v. Lapanday Agricultural and Development Corp., supra note 42.

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