

LAND BANK OF THE PHILIPPINES, PETITIONER, VS. VICTORINO T. PERALTA, RESPONDENT.*G.R. No. 182704. April 23, 2014*

Ponente: VILLARAMA, JR., J.

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Before us is a petition for review on certiorari which seeks to reverse and set aside the Decision[1] dated July 5, 2007 and Resolution[2] dated April 24, 2008 of the Court of Appeals (CA) Mindanao Station in CA-G.R. SP No. 00161. The CA affirmed with modification the Decision[3] December 14, 2004 of the Regional Trial Court (RTC) of Malaybalay City, Bukidnon, Branch 9 in Civil Case No. 3015.

Victorino T. Peralta (respondent) is the registered owner of two parcels of agricultural land located at Sinangguyan, Don Carlos, Bukidnon covered by Original Certificate of Title No. P-9623[4] and Transfer Certificate of Title No. T-10957.[5] Of the total area of more than 8 hectares, 2.73 hectares were placed under the Operation Land Transfer (OLT) program and distributed to tenant-beneficiaries pursuant to Presidential Decree (PD) No. 27.

On October 17, 2000, respondent filed with the RTC, acting as Special Agrarian Court (SAC), a petition[6] for judicial determination of just compensation for his landholding which he claimed was valued by the Department of Agrarian Reform Adjudication Board (DARAB) at the price of only P17,240.00. Respondent alleged that based on his own investigation, the true valuation of lands sold within the vicinity is P200,000/ha. while the valuation made by petitioner as affirmed by the DARAB was fixed at only P6,315.02/ha., or 63 centavos per square meter which is highly unconscionable.

Petitioner filed its Answer[7] stating that the subject land was valued wayback in 1981 as evidenced by the Landowner-Tenant Production Agreement (LTPA). It maintained that having agreed to the stipulated price in the LTPA, respondent had waived his claim for a higher compensation. Also, petitioner claimed that respondent's cause of action has already prescribed under Article 1144 of the Civil Code.

In his Reply,[8] respondent asserted that he had objected to petitioner's valuation during the adjudication proceedings. As to the LTPA, respondent said he signed it merely for the purpose of terminating the collection of rentals from the tenant-beneficiaries. He insisted that there was no waiver of his right to be paid the just and equitable value of his landholding.

Upon agreement of the parties, a panel of commissioners was constituted composed of Branch Clerk Domingo L. Apostol, Jr. (Chairman), Municipal Assessor Filoteo Sanchez and LBP Field Investigation-Agrarian Reform Operation Center Chief Engr. Jacinto Ritardo (Members).[9]

On January 25, 2002, the commissioners conducted an inspection of the subject land and reported the following findings:

- That the property is along the National Sayre Highway situated at barangay Sinangguyan, Don Carlos,

Bukidnon one kilometer away more or less from Poblacion Norte, Don Carlos, Bukidnon.

- That it has generally flat or plain terrain suitable for any uses like Agricultural, Residential, Commercial or Industrial.

- That it is fully planted with sugarcane which is the actual use of the property.[10]

Engr. Ritardo recommended the amount of P17,240.00 as compensation, pursuant to the formula provided under PD 27 and using the values agreed upon in the LTPA. On the other hand, Municipal Assessor Sanchez reported that the current market value for taxation purposes of agricultural lands-sugarcane in Sinangguayan, Don Carlos, Bukidnon is P119,000/ha. but the actual prevailing fair market value of surrounding properties is not less than P200,000/ha. for agricultural lands.[11]

In his Report submitted to the SAC, Chairman Apostol, Jr. made the following recommendation:

This commissioner as chairman of the panel, after evaluating the reports of the commissioners of the plaintiff and the defendant and on the basis of his appreciation of the value of the property, taking into consideration its accessibility to the town proper, potentiality (ideal for residential use) productivity (planted to sugar cane which is a high-yielding crop), physical features (flat topography, well-drained and rich top soil) and the buying price of similar properties in the area (per interview conducted) is sustaining the value submitted by the plaintiff's commissioner in the amount of P200,000.00 per hectare. As Municipal Assessor of the Municipality of Don Carlos, Bukidnon for many years, he has personal knowledge of the value of the properties in the area. The defendant's commissioner is duty-bound to apply the valuation under Presidential Decree No. 27 because the property is covered under this program, even if the Decree was signed in 1972 at the advent of Martial Law by then President Ferdinand E. Marcos, some 30 years ago.

This commissioner however, in order to "socialize" the valuation and make it more convenient for the farmer-beneficiaries to pay the value of the land they till is recommending the amount of P150,000.00 per hectare for the 2.7300 hectare prop[er]ty of the plaintiff or a total just compensation of P409,500.00.[12]

Before the case was submitted for decision petitioner was allowed to present its two witnesses, after which it formally offered its documentary evidence. Respondent opted not to present any witness and neither did it submit documentary evidence.

On December 14, 2004, the SAC rendered its decision, the dispositive portion of which reads:

WHEREFORE, judgment is rendered in favor of the plaintiff, declaring the amount of FOUR HUNDRED NINE THOUSAND FIVE HUNDRED (P409,500.00) PESOS as just compensation for the property of the plaintiff consisting of 2.7300 hectares portion of TCT No. T-10957 and OCT No. P-9623 in the name of petitioner Victorino T. Peralta located at Sinangguayan, Don Carlos, Bukidnon; ordering the defendant Land Bank of the Philippines to pay the said amount exclusive of the amounts of THIRTY THOUSAND (P30,000.00) PESOS as attorney's fee and TEN THOUSAND (P10,000.00) as cost of litigation, payable in cash and in bonds, pursuant to the mode of payment under the agrarian reform program.

SO ORDERED.[13]

In its Order dated February 23, 2005, the SAC likewise denied petitioner's motion for reconsideration, stating that "[e]ven if the amount payable to the landowner is already Php73,604.95 as of September 16, 2004 after adding the compounded interest of 6% per annum to the Php17,240.00 valuation by the LBP, the amount is still considered not fair and just from the time of the 'taking' in 1972 which is 33 years ago, considering the devaluation of the peso and the landowner's lost income opportunity for such long period of time." [14]

Petitioner appealed to the CA arguing that respondent's act of filing a petition for judicial determination of just

compensation with the SAC was in repudiation of the LTPA executed more than 19 years ago. If indeed, respondent had a valid ground to repudiate the aforesaid agreement and being a written agreement, the same should have been done within ten years from its execution on September 15, 1981, pursuant to Article 1144 of the Civil Code. Petitioner reiterated that respondent's suit is likewise barred on the ground that the period to elevate the matter of just compensation to the court from the DARAB had already lapsed. Not only did respondent fail to indicate in his complaint before the RTC his date of receipt of the DARAB decision, more than 30 days had already lapsed before he brought the action in court.

By Decision dated July 5, 2007, the CA affirmed with modification the judgment of the SAC by deleting the award of attorney's fees and litigation costs. The CA found that petitioner has not shown that it complied with the requirement of full payment of the cost of respondent's landholding. While it is true that petitioner had made a valuation of the property as stated in the LTPA, using the formula provided under P.D. No. 27, the CA stressed that the effort has not gone beyond that point as no just compensation, as thus evaluated, had ever been made to the respondent prompting the latter to file, sometime in 2000, a summary administrative proceeding before the DARAB, and eventually a petition with the SAC praying for the fixing of just compensation pursuant to Republic Act No. 6657. The CA thus ruled that since the application of the process of agrarian reform to the subject land has remained incomplete as of the advent of R.A. No. 6657, actual title remains with respondent and the completion of the agrarian reform process should now be undertaken under R.A. No. 6657, in accordance with this Court's ruling in *Paris v. Alfeche*[15] and as reiterated in *Land Bank of the Philippines v. Natividad*.[16]

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

Hence, this petition raising the following issues:

A.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN ITS DECISION AS IT HAD MANIFESTLY OVERLOOKED THEREIN RELEVANT FACTS WHICH WOULD HAVE JUSTIFIED A DIFFERENT CONCLUSION.

B.

WHETHER OR NOT THE CARP LAW (R.A. 6657) HAS RENDERED INOPERATIVE THE VALUATION FORMULA AND FACTORS PRESCRIBED IN PRESIDENTIAL DECREE NO. 27, EXECUTIVE ORDER NO. 228.[17]

Petitioner faults the CA in failing to appreciate that the LTPA valuation was agreed upon between respondent and tenant-beneficiaries in September 1981, which valuation was confirmed and validated for payment by DAR and LBP in 1982. Since the amount of the agreed compensation has since then been made available to respondent, petitioner avers that no delay can be imputed to the government.

Additionally, petitioner points out that the DAR resolution sustaining the LTPA valuation was ipso facto rendered final and executory after the lapse of fifteen days from respondent's notice thereof, without the matter of just compensation being elevated to the SAC pursuant to Section 51 in relation to Section 16(f) of R.A. No. 6657. The matter of valuation had thus become *res judicata*. It was only after 50 days from rendition of the DAR resolution and almost 20 years from execution of the LTPA, that respondent petitioned the SAC for determination of just compensation.

Lastly, petitioner argues that assuming that the SAC's giving due course to respondent's petition was proper, the just compensation determined by said court was not in accord with Section 17 of R.A. No. 6657, which pursuant to Section 5 of R.A. No. 9700[18] which took effect on July 1, 2009, shall be the applicable law for "all previously acquired lands wherein valuation is subject to challenge by landowners."

The petition is partly meritorious.

Under Section 1 (b), Rule II of the 1994 Rules of Procedure of the Department of Agrarian Reform Adjudication Board (1994 DARAB Rules), which is applicable in the present case, the DARAB is vested with primary and exclusive jurisdiction over cases involving the valuation of land and the preliminary determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the LBP.

Rule XIII, Section 11 of the 1994 DARAB Rules provides:

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.)

In *Phil. Veterans Bank v. Court of Appeals*,^[19] we explained that the consequence of the said rule is that the adjudicator's decision on land valuation attains finality after the lapse of the 15-day period. *Republic v. Court of Appeals*^[20] and subsequent cases^[21] clarified that the determination of the amount of just compensation by the DARAB is merely a preliminary administrative determination which is subject to challenge before the SACs which have original and exclusive jurisdiction over all petitions for the determination of just compensation under Section 57, R.A. No. 6657.

The Court in *Soriano v. Republic*^[22] summarized the 15-day period rule for challenging the DAR valuation in just compensation cases, as follows:

The Court notes that although the petition for determination of just compensation in *Republic v. Court of Appeals* was filed beyond the 15-day period, *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. *Republic v. Court of Appeals*, it should be noted, was decided at a time when Rule XIII, Section 11 was not yet present in the DARAB Rules. Further, said case 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. In any event, any speculation as to the validity of Rule XIII, Section 11 was foreclosed by our ruling in *Philippine Veterans Bank* where we affirmed the order of dismissal of a petition for determination of just compensation for having been filed beyond the 15-day period under said Section 11. In said case, we explained that Section 11 is not incompatible with the original and exclusive jurisdiction of the SAC. In *Land Bank of the Philippines v. Martinez*, we reaffirmed this ruling and stated for the guidance of the bench and bar that "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."

Notwithstanding the foregoing rulings, we noted in *Land Bank of the Philippines v. Umandap* that "[s]ince the SAC statutorily exercises original and exclusive jurisdiction over all petitions for the 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." In certain cases, the Court has adopted 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. x x x x (Emphasis supplied.)

In the case at bar, the DAR Regional Adjudicator issued his resolution ordering the payment of P17,240.00 as just compensation for respondent's landholding on August 23, 2000. While respondent did not indicate the date when

he received a copy of the said resolution, the filing of the petition with the SAC was done only on October 17, 2000 or 55 days from the issuance of the DAR resolution. Nonetheless, such failure to comply with the 15-day period did not render the DAR valuation final and executory as to bar respondent's action for judicial determination of just compensation. We note that even before the conduct of DAR proceedings and respondent's filing of a petition with the SAC, R.A. No. 6657, otherwise known as "The Comprehensive Agrarian Reform Law of 1988," already took effect on June 15, 1988. Hence, the parties litigated on the issue of whether P.D. No. 27/E.O. No. 288 or R.A. No. 6657 should apply in determining just compensation in this case.

The Court has, in several cases, for reason of equity, applied R.A. No. 6657 in determining just compensation for lands acquired under P.D. No. 27 and before the effectivity of R.A. No. 6657.

In *Gabatin v. Land Bank of the Philippines*,^[23] this Court declared that the reckoning period for the determination of just compensation is the time when the land was taken applying P.D. No. 27 and E.O. No. 228. However, in *Land Bank of the Philippines v. Natividad*,^[24] we ruled that where the agrarian reform process is still incomplete at the time of effectivity of R.A. 6657, the just compensation should be determined and the process concluded under the latter law. Thus:

Land Bank's contention that the property was acquired for purposes of agrarian reform on October 21, 1972, the time of the effectivity of PD 27, ergo just compensation should be based on the value of the property as of that time and not at the time of possession in 1993, is likewise erroneous. In *Office of the President, Malacañang, Manila v. Court of Appeals*, we ruled that the seizure of the landholding did not take place on the date of effectivity of PD 27 but would take effect on the payment of just compensation.

Under the factual circumstances of this case, the agrarian reform process is still incomplete as the just compensation to be paid private respondents has yet to be settled. Considering the passage of Republic Act No. 6657 (RA 6657) before the completion of this process, the just compensation should be determined and the process concluded under the said law. Indeed, RA 6657 is the applicable law, with PD 27 and EO 228 having only suppletory effect, conformably with our ruling in *Paris v. Alfeche*.

x x x x

It would certainly be inequitable to determine just compensation based on the guideline provided by PD 27 and EO 228 considering the DAR's failure to determine the just compensation for a considerable length of time. That just compensation should be determined in accordance with RA 6657, and not PD 27 or EO 228, is especially imperative considering that just compensation should be the full and fair equivalent of the property taken from its owner by the expropriator, the equivalent being real, substantial, full and ample.^[25] (Emphasis supplied; citations omitted.)

The above ruling was likewise applied in *Land Bank of the Philippines v. Heirs of Angel T. Domingo*.^[26] In the latter case, landowner Domingo filed a petition for determination and payment of just compensation despite his receipt of LBP's partial payment. This Court held that since the amount of just compensation to be paid the landowner has yet to be settled, then the agrarian reform process was still incomplete; thus it should be completed under R.A. No. 6657.^[27]

In *Land Bank of the Philippines v. Heirs of Maximo Puyat*,^[28] the same doctrine was applied where the Court noted that both the taking of the landowner's property and the valuation occurred during the effectivity of R.A. No. 6657. Since the acquisition process under P.D. No. 27 remains incomplete and is overtaken by R.A. No. 6657, the process should be completed under R.A. No. 6657, with P.D. No. 27 and E.O. No. 228 having suppletory effect only.^[29] Similarly, in *Land Bank of the Philippines v. Soriano*,^[30] this Court held that Section 17 of R.A. No. 6657 should be the principal basis of the computation for just compensation. While the lands involved therein were acquired under P.D. No. 27, the Court noted that the complaint for just compensation was

only lodged before the court (SAC) on November 23, 2000 or long after the passage of R.A. No. 6657.

In sum, if the issue of just compensation is not settled prior to the passage of R.A. No. 6657, it should be computed in accordance with the said law, although the property was acquired under P.D. No. 27.

Records confirm that petitioner had deposited its initial valuation in the amount of P17,240.00 on April 2, 1982 and the same had already earned interest, the total amount due plus increment is P73,604.95 as computed by LBP.[31] Respondent protested this valuation even as he signed the LTPA for the benefit of the tenants-beneficiaries and considering that his land had been divided and distributed to the said farmers. Eventually, respondent challenged the valuation made by DAR in August 2000 which was still based on P.D. No. 27 and E.O. No. 228, by filing a petition with the SAC for judicial determination of just compensation on October 17, 2000. Clearly, the agrarian reform process initiated under P.D. No. 27 remains incomplete when R.A. No. 6657 took effect on June 15, 1988.

As to the time of actual “taking,” this Court has already resolved the matter in the aforecited case of *Land Bank of the Philippines v. Heirs of Angel T. Domingo*,[32] which held:

LBP’s contention that the property was taken on 21 October 1972, the date of effectivity of PD 27, thus just compensation should be computed based on the GSP in 1972, is erroneous. The date of taking of the subject land for purposes of computing just compensation should be reckoned from the issuance dates of the emancipation patents. An emancipation patent constitutes the conclusive authority for the issuance of a Transfer Certificate of Title in the name of the grantee. It is from the issuance of an emancipation patent that the grantee can acquire the vested right of ownership in the landholding, subject to the payment of just compensation to the landowner.

In *Land Bank of the Philippines v. Heirs of Salvador Encinas*,[33] this Court reiterated this long-established principle, thus:

The “taking of private lands under the agrarian reform program partakes of the nature of an expropriation proceeding.” In computing the just compensation for expropriation proceedings, the RTC should take into consideration the “value of the land at the time of the taking, not at the time of the rendition of judgment.” “The ‘time of taking’ is the time when the landowner was deprived of the use and benefit of his property, such as when title is transferred to the Republic.”[34]

In *DAR v. Tongson*,[35] we remanded the case back to the SAC for reception of evidence as to the date of the grant of the emancipation patents (EPs) which shall serve as the reckoning point for the computation of just compensation due respondent. The date of the issuance of EPs covering the subject lands have not been attached to the records of the case. Here, the records likewise failed to show the date when such EPs have been issued to the tenant-beneficiaries who signed the LTPA. Accordingly, the case should be remanded to the SAC for reception of evidence thereof.

Remand is also necessary for the reason that the SAC based its determination of just compensation solely on the opinion of the municipal assessor as to the current market value of respondent’s land which was not supported by any documentary evidence.

Section 17 of R.A. No. 6657 enumerates the factors to be considered in determining just compensation to the landowner, viz:

SEC. 17. Determination of Just Compensation. — In determining just compensation, the cost of acquisition of the land, the current value of 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.

The above factors had already been translated into a basic formula by the DAR pursuant to its rule-making power under Section 49 of R.A. No. 6657. Thus, the Court held in *Land Bank of the Philippines v. Celada*,^[36] that the formula outlined in DAR A.O. No. 5, series of 1998 should be applied in computing just compensation.

The mandatory application of the aforementioned guidelines in determining just compensation was reiterated in *Land Bank of the Philippines v. Lim*^[37] and *Land Bank of the Philippines v. Heirs of Eleuterio Cruz*,^[38] wherein we also ordered the remand of the cases to the SAC for the determination of just compensation strictly in accordance with the applicable DAR regulations.^[39]

The Court is mindful of the new agrarian reform law, R.A. No. 9700 or the CARPER Law, passed by Congress on July 1, 2009, further amending R.A. No. 6657, as amended. In the recent case of *Land Bank of the Philippines v. Santiago, Jr.*,^[40] we held that under the new law, the landowner's challenge on the valuation of previously acquired lands as in the case at bar may still be resolved on the basis of the old Section 17 of R.A. No. 6657, thus:

That this case, despite the new law, still falls under Section 17 of Republic Act No. 6657 is supported even by Republic Act No. 9700, which states that "previously acquired lands wherein valuation is subject to challenge shall be completed and resolved pursuant to Section 17 of Republic Act No. 6657, as amended," viz.:

Section 5. Section 7 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:

SEC. 7. Priorities. - The DAR, in coordination with the Presidential Agrarian Reform Council (PARC) shall plan and program the final acquisition and distribution of all remaining unacquired and undistributed agricultural lands from the effectivity of this Act until June 30, 2014. Lands shall be acquired and distributed as follows:

Phase One: During the five (5)-year extension period hereafter all remaining lands above fifty (50) hectares shall be covered for purposes of agrarian reform upon the effectivity of this Act. All private agricultural lands of landowners with aggregate land holdings in excess of fifty (50) hectares which have already been subjected to a notice of coverage issued on or before December 10, 2008; rice and corn lands under Presidential Decree No. 27; all idle or abandoned lands; all private lands voluntarily offered by the owners for agrarian reform: x x x Provided, furthermore, That all previously acquired lands wherein valuation is subject to challenge by landowners shall be completed and finally resolved pursuant to Section 17 of Republic Act No. 6657, as amended: x x x. (Emphases supplied.)

Section 7 of Republic Act No. 9700, further amending Section 17 of Republic Act No. 6657, as amended, reads:

Section 7. Section 17 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:

SEC. 17. Determination of Just Compensation. – In determining just compensation, the cost of acquisition of the land, the value of the standing crop, the current value of like properties, its nature, actual use and income, the sworn valuation by the owner, the tax declarations, the assessment made by government assessors, and seventy percent (70%) of the zonal valuation of the Bureau of Internal Revenue (BIR), translated into a basic formula by the DAR shall be considered, subject to the final decision of the proper court. The social and economic benefits contributed by the farmers and the farmworkers and by the Government to the property as well as the nonpayment of taxes or loans secured from any government financing institution on the said land shall be considered as additional factors to determine its valuation. (Emphases supplied; further amendments made to Section 17 of R.A. No. 6657, as amended, are italicized.)

The foregoing shows that the Section 17 referred to in Section 5 of Republic Act No. 9700 is the old Section 17 under Republic Act No. 6657, as amended; that is, prior to further amendment by Republic Act No. 9700. A reading of the provisions of Republic Act No. 9700 will readily show that the old provisions, under Republic Act

No. 6657, are referred to as Sections under “Republic Act No. 6657, as amended,” as distinguished from “further amendments” under Republic Act No. 9700.

DAR AO No. 02-09, the Implementing Rules of Republic Act No. 9700, which DAR formulated pursuant to Section 31 of Republic Act No. 9700, makes the above distinction even clearer, to wit:

VI. Transitory Provision

With respect to cases where the Master List of ARBs has been finalized on or before July 1, 2009 pursuant to Administrative Order No. 7, Series of 2003, the acquisition and distribution of landholdings shall continue to be processed under the provisions of R.A. No. 6657 prior to its amendment by R.A. No. 9700.

However, with respect to land valuation, all Claim Folders received by LBP prior to July 1, 2009 shall be valued in accordance with Section 17 of R.A. No. 6657 prior to its amendment by R.A. No. 9700. (Emphasis supplied.)

Thus, DAR AO No. 02-09 authorizes the valuation of lands in accordance with the old Section 17 of Republic Act No. 6657, as amended (prior to further amendment by Republic Act No. 9700), so long as the claim folders for such lands have been received by LBP before its amendment by Republic Act No. 9700 in 2009. [41]

Considering that respondent’s land had been previously acquired under P.D. No. 27 but the valuation has been the subject of his challenge before the SAC, the completion and final resolution of just compensation should therefore be computed in accordance with Section 17 of R.A. No. 6657 prior to its amendment by R.A. No. 9700.

Given the insufficient evidence for the determination of just compensation under Section 17 of R.A. No. 6657 and applicable DAR regulations, and the absence of evidence in the records pertaining to the date of issuance of the EPs to the tenant-beneficiaries, we are constrained to remand this case to the SAC for reception of such and any other relevant evidence for a complete resolution of the issue of just compensation, consistent with our disquisitions.

WHEREFORE, the Decision dated July 5, 2007 and Resolution dated April 24, 2008 of the Court of Appeals Mindanao Station in CA-G.R. SP No. 00161 are hereby SET ASIDE. The case is hereby REMANDED to the Special Agrarian Court, Branch 9, of the Regional Trial Court of Malaybalay City, Bukidnon, for further reception of evidence to determine just compensation strictly in accordance with Section 17 of R.A. No. 6657, DAR AO No. 05, series of 1998 and applicable DAR regulations.

No pronouncement as to costs.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Reyes, JJ., concur.

[1] Rollo, pp. 64-78. Penned by Associate Justice Edgardo A. Camello with Associate Justices Jane Aurora C. Lantion and Elihu A. Ybañez concurring.

[2] Id. at 103-104. Penned by Associate Justice Edgardo A. Camello with Associate Justices Jane Aurora C. Lantion and Edgardo T. Lloren concurring.

[3] Records, pp. 203-218. Penned by Judge Rolando S. Venadas, Sr.

[4] Id. at 7.

[5] Id. at 6.

[6] Id. at 1-5.

[7] Id. at 15-17.

[8] Id. at 22-23.

[9] Id. at 61-62.

[10] Id. at 82.

[11] Id. at 80, 82.

[12] Id. at 83-84.

[13] Id. at 217-218.

[14] Id. at 235.

[15] 416 Phil. 473, 448 (2001).

[16] 497 Phil. 738, 746-747 (2005).

[17] Rollo, pp. 450-451.

[18] “AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR.”

[19] 379 Phil. 141, 148-149 (2000).

[20] 331 Phil. 1070 (1996).

[21] Land Bank of the Philippines v. Suntay, 561 Phil. 711 (2007); Land Bank of the Philippines v. Martinez, 582 Phil. 739 (2008).

[22] G.R. No. 184282, April 11, 2012, 669 SCRA 354, 362-363.

[23] 486 Phil. 366, 383-384 (2004).

[24] Supra note 16, at 746.

[25] Id. at 746-747.

[26] 567 Phil. 593, 608 (2008).

[27] See Land Bank of the Philippines v. Santiago, Jr., G.R. No. 182209, October 3, 2012, 682 SCRA 264, 277.

[28] G.R. No. 175055, June 27, 2012, 675 SCRA 233, 243.

[29] See also Land Bank of the Philippines v. Vda. de Abello, 602 Phil. 710, 720 (2009) and Lubrica v. Land Bank of the Philippines, 537 Phil. 571, 581-582 (2006).

[30] G.R. Nos. 180772 and 180776, May 6, 2010, 620 SCRA 347, 353.

[31] Records, p. 152.

[32] Supra note 26, at 608.

[33] G.R. No. 167735, April 18, 2012, 670 SCRA 52.

[34] Id. at 59-60, citing *Land Bank of the Philippines v. Department of Agrarian Reform*, G.R. No. 171840, April 4, 2011, 647 SCRA 152, 169; *Land Bank of the Philippines v. Imperial*, 544 Phil. 378, 388 (2007); *Gabatin v. Land Bank of the Philippines*, supra note 23; and *Land Bank of the Philippines v. Livioco*, G.R. No. 170685, September 22, 2010, 631 SCRA 86, 112-113.

[35] G.R. No. 171674, August 4, 2009, 595 SCRA 181, 190-191.

[36] 515 Phil. 467, 478-479 (2006).

[37] 555 Phil. 831, 845 (2007).

[38] 588 Phil. 345, 353-354, 355 (2008).

[39] *Land Bank of the Philippines v. Heirs of Yujuico*, G.R. Nos. 184719 & 184720, March 21, 2012, 668 SCRA 710, 731.

[40] Supra note 27, at 279.

[41] Id. at 279-281.

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