

**LAND BANK OF THE PHILIPPINES (INCLUDING ITS MANAGER,
VALUATION AND LANDOWNERS COMPENSATION OFFICE [NOW
AGRARIAN OPERATIONS CENTER X], CAGAYAN DE ORO CITY),
PETITIONER, VS. PAZ O...**

G.R. No. 190336. June 27, 2012

Ponente: SERENO, J.

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SERENO, J.:

Before the Court is a Rule 45 Petition filed by petitioner Land Bank of the Philippines (LBP) questioning the 18 March 2009 Decision and 23 October 2009 Resolution of the Court of Appeals (CA) in CA-G.R. CV No. 75279-MIN, which affirmed with modification the award of just compensation granted to the landowners, respondents Paz O. Montalvan and Jesus J. Montalvan, by the Regional Trial Court (RTC) of Ozamis City, Branch 15 in CAR Case No. 8.

The factual circumstances of the case, as recounted by the Special Agrarian Court (SAC)[1] and the CA,[2] are without much controversy and may be summarized as follows:

Respondents Paz O. Montalvan and Jesus J. Montalvan are spouses and registered owners of parcels of land situated in Balintonga (formerly Monterico) Aloran, Misamis Occidental. The said property is covered by Transfer Certificate of Title Nos. (TCTs) T-285 and T-294 with an area of approximately 162.9669 hectares. On 12 September 1989, they voluntarily offered to sell the entire property to the Government under the Comprehensive Agrarian Reform Program (CARP).

In reply to the voluntary offer to sell (VOS) of respondents, the Department of Agrarian Reform (DAR), through its Regional Office (Region 10) in Cagayan de Oro City, informed them that it was focusing only on 147.6913 hectares of the entire 162.9669-hectare land. After conducting a field investigation report on the chosen portion, which it reduced further to only 72 hectares out of the 147.6913 hectares that it would be acquiring (the expropriated portion), the DAR found that the remaining 75.6913-hectare land (the excluded portion) was not suitable for agriculture.[3] Thereafter, the DAR Regional Office sent a Notice of Land Valuation, by which it offered to pay respondents the amount of P510,768.72 for the expropriated portion of their property, including improvements thereon.

Respondents raised their objections to the valuation and argued that “the coconut trees alone, if converted to coco lumber bring a net value of at least P35,000 per hectare, and the offer was for only PP30,000 per hectare, or less than the actual value of the land and the coconuts on it.”[4] (Emphasis supplied.)

However, the DAR explained that it could only acquire the 72 hectares of the expropriated portion, because the excluded portion was above an 18% slope or was undeveloped, which made it exempt from CARP coverage. The DAR likewise noted the rejection by respondents of its valuation and stated that the matter had been referred to the DAR Adjudication Board (DARAB) for administrative summary proceedings to determine the compensation

for the expropriated portion.

On 07 February 1992, without any action forthcoming from the DARAB, respondents directly filed a separate Complaint with the RTC, acting as a SAC, for the latter to fix the just compensation for the expropriated portion of their agricultural lands. Petitioner LBP moved to dismiss respondents' Complaint on the ground that the proceedings for the valuation of the lands were still pending with the DARAB.

In its Order dated 30 March 1992, the SAC denied the Motion to Dismiss. It likewise denied the subsequent Motion for Reconsideration filed by petitioner LBP. Hence, the latter duly filed its Answer and raised, as an affirmative defense, respondents' failure to exhaust administrative remedies before resorting to the Complaint for just compensation before the SAC.

Significantly, while the cases in the DARAB and the SAC were still pending, the DAR on 03 September 1992 caused the partial cancellation of TCT No. T-285 in the name of respondents. A new title (TCT No. T-11696) in the name of the Republic of the Philippines was issued covering the entire 147.6913 hectares. Nevertheless, petitioner LBP made no deposit in favor of respondents Montalvan as just compensation for the entire land. During the trial in the SAC, Engr. Jose Montalvan, the son of respondents, testified that the DAR had indeed acquired both the expropriated and the excluded portions of his parents' lands. These portions, previously titled under TCT No. T-285, were acquired by the DAR, even if the investigation and valuations conducted by the latter and petitioner LBP were limited only to the 72-hectare expropriated portion.

In its Decision dated 12 October 1992, the DARAB ruled on the referral with respect to the disputed valuation and upheld the DAR's earlier valuation of P510,768.72 for the 72-hectare expropriated land.[5] On 21 January 1993, the DARAB issued a Certification that confirmed that no appeal was filed from its Decision, which, hence, became final and executory.

Citing the recent DARAB Decision and Certification, petitioner LBP moved, for a second time, for the dismissal of respondents' Complaint in the SAC. Yet, the SAC rejected petitioner's plea and again denied its second Motion to Dismiss.[6]

In the Order dated 11 October 1995, the SAC directed petitioner LBP to reevaluate the property using the guidelines in the recently amended DAR Administrative Orders.[7] Hence, petitioner bank submitted a revaluation of the expropriated portion and offered P1,020,010.66 as just compensation. Despite the increase in petitioner's earlier offer, respondents Montalvan rejected it.

Considering the impasse, the SAC constituted an independent panel of commissioners[8] to evaluate and assess the property, a move that was not opposed by petitioner LBP. On 30 May 2001, the panel of commissioners submitted a Commissioners' Report dated 12 January 2000,[9] in which they agreed that the fair market value of the 72-hectare expropriated property of respondents was P50,000 per hectare, or a total of P3,600,000.

After the submission of the Commissioners' Report, petitioner LBP reassessed the land and offered to pay respondents P26,210.75 per hectare, or a total of P1,887,174.12 for the expropriated portion.[10] However, this latest valuation offer was again rejected by respondents Montalvan.

Thereafter, petitioner LBP raised its objections to the Commissioners' Report and alleged that the commissioners were all selected by respondents Montalvan, thus making their findings as to the market value of the expropriated portion self-serving.

The SAC favored the valuations made by the Panel of Commissioners over the 72-hectare expropriated portion and even directed petitioner LBP to also pay respondents Montalvan for the 75.6913-hectare excluded lands, all

titled in the name of the Republic, in its Decision dated 15 March 2002, which disposed as follows:

WHEREFORE, in light of the foregoing considerations, judgment is hereby rendered ordering the Department of Agrarian Reform to acquire plaintiffs' 162.9669 hectares of land embraced in TCT No. T-285 and TCT No. T-294, subject to retention, if qualified; and ordering Land Bank to pay for and as just compensation for the 72 hectares at P50,000.00 per hectare and at P35,000.00 per hectare for the rest of the areas; and to pay the costs.[11]

Acting on the Notice of Appeal filed by petitioner LBP,[12] the CA issued the questioned 18 March 2009 Decision and affirmed the award of just compensation to respondents Montalvan, but deleted the payment of costs, as follows:

WHEREFORE, the Decision dated March 15, 2002 of the Regional Trial Court, Branch 15 of Ozamis City, acting as a Special Agrarian Court, appealed from is AFFIRMED with the modification that since the DAR actually acquired way back September 3, 1992 plaintiffs land known as Lot 1-Psu 53883 containing 147.6913 hectares covered by TCT No. T-285 previously in the name of the plaintiffs and now covered by TCT No. T-11696 in the name of the Republic of the Philippines, the defendant Land Bank of the Philippines is hereby Ordered to pay just compensation for the same at Fifty thousand pesos (P50,000.00) per hectare for the 72 hectares and at Thirty-five thousand pesos (P35,000.00) per hectare for the rest of the area of 75.6913 hectares, and that the payment of costs is deleted.[13]

Petitioner LBP partially moved for the reconsideration of the assailed CA Decision. It argued that only the 72-hectare expropriated property was subject to CARP, but not the excluded property, which was allegedly outside the jurisdiction of the SAC. Moreover, it argued that the award of P35,000 per hectare for the 75.6913-hectare excluded portion had no factual and legal bases. However, the appellate court remained unconvinced and denied the Motion for Reconsideration.[14]

Hence, the instant Rule 45 Petition filed by petitioner LBP.

ISSUES

A. Considering the pendency of the DARAB proceedings, whether respondents Montalvan's filing with the SAC of a Petition for judicial determination of just compensation was premature and in violation of the rule on the exhaustion of administrative remedies.

B. Whether the Court has authority to review the determination made by the SAC with respect to the amount of just compensation.

C. Whether petitioner LBP can be directed to pay just compensation for the 75.6913-hectare excluded portion, which is now titled in the name of the Republic of the Philippines, even if these lands are not suitable for agricultural purposes.

OUR RULING

Finding no merit in the arguments raised by petitioner LBP, the Court denies the instant Rule 45 Petition. However, the third issue with respect to the just compensation for the excluded portion of respondents Montalvan's lands deserves some consideration.

With respect to the first issue, petitioner LBP argues that respondents' filing with the SAC of a separate Complaint for the determination of just compensation was premature and in violation of the doctrine of exhaustion of administrative remedies. Petitioner reasoned that the revaluation proceedings in the DARAB following respondents' rejection of the initial DAR offer were still pending. The line of reasoning employed by

petitioner is not novel and has since been discredited by jurisprudential precedents.

The SAC has been statutorily determined to have original and exclusive jurisdiction over all petitions for the determination of just compensation due to landowners under the CARP.[15] This legal principle has been upheld in a number of this Court's decisions and has passed into the province of established doctrine in agrarian reform jurisprudence.[16] In fact, this Court has sustained the exclusive authority of the SAC over the DARAB, even in instances when no administrative proceedings were conducted in the DARAB.[17]

In *LBP v. CA*,[18] the Court affirmed the jurisdiction of the SAC (RTC-Cabanatuan City, Branch 23) in determining the just compensation due to Marcia E. Ramos for her expropriated ricelands, even though the proceedings in the DARAB were still continuing at the time she resorted to the direct filing of a Complaint with the SAC. This doctrine was reiterated in *LBP v. Celada*,[19] in which Leonila P. Celada was permitted to file a petition for judicial determination of just compensation with the SAC (RTC-Tagbilaran City), even if the summary administrative proceedings in the DARAB (Region VII-Cebu City) had just been initiated. It was not an error for the SAC to assume jurisdiction over the issue of just compensation despite the pendency of the DARAB proceedings, as thus ruled by the Court:

We do not agree with petitioner's submission that the SAC erred in assuming jurisdiction over respondent's petition for determination of just compensation despite the pendency of the administrative proceedings before the DARAB. In *Land Bank of the Philippines v. Court of Appeals*, the landowner filed an action for determination of just compensation without waiting for the completion of the DARAB's re-evaluation of the land. The Court nonetheless held therein that the SAC acquired jurisdiction over the action for the following reason:

It is clear from Sec. 57 that the RTC, sitting as a Special Agrarian Court, has "original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners." This "original and exclusive" jurisdiction of the RTC would be undermined if the DAR would vest in administrative officials original jurisdiction in compensation cases and make the RTC an appellate court for the review of administrative decisions. Thus, although the new rules speak of directly appealing the decision of adjudicators to the RTCs sitting as Special Agrarian Courts, it is clear from Sec. 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 Sec. 57 and therefore would be void. Thus, direct resort to the SAC by private respondent is valid.

It would be well to emphasize that the taking of property under R.A. 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.[20] (Emphasis supplied.)

These judicial precedents are directly applicable to the case at bar. That the DARAB proceedings are still pending is not a fatal defect that will oust the SAC from its original and exclusive jurisdiction over a petition for judicial determination of just compensation in an agrarian reform case. The DAR referral of the issue of valuation to the DARAB will not prevent respondents from asserting in the SAC their rights as landowners, especially since the function of fixing the award of just compensation is properly lodged with the trial court and is not an administrative undertaking.[21]

Neither can respondents' failure to file a motion for reconsideration or an appeal from the Decision of the DARAB be considered as a grave and serious violation of the doctrine of exhaustion of administrative remedies. Such reasoning would ultimately deprive the SAC of the authority to hear and decide the matter of just

compensation.

There is no inherent inconsistency between (a) the primary jurisdiction of the DAR to determine and adjudicate agrarian reform matters and exclusive original jurisdiction over all questions involving the implementation of agrarian reform, including those of just compensation; and (b) the original and exclusive jurisdiction of the SAC over all petitions for the determination of just compensation. “The first refers to administrative proceedings, while the second refers to judicial proceedings.”[22] The jurisdiction of the SAC 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.[23] In *LBP v. Escandor*,[24] the Court further made the following distinctions:

It is settled that the determination of just compensation is a judicial function. The DAR’s land valuation is only preliminary and is not, by any means, final and conclusive upon the landowner or any other interested party. In the exercise of their functions, the courts still have the final say on what the amount of just compensation will be.

Although the DAR is vested with primary jurisdiction under the Comprehensive Agrarian Reform Law (CARL) of 1988 to determine in a preliminary manner the reasonable compensation for lands taken under the CARP, such determination is subject to challenge in the courts. The CARL vests in the RTCs, sitting as SACs, original and exclusive jurisdiction over all petitions for the determination of just compensation. This means that the RTCs do not exercise mere appellate jurisdiction over just compensation disputes.

We have held that the jurisdiction of the RTCs is not any less “original and exclusive” because the question is first passed upon by the DAR. The proceedings before the RTC are not a continuation of the administrative determination. Indeed, although the law may provide that the decision of the DAR is final and unappealable, still a resort to the courts cannot be foreclosed on the theory that courts are the guarantors of the legality of administrative action.[25] (Emphasis supplied.)

Applied to the instant case, the mere fact that landowners, respondents herein, failed to avail themselves of a motion for reconsideration or of an appeal from an adverse Decision of the DARAB will not affect the jurisdiction of the SAC, which had already been exercising authority over the case prior to that adverse ruling. Not being a continuation of the administrative proceedings, the pending Complaint filed by respondents Montalvan in the judicial courts will not be foreclosed by the DARAB’s Decision.

As regards the second issue of the amount of just compensation awarded to respondents by the SAC for the 72-hectare expropriated agricultural lands, petitioner LBP again fails to convince the Court. Petitioner asks us to evaluate the SAC-appointed Panel of Commissioners’ evidentiary basis for determining the value of respondents’ property. In effect, petitioner bank is praying for the resolution of a question of fact, which is improper in the instant Rule 45 Petition. This Court is not a trier of facts; it is not its function to reexamine the SAC’s factual findings, which were supported by the report of the independent Panel of Commissioners and were duly affirmed by the appellate court.[26] Absent any allegation of irregularity or grave abuse of discretion, the factual findings of the lower courts, if substantiated by the Commissioners’ Report, are perforce binding and conclusive on this Court and will no longer be disturbed. Hence, the judicial determination of the value of the expropriated portion amounting to ₱50,000 per hectare is affirmed.

We now come to the third and final issue surrounding the appellate court’s ruling, which directed the DAR and petitioner LBP to pay just compensation for the excluded portion of the lands of respondents Montalvan.

To recall, when respondents Montalvan voluntarily offered to sell their property, the DAR Regional Office selected only 72 hectares as suitable for agriculture and subject to the payment of just compensation. It, however,

showed no interest in acquiring under the CARP the 75.6913 hectares. A legal difficulty, however, arose before this Court when the DAR caused the transfer of the title to the entire 147.6913-hectare land, and yet offered to pay just compensation only for the expropriated, and not for the excluded, portion.

Clearly, it was a mistake on the part of the Republic to transfer the title of respondents Montalvan over the entire 147.6913-hectare land. In its Field Investigation Report, the DAR established its intent to acquire only 72 hectares, which was suitable for agricultural purposes under the CARP. But instead of dividing the lands and issuing two titles over the two portions (one, subject of the CARP; and the other, excluded therefrom), the DAR simply caused the transfer of the entire title to the name of the Republic, without distinction between the expropriated and the excluded portions.

Hence, the DAR unjustly enriched itself when it appropriated the entire 147.6913-hectare real property of respondents Montalvan, because the entire lot was decidedly beyond the area it had intended to subject to agrarian reform under the VOS arrangement. Even the Field Investigation Report issued by the DAR found that the excluded portion together with the five-hectare retention limit was not to be the subject of agrarian reform expropriation. Under the Civil Code,[27] there is unjust enrichment when a person retains the property of another without just or legal ground and against the fundamental principles of justice, equity and good conscience.[28] Hence, although the Court affirms the award of just compensation for the expropriated portion owned by respondents, the Republic cannot hold on to the excluded portion consisting of 75.6913 hectares, despite both portions being included under one new title issued in its favor.

The consequence of our finding of unjust and improper titling of the entire property by the Republic is that the title over the excluded portion shall be returned or transferred back to respondents Montalvan, with damages. The costs of the cancellation of the present title and the issuance of two new titles over the divided portions of the property (the expropriated portion to be retained by the Republic under the VOS arrangement in the CARP, and the excluded portion to revert to respondents) shall be borne by DAR, without prejudice to the right of respondents to seek damages in a proper court.

The reason for this is that DAR cannot be compelled to purchase an entire property offered under a VOS scheme, especially when some portions are unsuitable for agriculture. In *LBP v. Wycoco*,[29] we ruled thus:

Anent the third issue, the DAR cannot be compelled to purchase the entire property voluntarily offered by Wycoco. The power to determine whether a parcel of land may come within the coverage of the Comprehensive Agrarian Reform Program is essentially lodged with the DAR. That Wycoco will suffer damages by the DAR's non-acquisition of the approximately 10 hectare portion of the entire land which was found to be not suitable for agriculture is no justification to compel DAR to acquire the whole area.[30]

The discretion to choose which among the lands submitted under a VOS scheme to be subject of agrarian reform coverage lies with the DAR. In this case, after its experts had examined the properties offered by respondents Montalvan, the DAR identified only the 72-hectare expropriated portion as suitable under the CARP for agricultural purposes. Both the SAC and the CA exceeded their jurisdiction when they resolved to substitute the discretion given to the DAR and ordered that even the excluded portion be subject to agrarian reform expropriation, even if found to be unsuitable for agricultural purposes.

In addition, the failure of the lower courts to receive and hear evidence of the values of the excluded portions further highlights the lack of factual and legal bases for the payment of just compensation. The SAC ordered the DAR and petitioner LBP to pay ₱35,000 per hectare for the excluded portion.[31] However, no factual basis was offered to sustain this specific rate of payment, except for the self-serving claims of respondents Montalvan, who rejected the DAR's initial valuation and cited the presence of coconut trees as justification for demanding an

increase in the offer.[32] Indeed, the Commissioners' Report was specifically limited to the expropriated portion and made no findings on the value of the excluded portion.[33]

The transfer of the title to the entire property, which was beyond the scope of the agrarian reform expropriation proceedings in the DARAB and the SAC, nevertheless entitles respondents – as landowners – to claim damages for having been deprived of the use and possession of the excluded portion.

A government agency's prolonged occupation of private property without the benefit of expropriation proceedings entitles the landowner to damages.[34] Temperate or moderate damages may be recovered when the court finds that some pecuniary loss has been suffered, but its amount cannot be proved with certainty from the nature of the case.[35] These damages may be allowed when the court is convinced that the aggrieved party suffered some pecuniary loss but, from the nature of the case, definite proof of that pecuniary loss cannot be adduced.[36] When the court is convinced that there has been such a loss, the judge is empowered to calculate moderate damages, rather than let the complainant suffer without redress from the defendant's wrongful act.[37]

In the instant case, the DAR violated the property rights of respondent landowners when it caused the titling of the entire land to encompass even the 75.6913-hectare excluded portion. This invasion of proprietary rights, which is imputable to the Republic, deserves redress. However, the form of that redress is limited in this case to damages arising from the erroneous titling of the property. It cannot extend to the point where the Republic would be compelled to acquire the excluded portion, beyond the coverage of the CARP, and pay just compensation for land ill-suited for agricultural purposes, as prayed for by respondents and ordered by the courts below.

WHEREFORE, the Petition for Review on Certiorari dated 08 January 2010 filed by petitioner Landbank of the Philippines is PARTIALLY GRANTED. Accordingly, the 18 March 2009 Decision and 23 October 2009 Resolution of the Court of Appeals in CA-G.R. CV No. 75279-MIN are PARTIALLY MODIFIED, as follows:

- a. Petitioner LBP is directed to pay respondents Paz O. Montalvan and Jesus J. Montalvan just compensation for their 72-hectare land previously covered by Transfer Certificate of Title No. T-285 and expropriated under the Comprehensive Agrarian Reform Program on 03 September 1992 at the rate of P50,000 per hectare, or a total of P3,600,000.
- b. Transfer Certificate of Title No. T-11696 covering the 147.6913-hectare land in the name of the Republic of the Philippines is CANCELLED, and the Republic is ORDERED to cause the issuance of two new titles over the same property, one covering 72 hectares in favor of the Republic; and another covering the remaining portion of 75.6913 hectares in favor of respondents Montalvan, with the costs of the transfer to be against the Republic.
- c. Respondents Montalvan are hereby recognized to have the right to seek damages for the wrongful titling of the land described in paragraph (b) hereof in an appropriate proceeding.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Reyes, JJ., concur.

[1] SAC Decision dated 15 March 2002, pp. 1-4; rollo, pp. 174-177.

[2] CA Decision dated 18 March 2009, pp. 2-7; id. at 9-14.

[3] The excluded portion amounted to 75.6913 hectares of the 147.6913-hectare land. The DAR identified that 70.6913 hectares as consisting of land that was above the 18% slope, undeveloped, roads or creeks. It also set aside five hectares as the required retention limit in favor of the landowners. (Field Investigation Report dated 31

May 1991; id. at 130-135)

[4] CA Decision dated 18 March 2009, p. 3; id. at 10.

[5] “WHEREFORE, decision is hereby rendered upholding the valuation of Land Bank of the Philippines in the amount of P510,768.72 for the 72.0000 hectares of the herein landowner’s property.” (DARAB Decision dated 12 October 1992; CA Decision dated 18 March 2009, p. 4 [id. at 11]).

[6] SAC Order dated 07 April 1993.

[7] DAR Administrative Order No. 06-1992, as amended by DAR Administrative Order No. 11-1994.

[8] The members of the Panel of Commissioners were the following: (a) James Butalid (Provincial Assessor for the Province of Misamis Occidental); (b) Antonio Nerida (Senior Agriculturist, Philippine Coconut Authority for the Province of Misamis Occidental); and (c) Loreto Mutia (retired agriculturist of the DAR, Misamis Occidental), who replaced Atty. Procopio Lao III (Provincial Agriculturist, DAR, Misamis Occidental) when the latter declined the appointment. (CA Decision dated 18 March 2009, pp. 5-6; rollo, pp. 12-13)

[9] “That on October 26, 1999, the Commission convened again and discussed as to the value of the said land until they finally and unanimously agreed to have its fair market value at Fifty Thousand Pesos (P50,000.00) per hectare.”

“That the valuation made by the Commissioners was only on the area of 72.0000 hectares, which were fully planted with cocotrees at the time of inspection/verification which was in October 1999.”

“The Commissioners also considered the location of the land. Though distant from the National Highway, it is slightly flat. The cocotrees production is good. They also based on the Assessor’s market value, BIR Zonal Value and the selling price of adjacent lands.” (Commissioners Report dated 12 January 2000, p. 2; id. at 184)

[10] “On September 6, 2001 Land Bank re-assessed the land (72 hectares) and came up with a valuation at P1,887,174.12 or at P26,210.75 per hectare. The same was rejected by the plaintiffs.” (CA Decision 18 March 2009, p. 6; id. at 13)

[11] Decision dated 15 March 2002, pp. 5-6; id. at 178-179.

[12] Petitioner LBP’s Notice of Appeal dated 24 April 2002; id. at 180.

[13] Id. at 22.

[14] CA Resolution dated 23 October 2009; id. at 119-122.

[15] “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.” (Republic Act No. 6657, as amended, Sec. 56; emphasis supplied.)

[16] “In a number of cases, the Court has upheld the original and exclusive jurisdiction of the RTC, sitting as SAC, over all petitions for determination of just compensation to landowners in accordance with Section 57 of RA No. 6657.” (LBP v. Belista, G.R. No. 164631, 26 June 2009, 591 SCRA 137)

[17] In LBP v. Wycoco, 464 Phil. 83 (2004), the Court ruled that the SAC properly acquired jurisdiction over petitioner Wycoco’s complaint for determination of just compensation. The Court stressed that “although no summary administrative proceeding was held before the DARAB, LBP was able to perform its legal mandate of initially determining the value of Wycoco’s land pursuant to Executive Order No. 405, Series of 1990.”

[18] 376 Phil. 252 (1999).

[19] 515 Phil. 467 (2006).

[20] *Id.* at 476-477.

[21] “In *Republic of the Philippines v. Court of Appeals*, we held that Section 50 must be construed in harmony with Section 57 by considering cases involving the determination of just compensation and criminal cases for violations of R.A. No. 6657 as excepted from the plenitude of power conferred upon the DAR. Indeed, there is a reason for this distinction. The DAR is an administrative agency which cannot be granted jurisdiction over cases of eminent domain (such as taking of land under R.A. No. 6657) and over criminal cases. Thus, in *Land Bank of the Philippines v. Celada*, *Export Processing Zone Authority v. Dulay* and *Sumulong v. Guerrero*, we held that the valuation of property in eminent domain is essentially a judicial function which cannot be vested in administrative agencies. Also, in *Scoty’s Department Store, et al. v. Micaller*, we struck down a law granting the then Court of Industrial Relations jurisdiction to try criminal cases for violations of the Industrial Peace Act.” (*LBP v. Suntay*, G.R. No. 157903, 11 October 2007, 535 SCRA 605)

[22] *LBP v. Natividad*, 497 Phil. 738 (2005), citing *Philippine Veteran’s Bank v. CA*, 379 Phil. 141, 147 (2000).

[23] *Philippine Veteran’s Bank v. CA*, 379 Phil. 141, 147 (2000).

[24] G.R. No. 171685, 11 October 2010, 632 SCRA 504.

[25] *Id.* at 512-513.

[26] “It is hornbook doctrine that under Rule 45 of the Rules of Court, only questions of law, not of fact, may be raised before the Supreme Court. This Court is not a trier of facts and it is not its function to re-examine and weigh anew the respective sets of evidence of the parties. Factual findings of the RTC, herein sitting as a SAC, especially those affirmed by the CA, are conclusive on this Court when supported by the evidence on record.” (*LBP v. Chico*, G.R. No. 168453, 13 March 2009, 581 SCRA 226, 239, citing *Security Bank and Trust Company v. Gan*, 526 Phil. 214, 217 [2006] and *Pleyto v. Lomboy*, 476 Phil. 373, 384-385 [2004])

[27] “Every person who through an act of performance by another, or any other means, acquires or comes into possession of something at the expense of the latter without just or legal ground, shall return the same to him.” (CIVIL CODE, Art. 22)

[28] *Republic v. Court of Appeals*, G.R. No. 160379, 14 August 2009, 596 SCRA 57.

[29] 464 Phil. 83 (2004).

[30] *Id.* at 98.

[31] SAC Decision dated 15 March 2002, p. 6; rollo, p. 179.

[32] CA Decision dated 18 March 2009, p. 3; *id.* at 10.

[33] “That the valuation made by the Commissioners was only on the area of 72.0000 hectares which were fully planted with cocotrees at the time of inspection/verification which was in October 1999.” (Commissioners’ Report dated 12 January 2000, p. 2; *id.* at 184)

[34] *City of Iloilo v. Contreras-Besana*, G.R. No. 168967, 12 February 2010, 612 SCRA 458, citing *MIAA v. Rodriguez*, 518 Phil. 750, 757 (2006).

[35] CIVIL CODE, Art. 2224.

[36] De Guzman v. Tumolva, G.R. No. 188072, 19 October 2011, citing *Seguritan v. People*, 618 SCRA 406, 420 (2010) and *Canada v. All Commodities Marketing Corp.*, 569 SCRA 321, 329 (2008).

[37] *Heirs of Gaité v. The Plaza, Inc.*, G.R. No. 177685, 26 January 2011, 640 SCRA 576, citing *Government Service Insurance System v. Labung-Deang*, 417 Phil. 662 (2001).

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