

EN BANC

**[A.C. No. 12536 [Formerly CBD 12-3298],
November 17, 2020]**

**IN RE: SUPREME COURT (FIRST DIVISION) NOTICE OF
JUDGMENT DATED DECEMBER 14, 2011 IN G.R. NO. 188376, VS.
ATTY. CONCHITA C. MIÑAS, RESPONDENT.**

DECISION

INTING, J.:

The instant administrative case arose in connection with the Court's Decision^[1] dated December 14, 2011 in the case of "*Land Bank of the Phils. v. Suntay*" which directed the Integrated Bar of the Philippines (IBP) to investigate the actuations of Atty. Conchita C. Miñas (Atty. Miñas) in Department of Agrarian Reform Adjudication Board (DARAB) Case No V-0405-0001-00, and to determine any possible administrative liabilities on her part as a member of the Philippine Bar.^[2]

*The Antecedents**

In 1972, the Department of Agrarian Reform (DAR) expropriated 948.1911 hectares of Federico Suntay's (Suntay) land situated in Sta. Lucia, Sablayan, Occidental Mindoro pursuant to Presidential Decree No. (PD) 27.^[3] Land Bank of the Philippines (Land Bank) and the DAR fixed the value of the expropriated property at P4,497.50 per hectare, or a total valuation of P4,251,141.68. Suntay, however, rejected the DAR valuation and filed a petition for determination of just compensation with the Office of the Regional Agrarian Reform Adjudicator (RARAD) of Region IV, DARAB, docketed as DARAB Cast No. V-0405-0001-00. The petition was assigned to Atty. Miñas.^[4]

On January 24, 2001,^[5] Atty. Miñas rendered a Decision^[6] in DARAB Case No. V-0405-0001-00 fixing the just compensation for the expropriated property at P166,150.00 per hectare or P157,541,951.30 in total. Land Bank moved for reconsideration, but Atty. Miñas denied the motion on March 14, 2001.^[7]

This prompted Land Bank to file a petition for judicial determination of just compensation before Branch 46, Regional Trial Court (RTC), San Jose, Occidental Mindoro as a Special Agrarian Court impleading Suntay and Atty. Miñas. In its petition, docketed as Agrarian Case No. R-1241, Land Bank essentially prayed that the total just compensation for the expropriated property be fixed on the basis of the DAR's original valuation thereof at P4,251,141.67.^[8]

Despite the pendency of Agrarian Case No. R-1241, Atty. Miñas issued an Order of Finality dated May 22, 2001 declaring the Decision dated January 24, 2001 final and executory. Subsequently, an Order^[9] dated May 23, 2001 was issued granting

Suntay's *ex-parte* motion for immediate execution of said Decision.

Land Bank contested the Order of Finality dated May 22, 2001 through a motion for reconsideration, but Atty. Miñas denied the motion on July 10, 2001. Thereafter, Atty. Miñas issued a Writ of Execution dated July 18, 2001 directing the Regional Sheriff of DARAB Region IV to implement the Decision dated January 24, 2001.^[10]

Proceedings in DSCA No. 0252

On September 12, 2001, Land Bank filed a petition for *certiorari* with prayer for the issuance of a temporary restraining order (TRO) or preliminary injunction with the DARAB, docketed as DSCA No. 0252, assailing the following issuances of Atty. Miñas:

- a) The decision dated January 24, 2001 directing Land Bank to pay Suntay just compensation of P157,541,951.30;
- b) The order dated May 22, 2001 declaring the decision dated January 24, 2001 final and executory;
- c) The order dated July 10, 2001 denying Land Bank's motion for reconsideration; and
- d) The writ of execution dated July 18, 2001 directing the sheriff to enforce the decision dated January 24, 2001.^[11]

As a result, the DARAB enjoined Atty. Miñas from proceeding with the implementation of the assailed Decision and directed the parties to attend the hearing to determine the propriety of issuing a preliminary or permanent injunction.^[12]

On September 20, 2001, Josefina Lubrica, the assignee of Suntay, filed a petition for prohibition before the Court of Appeals (CA) in order to prevent the DARAB from proceeding with DSCA No. 0252. The case was docketed as CA-G.R. SP No. 66710.^[13]

In its Decision^[14] dated August 22, 2002, the CA granted the petition for prohibition, perpetually enjoined the DARAB from proceeding with DSCA No. 0252, and likewise dismissed it. It ruled that the DARAB had no jurisdiction to take cognizance of DSCA No. 0252 considering that its exercise of jurisdiction over a special civil action for *certiorari* has no constitutional or statutory basis.

The DARAB thereafter filed a petition for review on *certiorari* with the Court. The case was docketed as G.R. No. 159145.^[15]

The Court, in its Decision^[16] dated April 29, 2005, affirmed the CA Decision *in toto*. It ruled that the DARAB's limited jurisdiction as a quasi-judicial body does not include the authority to take cognizance of *certiorari* petitions in the absence of an express grant under Republic Act No. (RA) 6657 or the Comprehensive Agrarian Reform Law of 1988, Executive Order No. (EO) 229,^[17] and EO 129-A.^[18]

Proceedings in Agrarian Case No. R-1241

Meanwhile, in Agrarian Case No. R-1241, Suntay filed a motion to dismiss before the RTC claiming that Land Bank's petition for judicial determination of just

compensation had been filed beyond the 15-day reglementary period and by virtue of such tardiness, the Decision dated January 24, 2001 had already become final and executory.^[19]

In its Order dated August 6, 2001, the RTC granted the motion and dismissed Land Bank's petition for having been belatedly filed. Land Bank moved for reconsideration, but the RTC denied the motion on August 31, 2001.^[20]

Consequently, Land Bank elevated the case before the CA *via* a petition for *certiorari*.^[21]

In Its Decision^[22] dated July 19, 2002, the CA initially granted Land Bank's petition for *certiorari*, nullified the assailed RTC Orders, and permanently enjoined Atty. Miñas from enforcing the Writ of Execution dated July 18, 2001. However, upon Suntay's motion, the CA reconsidered its original ruling, dismissed the special civil action for *certiorari*, and revoked and set aside the injunction against Atty. Miñas from implementing the Writ of Execution dated July 18, 2001.^[23]

Aggrieved, Land Bank appealed before the Court on May 6, 2003.^[24] The case was docketed as **G.R. No. 157903**.

Alias Writ of Execution dated September 14, 2005

On September 14, 2005, despite the pendency of G.R. No. 157903 with the Court, Atty. Miñas issued an Alias Writ of Execution^[25] citing the Court's Decision dated April 29, 2005 in G.R. No. 159145 as basis thereof. Specifically, Atty. Miñas relied on the Court's pronouncement that the RARAD Decision dated January 24, 2001 had already attained finality due to Land Bank's belated filing of its petition for judicial determination of just compensation with the RTC.^[26]

Acting pursuant thereto, the DARAB sheriffs issued and served: (a) a notice of demand to Land Bank on September 15, 2005; (b) a notice of levy to Land Bank on September 21, 2005; (c) a notice of levy on the Bank of the Philippine Islands and the Hongkong Shanghai Banking Corporation both on September 28, 2005; and (d) an order to deliver "so much of the funds" in its custody "sufficient to satisfy the final judgment" to Land Bank on October 5, 2005.^[27]

The Court's Ruling in G.R. No. 157903

On October 12, 2005, the Court, upon Land Bank's urgent motion, issued a TRO^[28] enjoining the RARAD from implementing the Decision dated January 24, 2001 until the case was finally decided.

On October 24, 2005, the Court directed the parties to maintain the *status quo ante*, viz.:^[29]

x x x Acting on the petitioner's very urgent manifestation and omnibus motion dated October 21, 2005, the Court Resolves to *DIRECT* the parties to maintain the *STATUS QUO* prior to the issuance of the Alias Writ of Execution dated September 14, 2005. *All actions done in*

compliance or in connection with the said Writ issued by Hon. Conchita C. Miñas, Regional Agrarian Reform Adjudicator (RARAD), are hereby DEEMED QUASHED, and therefore, of no force and effect.^[30] (Italics in the original and supplied.)

In so doing, the Court effectively revoked all actions done in compliance with the Alias Writ of Execution dated September 14, 2005 issued by Atty. Miñas.

On October 23, 2005, Atty. Miñas reversed her ruling and quashed all acts done pursuant to the Alias Writ of Execution dated September 14, 2005 in view of the Court's Resolution dated October 24, 2005 in G.R. No. 157903.^[31]

In its Decision^[32] dated October 11, 2007 in G.R. No. 157903, the Court reversed and set aside the CA ruling and ordered the RTC to conduct further proceedings to determine the proper just compensation for Suntay's expropriated property. It ruled that Land Bank properly filed its Petition for determination of just compensation before the RTC in accordance with Section 57 of RA 6657. It emphasized that the RTCs, sitting as Special Agrarian Courts, had original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners.

On March 19, 2008, the Court's Decision dated October 11, 2007 became final and executory and was recorded in the Book of Entries of Judgments.^[33]

Order to Resume Interrupted Execution of Alias Writ

Notwithstanding the finality of the Court's Decision in G.R. No. 157903, Suntay filed an Urgent *Ex-Parte* Manifestation and Motion to Resume Interrupted Execution^[34] of the Decision dated January 24, 2001 in DARAB Case No. V-0405-0001-00. Suntay argued that said Decision had already become final and executory pursuant to the case of *Land Bank of the Phils. v. Martinez*^[35] (*Martinez*) wherein the Court reiterated its earlier ruling in *Dept. of Agrarian Reform Adjudication Board v. Lubrica*^[36] (*Lubrica*) that a petition for the fixing of just compensation with the Special Agrarian Courts must be filed within the 15-day period stated in the DARAB Rules; otherwise, the adjudicator's decision will attain finality.

On October 30, 2008, Atty. Miñas granted Suntay's motion and ordered the DARAB sheriffs to resume their implementation of the Alias Writ of Execution dated September 14, 2005,^[37] viz.:

The basis of the motion, the case of *Land Bank vs. Raymunda Martinez* (*supra*) indubitably clarified that "the adjudicator's decision on land valuation attained finality after the lapse of the 15-day period citing the case of *Department of Agrarian Reform Adjudication Board vs. Lubrica* in G.R. No. 159145 promulgated on April 29, 2005. x x x

The ruling in the case of *Land Bank of the Philippines vs. Raymunda Martinez* which upheld the Decision in *Lubrica* having attained finality the Status Quo Order issued by the Third Division in G.R. No. 157903 is now rendered ineffective.

WHEREFORE, premises considered, the instant motion is hereby

GRANTED.

x x x x^[38]

This prompted Land Bank to file a special civil action for *certiorari* with the CA (docketed as CA-G.R. SP No. 106104), claiming that Atty. Miñas gravely abused her discretion when she rendered *ex parte*, and without notice to the adverse party, the Order dated October 30, 2008 which effectively modified or altered the Court's final and executory Decision in G.R. No. 157903.^[39]

In the meantime, the DAR formally charged Atty. Miñas with grave abuse of authority, ignorance of the law, conduct unbecoming of an adjudicator in a quasi-judicial body of the DAR (the DARAB), and conduct prejudicial to the best interest of the public for issuing the Order dated October 30, 2008.^[40] Accordingly, the DAR preventively suspended Atty. Miñas and replaced her with RARAD Marivic C. Casabar (RARAD Casabar) of Region I.^[41]

On December 15, 2008, RARAD Casabar immediately recalled the Order^[42] dated October 30, 2008, viz.:

Considering the patently and indubitable illegality of the Order, subject hereof virtually a defiance of express orders of the Supreme Court in the said case and, in compliance and strict observance with the said mandatory and extant directives of the Supreme Court, it is hereby RESOLVED and DIRECTED that the said Order of October 30, 2008 in DARAB CASE No. V-0405-0001-00 should be, as hereby it is, RECALLED and WITHDRAWN and any action taken pursuant thereto or by authority thereof are DEEMED NULLIFIED and CANCELLED, having been done in violation of the declared *status quo* prior to the issuance of the Alias Writ of Execution (Resolution of October 24, 2005, G.R. No. 157903), not to make mention of the issued and existing restraining order. All thereof are DEEMED QUASHED and of no force and effect.^[43] (Italics in the original and supplied.)

Nevertheless, the DAR later on issued a Resolution^[44] dated June 15, 2010 dismissing the formal charges against Atty. Miñas.

In view of the RARAD Order dated December 15, 2008, the CA dismissed Land Bank's petition for *certiorari* in CA-G.R. SP No. 106104 on the ground of mootness.^[45] Dismayed, Land Bank elevated the case to the Court through a petition for review on *certiorari*. The case was docketed as **G.R. No. 188376**.

The Court's Ruling in G.R. No. 188376

In its Decision^[46] dated December 14, 2011, the Court noted that Land Bank's appeal was the third time that its intervention was invoked regarding the controversy, the earlier cases being *Lubrica* docketed as G.R. No. 159145 and *Land Bank of the Phils. v. Suntay*^[47] (*Suntay*) docketed as G.R. No. 157903. Given the seemingly conflicting pronouncements in *Lubrica* and *Suntay*, the Court resolved to reverse the assailed CA ruling and settle with finality the legality of the Order dated