

THIRD DIVISION

[G.R. No. 148892, May 06, 2010]

LAND BANK OF THE PHILIPPINES, PETITIONER, VS. LUZ L. RODRIGUEZ, RESPONDENT.

DECISION

MENDOZA, J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing 1] the December 23, 1998 Resolution^[1] of the Court of Appeals, in CA-G.R. CV No. 60471, dismissing the appeal of petitioner Land Bank; and 2] its July 3, 2001 Resolution denying petitioner's motion for the reconsideration thereof.

THE FACTS

Respondent Luz L. Rodriguez (*Rodriguez*) is the registered owner of three (3) parcels of agricultural land in Basud, Camarines Norte, which she voluntarily offered for sale to the government under the Comprehensive Agrarian Reform Program under Republic Act (RA) 6657 (*CARP*). These parcels of land are covered by Transfer Certificate of Title (TCT) No. 15208 with an area of 111.3895 hectares, TCT No. 15225 with an area of 20.0345 hectares and TCT No. T-15213 with an area of 47.2877 hectares (*the property*). The portion of the property planted to coconuts has a total area of 177.4240 hectares, while the portion planted to rice has an area of 1.2877 hectares.^[2]

Under the CARP, the government, in the exercise of its power of eminent domain, takes over private agricultural property for distribution to qualified beneficiaries after paying just compensation to the landowner. In the present case, the Department of Agrarian Reform (*DAR*), as implementor of the land reform program, already expropriated the property but the Land Bank of the Philippines (*Landbank*) as financier has not yet paid their full value to Rodriguez.^[3]

Not satisfied with the amount offered as compensation, Luz Rodriguez filed a petition to determine just compensation with the Regional Trial Court of Daet, Camarines Norte, sitting as Special Agrarian Court (*RTC-SAC*). After trial, the RTC-SAC rendered a decision, the dispositive portion of which reads:

"IN VIEW OF THE CIRCUMSTANCES, judgment is hereby rendered as follows:

1. Ordering respondent Landbank to pay the petitioner Luz Rodriguez for the 160.851 hectares of coconut land in the sum of P17,443,245.41 in cash and in bonds the

proportion provided by law;

2. Ordering respondent Landbank to pay the petitioner for the 1.2877 hectares of riceland in the sum of P77,200.00 in cash and in bonds in the proportion provided for by law;
3. Ordering respondent Landbank to pay the petitioner Luz Rodriguez the sum of P254,132.00 as the compounded interest in cash.

IT IS SO ORDERED.

Landbank moved for reconsideration of the RTC-SAC decision but its motion was denied.

On August 18, 1998, Landbank filed a Notice of Appeal.^[4] In its August 20, 1998 Order,^[5] the RTC-SAC gave due course to the notice of appeal. Eventually, the original records were forwarded to the Court of Appeals (CA).

Not in conformity with the August 20, 1998 Order, Rodriguez asked the RTC-SAC for its reconsideration basing its motion on Section 60 of RA 6657. Under said section, an "appeal may be taken from the decision of the Special Agrarian Courts by filing a *petition for review* with the Court of Appeals within fifteen (15) days from receipt of notice of the decision; otherwise, the decision shall become final."

The RTC-SAC found Rodriguez's motion meritorious and declared that its determination in its September 18, 1998 order of the amount of just compensation had become final and executory. It also ordered the return of the records that were already forwarded to the CA.^[6]

Based on this order, Rodriguez filed a motion^[7] with the CA for the return of the records. Landbank filed an opposition and argued that the CA had jurisdiction over its appeal and could decide if its appeal was proper. In time, the CA dismissed Landbank's appeal through its assailed resolution with the following dispositive portion:

ACCORDINGLY, for failure of appellant to avail of the proper remedy, the instant appeal is hereby DISMISSED.

Appellee's "Motion to Remand Records to the Court of Origin, Regional Trial Court, Branch 40, Daet, Camarines Norte" is GRANTED. Let the entire record be returned to the trial court for resolution of incidents pending therein.

THE ISSUE

In this petition, Landbank submits that the sole issue is whether the proper mode of

appeal from a decision of the RTC-SAC under the Rules of Court is by ordinary appeal under Rule 41^[8] or by petition for review under Rule 42.^[9] Landbank posits that the proper mode of appeal is by ordinary appeal pursuant to Section 61 of RA 6657.^[10]

In her Comment,^[11] Rodriguez contends that a petition for review, not an ordinary appeal, is the proper procedure as held in *Land Bank of the Philippines v. De Leon*.^[12]

THE COURT'S RULING

Landbank admitted in its Memorandum^[13] that the issue had already been settled in *Land Bank of the Philippines v. De Leon*. In ruling that a petition for review and not an ordinary appeal is the proper mode of appeal from the decision of the RTC-SAC in cases involving the determination of just compensation, the Court said:

The reason why it is permissible to adopt a petition for review when appealing cases decided by the Special Agrarian Courts in eminent domain cases is the need for absolute dispatch in the determination of just compensation. Just compensation means not only paying the correct amount but also paying for the land within a reasonable time from its acquisition. Without prompt payment, compensation cannot be considered "just" for the property owner is made to suffer the consequences of being immediately deprived of his land while being made to wait for a decade or more before actually receiving the amount necessary to cope with his loss. Such objective is more in keeping with the nature of a petition for review.

Unlike an ordinary appeal, a petition for review dispenses with the filing of a notice of appeal or completion of records as requisites before any pleading is submitted. A petition for review hastens the award of fair recompense to deprived landowners for the government-acquired property, an end not foreseeable in an ordinary appeal. xxx

On March 20, 2003, the Court issued an *En Banc* Resolution^[14] to address the status of pending cases which had been appealed through a notice of appeal:

WHEREFORE, the motion for reconsideration dated October 16, 2002 and the supplement to the motion for reconsideration dated November 11, 2002 are partially granted. While we clarify that the Decision of this Court dated September 10, 2002 stands, our ruling therein that a petition for review is the correct mode of appeal from decisions of Special Agrarian Courts shall **apply only to cases appealed after the finality of this Resolution.** [emphasis supplied]

As earlier stated, Landbank filed its notice of appeal on August 18, 1998. Pursuant to the ruling that *De Leon* can be applied prospectively from March 20, 2003, the appeal of Landbank, filed prior to that date, could be positively acted upon.