

THIRD DIVISION

[G.R. No. 164195, April 30, 2008]

**APO FRUITS CORPORATION AND HIJO PLANTATION, INC.,
PETITIONERS, VS. THE HON. COURT OF APPEALS AND LAND
BANK OF THE PHILIPPINES RESPONDENTS.**

R E S O L U T I O N

CHICO-NAZARIO, J.:

On 6 February 2007, the Third Division of this Court promulgated its Decision in this case, partially granting the Petition for Review on *Certiorari* of Apo Fruits Corporation (AFC) and Hijo Plantation, Inc. (HPI). According to the dispositive portion of said Decision:

WHEREFORE, premises considered, the instant Petition is **PARTIALLY GRANTED**. While the Decision, dated 12 February 2004, and Resolution, dated 21 June 2004, of the Court of Appeals in CA-G.R. SP No. 76222, giving due course to LBP's appeal, are hereby **AFFIRMED**, this Court, nonetheless, **RESOLVES**, in consideration of public interest, the speedy administration of justice, and the peculiar circumstances of the case, to give **DUE COURSE** to the present Petition and decide the same on its merits. Thus, the Decision, dated 25 September 2001, as modified by the Decision, dated 5 December 2001, of the Regional Trial Court of Tagum City, Branch 2, in Agrarian Cases No. 54-2000 and No. 55-2000 is **AFFIRMED**. No costs.^[1]

The *fallo* of the affirmed Decision of the Regional Trial Court (RTC) in Agrarian Cases No. 54-2000 and No. 55-2000, as it was originally promulgated on 25 September 2001, reads:

WHEREFORE, consistent with all the foregoing premises, judgment is hereby rendered by this Special Agrarian Court where it has determined judiciously and now hereby fixed the just compensation for the 1,388.6027 hectares of lands and its improvements owned by the plaintiffs: APO FRUITS CORPORATION and HIJO PLANTATION, INC., as follows:

First - Hereby ordering after having determined and fixed the fair, reasonable and just compensation of the 1,338.6027 hectares of land and standing crops owned by plaintiffs - APO FRUITS CORPORATION and HIJO PLANTATION, INC., based at only P103.33 per sq. meter, **ONE BILLION THREE HUNDRED EIGHTY-THREE MILLION ONE HUNDRED SEVENTY-NINE THOUSAND PESOS (P1,383,179,000.00), Philippine Currency**, under the current value of the

Philippine Peso, to be paid jointly and severally to the herein PLAINTIFFS by the Defendants-Department of Agrarian Reform and its financial intermediary and co-defendant Land Bank of the Philippines, thru its Land Valuation Office;

Second - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay plaintiffs-APO FRUITS CORPORATION and HIJO PLANTATION, INC., interests on the above-fixed amount of fair, reasonable and just compensation equivalent to the market interest rates aligned with 91-day Treasury Bills, from the date of the taking in December 9, 1996, until fully paid, deducting the amount of the previous payment which plaintiffs received as/and from the initial valuation;

Third - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay jointly and severally the Commissioners' fees herein taxed as part of the costs pursuant to Section 12, Rule 67 of the 1997 Rules of Civil Procedure, equivalent to, and computed at Two and One-Half (2 ½) percent of the determined and fixed amount as the fair, reasonable and just compensation of plaintiffs' land and standing crops plus interest equivalent to the interest of the 91-Day Treasury Bills from date of taking until full payment;

Fourth - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay jointly and severally the attorney's fees to plaintiffs equivalent to, and computed at ten (10%) Percent of the determined and fixed amount as the fair, reasonable and just compensation of plaintiffs' land and standing crops, plus interest equivalent to the 91-Day Treasury Bills from date of taking until the full amount is fully paid;

Fifth - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office to deduct from the total amount fixed as fair, reasonable and just compensation of plaintiffs' properties the initial payment paid to the plaintiffs;

Sixth - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE

PHILIPPINES, thru its Land Valuation Office, to pay the costs of the suit; and

Seventh - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay all the aforementioned amounts thru The Clerk of Court of this Court, in order that said Court Officer could collect for payment any docket fee deficiency, should there be any, from the plaintiffs.^[2]

It was subsequently modified, as follows, by the RTC in an Order dated 5 December 2001:

WHEREFORE, premises considered, IT IS HEREBY ORDERED that the following modifications as they are hereby made on the dispositive portion of this Court's consolidated decision be made and entered in the following manner, to wit:

On the Second Paragraph of the Dispositive Portion which now reads as follows, as modified:

Second - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay plaintiffs-APO FRUITS CORPORATION and HIJO PLANTATION, INC., interest at the rate of Twelve (12%) Percent per annum on the above-fixed amount of fair, reasonable and just compensation computed from the time the complaint was filed until the finality of this decision. After this decision becomes final and executory, the rate of TWELVE (12%) PERCENT per annum shall be additionally imposed on the total obligation until payment thereof is satisfied, deducting the amounts of the previous payments by Defendant-LBP received as initial valuation;

On the Third Paragraph of the Dispositive Portion which Now Reads As Follows, As Modified:

Third - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay jointly and severally the Commissioners' fees herein taxed as part of the costs pursuant to Section 12, Rule 67 of the 1997 Rules of Civil Procedure, equivalent to, and computed at Two and One-Half (2 ½) percent of the determined and fixed amount as the fair, reasonable and just compensation of plaintiffs' land and standing crops and improvements;

On the Fourth Paragraph of the Dispositive Portion which Now Reads As follows, As Modified:

Fourth - Hereby ordering Defendants - DEPARTMENT OF AGRARIAN REFORM and/or LAND BANK OF THE PHILIPPINES, thru its Land Valuation Office, to pay jointly and severally the attorney's fees to plaintiffs equivalent to, and computed at ten (10%) Percent of the determined and fixed amount as the fair, reasonable and just compensation of plaintiffs' land and standing crops and improvements.

Except for the above-stated modifications, the consolidated decision stands and shall remain in full force and effect in all other respects thereof.^[3]

From the 6 February 2007 Decision of the Third Division, the Land Bank of the Philippines (LBP) filed an Omnibus Motion seeking the (a) reconsideration of the said decision; (b) referral of the case to the Supreme Court sitting *en banc*; and (c) setting of its motion for oral argument.^[4]

In its 19 December 2007 Resolution, the Third Division partially granted the Motion for Reconsideration of LBP by modifying its 6 February 2007 Decision, and ruled:

WHEREFORE, premises considered, the Motion for Reconsideration is PARTIALLY GRANTED as follows:

(1) The award of 12% interest rate per annum in the total amount of just compensation is DELETED.

(2) This case is ordered REMANDED to the RTC for further hearing on the amount of Commissioners' Fees.

(3) The award of attorney's fees is DELETED.

(4) The Motion for Referral of the case to the Supreme Court sitting En Banc and the request or setting of the Omnibus Motion for Oral Arguments are all DENIED for lack of merit. In all other respects, our Decision dated 6 February 2007 is MAINTAINED.^[5]

Consequently, all the parties sought reconsideration of the afore-quoted Resolution.

LBP filed another Omnibus Motion seeking (a) reconsideration of the Resolution dated 19 December 2007 of the Third Division denying LBP's motion to refer the case to the Supreme Court *en banc*; and (b) leave of court to file a second Motion for Reconsideration^[6] on the issue of just compensation for the subject properties. LBP thus prays -

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Court (Third Division), TO REFER this case to the Honorable