

## FIRST DIVISION

[ G.R. No. 161844, December 08, 2008 ]

**RAFAEL M. CONCEPCION, PETITIONER, VS. COURT OF APPEALS  
AND LAND BANK OF THE PHILIPPINES, RESPONDENTS.**

### D E C I S I O N

**CARPIO, J.:**

#### The Case

Before the Court is a petition for certiorari and prohibition assailing the 6 November 2002<sup>[1]</sup> and 11 December 2003<sup>[2]</sup> Resolutions of the Court of Appeals in CA-G.R. CV No. 60227.

#### The Antecedent Facts

Rafael M. Concepcion (petitioner) was the owner of four parcels of irrigated rice land situated in Pacalcal, Bamban, Tarlac, with a total area of 26.6497 hectares. The parcels of land were put under Presidential Decree No. 27 (PD 27).<sup>[3]</sup> The Department of Agrarian Reform (DAR) fixed the just compensation at P114,865, P28,086.32, P10,442.65 and P32,164.99 for the lands covered by Transfer Certificates of Title (TCT) No. 116708, TCT No. 118975, TCT No. 118977 and TCT No. 118980, respectively.

Petitioner filed a complaint before the Regional Trial Court of Tarlac, Tarlac, Branch 63 (trial court), acting as a Special Agrarian Court, praying for the trial court to fix the just compensation for the parcels of land.

#### The Ruling of the Trial Court

In its Decision<sup>[4]</sup> dated 18 December 1997, the trial court fixed the just compensation at P100,000 per hectare. The trial court ruled that the selling price of *palay* should be P400. The trial court stated that it was unrealistic to fix the just compensation at P7,057.75 per hectare as computed by the DAR.

The dispositive portion of the trial court's Decision reads:

WHEREFORE, the Court finds that the just compensation for the parcels of land covered by TCT Nos. 116708, 118975, 118977 and 118980 is P100,000.00 per hectare, to be paid in accordance with Section 18 of RA 6657.

SO ORDERED.<sup>[5]</sup>

Land Bank of the Philippines (respondent) filed an ordinary appeal from the trial court's Decision before the Court of Appeals. The case was docketed as CA-G.R. CV No. 60227. DAR, on the other hand, filed a petition for review before the Court of Appeals, docketed as CA-G.R. SP No. 47006.

### **The Ruling of the Court of Appeals**

In its Resolution<sup>[6]</sup> promulgated on 14 April 1998, the Court of Appeals denied due course to and dismissed DAR's petition for review in CA-G.R. SP No. 47006 for having been filed late.

In its Resolution promulgated on 6 November 2002, the Court of Appeals dismissed the appeal in CA-G.R. CV No. 60227. Citing this Court's 10 September 2002 Decision in *Land Bank of the Phil. v. De Leon*,<sup>[7]</sup> the Court of Appeals ruled that the proper mode of appeal from the decision of the Regional Trial Court sitting as a Special Agrarian Court shall be by petition for review.

Respondent filed a motion for reconsideration.

In its 11 December 2003 Resolution, the Court of Appeals granted the motion for reconsideration and reinstated the appeal. The Court of Appeals cited this Court's 20 March 2003 Resolution partially granting the motion for reconsideration in *Land Bank of the Phil. v. De Leon*.<sup>[8]</sup> The Court of Appeals ruled that this Court's 10 September 2002 Decision holding that a petition for review is the correct mode of appeal from decisions of Special Agrarian Courts shall apply only after the finality of the 20 March 2003 Resolution of this Court in *Land Bank of the Phil. v. De Leon*.

Hence, the petition for certiorari and prohibition filed before this Court by petitioner.

### **The Issue**

The sole issue raised by petitioner is whether the ruling of this Court in *Land Bank of the Phil. v. De Leon* applies in this case.

### **The Ruling of this Court**

The petition has no merit.

The prospective application of *Land Bank of the Phil. v. De Leon* has long been settled by this Court. In *Gabatin v. Land Bank of the Phil.*,<sup>[9]</sup> the Court explained:

It bears noting that the Decision, which prescribed for Rule 42 as the correct mode of appeal from the decisions of the SAC, was promulgated by this Court only on 10 September 2002, while the Resolution of the motion for reconsideration of the said case giving it a prospective application was promulgated on 20 March 2003. x x x. In *Land Bank v. De Leon*, we held:

On account of the absence of jurisprudence interpreting Sections 60 and 61 of RA 6657 regarding the proper way to appeal decisions of Special Agrarian Courts as well as the conflicting decisions of the