

## SECOND DIVISION

[ G.R. NO. 167399, June 22, 2006 ]

**ERNESTINA L. CRISOLOGO-JOSE, PETITIONER, VS. LAND BANK OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**GARCIA, J.:**

In this petition for review under Rule 45 of the Rules of Court, petitioner Ernestina L. Crisologo-Jose seeks to set aside the Decision of the Court of Appeals (CA) dated October 15, 2004<sup>[1]</sup> in *CA-G.R. CV No. 69463* and its Resolution of January 24, 2005<sup>[2]</sup> denying her motion for reconsideration.

Records yield the following facts:

Petitioner is the owner of 34.6960 hectares of land which used to form part of a larger expanse situated in Talavera, Nueva Ecija and covered by Transfer Certificate of Title (TCT) No. NT-147218 of the land records of North Nueva Ecija. She is also the owner of several parcels of land situated in the same municipality with a total area of 27.09 hectares and covered by twelve (12) separate titles, *i.e.*, TCT Nos. 155604 -09, 155611, 155615, 245112-15. According to the petitioner, respondent Land Bank of the Philippines (Land Bank) gave these landholdings – which she inherited from her uncle, Alejandro T. Lim - a measly valuation of P9,000.00 per hectare.

Excepting from the valuation purportedly thus given, petitioner filed on September 25, 1997, a *PETITION*<sup>[3]</sup> for determination of just compensation respecting her landholdings aforementioned. In said petition, docketed as AGR. CASE No. 962-G of the Regional Trial Court of Guimba, Nueva Ecija, petitioner prayed that "the sum of P100,000.00 at least per hectare, or the total sum of P6,178,600.00 be fixed as just compensation of the total area of 61.7860 hectares," it being her allegation that her computation hewed with the guidelines established under the Comprehensive Agrarian Reform Law<sup>[4]</sup> and other related statutes.

It appears that in the midst of petitioner's presentation of her evidence, the trial court admitted Land Bank's *ANSWER* where, in gist, it alleged the following:

1. Of the 203.1060 hectares covered by TCT No. NT-147218, 168.31 hectares thereof was actually acquired by DAR from Alejandro T. Lim pursuant to Operation Land Transfer under Presidential Decree (P.D.) No. 27, at P8,732.51 per hectare. The remaining 34.7960 hectares were left out from the coverage being either a school site, a creek, a road or residential area.

2. With respect to the other landholdings purportedly situated in Talavera, Nueva Ecija, the claim folders thereof, if any, had not been forwarded to the bank by the DAR.

On September 8, 1999, the trial court, after due proceedings, rendered judgment fixing the fair market value of the 61.7860 hectares of the land in question at P100,000.00 per hectare. But beyond value determination, the trial court ordered the respondent to pay petitioner the total sum of P6,178,600.00, subject to the usual rules and regulation regarding payment.<sup>[5]</sup>

Following the denial of its motion for reconsideration, respondent Land Bank went on appeal to the CA whereat its recourse was docketed as *CA-G.R. CV No. 69463*.

Eventually, the CA, in a decision dated October 15, 2004, reversed that of the trial court, disposing as follows:

**WHEREFORE**, premises considered, the instant appeal is hereby **GRANTED**. The assailed decision dated September 8, 1999 is hereby **REVERSED** and **SET ASIDE**, entering a new one DISMISSING the case for lack of merit.

SO ORDERED. (Emphasis in the original)

In time, petitioner moved for reconsideration but the CA denied her motion in its equally assailed resolution of January 24, 2005.

Hence, petitioner's present recourse on both procedural and substantive grounds.

The petition is without merit

On the procedural angle, petitioner faults the appellate court for relying on and lending credence to the allegations and defenses that respondent averred in its answer which it filed beyond the 15-day period prescribed under Section 1, Rule 11 of the Rules of Court.<sup>[6]</sup> Petitioner also blames the trial court for admitting, instead of expunging from the records, said answer and for not declaring the respondent in default.

We are not persuaded.

To admit or to reject an answer filed after the prescribed period is addressed to the sound discretion of the court.<sup>[7]</sup> In fact, Section 11, Rule 11 of the Rules authorizes the court to accept answer though filed late, thus:

SECTION. 11. *Extension of time to plead.* – Upon motion and on such terms as may be just, the court may extend the time to plead provided in these Rules.

The court may also, upon like terms, **allow an answer** or other pleading **to be filed after the time fixed by these Rules**. (Emphasis added.)