

SEVENTH DIVISION

[CA - G.R. SP No. 130431, November 24, 2014]

PROVINCIAL AGRARIAN REFORM OFFICER AND LANDBANK OF THE PHILIPPINES, RESPONDENTS, VS. BENITO MARASIGAN, JR., PETITIONER.

DECISION

LOPEZ, J.:

The Department of Agrarian Reform (DAR) placed under the coverage of the Comprehensive Agrarian Reform Program (CARP) specific portions of the two (2) parcels of land owned by petitioner Benito Marasigan, Jr., to wit:

Transfer Certificate of Title No.	Total Land Area	Area Covered by CARP
T-24060	13.5550 hectares	1.0063 hectares
T-24063	4.5183 hectares	.6616 hectare

The Land Bank of the Philippines (LBP) valued the parcels of land at P60,795.96 for 1.0063 hectares and P52,975.14 for 0.6616 hectares. DAR offered to pay the amounts to petitioner, but the offer was rejected. Thus, DAR filed with the Provincial Agrarian Reform Adjudication Board (PARAD) two (2) actions for summary administrative proceedings for the preliminary determination of just compensation.

On November 17, 2011, Provincial Adjudicator Victor B. Baguilat rendered two (2) separate Decisions upholding LBP's valuation of the properties, thus:

In LV-0401-049-09 (T-24063).

Clearly, the amount of Php52,975.14, the land value being offered by petitioner DAR as just compensation of the 0.6616 hectares(sic) of the property placed under coverage, was reached using relevant data and upon application of the proper formula in computing land value of agricultural lands under CARP and absent any showing to the contrary, the same is found to be a valid valuation.

WHEREFORE, xxx, judgment is hereby rendered declaring the computed land value of Php52,975.14 as just compensation of the area actually placed under CARP measuring 0.6616 hectares embraced by TCT No. T-24063.^[1]

In LV-0401-041-09 (T24060).

Clearly, the amount of Php 60,795.60, the land value being offered by petitioner DAR as just compensation of the 1.0063 hectares property placed under coverage, was reached using relevant data and upon application of the proper formula in computing land value of agricultural lands under CARP and absent any showing to the contrary, the same is found to a valid valuation.

WHEREFORE, xxx, judgment is hereby rendered declaring the computed land value of Php 60,795.60 as just compensation of the area actually placed under CARP measuring 1.0063 hectares embraced by TCT No. T-24060.^[2]

Petitioner appealed to the Department of Agrarian Reform Adjudication Board (DARAB). In his Memorandum,^[3] petitioner maintained that the subject parcels of land should not have been placed under the coverage of CARP because he did not receive a Notice of Coverage and a Notice of Acquisition which violated his right to administrative due process. Moreover, the portions of the properties placed under the coverage of CARP were not clearly identified.

In its Decision dated May 3, 2013,^[4] DARAB denied the appeal for lack of jurisdiction. The action filed by the DAR with the PARAD is for the preliminary determination of just compensation. Thus, petitioner's remedy from the adverse decision of the Adjudicator is to file an original action for judicial determination of just compensation with the regional trial court sitting as Special Agrarian Court (SAC).

Petitioner is now before this Court *via* Rule 43^[5] of the Rules of Court contending that the DARAB erred when:

I. xxx IT DISMISSED THESE CASES FOR LACK OF JURISDICTION WHICH ERROR IF NOT CORRECTED WOULD CAUSE GRAVE AND IRREPARABLE DAMAGE OR INJURY TO THE PETITIONER;

II. xxx IT DISREGARDED THE FACT THAT THE HONORABLE PROVINCIAL ADJUDICATOR HAS ALREADY COMMITTED GRAVE ERROR IN HEARING AND DECIDING THESE CASES DESPITE THE FACT THAT THE SUBJECT LAND SHOULD NOT HAVE BEEN PLACED UNDER CARP [I]N THE FIRST PLACE, WHICH ERROR IF NOT CORRECTED WOULD CAUSE GRAVE AND IRREPARABLE DAMAGE OR INJURY TO THE PETITIONER;

III. xxx IT DISREGARDED THE FACT THAT THE HONORABLE PROVINCIAL ADJUDICATOR HAS ALREADY COMMITTED GRAVE ERROR IN CONCLUSIONS OF LAW WHEN IT HEARD AND DECIDED THESE CASES DESPITE THE FACT THAT THE SUBJECT LAND WAS NOT YET CLEARLY AND PARTICULARLY IDENTIFIED, WHICH ERROR IF NOT CORRECTED