

# FIRST DIVISION

[ G.R. No. 222882, December 02, 2020 ]

**BENITO MARASIGAN, JR., PETITIONER, VS. PROVINCIAL  
AGRARIAN REFORM OFFICER, LAND BANK OF THE PHILIPPINES  
AND DEPARTMENT OF AGRARIAN REFORM ADJUDICATION  
BOARD (DARAB), RESPONDENTS.**

## DECISION

### CAGUIOA, J:

This is a Petition for Review on *Certiorari*<sup>[1]</sup> (petition) under Rule 45 of the Rules of Court (Rules) filed by Benito Marasigan, Jr. (petitioner) seeking a reversal of the Decision<sup>[2]</sup> dated November 24, 2014 (assailed Decision) and Resolution<sup>[3]</sup> dated January 6, 2016 of the Court of Appeals, Seventh Division (CA), in CA-G.R. SP No. 130431. The assailed Decision denied the petition brought by the petitioner before the CA, which sought a reversal of the Department of Agrarian Reform Adjudication Board (DARAB) Decision dated May 3, 2013.<sup>[4]</sup>

### *Factual Antecedents*

The undisputed factual milieu of the instant case revolves around portions of two parcels of land, which were compulsorily acquired for agrarian reform program coverage.

Petitioner is the registered owner of two parcels of land covered by Transfer Certificate of Title (TCT) Nos. T-24060 and T-24063 (subject lots), both located in Barangay Catmon, San Juan, Batangas, and with total areas of 13.5550 hectares and 4.5183 hectares, respectively.<sup>[5]</sup> The Department of Agrarian Reform (DAR) placed portions of said subject lots under the coverage of the Comprehensive Agrarian Reform Program (CARP) and Republic Act No. (R.A.) 6657.<sup>[6]</sup> The Land Bank of the Philippines (LBP) subsequently valued said portions accordingly<sup>[7]</sup> in the respective Field Investigation Reports both dated May 23, 2008, which identified the portions of the subject lots compulsorily acquired, as well as their valuations:<sup>[8]</sup>

<b>Transfer Certificate of Title</b>	<b>Total Land Area</b>	<b>Area Covered by CARP</b>	<b>LBP valuation of CARP-covered Area</b>
T-24060	13.5550 hectares	1.0063 hectares	P60,795.96
T-24063	4.5183 hectares	0.6616 hectares	P52,975.14 <sup>[9]</sup>

The DAR offered to pay the LBP-assessed amounts to petitioner, but the latter rejected the same. After petitioner failed to reply to DAR's Notice of Land Valuation and Acquisition within the prescribed period, the DAR instituted before the Provincial Agrarian Reform Adjudication Board (PARAD) two summary administrative proceedings for the determination of just compensation, docketed as LV-0401-041-09 and LV-040 1-049-09.<sup>[10]</sup>

In the Decisions<sup>[11]</sup> both dated November 17, 2011, penned by respondent Provincial Agrarian Reform Officer (PARO) Victor B. Baguilat found the LBP's basis for its assessment of just compensation for the subject lots proper,<sup>[12]</sup> since it adopted the formula set forth by the DAR in its Administrative Order No. 5, Series of 1998, and disposed of said proceedings, thus:

In LV-0401-041-09:

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

The LBP is hereby directed to pay the landowner Benito V. Marasigan the said amount subject to existing rules and regulations in land acquisition under agrarian reform laws.

**SO ORDERED.**<sup>[12a]</sup>

In LV-0401-049-09:

**WHEREFORE**, premises considered, judgment is hereby rendered declaring the computed land value of [P]52,975.14 as just compensation of the area actually placed under CARP measuring 0.6616 hectares embraced by TCT No. T-24063.

The LBP is hereby directed to pay the landowner Benito V. Marasigan the said amount subject to existing rules and regulations in land acquisition under agrarian reform laws.

**SO ORDERED.**<sup>[13]</sup>

Aggrieved, petitioner filed his Notice of Appeal<sup>[14]</sup> dated December 22, 2011 and his Appeal Memorandum<sup>[15]</sup> dated December 22, 2011 before the DARAB with respect to the PARO's decision pertaining to the property covered by TCT No. T-24060 (subject property). Petitioner mainly alleged that the PARO erred (1) since the subject property should not have been placed under the CARP coverage,<sup>[16]</sup> and (2) grave abuse of discretion was committed when the two summary proceedings were heard and decided despite the fact that the subject property was not yet clearly and particularly identified.<sup>[17]</sup>

For his first ground for appeal, petitioner alleged that there was no proof that the notices required by law for placing the subject property under the CARP coverage were personally delivered to and received by him, nor was there proof to the effect that the Field Investigation Report pertaining to the subject property was signed by him.<sup>[18]</sup> He submitted that since there was still a controversy as to the validity of

the Notice of Coverage and the compulsory acquisition of the subject property, the PARAD should have dismissed the case or referred the same to the proper agency.  
[19]

For his second ground, petitioner argued that the DAR failed to comply with its own guidelines when the landholding was not particularly identified. He added that the field investigation conducted on the subject property was without his participation, which prevented him from exercising the opportunity to choose which portion of the subject property he would like to retain, contrary to DAR Administrative Order No. 9, Series of 1990, as amended by DAR Administrative Order No. 1, Series of 1993.<sup>[20]</sup>

Petitioner also submitted that as early as August 2003, he already made his formal objections to the inclusion of the subject property under the CARP coverage, through two letters<sup>[21]</sup> addressed to the Municipal Agrarian Reform Officer (MARO) of San Juan, Batangas, citing as reason for the objection the fact that the subject property was a residential area, with more than 177 families with their houses built thereon, and who were also subject of 177 ejectment cases pending before the Municipal Trial Court of San Juan.<sup>[22]</sup>

In its Decision dated May 3, 2013, the DARAB denied the appeal for lack of jurisdiction. It held that since the action filed by the DAR with the PARO was for the preliminary determination of just compensation, petitioner's remedy from an adverse decision therefrom was to file an original action for judicial determination of just compensation with a Regional Trial Court sitting as a Special Agrarian Court (RTC-SAC).<sup>[23]</sup>

Petitioner thereafter filed an appeal to the CA *via* Rule 43 of the Rules, and contended that the DARAB erred when (1) it dismissed the cases for lack of jurisdiction; (2) it disregarded the fact that the PARO was guilty of grave abuse of discretion for hearing and deciding the summary proceedings before it; and when (3) the PARO disregarded the fact that the subject property should not have been placed under the CARP coverage in the first place.<sup>[24]</sup> The CA denied the petition through its Decision dated November 24, 2014,<sup>[25]</sup> as follows:

Thus, a party aggrieved by the PARAD's decision is given 15 days to file an original action before the SAC-RTC. Here, petitioner received a copy of the November 17, 2011 PARAD Decision on December 8, 2011. Petitioner did not move for reconsideration, hence, the fifteen-day period to file an original action with the RTC commenced to run on that day until December 23, 2011. Petitioner then filed the appeal with the DARAB which was an improper forum according to the DARAB Rules. For failing to file an action with the RTC-SAC, the assailed November 17, 2011 PARAD Decision has become final and executory on December 23, 2011.

**FOR THESE REASONS**, the petition is **DENIED**.

**SO ORDERED.**<sup>[26]</sup>

In finding that the DARAB correctly dismissed the appeal for lack of jurisdiction, the CA held that since what was before the PARO was a summary administrative proceeding, any party who disagrees with the decision of the PARO in such a case for determination of just compensation may file an original action with the RTC-SAC

for final determination.<sup>[27]</sup> Citing Section 6, Rule XIX of the 2009 DARAB Rules of Procedure (DARAB Rules), it further opined that in case of an issue regarding the *propriety* of a property's inclusion in the CARP coverage, a party should file the appropriate action before the DAR, which has jurisdiction over such matters.<sup>[28]</sup>

Petitioner timely filed a motion for reconsideration, which was similarly denied by the CA in its Resolution<sup>[29]</sup> dated January 6, 2016.

Hence this petition.

Petitioner here echoes the grounds he raised in his appeal to the DARAB and to the CA, and mainly asserts that the subject property should not have been placed under the CARP coverage and that the same was not particularly identified.

Petitioner insists that it behooved the PARO to at least defer the hearing on the valuation and determination of just compensation since there was still a pending controversy regarding the validity of the Notice of Coverage and the compulsory acquisition of the subject property.<sup>[30]</sup> Petitioner argues that under Section 1, Rule II of the DARAB Rules, the PARO has jurisdiction over all matters or incidents involving the implementation of the CARP.<sup>[31]</sup> Citing Section 4, Rule II of the DARAB Rules,<sup>[32]</sup> petitioner submits that instead of denying his appeal, the PARO should have dismissed the cases without

prejudice to refile, and for purposes of expediency, referred the same to the Office of the Secretary or his authorized representative in the locality.<sup>[33]</sup>

Petitioner also maintains that the subject property should not have been placed under the coverage of the CARP because of the irregularities in the Notice of Coverage and Notice of Acquisition pertaining to the same.<sup>[34]</sup> He asserts that due to the failure of the DAR to notify him, he was not able to participate in the field investigation.<sup>[35]</sup> Petitioner adds that since the documents provided by the DAR, including the Field Investigation Report, do not bear his signature, he may not be bound by the said documents.<sup>[36]</sup> He also claims that since he was not able to attend the field investigation, he was not able to exercise his retention right and the more particular option of choosing the particular area to be retained, and that instead, said right was arrogated by the DAR upon itself.<sup>[37]</sup>

Petitioner further reiterates that the subject property should not have been included in the coverage of the CARP since the same is a residential property with a school, a barangay hall, a chapel, and more than 177 families living therein.<sup>[38]</sup> He adds that the subject property is also a sandy foreshore area, and is not suitable for agricultural uses.<sup>[39]</sup> Finally, petitioner submits that absent a specific showing of where the 1.0063 hectares will be taken from the whole 13.5550 hectares, there is as yet no meeting of the minds between the landowner and the DAR, and therefore voids the contract of sale under Article 1349 of the Civil Code.<sup>[40]</sup>

In its Comment<sup>[41]</sup> dated September 22, 2016, the LBP counters that petitioner availed of the wrong remedy since the DARAB clearly provides that the decisions of Adjudicators are no longer appealable to the DARAB, under Sections 5 and 6, Rule XIX of the said Rules.<sup>[42]</sup> It submits that contrary to petitioner's claim, the DAR, through the PARAD, RARAD or DARAB, has primary jurisdiction to determine just

compensation for lands covered by the CARP, and that such determination is subject to the original and exclusive jurisdiction of the RTC-SACs. It argues that since petitioner did not file a petition for determination of just compensation in an RTC-SAC, the decisions of the PARO in Cases Nos. LV-0401-041-09 and LV-0401-049-09 have already become final and executory.<sup>[43]</sup>

The LBP also submits that contrary to petitioner's protest, the subject property is not exempt from the CARP coverage<sup>[44]</sup> and that petitioner should have raised his oppositions against the coverage of the same before the proper office with jurisdiction over the relief he prays for.<sup>[45]</sup> The LBP further maintains that the subject property was clearly and particularly identified in the detailed Field Investigation Report prepared therefor,<sup>[46]</sup> which showed that the portion to be acquired is planted with coco trees, which are well-within the purview of agricultural lands as defined by R.A. 6657. Lastly, the LBP asserts that the PARO was correct in not referring the case to the DAR Secretary, since the proceedings before the PARAD are only suspended by a prejudicial issue if the same is pending before the DAR Secretary or the Regional Director, and involves questions pertaining to Agrarian Law implementation (ALI), *i.e.*, petitions for lifting of coverage.<sup>[47]</sup>

For their part, the PARO and the DARAB argue in their Comment<sup>[48]</sup> dated December 12, 2016 that the PARO could not have resolved petitioner's allegations regarding the validity of the Notice of Coverage for his property as well as the DAR's failure to identify the same precisely because the PARO had no jurisdiction to rule on those matters.<sup>[49]</sup> It likewise affirmed the correctness of DARAB's dismissal of petitioner's appeal since the latter also had no jurisdiction to review the decisions of PARAD.<sup>[50]</sup> Like the LBP, both the PARO and the DARAB affirm that since petitioner's allegation of impropriety of inclusion of coverage is an example of cases falling under ALI, he should have filed an action with the DAR, which exercises appellate jurisdiction over the same.<sup>[51]</sup>

Petitioner thereafter merely reiterated his earlier contentions in his Consolidated Reply<sup>[52]</sup> dated July 24, 2017.

### ***Issues***

The issues presented in the instant case are (1) whether the PARO erred in hearing and ruling on the summary administrative proceeding brought before him for determination of just compensation; and (2) whether the DARAB erred in dismissing petitioner's appeal to it for lack of jurisdiction.

### ***The Court's Ruling***

The Court finds the petition lacking in merit, and its contentions fall in the face of black letter law that clearly provides for the contrary.

The legal take-off point of these issues' resolution must be the discussion of the procedure prescribed in land acquisition for purposes of the CARP coverage, and the specific roles, jurisdictions, and limitations of both the PARO and the DARAB within the context of this land acquisition process.

Section 16, Chapter IV of R.A. 6657 categorically outlines the process wherein a land may be acquired and placed under the CARP coverage: