

SECOND DIVISION

[G.R. No. 132767, January 18, 2000]

**PHILIPPINE VETERANS BANK, PETITIONER, VS. THE HON.
COURT OF APPEALS, HON. SECRETARY OF THE DEPT. OF
AGRARIAN REFORM, DEPT. OF AGRARIAN REFORM
ADJUDICATION BOARD, DAVAO CITY AND LAND BANK OF THE
PHILIPPINES, RESPONDENTS.**

MENDOZA, J.:

This is a petition for review of the decision of the Court of Appeals,^[1] dated August 28, 1997, affirming the dismissal by the Regional Trial Court, Branch 2, Tagum, Davao, of the petition for judicial determination of the just compensation filed by petitioner for the taking of its property under the Comprehensive Agrarian Reform Program.

The facts are as follows:

Petitioner Philippine Veterans Bank owned four parcels of land in Tagum, Davao, which are covered by Transfer Certificates of Title Nos. T-38666, T-38667, T-6236, and T-27591. The lands were taken by the Department of Agrarian Reform for distribution to landless farmers pursuant to the Comprehensive Agrarian Reform Law (R.A. No. 6657). Dissatisfied with the valuation of the land made by respondents Land Bank of the Philippines and the Department of Agrarian Reform Adjudication Board (DARAB), petitioner filed a petition for a determination of the just compensation for its property. The petition was filed on January 26, 1994 with the Regional Trial Court, Branch 2, Tagum, Davao, which on February 23, 1995, dismissed the petition on the ground that it was filed beyond the 15-day reglementary period for filing appeals from the orders of the DARAB. Its order^[2] states in pertinent parts:

Since this case was filed only on January 26, 1994, the fifteen-day period provided for under Section 51 of Republic Act 6657 which is the Comprehensive Agrarian Reform Law within which to appeal, already lapsed.

Section 51 of Republic Act No. 6657 provides:

Section 51. Finality of Determination. - Any case or controversy before it (DAR) shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.

On appeal to the Court of Appeals, the decision was affirmed. It was held that:

Jurisdiction over land valuation cases is lodged in the Department of Agrarian Reform Adjudication Board, as is plainly provided under Rule II of the DARAB Revised Rules of Procedure.

Section 1. Primary and Exclusive Original and Appellate Jurisdiction. The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, 229, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to the following:

. . . .

b) The valuation of land, and determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank of the Philippines.

. . . .

The above provision does not negate the original and exclusive jurisdiction vested in Special Agrarian Court over all petitions for the determination of just compensation to landowners as provided in Section 51 of R.A. 6657.

Note, however, must be taken of Rule XIII, Section 11 of the DARAB Rules of Procedure, which specifically states that,

The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Court designated as Special Agrarian Courts within fifteen (15) days from receipt of the notice thereof. Any party shall be entitled to only one motion for reconsideration.

. . . .

In pursuance thereof, it is clear that the right of a landowner who disagrees with the valuation fixed by the DAR to file a petition for the judicial fixing of just compensation before special agrarian courts must be exercised within the period provided in Rule XIII, Section 11.

In this case, appellant neither gives information regarding the date of its receipt of the questioned Order of the DAR Provincial Adjudicator, nor disputes the conclusion made by the trial court that, "(s)ince this case was filed only on January 26, 1994, the fifteen-day period provided for under Section 51 of Republic Act 6657 which is the Comprehensive Agrarian Reform Law within which to appeal already lapsed". The court a quo's conclusion therefore stands. It did not commit an error in