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a pleading, as long as the same does not subvert the essence of the proceeding and connotes at least a reasonable attempt at compliance with the Rules. Utter disregard of the Rules, in our view, cannot justly be rationalized by harking on the policy of liberal construction.[16]

WHEREFORE, the petition is *DENIED* for lack of merit. The assailed Decision dated March 29, 2004 and Resolution dated July 5, 2004 of the Court of Appeals in CA-G.R. SP No. 35398 are *AFFIRMED*. Costs against the petitioner.

SO ORDERED.

Carpio, Carpio Morales, Tinga, and *Velasco, Jr., JJ.,* concur.

EN BANC

[G.R. No. 169514. March 30, 2007]

CONFEDERATION OF SUGAR PRODUCERS ASSOCIATION, INC. (CONFED), NATIONAL FEDERATION OF SUGARCANE PLANTERS, INC. (NFSP), UNITED SUGAR PRODUCERS FEDERATION OF THE PHILS., INC. (UNIFED), PANAY FEDERATION OF SUGARCANE FARMERS, INC. (PANAYFED), FIRST FARMERS HOLDING CORPORATION, NATIONAL CONGRESS OF UNIONS IN THE SUGAR INDUSTRY OF THE PHILIPPINES (NACUSIP), LEAGUE OF MUNICIPALITIES OF THE PHILIPPINES – NEGROS OCCIDENTAL CHAPTER, *petitioners, vs.* **DEPARTMENT OF AGRARIAN REFORM (DAR),**

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[16] *Delgado v. Court of Appeals*, G.R. No. 137881, August 19, 2005, 467 SCRA 418, 424.

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(Now also known as DEPARTMENT OF LAND REFORM), LAND BANK OF THE PHILIPPINES (LBP), LAND REGISTRATION AUTHORITY (LRA), *respondents.*

SYLLABUS

1. LABOR AND SOCIAL LEGISLATION; CONPREHENSIVE AGRARIAN REFORM LAW (R.A. 6657); MANNER OF ACQUISITION OF PRIVATE LANDS AND ASCERTAINMENT OF JUST COMPENSATION; CLARIFIED.— In *Association of Small Landowners,* the Court categorically passed upon and upheld the validity of Section 16 of RA 6657, including paragraphs (d), (e) and (f), which sets forth the manner of acquisition of private agricultural lands and ascertainment of just compensation, in this wise: Where the State itself is the expropriator, it is not necessary for it to make a deposit upon its taking possession of the condemned property, as "the compensation is a public charge, the good faith of the public is pledged for its payment, and all the resources of taxation may be employed in raising the amount." Nevertheless, Section 16(e) of the CARP Law provides that: Upon receipt by the landowner of the corresponding payment, or in case of rejection or no response from the landowner, upon the deposit with a accessible bank designated by the DAR of the compensation in cash or in LBP bonds in accordance with this Act, the DAR shall take immediate possession of the land and shall request the proper Register of Deeds to issue a Transfer Certificate of Title (TCT) in the name of the Republic of the Philippines. The DAR shall thereafter proceed with the redistribution of the land to the qualified beneficiaries. Objection is raised, however, to the manner of fixing the just compensation, which it is claimed is entrusted to the administrative authorities in violation of judicial prerogatives. Specific reference is made to Section 16(d), which provides that in case of the rejection or disregard by the owner of the offer of the government to buy his land - x x x the DAR shall conduct summary administrative proceedings to determine the compensation for the land by requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land, within fifteen (15) days from the receipt of the notice. After the expiration of the above period,

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the matter is deemed submitted for decision. The DAR shall decide the case within thirty (30) days after it is submitted for decision. To be sure, the determination of just compensation is a function addressed to the courts of justice and may not be usurped by any other branch or official of the government. *EPZA v. Dulay* resolved a challenge to several decrees promulgated by President Marcos providing that the just compensation for property under expropriation should be either the assessment of the property by the government or the sworn valuation thereof by the owner, whichever was lower. In declaring these decrees unconstitutional, the Court held through Mr. Justice Hugo E. Gutierrez, Jr.: The method of ascertaining just compensation under the aforecited decrees constitutes impermissible encroachment on judicial prerogatives. It tends to render this Court inutile in a matter which under this Constitution is reserved to it for final determination. Thus, although in an expropriation proceeding the court technically would still have the power to determine the just compensation for the property, following the applicable decrees, its task would be relegated to simply *stating* the lower value of the property as declared either by the owner or the assessor. As a necessary consequence, it would be useless for the court to appoint commissioners under Rule 67 of the Rules of Court. Moreover, the need to satisfy the due process clause in the taking of private property is seemingly fulfilled since it cannot be said that a judicial proceeding was not had before the actual taking. However, the strict application of the decrees during the proceedings would be nothing short of a mere formality or charade as the court has only to choose between the valuation of the owner and that of the assessor, and its choice is always limited to the lower of the two. The court cannot exercise its discretion or independence in determining what is just and fair. Even a grade school pupil could substitute for the judge insofar as the determination of constitutional just compensation is concerned. x x x In the present petition, we are once again confronted with the same question of whether the courts under P.D. No. 1533, which contains the same provision on just compensation as its predecessor decrees, still have the power and authority to determine just compensation, independent of what is stated by the decree and to this effect, to appoint commissioners for such purpose. This time we answer in the affirmative. x x x It is violative of due process to deny the owner the opportunity to prove that the valuation in the tax documents

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is unfair or wrong. And it is repulsive to the basic concepts of justice and fairness to allow the haphazard work of a minor bureaucrat or clerk to absolutely prevail over the judgment of a court promulgated only after expert commissioners have actually viewed the property, after evidence and arguments pro and con have been presented, and after all factors and considerations essential to a fair and just determination have been judiciously evaluated. A reading of the aforecited Section 16(d) will readily show that it does not suffer from the arbitrariness that rendered the challenged decrees constitutionally objectionable. Although the proceedings are described as summary, the landowner and other interested parties are nevertheless allowed an opportunity to submit evidence on the real value of the property. But more importantly, the determination of the just compensation by the DAR is not by any means final and conclusive upon the landowner or any other interested party, for Section(f) clearly provides: (f) Any party who disagrees with the decision may bring the matter to the court of proper jurisdiction for final determination of just compensation. The determination made by the DAR is only *preliminary* unless accepted by all parties concerned. Otherwise, the courts of justice will still have the right to review *with finality* the said determination in the exercise of what is admittedly a judicial function.

2. ID.; ID.; ID.; APPOINTMENT OF COMMISSIONER, SUSTAINED.— Section 57 of RA 6657 authorizes not only direct resort to the Special Agrarian Courts in cases involving petitions for the determination of just compensation, it likewise mandates that the "Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act." Hence, contrary to the contention of the petitioners, the Rules of Court, including Rule 67 thereof, is not completely disregarded in the implementation of RA 6657 since the Special Agrarian Courts, in resolving petitions for the determination of just compensation, are enjoined to apply the pertinent provisions of the Rules of Court. Moreover, Section 58 of RA 6657, like Rule 67 of the Rules of Court, provides for the appointment of commissioners by the Special Agrarian Courts: SEC. 58. *Appointment of Commissioners*. – The Special Agrarian Courts, upon their own initiative or at the instance of any of the parties, may appoint one or more commissioners to examine, investigate and ascertain facts relevant to the dispute, including the valuation of properties, and to file a written report thereof to the court.

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3. ID.; ID.; WHEN POSSESSION AND OWNERSHIP DEEMED TRANSFERRED TO THE GOVERNMENT.— On the matter of when transfer of possession and ownership of the land to the Government is reckoned, *Association of Small Landowners* instructs: The CARP Law, for its part, conditions the transfer of possession and ownership of the land to the government on receipt by the landowner of the corresponding payment or the deposit by the DAR of the compensation in cash or LBP bonds with an accessible bank. Until then, title also remains with the landowner. No outright change of ownership is contemplated either.

4. ID.; ID.; APPLICATION OF AGRARIAN REFORM LAW TO SUGAR FARMS, JUSTIFIED.— Rejecting this particular argument, the Court held that the sugar planters failed to show that they belong to a different class and are entitled to a different treatment. It thus upheld the classification made by RA 6657, insofar as it included the sugar farms, as conforming to the following requirements: (1) it must be based on substantial distinctions; (2) it must be germane to the purposes of the law; (3) it must not be limited to existing conditions only; (4) it must apply equally to all the members of the class. Indeed, it is not within the power of the Court to pass upon or look into the wisdom of the inclusion by Congress of the sugar lands in the coverage of RA 6657. It is basic in our form of government that the judiciary cannot inquire into the wisdom or expediency of the acts of the executive or the legislative department, for each department is supreme and independent of the others, and each is devoid of authority not only to encroach upon the powers or field of action assigned to any of the other departments, but also to inquire into or pass upon the advisability or wisdom of the acts performed, measures taken or decisions made by the other departments.

5. REMEDIAL LAW; JUDGMENT; APPLICATION OF DOCTRINE OF *STARE DECISIS*; CASE AT BAR.— Under the doctrine, when the Supreme Court has once laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle, and apply it to all future cases, where facts are substantially the same; regardless of whether the parties and property are the same. The doctrine of *stare decisis* is based upon the legal principle or rule involved and not upon the judgment which results therefrom. In this particular sense *stare decisis* differs

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from *res judicata* which is based upon the judgment. The doctrine of *stare decisis* is one of policy grounded on the necessity for securing certainty and stability of judicial decisions, thus: Time and again, the Court has held that it is a very desirable and necessary judicial practice that when a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same. *Stare decisis et non quieta movere*. Stand by the decisions and disturb not what is settled. *Stare decisis* simply means that for the sake of certainty, a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It proceeds from the first principle of justice that, absent any powerful countervailing considerations, like cases ought to be decided alike. Thus, where the same questions relating to the same event have been put forward by the parties similarly situated as in a previous case litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to relitigate the same.

6. **POLITICAL LAW; EXECUTIVE DEPARTMENT; POWER OF IMMINENT DOMAIN; LIMITATIONS, EXPLAINED.—** Despite the *revolutionary* or non-traditional character of RA 6657, however, the chief limitations on the exercise of the power of eminent domain, namely: (1) public use; and (2) payment of just compensation, are embodied therein as well as in the Constitution. With respect to "public use," the Court in *Association of Small Landowners* declared that the requirement of public use had already been settled by the Constitution itself as it "calls for agrarian reform, which is the reason why private agricultural lands are to be taken from their owners, subject to the prescribed maximum retention limits. The purposes specified in P.D. No. 27, Proc. No. 131 and RA No. 6657 are only an elaboration of the constitutional injunction that the State adopt the necessary measures 'to encourage and undertake the just distribution of all agricultural lands to enable farmers who are landless to own directly or collectively the lands they till'. That public use, as pronounced by the fundamental law itself, must be binding on us." On the other hand, judicial determination of just compensation is expressly prescribed in Section 57 of RA 6657, quoted above, as it vests on the Special Agrarian Courts original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners. It bears

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stressing that the determination of just compensation during the compulsory acquisition proceedings of Section 16 of RA 6657 is *preliminary* only.

APPEARANCES OF COUNSEL

Garcia Garcia Law Office for petitioners.
Ramon K. Cervantes and *Jose Quimboy* for LBP.
The Solicitor General for respondents.

D E C I S I O N

CALLEJO, SR., *J.*:

Before the Court is a petition for prohibition and *mandamus* under Rule 65 of the Rules of Court with prayer for the issuance of a writ of preliminary injunction or temporary restraining order filed by the Confederation of Sugar Producers Association, Inc., *et al*. It seeks, *inter alia*, to enjoin the Department of Agrarian Reform, the Land Bank of the Philippines, and the Land Registration Authority from "subjecting the sugarcane farms of Petitioner Planters to eminent domain or compulsory acquisition without filing the necessary expropriation proceedings pursuant to the provisions of Rule 67 of the Rules of Court and/or without the application or conformity of a majority of the regular farmworkers on said farms."

The Parties

The petition is filed by the following: (1) the Confederation of Sugar Producers Association, Inc. (CONFED), a national federation of sugar planters' associations and cooperatives from Luzon, Visayas and Mindanao, which is purportedly joined by its individual member organizations;[1] (2) the National Federation

[1] Luzon: Batangas Sugar Planters Cooperative Marketing Association, Inc.; Batangas Integrated Sugarcane Planters Cooperative Marketing Association, Inc.; Eastern Batangas Sugar Planters Cooperative Marketing Association, Inc.; SAMAKABA Producers Cooperative Marketing Association, Inc.; Asociacion de Agricultores de la Region Oeste de Batangas; Northern Philippines Planters Association, Inc; NorPhil Farmers Multi-

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of Sugarcane Planters, Inc. (NFSP), a duly organized federation of sugar planters' associations and cooperatives from Luzon, Visayas and Mindanao, which is also purportedly joined by its individual member organizations;[2] (3) the United Sugar

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Purpose Cooperative, Inc.; Unaffiliated Planters of Cagayan (Robina); Batangas Agricultural Producers Association, Inc.; Pasudeco Cooperative Marketing Association, Inc.; Del Carmen Sugar Producers Cooperative Marketing Association, Inc.; Bicol Sugar Planters Cooperative (BISUPLA); C.A.T. Planters Association, Inc.; Camarines Sugarcane Planters Association, Inc.; Porac Planters Association; Aniog Multi-Purpose Cooperative; Caroyroyan Multi-Purpose Cooperative; Hacienda Magdalena Farmers Cooperative; May-ogob Planters Cooperative; Ocampo Small Planters Cooperative; San Isidro Development Cooperative; and Tinangis Farmers Multi-Purpose Cooperative. Visayas: First Farmers Association, Inc.; Central Lopez Planters Association, Inc.; ISEPI Multi-Purpose Cooperative; Association of Negros Cooperatives, Inc.; Planters' Association of Southern Negros, Inc. (PASON, Inc.); Associated Planters of Silay-Saravia, Inc.; Asociacion de Hacenderos de Silay-Saravia, Inc.; Victorias, Manapla, Cadiz farmers Association, Inc.; Prime Movers, Inc.; Negros Oriental Planters Association, Inc.; Tolong Multi-Purpose Cooperative (TOMPUCO); Asociacion de Agricultores de la Carlota *y* Pontevedra, Inc.; C-PRIME; CENEPA; MAPLA; TSPA; MSPA; NPAI; NASPA; Capiz First Federation of United Cooperatives, Inc. Mindanao: Sugarcane Growers Association of Bukidnon, Inc; Sugar Producers Association of Bukidnon, Inc.; Agila Farms & CMC Farms; Sugarcane Farmers of Bukidnon Multi-Purpose Cooperative (SFBMPC); Davao Non-Members; United Sugarcane Planters of Davao; Southern Bukidnon Cooperative Planters Association, Inc. (SOBUCPA); Associated Bukidnon Sugarcane Farmers, Inc.; Alliance. Petition, pp. 11-13; *rollo*, pp. 13-15.

[2] Luzon: Batangas Association of Free Planters, Inc.; Cagayan Sugarcane Planters Association, Inc.; Cagayan Sugar Growers Association, Inc.; Samahang Mag-aasukal sa Kanluran ng Batangas, Inc.; United Sugarcane Planters Association of Cagayan, Inc.; Samahang Sugarcane Planters, Inc. Visayas/Mindanao: Binalbagan-Isabela Planters Association, Inc.; Association of Productive Planters of Negros Occidental, Inc.; Independent Sagay-Escalante Planters Association, Inc.; Sagay-Escalante Planters Association, Inc.; United Sagay-Escalante-Toboso Planters Association, Inc.; Northern Negros Planters Association; United Cadiz Sugarcane Planters' Association, Inc.; United South VMC Sugarcane Planters Association, Inc.; Association of Sugarcane Growers, Inc.; SETPG; Tolong United Planters Association; Bulgas Planters Multi-Purpose Cooperative; Barotac-Dumangas-Anilao Planters Association; Bogo-Medellin Sugarcane Planters Association; Bukidnon Planters Association, Inc.; Bukidnon Small Planters Multi-Purpose,

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Producers Federation of the Phil., Inc. (UNIFED), likewise a national federation of sugar planters' associations and cooperatives from Luzon, Visayas and Mindanao, and is purportedly joined by its individual member organizations;[3] (4) the Panay Federation of Sugarcane Farmers, Inc. (PANAYFED), a federation of sugarcane planters' organizations and cooperatives from Panay Island, also purportedly joined by its individual member organizations;[4] (5) the First Farmers Holding Co., a domestic corporation principally engaged in operating a sugar mill for the milling and manufacture or processing of sugarcane into sugar and the distribution of sugar and its by-products; (6) the National Congress of Unions in the Sugar Industry of the Philippines (NACUSIP), a labor

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Inc.; Samahang Sugarcane Planters Multi-Purpose Cooperative; Free Planters Producers Cooperative, Inc.; Mindanao Sugarcane Planters; Cebu Sugarcane Planters Association, Inc.; Boroc Agricultural Primary Multi-Purpose Cooperative, Inc.; Occidental Leyte Sugarcane Farmers Association, Inc.; Ormoc Northern District Irrigators Multi-Purpose Cooperative, Inc.; Ormoc Sugarcane Planters Association; Leyte United Farmers Assosicion, Inc.; Occidental Leyte Farmers' Multi-Purpose Cooperative; and Unifarm Multi-Purpose Cooperative, Inc. Petition, pp. 14-15; *rollo*, pp. 16-17.

[3] Luzon: Casurog Cooperative. Visayas/Mindanao: Negros Consolidated Farmers Association, Inc.; Independent Planters of BISCOM, Inc.; Dacongcogon Producers Cooperative Marketing Planters Association; DCMAI Association Share; Hawaiian-Philippine Planters Association, Inc.; La Carlota Planters Association; Association of Negros Agro-Producers, Inc.; Sonedco Planters Association, Inc.; Kabilog Planters Association; United Farmers Association Negros-South, Inc.; Negros COFA; Negros Del Norte Planters Association, Inc.; Rural Sugarcane Planters Association; Asociacion Agricola de Bais *y* Tanjay, Inc.; United Mabinay Farmers Association; San Carlos Planters' Association, Inc.; Negros Occidental-Oriental Farmers Association; Independent Planters of Hisumco. Petition, pp. 15-16; *rollo*, pp. 17-18.

[4] Namely, Pilar Sugar Planters Association, Inc.; Lutod-Lutod Planters Association, Inc.; Capiz-Iloilo Sugarcane Planters Association, Inc.; Asturias Sugarcane Planters Association, Inc.; Panay Sugarcane Producers Association, Inc.; Jalasig Sugarcane Planters Association, Inc.; New Frontier Planters Association; New Frontier Sugarcane Planters Association; Panay Integrated Planters Association; MUSPA; CALAMPA; PISPA; SANEPA; Iloilo Planters Association, Inc.; Northern Iloilo Sugar Planters Association, inc.; PIARB; CLSM Multi-Sectoral Planters Association, Inc. Petition, pp. 16-17; *rollo*, pp. 18-19.

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organization; and (7) the League of Municipalities of the Philippines, Negros Occidental Chapter.

For the purpose of the present petition, CONFED, NFSP, UNIFED and PANAYFED are represented by their Chairman or President, namely, Bernardo C. Trebol, Enrique D. Rojas, Manuel R. Lamata and Francis P. Trenas, respectively.

On the other hand, named as respondents are the Department of Agrarian Reform (DAR), the Land Bank of the Philippines (LBP) and the Land Registration Authority (LRA).

The Petitioners' Case

Petitioners CONFED, NFSP, UNIFED and PANAYFED claim that their members own or administer private agricultural lands devoted to sugarcane. They and their predecessors-in-interest have been planting sugarcane on their lands allegedly since time immemorial. While their petition is denominated as one for prohibition and *mandamus*, the petitioners likewise seek to nullify paragraphs (d), (e) and (f) of Section 16[5] of Republic Act No. (RA) 6657, otherwise known as the Comprehensive Agrarian Reform Law. In other words, their arguments, which will be discussed shortly, are anchored on the proposition that these provisions are unconstitutional.

They allege the following grounds in support of their petition:

A. RESPONDENT DAR ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION BY THE COMMISSION OF THE FOLLOWING ACTS:

1. By Exercising the Power of Eminent Domain to Deprive Thousands of Landowners, including the Member-Planters of Petitioner-Federations of their Private Agricultural Lands, without Filing the Necessary Expropriation Proceedings pursuant to Rule 67 of the Rules of Court in Gross Violation of the Bill of Rights of the Constitution and in Lawless Usurpation of the Exclusive Power of the Supreme Court to Promulgate Rules of Procedure as vested by the Constitution. Paragraphs (d), (e) and (f) Section 16 of R.A. 6657 are Unconstitutional.

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[5] *Infra*.

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2. In Usurping the Powers and Functions of the Presidential Agrarian Reform Council or PARC by Promulgating and Issuing *Ultra Vires* Rules and Procedures Governing the Acquisition and Distribution of Agricultural Lands in Gross Violation of the Provisions of E.O. 229 and R.A. 6657 or the CARL.

3. In Unlawfully Delegating to the MAROs the Authority to Issue Notices of Coverage and Acquisition to Landowners of Private Agricultural Lands in their Respective Cities and Municipalities in violation of R.A. 6657.

4. In Subjecting the Sugar Lands of the Planters to CARP Coverage and Acquisition, Without First Ascertaining: No. 1. Whether there are Regular Farmworkers on said lands and No. 2. Whether the Regular Farmworkers, if any, are Interested to Own, Directly or Collectively the Lands they Till.

5. In Choosing and Designating Non-Tillers, Non-Regular Farmworkers and Outsiders of the sugar lands as Beneficiaries and later, Forcibly Installing Them in said lands.

6. By Disturbing and Outlawing the Farming System of LABOR ADMINISTRATION obtaining in the Sugar Lands Knowing As it Does that Under R.A. 6657 and By the Very Definition of Agrarian Reform in said Act, Labor Administration is Recognized as an Alternative Mode of Agrarian Reform.

7. In Assuming Jurisdiction, through DARAB, over Cases and Controversies which, by virtue of the provisions of B.P. 129 or the Judiciary Reorganization Act, in relation to P.D. 946 should fall under the original jurisdiction of the Regional Trial Courts.

B. THE LAND BANK OF THE PHILIPPINES ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION.

By Making or Causing Payment, Through a Deposit or Opening a Trust Account with a Bank designated by DAR for the Alleged Compensation for the Land, without Waiting For the Final Determination of Such Compensation By the Court.

C. THE LAND REGISTRATION AUTHORITY OR LRA ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION.

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By Authorizing the Registers of Deeds under its Jurisdiction to Cancel, upon being directed by DAR, the Certificates of Title of the Registered Owners without the Notice to or Consent of the latter or an Order from the Court in Gross Violation of the Property Rights of the Latter and the provisions of the Land Registration Laws.[6]

It is the principal contention of the petitioners that, in the exercise by the State of the power of eminent domain, which in the case of RA 6657 is the acquisition of private lands for distribution to farmer-beneficiaries, expropriation proceedings, as prescribed in Rule 67 of the Rules of Court, must be strictly complied with. The petitioners rely on the case of *Visayas Refining Company v. Camus and Paredes*[7] decided by the Court in 1919. In the said case, the Government of the Philippine Islands, through the Governor-General, instructed the Attorney-General to initiate condemnation proceedings for the purpose of expropriating a tract of land containing an area of 1,100,463 square meters to be used for military and aviation purposes. In compliance therewith, the Attorney-General filed a complaint with the Court of First Instance (CFI) and among the defendants impleaded was Visayan Refining Co. which owned a portion of the property intended to be expropriated. The CFI provisionally fixed the total value of the subject property at ₱600,000 and upon payment thereof as deposit, the CFI authorized that the Government be placed in possession thereof.

Visayan Refining Co. questioned the validity of the proceedings on the ground that there was no law enacted by the Philippine Legislature authorizing the exercise of the power of eminent domain to acquire land for military or aviation purposes. The Court, speaking through Justice Street, upheld the right of the Governor-General to authorize the condemnation of the subject property for military and aviation purposes. It pointed to Sections 241 up to 253[8] of the Code of Civil Procedure as the applicable

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[6] Petition, pp. 37-39; *rollo*, pp. 39-41.

[7] 40 Phil. 550 (1919).

[8] The salient features of these provisions were discussed in *Visayan Refining Co.* in this wise:

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provisions for the conduct of expropriation proceedings. It likewise pointed to Sections 2 and 3[9] of Act No. 2826 as authorizing

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x x x (1) If the court is of the opinion that the right of expropriation exists, three commissioners are appointed to hear the parties, view the premises, and assess the damages to be paid for the condemnation (Sec. 243 Code Civ. Proc.); (2) after hearing the evidence submitted by the parties and assessing the damages in the manner prescribed by law (Sec. 244), the commissioners make their report to the court, setting forth all their proceedings; and it is expressly declared that "none of their proceedings shall be effectual to bind the property or the parties until the court shall have accepted their report and rendered judgment in accordance with its recommendations" (Sec. 245); (3) the court then acts upon the report, accepting the same in whole or in part, or rejecting, recommitting, or setting aside the same, as it sees fit (Sec. 246).

It is further declared in Section 246 that –

"The court x x x may make such final order and judgment as shall secure to the plaintiff the property essential to the exercise of his rights under the law, and to the defendant just compensation for the land so taken; and the judgment shall require payment of the sum awarded as provided in the next section (*i.e.*, Sec. 247) before the plaintiff can enter upon the ground and appropriate it to the public use."

Sections 247 and 251 of the same Code are of sufficient importance in this connection to warrant quotation in their entirety. They are as follows:

"SEC. 247. *Rights of Plaintiff After the Judgment*. – Upon payment by the plaintiff to the defendant of compensation as fixed by the judgment, or after tender to him of the amount so fixed and payment of the costs, the plaintiff shall have the right to enter in and upon the land so condemned, to appropriate the same to the public use defined in the judgment. In case the defendant and his attorney absent themselves from the court or decline to receive the same, payment may be made to the clerk of the court for him, and such officer shall be responsible on his bond therefor and shall be compelled to receive it."

"SEC. 251. *Final Judgment, Its Record and Effect*. – The record of final judgment in such action shall state definitely, by metes and bounds and adequate description, the particular land or interest in land condemned to the public use, and the nature of the public use. A certified copy of the record of the judgment shall be recorded in the office of the registrar of deeds for the province in which the estate is situated, and its effect shall be to vest in the plaintiff for the public use stated the land and estate so described."

[9] The said provisions were quoted in *Visayan Refining Co*. as follows:

SEC. 2. When condemnation proceedings are instituted by or in favor of the Insular Government x x x in any competent court of the Philippines, the

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immediate possession when the Government is the plaintiff. Further, Article 349 of the Old Civil Code was also cited as it stated that:

ART. 349. No one may be deprived of his property unless it be by competent authority for some purpose of proven public utility and after payment of the proper compensation.

Unless this requisite has been complied with, it shall be the duty of the court to protect the owner of such property in its possession or to restore its possession to him, as the case may be.

The Court stated that "[t]aken together the laws mentioned supply a very complete scheme of judicial expropriation, deducing the authority from its ultimate source in sovereignty, providing in detail for the manner of its exercise, and making the right of the expropriator finally dependent upon the payment of the amount awarded by the court."[10]

The petitioners also quote the following disquisition in *Visayan Refining Co.* on expropriation *vis-à-vis* due process of law:

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plaintiff shall be entitled to enter immediately upon the land covered by such proceedings, after depositing with the provincial treasurer the value of said land in cash, as previously and promptly determined and fixed by the competent court, which money the provincial treasurer shall retain subject to the order and final decision of the court: *Provided, however,* That the court may permit that in lieu of cash, there may be deposited with the provincial treasurer a certificate of deposit of any depository of the Government of the Philippine Islands, payable to the provincial treasurer on sight, for the sum ordered deposited by the court. The certificate and the sums represented by it shall be subject to the order and final decision of the court, and the court shall have authority to place said plaintiff in possession of the land, upon such deposit being made, by the proper orders and a mandate, if necessary.

SEC. 3. x x x Upon the payment by the plaintiff to the defendants of the compensation awarded by the sentence, or after the tender of said sum to the defendants, and the payment of the costs, or in case the court orders the price to be paid into court, the plaintiff shall be entitled to appropriate the land so condemned to the public use specified in the sentence. In case payment is made to the court, the clerk of the same shall be liable on his bond for the sum so paid and shall be obliged to receive the same.

[10] *Visayan Refining Co. v. Camus and Paredes*, *supra* note 7.

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Nevertheless it should be noted that the whole problem of expropriation is resolvable in its ultimate analysis into a constitutional question of due process of law. The specific provisions that just compensation shall be made is merely in the nature of a superadded requirement to be taken into account by the Legislature in prescribing the method of expropriation. Even were there no organic or constitutional provision in force requiring compensation to be paid, the seizure of one's property without payment, even though intended for a public use, would undoubtedly be held to be a taking without due process of law and a denial of the equal protection of the laws.

This point is not merely an academic one, as might superficially seem. On the contrary it has a practical bearing on the problem before us, which may be expressed by saying that, if the Legislature has prescribed a method of expropriation which provides for the payment of just compensation, and such method is so conceived and adapted as to fulfill the constitutional requisite of due process of law, any proceeding conducted in conformity with that method must be valid.[11]

Citing *Visayan Refining Co.* as well as other cases[12] and statutes,[13] the petitioners thus contend that a landowner cannot be deprived of his property until expropriation proceedings are instituted in court. They insist that the expropriation proceedings to be followed are those prescribed under Rule 67 of the Revised Rules of Court. In other words, for a valid exercise of the power of eminent domain, the Government must institute the

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[11] *Id*. at 560-561.

[12] Citing *Republic v. Baylosis*, 96 Phil. 461 (1955); *Province of Rizal v. San Diego*, 105 Phil. 33 (1959); *Greater Balanga Development Corp. v. Municipality of Balanga, Bataan*, G.R. No. 83987, December 29, 1994, 239 SCRA 436.

[13] According to the petitioners, RA 1400 authorized the Land Tenure Administration to "initiate and prosecute expropriation proceedings to acquire landed estates over 300 hectares for distribution to tenants or occupants; RA 2616 provided for the expropriation of the Tatalon Estate in Quezon City in order that it could be subdivided and conveyed to its occupants; RA 3844 prescribed the filing of expropriation proceedings in the court by the DAR as the procedure for the acquisition of private agricultural lands for purposes of agrarian reform. Petition, p. 54; *rollo*, p. 56.

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necessary expropriation proceedings in the competent court in accordance with the provisions of the Rules of Court.

In this connection, they cite Section 1 of Rule 67, which they stress is entitled EXPROPRIATION, thus:

> SEC. 1. *The complaint*. — The right of eminent domain shall be exercised by the filing of a verified complaint which shall state with certainty the right and purpose of expropriation, describe the real or personal property sought to be expropriated, and join as defendants all persons owning or claiming to own, or occupying, any part thereof or interest therein, showing, so far as practicable, the separate interest of each defendant. If the title to any property sought to be expropriated appears to be in the Republic of the Philippines, although occupied by private individuals, or if the title is otherwise obscure or doubtful so that the plaintiff cannot with accuracy or certainty specify who are the real owners, averment to that effect shall be made in the complaint.

The DAR, however, according to the petitioners, particularly through the process of compulsory acquisition, has managed to operate outside of the Constitution and the Rules of Court. They alleged that the compulsory acquisition process adopted by the DAR is absolutely without any constitutional or lawful basis whatsoever. It is allegedly "utterly repugnant to the principle of eminent domain" or "expropriation" and an "unmitigated and lawless usurpation of the constitutional power of the Supreme Court to promulgate rules of procedure." As such, the process of compulsory acquisition is allegedly null and void.

The petitioners add that Section 22, Article XVII (Transitory Provisions) of the Constitution states that "[a]t the earliest possible time, the Government shall expropriate idle or abandoned lands as may be defined by law, for distribution to the beneficiaries of the agrarian reform program." The use of the word "expropriate" in this provision allegedly underscores the necessity of expropriation proceedings pursuant to Rule 67 of the Rules of Court in the acquisition of private agricultural lands.

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It is the petitioners' view that the following provisions of RA 3844,[14] as amended, remain effective:

SEC. 51. *Powers and Functions*. – It shall be the responsibility of the Department:

(1) to initiate and prosecute expropriation proceedings for the acquisition of private agricultural lands as defined in Section one hundred sixty-six of Chapter XI of this Code for the purpose of subdivision into economic family-size farm units and resale of said farm units to *bona fide* tenants, occupants and qualified farmers; *Provided*, That the powers herein granted shall apply only to private agricultural lands subject to the terms and conditions and order of priority hereinbelow specified.

x x x x x x x x x

SEC. 53. *Compulsory Purchase of Agricultural Lands*. – The Authority shall, upon petition in writing of at least one-third of the lessees and subject to the provisions of Chapter VII of this Code, institute and prosecute expropriation proceedings for the acquisition of private agricultural lands and home lots enumerated under Section fifty-one. In the event a landowner agrees to sell his property under the terms specified in this Chapter and the National Land Reform Council finds it suitable and necessary to acquire such property, a joint motion embodying the agreement, including the valuation of the property, shall be submitted by the Land Authority and the landowner to the court for approval; *Provided*, That in such case, any person qualified to be a beneficiary of such expropriation or purchase may object to the valuation as excessive, in which case the Court shall determine the just compensation in accordance with Section fifty-six of this Code.

According to the petitioners, the foregoing provisions have not been repealed by RA 6657; hence, in consonance therewith, the acquisition of private agricultural lands for purposes of agrarian reform can only be exercised by the Government through expropriation proceedings under Rule 67 of the Rules of Court. On the other hand, the process of compulsory acquisition adopted

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[14] Otherwise known as the Code of Agrarian Reforms of the Philippines. Approved on August 8, 1963.

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by the DAR, as embodied in its administrative orders, is allegedly violative of the landowners' rights enshrined in the Constitution.

The petitioners specifically refer to Section 16 of RA 6657, which reads:

SEC. 16. *Procedure for Acquisition of Private Lands*. – For purposes of acquisition of private lands, the following procedures shall be followed:

(a) After having identified the land, the landowners and the beneficiaries, the DAR shall send its notice to acquire the land to the owners thereof, by personal delivery or registered mail, and post the same in a conspicuous place in the municipal building and *barangay* hall of the place where the property is located. Said notice shall contain the offer of the DAR to pay a corresponding value in accordance with the valuation set forth in Sections 17, 18 and other pertinent provisions hereof.

(b) Within thirty (30) days from the date of receipt of written notice by personal delivery or registered mail, the landowners, his administrator or representative shall inform the DAR of his acceptance or rejection of the former.

(c) If the landowner accepts the offer of the DAR, the LBP shall pay the landowner the purchase price of the land within thirty (30) days after he executes and delivers a deed of transfer in favor of the Government and surrenders the Certificate of Title and other muniments of title.

(d) In case of rejection or failure to reply, the DAR shall conduct summary administrative proceedings to determine the compensation for the land by requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land, within fifteen (15) days from the receipt of notice. After the expiration of the above period, the matter is deemed submitted for decision. The DAR shall decide the case within thirty (30) days after it is submitted for decision.

(e) Upon receipt by the landowner of the corresponding payment or in case of rejection or no response from the landowner, upon the deposit with an accessible bank designated by the DAR of the compensation in cash or in LBP bonds in accordance with this Act, the DAR shall take immediate possession of the land and shall request the proper Register of Deeds to issue a Transfer Certificate of Title

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(TCT) in the name of the Republic of the Philippines. The DAR shall thereafter proceed with the redistribution of the land to the qualified beneficiaries.

(f) Any party who disagrees with the decision may bring the matter to the court of proper jurisdiction for final determination of just compensation.

They clarify that while they concede the validity of paragraphs (a), (b) and (c), they vigorously assail the validity of paragraphs (d), (e) and (f) of the above-quoted provision. Under the assailed paragraphs, a landowner is allegedly deprived of his right to question or challenge the legality or necessity of the taking of his land by the DAR. The "public purpose and necessity" of the taking is already assumed without the predicate of a prior hearing where the landowner is given an opportunity to be heard. He is allegedly only allowed in paragraph (d) to question or reject the compensation offered by the DAR. This procedure allegedly violates the rights of the landowners under Sections 1 and 9 of Article III (Bill of Rights) of the Constitution, to wit:

SEC. 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

x x x x x x x x x

SEC. 9. Private property shall not be taken for public use without just compensation.

Paragraph (e) is assailed by the petitioners as it authorizes the DAR, by allegedly merely causing the deposit with the Land Bank of the compensation, to immediately take possession of the property and to direct the Register of Deeds to cancel the certificate of title of the landowner without notice to and consent of the latter. The petitioners contend that, in contrast, under the Civil Code, if the creditor or obligee refuses to accept the tender of payment, it is the duty of the debtor or obligor to make consignation of the thing or amount due. Under the Civil Code, there is no effective payment without valid tender of

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payment and consignation in court.[15] The petitioners theorize that, in the same manner, the DAR cannot be allowed to take possession of the property of a landowner, by mere deposit of the compensation that it has summarily fixed under paragraph (e), without having to go to court.

Paragraph (f) is characterized by the petitioners as meaningless and useless to the landowner. It allegedly compels him to file a case, and in the process incur costs therefor, for the final determination of just compensation when, in the meantime, he has already been deprived of possession of his property and his certificate of title cancelled. The petitioners cite *EPZA v. Dulay*[16] where the Court ruled that:

> We, therefore, hold that P.D. 1533 which eliminates the court's discretion to appoint commissioners pursuant to Rule 67 of the Rules of Court, is unconstitutional and void. To hold otherwise would be to undermine the very purpose why this Court exists in the first place.[17]

Relying on the above pronouncement, the petitioners submit that paragraphs (d), (e) and (f) of Section 16 of RA 6657, as they similarly eliminate the appointment by the court of commissioners to appraise the valuation of the land, are unconstitutional, null and void.

The petitioners next assail the Court's Decision in *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*[18] which affirmed the constitutionality of RA 6657. They describe the Decision as a "riddle wrapped in

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[15] Citing, among others, Article 1258 of the Civil Code which reads:

> ART. 1258. Consignation shall be made by depositing the things due at the disposal of the judicial authority before whom the tender of payment shall be proved in a proper case, and the announcement of the consignation in other cases.
>
> The consignation having been made, the interested parties shall be notified thereof.

[16] No. 59603, April 29, 1987, 149 SCRA 305.

[17] *Id*. at 316.

[18] G.R. No. 78742, July 14, 1989, 175 SCRA 343.

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an enigma." They refer to pronouncements made therein that are allegedly inconsistent with its conclusion, *i.e.*, affirming the validity of RA 6657, including paragraphs (d), (e) and (f) of Section 16. For example, while the Decision, citing *EPZA*, pronounced that "[t]o be sure, the determination of just compensation is a function addressed to the courts of justice and may not be usurped by any other branch or official of the government"[19] and that "the determination made by the DAR is only *preliminary* unless accepted by all parties concerned,"[20] these pronouncements are allegedly irreconcilable with paragraphs (d) and (e) which allow the DAR, through summary administrative proceeding, "to take immediate possession of the land" and cause "the cancellation of the certificate of title of the landowner."

Further, the petitioners maintain that paragraphs (d) and (e) contemplate a transfer of possession and ownership even before full payment of compensation. They thus wonder how these paragraphs were allowed to survive and remain despite the avowals of the Court in the Decision that "[t]he recognized rule, indeed, is that title to the property expropriated shall pass from the owner to the expropriator only upon full payment of the just compensation"[21] and its dispositive portion that "2. Title to all expropriated properties shall be transferred to the State only upon full payment of compensation to their respective owners."[22]

The petitioners opine that even as the Decision affirmed the validity of RA 6657, the pronouncements made in the body, quoted earlier, actually support their argument that paragraphs (d), (e) and (f) of Section 16 are invalid as they dispense with the expropriation proceedings under Rule 67 of the Rules of Court in the acquisition of private agricultural lands. The petitioners

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[19] *Id*. at 380.

[20] *Id*. at 382.

[21] *Id*. at 389.

[22] *Id*. at 393.

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assert that the only procedure for the exercise by the State of eminent domain in the implementation of agrarian reform is through expropriation under Rule 67 of the Rules of Court.

The DAR is also being accused by the petitioners of usurping the powers and functions of the Presidential Agrarian Reform Council (PARC),[23] which is allegedly the body charged under RA 6657 with the task of promulgating the rules for the schedule of acquisition and redistribution of agricultural lands.[24] No law has allegedly been passed transferring the powers of the PARC

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[23] Section 41 of RA 6657 reads:

SEC. 41. *The Presidential Agrarian Reform Council*. - The Presidential Agrarian Reform Council (PARC) shall be composed of the President of the Philippines as Chairman, the Secretary of Agrarian Reform as Vice-Chairman and the following as members: Secretaries of the Departments of Agriculture, Environment and Natural Resources; Budget and Management; Local Government; Public Works and Highways; Trade and Industry; Finance; Labor and Employment; Director-General of the National Economic and Development Authority; President, Land Bank of the Philippines; Administrator, National Irrigation Administration; and three (3) representatives of affected landowners to represent Luzon, Visayas, and Mindanao, six (6) representatives of agrarian reform beneficiaries, two (2) each from Luzon, Visayas and Mindanao, provided that one of them shall be from the cultural minorities.

[24] Citing, among other provisions of RA 6657, Section 7 which reads in part:

SEC. 7. Priorities. - The DAR, in coordination with the PARC, shall plan and program the acquisition and distribution of all agricultural lands through a period of ten (10) years from the effectivity of this Act. Lands shall be acquired and distributed as follows:

x x x x x x x x x

The schedule of acquisition and redistribution of all agricultural lands shall be made in accordance with the above order of priority, which shall be provided in the implementing rules to be prepared by the Presidential Agrarian Reform Council (PARC), taking into consideration the following: the need to distribute lands to the tillers at the earliest practicable time; the need to enhance agricultural productivity; and the availability of funds and resources to implement and support the program.

x x x x x x x x x

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to DAR; consequently, the various administrative orders that it has issued to implement RA 6657 are *ultra vires*.

The petitioners also assail as undue and unlawful delegation to the Municipal Agrarian Reform Officers (MAROs) the authority to issue notices of coverage and compulsory acquisition. Section 16 (a), quoted earlier, provides that "[a]fter having identified the land, the landowners and the beneficiaries, the DAR shall send its notice to acquire the land to the owners thereof x x x." According to the petitioners, this function has been delegated to the DAR Secretary and it can and should only be exercised by the said official. The DAR Secretary cannot allegedly delegate the same to a subordinate official or employee. Consequently, the delegation by the DAR Secretary to the MAROs of the authority and discretion to send the notices of coverage and compulsory acquisition involving sugar lands to be brought under RA 6657 allegedly constituted grave abuse of discretion amounting to lack or excess of jurisdiction.

Citing Section 4, Article XIII (Social Justice and Human Rights) which states in part that "[t]he State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till x x x," the petitioners posit that only the regular farmworkers or farmers are entitled to own the land they till. Further, this entitlement or right may be waived or declined by the regular farmworkers or farmers. As a corollary, they must first express their willingness or conformity to own the lands they are tilling before the DAR may allegedly send the notices of coverage and acquisition.

Allegedly in violation thereof, notices of coverage and acquisition are being sent out by the DAR "indiscriminately" without first identifying the land, the landowners and the beneficiaries. The petitioners emphasize that, with respect to the regular farmworkers in sugar lands, a majority of the regular farmworkers must first agree to exercise their right to own the land they till. In other words, the regular farmworkers in sugar lands can exercise their right to own the land only collectively, not individually. If they decide against the exercise of the said

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right, the DAR cannot choose to replace them with non-regular farmworkers or non-tillers thereon because they would not qualify as beneficiaries.

What is actually implemented in the sugar lands of the members of petitioners-federations is that the DAR, allegedly in collusion with some non-governmental organizations (NGOs) and farmer organizations, ejects and replaces the regular farmworkers with non-tillers, non-regular farmworkers or outsiders who are falsely designated as "beneficiaries." These "beneficiaries" are then installed on the sugar lands with the assistance of members of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP). The petitioners claim that these incidents have resulted in heightened tension and anxiety and even violent confrontations in the sugar lands in the Visayas.

By these alleged acts, the petitioners charge the DAR with "deliberate and unmitigated distortion" of Section 22[25] of RA 6657. In contravention of the letter of the said provision,

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[25] The provision reads:

SEC. 22. *Qualified Beneficiaries*. – The lands covered by the CARP shall be distributed as much as possible to landless residents of the same *barangay*, or in the absence thereof, landless resident of the same municipality in the following order of priority:

(a) agricultural lessees and share tenants;

(b) regular farmworkers;

(c) seasonal farmworkers;

(d) other farmworkers;

(e) actual tillers or occupants of public lands;

(f) collectives or cooperatives of the above beneficiaries; and

(g) others directly working on the land.

Provided, however, That the children of landowners who are qualified under Section 6 of this Act shall be given preference in the distribution of the land of their parents; *And provided, further,* That actual tenants-tillers in the landholding shall not be ejected or removed therefrom.

Beneficiaries under Presidential Decree No. 27 who have culpably sold, disposed of, or abandoned their land are disqualified to become beneficiaries under this Program.

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the DAR has allegedly included landless residents who are non-tillers and who are outsiders as beneficiaries in the distribution of private agricultural lands.

As an alternative mode of agrarian reform, the petitioners aver that the system of Land Administration, as recognized in RA 3844, should continue to be allowed particularly in sugar lands. Labor Administration,[26] they explain, is a farming system that has been adopted and followed by sugar planters in the operation of their farms. Under this system, the planters employ or hire farmworkers who supply the labor required for the entire farm operations. Aside from their salaries and wages, which are covered by the minimum wage law, the farmworkers also receive other benefits from the planters such as housing, medical services and education for their children.

The petitioners contend that RA 6657 expressly recognizes Land Administration as an alternative mode of agrarian reform as it defines "agrarian reform" in this wise:

A basic qualification of a beneficiary shall be his willingness, aptitude and ability to cultivate and make the land as productive as possible. The DAR shall adopt a system of monitoring the record or performance of each beneficiary, so that any beneficiary guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary. The DAR shall submit periodic reports on the performance of the beneficiaries to the PARC.

If, due to the landowner's retention rights or to the number of tenants, lessees, or workers on the land, there is not enough land to accommodate any or some of them, they may be granted ownership of other lands available for distribution under this Act, at the option of the beneficiaries.

Farmers already in place and those not accommodated in the distribution of privately-owned lands will be given preferential rights in the distribution of lands from the public domain.

[26] Defined in Section 166 (24) of RA 3844 in this wise:

SEC. 166. *Definition of Terms*. – As used in Chapter I of this Code:

x x x x x x x x x

(24) "Labor Administration" means cases where farm workers are employed wholly in the agricultural production.

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SEC. 3. *Definitions*. – For the purpose of this Act, unless the context indicates otherwise:

(a) *Agrarian Reform* means the redistribution of lands, regardless of crops or fruits produced, to farmer and regular farmworkers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of the beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, *labor administration*, and the distribution of shares of stock, which will allow beneficiaries to receive a just share of the fruits of the lands they work.

Another indication that Land Administration is continued to be recognized in the operation of farms, according to the petitioners, is the fact that after RA 6657, Congress amended the minimum wage law several times to provide for the increase of the minimum wage not only for non-agricultural workers but also for agricultural laborers. Also, in 1991, Congress enacted RA 6982[27] which, according to the petitioners, granted wage and other benefits to workers in the sugar industry. The said law allegedly recognized that the work in the sugar industry is seasonal. Implicit in these policies of minimum wage increases and amelioration of benefits for sugar farmworkers is allegedly the recognition of the system of Land Administration as a legitimate mode of agrarian reform.

Despite this recognition, the DAR has allegedly outlawed Land Administration as it is bent on acquiring and distributing thousands of hectares of private agricultural lands. In so doing, the DAR is allegedly not bothering to find out whether the alternative mode of agrarian reform, *i.e.*, Land Administration, is already in place and whether the regular farmworkers entitled to own the land want to exercise their right.

The petitioners explain that there are certain crops, and sugar is one of them, that are more economically and efficiently

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[27] Entitled An Act Strengthening the Social Amelioration Program in the Sugar Industry, Providing the Mechanics For its Implementation, and For Other Purposes.

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produced by organized, mechanized and plantation-type agriculture than by small, "parcelized" and owner-cultivated farms. This is allegedly especially true in the sugar producing regions in the Visayas where planting and harvesting of sugarcane have to be synchronized with the milling season of the sugar mill in a particular district. The peculiar nature of the sugar industry is allegedly the reason why RA 3844, RA 6982 and other laws have recognized Labor Administration as an alternative mode of agrarian reform.

The petitioners stress that the mandate of the Constitution is not only to give the landless farmers and regular farmworkers the right to own the land they till but also the right to receive a just share of the fruits of the land. If these farmers then choose not to exercise their right to own the land they till, then it allegedly behooves the DAR to see to it that the other laws, such as the minimum wage law and RA 6982, are implemented to afford the farmworkers a "just share of the fruits of the land." Instead, the DAR, by its stance of singularly implementing RA 6657, is allegedly violating the rights of the sugar farmworkers guaranteed by other applicable laws.[28] Specifically, the DAR is ousting regular farmworkers and installing outsiders to take over the lands.

The DAR is further allegedly committing grave abuse of discretion by assuming jurisdiction, through the Department of Agrarian Reform Adjudication Board (DARAB), over cases

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[28] Citing, for example, Section 39 of RA 3844 which provides:

SEC. 39. *Rights of Agricultural Labor*. – To enable the farm workers to enjoy the same rights and opportunities in life as industrial workers, they shall enjoy the following:

(1) Right to self-organization;

(2) Right to engage in concerted activities as defined under [RA 875];

(3) Right to minimum wage;

(4) Right to work for not more than eight hours;

(5) Right to claim for damages for death or injuries sustained while at work;

(6) Right to compensation for personal injuries, death or illness; and

(7) Right against suspension or lay off. (As amended by RA 6389).

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and controversies which, by virtue of *Batas Pambansa Blg*. (BP) 129, known as "The Judiciary Reorganization Act," are properly cognizable by the Regional Trial Courts (RTCs). The petitioners note that prior to BP 129, "cases involving expropriation of all kinds of land in furtherance of the agrarian reform program" and "expropriation proceedings for public purpose of all kinds of tenanted agricultural lands x x x"[29] were exclusively within the jurisdiction of the Court of Agrarian Relations (CAR). With the enactment of BP 129, the CAR was abolished and cases under its jurisdiction were transferred to the exclusive and original jurisdiction of RTCs. The petitioners advance the view that RA 6657 did not repeal BP 129 such that the RTCs are not divested of their exclusive and original jurisdiction over cases formerly under the jurisdiction of the CAR. This is so, according to the petitioners, because the jurisdiction of the CAR involved the exercise of judicial power that could not be properly transferred to an administrative body like the DAR. The latter's jurisdiction is allegedly limited only to matters involving the administrative implementation of agrarian reform laws, *e.g.*, disputes and controversies "relating to tenurial arrangements."

With respect to the Land Bank, the petitioners allege that in the light of the Court's pronouncement in *Association of Small Landowners* that "the determination made by the DAR is only *preliminary* unless accepted by all parties concerned, [o]therwise, the courts of justice will still have the right to review *with finality* the said determination in the exercise of what is admittedly a judicial function," the Land Bank cannot effect the payment of compensation as determined by the DAR which is considered as *preliminary*. The Land Bank must allegedly wait until such compensation is determined *with finality* by the courts.

The Land Registration Authority is similarly assailed as committing grave abuse of discretion since it, through the various Registers of Deeds in the country and particularly in the sugar

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[29] Citing Section 12, paragraphs (m) and (n) of PD 946.

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producing regions in the Visayas, has been allegedly summarily canceling certificates of title merely upon the directive or request of the DAR and without the knowledge and consent of the registered owners. In violation of the pertinent provisions[30] of the Land Registration Act (Act No. 496), the Registers of Deeds are allegedly canceling certificates of title of landowners without asking them to surrender their owners' duplicate certificates of titles.

The petitioners thus pray, *inter alia*, for the issuance of a writ to prohibit the DAR, the Land Bank and the Land Registration Authority from subjecting the petitioners' sugarcane farms to eminent domain or compulsory acquisition without filing the necessary expropriation proceedings pursuant to the provisions of Rule 67 of the Rules of Court and/or without the application or conformity of a majority of the regular farmworkers on said farms. The petitioners likewise pray that paragraphs (d), (e) and (f) of Section 16 of RA 6657 be declared unconstitutional.

The Respondents' Counter-Arguments

The Land Bank urges the Court to dismiss the petition since the constitutionality of RA 6657 had already been categorically upheld by the Court in *Association of Small Landowners*. Further,

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[30] Citing Sections 55 (voluntary transfers) and 111 (involuntary transfers) of Act No. 496 which provide in part:

SEC. 55. No new certificate of title shall be entered, no memorandum shall be made upon any certificate of title by the register of deeds, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented for such endorsement, except in cases expressly provided for in this Act, or upon the order of the court for cause shown; x x x

SEC. 111. In every case where the clerk or any register of deeds is requested to enter a new certificate in pursuance of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the clerk or register of deeds shall not enter a new certificate, but the person claiming to be entitled thereto may apply by petition to the court. x x x

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some of the grounds relied upon by the petitioners allege matters that require factual determination. For example, the allegation that the DAR is subjecting the sugar lands to the coverage of RA 6657 without first ascertaining whether there are regular farmworkers therein and whether they are interested to own, directly or collectively, the land they till, allegedly requires factual determination. Considering that the Court is not a trier of facts, the Land Bank argues that these matters are better threshed out in a trial court.

Refuting the petitioners, the Land Bank asserts that taking of private property for agrarian reform purposes can be effected even without full payment of just compensation. It cites the following commentary of Fr. Bernas:

x x x x x x x x x

IS SUCH RIGHT OF IMMEDIATE ENTRY CONSTITUTIONAL? x x x Reviewing conflicting American authorities, the Court said that "ACCORDING TO THE WEIGHT OF AUTHORITY, IF THE CONSTITUTION OR STATUTES DO NOT EXPRESSLY REQUIRE IT, ACTUAL PAYMENT OR TENDER BEFORE TAKING IS UNNECESSARY, and it will be sufficient if a certain and adequate remedy is provided by which the owner can obtain compensation without any unreasonable delay." THE COURT OPTED FOR THIS MORE LIBERAL VIEW and found that the statute in question with its provision for deposit of the money with the court satisfied constitutional requirements.[31]

The Land Bank is also of the view that the framers of the Constitution did not intend to require full payment of just compensation before taking of private lands for agrarian reform purposes could be effected. It cites Fr. Bernas anew:

x x x x x x x x x

ANOTHER MATTER TAKEN UP BY THE COMMISSION WAS

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[31] Citing BERNAS, *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES, A COMMENTARY*, 2003 ed., pp. 394-395. Emphasis supplied.

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THE PROPOSAL TO REQUIRE 'PRIOR PAYMENT OF JUST COMPENSATION' IN LAND REFORM EXPROPRIATIONS. Commissioner Regalado proposed the amendment as a measure to protect the interest of landowners. Regalado's explanation, however, revealed that ALL HE WANTED WAS WHAT ALREADY OBTAINS IN EXPROPRIATION LAWS WHICH REQUIRES A COURT DEPOSIT PRIOR TO ENTRY INTO THE CONDEMNED PROPERTY. BUT REGALADO WAS SATISFIED WHEN THIS MEANING WAS ACCEPTED BY THE COMMISSION and he did not insist on an explicit constitutional provision.[32]

By insisting that title should remain with the landowners until the issue of just compensation is finally adjudicated by the courts, the petitioners allegedly simply want to interminably delay the acquisition of lands covered by RA 6657.

Debunking the petitioners' argument that it may have been "unwise" and "impractical" for Congress to include sugar lands within the coverage of RA 6657 as certain crops, including sugar, are more efficiently and more economically produced by organized, mechanized, plantation-type agriculture than by small, "parcelized," owner-cultivated farms, the Land Bank opines that the wisdom, morality or practicability of acquiring sugar lands for agrarian reform is beyond the ambit of judicial review. The remedy to address this issue, according to the Land Bank, is legislative not judicial. Absent any amendment to RA 6657 with respect to its coverage, there can be no basis to prohibit the DAR and the Land Bank from acquiring all agricultural lands, sugar lands included, for purposes of agrarian reform.

The Land Bank thus denies committing any grave abuse of discretion in "making or causing the payment of the initial amount of valuation regarding private lands acquired pursuant to RA 6657 notwithstanding the lack of finality of the decision adjudging the amount of just compensation of subject properties."[33]

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[32] *Id*. at 401 citing III RECORDS 18-21. Emphasis supplied.

[33] Comment, p. 17; *rollo*, p. 245.

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Through the Office of the Solicitor General, the DAR urges the Court to dismiss the petition outright on the ground that it is premature. It avers that when issues of constitutionality are raised, as in this case, the Court can exercise its power of judicial review only if the following requisites are present: (1) an actual and appropriate case exists; (2) a personal and substantial interest of the party raising the constitutional question; (3) the exercise of judicial review is pleaded at the earliest possible opportunity; and (4) the constitutional question is the *lis mota* of the case.[34]

In the present case, the DAR contends that the first requisite, *i.e.*, the existence of an actual or appropriate case, is not attendant. There is allegedly no showing that the petitioners' sugar lands have been subjected to compulsory acquisition by the DAR. Even the petition itself is allegedly devoid of such allegation. Accordingly, there is no actual case or controversy to speak of and the instant petition is, at best, premature.

In this connection, the DAR informs the Court that the concerns of the petitioners are appropriately within the domain of the Task Force Sugarlandia, created pursuant to Memorandum Order No. 199 dated December 5, 2005 issued by President Gloria Macapagal-Arroyo, which reads:

Section 2. *Powers and Functions*. Task Force Sugarlandia shall exercise the following powers and functions:

a. Conduct and complete a study identifying and addressing specific problems in the implementation of the Comprehensive Agrarian Reform Program as provided under Republic Act 6657 directly affecting the development of the sugar industry and conduct consultations in areas to be identified by the Task Force;

b. Submit recommendations to the President on the formulation of policies, plans, programs and projects relative to the development of the sugar industry and implementation of the ethanol program;

c. Recommend modifications/amendments to existing laws, rules, regulations and procedures to remove impediments in the

[34] *Philippine Constitutional Association v. Enriquez*, G.R. No. 113105, August 19, 1994, 235 SCRA 506.

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> immediate, effective and efficient implementation of the programs and activities relative to the Comprehensive Agrarian Reform Program under Republic Act 6657;
>
> d. Enlist the assistance of any branch, department, bureau, office, agency or instrumentality of the Government, including government-owned and controlled corporations, to carry out the provisions of this Memorandum Order;
>
> e. Perform such other functions as may be directed by the President.

Anent the alleged unconstitutionality of paragraphs (d), (e) and (f) of Section 16 of RA 6657, the DAR invokes *Association of Small Landowners* which affirmed the constitutionality of the said law.

For its part, the Land Registration Authority observes that it was impleaded as a nominal party; nonetheless, it adopts the Comment of the DAR as its own.

The Court's Rulings

The petition lacks merit.

The validity of Section 16, including paragraphs (d), (e) and (f) thereof, of RA 6657 has already been affirmed in Association of Small Landowners

In *Association of Small Landowners*, the Court categorically passed upon and upheld the validity of Section 16 of RA 6657, including paragraphs (d), (e) and (f), which sets forth the manner of acquisition of private agricultural lands and ascertainment of just compensation, in this wise:

> Where the State itself is the expropriator, it is not necessary for it to make a deposit upon its taking possession of the condemned property, as "the compensation is a public charge, the good faith of the public is pledged for its payment, and all the resources of taxation may be employed in raising the amount." Nevertheless, Section 16(e) of the CARP Law provides that:
>
> > Upon receipt by the landowner of the corresponding payment, or in case of rejection or no response from the landowner, upon the deposit with an accessible bank designated by the DAR of

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> the compensation in cash or in LBP bonds in accordance with this Act, the DAR shall take immediate possession of the land and shall request the proper Register of Deeds to issue a Transfer Certificate of Title (TCT) in the name of the Republic of the Philippines. The DAR shall thereafter proceed with the redistribution of the land to the qualified beneficiaries.

Objection is raised, however, to the manner of fixing the just compensation, which it is claimed is entrusted to the administrative authorities in violation of judicial prerogatives. Specific reference is made to Section 16(d), which provides that in case of the rejection or disregard by the owner of the offer of the government to buy his land -

> x x x the DAR shall conduct summary administrative proceedings to determine the compensation for the land by requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land, within fifteen (15) days from the receipt of the notice. After the expiration of the above period, the matter is deemed submitted for decision. The DAR shall decide the case within thirty (30) days after it is submitted for decision.

To be sure, the determination of just compensation is a function addressed to the courts of justice and may not be usurped by any other branch or official of the government. *EPZA v. Dulay* resolved a challenge to several decrees promulgated by President Marcos providing that the just compensation for property under expropriation should be either the assessment of the property by the government or the sworn valuation thereof by the owner, whichever was lower. In declaring these decrees unconstitutional, the Court held through Mr. Justice Hugo E. Gutierrez, Jr.:

> The method of ascertaining just compensation under the aforecited decrees constitutes impermissible encroachment on judicial prerogatives. It tends to render this Court inutile in a matter which under this Constitution is reserved to it for final determination.
>
> Thus, although in an expropriation proceeding the court technically would still have the power to determine the just compensation for the property, following the applicable decrees, its task would be relegated to simply *stating* the lower value of the property as declared either by the owner or the assessor.

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> As a necessary consequence, it would be useless for the court to appoint commissioners under Rule 67 of the Rules of Court. Moreover, the need to satisfy the due process clause in the taking of private property is seemingly fulfilled since it cannot be said that a judicial proceeding was not had before the actual taking. However, the strict application of the decrees during the proceedings would be nothing short of a mere formality or charade as the court has only to choose between the valuation of the owner and that of the assessor, and its choice is always limited to the lower of the two. The court cannot exercise its discretion or independence in determining what is just and fair. Even a grade school pupil could substitute for the judge insofar as the determination of constitutional just compensation is concerned.
>
> x x x x x x x x x
>
> In the present petition, we are once again confronted with the same question of whether the courts under P.D. No. 1533, which contains the same provision on just compensation as its predecessor decrees, still have the power and authority to determine just compensation, independent of what is stated by the decree and to this effect, to appoint commissioners for such purpose.
>
> This time we answer in the affirmative.
>
> x x x x x x x x x
>
> It is violative of due process to deny the owner the opportunity to prove that the valuation in the tax documents is unfair or wrong. And it is repulsive to the basic concepts of justice and fairness to allow the haphazard work of a minor bureaucrat or clerk to absolutely prevail over the judgment of a court promulgated only after expert commissioners have actually viewed the property, after evidence and arguments pro and con have been presented, and after all factors and considerations essential to a fair and just determination have been judiciously evaluated.

A reading of the aforecited Section 16(d) will readily show that it does not suffer from the arbitrariness that rendered the challenged decrees constitutionally objectionable. Although the proceedings are described as summary, the landowner and other interested parties are nevertheless allowed an opportunity to submit evidence on the real value of the property. But more importantly, the determination

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of the just compensation by the DAR is not by any means final and conclusive upon the landowner or any other interested party, for Section(f) clearly provides:

> (f) Any party who disagrees with the decision may bring the matter to the court of proper jurisdiction for final determination of just compensation.

The determination made by the DAR is only *preliminary* unless accepted by all parties concerned. Otherwise, the courts of justice will still have the right to review *with finality* the said determination in the exercise of what is admittedly a judicial function.[35]

On the matter of when transfer of possession and ownership of the land to the Government is reckoned, *Association of Small Landowners* instructs:

> The CARP Law, for its part, conditions the transfer of possession and ownership of the land to the government on receipt by the landowner of the corresponding payment or the deposit by the DAR of the compensation in cash or LBP bonds with an accessible bank. Until then, title also remains with the landowner. No outright change of ownership is contemplated either.[36]

The foregoing disquisition is binding and applicable to the present case following the salutary doctrine of *stare decisis et non quieta movere* which means "to adhere to precedents, and not to unsettle things which are established."[37] Under the doctrine, when the Supreme Court has once laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle, and apply it to all future cases, where facts are substantially the same; regardless of whether the parties and property are the same.[38] The doctrine of *stare decisis* is based upon the legal principle or rule involved and not upon the judgment

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[35] *Supra* note 18, pp. 379-382.

[36] *Id*. at 391.

[37] Black's *Law Dictionary*, Fifth Edition.

[38] *Horne v. Moody*, 146 S.W.2d 505 (1940).

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which results therefrom. In this particular sense *stare decisis* differs from *res judicata* which is based upon the judgment.[39]

The doctrine of *stare decisis* is one of policy grounded on the necessity for securing certainty and stability of judicial decisions, thus:

> Time and again, the Court has held that it is a very desirable and necessary judicial practice that when a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same. *Stare decisis et non quieta movere*. Stand by the decisions and disturb not what is settled. *Stare decisis* simply means that for the sake of certainty, a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It proceeds from the first principle of justice that, absent any powerful countervailing considerations, like cases ought to be decided alike. Thus, where the same questions relating to the same event have been put forward by the parties similarly situated as in a previous case litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to relitigate the same.[40]

A careful reading of the petition shows that while it purports to be one for prohibition and *mandamus*, it practically seeks a reconsideration, albeit partial, of the Decision in *Association of Small Landowners*. It is noted that in G.R. 79310, one of the consolidated cases therein, the petitioners were landowners and sugar planters in Victorias, Negros Occidental and Planters' Committee, Inc., an organization composed of 1,400 planter-members. Also allowed to intervene as petitioner therein was the National Federation of Sugarcane Planters, presumably the same organization as one of the petitioners in this case, which then claimed to represent its members of at least 20,000 individual sugar planters all over the country. The Decision in *Association of Small Landowners* is thus final and conclusive

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[39] *Id*.

[40] *Ty v. Banco Filipino Savings & Mortgage Bank*, G.R. 144705, November 15, 2005, 475 SCRA 65.

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on these parties not only on the ground of *stare decisis*, but *res judicata* as well.

In any case, despite its lengthy discussion, the petition has failed to present any cogent argument for the Court to re-examine *Association of Small Landowners*. As correctly observed by the Solicitor General, the petition does not allege that the farm lands of any of the petitioners have *actually* been subjected to compulsory acquisition or, at the least, that the DAR, following Section 16 of RA 6657, has *actually* given any of the petitioners notice that it is acquiring their respective properties for the purpose of agrarian reform. In other words, the allegations of the petition have failed to present an actual case or controversy, or that it is ripe for adjudication, which would warrant the Court's re-examination of its rulings in *Association of Small Landowners*, including those pertaining to the validity of Section 16, including paragraphs (d), (e) and (f), of RA 6657.

DAR's compulsory acquisition procedure is based on Section 16 of RA 6657. It does not, in any way, preclude judicial determination of just compensation

Contrary to the petitioners' submission that the compulsory acquisition procedure adopted by the DAR is without legal basis, it is actually based on Section 16 of RA 6657. Under the said law, there are two modes of acquisition of private agricultural lands: compulsory and voluntary. The procedure for compulsory acquisition is that prescribed under Section 16 of RA 6657.

In *Roxas & Co., Inc. v. Court of Appeals*,[41] the Court painstakingly outlined the procedure for compulsory acquisition, including the administrative orders issued by the DAR in relation thereto, in this manner:

In the compulsory acquisition of private lands, the landholding, the landowners and the farmer beneficiaries must first be identified. After identification, the DAR shall send a Notice of Acquisition to

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[41] 378 Phil. 727 (1999).

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the landowner, by personal delivery or registered mail, and post it in a conspicuous place in the municipal building and barangay hall of the place where the property is located. Within thirty days from receipt of the Notice of Acquisition, the landowner, his administrator or representative shall inform the DAR of his acceptance or rejection of the offer. If the landowner accepts, he executes and delivers a deed of transfer in favor of the government and surrenders the certificate of title. Within thirty days from the execution of the deed of transfer, the Land Bank of the Philippines (LBP) pays the owner the purchase price. If the landowner rejects the DAR's offer or fails to make a reply, the DAR conducts summary administrative proceedings to determine just compensation for the land. The landowner, the LBP representative and other interested parties may submit evidence on just compensation within fifteen days from notice. Within thirty days from submission, the DAR shall decide the case and inform the owner of its decision and the amount of just compensation. Upon receipt by the owner of the corresponding payment, or, in case of rejection or lack of response from the latter, the DAR shall deposit the compensation in cash or in LBP bonds with an accessible bank. The DAR shall immediately take possession of the land and cause the issuance of a transfer certificate of title in the name of the Republic of the Philippines. The land shall then be redistributed to the farmer beneficiaries. Any party may question the decision of the DAR in the regular courts for final determination of just compensation.

The DAR has made compulsory acquisition the priority mode of land acquisition to hasten the implementation of the Comprehensive Agrarian Reform Program (CARP). Under Section 16 of the CARL, the first step in compulsory acquisition is the identification of the land, the landowners and the beneficiaries. *However, the law is silent on how the identification process must be made. To fill in this gap, the DAR issued on July 26, 1989 Administrative Order No. 12, Series of 1989, which set the operating procedure in the identification of such lands.* The procedure is as follows:

"II. OPERATING PROCEDURE

A. *The Municipal Agrarian Reform Officer, with the assistance of the pertinent Barangay Agrarian Reform Committee (BARC), shall***:**

1. Update the master list of all agricultural lands covered under the CARP in his area of responsibility. The master list shall include such information as required under the attached CARP Master List

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Form which shall include the name of the landowner, landholding area, TCT/OCT number, and tax declaration number.

2. Prepare a Compulsory Acquisition Case Folder (CACF) for each title (OCT/TCT) or landholding covered under Phase I and II of the CARP except those for which the landowners have already filed applications to avail of other modes of land acquisition. A case folder shall contain the following duly accomplished forms:

a) CARP CA Form 1—MARO Investigation Report

b) CARP CA Form 2— Summary Investigation Report of Findings and Evaluation

c) CARP CA Form 3—Applicant's Information Sheet

d) CARP CA Form 4—Beneficiaries Undertaking

e) CARP CA Form 5—Transmittal Report to the PARO

The MARO/ BARC shall certify that all information contained in the above-mentioned forms have been examined and verified by him and that the same are true and correct.

3. Send a *Notice of Coverage* and a *letter of invitation* to a *conference/ meeting* to the landowner covered by the Compulsory Case Acquisition Folder. Invitations to the said conference/ meeting shall also be sent to the prospective farmer-beneficiaries, the BARC representative(s), the Land Bank of the Philippines (LBP) representative and other interested parties to discuss the inputs to the valuation of the property. He shall discuss the MARO/ BARC investigation report and solicit the views, objection, agreements or suggestions of the participants thereon. The landowner shall also be asked to indicate his retention area. The minutes of the meeting shall be signed by all participants in the conference and shall form an integral part of the CACF.

4. Submit all completed case folders to the Provincial Agrarian Reform Officer (PARO).

B. *The PARO shall:*

1. Ensure that the individual case folders are forwarded to him by his MAROs.

2. Immediately upon receipt of a case folder, compute the valuation of the land in accordance with A.O. No. 6, Series of 1988. The valuation worksheet and the related CACF valuation forms shall

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be duly certified correct by the PARO and all the personnel who participated in the accomplishment of these forms.

3. In all cases, the PARO may validate the report of the MARO through ocular inspection and verification of the property. This ocular inspection and verification shall be mandatory when the computed value exceeds 500,000 per estate.

4. Upon determination of the valuation, forward the case folder, together with the duly accomplished valuation forms and his recommendations, to the Central Office. The LBP representative and the MARO concerned shall be furnished a copy each of his report.

C. *DAR Central Office, specifically through the Bureau of Land Acquisition and Distribution (BLAD), shall:*

1. Within three days from receipt of the case folder from the PARO, review, evaluate and determine the final land valuation of the property covered by the case folder. A summary review and evaluation report shall be prepared and duly certified by the BLAD Director and the personnel directly participating in the review and final valuation.

2. Prepare, for the signature of the Secretary or her duly authorized representative, a Notice of Acquisition (CARP CA Form 8) for the subject property. Serve the Notice to the landowner personally or through registered mail within three days from its approval. The Notice shall include, among others, the area subject of compulsory acquisition, and the amount of just compensation offered by DAR.

3. Should the landowner accept the DAR's offered value, the BLAD shall prepare and submit to the Secretary for approval the Order of Acquisition. However, in case of rejection or non-reply, the DAR Adjudication Board (DARAB) shall conduct a summary administrative hearing to determine just compensation, in accordance with the procedures provided under Administrative Order No. 13, Series of 1989. Immediately upon receipt of the DARAB's decision on just compensation, the BLAD shall prepare and submit to the Secretary for approval the required Order of Acquisition.

4. Upon the landowner's receipt of payment, in case of acceptance, or upon deposit of payment in the designated bank, in case of rejection or non-response, the Secretary shall immediately direct

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the pertinent Register of Deeds to issue the corresponding Transfer Certificate of Title (TCT) in the name of the Republic of the Philippines. Once the property is transferred, the DAR, through the PARO, shall take possession of the land for redistribution to qualified beneficiaries."

Administrative Order No. 12, Series of 1989 requires that the Municipal Agrarian Reform Officer (MARO) keep an updated master list of all agricultural lands under the CARP in his area of responsibility containing all the required information. The MARO prepares a Compulsory Acquisition Case Folder (CACF) for each title covered by CARP. The MARO then sends the landowner a "Notice of Coverage" and a "letter of invitation" to a "conference/ meeting" over the land covered by the CACF. He also sends invitations to the prospective farmer-beneficiaries, the representatives of the *Barangay* Agrarian Reform Committee (BARC), the Land Bank of the Philippines (LBP) and other interested parties to discuss the inputs to the valuation of the property and solicit views, suggestions, objections or agreements of the parties. At the meeting, the landowner is asked to indicate his retention area.

The MARO shall make a report of the case to the Provincial Agrarian Reform Officer (PARO) who shall complete the valuation of the land. Ocular inspection and verification of the property by the PARO shall be mandatory when the computed value of the estate exceeds ₱500,000.00. Upon determination of the valuation, the PARO shall forward all papers together with his recommendation to the Central Office of the DAR. The DAR Central Office, specifically, the Bureau of Land Acquisition and Distribution (BLAD), shall review, evaluate and determine the final land valuation of the property. The BLAD shall prepare, on the signature of the Secretary or his duly authorized representative, a Notice of Acquisition for the subject property. From this point, the provisions of Section 16 of R.A. 6657 then apply.

For a valid implementation of the CAR Program, two notices are required: (1) *the Notice of Coverage and letter of invitation* to a preliminary conference sent to the landowner, the representatives of the BARC, LBP, farmer beneficiaries and other interested parties pursuant to DAR A. O. No. 12, Series of 1989; and (2) *the Notice of Acquisition* sent to the landowner under Section 16 of the CARL.

The importance of the first notice, *i.e.*, the Notice of Coverage and the letter of invitation to the conference, and its actual conduct cannot be understated. They are steps designed to comply with the

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requirements of administrative due process. The implementation of the CARL is an exercise of the State's police power and the power of eminent domain. To the extent that the CARL prescribes retention limits to the landowners, there is an exercise of police power for the regulation of private property in accordance with the Constitution. But where, to carry out such regulation, the owners are deprived of lands they own in excess of the maximum area allowed, there is also a taking under the power of eminent domain. The taking contemplated is not a mere limitation of the use of the land. What is required is the surrender of the title to and physical possession of the said excess and all beneficial rights accruing to the owner in favor of the farmer beneficiary. The Bill of Rights provides that "[n]o person shall be deprived of life, liberty or property without due process of law." The CARL was not intended to take away property without due process of law. The exercise of the power of eminent domain requires that due process be observed in the taking of private property.

DAR A.O. No. 12, Series of 1989, from whence the Notice of Coverage first sprung, was amended in 1990 by DAR A.O. No. 9, Series of 1990 and in 1993 by DAR A.O. No. 1, Series of 1993. *The Notice of Coverage and letter of invitation to the conference meeting were expanded and amplified in said amendments.*

DAR A.O. No. 9, Series of 1990 entitled "Revised Rules Governing the Acquisition of Agricultural Lands Subject of Voluntary Offer to Sell and Compulsory Acquisition Pursuant to R. A. 6657," requires that:

"B. MARO

1. Receives the duly accomplished CARP Form Nos. 1 & 1.1 including supporting documents.
2. Gathers basic ownership documents listed under 1.a or 1.b above and prepares corresponding VOCF/ CACF by landowner/ landholding.
3. Notifies/ invites the landowner and representatives of the LBP, DENR, BARC and prospective beneficiaries of the schedule of ocular inspection of the property at least one week in advance.
4. MARO/ LAND BANK FIELD OFFICE/ BARC

a) Identify the land and landowner, and determine the suitability for agriculture and productivity of the land and jointly prepare

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Field Investigation Report (CARP Form No. 2), including the Land Use Map of the property.

b) Interview applicants and assist them in the preparation of the Application For Potential CARP Beneficiary (CARP Form No. 3).

c) Screen prospective farmer-beneficiaries and for those found qualified, cause the signing of the respective Application to Purchase and Farmer's Undertaking (CARP Form No. 4).

d) Complete the Field Investigation Report based on the result of the ocular inspection/ investigation of the property and documents submitted. See to it that Field Investigation Report is duly accomplished and signed by all concerned.

5. MARO

a) Assists the DENR Survey Party in the conduct of a boundary/ subdivision survey delineating areas covered by OLT, retention, subject of VOS, CA (by phases, if possible), infrastructures, *etc.*, whichever is applicable.

b) Sends Notice of Coverage (CARP Form No. 5) to landowner concerned or his duly authorized representative inviting him for a conference.

c) Sends Invitation Letter (CARP Form No. 6) for a conference/ public hearing to prospective farmer-beneficiaries, landowner, representatives of BARC, LBP, DENR, DA, NGO's, farmers' organizations and other interested parties to discuss the following matters:

Result of Field Investigation
Inputs to valuation
Issues raised
Comments/recommendations by all parties concerned.

d) Prepares Summary of Minutes of the conference/ public hearing to be guided by CARP Form No. 7.

e) Forwards the completed VOCF/CACF to the Provincial Agrarian Reform Office (PARO) using CARP Form No. 8 (Transmittal Memo to PARO).

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DAR A.O. No. 9, Series of 1990 lays down the rules on both Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) transactions involving lands enumerated under Section 7 of the CARL. In both VOS and CA transactions, the MARO prepares the Voluntary Offer to Sell Case Folder (VOCF) and the Compulsory Acquisition Case Folder (CACF), as the case may be, over a particular landholding. The MARO notifies the landowner as well as representatives of the LBP, BARC and prospective beneficiaries of the date of the ocular inspection of the property at least one week before the scheduled date and invites them to attend the same. The MARO, LBP or BARC conducts the ocular inspection and investigation by identifying the land and landowner, determining the suitability of the land for agriculture and productivity, interviewing and screening prospective farmer beneficiaries. Based on its investigation, the MARO, LBP or BARC prepares the Field Investigation Report which shall be signed by all parties concerned. In addition to the field investigation, a boundary or subdivision survey of the land may also be conducted by a Survey Party of the Department of Environment and Natural Resources (DENR) to be assisted by the MARO. This survey shall delineate the areas covered by Operation Land Transfer (OLT), areas retained by the landowner, areas with infrastructure, and the areas subject to VOS and CA. After the survey and field investigation, the MARO sends a "Notice of Coverage" to the landowner or his duly authorized representative inviting him to a conference or public hearing with the farmer beneficiaries, representatives of the BARC, LBP, DENR, Department of Agriculture (DA), non-government organizations, farmer's organizations and other interested parties. At the public hearing, the parties shall discuss the results of the field investigation, issues that may be raised in relation thereto, inputs to the valuation of the subject landholding, and other comments and recommendations by all parties concerned. The Minutes of the conference/ public hearing shall form part of the VOCF or CACF which files shall be forwarded by the MARO to the PARO. The PARO reviews, evaluates and validates the Field Investigation Report and other documents in the VOCF/ CACF. He then forwards the records to the RARO for another review.

DAR A.O. No. 9, Series of 1990 was amended by DAR A.O. No. 1, Series of 1993. DAR A.O. No. 1, Series of 1993 provided, among others, that:

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"IV. OPERATING PROCEDURES:

"Steps	Responsible Agency/Unit	Activity	Forms/ Document (Requirements)
		A. *Identification and Documentation*	
xxx		x x x	xxx
5	DARMO	Issues Notice of Coverage to LO CARP by personal delivery with proof of service, or by registered mail with return card, informing him that his property is now under CARP coverage and for LO to select his retention area, if he desires to avail of his right of retention; and at the same time invites him to join the field investigation to be conducted on his property which should be scheduled at least two weeks in advance of said notice.	Form No. 2
		A copy of said Notice shall be posted for at least one week on bulletin board of the municipal and *barangay* halls where the property is located. LGU office concerned notifies DAR about compliance with posting requirement thru return indorsement on CARP Form No. 17. Notify prospective ARBs of the schedule of the field	CARP Form No. 17

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6	DARMO	Sends notice to the LBP, BARC, CARP DENR representatives and prospective ARBs of the schedule of the field investigation to be conducted on the subject property.	Form No.3
7	DARMO BARC LBP, DENR Local Office	With the participation of LO, representatives of the LBP BARC, DENR and prospective ARBs, conducts the investigation on subject Office property to identify the landholding, determines its suitability and productivity; and jointly prepares the Field Investigation Report (FIR) and Land Use Map. However, the field investigation shall proceed even if the LO, the representatives of the DENR and prospective ARBs are not available provided, they were given due notice of the time and date of the investigation to be conducted. Similarly, if the LBP representative is not available or court or could not come on the scheduled date, the field investigation shall also be conducted, after which the duly accomplished Part I of CARP Form No. 4 shall be forwarded to the LBP representative for validation. If he agrees to the ocular inspection report of DAR, he signs the FIR (Part I) and accomplishes Part II thereof. In the event that there is a difference or variance between the findings of the DAR and the LBP as to the propriety of covering the land under CARP, whether in whole or	CARP Form No. 4 Land Use Map

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		in part, on the issue of suitability to agriculture, degree of development or slope, and on issues affecting idle lands, the conflict shall be resolved by a composite team of DAR, LBP, DENR and DA which shall jointly conduct further investigation thereon. The team shall submit its report of findings which shall be binding to both DAR and LBP, pursuant to Joint Memorandum Circular of the DAR, LBP, DENR and DA dated 27 January 1992.	
8	DARMO BARC	Screens prospective ARBS and causes the signing of Application of Purchase and Farmers' undertaking (APFU).	CARP Form No. 5
9	DARMO	Furnishes a copy of the duly accomplished FIR to the landowner by personal delivery with proof of service or registered mail with return card and posts a copy thereof for at least one week on the bulletin board of the municipal and *barangay* halls where the property is located.	CARP Form No. 4
		LGU office concerned notifies notifies DAR about posting requirement thru return endorsement on CARP Form No. 17.	CARP Form No. 17

B. *Land Survey*

10	DARMO and/or DENR	Conducts perimeter or segregation survey delineating areas	Perimeter or Segregation

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Local Office	covered by OLT , "uncarpable areas such as 18% slope and above, unproductive/unsuitable to agriculture, retention, infrastructure. In case of segregation or subdivision survey, the plan shall be approved by DENR-LMS.	Survey Plan

C. *Review and Completion of Documents*.

11 DARMO	Forwards VOCF/CACF to DARPO.	CARP	Form No. 6

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DAR A.O. No. 1, Series of 1993, modified the identification process and increased the number of government agencies involved in the identification and delineation of the land subject to acquisition. This time, the Notice of Coverage is sent to the landowner before the conduct of the field investigation and the sending must comply with specific requirements. Representatives of the DAR Municipal Office (DARMO) must send the Notice of Coverage to the landowner by "personal delivery with proof of service, or by registered mail with return card," informing him that his property is under CARP coverage and that if he desires to avail of his right of retention, he may choose which area he shall retain. The Notice of Coverage shall also invite the landowner to attend the field investigation to be scheduled at least two weeks from notice. The field investigation is for the purpose of identifying the landholding and determining its suitability for agriculture and its productivity. A copy of the Notice of Coverage shall be posted for at least one week on the bulletin board of the municipal and *barangay* halls where the property is located. The date of the field investigation shall also be sent by the DAR Municipal Office to representatives of the LBP, BARC, DENR and prospective farmer beneficiaries. The field investigation shall be conducted on the date set with the participation of the landowner and the various representatives. If the landowner and other representatives are absent, the field

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investigation shall proceed, provided they were duly notified thereof. Should there be a variance between the findings of the DAR and the LBP as to whether the land be placed under agrarian reform, the land's suitability to agriculture, the degree or development of the slope, *etc.*, the conflict shall be resolved by a composite team of the DAR, LBP, DENR and DA which shall jointly conduct further investigation. The team's findings shall be binding on both DAR and LBP. After the field investigation, the DAR Municipal Office shall prepare the Field Investigation Report and Land Use Map, a copy of which shall be furnished the landowner "by personal delivery with proof of service or registered mail with return card." Another copy of the Report and Map shall likewise be posted for at least one week in the municipal or barangay halls where the property is located.

Clearly then, the notice requirements under the CARL are not confined to the Notice of Acquisition set forth in Section 16 of the law. They also include the Notice of Coverage first laid down in DAR A. O. No. 12, Series of 1989 and subsequently amended in DAR A. O. No. 9, Series of 1990 and DAR A. O. No. 1, Series of 1993. This Notice of Coverage does not merely notify the landowner that his property shall be placed under CARP and that he is entitled to exercise his retention right; it also notifies him, pursuant to DAR A. O. No. 9, Series of 1990, that a public hearing shall be conducted where he and representatives of the concerned sectors of society may attend to discuss the results of the field investigation, the land valuation and other pertinent matters. Under DAR A. O. No. 1, Series of 1993, the Notice of Coverage also informs the landowner that a field investigation of his landholding shall be conducted where he and the other representatives may be present.[42]

The procedure prescribed in Section 16 of RA 6657 is a summary administrative proceeding. As outlined in *Roxas,* the said procedure, taken together with the pertinent administrative issuances of the DAR, ensures compliance with the due process requirements of the law. More importantly, this summary administrative proceeding does not preclude judicial determination of just compensation. In fact, paragraph (e) of Section 16 of RA 6657 is categorical on this point as it provides that "[a]ny party who disagrees with the decision may bring

[42] *Id*. at 758-771. Citations omitted.

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the matter to the court of proper jurisdiction for final determination of just compensation."

In *Land Bank of the Philippines v. Court of Appeals*,[43] the Court underscored that the jurisdiction of the RTCs, sitting as Special Agrarian Courts, over petitions for the determination of just compensation is *original and exclusive* as provided in Section 57[44] of RA 6657. As such, direct resort to the RTC, sitting as a Special Agrarian Court, is valid:

> x x x It is clear from Sec. 57 that the RTC, sitting as a Special Agrarian Court, has "original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners." This "original and exclusive" jurisdiction of the RTC would be undermined if the DAR would vest in administrative officials original jurisdiction in review of administrative decisions. Thus, although the new rules speak of directly appealing the decision of adjudicators to the RTCs sitting as Special Agrarian Courts, it is clear from Sec. 57 that the original and exclusive jurisdiction to determine such cases is in the RTCs. Any effort to transfer such jurisdiction of the RTCs into an appellate jurisdiction would be contrary to Sec. 57 and therefore would be void. Thus, direct resort to the SAC by private respondent is valid.[45]

In relation thereto, the Court in its Administrative Circular No. 29-2002 dated July 1, 2002, delineated the jurisdiction of the DAR and the Special Agrarian Courts with the view of avoidance of conflict of jurisdiction under RA 6657, thus:

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[43] 376 Phil. 252 (1999).

[44] The provision reads:

> SEC. 57. The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.
>
> The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision.

[45] *Supra* note 43 at 262-263.

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In view of the increasing number of complaints on matters of jurisdiction over agrarian disputes, the concerned trial court judges are reminded of the need for a careful and judicious application of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, in order to avoid conflict of jurisdiction with the Department of Agrarian Reform (DAR) or the Department of Environment and Natural Resources (DENR). Conflict in jurisdiction must be avoided to prevent delay in the resolution of agrarian problems. In appropriate cases before it the court concerned must not tolerate any delay.

For this purpose, pertinent provisions of R.A. No. 6657 delineating jurisdiction over agrarian disputes are hereby reproduced:

> Section 50. *Quasi-Judicial Powers of the DAR.* — The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementing of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).
>
> Section 55. *No Restraining Order or Preliminary Injunction.*— No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against PARC or any of its duly authorized or designated agencies in any case, dispute or application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform.
>
> Section 56. *Special Agrarian Courts.* — The Supreme Court shall designate at least one (1) branch of the Regional Trial Court (RTC) within each province to act as a Special Agrarian Court.
>
> The Supreme Court may designate more branches to constitute such additional Special Agrarian Courts as may be necessary to cope with the number of agrarian cases in each province. In the designation, the Supreme Court shall give preference to the Regional Trial Courts which have been assigned to handle agrarian cases or whose presiding judges were former judges of the defunct Court of Agrarian Relations.

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The Regional Trial Court (RTC) judges assigned to said courts shall exercise said special jurisdiction in addition to the regular jurisdiction of their respective courts.

The Special Agrarian Courts shall have the powers and prerogatives inherent in or belonging to the Regional Trial Courts.

Section 57. *Special Jurisdiction.*— The special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to land owners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision.

Further, the trial court judges concerned are directed to take note of the decisions of the Supreme Court of 3 December 1990 in *Vda. De Tangub vs. Court of Appeals* [191 SCRA 885), and of 13 September 1991 in *Quismundo vs. Court of Appeals* (201 SCRA 609).

Strict compliance is hereby enjoined. The Office of the Court Administrator is directed to implement this Administrative Circular, which shall take effect upon its issuance.

Rule 67 of the Rules of Court is not entirely disregarded in the implementation of RA 6657

The petitioners' main objection to paragraphs (d), (e) and (f) of Section 16 of RA 6657 is that they are allegedly in complete disregard of the expropriation proceedings prescribed under Rule 67 of the Rules of Court. The petitioners' argument does not persuade. As declared by the Court in *Association of Small Landowners*, we are not dealing here with the *traditional* exercise of the power of eminent domain, but a *revolutionary* kind of expropriation:

x x x However, we do not deal here with the *traditional* exercise of the power of eminent domain. This is not an ordinary expropriation where only a specific property of relatively limited area is sought to be taken by the State from its owner for a specific and perhaps local

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purpose. What we deal with here is a *revolutionary* kind of expropriation.

The expropriation before us affects *all* private agricultural lands whenever found and of whatever kind as long as they are in excess of the maximum retention limits allowed their owners. This kind of expropriation is intended for the benefit not only of a particular community or of a small segment of the population but of the entire Filipino nation, from all levels of our society, from the impoverished farmer to the land-glutted owner. Its purpose does not cover only the whole territory of this country but goes beyond in time to the foreseeable future, which it hopes to secure and edify with the vision and the sacrifice of the present generation of Filipinos. Generations yet to come are as involved in this program as we are today, although hopefully only as beneficiaries of a richer and more fulfilling life we will guarantee to them tomorrow through our thoughtfulness today. And, finally, let it not be forgotten that it is no less than the Constitution itself that has ordained this revolution in the farms, calling for "a just distribution" among the farmers of lands that have heretofore been the prison of their dreams and deliverance.[46]

Despite the *revolutionary* or non-traditional character of RA 6657, however, the chief limitations on the exercise of the power of eminent domain, namely: (1) public use; and (2) payment of just compensation, are embodied therein as well as in the Constitution.

With respect to "public use," the Court in *Association of Small Landowners* declared that the requirement of public use had already been settled by the Constitution itself as it "calls for agrarian reform, which is the reason why private agricultural lands are to be taken from their owners, subject to the prescribed maximum retention limits. The purposes specified in P.D. No. 27,[47] Proc. No. 131[48] and RA No. 6657 are only

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[46] *Supra* note 18 at 385-386.

[47] Referring to Presidential Decree No. 27 entitled Decreeing the Emancipation of Tenants from the Bondage of the Soil Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanism Therefor. Approved October 21, 1972.

[48] Referring to Proclamation No. 131 entitled Instituting a Comprehensive Agrarian Reform Program. Approved July 22, 1987.

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an elaboration of the constitutional injunction that the State adopt the necessary measures 'to encourage and undertake the just distribution of all agricultural lands to enable farmers who are landless to own directly or collectively the lands they till.' That public use, as pronounced by the fundamental law itself, must be binding on us."[49]

On the other hand, judicial determination of just compensation is expressly prescribed in Section 57 of RA 6657, quoted above, as it vests on the Special Agrarian Courts original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners. It bears stressing that the determination of just compensation during the compulsory acquisition proceedings of Section 16 of RA 6657 is *preliminary* only.

Section 57 of RA 6657 authorizes not only direct resort to the Special Agrarian Courts in cases involving petitions for the determination of just compensation, it likewise mandates that the "Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act." Hence, contrary to the contention of the petitioners, the Rules of Court, including Rule 67 thereof, is not completely disregarded in the implementation of RA 6657 since the Special Agrarian Courts, in resolving petitions for the determination of just compensation, are enjoined to apply the pertinent provisions of the Rules of Court. Moreover, Section 58 of RA 6657, like Rule 67 of the Rules of Court, provides for the appointment of commissioners by the Special Agrarian Courts:

> SEC. 58. *Appointment of Commissioners*.— The Special Agrarian Courts, upon their own initiative or at the instance of any of the parties, may appoint one or more commissioners to examine, investigate and ascertain facts relevant to the dispute, including the valuation of properties, and to file a written report thereof to the court.

The petitioners' contention that RA 6657 contradicts the dictum in *EPZA* by eliminating the appointment by the court of

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[49] *Supra* note 18 at 378.

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commissioners to appraise the valuation of the land is, therefore, erroneous.

The inclusion of sugar lands in the coverage of RA 6657 delves into the wisdom of an act of Congress, beyond the ambit of judicial review

The scope of lands subjected to agrarian reform under RA 6657 has been characterized as overwhelming, even broader in scope than that of PD 27. While the latter (PD 27) applies to all private agricultural lands primarily devoted to rice and corn with tenant farmers under a system of sharecrop or lease tenancy, RA 6657 generally covers all public and private agricultural lands regardless of tenurial arrangement and commodity produced.[50]

The petitioners insist that the system of Land Administration should be maintained to govern the relations between the sugar planters and the farmworkers because sugar is one of the crops that is more suitably and efficiently produced by plantation-type agriculture rather than by small and owner-cultivated farms. In *Association of Small Landowners*, however, the matter of the inclusion of sugar farms in the coverage of RA 6657 had already been settled. The sugar planters therein argued that there was no tenancy problem in the sugar areas that could justify the application of RA 6657 and that they should not have been lumped in the same legislation as the others because they (sugar planters) belong to a particular class with particular interests of their own.

Rejecting this particular argument, the Court held that the sugar planters failed to show that they belong to a different class and are entitled to a different treatment. It thus upheld the classification made by RA 6657, insofar as it included the sugar farms, as conforming to the following requirements: (1) it must be based on substantial distinctions; (2) it must be germane to the purposes of the law; (3) it must not be limited to existing

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[50] *Hospicio de San Jose de Barili, Cebu City v. Department of Agrarian Reform*, G.R. No. 140847, September 23, 2005, 470 SCRA 609.

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conditions only; (4) it must apply equally to all the members of the class.[51]

Indeed, it is not within the power of the Court to pass upon or look into the wisdom of the inclusion by Congress of the sugar lands in the coverage of RA 6657. It is basic in our form of government that the judiciary cannot inquire into the wisdom or expediency of the acts of the executive or the legislative department, for each department is supreme and independent of the others, and each is devoid of authority not only to encroach upon the powers or field of action assigned to any of the other departments, but also to inquire into or pass upon the advisability or wisdom of the acts performed, measures taken or decisions made by the other departments.[52]

The other issues raised by the petitioners require factual determination which the Court cannot properly undertake in the present case

The petitioners allege that the DAR, without consulting the regular farmworkers on whether or not they want to exercise their right to own the land they till, "indiscriminately sends notices of coverage and acquisition to practically all the planters and leaves the matter of identifying and convincing the prospective beneficiaries later."[53] It is also alleged that "in ACTUAL PRACTICE in the sugar lands of planter members of petitioners-federations, DAR, in collusion with some NGOs and other 'instant' farmer organizations, designated as 'beneficiaries,' non-tillers, non-regular farmers, and outsiders of the land and other unqualified groups to eject and replace the regular farmworkers and later on installed these 'beneficiaries' on the sugar lands, with the assistance of the AFP or the PNP."[54]

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[51] *Supra* note 18 at 374 citing *People v. Cayat*, 68 Phil. 12 (1939).

[52] *Department of Environment and Natural Resources v. DENR Region 12 Employees,* 456 Phil. 635 (2003).

[53] Petition, p. 140; *rollo*, p. 142.

[54] *Id*. at 144; *id*. at 146.

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The petitioners also made the statement that "what is actually happening in the country today, particularly in the sugar-producing regions, is that Certificates of Title of the landowners are being canceled by LRA merely upon the directive or request by DAR, without asking the landowner to surrender his owner's duplicate of title or even notifying him that, whether he likes it or not, the Register of Deeds will cancel his certificate of title and issue a new certificate in the name of the Republic of the Philippines."[55]

These allegations of the petitioners, however, remain as such – mere allegations, unsupported by any evidence to prove their veracity or truthfulness. Moreover, they require *de novo* appreciation of factual questions. No trial court has had the opportunity to ascertain the validity of these factual claims, the appreciation of which is beyond the function of this Court since it is not a trier of facts.[56]

WHEREFORE, premises considered, the petition is *DISMISSED* for lack of merit.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Garcia, and *Velasco, Jr., JJ.,* concur.

Nachura, J., took no part.

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[55] *Id*. at 185-186; *id*. at 187-188.

[56] *Camid v. Office of the President*, G.R. No. 161414, January 17, 2005, 448 SCRA 711.