



Republic of the Philippines
Supreme Court
Manila

CERTIFIED TRUE COPY
Wilfredo V. Lapid
WILFREDO V. LAPID
Division Clerk of Court
Third Division

MAR 07 2018

THIRD DIVISION

STEPHEN A. ANTIG, as
representative of AMS BANANA
EXPORTER, INC. [formerly AMS
Farming Corporation],
BERNARDITA S. LEMOSNERO,
JEMARIE J. TESTADO, THOMAS
BERNARD C. ALLADIN, and
GERARDO ARANGOSO,
Petitioners,

G.R. No. 192396

Present:

VELASCO, JR., J.,
Chairperson,
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, JJ.

- versus -

ANASTACIO ANTIPUESTO, in his
own capacity and as representative of
AMS KAPALONG AGRARIAN
REFORM BENEFICIARIES MULTI-
PURPOSE COOPERATIVE
(AMSKARBEMCO) and its members,
Respondents.

Promulgated:

January 17, 2018

Wilfredo V. Lapid

X ----- X

RESOLUTION

MARTIRES, J.:

THE CASE

Petitioners assail, by way of a Petition for Review on Certiorari,¹ the 27 August 2009² Decision and the 29 March 2010 Resolution³ of the Court of Appeals (CA), in CA-G.R. SP No. 82287-MIN through which the CA set aside the Orders, dated 21 August 2003 and 6 October 2003, of the Regional Trial Court (RTC), Branch 2, in Tagum City, which was designated as Special Agrarian Court (SAC) in DAR Case No. 98-2003.

Martires

¹ Rollo, pp. 25-44. Rule 45 of the Rules of Court.
² Id. at 45-53; penned by Associate Justices Romulo V. Borja, Elihu A. Ybañez, and Danton Q. Bueser. Promulgated by the Twenty-First Division.
³ Id. at 55-56; penned by Associate Justices Romulo V. Borja, Danton Q. Bueser and Leoncia R. Dimagiba. Promulgated by the Special Former Twenty-First Division.

With the Orders, the SAC assumed jurisdiction over petitioners' Petition for Injunction and issued the injunction prayed for, thereby enjoining the Department of Agrarian Reform (*DAR*) from entering agricultural lands previously acquired under the Comprehensive Agrarian Reform Program (*CARP*) and installing respondents thereon as the beneficiaries of the program.

The CA ruled that the SAC acted in grave abuse of discretion.


In compliance as required,⁴ the parties filed their Comment⁵ and Reply.⁶

THE FACTS

Petitioners Bernadita S. Lemosnero (*Lemosnero*), Jemarie J. Testado (*Testado*), Thomas Bernard C. Alladin (*Alladin*), and Gerardo C. Arangoso (*Arangoso*) (collectively, *the landowners*) were registered owners of four agricultural lots, located at Barangay Sampao, Municipality of Kapalong, Province of Davao del Norte, which are described as follows:⁷

Landowner	Certificate of Title No.	Land Area	Area planted to bananas
Lemosnero	T-167015	5 has.	4,6915 has.
Testado	T-167016	5 has.	4,2856 has.
Alladin	T-167017	5 has.	4,8508 has.
Arangoso	T-167014	5 has.	5 has.

Pursuant to separate lease contracts, AMS Farming Corporation (*AMS Farming*, presently petitioner AMS Banana Exporter, Inc.), a domestic corporation engaged in the business of cultivating and exporting Cavendish bananas, had been leasing, developing, and operating portions of the lots as banana plantations since the 1970s;⁸ the leased portions totaled 18,828 square meters. As lessee, developer, and operator of these banana plantations, AMS Farming asserts ownership over the standing crops (banana trees) and other improvements found thereon. Correspondingly, AMS Farming had been declaring such ownership for taxation purposes.⁹

In 2002, during the effectivity of the lease contracts, the landowners offered their respective lots for agrarian reform, and availed of the Voluntary 

⁴ Id. at 81, resolution dated 22 September 2010; *Rollo*, p. 143, resolution dated 5 September 2011.

⁵ Id. at 86-92.

⁶ Id. at 145-151.

⁷ Id. at 31.

⁸ Id.

⁹ Id. at 46.


Offer to Sell (*VOS*) scheme under the CARP. They proposed that as the just compensation for the lots, the standing crops, and the improvements should be computed at ₱903,857.15 per hectare.¹⁰

Pursuant to its mandate as the duly designated financial intermediary of the CARP, the Land Bank of the Philippines (*LBP*) arrived at its own valuation. Petitioners disagreed with the LBP valuation as it allegedly did not include the value of the standing crops and the improvements.¹¹ Thus, they protested¹² before the DAR Adjudication Board (*DARAB*), prompting the Office of the Provincial Adjudicator, Tagum City, to conduct summary proceedings for the administrative determination of the just compensation for the lots, in accordance with the primary jurisdiction conveyed unto DAR by Section 16 (d)¹³ of Republic Act. No. 6657, or the Comprehensive Agrarian Reform Law of 1988. Before the DARAB, petitioners specifically prayed that the value of the standing crops and improvements be included in the determination of the just compensation.¹⁴ Meanwhile, Certificates of Land Ownership Awards over the lots were issued in favor of the agrarian reform beneficiaries (*ARBs*), including herein respondents, the members of AMS Kapalong Agrarian Reform Beneficiaries Multi-Purpose Cooperative (*the cooperative*).¹⁵

The case before the DARAB

As petitioners alleged before the Office of the Provincial Adjudicator, LBP's computation is as follows:¹⁶

Per Hectare Valuation		
Lemosnero	₱76,463.46 x 4.6915	= ₱358,728.34
Testado	₱49,092.49 x 4.2856	= ₱210,390.78
Alladin	₱71,394.58 x 4.8508	= ₱346,320.84
Arangoso	₱78,709.24 x 5.000	= ₱393,546.20

Petitioners claim that the valuation as shown in the above table takes into consideration only the value of the "RAW LAND." They present a 

¹⁰ Id. at 31.

¹¹ Id.

¹² Id. at 32. Docketed as DARAB Case Nos. LV-XI-0470-Dn-03, LV-XI-0432-Dn-02, LV-XI-0446-Dn-02, LV-XI-0382-Dn-02.

¹³ Section 16 (d) of R.A. No. 6657 states: "Section 16. Procedure for Acquisition of Private Lands. — For purposes of acquisition of private lands, the following procedures shall be followed: x x x (d) In case of rejection or failure to reply, the DAR shall conduct summary administrative proceedings to determine the compensation for the land 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."

¹⁴ *Rollo*, p. 32.

¹⁵ Id. at 47.

¹⁶ Id. at 32.

separate computation, which they say accurately accounts for the value of the standing crops and improvements as well:¹⁷

	Standing Crops	Other Improvements	Area	Total
Testado	₱760,910.32	₱89,500.38	4.2856	₱3,644,519.77
Alladin	₱760,910.22	₱89,500.38	4.85.8	₱4,125,171.74
Lemosnero	₱778,056.10	₱89,500.38	4.6915	₱4,070,141.23
Arrangoso	₱760,910.22	₱89,500.38	5.0000	₱4,252,053.00
			Total:	₱16,091,885.64

The case before the SAC

In a Letter dated 1 August 2003, the Provincial Agrarian Reform Officer¹⁸ (PARO) notified AMS Farming of the impending “physical takeover” of the lots by the ARBs, scheduled on 5 August 2003.¹⁹

On the day of the intended “takeover,” and when the administrative proceedings before the DARAB were pending, petitioners filed before the Regional Trial Court, Tagum City, designated as SAC, a Petition for Injunction with an Application for the Issuance of a Temporary Restraining Order (*TRO*). The case was docketed as DAR Case No. 98-2003.

Incidentally, no copy of the Petition for Injunction was attached to the present Petition for Review. Nonetheless, in the petition for review before this Court, petitioners readily disclosed the reason for why they filed such a petition, and we quote:

5.10 Petitioners AMSFC [AMS Farming Corporation] filed such application to restrain the DAR and the private respondents from taking over the subject parcels of land, considering that individual petitioners-landowners **rejected the valuations made on their property by the LBP and the DAR**, where at that time summary proceedings for the determination of the just compensation were pending before the Department of Agrarian Reform Adjudication Board (DARAB), Tagum City, and, likewise, considering the **TOTAL ABSENCE** of the valuations of the standing crops and other improvements owned by petitioner AMSFC.²⁰

As petitioners had argued before the SAC, the “installation/physical takeover” of the lots when no valuation and deposit had been made on the standing crops and improvements, would violate their constitutional rights

¹⁷ Id.

¹⁸ Id. at 47; PARO II Pedro P. Gumbao.

¹⁹ Id. at 47.

²⁰ Id. at 33.

against being deprived of property without due process of law and just compensation. They insisted that the just compensation for the properties should be ₱16,091,885.64.²¹ Incidentally, they also alleged that herein individual respondent Anastacio Antipuesto had declared that he, the cooperative he represented, and its members do not intend to make use of the standing crops of AMS Farming because they planned to plant another crop on the lots.²² Petitioners impleaded the cooperative in their petition for injunction, together with the PARO²³ and the Municipal Agrarian Reform Officer²⁴ (MARO).

The Orders of the SAC

The SAC took cognizance of the petition for injunction and granted its prayer for a TRO, in an 8 August 2003 Order.²⁵

The Bureau of Agrarian Legal Assistance, DAR Provincial Office, Tagum City, filed an answer²⁶ praying that the petition be denied on the ground that the SAC had no jurisdiction to enjoin the implementation of the CARP. The bureau moved for the reconsideration of the order on the same ground. On its part, the cooperative also filed an answer, echoing the defenses of lack of jurisdiction and lack of cause of action, and pleading a compulsory counterclaim for damages.²⁷

Undaunted by these defenses, the SAC²⁸ issued the subject injunction, in its 21 August 2003 and 6 October 2003 Orders.²⁹ It directed the petitioners to post a bond in the amount of One Hundred Thousand Pesos.³⁰

No copies of the orders were attached to the present petition.

Separate motions for the reconsideration of the injunctive order were filed by the DAR and the cooperative.³¹ Both were denied.³² Hence, the DAR and the cooperative elevated their case to the CA, under Rule 65 of the Rules of Court, impleading the Presiding Judge of the SAC together with



²¹ Id. at 29-30.

²² Id. at 29.

²³ Id. at 47; Pedro P. Gumabao.

²⁴ Id.; Emiliano Alamillo, Jr.

²⁵ Id. at 48

²⁶ Id.; Dated 21 August 2003.

²⁷ Id.

²⁸ Judge Erasto D. Salcedo, acting Presiding Judge of RTC Branch 2, Tagum City,

²⁹ *Rollo*, pp. 48-49.

³⁰ Id. at 34.

³¹ Id.

³² Id.; Order dated 6 October 2003.

herein petitioners. Their petition for certiorari was docketed as CA-G.R. SP No. 82287-MIN.³³

The Ruling of the Court of Appeals

As already noted, the appellate court granted the petition for certiorari. The dispositive portion of the assailed 27 August 2009 Decision reads:

WHEREFORE, premises considered, the petition is GRANTED. Public respondent's order taking cognizance of the petition for injunction in DAR Case No. 98-2003 and its August 21, 2003 and October 6, 2003 Orders granting preliminary injunction against the "installation/ physical takeover" of the subject landholdings, are SET ASIDE. The petition for injunction filed before public respondent, docketed as DAR Case No. 98-2003, entitled "*AMS Farming Corporation, et al. v. Anastacio Antipuesto, et al.*" is ordered DISMISSED.

SO ORDERED.³⁴

The CA ruled that the SAC had acted with grave abuse of discretion amounting to lack or excess of jurisdiction in taking cognizance of the petition for injunction.

The CA denied petitioners' motion for reconsideration in its 29 March 2010 Resolution.³⁵

The Present Petition

In assailing the CA's resolutions before this Court, petitioners reiterate the reason that had compelled them to seek injunction from the SAC: the alleged violation of their constitutional rights that would have occurred had the DAR not been so enjoined by the SAC from physically "takingover" the subject lots. Petitioners reiterate that AMS Farming had not been paid for the standing crops and other improvements on the subject lots.³⁶ They emphasize this latter point in this tenor:



³³ Id. at 45. The Petition for Certiorari was titled *Anastacio Antipuesto, in his own capacity and representing AMAS Kapalong Agrarian Reform Beneficiaries' Multi-Purpose Cooperative (AMSKARBEMCO) and its members, petitioners, versus Hon. Erasto Salcedo, Special Agrarian Court of Davao Province, AMS Farming Corporation, Bernadita S. Lemosnero, Jemarie J. Testado, Thomas Bernard C. Alladin and Gerardo C. Arangoso, duly represented by Mr. Alberto M. Soriano and/or Mr. Stephen A. Antig, respondents.*

³⁴ Id. at 53.

³⁵ Id. at 55-56; penned by Associate Justices Romulo V. Borja, Danton Q. Bueser, and Leoncia R. Dimagiba. Promulgated by the Special Former Twenty-First Division.

³⁶ Id. at 37.

4.11 Although, petitioner AMSFC admits there were initial deposits on the land taken over by the DAR in the names of individual petitioners Testado, Alladin, Lemosnero and Arangoso. However, petitioner AMSFC being the lessee of the properties of the individual petitioners **vehemently protested being the owner of the standing crops and other improvements** worth PhP16,091,885.65 exclusive of **WHICH WERE NOT VALUED/PAID**; not even an initial deposit. What is being exported abroad is the box of bananas which is worth \$2.80 per box; what is being exported is not a box of soil. It is the standing crops that make the land valuable. It is the position of the private petitioners that all of these PhP16,091,885.64 worth of petitioner's property would fall in their [the private respondents'] laps FREE of CHARGE. Private respondents declare they only wanted to take the land, not the standing crops and improvements planted and built by petitioner AMSFC since 1970. But RA 6657 was a compulsion to all property owners. Petitioner AMSFC as cultivator and who developed the standing crops had no choice even if it availed of the VOS scheme under the CARP Law.³⁷

While petitioners agree that the scope of the SAC's jurisdiction was limited, they nevertheless submit that the said court was correct in issuing injunction in their case, as it was being "... faithful to the constitutional command that a person may not be deprived of its life, liberty or property without due process of law,"³⁸ and considerate of the maxim that "... constitutional rights are superior to any law, administrative, or executive order."³⁹

Elsewhere in the Petition, petitioners argue as follows:

The instant case is an example of serious violations of our constitution which makes the same an extreme case which Congress may not deprive the judiciary of its sacred duty to determine the constitutionality of the intended take-over of the subject landholdings of the individual petitioners, including, the standing crops and other improvements of petitioner AMSFC.⁴⁰

x x x x

However, in spite of the "no injunction" rule against government projects, the Supreme Court in a landmark decision in *Malaga vs. Penachos*, G.R. No. 86695, took cognizance of the case and ruled:

"P.D. 1818 was not intended to shield from judicial scrutiny, irregularities committed by administrative agencies such as anomalies above described. Hence, the challenged restraining order was not improperly issued by the respondent judge and the writ of preliminary injunction should not have been denied."



³⁷ Id. at 30.

³⁸ Id. at 37.

³⁹ Id. at 36.

⁴⁰ Id. at 37.

Congress may not rob the judiciary of its judicial power vested upon the latter by the Constitution; otherwise, it would be tantamount to a martial law of sort. Petitioner submits the provision of Sec. 55 of R.A. No. 6657 which provides that “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... did not constitute a total abdication of judicial power vested by the constitution upon the judicial branch of the government. [*sic.*]⁴¹

In fine, petitioners plead that this Court declare the subject injunctive order as just, valid, and constitutional.⁴²

Comment

Respondents’ objections against the present petition are mainly technical, to wit: *First*, petitioners failed to comply with Section 2, Rule 45 of the Rules of Court, having filed their petition for review beyond the 15 day-filing and 30 day-extension periods; *Second*, they failed to file a timely motion for reconsideration of the appellate court’s 27 August 2009 resolution, having filed their motion for reconsideration only on 12 October 2009, when it should have been filed on 7 October; *Third*, the Verification and Certificate of Non-Forum Shopping attached to the petition are invalid, given that there is no proof on the authority of Stephen Antig to represent AMS Banana Exporter, Inc. and the landowners. Respondents posit that as a consequence of these failings, the CA ruling had already attained finality and could no longer be the subject of an appeal.⁴³

ISSUE

Under Rule 45, the issue to be resolved is whether the CA committed reversible error with the assailed resolutions. Said differently, and reflecting on petitioners’ own formulation of the issue as well,⁴⁴ the issue is whether the CA correctly ruled that the SAC had committed grave abuse of discretion amounting to lack or excess of jurisdiction when it took cognizance of petitioner’s Petition for Injunction. This issue, in turn, pivots on the question of whether the SAC had the jurisdiction to issue the injunction in this case.



⁴¹ Id. at 38.

⁴² Id. at 39.


⁴³ Id. at 86-92.

⁴⁴ Id. at 35. According to petitioners, the issue is “Whether or not public respondent Court of Appeals correctly ruled that the Court a quo (RTC Branch 2, Tagum City) committed grave abuse of discretion amounting to lack or excess of jurisdiction when it took cognizance of DAR Case No. 98-2003 and issued the August 21, 2003 and October 6, 2003 Orders granting preliminary injunction against the installation/physical takeover of the subject landholdings of individual petitioners.”

OUR RULING

The petition has no merit. We sustain the resolutions of the CA.

DISCUSSION

The SAC has no jurisdiction over the subject petition for injunction and, correspondingly, has no authority to issue the subject injunction. We so rule following the express prohibitory provisions in R.A. No. 6657,⁴⁵ which were accordingly cited by the CA. The CA's ratiocination in the assailed resolutions is thus on point. It first scrutinized the allegations in the petition, thereby determining its subject matter, and then juxtaposed them against Sections 50,⁴⁶ 56,⁴⁷ and 57⁴⁸ of R.A. No. 6657, which sections provide for 

⁴⁵ *DAR vs. Trinidad Valley Realty, et al.*, 726 Phil. 419, 439 (2014).

⁴⁶ Section 50, R.A. No. 6657, provides: "Section 50. Quasi-Judicial Powers of the DAR. — The DAR is hereby vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation 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).

"It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.

"It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena duces tecum, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

"Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: provided, however, that when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.

"Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory."

⁴⁷ Section 56, R.A. No. 6657, provides: "Section 56. Special Agrarian Court. — 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.

"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."

⁴⁸ Section 57, R.A. No. 6657, provides: "Section 57. Special Jurisdiction. — The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just

the quasi-judicial powers of the DAR and the limitations and scope of the jurisdiction of the SAC, respectively. We quote with approval the CA's discussion on this score, particularly the reference to our Administrative Circular Nos. 29-2002 and 38-2002, dated 1 July 2002 and 28 August 2002:

The foregoing [Sections 50, 56, and 57 of R.A. No. 6657] clearly demonstrate that the jurisdiction of the RTC as a Special Agrarian Court is in the nature of a limited and special jurisdiction, that is, the RTC's authority to hear and determine a class of cases is confined to particular causes or can only be exercised under the limitations and circumstances prescribed by statute, particularly the above-quoted Section 57.

Thus, the original and exclusive jurisdiction of the RTC acting as a Special Agrarian Court as delineated by law is to cover only the following controversies:

1. all petitions for the determination of just compensation to landowners, and
2. the prosecution of all criminal offenses under RA No. 6657.

A perusal of the petition for injunction filed by private respondents in DAR Case No. 95-2003 shows that it does not raise either of the foregoing issues. The principal averments of the petition and the relief prayed for therein actually assert a cause of action to enjoin the "installation/ physical takeover" of the subject landholdings by the ARBs affiliated with the Cooperative, and therefore not within the purview of the limited or special jurisdiction of the public respondent as a Special Agrarian Court.

Clearly, public respondent is bereft of any authority to hear the petition for injunction in DAR Case No. 98-2003 as a Special Agrarian Court, and, thus, acted with grave abuse of discretion, amounting to lack or excess of jurisdiction, in taking cognizance of the petition. Consequently, public respondent is also devoid of any authority to issue a preliminary injunction, pursuant to its Orders of August 21, 2003 and October 6, 2003.

Furthermore, the impropriety of filing the main petition for injunction before public respondent and the nullity of the preliminary injunction it issued, against the implementation of the CARP through "installation/ physical take-over" of the Subject Landholdings, proceed from the express prohibitory provisions of R.A. No. 6657 and the Supreme Court's Administrative Circular Nos. 29-2002 and 38-2002, dated July 1, 2002 and August 28, 2002, respectively. These Circulars enjoin all trial judges to strictly observe Sections 55 and 68 of RA 6657, which read:

"Section 55. No Restraining Order Preliminary Injunction. No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC of any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in



connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform.”

“Section 68. Immunity of Government Agencies from Undue Interference. No injunction, restraining order, prohibition or mandamus shall be issued by the lower courts against the Department of Agrarian Reform (DAR), the Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), and the Department of Justice (DOJ) in their implementation of the program.”

Given the explicit and categorical prohibitions contained in Sections 55 and 68 of R.A. No. 6657, this Court is bewildered as to why the SAC still entertained petitioners’ case and issued the prohibited writ, in seeming defiance not just of Sections 55 and 68 but of our Administrative Circulars Nos. 29-2002 and 38-2002 as well. As previously noted, copies of the subject Orders of the SAC were not attached to the Petition for Review; neither were they attached to the other submissions in this case, making the SAC’s stated rationale for the Orders unavailable for our direct scrutiny.

Which is not to say, however, that these orders need to be scrutinized. Needless to state, the Orders of the SAC, dated 21 August 2003 and 6 October 2003, in DAR Case No. 98-2003 are absolutely null and void.

However, and if only parenthetically, we deem it practical to state that we are not moved by the reason petitioners had advanced for why the SAC granted their petition for injunction, viz, that it was to protect their constitutional rights to due process and just compensation. Petitioners failed to expound on this claim substantially or persuasively; instead, they merely stated that such rights were placed at risk by the simple expedient of implementing the CARP in their case. With this rather hackneyed and trite defense, we recall the 2004 case of *DAR v. Cuenca*,⁴⁹ where we found occasion to state:

“[A]ll controversies on the implementation of the Comprehensive Agrarian Reform Program (CARP) fall under the jurisdiction of the Department of Agrarian Reform (DAR), even though they raise questions that are also legal or constitutional in nature.”

x x x x

“Thus, the DAR could not be ousted from its authority by the simple expediency of appending an allegedly constitutional or legal dimension to an issue that is clearly agrarian.”⁵⁰



⁴⁹ 482 Phil. 208 (2004).

⁵⁰ Id. at 211 and 226.

Indeed, when petitioners *alleged*, as the supposed factual basis for their petition, that the LBP valuation had excluded the value of the standing crops and the other improvements found thereon, it became clear to us that the petition could also have been a quest for the judicial determination of just compensation, ill-veiled as a protest for the protection of petitioners' constitutional rights. We are aware that such allegation remains unsubstantiated, at least insofar as the available records are concerned, a mere say-so on petitioners' part. We are also mindful that the basic formula used by the LBP and the DAR in determining just compensation factors in the value of the standing crops, as a matter of course, together with several other metrics, including the agricultural land's current value, nature, actual use, and income.⁵¹ In which case, the allegation is a matter best left for the resolution of the DAR, which has administrative expertise and competence on the matter, by way of the DARAB. Also, this Court is not a trier of facts. Considering that the preliminary, administrative determination of just compensation in this case was, at the time of the filing of the Petition for Injunction, pending before the DARAB and was not yet terminated, petitioners' recourse to the SAC in this instance was not only erroneous, it was premature as well.

Finally, a word on petitioners' citation of *Malaga, et al. v. Penachos* [G.R. No. 86695]. Petitioners invoke the case yet fail to discuss how the ruling therein supposedly applies to their controversy. At any rate, with the citation, petitioners seem to suggest that this Court should likewise carve an exception to the rule, set in R.A. No. 6657, against the issuance by a lower court of any injunction, restraining order, prohibition or mandamus against the DAR in its implementation of the agrarian reform program.

We cannot be persuaded.

In *Malaga*, at issue was a prohibition, set in Presidential Decree (P.D.) No. 1818,⁵² against courts from issuing injunctions in cases involving government infrastructure projects. Suffice it to say that in *Malaga*, among the bases for our ruling that the injunction therein was nevertheless validly issued was that the administrative entity involved in that case, the Pre-qualification, Bids and Awards Committee of the Iloilo State College of Fisheries, had committed such patent irregularities and defects in the conduct of a bidding that the issuance of the injunction therein was justified. Further, we declared that the prohibition in P.D. No. 1818 extended only to the issuance of injunctions or restraining orders against administrative acts in controversies involving facts of the exercise of discretion in technical

⁵¹ *Alfonso vs. LBP and DAR*, G.R. No. 181912 & 183347, 29 November 2016.

⁵² Titled "Prohibiting Courts from Issuing Restraining Orders or Preliminary Injunctions in Cases Involving Infrastructure and Natural Resource Development Projects of, and Public Utilities Operated by, the Government" and done on 16 January 1981.

cases.⁵³ In the present case, petitioners failed to allege and specify, let alone substantiate, any such irregularities and defects on the part of the LBP and the DAR, which would be helpful in making the citation of *Malaga* a feasible argument. At any rate, we do not find any irregularity on the part of the LBP and the DAR in this case.

WHEREFORE, premises considered, the Petition is **DENIED** for lack of merit. The 27 August 2009 Decision and the 29 March 2010 Resolution of the Court of Appeals in CA-G.R. SP No. 82287-MIN, are **AFFIRMED**, and the Injunction Orders issued in DAR Case No. 98-2003 are **SET ASIDE**.

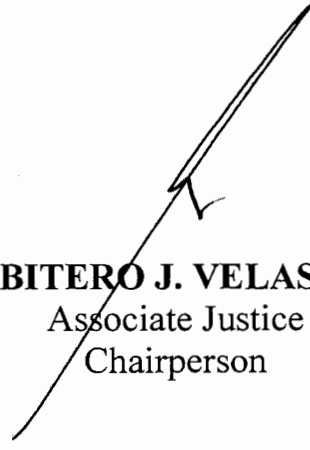
Further, the Office of the Court Administrator is directed to conduct an inquiry into the possible administrative and/or criminal liabilities of Hon. Erasto D. Salcedo, Presiding Judge of the Special Agrarian Court in DAR Case No. 98-2003, with respect to his issuance of the prohibited injunctive orders.

SO ORDERED.

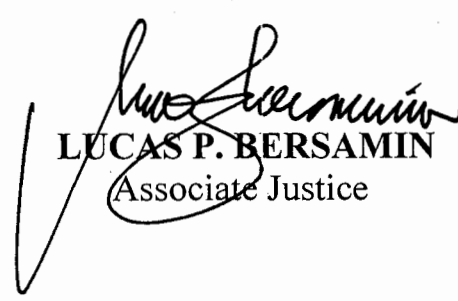


SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson




LUCAS P. BERSAMIN
Associate Justice



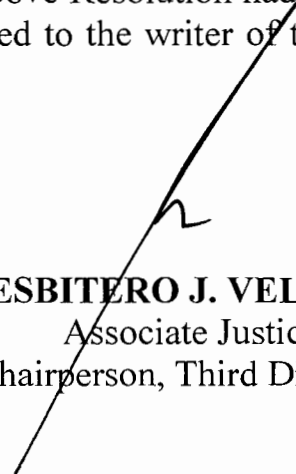
MARVIC M.V.F. LEONEN
Associate Justice

⁵³ *Malaga v. Penachos*, 288 Phil. 410, 411 (1992); *Zamora vs. Caballero et al.*, 464 Phil. 471, 486 (2004).


ALEXANDER G. GESMUNDO
 Associate Justice


ATTESTATION

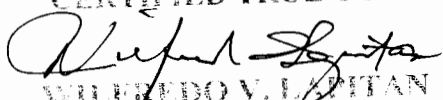
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
 Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAR 07 2018