



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**SPOUSES ROMEO LL. PLOPENIO
and ROSIELINDA PLOPENIO**
represented by **GAVINO PLOPENIO,**
Petitioners,

G. R. No. 161090

- versus -

**DEPARTMENT OF AGRARIAN
REFORM and LAND BANK OF
THE PHILIPPINES,**
Respondents.

x ----- x

EDUARDO LL. PLOPENIO
represented by **GAVINO PLOPENIO,**
Petitioner,

G. R. No. 161092

Present:

- versus -

**DEPARTMENT OF AGRARIAN
REFORM and LAND BANK OF
THE PHILIPPINES,**
Respondents.

CARPIO, J., Chairperson,
BRION,
PEREZ,
SERENO, and
REYES, JJ.

Promulgated:

JUL 04 2012

x ----- x

DECISION

SERENO, J.:

In these consolidated Rule 45 Petitions, we rule on the proper mode of appeal from the decision of a Regional Trial Court (RTC) designated as a Special Agrarian Court (SAC).

In G.R. No. 161090, petitioner-spouses Romeo Ll. Plopenio and Rosielinda Plopenio assail the Decision¹ and Order² of the SAC-RTC Branch 23, Naga City, in Civil Case No. 2003-007.

In G.R. No. 161092, petitioner Eduardo Ll. Plopenio (Eduardo) questions the Decision³ and Order⁴ of the same court in Civil Case No. 2003-004.

THE FACTS

Petitioner-spouses own 11.8643 hectares of coconut land in Caramoan, Camarines Sur, while petitioner Eduardo owns 22.8349 hectares of coconut land in the same locality. In 2000, the land of their brother Gavino Plopenio, likewise located in Caramoan, Camarines Sur, was valued by the Department of Agrarian Reform Adjudication Board (DARAB) at ₱51,125.60 per hectare in DARAB Case No. V-LV-040-CS-00. On this basis, petitioners offered their entire landholdings to the Department of Agrarian Reform (DAR) for acquisition and distribution pursuant to Republic Act No. (R.A.) 6657, or the Comprehensive Agrarian Reform Law.⁵

On 26 October 2001, public respondent Land Bank sent a Notice of Valuation and Adjudication valuing the land of petitioner-spouses at ₱23,485.00 per hectare⁶ and that of petitioner Eduardo at ₱22,856.62 per hectare.⁷ Dissatisfied with Land Bank's offer, petitioners rejected the Notice of Valuation and Acquisition and referred the matter to the Provincial

¹ *Rollo* (G.R. No. 161090), pp. 24-27, RTC Decision dated 7 October 2003, penned by Judge Pablo M. Paqueo, Jr.

² *Id.* at 28, Order dated 14 November 2003, penned by Judge Pablo M. Paqueo, Jr.

³ *Rollo* (G.R. No. 161092), pp. 24-27, RTC Decision dated 7 October 2003, penned by Judge Pablo M. Paqueo, Jr.

⁴ *Id.* at 28, Order dated 14 November 2003, penned by Judge Pablo M. Paqueo, Jr.

⁵ *Rollo* (G.R. No. 161090), p. 11, Petition dated 28 December 2003; *Rollo* (G.R. No. 161092), p. 11, Petition dated 28 December 2003.

⁶ *Rollo* (G.R. No. 161090), p. 11, Petition dated 28 December 2003.

⁷ *Rollo* (G.R. No. 161092), p. 11, Petition dated 28 December 2003.

Agrarian Reform Adjudicator (PARAD) of Camarines Sur for summary administrative proceedings.⁸

The PARAD affirmed the valuation made by Land Bank in a Decision dated 5 September 2002, a copy of which petitioners received on 27 September 2002.⁹

On 11 October 2002, or 14 days thereafter, petitioners filed their Motion for Reconsideration.¹⁰ The PARAD denied their Motion in an Order dated 20 November 2002, which petitioners received on 21 December 2002.¹¹

Petitioners then filed separate Petitions before the SAC-RTC on 6 January 2003, or 16 days after their receipt of the PARAD's Order. They explained that they were allowed to file their appeal 15 days from the receipt of the Order of denial of their Motion for Reconsideration. Since the 15th day fell on a Sunday, they reasoned that they should be allowed to file their appeal until 6 January 2003.¹²

In its Answer, Land Bank alleged that the Decision of the PARAD had already attained finality after the lapse of the 15-day period, counted from petitioners' receipt of the PARAD's Decision. Thus, it argued that the SAC-RTC should no longer entertain the Petitions.¹³

In its assailed Decisions, the SAC-RTC ruled that the Decision of the PARAD had already attained finality because petitioners failed to file

⁸ *Rollo* (G.R. No. 161090), p. 11, Petition dated 28 December 2003; *Rollo* (G.R. No. 161092), p. 11, Petition dated 28 December 2003.

⁹ *Rollo* (G.R. No. 161090), p. 24, RTC Decision in Civil Case No. 2003-007; *Rollo* (G.R. No. 161092), p. 24, RTC Decision in Civil Case No. 2003-004.

¹⁰ *Id.*

¹¹ *Rollo* (G.R. No. 161090), p. 11, Petition dated 28 December 2003; *Rollo* (G.R. No. 161092), p. 11, Petition dated 28 December 2003.

¹² *Rollo* (G.R. No. 161090), pp. 11-12, Petition dated 28 December 2003; *Rollo* (G.R. No. 161092), p. 11, Petition dated 28 December 2003.

¹³ *Rollo* (G.R. No. 161090), p. 12, Petition dated 28 December 2003; *Rollo* (G.R. No. 161092), p. 12, Petition dated 28 December 2003.

their Petitions on time. The lower court thus dismissed the appeal in this wise:

WHEREFORE, with all the foregoing this court finds merit in [respondent Land Bank's] special and affirmative defense, that the filing of these petitions is now barred by prior final and executory judgment hence wanting of a valid cause of action.

The petitions therefore are hereby ordered dismissed for lack of valid cause of action.

SO ORDERED.¹⁴

Petitioners moved for reconsideration of the SAC-RTC's Decision, but their motions were denied for lack of merit.¹⁵

From the Decisions and Orders of the SAC-RTC, petitioners then filed the instant Petitions for Review directly before this Court. On 24 July 2006, we resolved to consolidate the cases at bar, considering that the factual milieu and legal issues involved in both cases are similar in nature.

THE COURT'S RULING

At the outset, we rule that the consolidated Petitions are immediately dismissible because petitioners resorted to a wrongful mode of appeal by filing the instant Rule 45 Petitions directly with this Court.

Section 60 of the Comprehensive Agrarian Reform Law provides:

Section 60. Appeals. – An appeal may be taken from the decision of the Special Agrarian Courts by filing a petition for review with the **Court of Appeals** within fifteen (15) days from receipt of notice of the decision; otherwise, the decision shall become final.

An appeal from the decision of the Court of Appeals, or from any order, ruling or decision of the DAR, as the case may be, shall be by a

¹⁴ *Rollo* (G.R. No. 161090), p. 27, RTC Decision in Civil Case No. 2003-007; *Rollo* (G.R. No. 161092), p. 27, RTC Decision in Civil Case No. 2003-004.

¹⁵ *Rollo* (G.R. No. 161090), p. 28, Order in Civil Case No. 2003-007; *Rollo* (G.R. No. 161092), p. 28, Order in Civil Case No. 2003-004.

petition for review with the Supreme Court within a non-extendible period of fifteen (15) days from receipt of a copy of said decision. (Emphasis supplied)

Clearly, following the letter of the Comprehensive Agrarian Reform Law, petitioners should have appealed the SAC-RTC Decision to the Court of Appeals.

Petitioners propose to carve out an exception to this rule by arguing that because the instant Petitions raise only pure questions of law, the proper mode of appeal is via a Rule 45 Petition to this Court.¹⁶

We do not agree. While the general rule is that appeals raising pure questions of law from decisions of RTCs are taken to this Court via a Rule 45 petition, decisions of trial courts designated as SACs are only appealable to the Court of Appeals.

We have repeatedly ruled that the right to appeal is a remedy of statutory origin. As such, this right must be exercised only in the manner and in accordance with the provisions of the law authorizing its exercise.¹⁷ The special jurisdiction of the SAC-RTC is conferred and regulated by the Comprehensive Agrarian Reform Law, and appeals therefrom are governed by Section 60 thereof. That law expressly states that appeals from SACs must be taken to the Court of Appeals without making a distinction between appeals raising questions of fact and those dealing purely with questions of law. *Ubi lex non distinguit nec nos distinguere debemus*. Where the law does not distinguish, neither should we. Consequently, we rule that the only mode of appeal from decisions of the SAC-RTC is via a Rule 42 petition for review¹⁸ to the Court of Appeals, without any distinction as to whether the

¹⁶ *Rollo* (G.R. No. 161090), pp. 53-54, Reply dated 9 July 2004; *Rollo* (G.R. No. 161092), p. 98, Reply dated 9 May 2006.

¹⁷ *Oro v. Diaz*, 413 Phil. 416 (2001).

¹⁸ *Land Bank of the Philippines v. De Leon*, 437 Phil. 347 (2002).

appeal raises questions of fact, questions of law, or mixed questions of fact and law.

Furthermore, even if we were to allow the appeals to prosper, we find that the Petitions before the SAC-RTC were filed out of time.

Under the 1994 DARAB Rules of Procedure (1994 DARAB Rules), which were effective during the pendency of this case before the PARAD, the decision of the adjudicator on land valuation and on the preliminary determination and payment of just compensation shall be brought directly to the SAC within 15 days from receipt of the notice thereof.¹⁹ Parties aggrieved by the adjudicator's decision are allowed to file one motion for reconsideration.²⁰

In the event of a denial of the motion for reconsideration, the 1994 DARAB Rules provide:

SECTION 12. x x x. The filing of a motion for reconsideration shall suspend the running of the period within which the appeal must be perfected. If a motion for reconsideration is denied, the movant shall have the right to perfect his appeal during the remainder of the period for appeal, reckoned from receipt of the resolution of denial. If the decision is reversed on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal within which to perfect his appeal.²¹

While a petition for the fixing of just compensation filed with the RTC-SAC is not an appeal from the PARAD's decision, but an original action before the court *a quo*,²² the rule in Section 12 of the 1994 DARAB Rules should find analogous application. A party aggrieved by the PARAD's decision is given 15 days to file the original petition before the SAC-RTC. The pendency of a motion for reconsideration of the decision suspends the running of the period within which the petition may be filed before the RTC-

¹⁹ 1994 DARAB RULES OF PROCEDURE, Rule XIII, Section 11.

²⁰ *Id.*

²¹ 1994 DARAB RULES OF PROCEDURE, Rule VIII, Section 12.

²² *Land Bank of the Philippines v. Martinez*, G.R. No. 169008, 31 July 2008, 560 SCRA 776.

SAC. Consequently, upon receipt of the order denying the motion for reconsideration, the reglementary period for filing the petition before the RTC-SAC again commences to run.

In this case, petitioners received a copy of the PARAD Decision on 27 September 2002.²³ They filed their Motion for Reconsideration thereof on 11 October 2002, or 14 days from their receipt of a copy of the Decision.²⁴ On 21 December 2002, they received the Order denying their motion.²⁵ Hence, petitioners only had one more day within which to file their Petitions with the SAC-RTC for the determination of just compensation for their respective properties. Since 22 December 2002 fell on a Sunday, they had until 23 December 2002 to file their Petitions. However, they only filed their Petitions on 6 January 2003, or 16 days after they received the Order denying their Motion for Reconsideration. Clearly, the Petitions before the SAC-RTC were filed out of time.

From the foregoing discussion, we therefore find that the instant Petitions should be denied.

WHEREFORE, in view of the foregoing, the consolidated Petitions for Review are hereby **DENIED**, and the assailed Decisions and Orders of the Special Agrarian Court–Regional Trial Court, Branch 23, Naga City in Civil Case Nos. 2003-007 and 2003-004 are hereby **AFFIRMED**.

SO ORDERED.



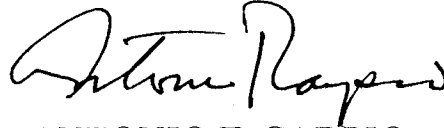
MARIA LOURDES P. A. SERENO
Associate Justice

²³*Rollo* (G.R. No. 161090), p. 24, RTC Decision in Civil Case No. 2003-007; *Rollo* (G.R. No. 161092), p. 24, RTC Decision in Civil Case No. 2003-004.

²⁴ *Id.*

²⁵*Rollo* (G.R. No. 161090), p. 11, Petition dated 28 December 2003; *Rollo* (G.R. No. 161092), p. 11, Petition dated 28 December 2003.

WE CONCUR:



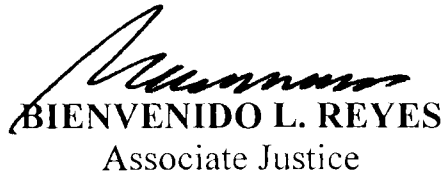
ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ARTURO D. BRION
Associate Justice



JOSE PORTUCAL PEREZ
Associate Justice



BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

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



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)