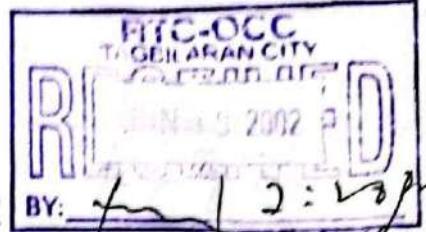


Republic of the Philippines  
DEPARTMENT OF AGRARIAN REFORM  
ADJUDICATION BOARD  
B O H O L  
CITY OF TAGBILARAN



1<sup>st</sup> Indorsement  
June 18, 2002

Respectfully forwarded to the Regional Trial Court, Branch 3, (designated as Special Agrarian Court) the case of DETERMINATION AND FIXING OF JUST COMPENSATION OF A PARCEL OF LAND UNDER COMPULSORY ACQUISITION, WITH TCT NO. 3196, CONSISTING AN AREA OF 8.7810 HECTARES, LOCATED AT CANDUMAYAO, CATIGBI-AN, BOHOL re: **SERAPIO CALIPES, ET. AL., VS. LAND BANK OF THE PHILIPPINES**, Docketed as DARAB Case No. **VII-BOH-43-2000**, for your appropriate action on the matter.

Respectfully submitted by,

*[Signature]*  
**DONALD S. DORON**  
Acting Clerk of the Board/Sheriff III



Republic of the Philippines  
DEPARTMENT OF AGRARIAN REFORM  
ADJUDICATION BOARD  
B O H O L  
CITY OF TAGBILARAN

1<sup>st</sup> Indorsement  
June 18, 2002

ADDRESS  
Respectfully forwarded to the Regional Trial Court, Branch 3, (designated as Special Agrarian Court) the case of DETERMINATION AND FIXING OF JUST COMPENSATION OF A PARCEL OF LAND UNDER COMPULSORY ACQUISITION, WITH TCT NO. 3196, CONSISTING AN AREA OF 8.7810 HECTARES, LOCATED AT CANDUMAYAO, CATIGBI-AN, BOHOL re:  
**SERAPIO CALIPES, ET. AL., VS. LAND BANK OF THE PHILIPPINES**, Docketed as DARAB Case No. VII-BOH-43-2000, for your appropriate action on the matter.

Respectfully submitted by,

*[Signature]*  
**DONALD S. DORON**  
Acting Clerk of the Board/Sheriff III

REGISTRY RETURN SLIP

RETURN TO : Department of Agrarian Reform Adjudication Board  
Department of Agrarian Reform, Tagbilaran City

ADDRESSED TO :

PABO og Bohol

CASE NO :

VIF BOH-43-2002

DATA RECORD CONTROL:

None og Order

RE:

DJC og Calis, et al

Victoria L. Da

Printed name & signature

03-14-02

date received

REGISTRY RETURN SLIP

RETURN TO : Department of Agrarian Reform Adjudication Board  
Department of Agrarian Reform, Tagbilaran City

ADDRESSED TO :

Aly. P. Magallano

CASE NO :

VIF BOH-43-2000

DATA RECORD CONTROL:

ORDERS

RE:

Caliges D. LBP

S/9/02

Printed name



ADJUDICATION BOARD

BOHOL

TAGBILARAN CITY

IN RE: DETERMINATION & FIXING OF  
JUST COMPENSATION OF A  
PARCEL OF LAND UNDER  
COMPULSORY ACQUISITION:

SERAPIO CALIPES, ET. AL.,

Petitioner,

DARAB CASE NO. VII-BOH-43-2000

- versus -

For:

LAND BANK OF THE PHILIPPINES,  
Respondent.

TCT NO. 3196 WITH AN AREA OF  
8.7810 HECTARES LOCATED AT  
CANDUMAYAO, CATIGBIAN, BOHOL

X-----/

NOTICE OF ORDER

April 30, 2000

TO :

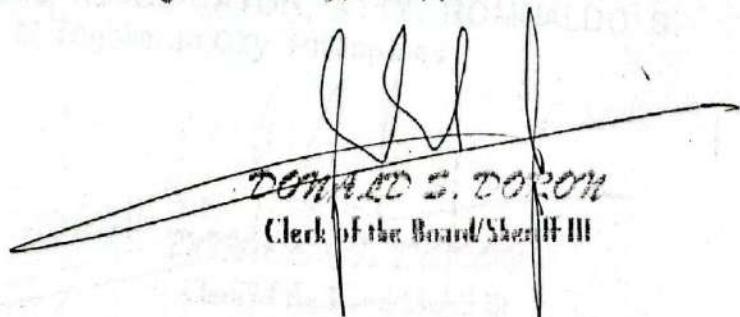
Atty. Perpetuo G. Magallano  
Public Attorney's Office,  
Hall of Justice, Tagbilaran City

Atty. Reinerio T. Cabangbang  
Land Bank of the Philippines

G R E E T I N G S ;

Please be informed that an Order of the above-entitled case has been issued by this Honorable Board, a copy of which is hereto attached for your guidance and information.

WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S.  
SIPACIO, this 6<sup>th</sup> day of May 2002 at Tagbilaran City, Philippines.

  
ROMUALDO S. SIPACIO  
Clerk of the Board/Sig. B III

**ADJUDICATION BOARD**

**B I B I**

**TAGBILARAN CITY**

**IN RE: DETERMINATION & FIXING OF  
JUST COMPENSATION OF A  
PARCEL OF LAND UNDER  
COMPULSORY ACQUISITION:**

**SERAPIO CALIPES, ET. AL.,  
Petitioner,**

**DARAB CASE NO. VII-BOH-43-2000**

**- versus -**

**For:**

**LAND BANK OF THE PHILIPPINES,  
Respondent.  
X-----/**

**TCT NO. 3196 WITH AN AREA OF  
8.7810 HECTARES LOCATED AT  
CANDUMAYAO, CATIGBIAN, BOHOL**

**NOTICE OF ORDER**

**April 30, 2000**

**TO :**

**Atty. Perpetuo G. Magallano  
Public Attorney's Office,  
Hall of Justice, Tagbilaran City**

**Atty. Reinerio T. Cabangbang  
Land Bank of the Philippines**

**G R E E T I N G S :**

**Please be informed that an Order of the above-entitled case has been issued by this Honorable Board, a copy of which is hereto attached for your guidance and information.**

**WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S. SIPACIO, this 6<sup>th</sup> day of May 2002 at Tagbilaran City, Philippines.**

**DONALD S. DORON  
Clark of the Board/Sheriff III**

**BOHOL  
CITY OF TAGBILARAN**

**IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,**

**QUIRINA JUBANE VDA. DE CALEPES,  
Petitioner,**

**DARAB CASE NO. VII-BOH-43-2000**

**-versus-**

**LAND BANK OF THE PHILIPPINES,  
Respondent.**

X-----/

**ORDER**

Filed before this Board is a Manifestation of the petitioner's counsel, Atty. Perpetuo G. Magallano, with the intention to brought the matter before the proper court for final determination of just compensation.

Finding the said intention to be valid and in accordance with the law, the same is hereby granted.

The Clerk of the Board is hereby directed to submit to the designated Special Agrarian Court in the province for their appropriate action.

Send notices to the parties for their information and guidance.

**SO ORDERED.**

30<sup>TH</sup> day of April 2002, Tagbilaran City, Philippines.

*RONUALDO S. SIPACIO*  
**PROVINCIAL ADJUDICATOR**

**BOHOL  
CITY OF TAGBILARAN**

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,

QUIRINA JUBANE VDA. DE CALEPES,  
Petitioner,

DARAB CASE NO. VII-BOH 43-2000

-versus-

LAND BANK OF THE PHILIPPINES,  
Respondent.

**ORDER**

Filed before this Board is a Manifestation of the petitioner's counsel, Atty. Perpetuo G. Magallano, with the intention to brought the matter before the proper court for final determination of just compensation.

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The Clerk of the Board is hereby directed to submit to the designated Special Agrarian Court in the province for their appropriate action.

Send notices to the parties for their information and guidance.

***SO ORDERED,***

30<sup>TH</sup> day of April 2002, Tagbilaran City, Philippines.

*ROMUALDO S. SIPIACIO*  
Provincial Adjudicator

ADJUDICATION BOARD  
B O H O L  
CITY OF TAGBILARAN

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,

QUIRINA JUBANE VDA. DE CALEPES,  
Petitioner,

DARAB CASE NO. VII-BOH-43-2000

-versus-

LAND BANK OF THE PHILIPPINES,  
Respondent.

ORDER

Filed before this Board is a Manifestation of the petitioner's counsel, Atty. Perpetuo G. Magallano, with the intention to brought the matter before the proper court for final determination of just compensation.

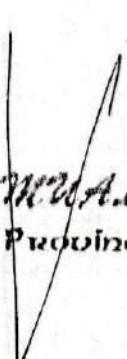
Finding the said intention to be valid and in accordance with the law, the same is hereby granted.

The Clerk of the Board is hereby directed to submit to the designated Special Agrarian Court in the province for their appropriate action.

Send notices to the parties for their information and guidance.

**SO ORDERED.**

30<sup>TH</sup> day of April 2002, Tagbilaran City, Philippines.

  
ROMUALDO S. SPARACIO  
Provincial Adjudicator

**ADJUDICATION BOARD  
BOHOL  
CITY OF TAGBILARAN**

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,

QUIRINA JUPANE VDA. DE CALEPES,  
Petitioner,

DARAB CASE NO. VII-BOH-43-2000

-versus-

LAND BANK OF THE PHILIPPINES,  
Respondent.

X-----/

**ORDER**

Filed before this Board is a Manifestation of the petitioner's counsel, Atty. Perpetuo G. Magallano, with the intention to bring the matter before the proper court for final determination of just compensation.

Finding the said intention to be valid and in accordance with the law, the same is hereby granted.

The Clerk of the Board is hereby directed to submit to the designated Special Agrarian Court in the province for their appropriate action.

Send notices to the parties for their information and guidance.

**SO ORDERED.**

30<sup>TH</sup> day of April 2002, Tagbilaran City, Philippines.

*RONUALDO S. SIPACIO*  
Provincial Adjudicator

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,

RECEIVED  
DATE: 3/20/02 TIME: 2:00  
AMF

QUIRINA JUBANE VDA DE CALIPES,  
Petitioner,

DARAB CASE NO. VII-BOH-43-2000

-versus-

LAND BANK OF THE PHILIPPINES,  
Respondent.

X----- /  
**MANIFESTATION**

Petitioner, through the undersigned counsel, unto this Honorable Board most respectfully serves notice that petitioner is bringing the matter of just compensation to the court of proper jurisdiction for final determination of just compensation.

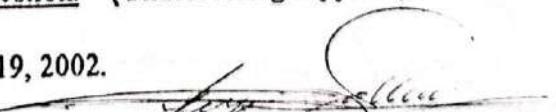
The determination made by the DAR is only preliminary unless accepted by all parties concerned. Otherwise, the courts of justice will have the right to review with finality the said determination in the exercise of what is admittedly a judicial function.

In Republic vs C.A. and Acil Corporation(26) SCRA 758 (1996), the Supreme Court declared:

"Thus Special Agrarian Courts, which are Regional Trial Courts, are given original and exclusive jurisdiction over two categories of cases, to wit: (1) 'all petitions for the determination of just compensation to landowners' and (2) 'the prosecution of all criminal offenses under [R.A. No. 6657]'. xxx xxx"

It should be noted that the Supreme court in earlier cases has ruled that the determination of just compensation by executive authorities conformably to the prescribed formula is at best initial or only preliminary. The determination by DAR is not by any means final and conclusive upon the landowner or any other interested party. It does not foreclose judicial intervention because the DAR as an administrative body has no power of eminent domain. Any effort to transfer jurisdiction to the adjudicators and to convert the original jurisdiction of the RTC's into appellate jurisdiction would be contrary to rules and therefore would be void. What adjudicators are empowered to do is only to determine in a preliminary manner the reasonable compensation to be paid to landowners, leaving to the courts the ultimate power to decide this question." (Underscoring supplied).

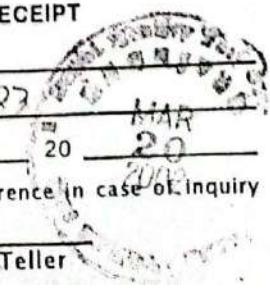
Tagbilaran City, March 19, 2002.

  
PERPETUO G. MAGALLANO

Counsel for Petitioner

REGISTRY RECEIPT

Post Office \_\_\_\_\_  
Letter/Package No. 5527 MAR 20  
Posted on 20 20  
Preserve this receipt for reference in case of inquiry

  
Postmaster/Teller

Copy furnished

Atty. Reinerio T. Cabangbang  
Land Bank of the Philippines  
Cor. P. del Rosario St.  
Cebu City

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBAN, BOHOL.

QUIRES, JUBANE VDA DE CALIPLIS,  
Petitioner,

APPEAL BOARD  
BOHOL  
RECEIVED  
DATE: 3/16/02 TIME: 2:07  
NAME: -/-

DARAD CAGBATO, CAGBATO, BOHOL

LAND BANK OF THE PHILIPPINES,  
Respondent.

### MANIFESTATION

Petitioner, through the undersigned counsel, unto this Honorable Board most respectfully serves notice that petitioner is bringing the matter of her claim in front of the court to proper jurisdiction for final determination of just compensation.

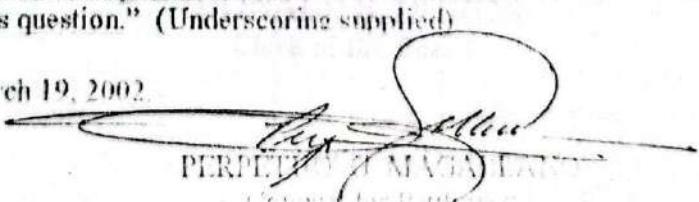
The determination made by the DAR is only preliminary unless accepted by all parties concerned. Otherwise, the courts of justice will have the right to review with finality the said determination in the exercise of what is admittedly judicial function.

In Republic vs C.A. and Aciel Corporation(26) SCRA 753 (1990), the Supreme Court declared:

Thus Special Agrarian Courts, which are Executive Trial Courts, are given original and exclusive jurisdiction over two categories of cases, to wit: (1) "all petitions for the determination of just compensation to landowners" and (2) "the prosecution of all criminal offenses under [R.A. No. 6657]". ~~xxx - xxx~~

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Cebu City, March 19, 2002.

  
PERPETUAL MAGA LAW  
Counsel for Petitioner

Copy furnished

Atty. Remigio L. Cabangbang  
Land Bank of the Philippines  
Cor. P. del Rosario St.  
Cebu City

ADJUDICATION BOARD  
BOHOL  
Tagbilaran City

IN RE: DETERMINATION OF JUST  
COMPENSATION OF REAL  
PROPERTY UNDER COMPUL-  
SORY ACQUISITION (CA)

SERAPIO CALIPES, ET. AL.,

DARAB CASE NO. VII-BOH-43-2000

Petitioner,

- versus -

LAND BANK OF THE PHILIPPINES,  
Respondent.

X-----/

NOTICE OF ORDER  
March 12, 2002

TO :

Atty. Perpetuo G. Magallano

Public Attorneys' Office  
Hall of Justice, Tagbilaran City

Atty. Reinerio T. Cabangbang

Land Bank of the Philippines  
Cor. P. del Rosario Street  
Cebu City

G R E E T I N G S ;

Please be notified that an Order in the above-entitled cases has been issued by this Honorable Board, a copy of which is hereto attached for your guidance and information.

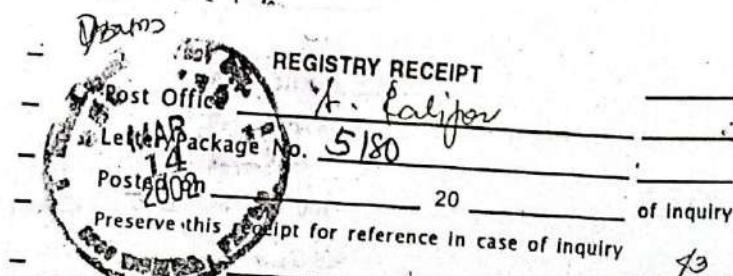
WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S. SIPACIO this 13<sup>th</sup> day of March 2002 at Tagbilaran City, Philippines.

DONALD S. DORON  
Clerk of the Board

Operations Division

Copy furnished:

PARO of Bohol



Tagbilaran City

IN RE: DETERMINATION OF JUST  
COMPENSATION OF REAL  
PROPERTY UNDER COMPUL-  
SORY ACQUISITION (CA)

SERAPIO CALIPES, ET. AL.,

DARAB CASE NO. VII-BOH-43-2000

Petitioner,

- VERSUS -

LAND BANK OF THE PHILIPPINES,  
Respondent.

x-----/

**NOTICE OF ORDER**  
**March 12, 2002**

TO :

Atty. Perpetuo G. Magallano

Public Attorneys' Office  
Hall of Justice, Tagbilaran City

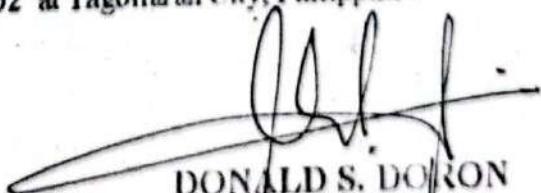
Atty. Reimerio T. Cabangbang

Land Bank of the Philippines  
Cor. P. del Rosario Street  
Cebu City

**G R E E T I N G S :**

Please be notified that an Order in the above-entitled cases has been issued by this Honorable Board, a copy of which is hereto attached for your guidance and information.

WTNESS, THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S.  
SIPACIO this 13<sup>th</sup> day of March 2002 at Tagbilaran City, Philippines.

  
DONALD S. DORON  
Clerk of the Board  
Operations Division

Copy furnished:

PARO of Bohol

ADJUDICATION BOARD  
BOHOL  
City of Tagbilaran

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,

QUIRINA JUBANE VDA DE CALIPES,  
Petitioner,

-VERSUS-

DARAB CASE NO. VII-BOH 43-2000

LAND BANK OF THE PHILIPPINES,  
Respondent.

X-----/

O R D E R

Before this Board is a mandatory petition for Determination of Just Compensation of a parcel of land located at Candumayao, Caligbian, Bohol with Transfer Certificate of Title No. 3196 covering the area of 8.7810 hectares.

Consistent with the paramount Constitutional mandate of due process, proper notices were sent to the parties, and the same was scheduled for hearing on April 14, 2000 in the Department of Agrarian Reform Adjudication Board, Tagbilaran City.

In line thereto, petitioner through counsel submitted to this Board its memorandum paper praying that the compensation of the landowner's land be reconsidered and be increased, taking into account the current value of the like properties situated farther away from the capital of the province. Likewise, respondent bank through counsel also submitted their comments. Hence, this case.

Land Bank of the Philippines, this is because it is in accordance to the valuation policies and guidelines issued by the Department of Agrarian Reform. The amount amount realized therein is the outcome after a series of investigation and computation conducted jointly by the respondent bank and some Department of Agrarian Reform personnel who are considered knowledgeable in that field.

On the other hand, it worth mentioning here that the argument raised and assailed by the petitioner is without merit for it is only a pure generality. It is axiomatic that Just Compensation being a question in issue, any claim for the appreciation of its value must always be substantiated by clear and convincing evidence in order to concretize the claim. Furthermore, under Administration Order 100, it is provided that "Only improvements which directly contribute to the economic productivity of the land shall be paid". Sad to note that petitioner failed to present any proof that could perhaps drive this Board for a higher valuation.

WHEREFORE, in light of the foregoing, the valuation set by the respondent, Land Bank of the Philippines in the amount of ONE HUNDRED SEVENTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY TWO PESOS and SEVENTY-TWO CENTAVOS (Php. 177,782.72) is hereby **AFFIRMED**. The herein respondent is directed to expedite the early release of payment thereof upon compliance of the petitioner/landowner of the much-needed requirements.

**SO ORDERED.**

12<sup>TH</sup> Day of March 2002, Tagbilaran City, Philippines

*RONALDO S. SIAPAO*  
Provincial Auditor

ADJUDICATION BOARD  
BOHOL  
City of Tagbilaran

**IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF  
THE LAND COVERED BY TCT NO.  
3196 SITUATED AT CANDUMAYAO,  
CATIGBIAN, BOHOL,**

**QUIRINA JUBANE VDA DE CALIPES,  
Petitioner,**

-versus-

DARAB CASE NO. VII-BOH-41-2000

**LAND BANK OF THE PHILIPPINES,  
Respondent.**

O R D E R

**Before this Board is a mandatory petition for Determination of just Compensation of a parcel of land located at Candumayao, Catigbian, Bohol with Transfer Certificate of Title No. 3196 covering the area of 8.7810 hectares.**

**Consistent with the paramount Constitutional mandate of due process, proper notices were sent to the parties, and the same was scheduled for hearing on April 14, 2000 in the Department of Agrarian Reform Adjudication Board, Tagbilaran City.**

**In line thereto, petitioner through counsel submitted to this Board their position paper praying that the compensation of the landowner's land be reconsidered and be increased, taking into account the current value of the properties situated farther away from the capital of the province. Likewise, respondent bank through counsel also submitted their comments. Hence, this case.**

is satisfied and contented with the arrived valuation presented by the respondent, Land Bank of the Philippines, this is because it is in pursuance to the valuation factors and guidelines issued by the Department of Agrarian Reform. The entire amount realized therein is the outcome after a series of investigation and computation conducted jointly by the respondent bank and some Department of Agrarian Reform personnel who are considered knowledgeable in that field.

On the other hand, it worth mentioning here that the argument raised and assailed by the petitioner is without merit for it is only a pure generality. It is axiomatic that Just Compensation being a question in issue, any claim for the appreciation of its value must always be substantiated by clear and convincing evidence in order to concretize the claim. Furthermore, under Administrative Order No. 6, Series of 1989 *Only improvements which directly contribute to the economic productivity of the land shall be paid*. Sad to note that petitioner failed to present any proof that could perhaps drive this Board for a higher valuation.

WHEREFORE, in light of the foregoing, the valuation set by the respondent, Land Bank of the Philippines in the amount of ONE HUNDRED SEVENTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY TWO pesos and SEVENTY TWO centavos (Ph.p. 177,782.72) is hereby **AFFIRMED**. The herein respondent is directed to expedite the early release of payment thereof upon compliance of the petitioner/landowner of the much-needed requirements.

**SO ORDERED.**

12<sup>TH</sup> Day of March 2002, Tagbilaran City, Philippines

*RONALDO S. SANTERO*  
RONALDO S. SANTERO  
Provincial Adjudicator

**ADJUDICATION BOARD**  
Office of the Provincial Adjudicator  
Region VII, Province of Negros Oriental  
Dumaguete City  
Te. No. 225-2663

**1<sup>st</sup> INDORSEMENT**  
**March 16, 2001**

Respectfully forwarded to PARAD Rumualdo S. Sipacio, DAR Adjudication Board, Tagbilaran City, Bohol the herein Comments from Land Bank of the Philippines Re: QUIRINA JUBANE VDA. De CALIPES vs. LAND BANK OF THE PHILIPPINES, with the information that the said case is now pending in your office.

Please acknowledge receipt hereof.

*M Melvin M. Somoza*  
**MELVIN M. SOMOZA**  
Clerk of the Board

Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
**ADJUDICATION BOARD**  
Office of the Provincial Administrator  
Region VII, Province of Negros Oriental  
Dumaguete City  
Tel. No. 225-2663

**TO ENDORSEMENT**  
**March 16, 2001**

Respectfully forwarded to PARAD Rumualdo S. Sipacio, DAR Adjudication Board, Tagbilaran City, Bohol the herein Comments from Land Bank of the Philippines Re: QUIRINA JUBANE VDA. De CALIPES vs. LAND BANK OF THE PHILIPPINES, with the information that the said case is now pending in your office.

Pigasc acknowledge receipt hereof.

*Melvin M. Somoza*  
**MELVIN M. SOMOZA**  
Clerk of the Board

REGIONAL ADJUDICATION BOARD  
Office of the Regional Adjudicator  
Region VII  
Province of Negros Oriental  
Dumaguete City  
-00000-

QUIRINA JUBANE VDA. DE CALIPES,  
Petitioner,

- VERSUS -

DARAB CASE No. VII-43-BO-00

LAND BANK OF THE PHILIPPINES,  
Respondent,

x -----/

## COMMENTS

Respondent **LAND BANK OF THE PHILIPPINES**, through counsel, unto this Honorable Adjudication Board, most respectfully submits its Comments and alleges:

Petitioner's contention is anchored in Section 17, RA 6657, wherein the DAR has issued policies and guidelines defining the factors given in this section.

The factor of current value of like properties as provided for under Section 17 of Ra 6657 is to be taken and be given its meaning. From the law itself, it is quite clear that what was meant were "like properties". The DAR defined "like properties" or comparable sales as having the same topography, land, use, planted to the same crops (Par. A (3) of DAR AO 17, Series of 1994;

In invoking this provision, petitioner failed to show that respondent LBP, did not follow the guidelines and policies issued by the DAR. Respondent LBP, religiously followed the guidelines in arriving at the just valuation of the property of petitioner.

The Supreme Court, in numerous cases, held consistently that it is an elementary rule that administrative regulations and policies by Administrative bodies to interpret the law which they are entrusted to enforce have the force of law which they are entrusted to enforce have the force of law and are entitled to just respect (Gonzales vs. Land Bank, 183 SCRA 520; Espaniol v. Chairman, PVA, 137 SCRA 314, Sierra Madre Trust, Inc. v. DENR Sec. 121 SCRA 384).

But a mere simple glance of petitioner's position paper petitioner failed miserably to establish and prove that LBP ignored the factors as enumerated in Section 17 of RA 6657.

WHEREFORE, premises considered, it is respectfully prayed that the valuation in the amount of \*\*\*ONE HUNDRED SEVENTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY TWO PESOS AND 72/100\*\*\* (P177,782.72) be affirmed as payment for the 8.7810 hectares under TCT 3196.

Office of the Regional Adjudicator  
Region VII  
Province of Negros Oriental  
Dumaguete City  
-000oo-

QUIRINA JUBANE VDA. DE CALIPES,  
Petitioner.

- VERSUS -

DARAB CASE No. VII-43-BO-00

LAND BANK OF THE PHILIPPINES,  
Respondent,

x -----/

## COMMENTS

Respondent **LAND BANK OF THE PHILIPPINES**, through counsel, unto this Honorable Adjudication Board, most respectfully submits its Comments and alleges:

Petitioner's contention is anchored in Section 17, RA 6657, wherein the DAR has issued policies and guidelines defining the factors given in this section.

The factor of current value of like properties as provided for under Section 17 of Ra 6657 is to be taken and be given its meaning. From the law itself, it is quite clear that what was meant were "like properties". The DAR defined "like properties" or comparable sales as having the same topography, land, use, planted to the same crops (Par. A (3) of DAR AO 17, Series of 1994;

In invoking this provision, petitioner failed to show that respondent LBP, did not follow the guidelines and policies issued by the DAR. Respondent LBP, religiously followed the guidelines in arriving at the just valuation of the property of petitioner.

The Supreme Court, in numerous cases, held consistently that it is an elementary rule that administrative regulations and policies by Administrative bodies to interpret the law which they are entrusted to enforce have the force of law which they are entrusted to enforce have the force of law and are entitled to just respect (Gonzales vs. Land Bank, 183 SCRA 520; Espaniol v. Chairman, PVA, 137 SCRA 314, Sierra Madre Trust, Inc. v. DENR Sec. 121 SCRA 384).

But a mere simple glance of petitioner's position paper petitioner failed miserably to establish and prove that LBP ignored the factors as enumerated in Section 17 of RA 6657.

WHEREFORE, premises considered, it is respectfully prayed that the valuation in the amount of \*\*\*ONE HUNDRED SEVENTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY TWO PESOS AND 72/100\*\*\* (P177,782.72) be affirmed as payment for the 8.7810 hectares under TCT 3196.

RESPECTFULLY SUBMITTED

March 13, 2001

GONZALES AGUINO CABANGAN & ASSOCIATES  
Counsel for Land Bank of the Philippines  
c/o P. M. Roxas St., Cebu City

By:

*Ricardo T. Cabangan*  
Ricardo T. Cabangan  
PTD No. 19770000000000000000  
SSN No. 111-111-1111 Cebu City Cebu  
Philippines

*Copy Recipients:*

Atty. Teodoro G. Wigdor  
Atty. Paul M. Roxas  
Cebuano City 6000

**JRS EXPRESS**

A Division of JRS BUSINESS CORPORATION - Operating Under Reg. Act. 3260

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**Nº 04314**

<b>ORIGIN</b>	<b>PIECES</b>	<b>WEIGHT</b>	<b>DESTINATION</b>	<b>DATE</b>	<input type="checkbox"/> EXPRESS	<input checked="" type="checkbox"/> REGULAR
CEBU	1	TO GO	XITM. P. MAGALLAN	3-3-01	<input type="checkbox"/> LETTER	<input type="checkbox"/> CARGO
FROM (SHIPPER)		TO (Consignee)			<input type="checkbox"/> 1 POUNDER	<input type="checkbox"/> BROWN ENVELOPE
JRS - RIO VI					<input type="checkbox"/> 2 POUNDER	<input type="checkbox"/> TELEGRAM
					<input type="checkbox"/> 5 POUNDER	<input type="checkbox"/> FAXGRAM
					<input type="checkbox"/> PARCEL	<input type="checkbox"/> OTHERS
					FREIGHT	
					VALUATION	
					INSURANCE	
					DELIVERY	
					PICK UP FEE	
					OTHERS	
					TOTAL CHARGES	
					30	
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SHIPPER'S SIGNATURE		RECEIVED FOR JRS		By		

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<b>ORIGIN</b>	<b>PIECES</b>	<b>WEIGHT</b>	<b>DESTINATION</b>	<b>DATE</b>	<input type="checkbox"/> EXPRESS	<input checked="" type="checkbox"/> REGULAR
CEBU	1	TO GO	XITM. P. MAGALLAN	3-3-01	<input type="checkbox"/> LETTER	<input type="checkbox"/> CARGO
FROM (SHIPPER)		TO (Consignee)			<input type="checkbox"/> 1 POUNDER	<input type="checkbox"/> BROWN ENVELOPE
JRS - RIO VI					<input type="checkbox"/> 2 POUNDER	<input type="checkbox"/> TELEGRAM
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					<input type="checkbox"/> PARCEL	<input type="checkbox"/> OTHERS
					FREIGHT	
					VALUATION	
					INSURANCE	
					DELIVERY	
					PICK UP FEE	
					OTHERS	
					TOTAL CHARGES	
					30	
RECEIVED IN GOOD ORDER AND CONDITION						CUSTOMER'S COPY
PRINT NAME, SIGNATURE TIME						
SHIPPER'S SIGNATURE		RECEIVED FOR JRS		By		

THE WORD "JUST" IS USED TO EMPHASIZE THE REASONABLENESS OF THE AMOUNT  
 "compensation" to convey the idea that the equivalent to be  
 rendered for the property to be taken shall be real, substantial,  
full, ample." (Underscoring supplied)

Tagbilaran City

NAME: Quirina

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF THE  
LAND COVERED BY TCT 3196 SITUATED  
AT CANDUMAYAO, CATIGBIAN, BOHOL

DARAB CASE No. VII  
43-BO-00

QUIRINA JUBANE VDA DE CALIPES  
Protestant.

- versus -

LAND BANK OF THE PHILIPPINES,  
Respondent.

X-----/

#### REPLY TO COMMENTS OF RESPONDENT

**Protestant-landowner** Quirina Jubane Vda de Calipes in her position paper dated and received by the Department of Agrarian Reform Adjudication Board, Tagbilaran City on April 12, 2000 had raised the issue as to whether the value fixed for the compensation of her land is just and reasonable. Respondent Land Bank, through counsel in his Comments dated March 13, 2001 had fixed the valuation of the land of protestant-landowner in the amount of One Hundred Seventy Seven Thousand Seven Hundred Eighty Two Pesos and 72/100 (P177,782.72) for the 8.7810 hectares under TCT No. 3196 or a mere P2.02 per square meter. It cannot be denied that it is the goal of the government to emancipate the farmers from their bondage but it must be stressed, however, that in the pursuit of this objective, vigilance over the rights of the landowners is equally important because social justice cannot be invoked to trample on the rights of property owners, who under our Constitution and laws are also entitled to protection. The Constitutional Rights of Landowners even against Agrarian Reform Laws are:

- (1) Right to property ( Sec. 1, Bill of Rights)
- (2) Right to due process (Sec. 1, Bill of Rights)
- (3) Right to just compensation (Sec. 9, Bill of Rights & Art. XIII, Sec. 4)

Article 9, Bill of Rights, Constitution, states that "Private property shall not be taken for public use without payment of just compensation"(Underscoring supplied). The Supreme Court stressed:

"Just compensation is defined as the full and fair equivalent of the property taken from its owner by the expropriator. It has been repeatedly stressed by the Court that the measure is not the taker's gain but the owner's loss. The word "just" is used to intensify the meaning of the word "compensation" to convey the idea that the equivalent to be rendered for the property to be taken shall be real, substantial, full, ample." (Underscoring supplied)

of their property and deprived them of all its beneficial use and enjoyment to entitle them to the just compensation mandated by the Constitution."

Therefore, it is very clear that government must pay just compensation according to its traditional definition, which is the full and fair equivalent of the property taken or the market value thereof. Nothing less will satisfy this constitutional right enshrined in no less than the Bill of Rights of our Constitution.

The paying of only One Hundred Seventy Seven Thousand Seven Hundred Eighty Two Pesos and 72/100\*\*\* (P177,782.72) or a mere P2.02 per square meter to the 8.7810 hectares land of protestant-landowner is way below the actual and present value of lands and therefore without just compensation, one of the constitutional rights of landowners. Justice Ricardo Francisco in Fortune Securities vs DAR (CA-G.R. SP No. 30243 (1994) stated:

"The taking of private property is painful enough, and it becomes doubly so when procedural safeguards are recklessly disregarded by DAR."

In COJUANGCO VS. C.A., CARRASCOSO, G.R. No. 119398 (July 2, 1999), the Supreme Court ruled that public officers who violate constitutional rights are personally liable for damages even if they acted in good faith.

WHEREFORE, protestant-landowner hereby reiterates that payment of her parcel of land under TCT No. 3196 must be the full and fair equivalent or shall be real, substantial, full ample of the property taken.

Tagbilaran City, March 16, 2001.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice  
Tagbilaran City

By:

PERPETUO G. MAGALANO  
Public Attorney III

IBP No. 506110; Jan. 30, 2001; Bohol Chapter

Copy furnished:

Atty. Reinerio T. Cabangbang  
Land Bank of the Philippines  
Osmesa Blvd., Cor. P. del Rosario St.  
Cebu City

REGISTRY RECEIPT

Post Office \_\_\_\_\_

Letter/Package No. 5113

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2001

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

Region VII, Province of Bohol  
Tagbilaran City

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF THE  
LAND COVERED BY TCT 3196 SITUATED  
AT CANDUMAYAO, CATIGBIAN, BOHOL

DARAB CASE No. VII  
43-BO-00

QUIRINA JUBANE VDA DE CALIPES  
Protestant.

- versus -

LAND BANK OF THE PHILIPPINES,  
Respondent.

X-----/

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- (1) Right to property ( Sec. 1, Bill of Rights)
- (2) Right to due process (Sec. 1, Bill of Rights)
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*taking or private agricultural lands that has dispossessed the owners of their property and deprived them of all its beneficial use and enjoyment to entitle them to the just compensation mandated by the Constitution."*

Therefore, it is very clear that government must pay just compensation according to its traditional definition, which is the full and fair equivalent of the property taken or the market value thereof. Nothing less will satisfy this constitutional right enshrined in no less than the Bill of Rights of our Constitution.

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WHEREFORE, protestant-landowner hereby reiterates that payment of her parcel of land under TCT No. 3196 must be the full and fair equivalent or shall be real, substantial, full ample of the property taken.

Tagbilaran City, March 16, 2001.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice  
Tagbilaran City

By:

  
PERPETUO G. MAGALLANO  
Public Attorney III

Copy furnished: IBP No. 506110; Jan. 30, 2001; Bohol Chapter

Atty. Reinerio T. Cabangbang  
Land Bank of the Philippines  
Osmeña Blvd., Cor. P. del Rosario St.  
Cebu City

QUIRINA JUBANE VDA DE CALIPES

Complainant(s)

DILIGENTIA CASE NO. VII-43-BOH-2000

LAND VALUATION

VERSUS -

LAND BANK OF THE PHILIPPINES

Respondent(s)

## NOTICE OF ORDER

July 10, 2000

TO: ATTY Reñorio T Cabangbang  
 Land Bank of the Philippines  
 Cebu City Reg. Rec. # 2435  
 7-18-2000  
 SEE WSLAV. LBP

*Atty Perpetua G. Magallano*  
 Atty Perpetua G. Magallano  
 Dept of Justice  
 Tagbilaran City

REGISTRY RETURN CARD  
(Improvised)

Greetings:

Please be notified that an Order  
 has been issued, a copy of which is here  
 below.

WITNESS THE HONORABLE  
 July 2000, at Dumaguete City

RECEIVED: DUMAGUETE CITY (6200)  
 7/13/2000  
 ADDRESSED TO: ATTY. P. G. MAGALLAN  
 RE: CALIPES V. LBP

DATE RECEIVED: *7/13/2000*

X-X-X-X-X-X-X-X-X-

SIGNATURE: *[Signature]*

VII-43-BOH-2000

EDWIN L. BADON,  
 SHERIFF, III  
 CARADJUDICATION BOARD  
 DUMAGUETE CITY

ORDER JULY 10, 2000

Office \_\_\_\_\_  
 Date \_\_\_\_\_  
 Mailed on \_\_\_\_\_  
 Give this receipt for reference in case of Inquiry  
*Atty. P. Magallano*  
 Postmaster/Teller

ATTORNEY GENERAL  
Commonwealth of the Philippines

NOTICE OF SALE TO BE MADE

(payments)

(moneys)

Date \_\_\_\_\_ File No. \_\_\_\_\_

Place \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

NAME OF THE BIDDERS

(Respondent(s))

NOTICE & FORMS

July 10, 2010

TO:

ATI: Minister of Interior  
Ministry of the Philippines  
Cebu City

Attn: Superintendent  
Atty. General J. B. Sillano  
Copy of Circular  
Philippines City

Objection

I am to inform that an Order/Decision of the above writer was has been issued by the  
Circular dated, copy which is to be attached for your information and reference.

July 10, 2010 : At PARAS PARAS, Iloilo : RECEIVED this \_\_\_\_\_ day of

EDWIN L. SANTOS  
Secretary



Office of the Provincial Adjudicator  
Region VII, Province of Negros Oriental  
Dumaguete City  
Tel. No. 225-2663

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF THE  
LAND COVERED BY TCT 3196 SITUATED  
AT CANDUMAYAO, CATIGBIAN, BOHOL,

QUIRINA JURANE VDA. DE CALIPES, DARAB CASE NO. VII-43-BOH-2000

Petitioner,

- versus -

LAND BANK OF THE PHILIPPINES,  
Respondent.

X - - - - /

**O R D E R**

On June 19, 2000, Atty. Reinerio T. Calangbang, respondent's counsel, filed a manifestation requesting that respondent be furnished a copy of petitioner's position paper in order that he can submit his comments.

In view of the foregoing, let a copy of the same be furnished respondent's counsel.

**SO ORDERED.**

July 10, 2000, Dumaguete City for Tagbilaran City.

**VIVIAN OLLIS MAQUILING**  
Provincial Adjudicator

Encl: petitioners' position paper

Dumaguete City  
Tel. No. 225-2663

**IN THE COURTS OF THE PROTESTANT  
REGARDING THE VALUATION OF THE  
LAND OWNED BY TGE 3196 SITUATED  
AT CANDUMAYAO, CATIGBAN, BOHOL.**

**QUIRINA LURANG MDA, DE CALIPES,** Petitioner,  
**DARAB CASE NO. MILAS BOH. 2000**

VERSUS

**LAND BANK OF THE PHILIPPINES,**

Respondent

Attest: \_\_\_\_\_ /

**O R D E R**

On January 12, 2000, Atty. Remero J. Abadilla, Jr., petitioned  
counselor manifested a manifestation requesting that respondent be furnished a  
copy of petitioner's position paper in order that he can submit his  
comment.

In view of the foregoing, let a copy of the same be presented  
to respondent.

**SO ORDERED.**

Jan. 31, 2000, Dumaguete City for Taglibakalang

*[Signature]*  
DARAB, 1st DIVISION  
RECORDED IN THE INDEX

Attest: \_\_\_\_\_ /

MANILA CITY

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF THE  
LAND COVERED BY TCT 3196 SITUATED  
AT CANDUMAYAO, CATIGBIAN, BOHOL.

RECEIVED  
DARAB CASE NO.  
6-28-2000

QUIRINA JUBANE VDA DE CALIPES  
Protestant.

-x-----/

1004  
dy 4/18/00 2:01 PM

## POSITION PAPER

COMES NOW Protestant-Landowner, through counsel and unto this Honorable Office most respectfully alleges:

### Brief Statement of Facts

Protestant is the owner of an agricultural land registered in her and her husband's name under Transfer Certificate of Title No. TCT 3196 with an area of 10.7036 hectares situated at Candumayao, Catigbian, Bohol. Of this total area, an area of 8.7810 was recommended for acquisition and/or sought to be transferred to tenant-beneficiaries. On February 1, 2000 Atty. Johnson A. Sinco, Provincial Agrarian Reform Officer issued a Memorandum to the President and CEO, Land Bank of the Philippines, Makati City to deposit the cash and bonds covering the compensation proceeds in the name of landowner-protestant in the total amount of One Hundred Seventy Seven Thousand Seven Hundred Eighty Two and 72/100 (P177,782.72) based on the LBP's Memorandum of Valuation dated December 10, 1999. Protestant-landowner is now seeking for the revaluation of the compensation for her land subject to land transfer.

### The Issue

The only issue which the protestant-landowner would like to raise is whether the value fixed for the compensation of her land is just and reasonable.

### DISCUSSION AND ARGUMENTS

While admittedly this provision of PD 27 which reads as follows:

unadjusted to the tenant-farmer pursuant to this decree, the value of the land shall be equivalent to two and a half (2 1/2) times the average harvest of three normal crop years immediately preceding the promulgation of this Decree"

and the provision of Executive Order No. 228, Section 2, to wit:

"Henceforth, the valuation of rice and corn lands covered by P.D. No. 27 shall be based on the average gross production determined by the Barangay Committee on Land Production in accordance with Department Memorandum Circular No. 26, Series of 1973 and related issuances and average gross production per hectare shall be multiplied by two and a half (2 .5), the production of which shall be multiplied by Thirty Five (P35.00) Pesos, the government support price of one cavan Of 50 kilos of palay on October 21, 1972, or Thirty One Pesos, the Government support price of one cavan of 50 kilos of corn on October 21, 1972, and the amount arrived at shall be the value of the rice and corn land, as the case may be, for the purpose of determining its cost to the farmer and compensation to the landowner."

that determines the valuation of the properties covered by Operation Land Transfer, the question may be asked whether under these circumstances the compensation fixed for the protestant-landowner's land is just and reasonable. Clearly, just compensation has always been understood to be the **just and complete equivalent of the loss** which the owner of the thing expropriated has to suffer by reason of the expropriation. (National Power Corporation vs. Sp. Gutierrez and Malit G. R. No. 60077, January 18, 1991) The **price or value** of the land and its **character** at the time it was taken by the Government are the criteria for determining just compensation. The above price refers to the market value of the land which may be the **full market value** thereof.

RA 6657, on the other hand, provides that,

"In determining just compensation, the cost of acquisition of the land, the current value of like properties, the sworn valuation by the owner, the tax

considered. The social and economic benefits contributed by the farmers and the farmworkers and by the Government to the property as well as the non-payment of taxes or loans secured from any government financing institution on the said land shall be considered as additional factors to determine its valuation." (Underscoring supplied).

Clearly, the formula in PD No. 27 for determining compensation can find no application after RA 6657. Current value of like properties situated farther away from the City of Tagbilaran than that of Catigbian, Bohol is already more than a hundred pesos per square meter while that of the landowner-protestant is valued at only Two Pesos per square meter.

WHEREFORE, it is most respectfully prayed of this Honorable Office that the compensation of the landowner's land be reconsidered so that instead of paying One Hundred Seventy Seven Thousand Seven Hundred Eighty Two Pesos and 72/100 (P177,782.72), it should be increased taking into account the current value of like properties situated farther away from the capital of the province.

Tagbilaran City, April 12, 2000.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice  
Tagbilaran City  
(Counsel for the Protestant-Landowner)

By:

  
PERPETUO G. MAGALLANO  
Public Attorney III

DEPARTMENT OF AGRARIAN REFORM  
Regional Office No. VII, COACO Bldg.  
M.J. Cuenco Ave., Mabolo, Cebu City  
Attn.: The Land Valuation & Landowner's  
Compensation Office

No.

6952

Reg. Mail w/ return slip

WGF/

Atty. VIVIAN O. MAGUILING  
Provincial Adjudicator  
DARAB Office, Teves Compound, Amigo Subd.;  
Dumaguete City

REGIONAL ADJUDICATION  
C: ARIEIA

Atty. Perpetua G. Magallano  
Department of Justice  
Tagbilaran City 6300

# 118 14786  
ATB. 06/15/90

JRS AIRBILL					
A Division of JRS BUSINESS CORPORATION - Operating under Rep. Act. 2260 19 Brixton Rd., Makati City, Philippines, Tel. 881-7357, 881-285337, Fax: 881-7357, 881-285337 Page 1					
ORIGIN	PIECES	WEIGHT	DESTINATION	DATE	
(ATL)			111624	7/4	
FROM (Shipper) P. E. April 1979 TO (Consignee)					
EXPRESSIONS <input checked="" type="checkbox"/> REGULAR LETTER <input type="checkbox"/> 1 POUNDER <input type="checkbox"/> 3 POUNDER <input type="checkbox"/> 5 POUNDER <input type="checkbox"/> PARCEL <input type="checkbox"/> FREIGHT <input type="checkbox"/> VALUATION <input type="checkbox"/> INSURANCE <input type="checkbox"/> DELIVERY <input type="checkbox"/> PICK UP FEE <input type="checkbox"/> OTHERS <input type="checkbox"/>					
RECEIVED IN GOOD ORDER AND CONDITION					
SUBJECT TO CONDITIONS AT THE BACK HEREOF					
RECEIVED FOR JRS					
SHIPPER'S SIGNATURE B6. 25 TOTAL CHARGES					

**LANDBANK**  
Atty. Reinerio T. Cadenciano

Atty. Vivian O. Maquiling  
Adjudicator  
Department of Agrarian Reform  
Davao City  
6200

OF THE PHILIPPINES  
n & Landowner's Compensation Office VII  
, corner P. del Rosario St.

4996 • 254-1316

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF AGRARIAN REFORM  
ADJUDICATION  
Office of the Regional Director  
Dumaguete City

QUIRINA JUBANE VDA DE CALIPES  
(Complainant(s))

Versus -

LAND BANK OF THE PHILIPPINES  
(Respondent(s))

DATE OR CASE NO. VII-43-BOH-2000

I JUST COMPENSATION

NOTICE OF ORDER

June 7, 2000

TO:

Atty Bernicerio T Cabnagban  
Land Bank of the Phil  
Cebu City

*[Handwritten signature]*

Atty Perpetuo G Magallano  
Dept of Justice  
Tagbilaran City

Greetings:

Please be notified that an Order/Decision in the above case has been issued by this Honorable Board, a copy of which is hereto attached for your information and guidance.

WITNESS TO THE HONORABLE PARADISE MAQUILING this 13th day of  
June 2000 at Dumaguete City, Philip-

*[Signature]*  
EDWIN L. BADON  
Sheriff III

QUIRINA JUBANE VDA DE CALIPES

Complainant(s)

FILED OR CASE NO. VIII-43-2000-2000

- VERSUS -

JUST COMPENSATION

LAND BANK OF THE PHILIPPINES

Respondent(s)

NOTICE OF ORDER

June 7, 2000

TO:

Atty. Joineorio P. Cabnagbang  
Land Bank of the Phil.  
Cebu City

Atty. Perpetuo G. Magallano  
Dept. of Justice  
Tagbilaran City

Greetings:

Please be notified that an Order/Decision in the above-mentioned case has been issued by this Honorable Board, a copy of which is hereto attached for your information and records.

WITNESS: THE HONORABLE PARAS MINA OF LIS-MAQUILING this 12th day of June 2000, Cebu City, Philippines.

  
EDWIN L. RADON  
Sheriff III

Tel. No. 225-2663

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF THE  
LAND COVERED BY TCT 3196 SITUATED  
AT CANDUMAYAO, CATIGBIAN, BOHOL,

QUIRINA JUBANE VDA. DE CALIPES, Petitioner,      DARAB CASE NO. VII-43-BOH-2000

- versus -

LAND BANK OF THE PHILIPPINES,  
Respondent.

X ----- /

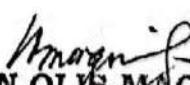
O R D E R

On April 12, 2000, Atty. Perpetuo G. Magallano, counsel for petitioner, filed a position paper praying that subject property be valued taking into consideration the current value of like properties situated farther from the same which has been valued higher.

In view of the foregoing, Order is hereby issued directing respondent, through counsel, to file a comment/s on the petitioner's position paper.

**SO ORDERED.**

Dumaguete, City for Tagbilaran City, June 7, 2000.

  
**VIVIAN OLIS-MAQUILING**  
Provincial Adjudicator

IN RE: DETERMINATION OF JUST  
COLONIZATION UNDER  
D.A. # 6657 FOR LANDS  
COVERED UNDER

DAMAR CASE NO. VII-~~1982~~-2000

JOSEITO CALIPES ET AL  
Landowner-Protestant  
----- /

ORDER AND NOTICE OF HEARING

This treats on the Indorsement letter dated \_\_\_\_\_  
of the Honorable Provincial Agrarian Reform Officer for the  
Province of Negros Oriental forwarding the above-entitled case to  
this Adjudicator for appropriate summary administrative proceedings.

WHEREUPON, parties herein Land Bank of the Philippines (LBP),  
Landowner-Protestant, the former-beneficiaries concerned, and the  
Department of Agrarian Reform are hereby given a period of ten (10)  
days from receipt hereof within which to file simultaneously their  
respective position papers and documentary evidence in support  
thereof, furnishing copies to opposite parties. Either parties may  
file their comment within five days (5) from receipt of the opposing  
party's position paper.

The hearing of the case/esses is hereby set on ~~May 11, 2000~~  
~~9:00 am~~  
at \_\_\_\_\_ in the office of the Provincial  
Agrarian Reform Adjudicator at ~~Abing-Pubd. 2, Piepi, Dumaguete City,~~  
~~DARAS office, Jln. Tagum-pani Rd.,~~

SO ORDERED.

April 11, 2000

INVITATION  
Provincial Adjudicator



of the land shall be equivalent to two and a half (2 1/2) times the average harvest of three normal crop years immediately preceding the promulgation of this Decree"

and the provision of Executive Order No. 228, Section 2, to wit:

"Henceforth, the valuation of rice and corn lands covered by P.D. No. 27 shall be based on the average gross production determined by the Barangay Committee on Land Production in accordance with Department Memorandum Circular No. 26, Series of 1973 and related issuances and average gross production per hectare shall be multiplied by two and a half (2 .5), the production of which shall be multiplied by Thirty Five (P35.00) Pesos, the government support price of one cavan Of 50 kilos of palay on October 21, 1972, or Thirty One Pesos, the Government support price of one cavan of 50 kilos of corn on October 21, 1972, and the amount arrived at shall be the value of the rice and corn land, as the case may be, for the purpose of determining its cost to the farmer and compensation to the landowner."

that determines the valuation of the properties covered by Operation Land Transfer, the question may be asked whether under these circumstances the compensation fixed for the protestant-landowner's land is just and reasonable. Clearly, just compensation has always been understood to be the **just and complete equivalent of the loss** which the owner of the thing expropriated has to suffer by reason of the expropriation. (National Power Corporation vs. Sps. Gutierrez and Malit G. R. No. 60077, January 18, 1991) The price or value of the land and its character at the time it was taken by the Government are the criteria for determining just compensation. The above price refers to the market value of the land which may be the full market value thereof.

RA 6657, on the other hand, provides that,

"In determining just compensation, the cost of acquisition of the land, the current value of like properties, the sworn valuation by the owner, the tax

"...the sum equivalent thereto contributed by the Farmers and  
the farmworkers and by the Government to the property as well as the non-  
payment of taxes or loans secured from any government financing institution  
on the said land shall be considered as additional factors to determine its  
valuation." (Underscoring supplied).

Clearly, the formula in PD No. 27 for determining compensation can find no application after RA 6657. Current value of like properties situated farther away from the City of Tagbilaran than that of Catigbian, Bohol is already more than a hundred pesos per square meter while that of the landowner-protestant is valued at only Two Pesos per square meter.

WHEREFORE, it is most respectfully prayed of this Honorable Office that the compensation of the landowner's land be reconsidered so that instead of paying One Hundred Seventy Seven Thousand Seven Hundred Eighty Two Pesos and 72/100 (P177,782.72), it should be increased taking into account the current value of like properties situated farther away from the capital of the province.

Tagbilaran City, April 12, 2000.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice  
Tagbilaran City  
(Counsel for the Protestant-Landowner)

By:

  
PERPETUO G. MAGALLANO  
Public Attorney III

"For the purpose of determining

**DARAB CASE NO.**

IN THE MATTER OF THE PROTEST  
REGARDING THE VALUATION OF THE  
LAND COVERED BY TCT 3196 SITUATED  
AT CANDUMAYAO, CATIGBLAN, BOHOL,

### *Conclusion of the Degree*

OURINA JUBANE VDA DE CALIPES

QIRKWA  
Protestant

**Protestant, 100** ten of 18 cent. Oct. No. 2  
~~Protestant, 100~~

## POSITION PAPER

COMES NOW Protestant-Landowner, through counsel and unto this Honorable Office most respectfully alleges:

### **Brief Statement of Facts**

Protestant is the owner of an agricultural land registered in her and her husband's name under Transfer Certificate of Title No. TCT 3196 with an area of 10.7036 hectares situated at Candumayao, Catigbian, Bohol. Of this total area, an area of 8.7810 was recommended for acquisition and/or sought to be transferred to tenant-beneficiaries. On February 1, 2000 Atty. Johnson A. Sinco, Provincial Agrarian Reform Officer issued a Memorandum to the President and CEO, Land Bank of the Philippines, Makati City to deposit the cash and bonds covering the compensation proceeds in the name of landowner-protestant in the total amount of One Hundred Seventy Seven Thousand Seven Hundred Eighty Two and 72/100 (P177,782.72) based on the LBP's Memorandum of Valuation dated December 10, 1999. Protestant-landowner is now seeking for the revaluation of the compensation for her land subject to land transfer.

10 - 7

**The Issue** The only issue which the protestant-landowner would like to raise is whether

The only issue which the protestant-landowner would like to raise is whether the value fixed for the compensation of her land is just and reasonable.

## DISCUSSION AND ARGUMENTS

<http://www.jstor.org> | JSTOR is a registered trademark of ITHAKA, Inc.

While admittedly this provision of PD 27 which reads as follows:

*"or the payment or compensation, the value of the land to be transferred to the tenant-farmer pursuant to this decree, the value of the land shall be equivalent to two and a half (2.5) times the average harvest of three normal crop years immediately preceding the promulgation of this Decree."*

and the provision of Executive Order No. 228, Section 2, to wit:

*"Henceforth, the valuation of rice and corn lands covered by P.D. No. 27 shall be based on the average gross production determined by the Bureau Committee on Land Production in accordance with Department Memorandum Circular No. 26, Series of 1972 and such assurances and average gross production per hectare shall be multiplied by two and a half (2.5), the production of which shall be multiplied by Thirty Five (P35.00) Pesos, the government support price of one cavan of 50 kilos of paddy on October 21, 1972, or Thirty One Pesos, the Government support price of one cavan of 50 kilos of corn on October 21, 1972, and the amount arrived at shall be the value of the rice and corn land, as the case may be, for the purpose of determining the costs to the farmer and compensation to the landowner."*

that determines the valuation of the properties covered by Operation Land Transfer, the question may be asked whether under these circumstances the compensation fixed for the protestant-landowner's land is just and reasonable. Clearly, just compensation has always been understood to be the just and complete equivalent of the loss which the owner of the thing expropriated has to suffer by reason of the expropriation. (National Power Corporation vs. Sys. Gobernador and Alcalde G. R. No. 600/77, January 18, 1991) The price or value of the land and its character at the time it was taken by the Government are the criteria for determining just compensation. The above price refers to the market value of the land which may be the full market value thereof.

RA 6657, on the other hand, provides that,

*"In determining just compensation, the cost of acquisition of the land, the current value of like properties, the sworn valuation by the owner, the tax*

declarations and assessments made by the government assessors shall be considered. The social and economic benefits contributed by the farmers and the farmworkers and by the Government to the property as well as the non-payment of taxes or loans secured from any government financing institution on the said land shall be considered as additional factors to determine its valuation." (Underscoring supplied).

Clearly, the formula in PD No. 27 for determining compensation can find no application after RA 6657. Current value of like properties situated farther away from the City of Tagbilaran than that of Catigbian , Bohol is already more than a hundred pesos per square meter while that of the landowner-protestant is valued at only Two Pesos per square meter.

WHEREFORE, it is most respectfully prayed of this Honorable Office that the compensation of the landowner's land be reconsidered so that instead of paying One Hundred Seventy Seven Thousand Seven Hundred Eighty Two Pesos and 72/100 (P177,782.72), it should be increased taking into account the current value of like properties situated farther away from the capital of the province.

Tagbilaran City, April 12, 2000.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice  
Tagbilaran City  
(Counsel for the Protestant-Landowner)

By:

PERPETUO G. MAGALLANO  
Public Attorney III

RECEIVED  
DATE

*Jm*  
*7/18/00 8:57 AM*

EMILIANO TAN,  
Petitioner,

- versus -

DARAB CASE No. VII-42-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

CARLOS P. GARCIA,  
Petitioner,

- versus -

DARAB CASE No. VII-44-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

SERAPIO CALIPES, Et. Al.,  
Petitioner,

- versus -

DARAB CASE No. VII-43-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

RICARDO NAVARRO,  
Petitioner,

- versus -

DARAB CASE No. VII-302-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

DIOSCORE CUARTO,  
Petitioner,

- versus -

DARAB CASE No. VII-120-BO-2000

DARAB CASE No. VII-123-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

LAND BANK OF THE PHILIPPINES, ET AL.,  
Respondents

CEBU CITY DEVELOPMENT BANK,  
Petitioner.

- versus -

DARAD CASE No. VI-176-BO-999

LAND BANK OF THE PHILIPPINES, ET AL.,  
Respondents

DESP.  
Petitioner,

- versus -

DARAD CASE No. VI-183-BO-99

DARAD CASE No. VI-184-BO-99

DARAD CASE No. VI-185-BO-99

LAND BANK OF THE PHILIPPINES, ET AL.,  
Respondents

Mr. SEBASTIAN CLARK,  
Petitioner.

- versus -

DARAD CASE No. VI-188-BO-99

LAND BANK OF THE PHILIPPINES, ET AL.,  
Respondents

ALFREDO C. OCULAM,  
Petitioner.

- versus -

DARAD CASE No. VI-189-BO-999

DARAD CASE No. VI-171-BO-99

LAND BANK OF THE PHILIPPINES, ET AL.,  
Respondents

## URGENT MOTION FOR POSTPONEMENT

COMES NOW, counsel for Respondent LAND BANK OF THE PHILIPPINES, with this  
Honorable Adjudication Board, most respectfully, states:

1. That an Order and Notice of Hearing of the above-entitled cause was received  
on March 21, 28 and 29, 2000, setting a hearing on April 14, 2000 at 11:00  
A.M.

- versus -

DARAB CASE No. VII-234-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /  
CEBU CITY DEVELOPMENT BANK,  
Petitioner,

- versus -

DARAB CASE No. VII-276-BO-2000

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /  
DBP,  
Petitioner,

- versus -

DARAB CASE No. VII-349-BO-98  
DARAB CASE No. VII-146-BO-99  
DARAB CASE No. VII-147-BO-99

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

Hrs. of SEBASTIAN CLARIN,  
Petitioner,

- versus -

DARAB CASE No. VII-293-BO-99

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

ALFREDO C. OCULAM,  
Petitioner,

- versus -

DARAB CASE No. VII-25-BO-2000  
DARAB CASE No. VII-275-BO-99

LAND BANK OF THE PHILIPPINES, ET. AL.,  
Respondents.

X ----- /

## URGENT MOTION FOR POSTPONEMENT

COMES NOW, counsel for Respondent LAND BANK OF THE PHILIPPINES, unto this Honorable Adjudication Board, most respectfully, states:

1. That an Order and Notice of Hearing of the above-entitled cases was received on March 21, 28 and 29, 2000, setting a hearing on April 14, 2000 at 11:00 a.m.;

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3696*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3697*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3698*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3699*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

Posted on, *10 11*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3692*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3693*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3694*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

REGISTRY RECEIPT

Post Office

Letter/Package No.

Posted on APR 4 1970 10

*3699*

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

*m 20*

2. That because of a Joint ALO-LCAG Meeting on March 13 and 14, 2000 at LBP Head Office Multi-Purpose Hall, Makati City, Manila, he is constrained to postpone the above-entitled cases (Photocopy of ALO-Memorandum dtd. March 28, 2000, hereto attached);
3. Hence, respondent request to move the transfer of the date of hearing of this cases from April 14, 2000 at 11:00 a.m. to May 5, 2000 at 10:00 a.m.;
4. That this Motion is not intended to delay the proceedings but due to reason aforesated;

*WHEREFORE, premises considered, undersigned counsel respectfully request for the resetting of the continuation of the hearing on March 14, 2000 at 11:00 a.m. to May 5, 2000 at 10:00 a.m. and prays that this Motion be given due consideration.*

*Cebu City for Tagbilaran City      April 1, 2000*

**GONZALES AQUINO CABANGBANG AND ASSOCIATES  
Counsel for LAND BANK OF THE PHILIPPINES**

By:

*REINERIO T. CABANGBANG*  
 IBP No. 466616 dtd. 10/29/99-Bohol  
 PTR No. 979798 dtd. 01/07/00-Cebu City

Address: **LAND BANK, Cor. P. del Rosario St., Cebu City 6000**

**Copy Furnished:**

Emiliano Tan  
Alicia, Bohol

Carlos P. Garcia  
41 Bohol Avenue, Diliman,  
Quezon City

Serapio Calipes  
Antequera, Bohol

Ricardo Navarro  
17-1 F. Calceta St., Tagbilaran City

Dioscoro A. Cuarto  
712 G. San Roque St.  
Mambaling, Cebu City

Cebu City Development Bank  
cor. Osmeña Blvd. and Manalili St.  
Cebu City

Hrs. of Sebastiana Clarin  
c/o Violeta Abasolo  
9142 San Antonio Ave.  
SA Valley, Paranaque City  
Manila

Atty. Jorge T. Salise, Jr.  
Development Bank of the Philippines  
DBP Bldg.  
Tagbilaran City 6300

Atty. Braulio Arriola, Jr.  
Republic Publishing Home Bldg.  
57-59 Colon St., Cebu City

Atty. Alfredo H. Lagunay  
Alturas Supermarket  
Tagbilaran City 6300



DATE March 28, 2000

ALO-LVO VII

## MEMORANDUM

## SUBJECT

FOR ➤ All ALO-LVO Lawyers  
ATTY. REINERIO T. CABANGBANG  
ALO-LVO VII, CEBU CITY

THRU ➤

FROM ➤ Vice President,  
Agrarian Legal Office

Joint ALO-LCAG Meeting

Apropos abovementioned subject, you are all requested to attend said meeting scheduled on April 13 and 14, 2000, at 9:00 a.m. to be held in the LBP Head Office Multi-Purpose Hall, Makati City. Please make the necessary arrangements to your schedule.

Thank you.

*AUGUSTO M. AQUINO*  
AUGUSTO M. AQUINO

/ricu/lvos29.doc

LAND BANK OF THE PHILIPPINES  
319 Sen. Gil Puyat Avenue Ext.  
Makati City  
Tel. Nos. 819-9411 to 29

P.O. Box 1108  
Cable "LANDBANK"

IN RE: DETERMINATION OF JUST  
COMPENSATION UNDER  
R.A. # 6657 FOR LANDS  
COVERED UNDER  
Compulsory Acquisition  
TOT 3196

DAWAB CASE NO. VII-~~17~~-3011-2000

B. 2810  
Candumanayao, Catigbian, Bohol

Corapio Calipos et al.  
Landowner-Protestant.

ORDER AND NOTICE OF HEARING

This treats on the Indorsement Letter dated \_\_\_\_\_  
of the Honorable Provincial Agrarian Reform Officer for the  
Province of Negros Oriental forwarding the above-entitled case to  
this Adjudicator for appropriate summary administrative proceedings.

WHEREFORE, parties herein Land Bank of the Philippines (LBP),  
Landowner-Protestant, the farmer-beneficiaries concerned, and the  
Department of Agrarian Reform are hereby given a period of ten (10)  
days from receipt hereof within which to file simultaneously their  
respective position papers and documentary evidence in support  
thereof, furnishing copies to opposite parties. Either parties may  
file their comment within five days (5) from receipt by the opposing  
party's position paper.

The hearing of the case/cases is hereby set on April 14, 2000  
at 11:00 AM in the Office of the Provincial  
Agrarian Reform Adjudicator at ~~Angeles Subd. Pani, Angeles City~~  
~~DAWAB office, DAW Tagbilaran City~~

SO ORDERED.

March 14, 2000

*Vivian O. Aquiling*  
VIVIAN O. AQUILING  
Provincial Adjudicator

IN RE: DETERMINATION OF JUST  
COMPENSATION UNDER  
R.A. # 6657 FOR LANDS  
COVERED UNDER  
Compulsory Acquisition...  
TCT 3196  
8.7810  
Candumaya, Uatigbian, Bohol  
Sorapio Calipes et al.  
Landowner-Protestant.

DARAB CASE NO. VII-43-BOH-2000

ORDER AND NOTICE OF HEARING

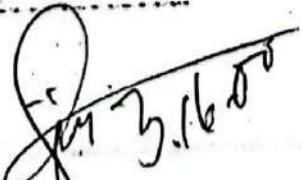
This treats on the Indorsement Letter dated \_\_\_\_\_  
of the Honorable Provincial Agrarian Reform Officer for the  
Province of Negros Oriental forwarding the above-entitled case to  
this Adjudicator for appropriate summary administrative proceedings.

WHEREFORE, parties herein Land Bank of the Philippines (LBP),  
Landowner-Protestant, the farmer-beneficiaries concerned, and the  
Department of Agrarian Reform are hereby given a period of ten (10)  
days from receipt hereof within which to file simultaneously their  
respective position papers and documentary evidence in support  
thereof, furnishing copies to opposite parties. Either parties may  
file their comment within five days (5) from receipt by the opposing  
party's position paper.

The hearing of the case/cases is hereby set on April 14, 2000  
at 11:00 am in the Office of the Provincial  
Agrarian Reform Adjudicator at ~~Antique Subd. Tagbilaran City~~  
~~DARAB office, DAR Tagbilaran City.~~

SO ORDERED.

March 14, 2000

  
VIVIAN O. AQUILING  
Provincial Adjudicator

S. CALIPES  
ABILITY TS # CO570038 D  
3.16.2000

**MEMORANDUM**

FOR : The DARAB/RARAD/PARAD  
PROVINCIAL AGRARIAN REFORM OFFICE  
TAGBILARAN CITY

RECEIVED  
DATE: 2/2/2001 TIME: 2:15  
NAME: *[Signature]*

SUBJECT : REQUEST TO CONDUCT SUMMARY ADMINISTRATIVE JUDICATION BOARD  
PROCEEDINGS RE: CLAIM OF Serapio Calipes & Quirina  
LOCATION Candumayao, Catigbian, CEBU CITY Jubane  
TITLE NO./S TCT-3196  
TD NO./S (if untitled) \_\_\_\_\_  
DATE 2/2/2000

DATE : February 1, 2000

In view of the landowner's rejection of the offered value for his land/failure to reply to the Notice of Land Valuation and Acquisition within the prescribed period, it is hereby requested that the DARAB/RARAD/PARAD conducts summary administrative proceedings to determine the land compensation pursuant to Administrative Order No. 2, S. 1991, as amended by Administrative Order No. 8, S. 1991 and Memorandum Circular No. 1, S. 1995.

ATTY. JOHNSON A. SINCO  
OIC, PARO II  
*[Signature]*

Attached: LO's Rejection Letter  
Notice of Land Valuation and Acquisition  
Memorandum of Valuation, Claim Folder  
Profile and Valuation Summary

**Copy distribution:**

- |               |                     |
|---------------|---------------------|
| Original      | - DARAB/RARAD/PARAD |
| Duplicate     | - LO                |
| Triuplicate   | - LBP               |
| Quadruplicate | - DARRO             |
| Quintuplicate | - File              |

## MEMORANDUM

TO : The President and CEO  
Land Bank of the Philippines  
Villamor City

ATTENTION : The Head  
LBCO VII

SUBJECT : REQUEST TO DEPOSIT COMPENSATION PROCEEDS IN THE  
NAME OF Genesio Calines & Mirina Jubane —  
RE: AGRICULTURAL PROPERTY LOCATED AT  
Candumayaao, Catigbian, Bohol COVERED BY  
OCT/TCT/ID NO. TCT-3196

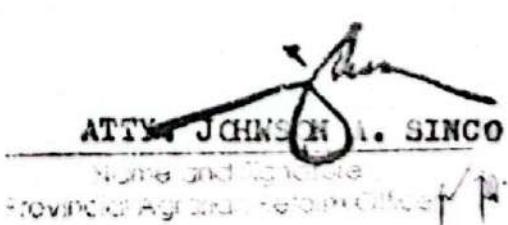
DATE : February 1, 2000

In view of the rejection by the landowner of the offered value for his land per Notice of Land Valuation and Acquisition (NLVA), dated December 28, 1999 or failure to reply within the prescribed period, it is hereby requested that the cash and bonds covering the compensation proceeds be deposited in the name of said landowner in the total amount of Pesos One Hundred Seventy-one Thousand Seven Hundred Eighty Two & 72/100 only (P 177,782.72)

representing the valuation of his agricultural property covering the area of 8.7810 hectares, including the improvements thereon, as indicated on LBP's Memorandum of Valuation dated December 10, 1999.

Withdrawal of said deposit shall be subject to compliance with all documentary requirements listed in the Claim Folder Profile and Valuation Memorandum attached to the NLVA.

It is likewise requested the LBP issue a Certification of Deposit to serve as our basis in requesting the Register of Deeds to effect the transfer of said property in favor of the Republic of the Philippines pursuant to RA 7657.

  
ATTY. JOHNSON I. SINCO

Name and Signature  
Province of Agusan del Norte  
P.P.

### COPY ADDRESSEES:

Gen. M.	LBP
Gen. M.	LO
Gen. M.	PARAD/RARAO/DARAB
Gen. M.	GARPO
Gen. M.	LBCM
Gen. M.	RRB

December 28, 1999

Date

Serapio Calipes  
Antequera, Bohol

Sir/Madam:

This refers to your agricultural land covered by the Comprehensive Agrarian Reform Program pursuant to RA 6657, described as follows:

OCT/TCT No/s.	<u>TCT-3196</u>	Location	<u>Candumayao,</u>
Total Area (Ha)	<u>_____</u>		<u>Catigbian, Bohol</u>
Tax Dec. No/s.	<u>_____</u>		<u>_____</u>

Please be informed that out of the total area indicated in the aforesaid title(s), an area of 10.7036 hectares is subject to immediate acquisition and distribution to qualified agrarian reform beneficiaries under VOS/CA arrangement of the CARP.

Furthermore, based on the value determined by the LEP per attached Memorandum of Valuation, Claim Folder Profile and Valuation Summary, we offer you compensation a total amount of Pesos One Hundred Seventy Seven Thousand Seven Hundred Eighty Two & 72/100 P177,782.72, covering 8.7810

hectares including improvements, if any. This total compensation, however, shall be subject to price adjustments to conform with the actual area covered as determined by the final land survey (Section 17 of RA 6657).

We request that you inform thru the attached CARP Form No. 10-A the Department of Agrarian Reform (DAR) through this Provincial Office, within thirty (30) days upon receipt of this Notice whether you accept or reject the amount of compensation offered for your property.

In case of acceptance, the LEP shall establish a Trust Account in your name. However, the actual release of payment shall only be effected upon your compliance with the requirements enumerated in the attached Claim Folder Profile and Valuation Summary. If within 7 days from your acceptance, you fail to submit the necessary documents required for the release of payment, we will ask the Register of Deeds to transfer your title covering subject property to the Republic of the Philippines and effect the distribution of the land to qualified agrarian reform beneficiaries.

## VALUATION AND ACQUISITION

January 31, 2000  
Date

The Secretary  
 Department of Agrarian Reform  
 Diliman, Quezon City

Thru: The Provincial Agrarian Reform Officer  
Tebilaran City

Sir:

This is in reply to your Notice of Land Valuation and Acquisition dated January 31, 2000 regarding my property covered under CARP located at Villa Teresita, Ubay, Bohol described as follows:

OCT/TCT No.	<u>CCN No 1068</u>
Tax Dec. No.	<u>45042-12</u>
Area/Title (Ha)	<u>23.3254-Ha.s.</u>
Area for Acquisition (Ha)	<u>18.3254-Ha.s.</u>
Value for the land	P <u>397,574.69</u>
Value for the improvements	P <u>NONE</u>
Total	P <u>397,574.69</u>

Please be informed that I  Accept  Reject (check appropriate box) the value offered for my property.

Attached herein are the documents required by LBP for the payment of my land and its improvements, if any, as enumerated in the Claim Folder Profile and Valuation Summary.

Very truly yours,

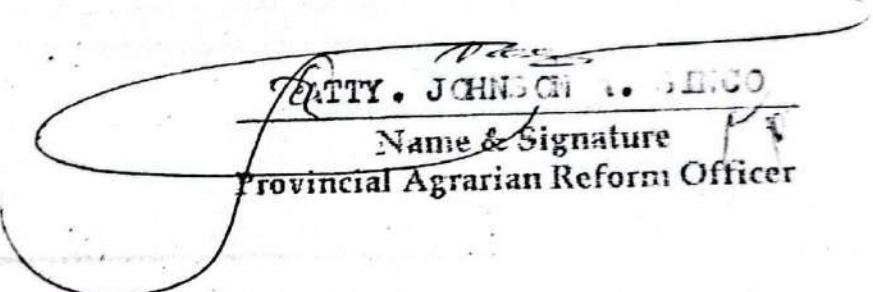
  
 For: FRANCISCO AYO  
 Name & Signature  
 Landowner

Villa Teresita, Ubay, Bohol  
 Address

In case of your rejection or failure to reply to this Notice within the above-specified period, the DARAB/RARAD/PARAD shall conduct summary administrative proceeding with due notice to you, to determine the compensation for the property, wherein you, the LBP, and other parties shall be requested to submit evidence as to its just compensation.

In any event, the DAR shall take immediate possession of the property, upon your receipt of payment, or upon deposit of the above-offered compensation with an accessible bank.

Very truly yours,

  
HARRY. JOHNSON, BEMCO  
Name & Signature  
Provincial Agrarian Reform Officer

Attached: As stated

Copy distribution:

- |               |               |
|---------------|---------------|
| Original      | - LO          |
| Duplicate     | - LBP         |
| TriPLICATE    | - For Posting |
| Quadruplicate | - DAFMO       |
| Quintuplicate | - File        |

MEMORANDUM OF VALUATION  
FOLDER PROFILE AND VALUATION  
SUMMARY

## MEMORANDUM

FOR : The Secretary  
Department of Agrarian Reform  
Diliman, Quezon City

THRU : The Provincial Agrarian Reform Officer  
DAR Provincial Office  
Tagbilaran City

SUBJECT : MEMORANDUM OF VALUATION, CLAIM FOLDER PROFILE AND VALUATION  
SUMMARY OF AGRICULTURAL LAND.  
CF no.: 07(20)-04-99-0206

DCT/TCT/TD No.	TOP 31%
Area Per DCT/TCT/TD	10.7036 ha.
Name of LO/Claimant	Serapio Calipon & Quirina Juana
Location of the Property	Candumayao, Catigbian, Bohol
Owner's Postal Address	Antequera, Bohol

DEC 10 1999

DATE

In connection with your Memorandum Request for Valuation of the above-named property, we are pleased to inform you that after taking into consideration the land valuation factors under existing guidelines and the applicable provisions of RA 6657, we have determined the value of the land covering an area of 8.7810 hectares, including improvements thereon, in the total amount of Pesos One Hundred Seventy Seven Thousand Seven Hundred Eighty Two & 73/100 (P. 177,782.73), details of which are indicated in the attached CF Profile and Valuation Summary. This total compensation however, shall be subject to adjustment to conform with the actual area covered as determined by a final survey.

For your information and appropriate action.

*MARZ Munt*RUEL Z. ROMARATE  
AVP- Head LVO VII

Original  
Duplicate - DARPO  
Triplicate - DARRO  
Quadruplicate - DARMO  
Quintuplicate - File

### BASIC INFORMATION DATA:

The agricultural property of landowner Serapio Calipes & Quirina Jubane  
located at Candumaya, Catigbi-an, Bohol  
covered by OCT/TCT No/s TCT 3196  
registered in the name/s of Serapio Calipes and Quirina Jubane

has been subject of:

- [ ] voluntary offer to sell (VOS) by the landowner or his authorized representative

per letter offer dated \_\_\_\_\_ for the \_\_\_\_\_  
total area of \_\_\_\_\_ hectares at P \_\_\_\_\_  
per hectare.

[ ] compulsory acquisition by the government for the total area of 8.7810  
hectares at P 20,246.30 per hectare.

### FINDINGS:

Based on the data / information in the documents transmitted by the Department of Agrarian Reform per letter transmittal dated Sept. 09, 1999, the land was jointly inspected by the representative from the DAR, LBP and BARC per ocular inspection report dated Sept. 03, 1999 with the following results / findings:

- [ x ] The land is devoted to certain crops, such as:

Corn and coconut

- [ ] The land is not planted to any crop; Is Idle / abandoned since the year up to the present;

- [ ] Based on interviews from the farmers living nearby or adjacent landholdings, the subject land was once planted to in the year \_\_\_\_\_

- [ ] Per certification dated \_\_\_\_\_

of the  
the land is suitable to agriculture.

[ ] There are existing improvements in the property which shall be considered for compensation or payment in the total amount of :

(P ~~xxx-xx~~) the details of which are stated in the Field Investigation Report and the appraised values considered are as follows:

APPRaised VALUES

STRUCTURES

<del>xxx-xx</del>	<del>xxx-xx</del>

Therefore, the total compensation for the land including the above improvement is One Hundred Seventy Seven Thousand Seven Hundred Eighty Two and 72/100 Pesos Only (P 177,782.72).

Please refer to the attached Land Valuation Worksheet for the land valuation subject property.

FOR DAR'S INFORMATION AND APPROPRIATE ACTION,

VALUATION GROUP

PROCESSING GROUP

PREPARED BY/DATE:

JOSE PROTASIO G. GARANTE

REVIEWED BY/DATE:

RICARDO C. AGAMPANG, JR.

ANTERO MAGELLAN

GBL

FROM: The approving Authorities  
The Land Valuation and Landowner's  
Compensation Office VII, Cebu City

Subject:  
Samuel Colligan, Julian  
Cantayao, Michael-an, John

THIS Office received on Oct. 20, 1999, a transmittal letter dated 2000-02-10, from the Department of Agrarian Reform (DAR) for LAND BANK to compute the land value of subject property, including improvements and facilities thereon, if any, based on the claim folder prepared for the purpose of compensating the landowner thereof.

We have examined, evaluated and received the supporting documents for the valuation and have computed the compensation due to the landowner as appearing in the land valuation portion of this Claim Valuation and Processing Form (CVPF).

We have prepared the CVPF initially for purposes of computing the land value which DAR will adopt and offer to the landowner as compensation for his land.

Approved of the CVPF shall only be considered as basis for the payment purposes to landowner after LAND BANK has received from DAR's written memorandum for the effect that:

- It has adopted LAND BANK valuation by means of written offer made to the landowner;
- the landowner had either accepted or rejected the same; and it requests LAND BANK to pay the landowner or to open trust account in the name of the landowner.

IN VIEW OF THE FOREGOING, recommendation is hereby made that the first value as computed in accordance with existing formula, rules, and regulations and guidelines for approved which shall also be made the basis for the payment and release thereof to the landowner in accordance with the conditions indicated in the attached Annex "A".

RECOMMENDED AMOUNT (IN WORDS)

PESOS One Hundred Seventy Seven Thousand Seven Hundred Eighty Two and 77,702.72

(IN FIGURES)

PROCESSED AND EXAMINED BY:

Z. L. Komarate P.

REVIEWED BY:

ANTERO MAGELLAN S. GABLINES

COD, CCPD

PROCESSED AND  
RECOMMENDING APPROVAL

Legal review on the requirements for payment has been conducted pursuant to existing guidelines subject to the terms and condition appearing in Annex "A" hereof.

ANTERO MAGELLAN S. GABLINES  
COD, CCPD

Atty. REINERIO T. CABANGBANG  
Legal Officer

APPROVED:

ANTERO MAGELLAN S. GABLINES  
COD, CCPD

Date:

R. L. Z. KOMARATE  
A. P-Head LVO VII  
D.

DEC 10 1999



II: PRODUCTION DATA

CROP	PRODUCTION/ HECTARE	SELLING PRICE	COST OF OPERATION	CAPITALIZED NET INCOME (CNI)
Corn	1,500 kgs.	P 9.50/kg.	CO.,	P 23,750.00
Cocoanut	210 kgs.	P 13.70/kg.	30,	P 16,800.50

Remarks:  $(P \times SP \times .20) \times .12$  for corn;  $\times .70 \times .12$  for coconut  
 Selling Price used for corn - 1st & 2nd droppings of 1997/98 coconut - July 1998 to  
 June 1999 - the most recent 12-month prices.

III: MARKET VALUE PER TAX DECLARATION 1999.

TD No.	Year issued	CROP	AREA (has.)	TOTAL Market Value	UNIT Market Value	Loc. Adj.	Adjusted Market Value	CPI	TOTAL Market Value
93-009-00036	1994	Corn	6th class	6,130.00	91,			156.97	P 9,410.59
		Cocoanut	-do-	5,440.00					8,351.32
		100 + 50 cocoanut trees	-do-	30.00	/ha				2,392.75

Effectivity of LIV : Jan. 1993 ; EOPI : 90.40  
 Latest EOPI (Oct. 1999) : 152.50

IN PROVINCE  
Remarks

IV: LO's Declared Value

Date	Value/ha.	CPI	Value/ha. as adjusted
a.) LO's Offer	P 30-50	P	P

Note: If the Declared value is lower than the sum of CS and MV, adopt the LO's Declared Value.

V: COMPUTATION (Applicable Formula):

$$LV = 0.90 CII + 0.10 MV$$

Comparable Land Transactions (P 30-50)  $\times$  P = P

$$\text{Capitaized Net Income} \\ \begin{aligned} \text{Corn} &= (P 23,750.00) \times 0.90 = P 21,375.00 \\ \text{Cocoanut} &= (P 16,800.50) \times 0.90 = P 15,120.45 \end{aligned}$$

$$\text{Market Value per Tax Declaration} (P 10,654.00) \times 0.10 = P 1,065.41$$

$$\text{Computed Value per hectare} = P 2,316.06 \quad \text{Cocoanut} = P 1,827.74 \\ \text{Landowner's Offer per hectare} = P 30-50 \quad (\text{Grossed-up})$$

$$\begin{aligned} \text{Value per hectare used} &= P 22,316.06 \times 5.7810 = P 129,009.14 \\ \text{Amount due to Landowner} &= P 16,257.86 \times 3.0000 = P 48,773.58 \\ &= P 47,782.72 \end{aligned}$$

**DETAILS OF PERMANENT IMPROVEMENTS FOR PAYMENT**

Improvements/Particulars	Remarks	P

TOTAL COST: Pounds

**VI: TOTAL LAND COMPENSATION DUE TO LO**

$$\text{Total Value of the Land} = (\text{P } 20,246.30 \times 2.7310 \text{ ha}) = \text{P } 177,782.72$$

**Add Total Cost of improvements**  P

Total amount Due to LO P 111,727.2

#### **VI: OTHER REMARKS/FINDINGS**

### a.) PROCESSING UNIT:

### b.) BASIC REQUIREMENTS

Kopp

~~STATEMENT OF EQUITY AND PRO~~

TERM AND CONDITION OF PAYMENTS:

RELEASE A:

UPON :

- Due execution of the Deed of Absolute Sale(DAS)/Deed of Transfer(DOT)and registration with the Register of Deeds concerned;
- Receipt of Owner's Duplicate Copy of Transfer Certificate of Title TCT No. QCT/TCT No. 3196 In the name of the Republic of the Philippines which was transferred from QCT/TCT No. 3196 of the register of Deeds of Province of Bohol, together with a copy of the DAS/DOT dated 19, duly stamped "REGISTERED" by the Register of Deeds concerned;
- Submission of Tax Clearance/Receipt re: Full payment of Real Estate Taxes ( Basic & SEF) prior to the time the Title in the name of Republic of the Philippines.
- Certification from the Register of Deeds concerned that the subject property(ies) ( R.P./C.I.O.A ) are free from all liens and encumbrances.
- Others:

DISTRIBUTION OF PAYMENTS:

PAYEE	CASH 35%	BONDS 65%
<b>SPUSES SERAFIO CALIPES AND GUILLERMA JUANE</b>	<b>P 62,223.95</b>	<b>P 115,558.77</b>
<b>SUB-TOTAL:</b>	<b>P 62,223.95</b>	<b>P 115,558.77</b>
<b>TOTAL AMOUNT IN WORDS: PESOS:</b> <b>One Hundred Seventy Seven Pounds Seven Hundred Eighty Two and 7 /100</b>		<b>IN FIGURES:</b> <b>P 177,702.72</b>

Subject to compliance with all the terms and conditions for payments under releases