

ITY OF TAGBILARAN

FRANCIS C. ZARRAGA,
Landowner,

-versus-

LAND BANK OF THE PHILIPPINES,
Respondent.

x - - - - - /

DARAB CASE NO. VII*BOH*34*00

FOR: PRELIMINARY DETERMINATION
AND FIXING OF JUST
COMPENSATION

C E R T I F I C A T I O N

THIS IS TO CERTIFY that the ORDER/DECISION of the above-entitled case has become FINAL and EXECUTORY there being NO APPEAL taken or any MOTION FOR RECONSIDERATION filed within the reglementary period provided for by the RULES.

This certification is issued this 14th day of October 2004 at the Department of Agrarian Reform Adjudication Board (DARAB) Office, City of Tagbilaran, Province of Bohol, Philippines.

DONALD S. DORON
COP/Sheriff III
DARAB-Bohol



Office of the Provincial Agrarian Reform Adjudicator
Province of Bohol, Region VII
4th Floor FCB Building, Carlos P. Garcia Avenue, Tagbilaran City
Tel. No. (038) 235-3560

FRANCIS C. ZARRAGA,
Landowner,

- versus -

**LAND BANK OF THE
PHILIPPINES,**

Respondent.

X-----X

DARAB CASE NO. VII-BOH-34-2000

For: Preliminary Determination of
Just Compensation

O R D E R

On 29 July 2004, this Office promulgated a Decision in the above-titled case directing respondent Land Bank of the Philippines (LBP) to revalue the property subject of the case. The dispositive portion of the said Decision reads:

"WHEREFORE, premises considered, respondent LBP is hereby **DIRECTED** to revalue the property registered in the names of the heirs of Francis Zarraga covered by TCT No. 9540 with an area of 15.7111 hectares located at Barangay Montesuerte, Carmen, Bohol, applying 15,000 kilograms or 15 tons per hectare as average gross production (AGP).

SO ORDERED."

On 6 September 2004, counsel for respondent LBP submitted its Compliance pegging the just compensation of subject property at P397,444.17 from a previous valuation of P266,705.66.

We find said revaluation in consonance with pertinent laws and rules.

WHEREFORE, premises considered, the valuation as determined by the LBP amounting to P397,444.17 for the parcel of land registered in the names of the of Francis Zarraga covered by TCT No. 9540 with an area of 15.7111 hectares located at Barangay Montesuerte, Carmen, Bohol, is hereby **AFFIRMED**.

of the amount of P P397,444.17 as just compensation of subject property pursuant to pertinent laws and rules.

SO ORDERED.

Tagbilaran City, Philippines, 21 September 2004.



JOSEPHUS A. BATERNA
Provincial Agrarian Reform Adjudicator

Copy furnished:

1. **ATTY. ISIDRO C. ZARRAGA**
Counsel for the Landowner
11 Oakville Street
White Plains Subdivision
Quezon City
2. **ATTY. REINERIO T. CABANGBANG**
Counsel for Respondent Land Bank of the Philippines
2nd Floor LBP-Cebu Branch
Cor. P. del Rosario Street &
Osmeña Blvd., Cebu City
3. **THE PROVINCIAL AGRARIAN REFORM OFFICER**
DAR Provincial Office
3rd Floor FCB Building, Carlos P. Garcia Avenue
Tagbilaran City
4. **THE MUNICIPAL AGRARIAN REFORM OFFICER**
DAR Municipal Office
Carmen, Bohol



ADJUDICATION BOARD
Office of the Provincial Agrarian Reform Adjudicator
Province of Bohol, Region VII
4th Floor FCB Building, Carlos P. Garcia Avenue, Tagbilaran City
Tel. No. (038) 235-3560

FRANCIS C. ZARRAGA,
Landowner,

- versus -

**LAND BANK OF THE
PHILIPPINES,**

Respondent.

X-----X

DARAB CASE NO. VII-BOH-34-2000
For: Preliminary Determination of
Just Compensation

ORDER

On 29 July 2004, this Office promulgated a Decision in the above-titled case directing respondent Land Bank of the Philippines (LBP) to revalue the property subject of the case. The dispositive portion of the said Decision reads:

“WHEREFORE, premises considered, respondent LBP is hereby DIRECTED to revalue the property registered in the names of the heirs of Francis Zarraga covered by TCT No. 9540 with an area of 15.7111 hectares located at Barangay Montesuerte, Carmen, Bohol, applying 15,000 kilograms or 15 tons per hectare as average gross production (AGP).

SO ORDERED.”

On 6 September 2004, counsel for respondent LBP submitted its Compliance pegging the just compensation of subject property at P397,444.17 from a previous valuation of P266,705.66.

We find said revaluation in consonance with pertinent laws and rules.

WHEREFORE, premises considered, the valuation as determined by the LBP amounting to P397,444.17 for the parcel of land registered in the names of the of Francis Zarraga covered by TCT No. 9540 with an area of 15.7111 hectares located at Barangay Montesuerte, Carmen, Bohol, is hereby AFFIRMED.

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
Office of the Provincial Agrarian Reform Adjudicator
Region VII, Province of Bohol
Tagbilaran City

DATE: 7/6/04 TIME: 10:15
NAME: J. S. Aguinaldo

FRANCIS C. ZARRAGA,
Petitioner,

- versus -

DARAB CASE NO. VII-BOH-34-2000

LAND BANK OF THE PHILIPPINES,
Respondent.

X-----/

COMPLIANCE

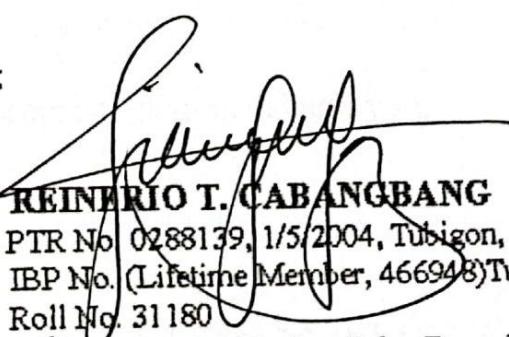
RESPONDENT LAND BANK OF THE PHILIPPINES, through counsel, unto this Honorable Board most respectfully submits the **AMENDED MEMORANDUM OF VALUATION** of the above mentioned land in compliance to DARAB Order dated July 29, 2004.

Respectfully Submitted.

Cebu City for Tagbilaran City, Philippines. September 3, 2004.

GONZALES PICZON OSOTE O BERAMO & ASSOCIATES
Counsel for Land Bank of the Philippines
Land Bank of the Philippines
Land Bank Plaza, Dr. Quintos Sts., Malate, Manila

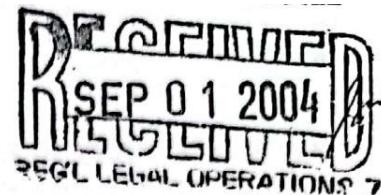
by:


REINERIO T. CABANGBANG
PTR No 0288139, 1/5/2004, Tubigon, Bohol
IBP No. (Lifetime Member, 466948) Tubigon, Bohol
Roll No. 31180
2nd Floor, Land Bank -Cebu Branch
Osmeña Blvd. Cor. P. del Rosario St.
Cebu City 6000

FOR : THE LEGAL OFFICER
Regional Legal Office - LBP, Region VII

FROM : THE ACTING HEAD
Agrarian Operations Center - Region VII

SUBJECT : AMENDED MEMORANDUM OF VALUATION, CLAIMFOLDER PROFILE AND VALUATION SUMMARY OF AGRICULTURAL LAND (Based on DARAB Order dated 29 July 2004 on Case No. VII-BOH-34-2000)



Name of Claimant : HEIRS OF FRANCIS C. ZARRAGA
Title & Lot Number : TCT No. 9540, Lot No. 1 and 20
Location of Property : Montesuerte, Carmen, Bohol
Landowner's Address: c/o ATTY. ISIDRO C. ZARRAGA
11 Oakville St. White Plains, Quezon City

DATE : 8-31-2004

Pursuant to the DARAB Order dated 29 July 2004 on DARAB Case No. VII-BOH-34-2000, we are pleased to inform you that after taking into consideration factors under DAR's Administrative Order No. 5, Series of 1998 pursuant to RA 6657, we have amended the subject of Claim Folder No. 07(BO)-CA-00-00441 Amd., covering an area of 15.7111 hectares in the total amount of PESOS: THREE HUNDRED NINETY SEVEN THOUSAND FOUR HUNDRED FORTY FOUR AND 17/100 ONLY (P 397,444.17), Philippine Currency, details of which are indicated in the Amended Claims Valuation And Processing Form (CVPF).

For your information and appropriate action. Thank you.

LEONARDO O. CASAMPANG, JR.

Attached: As stated

Agg. Area Per Title/ASP : 23.0137 hectares
Agg. Area Acquired/Valued: 15.7111 hectares
Un-acquired Area : 7.3026 hectares
Previous Valuation : P 266,705.66

CLAIMS VALUATION AND PROCESSING FORM
(For EO 229/RA 6657)

Claim No.: 07(BQ)-CA-00-0041 And.
Date : August 13, 2004

FOR : THE APPROVING AUTHORITIES
FROM: THE AGRARIAN OPERATIONS CENTER VII
LAND BANK OF THE PHILIPPINES , CEBU CITY

Subject: HEIRS OF FRANCIS C. ZARRAGA
Montesuerte, Carmen, Bohol
Title No. TCT No. 9540
Area Acq'd: 15.7111 hectares

This Office received on March 28, 2000 a transmittal letter dated March 02, 2000 from the Department of Agrarian Reform (DAR) for LAND BANK (LBP) 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/s thereof.

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

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

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

- It has adopted LAND BANK valuation by means of written offer made to the landowner/s; and
- The landowner/s has/have either accepted or rejected the same; and it requests LAND BANK to pay the landowner or to open deposit in the name of the landowner/s.

IN VIEW OF THE FOREGOING, recommendation is hereby made that the initial value as determined in accordance with existing formula, rules, regulations and guidelines for approval which shall also be made the basis for the payment and releases thereof to the landowner/s in accordance with the terms and conditions indicated in the attached Annex "A".

RECOMMENDED AMOUNT (IN WORDS): PESOS	(IN FIGURES)
THREE HUNDRED NINETY SEVEN THOUSAND FOUR HUNDRED FORTY FOUR PESOS AND 17/100 ONLY	P 397,444.17

PROCESSED AND EXAMINED BY:

NOTE: Revalued pursuant to DARAB Order dated 29 July 2004.

Original Valuation: P 266,705.66

MANUEL B. DOCOR
AAS

REVIEWED AND RECOMMENDING
APPROVAL

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

ATTY. BLINERIO T CABANGBANA
ATTORNEY - V
Legal Officer V, AOC VII

JERICHO V. DUROYA
Acting Head, CPVPD
Date: 8.20.04

APPROVED: 8.24.04 APPROVED:

JERICHO V. DUROYA
Acting Head, CPVPD
Date:

LEONARDO C. CAGAMPANG, JR.
Acting Head - AOC VII
Date: 8.31.04

Date of DAR Request to Pay/Deposit: _____ ** Date of LBP Receipt: _____
Date of Memo of Valuation (MOV) : _____ Accepted: / / Rejected: / /

** Shall be considered as date of approval for purposes of booking of Claims Payable and Issuance of Bonds.

COPY DISTRIBUTION: 1-Claim Folder 2-LCD/AOC 3-AAO 4-BSD

Name of Landowner: HEIRS OF FRANCIS C. ZARRAGA
 Location of Property: Montemerte, Carmen, Bohol
 Title Number: TCT No. 9540 Area/ASB: 23.0137 hectares Lot No.: Plan H-154877
 Area Acquired: 15.7111 hectares Tax Dec. #: 12-018-00058 No. of FBs: 6

Per AAS		Per MARO		Per Tax Declaration	
Land Use/s	Area (has.)	Land Use/s	Area (has.)	Land Use/s	Area (has.)
Cassavaland	*15.7111	Cassavaland	*15.7111	U-Riceland	0.7000
OLT	7.3026	OLT	7.3026	Cogonal	22.3037
Total	23.0137	Total	23.0137	Total	23.0137

NOTE: *Involves Lot 1 and 20 of Plan, Bid-07-019885 (OLT).

COMPARABILITY FACTORS:

ACQUISITION COST: Amount : P 0.00 Area : 00.0000 has.
 Date Acquired: xx / xx / xxxx Date Registered with ROD: xx / xx / xxxx

REMARKS : Not applicable. P 0.00 /hectare

MORTGAGE VALUE: Amount of Loan: P Various Mortgage Date: Various
 Mortgagee Bank: FCRB (Bohol) Updated Appraisal Value: P No data
Tagbilaran City

REMARKS : Not relevant. P 0.00 /hectare

COMPARABLE SALES: Location Date of Land Use/s Area of Prop. Amount of Ave. Price
 of Prop. Registration Crop/s Sold (has.) Sale per Hectare

No qualified land sale transactions (LSTs).

REMARKS : Not relevant. P 0.00 /hectare

II. PRODUCTION DATA:

CROPS	PRODUCTION PER HECTARE	SELLING PRICE (P/Unit)	COST OF OPERATION	Cap. Net Income Com. Dev. Cost Salvage Value (CNI/CDC & SV)
Cassava	15,000.00 kgs.	P 1.00/kg.	80.00%	P 25,000.00

Remarks: Selling Prices used were the most recent 12-month prices average at the time of receipt of CF by CPVPD.
 Total CNI/Ha: = P 25,000.00

III. MARKET VALUE PER TAX DECLARATION:

Tax Dec. No/s.	Year Issued	*CROPS	AREA (ha.)	Productivity Classification	UNIT Market Value	*LAF	RCPI	TOTAL Market Value
12-018-00058	1998	Cassavaland	15.7111	2nd Class	P 28,800.00	81%	1.129	P 27,970.27

Remarks: RCPI used is for the month of April 2004, the most recent RCPI at the time of receipt CF for processing.
 MVTD/Ha.: = P 27,970.27

*Based on the ocular inspection.

IV. LO's DECLARED VALUE/OFFER:	Date Offered	Value/ha.	CPI	Adjusted Value/ha.
	0/00/0000	P 0.00	0.000	P 0.00

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 = 0.9CNI + 0.1MVTD

Comparable Land Transactions: = (P x-x-x-x-x x x-x-x) = P x-x-x-x-x

Capitalized Net Income : = (P 25,000.00 x 0.90) = P 22,500.00

Market Value/Tax Declaration : = (P 27,970.27 x 0.10) = P 2,797.03

Computed Value/Hectare: = P 25,297.03

Value Per Hectare Used : = (P 25,297.03 x 15.7111 has.) = P 397,444.17

Total Computed Land Value : = P 397,444.17

VI: DETAILS OF PERMANENT IMPROVEMENTS FOR PAYMENT:

VII. TOTAL LAND COMPENSATION DUE TO LO:

Total Value of the Land: = (P 25,297.03 x 15.7111 hectares = P 397,444.17
Add: Total Appraisal of Improvements = P x-x-x-x-x
 Total amount Due to the Landowner P 397,444.17

VIII. OTHER REMARKS/FINDINGS:

- a. **PROCESSING UNIT:** LO is already deceased but no registered copy on the settlement of his intestate estates on file.

Revalued pursuant to DARAB Order dated 29 July 2004.

b. **BASIC REQUIREMENTS:** None.

Processing Unit – Revalued pursuant to DARAB Order dated 29 July 2004 on DARAB Case No. VII-BOH-34-2000.

- Landowner is already deceased but no registered copy of the settlement on his intestate estates.

Legal Office - Remarks/Findings:

§1

CASA Signatories - Remarks/Findings:

TERMS AND CONDITIONS OF PAYMENTS:**RELEASE A: Upon I**

- (x) Due execution of the Deed of Confirmation of Coverage & Transfer and its registration with the Office of the Register of Deeds concerned.
- (x) Certified copy of the Title in the name of the Republic of the Philippines (R.P.) under TCT No. _____ which was transferred from TCT No. 9540, together with the registered copy of the DOCCT dated _____ duly stamped "REGISTERED" with the Office of the Register of Deeds concerned.
- (x) Submission of tax clearance re: full payment of Real Estate taxes (**Batay & SEP**) up to the time of issuance of title in the name of the Republic of the Philippines (R.P.).
- (x) Copy of the tax declaration indicated in the tax clearance.
- (x) Certification from the Office of the Register of Deeds concerned that the R.P. No. _____ is free from all liens and encumbrances.
- (x) Others:
1. Due cancellation of the various mortgage entries duly annotated on the title, TCT No. 9540.
 2. Duly registered Affidavit of Redemption.
 3. Registered copy of the Judicial/Extra-Judicial Settlement of the Intestate Estates of the late Francis C. Zaraga.
 4. Heir's Bond pursuant to Section 4, Rule 74 of the Rules of Court to cover the total adjudicated value of the claim.
 5. DARAB Order affirming this revaluation with corresponding certificate of finality.

DISTRIBUTION OF PAYMENTS: 30% Cash / 70% Bonds (already beyond 24 has. but still below 50 has.)

PAYEE	CASH	BONDS
INTESTATE ESTATE OF THE LATE FRANCIS C. ZARRAGA	P 119,233.25	P 278,210.92
Sub - Total	P 119,233.25	P 278,210.92
TOTAL AMOUNT (IN WORDS): THREE HUNDRED NINETY SEVEN THOUSAND FOUR HUNDRED FORTY FOUR PESOS AND 17/100 ONLY		(IN FIGURES): P 397,444.17

ADJUDICATION BOARD
BOHOL
City of Tagbilaran

HEIRS OF FRANCIS C. ZARRAGA,
Petitioner,
-versus-

DARAB CASE NO. VII-BOH-34-2000
For: SUMMARY ADMINISTRATIVE
PROCEEDING TO DETERMINE JUST
COMPENSATION

LAND BANK OF THE PHILIPPINES,
Respondent.

X-----/

NOTICE OF ORDER/DECISION

TO: ATTY. ISIDRO C. ZARRAGA

- 11 Oakville Street,
White Plains Subdivision,
Quezon City, MMLA

Atty. Reinerio T. Cabangbang

- Land Bank of the Philippines, Cor.
P. del Rosario St., Cebu City

Municipal Agrarian Reform Officer
Prov'l. Agrarian Reform Officer

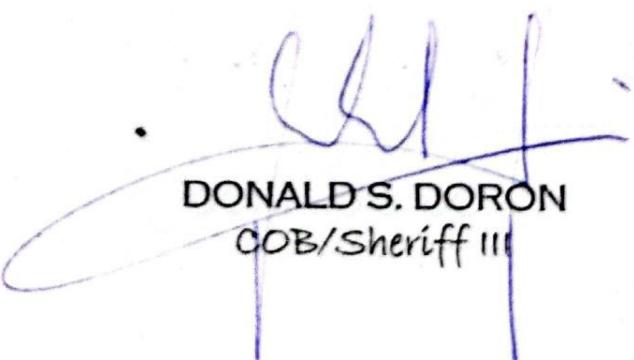
- DAR Office, Carmen, Bohol

- DAR Prov'l. Office, Tagbilaran City

G r e e t i n g s :

Please be informed that an Order/Decision of 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 DARAB ADJUDICATOR, JOSEPHUS A. BATERNA, this 27th day of July 2004, Tagbilaran City, Philippines.


DONALD S. DORON
COB/Sheriff III



7, TOWER 100 Building, Carlos P. Garcia Avenue, Tagum City
Tel. No. (038) 235-3560

HEIRS OF FRANCIS C. ZARRAGA,
Landowners,

- versus -

DARAB CASE NO. VII-BOH-34-2000

For: Summary Administrative Proceeding to Determine Just Compensation Involving a Parcel of Land Covered by Transfer Certificate of Title No. 9540 with an Area of 23.0137 Hectares Located at Barangay Montesuerte, Carmen, Bohol

**LAND BANK OF THE
PHILIPPINES,**

Respondent.

X-----X

Promulgated:

JUL 29 2004

DECISION

For consideration is a "Request to Conduct Summary Administrative Proceedings" dated 15 August 2000 filed by the Provincial Agrarian Reform Officer (PARO) of Bohol, Department of Agrarian Reform (DAR). This involves a parcel of land registered in the names of the heirs of Francis Zarraga covered by Transfer Certificate of Title (TCT) No. 9540 with an area of 23.0137 hectares located at Barangay Montesuerte, Carmen, Bohol. However, only a 15.7111-hectare portion of subject property has been covered by the Comprehensive Agrarian Reform Program (CARP) pursuant to Republic Act (RA) No. 6657.

Attached to the request are the following:

1. "Memorandum of Valuation, Claim Folder Profile and Valuation Summary" dated 16 June 2000 issued by Ruel Z. Romarate, Assistant Vice President-Head, Land Valuation Office, Region VII, Land Bank of the Philippines (LBP). The pertinent portion of said Memorandum reads:

"...we have determined the value of the land covering an area of 15.7111 hectares, including improvements thereon, in the total amount of Pesos TWO HUNDRED SIXTY SIX THOUSAND SEVEN HUNDRED FIVE AND 66/100 ONLY (P266,705.66)..."

"Acquisition" dated 10 July 2000; and

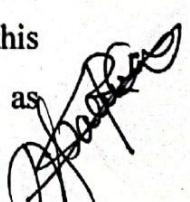
4. "Request to Deposit Compensation Proceeds" dated 15 August 2000 issued by the PARO of Bohol.

On 7 March 2002, the landowner submitted his Memorandum to support a claim for higher valuation of the subject property. Attached to said Memorandum are the following:

1. Certification dated 27 June 2000 issued by Rodrigo S. Malcampo, Executive Vice-President, Philippine Starch Industrial Corporation (PSIC), stating that "a one (1) hectare lot planted to cassava can yield a 25 to 30 MT of cassava roots."
2. Certification dated 15 May 2000 issued by Aureliano B. Cahiles, Bohol Provincial Agriculturist, stating that the yield data of varieties of cassava can produce from ten (10) to twenty-five (25) tons per hectare;
3. Certification dated 25 September 2001 issued by Judith Uy-Sumatra, Officer-in-Charge, Bohol Provincial Agriculture Office, stating that the properties of the heirs of Jose C. Zarraga, Sr., including Isidro C. Zarraga located in Nueva Fuerza/Villarcayo, Carmen, Bohol, with TCT Nos. 8666 and 8659 "when planted to Cassava either the golden yellow or Java brown variety, would produce as much as thirty or more tons per hectare."
4. Certification dated 25 January 2002 issued by Susie B. Galang, Municipal Agricultural Officer (MARO), Carmen, Bohol, stating that "lands located at Villarcayo and Nueva Fuerza, Carmen, Bohol when planted to cassava following the proper technology and with favorable weather condition it can produce as much as 20-30 tons per hectare or more."

On 27 May 2002, this Office issued an Order directing respondent LBP to revalue subject property upon validation of the certifications submitted by the landowner.

In the hearing of the case on 16 December 2003, Atty. Cirilo Yuro, Vice President, Operations Division of LBP, manifested that the landowner must submit the appropriate certifications indicating the production data of the specific property subject of this case. Finding Atty. Yuro's manifestation proper, this Office issued an Order directing the landowner to submit the documents as required by LBP.



Agriculture and MARO of Carmen, Bohol, have no probative value as they were not under oath;

- f. The farmers who executed various affidavits used to till subject property until they were driven out of the area.

The sole issue to be resolved in this case is whether or not the valuation by the LBP regarding the subject property is in consonance with pertinent agrarian laws and rules.

At the outset, we emphasize that under Section 1 of Executive Order No. 405, the LBP has the primary responsibility to determine the land valuation and compensation of agricultural lands covered by the CARP. Said section provides:

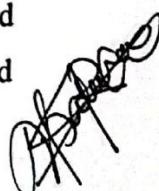
“Sec. 1. The Land Bank of the Philippines shall be primarily responsible for the determination of the land valuation and compensation for all private lands suitable for agriculture under either the Voluntary Offer to Sell (VOS) or Compulsory Acquisition (CA) arrangement as governed by Republic Act No. 6657. The Department of Agrarian Reform shall make use of the determination of the land valuation and compensation by the Land Bank of the Philippines, in the performance of its functions.”

The factual findings of administrative agencies, like the LBP, are entitled to great weight and these findings are accorded not only with respect but even finality when supported by substantial evidence (*Asian Construction and Development Corporation vs. National Labor and Relations Commission, 187 SCRA 784, 787*).

In this regard, Section 17 of RA No. 6657 provides:

“SECTION 17. *Determination of Just Compensation.* – In determining just compensation, the cost of acquisition of the land, the current value of like properties, its nature, actual use and income, the sworn valuation by the owner, the tax declarations, and the assessment made by 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.”

In Section 49 of RA No. 6657, the DAR has the “power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes” of the said RA.



"x x x

II. The following rules and regulations are hereby promulgated to govern the valuation of lands subject of acquisition whether under voluntary offer to sell (VOS) or compulsory acquisition:

- A. There shall be one basic formula for the valuation of lands covered by VOS or CA:

$$\underline{LV} = (\underline{CNI} \times 0.6) + (\underline{CS} \times 0.3) + (\underline{MV} \times 0.1)$$

Where:
 \underline{LV} = Land Value
 \underline{CNI} = Capitalized Net Income
 \underline{CS} = Comparable Sales
 \underline{MV} = Market Value per Tax Declaration

The above formula shall be used if all the three factors are present, relevant, and applicable.

x x x

- A.1 When the CS factor is not present and CNI and MV are applicable, the formula shall be:**

$$\underline{LV} = (\underline{CNI} \times 0.9) + (\underline{MV} \times 0.1)$$

x x x

- D. In the computation of Market Value per Tax Declaration (MV), the most recent tax Declaration (TD) and Schedule of Unit Market Value (SUMV) issued prior to receipt of CF by LBP shall be considered. The Unit Market Value shall be grossed up from the date of its effectiveness up to the date of receipt of CF by LBP from DAR for processing in accordance with item II.A.9.**

x x x" (Emphasis and underscoring supplied)

Moreover, item II, B.2 of the same DAR AO points out that:

- "B.2 The landowner shall submit a statement of net income derived from the land subject of acquisition. This shall include, among others, total production and cost of operations on a per crop basis, selling price/s (farm gate) and such other data as may be required. These data shall be validated/verified by the Department of Agrarian Reform and Land Bank of the Philippines field personnel. The actual tenants/farmworkers of the subject property will be [the] primary source of information for purposes of verification or, if not available, the tenants/farmworkers of adjoining property." (Emphasis and underscoring supplied.)**
- 

...delegated pursuant to the powers delegated to them have the force and effect of law. They are "binding on the courts so long as the procedure fixed for its promulgation is followed and its scope is within the statutory authority granted by the legislature." Needless to say, said rules and regulations remain valid until declared otherwise by competent authority.

More importantly, in resolving the present case, this Office is particularly governed by Section 1, Rule XV of the 1994 DARAB New Rules of Procedure. Said section states:

"SECTION 1. Summary Procedure on Preliminary Determination of Just Compensation. Summary procedure on preliminary determination of just compensation for lands covered under the Comprehensive Agrarian Reform Program (CARP) shall be governed by DAR Admin. Order No. 13, S. 1989, Admin. Order No. 2, S. 1991, Admin. Order No. 8, S. 1991, Admin. Order No. 8, S. 1993 and other subsequent rules and regulations that may be issued by the Secretary or the Board." (Emphasis and underscoring supplied)

DAR AO No. 5 (1998) is the latest DAR issuance on the valuation of CARP-covered lands. As such, this Office must adhere to the formula provided in said DAR AO.

Due to the inapplicability of other variables, the formula used by LBP ($LV = 0.9CNI + 0.1MVTD$) is proper. It should be emphasized that this is the formula provided by DAR AO No. 5 (1998). This Office has to adhere to this formula as mandated by the DARAB 2003 Rules of Procedure.

Our next concern is to verify if respondent LBP used the correct variable in applying the formula mandated under DAR AO No. 5 (1998). Specifically, we must inquire if respondent LBP correctly applied 10,000 kilograms or ten (10) tons per hectare as the Annual Gross Production (AGP) of the subject property.

In this respect, we rely on the following Certifications issued by various agencies which has the competence regarding the matter:

1. Certification dated 24 May 2004 issued by Rodrigo S. Malcampo, Executive Vice-President, PSIC, stating that the



Agricultural Technologist, Office of the Municipal Agriculture, Carmen, Bohol, and noted by Susie B. Galang, Municipal Agricultural Officer, stating that parcels of land at Montesuerte, Carmen, Bohol when planted to cassava following the proper technology, correct input usage, with favorable weather condition can produce 12 to 15 tons per hectare;" and

3. Certification dated 24 May 2004 issued by Margarita P. Ancog, MARO of Carmen, Bohol, stating that farmers "Basilio Racho, Melchor Lapinig, Dionesio Racho and Leonardo Canino have never been tenant-farmers nor engaged in cassava farming" on the subject property.

To our mind, the foregoing Certifications closely approximate the production data of subject property not only because they are the most recent Certifications but also because they pertain specifically to Montesuerte, Carmen, Bohol, where the property subject of this case is located. While these documents may not have been issued under oath, they enjoy the presumption of regularity as they were issued in the performance of an official duty. No substantial proof has been submitted which warrants this Office to hold otherwise.

The foregoing documents show that the production data of subject property ranges from 10,000 kilograms (10 tons) to 15,000 kilograms (15 tons) per hectare. After taking into consideration the manifestations of the parties and the evidence at hand, we are inclined to peg the production data of subject property at its actual maximum production of 15,000 kilograms (15 tons) per hectare. To our mind, said production data fairly approximates as basis for "just" compensation due to the landowner without unduly putting a burden to the farmer-beneficiaries who will ultimately pay amortization for the property. The same production data also serves as a middle ground in the light of the claim of

¹ While Mr. Malcampo subsequently issued an undated Certification stating that cassava production for 1999 was not a normal cropping year due to weather intervention and soil condition, the earlier Certification dated 24 May 2004 appears to be in consonance with the specific mandate of Section 17 of RA 6657 which states that:

"SECTION 17. *Determination of Just Compensation.* – In determining just compensation, cost of acquisition of the land, the current value of like properties, its nature, actual use and income, the sworn valuation by the owner, the tax declarations, and the assessment made by 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." (Emphasis and underscoring supplied.)

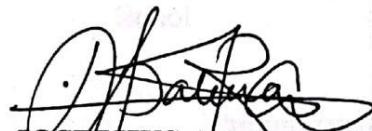


kilograms (10 tons) per hectare.

WHEREFORE, premises considered, respondent LBP is hereby **DIRECTED** to revalue the property registered in the names of the heirs of Francis Zarraga covered by TCT No. 9540 with an area of 15.7111 hectares located at Barangay Montesuerte, Carmen, Bohol, applying 15,000 kilograms or 15 tons per hectare as average gross production (AGP).

SO ORDERED.

Tagbilaran City, Philippines.



JOSEPHUS A. BATERNA

Provincial Agrarian Reform Adjudicator

DECISION

Copy furnished:

1. **ATTY. ISIDRO C. ZARRAGA**
Counsel for the Landowner
11 Oakville Street
White Plains Subdivision
2. **ATTY. REINERIO T. CABANGBANG**
Counsel for LBP
Land Bank of the Philippines
2nd Floor LBP-Cebu Branch
Cor. P. del Rosario Street &
Osmeña Blvd., Cebu City
3. **THE PROVINCIAL AGRARIAN REFORM OFFICER**
DAR Provincial Office
3rd Floor FCB Building
Carlos P. Garcia Avenue, Tagbilaran City
4. **THE MUNICIPAL AGRARIAN REFORM OFFICER**
DAR Municipal Office
Carmen, Bohol

After due consideration of the pertinent portion of said Memorandum, we have determined the value of the land covering an area of 15.7111 hectares, including improvements thereon, in the total amount of Pesos **ONE HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED FIVE AND SEVENTEEN ONLY (P186,705.67)**.

- versus -

Land Bank of the Philippines,
Respondent.

DARAB CASE NO. VII-Boh-34-2000

(Montesuerte)

X -----X

MANIFESTATION

Landowner, by undersigned counsel, to this Honorable Provincial Agrarian Reform Adjudicator, respectfully alleges:

1. That in his Reply To Respondent's Position Paper dated June 30, 2004 and filed with this Honorable Adjudicatory Board on July 7, 2004, he mentioned as attached thereto, Mr. Macampo's clarificatory certification which he marked as Annex "A";
2. That, however, thru inadvertence, for which the landowner/counsel apologizes to this Honorable Board, the same clarificatory certification of Mr. Malcampo was not attached and for which reason the landowner now hereto attaches the same also marked as Annex "A";
3. That landowner takes this opportunity to attach as Annex "B" to the said Landowner's Reply, which is now hereto attached and marked as Annex "B", the letter-observation of Ex-Mayor Alfredo Galang of Carmen, Bohol;
4. That it may be noted in Mr. Malcampo's clarificatory certification that his previous certification dated May 4, 2004 utilized by the respondent explains that 1999, which was the subject of Mr. Malcampo's certification, "was not a normal cropping year and x x the yield was low because of weather and soil conditions, otherwise, the pertinent lands would have yielded much more with the right and weather conditions and with correct fertilizer input, such production probably going as high as 25 metric tons per hectare."
5. That, on the other hand, Ex-Mayor Galang's letter-observation mentions the following:
 - a) that he sent his trusted man ,Junjun Adlaon, to interview the four tenant-farmers, Dionisio Rach, Basilio Rcho, Melchor Lapinig, and Leondardo Cagampang, in Montesuerte, in connection with the Certification of MARO Margarita P. Ancog dated May 24, 2004 to the effect that the four afore-said farmers "have never been tenant-farmers nor engaged in cassava farming in the afore-said landholding" (that is, the landholding of Francis C. Zarraga at Montesuerte) and the four confirmed to Junjun Adlaon "that they

~~Land employee who went to Montesuerte warned them to lay-off ("dili mag-apil-apil") in the matter of cassava production of the said land, otherwise, "they (the 4 men) might go to jail. Why? I do not understand why he threatened them."~~

6. That considering the letter of Ex-Mayor Galang, the undersigned counsel personally went to Montesuerte (quite a far away and isolated rural area) on or about June 7, 2004 and personally interviewed Dionisio Racho (the other three were not available) and the latter more or less confirmed the tenor of the letter of Ex-Mayor Galang even explaining to the undersigned counsel that the Land Bank employee allegedly told the wife (Valentina) of Dionisio who happened to be present at a coop meeting with the Land Bank employee present that "pareja kamo ug way grado" (you are like illiterates, probably because they - the 4 men - signed the affidavits stating that the production capacity is 25 tons/ha.) and warning them that "galing kamo ug mapriso" (something of that tenor, i.e. you might go to jail) and that they (Valentina, the wife of Dionisio and others who might have been present with her) were put to shame or humiliated (napakauawan or something of that word; at least, that is their feeling) for which reason the four men are now reluctant to put in writing (as ex-Mayor Galang accurately reported to the undersigned) what transpired during the coop meeting in which the Land Bank employee and a lady Maro attended.

7. It is indeed very regrettable and lamentable, if not outright deplorable, that the Land Bank employee concerned, with all due respect to him, whether he did so intentionally or unintentionally, resorted to threats and to humiliating the men (or their wife/wives) and trying to berate and belittle them as unschooled (probably because they may have only attended grade school) just because they executed affidavits not to his (the Land Bank employee's) liking thereby suppressing the right of an individual to freedom of expression, regardless of whether we agree with his statement or not.

8. The truth, however, altho Dionisio and/or his companions would no longer put it down in writing (as ex-Mayor Galang also said quoting the sentiment of the four farmers thru his trusted man, Junjun, his letter, supra, Annex "B" hereto) because of the threats and humiliation they received in the hands of a government or bank employee) is that Dionisio Racho, when interviewed by the undersigned counsel, in the presence of JunJun, the driver and another individual, admitted that they, the four tenant-farmers, once worked in the farm of Francis C. Zarraga in Montesuerte, and were/are engaged in cassava farming/growing, contrary to the allegation of the lady MARO in her certification of May 24, 2004 (Annex "3", respondent's POSITION PAPER dated May 27, 2004) that "farmers, Basilio Racho, Melchor Lapinig, Dionisio Racho and Leonardo Canino have never been tenant-farmers nor engaged in cassava farming in the afore-said landholding" (i.e, Francis' lands).

record, the undersigned counsel never saw, met, talked to or influenced the four farmer-tenants when, or at the time, they executed their affidavits in question.

Be that as it may, the landowner/undersigned counsel is willing to abide by a fair and reasonable finding by this Honorable Board of the production capacity of the said lands of the landowner after also considering the affidavits, certifications and letters submitted before this Honorable Board by the landowner including the latest certification/letter attached hereto and after noting that the 25 tons/ha. may probably be attained according to the clarificatory certification of Mr. Malcampo "with right and good weather conditions and with correct fertilizer input", and as ex-Mayor Galang observed, was possible during the time of your late brother, a few years ago, and the observation of Dionisio Racho to the undersigned counsel that said production capacity may no longer be so at present for which reason, the landowner will no longer insist on the 25 tons/ha. but will be acceptable to 20 tons or so, or in its vicinity, per ha.

Landowner further prays for such other reliefs as may be just and equitable in the premises.

Quezon City for Tagbilaran City
July 19, 2004


ISIDRO C. ZARRAGA
PTR 49851224;1/20/04;Q.C.
IBP LIFETIME ROLL 00073
Counsel for Landowner
11 Oakville St., White Plains Subd., Q.C.

cc: Atty. Reinerio T. Cabangbang
Dominador B. Uy, Jr.
Land Bank Cebu, P. del Rosario St. cor Osmena Ave., Cebu City
Note: By LBC express service due to distance and lack of personnel

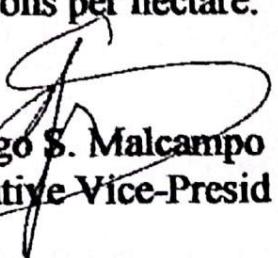
Bonoi, Philippines

CERTIFICATION

To Whom It May Concern:

This is to clarify my certification of May 24, 2004 that in Barangay Montesuerte, Carmen, Bohol, our cassava production for 1999 was only 10 to 15 metric tons per hectare and we therein explained that it was a low yield because of weather intervention and soil condition.

In other words, 1999 was not a normal cropping year and as stated above, the yield was low because of weather and soil conditions, otherwise, the pertinent lands would have yielded much more with the right and good weather conditions and with correct fertilizer input, such production probably going as high as high as 25 metric tons per hectare.



Rodrigo S. Malcampo
Executive Vice-Presid

Iagbilaran City

Francis D. Zarraga
Landowner,

-versus-
2002

Land Bank of the Philippines,
Respondent.

X-----X

DARAB Case No. VII Boh 15

(Villarcayo/Nueva Fuerza)
Montesuerte

Reply to Respondents Position Paper

Landowner, by undersigned counsel, in reply to the respondents Position Paper dated May 27, 2004 which is joined with Darab Case No. Boh 34 2002, respectfully alleges:

1. The attachments to said Position Paper all refer to the lands in Montesuerte, Carmen, Bohol covered by Darab Case No. VII Boh 34 2002 and therefore do not apply to the present case, although as noted above, it is joined with the instant case No. Boh 15 2002 which has reference to and concern the lands in Villarcayo (Nueva Fuerza), Carmen, Bohol. In effect, therefore, said Position Paper of the respondent has no bearing at all with the instant case.
2. Nonetheless, since said Position Paper includes the case of VII Boh 15 2002 which, as stated above, covers the lands of the landowner on Villarcayo (Nueva Fuerza), Carmen, Bohol, the latter, with due leave of this Honorable Agrarian Land Reform Adjudicator, will proceed to discuss and respectfully stress, that the cassava production capacity of said lands in Villarcayo is 33.6 tons per ha.
3. In support of the afore-said contention of the landowner that the cassava production capacity of the Villarcayo land is 33.6 tons per ha., the landowner, respectfully submits the following:
 - a) The COMPLIANCE report in Darab Case VII Boh 223 2001 (Oroncio, but it includes the names of Isidro and Jose, Jr., all surnamed Zarraga) of the joint Land Bank-Darab validating team dated Sept. 30, 2002 (in handwriting, p.2) wherein the following appears:

“x x x that applying 8 bags of fertilizer per hectare, a hill of cassava will produce 2 kg. of tubers. Or AGP=16,800 hills x 2 kg.hill=33,600.”
 - b) The order of this Honorable Adjudicator's Office (Hon. Adjudicator Vivian Olis Maquiling) dated Oct. 4, 2002 in the cases of Isidro C. Zarraga vs. Land Bank of the Philippines, VII Boh 224 2001 and his brothers, Oroncio (VII Boh 223), Jose, Jr. (VII Boh 292) wherein it was held:

“Wherefore, considering that the subject landholding are capable of producing 33,600 kg/ha., it is but just and equitable that this AGP be applied in the valuation of subject landholdings. Respondent LBP is hereby ordered to revalue subject landholdings applying the AGP of 33,600 kg/ha.”

Nov. 21, 2003 in DARAB Cases Nos. VII Boh 223-99; VII Boh 292-99 (all these lands are in Villarcayo, Carmen, adjoining each other) wherein it was held:

"Wherefore, premises considered, respondent LBP is hereby DIRECTED to revalue the properties covered by TCT No. 8672 with an area of 15.0864 hectares (VII 223 Boh 99) and TCT No. 8669 VII 292 Boh 99) with an area of 14.9062 hectares, both properties located in Brgy. Nueva Fuerza, Carmen, Bohol, applying 33,600 kilograms per hectare as AGP based on the findings of the validating team tasked to validate the Production Certification of subject properties." (Note: Nueva Fuerza is also known as Villarcayo)

- d) the certifications of the Bohol Provincial Agriculturist and of the Carmen (Bohol) Municipal Agriculturist which speak of the cassava production in said area of "30 tons or more" (emphasis on "more") and the certification of the Executive VP of Philstarch (all certifications are attached in previous numerous pleadings; but they are again attached hereto) which, in effect, states that the production capacity of said lands is 33.6 tons/ha, with the proper fertilizer input, making the observation that some farmers when given 8 bags of fertilizer per ha., diverts about half (or 4 bags) and sell them for their own benefit, i.e., pocket the money, prompting the Honorable Adjudicator in her Order of Oct. 4, 2002, to commit as follows in said Order:

"It is the obligation of the tenant-farmers to adopt proven method of farming, and that includes the application of the right amount of agricultural inputs, such as fertilizer. For this reason, the landowner should not be prejudiced for the failure of the farmer to apply the right amount of fertilizer."

In short, if the farmers cheat, the landowners should not be penalized. "Res inter alios acta, alteri, nocere non debet."

There was a questionable attempt by respondent Land Bank to ignore the Darab Order October 4, 2002 requiring it to apply 33.6 tons per/ha. to the lands in question. For such attempt, respondent Land Bank was warned as the records of the case will show, that failure to comply with such Order would Compel the Honorable Adjudicator (Atty. Vivian Olis Maquiling) to cite Land Bank or its officials in contempt.

- e) It would appear from the recent records of the that is again an by Land Bank to overrule the final finding of 33.6 tons per hectare as basis for the compensation of the lands in question which latter lands are part and parcel of the Jose C. Zarraga landholdings or Zarraga Estate in Villarcayo, Carmen, including the lands subject of DARAB CASE NO. VII BOH 360 2002 which are also located in Villarcayo, Carmen, Bohol, and part the Zarraga Estate in Villarcayo, when the matter of respondent Land Bank not having filed a motion for reconsideration in the earlier case of Isidro C. Zarraga vs. Land Bank, V Boh 224 2004 must have been taken up before this Honorable Board of Adjudicator without knowledge of the landowner or the undersigned counsel. With all Due respect to the respondent Landbank, the undersigned counsel has not read in any of the pleadings/papers/position papers where such matter of failure of the respondent Land Bank to file a Motion for reconsideration in the Isidro C. Zarraga case was taken up in the instant cases. It is possible that such matter might been brought up before this Honorable Board of Adjudicator on Dec. 16, 2003 when there was hearing in said cases and the undersigned counsel, because of urgent matters, was not able to appear and refute the contention of the respondent Land Bank then, although landowner his counsel filed appropriate pleadings/motions in connection with the Dec. 16, 2003 hearing.
- 

for the same reason:

- a) under the legal principle of the "Law of the Case" (Moran, Rules of Court, Vol. II 1996., pp.452-453 "whatever is once irrevocably established as the controlling legal rule or decision between the same parties in the same case constitutes to be the law of the case so long as the facts on which such decision was predicated continue to be facts before the court

It is indisputable that the parties in the present case are substantially the same, i.e. the Zaraga Heirs or one of them, on one side, and the Land Bank, on the other, the facts are substantially the same namely, the same lands or part thereof of the landholdings of Jose C. Zaraga, Sr. or the Zaraga Estate and the cassava production thereof, which were all taken up in the Isidro C. Zaraga case. Therefore, respondent Land Bank could no longer question such ruling it having become final and such is applicable to all cases of the Zaraga heirs in the same area of Villarcayo (Nueva Fuerza) landholdings of Jose C. Zaraga, Sr.

The lame contention of the respondent Land Bank that it was not able to file a motion for reconsideration in the Isidro C. Zaraga case, thereby making the ruling thereof of 33.6 tons per hectare as final and as the basis of compensation, is totally without merit, it is most respectfully submitted. For respondent Land Bank did not file a motion for reconsideration in that case, that simply meant that it had accepted the ruling of the Honorable Adjudicatory Board that the cassava production capacity of the lands in question is 33.6 tons/ha. which should be the basis of compensation. Having accepted such ruling either deliberately or by negligence, it has nobody to blame but itself, and more important, by such acceptance, deliberately or negligently, respondent Land Bank must not be allowed to prejudice the landowner by its (the respondent Land Bank's negligence (assuming that it did not file a motion for reconsideration because of a supposed negligence) much less should the respondent Land Bank be allowed to trivialize or play lightly on the ruling of the Supreme Court upholding the "law of the case" principle or do violence thereto insisting that the final ruling of the Adjudicatory Board which has become "the law of the case" in the Supreme Court upholding the "law of the case" principle or do violence thereto by insisting that the final ruling of the Adjudicatory Board which has become "the law of the case" in the present related cases pertaining to the same area of landholdings and of the same parties be trampled upon.

At any rate, I the landowner or undersigned counsel would like to be furnished a copy of the suppose motion for reconsideration that might have been filed by the respondent Lands Bank in the present cases, so that he could appropriately reply thereto. Or if such supposed motion for reconsideration or discussion thereof was made before any proceedings of this Honorable Adjudicatory Board, the transcript thereof be kindly furnished the undersigned counsel so that his side on the matter be also heard.

In this connection, the landowner/undersigned counsel reserves the right to furnish this Honorable Board of a paper the undersigned counsel has submitted to the respondent Land Bank or its pertinent official in connection with the incident covered by the motion for reconsideration.

Wherefore, in view of all the foregoing, it is most respectfully prayed of this Honorable Adjudicatory Board that basis for the compensation of the lands covered

be the cassava production capacity of 33.6 tons per hectare.

Quezon City for Tagbilaran, Bohol, July 1, 2004.


ISIDRO C. ZARRAGA
PTR 49851224; 1/20/04; Q.C.
IBP LIFETIME Roll 00073
Counsel for Landowner
11 Oakville St., White Plains, Q.C.

Copy furnished:

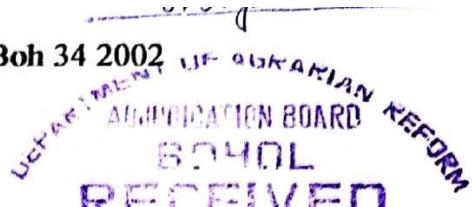
Atty. R. Cabangbang & D. Uy, Jr.
Land Bank, Cebu, P. del Rosario St., Cebu City.

By: Ornary Drail

Landowner,
- versus -
Land Bank of the Philippines,
Respondent.

x-----x

DARAB Case No. VII Boh 34 2002



REPLY TO RESPONDENTS'S POSITION PAPER

Landowner, by undersigned counsel, in reply to the respondent's Position Paper dated May 27, 2004 which is joined with Case No. VII Boh 15 2002, respectfully alleges:

1. That the report of the Acting AAS stamped May 27, 2004 in the Land Bank Regional Legal Office, Annex "1" of the Position Paper, with all due respect to the Actg ASS, is self-serving coming as it does from an interested party, the Land Bank, which is a party litigant in the present caswe and therefore such report is, it is respectfully submitted, of no value and does not deserve any weight or credence;

According to the said report, the land owner was asked to submit his statement of production but undersigned counsel, again with due respect to the Actg ASS, has not received any invitation or request to submit his statement of production. On this score alone, it is respectfully submitted, the said report is flawed and lacks credibility.

On the other hand, the farmer beneficiaries were mentioned in the report as among those who composed the team of DAR and LBP representatives that allegedly conducted an actual inspection of the land in question. It cannot be denied that said tenant-farmers are likewise interested parties who will benefit from a lower valuation because they will be the ones who will ultimately pay for the lands which is temporarily advanced by the Land Bank. In short, the tenant farmers' valuation is not reliable nor credible; it is motivated by self-interest and to that extent is self-serving and without value, it is respectfully submitted.

With respect to the portion of the report that Mr. Malcampo of Philstarch allegedly stated that their production was only 10 to 15 MT per hectare, we wish to emphasize that we are attaching hereto the clarificatory certification attached hereto as Annex "A" of Mr. Malcampo wherein he stated that the 1999 cassava output referred to in the Acting AAS report was not a normal cropping year and as such therefore it could not be used as a reasonable basis to arrive at a fair production; only the production in a normal cropping year should be availed of as a just basis in arriving at a fair production per hectare.

probably going as high as 25 metric tons per hectare."

The afore-said estimate of Mr. Malcampo of 25 tons per hectare coincides and backs up the affidavit of the tenant-farmers Basilio Racho, Dionisio Racho, Leonardo Caanino, and Melchor Lapinig which were attached to the earlier Comments of the landowner, all of whom stated under oath that they produced 25 tons of cassava per hectare in Montesuerte, Carmen, Bohol.

We also respectfully submit that the AAS Report afore-said not being under oath and being made only by one official does not deserve full credence as against the sworn statements of the four tenant-farmers earlier mentioned who are actually engaged in cassava production in the area in question.

Likewise, the certification of the Office of Municipal Agriculturist of Carmen stating that the land in question can yield only 12 to 15 tons per hectare should be carefully scrutinized and received because the certification is not under oath as against the affidavits of the tenant-farmers mentioned above, namely, Basilio Racho, Dionisio Racho, Leonardo Lapinig and Melchor Caanino.

The statement in the Actg. AAS Report that the afore-said farmers are not listed and identified as farmer-beneficiaries nor engaged in cassava farming in the subject property as stated by Mrs. Margarita Ancog, a MARO Officer of Carmen, Bohol, is not completely correct in the sense that the said tenant-farmers were actually in the land of Francis C. Zarraga and engaged in cassava growing therein for several years but only left the place with the advent/arrival of the activist group, the so-called Humabon, who went inside the land of Francis C. Zarraaga without the latter's consent, driving out the said residents-farmers Basilio Racho, Dionisio Racho, Leonardo Lapinig and Melchor Caanino.

The said residents-tenants not being interested in claiming the lands of Francis C. Zarraga as their own under the Tenancy Program decided not to report their working in said farm with the MARO and for that reason they were not listed or identified as farmer-beneficiaries. In short, these residents-farmer respected the right of ownership of Francis C. Zarraga and shoyuld be commended for that.

It must be stressed in this connection that the landowner, now deceased, and his undersigned counsel, did not have any chance to meet the residents-farmers afore-named, much less had a talk with them in connection with the cassava production of the land of Francis C. Zarraga. In fact, the afore-said farmer-tenants are unknown to the undersigned counsel.



Zarraga involved in the instant case. Therefore, the said residents-farmers are no longer in the land of landowner Francis C. Zarraga for the reason stated above, namely, they were practically driven out of the lands of Francis C. Zarraga but they are residents-farmers just the same in the adjacent farm-holding of Sarce and Solana as afore-said and as mentioned in the same certification of Mrs. Ancog. Therefore, said residents-farmers being such are actually engaged in cassava growing and are competent to state their cassava production.

As between the investigation report of the Actg. AAS aforesaid which relied on certain certification not under oath and which, in itself, is neither under oath, aside from the fact that it has been modified and clarified by the subsequent certification of Mr. Malcampo afore-said and the logical explanation given above for the production capacity of 25 tons per hectare and the sworn statements of the four residents-farmers that their lands in Montesuerte adjacent to the lands of landowner Francis C. Zarraga produce 25 tons per hectare, the latter, it is most respectfully submitted is entitled to much greater weight and value and should therefore be made the basis of the fair and just compensation of the lands in question of Francis C. Zarraga.

WHEREFORE, it is most respectfully prayed of the Honorable Agrarian Land Reform Adjudicator that the production capacity of the lands in question is 25 tons per hectare and that the fair and just compensation of said lands should be based on such production capacity of 25 tons per ha.
Quezon City for Tagbilaran City June 30, 2004.

Isidro C. Zarraga
ISIDRO C. ZARRAGA
PTR/49851224;1/20/04;Q.CC.
IBP LIFETIME ROLL NO. 00073
Counsel for the Landowner
11 Oakville St., White Plains, Q.;C.

The Clerk of the Adjudicatory Board

Greetings:

Kindly submit the foregoing Reply to respondent's Position Paper as soon as your in receipt hereof to the Honorable Provincial Agrarian Land Reform Adjudicator for his consideration and approval.

Isidro C. Zarraga
Isidro C. Zarraga

Copies furnished:

Attys. R. Cabangbang and D. Uy, Jr
Land Bank, P. del Rosario St., Cebu City

Carmen, Bohol

07-07-09
3:35 fm

CERTIFICATION

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
BOHOL

RECEIVED

DATE: 7/7/04 TIME: 4:45

NAME: H

TO WHOM IT MAY CONCERN:

This is to certify that a one (1) hectare of land in
Villarcayo/Nueva Fuerza, Carmen, Bohol covering the lands of
the Heirs of the late Jose C. Zarraga, Sr., including those of
Isidro C. Zarraga with Transfer Certificates of Titles Nos. 8666,
8659 and 8670, Registry of Deeds of Bohol in Tagbilaran City
when planted to cassava following the proper technology and
with favorable weather conditions can produce as much as 30
tons or more per hectare and this was so for the twelve-month
period prior and up to April, 1998.

Given this day of July, 2002 at Carmen, Bohol, Philippines.


SUSIE B. GALANG

Municipal Agricultural Officer

Francis C. Zarraga,
Landowner,

Darab Case No. VII-BOH-34-2002

Versus
Land Bank of the Phil.;
Respondent.

X-----X

Motion for Additional Extension of Time
To Motion for Reconsideration

Landowner, by undersigned counsel respectfully moves for an additional extension of time of fifteen (15) days from the expiry date of the first extended period covered by his Urgent Motion for Extension of Time to File Motion for Reconsideration dated June 3, 2004 for the reason that while said Motion is already under preparation, the undersigned counsel is still awaiting the various data that he has requested from the province (undersigned counsel is in Quezon City) which may be delayed by mail for about a week or so and on the basis of such data, the undersigned counsel will finalize the Motion for Reconsideration.

Quezon City for Tagbilaran City
June 18, 2004


ISIDRO C. ZARRAGA
PTR 49851223;1/20/04;Q.C.
IBP LIFETIME ROLL 00073
IBP OR 344421;3/2/93;Q.C.
Counsel for Landowner
11 Oakville St., White Plains Subd.
Quezon City

The Clerk of DARAB

Greetings:

Kindly submit the foregoing motion to the Honorable Provincial Agrarian Reform Adjudicator as soon as you are in receipt hereof for his due consideration and approval.


ISIDRO C. ZARRAGA

Copies furnished: Atty. R. Cabangbang & D. Uy, Jr.
Land Bank Cebu, P.del Rosario St. cor Osmena Ave, Cebu City

Due to the distance involved, copies hereof are sent by reg. mail or LBC express service.

- versus -

Land Bank of the Philippines,
Respondent.

x-----x

**URGENT MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR RECONSIDERATION**

Landowner, by undersigned counsel, respectfully moves for an extension of time of fifteen days from the original expiry date of the period from receipt by the landowner of a copy of the respondent's Position Paper dated May 27, 2004 within which to file a motion for reconsideration for the reason that the undersigned counsel was out of town for almost two weeks and need additional time to study the effects, correctness, and applicability of the documents marked as Annex (sic) "1", "2", "3", and "4" of said Position Paper in so far as the lands subject of the instant case is concerned so that just compensation of said lands could be determined in fairness to the landowner.

Quezon City for Tagbilaran City
June 3, 2004


Isidro C. Zaraga
PTR 49851223;1/20/04;Q.C.
IBP LIFETIME ROLL 00073
Counsel for Landowner
11 Oakville St., White Plains Subd.,
Quezon, City

Copy furnished:

Attys Reinerio Cabangbang & Dominador Uy, Jr.
Land Bank Cebu, P. del Rosario St, Cebu City

Due to the distance involved, copies hereof are sent by reg. mail or LBC express service

FRANCIS C. ZARRAGA,
Petitioner,

-versus-

LAND BANK OF THE PHILS..
Respondent.

X-----/

POSITION PAPER

RESPONDENT LAND BANK OF THE PHILIPPINES, through counsel, unto this Honorable Board most respectfully submits its position paper and alleges:

The allegations of landowner are negated by the Agrarian Affairs Specialist of LBP, Executive Vice-President of PhilStarch, Agricultural Technologist of the Department of Agriculture and a Certification of MARO of Carmen, Bohol.

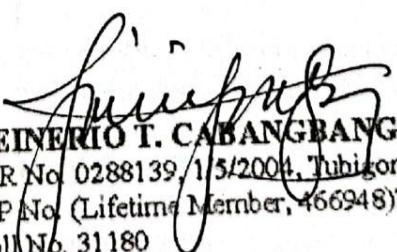
The documents are attached as Annex "1", "2", "3", and "4" for the Honorable Board's perusal.

Respectfully Submitted.

Cebu City for Tagbilaran City, Philippines. May 27, 2004.

GONZALES PICZON OSOTE O BERAMO & ASSOCIATES
Counsel for Land Bank of the Philippines
Land Bank of the Philippines
Land Bank Plaza, Dr. Quintos Sts., Malate, Manila

by:


REINERIO T. CABANGBANG
PTR No. 0288139 1/5/2004, Tubigon, Bohol
IBP No. (Lifetime Member, 466948) Tubigon, Bohol
Roll No. 31180
2nd Floor, Land Bank -Cebu Branch
Osmeña Blvd. Cor. P. del Rosario St.
Cebu City 6000

Copy furnished:
Atty. Isidro C. Zarraga
11 Oakville St.
White Plains Subd., Quezon City

JRS # 71949

FROM : THE ACTING AAS
This Office

SUBJECT : COMMENTS on the Position Paper
FRANCIS ZARRAGA Property
Montesuerte, Carmen, Bohol
TCT 95-40
DARAB CASE NO. VII-Bohol-34-2000

DATE : May 25, 2004

LAND BANK

DRAFTED
MAY 27 2004
RECEIVED
REGUL LEGAL OPERATIONS

The team composed of DAR and LBP Representatives, Farmer Beneficiaries and BARC Chairman conducted the oculat inspection. The team gathered the production data of cassava through information from the actual farmers of the subject property and various farmers-resident of the subject barangay engaged in cassava farming.

Every possible source of information was considered. Data from the PHILSTARCH and DA were gathered. Even the landowner was asked to submit his statement of production in order to arrive a fair, just and reasonable value for the subject property.

The oculat inspection was only for a day but that doesn't mean that the gathering of valuation input stops. The gathering of inputs/data and determining the various factor which can affect in the determination of the Average Gross Production (AGP) of cassava now starts.

Soil conditions and topography can greatly affect the production output of cassava. According to EVP Rodrigo Malcampo of PHILSTARCH, in 1999 when they were still engaged in cassava farming in the subject barangay; they were able to have a production of only 10 MT to 15 MT per hectare due to soil conditions and weather interventions. (See certification attached).

Presently, PHILSTARCH have not entered into contract/agreement to any cassava planters in the said barangay because of low yield due to poor soil condition.

Per validation from the Office of the Municipal Agriculture of Carmen, parcels of lands at Montesuerte, Carmen when planted to cassava even following the proper technology, correct input usage and with favorable weather conditions can produce only 12 to 15 tons per hectare. (See certification attached).

Obviously, the 25 tons per hectare exceeds the maximum production output of cassava as certified by PHILSTARCH and the Municipal Agricultural Officer (MAO).

Moreover, farmers who executed an affidavit that they are engaged into cassava farming in the property and that the land can produce 25 tons per hectare are not listed/identified as farmer beneficiaries nor engaged into cassava farming in the subject property. (See certification attached).

The AGP as validated by the inspection team is not hearsay or a secondhand information. It is the result of the thorough gathering, validating and determining the various data and factors in order to arrive into a fair, just and reasonable compensation of the land.

For your information,

A TRUE COPY OF THE ORIGINAL
AUTHENTICATED BY:

WILHELMUS I. UADANUS, SUPPLIEN C. CUBELO
ATTORNEY V

CERTIFICATION

NCLRN

To Whom It May Concern:

This is to certify that the yield we realized at Barangay Montesuerte, Catinan, Bohol on Cassava Production for the year 1999 was only 10 MT to 15 MT.

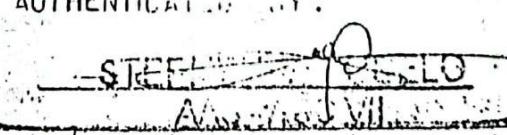
This further certify that the low yield was due to weather intervention and soil condition.

Issued this 24th day of May 2004 upon the request of Land Bank of the Philippines, Catinan, Bohol

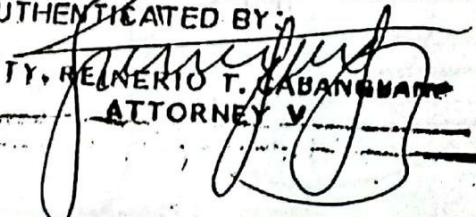


RODRIGO S. MALCAMPO
Executive Vice-President

A TRUE COPY OF THE ORIGINAL
AUTENTICATED BY:


STEFFY, HENERIO T. CABANGUAN

A TRUE COPY OF THE ORIGINAL
AUTENTICATED BY:


ATTY. HENERIO T. CABANGUAN
ATTORNEY

OFFICE OF THE MUNICIPAL

May 24, 2004

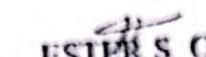
CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that parcels of land at Montesuerte, Carmen, Bohol when planted to cassava following the proper technology, correct input usage, with favorable weather condition can produce 12 to 15 tons per hectare.

This certification is issued to whatever purpose this may serve.

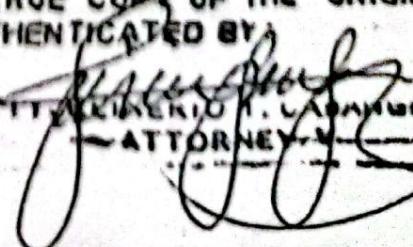
Given this 24th day of May 2004 at Carmen, Bohol.


ESTER S. ORAPA
Agricultural Technologist

Noted by:


SUSIE B. GALANG
Municipal Agricultural Officer

A TRUE COPY OF THE ORIGINAL
AUTENTICATED BY:


DOMINGO A. GALANG
ATTORNEY

TO WHOM IT MAY CONCERN:

This is to CERTIFY that the landholding of Francis C. Zarraga with TCT No. 9540 located at Montesverde, Carmen, Bohol is covered under "CARP" having exceeded the retention limit of five hectares and being tenanted/tilled by Macario Calamba, Domingo Costillas, Lloyd Calamba, Niceforo L. Costillas, Eusarbelio H. Torregosa and Felix Genabia, Jr., now with collective CLOA No. 3909 involving 15.1502 hectares.

This is to certify further that farmers, Basilio Racho, Melchor Lapinig, Dionesio Racho and Leonardo Canino have never been tenant-farmers nor engaged in cassava farming on the aforesaid landholding. However they are tenant-farmers on the adjacent landholdings of Sarce and Solana in the same barangay.

May 24, 2004, DARMO, Carmen, Bohol.

MARGARITA P. ANCOG
MARO

A TRUE COPY OF THE ORIGINAL
AUTHENTICATED BY:
OTTY, REINERIO G. BANANGBANG
ATTORNEY N



FRANCIS C. ZARRAGA,
Landowner,

- versus -

DARAB CASE NO. VII-BOH-34-2000

For: Preliminary Determination of
Just Compensation

**LAND BANK OF THE
PHILIPPINES,**

Respondent.

X-----X

O R D E R

For consideration is a "Submission of Evidence on the Production Capacity of the Land in Montesuerte, Carmen, Bohol, and the Position Paper in Support Thereof" submitted by the landowner pursuant to the Order dated 16 December 2003 issued by this Office. The dispositive portion of said Order reads:

"WHEREFORE, premises considered, the landowner is DIRECTED to submit the above-mentioned documents within fifteen (15) days from receipt of this Order. Failure to comply with this Order will be interpreted by this Board as a waiver on his part to present evidence and these cases will be deemed submitted for decision. Let a copy of this Order be sent to the parties for their information and guidance.

SO ORDERED."

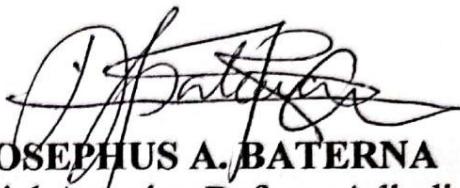
In the present submission, the landowner attached the affidavits of Basilio Racho, Melchor Lapinig, Dionesio Racho and Leonardo Canino, all dated April 2004.

In the interest of due process and to render a judicious resolution of this case, respondent LBP is hereby DIRECTED to submit its Position Paper, incorporating thereto its comment/s to the cited documents within fifteen (15) days from receipt of this Order. Respondent LBP is further DIRECTED to furnish a copy of its compliance to the landowner who may file his reply within

lapse of the period as herein provided, the case is deemed submitted for decision.

SO ORDERED.

Tagbilaran City, Philippines, 14 May 2004.



JOSEPHUS A. BATERNA
Provincial Agrarian Reform Adjudicator

Copy furnished:

1. **ATTY. ISIDRO C. ZARRAGA**
Counsel for the Landowner
11 Oakville Street
White Plains Subdivision
Quezon City
2. **ATTY. REINERIO T. CABANGBANG**
Counsel for Respondent Land Bank of the Philippines
2nd Floor LBP-Cebu Branch
Cor. P. del Rosario Street &
Osmeña Blvd., Cebu City

Land Bank of the Philippines,
Respondent.

X ----- X

**SUBMISSION OF EVIDENCE ON THE PRODUCTION
CAPACITY OF THE LAND IN MONTESUERTE, CARMEN
BOHOL AND THE POSITION PAPER IN SUPPORT THEREOF**

Landowner, by undersigned counsel, to this Honorable Provincial Agrarian Reform Adjudicator, respectfully alleges:

1. That the main issue in the instant case is the fair, just and reasonable compensation of the land subject of the present case;
2. That, on the other hand, the fair, just and reasonable compensation of the said land is primarily based on the production capacity of the same of its main product which is the cassava root crop per hectare;
3. That based on the hands-on and long standing experience of farmers in Montesuerte, Carmen, Bohol, where the land of the landowner subject of this case is located, and which farmers are also long-time residents in said place, and therefore are very familiar and reliable as to the cassava production capacity of the land where the landowner's land is situated, the actual and true cassava production capacity of the afore-said lands is twenty-five (25) tons per hectare;
4. That the afore-said report/information of the farmers-residents of Monteesuerte, Carmen, Bohol, appear in their respective affidavits which are attached hereto as annexes "A", "B";, "C" and "D" and made integral parts hereof, which said farmers swore under oath that the production capacity of the lands in Montesuerte, Carmen, Bohol, which included those of the landowner herein, is, as already mentioned above, twenty-five (25) tons of cassava roots per hectare;
5. That according to the said farmers who executed the affidavits hereto attached, the said production capacity is and holds true for the twelve-month period ending on September, 1999 when the field investigation of CARP/DARAB/LAND BANK officers/employees of the production capacity of the lands in Montesuerte, Carmen, Bohol (where the landowner's land subject of the present case is located), was conducted.

compensation of the landowners' land aforesaid.

It should be emphasized in this connection that the said Montesuerte residents-farmers are disinterested individuals, in so far as the production capacity of cassava production of the land in question is concerned, who are not even known to the landowner nor to the undersigned counsel and were only selected at random by the representative of the landowner/counsel to give a reliable, objective, accurate and fair report on the cassava production capacity of the land in question for the twelve-month period ending September, 1999.

In their respective affidavits, the affiants, namely, Basilio Racho, Melchor Lapinig, Dionisio Racho, and Leonadro Canino, who are all resident-farmers of Montesuerte, Carmen, categorically swore under oath that they are engaged in cassava farming in Montesuerte, Carmen, Bohol, for so many years; that the land of which they are engaged in cassava farming in Montesuerte, Carmen, Bohol, covers the land of the landowner, Francis C. Zarraga, specifically referring to TCT 9540, Register of Deeds of the Province of Bohol; that the lands on which they are actually engaged in cassava farming can yield 25 metric tons of cassava fruits (roots), more or less, and that said cassava production is so for the twelve-month period ending September, 1999; that being cassava farmers in Montesuerte, Carmen, Bohol, they are well-informed of the foregoing facts.

Landowners's counsel has received information that the Land Bank Branch of Cebu field investigation report only indicated a yield of 18 tons of cassava roots per hectare.

It is respectfully submitted that as between the said field investigation report of Land Bank Cebu (18 tons/ha.) and the information/report of the resident farmers of Montesuerte per their affidavits mentioned above (25 tons/ha.), and with all due respect to the field investigators of the Land Bank Cebu, the information given by said farmers-residents of Montesuerte should prevail, for the following reasons:

- a) said residents-farmers being engaged in actual cassava farming for many years in said place, their cassava production report/information is based on a long period of actual planting and harvest and therefore is more reliable in contrast to the Land Bank investigators whose report is, with all due respect to them, probably based on their short visit in the same place for a day or two for purposes of making their report;
- b) that said residents-farmers being engaged in actual cassava planting and production, their report is based on their personal experience in such endeavor and therefore more reliable than the report of the Land Bank field investigators who mainly rely, again with all due respect to them, not on their own planting experience but on their inquiries from outside

~~more weight and credit than others and~~
also again with due respect to them, represent the interests of a party involved in the present case, namely, the Land Bank;

- d) that said field investigators have to protect the interests of their principal, the Land Bank, which has to pay for the land subject of the present case and one need not be surprised if they try to minimize the costs of acquisition (18 tons./ha cassava production) to the benefit of Land Bank but to the prejudice of the landowner whose supporting affidavits of actual production from farmers in said area is higher, namely, 25 tons/ha more or less;
- e) if the residents-farmers of Montesuerte, Carmen, Bohol, afore-named or those of their co-farmers in the area were the ones contacted/investigated by the Land Bank field investigators, the latter would have come out with the same report of 25 tons/ha. cassava production but if they merely relied on other sources then they will come out with less but unreliable crop production report not based on personal experience, in short, hearsay or second hand;
- f) also that while the report of the farmers-residents afore-named is consistent thru-out the years of their planting and raising cassava root crops, the report of the investigators may only be for short or intermittent periods, if at all;

Wherefore, in view of all the foregoing, it is most respectfully prayed of the Honorable Provincial Agrarian Land Reform Adjudicator that he consider as the fair, just and reasonable compensation of the land subject of the present case at the equivalent of the cassava production capacity of 25 tons per ha.

Landowner further prays for such other reliefs as may be just and equitable in the premises.

Quezon City for Tagbilaran City
May 5, 2004

ISIDRO C. ZARRAGA
PTR 49851224;1/20/04;Q.C.
IBP LIFETIME ROLL 00073
Counsel for Landowner
11 Oakville St., White Plains Subd., Q.C.

cc: Attys. Reinerio T. Cabangbang
Dominador B. Uy, Jr.
Land Bank Cebu, P. del Rosario St. cor Osmena Ave., Cebu City
~~Note: By IBC express service due to distance and lack of personnel~~

AFFIDAVIT

I, BASILIO RACHO, Filipino, of legal age, married, and resident of Montesuerte, Carmen, Bohol, Philippines, after having been sworn to in accordance with law do hereby depose and say:

1. That I am engaged in cassava farming in Montesuerte, Carmen, Bohol for so many years;
2. That the land of which I am engaged in cassava farming in Montesuerte, Carmen, Bohol covers the land of Francis C. Zarraga under TCT No. 9540 of the Register of Deeds, Province of Bohol;
3. That the land of which I am engaged in cassava farming can yield 25 metric tons of cassava fruits more or less for the cassava production of said lands namely 25 tons per hectare for the twelve (12) months period up to September 1999.
4. That being a cassava farmer in Montesuerte, Carmen, Bohol I am well informed of the foregoing facts and for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto set my hand on this _____ day of April, 2004 at Carmen, Bohol, Philippines.

Basilio Racho
BASILIO RACHO
Affiant

SUBSCRIBED AND SWORN to before me this _____ day of April, 2004 at Carmen, Bohol, Philippines, and I hereby certify that I personally examined the affiant and I am fully convinced that he executed the foregoing affidavit freely and voluntarily.

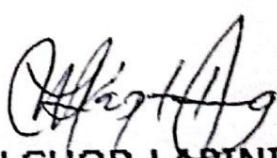
J. Meamor
ATTY. LINDECITA C. ARCAMO
CLERK OF COURT VI
RTC-BRANCH 51

AFFIDAVIT

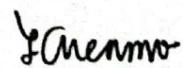
I, MELCHOR LAPINIG, Filipino, of legal age, married, and resident of Montesuerte, Carmen, Bohol, Philippines, after having been sworn to in accordance with law do hereby depose and say:

1. That I am engaged in cassava farming in Montesuerte, Carmen, Bohol for so many years;
2. That the land of which I am engaged in cassava farming in Montesuerte, Carmen, Bohol covers the land of Francis C. Zaraga under TCT No. 9540 of the Register of Deeds, Province of Bohol;
3. That the land of which I am engaged in cassava farming can yield 25 metric tons of cassava fruits more or less for the cassava production of said lands namely 25 tons per hectare for the twelve (12) months period up to September 1999.
4. That being a cassava farmer in Montesuerte, Carmen, Bohol I am well informed of the foregoing facts and for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto set my hand on this _____ day of April, 2004 at Carmen, Bohol, Philippines.


MELCHOR LAPINIG
Affiant

SUBSCRIBED AND SWORN to before me this APR 28 2004 day of April, 2004 at Carmen, Bohol, Philippines, and I hereby certify that I personally examined the affiant and I am fully convinced that he executed the foregoing affidavit freely and voluntarily.


ATTY. LINDECITA C. ARCAN
CLERK OF COURT VI
RTC-BRANCH 51
CARMEN, BOHOL

X-----\

AFFIDAVIT

I, DIONESIO RACHO, Filipino, of legal age, married, and resident of Montesuerte, Carmen, Bohol, Philippines, after having been sworn to in accordance with law do hereby depose and say:

1. That I am engaged in cassava farming in Montesuerte, Carmen, Bohol for so many years;
2. That the land of which I am engaged in cassava farming in Montesuerte, Carmen, Bohol covers the land of Francis C. Zaraga under TCT No. 9540 of the Register of Deeds, Province of Bohol;
3. That the land of which I am engaged in cassava farming can yield 25 metric tons of cassava fruits more or less for the cassava production of said lands namely 25 tons per hectare for the twelve (12) months period up to September 1999.
4. That being a cassava farmer in Montesuerte, Carmen, Bohol I am well informed of the foregoing facts and for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto set my hand on this 28 day of April, 2004 at Carmen, Bohol, Philippines.

Dionesio Racho
DIONESIO RACHO
Affiant

SUBSCRIBED AND SWORN to before me this APR 28 2004 day of April, 2004 at Carmen, Bohol, Philippines, and I hereby certify that I personally examined the affiant and I am fully convinced that he executed the foregoing affidavit freely and voluntarily.

Y. Arcanjo
ATTY. LINDECILLA G. ARCANJO
CLERK OF COURT VI
RTC-BRANCH 51
CARMEN BOHOL

AFFIDAVIT

I, LEONARDO CANINO, Filipino, of legal age, married, and resident of Montesuerte, Carmen, Bohol, Philippines, after having been sworn to in accordance with law do hereby depose and say:

1. That I am engaged in cassava farming in Montesuerte, Carmen, Bohol for so many years;
2. That the land of which I am engaged in cassava farming in Montesuerte, Carmen, Bohol covers the land of Francis C. Zaraga under TCT No. 9540 of the Register of Deeds, Province of Bohol;
3. That the land of which I am engaged in cassava farming can yield 25 metric tons of cassava fruits more or less for the cassava production of said lands namely 25 tons per hectare for the twelve (12) months period up to September 1999.
4. That being a cassava farmer in Montesuerte, Carmen, Bohol I am well informed of the foregoing facts and for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto set my hand on this _____ day of April, 2004 at Carmen, Bohol, Philippines.

Leonardo Canino
Leonardo Canino
LEONARDO CANINO
Affiant

SUBSCRIBED AND SWORN to before me this APR 28 2004 day of April, 2004 at Carmen, Bohol, Philippines, and I hereby certify that I personally examined the affiant and I am fully convinced that he executed the foregoing affidavit freely and voluntarily.

Y. Arcano
ATTY. LINDECITA C. ARCANO
CLERK OF COURT VI
RTC-BRANCH 51
CARMEN BOHOL

*Francis C. Zaraga,
Landowner,*

- versus -

DARAB CASE NO. VII-BOH-34-2000

*Land Bank of the Philippines,
Respondent.*

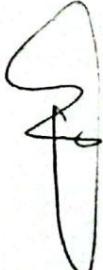
x-----x

**Urgent Motion for Extension of Time To File/
Present Evidence and/or Position Paper Re
Correct Valuation of Land**

Landowner, by undersigned counsel, respectfully alleges:

1. That he has up to the end of the month, or tomorrow, April 30, 2004, within which to present his evidence and position paper to prove the correct valuation of his land in Montesuerte, Carmen, Bohol, subject of the above-entitled case;
2. That undersigned counsel has not yet received the reports/affidavits from Bohol on the correct valuation of the aforesaid land inspite of constant follow-ups as some of those who will execute them are very busy with their farmwork and are not readily available in the outlying barangays of Carmen, Bohol, while still tending to their land development work;
3. That, altho said farmers are willing to execute the needed reports/affidavits, they need additional time to execute them for the reason that, as stated above, they are giving priority to their farmwork which they are currently busy tending;
4. That landowner would like to ask for additional time to be able to have such affidavits/reports prepared/executed, signed and notarized and for this purpose needs, at least, twenty days including the time for the preparation of the position paper which will be based on said affidavits/reports;

Wherefore, in view of all the foregoing, and in the interests of equity and justice, it is most respectfully prayed that the landowner



April 29, 2004

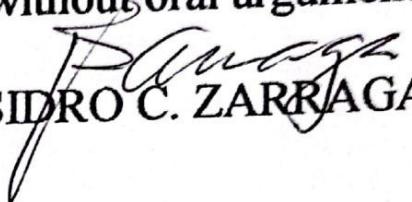
ISIDRO C. ZARRAGA
PTR 49851224; 1/20/04; Q.C.
IBP LIFETIME ROLL NO. 00073
IBP O.R. 344421; 3/2/93

NOTICE OF HEARING

The Clerk of the Board

Greetings:

Please submit the foregoing Urgent Motion to the Honorable Provincial Agrarian Adjudicator as soon as you are in receipt hereof for his due consideration and approval with or without oral arguments.


ISIDRO C. ZARRAGA

Copy furnished:

Attys. Reinerio T.R. Cabangbang & Dominador B. Uy, Jr.
Landbank, Cebu Branch, P. del Rosario St. cor Osmena Blvd.
Cebu City

Francis C. Zarraga,
Landowner,

DARAB Case No. VII BOH-34-2000
*NAME: [REDACTED] 145
DATE: [REDACTED] 9/10*

- versus -

Land Bank of the Philippines,
Respondent.

X-----X

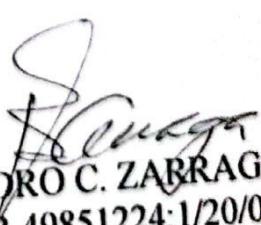
Motion for Additional Time to Submit
Evidence of Production Capacity

Landowner, by undersigned counsel, respectfully alleges:

1. That in or about the last week of February, 2004, the landowner filed a Motion in the above-entitled case (for the land in Montesuerte, Carmen, Bohol) jointly with a Manifestation in DARAB Case No. VII Boh-15-2000, (for the land in Villarcayo/Nueva Fuerza, Carmen, Bohol) asking for a period of forty-five days to submit his evidence on the cassava production capacity of the lands in Montesuerte, Carmen, Bohol;
2. That the undersigned had already contacted the person(s) who are farmers in Montesuerte, Carmen, Bohol and had already given their production capacity information but the same has still to be reduced into writing and then forwarded the same to Quezon City which would entail more time;
3. That the undersigned estimates that the said information may be available on or before the end of this month;

Wherefore, in view of all the foregoing, the landowner thru his undersigned counsel respectfully prays that he be given up to the end of this month to submit his evidence on the cassava production capacity of his lands in Montesuerte, Carmen, Bohol.

Quezon City for Tagbilaran, Bohol
April 3, 2004.


ISIDRO C. ZARRAGA
PTR 49851224;1/20/04;Q.C.
IBP LIFETIME ROLL 00073
IBP O.R. 34442'3/2/93

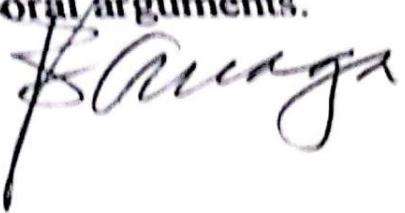
Notice of Hearing

The Clerk of the Adjudicatory Board

Please submit the foregoing Motion to the Honorable Provincial
Agrarian Reform Adjudicator as soon as you are in receipt hereof for his
due consideration and approval with or without oral arguments.

Copy furnished:

Atty. Reinerio T. Cabangbang
Atty. Dominador B. Uy, Jr.
Land Bank of the Phil.
P. del Rosario St. cor. Osmena Ave. Cebu City



- versus -
Land Bank of the Phil.,
Respondent,
X-----X

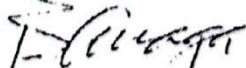
MANIFESTATION/MOTION

Landowner, by undersigned counsel, respectfully alleges:

1. That the above-entitled case is joined with Darab Case No. VII-Boh-15-2000 in the Order of this Honorable Adjudicatory Board of December 16, 2003;
2. That Case VII-Boh-15-2000 concerns lands located in Villarcayo/Nueva Fuerza, Carmen, Bohol;
3. That, on the other hand, Case VII-Boh-34-2000 concerns lands located in Montesuerte, Carmen, Bohol;
4. That whatever facts and arguments are available in one case are not necessarily the same as those available in the other case;
5. That to avoid confusion and to simplify matters, it would be preferable to separately treat and hear/try the said two cases;

Wherefore, in view of the foregoing, it is most respectfully prayed that Case VII-Boh-15-2000 be separated from Case VII-Boh-34-2000 so that each will be treated/heard/tried independently of each other.

Quezon City for Tagbilaran City, March 1, 2004


ISIDRO C. ZARRAGA
PTR 49851224; 1/20/04; Q.C.
IBP LIFE TIME ROLL NO. 00073
IBP O.R. NO.344421; 3/2/93

The Clerk of the Board

Greetings:

Please submit the foregoing Manifestation/Motion to the Honorable Adjudicatory Board as soon as you are in receipt hereof for its due consideration and approval with or without oral arguments.

Due to the distance between Quezon City, Tagbilaran City and Cebu City and the lack of necessary personnel to effect personal service, the original and copy of this Summary, etc. is filed and served by registered mail.


Isidro C. Zarraga

of Just Compensation

Francis C. Zarraga,
Petitioner,
- versus -

Darab Cases Nos. VII –Boh-15-2000
VII-Boh-34-2000; TCTs 8668 & 9540

Land Bank of the Philippines,
Respondent.

X-----X

URGENT MOTION FFOR EXTENSION OF TIME
TO COMPLY WITH DARAB ORDER OF DEC. 16, 2003

Petitioner, by undersigned counsel, most respectfully alleges:

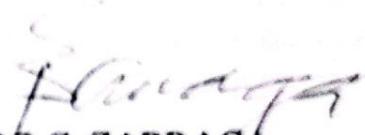
1. That it is only today that he read the Order of this Honorable Adjudicator dated Dec. 16, 2003;
2. That according to the stamp mark of the Registry Section of the Post Office in Quezon City, the envelope containing the said Order was received at said Q.C. Office on January 19, 2004 but petitioner is not sure when the mail afore-said was delivered to him altho it is possible that it must have been delivered after January 19, 2004;
3. That on the third and fourth weeks of January, 2004, the undersigned counsel of the petitioner was already under medication for inguinal hernia on both sides below his waistline as in fact he underwent surgery at the National Kidney and Transplant Institute for said inguinal hernia on Janauary 22, 2004 under Dr. Eduardo R. Gatchalian after which he was confined for a few days in said Institute;
4. That subsequently, after the counsel's release, he developed hematoma on the left side of the inguinal surgery and he was again advised to undergo another surgery to evacuate blood in the hematoma for which reason, the undersigned counsel submitted again to another surgery also under Dr. Edwardo R. Gatchalian at the National Kidney and Transplant Institute on February 9, 2004 and was released only after two or three days confinement after the surgery;
5. That, by accident and fortunately, when undersigned counsel went over some of his papers this afternoon, he found the envelope containing the Order of this Honorable Adjudicator dated Dec. 16, 2003, which he immediately opened, and he lost no time in preparing the present Urgent Motion for extension of time to comply with the said Order;

~~RECEIVED AND FILED IN THE OFFICE OF THE PROSECUTOR, DARAB, BOHOL, ON DECEMBER 16, 2003~~
2003 but it would now require time for him to go over his records which he cannot immediately do so now because of his physical condition.

7. That accordingly, undersigned counsel needs at least fifteen days to check on his records and to submit the necessary pleading/motion/compliance/memorandum in the afore-said cases if circumstances so dictate that he should file another or additional pleadings/motion/compliance or memorandum;

Wherefore, in view of all the foregoing and for reasons beyond the control of the undersigned counsel and for further reasons of health, equity and justice, it is most respectfully prayed of this Honorable Adjudicatory Board/Provincial Agrarian Reform Adjudicator that the petitioner be given fifteen days from today within which to comply with the Order of Dec. 16, 2003 and or file the necessary pleadings/motion/compliance/memorandum to comply with the afore-said Order of December 16, 2003.

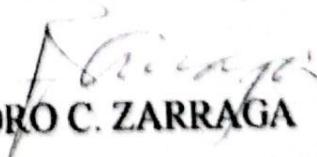
Quezon Cioty for Tagbilaran City
February 14, 2004


ISIDRO C. ZARRAGA
PTR 49851224; 1/20/94; q.c.
Lifetime Roll 00073
11 Oakville St., White Plains Subd.
Quezon City

The Clerk of DARAB, Bohol

Greetings:

Please submit the foregoing Urgent Motion to the Honorable Provincial Agrarian Reform Adjudicator as soon as you are in receipt hereof for his due consideration and approval with/without oral arguments.


ISIDRO C. ZARRAGA

Copy furnished:

Atty. Reinerio T. Cabangbang
Land Bank of the Phil.
Cebu City

- versus -

DARAB CASE NO. VII BOH-34-2000

LANDBANK OF THE PHIL.,
Respondent.

x-----x

URGENT
MOTION TO RE-SET HEARING AND/OR EXTENSION OF
TIME TO PRESENT EVIDENCE AND/OR POSITION PAPER

Landowner, by undersigned counsel, respectfully moves the Honorable Provincial Agrarian Reform Adjudicator for the re-setting of the hearing of the above-entitled cases to any date after January 10, 2004 and/or for an extension of time for at least thirty days from Dec. 16, 2003 to present his evidence and/or submit his position paper, where appropriate and necessary, in view of the fact that due to pressure of work and commitments especially with the advent of the Christmas season the undersigned counsel is hard-pressed for time.

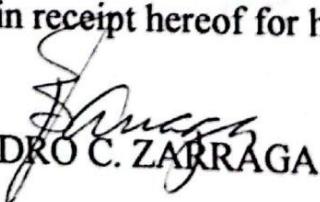
Quezon City for Tagbilaran City, Dec. 15, 2003


ISIDRO C. ZARRAGA
PTR 41707192; 2/20/03
IBP Lifetime Roll 00073
Counsel for Landowner
11 Oakville St. White Plains
Subd., Quezon City

The Clerk of the DARAB Board

Greetings:

Please submit the foregoing Motion to the Honorable Provincial Agrarian Reform Adjudicator as soon as you are in receipt hereof for his due consideration and approval.


ISIDRO C. ZARRAGA

Copy furnished:

Atty. Dominador B. Uy, Jr.
LBP- Cebu Br., P. del Rosario St , Cebu City.

Atty. Reinerio T. Cabangbang
LBP-Cebu Br., P. del Rosario St., Cebu City

Office of the Provincial Agrarian
Region VII, Province of Bohol
Tagbilaran City

IN RE: DETERMINATION & FIXING OF
JUST COMPENSATION OF A
PARCELS OF LAND SITUATED AT
NUEVA FUERZA & MONTESUERTE
CARMEN, BOHOL

FRANCIS ZARRAGA,

Petitioner.

- versus -

DARAB Case No. VII-BOH-15-2000

DARAB Case No. VII-BOH-34-2000

For: TCT No. 8668 & 9540

Area Acquired: 17.4818 &
15.7111 ha.

LAND BANK OF THE PHILIPPINES,

Respondent.

X-----/

ORDER

When these cases were called for hearing, counsel for respondent Land Bank of the Philippines appeared. Also appearing is Atty. Cirilo Yuro, Vice President for Operations Division of Land Bank of the Philippines. There is no appearance on the part of the landowner despite due notice of the hearing.

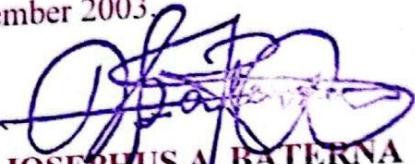
To render a judicious revalidation of the subject properties, Atty. Yuro manifested that the landowner be ordered to submit the appropriate certification indicating the production data of the specific properties subject of these cases.

We find said manifestation in order. A review of the records of these cases show that the various certifications previously submitted by the landowner do not indicate the production data of the specific properties subject of these cases. We note that the said certifications either pertain generally to the areas where the properties are located or pertain to parcels of land other than the properties subject of these cases.

WHEREFORE, Plaintiff is directed to submit the above-mentioned documents within fifteen (15) days from receipt of this Order. Failure to comply with this Order will be interpreted by this Board as a waiver on his part to present evidence and these cases will be deemed submitted for decision. Let a copy of this Order be sent to the parties for their information and guidance.

SO ORDERED.

Tagbilaran City, Philippines, 16 December 2003,



JOSEPHUS A. BATERNA
Provincial Agrarian Reform Adjudicator

Copy furnished:

*Atty. Reinerio T. Cabangbang
LBP, Cebu City*

*Atty. Isidro C. Zarraga
Oakville, White Plains Subdivision
Quezon City*

Office of the Provincial Agrarian Reform Adjudicator
Province of Bohol, Region VII
4th Floor FCB Building, Carlos P. Garcia Avenue
Tagbilaran City

FRANCIS C. ZARRAGA,
Landowner,

- versus -

DARAB CASE NO. VII-BOH-15-2000

For: Preliminary Determination of
Just Compensation

**LAND BANK OF THE
PHILIPPINES,**

Respondent.

X-----X

FRANCIS C. ZARRAGA,
Landowner,

- versus -

DARAB CASE NO. VII-BOH-34-2000

For: Preliminary Determination of
Just Compensation

**LAND BANK OF THE
PHILIPPINES,**

Respondent.

X-----X

NOTICE OF HEARING

TO:

ATTY. ISIDRO C. ZARRAGA
Counsel for the Landowner
11 Oakville Street
White Plains Subdivision
Quezon City

THE MANAGER
Land Bank of the Philippines
2nd Floor LBP-Cebu Branch
Cor. P. del Rosario Street &
Osmeña Blvd., Cebu City

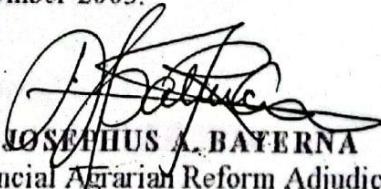
ATTY. REINERIO T. CABANGBANG
Land Bank of the Philippines
2nd Floor LBP-Cebu Branch
Cor. P. del Rosario Street &
Osmeña Blvd., Cebu City

G R E E T I N G S :

Please be informed that the above-entitled case is **SET FOR HEARING** on 16 December 2003 at 10:00 o'clock in the morning, DAR Adjudication Board Office, 4th Floor, FBC Building, Carlos P. Garcia Avenue, Tagbilaran City.

No postponement is allowed so as to expedite the resolution of this case.

Tagbilaran City, Philippines, 25 November 2003.


JOSEPHUS A. BAYERNA
Provincial Agrarian Reform Adjudicator

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

HRS. OF FRANCIS ZARRAGA,
Plaintiff/Petitioner

DARAB CASE NO. VII-BOH-15 & 34-2000

-versus-

For:

DABAB Case No. VII-16-A-34, filed 2000

LAND BANK OF THE PHILIPPINES,
Respondent/s.

SEARCHED INDEXED SERIALIZED FILED 95-20

Section: Natura Ficta and More

Grants Committee, Bahai

SCIENCE, EDUCATION, & SOCIETY

NOTICE OF ORDER

卷之三

GREETINGS; In 2002, petitioners' counsel filed a Memorandum attaching two affidavits from the Philippine Star & Industrial Corporation and the Manila City Police Office of Batang stating to the fact that the subject

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, VIVIAN OLIS-
MAQUILING, this 3RD day of May, 2002 at Tagbilaran City, Philippines.

~~VIVIAN D. DORON~~
DONALD S. DORON
Clark of the Board/Sheriff III

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

Region VII, Province of
Tagbilaran City

IN RE: DETERMINATION AND FIXING OF
JUST COMPENSATION OF PARCELS
OF LAND COVERED UNDER COMPUL-
SORY ACQUISITION (CA) SCHEME

HEIRS OF FRANCIS ZARRAGA,
Petitioners,

- versus -

LAND BANK OF THE PHILS.,
Respondent.

X ----- /

DARAB Case Nos. VII-15 & 34-BOH-2000

FOR: TCT's No. 8668 & 9540

Area: 17.4818 and 15.7111 has.

Location: Nueva Fuerza and Monte-
Suerte, Carmen, Bohol.

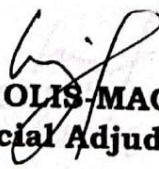
O R D E R

On March 7, 2002, petitioners' counsel filed a Memorandum attaching therein Certifications from the Philippine Starch Industrial Corporation and the Provincial Agriculture Office of Bohol stating to the fact that the subject properties are commonly planted to cassava and producing thirty or more tons per hectare. Petitioners prayed for the revaluation of the subject properties based on the aforesaid production per hectare.

WHEREFORE, the foregoing premise considered, respondent Land Bank of the Philippines is hereby directed to revalue subject landholdings upon validation of the certifications submitted by petitioners.

SO ORDERED.

Tagbilaran City, 27 May 2002.


VIVIAN OLIS MAQUILING
Provincial Adjudicator

Office
Region VII, Province
Tagbilaran City

IN RE: DETERMINATION AND FIXING OF
JUST COMPENSATION OF PARCELS
OF LAND COVERED UNDER COMPUL-
SORY ACQUISITION (CA) SCHEME

DARAB Case Nos. VII-15 & 34-BOH-2000

HEIRS OF FRANCIS ZARRAGA,
Petitioners,
- versus -
LAND BANK OF THE PHILS.,
Respondent.

FOR: TCT's No. 8668 & 9540
Area: 17.4818 and 15.7111 has.
Location: Nueva Fuerza and Monte-
Suerte, Carmen, Bohol.

X ----- /

The claim of the Land Bank covered in Villages (Nueva Fuerza), Carmen, Bohol
and Monte-Suerte, Carmen, Bohol as the holder to said lands with validity shown.

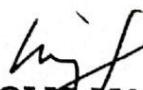
O R D E R

On March 7, 2002, petitioners' counsel filed a Memorandum attaching therein Certifications from the Philippine Starch Industrial Corporation and the Provincial Agriculture Office of Bohol stating to the fact that the subject properties are commonly planted to cassava and producing thirty or more tons per hectare. Petitioners prayed for the revaluation of the subject properties based on the aforesaid production per hectare.

WHEREFORE, the foregoing premise considered, respondent Land Bank of the Philippines is hereby directed to revalue subject landholdings upon validation of the certifications submitted by petitioners.

SO ORDERED.

Tagbilaran City, 27 May 2002.


VIVIAN OLIS-MAQUILING
Provincial Adjudicator

I AGREE

In re Determination and Fixing of Just Compensation
of Parcels of Land under Compulsory Acquisition

Heirs of Francis Zaraga,
Petitioners,
Versus

DARAB CASES NO. VII-BOH-15/34-00
For: TCTs Nos. 8668 & 9540

Land Bank of the Philippines,
Respondents

X ----- X
MEMORANDUM FOR THE PETITIONERS

Petitioners, by undersigned counsel, respectfully submit to this Honorable Board of Adjudicator, this memorandum/position paper in support of their claim for a fair and just compensation of the lands subject of the present proceedings.

The fair and just compensation and valuation
of the lands subject of the present proceedings
is P30.00 or more per hectare

The case at bar covers lands situated in Villarcayo (Nueva Fuerza), Carmen, Bohol
and Montesuerte, Carmen, Bohol as the titles to said lands will readily show

Judicial notice may be taken of the indisputable fact that the afore-said lands like most of the barangays in Carmen, Bohol, except probably three, namely, La Paz, Buenos Aires, and Poblacion Norte, are all heavily planted to cassava. In fact, the lands in Villarcayo (Nueva Fuerza), Carmen, Bohol of Isidro C. Zaraga, brother of the late Francis C. Zaraga, which are in the same vicinity are being priced on the basis of cassava production per hectare which is 30 tons per ha. The same thing should be true in the case of the lands in Montesuerte, Carmen Bohol, which like the big majority of barangays in Carmen, are planted to cassava. This is undeniably true because Philstarch Corporation, which is primarily devoted to cassava planting and cassava powder production, is engaged in an all out campaign for cassava planting to feed and meet the requirements of its mills and its plant is right in Carmen, Bohol.

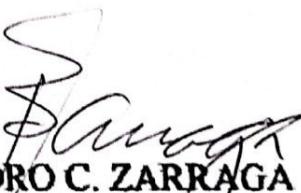
The findings and certification of the Philstarch Corp., which has been engaged in raw cassava planting, purchasing and cassava powder production in Carmen, Bohol, for about two decades (and whose technical information on cassava production is therefore very

well grounded and reliable, with its main Provincial Office and production plant located in Villareyao (Nueva Fuerza), Carmen, Bohol, where the lands in question are located, the official certifications of two Provincial Agriculturists of Bohol, and the certification of the Municipal Agricultural Officer of Carmen, Bohol, conclusively show that the lands under consideration, when planted to cassava, produce no less than 30 tons of cassava per hectare within the twelve months period prior to the field investigation in or about April, 1998. It should be emphasized here that the original production data of 25 tons per ha. of cassava production mentioned in former Provincial Agriculturist Cahiles' certification dated almost two years ago, has been superseded by the recent certification (less than six months ago) of the new Provincial Agriculturist of Bohol dated Sept. 25, 2001 whose production data states "thirty or more tons per hectare". The certifications of the aforesaid officials are hereto attached as Annexes "A", "B", "C", and "D" in the order they are stated above.

It is most respectfully submitted, therefore, to this Honorable Adjudication Board that the fair and just valuation of the lands under consideration should be based on the price of thirty or more tons per hectare. It may be worthwhile stating here that since the present case involves one of compulsory acquisition, that is, contrary to the owner's will, every possible assistance and consideration should be given to the owner of the lands, particularly in setting the price of its acquisition.

Wherefore, it is most respectfully prayed of this Honorable Adjudication Board that it set the price of the lands in question, as a just and fair compensation, the price based on thirty or more tons of cassava production per hectare.

Quezon City for Tagbilaran City.
February 26, 2002.


ISIDRO C. ZARRAGA
11 Oakville St., White Plains Subd., Q.C.
IBP LRN 00073 IBP OR 344421 3/2/93
PTR # 29614015; 1/16/02; Q.C.

CC: Atty. Reinerio Cabangbang
Land Bank of the Phil.
P. del Rosario St. cor Osmena Ave.
Cebu City

9TH FLOOR, RAMON MAGSAYSAY CENTER
1680 ROXAS BOULEVARD, MANILA
CABLE ADDRESS: "PHILSTARCH"

TEL. NO.: 521-40-61 521-38-03
FAX: 522-40-78

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that a one (1) hectare lot planted to cassava can yield a 25 to 30 MT of cassava roots.

Issued this 27th day of June, 2000 at Villarcayo, Carmen, Bohol.


RODRIGO S. MALCAMPO
Executive Vice-President



Republic of the Philippines
PROVINCE OF BOHOL

OFFICE OF THE PROVINCIAL AGRICULTURIST
City of Tagbilaran

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

This is to certify that according to our records the following yield data of cassava were as follows;

Variety Planted	Rate of Fertilization used	Potential yield tons/ha.	REMARKS
1. Golden Yellow (Cooking Variety)	28-28-28 NPK/ha.	10-15 tons/ha.	Very suitable to the climatic conditions
	56-56-56 NPK/ha.	16-25 tons/ha.	
2. Java Brown (non cooking variety)	56-56-56 NPK/ha.	15-25 tons/ha.	High hydrocyanic acid contents
3. Lakan (Cooking Variety)	28-28-28 NPK/ha.	8-12 tons/ha.	Not commonly planted
	56-56-56 NPK/ha.	13-20 tons/ha.	

This is to certify further that Golden Yellow variety is widely and commonly planted in all cassava areas throughout the province.

Issued this 15th day of May, 2000 upon the request of Former Congressman Isidro Zarraga to whatever purpose it may serve.

AURELIANO B. CAHILES
Provincial Agriculturist



Republic of the Philippines
Province of Bohol
City of Tagbilaran

PROVINCIAL AGRICULTURE OFFICE

September 25, 2001

C E R T I F I C A T I O N

To Whom It May Concern :

This to certify that properties of the Heirs of Jose C. Zarraga, Sr., including Isidro C. Zarraga in Nueva Fuerza/Villarcayo, Carmen, Bohol with Transfer Certificate of Titles Nos. 8666 and 8659, Registry of Deeds of Bohol in Tagbilaran City when planted to Cassava either the golden yellow or Java brown variety, would produce a much as thirty or more tons per hectare.



JUDITH UY-SUMATRA
Officer In-Charge

Republic of the Philippines
Province of Bohol
Municipality of Carmen

January 25, 2002

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

This is to certify that lands located at Villarcayo and Nueva Fuerza, Carmen, Bohol when planted to cassava following the proper technology and with favorable weather condition it can produce as much as 20-30 tons per hectare or more.

Given this 25th day of January 2002 at Carmen, Bohol, Philippines.

SUSIE B. GALANG
Municipal Agricultural Officer

DEPARTMENT OF AGRARIAN REFORM
PROVINCIAL ADJUDICATION BOARD
TAGBILARAN CITY

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

HRS. OF FRANCIS ZARRAGA,
Petitioner,

-versus-

DARAB CASES NO. VII-BOH-15/34-00

For: TCT'S NO. 8668 & 9540

LAND BANK OF THE PHILIPPINES,
Respondent.

X-----/

NOTICE OF SUMMARY HEARING

TO: The Manager

- Land Bank of the Philippines, P. del
Rosario St., Cebu City

Atty. Isidro Zarraga

- 11- Oakville St., White Plains,
Quezon City, Metro Manila

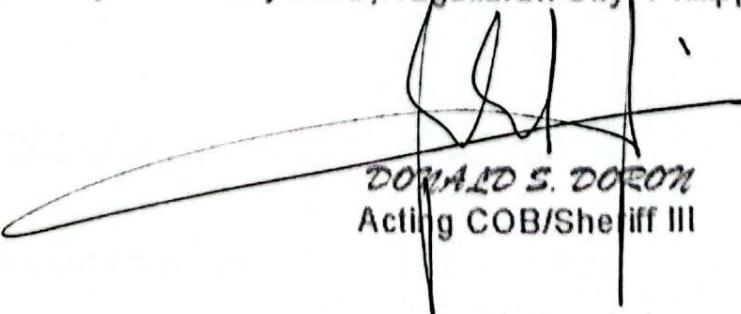
The Municipal Agrarian Reform
Officer

- DAR Office, Carmen, Bohol

Greetings:

Please be informed that the hearing of the above-entitled cases is rescheduled on February 13, 2002 at 9:40 o'clock in the morning at DARAB office, 4th floor, FCB Building, CPG Avenue, Tagbilaran City.

WITNESS THE HONORABLE DARAB ADJUDICATOR, ATTY. Romualdo S, Sipacio, this 29th day of January 2002, Tagbilaran City, Philippines.


DONALD S. DORON
Acting COB/Sheriff III

Tagbilaran

IN RE: DETERMINATION AND FIXING
OF JUST COMPENSATION OF A
PARCEL OF LAND SITUATED AT
NUEVA FUERZA AND MONTER-
SUERTE, ALL IN CARMEN, BOHOL,
UNDER TCT NO'S. 8668 AND 9540
WITH THE RESPECTIVE AREAS
OF 14.4818 AND 15.7111 HECTARES.

DARAB CASE NO. VII-BOH-15&34-2000

FRANCIS ZARRAGA,
Landowner. /

X-----/

IN RE: DETERMINATION AND FIXING
OF JUST COMPENSATION OF A
PARCEL OF LAND SITUATED AT
VALLEHERMOSO, CARMEN, BOHOL,
UNDER TCT NO. 239, WITH AN
AREA OF 10.6013 HECTARES.

DARAB CASE NO. VII-BOH-96-2001

HRS. OF ROMAN ARANETA,
Landowners. /

X-----/

IN RE: DETERMINATION AND FIXING
OF JUST COMPENSATION OF A
PARCEL OF LAND SITUATED AT
CAMANAGA, SAN MIGUEL, BOHOL.
UNDER TCT NO. 10283, WITH AN
AREA OF 1.3974 HECTARES.

DARAB CASE NO. VII-BOH-98-2001

RAMONITA ZALAMEA & ENRIQUE
ZALAMEA,
Landowners. /

X-----/

NOTICE OF SUMMARY HEARING

To : Ramonita Zalamea/Enrique Zalamea

- c/o Vita Mejorada- Bayantel,
Poblacion, Loon, Bohol

Hrs. of Roman Araneta

- c/o Iluminado Araneta- Poblacion
Dauis, Bohol

Atty Isidro Zarraga
(000 0007)

- 11 Oakville street, White Plains,
Quezon City, Metro Manila

Atty. Reinerio T. Cabangbang

- Land Bank of the Philippines,
Cebu City

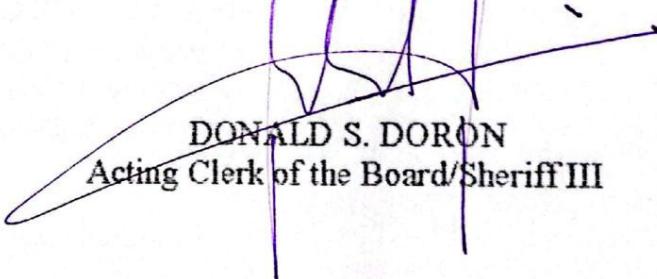
The Municipal Agrarian Reform Officers
Of Carmen and San Miguel, Bohol

G r e e t i n g s :

Please be informed that the summary hearing for Determination of Just Compensation issue is set on March 01, 2001 at 9: 30 O'clock in the morning, DAR Adjudication Board Office, 4th floor, FCB Building, CPG North Avenue, Tagbilaran City. Parties may submit any affidavits or documents that is relevant to the main issue involved herein, in order to satisfy due process.

"NO POSTPONEMENT IS ALLOWED".

WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S. SIPACIO, this 20th day of February, 2001 at Tagbilaran City, Philippines.


DONALD S. DORON
Acting Clerk of the Board/Sheriff III

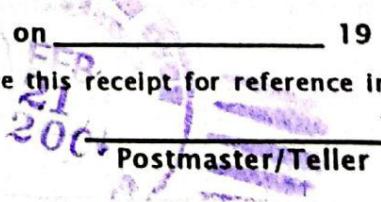
Atty. Isidro Corrao
REGISTRY RECEIPT

Post Office _____

Letter/Package No. 2427

Posted on Feb 21 2001 19 _____

Preserve this receipt for reference in case of Inquiry


Postmaster/Teller