

Republic of the Philippines
CENTRAL BOARD OF ASSESSMENT APPEALS
Manila

PROVINCIAL ASSESSOR OF
CAMARINES NORTE,
Respondent-Appellant,

- versus -

CBAA Case No. L-28

LOCAL BOARD OF ASSESSMENT
APPEALS,
Appellee,

- and -

CAMARINES MINERALS, Inc.,
Petitioner-Appellee.

x ----- x
PROVINCIAL ASSESSOR OF
CAMARINES NORTE,
Respondent-Appellant,

- versus -

CBAA Case No. L-28-A

LOCAL BOARD OF ASSESSMENT
APPEALS OF CAMARINES NORTE,
Appellee,

- and -

UNITED PARACALE MINING COMPANY,
Petitioner-Appellee.

x ----- x

DECISION

On August 1, 1995, Camarines Minerals, Inc., then Petitioner-Appellant, appealed before this Board, as CBAA Case No. L-16-95 the Dismissal, for Prescription of Action, of its Appeal before the Provincial Board of Assessment Appeals/Local Board of Assessment Appeals (LBAA) of Camarines Norte, Appellee, assailing the assessment made by the Municipal Assessor of Jose Panganiban, Camarines Norte, then Respondent-Appellee, on Petitioner-Appellant's mining properties in Jose Panganiban, Camarines Norte. Said Dismissal-Resolution was not concurred in by Appellee Local Board's Chairman who wrote a Separate Opinion that "it is his considered view that in deciding a

case, weight should be given more on the substantial aspect rather on the technical rules of procedure”.

This Board in its Resolution, dated December 14, 1998, found that no prescriptive period on the appeal has been violated as the late filing of the Appeal was not established, set aside the Resolution appealed from and remanded the same to the Local Board of Assessment Appeals of the Province of Camarines Norte for further proceedings on the merits.

On October 10, 1995, United Paracale Mining Co., then Petitioner-Appellant, filed before this Board, as CBAA Case No. L-17-95, an Appeal, also against the dismissal, for Prescription of Action, by the same Local Board of Assessment Appeals of Camarines Norte, Appellee, of its Appeal questioning the assessment made by the Municipal Assessor of Paracale, Camarines Norte, then Respondent-Appellee, on Petitioner-Appellant’s mining/real properties in Paracale, Camarines Norte. The Separate Opinion by the LBAA Chairman in the case of Camarines Minerals, Inc., (supra) was appended into the records of the herein Paracale Mining Co. case.

Finding that no prescriptive period has been violated, as the late filing of the Appeal was not established, this Board, also on December 14, 1998, set aside and remanded the Resolution appealed from to the Local Board of Assessment Appeals of Camarines Norte for further proceedings on the merits.

On May 28, 1999, the LBAA of Camarines Norte, in an Amended Resolution, disposed of the Camarines Minerals, Inc. vs. the Municipal Assessor of Jose Panganiban, Camarines Norte and the Provincial Assessor of Camarines Norte as follows:

“WHEREFORE, premises considered, this Board resolved that the tax declarations on the revised assessments issued by the Municipal Assessor of Jose Panganiban, Camarines Norte on the mineral lands claimed by the Camarines Minerals, Inc. effective 1994 should be cancelled and set aside as it is hereby ordered cancelled and set aside for lack of legal basis. The old assessment on the same properties effective 1985 is ordered to be maintained as the basis for the payment of realty taxes for the year 1994 up to the latest revision effective 1997.”

On May 31, 1999, also in an Amended Resolution, the LBAA of Camarines Norte disposed of the United Paracale Mining Co. Inc. vs. Municipal Assessor of Paracale, Camarines Norte and the Provincial Assessor of Camarines Norte case as follows:

“WHEREFORE, premises considered, this Board resolved that the tax declarations on the revised assessments issued by the Municipal Assessor of Paracale, Camarines Norte on the mineral lands claimed by the United Paracale Mining Co. Inc. effective 1994 should be cancelled and set aside as it is hereby ordered cancelled and set aside for lack of legal basis. The Old assessment on the same properties effective 1985 is ordered to be maintained as the basis for the payment of realty taxes for the year 1994 up to the latest revision effective 1997.”

The Amended Resolution (supra), in favor of Camarines Minerals, Inc., Petitioner-Appellant, on the other hand and United Paracale Mining Co., Petitioner-Appellant, on the other are now the subject of this Appeal entitled PROVINCIAL ASSESSOR, Camarines Norte, Respondent-Appellant, vs. CAMARINES MINERALS, INC., Petitioner-Appellee, Local Board of Assessment Appeals, Appellee, as follows: “The Respondent-Appellant appealed (sic) to the Honorable Central Board of Assessment Appeal (sic) the decision rendered by the Local Board of Assessment Appeals of Camarines Norte relative to LBAA Case No. 95-01 and LBAA Case No. 95-02 entitled Camarines Mineral (sic) Inc. vs. Municipal Assessor of Jose Panganiban and Provincial Assessor of Camarines Norte; and United Paracale Mining Corporation (sic) vs. Municipal Assessor of Paracale and Provincial Assessor of Camarines Norte respectively, x x x.”

This Appeal consolidated the erstwhile two (2) cases viz, Camarines Minerals, Inc. and United Paracale Mining Co., Inc., considering that the parties and the issues are the same: the Provincial Assessor of Camarines Norte is Respondent-Appellant in both cases while both Camarines Minerals, Inc. and United Paracale Mining Co., Petitioners-Appellees belong to the same owners, hence the same parties in interest, the same President/General Manager, Mr. Eduardo B. Castillo, the same Administrative Officer, Mr. Octavio Lasay and represented by the same counsel, Atty. Enrique D. Dimaano,

The following errors were assigned:

- “1. The Respondent-Appellant Provincial Assessor contend that the Provincial Board of erred to resolve the case on the basis of merit as prescribed by the Honorable Central Board of Assessment Appeal (sic) in the Notice of Decision dated February 15, 1999.
- “2. The Respondent-Appellant maintains that the Provincial Board erred in not holding that the increase in assessment is unjust, excessive and confiscatory (sic).”

The Local Board of Assessment Appeals of Camarines Norte, through its Chairman, Francisco R. Obusan, III filed a Motion to Dismiss, dated November 17, 2000, stating “that the Appeal raised by the Appellant Provincial Assessor of Camarines Norte before the Honorable Board should not be given due course considering that the decision of the Local Board has already attained the status of finality more than a year ago.” The issue on the Motion to Dismiss is one of Prescription hence due for hearing.

The Motion to Dismiss was heard on January 30, 2001. The LBAA of Camarines Norte was not represented but the parties present: the Respondent-Appellant, represented by Mr. Virgilio S. Tuazon, Assistant Provincial Assessor, Province of Camarines Norte and Camarines Minerals, Inc. and United Paracale Mining Company, represented by Counsel, Atty. John B. Encarnacion hinted that they wanted to work on a Compromise Agreement and agreed to meet again before this Board to effect the same; that if no Compromise Agreement is foreseeable, to proceed anew with the hearing on the Motion to Dismiss.

Now it can be told that the Compromise Agreement by and between Camarines Minerals, Inc. together with United Paracale Mining Company and the Provincial Government of Camarines Norte took shape in the Hearing on February 28, 2001, finalized in the Hearing of May 22, 2001 and consummated on July 16, 2002 and submitted before this Board on July 24, 2002.

Borne by RESOLUTION NO. 2002-223 of the Sangguniang Panlalawigan of Camarines Norte, “APPROVING THE PROPOSED COMPROMISE

AGREEMENT BETWEEN THE CAMARINES MINERALS, INCORPORATED REPRESENTED BY ITS GENERAL MANAGER, MR. EDUARDO B. CASTILLO AND THE HON. GOV. JESUS O. TYPOCO, JR. RELATIVE TO THE CENTRAL BOARD OF ASSESSMENT APPEALS, X X X CASE NOS. 95-01 & 95-02”, and the SECRETARY’S CERTIFICATE OF ENRIQUE D. DIMAANO Corporate Secretary of CAMARINES MINERALS, INC., approving, ratifying and confirming the same, the Compromise Agreement is hereby reproduced as follows:

COMPROMISE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS

This Agreement, made and entered into this 16th day of July 2002 at Daet, Camarines Norte by and between:

CAMARINES MINERALS, INC., a corporation duly organized and existing under the laws of the Republic of the Philippines, with principal address at the Marsman Drysdale Building, 2246 Don Chino Roces Ave., Makati City, herein represented by its President and General Manager, EDUARDO B. CASTILLO, who is duly authorized to enter into this Compromise Agreement as per attached Secretary’s Certificate marked as Annex “A” hereof, hereinafter referred to as the “FIRST PARTY:”

-and

The Provincial Government of Camarines Norte represented by Hon. Jesus O. Typoco, Jr., Governor, married, with postal address at Provincial Capitol, Daet, Camarines Norte and Municipalities of Jose Panganiban and Paracale, this province, represented by their respective Municipal Mayors, all of legal ages, Filipinos, hereinafter collectively referred to as the “SECOND PARTIES”.

WITNESSETH:

WHEREAS, the FIRST PARTY is the Petitioner-Appellant in LBAA Cases 95-01- and 95-02 for the cancellation of the tax declarations on the revised assessments issued by the Municipal Assessors of Jose Panganiban and Paracale, Camarines Norte;

WHEREAS, the SECOND PARTIES are the Respondent-Appellee in the above cited LBAA cases duly represented respectively by the Provincial and Municipal Assessors concerned;

WHEREAS, the Governor and the Municipal Mayors of Jose Panganiban were authorized by their respective Sanggunian to enter into a Compromise Agreement relative to the aforementioned cases;

WHEREAS, the Municipal Government of Paracale, likewise a Respondent-Appellee in the Second Party during its deliberation have opted to rely its decision to whatever decision the Honorable Sanggunian Panlalawigan may have under its powers as provided under Section 214 of the Local Government Code;

WHEREAS, the prolonged hearing of the said cases will only hamper the performance of the duties and obligations of both parties and will thus result only to a waste of time and money;

WHEREAS, the FIRST PARTY has overpaid real property taxes to the SECOND PARTIES in the following amounts:

YEAR	JOSE PANGANIBAN LBAA CASE 95-01	PARACALE LBAA CASE NO. 95-02
1994	P116,398.60	P189,815.60
1995	P116,398.60	P189,815.60
1996	P116,398.60	P189,815.60
TOTAL	P349,195.80	P569,446.80

WHEREAS, both parties have expressed their willingness to voluntarily settle the cases amicably in order to promote a peaceful and harmonious relationship for present and future transactions between the parties.

NOW, THEREFORE, for and in consideration of the foregoing and the mutual covenants hereinafter contained, the parties hereby agree as follows:

1. The Parties herein agree to adopt the Unit Base Market Values for Mineral Lands contained herein, *to wit*:

**UNITE (sic) BASE MARKET VALUE FOR MINERAL LAND
1994 – 1996**

<u>CLASSIFICATION</u>	<u>Unit Base Market</u>
<u>Value</u>	
<u>Metallic Mineral Lands</u>	
a. Patented lode mining claims producing or non-producing	P18,340.00
b. Unpatented producing lode mining claims, which may be patented	18,340.00
c. Unpatented non-producing lode mining claims, which may be patented	9,170.00
d. Patented placer mining claims producing or non-producing	9,170.00
e. Unpatented producing placer mining claims, which may be patented	9,170.00
f. Unpatented non-producing placer or mining claims, which may be patented	4,585.00
<u>Non-Metallic Mineral Lands</u>	
a. Patented, producing or non-producing	4,585.00
b. Unpatented, producing which may be patented	4,585.00
c. Unpatented, non-producing which may be patented	4,585.00

2. The SECOND PARTIES shall immediately act and conduct a revision of the tax declarations subject of the appeal under LBAA Case No. 95-01 and 95-02 implementing the aforementioned schedule of market values.

3. Accordingly, based on the revised assessment, the SECOND PARTIES, through the office of the Provincial Treasurer of Camarines Norte hereby agree to refund to the FIRST PARTY the OVERPAID real property taxes defrayed by the latter to the former throughout 1994 to 1996 in LBAA Cases 95-01 and 95-02, in the total amount of PESOS: SIX HUNDRED EIGHTY EIGHT THOUSAND NINE HUNDRED EIGHTY ONE AND 95/100 (P688,981.95), broken down as follows:

YEAR	JOSE PANGANIBAN LBAA CASE 95-01	PARACALE LBAA CASE NO. 95-02
1994	P87,298.95	P142,361.70
1995	P87,298.95	P142,361.70
1996	P87,298.95	P142,361.70
TOTAL	P261,896.85	P427,085.10

4. The tax refund shall be by way of tax credits applicable to future and property tax payments due the SECOND PARTIES from the FIRST PARTY.
5. The parties herein agree that the computation of the above-cited overpayment of real property taxes was based on the differential between the actual payment of real property taxes made by the FIRST PARTY throughout the subject period in favor of the SECOND PARTIES and the revised assessment on the same real properties effective 1994.
6. Upon signing this Agreement, the respective claims/oppositions and counter-claims/counter-oppositions in LBAA Cases 95-01 and 95-02 are deemed extrajudicially settled and automatically withdrawn by both parties.
7. This Agreement constitutes the entire agreement between the parties relative to the settlement of the cases and shall supersede all other agreements or representations made or entered into prior to the execution of this agreement.
8. This Agreement shall be binding upon and be enforceable against the parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the date and at the place first above written.

CAMARINES MINERALS, INC.

By:

(Sgd.)EDUARDO B. CASTILLO
President and General Manager
For the FIRST PARTY

(Sgd.)WILLIAM A. LIM
Municipal Mayor
Jose Panganiban, C. Norte
For the SECOND PARTY

(Sgd.)JESUS O. TYPOCO, JR.
Governor
Province of Camarines Norte
For the Second Party

Signed in the Presence of

(Sgd.)For the FIRST PARTY

(Sgd.)ANNABEL M. DEFEO
Provincial Assessor
For the SECOND PARTY

(Sgd.)LORNA A. CORESES
Asst. Prov. Treasurer, OIC

After a close examination of the Compromise Agreement, this Board finds the same to be in order, fair, equitable, not contrary to existing laws, good morals, public order or public policy.

WHEREFORE, the same Compromise Agreement is hereby approved.
The Decision under appeal is accordingly set aside and revised to conform to the provisions of said Compromise Agreement.

SO ORDERED.

Manila, Philippines, September 9, 2003.

(Signed)
CESAR S. GUTIERREZ
Chairman

(Signed)
ANGEL P. PALOMARES
Member

VACANT
Member