REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

EDGARDO T. RODRIGUEZ,
Petitioner,

-versus-

THE CITY ASSESSOR OF LA CARLOTA CITY,
Respondent.

CTA EB No. 572
(CBAA Case No. V-25A)

Members:

Acosta, *P.J.*,
Castañeda, Jr.,
Bautista,
Uy,
Casanova,
Palanca-Enriquez,
Fabon-Victorino,
Mindaro-Grulla, and
Cotangco-Manalastas, *JJ.*

Promulgated:
JAN 0 5 2012

x- -x

D E C I S I O N

CASTAÑEDA, JR., J.:

On appeal are the Central Board of Assessment Appeals' ("CBAA") Decision dated October 10, 2008 dismissing the Petition for Review for lack of merit and the Resolution dated July 24, 2009 denying the Motion for Reconsideration of Mr. Edgardo T. Rodriguez in the case entitled, "MR. EDGARDO T. RODRIGUEZ –versus- LOCAL BOARD OF ASESSEMENT APPEALS

OF THE PROVINCE OF LA CARLOTA CITY, - and – THE CITY ASSESSOR OF LA CARLOTA CITY", docketed as CBAA Case No. V-25A.

THE FACTS

Edgardo T. Rodriguez ("Petitioner") is the beneficial owner and actual occupant; while Ramiro M. Orosa is the registered owner of a parcel of land identified as lot 11-B-2(846-A, 848 and 886) and located at Barangay Haguimit, La Carlota City, Negros Occidental. Petitioner is also the attorney-in-fact of Mr. Orosa. Lot 11-B-2 is devoted to sugarcane plantation and poultry raising. The poultry site is under a contract of growership with San Miguel Corporation.[1]

Effective year 1998, La Carlota City Assessor Jose L. Diamante ("respondent") assessed the subject property pursuant to City Ordinance No. 1, as amended by City Ordinance No. 82 and City Ordinance No. 7 ("City Ordinance").

For years 1998, 2000, 2003 and 2006, respondent's assessments of petitioner's poultry site were based on the schedule of values as follows:

Year Effective	Area of Poultry Site	Amount/ Square Meter	Market Value	Assessed Value
1998	5,000 Square Meter	₱90.00	₱450,000.00	P135,000.00

[1] Rollo, pp. 4, 19 & 87. See Folder No. 1, CBAA original records, p.56.

2000	5,000 Square Meter	P200.00	P1,000,000.00	P200,000.00
2003 & 2006	5,000 Square Meter	P200.00	P1,000,000.00	P250,000.00[2]

On March 13, 2006, petitioner questioned before the Local Board of Assessment Appeals ("LBAA") respondent's assessments on the poultry site of Lot No. 11-B-2.[3]

The LBAA issued an Order dated July 3, 2006 declaring that it could not proceed with the hearing of the Petition unless the tax due is paid.[4]

Acting on petitioner's appeal with the Central Board of Assessment Appeals ("CBAA"), this body issued a Resolution dated October 4, 2006 directing the LBAA to hear the case on its merits without requiring the payment of taxes.[5]

The LBAA took cognizance of the case. However, on May 29, 2008, the LBAA dismissed the petition for failure of the petitioner to present substantial and competent evidence to overcome the legal presumption of regularity and correctness of respondent's assessments.[6] gc

---

[2] Rollo, p. 23.
[3] Rollo, p. 43.
[4] Folder No. 2, LBAA original records,p. 67.
[5] Folder No. 2, LBAA original records, pp. 79-87.
[6] Rollo, pp. 19-29.

Dissatisfied, petitioner again appealed before the CBAA which dismissed the case for lack of merit as shown in the Decision dated October 10, 2008.[7]

Unfazed, petitioner moved for a reconsideration of the CBAA's ruling; however, the same was denied for lack of merit as per Resolution dated July 24, 2009.[8]

THE ISSUES

Seeking redress before the Court of Tax Appeals ("CTA") *En Banc,* petitioner filed a Petition for Review raising the following errors allegedly committed by the CBAA:

> a) The Hon. Central Board of Assessment Appeals seriously erred when it adopted the Hon. LBAA's Resolution and in effect Respondent Assessor's assessment as legal, fair and reasonable and as having been made in accordance with the rules;
>
> b) The Hon. Central Board of Assessment Appeals committed serious errors when it held that hearings are not required on the schedules of fair market values before they were enacted by ordinances by the Sangguniang Panlungsod of La Carlota City; and
>
> c) The Hon. Central Board of Assessment Appeals gravely erred when it did not consider the non-publication of the schedules of fair market value by the Respondent Assessor as required by Sec. 212, Local Government Code of the Philippines.[9]

On February 26, 2010, respondent filed his Comment to the Petition. *gr*

---

[7] Rollo, pp. 43-51.
[8] Rollo, p. 68.
[9] Rollo, p. 8.

On August 25, 2010, petitioner filed his Memorandum; while respondent manifested that he is adopting the Comment as his Memorandum. Thereafter, the case was submitted for decision.[10]

THE COURT'S RULING

The Petition is unmeritorious.

The salient points in this case are as follows:

I. THE PETITION FOR REVIEW WAS TIMELY FILED UNDER SECTION 11 OF REPUBLIC ACT NO. 1125, AS AMENDED BY SECTION 9 OF R.A. 9282.

II. PETITIONER FAILED TO DISPROVE THAT PRIOR TO THE ENACTMENT OF THE CITY ORDINANCE COVERING THE SCHEDULE OF FAIR MARKET VALUES, PUBLIC HEARINGS WERE CONDUCTED AND THE CITY ORDINANCE WAS DULY PUBLISHED.

III. PETITIONER FAILED TO AVAIL OF THE PROPER LEGAL REMEDY UNDER SECTION 187 OF REPUBLIC ACT NO. 7160.

IV. RESPONDENT'S REAL PROPERTY TAX ASSESSMENTS FOR YEARS 1998, 2000, 2003 AND 2006 ON THE POULTRY SITE BASED ON INCOME CAPITALIZATION APPROACH AND ON A PER SQUARE METER BASIS ARE PROPER.

---

[10] Rollo, pp. 116, 99 & 155.

Before the Court delves on the substantive issues, it is necessary to resolve certain procedural matters interposed by both petitioner and respondent.

THE PETITION FOR REVIEW WAS TIMELY FILED.

Respondent alleges that petitioner has a period of fifteen (15) days within which to file an appeal with the CTA *En Banc* under Rule 43 of the 1997 Rules of Civil Procedure. Petitioner's failure to observe the fifteen (15) day period warrants the dismissal of the case.

Contrary to respondent's assertion, petitioner duly filed his appeal with the CTA *En Banc.*

An aggrieved party who seeks to reverse a ruling of the CBAA shall appeal to the CTA *En Banc* within a period of thirty (30) days from receipt thereof pursuant to Section 11 of Republic Act (R.A.) No. 1125, as amended by Section 9 of R.A. 9282, stating:

> SEC. 9. Section 11 of the same Act is hereby amended to read as follows:
>
> "SEC. 11. Who May Appeal; Mode of Appeal; Effect of Appeal. - xxx
> "Appeal shall be made by filing a petition for review under a procedure analogous to that provided for under Rule 42 of the 1997 Rules of Civil Procedure with the CTA **within thirty (30) days from receipt of the decision or ruling or in the case of inaction as herein provided, from the expiration of the period fixed by law to act thereon**. A Division of the CTA shall hear the appeal: *Provided, however*, **That with respect to the decisions or rulings of the Central Board of Assessment Appeals and the Regional Trial Court in the exercise of its appellate jurisdiction, appeal shall be made by filing a petition for review under a procedure analogous to that provided**

> **for under Rule 43 of the 1997 Rules of Civil Procedure with the CTA, which shall hear the case *en banc*.**(Emphasis supplied.)

Here, petitioner received a copy of the CBAA's Resolution dated July 24, 2009 on August 6, 2009. He appealed before the CTA *En Banc* on September 8, 2009 within the thirty (30) day reglementary period.[11] Rule 43 of the 1997 Rules of Civil Procedure is merely given a suppletory effect to the law; hence, the thirty (30) day period, and not the fifteen (15) day period applies.

PETITIONER FAILED TO DISPROVE THAT PRIOR TO THE ENACTMENT OF THE CITY ORDINANCE COVERING THE SCHEDULE OF FAIR MARKET VALUES, PUBLIC HEARINGS WERE CONDUCTED AND THE CITY ORDINANCE WAS DULY PUBLISHED.

PETITIONER FAILED TO AVAIL OF THE PROPER LEGAL REMEDY UNDER SECTION 187 OF REPUBLIC ACT NO. 7160.

Petitioner contends that public hearings are required for the preparation of the schedule of market values. Prior to the enactment of the City Ordinance by the Sangguniang Panlungsod of La Carlota City, there were no public hearings conducted.

Petitioner alleges that an ordinance should be published in a newspaper of general circulation. The failure to publish the assailed schedule of market values as admitted by the respondent is fatal to the validity of the ordinance. *Jr*

---

[11] Rollo, p. 4. September 6, 2009 coincided on a weekend and September 7, 2009 was declared national mourning for the passing away of Iglesia ni Kristo's Executive Minister Eraño Manalo.

Petitioner maintains that the respondent merely made a general statement that the Sanggunian concerned posted the schedule of market values on all conspicuous places—city hall, market transport terminals, including barangay halls. La Carlota City has no local newspaper of general circulation.

Petitioner's contention deserves scant consideration.

In *Belen C. Figuerres v. Court of Appeals et al.*[12], the Supreme Court emphasized that public hearings and publication of schedule of market values are essential under R.A. 7160[13], and the party questioning the same has the burden of proving whether or not there was observance with the requisites mandated by law. The Supreme Court explained in the *Figuerres* case that:

> **Petitioner is right in contending that public hearings are required to be conducted prior to the enactment of an ordinance imposing real property taxes. R.A. No. 7160, §186 provides that an ordinance levying taxes, fees, or charges "shall not be enacted without any prior public hearing conducted for the purpose."**
>
> However, it is noteworthy that apart from her bare assertions, petitioner Figuerres has not presented any evidence to show that no public hearings were conducted prior to the enactment of the ordinances in question. On the other hand, the Municipality of Mandaluyong claims that public hearings were indeed conducted before the subject ordinances were adopted, although it likewise failed to submit any evidence to establish this allegation. However, in accordance with the presumption of validity in favor of an ordinance, their constitutionality or legality should be upheld in the absence of evidence showing that the procedure prescribed by law was not observed in their enactment. xxx
>
> Furthermore, the lack of a public hearing is a negative allegation essential to petitioner's cause of action in the present case. Hence, as petitioner is the party asserting it, she has the burden of proof. Since petitioner failed to rebut the presumption of validity in favor of the subject ordinances and to discharge the burden of proving that no public

[12] G.R. No. 119172, March 25, 1999, 305 SCRA 206.
[13] 1991 Local Government Code.

hearings were conducted prior to the enactment thereof, we are constrained to uphold their constitutionality or legality. xxx

Petitioner is also right that publication or posting of the proposed schedule of fair market values of the different classes of real property in a local government unit is required pursuant to R.A. No. 7160, §212 which in part states:

. . . The schedule of fair market values shall be published in a newspaper of general circulation in the province, city, or municipality concerned, or in the absence thereof, shall be posted in the provincial capitol, city or municipal hall and in two other conspicuous public places therein.

In Ty v. Trampe, it was held that, if the local government unit is part of Metro Manila, the abovequoted portion of §212 must be understood to refer to the schedule of fair market values of the different classes of real property in the district to which the city or municipality belongs, as prepared jointly by the local assessors concerned.

In addition, an ordinance imposing real property taxes (such as Ordinance Nos. 119 and 135) must be posted or published as required by R.A. No. 7160, §188 which provides:

SECTION 188. *Publication of Tax Ordinances and Revenue Measures*. Within ten (10) days after their approval, certified true copies of all provincial, city, and municipal tax ordinances or revenue measures shall be published in full for three (3) consecutive days in a newspaper of local circulation: *Provided, however*, That in provinces, cities and municipalities where there are no newspapers of local circulation, the same may be posted in at least two (2) conspicuous and publicly accessible places.

Hence, after the proposed schedule of fair market values of the different classes of real property in a local government unit within Metro Manila, as prepared jointly by the local assessors of the district to which the city or municipality belongs, has been published or posted in accordance with §212 of R.A. No. 7160 and enacted into ordinances by the sanggunians of the municipalities and cities concerned, the ordinances containing the schedule of fair market values must themselves be published or posted in the manner provided by §188 of R.A. No. 7160.

With respect to ordinances which fix the assessment levels (such as Ordinance No. 125), being in the nature of a tax ordinance, §188 likewise applies. Moreover, as Ordinance No. 125, §7 provides for a penal sanction for violations thereof by means of a fine of not less than P1,000.00 nor more than P5,000.00, or imprisonment of not less than one (1) month nor more than six (6) months, or both, in the discretion of the court, not only §188 but §511(a) also must be observed:

Ordinances with penal sanctions shall be posted at prominent places in the provincial capitol, city, municipal or barangay hall, as the case may be, for a minimum period of three (3) consecutive weeks. Such ordinances shall also be published in a newspaper of general circulation, gc

> where available, within the territorial jurisdiction of the local government unit concerned, except in the case of barangay ordinances. Unless otherwise provided therein, said ordinances shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later.
>
> In view of §§188 and 511(a) of R.A. No. 7160, an ordinance fixing the assessment levels applicable to the different classes of real property in a local government unit and imposing penal sanctions for violations thereof (such as Ordinance No. 125) should be published in full for three (3) consecutive days in a newspaper of local circulation, where available, within ten (10) days of its approval, and posted in at least two (2) prominent places in the provincial capitol, city, municipal, or barangay hall for a minimum of three (3) consecutive weeks.
>
> Apart from her allegations, **petitioner has not presented any evidence to show that the subject ordinances were not disseminated in accordance with these provisions of R.A. No. 7160.** xxx[14] (Emphasis supplied.)

An ordinance enjoys the presumption of validity.[15] Being the party assailing the legality of the schedule of market values embodied in La Carlota City's Ordinance, petitioner has the burden of proof to show respondent's non-compliance with the requisite public hearings and publication. In the instant case, petitioner failed to establish that the schedule of market values was issued in the absence of public hearings and publication. In fact, in its Resolution dated May 29, 2008 the LBAA observed that:

> Petitioner claims that no written notice was furnished to either Ramiro Oroso or the petitioner nor the same was published in a newspaper of general circulation in the province is **belied by the fact that petitioner had been prompt in paying taxes due on his other properties as shown by the Certification issued by Fred K. Villanueva, Annex "F" of the Comment of the City Assessor dated September 15, 2006.**[16] (Emphasis supplied.)

---

[14] See *Antonio Z. Reyes, et al. v. Court of Appeals, et al.,* G.R. No. 118233, December 10, 1999, 320 SCRA 486.
[15] *Republic of the Philippines v. Far East Enterprises, Inc., et al.*, G.R. No. 176487, August 25, 2009, 597 SCRA 75.
[16] Rollo, p. 28

On the assertion that the required public hearings and publication of the schedule of market values were not complied, petitioner in effect assails the legality of the City Ordinance. Under Section 187 of R.A. 7160, the Secretary of Justice is vested with jurisdiction to resolve the legality or constitutionality of tax ordinance or revenue measure within thirty (30) days from its effectivity. The fact that petitioner did not seek recourse before the Secretary of Justice within the prescribed period, he is deemed to have affirmed the validity of the schedule of market values embodied in the City Ordinance.

We now tackle the merits of the case.

RESPONDENT'S REAL PROPERTY TAX ASSESSMENTS FOR YEARS 1998, 2000, 2003 and 2006 ON THE POULTRY SITE BASED ON INCOME CAPITALIZATION APPROACH AND ON A PER SQUARE METER BASIS ARE PROPER.

Real property shall be appraised at its current and fair market value prevailing in the locality where the property is situated.[17] Fair market value is defined in the case of *Public Estates Authority v. Estate of Jesus S. Yujuico, viz*:

> "Fair market value" has acquired a settled meaning in law and jurisprudence. It is the price at which a property may be sold by a seller who is not compelled to sell and bought by a buyer who is not compelled to buy, taking into consideration all uses to which the property is adapted and might in reason be applied.[18] Je

---

[17] Section 201 of the 1991 Local Government Code.
[18] G.R. No. 181847, May 5, 2010, 620 SCRA 259.

In *Allied Banking Corporation as Trustee for the Trust Fund of College Assurance Plan Philippines, Inc. (CAP) v. The Quezon City Government, et al.*[19], the Supreme Court mentioned three methods in ascertaining fair market value, namely: sales analysis approach, income capitalization approach and reproduction cost approach described as follows:

> Local Assessment Regulations No. 1-92 suggests three approaches in estimating the fair market value, namely: (1) the sales analysis or market data approach; (2) the income capitalization approach; and (3) the replacement or reproduction cost approach.
>
> Under the sales analysis approach, the price paid in actual market transactions is considered by taking into account valid sales data accumulated from among the various sources stated in Sections 202, 203, 208, 209, 210, 211 and 213 of the Code.
>
> **In the income capitalization approach, the value of an income-producing property is no more than the return derived from it. An analysis of the income produced is necessary in order to estimate the sum which might be invested in the purchase of the property.**
>
> The reproduction cost approach, on the other hand, is a factual approach used exclusively in appraising man-made improvements such as buildings and other structures, based on such data and labor costs to reproduce a new replica of the improvement.
>
> The assessor uses any or all of these approaches in analyzing the data gathered to arrive at the estimated fair market value to be included in the ordinance containing the schedule of fair market values. (Emphasis supplied.)

Petitioner asserts that since the 1987 Constitution and R.A. 7160 espouse appraisal of real property based on "actual use", respondent's findings are unrealistic because the poultry site is agricultural; thus, the real property tax assessments imposed are expected to be at a lower rate. *gc*

---

[19] G.R. No. 154126, October 11, 2005, 472 SCRA 303.

Respondent counters that an assessment was undertaken in 1998 to reflect the corresponding market value for poultry raising which was derived then by adapting the valuation method of income capitalization approach. At that time, assessment of real property devoted for poultry raising has no specific schedule of value. Through the enactment of City Ordinance of La Carlota City, respondent is authorized to appraise real property at its current prevailing market value, independent of the schedule of market value.

Petitioner further argues that comparing respondent's valuation with the appraisal by other local government units in other areas of Negros Occidental, it is evident that the assessments on petitioner's poultry site at La Carlota City are oppressive. Moreover, considering that the poultry site is agricultural and not industrial, respondent erred in assessing this portion on a per square meter basis, instead of a per hectare basis.

As per records of the case, the Court finds the CBAA's Decision dated October 10, 2008 affirming respondent's assessments based on income capitalization approach and on a per square meter basis proper in accordance with the law. We quote:

> On the strength of the above-quoted provisions of La Carlota City's Ordinance Nos. 1, Series of 1993, and 082, Series of 1999, Respondent City Assessor assessed the poultry site (consisting of 5,000 square meters) of subject property by estimating its value by using the "Income Capitalization Approach" outlined under Section 21(B) of Local Assessment Regulations No. 1-92 issued by the Department of Finance on October 6, 1992, thus:

INCOME CAPITALIZATION OF POULTRY FARM
As of 1997

Average Annual Production per Hectare:			
No. of Poultry Sheds/Ha.		10	
No. of Heads/Shed		5,000	
No. of Heads/Ha./Cropping		50,000	
No. of Crops/Year		5	
No. of Heads/Ha./Year		250,000	
Survival Rate (1st Class)		95%	
No. of Live Chicken/Year		237,500	
Price/Chicken(1 Kl each)		P 35.00	
ANNUAL GROSS INCOME			P8,312,500.00
LESS: COST OF PRODUCTION:			
A) Cost of 250,000 Chicks (@P12 each)		P3,000,000.00	
B) Veterinary Services:			
Technician			
Light & Water			
Feeds & Supplements			
Caretakers (10 persons)	3,456,285.00		
C)Cost of Poultry Sheds, Equipment			
@P150,000/shed	1,500,000.00		
TOTAL COST OF PRODUCTION			P 7,956,285.00
NET INCOME			P 356,215.00
			==========

RATE OF CAPITALIZATION

RETURN OF INVESTMENT (ROI) = $\dfrac{100}{3\text{ YRS}}$ =33.33% Per Year

ROC = $\dfrac{\text{NITO}}{\text{ROI}} = \dfrac{\text{P356,215.00}}{33.33\%}$ =P 1,068,751.88 or P1,068,750.00

Base Profit/chick = $\dfrac{\text{P1,068,750.00}}{\text{237,500 chickens}}$ = P4.50

Classification	Ave. Annual Production		Base Profit Per Kg		Market Value Per Hectare		Market Value Per Sq. M.
1st Class 95%	237,500	x	P4.50	=	P1,068,750.00	=	P110.00
2nd Class 80%	200,000	x	P4.50	=	P 900,000.00	=	P 90.00
3rd Class 70%	175,000	x	P4.50	=	P 797,500.00	=	P 80.00

INCOME CAPITALIZATION OF POULTRY FARM
AS OF 2000 & 2003

Average Annual Production per Hectare:			
No. of Poultry Sheds/Ha.	10		
No. of Heads/Shed	5,000		
No. of Heads/Ha./Cropping	50,000		
No. of Crops/Year	5		
No. of Heads/Ha./Year	250,000		
Survival Rate (1st Class)	95%		
No. of Live Chicken/Year	237,500		
Price/Chicken (1 Kl each)	45.00		
ANNUAL GROSS INCOME		P10,687,500.00	
LESS: COST OF PRODUCTION:			
A)Cost of 250,000 Chicks (@P15 each)	P3,750,000.00		
B) Veterinary Services:			
Technician			
Light & Water			
Feeds & Supplements			
Caretakers (10 persons)		4,270,900.00	
C)Cost of Poultry Sheds, Equipment @P200,000/shed		2,000,000.00	
TOTAL COST OF PRODUCTION			P10,020,900.00
NET INCOME			P 666,600.00

RATE OF CAPITALIZATION

$$\text{RETURN OF INVESTMENT (ROI)} = \frac{100}{3\text{ YRS}} = 33.33\%\text{ Per Year}$$

$$\text{ROC} = \frac{\text{NITO}}{\text{ROI}} = \frac{P666{,}600.00}{33.33\%} = P2{,}000{,}000.00$$

$$\text{Base Profit/chick} = \frac{2{,}000{,}000.00}{237{,}500\text{ chickens}} = P8.42$$

Je

Classification	Ave. Annual Production		Base Profit Per Kg	Market Value Per Hectare	Per Sq. M.
1st Class 95%	237,500	x	P8.42	= P1,999,750.00	= P200.00
2nd Class 80%	200,000	x	P8.42	= P1,684,000.00	= P170.00
3rd Class 70%	175,000	x	P8.42	= P1,473,500.00	= P150.00

The entirety of the subject property was assessed by Respondent City Assessor as follows:

Classification	Area	Market Value Per Hectare	Actual Fair Market Value	Assessment Level	Assessed Value
Effective 1998					
Agricultural	2.8246 ha.	P 93,000.00	P262,687.80	30%	P78,806.34
Poultry Site	0.500 ha.	900,000.00	450,000.00	30%	135,000.00
	Totals		P712,687.80		P 213,806.34
Effective 2000:					
Agricultural	2.8246 ha.	P 78,523.53	P 221,797.56	20%	P 44,359.51
Poultry Site	0.500 ha.	2,000,000.00	1,000,000.00	20%	200,000.00
	Totals		P1,221,797.56		P244,359.51
Effective 2003:					
Agriculturlal	2.8246 ha.	P 78,523,53	P 221,797.56	25%	P55,449.39
Poultry Site	0.500 ha.	2,000,000.00	1,000,000.00	25%	P250,000.00
	Totals		P 1,221,797.56		P305,449.39
Effective 2006:					
Agricultural	2.8246 ha.	P 78,523.53	P 221,797.56	25%	P55,449.39
Poultry Site	0.500 ha.	2,000,000.00	1,000,000.00	25%	P250,000.00
	Totals		P1,221,797.56		P305,449.39

"Whereas" of Ordinance No. 082 did mention the provisions of Section 215 of R.A. 7160 wherein it is provided that, "for purposes of assessment, real property shall be classified as residential, agricultural, commercial, industrial, mineral, timberland, or special. It is duly noted that the poultry site portion of subject property was assessed at the same level as the other portions of the same property.

xxx,the values for the poultry site were computed on a "per hectare" basis before they were reduced on a "per square meter" basis. One (1) hectare consists of ten thousand (10,000) square meters and, therefore, five thousand (5,000) square meters (area of the poultry site) are equal to one-half (1/2) of one (1) hectare. Take, for example, the market value arrived at as of 1997 was P900,000.00 per hectare. **Whether the value is expressed on a "per hectare" basis or on a "per square meter"**

> **basis, the total market value would still be the same, P450,000.00.**[20] (Emphasis supplied.)

Petitioner insists that in relation to lower schedule of market values of poultry farms in other areas of Negros Occidental, respondent's assessments of real property tax on the poultry site of lot 11-B-2 are excessive and unjust. From years 1998 to 2005, the schedule of market value for swine and poultry sites in other areas of Negros Occidental is P250,000.00 per hectare; while in La Carlota City , it is P1,000,000.00 per hectare.

Petitioner's posture is untenable.

Section 217 of R.A. 7160 provides that real property shall be classified, valued and assessed on the basis of its **actual use regardless of where located, whoever owns it, and whoever uses it**. Thus, petitioner erred in equating the value of poultry farm located in La Carlota City with other poultry sites in Negros Occidental.

Clearly, We sustain respondent's findings on the real property tax assessments of petitioner's poultry site for years 1998, 2000, 2003 and 2006 duly in consonance with the law and jurisprudence.

WHEREFORE, premises considered, the Petition for Review is hereby **DISMISSED**. The CBAA's Decision dated October 10, 2008 and the Resolution dated July 24, 2009 are **AFFIRMED.**

---

[20] Rollo, pp. 46-50.

SO ORDERED.

JUANITO C. CASTAÑEDA, JR.
Associate Justice

WE CONCUR:

ERNESTO D. ACOSTA
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

ERLINDA P. UY
Associate Justice

CAESAR A. CASANOVA
Associate Justice

OLGA PALANCA-ENRIQUEZ
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ERNESTO D. ACOSTA
Presiding Justice