

**[DAR ADMINISTRATIVE ORDER NO. 03, s. 2003,
January 16, 2003]**

2003 RULES FOR AGRARIAN LAW IMPLEMENTATION CASES

Pursuant to Sections 49 and 50 of Republic Act (RA) No. 6657, or the "Comprehensive Agrarian Reform Law of 1988" (CARL), and in order to foster a just, inexpensive, and expeditious determination of agrarian cases, the following are the Department of Agrarian Reform (DAR) rules governing the adjudication of cases involving Agrarian Law Implementation (ALI):

RULE I
Preliminary Provisions

SECTION 1. Title. These Rules shall be known as the "2003 Rules of Procedure for ALI Cases".

SECTION 2. ALI cases. These Rules shall govern all cases arising from or involving:

- 2.1. Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of Certificate of Land Ownership Awards (CLOAs) and Emancipation Patents (EPs), including protests or oppositions thereto and petitions for lifting of such coverage;
- 2.2. Classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries;
- 2.3. Subdivision surveys of land under Comprehensive Agrarian Reform (CARP);
- 2.4. Recall, or cancellation of provisional lease rentals, Certificates of Land Transfers (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall, or cancellation of Emancipation Patents (EPs) or Certificates of Land Ownership Awards (CLOAs) not yet registered with the Register of Deeds;
- 2.5. Exercise of the right of retention by landowner;
- 2.6. Application for exemption from coverage under Section 10 of RA 6657;
- 2.7. Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990);

- 2.8. Exclusion from CARP coverage of agricultural land used for livestock, swine, and poultry raising;
- 2.9. Cases of exemption/exclusion of fishpond and prawn farms from the coverage of CARP pursuant to RA 7881;
- 2.10. Issuance of Certificate of Exemption for land subject of Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes;
- 2.11. Application for conversion of agricultural land to residential, commercial, industrial, or other non agricultural uses and purposes including protests or oppositions thereto;
- 2.12. Determination of the rights of agrarian reform beneficiaries to homelots;
- 2.13. Disposition of excess area of the tenant's/farmer-beneficiary's landholdings;
- 2.14. Increase in area of tillage of a tenant/farmer-beneficiary;
- 2.15. Conflict of claims in landed estates administered by DAR and its predecessors; and
- 2.16. Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

SECTION 3. DARAB cases. These Rules shall not apply to cases falling within the exclusive original jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB) and its Regional or Provincial Agrarian Reform Adjudicators (RARAD or PARAD) which include:

- 3.1. The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by RA 6657 and other related agrarian laws;
- 3.2. The preliminary administrative determination of reasonable and just compensation of lands acquired under PD 27 and the CARP;
- 3.3. The annulment or cancellation of lease contracts or deeds of sale or their amendments involving lands under the administration and disposition of the DAR or Land Bank of the Philippines (LBP);
- 3.4. Those cases involving the ejectment and dispossession of tenants and/or leaseholders;
- 3.5. Those cases involving the sale, alienation, pre-emption, and redemption of agricultural lands under the coverage of the CARL or other agrarian laws;
- 3.6. Those involving the correction, partition, cancellation, secondary and

subsequent issuances of CLOAs and EPs which are registered with the Land Registration Authority;

- 3.7. Those cases involving the review of leasehold rentals;
- 3.8. Those cases involving the collection of amortizations on payments for lands awarded under PD 27 (as amended), RA 3844 (as amended), and RA 6657 (as amended) and other related laws, decrees, orders, instructions, rules, and regulations, as well as payment for residential, commercial, and industrial lots within the settlement and resettlement areas under the administration and disposition of the DAR;
- 3.9. Those cases involving the annulment or rescission of lease contracts and deeds of sale, and the cancellation or amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as EPs issued under PD 266, Homestead Patents, Free Patents, and miscellaneous sales patents to settlers in settlement and re-settlement areas under the administration and disposition of the DAR;
- 3.10. Those cases involving boundary disputes over lands under the administration and disposition of the DAR and the LBP, which are transferred, distributed, and/or sold to tenant-beneficiaries and are covered by deeds of sale, patents, and certificates of title;
- 3.11. Those cases involving the determination of title to agricultural lands where this issue is raised in an agrarian dispute by any of the parties or a third person in connection with the possession thereof for the purpose of preserving the tenure of the agricultural lessee or actual tenant-farmer or farmer-beneficiaries and effecting the ouster of the interloper or intruder in one and the same proceeding;
- 3.12. Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of PD 946 except those cases falling under the proper courts or other quasi-judicial bodies; and
- 3.13. Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

SECTION 4. Construction. In accordance with Section 50 of RA 6657, the DAR shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice, equity, and the merits of the case. In case of doubt, the deciding authority shall liberally construe or interpret these Rules in favor of carrying out the objectives of agrarian reform, to promote a just, expeditious, and inexpensive determination of agrarian cases. All references in these Rules in the masculine gender form (he/him/his) shall equally apply to the feminine gender form (she/her/hers) or group form (it/its/their).

SECTION 5. Prejudicial Issue. When an ALI case raises a prejudicial issue, such issue being a DARAB case under Section 3 hereof, the Secretary/Regional Director shall suspend the case pending resolution of the prejudicial question. Conversely, when a case pending before the DARAB or its Adjudicators raises a prejudicial issue, such issue being an ALI case under Section 2 hereof and falling within the exclusive jurisdiction of the Secretary/Regional Director, the Adjudicating Authority shall suspend the case pending the resolution of the prejudicial question in the proper forum.

SECTION 6. Referral of cases. When a party erroneously files a case under Section 2 hereof before the DARAB, the receiving official shall refer the case to the proper DAR office for appropriate action within five (5) working days after determination that said case is within the jurisdiction of the Secretary. Likewise, when a party erroneously files a case under Section 3 hereof before any office other than the DARAB or its adjudicators, the receiving official shall, within five (5) working days, refer the case to the DARAB or its adjudicators.

RULE II

Jurisdiction Over ALI Cases

SECTION 7. General Jurisdiction. The Regional Director shall exercise primary jurisdiction over all agrarian law implementation cases except when a separate special rule vests primary jurisdiction in a different DAR office.

SECTION 8. Jurisdiction over protests or petitions to lift coverage. The Regional Director shall exercise primary jurisdiction over protests against CARP coverage or petitions to lift notice of coverage. If the ground for the protest or petition to lift CARP coverage is exemption or exclusion of the subject land from CARP coverage, the Regional Director shall either resolve the same if he has jurisdiction, or refer the matter to the Secretary if jurisdiction over the case belongs to the latter.

SECTION 9. Jurisdiction over land use conversions and exemptions/exclusions from CARP coverage. Separate special rules governing applications for land use conversion and exemption/exclusion from CARP coverage shall delineate the jurisdiction of the recommending and approving authorities thereunder.

SECTION 10. Appellate Jurisdiction. The Secretary shall exercise appellate jurisdiction over all ALI cases, and may delegate the resolution of appeals to any Undersecretary.

SECTION 11. Jurisdiction over Flashpoint cases. Any certification declaring a case as "flashpoint" in accordance with the criteria and procedure in DAR Memorandum Circular (MC) No. 13 [1997] shall not divest any authority from the DAR official for resolving the case. A flashpoint certification merely serves to accord utmost priority to the resolution of the case subject thereof.

RULE III

Procedure

SECTION 12. Applicability. The procedures herein shall generally apply to all ALI cases except for specific situations such as applications for land use conversion and

exemption/exclusion from CARP coverage which shall be governed by the special procedures therefor.

SECTION 13. Commencement of an action.

13.1. Without or prior to issuance of notice of CARP coverage — When the land in question has never been the subject of a notice of coverage, an ALI case involving said land shall commence upon filing of the initiatory pleading or application before the Regional Director or Provincial Agrarian Reform Officer (PARO).

13.1.1. Commencement at the DAR Regional Office (DARRO) — The DARRO shall docket the case and transmit the case folder to the PARO within five (5) working days from filing, with notice to all parties. Upon receipt, the PARO shall, within five (5) working days and with notice to all parties, transmit the case folder to the MARO who shall conduct the necessary mediation/conciliation proceedings.

13.1.2. Commencement at the DAR Provincial Office (DARPO) — The PARO shall docket the case and submit a case brief to the Regional Director within five (5) working days, with notice to all parties. Within the same five (5) working-day period and with notice to all parties, the PARO shall transmit the case folder to the MARO who shall conduct the necessary mediation/conciliation proceedings.

13.2. After issuance of notice of coverage — Commencement shall be at the DAR Municipal Office (DARMO). When the applicant/petitioner commences the case at any other DAR office, the receiving office shall transmit the case folder to the DARMO or proper DAR office in accordance with the pertinent order and/or circular governing the subject matter. Only the real-party-in-interest may file a protest/opposition or petition to lift CARP coverage and may only do so within sixty (60) calendar days from receipt of the notice of coverage; a protesting party who receives the notice of coverage by newspaper publication shall file his protest / opposition / petition within sixty (60) calendar days from publication date; failure to file the same within the period shall merit outright dismissal of the case.

SECTION 14. Forum Shopping.

14.1. The applicant/petitioner shall certify under oath in the application or initiatory pleading, or its integral annex, a sworn certification that:

14.1.1. He has not theretofore commenced any other action or proceeding involving the same land or issue in any court, tribunal, or quasi-judicial agency;

14.1.2. To the best of his knowledge, no such action or proceeding is pending in any court, tribunal, or quasi-judicial agency;

14.1.3. If there is any action or proceeding which is either pending or