

[COSLAP, May 08, 2003]

**THE RULES OF PROCEDURE OF THE COMMISSION ON THE
SETTLEMENT OF LAND PROBLEMS**

Pursuant to the provisions of Section 3, paragraph 2 of Executive Order No. 561, the following rules governing the adjudication, conciliation/mediation, arbitration and settlement of land problems involving small settlers and landowners, and the conduct of proceedings before the Commission on the Settlement of Land Problems and its Hearing Officers, are adopted and promulgated:

**RULE I
TITLE AND CONSTRUCTION**

SECTION 1. Title. — These Rules shall be known as the New Rules of Procedure of the Commission on the Settlement of Land Problems.

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of Executive Order No. 561 and such other laws enforced by the Commission and to assist the parties in obtaining just, expeditious and inexpensive settlement of cases with the Commission.

SECTION 3. Technical Rules Not Applicable. — The Commission and its Hearing Officers 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 and equity and the merits of the case.

However, in the absence of any applicable provisions of these Rules, the pertinent provisions of the Revised Rules of Court of the Philippines and prevailing jurisprudence may, in the interest of speedy justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

**RULE II
DEFINITION OF TERMS**

SECTION 1. Meaning of Words. — For the purpose of these rules, and as far as practicable, the following words shall mean:

- a) **Commission** — shall refer to the Commission on the Settlement of Land Problems.
- b) **Commissioner** — shall refer to the Commissioner or to any of the Associate Commissioners.
- c) **Hearing Officer** — shall refer to any individual or officer, who is a member of the Philippine Bar, duly designated in a proper order by the Commission to hear cases.

RULE III
COMMENCEMENT OF ACTIONS, VENUE AND CAUSE OF ACTION

SECTION 1. Complaint or Petition. — An action before the Commission or its Hearing Officers shall be initiated by filing a complaint or petition with the main office of the Commission or its provincial office in the place where the land involved is located.

The complaint or petition shall be duly signed by the complainant or petitioner, or his counsel, or by one who can show a special power of attorney to do so. It shall state the name and residence of the complainant or petitioner and those of the defendant or respondent, the substance of the claim, the date when such claim arose, the ultimate facts constituting the cause of action, and the relief/s sought. At least two (2) copies of the complaint or petition, plus as many copies required to be served upon each of the adverse parties, shall be filed.

SECTION 2. Venue. — (a) Complaints or petitions may be filed with the main office of the Commission in Quezon City, Philippines regardless of the location of the subject matter thereof.

(b) They may likewise be brought before the provincial office of the Commission where the land or other property involved is located. If there is no provincial office in the province concerned, the complaint or petition maybe filed with the nearest provincial office of the Commission.

(c) When improper venue is not objected to before or at the time of filing of position papers. Such question shall be deemed waived.

(d) The venue of an action maybe changed or transferred to a different provincial office other than where the complaint was filed by written agreement of the parties or when the Commission or Hearing Officer before whom the case is pending so orders, upon motion by the proper party in meritorious cases.

SECTION 3. One Suit for a Single Cause of Action. — Multiple suits based on a single cause of action for enforcement or protection of a right or prevention or redress of a wrong shall not be allowed.

SECTION 4. Joinder of Causes of Action. — A complainant or petitioner having more than one cause of action against the same defendant or respondent arising out of the same questioned relationship, shall join all of them in one complaint or petition.

RULE IV
PARTIES, CAPTION AND SERVICE OF PLEADINGS

SECTION 1. Parties in Interest. — Every action before the Commission must be initiated and defended in the name of the real party in interest. All parties having an interest in the matter shall be joined as complainant or petitioner. All persons who claim an interest in the dispute or subject matter thereof adverse to the complainant or petitioner, or who are not necessary to a complete determination or settlement of the issue involved therein shall be joined as defendant or respondent.

SECTION 2. Pauper Litigant. — Where a party is small or informal settler or any person without means, shall be entitled to the rights and privileges of a pauper

litigant under R.A. 635, without further proof thereof. He shall continue to enjoy such status as a pauper litigant until the case is terminated.

SECTION 3. Associations or Corporations as Defendants. — When two or more persons, associated in any business, transact such business under a common name, whether it comprises the name of such persons or not, the associates may be sued by such common name.

Persons, associated in business who are sued under a common name, must all be named individually in the answer filed by them or in their behalf, stating their business address.

SECTION 4. Appearances. — An attorney appearing for a party is presumed to be properly authorized for that purpose.

A non-lawyer may appear before the Commission or any Hearing Officer only if:

- a) he represents himself as party to the case;
- b) he represents an organization or its members, provided that he shall be made to present written proof that he is properly authorized; or,
- c) he is a duly-accredited member of any legal aid office duly recognized by the Department of Justice or Integrated Bar of the Philippines in cases referred by the latter.

Appearances may be made orally or in writing. In both cases, the complete name and office address of both parties shall be made on record and the adverse party or his counsel/representative properly notified.

Any change in the address of counsel/representative should be filed with the records of the case and furnished the adverse party or counsel.

Any change or withdrawal of counsel/representative shall be made in accordance with the Rules of Court.

SECTION 5. Authority to Bind Party. — Attorneys and other representatives of parties shall have authority to bind their clients in all matters of procedure but they cannot, without a special power of attorney or the express and written consent of their client, enter into a compromise agreement with the opposing party when a full or partial discharge of a client's claim is made.

SECTION 6. Service of Pleading, Notices and Resolutions. — (a) The party filing the pleadings shall serve the opposing party with a copy thereof in the manner provided for in these Rules and proof of such service shall be filed with the records of the case.

(b) Notice of the summons and a copy of the resolutions, order or decision shall be served personally as far as practicable, or by registered mail upon the party himself, his counsel, or his duly authorized representative.

SECTION 7. Service Upon Associations. — When persons associated in business are sued under common name, service may be effected upon all the defendants by serving upon any one of them or upon the person in charge of the office or place of business maintained in the common name. But such service shall not bind

individually any person whose connection with the association has upon due notice, been severed before the action is brought.

SECTION 8. Service Upon Private Domestic Corporations or Partnership. — If the defendant is a corporation organized under the laws of the Philippines or a partnership duly registered service may be made on the president, manager, secretary, cashier, agent, or any of its directors or partners.

SECTION 9. Service Upon Public Corporations. — When a defendant is the Republic of the Philippines, service may be effected on the Solicitor General. In case of a province, city or municipality or like public corporations, service may be effected on its executive head, or on such other official or officers as the law or the Commission or its Hearing Officers may direct.

SECTION 10. Returns of Service. — The designated officer who personally served the notice, resolution, order or decision shall submit his return within five (5) days from the date of his service thereof, stating therein the name of the person served and the date of receipt of the same or if no service was effected, the serving officer shall state the reason or reasons therefor.

SECTION 11. Proof and Completeness of Service. — The return is a prima facie proof of the facts indicated therein. Service by registered mail is completed upon receipt by the addressee, his counsel, or by the duly authorized representative or agent.

RULE V PROHIBITED PLEADINGS

SECTION 1. Prohibited Pleadings and Motions. — The following pleadings, motions or petitions shall not be allowed in the cases covered by these Rules:

- a) Motion to Dismiss the complaint except on the ground of lack of jurisdiction over the subject matter, improper venue, res adjudicata or prescription;
- b) Motion for a Bill of Particulars;
- c) Motion for New Trial;
- d) Petition for Relief from Judgment;
- e) Petition for Certiorari, Mandamus or Prohibition against any Interlocutory Order issued by the Hearing Officer;
- f) Motion to Declare Respondent in Default.

RULE VI SUMMONS, ASSIGNMENT AND DISPOSITION OF CASES

SECTION 1. Issuance of Summons. — Immediately after receipt of a case assigned to him, the Hearing Officer concerned shall issue the required notification and/or summons, attaching thereto a copy of the complaint/petition.

SECTION 2. Assignment of Cases. — (a) All complaints and petitions received by the record/docket section of the Commission shall be forwarded to the Office of the Commissioner within twenty-four (24) hours from receipt thereof for assignment.

(b) Within a reasonable period from receipt of the cases referred to him by the record/docket officer, the Commissioner shall assign the same to the different Hearing Officers. However, in exceptional cases, as when the land problems or disputes are likely to cause public disorder or social unrest or tension, the Commissioner himself may assume jurisdiction over such cases or assign the same to Hearing Officers who, in his opinion, can effect immediate settlement or adjudication of the cases.

(c) All pleadings subsequent to the filing of the complaint shall be forwarded to the Hearing Officer before whom the case is pending within twenty four (24) hours from receipt thereof by the record officer.

SECTION 3. Disposition of Cases. — When a case is assigned to a Hearing Officer, the entire case and any or all incidents thereto shall be considered assigned to him, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits.

RULE VII SUBPOENA

SECTION 1. Subpoena and Subpoena *Duces Tecum*. — Subpoena is a process directed to a person requiring him to attend and to testify at the hearing or the trial of an action, or at any investigation conducted under the laws of the Philippines, or for the taking of his deposition. It may also require him to bring with him any books documents, or other things under his control, in which case it is called a subpoena *duces tecum*.

SECTION 2. By Whom Issued. — The subpoena shall be issued by the Commission or Hearing Officer before whom the witness is required to attend.

SECTION 3. Form and Contents. — A subpoena shall be signed by the Commissioner or Hearing Officer under the seal of the Commission. It shall state the title of the action or investigation, and shall be directed to the person whose attendance is required, and if a subpoena *duces tecum*, it shall also contain a reasonable description of the books, documents or things demanded which must appear to the court *prima facie* relevant.

SECTION 4. Service. — Service of a subpoena shall be made by the designated officer or by any other person specially authorized who is not a party and is not less than eighteen (18) years of age. The original shall be exhibited and a copy thereof delivered to the person named therein.

SECTION 5. Witness Not Bound by Subpoena. — A witness is not bound to attend as such before the Commission or any Hearing Officer out of the province in which he resides unless the distance be less than fifty (50) kilometers from his place of residence to the place of hearing by the usual course of travel.

SECTION 6. Personal Presence in Court. — A person present in the hearing before the Commission or any Hearing Officer may be required to testify as if he were in attendance upon a subpoena issued by such Commission or Hearing Officer.

SECTION 7. Contempt. — Failure by any person without adequate cause to obey a subpoena served upon him shall be deemed a contempt of the Commission from which the subpoena is issued.