

**[DAR ADMINISTRATIVE ORDER NO. 03, S. 2011,
July 19, 2011]**

**REVISED RULES AND REGULATIONS IMPLEMENTING SECTION 19
OF R.A. NO. 9700 (JURISDICTION ON AND REFERRAL OF CASES
THAT ARE AGRARIAN IN NATURE)**

Section 1. Prefatory Statement — Section 19 of Republic Act (R.A.) No. 9700 provides:

"Sec. 19. Section 50 of Republic Act No. 6657, as amended, is hereby further amended by adding Section 50-A to read as follows:

"Sec. 50-A. Exclusive Jurisdiction on Agrarian Dispute. — No court or prosecutor's office shall take cognizance of cases pertaining to the implementation of the CARP except those provided under Section 57 of Republic Act No. 6657, as amended. If there is an allegation from any of the parties that the case is agrarian in nature and one of the parties is a farmer, farmworker, or tenant, the case shall be automatically referred by the judge or the prosecutor to the DAR which shall determine and certify within fifteen (15) days from referral whether an agrarian dispute exists: Provided, That from the determination of the DAR, an aggrieved party shall have judicial recourse. In cases referred by the municipal trial court and the prosecutors's office, the appeal shall be with the proper regional trial court and in cases referred by the regional trial court, the appeal shall be to the Court of Appeals.

"In cases where regular courts or quasi-judicial bodies have competent jurisdiction, agrarian reform beneficiaries or identified beneficiaries and / or their associations shall have legal standing and interest to intervene concerning their individual or collective rights and/or interest under the CARP.

"The fact of non-registration of such associations with the Securities and Exchange Commission, or Cooperative Development Authority, or any concerned government agency shall not be used against them to deny the existence of their legal sanding and interest in a case filed before such courts and quasi-judicial bodies."

Whether or not a case is agrarian in nature is discussed in the case of *DAR vs.*

Roberto Cuenca, et al. (G.R. No. 154112, 23 September 2004) where the Supreme Court held that: "All controversies on the implementation of the Comprehensive Agrarian Reform Program (CARP) fall under the jurisdiction of the Department of Agrarian Reform (DAR), even though they raise questions that are also legal or constitutional in nature. All doubts should be resolved in favor of the DAR, since the law has granted it special and original authority to hear and adjudicate agrarian matters "

From the foregoing, it is therefore declared that the Department of Agrarian Reform (DAR) shall have exclusive jurisdiction on all cases that are agrarian in nature.

Section 2. Cases Covered. — These guidelines shall apply to the procedure on the referral of cases which are agrarian in nature to the DAR by the Prosecutor's Office, the Municipal Circuit Trial Court, Municipal Court, Metropolitan Trial Court and the Regional Trial Court (MCTC, MTC, MeTC, and RTC, respectively), whether it be criminal or civil in nature, except those involving issues of just compensation or the prosecution of criminal offenses as provided for by Section 57 of R.A. No. 6657, as amended by R.A. No. 9700.

Section 3. When Automatic Referral Shall Be Made 151 The referral to the DAR of case by the Prosecutor's Office, MCTC, MTC, MeTC, or RTC, shall be made in accordance with Department of Justice (DOJ) Circular No. 40, dated 10 June 2010, Supreme Court Office of the Court Administrator (OCA) Circular No. 62-2010, dated 28 April 2010, and other related circulars and issuances.

DOJ Circular No. 40 states:

"When a complaint for a felony or a criminal offense is filed before the Office of the City or Provincial Prosecutor the investigating prosecutor shall refer the case to the Provincial Agrarian Reform Officer (PARO) who has jurisdiction over the place of the incident when:

(a) there is an allegation by any of the parties (e.g. allegation in the complaint, affidavit or counter-affidavit, etc.) that the case is agrarian in nature or an agrarian dispute and one of the parties is a tenant, lessee, farmer-beneficiary, farmer, or farmworker; or

(b) the case pertains to the implementation of the CARP except those provided under Section 57 of Republic Act No. 6657, as amended."

"When the case is subject of inquest and there is an allegation by any of the parties that the case is agrarian in nature or an agrarian dispute and one of them is a farmer, farmworker or tenant, or involves the implementation of the CARP, the inquest prosecutor shall immediately refer the case to the PARO and release the respondent for further preliminary investigation. The above allegations must be written, made under oath, and the party making such allegations signs the Minutes of the Inquest."

OCA Circular No. 62-2010, on the other hand, directs all courts and judges concerned to "refer all cases before it alleged to involve an agrarian dispute to the DAR".

For easy reference, copies of DOJ Circular No. 40* dated 10 June 2010 and OCA Circular No. 62-2010* shall be attached hereto.

Section 4. To whom Shall Referral Be Made. — If the case to be referred to the DAR by the Prosecutor's Office, MCTC, MTC, MeTC, or RTC is not directly referred to the Provincial Agrarian Reform Office (PARO) of the place where the agricultural land subject of the case is located, the receiving DAR Office shall transmit it to him within twenty-four (24) hours from its receipt of the referral.

Section 5. Issues To Be Determined. — Upon referral, the PARO may only give a ruling as to two issues:

(1) Whether or not the cause of action of the pending case with referring Court or Office of the Public Prosecutor is agrarian in nature, the jurisdiction of which is lodged exclusively with DAR; or

(2) Whether or not a matter within the exclusive jurisdiction of the DAR is a prejudicial question to the issue pending with the referring Court or Office of the Public Prosecutor.

No other issue may be adjudicated or determined by the PARO.

Section 6. Procedures. —

1. Upon receipt of the record of the case, the PARO shall, on the same day, immediately assign the said case to the Chief of the Legal Division of the DAR Provincial Office concerned for the conduct of a summary investigation proceedings for the sole purpose of determining whether or not an agrarian dispute exists or if the case is agrarian in nature. The Chief of the DAR Legal Division concerned may assign the case to a DAR lawyer or legal officer for the purpose of conducting the said summary proceeding or fact-finding investigation.

2. The Chief of the DAR Legal Division, or the DAR lawyer or legal officer assigned shall, within three (3) days from receipt of the case referred from the PARO, personally or in such a manner that will ensure the receipt thereof (e.g., commercial couriers, fax, electronic mail, phone call, etc.), serve upon each party to the case a notice stating therein the hour, date, and place of the proceedings. The summary proceedings shall be held, as far as practicable, in the municipality or barangay where agricultural landholding is located or where the biggest portion of the landholding is located if the land overlaps two (2) or more municipalities or barangays. The parties shall be required to present their witnesses, documentary evidence, or any object evidence to support their respective positions as to the existence of an agrarian dispute on whether the case is agrarian in nature. The Chief of the DAR Legal Division, or the DAR lawyer or legal officer assigned shall require