

**[ DAR ADMINISTRATIVE ORDER NO. 06, S. 2000,  
August 30, 2000 ]**

**RULES OF PROCEDURE FOR AGRARIAN LAW IMPLEMENTATION  
(ALI) CASES**

Pursuant to Sections 49 and 50 of Republic Act (RA) No. 6657, the "Comprehensive Agrarian Reform Law of 1998," and in order to foster a just, inexpensive and expeditious determination of agrarian cases, the following rules governing the adjudication of cases involving agrarian law implementation are hereby promulgated:

**RULE I  
Preliminary Provisions**

**SECTION 1. Title .** — These Rules shall be known as the "Rules of Procedure for Agrarian Law Implementation (ALI) Cases."

**SECTION 2. Cases Covered** — These Rules shall govern cases falling within the exclusive jurisdiction of the DAR Secretary which shall include the following:

- (a) Classification and identification of landholdings for coverage under the Comprehensive Agrarian Reform Program (CARP), including protests or oppositions thereto and petitions for lifting of coverage;
- (b) Identification, qualification or disqualification of potential farmer-beneficiaries;
- (c) Subdivision surveys of lands under CARP;
- (d) Issuance, recall or cancellation of Certificates of Land Transfer (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;
- (e) Exercise of the right of retention by landowner;
- (f) Application for exemption under Section 10 of RA 6657 as implemented by DAR Administrative Order No. 13 (1990);
- (g) Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990) as implemented by DAR Administrative Order No. 6 (1994);

- (h) Application for exemption under DAR Administrative Order No. 9 (1993);
- (i) Application for exemption under Section 1 of RA 7881, as implemented by DAR Administrative Order No. 3 (1995);
- (j) Issuance of certificate of exemption for lands subject of Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes pursuant to DAR Memorandum Circular No. 34 (1997);
- (k) Application for conversion of agricultural lands to residential, commercial, industrial or other non-agricultural uses including protests or oppositions thereto;
- (l) Right of agrarian reform beneficiaries to homelots;
- (m) Disposition of excess area of the farmer-beneficiary's landholdings;
- (n) Transfer, surrender or abandonment by the farmer-beneficiary of his farmholding and its disposition;
- (o) Increase of awarded area by the farmer-beneficiary;
- (p) Conflict of claims in landed estates and settlements; and
- (q) Such other matters not mentioned above but strictly involving the administrative implementation of RA 6657 and other agrarian laws, rules and regulations as determined by the Secretary.

**SECTION 3. Cases Not Covered .** — These Rules shall not apply to cases falling within the exclusive original jurisdiction of the DAR Adjudication Board (DARAB), as provided for under Section 1, Rule II of the DARAB New Rules of Procedure, which shall include the following:

- (a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;
- (b) The valuation of land, and the preliminary determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank of the Philippines (LBP);
- (c) 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 LBP;
- (d) Those cases arising from or connected with membership or representation in compact farms, farmers' cooperative and other registered farmers' associations or organizations related to lands covered by the CARP and other agrarian laws;

(e) Those involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;

(f) Those involving the issuance, correction, and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

(g) Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations (CAR) under Section 12 of P.D. No 946, except Sub-paragraph (q) thereof and P.D. No. 815. It is understood that said cases, complaints or petitions were filed with the DARAB after August 29, 1987; and

(h) Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary.

**SECTION 4. Referral of Cases.** — If a case covered by Section 2 herein is filed before the DARAB, the concerned DARAB official shall refer the case to the proper DAR office for appropriate action within five (5) days after said case is determined to be within the jurisdiction of the Secretary. Likewise, if a case covered by Section 3 herein is filed before any office other than the DARAB, the concerned DAR official shall refer the case to the DARAB for resolution within the same period provided herein.

**SECTION 5. Construction .** — These Rules shall be liberally construed to carry out the objectives of agrarian reform and to promote a just, expeditious and inexpensive determination of agrarian cases. 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 and equity and the merits of the case.

## **RULE II**

### **Jurisdiction Over ALI Cases**

**SECTION 6. Exclusive Original Jurisdiction.** — The Secretary shall have exclusive original jurisdiction over all cases involving agrarian law implementation as enumerated in Section 2 herein. This jurisdiction may, however; be delegated to certain officials of DAR in accordance with existing rules and regulations and/or as provided for in this Order.

**SECTION 7. Jurisdiction Over Protests or petitions for Lifting of Coverage .** — The Regional Director shall exercise primary jurisdiction over protests against CARP coverage or petitions for lifting of notice of coverage.

**SECTION 8. Jurisdiction Over Exemptions or Exclusions .** — (a) The Secretary shall exercise jurisdiction over applications for the issuance of exemption clearance under DAR Administrative Order No. 6, Series of

1994, for lands which have been reclassified to non-agricultural use before the effectivity of RA 6657 on June 15, 1988, with an area of more than five (5) hectares. For lands with an area of five (5) hectares and below, the issuance of such exemption clearance is hereby delegated to the Regional Directors.

(b) Applications for exemption or exclusion under DAR Administrative Order No. 13, Series of 1990, DAR Administrative Order No. 9, Series of 1993, DAR Administrative Order No. 3, Series of 1995 and DAR Memorandum Circular No. 34, Series of 1997 and other pertinent rules and regulations, shall continue to be under the jurisdiction of the concerned DAR officials identified therein, except those involving lands five (5) hectares and below situated within the provinces of Cavite, Laguna, Batangas, Rizal and Quezon (CALABARZON) which are hereby delegated to the concerned Regional Director.

**SECTION 9. Jurisdiction Over Conversions .** — The DAR officials authorized to approve or disapprove applications for conversion of agricultural lands to non-agricultural uses pursuant to Section 22 of DAR Administrative Order No. 1, Series of 1993, "Revised Rules and Regulations on the Conversion of Agricultural Lands to Non-Agricultural Uses," shall exercise jurisdiction over applications for conversion within the scope of their authority granted therein.

**SECTION 10. Jurisdiction Over Other ALI Cases .** — The jurisdiction over ALI cases, other than those identified in Sections 7 to 9 herein, shall generally pertain to the Regional Directors, except those cases specifically delegated to other DAR officials under existing rules and regulations, or those that may subsequently be promulgated by the Secretary.

**SECTION 11. Jurisdiction Over Flashpoint Cases .** — Flashpoint cases involving agrarian law implementation, duly certified as such in accordance with the criteria and procedures provided in DAR Memorandum Circular No. 13, Series of 1997, shall be under the jurisdiction of the DAR official duly designated to decide on such cases in accordance with the particular rules and regulations governing the same. The certification that a case is considered flashpoint shall merely serve to accord utmost priority to the resolution thereof but shall not divest the concerned DAR official of the authority to resolve such cases, unless otherwise specifically directed in the national interest, or the Secretary himself has assumed jurisdiction over the case.

### **RULE III**

#### **Commencement, Investigation And Resolution Of Cases**

**SECTION 12. Commencement of Actions .** — All applications, petitions or complaints involving ALI cases shall be in writing and under oath following the prescribed form, if any, and filed by the affected party or his duly authorized representative before the office designated to receive the same in accordance with applicable rules and regulations. The

documentary evidence required or relevant to the resolution of the action shall be simultaneously filed with the petition or application.

**SECTION 13. Period to File Actions .** — Petitions for lifting of notice of coverage shall be filed within thirty (30) days from receipt of the Notice of Coverage by the affected party. If the affected party cannot be located or refuses to receive the notice, the same shall be effected through publication in a newspaper of national circulation. In the latter case, the thirty (30)-day period shall commence from the date of publication.

Failure by the affected party to file the protest or petition within the thirty (30)-day period shall be deemed a waiver of his right thereto.

If the action is filed after the expiration of the thirty (30)-day period, the protest or petition shall no longer be entertained or shall be summarily dismissed by the MARO or the PARO, except in the following instances:

(a) The protest or petition is based on allegations that the subject landholding is exempted from CARP coverage pursuant to DOJ Opinion No. 44 (1990), as implemented by DAR Administrative Order No. 6, Series of 1994; or

(b) Upon evaluation of the pertinent documents and based on the physical conditions obtaining in the property, it is determined by DAR that the subject landholding is exempted from CARP coverage pursuant to DAR Administrative Order No. 13 (1990), DAR Administrative Order No. 9 (1993), DAR Administrative Order No. 3 (1995) and DAR Memorandum Circular No. 34 (1997) notwithstanding the issuance of the Notice of Coverage.

Protests involving notices of coverage issued prior to the effectivity of this Order may be filed within thirty (30) days thereof, otherwise, the same shall be deemed waived.

Petitions or applications involving other ALI cases shall be filed or commenced within the period prescribed, if any, in their respective governing rules and regulations.

**SECTION 14. Effect of Filing of Application/Protest/Petition .** — The filing of an application, protest or petition involving ALI cases such as exemption, exclusion, conversion, retention or protest against coverage, shall have the following effects in so far as land acquisition and distribution is concerned:

(a) Application/Petition Filed Before Issuance of Notice of Coverage. — If the application or petition is filed before the issuance of the notice of coverage, the notice of coverage shall not be issued until the application or petition is finally resolved.

(b) Application/Petition Filed Where Claimfolder is Pending with DAR. — If the application, protest or petition is filed after issuance of the notice of coverage, the DAR may proceed with