

## **[ DARAB 2003 RULES OF PROCEDURE, January 17, 2003 ]**

Pursuant to the provisions of Section 49 and 50 of Republic Act No. 6657 as amended and Section 34 of Executive Order No. 129-A in relation to Section 13 thereof, the following rules governing the conduct of proceedings before the Department of Agrarian Reform Adjudication Board (DARAB) and its Adjudicators, are hereby adopted and promulgated.

### **RULE I General Provisions**

**SECTION 1. Title.** These Rules shall be known as the Department of Agrarian Reform Adjudication Board (DARAB) 2003 Rules of Procedure.

**SECTION 2. Construction.** These Rules shall be liberally construed to carry out the objectives of the agrarian reform program and to promote just, expeditious and inexpensive adjudication and settlement of agrarian cases, disputes, or controversies.

All references in these Rules to the Members of the Board or the Adjudicators in the masculine (he, him, or his) shall be construed to also mean the feminine form (she, her, or hers).

**SECTION 3. Technical Rules Not Applicable.** The Board and its Regional and Provincial Adjudicators shall not be bound by technical rules of procedure and evidence and shall proceed to hear and decide all agrarian 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.

- 3.1 If and when a case comes up for adjudication wherein there is no applicable provision under these rules, the procedural law and jurisprudence generally applicable to agrarian disputes shall be applied;
- 3.2 In the absence of any applicable procedural law and jurisprudence generally applicable to agrarian disputes and in the interest of expeditious agrarian justice and whenever practicable, the Adjudication Board (Board), and its Regional Agrarian Reform Adjudicators (RARADs) and Provincial Agrarian Reform Adjudicators (PARADs) hereinafter referred to as the Adjudicators, shall have the authority to adopt any appropriate measure or procedure in any given situation or matter not covered by these Rules.

**SECTION 4. Official Seal.** The Board shall design and adopt a seal to be imprinted in all its resolutions, orders, decisions, and other documents as an indication of their official character. The seal of the DARAB shall depict its official function as the dispenser of agrarian justice. It shall be consistent with the basic design and symbolism of the Department of Agrarian Reform (DAR) logo.

**RULE II**  
**Jurisdiction of the Board and its Adjudicators**

**SECTION 1. Primary and Exclusive Original Jurisdiction.** — The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:

- 1.1 The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by Republic Act (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), and other related agrarian laws;
- 1.2 The preliminary administrative determination of reasonable and just compensation of lands acquired under Presidential Decree (PD) No. 27 and the Comprehensive Agrarian Reform Program (CARP);
- 1.3 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);
- 1.4 Those cases involving the ejectment and dispossession of tenants and/or leaseholders;
- 1.5 Those cases involving the sale, alienation, pre-emption, and redemption of agricultural lands under the coverage of the CARL or other agrarian laws;
- 1.6 Those involving the correction, partition, cancellation, secondary and subsequent issuances of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
- 1.7 Those cases involving the review of leasehold rentals;
- 1.8 Those cases involving the collection of amortizations on payments for lands awarded under PD No. 27, as amended, RA No. 3844, as amended, and RA No. 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;
- 1.9 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;
- 1.10 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;
- 1.11 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; and
- 1.12 Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12

of PD No. 946 except those cases falling under the proper courts or other quasi-judicial bodies;

- 1.13 Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

**SECTION 2. Appellate Jurisdiction of the Board.** The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders, and decisions of its Adjudicators.

No order of the Adjudicators on any issue, question, matter, or incident raised before them shall be elevated to the Board until the hearing shall have been terminated and the case decided on the merits.

**SECTION 3. Agrarian Law Implementation Cases.** The Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules and administrative orders, which shall be under the exclusive prerogative of and cognizable by the Office of the Secretary of the DAR in accordance with his issuances, to wit:

- 3.1 Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of CLOAs and EPs, including protests or oppositions thereto and petitions for lifting of such coverage;
- 3.2 Classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries;
- 3.3 Subdivision surveys of land under CARP;
- 3.4 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 EPs or CLOAs not yet registered with the Register of Deeds;
- 3.5 Exercise of the right of retention by the landowner;
- 3.6 Application for exemption from coverage under Section 10 of RA 6657;
- 3.7 Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990);
- 3.8 Exclusion from CARP coverage of agricultural land used for livestock, swine, and poultry raising;
- 3.9 Cases of exemption/exclusion of fish pond and prawn farms from the coverage of CARP pursuant to RA 7881;
- 3.10 Issuance of Certificate of Exemption for land subject of Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes;
- 3.11 Application for conversion of agricultural land to residential, commercial, industrial, or other non agricultural uses and purposes including protests or oppositions thereto;
- 3.12 Determination of the rights of agrarian reform beneficiaries to homelots;
- 3.13 Disposition of excess area of the tenant's/farmer-beneficiary's landholdings;
- 3.14 Increase in area of tillage of a tenant/farmer-beneficiary;
- 3.15 Conflict of claims in landed estates administered by DAR and its

predecessors; or

3.16 Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

**SECTION 4. Role of the RARAD.** The RARAD shall be the Executive Adjudicator in his Region directly responsible to the Board. As such, he shall:

4.1 Exercise direct supervision over the PARAD which shall include, among others, the monitoring of cases in his Region;

4.2 Receive, hear, and adjudicate agrarian disputes and land cases within the Region;

He shall also hear the following cases:

4.2.1 Those cases that cannot be handled by the PARAD on account of inhibition or disqualification;

4.2.2 Those matters of such complexity and sensitivity that the decision thereof would constitute an important precedent affecting regional interest as may be determined by the Board; and 4.2.3 Preliminary determination of just compensation; and 4.2.4 Such other cases which the Board may assign.

4.3 Hear application for the issuance of a writ of preliminary injunction and/or temporary restraining order as may be directed by the Board.

**SECTION 5. Referral to Office of the Secretary (OSEC).** In the event that a case filed before the Adjudicator shall necessitate the determination of a prejudicial issue involving an agrarian law implementation case, the Adjudicator shall suspend the case and, for purposes of expediency, refer the same to the Office of the Secretary or his authorized representative in the locality.

Prejudicial issue is defined as one that arises in a case the resolution of which is a logical antecedent of the issue involved therein, and the jurisdiction over which pertains to the Office of the Secretary.

The prejudicial issue must be determinative of the case before the Board or the Adjudicator but the jurisdiction to try and resolve the question is lodged with the Office of the Secretary.

**SECTION 6. Powers.** The Members of the Board and the Adjudicators are empowered to summon witnesses, administer oaths, take testimony, require submission of reports, compel production of books and documents and answers to interrogatories, and to issue subpoena *duces tecum*, writs of possession, writs of execution, and other writs to enforce its orders and decisions through their Sheriffs or duly deputized officers.

For this purpose, whenever necessary, they shall direct the Philippine National Police, the Armed Forces of the Philippines or any of their component units, or other law enforcement agencies to assist in the enforcement and execution of their decisions, orders, writs, and other processes.

### **RULE III**

#### **Mediation or Conciliation at Barangay Level**

**SECTION 1. BARC Certification.** The Board or its Adjudicators shall not take cognizance of any agrarian case, dispute, or controversy, unless a certification from the Barangay Agrarian Reform Committee (BARC) of the barangay where the land involved is located is presented, to the effect that the dispute has been submitted to it for mediation or conciliation without any success or settlement, except that the said certification is not necessary in the following cases:

- 1.1 preliminary determination of just compensation for land acquisition;
- 1.2 where the issue pertains to whether or not the parcel of land shall be the subject of coverage under the Comprehensive Agrarian Reform Program (CARP);
- 1.3 where the Secretary of the DAR directly refers the matter to the Board or Adjudicator; or
- 1.4 upon certification of the Municipal Agrarian Reform Officer (MARO) and the DAR Technologist of the non-existence of the BARC or the inability of the BARC to convene.

**SECTION 2. Referral to BARC.** If the filing of the complaint or petition is not accompanied by the required BARC Certification the same shall be referred to the BARC or DAR Technologist of the barangay where the land is located, as stated in the complaint, through the MARO of the area, directing:

- 2.1 The BARC to conduct mediation/conciliation proceedings, by requiring the parties to submit their supporting documents and to return the matter to the Adjudicator with a report of the result of the proceedings, together with the complete records submitted before it, within thirty (30) days from receipt of the complaint or petition: or
- 2.2 The DAR Technologist in case of non-existence of the BARC or its inability to convene for that purpose, to refer the matter back to the Adjudicator within five (5) days from receipt thereof with a certification of non-existence or inability of the BARC to convene.

**SECTION 3. Report of Settlement at BARC to Adjudicator.** If the case is referred by the Board or the Adjudicator and the same is settled at the BARC level, the results thereof shall be contained in a report to be submitted to the Board or the Adjudicator who referred the matter, within seven (7) days from the termination of the proceedings before the BARC, which report shall be the basis for the dismissal of the case before the Board or the Adjudicator.

**SECTION 4. Land or Parties in Two (2) Barangays.** Where the land in dispute straddles two or more barangays or the parties involved reside in different barangays, the BARC of the barangay where the larger portion of the property lies, shall have the authority to conduct mediation or conciliation proceedings under these Rules, unless for convenience and accessibility and upon agreement of the parties such proceedings should be held in another barangay within the Municipality or adjacent Municipality where the land in dispute is located.

**SECTION 5. Certification of Non-settlement.** If the BARC is unable to settle the dispute within thirty (30) days, it shall return the case to the Adjudicator of origin with a certification of non-settlement, furnishing a copy thereof to the parties.

**SECTION 6. Special Rules on Mediation and Conciliation.** The mediation and conciliation proceedings at the BARC or the PARO level, as the case may be, shall be