

REPUBLIKA NG PILIPINAS
KAGAWARAN NG REFORMANG PANSAKAHAN
(DEPARTMENT OF AGRARIAN REFORM)
Diliman, Lungsod ng Quezon
D-505

MEMORANDUM CIRCULAR NO. 29
DEPARTMENT OF AGRARIAN REFORM
Series of 1973

TO : Regional Directors
District Officers
Team Leaders
Lawyers and Personnel in the Field

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all Regional Director by Div. copy 12-11-73
12/11/73*

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of city directory
12/1973*

In the implementation of Presidential Decree No. 316, in relation to Presidential Decree No. 27, the following guidelines shall be strictly observed:

I. CASES COVERED BY THE DECREE

1. Those within the exclusive jurisdiction of the Court of Agrarian Relations:

- a. Ejectment cases;
- b. Other cases designed to harass or remove the actual tiller of the land and/or the tenant-farmer.

2. Those within the jurisdiction of the Court of First Instance or City or Municipal Court:

- a. Civil cases which involve question of possession;
- b. Civil cases involving other issues where there is allegation of tenancy relationship or actual cultivation and use of the land appearing in any pleading of the plaintiff or defendant, or in the records of the case.

3. Criminal cases filed with the court, fiscal or other hearing officer:

Criminal cases where it appears from the records of the same that:

- a. There appears to be a tenancy relationship between the contending parties or the controversy arises from agrarian relations; and
- b. The property involved is rice and/or corn land.

II. WHEN REFERRAL SHALL BE MADE

1. With respect to agrarian or civil cases newly filed or pending - at any stage of the proceedings;

2. With respect to agrarian or civil cases submitted for decision or pending-execution - before decision is rendered or before

Bulacan

*Bulacan District + 7 Teams
3 copies for each teams
5 copies for the Dist
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execution of decision where such decision or execution would result in the ejection of the actual tiller or the tenant-farmer in order to determine whether the defendant has become a beneficiary or a recipient of a Land Transfer Certificate pursuant to Presidential Decree No. 27;

3. With respect to criminal cases;

- a. Those pending preliminary investigation - at any stage of the proceedings;
- b. Those filed in courts - before warrant of arrest is issued and
- c. Those pending trial on the merits - at any stage of the proceedings.

III. WHO SHALL MAKE THE REFERRAL

The Court, Fiscal or any other Hearing Officer motu proprio or upon petition by the party concerned, may make the referral.

IV. EFFECTS OF REFERRAL

1. Referral of the case shall suspend the period to file responsive pleading, and the proceedings at any stage.
2. In cases with prayers for the issuance of an injunction or any other restraining order, the court shall suspend the consideration of the same except when such remedy is prayed for by the tenant-farmer to prevent the commission or continuance of acts which might result in his ejection.
3. In the event an injunction or such other restraining order or impounding of harvest has been previously issued, the same shall be lifted immediately.
4. In criminal cases, the service of the warrant of arrest shall be suspended.

5. In case the accused is under detention, he shall be released immediately without bail, except in capital offenses where the evidence of guilt is strong.

V. TO WHOM SHALL REFERRAL BE SUBMITTED

The case shall be forwarded to the Agrarian Reform Team Leader of the area where the property is located or where the crime was allegedly committed, who in turn shall refer the same to the Team Legal Officer. In the absence of such Legal Officer or where he is unable for valid reasons to act as a hearing officer, the Team Leader shall request the District Officer for assignment of any Legal Officer or Trial Attorney to conduct the preliminary determination provided for in the Decree.

The Agrarian Reform Team Leader shall, within 48 hours from receipt of the letter of referral, furnish a copy thereof to the Secretary, Attention: Bureau of Agrarian Legal Assistance.

VI. AUTHORIZED REPRESENTATIVE TO CONDUCT SUMMARY PROCEEDINGS

Trial Attorneys and Legal Officers of the DAR, are hereby authorized to conduct the summary proceedings provided for in the Decree. For this purpose, the hearing officer is hereby authorized to administer oath.

Attorneys of record of the referred case should not be allowed to conduct the said proceedings.

VII. PROCEDURE FOR SUMMARY PROCEEDINGS

Upon receipt by the authorized hearing officer of the referral, he shall immediately send notice to the parties to the case, strictly observing the 3-day notice rule, stating therein the hour, date and place of the summary proceedings. In the same notice, he shall require the parties and their witnesses to submit during the hearing their sworn statements together with their documentary evidence, if any which are pertinent to the issues in the summary proceedings. He shall likewise secure the sworn statement of the Agrarian District Officer, or Agrarian Team Leader, or Agrarian Unit Leader as the case may be. If necessary he may conduct ocular inspection.

In conducting summary proceedings, the hearing officer may be guided by Presidential Decree No. 77.

The hearing officer shall accomplish the summary proceedings not later than fifteen (15) days from receipt of referral of the case, and shall submit to the Regional Director within 48 hours his investigation report and recommendations together with the records of the case, furnishing a copy of such report and recommendation to the Agrarian District Officer.

VIII. ISSUES TO BE DETERMINED IN THE SUMMARY PROCEEDINGS

The following issues shall be resolved:

1. Whether or not one party is the tenant-farmer or actual tiller on the land of the other party;
2. Whether or not the land is planted to rice and/or corn.
3. Whether or not the action involves the ejectment, or is designed to harass or to remove the actual tiller, the tenant-farmer.
4. In criminal cases, in addition to the foregoing whether or not the crime complained of arose out of or is connected with agrarian relations.

In case of positive findings on the foregoing issues, the hearing officer shall recommend that the case is not a proper case for trial; otherwise, the same is triable.

IX. CERTIFICATION

The Regional Director is hereby authorized to issue the certification required under the Decree after reviewing with the assistance of his legal staff the investigation report and recommendation of the hearing officer.

Such certification shall state whether or not the case is proper for trial or hearing, giving reasons therefor.

X. EFFECTS OF CERTIFICATION

1. In case the certification issued is to the effect that the case is a proper case for trial or hearing, the judge or fiscal shall assume jurisdiction over the controversy or dispute;

2. In case the certification issued is to the effect that the case is not a proper case for trial, the court motu-proprio or upon proper application of the party concerned shall:

- a. Suspend the proceedings if the case is pending with the Court of Agrarian Relations.
- b. Dismiss the case if pending before the Court of First Instance, City or Municipal Court for want of jurisdiction where it appears from the certification that there is tenancy relationship between the contending parties and the land involved is planted to rice and corn.
- c. Dismiss the criminal case where it appears from the certification that there is agrarian relationship between the contending parties, that the land involved is planted to rice and corn, and that the criminal complaint is designed to harass or to remove the tenant-farmer or actual tiller. Should the accused be out on bail, the bail should be ordered cancelled.

In the event of suspension, the proceedings shall remain suspended until the rules and regulations implementing Presidential Decree No. 27 shall have been promulgated.

XI. RETURN OF REFERRED CASE

The Regional Director shall immediately return the referral with the required certification to the proper Court or Fiscal or other Hearing Officer.

He shall likewise submit to the Secretary, attention: Bureau of Agrarian Legal Assistance, his report within three (3) days from return of the referred case.

XII. CASES DECIDED OR SUBMITTED FOR DECISION

In the event that the decision rendered or to be rendered would result in the ejectment of the actual tiller, the tenant-farmer, the same shall not be executed or promulgated, pursuant to Sections 1 and 3 of the Decree.

XIII. MAINTENANCE OF STATUS QUO

In any event, efforts shall be exerted to secure the assistance and cooperation of all government officials pursuant to Presidential Decree No. 2 to help preserve the status quo in the relation between actual tillers, the tenant-farmers, and landowners so as to maintain the peace and order conditions in the rural areas.

XIV. EFFECTIVITY

This Memorandum-Circular shall take effect immediately.

DONE at Diliman, Quezon City, this 6th day of December, 1973.

(SGD.) CONRADO F. ESTRELLA
Secretary

RECORDS UNIT:
12/10/73/wes