



ADMINISTRATIVE ORDER NO. 03
Series of 2017

Subject: 2017 RULES FOR AGRARIAN LAW IMPLEMENTATION (ALI) CASES

Pursuant to Sections 49 and 50 of Republic Act (RA) No. 6657, or the "Comprehensive Agrarian Reform Law of 1988" (CARL), as amended, and in order to foster a just, inexpensive, and expeditious determination of agrarian cases, the following are the Department of Agrarian Reform (DAR) rules governing the adjudication of cases involving Agrarian Law Implementation (ALI), amending DAR AO 3, Series of 2003:

RULE I

Preliminary Provisions

Section 1. Title. These Rules shall be known as the "*2017 Rules of Procedure for ALI Cases*".

Section 2. ALI Cases. These Rules shall govern all cases arising from or involving:

- 2.1 Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs), including protests or oppositions thereto and petitions for lifting of such coverage;
- 2.2 Classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries;
- 2.3 Subdivision surveys of land under Comprehensive Agrarian Reform Program (CARP);
- 2.4 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 Emancipation Patents (EPs) or Certificates of Land Ownership Award (CLOAs) not yet registered with the Register of Deeds;
- 2.5 Exercise of the right of retention by landowner;

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- 2.6 Application for exemption from coverage under Section 10 of RA 6657, as amended;
- 2.7 Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990);
- 2.8 Exclusion from CARP coverage of agricultural land used for livestock, swine, and poultry raising;
- 2.9 Cases of exemption/exclusion of fishpond and prawn farms from the coverage of CARP pursuant to RA 7881;
- 2.10 Issuance of Certificate of Exemption for land subject of Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes;
- 2.11 Application for conversion of agricultural land to residential, commercial, industrial, or other non agricultural uses and purposes including protests or oppositions thereto;
- 2.12 Determination of the rights of agrarian reform beneficiaries to homelots;
- 2.13 Disposition of excess area of the tenant's/farmer-beneficiary's landholdings;
- 2.14 Increase in area of tillage of a tenant/farmer-beneficiary;
- 2.15 Conflict of claims in landed estates administered by DAR and its predecessors;
- 2.16 Cases or disputes, arising from the need for continued possession and installation of agrarian reform beneficiaries;
- 2.17 Cases or disputes, arising from or regarding the maintenance of possession or reinstatement of actual tillers not bound by any tenurial relations on landholdings devoted to agriculture;
- 2.18 In cases with resolutions, orders or decisions which have attained finality or have been executed, the DAR in the exercise of its adjudicatory powers in the resolution of cases involving ALI is not barred from taking cognizance of new controversies arising from changes in the conditions of the subject landholdings or parties; and
- 2.19 Such other agrarian cases, disputes, matters or concerns referred by the Secretary to the Regional Director, other DAR Officials, or in other cases where the Secretary assumes jurisdiction.

Section 3. Construction. In accordance with Section 50 of RA 6657, as amended, 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, equity, and the merits of the case. In case of doubt, the deciding authority shall liberally construe or interpret these Rules in favor of carrying out the objectives of agrarian reform, to promote a just, expeditious, and inexpensive determination of agrarian cases. All references in these Rules in the masculine gender form (he/him/his) shall equally apply to the feminine gender form (she/her/hers) or group form (it/its/their).

Section 4. *Prejudicial Issue.* When an ALI case raises a prejudicial issue, such issue being a DARAB case, the Secretary/Regional Director shall dismiss without prejudice the case pending resolution of the prejudicial question.

A prejudicial issue is defined as that which arises in an ALI case the resolution of which is a logical antecedent of the issue involved therein, and the cognizance of which pertains to the DARAB.

Section 5. *Referral of Cases.* When a party erroneously files a case under Section 2 hereof before the DARAB, the receiving official shall refer the case to the proper DAR office for appropriate action within five (5) working days after determination that said case is within the jurisdiction of the Secretary. Likewise, when a party erroneously files a DARAB case before any office other than the DARAB or its adjudicators, the receiving official shall, within five (5) working days, refer the case to the DARAB or its adjudicators.

RULE II

Jurisdiction over ALI Cases

Section 6. *General Jurisdiction.* The Regional Director shall exercise primary jurisdiction over all agrarian law implementation cases except when a separate special rule vests primary jurisdiction in a different DAR office.

Section 7. *Jurisdiction over Protests or Petitions to Lift Coverage.* The Regional Director shall exercise primary jurisdiction over protests against CARP coverage or petitions to lift notice of coverage. If the ground for the protest or petition to lift CARP coverage is exemption or exclusion of the subject land from CARP coverage, the Regional Director shall either resolve the same if he has jurisdiction, or refer the matter to the Secretary if jurisdiction over the case belongs to the latter.

Section 8. *Jurisdiction over Land Use Conversions and Exemptions/Exclusions from CARP Coverage.* Separate special rules governing applications for land use conversion and exemption/exclusion from

CARP coverage shall delineate the jurisdiction of the recommending and approving authorities thereunder.

Section 9. Appellate Jurisdiction. The Secretary shall exercise appellate jurisdiction over all ALI cases, and may delegate the resolution of appeals to any Undersecretary.

Section 10. Jurisdiction over Flashpoint Cases. Any certification declaring a case as "flashpoint" in accordance with the criteria and procedure in DAR Memorandum Circular (MC) No. 13 [1997] shall not divest any authority from the DAR official for resolving the case. A flashpoint certification merely serves to accord utmost priority to the resolution of the case subject thereof.

RULE III

Procedure

Section 11. Applicability. The procedures herein shall generally apply to all ALI cases except for specific situations such as applications for land use conversion and exemption/exclusion from CARP coverage which shall be governed by the special procedures therefor.

Section 12. Commencement of an Action.

12.1 *Without or prior to issuance of notice of CARP coverage* — When the land in question has never been the subject of a notice of coverage, an ALI case involving said land shall commence upon filing of the initiatory pleading or application before the Regional Director or Provincial Agrarian Reform Program Officer (PARPO).

12.1.1 *Commencement at the DAR Regional Office (DARRO)* — The DARRO shall docket the case and transmit the case folder to the PARPO within five (5) working days from filing, with notice to all parties. Upon receipt, the PARPO shall, within five (5) working days and with notice to all parties, transmit the case folder to the MARO who shall conduct the necessary mediation/conciliation proceedings.

12.1.2 *Commencement at the DAR Provincial Office (DARPO)* — The PARPO shall docket the case and submit a case brief to the Regional Director within five (5) working days, with notice to all parties. Within the same five (5) working-day period and with notice to all parties, the PARPO shall transmit the case folder to the MARPO who shall conduct the necessary mediation/conciliation proceedings.

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12.2 *After issuance of notice of coverage* — Commencement shall be at the DAR Municipal Office (DARMO). When the applicant/petitioner commences the case at any other DAR office, the receiving office shall transmit the case folder to the DARMO or proper DAR office in accordance with the pertinent order and/or circular governing the subject matter. Only the real-party-in-interest may file a protest/opposition or petition to lift CARP coverage and may only do so within sixty (60) calendar days from receipt of the notice of coverage; a protesting party who receives the notice of coverage by newspaper publication shall file his protest / opposition / petition within sixty (60) calendar days from publication date; failure to file the same within the period shall merit outright dismissal of the case.

Section 13. Disclosure Statement. The petitioner shall disclose and certify under oath, in the petition or its integral annex, that:

- (a) He is a party-in-interest or properly authorized by a party-in-interest;
- (b) He has not commenced and/or is aware of any action or proceeding involving the same land, or a portion thereof, or issue in any court, tribunal, or quasi-judicial agency; and to the best of his knowledge, no such action or proceeding is pending in any court, tribunal, or quasi-judicial agency;
- (c) If there is any action or proceeding which is either pending or may have been terminated, he shall state the status thereof; and
- (d) If he thereafter learns that a similar action or proceeding has been filed or is pending before any court, tribunal, or quasi-judicial agency, he undertakes to report within five (5) days therefrom to the DAR office where the case for cancellation is pending.

The failure to file the notarized disclosure statement, and/or the commission of acts constituting forum shopping shall be a ground for dismissal of the cancellation case without prejudice.

Pursuant to AO 5, 2011, the Oath shall be administered by the Regional Director or the PARPO.

Section 14. Pauper Litigant. A party who is a farmer, agricultural lessee, share tenant, farm worker, actual tiller, occupant, collective or cooperative of the foregoing beneficiaries, or amortizing owner-cultivator, shall allege such fact in a sworn statement and shall thereafter benefit from the privileges for pauper litigants without need of further proof. He shall continue to enjoy such privileges in all levels of the proceedings until finality of the case.

Section 15. Intervention. No intervention shall be given due course unless the intervenor shows proof that he has a substantial right or interest in the case

which he cannot adequately protect in another case. This notwithstanding, potential farmer beneficiaries have a substantial right, interest, and legal personality to intervene. No intervenor shall, however, be allowed to file any motion to postpone/extend/reset or any pleading which may in any way delay the case which he seeks to intervene in.

Section 16. Procedure.

- 16.1 Commencement. Except for applications for land use conversion and exemption/exclusion from CARP coverage which shall follow separate special rules, an ALI case shall commence with the filing of the proper application or initiatory pleading at the DARMO / DARPO / DARRO. In all instances, the MARO shall notify all tenants, leaseholders, farmworkers, and occupants of the subject land of the initiation of the case. Proof of notice to all the persons above-mentioned shall form part of the records of the case.
- 16.2 After notifying all parties, the MARO and Barangay Agrarian Reform Committee (BARC) shall exert exhaustive efforts at mediation and conciliation to persuade the parties to arrive at an amicable settlement or compromise.
- 16.3 The issue of whether or not the land is subject to coverage under PD 27 or RA 6657 shall not be the subject of compromise.
- 16.4 If mediation/conciliation fails, the MARO shall, within five (5) working days from termination thereof, transmit the case folder to the PARO with a written report explaining the reasons for the mediation/conciliation's failure, furnishing all the parties with a copy of the written report.
- 16.5 Investigation. The PARO, or any Investigating Officer or Committee which he or the Regional Director may designate, shall conduct investigations and perform whatever is necessary to achieve a just, expeditious, and inexpensive disposition of the case.
- 16.6 Record of proceedings. The proceedings shall be recorded by a stenographer. In the absence of an available stenographer, the Investigating Officer shall make a written summary of the proceedings, including the substance of the evidence presented which shall be attested to by the parties or their counsel and shall form part of the records of the case. Should any party or counsel refuse to sign, the reason for such refusal shall be noted therein.
- 16.7 Ocular Inspection.



16.7.1 After giving all parties reasonable notice of the ocular inspection schedule, ocular inspection shall proceed with or without the presence of any party who refuses to cooperate.

16.7.2 The ocular inspection team shall prepare an initial report which all attending parties and BARC representatives shall sign. If anyone refuses to sign, the ocular inspection team shall indicate the reason for such refusal in the initial report.

16.8 Position paper. The investigating officer shall require the parties to simultaneously submit their respective position papers within 10 days from receipt of the Order attaching thereto the draft decision together with a soft copy (in CD or USB) written in any popular word-processing program, furnishing a copy thereof to all parties.

16.9 Decision. Pursuant to Section 51 of RA 6657, which provides that "any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution", the appropriate authority shall promulgate its decision within thirty (30) days from receipt of the Investigating Officer's recommendation.

Section 17. Power to Summon Witnesses and Compel Submission of Documentary Evidence. The PARO and the RD shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, and compel production of books and documents.

Section 18. Cease And Desist Order. In cases where any party may suffer grave or irreparable damage, or where the doing or continuance of certain acts will render the case moot and academic, or where there is a need to maintain peace and order and prevent injury or loss of life or property, the Secretary (or whoever the Secretary may designate) may, *motu proprio* or at the instance of any party, issue a Cease and Desist Order (CDO) to prevent grave and irreparable damage while awaiting resolution of the case. The Regional Director may exercise the same authority for matters that are strictly within the confines of his territorial jurisdiction. In this regard, the issuing authority may request the assistance of law enforcement agencies to implement the CDO.

Section 19. Power to Cite Direct and Indirect Contempts. The Secretary or the Regional Director has the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court in accordance with Section 17 of EO 229 and Section 50 of RA 6657 as amended by RA 9700. Any party who fails to comply with the summons, orders or other issuances pursuant to Sections 19 and 20 of this AO shall be cited in contempt by the Secretary or the Regional Director.

Section 20. Prohibition Against Restraining Order or Preliminary Injunction.



20.1 Pursuant to Section 55 of RA 6657, as amended by RA 9700, except for the Supreme Court, no Court shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Presidential Agrarian Reform Council (PARC) or any of its duly authorized or designated agencies, or the DAR, in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of RA 6657 and other pertinent laws on agrarian reform. Likewise, pursuant to Section 68 of RA 6657, no injunction, restraining order, prohibition or mandamus shall be issued by the lower courts against the DAR, Department of Agriculture, the Department of Environment and Natural Resources, and the Department of Justice in their implementation of the Program.

Section 21. *Furnishing a Copy of the Decision.* The deciding authority shall furnish a copy of the decision, not only to the parties' counsel/s or representative/s, but also directly to the parties themselves as well as to the PARO, MARO, BARC, and all other DAR officials who took part in the case or who may take part in its execution or implementation.

Section 22. *Motion for Reconsideration* — A party may file only one (1) motion for reconsideration of the decision of the Regional Director, and may do so only within a non-extendible period of fifteen (15) calendar days from receipt of the decision, furnishing a copy of the motion to all other parties. The filing of the motion interrupts the running of the reglementary period within which to appeal. The Regional Director shall rule on the motion within thirty (30) days from its filing date.

22.1 If the motion for reconsideration is denied, the movant may perfect an appeal before the Secretary within a non-extendible period of fifteen (15) days from receipt of the resolution.

22.2 If the motion for reconsideration is granted, resulting in the reversal of the original decision, the losing party may perfect an appeal before the Secretary within a non-extendible period of fifteen (15) days from receipt of the new decision.

Section 23. *Motion for Reconsideration of the Decision or Order of the Secretary* — In cases where the Secretary exercises exclusive original jurisdiction, a party may file only one (1) motion for reconsideration of the decision of the Secretary, and may do so only within a non-extendible period of fifteen (15) calendar days from receipt of the decision, furnishing a copy of the motion to all other parties. The filing of the motion interrupts the running of the reglementary period within which to appeal.



23.1 If the motion for reconsideration is denied, the movant may perfect an appeal before the Secretary within a non-extendible period of fifteen (15) days from receipt of the resolution.

23.2 If the motion for reconsideration is granted, resulting in the reversal of the original decision, the losing party may perfect an appeal before the Office of the President within a non-extendible period of fifteen (15) days from receipt of the new decision.

RULE IV

Appeals to the Secretary

Section 24. Grounds. Appeal shall be given due course on the decision of the Regional Director on the following grounds:

24.1 Serious errors in the findings of fact or conclusion of law which may cause grave and irreparable damage or injury to the appellant; or

24.2 Coercion, fraud, or clear graft and corruption in the issuance of a decision.

Section 25. Caption. The caption of all appeals, in addition to the standard lines indicating the hierarchy of authority (first line: "Republic of the Philippines"; second line: "Department of Agrarian Reform"; third line: "Office of the Secretary"), shall likewise specifically address appeals to the "Bureau of Agrarian Legal Assistance" or "BALA", and refer to the appealing party as the "appellant" and the adverse party the "appellee". The BALA shall assign a new docket number to each appeal which shall appear above the old docket number (enclosing the old docket number inside a parenthesis).

Section 26. When to Appeal. Appeals may be taken within fifteen (15) days from receipt of the adverse decision pursuant to Section 51 of RA 6657, as amended, which provides that "any order or ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof".

Section 27. How to File the Appeal. Appeals from the decision of the Regional Director shall be filed in the same regional office which issued the adverse decision, a notice of appeal with proof of payment of the requisite appeal fee. Official cashiers of any DAR office may receive payment of the requisite appeal fee. The RD shall issue an Order if the appeal is perfected within five (5) days from the receipt of the said Notice of Appeal. Non-perfection of the appeal within the reglementary period merits dismissal of the appeal.

Section 28. Appeal Pleadings. The appellant shall submit an appeal brief with the BALA within ten (10) days from perfection of the appeal, furnishing a copy thereof to the adverse party and the Regional Director. The appellee may submit

a comment (not a motion to dismiss) within ten (10) days from receipt of the appeal brief, furnishing a copy thereof to the appellant and the Regional Director. If necessary, the BALA Director may conduct a clarificatory hearing. Ten (10) days after the termination of the said hearing thereof, the BALA Director may order the parties to simultaneously file their respective appeal memorandum.

Section 29. Record Transmittal. Upon receipt of the notice of appeal, the DARRO of origin shall arrange each document therein in chronological order according to date of receipt (the first-received document in the first page, so on and so forth, until the last-received document in the last page); inscribe a page number (by hand or with a paginating device) on each page and every page; and thereafter the responsible officer at the DARRO shall affix his initials on each and every page. When for special reasons a particular document in the records requires that it be free from any form of marking, the pagination and affixing of initials shall be made only upon photocopies thereof; the originals shall be in separate envelopes while photocopies thereof shall form part of the main rollo folder. The DARRO shall prepare a table of contents, which shall be ahead of the first page of the records, and attach a photocopy of the appeal fee receipt in front of the table of contents. Within ten (10) days from perfection of the appeal, the DARRO shall transmit the records and all its accompanying envelopes to the BALA. To enforce compliance with this Section, the BALA Director may, after due investigation, recommend disciplinary action against the erring DARRO official, including the Regional Director when necessary.

Section 30. Appeal Withdrawal. An appeal may be withdrawn by filing with the BALA a motion to withdraw appeal at any time prior to the promulgation of the appellate decision, except when the withdrawal is prejudicial to public interest. The withdrawal may take effect only after the Secretary issues an order approving the motion to withdraw.

RULE V

Appeals from the Secretary

Section 31. Motion for Reconsideration. A party may file only one (1) motion for reconsideration of the decision of the Secretary or deciding authority, and may do so only within a non-extendible period of fifteen (15) days from receipt of the Secretary's decision, furnishing a copy of the motion to all other parties. The filing of the motion interrupts the running of the reglementary period within which to appeal. Upon receipt of the resolution on the motion for reconsideration, the losing party may elevate the matter to the Office of the President (OP).

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Section 32. Appeal. Appeals from the decision of the Secretary may be taken to the OP within fifteen (15) days from receipt thereof. The filing of an appeal within the proper period does not stay execution of the subject decision.

RULE VI

Finality and Execution

Section 33. Finality. Orders/decisions/resolutions shall become final and executory after all parties have received an official copy thereof; after the lapse of fifteen (15) days from the date of receipt by the last recipient of an official copy thereof; and there is no motion for reconsideration nor appeal therefrom.

Section 34. Execution. Execution shall issue automatically as a matter of course upon finality of the case. The Regional Director shall issue the necessary certificate of finality within five (5) days from date of finality of a case. For cases appealed to the Secretary that attained finality thereat, the BALA Director shall issue the necessary certificate of finality within five (5) days from the date of finality. Upon completion of the certificate of finality, the Regional Director or deciding authority may, upon motion or *motu proprio*, issue a writ of execution ordering the MARO or appropriate DAR official to enforce the final order/decision/resolution. For this purpose, the MARO or appropriate DAR official may seek assistance from law enforcement agencies.

RULE VII

Transitory Provision

Section 35. Transitory. The provisions of this AO shall be applicable to all cases filed on or after its effectivity.

RULE VIII

Final Provisions

Section 36. Suspension of Rules. The DAR Secretary may suspend the application of these Rules in order to serve and protect the interest of justice.

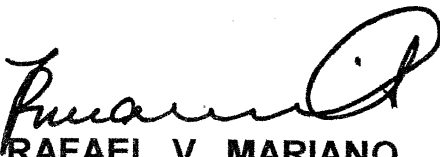
Section 37. Access to Case Records. Subject to the provisions of DAR Memorandum Circular No. 7, Series of 2011, as amended by MC No. 2, Series of 2016, the records of a case are public documents.

Section 38. Repealing Clause. This Order modifies or repeals DAR-AO-3-2003 and all other issuances or portions thereof that are inconsistent herewith.

Section 39. Separability Clause. Any judicial pronouncement declaring as unconstitutional any provision of this Order shall not affect the validity of the other provisions herein.

Section 40. Effectivity Clause. This Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation, pursuant to Section 49 of RA 6657, as amended.

Diliman, Quezon City, MAY 22 2017.


RAFAEL V. MARIANO
Secretary

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of General Circulation

1. The Manila Times
2. Malaya Business Insight

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Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Defend and Assert the Rights of Farmers

CERTIFICATION

This is to certify that Administrative Order No. 03, Series of 2017 entitled “**2017 RULES FOR AGRARIAN LAW IMPLEMENTAION (ALI) CASES**” was published today, 26 May 2017 in The Manila Times and Malaya Business Insight newspapers.

Issued this 26th day of May 2017 for whatever purpose it may serve.


SYLVIA F. MALLARI
FASPO Undersecretary and
Concurrent OIC-Director for
Public Assistance and Media
Relations Service