



Republic of the Philippines  
**DEPARTMENT of AGRARIAN REFORM**

DAR ADMINISTRATIVE ORDER NO. 04  
SERIES OF 2009

**SUBJECT: RULES AND REGULATIONS IMPLEMENTING  
SECTION 19 OF R.A. NO. 9700 (JURISDICTION ON  
AND REFERRAL OF AGRARIAN DISPUTE)**

**SECTION 1. Prefatory Statement** - Section 19 of Republic Act No. 9700 provides, quote:

“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 prosecutor’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 interests 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 standing and interest in a case filed before such courts and quasi-judicial bodies.”

Pursuant to the Supreme Court Ruling in *DAR vs. Roberto Cuenca, et al.*, G.R. No. 154112, September 23, 2004, “*All controversies on the*

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*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.”*

The DAR shall have exclusive jurisdiction on agrarian disputes. Agrarian dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements.

**SECTION 2. Cases Covered** - This guideline shall apply to cases filed before the Prosecutor's Office, the Municipal Circuit Trial Court, Municipal Trial Court, Metropolitan Trial Court and the Regional Trial Court (MCTC, MTC, MeTC and RTC), whether it be criminal or civil in nature, by landowners/lessors or their representatives against a tenant/lessee/farmer-beneficiary/farmer/farm-worker and/or cases that may arise out of or in connection with an agrarian dispute except those cases provided for under Section 57 of Republic Act No. 6657.

**SECTION 3. When Automatic Referral Shall Be Made** - Referral to DAR shall be made when:

- a) there is an allegation in the pleadings from any of the parties that the case is agrarian in nature or involves an agrarian dispute and one of the parties is a tenant, lessee, farmer-beneficiary, farmer, or farmworker; or
- b) the case arises out of or is in connection with an agrarian dispute.

**SECTION 4. Who Shall Make the Referral** - When the complaint or information is filed before the Office of the Prosecutor or before the court, the case shall be referred to the DAR by:

1. the concerned judge or fiscal *motu proprio*; or
2. upon motion by the party concerned.

**SECTION 5. To Whom Shall Referral Be Made** - Referral shall be made to the Provincial Agrarian Reform Office (PARO) concerned to determine whether an agrarian dispute exists.

Upon receipt of the records of the case, the PARO shall immediately assign the referred case to the Chief Legal Division for the conduct of summary proceedings or preliminary/fact-finding investigation.

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**SECTION 6. Effects of the Referral** - The court or the Prosecutor's office shall not take cognizance of the case until such time that the DAR makes a certification that an agrarian dispute does not exist.

Pending issuance of the required certification, parties to the case shall observe status quo ante.

**SECTION 7. Procedures** -

1. DAR Lawyers are hereby authorized to conduct summary proceedings or preliminary/fact-finding investigation. For this purpose, the hearing officer is hereby authorized to issue subpoena and administer oath to determine the existence of an agrarian dispute.
2. Upon receipt by the authorized hearing officer of the referral, he/she shall, within three (3) days, serve notice to the parties personally or through registered mail, stating therein the hour, date and place of the proceedings. The venue of the proceeding shall be in the province where the agricultural property involved is located. In the same notice, he shall require the parties and their witnesses to submit during the proceeding their sworn statements together with their documentary evidences, if any.
3. The hearing officer shall, as far as practicable, submit to the PARO his/her findings and recommendations together with the records of the case within ten (10) days from receipt of the referred case.
4. To preclude conflict of interest, in no case should a defense counsel of the farmer-beneficiary be assigned as hearing officer.

Moreover, to prevent appearance of bias, a hearing officer should not handle a case involving a relative within the fourth degree by consanguinity or affinity.

**SECTION 8. Issues to be Determined** - The hearing officer shall determine whether one of the following exists:

1. tenancy/actual tiller
2. agricultural land
3. involves ejectment, harassment/removal of tiller
4. the crime complained of arose out of or in connected with an agrarian dispute

Positive findings (of the above-enumerated issues) – the legal officer shall recommend that the referred case is not proper for trial.

**SECTION 9. Certification** - The PARO shall issue the certification within 48 hours from receipt of the findings and recommendations of the hearing officer. Such certification, to be accompanied by pertinent documentation,

shall state whether or not the referred case involves an agrarian dispute, giving reasons therefor, as follows:

a) Where the case is not proper for trial

- *This is to certify that after preliminary determination of the relationship between the parties pursuant to Section 19 of R.A. No. 9700 amending R.A. No. 6657, the case involves an agrarian dispute, thus, it is not proper for trial*

b) Where the case is proper for trial

- Certification to the effect that an agrarian dispute does not exist

**SECTION 10. Effects of Certification -**

1. If PROPER FOR TRIAL, the judge or prosecutor shall assume jurisdiction over the controversy or dispute.
2. If NOT PROPER FOR TRIAL, the prosecutor or court, upon receipt thereof, shall *motu proprio*, or upon proper application of the party concerned, dismiss the case.

**SECTION 11. Return of Referred Case -** The PARO shall immediately return the complete records of the case together with the DAR certification and pertinent documentation to the Court of origin or Office of the Public Prosecutor for further proceedings as the Court or Prosecutor may deem proper.

**SECTION 12. Repealing Clause -** All orders, circulars, rules and regulations inconsistent herewith are hereby revoked, amended or modified accordingly.

**SECTION 13. Effectivity -** This Administrative Order shall take effect on July 1, 2009 and shall be published in at least two (2) national newspapers of general circulation pursuant to Section 31 of R.A. No. 9700.

Done at Diliman, Quezon City, this 15 day of October 2009.



**NASSER C. PANGANDAMAN**

Secretary

Published in two (2) National Newspapers  
of general Circulations:  
1. Philippine Daily Inquirer  
2. Manila Standard Today

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**CERTIFICATION**

This is to certify that Administrative Order No. 4, Series of 2009 entitled **“RULES AND REGULATIONS IMPLEMENTING SECTION 19 OF R.A. NO. 9700 (JURISDICTION ON AND REFERRAL OF AGRARIAN DISPUTE)”** is published today, Wednesday, 21 October 2009 at Philippine Daily Inquirer and Manila Standard Today newspapers.

Issued this 21st day of October 2009 for whatever purpose it may serve.

  
**HUGO D. YONZON III**  
Public Affairs Staff Director