



Administrative Order No. 09
Series of 1994

Subject: **Authorizing All Regional Directors (RDs) to Hear and Decide All Protests Involving Coverage Under R.A. No. 6657 Or P.D. No. 27 and Defining the Appeal Process From the RDs to the Secretary**

I. RATIONALE

In line with the administration's vision to complete land distribution within ten (10) years from the effectivity of the CARL and in order to resolve the factors contributing to the delay in the coverage of lands under the program, the authority to hear and decide all protests involving coverage under R.A. No. 6657 or P.D. No. 27 is hereby devolved to all Regional Directors (RDs). The authority of the RDs to decide protests against coverage under P.D. No. 27 pursuant to the Memorandum Circular No. 5, Series of 1987 is hereby affirmed.

The appeal process from the decisions of the RDs to the Secretary is also hereby defined, pursuant to Book VII of the Administrative Code of 1987.

II. DEFINITION

Protests against coverage under CARP or under P.D. No. 27 occur when the landowner files a written objection to the initial activities undertaken by the DAR to bring a certain property under the agrarian reform program, such as the issuance of Notice of Coverage, Notice of Acquisition and the like. Protests may be based on exemptions, exclusions, retention and other grounds provided by law.

Protests shall also include those lodged in writing by farmers who believe they have a priority right over those who have been previously identified by the Municipal Agrarian Reform Officer (MARO) as the beneficiaries of the land distribution program.

III. PROCEDURE

- A. All protests under this Order shall be filed with the MARO or the Provincial Agrarian Reform Officer (PARO) that is currently processing the claim folder.
- B. Once a written protest is filed, the MARO or PARO shall comment on said protest and submit the same to the RD who shall rule on the same.

- C. In case any of the parties disagree with the RD's decision/resolution, the affected party may file a written motion for reconsideration within fifteen (15) days from receipt of the order. The filing of the motion for reconsideration shall stop the running of the period to appeal.

Thereafter, the RD shall rule on the motion for reconsideration and in the event that the motion is denied, the adverse party has the right to appeal within the remainder of the period to appeal, reckoned from the receipt of the resolution of denial. If the decision is reversed on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal within which to perfect an appeal. Upon the expiration of the period to appeal therefrom, if no appeal has been duly perfected, the RD shall order execution.

D. GROUND FOR APPEAL

Any person who is aggrieved by the decision of the RD may, within fifteen (15) days after the receipt of the decision, file a written appeal to the DAR Secretary on the following grounds:

1. there is a grave abuse of discretion on the part of the RD;
2. the order or decision is obtained through fraud, coercion or graft and corruption; or
3. errors in the findings of facts or conclusions of laws were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.

E. REQUISITES FOR THE APPEAL

1. The appeal shall be in the form of a Memorandum filed with the RD and may contain a draft of the decision which the appellant desires the Secretary to issue in his/her behalf.
2. The appeal shall be filed within the reglamentary period (15 days after the receipt of the order or decision).
3. An appeal fee of Five Hundred Pesos (P500.00) shall be charged the appellant to be paid to the Cashier of the Regional Office. Exempted from the appeal fee are pauper litigants.

F. TRANSMISSION OF THE RECORDS OF THE CASE

The complete record of the case which should contain notices, orders or decisions, minutes of the hearings conducted, shall immediately be

transmitted to the Bureau of Agrarian Legal Assistance (BALA) after compliance of the above requisites.

The RD may, if he/she so desires, submit his/her comments on the appeal.

G. WITHDRAWAL OF APPEAL

An appeal may be withdrawn at any time prior to the promulgation of the resolution, order or decision except when public interest is prejudiced. Upon approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been made.

H. PERIOD TO DECIDE A CASE

The Secretary shall render his decision on the case within thirty (30) days after receipt of the appeal.

I. MOTION FOR RECONSIDERATION

Only one motion for reconsideration shall be filed. If a motion for reconsideration is denied, the movant shall have the right to perfect his appeal during the remainder of the period for appeal, reckoned from the receipt of the resolution of denial. If the decision is reversed on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal within which to perfect his appeal.

IV. REPEALING CLAUSE

Such portions of Memorandum Circular No. 5-87 and other previous issuances inconsistent herewith are hereby modified or repealed accordingly.

V. EFFECTIVITY

This Order takes effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of R.A. No. 6657.

Diliman, Quezon City, 30 August 1994.


ERNESTO D. GARILAO
Secretary

Published in Two (2) Newspapers
of general circulation:

1. THE PHILIPPINE STAR
2. PHILIPPINE DAILY INQUIRER

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