



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7051 TO 39

MEMORANDUM CIRCULAR NO. 04
SERIES OF 2016

SUBJECT: PROCEDURES AND REQUIREMENTS FOR ISSUANCE OF CERTIFICATES OF FINALITY FOR ALL, LAND USE, AND CANCELLATION CASE DECISIONS OF THE DAR SECRETARY AND REGIONAL DIRECTORS

Section 1. Coverage. – This Circular shall govern the issuance of Certificates of Finality of the decision of the Secretary or the Regional Directors in Agrarian Law Implementation, Land Use, and, in case only of the Secretary, Cancellation of Titles issued pursuant to an Agrarian Reform Program cases.

The DAR shall have no authority to certify the finality of decisions issued by other tribunals, such as the Office of the President, the Court of Appeals, and the Supreme Court, among others, even if such decision emanated from a previous decision of this Department.

Section 2. Authority to Issue Certificates. – Certifications of Finality shall be issued by the following officials:

- i. The Bureau of Agrarian Legal Assistance (BALA) Director IV, in case of decisions of the Secretary
- ii. The Attorney V of the Regional Office Legal Division, in case of decisions of its Regional Director

Such officials may issue the said Certificates *motu proprio* or upon proper Motion of or written request by:

- i. a party to the case; or
- ii. any unit of the DAR

Section 3. Opposing Party to be Furnished Request. – In case of requests for Certificate of Finality by a party to the case, the opposing party must be furnished by the requesting party a copy of the Motion or written request.

Section 4. Required Documents, With Respect to Decisions of the Secretary. – No Certificate of Finality shall be issued by the BALA Director unless all of the following documents are submitted/obtained and made part of the case records:

- (1) In case of a Motion or written request by a party to the case:
 - (i) an affidavit stating that based on his/her personal knowledge, no Motion for Reconsideration or Appeal on the decision has been filed;
 - (ii) the proof of receipt of the copy of the Motion or written request; and

- (iii) a P15.00 valued Documentary Stamp Tax stamp
- (2) Certification issued by the Office of the President (OP) that no Appeal or action was filed by any person on the said decision; **and**
- (3) Certification issued by the Court of Appeals¹ (CA) that no Appeal or action was filed by any person on the said decision.

Provided, That the Certifications under items number (2) and (3) herein required must be issued **no earlier than:**

In case of Certificates from the OP:
(the number of days required by the rules of the OP to Appeal)² + 37 days

In case of Certificates from the CA: 52 days

from receipt by the party (a member of the party, in case there are several persons) to the case who last received a copy of the decision, based on verifiable proofs of receipt such as, but not limited to, the registry return card.

Section 5. Required Documents, With Respect to Decisions of the Regional Director. – No Certificate of Finality shall be issued by the Attorney V of the Regional Office Legal Division unless **all** of the following documents are submitted/obtained and made part of the case records:

- (1) In case of a Motion or written request by a party to the case:
 - (i) an affidavit stating that based on his/her personal knowledge, no Motion for Reconsideration or Appeal on the decision has been filed;
 - (ii) the proof of receipt of the copy of the Motion or written request; and
 - (iii) a P15.00 valued Documentary Stamp Tax stamp
- (2) A Certification issued by the BALA Director that no Appeal or action was filed by any person on the said decision issued **no earlier than** 36 days from receipt by the party (a member of the party, in case there are several persons) to the case who last received a copy of the decision, based on verifiable proofs of receipt such as, but not limited to, the registry return card.

Section 6. Basis of Issuance. – In issuing the Certificate, the pertinent official must ensure that all the documents required under Section 4 or 5 hereof, whichever shall apply, are present, and that no other actions on the decision that may affect its finality (such as, but not limited to, a Motion for Reconsideration) are pending before the DAR.

Section 7. Period to Issue Certificate. – The BALA Director or Attorney V must issue the Certificate of Finality, if the provisions under Section 6 hereof so merits with respect to the

¹ Note, however, that the proper remedy for an aggrieved party from a DARCO Order is to file a Motion for Reconsideration or an Appeal with the Office of the President pursuant to the pertinent rules. Nevertheless, this is being required to cover possible filing of Appeal with the CA.

² As of the date of effectivity of this Circular, the pertinent Rules are embodied in the Office of the President Administrative Order No. 22, Series of 2011, which imposed a 15 day reglementary period to file an Appeal.

particular request, within five working days from receipt of both the Motion or written request and **all** the required documents under Section 4 or 5 hereof. In case there are required documents missing, the Motion or written request shall not be accepted (returned immediately).

However, if the Motion or written request with missing documents is inadvertently accepted, or pursuant to Section 6 hereof the request must be denied (example, there is still a pending case within the DAR), the pertinent official shall, within five working days, issue a written notice to the requesting party that the pertinent Office is denying the Motion/written request and state therein the reason why.

A P15.00 valued Documentary Stamp Tax stamp shall be affixed on the Certification.

Section 8. Misrepresentation of the requesting party. – Misrepresentation on the part of the requesting party with respect to the required documents under Sections 4 and 5 hereof shall render the Certificate of Finality null and void. Such fact shall be stated in the Certificate of Finality.

Section 9. Original Copy and Certified True Copies. – The original copy of the Certificate of Finality shall be kept in the case records while certified true copies thereof shall be furnished to all the parties to the case (not just the requesting party).

Section 10. Posting of this Circular in the BALA/Legal Division. – The BALA and Regional Office Legal Divisions shall post within their premises and in the Public Assistance and Information Center a notice stating the requirements for, and process flow of, these procedures within twenty days from the effectivity of this Circular.

The ARCDS shall post the same notice in the DAR website within the same period.

Section 11. Repealing Clause. – All orders, circulars, rules and regulations, and issuances or portions thereof that are inconsistent herewith are hereby repealed.

Section 12. Separability Clause. – Any judicial pronouncement declaring as unconstitutional any provision of these procedures shall have no effect on the validity of the other provisions not affected thereby.

Section 13. Effectivity Clause. – This Circular shall take effect immediately.

MAY 25 2016, Quezon City, Philippines.


VIRGILIO R. DE LOS REYES
Secretary

Department of Agrarian Reform
Office of the Secretary



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