



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ELLIPTICAL ROAD, DILIMAN, QUEZON CITY TELS. 928-70-31 TO 39

DAR Memorandum Circular

No. 06
Series of 2004

TO : The Undersecretary for Field Operations
The Undersecretary of Policy Planning and Legal Affairs
Regional Directors
Provincial Agrarian Reform Officers
Municipal Agrarian Reform Officers
All concerned

**SUBJECT: CLARIFICATORY GUIDELINES ON THE EFFECT OF
INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS
ISSUED BY THE REGULAR COURTS ON ACQUISITION AND
DISTRIBUTION OF LANDS UNDER THE COMPREHENSIVE
AGRARIAN REFORM PROGRAM (CARP)**

The availment of injunctions and temporary restraining orders (TROs) before the regular courts has been unduly utilized as a strategy to obstruct, impede, delay or otherwise render ineffective the implementation of the Comprehensive Agrarian Reform Program to the detriment of the target farmer beneficiaries. The following clarificatory guidelines are hereby promulgated for all concerned DAR officials and employees:

1. The issuance of TROs and injunctions on agrarian disputes is contrary to the policy enunciated in Sec. 55 of R.A. No. 6657 which states that:

"Sec. 55. No Restraining Order or Preliminary Injunction. No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform."

2. Even the Supreme Court, through its Administrative Circular No. 29-2002 ("Avoidance of Conflict of Jurisdiction over cases under the Comprehensive Agrarian Reform Law of 1988 [RA No. 6657]"), has noted the increasing number of complaints on matters of jurisdiction over agrarian disputes. In that circular, the court has reminded the concerned



"Tulong-tulong sa pagsulong"



trial judges of the need for careful and judicious application of R.A. No. 6657 in order to avoid any conflict of jurisdiction with the Department of Agrarian Reform and the Department of Environment and Natural Resources. The Supreme Court stated therein that "[c]onflict in jurisdiction must be avoided to prevent delay in the resolution of agrarian problems" and that "[i]n appropriate cases before it, the court concerned must not tolerate the same."

3. In view thereof, all concerned DAR officials and employees should continue with the acquisition and distribution process despite the threat of, or actual issuance of temporary restraining orders or injunctions issued by the regular courts in order to obstruct, impede, delay or otherwise render ineffective the said process.

Strict compliance is hereby enjoined.

Done in Diliman, Quezon City, 03 March 2004.



JOSE MARI B. PONCE
OIC Secretary