



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

MEMORANDUM CIRCULAR

No. **15**
Series of 2004.

TO : ALL CONCERNED DAR OFFICIALS AND EMPLOYEES

SUBJECT : REAFFIRMING THE VITAL ROLE OF FARMER-
PARALEGALS IN FACILITATING THE DELIVERY OF
AGRARIAN JUSTICE AND PROVIDING FOR THE CREATION
OF AGRARIAN JUSTICE PARALEGAL SUPPORT FUND

The Department of Agrarian Reform (DAR) is aware of lack of lawyers providing farmers with legal advice and assistance when confronted with legal problems arising from the implementation of the Comprehensive Agrarian Reform Law and actual cases involving Agrarian Law Implementation (ALI) or Agrarian Disputes. On the part of DAR, it does not have sufficient lawyers at the Central Office and even in the field to attend to the legal needs of the farmers. As a result, farmers including those who have initially succeeded in resolving their tenurial security issues are still suffering from tenurial uncertainty. These realities need to be seriously addressed in order to sustain the gains of the agrarian reform program.

Paragraph 4, Section 50, Chapter XII of the Comprehensive Agrarian Reform Law (RA 6657), expressly provides that:

“Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers or their organizations in any proceedings before the DAR; Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.”

The foregoing provision is reiterated under Sec. 1, Rule VIII, 2003 DARAB RULES OF PROCEDURE.

The legal needs of farmers, however, are not limited to facing actual cases. They include proper orientation on their legal rights and knowledge on the laws and processes involve in all aspects of agrarian reform implementation as well as availability of options for just but faster and nonlitigious resolution of their cases. DAR believes that support to farmer-paralegals can be an effective mechanism to respond to the legal needs of farmers.

For purposes of this circular, farmer-paralegals are responsible farmer leaders equipped with knowledge and skills on relevant laws and rules on agrarian reform implementation who work to defend the legal rights of their fellow farmers.

The development of committed farmer-paralegals can help in facilitating better delivery of agrarian justice. These paralegals can be instrumental in ensuring that the potential and actual farmer beneficiaries are informed of their rights and provided with legal options in strategizing for their legal problems.

In view of the foregoing and pursuant to Sec. 49 of R.A. No. 6657, the following policy guidelines recognizing the vital role of farmer-paralegals and strengthening their role in the delivery of agrarian justice, as well as providing adequate fund therefor are hereby issued:

1. *Reaffirmation of the right of farmer-paralegals to appear or represent their fellow farmers.* The recognition of right of farmer-paralegals to appear or represent their fellow farmers in pushing for the resolution of legal issues as well as cases such as Agrarian Law Implementation (ALI) cases under the Department of Agrarian Reform and agrarian disputes falling under the jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB) is hereby reaffirmed. All concerned DAR officials and employees are hereby strongly enjoined to implement this policy.
2. *Setting up of farmer-paralegal desks in field offices.* The DAR Municipal Office, DAR Provincial Office, and the DAR Regional Office shall set up farmer-paralegal desks that will support farmer paralegals in working for the resolution of their agrarian problems.

The farmer-paralegal desk shall be supported by the legal unit/division with necessary logistics such as space, materials, and communication facilities. It shall be the duty of the legal officer to conduct regular strategizing or legal clinics with the farmer paralegals. Any farmer requesting for legal assistance shall be informed of the presence and availability of farmer-paralegal manning the desk.

Aside from utilizing the desk for their respective Peoples' Organizations' (POs) legal and advocacy issues on agrarian reform, farmer paralegals may also assist any farmer with legal problems but without the financial resource to consult or hire private lawyers. The attending farmer-paralegal may provide legal options or conduct strategizing and tactics sessions with the farmers regardless of the presence or absence of the legal officer in the said unit or division. In this case, his/her principal role, is to orient the concerned farmers with their rights and options available to them considering the particular problems raised. Accredited farmer-POs shall be allowed to use the desks subject to their consensual agreement.

3. *Agrarian Justice Paralegal Support Fund.* An Agrarian Justice Paralegal Support Fund is hereby created to assist the farmer paralegals in some of their operations. The fund shall be utilized for the following:



- a. Logistics support for the operations of farmer paralegal desks in field offices;
- b. Assistance in documentation and research of agrarian implementation issues and cases and other paralegal activities including strategizing and tactics session, handling of cases, and mobilizations referred to farmer paralegal desks;
- c. Assistance in documentation and research of agrarian implementation issues and cases and other paralegal activities including strategizing and tactics session, handling of cases, and mobilizations being endorsed by the accredited farmer POs to the members of farmer paralegal desks; and,
- d. Other paralegal activities related to resolution of implementation issues and ALI and DARAB cases subject to the limitations provided above.

PROVIDED that the fund shall not in any way be utilized as legal fees for lawyers or as honoraria for any farmer-paralegal or for capacity-building or trainings which shall be the counterpart of the POs and civil society organizations. PROVIDED FURTHER that access to funds by farmer POs for paralegal activities shall be supported by a brief proposal and subject to a counterpart of at least five (5) percent of the total cost of proposal.

The Guidelines Drafting Committee is hereby directed to operationalize the creation of the Agrarian Justice Paralegal Support Fund and the accreditation process for the people's organizations with paralegal programs.

4. *Active involvement in drafting of policy recommendations.* Considering the legal implication of DAR policies in agrarian implementation, farmer-paralegals coming from people's organizations shall be invited and consulted by the Provincial Agrarian Reform Coordinating Committees at the local level and the Guidelines and Drafting Committee at the DAR central office during the deliberations of policy recommendations pertaining to ALI and DARAB cases.
5. *Paralegal Development Program.* The Department shall continue to promote the development of paralegals among farmer organizations, through the continuation and strengthening of existing training programs and other similar endeavors.

For strict compliance.

Diliman, Quezon City, August 6 2004.


JOSE MARI B. PONCE
OIC-Secretary