

29
JOINT DAR-DILG-DND CIRCULAR No. 05
10 June 2002

SUBJECT: Law Enforcement of Agrarian Reform Laws and Programs

Whereas, under the *Constitution* of the Philippines, specifically Article XIII, Section 4 thereof, "the State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof".

Whereas, under Executive Order (EO) 292 (25 July 1987), known as the *Administrative Code*, specifically Book IV, Title XI, Chapter 1, Section 2 thereof, the DAR "shall provide central direction and coordination to the national agrarian reform program extended to transform farm lessees and farm tenants into owner-cultivators of economic family-size farms to improve their living conditions".

Whereas, under *Administrative Code*, specifically Book IV, Title XI, Chapter I, Section 3 (16) thereof, the Department of Agrarian Reform (DAR) shall "integrate and synchronize program implementation of the Land Bank of the Philippines and other relevant civilian, military, government and private entities involved and mandated to support the agrarian reform program through Inter-Agency Committees and Agrarian Reform Coordinating Councils".

Whereas, under Republic Act (RA) 6657 (15 June 1988), known as *Comprehensive Agrarian Reform Law* (CARL), specifically Section 69 thereof, "the Presidential Agrarian Reform Council (PARC), in the exercise of its functions, is hereby authorized to call upon the assistance and support of other government agencies, bureaus and offices, including government-owned and controlled corporations".

Whereas, under the 03 May 1995 Memorandum of Agreement (MOA) between the DAR and Department of Interior and Local Government (DILG) and Philippine National Police (PNP), "the DAR and DILG are mutually desirous and committed to institutionalizing the existing full support to, and cooperate with, one another for the successful implementation of the Comprehensive Agrarian Reform Program" (CARP).

Whereas, CARP implementation likewise requires the assistance of the DND-AFP.

Now therefore, we, the DAR and DILG-PNP and DND-AFP, pursuant to the mandates of our respective offices, do hereby *SUPPLEMENT* the 03 May 1995 MOA between the DAR and DILG and PNP with the issuance of this Joint Memorandum Circular.



1. The DAR shall:

- 1.1. Provide the DILG-PNP and DND-AFP with sufficient information about the CARP and agrarian reform laws.
- 1.2. Deputize DND-AFP units in specific areas in order that it can assist DAR and the DILG-PNP in the implementation of the CARL and other related laws.
- 1.3. Provide the DILG-PNP and DND-AFP with sufficient information about the organizational structure and linkages of the DAR, indicating the names and positions of key officials whom the DILG-PNP and DND-AFP may coordinate with on CARP matters.
- 1.4. Provide the DILG-PNP and DND-AFP in advance with plans relative to implementation of the CARP whenever implementation of a plan requires specific assistance from the DILG-PNP and/or DND-AFP.
- 1.5. Provide the DILG-PNP and DND-AFP with the list and description of properties scheduled for CARP acquisition.
- 1.6. Provide the DILG-PNP and DND-AFP with the list and description of properties which the CARP shall subject to leasehold arrangements.
- 1.7. Immediately notify in writing the DILG-PNP and DND-AFP of the activities which need the physical presence of law enforcement agents;
- 1.8. Institute a system of regular consultation between the DAR Regional Directors and the regional/area level commanders of the PNP and AFP, and the DAR Provincial Agrarian Reform Officer (PARO) and the provincial/field level commanders of the PNP and AFP.
- 1.9. Provide assistance to PNP/AFP personnel in case of injury and/or death while in the performance of DAR-connected activities and functions.
- 1.10. Reimburse the fuel, oil, lubricants and other expenses incurred or to be incurred on each AOG (Aircraft on Ground) support case not later than five (5) working days after receipt of AFP bill for payment. DAR shall likewise reimburse the fuel and actual expenses of its aborted mission due to force majeure or should the aircraft be diverted elsewhere for safety reasons.
- 1.11. Provide meals, lodging accommodations and transportation to and from the billeting area, to AFP personnel who shall be deployed to render support/assistance to DAR.
- 1.12. DAR shall hold the DND-AFP harmless for any injury or death caused while on board DND-AFP vehicles as well as injuries and/or death



caused to 3rd parties while DND-AFP vehicles are being utilized to support and assist DAR.

- 1.13 Payments made under this Agreement are purely for the reimbursement of actual operating cost of AFP and not for profit, thus, are not subject to usual taxes and obligations of commercial transactions. AFP hereby undertakes to hold harmless DAR, its directors, officers, employees or agents from and against claims for taxes, fees and other charges imposed on payments made by DAR to AFP hereunder.
 - 1.14 Damage to equipments utilized to support/assist DAR shall be defrayed by DAR at such cost as shall be jointly determined by the AFP and DAR.
 - 1.15 AFP equipment dedicated primarily to perform DAR mission shall be adequately covered with insurance for equipment damages and collateral damages to persons and properties.
2. The DILG-PNP shall:
- 2.1 Provide the DAR with sufficient information about the extent of, and limitations to, the authority of the DILG-PNP.
 - 2.2 Provide the DAR with sufficient information about the organizational structure and linkages of the DILG-PNP, indicating the names and positions of key officials whom the DAR may coordinate with on matters involving the law enforcement aspect of CARP.
 - 2.3 Provide the DAR on a regular basis with information about the peace and order situation, and possible police or military operation, that may adversely affect the CARP.
 - 2.4 Upon written request by the DAR, provide security forces to DAR personnel whenever performance of their official function subjects them to peril.
 - 2.5 Upon written request by the DAR, assist DAR personnel in the exercise of administrative power to gain entry into landholdings for the purpose of conducting field investigation relative to CARP implementation.
 - 2.6 Upon written request by the DAR, allow DAR personnel to ride in transport vehicles, and/or temporarily use the communication facilities, of the DILG-PNP to gain access into areas that are not accessible by ordinary vehicles, with the condition that the DAR shall be solely



liable for all expenses attributable to the temporary use of said transportation or communication facilities.

- 2.7 Upon written request by the DAR, arrest and detain persons cited for direct or indirect contempt by the DAR Secretary, DAR Adjudication Board (DARAB), Regional Agrarian Reform Adjudicator (RARAD), or Provincial Agrarian Reform Adjudicator (PARAD).
- 2.8 Upon written request by the DAR, assist its Sheriff in enforcing its orders/decisions/resolutions.
- 2.9 Upon written request by the DAR, cooperate in prosecuting violators of agrarian laws.
- 2.10 Desist from intervening in any agrarian dispute without prior consent from the DAR Secretary or DARAB or any of its Adjudicators.
- 2.11 Authorize consultations on a regular basis between the DAR Regional Directors and the regional commander of the PNP, the DAR provincial Agrarian Reform Officer (PARO) and the provincial commanders of the PNP, and the DAR Municipal Agrarian Reform Officer (MARO) and his/her counterparts in the PNP.

3. The DND-AFP shall:

- 3.1 Provide the DAR with sufficient information about the extent of, and limitations to, the authority of the DND-AFP.
- 3.2. Provide the DAR with sufficient information about the organizational structure and linkages of the DND-AFP, indicating the names and positions of key officials whom the DAR may coordinate with on matters involving the implementation of CARP.
- 3.3. Provide the DAR with significant information about the peace and order situation.
- 3.4. Upon written request by the DAR, provide additional security assistance to DAR personnel whenever performance of their official function subjects them to peril.
- 3.5. Upon written request by the DAR, assist DAR personnel when AFP assistance is needed, in the exercise of administrative power to gain entry into landholdings for the purpose of conducting ocular inspection, field investigation, surveying and other related activities relative to CARP implementation.
- 3.6. Upon written request by the DAR, allow DAR personnel to utilize transport and communication equipments, of the DND-AFP, in order



that DAR personnel may gain access into areas that are not accessible by ordinary vehicles, with the condition that the DAR shall be solely liable for all expenses attributable to the temporary use of said transportation or communication facilities.

- 3.7. Upon written request by the DAR, when AFP assistance is needed arrest and detain persons cited for direct or indirect contempt by the DAR Secretary, DAR Adjudication Board (DARAB), Regional Agrarian Reform Adjudicator (RARAD), or Provincial Agrarian Reform Adjudicator (PARAD).
- 3.8. Upon written request by the DAR, when AFP assistance is needed assist its Sheriff in enforcing the CARL and other related laws.
- 3.9. Upon written request by the DAR, cooperate in enforcing agrarian reform laws.
- 3.10. Desist from intervening in any agrarian dispute without prior consent from the DAR Secretary or DARAB or any of its Adjudicators.
- 3.11. Authorize consultations on a regular basis between the DAR Regional Directors and the Area commanders of the AFP, the DAR Provincial Agrarian Reform Officer (PARO) and the Field/Battalion commanders of the AFP, and the DAR Municipal Agrarian Reform Officer (MARO) and his/her counterparts in the AFP.
4. This Joint Memorandum Circular adopts the Rules of Procedure of the DARAB for the execution of its orders / decisions / resolutions:
5. Whenever the DAR requests for assistance from the DILG-PNP and/or DND-AFP, the lines and hierarchy of responsibilities shall be as follows:

| Level | DAR | DILG | DND |
|-------------------|-------------------|-----------------------|--------------------------|
| Region | Director or RARAD | PNP Regional Office | AFP Area Command |
| Province | PARO or PARAD | PNP Provincial Office | AFP Field/Battalion Unit |
| Municipality/City | MARO | PNP Station Office | AFP Company Unit |

6. Plan for Cooperative Action - The DAR, DILG-PNP and the DND-AFP shall prepare their respective plan which will serve as the guide in the performance of their respective tasks and functions under this circular.

Each party shall, as soon as possible, furnish the other parties a copy of its plan for cooperative action.

7. Board of Consultation and Cooperation - There shall be formed at each province a Board of Consultation and Cooperation.

The DAR, DILG-PNP and DND-AFP shall each assign as many representatives to the Board as it may deem necessary in order to represent all branches of services within their respective organization.

The body shall serve as the forum for the exchange of information, the venue to thresh out differences, and the vehicle for mutual cooperation for the attainment and fulfillment of their respective functions.

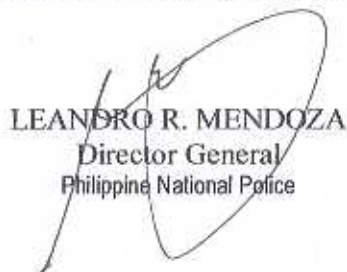
This Joint Memorandum Circular shall take effect immediately.



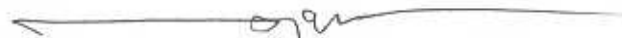
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