



Republic of the Philippines

DEPARTMENT of AGRARIAN REFORM

ELLIPTICAL ROAD, DILIMAN, QUEZON CITY TELS. 997-031 TO 39

DAR Memorandum Circular No. **10**^{SE}
Series of 1997

TO : ALL REGIONAL DIRECTORS, CHIEF REGIONAL/PROVINCIAL
LAWYERS, PROVINCIAL AGRARIAN REFORM OFFICERS,
MUNICIPAL AGRARIAN REFORM OFFICERS AND ALL
CONCERNED

SUBJECT : Guidelines on the Rendition of Legal Opinions

It has been observed that several requests for legal opinions are tossed to DARCO by our field officials like the MAROs, PAROs and even the RDs. In order to streamline the procedures regarding the rendition of legal opinions emanating from DAR Field Offices, the following guidelines are hereby prescribed:

- I. The Chief Regional Lawyers may render opinion on the following:
 - a) Legal opinions in connection with actual cases falling within the jurisdiction of the Regional Director which opinion will serve as recommendation/guide for the RD in resolving said cases.
 - b) Opinions to guide the RD in making his recommendation in those cases not falling within his jurisdiction but requiring his recommendation.
 - c) Reply to queries raised by private individuals and/or other field officials:
 - i) where the applicable law or DAR guidelines are clear and no further interpretation is called for; and
 - ii) where the requested interpretation is based on existing administrative issuances whether promulgated by DAR and other concerned offices and agencies.

For opinions falling under letters (a) and (b) above, it shall be internal to the Office concerned and the matters treated therein should not be divulged to the parties.



"Tulong-tulong sa pagsulong

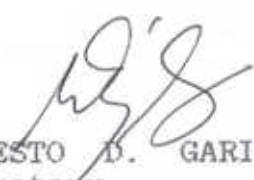


Field lawyers shall draft replies to simple queries for the signature of the Chief, Legal Division of the Regional/Provincial Offices.

- II. The following queries/requests for legal opinion in general (not in connection with actual case) shall be elevated to the DAR Secretary/Undersecretary for Legal Affairs:
- i. where there is no guideline as yet issued on a particular provision of RA 6657 or other related agrarian reform law;
 - ii. where there is no precedent involving the query being raised;
 - iii. where it involves policy making/issuance; and
 - iv. where it involves other matters not enumerated above.

Please be guided accordingly.

Diliman, Quezon City MARCH 13, 1997


ERNESTO D. GARILAO
Secretary