



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM
ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

Memorandum Circular No. 13
Series of 1997

SUBJECT : *PROVIDING MECHANISM FOR THE RESOLUTION OF FLASHPOINT CASES*

A. RATIONALE

WHEREAS, Under section 12 of Executive Order No. 129-A, the Special Concerns Staff has been tasked to be responsible for the handling of priority areas/subjects identified by the Secretary that necessitate special and immediate attention;

WHEREAS, Department Special Order No. 284, series of 1994, constituted a nationwide structure on Quick Response Operations with the Special Concerns Staff as the lead coordinating office;

WHEREAS, Quick Response Operations system is designed to address more efficiently the needs of the Department's clientele in terms of resolving agrarian conflicts adequately and expeditiously;

WHEREAS, a mechanism within the Special Concerns Staff has to be established to ensure prompt resolution of flashpoint cases thus paving the way for smooth implementation of the CARP.

ACCORDINGLY, The Office of the Special Concerns Staff is hereby authorized to resolve certified flashpoint cases under the following processual guidelines:

B. APPLICABILITY:

This Circular applies only to flashpoint cases as determined or certified as such by the Secretary or the Head Executive Assistant (HEA), that fall within the jurisdiction of the Regional Director or Director of the BALA, as the case maybe, and shall cover all agrarian law implementation cases (i.e. coverage issue, identification of beneficiaries, exclusion, exemption etc.) excepting cases falling under



"Tulong-tulong sa pagsulong"



the jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB).

C. DEFINITION OF TERMS:

1. Flashpoint cases shall refer to:
 - 1.1 Those cases that threaten to disrupt the status quo in a particular area and endanger life and limb as a result of the use of force from either the landowners' side or farmer-beneficiaries' side or other parties as certified by the Secretary or the HEA;
 - 1.2 Those cases which are the subject of massive pickets or which may immediately result in a concerted mass actions either in the DARCO or in the field offices or at the site of the conflict as certified by the Secretary or the HEA; and
 - 1.3 Other cases of such nature that the Secretary may assign for immediate resolution.

D. PROCEDURE:

1. Upon proper evaluation and verification of the existence of a valid ground, or as the situation warrants, the Secretary or the HEA may issue a certification attesting that a case is a flashpoint case.
2. Once a case has been certified as a flashpoint case, the SCS Director shall issue an Order directing the Head of Office - Unit concerned where the case is pending to transmit the entire case records, together with his comments or recommendation, to the Office of the SCS Director within 48 hours from notice of the directive.
3. Upon receipt of the case records, and within twenty four (24) hours, the SCS Director shall issue a directive to all the parties concerned to:
 - 3.1 Submit their respective position papers, affidavits of witnesses and such other documentary evidences within ten (10) days from the notice of the Order; and



- 3.2 Attend the conduct of clarificatory hearing, dialogue/ conciliation/mediation, or ocular inspection, as maybe warranted, on the date, time and place specified, which should be scheduled within the ten (10) day period from receipt by the SCS Director of the case records.
4. The failure of any party to respond to the foregoing directives shall be construed as a waiver and will not bar the SCS Director from ruling on the case based upon the records/evidence available at hand adduced.
5. Thereafter, and within five (5) working days from the conclusion of the investigation/review/evaluation, the SCS Director shall thence rule on the case or submit his recommendation for the resolution of the case.
 - 5.1. With regard to cases on appeal which are pending evaluation at the BALA, the SCS Director, within the like period of five (5) working days from receipt of the case records, shall submit his recommendation, together with the proposed resolution, to the Assistant Secretary for Policy, Planning and Legal Affairs Office (PPLAO).
6. Any party who disagrees with the SCS Director's resolution may file a notice of appeal, together with the appeal memorandum with the same office within fifteen (15) days from receipt of the resolution, copy furnished the other party. Any Motion for Reconsideration or Reinvestigation filed shall be treated as an appeal.
 - 6.1 The SCS Director shall notify the non-appealing party of the appeal and to submit to the Office of the Assistant Secretary for PPLAO a counter Memorandum within seven (7) days from notice.
7. Should no appeal or reconsideration be interposed within the fifteen (15) day reglementary period, the SCS Director shall forthwith transmit the entire case records to the BALA Director who shall issue the Certificate of finality and implementation of the resolution.
8. Once the appeal or request for reconsideration is duly received, the SCS Director shall elevate the entire case records on appeal within twenty four (24) hours to the Office of the Secretary, thru the Office of the Assistant Secretary for PPLAO.

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9. Upon receipt of the case records on appeal, the Office of the Assistant Secretary for PPLAO shall, within five (5) working days after the lapse of reglementary period under item 5.1., forward the records, together with the evaluation on appeal made and proposed resolution, to the Office of the Secretary.

10. The Secretary shall have five (5) working days to decide on the appeal. The decision rendered by the Secretary shall be immediately executory notwithstanding any duly perfected appeal therefrom made.

E. REPEALING CLAUSE:

This Circular amends or supersedes all prior issuances inconsistent herewith.

F. EFFECTIVITY:

This Circular takes effect immediately.

Done this 3/17 day of MARCH 1997. Diliman,
Quezon City.


ERNESTO D. GARILAO
Secretary