



Ministry Administrative Order No. _____
Series of 1984

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R. D. ...
12-12-84

Subject: Revised Rules And Procedures
governing investigation of
cases referred by courts or
fiscals to MAR for certification

Pursuant to the provisions of Presidential Decrees Nos. 316, 946 and 1038, the court or any other tribunal, fiscal or other officer of competent jurisdiction shall not take cognizance of any ejectment case or any other case designed to harass or remove a tenant-tiller, of an agricultural land primarily devoted to rice or corn or other crops without the case being first referred to the Minister of Agrarian Reform for certification that it is a proper case for trial or hearing by such court or any other tribunal, fiscal or other officer of competent jurisdiction. The Regional Directors who have been authorized by the Minister of Agrarian Reform to issue the certification on cases within their respective regional jurisdictions shall issue the proper certification after a preliminary determination of the relationship between the contending parties has been made.

If after the investigation the Regional Director finds the case to be an ejectment or a case designed to harass or remove a tenant-tiller, he shall certify as a case not proper for trial or hearing. Otherwise, it must be certified as proper for trial in which case the court, or any other tribunal, fiscal or other officer of competent jurisdiction shall assume jurisdiction over the case or controversy.

1. Scope of the Rules: - These Revised Rules and Procedures shall apply to all ejectment cases and other cases designed to harass or remove a tenant or cases involving question of possession of tenant-tillers or where it appears in the pleadings or records that one of the parties is a tenant-tiller or is claiming to have a tenancy relation with the other. This includes criminal cases arising from agrarian relation or controversy involving entry and/or product of the land tilled by the party.

2. When referral is made: - The court or judge or any other tribunal, fiscal or other officer of competent jurisdiction shall, upon receipt of any petition or complaint involving a case falling under these rules, motu proprio or upon motion, refers such case to the Minister of Agrarian Reform or to his authorized representative in the region for certification. The complete records of the case shall be forwarded to the Minister or his representative in accordance with paragraph 4 hereof, together with the order of referral duly issued by the court, or any other tribunal, fiscal or other officer of competent jurisdiction.

3. Effect of referral: - Referral of the case to the Minister of Agrarian Reform shall have the effect of suspending the period to file responsive pleadings and the proceedings at any stage. The court or any other tribunal, fiscal or other officer of competent jurisdiction shall not issue injunction or restraining order or direct the impounding of harvest unless prayed for by the tenant-tiller; that no warrant of arrest shall be issued or served against a tenant-tiller until after the case shall

have been certified as proper for trial and the records returned to the court for proper disposition. If the accused is under detention, he shall be released immediately without bail, except in capital offenses where the evidence of guilt is strong.

4. Transmittal of records to Team Leader: -

Cases subject of referral and certification shall be forwarded by the Court or any tribunal, fiscal or other officer having jurisdiction to the Agrarian Reform District Officer or Team Leader of the area where the property is located. The District Officer or Team Leader shall immediately refer the case to the Team Legal Officer. In the absence of a Team Legal Officer, or if he is unable to act on the referral for valid reason, the District Officer shall assign a lawyer in the district to conduct the investigation.

The District Officer or Team Leader shall within 48 hours from receipt of the order of referral furnish the Minister a copy thereof thru the Director of the Bureau of Agrarian Legal Assistance.

5. Lawyers authorized to conduct investigation: -

Legal Officers and Trial Attorneys of the Ministry are hereby authorized to conduct summary investigation provided for in Presidential Decrees Nos. 316, 946 and 1038 and in these revised Rules and Procedures. For this purpose, lawyers assigned to handle referral investigations under these Rules are hereby authorized to administer oaths.

6. Procedure: summary investigation: - Upon receipt of the records of the referral case, the lawyer assigned shall immediately notify the complainant

and the defendant by sending notices in writing requiring them to appear and submit at an indicated date, time and place which shall not be more than ten (10) days from receipt of the notice, their sworn statements or affidavits and that of their witnesses and other supporting documents. If it appears from the records transmitted by the court or any tribunal, fiscal or other officer with competent jurisdiction that the defendant has not yet received a copy of the complaint, a copy thereof together with the sworn statement and other documents submitted shall be attached to the notice and serve upon the defendant. On the basis of the affidavits submitted, the investigating officer shall call the parties and their witnesses and profound clarificatory questions during which both parties are afforded the opportunity to be present but without the right to examine or cross-examine.

7. Issues to be determined: - The investigating officer shall endeavor to clearly ascertain: 1) whether or not one of the parties-litigant is a tenant-tiller on the land owned, administered or held by the other party; 2) the principal crop of the land; 3) whether or not the case is ejectment, or is designed to harass or remove a tenant-tiller; and 4) whether or not the criminal act complained of arose out of agrarian relation or is connected with the entry, possession or product of the land cultivated by the accused.

The Investigating officer shall accomplish the investigation and submit a report of findings and recommendations to the Regional Director all within thirty (30) days from his receipt of the referral case from the District Officer or the Team Leader.

8. Certification: - The Regional Director with the assistance of the Legal Staff shall review the records of the case and issue the appropriate certification. If the case is found to be an ejectment, or is designed to harass or remove a tenant-tiller, the same shall be certified as a case not proper for trial, otherwise the same shall be certified as proper for trial.

9. Motion for reconsideration; appeal: - Within fifteen (15) days from receipt of the certification, a party may file a motion for reconsideration with the Regional Director who shall treat it as an appeal therefrom to the Minister. The motion, together with the records of the case as well as the records of the investigation proceedings, shall, within five (5) days from receipt of the motion, be forwarded to the Minister through the Director of the Bureau of Agrarian Legal Assistance for resolution. Also within the period of fifteen (15) days from receipt of the resolution/order of the Minister, a party may file a motion for reconsideration of such resolution or order stating the reasons/grounds relied upon. Only one motion for reconsideration shall be allowed a party.

The resolution may be appealed to the Office of the President within thirty (30) days from receipt of the resolution and that such appeal is filed in accordance with existing rules and regulations regarding appeals of administrative decisions.

10. Effect of the certification: - If the case is certified as proper for trial, the judge, court, tribunal or fiscal or hearing officer shall

assume jurisdiction and proceed with the trial/ hearing of the case in accordance with the New Rules of Court or the Uniform Rules of Procedures promulgated pursuant to P.D. No. 946, whichever is applicable on the case. If it is not proper for trial, the case shall be dismissed by the court, tribunal or fiscal or hearing officer.

11. Finality of certification; Return of case to court or fiscal: - A certification shall become final after the lapse of fifteen (15) days from receipt thereof by the party adversely affected thereby, unless a motion for reconsideration is filed within the period prescribed. Orders or decisions of the Minister shall likewise become final unless an appeal to the President has been perfected within the period prescribed under paragraph 9 hereof.

Upon the finality of the certification or resolution, the Regional Director or the Director of the Bureau of Agrarian Legal Assistance shall immediately transmit the certification and/or resolution to the court or any other tribunal, fiscal or any other officer with competent jurisdiction together with the records of the case. The Regional Director shall furnish the Minister thru the Bureau of Agrarian Legal Assistance copies of all certifications issued by him.


Records of the referral investigation proceedings shall not be transmitted to the courts, tribunal, fiscal or hearing officer but be kept in the files of the Regional Office.

12. Prior inconsistent provisions: -

All Orders, Circulars and Memoranda contrary to or inconsistent herewith are hereby repealed or modified accordingly.

13. Effectivity: - This Administrative Order shall take effect upon its approval.

Approved December 10 1984.



CONRADO F. ESTRELLA
Minister