



Republic of the Philippines  
**DEPARTMENT of AGRARIAN REFORM**

September 30, 1991

MEMORANDUM CIRCULAR

No. 07  
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SUBJECT: Clarification on the scope of jurisdiction of DARAB, RARADs and PARADs over orders and decisions of the Secretary.

Section 50 of Republic Act No. 6657 otherwise known as the Comprehensive Agrarian Reform Law of 1988 (see also Sec. 17, Exec. Order No. 229) vested in the Department of Agrarian Reform quasi-judicial functions which are being discharged by the Department of Agrarian Reform Adjudication Board (DARAB), or the Adjudicators, by delegation, pursuant to Section 13 of E.O. No. 129-A.

Section 1, Rule II of the Revised Rules of Procedure of the DARAB enumerates the cases over which the DARAB has primary, original and appellate jurisdiction. Expressly excluded from said jurisdiction are cases involving decisions or orders of the Department Secretary. It reads:

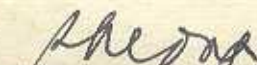
"SECTION 1. Primary, Original and Appellate Jurisdiction. xxx.

"Specifically, such jurisdiction shall extend over but not be limited to the following: x x x x x

"c) Cases involving the annulment or cancellation of orders or decisions of DAR officials other than the Secretary, lease contracts or deeds of sale or their amendments under the administration and disposition of the DAR and LBP. (emphasis added).

The above provision implies that the Adjudication Board has no jurisdiction over cases involving annulment or cancellation of orders or decisions of the Secretary. However, a distinction must be made when the order or decision involved is merely incidental to the main agrarian dispute falling under the jurisdiction of the DARAB, RARAD or PARAD, and cannot be avoided for purposes of having full and final determination of the case. Such cases must first be forwarded to the Executive Director of DARAB, for him to determine whether they may fall under Paragraph (g) of said Section 1. Upon finding that the case falls under paragraph (g), prior clearance from the Secretary should be secured before the DARAB may take cognizance of the case. Absent such clearance or unless there is express referral by the Secretary in all other cases, the party adversely affected by an order or decision of the Secretary may resort for relief elsewhere but not the DARAB, RARAD or PARAD concerned.

This shall take effect immediately.

  
BENJAMIN T. LEONG