



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

MEMORANDUM 195

TO : BOARD MEMBERS, REGIONAL/PROVINCIAL ADJUDICATORS,
DARAB PERSONNEL, ALL DARAB LITIGANTS
AND COUNSELS OF RECORD, AND MEMBERS OF THE BAR

FROM : The SECRETARY

SUBJECT : ON-LINE PROCESSING OF COMPLAINTS/PETITIONS, PAYMENT OF
LEGAL FEES, AND HEARINGS DURING THE WAKE OF THE COVID-19
PUBLIC HEALTH EMERGENCY

DATE : 18 MAY 2020

In line with Department of Agrarian Reform (DAR) Memorandum Circular (MC) No. 15, Series of 2020, and in support to the concerted governmental efforts to deter the spread of contagion through social distancing and the reduction of interpersonal transactions, this Memorandum is being issued to further limit the physical movement of the DAR litigants, Adjudicators, and DAR Adjudication Board (DARAB) personnel during this period of public health emergency pursuant to Executive Order (E.O.) No. 112, Series of 2020 issued by President Rodrigo Roa Duterte.

This will enable the Board Members and field Adjudicators to remotely/digitally act on matters, thereby reducing the need to physically interact with the parties and counsels of record.

Let it be stressed that this Memorandum is only temporary and shall be in effect during this period of public health emergency. Thus, this Memorandum may be revised at any time should prevailing circumstances change and until further notice.

Accordingly, the following are hereby provided to implement this Memorandum:

- 1.0. Complaints or petitions, together with other supporting documents may be filed through electronic transmission or e-mail before the DARAB provincial/regional office, through the Clerk of the Adjudicator who shall refer the same to the Adjudicator. The Adjudicator shall *personally* evaluate the complaint or petition and the supporting evidence.
- 2.0. Petition for Annulment of Judgment (of the Adjudicator) together with other supporting documents may be filed through electronic transmission or e-mail before the Board, through the DARAB Secretariat, which shall docket and raffle the same to the Board. In Item Nos. 1 and 2, for the purpose of determining prescription of action, an initiatory pleading shall be deemed duly filed from the date of payment of filing fee, unless exempted under the Rules.

- 3.0. The Adjudicators or the Clerk of the Adjudicators and the Board, through the DARAB Secretariat, should create their respective e-mail addresses, if they do not have any yet, using *ad interim* free email accounts, Outlook Application, which shall serve as the official email addresses of the respective DARAB provincial/regional offices where the Complaint or Petition and other related pleadings or submissions may be electronically transmitted. The email addresses shall be posted in the official Local/Central website of the DAR.
- 4.0. These e-mail addresses shall be managed by the Adjudicators or the Clerk of the Adjudicators and the Board through the DARAB Secretariat. They shall constantly check their respective official e-mail accounts, at the very least every thirty (30) minutes, daily during workweek.
- 5.0. All pleadings and other submissions to the Adjudicators and the Board, through the DARAB Secretariat, which shall be electronically transmitted must be in Portable Document Format or *PDF*. Pieces of evidence, which are *not* documentary in nature, may be photographed and converted into *PDF*, but should be authenticated by the certification of the person submitting such evidence as a true reproduction thereof. All pleadings must maintain the required form under the DARAB Rules of Procedures. It must indicate the DARAB Case Docket Number, Title, Caption and Heading of the pleading/s submitted, *e.g.* Juan de la Cruz *versus* Pedro Santos, DARAB Case No. *R-02-1234-20*, For *Ejectment, Answer*.
- 6.0. Payment of fees related to an electronically transmitted Complaint or Petition shall be coursed through any branch of the Land Bank of the Philippines (LBP), after an issuance of an online assessment by the Adjudicator or the Board through DARAB Secretariat as the case may be. Such online assessment shall include the amount to be deposited and specific account where the amount shall be deposited. The Adjudicators and the Board, through the DARAB Secretariat, are advised to secure from the concerned DAR Cashiers the specific LBP account number for the purpose of the said deposit. Copy of the deposit slip shall be sent via e-mail to the Adjudicators or the Clerk of the Adjudicators, or the DARAB Secretariat as proof of payment.
- 7.0. During this period of public health emergency, within three (3) days from receipt of the copy of the deposit slip which serves as proof of payment of docket fees, the Adjudicator, through his/her Clerk, shall issue Summons and Notice of Preliminary Conference (*Alternative Dispute Resolution*) to be served *personally or through registered mail* to the respondent. In case of a DARAB Special Proceeding, the Board, through the DARAB Secretariat, shall issue the Summons requiring the respondent to file his Comment/ Answer to the Petition.
- 8.0. Within fifteen (15) days from receipt of the Summons from the Office of the Adjudicator or DARAB Secretariat, the respondent may file his Answer/ Comment through electronic transmission or email.
- 9.0. After the lapse of the period to file an Answer, the Adjudicator shall set the case for preliminary conference (*Alternative Dispute Resolution*). In case of a DARAB Special Proceeding, after the lapse of a period to file Comment/ Answer to the Petition, it is

deemed submitted for resolution. The Board shall resolve the same within the period provided by the Rules.

- 10.0. The Adjudicator shall conduct video conferencing/online hearings only by use of the officially provided *Microsoft Office 365* platform, such as the *Outlook* application for the official e-mail accounts and the *Teams* application to host the video conferencing/online hearings. No Adjudicator will use any other platform or e-mail account other than the officially provided *DAR Microsoft Office 365* platform. For the Information Technology (IT) concerns of the Adjudicators to host the video conferencing/online hearings, the details of their account, including the instructions on how to access their accounts and the link to the usage policy, the Adjudicator must directly communicate with the provincial or regional MISS Office or through the DAR Central Office MISS office.
- 11.0. The DAR *Office 365* accounts shall only be used in the performance of official duties and responsibilities of the account holder. Any e-communication not related to the performance of official duties and responsibilities shall subject the account holder to possible administrative sanctions.
- 12.0. Video conferencing/online hearings shall be scheduled by the Clerk of the Adjudicator/DARAB Secretariat. The parties shall be notified by the Office of the Adjudicator/DARAB Secretariat through their respective e-mail addresses. The notification e-mail shall indicate the time and date when the video conferencing/online hearing shall be held and contain a link (access code) which the parties shall click to join the hearing. The notification e-mail shall likewise remind the parties of the video conferencing/online hearings. All the details and information to gain access to such proceedings shall be treated with strict confidentiality. Any unauthorized sharing of said details and any information shall be dealt with accordingly. The proof of receipt of the notification email shall be properly recorded.
- 13.0. The proceedings during the video conferencing/online hearing shall be recorded by the Clerk of the Adjudicator/DARAB Secretariat. The stenographer, however, shall still transcribe the notes to be attached to the records of the case, certify as to the correctness of the transcript, and indicate that the hearing was conducted through video conferencing. For these purposes, the stenographer may be allowed to join the video conference proceedings. As such, said stenographer shall be bound by the same strict confidentiality. No one is allowed to record the proceedings. Any unauthorized recording of the proceedings shall be dealt with accordingly.
- 14.0. If during or after the video conferencing hearing, the Adjudicator issues or promulgates an order, decision, or resolution, the parties and counsels shall immediately be furnished a copy thereof. The service of such order, decision, or resolution to the parties and counsels may be done electronically through e-mail or registered mail, but proof of receipt thereof should be properly recorded. The hard copy of said order, decision, or resolution shall be kept on file as part of the records of the case, and the parties and counsels may secure certified true copies thereof upon proper request.

- 15.0. When there are technical issues affecting the conduct of video conferencing hearings, the Adjudicator or the Board may, at his or her discretion, suspend the proceedings for a period not exceeding five (5) days. In such an event, the reason/s for such suspension shall be properly recorded.
- 16.0. Within fifteen (15) days from receipt of the decision, the party adversely affected thereof may file his/her Motion for Reconsideration through e-mail with proof of e-mail service to the other parties and counsels. The Adjudicator or the Board shall resolve the same within the period provided under the Rules. All the parties and counsels shall be immediately furnished a copy of such resolution.
- 17.0. The video conferencing/hearing shall resemble or mirror, as far as practicable, the in-court (DARAB) proceedings. As such, the dignity and solemnity of the DARAB proceedings shall always be observed. All those participating therein shall be in appropriate attire. Once the videoconferencing/hearings are done, the Adjudicator or the Board hosting the session shall immediately end it.
- 18.0. The Provincial Adjudicators shall submit a weekly report on the video conference/hearing that they conducted. The report shall be sent to the official e-mail address of the concerned Regional Agrarian Reform Adjudicator for monitoring purposes.
- 19.0. The hearings through video conference may apply to all stages of the hearings of newly filed and pending DARAB cases, including but not limited to, mediation or conciliation (ADR) proceedings or clarificatory hearing.
- 20.0. Unless otherwise directed, these procedures are without prejudice to the operation of other Memoranda not covered herein.
- 21.0. This Memorandum shall take effect immediately and/or with retroactive applicability to those provinces or cities *earlier* placed under the classification General Community Quarantine or Modified General Community Quarantine.

For the guidance and strict implementation of all concerned.


ATTY. JOHN R. CASTRICIONES

