



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

**MEMORANDUM CIRCULAR**

No. 04  
Series of 2013

**TO :** UNDERSECRETARY, LEGAL AFFAIRS OFFICE  
UNDERSECRETARY, FIELD OPERATIONS OFFICE  
DAR PRAISE MAIN COMMITTEE CHAIR & MEMBERS  
ALL DAR REGIONAL DIRECTORS  
ALL PROVINCIAL AGRARIAN REFORM OFFICERS  
ALL OTHER DAR OFFICIALS AND EMPLOYEES  
CONCERNED

**SUBJECT :** IMPLEMENTATION OF "ONE DAR" CONCEPT IN THE  
LEGAL SECTOR THROUGH AN "INTRASOURCING"  
PROGRAM AND/OR JOB-SHARING SCHEME ON  
AGRARIAN LAW IMPLEMENTATION (ALI) CASES  
BETWEEN HIGH-LAD AND LOW-LAD BALANCE  
REGIONS/PROVINCES

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**ARTICLE I. PREFATORY STATEMENT**

As the Comprehensive Agrarian Reform Program (CARP) reaches its final stages, the Department of Agrarian Reform (DAR) is steadfast in introducing and implementing programs intended to ensure that its offices throughout the country work as one unit in delivering the targets. This "One DAR" concept aims to unify the entire Department, so that its various offices will work hand-in-hand for the complete attainment of the objectives of the government's agrarian reform program.

In view thereof, the Legal Sector of the DAR throughout the country is likewise expected to play a significant role in the fulfilment of the "One DAR" concept. In anticipation of the influx of cases resulting from the issuance of

various guidelines, pursuant to Republic Act (R.A.) No.6657, as amended, the Sector shall be a vital support group in the resolution of Land Acquisition and Distribution (LAD) issues and cases.

In this regard, it should be noted that there are still several provinces and regions in the country with High-LAD balances due to several factors: first, the landowners in these regions and provinces resist the CARP, which necessarily halts the LAD process, and second, the DAR Provincial Offices (DARPOs) and DAR Regional Offices (DARROs) in these High-LAD balance areas are undermanned, as a result of which the LAD process cannot be effectively and efficiently implemented.

In addition, several provinces and regions have Low-LAD balances. Consequently, the DARPOs and DARROs of these Low-LAD areas are left, in effect, with an excess in personnel. This means that, while the High-LAD DARPOs and DARROs are overwhelmed by the tasks and/or challenges of LAD implementation, their Low-LAD counterparts are left with significantly-reduced or comparatively negligible workloads.

To squarely address the problems arising from this uneven ratio of personnel and workloads between the High-LAD and Low-LAD areas, the Department, in keeping with the "One DAR" concept, shall put into effect both an "Intrasourcing Program" and a "Job-Sharing Scheme" between and among DARPOs and DARROs in these areas. This is brought about by the fact that the DAR has commenced with the streamlining of the number of its personnel, and is presently precluded from hiring new employees.



## **ARTICLE II. RATIONALE**

Both the “Intrasourcing Program” and the “Job-Sharing Scheme” are put in place to fast-track the resolution of issues and cases arising from the implementation of LAD, by utilizing and/or distributing the personnel available from the Low-LAD DARPOs and DARROs for and to their counterparts in the High-LAD areas.

The objective of the foregoing is to effectively facilitate the speedy and efficient administration of agrarian justice, especially in the light of the anticipated deluge of administrative agrarian cases in the coming years of the agrarian reform program’s implementation.

## **ARTICLE III. SCOPE**

This Memorandum Circular is applicable to all High-LAD and Low-LAD balance Regions and Provinces, and covers any and all Agrarian Law Implementation (ALI) cases as defined herein, arising from LAD issues and conflicts.

## **ARTICLE IV. DEFINITION OF TERMS**

For purposes of this Memorandum Circular, the following terms are defined, as follows:

- (a) General Agrarian Law Implementation (ALI) Case – is an administrative case, involving disputes or controversies in the

implementation of agrarian reform laws falling under the exclusive jurisdiction of the DAR Secretary and/or the Regional Director, as enumerated under Section 2 of DAR Administrative Order (A.O.) No.3, Series of 2003 (2003 Rules for Agrarian Law Implementation Cases), or in subsequent revised versions thereof, if any, except applications for conversion, applications for DAR clearance, and referral matters (DAR A.O. No. 3, Series of 2011). This shall also include ALI cases covered by special A.O.s such as, but not limited to, cases for exemption or exclusion from coverage, as well as the ALI component of cases for the cancellation of Emancipation Patents (EPs) and Certificates of Landownership Award (CLOAs), as provided in Sections 20 and 21 of DAR A.O. No. 6, Series of 2011.

- (b) High-LAD areas - are those provinces and/or regions with significant LAD balance as reported by the Field Operations Office. (A copy of the Table of identified High-LAD areas is attached hereto and made an integral part hereof as Annex A.)
- (c) Low-LAD areas - are those provinces and/or regions with low LAD balances as reported by the Field Operations Office. (A copy of the Table of identified Low-LAD areas is likewise attached hereto and made an integral part hereof as Annex A.)
- (d) Job-Sharing - is a process/system in which qualified personnel from DARROs or DARPOs, identified as Low-LAD areas, are detailed to other DARROs or DARPOs that are classified as High-LAD areas, to share in the designated tasks, duties, and responsibilities with said Offices, in order to augment the personnel deficiency in the latter, by undertaking the necessary case build up activities in the ALI cases pending therein, such as ocular inspections, field investigations, conferences or hearings, and the like.
- (e) Intra-Regional Job-Sharing - is a process/system in which qualified personnel from a Low-LAD Province are assigned to a High-LAD Regional Office, WITHIN THE SAME REGION, for the accomplishment of designated tasks, duties, and responsibilities relative to the resolution of ALI Cases arising from LAD issues and conflicts mentioned in Article IV (a) above. On the other

hand, Inter-Regional Job-Sharing is a process/system in which qualified personnel from a Low-LAD Region are assigned to a High-LAD Regional Office, for the accomplishment of designated tasks, duties, and responsibilities relative to the resolution of ALI Cases arising from LAD issues and conflicts also mentioned in Article IV (a) above.

- (f) Intrasourcing - is a process by which copies of Case Folders (CFs) in ALI cases, narrative investigation reports, and/or draft Resolutions/Orders/Decisions from DARROs or DARPOs that are identified as High-LAD areas, are sent to the qualified personnel of DARROs or DARPOs designated as Low-LAD areas, by means of courier services, or in some instances, through "electronic" mail (e-mail), for the accomplishment by the latter of the assigned tasks, duties, and responsibilities, such as the generation of narrative investigation reports and/or draft Resolutions/Orders/Decisions, and/or the editing/review/revision of said drafts, after which the complete work outputs are subsequently sent back to the High-LAD DARROs or DARPOs concerned, by means of the same aforementioned methods, within a prescribed period for their approval and finalization.
  
- (g) Qualified Personnel - refer to DAR personnel who will be tapped from Low-LAD areas, who must be a lawyer or at least a Bachelor of Laws degree holder, whose employment status is either permanent, temporary, or contractual, and with a plantilla position, to do work for High-LAD areas pursuant to this Memorandum Circular.

This includes Provincial Agrarian Reform Adjudicators (PARADs) and Regional Agrarian Reform Adjudicators (RARADs), whose tasks, duties, and responsibilities in turn shall be limited to the drafting, re-drafting, and/or editing of Orders, Resolutions, and Decisions in ALI cases under the Intrasourcing Program above-mentioned.



## ARTICLE V. PROCEDURE

### A. PROVINCIAL LEVEL

INTER-PROVINCE: (Please refer to the attached flow chart).

1. The Chief of the Legal Division (also referred to as Chief Legal) of the DARPO in High-LAD areas shall conduct an actual inventory, review, and validation of Case Folders involving LAD issues and conflicts, in coordination with the PARO concerned. The Provincial Chief Legal shall determine which cases will be included in the Job-Sharing Scheme.
2. Upon verification that the Case Folders are substantially complete, based on the checklist of documents required in ALI cases, the Chief Legal of the High-LAD Province shall thereafter prepare a Table of Contents of said Case Folders to be job-shared, identifying which documents therein are originals, duplicate originals, certified true copies, or mere photocopies. He/She shall likewise make a Certification as to the completeness of the records thereof, indicating the number of pages therein, and affixing his/her signature on each and every page of said Case Folders.
3. Subsequent thereto, the said Legal Division Chief shall write a request to the Regional Director (RD), through the Provincial Agrarian Reform Officer (PARO), for assistance from qualified personnel of a Low-LAD Province, in the resolution of ALI cases arising from LAD issues/conflicts in said High-LAD Province, specifying therein the nature and extent of the Job-Sharing assistance requested conformably with Article IV (d) above, or for the intrasourcing of specified work as defined in Article IV (f) hereof.
4. Upon approval of the request, the RD shall issue a Special Order (S.O.), detailing the selected qualified personnel to the High-LAD Province, for a period of thirty (30) days, which may be extended as the need arises, in the event the request is for Job-Sharing.
5. The RD shall have the discretion or prerogative to either detail the qualified personnel to the requesting High-LAD Province, or to

intrasource the Case Folder/s to the Chief of the Legal Division of the DARPO of a Low-LAD area within the region, depending on the nature of the request.

6. In case of INTRASOURCING, however, the RD shall authorize the photocopying/scanning of the contents of the Case Folder/s assigned to a High-LAD Province, which photocopies or soft copies shall be transmitted to the designated personnel from the Low-LAD Province, for the drafting or editing/revision of the corresponding narrative investigation reports and/or recommendations. In lieu of the photocopying and mailing of the Case Folder/s, or the initial drafts of narrative investigation reports and recommendations, if any, the RD may, in some instances, and only as far as practicable, opt to e-mail scanned copies of the same to the qualified personnel of the DARPO concerned, for the accomplishment of the assigned tasks, duties, and responsibilities.
7. Upon receipt of the Case Folder/s, the designated qualified personnel shall immediately check the contents thereof. If there is any discrepancy between the number of pages actually received and the pages indicated in the Certification of the Chief Legal of the High-LAD province, said qualified personnel must, at the soonest possible time, inform the sending Office that the Case Folder/s is incomplete. The qualified personnel must inform, in writing, the Chief Legal concerned of the missing document/s, within five (5) days from receipt of the Case Folder, and request for the completion thereof also within five (5) days from receipt of said request. Nevertheless, the qualified personnel may proceed with the activity, if the lacking document will have no effect on the conduct of the assigned task, duty, or responsibility.
8. In case of INTRASOURCING, the qualified personnel assigned to review, edit, and/or re-draft narrative investigation reports and recommendations shall be entitled to a corresponding incentive, to be determined by the DAR Praise Main Committee (per Special Order No. 93, Series of 2011).

The qualified personnel shall be given additional System Performance Evaluation and Employees Development (SPEED) points for every completed designated task, duty, and/or responsibility intrasourced, or while on detail, by the sending Office (GMC No. 1, Series of 2009).



## B. REGIONAL LEVEL

### AI. INTRA-REGIONAL: (Please refer to the attached flow chart).

1. The Chief Legal of the DARRO of a High-LAD Region (also referred to as Regional Chief Legal) shall conduct an actual inventory, review, and validation of Case Folder/s involving LAD issues and conflicts, in coordination with the Regional Director (RD) concerned. The Regional Chief Legal shall determine which cases will be included in the Intrasourcing Program or Job-Sharing Scheme.
2. Upon verification that the Case Folders are substantially complete, based on the checklist of documents required in ALI cases, the Regional Chief Legal shall thereafter prepare a Table of Contents of said Case Folder/s to be intrasourced, identifying which documents therein are originals, duplicate originals, certified true copies, or mere photocopies. He/She shall likewise make a Certification as to the completeness of the records thereof, indicating the number of pages therein, and affixing his/her signature on each and every page of said Case Folders.
3. Subsequent thereto, the said Regional Chief Legal shall write a request to the RD, through the Assistant Regional Director for Operations (ARDO), for assistance from qualified personnel of a Low-LAD Province, WITHIN THE SAME REGION, in the resolution of ALI cases arising from LAD issues/conflicts in said High-LAD Region, specifying therein the nature and extent of the assistance requested conformably with Article IV (c) hereof in case of Job-Sharing, or for the Intrasourcing of specified work as defined in Article IV (f) hereof.
4. Upon approval of the request, the RD shall issue a Special Order (S.O.), detailing the qualified personnel selected from the Low-LAD Province to the High-LAD Region, WITHIN THE SAME REGION, for a period of thirty (30) days, which may be extended as the need arises, in the event the request is for Job-Sharing.
5. The RD shall have the discretion or prerogative to either detail the qualified personnel from a Low-LAD Province to the requesting High-LAD Region, WITHIN THE SAME REGION, or to Intrasource the Case Folder/s to the





Chief of the Legal Division of a DARRO of a Low-LAD Region, depending on the nature of the request.

The RD shall likewise have the discretion to request for assistance from the Undersecretary of the Legal Affairs Office (USEC-LAO), under the Inter-Regional Job-Sharing Program as defined herein, in the event the caseloads of the Legal Divisions of the DARPOs in his region are already beyond their capacity to handle and/or in case of a finding that their personnel are insufficient to meet any further increase in their caseloads or workloads.

6. In case of INTRASOURCING, however, the RD shall authorize the photocopying/scanning of the contents of the Case Folder/s, including the narrative investigation reports/recommendations as well as the draft Decisions/Orders/Resolutions, which photocopies shall be transmitted to the designated qualified personnel from the Low-LAD Province, for the accomplishment of the assigned tasks, duties, and responsibilities. In lieu of photocopying and mailing of the Case Folder/s, including the initial drafts, if any, of the Decisions/Orders/Resolutions, the RD may, in some instances, and only as far as practicable, opt to e-mail scanned copies of the same to the qualified personnel of the DARPO concerned, for the accomplishment of the assigned tasks, duties, and responsibilities.
7. Upon receipt of the Case Folder/s, the designated qualified personnel shall immediately check the contents thereof. If there is any discrepancy between the number of pages actually received and the pages indicated in the Certification of the Regional Chief Legal, said qualified personnel must (including RARADs or PARADs for Intrasourcing only), at the soonest possible time, inform the sending Office that the Case Folder/s is incomplete. The qualified personnel must inform, in writing, the Regional Chief Legal concerned of the missing document/s, within five (5) days from receipt thereof, and request for the completion of said Case Folder/s also within five (5) days from receipt of said request. Nevertheless, the qualified personnel may proceed with the activity, if the lacking document will not affect the conduct of the assigned task, duty, or responsibility.
8. In case of INTRASOURCING, the qualified personnel assigned to review, edit, and/or draft the corresponding Resolutions/Orders/ Decisions shall be entitled to a corresponding incentive, to be determined by the DAR Praise Main Committee (per Special Order No. 93, Series of 2011).

The qualified personnel shall be given additional System Performance Evaluation and Employees Development (SPEED) points for every completed designated task, duty, and/or responsibility intrasourced, or while on detail, by the sending Office (GMC No. 2, Series of 1996, as amended by GMC No. 1, Series of 2003).

In the case of PARADs and RARADs, who are presidential appointees, their completed tasks, duties, and/or responsibilities, shall be reflected on their respective performance evaluation scorecard referred to as the 'Adjudicator's Performance Evaluation Cards (APEC) Rating System' provided under DAR MC No. 1, Series of 2013.

**BI. INTER-REGIONAL:** (Please refer to the attached flow chart).

1. The Chief Legal of the DARRO of a High-LAD Region shall conduct an actual inventory, review, and validation of Case Folder/s involving LAD issues and conflicts, in coordination with the RD concerned. The Regional Chief Legal shall determine which cases will be included in the Intrasourcing Program or Job-Sharing Scheme.
2. Upon verification that the Case Folders are substantially complete, based on the checklist of documents required in ALI cases, the said Regional Chief Legal shall prepare a Table of Contents of the Case Folder/s to be intrasourced, identifying which documents therein are originals, duplicate originals, certified true copies, or mere photocopies. He/She shall likewise make a Certification as to the completeness of the records thereof, indicating the number of pages therein, and affixing his/her signature on each and every page of said Case Folders.
3. Subsequent thereto, the said Regional Chief Legal shall write a request to the USEC-LAO, through the RD, for assistance from qualified personnel of a Low-LAD Region in the resolution of ALI cases, arising from LAD issues and conflicts in the said High-LAD Region, specifying therein the nature and extent of the assistance requested conformably with Article IV (d) hereof in case of Job-Sharing, or for the Intrasourcing of specified work as defined in Article IV (f) hereof.
4. Upon approval of the request, the USEC-LAO may issue a Special Order (S.O.), detailing the qualified personnel from the Low-LAD Region to the



said High-LAD Region, for a prescribed period, which may be extended as the need arises, in the event the request is for Job-Sharing.

5. The USEC-LAO shall have the discretion or prerogative to either detail the qualified personnel from any Low-LAD Region to the requesting High-LAD Region, or to intrasource the Case Folder/s to the Chief Legal of the DARRO or the Regional/Provincial Adjudicator (RARAD/PARAD) of any Low-LAD Region or Province in the country, depending on the nature of the request.
6. In case of INTRASOURCING, however, the USEC-LAO shall authorize the RD of the requesting Region to either photocopy the contents of the Case Folder/s, including the narrative investigation reports/recommendations as well as the draft Decisions/Orders/Resolutions, if any, and transmit the same through courier service to the designated qualified personnel from the Low-LAD Region, or in some instances, and only as far as practicable, e-mail the scanned copies of the same thereto, for the accomplishment of the assigned tasks, duties, and responsibilities.
7. Upon receipt of the Case Folder/s, the designated qualified personnel shall immediately check the contents thereof. If there is any discrepancy between the number of pages actually received and the pages indicated in the Certification of the Regional Chief Legal, said qualified personnel (including RARADs and PARADs for intrasourcing only) must, at the soonest possible time, inform the sending Office that the Case Folder/s is incomplete. The qualified personnel must inform, in writing, the Regional Chief Legal concerned of the missing document/s, within five (5) days from receipt thereof, and request for the completion of said Case Folder/s also within five (5) days from receipt of said request. Nevertheless, the qualified personnel may proceed with the activity, if the lacking document will have no effect on the conduct of the assigned task, duty, or responsibility.
8. In case of INTRASOURCING, the personnel assigned to review, edit, and/or draft the corresponding Resolutions/Orders/Decisions shall be entitled to a corresponding incentive, to be determined by the DAR Praise Main Committee (Per Special Order No. 93, Series of 2011).



In the case of PARADs and RARADs, who are presidential appointees, their completed tasks, duties, and/or responsibilities, shall be reflected on their respective performance contract or evaluation scorecard as may be formally prescribed by the DAR Adjudication Board (DARAB).

9. Finally, its is only upon a Certification by the RD that all of the Provinces within his Region are High-LAD areas, and that the available personnel in the Region are insufficient, can he or she request the USEC-LAO to order the detail of qualified personnel from any Low-LAD Region, throughout the country, to assist in the resolution of ALI cases, arising from LAD issues and conflicts, in said High-LAD Region, or to intrasource the Case Folder/s therefrom.

## **ARTICLE VI. BUDGET**

The expenses to be incurred from this Job-Sharing Scheme and Intrasourcing Program shall be charged to the Legal Division budget of the sending Office. In the event the same is lacking, said budget shall be augmented by the Office of the DAR Secretary, through the submission of a supplemental budget request from the receiving Office, and subject to the usual pertinent budgeting, disbursement, and procurement rules and regulations.

## **ARTICLE VII. MONITORING AND REPORTING**

### **A. PROVINCIAL LEVEL**

The PARO of the assisting DARPO shall submit regular monthly reports to the RD concerned, furnishing copies thereof to the Field Operations Office (FOO) and the Bureau of Agrarian Legal Assistance (BALA), regarding the ALI Case Folders which have been completely processed, resolved, documented, and



transmitted/returned to the requesting offices, as well as those which are still pending therewith.

## **B. REGIONAL LEVEL**

The RD shall be responsible for the monitoring of and reporting on the status of the Case Folders of the High-LAD areas within a Region, and is hereby tasked to submit a monthly report regarding the ALI cases subject to the One DAR program either through the "Intrasourcing Program" or the "Job-Sharing Scheme", as the case may be, to the Undersecretaries of the FOO and LAO, as well as to the BALA, on or before the 15<sup>th</sup> day of the ensuing month.

The Office of the DAR Secretary, through the Undersecretaries of FOO and LAO, shall function as an Oversight Committee, empowered to monitor and verify reports coming from all the DARPOs and DARROs concerned, in accordance with prevailing laws, rules and regulations, and jurisprudence. The Undersecretary of LAO may introduce changes to the mechanics of the "intrasourcing" and "job-sharing", if warranted by circumstances not contemplated in this M.C.

## **ARTICLE VIII. CLEARING-HOUSE**

The USEC-LAO, upon the recommendation of the BALA, shall have the primary power and/or authority to: (i) evaluate the merits of, and act on, the requests coming from DARROs with High-LAD balances, (ii) forward to the DAR Praise Main Committee the list of qualified personnel from the DARPOs and DARROs with Low-LAD balances including RARADs and PARADs who

will be given incentives, and (iii) assess whether or not an extension of detail period and/or intrasourcing assistance shall be granted, in case the same is requested.

## **ARTICLE IX. MISCELLANEOUS**

### **A. CONFIDENTIALITY**

The narrative investigation reports/recommendations and/or the draft Orders/Resolutions/Decisions submitted by the designated qualified personnel, including those prepared and submitted by the PARADs and RARADs concerned, shall be confidential in nature, and shall be exempt from the provisions of DAR MC No. 07, Series of 2011.

### **B. PERFORMANCE CONTRACT**

The completed tasks, duties, and/or responsibilities of PARADs and RARADs shall be reflected on their respective performance contracts or evaluation scorecard (APEC Rating System) provided under DAR MC No. 1, Series of 2013. Similarly, the RDs and PAROs rendering assistance pursuant to this MC are hereby enjoined to reflect the same on their respective performance contracts.

### **C. DISCIPLINARY ACTION**

In case of any violation committed by the qualified personnel, except PARADs and RARADs, the RD concerned shall recommend to the Legal Service

Division at DARCO the filing of the appropriate disciplinary action/s against said individuals.

With respect to violations committed by the PARADs or RARADs, on the other hand, as reported by the requesting DARPOs or DARROs, the Office of the DAR Secretary, acting through the Legal Service Division, DARCO, shall have the power to recommend to the Office of the President the filing of the appropriate disciplinary action/s against them.

#### **ARTICLE X. REPEALING CLAUSE**

This Memorandum Circular modifies and repeals all issuances or portions thereof that are inconsistent herewith.

#### **ARTICLE XI. EFFECTIVITY CLAUSE**

This Memorandum Circular shall take effect immediately.

  
**FEB 04 2013**, Quezon City, Philippines.

  
**VIRGLIO R. DE LOS REYES**  
Secretary

