



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

ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

Department of Agrarian Reform  
MEMORANDUM CIRCULAR No. 04  
Series of 2012

**SUBJECT: THE RULES AND PROCEDURES IN DAR OFFICIALS CONCERNED RECUSING THEMSELVES FROM DECIDING AGRARIAN LAW IMPLEMENTATION (ALI) OR PERSONNEL DISCIPLINARY (PD) CASES**

Pursuant to Sections 49 and 50 of Republic Act (R.A.) No. 6657, as amended, and in order to ensure a just and impartial process in the rendition of decisions in agrarian law implementation (ALI) or personnel disciplinary (PD) cases, the following rules are hereby promulgated.

**SECTION 1. Cause to Recuse.** – In deciding ALI or PD cases where, in the sound discretion of the Secretary, there are just and valid grounds to believe he might be induced to act, or where there could arise a perception that he would be induced to act, in favor of one party, or with bias or prejudice against a party, arising out of circumstances reasonably capable of inciting such a state of mind, he must recuse himself from deciding the same.

The same shall be required from a Regional Director (RD) in deciding an ALI case.

**SECTION 2. Written Report.** – Upon his determination that there is cause to recuse pursuant to the immediately preceding provision, the Secretary or the RD concerned, as the case may be, shall put such fact and reason into writing and incorporate such written report in the pertinent Case File.

The same written report must be sent to the Undersecretary for Legal Affairs, in case it is the RD who will recuse himself from deciding an ALI case.

**SECTION 3. Substituted Authority.** – Thereafter, it shall be the Undersecretary for Legal Affairs, in case the Secretary has recused, who shall decide the said case. Unless a new Secretary has been appointed, the Decision of the Undersecretary for Legal Affairs may not be appealed to the Secretary who recused himself therefrom. The said Decision may be appealed in the same manner as if it were the Secretary himself who had rendered it.

In case it is an RD who has recused, the Undersecretary for Legal Affairs shall choose from among the RDs of the Regions adjoining that of the inhibiting RD as to who shall have the authority to resolve the case. The Decision of the RD may be appealed to the Office of the Secretary in accordance with the appropriate rules.

In case the Undersecretary for Legal Affairs has cause to recuse as well, he shall duly inform the Secretary, who shall then delegate from among the Undersecretaries and Assistant Secretaries, preferably the Assistant Secretary for Legal Affairs, the decision-making authority thereon. The same rule shall apply in case the position of the Undersecretary for Legal Affairs is vacant at a time when the Secretary recuses himself from deciding a particular case.

**SECTION 4. Authority to Reconsider Decision.** – The DAR Official who issues and signs the Order deciding a PD or ALI case, in lieu of the Secretary or the RD, as the case may be, may reconsider said decision, upon proper Motion for Reconsideration filed in accordance with the appropriate rules, provided that:

- (1) the said DAR Official still holds, at the time he rendered the decision, the same position that he was holding when he rendered the said decision; and
- (2) the Secretary or RD who recused, as the case may be, still holds, at the time either of them had rendered the decision, the same position at the time of the recusal.


In case a new Secretary or RD, as the case may be, has already been appointed during the intervening time, then the new Secretary or RD, as the case may be, shall have the authority to resolve the Motion for Reconsideration.

**SECTION 5. Repealing Clause.** – These Rules repeal or amend all orders, circulars, rules and regulations, and issuances, or portions thereof, that are inconsistent herewith.

**SECTION 6. Separability Clause.** – Any judicial pronouncement declaring as unconstitutional any provision of these Rules shall have no effect on the validity of the other provisions not affected thereby.

**SECTION 7. Effectivity Clause.** – These Rules shall take effect immediately.

Diliman, Quezon City, 15 MAY 2012.

  
**VIRGILIO R. DE LOS REYES**  
Secretary

Department of Agrarian Reform  
Office of the Secretary



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