Department of Agrarian Reform
MEMORANDUM CIRCULAR NO. _O5_
SERIES OF _2012_

SUBJECT   :   **GUIDELINES ON REQUESTS FOR LEGAL OPINIONS**

To promote efficiency and competence in all the legal offices of the Department of Agrarian Reform (DAR), all offices, officials, and employees acting on any and all requests for legal opinion shall be guided by the following:

1. All requests for legal opinion from farmers, landowners, or any other stakeholder, private person, or entity shall be addressed solely to and answered by the appropriate officer of the DAR Provincial Office (DARPO) or DAR Regional Office (DARRO) concerned, simply through an express reference to the pertinent or relevant law, administrative issuance, or existing legal opinion.

    Provided, that meritorious queries involving conflicts or ambiguities in the application or interpretation of agrarian laws and DAR issuances may be elevated, but only as a last resort, by the DARPO or DARRO to the Bureau of Agrarian Legal Assistance (BALA) of the DAR Central Office (DARCO).

    The queries addressed directly to the Secretary or the Undersecretary for Legal Affairs shall be handled by the BALA for appropriate action, with discretion to refer them to the DARRO or DARPO concerned, immediately after the same are forwarded to it, except those exceptional instances mentioned in item 5 below. The BALA, in turn, shall have the discretion to refer such queries to the DARRO or DARPO, as the case may be.

2. Internal requests for opinion, i.e., inter office memoranda, from officers and employees of the DARPO, DARRO, and the other offices in the DARCO, as well as queries referred by the DARPO or DARRO as provided in the previous item, shall be addressed to and answered by the Director of the BALA.

3. In responding to any and all requests for legal opinion, the concerned DAR office, official, or employee must, as much as possible, cite the particular agrarian law/s or administrative issuance/s applicable based on the set of facts provided. Moreover, the concerned DAR Office must bring to the attention of the person or entity seeking the legal opinion that the

aforementioned agrarian law/s or administrative issuance/s are readily available and may be accessed anytime through the DAR Legal Information System (DAR-LIS) at http://www.lis.dar.gov.ph/.

4. It shall be understood that the opinions issued by these respective offices are limited in application and interpretation to the peculiar facts obtaining in the particular matter at hand, as presented by the requesting party, and shall in no way be used as a legal basis for other cases or situations, whether similar or not. A statement to this effect must always be incorporated in the last part of the opinion or memorandum generated. Below is an example of this *colatilla*:

> *Please be informed that this opinion is being issued solely on the basis of the facts presented to this Office as of this date, and should by no means be construed as a decision. Likewise, the opinion does not bind this Office, and is merely issued to serve as a guideline for the clarification and interpretation of agrarian laws.*

5. In exceptional instances, where the internal requests or questions pertain to matters of policy or where they exclusively involve novel legal issues concerning the land acquisition and distribution (LAD) process, such queries may be addressed directly to the Undersecretary for Legal Affairs. Thus, should the DARPO, DARRO, or BALA receive such queries, they may refer the same directly to the ULAO for disposition.

6. Requests or queries involving abstract or hypothetical questions, as well as those that do not pertain to any actual controversy, shall not be entertained by any DAR office.

7. Memorandum Circular (M.C.) No. 10, Series of 1997, or the *Guidelines on the Rendition of Legal Opinions,* is hereby superseded by this Memorandum Circular.

For your guidance and immediate compliance.

Diliman, Quezon City ___**JUL 0 6 2012**_____.

VIRGILIO R. DELOS REYES
Secretary