

The 2021 Department of Agrarian Reform Adjudication Board (DARAB) Revised Rules of Procedure

RULE I. General Provisions

SECTION 1. Title. — These Rules shall be known as “The 2021 Department of Agrarian Reform Adjudication Board (DARAB) Revised Rules of Procedure.”

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of the Agrarian Reform Program and to promote the just, expeditious, and inexpensive adjudication and settlement of agrarian cases, disputes, or controversies.

All references to the Board in these Rules shall refer specifically to the Board in the Central Office of the Department of Agrarian Reform having original or appellate jurisdiction over agrarian disputes, as the case maybe, while references to the Adjudicator specifically refers to the Regional Agrarian Reform Adjudicator (RARAD) and the Provincial Agrarian Reform Adjudicator (PARAD).

SECTION 3. Technical Rules Not Applicable. — The Board and the RARADs and PARADs, shall not be bound by technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all agrarian cases, disputes, or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity.

SECTION 4. Doubts To Be Resolved In Favor Of The Beneficiary. — Any reasonable doubt in the interpretation of these Rules, as well as in the interpretation of contracts and stipulations between the contending parties, shall be resolved in favor of the beneficiary, potential beneficiary, tenant farmer, farmworker, agricultural lessee, farmers’ cooperative, association, or organization.

SECTION 5. Online Procedure – In order to adapt to the so-called “new normal,” the Board, the RARAD, or the PARAD, may *motu proprio* or the party/ies through initiatory pleading/motion, may submit the case for electronic proceedings. Such a procedure is herein incorporated as “Annex-A”.

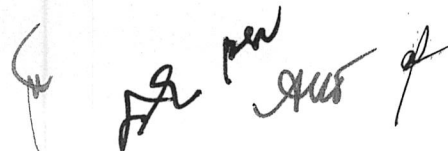
At any stage, the party/ies availing the electronic proceedings shall indicate expressly in the Complaint, Petition, or by proper motion their intention to avail the same.

The Board, the RARAD, or the PARAD shall rule either by granting or denying the prayer or motion of the party/ies availing the electronic proceedings, as well as the objection, if any, within a reasonable period.

RULE II. Jurisdiction of the Board, RARAD and PARAD

SECTION 6. Original and Exclusive Jurisdiction of the Board. -The Board shall have original and exclusive jurisdiction on the following cases:

- a. The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule;
- b. Annulment of judgment of the RARAD/PARAD under Section 10 of this Rule;



- c. Such other Agrarian Reform cases, disputes, matters, or concerns referred by the DAR Secretary or Presidential Agrarian Reform Council (PARC).

SECTION 7. Concurrent Original Jurisdiction of the Regional Adjudicator. The RARAD shall have concurrent original jurisdiction to determine and adjudicate all agrarian disputes and other Agrarian Reform matters, including but not limited to the following:

- a. Those that cannot be handled by the PARAD on account of inhibition, disqualification, transfer, retirement, resignation, or when the PARAD is on official leave for at least fifteen (15) days, or when there is no PARAD designated.
- b. The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule.
- c. Such other agrarian cases, disputes, matters, or concerns referred to by the Board or the Secretary of the DAR.

SECTION 8. Primary, Exclusive and Original Jurisdiction of the Provincial Adjudicator. The PARAD shall have primary, exclusive, and original jurisdiction to determine and adjudicate all agrarian disputes and agrarian matters, including but not limited to the following:

- a. The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by Republic Act (R.A.) No. 6657, as amended, and other related agrarian laws.
- b. The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule.
- c. Annulment or rescission of Lease Contracts, or Deeds of Sale, or their amendments involving lands under the administration and disposition of the DAR or Land Bank of the Philippines (LBP), and the amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as Emancipation Patents (EPs) issued under Presidential Decree (P.D.) No. 266, Homestead Patents, Free Patents, and miscellaneous sales patents to settlers in settlement and re-settlement areas under the administration and disposition of the DAR.
- d. Ejectment of agricultural lessees/share tenants.
- e. Pre-emption and redemption of agricultural lands under R.A. 3844, as amended.
- f. Correction of entries of registered Emancipation Patent (EP), Certificates of Land Ownership Award (CLOAs), or other titles issued under any Agrarian Reform Program without affecting substantial rights of other interested persons, except error in the technical description in the EPs and CLOAs.
- g. Re-issuance of Owner's Duplicate Copy of EPs, CLOAs, or other titles issued and registered with the Land Registration Authority (LRA) under any Agrarian Reform Program.
- h. Review and fixing of leasehold rentals/determination and payment of disturbance compensation.

[Handwritten signature]
[Handwritten initials]

- i. Collection of amortization payments, foreclosure, and similar disputes concerning the functions of the LBP, and payments for lands awarded under P.D. No. 27, R.A. No. 3844, as amended, and R.A. No. 6657, as amended, and other related laws, decrees, orders, instructions, rules, and regulations.
- j. Boundary disputes involving land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws, and lands under the administration and disposition of the DAR and the LBP, and those lands transferred, distributed, and/or sold to Agrarian Reform Beneficiaries (ARBs) and are covered by Deeds of Sale, Patents, and Certificates of Title;
- k. Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of P.D. No. 946, except those cases falling under the proper courts or other quasi-judicial bodies.
- l. Such other agrarian cases, disputes, matters, or concerns referred by the Board or the Secretary of DAR.

SECTION 9. Appellate Jurisdiction of the Board. — The Board shall have exclusive appellate jurisdiction to review Decisions, Resolutions, and Final Orders of the RARAD and the PARAD.

The Board shall have appellate jurisdiction over preliminary determination of Land Valuation cases resolved by the RARAD or the PARAD.

No Interlocutory Order of the RARAD or PARAD on any issue, question, matter, or incident raised before them shall be elevated on appeal to the Board.

SECTION 10. Annulment of Judgment of RARAD or PARAD. Annulment of final judgment of RARAD or PARAD shall be initiated by filing a verified petition with the Board attaching certified copies of the assailed decision, resolution or final order and alleging with particularity the facts and the law relied upon for the said annulment.

The annulment shall be based only on grounds of extrinsic fraud, denial of due process, and lack of jurisdiction. If based on extrinsic fraud, the action must be filed within three (3) years from its discovery. If based on denial or gross violation of due process and lack of jurisdiction, the action is imprescriptible unless it is barred by laches or estoppel.

The Petition shall consist of two (2) legible copies, together with sufficient copies corresponding to the number of Respondents. A certified true copy of the Decision, Resolution, or Final Order shall be attached to the original copy of the Petition intended for the Board and indicated as such by the Petitioner.

The Petition shall be accompanied with affidavits of witnesses or documents supporting the cause of action and a Certificate of non-forum shopping in accordance with Rule IV, Section 19 of this Rule.

The Board shall give due course to the Petition and require the Respondent(s) to submit a Comment on the Petition.

[Handwritten signatures and initials]

SECTION 11. Prejudicial Issue. — If there exists a prejudicial issue involving an Agrarian Law Implementation (ALI) case filed before the RARAD or the PARAD, the same shall be dismissed without prejudice.

Prejudicial issue is defined as one that arises in a case, the resolution of which is a logical antecedent of the issue involved; and the jurisdiction over which pertains to the Office of the Secretary (OSEC).

SECTION 12. Adjudicatory Power to dispense Compulsory Process. —The Board, the RARAD, and the PARAD are empowered to summon witnesses, administer oaths, and require answers to interrogatories, and issue subpoena *duces tecum*, writ of possession, writ of execution, writ of demolition, and other writs to enforce its Orders and Decisions through their Sheriffs or duly deputized officer/employee.

For this purpose, whenever necessary, the Board, the RARAD, or the PARAD shall direct the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), or any of their component units, or other law enforcement agencies to assist in the enforcement and execution of their Decisions, Resolutions, Final Orders, Writs, and other processes.

RULE III. Mediation or Conciliation at Barangay Level

SECTION 13. Barangay Agrarian Reform Committee (BARC) Certification. —The RARAD and the PARAD shall not take cognizance of any agrarian case, dispute, or controversy, unless a certification is presented from the BARC of the barangay where the land involved is located or the Municipal Agrarian Reform Program Officer (MARPO), to the effect that the dispute has been submitted to it for mediation or conciliation without any success or settlement, except that the said certification is not necessary in the following cases:

- a. Where the issue involves the valuation of land to determine just compensation for its acquisition.
- b. Where one party is a public or private corporation, partnership, association, or juridical person, or a public officer or employee, and the dispute relates to the performance of his official functions.
- c. Where the Secretary of DAR or the PARC directly refers the matter to the Board.

SECTION 14. Referral to BARC. — If the filing of the Complaint or Petition is not accompanied by the required BARC Certification, the same shall be referred to the BARC or Senior Agrarian Reform Program Technologist (SARPT) or Agrarian Reform Program Technologist (ARPT) of the barangay where the land is located, as stated in the complaint, through the MARPO of the area, directing:

- a. The BARC to conduct mediation/conciliation proceedings, by requiring the parties to submit their supporting documents and to return the matter to the Adjudicator with a report of the result of the proceedings, together with the complete records submitted before it, within thirty (30) days from receipt of the Complaint or Petition: or
- b. The SARPT or ARPT, in case of non-existence of the BARC or its inability to convene for that purpose, the SARPT or ARPT shall certify the non-existence or inability of the BARC and refer the matter back to the RARAD or the PARAD within three (3) days from receipt with a certification of non-existence or inability of the BARC to convene.




SECTION 15. Report of Settlement at the BARC to the RARAD or the PARAD — If the case is referred by the RARAD or the PARAD, and the same is settled at the BARC level, the results shall be contained in a Report to be submitted to the Adjudicator who referred the matter, within three (3) days from the termination of the proceedings before the BARC, whose Report shall be the basis for the rendition of judgment of the case before the RARAD or the PARAD.

SECTION 16. Land or Parties in Two (2) Barangays. — Where the land in dispute straddles two or more barangays or the parties involved reside in different barangays, the BARC of the barangay where the larger portion of the property lies, shall have the authority to conduct mediation or conciliation proceedings under these Rules, unless for convenience and accessibility and upon agreement of the parties such proceedings should be held in another barangay within the Municipality or adjacent Municipality where the land in dispute is located.

SECTION 17. Certification of Non-settlement. — If the BARC is unable to settle the dispute within fifteen (15) days, it shall return the case to the RARAD or the PARAD of origin with a Certification of Non-settlement, furnishing a copy to the parties.

SECTION 18. Special Rules on Mediation and Conciliation. - The mediation and conciliation proceedings at the BARC shall be in accordance with the DAR Rules and Procedures Governing Mediation/Conciliation of Agrarian Disputes by the BARC.

RULE IV. Commencement of Action, Venue, and Cause of Action

SECTION 19. Complaint or Petition. —An action shall be initiated by filing a verified Complaint or Petition with the Board, the RARAD, or the PARAD in the Province/Region where the land involved is located.

It shall also include the affidavit(s) of witnesses and documentary evidence, if any. The Complaint or Petition shall be duly signed by the Complainant or Petitioner, or his counsel, or by one who can show a Special Power of Attorney to represent the Complainant or Petitioner.

It shall state the area of the land involved and the Barangay where the land is located, or if the land is located in two (2) or more barangays, the barangay where the larger portion of the land is located.

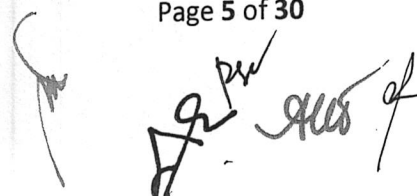
The Complaint or Petition shall state the name, residence, and complete mailing address of the Complainant or Petitioner and that of the Respondent, the facts constituting the cause of action, and the relief being sought.

Two (2) copies of the Complaint or Petition, and its annexes or attachments, and as many copies required to be served upon each of the Respondents, shall be filed.

The original or certified true copy of the annexes or attachments shall be attached to the principal copy of the Complaint or Petition which shall form part of the principal case folder and shall be indicated as such by the Complainant or Petitioner.

It shall be signed under oath by the Complainant/Petitioner, with an attached certificate of non-forum shopping. The failure to file the required certificate and/or the commission of acts constituting forum shopping, shall be a ground for dismissal of the case without prejudice.

SECTION 20. Amendment of and Supplement to Complaint or Petition. — The Complaint or Petition may be amended or supplemented at any time before a responsive pleading is served.

Handwritten signature and initials, possibly "A. P. ...", in the bottom right corner of the page.

After the responsive pleadings have been served, amendments or the filing of supplemental pleadings may be allowed at any stage of the proceedings, but before rendition of judgment only upon motion and with leave of the Board, or the RARAD, or the PARAD furnishing copies to the adverse party.

The motion to amend shall indicate the amendment sought to be admitted. In case of a supplemental pleading, it shall set forth the transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented.

SECTION 21. Venue.

- a. All actions shall be brought before the Board, the RARAD, or the PARAD of the Region/Province where the subject land is located.
- b. If the land is located or found in two or more provinces, the action shall be brought before the Adjudicator concerned where the larger portion of the land lies, unless for convenience or accessibility and upon agreement of all parties and upon approval of the RARAD, the venue shall be with the province as approved by the RARAD.
- c. However, upon motion, for compelling reasons by either of the parties may best serve the interest of agrarian justice, the hearing of the case may be changed or transferred to another place within or outside the Region by order of the RARAD or the Board, respectively.

RULE V. Parties and Caption

SECTION 22. Parties-in-Interest. — Every agrarian case must be initiated and defended in the name of the real party-in-interest. All parties having an interest in the matter shall be joined either as Complainant/Petitioner or Respondent/s.

If an additional Respondent is impleaded in a later pleading, the action with regard to him is commenced on the date of the filing of such pleading.

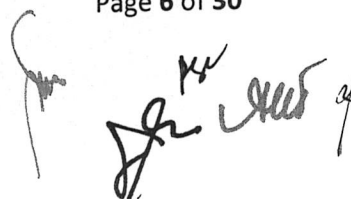
Whenever a party to a pending action before the Board, the RARAD, or the PARAD dies, it shall be the duty of the heirs and/or his/her counsel to inform the Board/Adjudicator within ten (10) days after such fact of death, and to give the name/s and address/s of the deceased legal heir/s or representative/s.

The heirs of the deceased may be allowed to substitute the deceased without requiring the appointment of an executor or administrator.

The Board, the RARAD, or the PARAD shall order said legal representative or representatives to appear and substitute the deceased within a period of three (3) days from notice.

SECTION 23. Pauper Litigant. — A party, who is an agricultural lessee, tenant, farmworker, as alleged and applied for in a sworn Complaint or Motion, shall be entitled to the rights and privileges of a pauper litigant under these Rules without further proof. He shall continue to enjoy such status as a pauper litigant at all levels of adjudication until the case is terminated.

SECTION 24. Association or Corporation. — When two or more persons, associated in any business, transact such business under a common name, whether it comprises the name of such persons or not, the associates may sue or be sued under such common name.



Persons associated in business that are sued under a common name, must all be named individually in the answer filed by them or on their behalf, stating their business address.

SECTION 25. Alternative Respondents. — Where the Complainant or the Petitioner is uncertain against who of several persons he is entitled to relief, he may join any or all of them as Respondents in the alternative, although a right to relief against one may be inconsistent with a right to relief against the other.

SECTION 26. Unknown Identity or Name of Respondents. — Whenever the identity or name of a Respondent is unknown, he may be sued as the unknown party using such designation as the case may require. When his identity or true name is discovered, the pleading must be amended accordingly.

SECTION 27. Entity without Juridical Personality as Respondents. — When two or more persons not organized as an entity with juridical personality enter a transaction, they may be sued under the name by which they are generally or commonly known.

In the answer of such Respondents, the names and addresses of the persons composing the said entity must all be revealed.

RULE VI. Service of Pleadings, Motions and Judgments

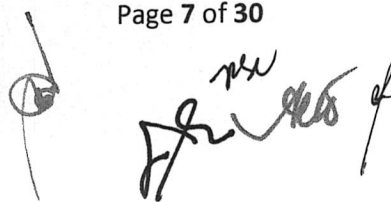
SECTION 28. Manner of Service- The filing and service of pleadings, appearances, motions, notices, orders, judgments, and all other papers shall be made by presenting the original copies, plainly indicated as such, personally to the Clerk of the Adjudicator or through registered mail or a licensed courier service.

- a. The party filing the pleading subsequent to the Complaint shall serve the opposing party with a copy in the manner provided in these Rules, and proof of such service shall be filed with the records of the case.
- b. Notices and copies of Decisions, Resolutions, or Orders shall be served personally as far as practicable, or by registered mail or licensed courier service upon the parties, counsels, or authorized representatives. However, notice to the counsel is notice to the party.

SECTION 29. Service upon Associations. — When persons associated in businesses are sued under a common name, service may be effected upon all the Respondents by serving upon any one of them, or upon the person in charge of the office or place of business maintained in its common name. However, such service shall not individually bind any person whose connection with the association has, upon due notice, been severed before the action is brought.

SECTION 30. Service upon Private Domestic Juridical Entities. — If the Respondent is a corporation, partnership, association, or cooperative organized and registered under Philippine laws with a juridical personality, service may be made, in the alternative, on the president, managing partner, general manager, corporate secretary, treasurer, in-house counsel, or a competent person in charge of the office.

SECTION 31. Service upon Public Corporation. — When the Respondent is the Republic of the Philippines, service may be effected on the Solicitor General. In case of a province, city, municipality, or other public corporations, service may be effected on its chief executive or on such other officer as the law, the Board, the RARAD, or the PARAD may direct.

Handwritten signature and initials, possibly "FR" and "MS", with a circular stamp or mark to the left.

SECTION 32. Proof of Completeness of Service. — The Registry Return Card (RRC) is *prima facie* proof of the facts indicated. Service by registered mail is completed upon receipt by the addressee, his counsel, or by his duly authorized representative or agent.

SECTION 33. Substituted Service. — If the service of Pleadings, Motions, Notices, Decisions, Resolutions, Orders, and other papers cannot be made under the preceding sections, the office and place of residence of the party or representative on record or the counsel, being unknown, service may be made by delivering the copy to the Clerk of the Adjudicator or the Board through the Executive Director, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

RULE VII. Summons, Notices, Decisions, Resolutions, Orders and Submission of Evidence

SECTION 34. Issuance of Summons, Time to Answer, and Submission of Evidence. — If the Complaint or Petition is filed together with the BARC Certification and the affidavit of witnesses, with the RARAD or the PARAD, as required in Rule III of these Rules, or upon the return of the Complaint or Petition referred to the BARC in accordance with the said Rule III, the corresponding Summons and Notice of Preliminary Conference shall be issued by the Clerk of the Adjudicator, attaching a copy of such Complaint, Petition, Affidavit, and documentary evidence, if any.

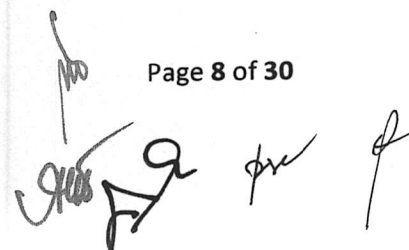
The Summons and Notice of Preliminary Conference shall direct the Respondent/s to file an Answer to the Complaint or Petition or submit Counter-Affidavit/s and other documentary evidence, if any, within a non-extendible period of ten (10) days from receipt, furnishing a copy to the Complainant or the Petitioner. The Summons shall specify the date, time, and place of the preliminary conference and shall order the parties and their witnesses to appear at the scheduled date of conference.

The Summons and all other notices to be issued by the RARAD or the PARAD shall be written in English, or in Filipino, or in other local dialect.

SECTION 35. Return of Service. — The Sheriff or other designated officer who personally served the Summons, Notices, Decisions, Resolutions, or Orders shall submit his return within three (3) days from the date of his service, stating the name of the person served and the date of receipt of the same or if no service was effected, the serving officer shall state the reasons.

SECTION 36. Manner of Service of Summons. — The Summons, together with the Notice of Preliminary Conference with the attached copy of the Complaint, Petition, Affidavit, and documentary evidence, if any, shall be served personally by the Sheriff or any DAR personnel deputized by the Board, the RARAD, or the PARAD issuing the Summons to the Respondent within three (3) days from the filing or from date of receipt if filing is done by registered mail or licensed courier service, as the case may be. If the Respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

- a. By leaving copies of the Summons at the Respondent's residence with some person of suitable age and discretion residing; or
- b. By leaving the copies at the Respondent's office or regular place of business with some competent person in charge.



In case the Respondent/s' whereabouts are unknown and cannot be ascertained by diligent inquiry, service may be effected upon him by publication in a newspaper of general circulation, and in such places and for such time as the Board, the RARAD, or the PARAD may order. However, if publication is effected pursuant to this Rule, only the Notice of Summons and Notice of Hearing shall be published, and not the entire Complaint or Petition. Publication, coupled with registered mail or license courier service, shall be served to the last known address of the Respondent.

SECTION 37. Answer Required. The Respondent must file a sworn Answer to the Complaint or Petition by responding with admissions or specific denials of each and every allegation in the Complaint or Petition, or if this cannot be done, by averring lack of sufficient knowledge, which will be deemed as a specific denial.

The Respondent may incorporate in his Answer a motion to dismiss on the ground of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.

An Answer must be accompanied by the affidavit(s) of Respondent's witnesses. The Answer may include a counterclaim or cross-claim for damages, attorney's fees, or litigation expenses.

SECTION 38. Time to Answer. — The Respondent is given a non-extendible period of ten (10) days upon receipt of summons within which to file the Answer or Comment.

SECTION 39. Amendment of the Pleadings. — The Complaint or Petition may be amended as a matter of right before a responsive pleading is filed. Thereafter, amendments may be filed with leave upon motion by the Complainant or Petitioner, together with the amended Complaint or Petition with notice to the adverse party, but before rendition of judgment.

If the Motion is granted, a new copy of the entire amended Complaint or Petition shall be served to the Respondent.

SECTION 40. Answer to Amended Pleadings. — The Respondent may file his amended Answer to the amended Complaint or Petition within ten (10) days from receipt, furnishing a copy to the Complainant or Petitioner.

The Answer to the Complaint or Petition shall serve as the Answer to the amended pleadings if no new Answer is filed.

SECTION 41. No Default upon Failure to Answer. - No declaration of default shall be made or judgment by default be rendered when the Respondent fails to file an Answer.

The Complainant or Petitioner must proceed to prove his case, and the Respondent shall be allowed to participate in subsequent proceedings.

SECTION 42. Order upon Receipt of Answer or Lapse of Period to Answer. — Within three (3) days from receipt of the Answer or from the lapse of the ten (10) day period to file an Answer, without any Answer having been filed, the Board, the RARAD, or the PARAD shall immediately issue an Order setting the case for preliminary conference.

SECTION 43. Contents of Affidavits. — The Affidavits required to be submitted under this Rule shall be sworn, stating only facts of direct personal knowledge of the affiants

and shall show their competence to testify to the matters stated and in compliance with Section 3 of A.M. No. 12-8-8-SC or the Judicial Affidavit Rule.

A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action and shall be a cause to expunge the inadmissible affidavit or portion from the record.

RULE VIII. Appearances

SECTION 44. Appearance. — A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, the Attorney's Roll Number, PTR, IBP Number for the current year, and MCLE compliance shall be indicated in the lawyer's pleadings and motions.

A non-lawyer may appear before the Board or any of the Adjudicators, if:

- a. He/she represents himself/herself as a party to the case.
- b. He represents his farmer's organization or members, provided that he shall present proof of authority from the organization or its members or such authority duly signed by the Chief Executive Officer, President, Head, or Chair of the organization.
- c. He/she is a law student who has successfully completed his third year of the regular four-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court. His appearance pursuant to this Rule shall be under the direct supervision and control of a member of the IBP duly-accredited by the law school. Any and all pleadings, motions, memoranda or other papers to be filed must be signed by the supervising attorney for and on behalf of the legal aid clinic.
- d. He is a DAR Legal Officer. For this purpose, the DAR Legal Officer must have the authority and be under the direct supervision and control of the Chief Legal Division. Any and all Pleadings, Motions, Memoranda, or other papers to be filed must be signed by the Chief Legal Division.

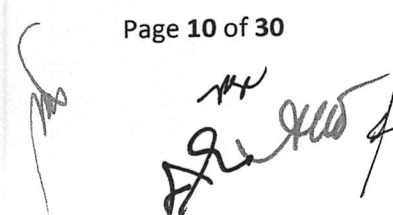
SECTION 45. Assignment of Counsel *de officio*. — A party appearing without counsel or represented by a non-lawyer may be assigned a counsel *de officio* from the DAR Legal Services Division or a member of the Bar to act as such counsel *de officio*.

SECTION 46. Authority to Bind Party. — Counsel and/or representatives of parties, without a special power of attorney, cannot enter into a compromise agreement with the opposing party when a full or partial discharge of a client's interest is made.

RULE IX. Preliminary Conference

SECTION 47. Preliminary Conference. — After the Answer shall have been served and filed, or upon receipt of the BARC Certification of non-settlement in instances when the case was referred to the BARC for mediation/conciliation, the Board, the RARAD, and the PARAD shall proceed with the Preliminary Conference within fifteen (15) days.

SECTION 48. Notice of Preliminary Conference. — The Notice of the Preliminary Conference shall be served upon the representative or counsel of record or the party himself, if he has no representative or counsel of record.

Handwritten signature and initials in the bottom right corner of the page.

SECTION 49. Appearance of Parties. — It shall be the duty of parties and their counsel or their authorized representative, if any, to appear at the preliminary conference.

The counsel or his representative cannot, without a written authority or express consent of his client, enter an amicable settlement, submit to alternative modes of dispute resolution, or enter into stipulations or admissions of facts or of documents.

SECTION 50. Effect of Failure to Appear. — In the event the Respondent or his counsel fails to appear at the preliminary conference, the Board, the RARAD, or the PARAD shall, within fifteen (15) days from the date of the scheduled conference, render a Decision adjudicating Complainant's or Petitioner's claims.

In the event the Complainant or Petitioner fails to appear at the preliminary conference, the Board, the RARAD, or the PARAD shall dismiss the Complaint or Petition and render a Decision adjudicating the Respondent's counterclaim, as may be warranted.

However, the Board, the RARAD, or the PARAD may set aside a judgment rendered under this Section if, within ten (10) days from receipt of a copy of the judgment, the party concerned files a motion with prior notice to the adverse party that his failure to appear at the preliminary conference was due to fraud, accident, or other justifiable reason. A fine of not less than One Thousand Pesos (Php 1,000.00) may be imposed for the non-appearance of the party or his counsel.

SECTION 51. Amicable Settlement thru Alternative Disputes Resolution (ADR). During the preliminary conference and at any stage of the proceedings, the Board, the RARAD, or the PARAD shall exert all efforts for the amicable settlement of the case thru the facilities of the ADR.

If the parties arrive at any settlement, the same shall be reduced into writing in a language or dialect known to and spoken by the parties and signed under oath by them before the Board, the RARAD, or the PARAD.

If a Compromise Agreement is entered by the parties in a manner other than as specified above, the Board, the RARAD, or the PARAD may set the case for a hearing for the purpose of determining the authenticity and due execution before approving it.

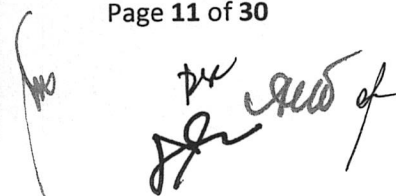
The settlement shall be approved after the Board, the RARAD, or the PARAD is satisfied, that it was voluntarily entered into by the parties, and the same is not contrary to relevant laws, rules and regulations, and after having explained to them the terms and conditions.

The judgment approving the compromise agreement shall have the effect of a judgment on the case, which shall immediately be final and executory.

In all cases where the beneficiaries, tenant-farmers, or farmworkers are not assisted by a private counsel, the Board, the RARAD, or the PARAD shall coordinate with the DAR Legal Services Division to ensure that the said parties shall be assisted by a counsel *de officio* in arriving at a settlement.

RULE X. Proceedings Before the RARAD or PARAD

SECTION 52. Nature of Proceedings. — The proceedings before the RARAD or the PARAD shall be summary and non-litigious in nature. Subject to the requirements of due process, the technicalities of law and procedures under the Rules of Court shall not apply.

Handwritten signature and initials in black ink, appearing to be a signature followed by the initials 'DR' and 'JED'.

SECTION 53. Role of the Adjudicator (RARAD or PARAD) in the Proceedings. — The Adjudicator (RARAD or PARAD) shall personally conduct the hearing and take full control of the proceedings. He may examine the parties and witnesses freely with respect to the matters at issue and shall limit the right of the parties or their counsels to ask questions only for the purpose of clarifying the points of law at issue or of facts involved in the case. He shall also limit the presentation of evidence by the contending parties only to matters relevant and material to the issues and necessary for a just, expeditious, and inexpensive disposition of the case.

SECTION 54. Orders or Resolutions during the Hearing of the Case. — The Order or Resolution of the RARAD or the PARAD on any issue, question, matter, or incident raised before him shall be valid and effective until the hearing of the case shall have been terminated and resolved on the merits.

SECTION 55. Submission of Verified Position Papers. — In case the parties fail to arrive at an amicable settlement of the case or the RARAD or the PARAD denies the compromise agreement, the RARAD or the PARAD shall issue an order directing the parties and their counsels to simultaneously submit their respective verified position papers within a non-extendible period of fifteen (15) days from receipt of the Order.

SECTION 56. Conduct of Hearing. — Within five (5) days from receipt of the verified Position Papers from the parties, the RARAD or the PARAD may conduct a hearing for the purpose of clarifying points of law or facts involved in the case. Upon termination of the hearing, the case or incident shall be deemed submitted for decision or resolution.

SECTION 57. Record of Proceedings. — The proceedings before the RARAD or the PARAD shall be recorded by a Stenographer or any designated DAR employee. In the absence of an available Stenographer, the RARAD or the PARAD shall make a written summary of the proceedings, including the substance of the evidence presented which shall be attested by the parties or their counsel and shall form part of the records of the case. If any of the party or counsel refuses to sign, the reason for such refusal shall be noted.

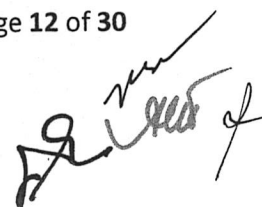
SECTION 58. When a Case is Deemed Submitted for Resolution. — The case is deemed submitted for resolution after the filing of the verified Position Papers or after the lapse of the period to file, or after the clarificatory hearing shall have been concluded by the RARAD or the PARAD.

SECTION 59. Inhibition. — The RARAD or the PARAD may voluntarily inhibit himself/herself from the case and shall state in writing the grounds relied upon. Any motion for inhibition shall be resolved within five (5) days from its filing. An Order denying or granting a motion for inhibition is not appealable.

SECTION 60. Period to Render the Decision. — The RARAD or the PARAD shall render judgment of the case, within thirty (30) days after it is deemed submitted for resolution.

SECTION 61. Award and Damages. — The Board, the RARAD, or the PARAD, may award actual, compensatory, exemplary, moral damages, and attorney's fees.

SECTION 62. Finality of Judgment. — Unless appealed, the Decision, Resolution, or Final Order disposing the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy by the party or their representatives or their respective counsels. However, notice to the counsel is notice to the party.



SECTION 63. Motion for Reconsideration. — Within fifteen (15) days from receipt of the Decision, Resolution, or Final Order of the Board, the RARAD, or the PARAD, a party may move for reconsideration of such Decision, Resolution, or Final Order on the grounds that:

- a. The findings of fact in the said Decision, Resolution, or Final Order are not supported by substantial evidence; or
- b. The conclusions stated are contrary to law and/or jurisprudence.

The Motion for Reconsideration shall be filed together with proof of service of a copy upon the prevailing party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an Appeal. If the Motion is denied, the aggrieved party shall have a period of fifteen (15) days reckoned from the receipt of the Notice of the Resolution of denial.

RULE XI. Motions in General

SECTION 64. Motion Defined —A Motion is an application for relief, other than a pleading.

SECTION 65. Form. — All Motions shall be in writing, except those made in the course of a hearing or trial.

SECTION 66. Contents. — A Motion shall state the relief sought and the grounds upon which it is based, and if necessary, shall be accompanied by supporting affidavits and documents.

SECTION 67. Notice. — A copy of the Motion, together with copies of supporting affidavits or documents, shall be served by the Movant upon the opposing party or their representative and their respective counsels at least three (3) days before the hearing.

SECTION 68. Proof of Service. —The Board, the RARAD, or the PARAD may only act on Motion with proof of service.

SECTION 69. Expeditious Resolution of Motions. —All Motions shall be resolved within a reasonable time from its submission for resolution.

An Interlocutory Order shall not be appealable.

In cases where the Motion to Dismiss is filed on the grounds of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment, said motion shall be resolved by the Board, the RARAD, or the PARAD within thirty (30) days after the receipt of the comment from the Petitioner.

SECTION 70. Non-allowable Motions. — The following Motions shall not be allowed:

- a. Motion to declare respondent in default or for a judgment in default.

Handwritten signature and initials in the bottom right corner of the page.

- b. All other Motions filed before an Answer, except Motions to Dismiss on the ground of prescription, lack of jurisdiction or failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.
- c. Motion for extension of time to file an Appeal or Motion for Reconsideration.
- d. Second Motion for Reconsideration by the same party.

RULE XII. Intervention

SECTION 71. Who May Intervene. — A person, who has a legal interest on the matter in litigation, or in the success of either of the parties or an interest against both, or has a substantial right or interest in the subject matter of the case before the Board, the RARAD, or the PARAD, may be allowed to intervene in the case by filing a pleading-in-intervention.

SECTION 72. Time to Intervene. — A person desiring to intervene may, before judgment by the Board, the RARAD, or the PARAD, file a Motion for Leave to Intervene attaching the pleading-in-intervention with notice upon all the parties to the action.

In allowing or disallowing a Motion for Leave to Intervene, the Board, the RARAD, or the PARAD shall consider if the intervention will unduly delay or prejudice the adjudication of the rights of the original parties or if the Intervenor's right may be fully protected in a separate proceeding.

SECTION 73. Answer-in-Intervention. — The Answer-in-Intervention shall be filed within ten (10) days from notice of the order allowing the intervention.

RULE XIII. Decisions, Resolutions and Final Orders


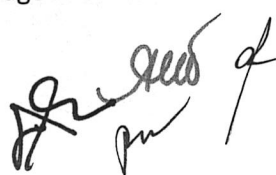
SECTION 74. Decisions, Resolutions and Final Orders. — The Decisions, Resolutions, and Final Orders of the RARAD or the PARAD shall be in writing, prepared and signed by him and filed with the Regional or Provincial Clerk of the Adjudicator. It shall clearly and distinctly state the findings of fact and specify the evidence and the law or jurisprudence upon which it is based.

The Decisions, Resolutions, and Final Orders of the Board shall be in writing, prepared by the Board Member to whom it is assigned, signed by the majority Members of the Board and filed with the Executive Director of the Board Secretariat.

SECTION 75. Promulgation. — After the Decision, Resolution, or Final Order is signed by the Board, the RARAD, or the PARAD, the same shall be filed with the Executive Director or the Regional or Provincial Clerk of the Adjudicator, respectively, who shall indicate the date and hour of promulgation.

SECTION 76. Service of Decisions, Resolutions or Final Orders. — Upon promulgation of the Decision, Resolution, or Final Order, the Executive Director or the Regional or Provincial Clerk of the Adjudicator, as the case may be, shall immediately cause copies to be served upon the parties or their representatives or their respective counsels.

The notice of the Decisions, Resolutions, or Final Orders of the RARAD, or the PARAD shall be served in the manner provided under Rule VI, Section 28, while the service of Decisions, Resolutions, or Final Orders of the Board shall be by registered mail. In all instances, if service by registered mail cannot be effected, service by publication may be resorted to.

All notices of Decisions, Resolutions, or Final Orders shall be written in English or in Filipino, or other local dialect.

SECTION 77. Entry of Decisions, Resolutions and Final Orders. — If no Appeal or Motion for Reconsideration is filed within the time provided in these Rules, the Decisions, Resolutions, and Final Orders of the Board, the RARAD, or the PARAD shall be entered in the Book of Entries of Decisions, Resolutions, and Final Orders by the Office of the Executive Director, or the Regional or Provincial Clerk of the Adjudicator, respectively.

The Office of the Executive Director and the Regional or Provincial Clerks of the Adjudicator shall maintain a Book of Entries of Decisions, Resolutions, and Final Orders which shall contain the case title, date of the promulgation, date of finality, the dispositive portion, and shall be signed by the designated officer in the office of the Executive Director or the Clerk of the Adjudicator, as the case may be, with a certification that such Decisions, Resolutions, and Final Orders have become final and executory.

RULE XIV. Appeals

SECTION 78. Appeal to the Board. — An Appeal may be taken to the Board from a Decision, Resolution, and Final Order of the RARAD or the PARAD that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the Decisions, Resolutions, or Final Orders appealed from or of the denial of the Motion for Reconsideration by:

- a. Filing a Notice of Appeal together with the Appellant's Memorandum with the RARAD or the PARAD who rendered the Decision, Resolution, or Final Order appealed from with proofs of service of the Notice of Appeal and Appellant's Memorandum to the prevailing party and payment of appeal fee.
- b. Furnishing copies of Notice of Appeal and Appellant's Memorandum to the prevailing party or their representative and respective counsels.
- c. Paying an appeal fee of One Thousand Pesos (PhP1,000.00) to the DAR Cashier where the Office of the RARAD or the PARAD is situated, or through postal money order payable to the DAR Cashier where the Office of the RARAD or the PARAD is situated, at the option of the aggrieved party.

A pauper litigant, as defined by Rule V Section 23, shall be exempted from the payment of the appeal fee.

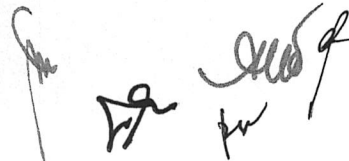
Non-compliance with the foregoing shall be a ground for dismissal of the Appeal.

SECTION 79. Grounds. — The aggrieved party may appeal to the Board from a Final Order, Resolution, or Decision of the RARAD or the PARAD on any of the following grounds:

- a. Errors in the findings of fact or conclusions of law were committed which if not corrected, would cause grave and irreparable damage or injury to the Appellant.
- b. The Order, Resolution, or Decision was obtained through fraud or coercion.

SECTION 80. Notice of Appeal. — The Notice of Appeal shall:

- a. Be filed with the RARAD or the PARAD concerned in three (3) sets of legible copies.



- b. Indicate the parties to the Appeal.
- c. Specify and attach the certified true copy of the appealed Decision, Resolution, or Final Order.
- d. Attach proof of payment of appeal fee, unless exempted.
- e. State the material dates showing the timeliness of the Appeal.

SECTION 81. Perfection of Appeal. — An Appeal is deemed perfected upon compliance with Section 78 of this Rule.

If the Appeal is perfected, the RARAD or the PARAD shall, within five (5) days from receipt of the Notice of Appeal and Appellant's Memorandum, issue an Order stating that the Appeal is perfected in accordance with the Rules, and direct the Appellee to file a Memorandum to the Board through the DARAB Secretariat within ten (10) days from receipt of the Order. If the Appeal is not perfected, the RARAD or the PARAD shall issue an Order denying the Appeal, within five (5) days from receipt of such Appeal.

SECTION 82. Motions after Perfection of the Appeal and Transmittal of Records on Appeal. — Any Motion filed with the RARAD or the PARAD, after the perfection of the Appeal and before the elevation of the case records to the Board, must be resolved by the RARAD or the PARAD concerned, and shall form part of the records on Appeal to be forwarded to the Board. A copy of the Motion shall be furnished to the opposing party or their representative or their respective counsels.

The RARAD or the PARAD concerned shall, within ten (10) days from issuance of the Order declaring the Appeal perfected, directs the transmittal of the Appeal to the Board, together with the complete records of the case, furnishing the parties with copies of the transmittal letter.

The records of the case shall contain, among others, a Table of Contents, the original case folder containing all pleadings filed in chronological order as they were filed, which shall all be numbered consecutively and initialed by the RARAD or the PARAD, or the Clerk of the Adjudicator on each and every page.

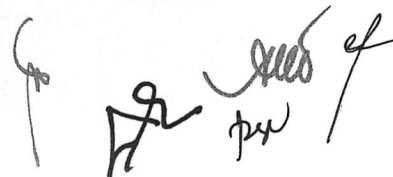
The RARAD or the PARAD concerned shall retain, maintain, and protect the second copy of case folder which shall serve as backup files of the original.

SECTION 83. Docketing of Cases. — Upon receipt and proper evaluation of the case records on Appeal, the Office of the DARAB Secretariat shall docket the case within the day.

SECTION 84. Caption. — In all cases appealed to the Board, the Title shall remain as it was before the RARAD or the PARAD, but the party appealing shall be referred as the "Appellant" and the prevailing party the "Appellee".

SECTION 85. Frivolous or Dilatory Appeal. — To discourage frivolous or dilatory appeals, the Board may impose reasonable penalties, such as a fine not exceeding One Thousand Pesos (PhP 1,000.00), reprimand or censure upon erring party/s and counsel.

SECTION 86. Withdrawal of Appeal. — An Appeal may be withdrawn at any time prior to the promulgation of the Decision, Resolution, or Final Order, except when public interest is prejudiced. Immediately upon approval of the withdrawal of an Appeal, the case shall stand as if no appeal had ever been taken.



SECTION 87. When Appeal is Deemed Submitted for Resolution. — The Appeal shall be deemed submitted for resolution upon receipt of the records on appeal and Appellee's Memorandum or after the lapse of the period within which to file the same. Unless there is a need to conduct a hearing for clarification.

At its option, the Board may direct or Order the parties to file a Comment within ten (10) days, or conduct clarificatory hearings within ten (10) days from receipt by the concerned Board Member.

SECTION 88. Period to Decide Appeal. — The Board shall render judgment on appeal within thirty (30) days after the case is deemed submitted for resolution.

SECTION 89. Finality of Decisions, Resolutions and Final Orders. — Without a Motion for Reconsideration or a judicial appeal being filed, the Decisions, Resolutions, and Final Orders of the Board shall become final after the lapse of fifteen (15) days from its receipt by the parties or their representatives or their respective counsels.

For purposes of appeal, the period shall be counted from receipt of such Decisions, Resolutions, or Final Orders by the counsel, party/ies, or representative on record. Due notice to the counsel is deemed a notice to the party.

If service by publication is resorted to, the Decision, Resolution, and Final Order shall become final after the lapse of sixty (60) days from the date of complete publication.

RULE XV. Judicial Remedies

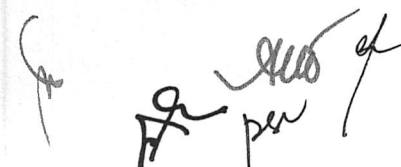
SECTION 90. Ordinary Appeal to the Court of Appeals. — Any Decision, Resolution, or Final Order of the Board involving questions of fact and law or mixed questions of fact and law shall be brought on appeal by way of Petition for Review within fifteen (15) days from receipt of a copy by the counsel or party in accordance with Rule 43 of the Rules of Court.

SECTION 91. No Restraining Order or Preliminary Injunction. — Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Board, the RARAD, or the PARAD, in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement or interpretation of the Comprehensive Agrarian Reform Law and other pertinent laws on Agrarian Reform and regulations promulgated thereunder pursuant to Section 55, Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700.

RULE XVI. Relief from Decision, Resolution or Final Order

SECTION 92. Petition for Relief from Decision, Resolution or Final Order. — When a Decision, Resolution, or Final Order is rendered by the Board, the RARAD, or the PARAD, against any party through fraud, accident, mistake and excusable neglect and such party has no other plain, speedy and adequate remedy available to him in the ordinary course of law, he may file a Petition for Relief with the Board, the RARAD, or the PARAD, praying that the Decision, Resolution, or Final Order be set aside.

SECTION 93. Form and Time of Filing of Petition. — A petition for relief must be verified and a copy together with its annexes and supporting affidavits, if any, must be furnished to the adverse party or parties and filed within sixty (60) days from the time the fraud, accident, mistake or excusable negligence was discovered and within six (6) months after the decision/resolution/final order was rendered.

Handwritten signature and initials in the bottom right corner of the page.

The petition must be accompanied by affidavits and supporting documents showing the fraud, accident, mistake or excusable negligence relied upon, whichever is applicable as well as the proof of service of the petition on the other party or parties. Without such proof of service the petition shall not be entertained.

RULE XVII. Preliminary Injunction/Restraining Order/Status Quo Order

SECTION 94. Preliminary Injunction, When Granted. — A Writ of Preliminary Injunction, Restraining Order, or a *status quo order* may be granted by the Board or at least two (2) Members or by the RARAD or the PARAD, as the case may be, when it is established, on the basis of allegations in the sworn Complaint or Motion, which shall be duly supported by affidavits of merit, that the acts being complained of, if not enjoined, would cause some grave and irreparable damage or injury to any of the parties in interest so as to render ineffectual the decision which may be in favor of such party. If the Board, the RARAD, or the PARAD finds that it is necessary to post a bond, it shall fix the reasonable amount of the bond to be filed by the party applying for the injunction in favor of the party who might suffer after it is finally determined that the Complainant or Petitioner is not entitled. Upon the filing and approval of such Bond, a Writ of Injunction may be issued.

The Board, the RARAD, or the PARAD may also require the performance of a particular act/s, in which case, it shall be known as a preliminary mandatory injunction.

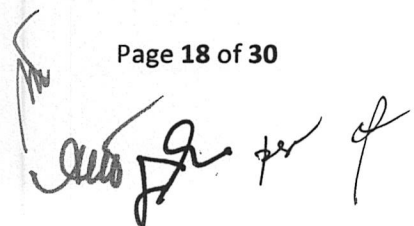
SECTION 95. No Injunction to Restrain Tilling or Harvesting. — In cases where the tenurial status of a person is at issue, the Board, the RARAD, or the PARAD shall not issue any order restraining or enjoining the actual tiller from cultivating the land or harvesting the standing crops nor issue an order impounding the harvest, if any, without providing him with at least fifty percent (50%) of the net harvest.

SECTION 96. Temporary Restraining Order. — A Temporary Restraining Order issued *ex-parte*, shall be valid only for twenty (20) days from the date the same is received by the Respondent. During this period, the parties shall be required to present evidence to substantiate their respective positions on whether a preliminary injunction shall be granted. The period of twenty (20) days may be extended upon motion of the proper party on valid grounds, for another twenty (20) days from the expiration of the original period. Thereafter, no motion for further extension of the Temporary Restraining Order shall be allowed. After due notice and hearing, and before the lapse of the Temporary Restraining Order, the issue of preliminary injunction or *status quo* should be resolved.

SECTION 97. Supervision of Harvest. —An Order for the supervision of harvest may be issued by the Board or at least two (2) Members or by the RARAD or the PARAD, *motu proprio* or upon motion of either parties when it is established on the basis of the allegations in the sworn Complaint or Motion, which shall be duly supported by an Affidavit of Merit, that one or more persons are claiming rights adverse to the tiller on the landholding in question or there is a dispute as to the sharing in the net harvest of the landholding.

The Board or at least two (2) Members or the RARAD or the PARAD shall issue an order distributing the proceeds from the intervening harvest, as follows:

- i. Release fifty percent (50%) to the party claiming to be tenant or actual tiller.
- ii. Release twenty-five percent (25%) to the landholder.

Handwritten signature and initials in black ink, located at the bottom right of the page. The signature appears to be 'A. J. ...' followed by some initials.

- iii. Deposit, in trust, the cash equivalent of the remaining twenty-five (25%) with the nearest Land Bank of the Philippines (LBP) Branch in accordance with the existing DAR rules and regulations.

In case the proceeds of the harvest or its equivalent amount is not accepted by the parties or one of the parties to the case, the Sheriff shall deposit the said proceeds or its equivalent amount to the nearest LBP Branch after completion of the harvest in accordance with the existing DAR rules and regulations.

The Order for the supervision of harvest shall be self-executory and remain effective unless the Board, the RARAD, or the PARAD issues an order lifting or revoking the same or the case has been decided on the merits with finality.

RULE XVIII. Direct and Indirect Contempt

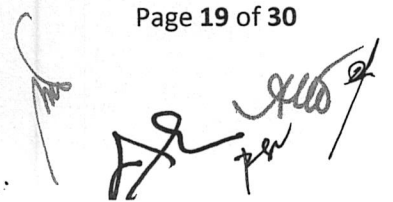
SECTION 98. Direct Contempt. — The Board or any of its Members or RARAD/PARAD may summarily adjudge in contempt any person guilty of misbehavior in the presence of, or so near the Board or any of its Member or the RARAD or the PARAD, as to obstruct or interrupt the proceedings before the same, including disrespect to said officials, offensive acts towards others, or refusal to be sworn or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so. The same shall be punished by a fine not exceeding Five Thousand Pesos (Php 5,000.00), or in case of inability or refusal to pay the fine, an imprisonment of not exceeding three (3) days shall be imposed.

The judgment of the Board, the RARAD, or the PARAD on direct contempt is immediately executory and not appealable.

SECTION 99. Indirect Contempt. — In the exercise of its quasi-judicial power, and as provided by Section 50 of R.A. No. 6657, as amended, the Board or at least two (2) of its Members or the RARAD or the PARAD, may cite and punish any person for indirect contempt.

Any person may be cited or punished for Indirect Contempt under any of the following grounds:

- a. Misbehavior of any officer or employees in the performance of his/her official duties or in his/her official transaction.
- b. Disobedience of or resistance to a lawful writ, order or decision, including the acts of a person after the judgment or process to re-enter or attempt or induces another to enter into or upon such real property in any manner which disturbs the possession given to the person adjudged to be entitled.
- c. Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt.
- d. Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice.
- e. Misrepresenting to be an attorney or a representative of a party without authority.
- f. Failure to obey a subpoena duly served.
- g. Other grounds analogous to the foregoing.

Handwritten signature and initials in black ink, located at the bottom right of the page. The signature appears to be 'AR' followed by some illegible initials and a checkmark.

Proceedings for indirect contempt may be initiated *motu proprio* by the Board, the RARAD, or the PARAD against which the contempt was committed by order or any other formal charge requiring the Respondent to show cause why he should not be cited and punished for Indirect Contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved, and upon full compliance with the requirements for filing initiatory pleadings in the Board, the RARAD, or the PARAD concerned. If the contempt charges arise out of or are related to a principal action pending before the Board, the RARAD, or the PARAD, the Petition for Contempt shall allege that fact, but the said Petition shall be docketed, heard, and decided separately.

In both instances, the Contemnor shall be given a non-extendible period of ten (10) days to submit a verified Answer to the Charge or Petition.

SECTION 100. Appeal from Indirect Contempt- The Contemnor may, within a period of five (5) days from notice of the judgment, appeal the same to the Board, and the execution of said judgment shall be suspended pending the resolution of the appeal upon the filing by the said person of a bond on condition that he will abide by, and perform the judgment should the appeal be decided against him.

With respect to indirect contempt committed against the Board or any of its member, the same shall be immediately executory without prejudice to an appeal with the appropriate tribunal.

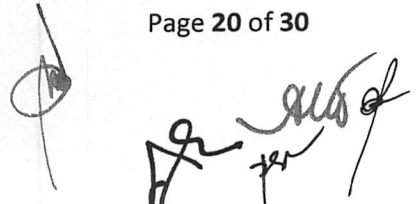
SECTION 101. Hearing – On the date set for hearing, the Board, the RARAD, or the PARAD shall proceed to determine the charge and consider the answer and testimony as the Contemnor may make or offer. Failure of the Contemnor to attend the scheduled hearing will result in the waiver of his right.

SECTION 102. Punishment for Indirect Contempt- If the Contemnor is adjudged guilty of indirect contempt committed against the Board or any of its member or the RARAD or the PARAD, he shall be punished by a fine of One Hundred Pesos (PhP 100.00) per day of continued defiance but not to exceed Five Thousand Pesos (PhP 5,000.00). Each day of defiance of, or disobedience to, or non-enforcement for a period of ten (10) days shall constitute indirect contempt against the Board, the RARAD, or the PARAD, and shall be the basis for his detention for a period not exceeding five (5) days.

In case the penalty is detention, the Board, the RARAD, or the PARAD shall issue a commitment order requesting the concerned authority to detain the Contemnor within the detention facilities, attaching the final resolution citing the Contemnor for Indirect Contempt.

Rule XIX. Administrative Determination of Land Valuation

SECTION 103. Principal Role of the Board, RARAD or PARAD. — The administrative proceedings for the preliminary determination of land valuation must be summary in nature. The principal role of the Board, the RARAD, or the PARAD is to determine whether the Department of Agrarian Reform (DAR) and the Land Bank of the Philippines (LBP), in their computation of land valuation, have complied with Section 17 of R.A. No. 6657, as amended, and other administrative or policy issuances of the DAR, the LBP, and the prevailing jurisprudence.

Handwritten signature and initials in the bottom right corner of the page.

SECTION 104. Jurisdictional Amount —The jurisdiction of the Board, RARAD and PARAD on land valuation shall be determined in the following amount:

- a. The PARAD, when the LBP valuation is Three Million Pesos (PhP3,000,000.00) and below;
- b. The RARAD, when the LBP valuation is more than Three Million Pesos (PhP3,000,000.00), but not exceeding Fifty Million Pesos (PhP50,000,000.00); and
- c. The Board, when the LBP valuation exceeds Fifty Million Pesos (PhP50,000,000.00).

In the event of non-availability, inhibition or disqualification of a designated PARAD in the locality, the RARAD may assign the conduct of land valuation proceedings to any of the PARADs within the region.

On account of non-availability, inhibition or disqualification of the RARAD, the Board may conduct the preliminary proceedings of land valuation or designate an Adjudicator from among the RARADs of adjoining regions.

SECTION 105. Commencement of Land Valuation Case under R.A. No. 6657. – A land valuation case shall commence upon receipt by the Board, the RARAD, or the PARAD of the Memorandum-Advice from the DAR requesting the conduct of summary administrative proceedings with claim folder containing certified true copies of the following:

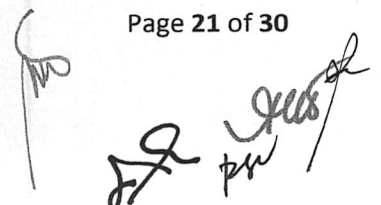
- a. Memorandum of Valuation (MOV);
- b. Land Valuation Worksheet (LVW);
- c. Notice of Land Valuation and Acquisition (NLVA) with proof of receipt;
- d. Landowner's Rejection Letter, if any;
- e. Order to Deposit Landowner's Compensation with proof of receipt;
- e. Certification of Deposit (COD); and
- f. Other pertinent documents forwarded by the LBP.

The Executive Director or the RARAD or the PARAD, upon receipt of the endorsement of the PARPO II Memorandum-Advice, shall evaluate the completeness of the documents required in the conduct of the administrative proceedings relative to the land valuation. In case of incomplete documents, an Order shall be issued by the Board, the RARAD, or the PARAD requiring for its completion. Otherwise, an Order shall be issued requiring all the parties to submit their respective verified position papers within thirty (30) days from receipt of the Order.

SECTION 106. Commencement of Land Valuation Case under PD 27. - In cases where the landholding is covered under Presidential Decree (P.D.) No. 27, the action is commenced by the filing a verified petition for the fixing of land valuation before the Board, the RARAD, or the PARAD in accordance with its jurisdictional amount.

The Board, the RARAD, or the PARAD shall issue Summons to DAR and the LBP requiring an answer within a non-extendible period of fifteen (15) days from its receipt. The service of Summons shall be governed by Rule VII of this Rule.

SECTION 107. Order for Submission of verified Position Papers. – Upon receipt of the Answer, the Board, the RARAD, or the PARAD shall issue an Order requiring the DAR, LBP, and the landowner to submit their verified position papers copy furnished the other parties within thirty (30) days from receipt of the said Order.



SECTION 108. When a Case is deemed Submitted for Resolution. – The case is deemed submitted for resolution after the filing of verified Position Papers or after the lapse of the period to file the same unless a clarificatory hearing is warranted.

SECTION 109. Resolution on Land Valuation Cases. – The Board, the RARAD, or the PARAD shall have a period of thirty (30) days from the time the case is deemed submitted for resolution to decide the same.

SECTION 110. Motion for Reconsideration. — Within fifteen (15) days from receipt of the Resolution of the Board, the RARAD, or the PARAD, a party may move for its reconsideration on the grounds that:

- a. The findings of fact in the said Resolution are not supported by substantial evidence; or
- b. The conclusions stated are contrary to law and/or jurisprudence.

The Motion for Reconsideration shall be filed together with proof of service of a copy upon the prevailing party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an Appeal.

SECTION 111. Appeal. — A party who disagrees with the Resolution of the Motion for Reconsideration of the RARAD or the PARAD may bring the matter to the Board by filing with the RARAD or the PARAD a Notice of Appeal within fifteen (15) days from receipt of said Resolution.

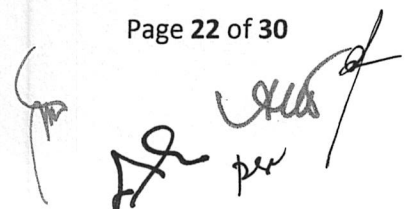
The RARAD or the PARAD shall transmit the Notice of Appeal and the records of the case to the Board, through the Executive Director, within fifteen (15) days from receipt of the said notice. The Executive Director, within five (5) days from receipt of the records, shall notify and direct the parties to simultaneously submit their respective memoranda within thirty (30) days from receipt of the notice.

The Appeal shall be deemed submitted for resolution after the filing of the memoranda or after the lapse of the period to file the same.

SECTION 112. When Land Valuation Cases deemed Closed and Terminated – After the lapse of 15-day period without any Motion for Reconsideration or Appeal being filed, the case shall be deemed closed and terminated without prejudice to the filing of an original action before the Special Agrarian Court (SAC).

SECTION 113. Filing of Original Action with the SAC – The party who disagrees with the Resolution of the Board, RARAD and/or PARAD may contest the same by filing an original action with the SAC before the same is barred by prescription. Immediately upon filing with the SAC, the party shall notify the Board, through the Executive Director, the RARAD and/or the PARAD.

SECTION 114. Writ of Execution When Issued. – After the lapse of the prescriptive period and no original action has been filed before the SAC, the Board, through the Executive Director, the RARAD or the PARAD, may issue a writ of execution. Likewise, upon joint motion and manifestation of the landowner, DAR and LBP that they are no longer filing an original action before the SAC, a writ of execution may be issued. In the event that an original

Handwritten signatures and initials in black ink, including a large signature and the word 'per' written below it.

action was already instituted, the motion and manifestation must be accompanied by proof of withdrawal or dismissal of original action before the SAC.

SECTION 115. Execution of Judgment. – The Sheriff shall enforce a Writ of Execution of judgment for compensation by presenting the same, together with the copy of the judgment to the LBP and demand that the same be satisfied against the Agrarian Reform Fund in accordance with R.A. No. 6657, as amended. The LBP shall pay within ten (10) days from the time the landowner executes and submits to the LBP the corresponding deed/s of transfer in favor of the government and surrenders the muniments of title to the property in accordance with Section 16 (c) of R.A. No. 6657, as amended. In no case shall the Writ of Execution be enforced against the general funds and assets of the LBP.

RULE XX. Execution

SECTION 116. Execution upon a Decision, Resolution or Final Order. - Execution shall issue upon a Decision, Resolution, or Final Order that finally disposes of the action or proceedings. Such execution shall issue fifteen (15) days after the receipt of the Resolution denying the Motion for Reconsideration or upon the expiration of the period to file Motion for Reconsideration or Appeal if no Motion for Reconsideration or Appeal had been duly perfected.

Upon motion of a party or *motu proprio* and certification issued by the Executive Director or Clerk of the Adjudicator, as the case may be, that a Decision, Resolution, or Final Order had been duly served to the parties or their representative of record or counsels and that the Decision, Resolution, or Final Order has become final and executory, the Board, through the Executive Director, the concerned RARAD or the PARAD, shall issue a Writ of Execution ordering the Regional/Provincial Sheriff or any deputized DAR employee to enforce the said Decision, Resolution, or Final Order. In appropriate cases, the Board or any of its Members or the RARAD or the PARAD shall deputize and seek assistance from the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), or any of their component units or other law enforcement agencies to assist in the implementation of the issued Writ of Execution.

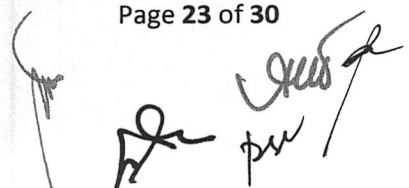
SECTION 117. Execution Pending Appeal; Exception. — Appeal shall not stay the execution of a Decision, Resolution, or Order, except when the ejectment of a tenant farmer, agricultural lessee, or amortizing owner-cultivator is directed and involving solely the issue of just compensation.

SECTION 118. Execution Based on Compromise Agreement. — When the Decision, Resolution, or Final Order is based on an amicable settlement or compromise agreement, it shall be immediately executory. The Writ of Execution shall be issued *motu proprio*.

SECTION 119. Execution by Motion or by Independent Action. — A final and executory Decision, Resolution, or Final Order may be executed on motion within five (5) years from the date of the entry of its finality in the Book of Entries of Judgment. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by independent action.

SECTION 120. Execution in case of Death of Party. — Where a party dies after the entry of the judgment or order, execution may be enforced in the following manner:

- a. In case of the death of the prevailing party, upon application of his executor or administrator or successor in interest or privies.
- b. In case of the death of the losing party, against his executor or administrator or successor in interest or privies.



- c. In case of the death of the losing party after execution is levied upon any of his property, it may be sold for the satisfaction, and the officer making the sale shall account for any surplus in his hands to the corresponding executor or administrator.

Provided, however, that if the judgment is for payment of rental in arrearages claimed against the tenant-farmer, agricultural lessee, settler or amortizing owner-cultivator, execution shall be levied upon the produce of the landholding not exceeding seventy-five percent (75%).

SECTION 121. Issuance, Form and Contents of Writ of Execution. — The Writ of Execution must be issued by the Board through the Executive Director, the RARAD, or the PARAD. It must clearly refer to such Decision, Resolution, or Final Order, attaching a certified copy of the Decision, Resolution, or Final Order to the Writ of Execution and directing the Sheriff or any deputized DAR employee to enforce the Writ according to its terms, upon the party against whom it is rendered, or upon any other person required by law, to obey it. Any person who willfully disobey the writ of execution may be punished for contempt.

SECTION 122. Judgment for Specified Acts Vesting Title. — If a judgment directs a party to execute a conveyance of land, or to deliver deeds or other documents, or to perform any other specific act, and the party fails to comply within the time specified, the Board, the RARAD, or the PARAD may direct the act to be done by some other person appointed by the said Board, the RARAD, or the PARAD at the cost of the disobedient party, and the act when so done shall have like effects as if done by such disobedient party.

SECTION 123. Return of Writ of Execution. — The Writ of Execution shall be returned by the Sheriff or any deputized DAR employee, to the Board, the RARAD, or the PARAD immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in part or in full within thirty (30) days after the Sheriff or any deputized DAR employee's receipt of the writ, he shall make a written report to the Board, the RARAD, or the PARAD, as the case may be, and state the reason. Such writ shall continue in effect during the period and upon the grounds within which the judgment may be enforced by motion. The Sheriff or deputized DAR employee shall make a report every thirty (30) days on the proceedings taken until the judgment is satisfied in full, or its effectivity expires. The return of periodic reports shall set forth the whole proceedings taken and shall be filed with the Board Secretariat or Clerk of the Adjudicator, as the case may be, to be kept on the execution book. A certified copy of the record of an execution or of the return kept by the Board Secretariat or Clerk of the Adjudicator shall be an evidence of the contents of the originals whenever they, or any part, have been lost or destroyed.

SECTION 124. Execution of Judgments for money, how enforced. -

- (a) Satisfaction by levy. - If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligee, the Officer shall levy upon the properties of the judgment obligor of every kind and nature whatsoever which may be disposed of for value and not otherwise exempt from execution giving the latter the option to immediately choose which property or part may be levied upon, sufficient to satisfy the judgment. If the judgment obligor does not exercise the option, the sheriff shall first levy on the personal properties, if any, and then on the real properties if the personal properties are insufficient to answer for the judgment.¹

¹ Rule XX, Section 9, Par. A – Patterned in the Rules of Court.

- (b) Garnishment of debts and credits. - The Sheriff may levy on debts due the judgment obligor and other credits, including bank deposits, financial interests, royalties, commissions and other personal property not capable of manual delivery in the possession or control of third parties. Levy shall be made by serving notice upon the person owing such debts or having in his possession or control such credits to which the judgment obligor is entitled. The garnishment shall cover only such amount as will satisfy the judgment and all lawful fees.²

SECTION 125. Property Exempt from Execution. — Except as otherwise expressly provided by law, the following properties shall be exempt from execution:

- a. The judgment obligor's family home as provided by law or, the homestead in which he resides, and land necessarily used in connection therewith, unless the family home or homestead is the subject matter of the dispute.
- b. Tools and implements necessarily used by him in his trade or employment.
- c. Beasts of burden necessarily used by him in his ordinary occupation.
- d. His necessary clothing and articles for ordinary personal use, excluding jewelry.
- e. Household furniture and utensils necessary for housekeeping and used for that purpose by the losing party and his family, such as the losing party may select, of a value not exceeding One Hundred Thousand Pesos (PhP 100,000.00).
- f. Provisions for individual or family use sufficient for four months.
- g. The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding Three Hundred Thousand Pesos (PhP 300,000.00) in value.
- h. One (1) fishing boat and accessories not exceeding the total value of One Hundred Thousand Pesos (PhP 100,000.00), owned by any fishermen by the lawful use of which he earns a livelihood.
- i. So much of the earnings of the losing party for his personal services within the four (4) months preceding the levy as are necessary for the support of his family.
- j. Lettered gravestones.
- k. All moneys, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance.
- l. The right to receive legal support, or money or property obtained as such support, or any pension or gratuity from the government.
- m. Properties especially exempt by law.

However, no article or species of property mentioned in this Section shall be exempt from execution issued upon a judgment involving said property, upon judgment recovered for its price or upon a judgment of foreclosure of a mortgage.

In cases involving just compensation, the same shall only be executed against the Agrarian Reform Fund of the CARP.

SECTION 126. How Execution for the Delivery or Restitution of Property Enforced. — The Officer must enforce an execution for the delivery or restitution of property by ousting the person against whom the judgment is rendered and placing the prevailing party in possession of such property, and by levying upon so much of the property of the losing party as will satisfy the amount of the judgment and costs included in the writ of execution

² Rule XX, Section 9, Par. B – Patterned in the Rules of Court.

SECTION 127. Removal of Improvements on Property Subject of Execution. — When the property subject of the execution contains improvements constructed or planted by the losing party or his agent or privies, the officer shall not destroy, demolish or remove said improvements except upon order of the Board, the RARAD, or the PARAD issued upon motion of the prevailing party after due hearing and after the losing party has failed to remove the same within a reasonable time fixed by the Board, the RARAD, or the PARAD.

SECTION 128. Effect of Judgment or Final Order. — The effect of a judgment or final order rendered by the Board, the RARAD, or the PARAD shall be, as follows:

- a. In case of judgment or order against a specific thing or property, the judgment or order is conclusive upon the title or right to the thing or property.
- b. In other cases, the judgment or order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest and privies by title subsequent to the commencement of the action, litigating for the same thing and under the same title and in the same capacity.
- c. In any other litigation between the same parties or their successors in interest and privies, that only is deemed to have been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and necessarily included or necessary.

RULE XXI. Board Regulations

SECTION 129. Internal Business. — The Board *En Banc* shall make appropriate orders or rules to govern the assignment of cases among its Members and other matters relating to the business of the Board.

Such orders or rules shall continue to be in force until repealed or amended by the Board.

SECTION 130. Board Meeting. — The Board shall convene in the exercise of its policy and rule making power, and in the performance of its administrative functions.

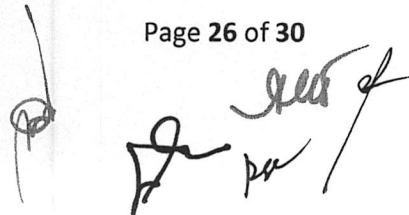
Majority of the Members of the Board shall constitute a quorum.

The affirmative votes of the majority of the Members shall be necessary to promulgate policies and rules of the Board.

SECTION 131. Chairman as Presiding Officer. — The Secretary of the Department of Agrarian Reform sitting as Chairman of the Board, or in his absence, the Vice-Chairman or any Member of the Board, shall preside over all deliberations or meetings.

SECTION 132. Assignment of Cases. — All cases brought on appeal to the Board shall be assigned to a particular member and shall thereafter be referred as the *ponente*, for review and proper disposition, in accordance with the orders and internal rules that the Board may adopt.

All Pleadings and Motions that were filed or other matters brought to the Board, after the case has already been assigned to a member of the Board, shall immediately be transmitted or referred to the concerned Member for appropriate action and shall be integrated to form part of the case records.



SECTION 133. Deliberation and Required Vote for Pronouncement of a Decision, Resolution or Final Order. —The participation of the Chairman and the Members of the Board in the deliberation, and the concurrence and signature of the majority of its Members may be required for the rendition of judgment on the merit.

However, the concurrence and signature of only two (2) Board Members shall be necessary in the issuance of Interlocutory Orders.

RULE XXII. The Board Secretariat

SECTION 134. The Board Secretariat. — There shall be a Board Secretariat, which shall be headed by the Executive Director who shall function as the Clerk of the Board.

SECTION 135. Filing of Pleadings, Motions, Documents and Other Matters. — Pleadings, Motions, and other documents addressed to the Board shall be filed to the Secretariat, which shall keep in custody a complete file, and for its further disposition to the concerned Board Member. Other matter, question or controversy brought before the Board shall be referred to the concerned Member to whom the subject case has been assigned for his proper disposition.

The original copy of the record on appeal shall be transmitted to such member, with the second copy of the record on appeal kept on file with the Secretariat. Thereafter, all Pleadings, Motions, and other documents shall be filed with the Secretariat which shall transmit the same to the concerned Member.

Subsequent to the perfection of the Appeal, all Pleadings or Motions, and Memoranda filed with the RARAD or the PARAD shall immediately be forwarded to the Board through the Secretariat, for appropriate disposition. However, the erroneous filing of the Pleadings or Motions, and Memoranda with the RARAD or the PARAD shall not toll the prescriptive period as required by the rules or order of the Board.

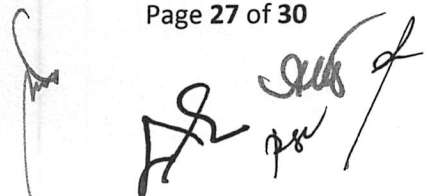
SECTION 136. Custody of the Seal and Books of the Board. — The Secretariat shall have custody of the seal and book of entries of all judgments rendered by the Board.

SECTION 137. Access to the Board Records and Issuance of Certified True Copies. — The parties to the case, their authorized representative or counsels of record, shall have access to the case records during office hours.

Upon a valid written request, the Secretariat shall issue a certified true copy, under the seal of the Board, of any document, record, Decisions, Resolution, or Final Order, or entry under its custody, upon payment of the required fees, unless exempted, subject to terms and conditions under existing administrative issuances.

SECTION 138. General Docket, Raffle of Cases, Calendar of Deliberation and other matters. — The Board Secretariat shall:

- a. Keep a general docket of original actions and appealed cases, duly numbered and containing entries of all the original actions and appealed cases filed before the Board.
- b. Assign original actions and appealed cases for appropriate disposition strictly by raffle. The raffle of cases shall be attended by the duly designated representative of the Members of the Board under the supervision of the Executive Director or his duly designated representative.
- c. Calendar the schedule of case deliberation and prepare the Minutes and Highlights of the proceedings of the Board.



- d. Compile copies of all Decisions, Resolutions, or Final Orders issued by the Board in the order of their dates of promulgation.

SECTION 139. Promulgation, Releasing of Communications, Issuances and Other Matters. — The Secretariat shall certify the date and hour of promulgation of any Decision, Resolution, or Final Order, as well as the names of all parties who were notified.

All communications or issuances and disposition of other matters brought before the Board shall be released exclusively, copy furnished the Chairman, through the Secretariat as the repository of case records. It shall be the duty and responsibility of the Sheriff or in the absence, designated employee of the Secretariat to prepare and serve all summons, subpoenas, notices and other processes issued by the Board.

RULE XXIII. Other Fees, Charges and Costs

SECTION 140. Payment of Fees. — Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed shall be paid in full.

SECTION 141. Filing Fees. — A filing fee of One Thousand Pesos (PhP 1,000.00) plus a legal research fee of One Hundred Pesos (PhP 100.00) shall be charged for any Petition or Complaint filed with the RARAD, the PARAD, or the Board, as an original action.

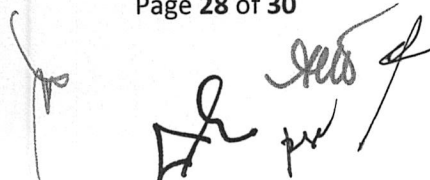
The pauper litigant as stated in Section 23, Rule V, is exempt from the payment of filing fees and/or bond referred under this Rule.

SECTION 142. Legal Fees. — Legal fees shall be charged and collected for certified transcript of the records or additional copies of any record, decision, ruling or entry of which any party is entitled to demand and receive a copy, in the amount of Ten Pesos (PhP 10.00) per page or Five Pesos (PhP 5.00) per page for a plain copy.

SECTION 143. Where Fees, Penalties, Fines and Other Impositions to be Paid. — The fees, penalties, fines and other impositions shall be paid by the party to the concerned DAR cashier, Department of Agrarian Reform (DAR) Central Office or its Regional/Provincial counterpart, as the case may be, at the time of filing, request or compliance to the imposition. If the fees are not paid, the Board, the RARAD, or the PARAD may refuse to take action until the same are paid except as otherwise provided. For this purpose, the DAR Central Office cashier or its local counterpart, as the case may be, shall segregate all fees collected from its general fund and shall also maintain a separate Book of Account, for all transactions covered.

SECTION 144. Sheriffs, and Other Authorized Persons Serving Processes.

- a. For serving summons and copy of complaint, One Hundred Pesos (PhP100.00) for each Respondent.
- b. For serving subpoenas, Eighty Pesos (PhP 80.00) for each witness to be served.
- c. For serving and implementing a Temporary Restraining Order, or Writ of Injunction, preliminary or final, Two Hundred Pesos (PhP 200.00).
- d. For filing bonds or other instruments of indemnity or security in provisional remedies, Eighty Pesos (PhP 80.00) for each bond or instrument.
- e. For executing a writ or process to place a party in possession of real estate, Four Hundred Pesos (PhP 400.00).
- f. For serving and implementing the order of supervision of harvest, the following fees shall be charged:
 - f.1. On the first Ten Thousand Pesos (PhP10,000.00) of the gross harvest, five per cent (5%); and



- f.2. In excess of Ten Thousand Pesos (PhP 10,000.00), an additional three per cent (3%).
- g. For levying on execution on personal or real property, Two Hundred Pesos (PhP 200.00).
- h. For money collected through order, execution, attachment, or any other process, the following shall be charged:
- h.1. On the first Four Thousand Pesos (PhP 4,000.00), four per cent (4%).
- h.2. On all sums in excess of Four Thousand Pesos (PhP 4, 000.00), two per cent (2%).

In addition to the fees above fixed, the party requesting for the issuance of any process whether preliminary, incidental, or final, shall pay the Sheriff's expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including actual travel expenses by the regular means of transportation, guards' fees, warehousing and similar charges, in an amount estimated by the Sheriff, subject to the approval of the Board, the RARAD, or the PARAD. Upon approval of said estimated expenses, the interested party shall deposit such amount with the Clerk of the Board/Adjudicator who shall disburse the same to the Sheriff assigned to effect the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the Sheriff assigned with his return and the Sheriff's expenses shall be taxed as cost against the losing party.

SECTION 145. Stenographers or Any Authorized DAR Employee — Stenographers or any authorized DAR employee shall give certified transcripts of notes taken by them to requesting party upon due payment of Ten Pesos (PhP 10.00) for each page.

SECTION 146. Costs. — Cost may be allowed to the prevailing party but the Board, the RARAD, or the PARAD, as the case may be, shall have the power, for special reason, to adjudge that either party shall pay the costs of an action, or that the same be divided as may be equitable. No costs shall be allowed against the Republic of the Philippines unless otherwise provided by law.

SECTION 147. Attorney's Fees as Costs. — Attorney's Fees may be charged as costs against the adverse party in accordance with Article 2208 of the New Civil Code.

SECTION 148. National Government Is Exempt. — The Republic of the Philippines, its national agencies and instrumentalities, are exempt from paying the legal fees provided in this rule. Local government units and government-owned or controlled corporations, with or without independent charters, are not exempt from paying such fees.

RULE XXIV. Miscellaneous Provisions

SECTION 149. Transitory Provisions. — These Rules shall govern all cases filed on or after its effectivity. All cases filed with the Board, the RARAD, or the PARAD, prior to the date of effectivity of these Rules, shall be governed by the DARAB Rules prevailing at the time of their filing.


SECTION 150. Separability Clause. — If, for any reason, any portion or provision of these Rules is declared unconstitutional or invalid by the Supreme Court, no other provision of these Rules shall be affected.

SECTION 151. Repealing Clause. — The provisions of 2009 DARAB Rules, and DAR Adjudication Board Resolutions promulgated and issued prior to the effectivity of these Rules, that are inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 152. Effectivity Clause. — These Rules shall take effect ten (10) days after its publication in at least Two (2) newspapers of general circulation and its registration before the Office of the National Administrative Register (ONAR) at the University of the Philippines (UP) Law Center.

Approved.


Done this 06 day of OCT year 2020. Diliman, Quezon City, Philippines


Atty. JOHN R. CASTRICIONES
Chairman

Department of Agrarian Reform
Office of the Secretary





Atty. LUIS MEINRADO C. PAÑGULAYAN
Vice-Chairman


Atty. EMILY O. PADILLA
Member

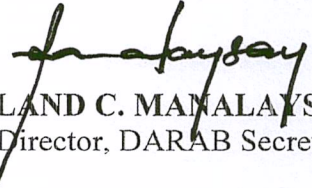

Atty. JIM G. COLETO
Member


Atty. ROLANDO S. CUA
Member


Atty. ANNABELLE O. MADAYAG-OANDASAN
Member

ATTESTATION

This is to attest that herein 2021 DARAB Revised Rules of Procedure was approved by the foregoing Members of the Board and signed in my presence.


Atty. ROLAND C. MANALAYSAY
Executive Director, DARAB Secretariat

Published in two (2) National
Newspapers of General Circulation:

1. Daily Tribune
2. The Manila Times

Date of Publication: May 18, 2021

**THE 2021 DARAB ONLINE PROCEDURE: SUPPLEMENTAL TO THE 2021 DARAB
REVISED RULES OF PROCEDURE**

**RULE I
COMMENCEMENT OF AN ACTION AND SUBMISSION OF PLEADINGS**

Section 1. Complaint, Petition, and other submissions – Verified Complaint or Petition, 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.

Section 2. Petition for Annulment of Judgment of the Adjudicator- Verified Petition together with other supporting documents may be filed through electronic transmission or e-mail before the Board, through the DARAB Secretariat, which shall evaluate the sufficiency in form and compliance with the requirements set by the Rules and for further referral to the concerned Board Member.

Section 3. Mandatory Submission of Electronic Mail Address – For online process, parties and counsels or other party-in-interest shall provide their respective electronic mailing address *i.e.*, Yahoo, Gmail, Outlook, and such other e-mail platforms which are publicly available to and accessible by the Department of Agrarian Reform as an electronic mailing platform.

The Adjudicator, through the Clerk of Adjudicator and the Board, through the DARAB Secretariat, shall manage and supervise the online platform by constantly checking their respective official e-mail accounts, at the very least every thirty (30) minutes daily during the work week.

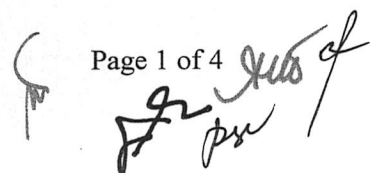
Section 4. Pleadings and other submissions – All pleadings and other submissions to the Adjudicator and the Board, through the DARAB Secretariat, which are electronically transmitted must be in Portable Document Format or PDF. Pieces of evidence which are not documentary in nature may be photographed 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 contain the required form under the DARAB Rules of Procedures. It must indicate the DARAB Case Number, Title, Caption, and Heading of the pleading/s submitted, *e.g.*, Juan de la Cruz versus Pedro Santos, DARAB Case No. R-02-1234-2020, For Ejectment, Answer.

Section 5. The Board, the Regional Agrarian Reform Adjudicator (RARAD), and the Provincial Agrarian Reform Adjudicator (PARAD) Online Mailing Addresses – For the information of the parties, counsels, and Members of the Philippine Bar, the Board, the RARAD, and the PARAD's electronic mailing (Email) addresses for the DARAB online processes and proceedings are incorporated herein as *Annex-"A-1"*.

**RULE II
PAYMENT OF FEES**

Section 6. Payment of Fees; How – 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). 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.

Handwritten signature and initials in black ink, appearing to be 'Jus of' and 'psu'.

For purposes of this provision, the determination of the specific LBP account and guidelines for online payment of fees are incorporated herein as *Annex "A-1"*.

RULE III SUMMONS AND ANSWER

Section 7. Summons – 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 the Summons and Notice of Preliminary Conference (Alternative Dispute Resolution) which will 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.

Within ten (10) 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 e-mail.

RULE IV CONDUCT OF HEARINGS

Section 8. Preliminary Conference/Alternative Dispute Resolution Conference – Conference/Hearings shall be done online, by means of an online platform duly recognized by the Department of Agrarian Reform. No Adjudicator shall use any other platform or e-mail account other than the officially provided platform and account by the Department of Agrarian Reform.

Section 9. Notice of Hearing - The Adjudicator, through the Clerk of the Adjudicator or the Board, through the DARAB Secretariat, shall serve the Notice of Hearing through the e-mail addresses given by the parties, counsel, or other interested persons. They 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 use to join the hearing. All the details and information to gain access to such proceedings shall be treated with strict confidentiality. Any unauthorized sharing of the said details and any information shall be dealt with accordingly. The proof of receipt of the notification e-mail shall be properly recorded.

Section 10. The proceedings during the video conferencing/online hearing – The hearing shall be recorded by the Clerk of the Adjudicator/DARAB Secretariat. The Stenographer shall 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.

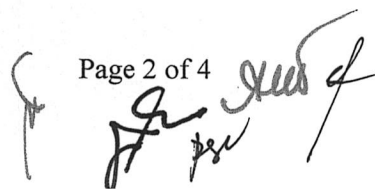
For these purposes, the Stenographer may be allowed to join the video conference proceedings. As such, the said stenographer shall be bound by the same strict confidentiality. No one is allowed to record the proceedings. Any unauthorized recording of the proceedings shall be dealt with accordingly.

Section 11. Suspension Due to Technical Constraints - Should there be technical constraints affecting the conduct of the video conferencing/hearings, the Adjudicator or the Board may, at his or her discretion, may 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.

Section 12. Conduct of the Parties during Hearing - 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 be regularly observed.

All those participating in the proceedings shall be in appropriate attire. Once the video conferencing/ hearing is done, the Adjudicator or the Board hosting the session shall immediately end it.

ANNEX "A"



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 hearings.

**RULE V
DECISION, RESOLUTION OR FINAL ORDER**

Section 13. Issuance of Judgment –After concluding the hearings, the Adjudicator shall issue a Decision, Resolution, or Final Order, with the parties and counsels immediately being furnished a copy of the promulgated judgment, Decision, Resolution, or Final Order.

Section 14. Service of Promulgated Judgment - The service of such Decision, Resolution, or Final Order to the parties and counsels may be done electronically through e-mail, registered mail, or any Licensed Courier Service, but proof or receipt thereof should be properly recorded.

The hard copy of the 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.

**RULE VI
MOTION FOR RECONSIDERATION**

Section 15. Motion for Reconsideration - Within fifteen (15) days from receipt of the Decision, the party adversely affected may file his/her Motion for Reconsideration through e-mail with proof of e-mail service of copy of the Motion to the other parties and counsels. All the parties and counsels shall be immediately furnished a copy of such Resolution.

**RULE VII
APPEALS**

Section 16. Appeal to the Board. – An appeal may be taken to the Board electronically in accordance with Rule XIV of the 2021 DARAB Revised Rules of Procedure and in compliance with Section 4, Rule I of these Rules.

The RARAD or the PARAD shall attach in the electronic transmission of his/her Transmittal of Records the granted Notice of Appeal, Appeal Memorandum, Payment of Appeal Fee, subject Decision/Resolution or Final Order and such other records to the Board pursuant to Section 4, Rule I of these Rules.

The hard copy of the entire records on appeal shall immediately follow for the Board without unreasonable delay.

**RULE VIII
MISCELANEOUS PROVISION**

SECTION 17. Retroactive Applicability. — These Rules may apply to all cases which remain pending before the Board, the RARAD, or the PARAD during the spate of the COVID-19 *pandemic* and cases filed through online process upon the date of its effectivity.

SECTION 18. Separability Clause. — If, for any reason, any portion or provision of these Rules is declared unconstitutional or invalid by the Supreme Court, no other provisions of these Rules shall be affected thereby.

ANNEX "A"

SECTION 19. Effectivity Clause. — These Rules shall simultaneously take effect upon the effectivity of the 2021 DARAB Revised Rules of Procedure.


APPROVED.

Done this 06 day of OCT year 2020, Diliman, Quezon City.


Atty. JOHN R. CASTRICIONES
Chairman





Atty. LUIS MEINRADO C. PAÑGULAYAN
Vice-Chairman


Atty. EMILY O. PADILLA
Member


Atty. JIM G. COLETO
Member


Atty. ROLANDO S. CUA
Member


Atty. ANNABELLE O. MADAYAG-OANDASAN
Member

ATTESTATION

This is to attest that THE 2021 DARAB ONLINE PROCEDURE: SUPPLEMENTAL TO THE 2021 DARAB REVISED RULES OF PROCEDURE was approved and signed in my presence.


Atty. ROLAND C. MANALAYSAY
Executive Director, DARAB Secretariat

Daily Tribune

WITHOUT FEAR ◊ WITHOUT FAVOR

REPUBLIC OF THE PHILIPPINES)
MAKATI CITY)S.S.

AFFIDAVIT OF PUBLICATION

I, **Mary Ann M. Datoy** legal age, Filipino and residing at c/o **Concept and Information Group, Inc.** Concept Bldg., 3450 Florida St., Makati City, Philippines, after having been duly sworn to in accordance with the law, hereby declare and testify:

That I am the **Accounting Assistant of Concept and Information Group Inc.** publisher of the **DAILY TRIBUNE** a newspaper which is published in English, edited and printed in Metro Manila, and circulated nationwide from Monday to Sunday, with editorial and business address at **Concept Bldg., 3450 Florida St., Makati City, Manila, Philippines.**

That the
**2021 DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD (DARAB) REVISED
RULES OF PROCEDURE**

**APPLICANT/PETITIONER
DEPARTMENT OF AGRARIAN REFORM**

text of which could be read/described as follows:

AS PER ATTACHED
has been published in Daily Tribune in its issue

MAY 15, 2021

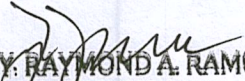
**AFFIANT FURTHER SAYETH NAUGHT
Manila, Philippines**


**Mary Ann Datoy
Affiant**

SUBSCRIBED and SWORN to before me this
17 MAY 2021 day of May, at Makati City, Philippines.

Affiant exhibited to me her TIN # 495-003-417-000 bearing her photograph and signature.

Doc. No. 273
Page No. 66
Book No. 116
Series of 2021.


**ATTY. RAYMOND A. RAMOS
COMMISSION NO. M-239
NOTARY PUBLIC FOR MAKATI CITY
UPON JUNE 30 2021 per D.M. No. 15
J. KALAYAN AVENUE EXTENSION
BARANGAY WEST REMBO, MAKATI CITY
SL. Roll No. 0219/04 20 1013
IBP NO 147314/01 OF 2021 Pasig City
PTR NO MKT 0591022/01 04 2021/Makati
MGLE Compliance No. VI-0007878/04-06-2018**

**The 2021 Department of Agrarian Reform Adjudication Board
(DARAB) Revised Rules of Procedure**

RULE I. General Provisions

SECTION 1. Title. — These Rules shall be known as "The 2021 Department of Agrarian Reform Adjudication Board (DARAB) Revised Rules of Procedure."

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of the Agrarian Reform Program and to promote the just, expeditious, and inexpensive adjudication and settlement of agrarian cases, disputes, or controversies.

All references to the Board in these Rules shall refer specifically to the Board in the Central Office of the Department of Agrarian Reform having original or appellate jurisdiction over agrarian disputes, as the case may be, while references to the Adjudicator specifically refers to the Regional Agrarian Reform Adjudicator (RARAD) and the Provincial Agrarian Reform Adjudicator (PARAD).

SECTION 3. Technical Rules Not Applicable. — The Board and the RARADs and PARADs, shall not be bound by technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all agrarian cases, disputes, or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity.

SECTION 4. Doubts To Be Resolved In Favor Of The Beneficiary. — Any reasonable doubt in the interpretation of these Rules, as well as in the interpretation of contracts and stipulations between the contending parties, shall be resolved in favor of the beneficiary, potential beneficiary, tenant farmer, farmworker, agricultural lessee, farmers' cooperative, association, or organization.

SECTION 5. Online Procedure — In order to adapt to the so-called "new normal," the Board, the RARAD, or the PARAD, may *motu proprio* or the party/ies through initiatory pleading/motion, may submit the case for electronic proceedings. Such a procedure is herein incorporated as "Annex-A".

At any stage, the party/ies availing the electronic proceedings shall indicate expressly in the Complaint, Petition, or by proper motion their intention to avail the same.

The Board, the RARAD, or the PARAD shall rule either by granting or denying the prayer or motion of the party/ies availing the electronic proceedings, as well as the objection, if any, within a reasonable period.

RULE II. Jurisdiction of the Board, RARAD and PARAD

SECTION 6. Original and Exclusive Jurisdiction of the Board. — The Board shall have original and exclusive jurisdiction on the following cases:

- The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule;
- Annulment of judgment of the RARAD/PARAD under Section 10 of this Rule;
- Such other Agrarian Reform cases, disputes, matters, or concerns referred by the DAR Secretary or Presidential Agrarian Reform Council (PARC).

SECTION 7. Concurrent Original Jurisdiction of the Regional Adjudicator. The RARAD shall have concurrent original jurisdiction to determine and adjudicate all agrarian disputes and other Agrarian Reform matters, including but not limited to the following:

- Those that cannot be handled by the PARAD on account of inhibition, disqualification, transfer, retirement, resignation, or when the PARAD is on official leave for at least fifteen (15) days, or when there is no PARAD designated.
- The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule.
- Such other agrarian cases, disputes, matters, or concerns referred to by the Board or the Secretary of the DAR.

SECTION 8. Primary, Exclusive and Original Jurisdiction of the Provincial Adjudicator. The PARAD shall have primary, exclusive, and original jurisdiction to determine and adjudicate all agrarian disputes and agrarian matters, including but not limited to the following:

- The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by Republic Act (R.A.) No. 6657, as amended, and other related agrarian laws.
- The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule.
- Annulment or rescission of Lease Contracts, or Deeds of Sale, or their amendments involving lands under the administration and disposition of the DAR or Land Bank of the Philippines (LBP), and the amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as Emancipation Patents (EPs) issued under Presidential Decree (P.D.) No. 266, Homestead Patents, Free Patents, and miscellaneous sales patents to settlers in settlement and re-settlement areas under the administration and disposition of the DAR.
- Ejectment of agricultural lessees/share tenants.
- Pre-emption and redemption of agricultural lands under R.A. 3844, as amended.
- Correction of entries of registered Emancipation Patent (EP), Certificates of Land Ownership Award (CLOAs), or other titles issued under any Agrarian Reform Program without affecting substantial rights of other interested persons, except error in the technical description in the EPs and CLOAs.

g. Re-issuance of Owner's Duplicate Copy of EPs, CLOAs, or other titles issued and registered with the Land Registration Authority (LRA) under any Agrarian Reform Program.

h. Review and fixing of leasehold rentals/determination and payment of disturbance compensation.

i. Collection of amortization payments, foreclosure, and similar disputes concerning the functions of the LBP, and payments for lands awarded under P.D. No. 27, R.A. No. 3844, as amended, and R.A. No. 6657, as amended, and other related laws, decrees, orders, instructions, rules, and regulations.

j. Boundary disputes involving land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws, and lands under the administration and disposition of the DAR and the LBP, and those lands transferred, distributed, and/or sold to Agrarian Reform Beneficiaries (ARBs) and are covered by Deeds of Sale, Patents, and Certificates of Title;

k. Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of P.D. No. 946, except those cases falling under the proper courts or other quasi-judicial bodies.

l. Such other agrarian cases, disputes, matters, or concerns referred by the Board or the Secretary of DAR.

SECTION 9. Appellate Jurisdiction of the Board. — The Board shall have exclusive appellate jurisdiction to review Decisions, Resolutions, and Final Orders of the RARAD and the PARAD.

The Board shall have appellate jurisdiction over preliminary determination of Land Valuation cases resolved by the RARAD or the PARAD.

No Interlocutory Order of the RARAD or PARAD on any issue, question, matter, or incident raised before them shall be elevated on appeal to the Board.

SECTION 10. Annulment of Judgment of RARAD or PARAD. Annulment of final judgment of RARAD or PARAD shall be initiated by filing a verified petition with the Board attaching certified copies of the assailed decision, resolution or final order and alleging with particularity the facts and the law relied upon for the said annulment.

The annulment shall be based only on grounds of extrinsic fraud, denial of due process, and lack of jurisdiction. If based on extrinsic fraud, the action must be filed within three (3) years from its discovery. If based on denial or gross violation of due process and lack of jurisdiction, the action is imprescriptible unless it is barred by laches or estoppel.

The Petition shall consist of two (2) legible copies, together with sufficient copies corresponding to the number of Respondents. A certified true copy of the Decision, Resolution, or Final Order shall be attached to the original copy of the Petition intended for the Board and indicated as such by the Petitioner.

The Petition shall be accompanied with affidavits of witnesses or documents supporting the cause of action and a Certificate of non-forum shopping in accordance with Rule IV, Section 19 of this Rule.

The Board shall give due course to the Petition and require the Respondent(s) to submit a Comment on the Petition.

SECTION 11. Prejudicial Issue. — If there exists a prejudicial issue involving an Agrarian Law Implementation (ALI) case filed before the RARAD or the PARAD, the same shall be dismissed without prejudice.

Prejudicial issue is defined as one that arises in a case, the resolution of which is a logical antecedent of the issue involved, and the jurisdiction over which pertains to the Office of the Secretary (OSEC).

SECTION 12. Adjudicatory Power to dispense Compulsory Process. — The Board, the RARAD, and the PARAD are empowered to summon witnesses, administer oaths, and require answers to interrogatories, and issue subpoena *duces tecum*, writ of possession, writ of execution, writ of demolition, and other writs to enforce its Orders and Decisions through their Sheriffs or duly deputized officer/employees.

For this purpose, whenever necessary, the Board, the RARAD, or the PARAD shall direct the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), or any of their component units, or other law enforcement agencies to assist in the enforcement and execution of their Decisions, Resolutions, Final Orders, Writs, and other processes.

RULE III. Mediation or Conciliation at Barangay Level

SECTION 13. Barangay Agrarian Reform Committee (BARC) Certification. — The RARAD and the PARAD shall not take cognizance of any agrarian case, dispute, or controversy, unless a certification is presented from the BARC of the barangay where the land involved is located or the Municipal Agrarian Reform Program Officer (MARPO), to the effect that the dispute has been submitted to it for mediation or conciliation without any success or settlement, except that the said certification is not necessary in the following cases:

- Where the issue involves the valuation of land to determine just compensation for its acquisition.
- Where one party is a public or private corporation, partnership, association, or juridical person, or a public officer or employee, and the dispute relates to the performance of his official functions.
- Where the Secretary of DAR or the PARC directly refers the matter to the Board.

SECTION 14. Referral to BARC. — If the filing of the Complaint or Petition is not accompanied by the required BARC Certification, the same shall be referred to the BARC or Senior Agrarian Reform Program Technologist (SARPT) or Agrarian Reform Program Technologist (ARPT) of the barangay where the land is located, as stated in the complaint, through the MARPO of the area, directing:

a. The BARC to conduct mediation/conciliation proceedings, by requiring the parties to submit their supporting documents and to return the matter to the Adjudicator with a report of the result of the proceedings, together with the complete records submitted before it, within thirty (30) days from receipt of the Complaint or Petition; or

b. The SARPT or ARPT, in case of non-existence of the BARC or its inability to convene for that purpose, the SARPT or ARPT shall certify the non-existence or inability of the BARC and refer the matter back to the RARAD or the PARAD within three (3) days from receipt with a certification of non-existence or inability of the BARC to convene.

SECTION 15. Report of Settlement at the BARC to the RARAD or the PARAD — If the case is referred by the RARAD or the PARAD, and the same is settled at the BARC level, the results shall be contained in a Report to be submitted to the Adjudicator who referred the matter, within three (3) days from the termination of the proceedings before the BARC, whose Report shall be the basis for the rendition of judgment of the case before the RARAD or the PARAD.

SECTION 16. Land or Parties in Two (2) Barangays. — Where the land in dispute straddles two or more barangays or the parties involved reside in different barangays, the BARC of the barangay where the larger portion of the property lies, shall have the authority to conduct mediation or conciliation proceedings under these Rules, unless for convenience and accessibility and upon agreement of the parties such proceedings should be held in another barangay within the Municipality or adjacent Municipality where the land in dispute is located.

SECTION 17. Certification of Non-settlement. — If the BARC is unable to settle the dispute within fifteen (15) days, it shall return the case to the RARAD or the PARAD of origin with a Certification of Non-settlement, furnishing a copy to the parties.

SECTION 18. Special Rules on Mediation and Conciliation. — The mediation and conciliation proceedings at the BARC shall be in accordance with the DAR Rules and Procedures Governing Mediation/Conciliation of Agrarian Disputes by the BARC.

RULE IV. Commencement of Action, Venue, and Cause of Action

SECTION 19. Complaint or Petition. — An action shall be initiated by filing a verified Complaint or Petition with the Board, the RARAD, or the PARAD in the Province/Region where the land involved is located.

It shall also include the affidavit(s) of witnesses and documentary evidence, if any. The Complaint or Petition shall be duly signed by the Complainant or Petitioner, or his counsel, or by one who can show a Special Power of Attorney to represent the Complainant or Petitioner.

It shall state the area of the land involved and the Barangay where the land is located, or if the land is located in two (2) or more barangays, the barangay where the larger portion of the land is located.

The Complaint or Petition shall state the name, residence, and complete mailing address of the Complainant or Petitioner and that of the Respondent, the facts constituting the cause of action, and the relief being sought.

Two (2) copies of the Complaint or Petition, and its annexes or attachments, and as many copies required to be served upon each of the Respondents, shall be filed.

The original or certified true copy of the annexes or attachments shall be attached to the principal copy of the Complaint or Petition which shall form part of the principal case folder and shall be indicated as such by the Complainant or Petitioner.

It shall be signed under oath by the Complainant/Petitioner, with an attached certificate of non-forum shopping. The failure to file the required certificate and/or the commission of acts constituting forum shopping, shall be a ground for dismissal of the case without prejudice.

SECTION 20. Amendment of and Supplement to Complaint or Petition. — The Complaint or Petition may be amended or supplemented at any time before a responsive

After the responsive pleadings have been served, amendments or the filing of supplemental pleadings may be allowed at any stage of the proceedings, but before rendition of judgment only upon motion and with leave of the Board, or the RARAD, or the PARAD furnishing copies to the adverse party.

The motion to amend shall indicate the amendment sought to be admitted. In case of a supplemental pleading, it shall set forth the transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented.

SECTION 21. Venue.

a. All actions shall be brought before the Board, the RARAD, or the PARAD of the Region/Province where the subject land is located.

b. If the land is located or found in two or more provinces, the action shall be brought before the Adjudicator concerned where the larger portion of the land lies, unless for convenience or accessibility and upon agreement of all parties and upon approval of the RARAD, the venue shall be with the province as approved by the RARAD.

c. However, upon motion, for compelling reasons by either of the parties may best serve the interest of agrarian justice, the hearing of the case may be changed or transferred to another place within or outside the Region by order of the RARAD or the Board, respectively.

RULE V. Parties and Caption

SECTION 22. Parties-in-Interest. — Every agrarian case must be initiated and defended in the name of the real party-in-interest. All parties having an interest in the matter shall be joined either as Complainant/Petitioner or Respondent/s.

If an additional Respondent is impleaded in a later pleading, the action with regard to him is commenced on the date of the filing of such pleading.

Whenever a party to a pending action before the Board, the RARAD, or the PARAD dies, it shall be the duty of the heirs and/or his/her counsel to inform the Board/Adjudicator within ten (10) days after such fact of death, and to give the name/s and address/s of the deceased legal heir/s or representative/s.

The heirs of the deceased may be allowed to substitute the deceased without requiring the appointment of an executor or administrator.

The Board, the RARAD, or the PARAD shall order said legal representative or representatives to appear and substitute the deceased within a period of three (3) days from notice.

SECTION 23. Pauper Litigant. — A party, who is an agricultural lessee, tenant, farmworker, as alleged and applied for in a sworn Complaint or Motion, shall be entitled to the rights and privileges of a pauper litigant under these Rules without further proof. He shall continue to enjoy such status as a pauper litigant at all levels of adjudication until the case is terminated.

SECTION 24. Association or Corporation. — When two or more persons, associated in any business, transact such business under a common name, whether it comprises the name of such persons or not, the associates may sue or be sued under such common name.

Persons associated in business that are sued under a common name, must all be named individually in the answer filed by them or on their behalf, stating their business address.

SECTION 25. Alternative Respondents. — Where the Complainant or the Petitioner is uncertain against who of several persons he is entitled to relief, he may join any or all of them as Respondents in the alternative, although a right to relief against one may be inconsistent with a right to relief against the other.

SECTION 26. Unknown Identity or Name of Respondents. — Whenever the identity or name of a Respondent is unknown, he may be sued as the unknown party using such designation as the case may require. When his identity or true name is discovered, the pleading must be amended accordingly.

SECTION 27. Entity without Juridical Personality as Respondents. — When two or more persons not organized as an entity with juridical personality enter a transaction, they may be sued under the name by which they are generally or commonly known.

In the answer of such Respondents, the names and addresses of the persons composing the said entity must all be revealed.

RULE VI. Service of Pleadings, Motions and Judgments

SECTION 28. Manner of Service. The filing and service of pleadings, appearances, motions, notices, orders, judgments, and all other papers shall be made by presenting the original copies, plainly indicated as such, personally to the Clerk of the Adjudicator or through registered mail or a licensed courier service.

a. The party filing the pleading subsequent to the Complaint shall serve the opposing party with a copy in the manner provided in these Rules, and proof of such service shall be filed with the records of the case.

b. Notices and copies of Decisions, Resolutions, or Orders shall be served personally as far as practicable, or by registered mail or licensed courier service upon the parties, counsel, or authorized representatives. However, notice to the counsel is notice to the party.

SECTION 29. Service upon Associations. — When persons associated in businesses are sued under a common name, service may be effected upon all the Respondents by serving upon any one of them, or upon the person in charge of the office or place of business maintained in its common name. However, such service shall not individually bind any person whose connection with the association has, upon due notice, been severed before the action is brought.

SECTION 30. Service upon Private Domestic Juridical Entities. — If the Respondent is a corporation, partnership, association, or cooperative organized and registered under Philippine laws with a juridical personality, service may be made, in the alternative, on the president, managing partner, general manager, corporate secretary, treasurer, in-house counsel, or a competent person in charge of the office.

SECTION 31. Service upon Public Corporation. — When the Respondent is the Republic of the Philippines, service may be effected on the Solicitor General. In case of a province, city, municipality, or other public corporations, service may be effected on its chief executive or on such other officer as the law, the Board, the RARAD, or the PARAD may direct.

SECTION 32. Proof of Completeness of Service. — The Registry Return Card (RRC) is *prima facie* proof of the facts indicated. Service by registered mail is completed upon receipt by the addressee, his counsel, or by his duly authorized representative or agent.

SECTION 33. Substituted Service. — If the service of Pleadings, Motions, Notices, Decisions, Resolutions, Orders, and other papers cannot be made under the preceding sections, the office and places of residence of the party or representative on record or the counsel, being unknown, service may be made by delivering the copy to the Clerk of the Adjudicator or the Board through the Executive Director, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

RULE VII. Summons, Notices, Decisions, Resolutions, Orders and Submission of Evidence

SECTION 34. Issuance of Summons, Time to Answer, and Submission of Evidence. — If the Complaint or Petition is filed together with the BARC Certification and the affidavit of witnesses, with the RARAD or the PARAD, as required in Rule III of these Rules, or upon the return of the Complaint or Petition referred to the BARC in accordance with the said Rule III, the corresponding Summons and Notice of Preliminary Conference shall be issued by the Clerk of the Adjudicator, attaching a copy of such Complaint, Petition, Affidavit, and documentary evidence, if any.

The Summons and Notice of Preliminary Conference shall direct the Respondent/s to file an Answer to the Complaint or Petition or submit Counter-Affidavit/s and other documentary evidence, if any, within a non-extendible period of ten (10) days from receipt, furnishing a copy to the Complainant or the Petitioner. The Summons shall specify the date, time, and place of the preliminary conference and shall order the parties and their witnesses to appear at the scheduled date of conference.

The Summons and all other notices to be issued by the RARAD or the PARAD shall be written in English, or in Filipino, or in other local dialect.

SECTION 35. Return of Service. — The Sheriff or other designated officer who personally served the Summons, Notices, Decisions, Resolutions, or Orders shall submit his return within three (3) days from the date of his service, stating the name of the person served and the date of receipt of the same or if no service was effected, the serving officer shall state the reasons.

SECTION 36. Manner of Service of Summons. — The Summons, together with the Notice of Preliminary Conference with the attached copy of the Complaint, Petition, Affidavit, and documentary evidence, if any, shall be served personally by the Sheriff or any DAR personnel deputized by the Board, the RARAD, or the PARAD issuing the Summons to the Respondent within three (3) days from the filing or from date of receipt if filing is done by registered mail or licensed courier service, as the case may be. If the Respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

- a. By leaving copies of the Summons at the Respondent's residence with some person of suitable age and discretion residing; or
- b. By leaving the copies at the Respondent's office or regular place of business with some competent person in charge.

In case the Respondent/s' whereabouts are unknown and cannot be ascertained by diligent inquiry, service may be effected upon him by publication in a newspaper of general circulation, and in such places and for such time as the Board, the RARAD, or the PARAD may order. However, if publication is effected pursuant to this Rule, only the Notice of Summons and Notice of Hearing shall be published, and not the entire Complaint or Petition. Publication, coupled with registered mail or license courier service, shall be served to the last known address of the Respondent.

SECTION 37. Answer Required. The Respondent must file a sworn Answer to the Complaint or Petition by responding with admissions or specific denials of each and every allegation in the Complaint or Petition, or if this cannot be done, by averring lack of sufficient knowledge, which will be deemed as a specific denial.

The Respondent may incorporate in his Answer a motion to dismiss on the ground of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.

An Answer must be accompanied by the affidavit(s) of Respondent's witnesses. The Answer may include a counterclaim or cross-claim for damages, attorney's fees, or litigation expenses.

SECTION 38. Time to Answer. — The Respondent is given a non-extendible period of ten (10) days upon receipt of summons within which to file the Answer or Comment.

SECTION 39. Amendment of the Pleadings. — The Complaint or Petition may be amended as a matter of right before a responsive pleading is filed. Thereafter, amendments may be filed with leave upon motion by the Complainant or Petitioner, together with the amended Complaint or Petition with notice to the adverse party, but before rendition of judgment.

If the Motion is granted, a new copy of the entire amended Complaint or Petition shall be served to the Respondent.

SECTION 40. Answer to Amended Pleadings. — The Respondent may file his amended Answer to the amended Complaint or Petition within ten (10) days from receipt, furnishing a copy to the Complainant or Petitioner.

The Answer to the Complaint or Petition shall serve as the Answer to the amended pleadings if no new Answer is filed.

SECTION 41. No Default upon Failure to Answer. — No declaration of default shall be made or judgment by default be rendered when the Respondent fails to file an Answer.

The Complainant or Petitioner must proceed to prove his case, and the Respondent shall be allowed to participate in subsequent proceedings.

SECTION 42. Order upon Receipt of Answer or Lapse of Period to Answer. — Within three (3) days from receipt of the Answer or from the lapse of the ten (10) day period to file an Answer, without any Answer having been filed, the Board, the RARAD, or the PARAD shall immediately issue an Order setting the case for preliminary conference.

SECTION 43. Contents of Affidavits. — The Affidavits required to be submitted under this Rule shall be sworn, stating only facts of direct personal knowledge of the affiants and shall show their competence to testify to the matters stated and in compliance with Section 3 of A.M. No. 12-8-8-SC or the Judicial Affidavit Rule.

A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action and shall be a cause to expunge the inadmissible affidavit or portion from the record.

RULE VIII. Appearance

SECTION 44. Appearance. — A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, the Attorney's Roll Number, PTR, IBP Number for the current year, and MCLE compliance shall be indicated in the lawyer's pleadings and motions.

A non-lawyer may appear before the Board or any of the Adjudicators, if:

- a. He/she represents himself/herself as a party to the case.
- b. He represents his farmer's organization or its members, provided that he shall present proof of authority from the organization or its members or such authority duly signed by the Chief Executive Officer, President, Head, or Chair of the organization.
- c. He/she is a law student who has successfully completed his third year of the regular four-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court. His appearance pursuant to this Rule shall be under the direct supervision and control of a member of the IBP duly accredited by the law school. Any and all pleadings, motions, memoranda or other papers to be filed must be signed by the supervising attorney for and on behalf of the legal aid clinic.
- d. He is a DAR Legal Officer. For this purpose, the DAR Legal Officer must have the authority and be under the direct supervision and control of the Chief Legal Division. Any and all Pleadings, Motions, Memoranda, or other papers to be filed must be signed by the Chief Legal Division.

SECTION 45. Assignment of Counsel *de officio*. — A party appearing without counsel or represented by a non-lawyer may be assigned a counsel *de officio* from the DAR Legal Services Division or a member of the Bar to act as such counsel *de officio*.

SECTION 46. Authority to Bind Party. — Counsel and/or representatives of parties, without a special power of attorney, cannot enter into a compromise agreement with the opposing party when a full or partial discharge of a client's interest is made.

RULE IX. Preliminary Conference

SECTION 47. Preliminary Conference. — After the Answer shall have been served and filed, or upon receipt of the BARC Certification of non-settlement in instances when the case was referred to the BARC for mediation/conciliation, the Board, the RARAD, and the PARAD shall proceed with the Preliminary Conference within fifteen (15) days.

SECTION 48. Notice of Preliminary Conference. — The Notice of the Preliminary Conference shall be served upon the representative or counsel of record or the party himself, if he has no representative or counsel of record.

SECTION 49. Appearance of Parties. — It shall be the duty of parties and their counsel or their authorized representative, if any, to appear at the preliminary conference.

The counsel or his representative cannot, without a written authority or express consent of his client, enter an amicable settlement, submit to alternative modes of dispute resolution, or enter into stipulations or admissions of facts or of documents.

SECTION 50. Effect of Failure to Appear. — In the event the Respondent or his counsel fails to appear at the preliminary conference, the Board, the RARAD, or the PARAD shall, within fifteen (15) days from the date of the scheduled conference, render a Decision adjudicating Complainant's or Petitioner's claims.

In the event the Complainant or Petitioner fails to appear at the preliminary conference, the Board, the RARAD, or the PARAD shall dismiss the Complaint or Petition and render a Decision adjudicating the Respondent's counterclaim, as may be warranted.

However, the Board, the RARAD, or the PARAD may set aside a judgment rendered under this Section if, within ten (10) days from receipt of a copy of the judgment, the party concerned files a motion with prior notice to the adverse party that his failure to appear at the preliminary conference was due to fraud, accident, or other justifiable reason. A fine of not less than One Thousand Pesos (PhP 1,000.00) may be imposed for the non-appearance of the party or his counsel.

SECTION 51. Amicable Settlement thru Alternative Disputes Resolution (ADR). During the preliminary conference and at any stage of the proceedings, the Board, the RARAD, or the PARAD shall exert all efforts for the amicable settlement of the case thru the facilities of the ADR.

If the parties arrive at any settlement, the same shall be reduced into writing in a language or dialect known to and spoken by the parties and signed under oath by them before the Board, the RARAD, or the PARAD.

If a Compromise Agreement is entered by the parties in a manner other than as specified above, the Board, the RARAD, or the PARAD may set the case for a hearing for the purpose of determining the authenticity and due execution before approving it.

The settlement shall be approved after the Board, the RARAD, or the PARAD is satisfied, that it was voluntarily entered into by the parties, and the same is not contrary to relevant laws, rules and regulations, and after having explained to them the terms and conditions.

The judgment approving the compromise agreement shall have the effect of a judgment on the case, which shall immediately be final and executory.

In all cases where the beneficiaries, tenant-farmers, or farmworkers are not assisted by a private counsel, the Board, the RARAD, or the PARAD shall coordinate with the DAR Legal Services Division to ensure that the said parties shall be assisted by a counsel *de officio* in arriving at a settlement.

RULE X. Proceedings Before the RARAD or PARAD

SECTION 52. Nature of Proceedings. — The proceedings before the RARAD or the PARAD shall be summary and non-litigious in nature. Subject to the requirements of due process, the technicalities of law and procedures under the Rules of Court shall not apply.

SECTION 53. Role of the Adjudicator (RARAD or PARAD) in the Proceedings. — The Adjudicator (RARAD or PARAD) shall personally conduct the hearing and take full control of the proceedings. He may examine the parties and witnesses freely with respect to the matters at issue and shall limit the right of the parties or their counsels to ask questions only for the purpose of clarifying the points of law at issue or of facts involved in the case. He shall also limit the presentation of evidence by the contending parties only to matters relevant and material to the issues and necessary for a just, expeditious, and inexpensive disposition of the case.

SECTION 54. Orders or Resolutions during the Hearing of the Case. — The Order or Resolution of the RARAD or the PARAD on any issue, question, matter, or incident raised before him shall be valid and effective until the hearing of the case shall have been terminated and resolved on the merits.

SECTION 55. Submission of Verified Position Papers. — In case the parties fail to arrive at an amicable settlement of the case or the RARAD or the PARAD denies the compromise agreement, the RARAD or the PARAD shall issue an order directing the parties and their counsels to simultaneously submit their respective verified position papers within a non-extendible period of fifteen (15) days from receipt of the Order.

SECTION 56. Conduct of Hearing. — Within five (5) days from receipt of the verified Position Papers from the parties, the RARAD or the PARAD may conduct a hearing for the purpose of clarifying points of law or facts involved in the case. Upon termination of the hearing, the case or incident shall be deemed submitted for decision or resolution.

SECTION 57. Record of Proceedings. — The proceedings before the RARAD or the PARAD shall be recorded by a Stenographer or any designated DAR employee. In the absence of an available Stenographer, the RARAD or the PARAD shall make a written summary of the proceedings, including the substance of the evidence presented which shall be attested by the parties or their counsel and shall form part of the records of the case. If any of the party or counsel refuses to sign, the reason for such refusal shall be noted.

SECTION 58. When a Case is Deemed Submitted for Resolution. — The case is deemed submitted for resolution after the filing of the verified Position Papers or after the lapse of the period to file, or after the clarificatory hearing shall have been concluded by the RARAD or the PARAD.

SECTION 59. Inhibition. — The RARAD or the PARAD may voluntarily inhibit himself/herself from the case and shall state in writing the grounds relied upon. Any motion for inhibition shall be resolved within five (5) days from its filing. An Order denying or granting a motion for inhibition is not appealable.

SECTION 60. Period to Render the Decision. — The RARAD or the PARAD shall render judgment of the case, within thirty (30) days after it is deemed submitted for resolution.

SECTION 61. Award and Damages. — The Board, the RARAD, or the PARAD may award actual, compensatory, exemplary, moral damages, and attorney's fees.

SECTION 62. Finality of Judgment. — Unless appealed, the Decision, Resolution, or Final Order disposing the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy by the party or their representatives or their respective counsels. However, notice to the counsel is notice to the party.

SECTION 63. Motion for Reconsideration. — Within fifteen (15) days from receipt of the Decision, Resolution, or Final Order of the Board, the RARAD, or the PARAD, a party may move for reconsideration of such Decision, Resolution, or Final Order on the grounds that:

- a. The findings of fact in the said Decision, Resolution, or Final Order are not supported by substantial evidence; or
- b. The conclusions stated are contrary to law and/or jurisprudence.

The Motion for Reconsideration shall be filed together with proof of service of a copy upon the prevailing party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an Appeal. If the Motion is denied, the aggrieved party shall have a period of fifteen (15) days reckoned from the receipt of the Notice of the Resolution of denial.

RULE XI. Motions in General

SECTION 64. Motion Defined — A Motion is an application for relief, other than a pleading.

SECTION 65. Form. — All Motions shall be in writing, except those made in the course of a hearing or trial.

SECTION 66. Contents. — A Motion shall state the relief sought and the grounds upon which it is based, and if necessary, shall be accompanied by supporting affidavits and documents.

SECTION 67. Notice. — A copy of the Motion, together with copies of supporting affidavits or documents, shall be served by the Movant upon the opposing party or their representative and their respective counsels at least three (3) days before the hearing.

SECTION 68. Proof of Service. — The Board, the RARAD, or the PARAD may only act on Motion with proof of service.

SECTION 69. Expeditious Resolution of Motions. — All Motions shall be resolved within a reasonable time from its submission for resolution.

An Interlocutory Order shall not be appealable.

In cases where the Motion to Dismiss is filed on the grounds of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment, said motion shall be resolved by the Board, the RARAD, or the PARAD within thirty (30) days after the receipt of the comment from the Petitioner.

SECTION 70. Non-allowable Motions. — The following Motions shall not be allowed:

- a. Motion to declare respondent in default or for a judgment in default.
- b. All other Motions filed before an Answer, except Motions to Dismiss on the ground of prescription, lack of jurisdiction or failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.
- c. Motion for extension of time to file an Appeal or Motion for Reconsideration.
- d. Second Motion for Reconsideration by the same party.

RULE XII. Intervention

SECTION 71. Who May Intervene. — A person, who has a legal interest on the matter in litigation, or in the success of either of the parties or an interest against both, or has a substantial right or interest in the subject matter of the case before the Board, the RARAD, or the PARAD, may be allowed to intervene in the case by filing a pleading-in-intervention.

SECTION 72. Time to Intervene. — A person desiring to intervene may, before judgment by the Board, the RARAD, or the PARAD, file a Motion for Leave to Intervene attaching the pleading-in-intervention with notice upon all the parties to the action.

In allowing or disallowing a Motion for Leave to Intervene, the Board, the RARAD, or the PARAD shall consider if the intervention will unduly delay or prejudice the adjudication of the rights of the original parties or if the Intervenor's right may be fully protected in a separate proceeding.

SECTION 73. Answer-in-Intervention. — The Answer-in-Intervention shall be filed within ten (10) days from notice of the order allowing the intervention.

RULE XIII. Decisions, Resolutions and Final Orders

SECTION 74. Decisions, Resolutions and Final Orders. — The Decisions, Resolutions, and Final Orders of the RARAD or the PARAD shall be in writing, prepared and signed by him and filed with the Regional or Provincial Clerk of the Adjudicator. It shall clearly and distinctly state the findings of fact and specify the evidence and the law or jurisprudence upon which it is based.

The Decisions, Resolutions, and Final Orders of the Board shall be in writing, prepared by the Board Member to whom it is assigned, signed by the majority Members of the Board and filed with the Executive Director of the Board Secretariat.

SECTION 75. Promulgation. — After the Decision, Resolution, or Final Order is signed by the Board, the RARAD, or the PARAD, the same shall be filed with the Executive Director or the Regional or Provincial Clerk of the Adjudicator, respectively, who shall indicate the date and hour of promulgation.

SECTION 76. Service of Decisions, Resolutions or Final Orders. — Upon promulgation of the Decision, Resolution, or Final Order, the Executive Director or the Regional or Provincial Clerk of the Adjudicator, as the case may be, shall immediately cause copies to be served upon the parties or their representatives or their respective counsels.

The notice of the Decisions, Resolutions, or Final Orders of the RARAD, or the PARAD shall be served in the manner provided under Rule VI, Section 28, while the service of Decisions, Resolutions, or Final Orders of the Board shall be by registered mail. In all instances, if service by registered mail cannot be effected, service by publication may be resorted to.

All notices of Decisions, Resolutions, or Final Orders shall be written in English or in Filipino, or other local dialect.

SECTION 77. Entry of Decisions, Resolutions and Final Orders. — If no Appeal or Motion for Reconsideration is filed within the time provided in these Rules, the Decisions, Resolutions, and Final Orders of the Board, the RARAD, or the PARAD shall be entered in the Book of Entries of Decisions, Resolutions, and Final Orders by the Office of the Executive Director, or the Regional or Provincial Clerk of the Adjudicator, respectively.

The Office of the Executive Director and the Regional or Provincial Clerks of the Adjudicator shall maintain a Book of Entries of Decisions, Resolutions, and Final Orders which shall contain the case title, date of the promulgation, date of finality, the dispositive portion, and shall be signed by the designated officer in the office of the Executive Director or the Clerk of the Adjudicator, as the case may be, with a certification that such Decisions, Resolutions, and Final Orders have become final and executory.

RULE XIV. Appeals

SECTION 78. Appeal to the Board. — An Appeal may be taken to the Board from a Decision, Resolution, and Final Order of the RARAD or the PARAD that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the Decisions, Resolutions, or Final Orders appealed from or of the denial of the Motion for Reconsideration by:

- a. Filing a Notice of Appeal together with the Appellant's Memorandum with the RARAD or the PARAD who rendered the Decision, Resolution, or Final Order appealed from with proofs of service of the Notice of Appeal and Appellant's Memorandum to the prevailing party and payment of appeal fee.
- b. Furnishing copies of Notice of Appeal and Appellant's Memorandum to the prevailing party or their representative and respective counsels.
- c. Paying an appeal fee of One Thousand Pesos (PhP1,000.00) to the DAR Cashier where the Office of the RARAD or the PARAD is situated, or through postal money order payable to the DAR Cashier where the Office of the RARAD or the PARAD is situated, at the option of the aggrieved party.

A pauper litigant, as defined by Rule V Section 23, shall be exempted from the payment of the appeal fee.

Non-compliance with the foregoing shall be a ground for dismissal of the Appeal.

SECTION 79. Grounds. — The aggrieved party may appeal to the Board from a Final Order, Resolution, or Decision of the RARAD or the PARAD on any of the following grounds:

- a. Errors in the findings of fact or conclusions of law were committed which if not corrected, would cause grave and irreparable damage or injury to the Appellant.
- b. The Order, Resolution, or Decision was obtained through fraud or coercion.

SECTION 80. Notice of Appeal. — The Notice of Appeal shall:

- a. Be filed with the RARAD or the PARAD concerned in three (3) sets of legible copies.
- b. Indicate the parties to the Appeal.
- c. Specify and attach the certified true copy of the appealed Decision, Resolution, or Final Order.
- d. Attach proof of payment of appeal fee, unless exempted.
- e. State the material dates showing the timeliness of the Appeal.

SECTION 81. Perfection of Appeal. — An Appeal is deemed perfected upon compliance with Section 78 of this Rule.

If the Appeal is perfected, the RARAD or the PARAD shall, within five (5) days from receipt of the Notice of Appeal and Appellant's Memorandum, issue an Order stating that the Appeal is perfected in accordance with the Rules, and direct the Appellee to file a Memorandum to the Board through the DARAB Secretariat within ten (10) days from receipt of the Order. If the Appeal is not perfected, the RARAD or the PARAD shall issue an Order denying the Appeal, within five (5) days from receipt of such Appeal.

SECTION 82. Motions after Perfection of the Appeal and Transmittal of Records on Appeal. — Any Motion filed with the RARAD or the PARAD, after the perfection of the Appeal and before the elevation of the case records to the Board, must be resolved by the RARAD or the PARAD concerned, and shall form part of the records on Appeal to be forwarded to the Board. A copy of the Motion shall be furnished to the opposing party or their representative or their respective counsels.

The RARAD or the PARAD concerned shall, within ten (10) days from issuance of the Order declaring the Appeal perfected, direct the transmittal of the Appeal to the Board, together with the complete records of the case, furnishing the parties with copies of the transmittal letter.

The records of the case shall contain, among others, a Table of Contents, the original case folder containing all pleadings filed in chronological order as they were filed, which shall all be numbered consecutively and initialed by the RARAD or the PARAD, or the Clerk of the Adjudicator on each and every page.

The RARAD or the PARAD concerned shall retain, maintain, and protect the second copy of case folder which shall serve as backup files of the original.

SECTION 83. Docketing of Cases. — Upon receipt and proper evaluation of the case records on Appeal, the Office of the DARAB Secretariat shall docket the case within the day.

SECTION 84. Caption. — In all cases appealed to the Board, the Title shall remain as it was before the RARAD or the PARAD, but the party appealing shall be referred as the "Appellant" and the prevailing party the "Appellee".

SECTION 85. Frivolous or Dilatory Appeal. — To discourage frivolous or dilatory appeals, the Board may impose reasonable penalties, such as a fine not exceeding One Thousand Pesos (P1,000.00), reprimand or censure upon erring party/s and counsel.

SECTION 86. Withdrawal of Appeal. — An Appeal may be withdrawn at any time prior to the promulgation of the Decision, Resolution, or Final Order, except when public interest is prejudiced. Immediately upon approval of the withdrawal of an Appeal, the case shall stand as if no appeal had ever been taken.

SECTION 87. When Appeal is Deemed Submitted for Resolution. — The Appeal shall be deemed submitted for resolution upon receipt of the records on appeal and Appellee's Memorandum or after the lapse of the period within which to file the same. Unless there is a need to conduct a hearing for clarification.

At its option, the Board may direct or Order the parties to file a Comment within ten (10) days, or conduct clarificatory hearings within ten (10) days from receipt by the concerned Board Member.

SECTION 88. Period to Decide Appeal. — The Board shall render judgment on appeal within thirty (30) days after the case is deemed submitted for resolution.

SECTION 89. Finality of Decisions, Resolutions and Final Orders. — Without a Motion for Reconsideration or a judicial appeal being filed, the Decisions, Resolutions, and Final Orders of the Board shall become final after the lapse of fifteen (15) days from its receipt by the parties or their representatives or their respective counsels.

For purposes of appeal, the period shall be counted from receipt of such Decisions, Resolutions, or Final Orders by the counsel, party/ies, or representative on record. Due notice to the counsel is deemed a notice to the party.

If service by publication is resorted to, the Decision, Resolution, and Final Order shall become final after the lapse of sixty (60) days from the date of complete publication.

RULE XV. Judicial Remedies

SECTION 90. Ordinary Appeal to the Court of Appeals. — Any Decision, Resolution, or Final Order of the Board involving questions of fact and law or raised questions of fact and law shall be brought on appeal by way of Petition for Review within fifteen (15) days from receipt of a copy by the counsel or party in accordance with Rule 43 of the Rules of Court.

SECTION 91. No Restraining Order or Preliminary Injunction. — Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Board, the RARAD, or the PARAD, in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement or interpretation of the Comprehensive Agrarian Reform Law and other pertinent laws on Agrarian Reform and regulations promulgated thereunder pursuant to Section 53, Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700.

RULE XVI. Relief from Decision, Resolution or Final Order

SECTION 92. Petition for Relief from Decision, Resolution or Final Order. — When a Decision, Resolution, or Final Order is rendered by the Board, the RARAD, or the PARAD, against any party through fraud, accident, mistake and excusable neglect and such party has no other plain, speedy and adequate remedy available to him in the ordinary course of law, he may file a Petition for Relief with the Board, the RARAD, or the PARAD, praying that the Decision, Resolution, or Final Order be set aside.

SECTION 93. Form and Time of Filing of Petition. — A petition for relief must be verified and a copy together with its annexes and supporting affidavits, if any, must be furnished to the adverse party or parties and filed within sixty (60) days from the time the fraud, accident, mistake or excusable negligence was discovered and within six (6) months after the decision/resolution/final order was rendered.

The petition must be accompanied by affidavits and supporting documents showing the fraud, accident, mistake or excusable negligence relied upon, whichever is applicable as well as the proof of service of the petition on the other party or parties. Without such proof of service the petition shall not be entertained.

RULE XVII. Preliminary Injunction/Restraining Order/Status Quo Order

SECTION 94. Preliminary Injunction, When Granted. — A Writ of Preliminary Injunction, Restraining Order, or a *status quo order* may be granted by the Board or at least two (2) Members or by the RARAD or the PARAD, as the case may be, when it is established, on the basis of allegations in the sworn Complaint or Motion, which shall be duly supported by affidavits of merit, that the acts being complained of, if not enjoined, would cause some grave and irreparable damage or injury to any of the parties in interest so as to render ineffectual the decision which may be in favor of such party. If the Board, the RARAD, or the PARAD finds that it is necessary to post a bond, it shall fix the reasonable amount of the bond to be filed by the party applying for the injunction in favor of the party who might suffer after it is finally determined that the Complainant or Petitioner is not entitled. Upon the filing and approval of such Bond, a Writ of Injunction may be issued.

The Board, the RARAD, or the PARAD may also require the performance of a particular acts, in which case, it shall be known as a preliminary mandatory injunction.

SECTION 95. No Injunction to Restrain Tilling or Harvesting. — In cases where the tenurial status of a person is at issue, the Board, the RARAD, or the PARAD shall not issue any order restraining or enjoining the actual tiller from cultivating the land or harvesting the standing crops nor issue an order impounding the harvest, if any, without providing him with at least fifty percent (50%) of the net harvest.

SECTION 96. Temporary Restraining Order. — A Temporary Restraining Order issued *ex parte*, shall be valid only for twenty (20) days from the date the same is received by the Respondent. During this period, the parties shall be required to present evidence to substantiate their respective positions on whether a preliminary injunction shall be granted. The period of twenty (20) days may be extended upon motion of the proper party on valid grounds, for another twenty (20) days from the expiration of the original period. Thereafter, no motion for further extension of the Temporary Restraining Order shall be allowed. After due notice and hearing, and before the lapse of the Temporary Restraining Order, the issue of preliminary injunction or *status quo* should be resolved.

SECTION 97. Supervision of Harvest. — An Order for the supervision of harvest may be issued by the Board or at least two (2) Members or by the RARAD or the PARAD, *motu proprio* or upon motion of either parties when it is established on the basis of the allegations in the sworn Complaint or Motion, which shall be duly supported by an Affidavit of Merit, that one or more persons are claiming rights adverse to the tiller on the landholding in question or there is a dispute as to the sharing in the net harvest of the landholding.

The Board or at least two (2) Members or the RARAD or the PARAD shall issue an order distributing the proceeds from the intervening harvest, as follows:

- i. Release fifty percent (50%) to the party claiming to be tenant or actual tiller.
- ii. Release twenty-five percent (25%) to the landholder.
- iii. Deposit, in trust, the cash equivalent of the remaining twenty-five (25%) with the nearest Land Bank of the Philippines (LBP) Branch in accordance with the existing DAR rules and regulations.

In case the proceeds of the harvest or its equivalent amount is not accepted by the parties or one of the parties to the case, the Sheriff shall deposit the said proceeds or its equivalent amount to the nearest LBP Branch after completion of the harvest in accordance with the existing DAR rules and regulations.

The Order for the supervision of harvest shall be self-executory and remain effective unless the Board, the RARAD, or the PARAD issues an order lifting or revoking the same or the case has been decided on the merits with finality.

RULE XVIII. Direct and Indirect Contempt

SECTION 98. Direct Contempt. — The Board or any of its Members or RARAD/PARAD may summarily adjudge in contempt any person guilty of misbehavior in the presence of, or so near the Board or any of its Member or the RARAD or the PARAD, as to obstruct or interrupt the proceedings before the same, including disrespect to said officials, offensive acts towards others, or refusal to be sworn or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so. The same shall be punished by a fine not exceeding Five Thousand Pesos (P5,000.00), or in case of inability or refusal to pay the fine, an imprisonment of not exceeding three (3) days shall be imposed.

The judgment of the Board, the RARAD, or the PARAD on direct contempt is immediately executory and not appealable.

SECTION 99. Indirect Contempt. — In the exercise of its quasi-judicial power, and as provided by Section 50 of R.A. No. 6657, as amended, the Board or at least two (2) of its Members or the RARAD or the PARAD, may cite and punish any person for indirect contempt.

Any person may be cited or punished for Indirect Contempt under any of the following grounds:

- a. Misbehavior of any officer or employees in the performance of his/her official duties or in his/her official transaction.
- b. Disobedience of or resistance to a lawful writ, order or decision, including the acts of a person after the judgment or process to re-enter or attempt or induces another to enter into or upon such real property in any manner which disturbs the possession given to the person adjudged to be entitled.
- c. Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt.
- d. Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice.
- e. Misrepresenting to be an attorney or a representative of a party without authority.
- f. Failure to obey a subpoena duly served.
- g. Other grounds analogous to the foregoing.

Proceedings for indirect contempt may be initiated *motu proprio* by the Board, the RARAD, or the PARAD against which the contempt was committed by order or any other formal charge requiring the Respondent to show cause why he should not be cited and punished for indirect Contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved, and upon full compliance with the requirements for filing initiatory pleadings in the Board, the RARAD, or the PARAD concerned. If the contempt charges arise out of or are related to a principal action pending before the Board, the RARAD, or the PARAD, the Petition for Contempt shall allege that fact, but the said Petition shall be docketed, heard, and decided separately.

In both instances, the Contemnor shall be given a non-extendible period of ten (10) days to submit a verified Answer to the Charge or Petition.

SECTION 100. Appeal from Indirect Contempt. — The Contemnor may, within a period of five (5) days from notice of the judgment, appeal the same to the Board, and the execution of said judgment shall be suspended pending the resolution of the appeal upon the filing by the said person of a bond on condition that he will abide by, and perform the judgment should the appeal be decided against him.

With respect to indirect contempt committed against the Board or any of its member, the same shall be immediately executory without prejudice to an appeal with the appropriate tribunal.

SECTION 101. Hearing. — On the date set for hearing, the Board, the RARAD, or the PARAD shall proceed to determine the charge and consider the answer and testimony as the Contemnor may make or offer. Failure of the Contemnor to attend the scheduled hearing will result in the waiver of his right.

SECTION 102. Punishment for Indirect Contempt. — If the Contemnor is adjudged guilty of indirect contempt committed against the Board or any of its member or the RARAD or the PARAD, he shall be punished by a fine of One Hundred Pesos (P100.00) per day of continued defiance but not to exceed Five Thousand Pesos (P5,000.00). Each day of defiance of, or disobedience to, or non-enforcement for a period of ten (10) days shall constitute indirect contempt against the Board, the RARAD, or the PARAD, and shall be the basis for his detention for a period not exceeding five (5) days.

In case the penalty is detention, the Board, the RARAD, or the PARAD shall issue a commitment order requesting the concerned authority to detain the Contemnor within the detention facilities, attaching the final resolution citing the Contemnor for Indirect Contempt.

Rule XIX. Administrative Determination of Land Valuation

SECTION 103. Principal Role of the Board, RARAD or PARAD. — The administrative proceedings for the preliminary determination of land valuation must be summary in nature. The principal role of the Board, the RARAD, or the PARAD is to determine whether the Department of Agrarian Reform (DAR) and the Land Bank of the Philippines (LBP), in their computation of land valuation, have complied with Section 17 of R.A. No. 6657, as amended, and other administrative or policy issuances of the DAR, the LBP, and the prevailing jurisprudence.

SECTION 104. Jurisdictional Amount. — The jurisdiction of the Board, RARAD and PARAD on land valuation shall be determined in the following amount:

- a. The PARAD, when the LBP valuation is Three Million Pesos (P3,000,000.00) and below;
- b. The RARAD, when the LBP valuation is more than Three Million Pesos (P3,000,000.00), but not exceeding Fifty Million Pesos (P50,000,000.00); and
- c. The Board, when the LBP valuation exceeds Fifty Million Pesos (P50,000,000.00).

In the event of non-availability, inhibition or disqualification of a designated PARAD in the locality, the RARAD may assign the conduct of land valuation proceedings to any of the PARADs within the region.

On account of non-availability, inhibition or disqualification of the RARAD, the Board may conduct the preliminary proceedings of land valuation or designate an Adjudicator from among the RARADs of adjoining regions.

SECTION 105. Commencement of Land Valuation Case under R.A. No. 6657. — A land valuation case shall commence upon receipt by the Board, the RARAD, or the PARAD of the Memorandum-Advice from the DAR requesting the conduct of summary administrative proceedings with claim folder containing certified true copies of the following:

- a. Memorandum of Valuation (MOV);
- b. Land Valuation Worksheet (LVW);
- c. Notice of Land Valuation and Acquisition (NLVA) with proof of receipt;
- d. Landowner's Rejection Letter, if any;
- e. Order to Deposit Landowner's Compensation with proof of receipt;
- f. Certification of Deposit (COD); and
- g. Other pertinent documents forwarded by the LBP.

The Executive Director or the RARAD or the PARAD, upon receipt of the endorsement of the PARPO II Memorandum-Advice, shall evaluate the completeness of the documents required in the conduct of the administrative proceedings relative to the land valuation. In case of incomplete documents, an Order shall be issued by the Board, the RARAD, or the PARAD requiring for its completion. Otherwise, an Order shall be issued requiring all the parties to submit their respective verified position papers within thirty (30) days from receipt of the Order.

SECTION 106. Commencement of Land Valuation Case under PD 27. — In cases where the landholding is covered under Presidential Decree (P.D.) No. 27, the action is commenced by the filing a verified petition for the fixing of land valuation before the Board, the RARAD, or the PARAD in accordance with its jurisdictional amount.

The Board, the RARAD, or the PARAD shall issue Summons to DAR and the LBP requiring an answer within a non-extendible period of fifteen (15) days from its receipt. The service of Summons shall be governed by Rule VII of this Rule.

SECTION 107. Order for Submission of verified Position Papers. — Upon receipt of the Answer, the Board, the RARAD, or the PARAD shall issue an Order requiring the DAR, LBP, and the landowner to submit their verified position papers copy furnished the other parties within thirty (30) days from receipt of the said Order.

SECTION 108. When a Case is deemed Submitted for Resolution. — The case is deemed submitted for resolution after the filing of verified Position Papers or after the lapse of the period to file the same unless a clarificatory hearing is warranted.

SECTION 109. Resolution on Land Valuation Cases. — The Board, the RARAD, or the PARAD shall have a period of thirty (30) days from the time the case is deemed submitted for resolution to decide the same.

SECTION 110. Motion for Reconsideration. — Within fifteen (15) days from receipt of the Resolution of the Board, the RARAD, or the PARAD, a party may move for its reconsideration on the grounds that:

- a. The findings of fact in the said Resolution are not supported by substantial evidence; or
- b. The conclusions stated are contrary to law and/or jurisprudence.

The Motion for Reconsideration shall be filed together with proof of service of a copy upon the prevailing party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an Appeal.

SECTION 111. Appeal. — A party who disagrees with the Resolution of the Motion for Reconsideration of the RARAD or the PARAD may bring the matter to the Board by filing with the RARAD or the PARAD a Notice of Appeal within fifteen (15) days from receipt of said Resolution.

The RARAD or the PARAD shall transmit the Notice of Appeal and the records of the case to the Board, through the Executive Director, within fifteen (15) days from receipt of the said notice. The Executive Director, within five (5) days from receipt of the records, shall notify and direct the parties to simultaneously submit their respective memoranda within thirty (30) days from receipt of the notice.

The Appeal shall be deemed submitted for resolution after the filing of the memoranda or after the lapse of the period to file the same.

SECTION 112. When Land Valuation Cases deemed Closed and Terminated. — After the lapse of 15-day period without any Motion for Reconsideration or Appeal being filed, the case shall be deemed closed and terminated without prejudice to the filing of an original action before the Special Agrarian Court (SAC).

SECTION 113. Filing of Original Action with the SAC. — The party who disagrees with the Resolution of the Board, RARAD and/or PARAD may contest the same by filing an original action with the SAC before the same is barred by prescription. Immediately upon filing with the SAC, the party shall notify the Board, through the Executive Director, the RARAD and/or the PARAD.

SECTION 114. Writ of Execution When Issued. - After the lapse of the prescriptive period and no original action has been filed before the SAC, the Board, through the Executive Director, the RARAD or the PARAD, may issue a writ of execution. Likewise, upon joint motion and manifestation of the landowner, DAR and LBP that they are no longer filing an original action before the SAC, a writ of execution may be issued. In the event that an original action was already instituted, the motion and manifestation must be accompanied by proof of withdrawal or dismissal of original action before the SAC.

SECTION 115. Execution of Judgment. - The Sheriff shall enforce a Writ of Execution of judgment for compensation by presenting the same, together with the copy of the judgment to the LBP and demand that the same be satisfied against the Agrarian Reform Fund in accordance with R.A. No. 6657, as amended. The LBP shall pay within ten (10) days from the time the landowner executes and submits to the LBP the corresponding deeds of transfer in favor of the government and surrenders the muniments of title to the property in accordance with Section 16 (c) of R.A. No. 6657, as amended. In no case shall the Writ of Execution be enforced against the general funds and assets of the LBP.

RULE XX. Execution

SECTION 116. Execution upon a Decision, Resolution or Final Order. - Execution shall issue upon a Decision, Resolution, or Final Order that finally disposes of the action or proceedings. Such execution shall issue fifteen (15) days after the receipt of the Resolution denying the Motion for Reconsideration or upon the expiration of the period to file Motion for Reconsideration or Appeal if no Motion for Reconsideration or Appeal had been duly perfected.

Upon motion of a party or *motu proprio* and certification issued by the Executive Director or Clerk of the Adjudicator, as the case may be, that a Decision, Resolution, or Final Order had been duly served to the parties or their representative of record or counsels and that the Decision, Resolution, or Final Order has become final and executory, the Board, through the Executive Director, the concerned RARAD or the PARAD, shall issue a Writ of Execution ordering the Regional/Provincial Sheriff or any deputized DAR employee to enforce the said Decision, Resolution, or Final Order. In appropriate cases, the Board or any of its Members or the RARAD or the PARAD shall deputize and seek assistance from the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), or any of their component units or other law enforcement agencies to assist in the implementation of the issued Writ of Execution.

SECTION 117. Execution Pending Appeal; Exception. - Appeal shall not stay the execution of a Decision, Resolution, or Order, except when the ejectment of a tenant farmer, agricultural lessee, or amortizing owner-cultivator is directed and involving solely the issue of just compensation.

SECTION 118. Execution Based on Compromise Agreement. - When the Decision, Resolution, or Final Order is based on an amicable settlement or compromise agreement, it shall be immediately executory. The Writ of Execution shall be issued *motu proprio*.

SECTION 119. Execution by Motion or by Independent Action. - A final and executory Decision, Resolution, or Final Order may be executed on motion within five (5) years from the date of the entry of its finality in the Book of Entries of Judgment. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by independent action.

SECTION 120. Execution in case of Death of Party. - Where a party dies after the entry of the judgment or order, execution may be enforced in the following manner:

- In case of the death of the prevailing party, upon application of his executor or administrator or successor in interest or privies.
- In case of the death of the losing party, against his executor or administrator or successor in interest or privies.
- In case of the death of the losing party after execution is levied upon any of his property, it may be sold for the satisfaction, and the officer making the sale shall account for any surplus in his hands to the corresponding executor or administrator.

Provided, however, that if the judgment is for payment of rental in arrearages claimed against the tenant-farmer, agricultural lessee, settler or amortizing owner-cultivator, execution shall be levied upon the produce of the landholding not exceeding seventy-five percent (75%).

SECTION 121. Issuance, Form and Contents of Writ of Execution. - The Writ of Execution must be issued by the Board through the Executive Director, the RARAD, or the PARAD. It must clearly refer to such Decision, Resolution, or Final Order, attaching a certified copy of the Decision, Resolution, or Final Order to the Writ of Execution and directing the Sheriff or any deputized DAR employee to enforce the Writ according to its terms, upon the party against whom it is rendered, or upon any other person required by law, to obey it. Any person who willfully disobey the writ of execution may be punished for contempt.

SECTION 122. Judgment for Specified Acts Vesting Title. - If a judgment directs a party to execute a conveyance of land, or to deliver deeds or other documents, or to perform any other specific act, and the party fails to comply within the time specified, the Board, the RARAD, or the PARAD may direct the act to be done by some other person appointed by the said Board, the RARAD, or the PARAD at the cost of the disobedient party, and the act when so done shall have like effects as if done by such disobedient party.

SECTION 123. Return of Writ of Execution. - The Writ of Execution shall be returned by the Sheriff or any deputized DAR employee, to the Board, the RARAD, or the PARAD immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in part or in full within thirty (30) days after the Sheriff or any deputized DAR employee's receipt of the writ, he shall make a written report to the Board, the RARAD, or the PARAD, as the case may be, and state the reason. Such writ shall continue in effect during the period and upon the grounds within which the judgment may be enforced by motion. The Sheriff or deputized DAR employee shall make a report every thirty (30) days on the proceedings taken until the judgment is satisfied in full, or its effectivity expires. The return of periodic reports shall set forth the whole proceedings taken and shall be filed with the Board Secretariat or Clerk of the Adjudicator, as the case may be, to be kept on the execution book. A certified copy of the record of an execution or of the return kept by the Board Secretariat or Clerk of the Adjudicator shall be an evidence of the contents of the originals whenever they, or any part, have been lost or destroyed.

SECTION 124. Execution of Judgments for money, how enforced.

(a) Satisfaction by levy. - If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligee, the Officer shall levy upon the properties of the judgment obligor of every kind and nature whatsoever which may be disposed of for value and not otherwise exempt from execution giving the latter the option to immediately choose which property or part may be levied upon, sufficient to satisfy the judgment. If the judgment obligor does not exercise the option, the sheriff shall first levy on the personal properties, if any, and then on the real properties if the personal properties are insufficient to answer for the judgment.¹

(b) Garnishment of debts and credits. - The Sheriff may levy on debts due the judgment obligor and other credits, including bank deposits, financial interests, royalties, commissions and other personal property not capable of manual delivery in the possession or control of third parties. Levy shall be made by serving notice upon the person owing such debts or having in his possession or control such credits to which the judgment obligor is entitled. The garnishment shall cover only such amount as will satisfy the judgment and all lawful fees.²

SECTION 125. Property Exempt from Execution. - Except as otherwise expressly provided by law, the following properties shall be exempt from execution:

- The judgment obligor's family home as provided by law or, the homestead in which he resides, and land necessarily used in connection therewith, unless the family home or homestead is the subject matter of the dispute.
- Tools and implements necessarily used by him in his trade or employment.
- Beasts of burden necessarily used by him in his ordinary occupation.
- His necessary clothing and articles for ordinary personal use, excluding jewelry.
- Household furniture and utensils necessary for housekeeping and used for that purpose by the losing party and his family, such as the losing party may select, of a value not exceeding One Hundred Thousand Pesos (PhP 100,000.00).
- Provisions for individual or family use sufficient for four months.
- The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding Three Hundred Thousand Pesos (PhP 300,000.00) in value.
- One (1) fishing boat and accessories not exceeding the total value of One Hundred Thousand Pesos (PhP 100,000.00), owned by any fishermen by the lawful use of which he earns a livelihood.
- So much of the earnings of the losing party for his personal services within the four (4) months preceding the levy as are necessary for the support of his family.
- Lettered gravestones.
- All moneys, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance.
- The right to receive legal support, or money or property obtained as such support, or any pension or gratuity from the government.
- Properties especially exempt by law.

However, no article or species of property mentioned in this Section shall be exempt from execution issued upon a judgment involving said property, upon judgment recovered for its price or upon a judgment of foreclosure of a mortgage.

In cases involving just compensation, the same shall only be executed against the Agrarian Reform Fund of the CARP.

SECTION 126. How Execution for the Delivery or Restitution of Property Enforced. - The Officer must enforce an execution for the delivery or restitution of property by ousting the person against whom the judgment is rendered and placing the prevailing party in possession of such property, and by levying upon so much of the property of the losing party as will satisfy the amount of the judgment and costs included in the writ of execution.

SECTION 127. Removal of Improvements on Property Subject of Execution. - When the property subject of the execution contains improvements constructed or planted by the losing party or his agent or privies, the officer shall not destroy, demolish or remove said improvements except upon order of the Board, the RARAD, or the PARAD issued upon motion of the prevailing party after due hearing and after the losing party has failed to remove the same within a reasonable time fixed by the Board, the RARAD, or the PARAD.

SECTION 128. Effect of Judgment or Final Order. - The effect of a judgment or final order rendered by the Board, the RARAD, or the PARAD shall be, as follows:

- In case of judgment or order against a specific thing or property, the judgment or order is conclusive upon the title or right to the thing or property.
- In other cases, the judgment or order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest and privies by title subsequent to the commencement of the action, litigating for the same thing and under the same title and in the same capacity.
- In any other litigation between the same parties or their successors in interest and privies, that only is deemed to have been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and necessarily included or necessary.

RULE XXI. Board Regulations

SECTION 129. Internal Business. - The Board *En Banc* shall make appropriate orders or rules to govern the assignment of cases among its Members and other matters relating to the business of the Board.

Such orders or rules shall continue to be in force until repealed or amended by the Board.

SECTION 130. Board Meeting. - The Board shall convene in the exercise of its policy and rule making power, and in the performance of its administrative functions.

Majority of the Members of the Board shall constitute a quorum.

The affirmative votes of the majority of the Members shall be necessary to promulgate policies and rules of the Board.

SECTION 131. Chairman as Presiding Officer. — The Secretary of the Department of Agrarian Reform sitting as Chairman of the Board, or in his absence, the Vice-Chairman or any Member of the Board, shall preside over all deliberations or meetings.

SECTION 132. Assignment of Cases. — All cases brought on appeal to the Board shall be assigned to a particular member and shall thereafter be referred as the *ponente*, for review and proper disposition, in accordance with the orders and internal rules that the Board may adopt.

All Pleadings and Motions that were filed or other matters brought to the Board, after the case has already been assigned to a member of the Board, shall immediately be transmitted or referred to the concerned Member for appropriate action and shall be integrated to form part of the case records.

SECTION 133. Deliberation and Required Vote for Pronouncement of a Decision, Resolution or Final Order. — The participation of the Chairman and the Members of the Board in the deliberation, and the concurrence and signature of the majority of its Members may be required for the rendition of judgment on the merit.

However, the concurrence and signature of only two (2) Board Members shall be necessary in the issuance of Interlocutory Orders.

RULE XXIII. The Board Secretariat

SECTION 134. The Board Secretariat. — There shall be a Board Secretariat, which shall be headed by the Executive Director who shall function as the Clerk of the Board.

SECTION 135. Filing of Pleadings, Motions, Documents and Other Matters. — Pleadings, Motions, and other documents addressed to the Board shall be filed to the Secretariat, which shall keep in custody a complete file, and for its further disposition to the concerned Board Member. Other matter, question or controversy brought before the Board shall be referred to the concerned Member to whom the subject case has been assigned for his proper disposition.

The original copy of the record on appeal shall be transmitted to such member, with the second copy of the record on appeal kept on file with the Secretariat. Thereafter, all Pleadings, Motions, and other documents shall be filed with the Secretariat which shall transmit the same to the concerned Member.

Subsequent to the perfection of the Appeal, all Pleadings or Motions, and Memoranda filed with the RARAD or the PARAD shall immediately be forwarded to the Board through the Secretariat, for appropriate disposition. However, the erroneous filing of the Pleadings or Motions, and Memoranda with the RARAD or the PARAD shall not toll the prescriptive period as required by the rules or order of the Board.

SECTION 136. Custody of the Seal and Books of the Board. — The Secretariat shall have custody of the seal and book of entries of all judgments rendered by the Board.

SECTION 137. Access to the Board Records and Issuance of Certified True Copies. — The parties to the case, their authorized representative or counsels of record, shall have access to the case records during office hours.

Upon a valid written request, the Secretariat shall issue a certified true copy, under the seal of the Board, of any document, record, Decisions, Resolution, or Final Order, or entry under its custody, upon payment of the required fees, unless exempted, subject to terms and conditions under existing administrative issuances.

SECTION 138. General Docket, Raffle of Cases, Calendar of Deliberation and other matters. — The Board Secretariat shall:

- Keep a general docket of original actions and appealed cases, duly numbered and containing entries of all the original actions and appealed cases filed before the Board.
- Assign original actions and appealed cases for appropriate disposition strictly by raffle. The raffle of cases shall be attended by the duly designated representative of the Members of the Board under the supervision of the Executive Director or his duly designated representative.
- Calendar the schedule of case deliberation and prepare the Minutes and Highlights of the
- Compile copies of all Decisions, Resolutions, or Final Orders issued by the Board in the order of their dates of promulgation.

SECTION 139. Promulgation, Releasing of Communications, Issuances and Other Matters. — The Secretariat shall certify the date and hour of promulgation of any Decision, Resolution, or Final Order, as well as the names of all parties who were notified.

All communications or issuances and disposition of other matters brought before the Board shall be released exclusively, copy furnished the Chairman, through the Secretariat as the repository of case records. It shall be the duty and responsibility of the Sheriff or in the absence, designated employee of the Secretariat to prepare and serve all summons, subpoenas, notices and other processes issued by the Board.

RULE XXIII. Other Fees, Charges and Costs

SECTION 140. Payment of Fees. — Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed shall be paid in full.

SECTION 141. Filing Fees. — A filing fee of One Thousand Pesos (Php 1,000.00) plus a legal research fee of One Hundred Pesos (Php 100.00) shall be charged for any Petition or Complaint filed with the RARAD, the PARAD, or the Board, as an original action.

The pauper litigant as stated in Section 23, Rule V, is exempt from the payment of filing fees and/or bond referred under this Rule.

SECTION 142. Legal Fees. — Legal fees shall be charged and collected for certified transcript of the records or additional copies of any record, decision, ruling or entry of which any party is entitled to demand and receive a copy, in the amount of Ten Pesos (Php 10.00) per page or Five Pesos (Php 5.00) per page for a plain copy.

SECTION 143. Where Fees, Penalties, Fines and Other Impositions to be Paid. — The fees, penalties, fines and other impositions shall be paid by the party to the concerned DAR cashier, Department of Agrarian Reform (DAR) Central Office or its Regional/Provincial counterpart, as the case may be, at the time of filing, request or compliance to the imposition. If the fees are not paid, the Board, the RARAD, or the PARAD may refuse to take action until the same are paid except as otherwise provided. For this purpose, the DAR Central Office cashier or its local counterpart, as the case may be, shall segregate all fees collected from its general fund and shall also maintain a separate Book of Account, for all transactions covered.

SECTION 144. Sheriffs, and Other Authorized Persons Serving Processes.

- For serving summons and copy of complaint, One Hundred Pesos (Php100.00) for each Respondent.
- For serving subpoenas, Eighty Pesos (Php 80.00) for each witness to be served.
- For serving and implementing a Temporary Restraining Order, or Writ of Injunction, preliminary or final, Two Hundred Pesos (Php 200.00).
- For filing bonds or other instruments of indemnity or security in provisional remedies, Eighty Pesos (Php 80.00) for each bond or instrument.
- For executing a writ or process to place a party in possession of real estate, Four Hundred Pesos (Php 400.00).
- For serving and implementing the order of supervision of harvest, the following fees shall be charged:
 - On the first Ten Thousand Pesos (Php10,000.00) of the gross harvest, five per cent (5%); and
 - In excess of Ten Thousand Pesos (Php 10,000.00), an additional three per cent (3%).
- For levying on execution on personal or real property, Two Hundred Pesos (Php 200.00).
- For money collected through order, execution, attachment, or any other process, the following shall be charged:
 - On the first Four Thousand Pesos (Php 4,000.00), four per cent (4%).
 - On all sums in excess of Four Thousand Pesos (Php 4,000.00), two per cent (2%).

In addition to the fees above fixed, the party requesting for the issuance of any process whether preliminary, incidental, or final, shall pay the Sheriff's expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including actual travel expenses by the regular means of transportation, guards' fees, warehousing and similar charges, in an amount estimated by the Sheriff, subject to the approval of the Board, the RARAD, or the PARAD. Upon approval of said estimated expenses, the interested party shall deposit such amount with the Clerk of the Board/Adjudicator who shall disburse the same to the Sheriff assigned to effect the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the Sheriff assigned with his return and the Sheriff's expenses shall be taxed as cost against the losing party.

SECTION 145. Stenographers or Any Authorized DAR Employee — Stenographers or any authorized DAR employee shall give certified transcripts of notes taken by them to requesting party upon due payment of Ten Pesos (Php 10.00) for each page.

SECTION 146. Costs. — Cost may be allowed to the prevailing party but the Board, the RARAD, or the PARAD, as the case may be, shall have the power, for special reason, to adjudge that either party shall pay the costs of an action, or that the same be divided as may be equitable. No costs shall be allowed against the Republic of the Philippines unless otherwise provided by law.

SECTION 147. Attorney's Fees as Costs. — Attorney's Fees may be charged as costs against the adverse party in accordance with Article 2208 of the New Civil Code.

SECTION 148. National Government Is Exempt. — The Republic of the Philippines, its national agencies and instrumentalities, are exempt from paying the legal fees provided in this rule. Local government units and government-owned or controlled corporations, with or without independent charters, are not exempt from paying such fees.

RULE XXIV. Miscellaneous Provisions

SECTION 149. Transitory Provisions. — These Rules shall govern all cases filed on or after its effectivity. All cases filed with the Board, the RARAD, or the PARAD, prior to the date of effectivity of these Rules, shall be governed by the DARAB Rules prevailing at the time of their filing.

SECTION 150. Separability Clause. — If, for any reason, any portion or provision of these Rules is declared unconstitutional or invalid by the Supreme Court, no other provision of these Rules shall be affected.

SECTION 151. Repealing Clause. — The provisions of 2009 DARAB Rules, and DAR Adjudication Board Resolutions promulgated and issued prior to the effectivity of these Rules, that are inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 152. Effectivity Clause. — These Rules shall take effect ten (10) days after its publication in at least two (2) newspapers of general circulation and its registration before the Office of the National Administrative Register (ONAR) at the University of the Philippines (UP) Law Center.

Approved.

Done this 06 day of OCT year 2020, Diliman, Quezon City, Philippines

Atty. JOHN R. CASTRICONES
Chairman

Atty. LUIS MEINRADO C. PANGULAYAN
Vice-Chairman

Atty. EMILY O. PADILLA
Member

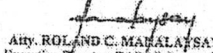
Atty. JIM G. COLETO
Member

Atty. ROBALDO S. CUA
Member


Atty. ANNABELLE O. MADAYAG-GANDASAN
Member

ATTESTATION

This is to attest that herein 2021 DARAB Revised Rules of Procedure was approved by the foregoing Members of the Board and signed in my presence.


Atty. ROLAND C. MANALAYSAY
Executive Director, DARAB Secretariat

¹ Rule XX, Section 9, Par. A - Patterned in the Rules of Court.
² Rule XX, Section 9, Par. B - Patterned in the Rules of Court.

ANNEX "A"

THE 2021 DARAB ONLINE PROCEDURE: SUPPLEMENTAL TO THE 2021 DARAB REVISED RULES OF PROCEDURE

RULE I

COMMENCEMENT OF AN ACTION AND SUBMISSION OF PLEADINGS

Section 1. Complaint, Petition, and other submissions - Verified Complaint or Petition, 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.

Section 2. Petition for Annulment of Judgment of the Adjudicator - Verified Petition together with other supporting documents may be filed through electronic transmission or e-mail before the Board, through the DARAB Secretariat, which shall evaluate the sufficiency in form and compliance with the requirements set by the Rules and for further referral to the concerned Board Member.

Section 3. Mandatory Submission of Electronic Mail Address - For online process, parties and counsels or other party-in-interest shall provide their respective electronic mailing address (i.e., Yahoo, Gmail, Outlook, and such other e-mail platforms which are publicly available to and accessible by the Department of Agrarian Reform as an electronic mailing platform.

The Adjudicator, through the Clerk of Adjudicator and the Board, through the DARAB Secretariat, shall manage and supervise the online platform by constantly checking their respective official e-mail accounts, at the very least every thirty (30) minutes daily during the work week.

Section 4. Pleadings and other submissions - All pleadings and other submissions to the Adjudicator and the Board, through the DARAB Secretariat, which are 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 contain the required form under the DARAB Rules of Procedures. It must indicate the DARAB Case Number, Title, Caption, and Heading of the pleading/s submitted, e.g., Juan de la Cruz versus Pedro Santos, DARAB Case No. R-02-1234-2020, For Ejectment, Answer.

Section 5. The Board, the Regional Agrarian Reform Adjudicator (RARAD), and the Provincial Agrarian Reform Adjudicator (PARAD) Online Mailing Addresses - For the information of the parties, counsels, and Members of the Philippine Bar, the Board, the RARAD, and the PARAD's electronic mailing (Email) addresses for the DARAB online processes and proceedings are incorporated herein as Annex "A-1".

RULE II
PAYMENT OF FEES

Section 6. Payment of Fees; How - 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). Copy of the deposit slip shall be sent via e-mail to the Adjudicator or the Clerk of the Adjudicator, or the DARAB Secretariat as proof of payment.

For purposes of this provision, the determination of the specific LBP account and guidelines for online payment of fees are incorporated herein as Annex "A-1".

RULE III
SUMMONS AND ANSWER

Section 7. Summons - 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 the Summons and Notice of Preliminary Conference (Alternative Dispute Resolution) which will 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.

Within ten (10) 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 e-mail.

RULE IV
CONDUCT OF HEARINGS

Section 8. Preliminary Conference/Alternative Dispute Resolution Conference - Conference/Hearings shall be done online, by means of an online platform duly recognized by the Department of Agrarian Reform. No Adjudicator shall use any other platform or e-mail account other than the officially provided platform and account by the Department of Agrarian Reform.

Section 9. Notice of Hearing - The Adjudicator, through the Clerk of the Adjudicator or the Board, through the DARAB Secretariat, shall serve the Notice of Hearing through the e-mail addresses given by the parties, counsel, or other interested persons. They 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 use to join the hearing. All the details and information to gain access to such proceedings shall be treated with strict confidentiality. Any unauthorized sharing of the said details and any information shall be dealt with accordingly. The proof of receipt of the notification e-mail shall be properly recorded.

Section 10. The proceedings during the video conferencing/online hearing - The hearing shall be recorded by the Clerk of the Adjudicator/DARAB Secretariat. The Stenographer shall 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, the 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.

Section 11. Suspension Due to Technical Constraints - Should there be technical constraints affecting the conduct of the 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 reasons for such suspension shall be properly recorded.

Section 12. Conduct of the Parties during Hearing - 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 be regularly observed.

All those participating in the proceedings shall be in appropriate attire. Once the video conferencing/hearing is done, the Adjudicator or the Board hosting the session shall immediately end it.

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 hearings.

RULE V
DECISION, RESOLUTION OR FINAL ORDER

Section 13. Issuance of Judgment - After concluding the hearings, the Adjudicator shall issue a Decision, Resolution, or Final Order, with the parties and counsels immediately being furnished a copy of the promulgated judgment, Decision, Resolution, or Final Order.

Section 14. Service of Promulgated Judgment - The service of such Decision, Resolution, or Final Order to the parties and counsels may be done electronically through e-mail, registered mail, or any Licensed Courier Service, but proof or receipt thereof should be properly recorded.

The hard copy of the 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.

RULE VI
MOTION FOR RECONSIDERATION

Section 15. Motion for Reconsideration - Within fifteen (15) days from receipt of the Decision, the party adversely affected may file his/her Motion for Reconsideration through e-mail with proof of e-mail service of copy of the Motion to the other parties and counsels. All the parties and counsels shall be immediately furnished a copy of such Resolution.

RULE VII
APPEALS

Section 16. Appeal to the Board. - An appeal may be taken to the Board electronically in accordance with Rule XIV of the 2021 DARAB Revised Rules of Procedure and in compliance with Section 4, Rule I of these Rules.

The RARAD or the PARAD shall attach in the electronic transmission of his/her Transmittal of Records the granted Notice of Appeal, Appeal Memorandum, Payment of Appeal Fee, subject Decision/Resolution or Final Order and such other records to the Board pursuant to Section 4, Rule I of these Rules.

The hard copy of the entire records on appeal shall immediately follow for the Board without unreasonable delay.

RULE VIII
MISCELLANEOUS PROVISION

SECTION 17. Retroactive Applicability. - These Rules may apply to all cases which remain pending before the Board, the RARAD, or the PARAD during the spate of the COVID-19 pandemic and cases filed through online process upon the date of its effectivity.

SECTION 18. Separability Clause. - If, for any reason, any portion or provision of these Rules is declared unconstitutional or invalid by the Supreme Court, no other provisions of these Rules shall be affected thereby.

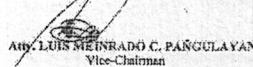
SECTION 19. Effectivity Clause. - These Rules shall simultaneously take effect upon the effectivity of the 2021 DARAB Revised Rules of Procedure.

APPROVED.

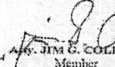
Done this 06 day of DEC year 2020, Diliman, Quezon City.



Atty. JOHN R. CASTRICIONES
Chairman





Atty. LUIS MENRADO C. PANGULAYAN
Vice-Chairman


Atty. EMILY D. PADILLA
Member

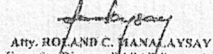

Atty. JIM G. COLETO
Member


Atty. ROLANDO S. CUA
Member


Atty. ANNABELLE O. MADAYAG-GANDASAN
Member

ATTESTATION

This is to attest that THE 2021 DARAB ONLINE PROCEDURE: SUPPLEMENTAL TO THE 2021 DARAB REVISED RULES OF PROCEDURE was approved and signed in my presence.


Atty. ROLAND C. MANALAYSAY
Executive Director, DARAB Secretariat

Trusted Since 1898

The Manila Times

w w w . m a n i l a t i m e s . n e t

REPUBLIC OF THE PHILIPPINES)
CITY OF MANILA)S.S.

AFFIDAVIT OF PUBLICATION

I, **Carmina Lourdes B. Dineros**, of legal age, single, Filipino and a resident of 20 Libra St., Pamplona Park Subdivision, Pamplona, Las Piñas City in the Philippines, after having been duly sworn according to law, do hereby depose and state:

That I am the Auditor of **The Manila Times**, a newspaper which is published Online and Printed in English and Edited in Metro Manila, and circulated nationwide daily from Monday to Sunday with postal address at 2/F Sitio Grande, 409 A. Soriano Avenue, Intramuros, Manila

That the attached **THE 2021 DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB) REVISED RULES OF PROCEDURE / REPUBLIC OF THE PHILIPPINES / DEPARTMENT OF AGRARIAN REFORM**

was published in **The Manila Times** newspaper in its issue/s of **MAY 18, 2021**

In witness whereof, I signed this Affidavit in Manila, Philippines, this _____ day of _____, 2021



CARMINA LOURDES B. DINEROS
Affiant

Subscribe and sworn to before me this 18 MAY 2021 day of _____, 2021 in MANILA, Philippines, affiant exhibiting to me her **Driver's License No. D06-93-123108** issued at Las Piñas valid until February 08, 2022 and **SSS ID No. 33-457-425-09**

ATTY. ROGELIO J. BOLIVAR
NOTARY PUBLIC

AM Adm. Not. Com. No. NP-124 1-12-19 until 12-31-2020

Commission Extended until June 30, 2021

as per SC ENBANC B.M. No. 3795 12/1/2020

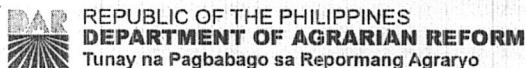
IBP O.R. No. 132134 MD 2021 & IBP O.R. No. 133076 MD 2022

PTR O.R. No. 0695112 D 1/4/21 / Roll No. 33832 / TIN# 129-871-009

MCLE No. VI-0029583 valid from 12/16/2019 Valid until 04/14/22

Doc. No. 70
Page No. 14
Book No. 2
Series of 2021

THE MANILA TIMES PUBLISHING CORPORATION
2/F Sitio Grande, 409 A. Soriano Ave., Intramuros



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
Tunay na Pagbabago sa Repormang Agraryo

The 2021 Department of Agrarian Reform Adjudication Board
(DARAB) Revised Rules of Procedure

RULE I. General Provisions

SECTION 1. Title. — These Rules shall be known as 'The 2021 Department of Agrarian Reform Adjudication Board (DARAB) Revised Rules of Procedure.'

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of the Agrarian Reform Program and to promote the just, expeditious, and inexpensive adjudication and settlement of agrarian cases, disputes, or controversies.

All references to the Board in these Rules shall refer specifically to the Board in the Central Office of the Department of Agrarian Reform having original or appellate jurisdiction over agrarian disputes, as the case maybe, while references to the Adjudicator specifically refers to the Regional Agrarian Reform Adjudicator (RARAD) and the Provincial Agrarian Reform Adjudicator (PARAD).

SECTION 3. Technical Rules Not Applicable. — The Board and the RARADs and PARADs, shall not be bound by technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all agrarian cases, disputes, or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity.

SECTION 4. Doubts To Be Resolved In Favor Of The Beneficiary. — Any reasonable doubt in the interpretation of these Rules, as well as in the interpretation of contracts and stipulations between the contending parties, shall be resolved in favor of the beneficiary, potential beneficiary, tenant farmer, farmworker, agricultural lessee, farmers' cooperative, association, or organization.

SECTION 5. Online Procedure - In order to adapt to the so-called "new normal," the Board, the RARAD, or the PARAD, may *motu proprio* or the party/ies through initiatory pleading/motion, may submit the case for electronic proceedings. Such a procedure is herein incorporated as "Annex-A".

At any stage, the party/ies availing the electronic proceedings shall indicate expressly in the Complaint, Petition, or by proper motion their intention to avail the same.

The Board, the RARAD, or the PARAD shall rule either by granting or denying the prayer or motion of the party/ies availing the electronic proceedings, as well as the objection, if any, within a reasonable period.

RULE II. Jurisdiction of the Board, RARAD and PARAD

SECTION 6. Original and Exclusive Jurisdiction of the Board. -The Board shall have original and exclusive jurisdiction on the following cases:

- The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule;
- Annulment of judgment of the RARAD/PARAD under Section 10 of this Rule;
- Such other Agrarian Reform cases, disputes, matters, or concerns referred by the DAR Secretary or Presidential Agrarian Reform Council (PARC).

SECTION 7. Concurrent Original Jurisdiction of the Regional Adjudicator. The RARAD shall have concurrent original jurisdiction to determine and adjudicate all agrarian disputes and other Agrarian Reform matters, including but not limited to the following:

- Those that cannot be handled by the PARAD on account of inhibition, disqualification, transfer, retirement, resignation, or when the PARAD is on official leave for at least fifteen (15) days, or when there is no PARAD designated.
- The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule.
- Such other agrarian cases, disputes, matters, or concerns referred to by the Board or the Secretary of the DAR.

SECTION 8. Primary, Exclusive and Original Jurisdiction of the Provincial Adjudicator. The PARAD shall have primary, exclusive, and original jurisdiction to determine and adjudicate all agrarian disputes and agrarian matters, including but not limited to the following:

- The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by Republic Act (R.A.) No. 6657, as amended, and other related agrarian laws.
- The administrative determination of just compensation of lands acquired under applicable agrarian laws, subject to the jurisdictional amount under Rule XIX, Section 104 of this Rule.
- Annulment or rescission of Lease Contracts, or Deeds of Sale, or their amendments involving lands under the administration and disposition of the DAR or Land Bank of the Philippines (LBP), and the amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as Emancipation Patents (EPs) issued under Presidential Decree (P.D.) No. 266, Homestead Patents, Free Patents, and miscellaneous sales patents to settlers in settlement and re-settlement areas under the administration and disposition of the DAR.
- Ejection of agricultural lessees/share tenants.
- Pre-emption and redemption of agricultural lands under R.A. 3844, as amended.
- Correction of entries of registered Emancipation Patent (EP), Certificates of Land Ownership Award (CLOAs), or other titles issued under any Agrarian Reform Program without affecting substantial rights of other interested persons, except error in the technical description in the EPs and CLOAs.
- Re-issuance of Owner's Duplicate Copy of EPs, CLOAs, or other titles issued and registered with the Land Registration Authority (LRA) under any Agrarian Reform Program.
- Review and fixing of leasehold rentals/determination and payment of disturbance compensation.

- Collection of amortization payments, foreclosure, and similar disputes concerning the functions of the LBP, and payments for lands awarded under P.D. No. 27, R.A. No. 3844, as amended, and R.A. No. 6657, as amended, and other related laws, decrees, orders, instructions, rules, and regulations.
- Boundary disputes involving land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws, and lands under the administration and disposition of the DAR and the LBP, and those lands transferred, distributed, and/or sold to Agrarian Reform Beneficiaries (ARBs) and are covered by Deeds of Sale, Patents, and Certificates of Title;
- Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of P.D. No. 946, except those cases falling under the proper courts or other quasi-judicial bodies.
- Such other agrarian cases, disputes, matters, or concerns referred by the Board or the Secretary of DAR.

SECTION 9. Appellate Jurisdiction of the Board. — The Board shall have exclusive appellate jurisdiction to review Decisions, Resolutions, and Final Orders of the RARAD and the PARAD.

The Board shall have appellate jurisdiction over preliminary determination of Land Valuation cases resolved by the RARAD or the PARAD.

No Interlocutory Order of the RARAD or PARAD on any issue, question, matter, or incident raised before them shall be elevated on appeal to the Board.

SECTION 10. Annulment of Judgment of RARAD or PARAD. Annulment of final judgment of RARAD or PARAD shall be initiated by filing a verified petition with the Board attaching certified copies of the assailed decision, resolution or final order and alleging with particularity the facts and the law relied upon for the said annulment.

The annulment shall be based only on grounds of extrinsic fraud, denial of due process, and lack of jurisdiction. If based on extrinsic fraud, the action must be filed within three (3) years from its discovery. If based on denial or gross violation of due process and lack of jurisdiction, the action is imprescriptible unless it is barred by laches or estoppel.

The Petition shall consist of two (2) legible copies, together with sufficient copies corresponding to the number of Respondents. A certified true copy of the Decision, Resolution, or Final Order shall be attached to the original copy of the Petition intended for the Board and indicated as such by the Petitioner.

The Petition shall be accompanied with affidavits of witnesses or documents supporting the cause of action and a Certificate of non-forum shopping in accordance with Rule IV, Section 19 of this Rule.

The Board shall give due course to the Petition and require the Respondent(s) to submit a Comment on the Petition.

SECTION 11. Prejudicial Issue. — If there exists a prejudicial issue involving an Agrarian Law Implementation (ALI) case filed before the RARAD or the PARAD, the same shall be dismissed without prejudice.

Prejudicial issue is defined as one that arises in a case, the resolution of which is a logical antecedent of the issue involved, and the jurisdiction over which pertains to the Office of the Secretary (OSEC).

SECTION 12. Adjudicatory Power to dispense Compulsory Process. —The Board, the RARAD, and the PARAD are empowered to summon witnesses, administer oaths, and require answers to interrogatories, and issue subpoena *duces tecum*, writ of possession, writ of execution, writ of demolition, and other writs to enforce its Orders and Decisions through their Sheriffs or duly deputized officer/employee.

For this purpose, whenever necessary, the Board, the RARAD, or the PARAD shall direct the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), or any of their component units, or other law enforcement agencies to assist in the enforcement and execution of their Decisions, Resolutions, Final Orders, Writs, and other processes.

RULE III. Mediation or Conciliation at Barangay Level

SECTION 13. Barangay Agrarian Reform Committee (BARC) Certification. — The RARAD and the PARAD shall not take cognizance of any agrarian case, dispute, or controversy, unless a certification is presented from the BARC of the barangay where the land involved is located or the Municipal Agrarian Reform Program Officer (MARPO), to the effect that the dispute has been submitted to it for mediation or conciliation without any success or settlement, except that the said certification is not necessary in the following cases:

- Where the issue involves the valuation of land to determine just compensation for its acquisition.
- Where one party is a public or private corporation, partnership, association, or juridical person, or a public officer or employee, and the dispute relates to the performance of his official functions.
- Where the Secretary of DAR or the PARC directly refers the matter to the Board.

SECTION 14. Referral to BARC. — If the filing of the Complaint or Petition is not accompanied by the required BARC Certification, the same shall be referred to the BARC or Senior Agrarian Reform Program Technologist (SARPT) or Agrarian Reform Program Technologist (ARPT) of the barangay where the land is located, as stated in the complaint, through the MARPO of the area, directing:

- The BARC to conduct mediation/conciliation proceedings, by requiring the parties to submit their supporting documents and to return the matter to the Adjudicator with a report of the result of the proceedings, together with the complete records submitted before it, within thirty (30) days from receipt of the Complaint or Petition; or

1

- b. The SARPT or ARPT, in case of non-existence of the BARC or its inability to convene for that purpose, the SARPT or ARPT shall certify the non-existence or inability of the BARC and refer the matter back to the RARAD or the PARAD within three (3) days from receipt with a certification of non-existence or inability of the BARC to convene.

SECTION 15. Report of Settlement at the BARC to the RARAD or the PARAD — If the case is referred by the RARAD or the PARAD, and the same is settled at the BARC level, the results shall be contained in a Report to be submitted to the Adjudicator who referred the matter, within three (3) days from the termination of the proceedings before the BARC, whose Report shall be the basis for the rendition of judgment of the case before the RARAD or the PARAD.

SECTION 16. Land or Parties in Two (2) Barangays. — Where the land in dispute straddles two or more barangays or the parties involved reside in different barangays, the BARC of the barangay where the larger portion of the property lies, shall have the authority to conduct mediation or conciliation proceedings under these Rules, unless for convenience and accessibility and upon agreement of the parties such proceedings should be held in another barangay within the Municipality or adjacent Municipality where the land in dispute is located.

SECTION 17. Certification of Non-settlement. — If the BARC is unable to settle the dispute within fifteen (15) days, it shall return the case to the RARAD or the PARAD of origin with a Certification of Non-settlement, furnishing a copy to the parties.

SECTION 18. Special Rules on Mediation and Conciliation. — The mediation and conciliation proceedings at the BARC shall be in accordance with the DAR Rules and Procedures Governing Mediation/Conciliation of Agrarian Disputes by the BARC.

RULE IV. Commencement of Action, Venue, and Cause of Action

SECTION 19. Complaint or Petition. — An action shall be initiated by filing a verified Complaint or Petition with the Board, the RARAD, or the PARAD in the Province/Region where the land involved is located.

It shall also include the affidavit(s) of witnesses and documentary evidence, if any. The Complaint or Petition shall be duly signed by the Complainant or Petitioner, or his counsel, or by one who can show a Special Power of Attorney to represent the Complainant or Petitioner.

It shall state the area of the land involved and the Barangay where the land is located, or if the land is located in two (2) or more barangays, the barangay where the larger portion of the land is located.

The Complaint or Petition shall state the name, residence, and complete mailing address of the Complainant or Petitioner and that of the Respondent, the facts constituting the cause of action, and the relief being sought.

Two (2) copies of the Complaint or Petition, and its annexes or attachments, and as many copies required to be served upon each of the Respondents, shall be filed.

The original or certified true copy of the annexes or attachments shall be attached to the principal copy of the Complaint or Petition which shall form part of the principal case folder and shall be indicated as such by the Complainant or Petitioner.

It shall be signed under oath by the Complainant/Petitioner, with an attached certificate of non-forum shopping. The failure to file the required certificate and/or the commission of acts constituting forum shopping, shall be a ground for dismissal of the case without prejudice.

SECTION 20. Amendment of and Supplement to Complaint or Petition. — The Complaint or Petition may be amended or supplemented at any time before a responsive pleading is served.

After the responsive pleadings have been served, amendments or the filing of supplemental pleadings may be allowed at any stage of the proceedings, but before rendition of judgment only upon motion and with leave of the Board, or the RARAD, or the PARAD furnishing copies to the adverse party.

The motion to amend shall indicate the amendment sought to be admitted. In case of a supplemental pleading, it shall set forth the transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented.

SECTION 21. Venue.

- All actions shall be brought before the Board, the RARAD, or the PARAD of the Region/Province where the subject land is located.
- If the land is located or found in two or more provinces, the action shall be brought before the Adjudicator concerned where the larger portion of the land lies, unless for convenience or accessibility and upon agreement of all parties and upon approval of the RARAD, the venue shall be with the province as approved by the RARAD.
- However, upon motion, for compelling reasons by either of the parties may best serve the interest of agrarian justice, the hearing of the case may be changed or transferred to another place within or outside the Region by order of the RARAD or the Board, respectively.

RULE V. Parties and Caption

SECTION 22. Parties-in-Interest. — Every agrarian case must be initiated and defended in the name of the real party-in-interest. All parties having an interest in the matter shall be joined either as Complainant/Petitioner or Respondent/s.

If an additional Respondent is impleaded in a later pleading, the action with regard to him is commenced on the date of the filing of such pleading.

Whenever a party to a pending action before the Board, the RARAD, or the PARAD dies, it shall be the duty of the heirs and/or his/her counsel to inform the Board/Adjudicator within ten (10) days after such fact of death, and to give the name/s and address/s of the deceased legal heir/s or representative/s.

The heirs of the deceased may be allowed to substitute the deceased without requiring the appointment of an executor or administrator.

The Board, the RARAD, or the PARAD shall order said legal representative or representatives to appear and substitute the deceased within a period of three (3) days from notice.

SECTION 23. Pauper Litigant. — A party, who is an agricultural lessee, tenant, farmworker, as alleged and applied for in a sworn Complaint or Motion, shall be entitled to the rights and privileges of a pauper litigant under these Rules without further proof. He shall continue to enjoy such status as a pauper litigant at all levels of adjudication until the case is terminated.

SECTION 24. Association or Corporation. — When two or more persons, associated in any business, transact such business under a common name, whether it comprises the name of such persons or not, the associates may sue or be sued under such common name.

Persons associated in business that are sued under a common name, must all be named individually in the answer filed by them or on their behalf, stating their business address.

SECTION 25. Alternative Respondents. — Where the Complainant or the Petitioner is uncertain against who of several persons he is entitled to relief, he may join any or all of them as Respondents in the alternative, although a right to relief against one may be inconsistent with a right to relief against the other.

SECTION 26. Unknown Identity or Name of Respondents. — Whenever the identity or name of a Respondent is unknown, he may be sued as the unknown party using such designation as the case may require. When his identity or true name is discovered, the pleading must be amended accordingly.

SECTION 27. Entity without Juridical Personality as Respondents. — When two or more persons not organized as an entity with juridical personality enter a transaction, they may be sued under the name by which they are generally or commonly known.

In the answer of such Respondents, the names and addresses of the persons composing the said entity must all be revealed.

RULE VI. Service of Pleadings, Motions and Judgments

SECTION 28. Manner of Service. The filing and service of pleadings, appearances, motions, notices, orders, judgments, and all other papers shall be made by presenting the original copies, plainly indicated as such, personally to the Clerk of the Adjudicator or through registered mail or a licensed courier service.

- The party filing the pleading subsequent to the Complaint shall serve the opposing party with a copy in the manner provided in these Rules, and proof of such service shall be filed with the records of the case.
- Notices and copies of Decisions, Resolutions, or Orders shall be served personally as far as practicable, or by registered mail or licensed courier service upon the parties, counsels, or authorized representatives. However, notice to the counsel is notice to the party.

SECTION 29. Service upon Associations. — When persons associated in businesses are sued under a common name, service may be effected upon all the Respondents by serving upon any one of them, or upon the person in charge of the office or place of business maintained in its common name. However, such service shall not individually bind any person whose connection with the association has, upon due notice, been severed before the action is brought.

SECTION 30. Service upon Private Domestic Juridical Entities. — If the Respondent is a corporation, partnership, association, or cooperative organized and registered under Philippine laws with a juridical personality, service may be made, in the alternative, on the president, managing partner, general manager, corporate secretary, treasurer, in-house counsel, or a competent person in charge of the office.

SECTION 31. Service upon Public Corporation. — When the Respondent is the Republic of the Philippines, service may be effected on the Solicitor General. In case of a province, city, municipality, or other public corporations, service may be effected on its chief executive or on such other officer as the law, the Board, the RARAD, or the PARAD may direct.

SECTION 32. Proof of Completeness of Service. — The Registry Return Card (RRC) is *prima facie* proof of the facts indicated. Service by registered mail is completed upon receipt by the addressee, his counsel, or by his duly authorized representative or agent.

SECTION 33. Substituted Service. — If the service of Pleadings, Motions, Notices, Decisions, Resolutions, Orders, and other papers cannot be made under the preceding sections, the office and place of residence of the party or representative on record or the counsel, being unknown, service may be made by delivering the copy to the Clerk of the Adjudicator or the Board through the Executive Director, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

RULE VII. Summons, Notices, Decisions, Resolutions, Orders and Submission of Evidence

SECTION 34. Issuance of Summons, Time to Answer, and Submission of Evidence. — If the Complaint or Petition is filed together with the BARC Certification and the affidavit of witnesses, with the RARAD or the PARAD, as required in Rule III of these Rules, or upon the return of the Complaint or Petition referred to the BARC in accordance with the said Rule III, the corresponding Summons and Notice of Preliminary Conference shall be issued by the Clerk of the Adjudicator, attaching a copy of such Complaint, Petition, Affidavit, and documentary evidence, if any.

The Summons and Notice of Preliminary Conference shall direct the Respondent/s to file an Answer to the Complaint or Petition or submit Counter-Affidavit/s and other documentary evidence, if any, within a non-extendible period of ten (10) days from receipt, furnishing a copy to the Complainant or the Petitioner. The Summons shall specify the date, time, and place of the preliminary conference and shall order the parties and their witnesses to appear at the scheduled date of conference.

The Summons and all other notices to be issued by the RARAD or the PARAD shall be written in English, or in Filipino, or in other local dialect.

SECTION 35. Return of Service. — The Sheriff or other designated officer who personally served the Summons, Notices, Decisions, Resolutions, or Orders shall submit his return within three (3) days from the date of his service, stating the name of the person served and the date of receipt of the same or if no service was effected, the serving officer shall state the reasons.

SECTION 36. Manner of Service of Summons. — The Summons, together with the Notice of Preliminary Conference with the attached copy of the Complaint, Petition, Affidavit, and documentary evidence, if any, shall be served personally by the Sheriff or any DAR personnel deputized by the Board, the RARAD, or the PARAD issuing the Summons to the Respondent within three (3) days from the filing or from date of receipt if filing is done by registered mail or licensed courier service, as the case may be. If the Respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

- a. By leaving copies of the Summons at the Respondent's residence with some person of suitable age and discretion residing; or
- b. By leaving the copies at the Respondent's office or regular place of business with some competent person in charge.

In case the Respondent's whereabouts are unknown and cannot be ascertained by diligent inquiry, service may be effected upon him by publication in a newspaper of general circulation, and in such places and for such time as the Board, the RARAD, or the PARAD may order. However, if publication is effected pursuant to this Rule, only the Notice of Summons and Notice of Hearing shall be published, and not the entire Complaint or Petition. Publication, coupled with registered mail or license courier service, shall be served to the last known address of the Respondent.

SECTION 37. Answer Required. The Respondent must file a sworn Answer to the Complaint or Petition by responding with admissions or specific denials of each and every allegation in the Complaint or Petition, or if this cannot be done, by averring lack of sufficient knowledge, which will be deemed as a specific denial.

The Respondent may incorporate in his Answer a motion to dismiss on the ground of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.

An Answer must be accompanied by the affidavit(s) of Respondent's witnesses. The Answer may include a counterclaim or cross-claim for damages, attorney's fees, or litigation expenses.

SECTION 38. Time to Answer. — The Respondent is given a non-extendible period of ten (10) days upon receipt of summons within which to file the Answer or Comment.

SECTION 39. Amendment of the Pleadings. — The Complaint or Petition may be amended as a matter of right before a responsive pleading is filed. Thereafter, amendments may be filed with leave upon motion by the Complainant or Petitioner, together with the amended Complaint or Petition with notice to the adverse party, but before rendition of judgment.

If the Motion is granted, a new copy of the entire amended Complaint or Petition shall be served to the Respondent.

SECTION 40. Answer to Amended Pleadings. — The Respondent may file his amended Answer to the amended Complaint or Petition within ten (10) days from receipt, furnishing a copy to the Complainant or Petitioner.

The Answer to the Complaint or Petition shall serve as the Answer to the amended pleadings if no new Answer is filed.

SECTION 41. No Default upon Failure to Answer. — No declaration of default shall be made or judgment by default be rendered when the Respondent fails to file an Answer.

The Complainant or Petitioner must proceed to prove his case, and the Respondent shall be allowed to participate in subsequent proceedings.

SECTION 42. Order upon Receipt of Answer or Lapse of Period to Answer. —

Within three (3) days from receipt of the Answer or from the lapse of the ten (10) day period to file an Answer, without any Answer having been filed, the Board, the RARAD, or the PARAD shall immediately issue an Order setting the case for preliminary conference.

SECTION 43. Contents of Affidavits. — The Affidavits required to be submitted under this Rule shall be sworn, stating only facts of direct personal knowledge of the affiants and shall show their competence to testify to the matters stated and in compliance with Section 3 of A.M. No. 12-8-8-SC or the Judicial Affidavit Rule.

A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action and shall be a cause to expunge the inadmissible affidavit or portion from the record.

RULE VIII. Appearances

SECTION 44. Appearance. — A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, the Attorney's Roll Number, PTR, IBP Number for the current year, and MCLE compliance shall be indicated in the lawyer's pleadings and motions.

A non-lawyer may appear before the Board or any of the Adjudicators if:

- a. He/she represents himself/herself as a party to the case.
- b. He represents his farmer's organization or members, provided that he shall present proof of authority from the organization or its members or such authority duly signed by the Chief Executive Officer, President, Head, or Chair of the organization.
- c. He/she is a law student who has successfully completed his third year of the regular four-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court. His appearance pursuant to this Rule shall be under the direct supervision and control of a member of the IBP duly accredited by the law school. Any and all pleadings, motions, memoranda or other papers to be filed must be signed by the supervising attorney for and on behalf of the legal aid clinic.
- d. He is a DAR Legal Officer. For this purpose, the DAR Legal Officer must have the authority and be under the direct supervision and control of the Chief Legal Division. Any and all Pleadings, Motions, Memoranda, or other papers to be filed must be signed by the Chief Legal Division.

SECTION 45. Assignment of Counsel *de officio*. — A party appearing without counsel or represented by a non-lawyer may be assigned a counsel *de officio* from the DAR Legal Services Division or a member of the Bar to act as such counsel *de officio*.

SECTION 46. Authority to Bind Party. — Counsel and/or representatives of parties, without a special power of attorney, cannot enter into a compromise agreement with the opposing party when a full or partial discharge of a client's interest is made.

RULE IX. Preliminary Conference

SECTION 47. Preliminary Conference. — After the Answer shall have been served and filed, or upon receipt of the BARC Certification of non-settlement in instances when the case was referred to the BARC for mediation/conciliation, the Board, the RARAD, and the PARAD shall proceed with the Preliminary Conference within fifteen (15) days.

SECTION 48. Notice of Preliminary Conference. — The Notice of the Preliminary Conference shall be served upon the representative or counsel of record or the party himself, if he has no representative or counsel of record.

SECTION 49. Appearance of Parties. — It shall be the duty of parties and their counsel or their authorized representative, if any, to appear at the preliminary conference.

The counsel or his representative cannot, without a written authority or express consent of his client, enter an amicable settlement, submit to alternative modes of dispute resolution, or enter into stipulations or admissions of facts or of documents.

SECTION 50. Effect of Failure to Appear. — In the event the Respondent or his counsel fails to appear at the preliminary conference, the Board, the RARAD, or the PARAD shall, within fifteen (15) days from the date of the scheduled conference, render a Decision adjudicating Complainant's or Petitioner's claims.

In the event the Complainant or Petitioner fails to appear at the preliminary conference, the Board, the RARAD, or the PARAD shall dismiss the Complaint or Petition and render a Decision adjudicating the Respondent's counterclaim, as may be warranted.

However, the Board, the RARAD, or the PARAD may set aside a judgment rendered under this Section if, within ten (10) days from receipt of a copy of the judgment, the party concerned files a motion with prior notice to the adverse party that his failure to appear at the preliminary conference was due to fraud, accident, or other justifiable reason. A fine of not less than One Thousand Pesos (PhP 1,000.00) may be imposed for the non-appearance of the party or his counsel.

SECTION 51. Amicable Settlement thru Alternative Disputes Resolution (ADR). During the preliminary conference and at any stage of the proceedings, the Board, the RARAD, or the PARAD shall exert all efforts for the amicable settlement of the case thru the facilities of the ADR.

If the parties arrive at any settlement, the same shall be reduced into writing in a language or dialect known to and spoken by the parties and signed under oath by them before the Board, the RARAD, or the PARAD.

If a Compromise Agreement is entered by the parties in a manner other than as specified above, the Board, the RARAD, or the PARAD may set the case for a hearing for the purpose of determining the authenticity and due execution before approving it.

The settlement shall be approved after the Board, the RARAD, or the PARAD is satisfied, that it was voluntarily entered into by the parties, and the same is not contrary to relevant laws, rules and regulations, and after having explained to them the terms and conditions.

The judgment approving the compromise agreement shall have the effect of a judgment on the case, which shall immediately be final and executory.

In all cases where the beneficiaries, tenant-farmers or farmworkers are not assisted by a private counsel, the Board, the RARAD, or the PARAD shall coordinate with the DAR Legal Services Division to ensure that the said parties shall be assisted by a counsel *de officio* in arriving at a settlement.

RULE X. Proceedings Before the RARAD or PARAD

SECTION 52. Nature of Proceedings. — The proceedings before the RARAD or the PARAD shall be summary and non-litigious in nature. Subject to the requirements of due process, the technicalities of law and procedures under the Rules of Court shall not apply.

SECTION 53. Role of the Adjudicator (RARAD or PARAD) in the Proceedings. — The Adjudicator (RARAD or PARAD) shall personally conduct the hearing and take full control of the proceedings. He may examine the parties and witnesses freely with respect to the matters at issue and shall limit the right of the parties or their counsels to ask questions only for the purpose of clarifying the points of law at issue or of facts involved in the case. He shall also limit the presentation of evidence by the contending parties only to matters relevant and material to the issues and necessary for a just, expeditious, and inexpensive disposition of the case.

SECTION 54. Orders or Resolutions during the Hearing of the Case. — The Order or Resolution of the RARAD or the PARAD on any issue, question, matter, or incident raised before him shall be valid and effective until the hearing of the case shall have been terminated and resolved on the merits.

SECTION 55. Submission of Verified Position Papers. — In case the parties fail to arrive at an amicable settlement of the case or the RARAD or the PARAD denies the compromise agreement, the RARAD or the PARAD shall issue an order directing the parties and their counsels to simultaneously submit their respective verified position papers within a non-extendible period of fifteen (15) days from receipt of the Order.

SECTION 56. Conduct of Hearing. — Within five (5) days from receipt of the verified Position Papers from the parties, the RARAD or the PARAD may conduct a hearing for the purpose of clarifying points of law or facts involved in the case. Upon termination of the hearing, the case or incident shall be deemed submitted for decision or resolution.

SECTION 57. Record of Proceedings. — The proceedings before the RARAD or the PARAD shall be recorded by a Stenographer or any designated DAR employee. In the absence of an available Stenographer, the RARAD or the PARAD shall make a written summary of the proceedings, including the substance of the evidence presented which shall be attested by the parties or their counsel and shall form part of the records of the case. If any of the party or counsel refuses to sign, the reason for such refusal shall be noted.

SECTION 58. When a Case is Deemed Submitted for Resolution. — The case is deemed submitted for resolution after the filing of the verified Position Papers or after the lapse of the period to file, or after the clarificatory hearing shall have been concluded by the RARAD or the PARAD.

SECTION 59. Inhibition. — The RARAD or the PARAD may voluntarily inhibit himself/herself from the case and shall state in writing the grounds relied upon. Any motion for inhibition shall be resolved within five (5) days from its filing. An Order denying or granting a motion for inhibition is not appealable.

SECTION 60. Period to Render the Decision. — The RARAD or the PARAD shall render judgment of the case, within thirty (30) days after it is deemed submitted for resolution.

SECTION 61. Award and Damages. — The Board, the RARAD, or the PARAD, may award actual, compensatory, exemplary, moral damages, and attorney's fees.

SECTION 62. Finality of Judgment. — Unless appealed, the Decision, Resolution, or Final Order disposing of the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy by the party or their representatives or their respective counsels. However, notice to the counsel is notice to the party.

SECTION 63. Motion for Reconsideration. — Within fifteen (15) days from receipt of the Decision, Resolution, or Final Order of the Board, the RARAD, or the PARAD, a party may move for reconsideration of such Decision, Resolution, or Final Order on the grounds that:

- a. The findings of fact in the said Decision, Resolution, or Final Order are not supported by substantial evidence; or
- b. The conclusions stated are contrary to law and/or jurisprudence.

The Motion for Reconsideration shall be filed together with proof of service of a copy upon the prevailing party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an Appeal. If the Motion is denied, the aggrieved party shall have a period of fifteen (15) days reckoned from the receipt of the Notice of the Resolution of denial.

RULE XI. Motions in General

SECTION 64. Motion Defined — A Motion is an application for relief, other than a pleading.

SECTION 65. Form. — All Motions shall be in writing, except those made in the course of a hearing or trial.

SECTION 66. Contents. — A Motion shall state the relief sought and the grounds upon which it is based, and if necessary, shall be accompanied by supporting affidavits and documents.

SECTION 67. Notice. — A copy of the Motion, together with copies of supporting affidavits or documents, shall be served by the Movant upon the opposing party or their representative and their respective counsels at least three (3) days before the hearing.

SECTION 68. Proof of Service. — The Board, the RARAD, or the PARAD may only act on Motion with proof of service.

SECTION 69. Expeditious Resolution of Motions. — All Motions shall be resolved within a reasonable time from its submission for resolution.

An Interlocutory Order shall not be appealable.

In cases where the Motion to Dismiss is filed on the grounds of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment, said motion shall be resolved by the Board, the RARAD, or the PARAD within thirty (30) days after the receipt of the comment from the Petitioner.

SECTION 70. Non-allowable Motions. — The following Motions shall not be allowed:

- a. Motion to declare respondent in default or for a judgment in default.
- b. All other Motions filed before an Answer, except Motions to Dismiss on the ground of prescription, lack of jurisdiction or failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.
- c. Motion for extension of time to file an Appeal or Motion for Reconsideration.
- d. Second Motion for Reconsideration by the same party.

RULE XII. Intervention

SECTION 71. Who May Intervene. — A person, who has a legal interest on the matter in litigation, or in the success of either of the parties or an interest against both, or has a substantial right or interest in the subject matter of the case before the Board, the RARAD, or the PARAD, may be allowed to intervene in the case by filing a pleading-in-intervention.

SECTION 72. Time to Intervene. — A person desiring to intervene may, before judgment by the Board, the RARAD, or the PARAD, file a Motion for Leave to Intervene attaching the pleading-in-intervention with notice upon all the parties to the action.

In allowing or disallowing a Motion for Leave to Intervene, the Board, the RARAD, or the PARAD shall consider if the intervention will unduly delay or prejudice the adjudication of the rights of the original parties or if the Intervener's right may be fully protected in a separate proceeding.

SECTION 73. Answer-in-Intervention. — The Answer-in-Intervention shall be filed within ten (10) days from notice of the order allowing the intervention.

RULE XIII. Decisions, Resolutions and Final Orders

SECTION 74. Decisions, Resolutions and Final Orders. — The Decisions, Resolutions, and Final Orders of the RARAD or the PARAD shall be in writing, prepared and signed by him and filed with the Regional or Provincial Clerk of the Adjudicator. It shall clearly and distinctly state the findings of fact and specify the evidence and the law or jurisprudence upon which it is based.

The Decisions, Resolutions, and Final Orders of the Board shall be in writing, prepared by the Board Member to whom it is assigned, signed by the majority Members of the Board and filed with the Executive Director of the Board Secretariat.

SECTION 75. Promulgation. — After the Decision, Resolution, or Final Order is signed by the Board, the RARAD, or the PARAD, the same shall be filed with the Executive Director or the Regional or Provincial Clerk of the Adjudicator, respectively, who shall indicate the date and hour of promulgation.

SECTION 76. Service of Decisions, Resolutions or Final Orders. — Upon promulgation of the Decision, Resolution, or Final Order, the Executive Director or the Regional or Provincial Clerk of the Adjudicator, as the case may be, shall immediately cause copies to be served upon the parties or their representatives or their respective counsels.

The notice of the Decisions, Resolutions, or Final Orders of the RARAD, or the PARAD shall be served in the manner provided under Rule VI, Section 28, while the service of Decisions, Resolutions, or Final Orders of the Board shall be by registered mail. In all instances, if service by registered mail cannot be effected, service by publication may be resorted to.

All policies of Decisions, Resolutions, or Final Orders shall be written in English or in Filipino, or other local dialect.

SECTION 77. Entry of Decisions, Resolutions and Final Orders. — If no Appeal or Motion for Reconsideration is filed within the time provided in these Rules, the Decisions, Resolutions, and Final Orders of the Board, the RARAD, or the PARAD shall be entered in the Book of Entries of Decisions, Resolutions, and Final Orders by the Office of the Executive Director, or the Regional or Provincial Clerk of the Adjudicator, respectively.

The Office of the Executive Director and the Regional or Provincial Clerks of the Adjudicator shall maintain a Book of Entries of Decisions, Resolutions, and Final Orders which shall contain the case title, date of the promulgation, date of finality, the dispositive portion, and shall be signed by the designated officer in the office of the Executive Director or the Clerk of the Adjudicator, as the case may be, with a certification that such Decisions, Resolutions, and Final Orders have become final and executory.

RULE XIV. Appeals

SECTION 78. Appeal to the Board. — An Appeal may be taken to the Board from a Decision, Resolution, and Final Order of the RARAD or the PARAD that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the Decisions, Resolutions, or Final Orders appealed from or of the denial of the Motion for Reconsideration by:

- a. Filing a Notice of Appeal together with the Appellant's Memorandum with the RARAD or the PARAD who rendered the Decision, Resolution, or Final Order appealed from with proofs of service of the Notice of Appeal and Appellant's Memorandum to the prevailing party and payment of appeal fee.
- b. Furnishing copies of Notice of Appeal and Appellant's Memorandum to the prevailing party or their representative and respective counsels.
- c. Paying an appeal fee of One Thousand Pesos (PhP 1,000.00) to the DAR Cashier where the Office of the RARAD or the PARAD is situated, or through postal money order payable to the DAR Cashier where the Office of the RARAD or the PARAD is situated, at the option of the aggrieved party.

A pauper litigant, as defined by Rule V Section 23, shall be exempted from the payment of the appeal fee.

Non-compliance with the foregoing shall be a ground for dismissal of the Appeal.

SECTION 79. Grounds. — The aggrieved party may appeal to the Board from a Final Order, Resolution, or Decision of the RARAD or the PARAD on any of the following grounds:

- a. Errors in the findings of fact or conclusions of law were committed which if not corrected, would cause grave and irreparable damage or injury to the Appellant.
- b. The Order, Resolution, or Decision was obtained through fraud or coercion.

SECTION 80. Notice of Appeal. — The Notice of Appeal shall:

- a. Be filed with the RARAD or the PARAD concerned in three (3) sets of legible copies.
- b. Indicate the parties to the Appeal.
- c. Specify and attach the certified true copy of the appealed Decision, Resolution, or Final Order.
- d. Attach proof of payment of appeal fee, unless exempted.
- e. State the material dates showing the timeliness of the Appeal.

SECTION 81. Perfection of Appeal. — An Appeal is deemed perfected upon compliance with Section 78 of this Rule.

If the Appeal is perfected, the RARAD or the PARAD shall, within five (5) days from receipt of the Notice of Appeal and Appellant's Memorandum, issue an Order stating that the Appeal is perfected in accordance with the Rules, and direct the Appellee to file a Memorandum to the Board through the DARAB Secretariat within ten (10) days from receipt of the Order. If the Appeal is not perfected, the RARAD or the PARAD shall issue an Order denying the Appeal, within five (5) days from receipt of such Appeal.

SECTION 82. Motions after Perfection of the Appeal and Transmittal of Records on Appeal. — Any Motion filed with the RARAD or the PARAD, after the perfection of the Appeal and before the elevation of the case records to the Board, must be resolved by the RARAD or the PARAD concerned, and shall form part of the records on Appeal to be forwarded to the Board. A copy of the Motion shall be furnished to the opposing party or their representative or their respective counsels.

The RARAD or the PARAD concerned shall, within ten (10) days from issuance of the Order declaring the Appeal perfected, direct the transmittal of the Appeal to the Board, together with the complete records of the case, furnishing the parties with copies of the transmittal letter.

The records of the case shall contain, among others, a Table of Contents, the original case folder containing all pleadings filed in chronological order as they were filed, which shall all be numbered consecutively and initiated by the RARAD or the PARAD, or the Clerk of the Adjudicator on each and every page.

The RARAD or the PARAD concerned shall retain, maintain, and protect the second copy of case folder which shall serve as backup files of the original.

SECTION 83. Docketing of Cases. — Upon receipt and proper evaluation of the case records on Appeal, the Office of the DARAB Secretariat shall docket the case within the day.

SECTION 84. Caption. — In all cases appealed to the Board, the Title shall remain as it was before the RARAD or the PARAD, but the party appealing shall be referred as the "Appellant" and the prevailing party the "Appellee".

SECTION 85. Frivolous or Dilatory Appeal. — To discourage frivolous or dilatory appeals, the Board may impose reasonable penalties, such as a fine not exceeding One Thousand Pesos (PhP 1,000.00), reprimand or censure upon erring party/s and counsel.

SECTION 86. Withdrawal of Appeal. — An Appeal may be withdrawn at any time prior to the promulgation of the Decision, Resolution, or Final Order, except when public interest is prejudiced. Immediately upon approval of the withdrawal of an Appeal, the case shall stand as if no appeal had ever been taken.

SECTION 87. When Appeal is Deemed Submitted for Resolution. — The Appeal shall be deemed submitted for resolution upon receipt of the records on appeal and Appellee's Memorandum or after the lapse of the period within which to file the same. Unless there is a need to conduct a hearing for clarification.

At its option, the Board may direct or Order the parties to file a Comment within ten (10) days, or conduct clarificalory hearings within ten (10) days from receipt by the concerned Board Member.

SECTION 88. Period to Decide Appeal. — The Board shall render judgment on appeal within thirty (30) days after the case is deemed submitted for resolution.

SECTION 89. Finality of Decisions, Resolutions and Final Orders. — Without a Motion for Reconsideration or a judicial appeal being filed, the Decisions, Resolutions, and Final Orders of the Board shall become final after the lapse of fifteen (15) days from its receipt by the parties or their representatives or their respective counsels.

For purposes of appeal, the period shall be counted from receipt of such Decisions, Resolutions, or Final Orders by the counsel, party/ies, or representative on record. Due notice to the counsel is deemed a notice to the party.

If service by publication is resorted to, the Decision, Resolution, and Final Order shall become final after the lapse of sixty (60) days from the date of complete publication.

RULE XV. Judicial Remedies

SECTION 90. Ordinary Appeal to the Court of Appeals. — Any Decision, Resolution, or Final Order of the Board involving questions of fact and law or mixed questions of fact and law shall be brought on appeal by way of Petition for Review within fifteen (15) days from receipt of a copy by the counsel or party in accordance with Rule 43 of the Rules of Court

SECTION 91. No Restraining Order or Preliminary Injunction. — Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Board, the RARAD, or the PARAD, in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement or interpretation of the Comprehensive Agrarian Reform Law and other pertinent laws on Agrarian Reform and regulations promulgated thereunder pursuant to Section 55, Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700.

RULE XVI. Relief from Decision, Resolution or Final Order

SECTION 92. Petition for Relief from Decision, Resolution or Final Order. — When a Decision, Resolution, or Final Order is rendered by the Board, the RARAD, or the PARAD, against any party through fraud, accident, mistake and excusable neglect and such party has no other plain, speedy and adequate remedy available to him in the ordinary course of law, he may file a Petition for Relief with the Board, the RARAD, or the PARAD, praying that the Decision, Resolution, or Final Order be set aside.

SECTION 93. Form and Time of Filing of Petition. — A petition for relief must be verified and a copy together with its annexes and supporting affidavits, if any, must be furnished to the adverse party or parties and filed within sixty (60) days from the time the fraud, accident, mistake or excusable negligence was discovered and within six (6) months after the decision/resolution/final order was rendered.

The petition must be accompanied by affidavits and supporting documents showing the fraud, accident, mistake or excusable negligence relied upon, whichever is applicable as well as the proof of service of the petition on the other party or parties. Without such proof of service the petition shall not be entertained.

RULE XVII. Preliminary Injunction/Restraining Order/Status Quo Order

SECTION 94. Preliminary Injunction, When Granted. — A Writ of Preliminary Injunction, Restraining Order, or a *status quo order* may be granted by the Board or at least two (2) Members or by the RARAD or the PARAD, as the case may be, when it is established, on the basis of allegations in the sworn Complaint or Motion, which shall be duly supported by affidavits of merit, that the acts being complained of, if not enjoined, would cause some grave and irreparable damage or injury to any of the parties in interest so as to render ineffectual the decision which may be in favor of such party. If the Board, the RARAD, or the PARAD finds that it is necessary to post a bond, it shall fix the reasonable amount of the bond to be filed by the party applying for the injunction in favor of the party who might suffer after it is finally determined that the Complainant or Petitioner is not entitled. Upon the filing and approval of such Bond, a Writ of Injunction may be issued.

The Board, the RARAD, or the PARAD may also require the performance of a particular act/s, in which case, it shall be known as a preliminary mandatory injunction.

SECTION 95. No Injunction to Restrain Tilling or Harvesting. — In cases where the tenurial status of a person is at issue, the Board, the RARAD, or the PARAD shall not issue any order restraining or enjoining the actual tiller from cultivating the land or harvesting the standing crops nor issue an order impounding the harvest, if any, without providing him with at least fifty percent (50%) of the net harvest.

SECTION 96. Temporary Restraining Order. — A Temporary Restraining Order issued *ex-parte* shall be valid only for twenty (20) days from the date the same is received by the Respondent. During this period, the parties shall be required to present evidence to substantiate their respective positions on whether a preliminary injunction shall be granted. The period of twenty (20) days may be extended upon motion of the proper party on valid grounds, for another twenty (20) days from the expiration of the original period. Thereafter, no motion for further extension of the Temporary Restraining Order shall be allowed. After due notice and hearing, and before the lapse of the Temporary Restraining Order, the issue of preliminary injunction or *status quo* should be resolved.

SECTION 97. Supervision of Harvest. — An Order for the supervision of harvest may be issued by the Board or at least two (2) Members or by the RARAD or the PARAD, *motu proprio* or upon motion of either parties when it is established on the basis of the allegations in the sworn Complaint or Motion, which shall be duly supported by an Affidavit of Merit, that one or more persons are claiming rights adverse to the tiller on the landholding in question or there is a dispute as to the sharing in the net harvest of the landholding.

The Board or at least two (2) Members or the RARAD or the PARAD shall issue an order distributing the proceeds from the intervening harvest, as follows:

- i. Release fifty percent (50%) to the party claiming to be tenant or actual tiller.
- ii. Release twenty-five percent (25%) to the landholder.
- iii. Deposit in trust, the cash equivalent of the remaining twenty-five (25%) with the nearest Land Bank of the Philippines (LBP) Branch in accordance with the existing DAR rules and regulations.

In case the proceeds of the harvest or its equivalent amount is not accepted by the parties or one of the parties to the case, the Sheriff shall deposit the said proceeds or its equivalent amount to the nearest LBP Branch after completion of the harvest in accordance with the existing DAR rules and regulations.

The Order for the supervision of harvest shall be self-executory and remain effective unless the Board, the RARAD, or the PARAD issues an order lifting or revoking the same or the case has been decided on the merits with finality.

RULE XVIII. Direct and Indirect Contempt

SECTION 98. Direct Contempt. — The Board or any of its Members or RARAD/PARAD may summarily adjudge in contempt any person guilty of misbehavior in the presence of, or so near the Board or any of its Member or the RARAD or the PARAD, as to obstruct or interrupt the proceedings before the same, including disrespect to said officials, offensive acts towards others, or refusal to be sworn or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so. The same shall be punished by a fine not exceeding Five Thousand Pesos (PhP 5,000.00), or in case of inability or refusal to pay the fine, an imprisonment of not exceeding three (3) days shall be imposed.

The judgment of the Board, the RARAD, or the PARAD on direct contempt is immediately executory and not appealable.

SECTION 99. Indirect Contempt. — In the exercise of its quasi-judicial power, and as provided by Section 50 of R.A. No. 6657, as amended, the Board or at least two (2) of its Members or the RARAD or the PARAD, may cite and punish any person for indirect contempt.

Any person may be cited or punished for Indirect Contempt under any of the following grounds:

- a. Misbehavior of any officer or employees in the performance of his/her official duties or in his/her official transaction.
- b. Disobedience of or resistance to a lawful writ, order or decision, including the acts of a person after the judgment or process to re-enter or attempt or induces another to enter into or upon such real property in any manner which disturbs the possession given to the person adjudged to be entitled.
- c. Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt.
- d. Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice.
- e. Misrepresenting to be an attorney or a representative of a party without authority.
- f. Failure to obey a subpoena duly served.
- g. Other grounds analogous to the foregoing.

Proceedings for indirect contempt may be initiated *motu proprio* by the Board, the RARAD, or the PARAD against which the contempt was committed by order or any other formal charge requiring the Respondent to show cause why he should not be cited and punished for Indirect Contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved, and upon full compliance with the requirements for filing initiatory pleadings in the Board, the RARAD, or the PARAD concerned. If the contempt charges arise out of or are related to a principal action pending before the Board, the RARAD, or the PARAD, the Petition for Contempt shall allege that fact, but the said Petition shall be docketed, heard, and decided separately.

In both instances, the Contemnor shall be given a non-extendible period often (10) days to submit a verified Answer to the Charge or Petition.

SECTION 100. Appeal from Indirect Contempt — The Contemnor may, within a period of five (5) days from notice of the judgment, appeal the same to the Board, and the execution of said judgment shall be suspended pending the resolution of the appeal upon the filing by the said person of a bond on condition that he will abide by, and perform the judgment should the appeal be decided against him.

With respect to indirect contempt committed against the Board or any of its member, the same shall be immediately executory without prejudice to an appeal with the appropriate tribunal.

SECTION 101. Hearing - On the date set for hearing, the Board, the RARAD, or the PARAD shall proceed to determine the charge and consider the answer and testimony as the Contemnor may make or offer. Failure of the Contemnor to attend the scheduled hearing will result in the waiver of his right.

SECTION 102. Punishment for Indirect Contempt- If the Contemnor is adjudged guilty of indirect contempt committed against the Board or any of its member or the RARAD or the PARAD, he shall be punished by a fine of One Hundred Pesos (PhP 100.00) per day of continued defiance but not to exceed Five Thousand Pesos (PhP 5,000.00). Each day of defiance of, or disobedience to, or non-enforcement for a period often (10) days shall constitute indirect contempt against the Board, the RARAD, or the PARAD, and shall be the basis for his detention for a period not exceeding five (5) days.

In case the penalty is detention, the Board, the RARAD, or the PARAD shall issue a commitment order requesting the concerned authority to detain the Contemnor within the detention facilities, attaching the final resolution citing the Contemnor for Indirect Contempt.

Rule XIX. Administrative Determination of Land Valuation

SECTION 103. Principal Role of the Board, RARAD or PARAD. — The administrative proceedings for the preliminary determination of land valuation must be summary in nature. The principal role of the Board, the RARAD, or the PARAD is to determine whether the Department of Agrarian Reform (DAR) and the Land Bank of the Philippines (LBP), in their computation of land valuation, have complied with Section 17 of R.A. No. 6657, as amended, and other administrative or policy issuances of the DAR, the LBP, and the prevailing jurisprudence.

SECTION 104. Jurisdictional Amount — The jurisdiction of the Board, RARAD and PARAD on land valuation shall be determined in the following amount:

- The PARAD, when the LBP valuation is Three Million Pesos (PhP3,000,000.00) and below;
- The RARAD, when the LBP valuation is more than Three Million Pesos (PhP3,000,000.00), but not exceeding Fifty Million Pesos (PhP50,000,000.00); and
- The Board, when the LBP valuation exceeds Fifty Million Pesos (PhP50,000,000.00).

In the event of non-availability, inhibition or disqualification of a designated PARAD in the locality, the RARAD may assign the conduct of land valuation proceedings to any of the PARADs within the region.

On account of non-availability, inhibition or disqualification of the RARAD, the Board may conduct the preliminary proceedings of land valuation or designate an Adjudicator from among the RARADs of adjoining regions.

SECTION 105. Commencement of Land Valuation Case under R.A. No. 6657. — A land valuation case shall commence upon receipt by the Board, the RARAD, or the PARAD of the Memorandum-Advice from the DAR requesting the conduct of summary administrative proceedings with claim folder containing certified true copies of the following:

- Memorandum of Valuation (MOV);
- Land Valuation Worksheet (LVW);
- Notice of Land Valuation and Acquisition (NLVA) with proof of receipt;
- Landowner's Rejection Letter, if any;
- Order to Deposit Landowner's Compensation with proof of receipt;
- Certification of Deposit (COD); and
- Other pertinent documents forwarded by the LBP.

The Executive Director or the RARAD or the PARAD, upon receipt of the endorsement of the PARPO II Memorandum-Advice, shall evaluate the completeness of the documents required in the conduct of the administrative proceedings relative to the land valuation. In case of incomplete documents, an Order shall be issued by the Board, the RARAD, or the PARAD requiring for its completion. Otherwise, an Order shall be issued requiring all the parties to submit their respective verified position papers within thirty (30) days from receipt of the Order.

SECTION 106. Commencement of Land Valuation Case under PD 27. — In cases where the landholding is covered under Presidential Decree (P.D.) No. 27, the action is commenced by the filing a verified petition for the fixing of land valuation before the Board, the RARAD, or the PARAD in accordance with its jurisdictional amount.

The Board, the RARAD, or the PARAD shall issue Summons to DAR and the LBP requiring an answer within a non-extendible period of fifteen (15) days from its receipt. The service of Summons shall be governed by Rule VII of this Rule.

SECTION 107. Order for Submission of verified Position Papers. — Upon receipt of the Answer, the Board, the RARAD, or the PARAD shall issue an Order requiring the DAR, LBP, and the landowner to submit their verified position papers copy furnished the other parties within thirty (30) days from receipt of the said Order.

SECTION 108. When a Case is deemed Submitted for Resolution. — The case is deemed submitted for resolution after the filing of verified Position Papers or after the lapse of the period to file the same unless a clarificatory hearing is warranted.

SECTION 109. Resolution on Land Valuation Cases. - The Board, the RARAD, or the PARAD shall have a period of thirty (30) days from the time the case is deemed submitted for resolution to decide the same.

SECTION 110. Motion for Reconsideration. — Within fifteen (15) days from receipt of the Resolution of the Board, the RARAD, or the PARAD, a party may move for its reconsideration on the grounds that:

- The findings of fact in the said Resolution are not supported by substantial evidence; or
- The conclusions stated are contrary to law and/or jurisprudence.

The Motion for Reconsideration shall be filed together with proof of service of a copy upon the prevailing party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an Appeal.

SECTION 111. Appeal. — A party who disagrees with the Resolution of the Motion for Reconsideration of the RARAD or the PARAD may bring the matter to the Board by filing with the RARAD or the PARAD a Notice of Appeal within fifteen (15) days from receipt of said Resolution.

The RARAD or the PARAD shall transmit the Notice of Appeal and the records of the case to the Board, through the Executive Director, within fifteen (15) days from receipt of the said notice. The Executive Director, within five (5) days from receipt of the records, shall notify and direct the parties to simultaneously submit their respective memoranda within thirty (30) days from receipt of the notice.

The Appeal shall be deemed submitted for resolution after the filing of the memoranda or after the lapse of the period to file the same.

SECTION 112. When Land Valuation Cases deemed Closed and Terminated -

After the lapse of 15-day period without any Motion for Reconsideration or Appeal being filed, the case shall be deemed closed and terminated without prejudice to the filing of an original action before the Special Agrarian Court (SAC).

SECTION 113. Filing of Original Action with the SAC - The party who disagrees with the Resolution of the Board, RARAD and/or PARAD may contest the same by filing an original action with the SAC before the same is barred by prescription. Immediately upon filing with the SAC, the party shall notify the Board, through the Executive Director, the RARAD and/or the PARAD.

SECTION 114. Writ of Execution When Issued. - After the lapse of the prescriptive period and no original action has been filed before the SAC, the Board, through the Executive Director, the RARAD or the PARAD, may issue a writ of execution. Likewise, upon joint motion and manifestation of the landowner, DAR and LBP that they are no longer filing an original action before the SAC, a writ of execution may be issued. In the event that an original action was already instituted, the motion and manifestation must be accompanied by proof of withdrawal or dismissal of original action before the SAC.

SECTION 115. Execution of Judgment. - The Sheriff shall enforce a Writ of Execution of judgment for compensation by presenting the same, together with the copy of the judgment to the LBP and demand that the same be satisfied against the Agrarian Reform Fund in accordance with R.A. No. 6657, as amended. The LBP shall pay within ten (10) days from the time the landowner executes and submits to the LBP the corresponding deed/s of transfer in favor of the government and surrenders the muniments of title to the property in accordance with Section 16 (c) of R.A. No. 6657, as amended. In no case shall the Writ of Execution be enforced against the general funds and assets of the LBP.

RULE XX. Execution

SECTION 116. Execution upon a Decision, Resolution or Final Order. - Execution shall issue upon a Decision, Resolution, or Final Order that finally disposes of the action or proceedings. Such execution shall issue fifteen (15) days after the receipt of the Resolution denying the Motion for Reconsideration or upon the expiration of the period to file Motion for Reconsideration or Appeal if no Motion for Reconsideration or Appeal had been duly perfected.

Upon motion of a party or *motu proprio* and certification issued by the Executive Director or Clerk of the Adjudicator, as the case may be, that a Decision, Resolution, or Final Order had been duly served to the parties or their representative of record or counsels and that the Decision, Resolution, or Final Order has become final and executory, the Board, through the Executive Director, the concerned RARAD or the PARAD, shall issue a Writ of Execution ordering the Regional/Provincial Sheriff or any deputized DAR employee to enforce the said Decision, Resolution, or Final Order. In appropriate cases, the Board or any of its Members or the RARAD or the PARAD shall deputize and seek assistance from the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), or any of their component units or other law enforcement agencies to assist in the implementation of the issued Writ of Execution.

SECTION 117. Execution Pending Appeal; Exception. — Appeal shall not stay the execution of a Decision, Resolution, or Order, except when the ejectment of a tenant farmer, agricultural lessee, or amortizing owner-cultivator is directed and involving solely the issue of just compensation.

SECTION 118. Execution Based on Compromise Agreement. — When the Decision, Resolution, or Final Order is based on an amicable settlement or compromise agreement, it shall be immediately executory. The Writ of Execution shall be issued *motu proprio*.

SECTION 119. Execution by Motion or by Independent Action. — A final and executory Decision, Resolution, or Final Order may be executed on motion within five (5) years from the date of the entry of its finality in the Book of Entries of Judgment. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by independent action.

SECTION 120. Execution in case of Death of Party. — Where a party dies after the entry of the judgment or order, execution may be enforced in the following manner:

- a. In case of the death of the prevailing party, upon application of his executor or administrator or successor in interest or privies.
- b. In case of the death of the losing party, against his executor or administrator or successor in interest or privies.
- c. In case of the death of the losing party after execution is levied upon any of his property, it may be sold for the satisfaction, and the officer making the sale shall account for any surplus in his hands to the corresponding executor or administrator.

Provided, however, that if the judgment is for payment of rental in arrearages claimed against the tenant-farmer, agricultural lessee, settler or amortizing owner-cultivator, execution shall be levied upon the produce of the landholding not exceeding seventy-five percent (75%).

SECTION 121. Issuance, Form and Contents of Writ of Execution. — The Writ of Execution must be issued by the Board through the Executive Director, the RARAD, or the PARAD. It must clearly refer to such Decision, Resolution, or Final Order, attaching a certified copy of the Decision, Resolution, or Final Order to the Writ of Execution and directing the Sheriff or any deputized DAR employee to enforce the Writ according to its terms, upon the party against whom it is rendered, or upon any other person required by law, to obey it. Any person who willfully disobey the writ of execution may be punished for contempt.

SECTION 122. Judgment for Specified Acts Vesting Title. — If a judgment directs a party to execute a conveyance of land, or to deliver deeds or other documents, or to perform any other specific act, and the party fails to comply within the time specified, the Board, the RARAD, or the PARAD may direct the act to be done by some other person appointed by the said Board, the RARAD, or the PARAD at the cost of the disobedient party, and the act when so done shall have like effects as if done by such disobedient party.

SECTION 123. Return of Writ of Execution. — The Writ of Execution shall be returned by the Sheriff or any deputized DAR employee, to the Board, the RARAD, or the PARAD immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in part or in full within thirty (30) days after the Sheriff or any deputized DAR employee's receipt of the writ, he shall make a written report to the Board, the RARAD, or the PARAD, as the case may be, and state the reason. Such writ shall continue in effect during the period and upon the grounds within which the judgment may be enforced by motion. The Sheriff or deputized DAR employee shall make a report every thirty (30) days on the proceedings taken until the judgment is satisfied in full, or its effectivity expires. The return of periodic reports shall set forth the whole proceedings taken and shall be filed with the Board Secretariat or Clerk of the Adjudicator, as the case may be, to be kept on the execution book. A certified copy of the record of an execution or of the return kept by the Board Secretariat or Clerk of the Adjudicator shall be an evidence of the contents of the originals whenever they, or any part, have been lost or destroyed.

SECTION 124. Execution of Judgments for money, how enforced. —

(a) Satisfaction by levy. - If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligor, the Officer shall levy upon the properties of the judgment obligor of every kind and nature whatsoever which may be disposed of for value and not otherwise exempt from execution giving the latter the option to immediately choose which property or part may be levied upon, sufficient to satisfy the judgment. If the judgment obligor does not exercise the option, the sheriff shall first levy on the personal properties, if any, and then on the real properties if the personal properties are insufficient to answer for the judgment.¹

(b) Garnishment of debts and credits. - The Sheriff may levy on debts due the judgment obligor and other credits, including bank deposits, financial interests, royalties, commissions and other personal property not capable of manual delivery in the possession or control of third parties. Levy shall be made by serving notice upon the person owing such debts or having in his possession or control such credits to which the judgment obligor is entitled. The garnishment shall cover only such amount as will satisfy the judgment and all lawful fees.²

SECTION 125. Property Exempt from Execution. — Except as otherwise expressly provided by law, the following properties shall be exempt from execution:

- a. The judgment obligor's family home as provided by law or, the homestead in which he resides, and land necessarily used in connection therewith, unless the family home or homestead is the subject matter of the dispute.
- b. Tools and implements necessarily used by him in his trade or employment.
- c. Beasts of burden necessarily used by him in his ordinary occupation.
- d. His necessary clothing and articles for ordinary personal use, excluding jewelry.
- e. Household furniture and utensils necessary for housekeeping and used for that purpose by the losing party and his family, such as the losing party may select, of a value not exceeding One Hundred Thousand Pesos (PhP 100,000.00).
- f. Provisions for individual or family use sufficient for four months.
- g. The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding Three Hundred Thousand Pesos (PhP 300,000.00) in value.
- h. One (1) fishing boat and accessories not exceeding the total value of One Hundred Thousand Pesos (PhP 100,000.00), owned by any fishermen by the lawful use of which he earns a livelihood.

- i. So much of the earnings of the losing party for his personal services within the four (4) months preceding the levy as are necessary for the support of his family.
- j. Lettered gravestones.
- k. All moneys, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance.
- l. The right to receive legal support, or money or property obtained as such support, or any pension or gratuity from the government,
- m. Properties especially exempt by law.

However, no article or species of property mentioned in this Section shall be exempt from execution issued upon a judgment involving said property, upon judgment recovered for its price or upon a judgment of foreclosure of a mortgage. In cases involving just compensation, the same shall only be executed against the Agrarian Reform Fund of the CARP.

SECTION 126. How Execution for the Delivery or Restitution of Property Enforced. — The Officer must enforce an execution for the delivery or restitution of property by ousting the person against whom the judgment is rendered and placing the prevailing party in possession of such property, and by levying upon so much of the property of the losing party as will satisfy the amount of the judgment and costs included in the writ of execution.

SECTION 127. Removal of Improvements on Property Subject of Execution. — When the property subject of the execution contains improvements constructed or planted by the losing party or his agent or privies, the officer shall not destroy, demolish or remove said improvements except upon order of the Board, the RARAD, or the PARAD issued upon motion of the prevailing party after due hearing and after the losing party has failed to remove the same within a reasonable time fixed by the Board, the RARAD, or the PARAD.

SECTION 128. Effect of Judgment or Final Order. — The effect of a judgment or final order rendered by the Board, the RARAD, or the PARAD shall be, as follows:

- a. In case of judgment or order against a specific thing or property, the judgment or order is conclusive upon the title or right to the thing or property.
- b. In other cases, the judgment or order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest and privies by title subsequent to the commencement of the action, litigating for the same thing and under the same title and in the same capacity.
- c. In any other litigation between the same parties or their successors in interest and privies, that only is deemed to have been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and necessarily included or necessary.

RULE XXI. Board Regulations

SECTION 129. Internal Business. — The Board *En Banc* shall make appropriate orders or rules to govern the assignment of cases among its Members and other matters relating to the business of the Board.

Such orders or rules shall continue to be in force until repealed or amended by the Board.

SECTION 130. Board Meeting. — The Board shall convene in the exercise of its policy and rule making power, and in the performance of its administrative functions.

Majority of the Members of the Board shall constitute a quorum.

The affirmative votes of the majority of the Members shall be necessary to promulgate policies and rules of the Board.

SECTION 131. Chairman as Presiding Officer. — The Secretary of the Department of Agrarian Reform sitting as Chairman of the Board, or in his absence, the Vice-Chairman or any Member of the Board, shall preside over all deliberations or meetings.

SECTION 132. Assignment of Cases. — All cases brought on appeal to the Board shall be assigned to a particular member and shall thereafter be referred as the *ponente* for review and proper disposition, in accordance with the orders and internal rules that the Board may adopt.

All Pleadings and Motions that were filed or other matters brought to the Board, after the case has already been assigned to a member of the Board, shall immediately be transmitted or referred to the concerned Member for appropriate action and shall be integrated to form part of the case records.

SECTION 133. Deliberation and Required Vote for Pronouncement of a Decision, Resolution or Final Order. — The participation of the Chairman and the Members of the Board in the deliberation, and the concurrence and signature of the majority of its Members may be required for the rendition of judgment on the merit.

However, the concurrence and signature of only two (2) Board Members shall be necessary in the issuance of Interlocutory Orders.

RULE XXII. The Board Secretariat

SECTION 134. The Board Secretariat. — There shall be a Board Secretariat, which shall be headed by the Executive Director who shall function as the Clerk of the Board.

SECTION 135. Filing of Pleadings, Motions, Documents and Other Matters. — Pleadings, Motions, and other documents addressed to the Board shall be filed to the Secretariat, which shall keep in custody a complete file, and for its further disposition to the concerned Board Member. Other matter, question or controversy brought before the Board shall be referred to the concerned Member to whom the subject case has been assigned for his proper disposition.

The original copy of the record on appeal shall be transmitted to such member, with

¹ Rule XX, Section 9, Par. A - Patterned in the Rules of Court.

² Rule XX, Section 9, Par. B - Patterned in the Rules of Court.

the second copy of the record on appeal kept on file with the Secretariat. Thereafter, all Pleadings, Motions, and other documents shall be filed with the Secretariat which shall transmit the same to the concerned Member.

Subsequent to the perfection of the Appeal, all Pleadings or Motions, and Memoranda filed with the RARAD or the PARAD shall immediately be forwarded to the Board through the Secretariat, for appropriate disposition. However, the erroneous filing of the Pleadings or Motions, and Memoranda with the RARAD or the PARAD shall not toll the prescriptive period as required by the rules or order of the Board.

SECTION 136. Custody of the Seal and Books of the Board. — The Secretariat shall have custody of the seal and book of entries of all judgments rendered by the Board.

SECTION 137. Access to the Board Records and Issuance of Certified True Copies. — The parties to the case, their authorized representative or counsels of record, shall have access to the case records during office hours.

Upon a valid written request, the Secretariat shall issue a certified true copy, under the seal of the Board, of any document, record, Decisions, Resolution, or Final Order, or entry under its custody, upon payment of the required fees, unless exempted, subject to terms and conditions under existing administrative issuances.

SECTION 138. General Docket, Raffle of Cases, Calendar of Deliberation and other matters. — The Board Secretariat shall:

- a. Keep a general docket of original actions and appealed cases, duly numbered and containing entries of all the original actions and appealed cases filed before the Board.
- b. Assign original actions and appealed cases for appropriate disposition strictly by raffle. The raffle of cases shall be attended by the duly designated representative of the Members of the Board under the supervision of the Executive Director or his duly designated representative.
- c. Calendar the schedule of case deliberation and prepare the Minutes and Highlights of the proceedings of the Board.
- d. Compile copies of all Decisions, Resolutions, or Final Orders issued by the Board in the order of their dates of promulgation.

SECTION 139. Promulgation, Releasing of Communications, Issuances and Other Matters. — The Secretariat shall certify the date and hour of promulgation of any Decision, Resolution, or Final Order, as well as the names of all parties who were notified.

All communications or issuances and disposition of other matters brought before the Board shall be released exclusively, copy furnished the Chairman, through the Secretariat as the repository of case records. It shall be the duty and responsibility of the Sheriff or in the absence, designated employee of the Secretariat to prepare and serve all summons, subpoenas, notices and other processes issued by the Board.

RULE XXIII. Other Fees, Charges and Costs

SECTION 140. Payment of Fees. — Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed shall be paid in full.

SECTION 141. Filing Fees. — A filing fee of One Thousand Pesos (PhP 1,000.00) plus a legal research fee of One Hundred Pesos (PhP 100.00) shall be charged for any Petition or Complaint filed with the RARAD, the PARAD, or the Board, as an original action.

The pauper litigant as stated in Section 23, Rule V, is exempt from the payment of filing fees and/or bond referred under this Rule.

SECTION 142. Legal Fees. — Legal fees shall be charged and collected for certified transcript of the records or additional copies of any record, decision, ruling or entry of which any party is entitled to demand and receive a copy, in the amount of Ten Pesos (PhP 10.00) per page or Five Pesos (PhP 5.00) per page for a plain copy.

SECTION 143. Where Fees, Penalties, Fines and Other Impositions to be Paid. — The fees, penalties, fines and other impositions shall be paid by the party to the concerned DAR cashier, Department of Agrarian Reform (DAR) Central Office or its Regional/Provincial counterpart, as the case may be, at the time of Filing, request or compliance to the imposition. If the fees are not paid, the Board, the RARAD, or the PARAD may refuse to take action until the same are paid except as otherwise provided. For this purpose, the DAR Central Office cashier or its local counterpart, as the case may be, shall segregate all fees collected from its general fund and shall also maintain a separate Book of Account, for all transactions covered.

SECTION 144. Sheriffs, and Other Authorized Persons Serving Processes.

- a. For serving summons and copy of complaint, One Hundred Pesos (PhP 100.00) for each Respondent.
- b. For serving subpoenas, Eighty Pesos (PhP 80.00) for each witness to be served.
- c. For serving and implementing a Temporary Restraining Order, or Writ of Injunction, preliminary or final, Two Hundred Pesos (PhP 200.00).
- d. For filing bonds or other instruments of indemnity or security in provisional remedies, Eighty Pesos (PhP 80.00) for each bond or instrument.
- e. For executing a writ or process to place a party in possession of real estate, Four Hundred Pesos (PhP 400.00).
- f. For serving and implementing the order of supervision of harvest, the following fees shall be charged:
 - f.1. On the first Ten Thousand Pesos (PhP 10,000.00) of the gross harvest, five per cent (5%); and
 - f.2. In excess of Ten Thousand Pesos (PhP 10,000.00), an additional three per cent (3%).
- g. For levying on execution on personal or real property, Two Hundred Pesos (PhP 200.00).
- h. For money collected through order, execution, attachment, or any other process, the following shall be charged:
 - h.1. On the first Four Thousand Pesos (PhP 4,000.00), four per cent (4%).
 - h.2. On all sums in excess of Four Thousand Pesos (PhP 4,000.00), two per cent (2%).

In addition to the fees above fixed, the party requesting for the issuance of any process whether preliminary, incidental, or final, shall pay the Sheriffs expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including actual travel expenses by the regular means of transportation, guards' fees, warehousing and similar charges, in an amount estimated by the Sheriff, subject to the approval of the Board, the RARAD, or the PARAD. Upon approval of said estimated expenses, the interested party shall deposit such amount with the Clerk of the Board/Adjudicator who shall disburse the same to the Sheriff assigned to effect the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the Sheriff assigned with his return and the Sheriffs expenses shall be taxed as cost against the losing party.

SECTION 145. Stenographers or Any Authorized DAR Employee — Stenographers or any authorized DAR employee shall give certified transcripts of notes taken by them to requesting party upon due payment of Ten Pesos (PhP 10.00) for each page.

SECTION 146. Costs. — Cost may be allowed to the prevailing party but the Board, the RARAD, or the PARAD, as the case may be, shall have the power, for special reason, to adjudge that either party shall pay the costs of an action, or that the same be divided as may be equitable. No costs shall be allowed against the Republic of the Philippines unless otherwise provided by law.

SECTION 147. Attorney's Fees as Costs. — Attorney's Fees may be charged as costs against the adverse party in accordance with Article 2208 of the New Civil Code.

SECTION 148. National Government is Exempt. — The Republic of the Philippines, its national agencies and instrumentalities, are exempt from paying the legal fees provided in this rule. Local government units and government-owned or controlled corporations, with or without independent charters, are not exempt from paying such fees.

RULE XXIV. Miscellaneous Provisions

SECTION 149. Transitory Provisions. — These Rules shall govern all cases filed on or after its effectivity. All cases filed with the Board, the RARAD, or the PARAD, prior to the date of effectivity of these Rules, shall be governed by the DARAB Rules prevailing at the time of their filing.


SECTION 150. Separability Clause. — If, for any reason, any portion or provision of these Rules is declared unconstitutional or invalid by the Supreme Court, no other provision of these Rules shall be affected.

SECTION 151. Repealing Clause. — The provisions of 2009 DARAB Rules, and DAR Adjudication Board Resolutions promulgated and issued prior to the effectivity of these Rules, that are inconsistent herewith are hereby repealed and/or modified accordingly.

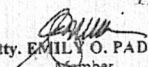
SECTION 152. Effectivity Clause. — These Rules shall take effect ten (10) days after its publication in at least Two (2) newspapers of general circulation and its registration before the Office of the National Administrative Register (ONAR) at the University of the Philippines (UP) Law Center.

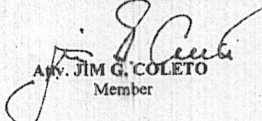
Approved.


Done this 06 day of OCT, year 2020. Diliman, Quezon City, Philippines



Atty. JOHN R. CASTRICIONES
Chairman


Atty. LUIS MEINRADO C. PAÑGULAYAN
Vice-Chairman


Atty. EMILY O. PADILLA
Member

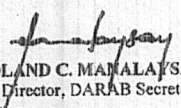

Atty. JIM G. COLETO
Member


Atty. ROLANDO S. CUA
Member


Atty. ANNABELLE O. MADAYAG-UANDASAN
Member

ATTESTATION

This is to attest that herein 2021 DARAB Revised Rules of Procedure was approved by the foregoing Members of the Board and signed in my presence.


Atty. ROLAND C. MANALAY-SAY
Executive Director, DARAB Secretariat

ANNEX "A"

THE 2021 DARAB ONLINE PROCEDURE: SUPPLEMENTAL TO THE 2021 DARAB REVISED RULES OF PROCEDURE

RULE I COMMENCEMENT OF AN ACTION AND SUBMISSION OF PLEADINGS

Section 1. Complaint, Petition, and other submissions -- Verified Complaint or Petition, 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.

Section 2. Petition for Annulment of Judgment of the Adjudicator -- Verified Petition together with other supporting documents may be filed through electronic transmission or e-mail before the Board, through the DARAB Secretariat, which shall evaluate the sufficiency in form and compliance with the requirements set by the Rules and for further referral to the concerned Board Member.

Section 3. Mandatory Submission of Electronic Mail Address -- For online process, parties and counsels or other party-in-interest shall provide their respective electronic mailing address i.e., Yahoo, Gmail, Outlook, and such other e-mail platforms which are publicly available to and accessible by the Department of Agrarian Reform as an electronic mailing platform.

The Adjudicator, through the Clerk of Adjudicator and the Board, through the DARAB Secretariat, shall manage and supervise the online platform by constantly checking their respective official e-mail accounts, at the very least every thirty (30) minutes daily during the work week.

Section 4. Pleadings and other submissions -- All pleadings and other submissions to the Adjudicator and the Board, through the DARAB Secretariat, which are 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 contain the required form under the DARAB Rules of Procedures. It must indicate the DARAB Case Number, Title, Caption, and Heading of the pleading/s submitted, e.g., Juan de la Cruz versus Pedro Santos, DARAB Case No. R-02-1234-2020, For Ejectment, Answer.

Section 5. The Board, the Regional Agrarian Reform Adjudicator (RARAD), and the Provincial Agrarian Reform Adjudicator (PARAD) Online Mailing Addresses -- For the information of the parties, counsels, and Members of the Philippine Bar, the Board, the RARAD, and the PARAD's electronic mailing (Email) addresses for the DARAB online processes and proceedings are incorporated herein as Annex-"A1".

RULE II PAYMENT OF FEES

Section 6. Payment of Fees: How -- 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). 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.

For purposes of this provision, the determination of the specific LBP account and guidelines for online payment of fees are incorporated herein as Annex "A1".

RULE III SUMMONS AND ANSWER

Section 7. Summons -- 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 the Summons and Notice of Preliminary Conference (Alternative Dispute Resolution) which will 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.

Within ten (10) 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 e-mail.

RULE IV CONDUCT OF HEARINGS

Section 8. Preliminary Conference/Alternative Dispute Resolution Conference -- Conference/Hearings shall be done online, by means of an online platform duly recognized by the Department of Agrarian Reform. No Adjudicator shall use any other platform or e-mail account other than the officially provided platform and account by the Department of Agrarian Reform.

Section 9. Notice of Hearing -- The Adjudicator, through the Clerk of the Adjudicator or the Board, through the DARAB Secretariat, shall serve the Notice of Hearing through the e-mail addresses given by the parties, counsel, or other interested persons. They 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 use to join the hearing. All the details and information to gain access to such proceedings shall be treated with strict confidentiality. Any unauthorized sharing of the said details and any information shall be dealt with accordingly. The proof of receipt of the notification e-mail shall be properly recorded.

Section 10. The proceedings during the video conferencing/online hearing -- The hearing shall be recorded by the Clerk of the Adjudicator/DARAB Secretariat. The Stenographer shall 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, the 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.

Section 11. Suspension Due to Technical Constraints -- Should there be technical constraints affecting the conduct of the video conferencing/hearings, the Adjudicator or the Board may, at his or her discretion, may 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.

Section 12. Conduct of the Parties during Hearing -- 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 be regularly observed.

All those participating in the proceedings shall be in appropriate attire. Once the video conferencing/hearing is done, the Adjudicator or the Board hosting the session shall immediately end it.

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 hearings.

RULE V DECISION, RESOLUTION OR FINAL ORDER

Section 13. Issuance of Judgment -- After concluding the hearings, the Adjudicator shall issue a Decision, Resolution, or Final Order, with the parties and counsels immediately being furnished a copy of the promulgated judgment. Decision, Resolution, or Final Order.

Section 14. Service of Promulgated Judgment -- The service of such Decision, Resolution, or Final Order to the parties and counsels may be done electronically through e-mail, registered mail, or any Licensed Courier Service, but proof or receipt thereof should be properly recorded.

The hard copy of the 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.

RULE VI MOTION FOR RECONSIDERATION

Section 15. Motion for Reconsideration -- Within fifteen (15) days from receipt of the Decision, the party adversely affected may file his/her Motion for Reconsideration through e-mail with proof of e-mail service of copy of the Motion to the other parties and counsels. All the parties and counsels shall be immediately furnished a copy of such Resolution.

RULE VII APPEALS

Section 16. Appeal to the Board. -- An appeal may be taken to the Board electronically in accordance with Rule XIV of the 2021 DARAB Revised Rules of Procedure and in compliance with Section 4, Rule I of these Rules.

The RARAD or the PARAD shall attach in the electronic transmission of his/her Transmittal of Records the granted Notice of Appeal, Appeal Memorandum, Payment of Appeal Fee, subject Decision/Resolution or Final Order and such other records to the Board pursuant to Section 4, Rule I of these Rules.

The hard copy of the entire records on appeal shall immediately follow for the Board without unreasonable delay.

RULE VIII MISCELLANEOUS PROVISION

SECTION 17. Retroactive Applicability. -- These Rules may apply to all cases which remain pending before the Board, the RARAD, or the PARAD during the spate of the COVID-19 pandemic and cases filed through online process upon the date of its effectivity.

SECTION 18. Separability Clause. -- If, for any reason, any portion or provision of these Rules is declared unconstitutional or invalid by the Supreme Court, no other provisions of these Rules shall be affected thereby.

SECTION 19. Effectivity Clause. -- These Rules shall simultaneously take effect upon the effectivity of the 2021 DARAB Revised Rules of Procedure.

Atty. JOHN R. CASTRICIONES, Chairman



Atty. LUIS MEINRADO C. PAÑGULAYAN, Vice-Chairman

Atty. EMILY D. PADILLA, Member

Atty. JIM G. COLETO, Member

Atty. ROLANDO S. CUA, Member

Atty. ANNABELLE O. MADAYAG-OANDASAN, Member

ATTESTATION

This is to attest that THE 2021 DARAB ONLINE PROCEDURE: SUPPLEMENTAL TO THE 2021 DARAB REVISED RULES OF PROCEDURE was approved and signed in my presence.

Atty. ROLAND C. MANALAYSAY, Executive Director, DARAB Secretariat