



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

MEMORANDUM CIRCULAR NO. 28

Series of 2020.

SUBJECT: **AUTHORITY AND FUNCTION OF THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD IN THE RESOLUTION OF PROTESTS, DISPUTES, OR CLAIMS ARISING FROM THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 75, SERIES OF 2019**

I. RATIONALE/OBJECTIVE

This Memorandum Circular (M.C.) aims to ensure that due process has been properly observed in the resolution of all protests, disputes, or controversies arising from the implementation of Executive Order (E.O.) No. 75, Series of 2019.

Accordingly, Department of Agrarian Reform Adjudication Board (herein referred to as the "Board") is hereby authorized to undertake all the necessary proceedings herein set forth and submit its recommendation for the Secretary's consideration involving protests/cases arising from the implementation of E.O. No. 75, Series of 2019 falling under the jurisdiction of the Secretary.

II. LEGAL MANDATE

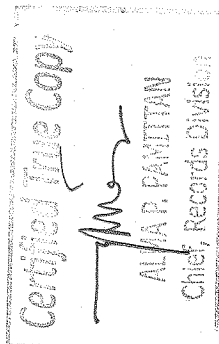
Section 5 of E.O. No. 75, Series of 2019, specifically states that "*the DAR and the DOJ shall provide for an expeditious procedure for the resolution of protests involving the validation and segregation of government-owned lands identified pursuant to Section 2 hereof.*"

Sections 13 and 14 of Joint DAR-DOJ A.O. No. 07, Series of 2019 respectively provide that:

"Section 13. Filing of Protest – Any department, bureau, office or instrumentality of the government may file a verified petition with the Secretary of Agrarian Reform within fifteen (15) calendar days from receipt by the party concerned of the certification of no settlement from the DRC. The certificate of no settlement shall be attached to the petition protesting coverage of the GOL."

"Section 14. Application of Agrarian Law Implementation (ALI) Rules – Pertinent rules and regulations of the DAR governing Agrarian Law Implementation (ALI) cases shall apply with respect to the resolution of protests of coverability of GOLs."

Section 36 Rule VII of Administrative order (A.O.) No. 03, Series of 2017, entitled "*2017 Rules of Procedure for ALI*" provides that "*the Secretary may suspend the application of these Rules in order to serve and protect the interest of justice.*"



Finally, under Section 1 (k) Rule II of the 2009 DARAB Rules of Procedure, the Secretary may refer to the DARAB on such other agrarian cases, disputes, matters, or concerns involving the implementation of agrarian reform programs of the government.

III. APPLICABILITY

This Memorandum Circular shall apply only to all protests, disputes, claims, or controversies arising from the coverage and distribution of government-owned lands (GOLs) in favor of qualified beneficiaries pursuant to E.O. No. 75, Series of 2019 filed on or after the effectivity of Joint DAR-DOJ A.O. No. 07, Series of 2019.

IV. PROCEDURE

- a) The Office of the Secretary or any other office, upon receipt of a Petition or Protest filed by any department, bureau, office, or instrumentality of the government involving the implementation of E.O. No. 75, Series of 2019, shall immediately refer the same, within two (2) days from receipt, to the Board through the Executive Director of the Department of Agrarian Reform Adjudication Board (DARAB) Secretariat.
- b) The Executive Director, within 5 (five) days from receipt of the said Petition or Protest, shall docket the same and issue an Order directing the Field Operations Office (FOO) to submit a comment within a non-extendible period of five (5) days. The Executive Director shall provide a separate system of docketing for Petition or Protest pursuant to E.O. No. 75, Series of 2019.
- c) After the lapse of the period, with or without comment, the Executive Director shall immediately raffle the Petition or Protest to the Board Members for review. The Board Member, to whom the same was raffled, within seven (7) days from receipt, shall issue an Order directing all the parties to submit their respective position papers within a non-extendible period of ten (10) days from receipt of the said Order. After the lapse of the ten (10)-day period, with or without the required position papers, the Petition or Protest shall be deemed submitted for resolution unless there is a need to call for a hearing and/or conduct further investigation to clarify some issues.
- d) The concerned Board Member, through the Executive Director, within fifteen (15) days after the Petition or Protest was submitted for resolution, shall submit its recommendation in the form of a draft order for the Secretary's consideration, who shall decide whether to grant or deny the Petition or Protest within the same period of fifteen (15) days from the submission of the recommendation. The Secretary's decision shall be immediately forwarded to the ED for releasing to all concerned parties.
- e) A party may file only one (1) motion for reconsideration (MR) of the decision of the Secretary within a non-extendible period of fifteen (15) days from receipt of the decision furnishing the adverse party a copy thereof. The filing

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of MR interrupts the running of the reglementary period within which to appeal. The Executive Director shall immediately refer the MR to the concerned Board Member, who shall submit a recommendation for Secretary's resolution within five (5) working days from receipt of the same. The resolution shall be released in the same manner as provided under paragraph (d) hereof.

- f) An appeal from the decision of the Secretary may be taken to the Office of the President (OP) within fifteen (15) days from receipt thereof. Notwithstanding the filing of the appeal within the period, the identification, validation, segregation, transfer, and distribution of coverable GOLs shall proceed up to the issuance of a title in the name of the Republic of the Philippines if the coverable GOL is a titled property. However, if the GOL is not titled or is covered by a proclamation, the process will proceed up to the generation of the Certificate(s) of Land Ownership Award unless the OP enjoins the DAR from continuing with the same.
- g) The Executive Director shall be responsible in transmitting the records on appeal to the OP in accordance with the existing OP Rules.
- h) The decision of the Secretary shall become final and executory after all parties have received an official copy thereof; after the lapse of the fifteen (15) days from the date of receipt of the last recipient of an official copy thereof; and there is no motion for reconsideration nor appeal therefrom. The Executive Director is authorized to issue a Certificate of Finality (COF) in accordance hereof.

V. EFFECTIVITY

This Memorandum Circular shall take effect immediately.

Diliman, Quezon City, DEC 07 2020.


ATTY. JOHN R. CASTRICIONES
Secretary

Department of Agrarian Reform
Office of the Secretary



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