

OCA CIRCULAR NO. 23-2004, February 13, 2004

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TO:

ALL JUDGES OF LOWER COURTS

SUBJECT:

REITERATION OF CIRCULARS REGARDING TEMPORARY RESTRAINING ORDERS, WRITS OF PRELIMINARY INJUNCTIONS, PROHIBITIONS AND MANDAMUS OVER CASES UNDER THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988 (R.A. 6657)

Reports have been received by this Office on the rampant issuances of restraining orders, injunctions, prohibitions and/or mandamus which tends to create conflict of jurisdiction over cases covered by the Comprehensive Agrarian Reform Law in disregard of Sections 55 and 68 thereof and the pertinent issuances of the court.

In Administrative Circular No. 29-2002 dated 01 July 2002 re: Avoidance of conflict of Jurisdiction over cases under the Comprehensive Agrarian Reform Law of 1998, this Court reminded all trial judges of the need for a careful and judicious application of Republic Act No. 6657, also known as the Comprehensive Agrarian Reform Law (CARL) of 1988. It stressed the need to avoid conflict of jurisdiction with the Department of Agrarian Reform (CAR) and the Department of Environment and Natural Resources (DENR). It likewise exhorted judges to avoid delays in the resolution of Agrarian cases and cited the pertinent provisions of R.A. 6657, to wit:

"Section 50. Quasi-Judicial Powers of the DAR. - The DAR is ' hereby vested with the primary jurisdiction to determine and adjudicate agrarian reform matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR) ' "

"Section 55. No restraining Order or Preliminary injunction. - No Court in the Philippines, shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the DAR or any of its duly authorized or designated agencies in any case, dispute or controversy , arising' from, necessary^ to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform."

In the same Administrative Circular, trial court judges were further directed "to take note of the decisions of the Supreme Court of 3 December 1990 in *Vda. de Tangub vs. Court of Appeals* (151 SCRA 885), and of 13 September 1991 in *Quismundo vs. Court of Appeals* (201 SCRA 609)."

In Administrative Circular 38-2002 dated 28 August 2002 re: Implementation of Section 68 of R.A. No. 6657, this Court, in the furtherance of the Courts policy expedite the resolution of cases involving agrarian disputes, reminded all trial judges to strictly observe Section 68 R.A. No. 6657, which provides as follows:

"Section 68. - Immunity of Government Agencies from Undue Interference- No injunction restraining order, prohibition or mandamus shall be issued by the lower courts against the Department of Agrarian Reform

(DAR), the Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), and the Department of Justice (DOJ) in their implementation of the program.

In OCA Circular No. 79-2003 dated 12 June 2003 re: Reminding judges exercise utmost caution, prudence and judiciousness in issuance of temporary restraining orders and writs of preliminary injunctions, the Office of the Court Administrator once again cautioned all trial judges on the improvement or irregular issuance of TRO of the grant of writs of preliminary injunction, and were reminded to be aware of the cases where they may not issue TROs or preliminary injunctions which include "dispute or controversy arising from or in connection with application, implementation, enforcement or interpretation of the laws on agrarian reform."

for guidance and strict compliance.

__13__ February 2004.

PRESBITERO J. VELASCO, JR.

Court Administrator

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