

GUIDELINES IN CONDUCTING FIELD INVESTIGATION OR SITE VALIDATION AND RELATED ACTIVITIES

DAR MEMORANDUM CIRCULAR NO. 02, S. 2012, February 20, 2012

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This Circular is hereby issued to guide investigations or on-site validations involving cases or matters before any Department of Agrarian Reform (DAR) office and/or the Presidential Agrarian Reform Council (PARC), in order to ensure the integrity and reliability of the factual findings arising therefrom.

Section 1. Scope – These guidelines shall apply to field investigations, on-site validations, or ocular inspections conducted by the DAR or the PARC, or their respective committees, teams, or “task forces”. The terms validation, investigation, and inspection shall be used herein interchangeably.

Section 2. Applicability – These guidelines shall govern any and all investigations on agrarian reform matters and cases, except those conducted by the Department of Agrarian Reform Adjudication Board (DARAB).

Section 3. Under Oath – All interviews made during the investigations shall be done under oath. The rules on the administration of oaths by the DAR pursuant to Administrative Order (A.O.) No. 5, Series of 2011 shall apply.

Section 4. Order to Conduct Investigation – Any DAR office or PARC committee, task force, or team (hereafter referred to as field investigation team) must have an official order, memorandum, instruction, or resolution, as the case may be, authorizing it to conduct an on-site validation, field investigation, or ocular inspection. Said order, memorandum, resolution, or instruction shall be signed by the pertinent responsible DAR or PARC official. The inspection team, committee, or task force shall always bring a copy of such order, memorandum, or resolution whenever the ground validations, investigations, or inspections are conducted.

Section 5. Notice Before Investigation – Before any on-site validation is conducted, all parties and their counsel, if any, as much as practicable, must be notified thereof. The written notice shall be signed by the head of the team. At least three (3) days prior to the scheduled investigation, the notice must be served on all the parties (“three (3) day notice rule”). Said notice shall also be posted at the bulletin board of the barangay where the subject landholding is located by the Municipal Agrarian Reform Officer (MARO) concerned, furnishing a copy thereof to the Barangay Agrarian Reform Committee (BARC) chairperson. The notice shall contain the date, place, and time of the validation, as well as the name of the office conducting the same. It shall also contain a request that the concerned parties shall prepare and submit documents or other pieces of evidence that are relevant to the investigation. The Provincial Agrarian Reform Officer (PARO) and MARO of the place where the landholding is located shall also be informed of the investigation, and shall be requested to be present during the same.

Section 6. Briefing Before Actual Investigation – The members of the field investigation team shall have a preliminary organizational meeting and shall be briefed by the concerned office before the actual investigation is conducted regarding the issues surrounding the investigation, the elements of the violation and the dynamics in the area. The briefer shall be prepared either by the Bureau of Agrarian Legal Assistance (BALA), Special Concerns Staff (SCS), national AVA Evaluation Committee (NAEC), or the Presidential Agrarian Reform Council (PARC) Secretariat, as the case may be.

Section 7. Video/Audio Recording of Actual Investigation – The Public Affairs Staff (PAS) of the DAR shall be requested to accompany the field investigation team. It shall be the responsibility of the PAS to document the investigation by video regarding, audio recording, and/or photographs. In the event the PAS is not available, the team shall ensure that the video/audio recording of its proceedings is undertaken. The travel expenses of the PAS shall be shouldered by the office ordering the investigation.

Section 8. Team Assignments – Before the actual investigation is conducted, the team shall designate who among its members shall be the team leader, the “minutes” taker, and the interpreter, if necessary. As much as practicable, the MARO concerned shall join the validation in view of his/her knowledge of the people. The language to be used during the investigation may be Filipino, English, or the local dialect.

Section 9. Facts to be Determined – The necessary facts to be elicited during the investigation shall be the following:

- From the petitioner(s)
 - personal circumstances (name, birth date or age, civil status, address, occupation), whether the farmer is a CLOA holder or not or a stockholder or not, as well as proof of identity;
 - the person’s relation to the issue or land;
 - bases and details of the complaints, elements of the violations, including pieces of evidence that are presented during the site validation;
 - desired outcome of the case; and
 - pending cases, if any.

The answers and statements shall be under oath and recorded.

- From the respondent(s)
 - personal circumstances of the person being interviewed (as well as proof of identity)
 - authority of the person to give statements;
 - comment on the petition/complaint;
 - defenses, counter arguments, and pieces of evidences that are presented during the site validation; and
 - pending cases, if any.

The answers and statements of the foregoing parties or interviewees shall be under oath and recorded.

- From other interested parties (interested parties are persons who will be affected by the resolution of the case, like other CLOA holders who are not petitioners, actual occupants, LGUs), etc.

- personal circumstances (as well as proof of identity);
- comment on the case;
- proof on the elements of the alleged violations; and
- desired outcome of the case.

In addition, the field investigation team shall conduct a validation of the area subject of the controversy by determining:

- the number of farmworkers (i.e., who among them are the petitioners, and how many are not), the status of the farmers or farm workers (i.e., employed or not), residence of the farmers, their living conditions (their houses, clothes, food, etc.), to ascertain their actual general conditions; and
- the status of the farm – size, identity of occupants, crops, farm activities, conditions of the surrounding areas, identity and nature of the structures present on the farm, etc.

Section 10. Minutes of the Investigation – The minutes shall be prepared and signed by the interviewees and parties present. The contents of the minutes shall include, but are not limited to, the following: attendees, issues raised, agreements, disagreements, deliverables, follow up actions needed, and other details on what transpired during the investigation.

Section 11. Preparation of Transcript – A transcript of the video/audio recording shall be prepared not later than twenty (20) working days from date thereof. The person/s taking the video or audio recording shall execute an affidavit stating that the recording has not been altered, and that the transcript thereof is a faithful and accurate account of the proceedings. The person/s taking photographs shall likewise execute an affidavit that the same have not been altered, and that they are a faithful and accurate depiction of the scene photographed at the site where the picture was taken.

Section 12. Narrative Investigation Report – A narrative investigation report shall be submitted within thirty (30) working days from the date of the completion of the validation. It shall contain the following information:

I. Background

- Statement of facts, such as description of the landholdings, identity of the parties, history of CARP coverage, conditions of the SDO or contract if applicable, circumstances surrounding the controversy, and the like.

II. Discussion

- Statement of issues and factual findings;
- Elements of the violations and the proof of each, if any; and
- Insertion of pictures, if necessary, and for emphasis, and quotations of pertinent portions of the relevant documents submitted and/or the transcripts of the proceedings.

III. Annexes

- Field investigation form(s) (i.e. SDO Investigation Form 1 and AVA Investigation Form 2);
- List of submitted documents;
- Attendance sheet, with signatures;
- Video and audio recordings discs/tapes as well as printed pictures with captions;
- Minutes, with the signature(s) of the persons present during the investigation;
- Authority to administer oath; and
- Other pertinent documents.

The investigation report shall be signed by the majority of the members of the team.

Section 13. Repealing Clause – All circulars, issuances, or portions thereof inconsistent herewith are hereby revoked, cancelled, or modified, as the case may be.

Section 14. Separability Clause – Any judicial pronouncement declaring as unconstitutional any provision or portion of this Circular shall not affect the validity of the other provisions herein.

Section 15. Effectivity Clause – This Circular shall take effect and shall be published after ten (10) days from signing.

Adopted: 20 February 2012

(SGD.) VIRGILIO R. DE LOS REYES
PARC Executive Committee Chairperson

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