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Pursuant to the provisions of Section 49 and 50 of Republic Act No. 6657 as amended and Section 34 of Executive Order No. 129-A in relation to Section 13 thereof, the following rules governing the conduct of proceedings before the Department of Agrarian Reform Adjudication Board (DARAB) and its Adjudicators, are hereby adopted and promulgated.

RULE I
General Provisions

SECTION 1. Title. These Rules shall be known as the Department of Agrarian Reform Adjudication Board (DARAB) 2003 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 just, expeditious and inexpensive adjudication and settlement of agrarian cases, disputes, or controversies.

All references in these Rules to the Members of the Board or the Adjudicators in the masculine (he, him, or his) shall be construed to also mean the feminine form (she, her, or hers).

SECTION 3. Technical Rules Not Applicable. The Board and its Regional and Provincial Adjudicators shall not be bound by technical rules of procedure and evidence and 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.

3.1

If and when a case comes up for adjudication wherein there is no applicable provision under these rules, the procedural law and jurisprudence generally applicable to agrarian disputes shall be applied;

3.2

In the absence of any applicable procedural law and jurisprudence generally applicable to agrarian disputes and in the interest of expeditious agrarian justice and whenever practicable, the Adjudication Board (Board), and its Regional Agrarian Reform Adjudicators (RARADs) and Provincial Agrarian Reform Adjudicators (PARADs) hereinafter referred to as the Adjudicators, shall have the authority to adopt any appropriate measure or procedure in any given situation or matter not covered by these Rules.

SECTION 4. Official Seal. The Board shall design and adopt a seal to be imprinted in all its resolutions, orders, decisions, and other documents as an indication of their official character. The seal of the DARAB shall depict its official function as the dispenser of agrarian justice. It shall be consistent with the basic design and symbolism of the Department of Agrarian Reform (DAR) logo.

RULE II
Jurisdiction of the Board and its Adjudicators

SECTION 1. Primary and Exclusive Original Jurisdiction. — The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:

1.1

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 (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), and other related agrarian laws;

1.2

The preliminary administrative determination of reasonable and just compensation of lands acquired under Presidential Decree (PD) No. 27 and the Comprehensive Agrarian Reform Program (CARP);

1.3

The annulment or cancellation 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);

1.4

Those cases involving the ejectment and dispossession of tenants and/or leaseholders;

1.5

Those cases involving the sale, alienation, pre-emption, and redemption of agricultural lands under the coverage of the CARL or other agrarian laws;

1.6

Those involving the correction, partition, cancellation, secondary and subsequent issuances of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

1.7

Those cases involving the review of leasehold rentals;

1.8

Those cases involving the collection of amortizations on payments for lands awarded under PD No. 27, as amended, RA No. 3844, as amended, and RA No. 6657, as amended, and other related laws, decrees, orders, instructions, rules, and regulations, as well as payment for residential, commercial, and industrial lots within the settlement and resettlement areas under the administration and disposition of the DAR;

1.9

Those cases involving the annulment or rescission of lease contracts and deeds of sale, and the cancellation or amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as EPs issued under PD 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;

1.10

Those cases involving boundary disputes over lands under the administration and disposition of the DAR and the LBP, which are transferred, distributed, and/or sold to tenant-beneficiaries and are covered by deeds of sale,

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patents, and certificates of title;

1.11

Those cases involving the determination of title to agricultural lands where this issue is raised in an agrarian dispute by any of the parties or a third person in connection with the possession thereof for the purpose of preserving the tenure of the agricultural lessee or actual tenant-farmer or farmer-beneficiaries and effecting the ouster of the interloper or intruder in one and the same proceeding; and

1.12

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

1.13

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

SECTION 2. Appellate Jurisdiction of the Board. The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders, and decisions of its Adjudicators.

No order of the Adjudicators on any issue, question, matter, or incident raised before them shall be elevated to the Board until the hearing shall have been terminated and the case decided on the merits.

SECTION 3. Agrarian Law Implementation Cases. The Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules and administrative orders, which shall be under the exclusive prerogative of and cognizable by the Office of the Secretary of the DAR in accordance with his issuances, to wit:

3.1

Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of CLOAs and EPs, including protests or oppositions thereto and petitions for lifting of such coverage;

3.2

Classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries;

3.3

Subdivision surveys of land under CARP;

3.4

Recall, or cancellation of provisional lease rentals, Certificates of Land Transfers (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall, or cancellation of EPs or CLOAs not yet registered with the Register of Deeds;

3.5

Exercise of the right of retention by the landowner;

3.6

Application for exemption from coverage under Section 10 of RA 6657;

3.7

Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990);

3.8

Exclusion from CARP coverage of agricultural land used for livestock, swine, and poultry raising;

3.9

Cases of exemption/exclusion of fish pond and prawn farms from the coverage of CARP pursuant to RA 7881;

3.10

Issuance of Certificate of Exemption for land subject of Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes;

3.11

Application for conversion of agricultural land to residential, commercial, industrial, or other non agricultural uses and purposes including protests or oppositions thereto;

3.12

Determination of the rights of agrarian reform beneficiaries to homelots;

3.13

Disposition of excess area of the tenant's/farmer-beneficiary's landholdings;

3.14

Increase in area of tillage of a tenant/farmer-beneficiary;

3.15

Conflict of claims in landed estates administered by DAR and its predecessors; or

3.16

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

SECTION 4. Role of the RARAD. The RARAD shall be the Executive Adjudicator in his Region directly responsible to the Board. As such, he shall:

4.1

Exercise direct supervision over the PARAD which shall include, among others, the monitoring of cases in his Region;

4.2

Receive, hear, and adjudicate agrarian disputes and land cases within the Region;

He shall also hear the following cases:

4.2.1

Those cases that cannot be handled by the PARAD on account of inhibition or disqualification;

4.2.2

Those matters of such complexity and sensitivity that the decision thereof would constitute an important precedent affecting regional interest as may be determined by the Board; and 4.2.3 Preliminary determination of just compensation; and 4.2.4 Such other cases which the Board may assign.

4.3

Hear application for the issuance of a writ of preliminary injunction and/or temporary restraining order as may be directed by the Board.

SECTION 5. Referral to Office of the Secretary (OSEC). In the event that a case filed before the Adjudicator shall necessitate the determination of a prejudicial issue involving an agrarian law implementation case, the Adjudicator shall suspend the case and, for purposes of expediency, refer the same to the Office of the Secretary or his authorized representative in the locality.

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

The prejudicial issue must be determinative of the case before the Board or the Adjudicator but the jurisdiction to try and resolve the question is lodged with the Office of the Secretary.

SECTION 6. Powers. The Members of the Board and the Adjudicators are empowered to summon witnesses, administer oaths, take testimony, require submission of reports, compel production of books and documents and answers to interrogatories, and to issue subpoena duces tecum, writs of possession, writs of execution, and other writs to enforce its orders and decisions through their Sheriffs or duly deputized officers.

For this purpose, whenever necessary, they shall direct the Philippine National Police, the Armed Forces of the Philippines or any of their component units, or other law enforcement agencies to assist in the enforcement and execution of their decisions, orders, writs, and other processes.

RULE III
Mediation or Conciliation at Barangay Level

SECTION 1. BARC Certification. The Board or its Adjudicators shall not take cognizance of any agrarian case, dispute, or controversy, unless a certification from the Barangay Agrarian Reform Committee (BARC) of the barangay where the land involved is located is presented, 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:

1.1

preliminary determination of just compensation for land acquisition;

1.2

where the issue pertains to whether or not the parcel of land shall be the subject of coverage under the Comprehensive Agrarian Reform Program (CARP);

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1.3

where the Secretary of the DAR directly refers the matter to the Board or Adjudicator; or

1.4

upon certification of the Municipal Agrarian Reform Officer (MARO) and the DAR Technologist of the non-existence of the BARC or the inability of the BARC to convene.

SECTION 2. 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 DAR Technologist of the barangay where the land is located, as stated in the complaint, through the MARO of the area, directing:

2.1

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

2.2

The DAR Technologist in case of non-existence of the BARC or its inability to convene for that purpose, to refer the matter back to the Adjudicator within five (5) days from receipt thereof with a certification of non-existence or inability of the BARC to convene.

SECTION 3. Report of Settlement at BARC to Adjudicator. If the case is referred by the Board or the Adjudicator and the same is settled at the BARC level, the results thereof shall be contained in a report to be submitted to the Board or the Adjudicator who referred the matter, within seven (7) days from the termination of the proceedings before the BARC, which report shall be the basis for the dismissal of the case before the Board or the Adjudicator.

SECTION 4. 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 5. Certification of Non-settlement. If the BARC is unable to settle the dispute within thirty (30) days, it shall return the case to the Adjudicator of origin with a certification of non-settlement, furnishing a copy thereof to the parties.

SECTION 6. Special Rules on Mediation and Conciliation. The mediation and conciliation proceedings at the BARC or the PARO level, as the case may be, shall be conducted in accordance with the uniform rules adopted and promulgated by the DAR.

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

SECTION 1. Complaint or Petition. An action before the Adjudicator shall be initiated by filing a sworn complaint or verified petition with the Adjudicator in the Province where the land involved is located.

Upon the filing of the complaint or petition, the hour, day, month, and year when it was filed shall be stamped thereon.

The complaint shall 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.

It shall also state the name and residence of the complainant or petitioner and that of the defendant or 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 defendants or respondents, shall be filed.

SECTION 2. Certification and Verification on Related Cases.

2.1

The complainant or petitioner shall certify under oath, in the complaint or in a sworn certification annexed thereto and simultaneously filed therewith, that:

2.1.1

he has not commenced any other action or filed any claim involving the same land or issue in any court, tribunal or quasi-judicial agency;

2.1.2

to the best of his knowledge, no such other action or claim is pending therein;

2.1.3

he has no knowledge of any controversy or proceeding involving the status of said parcel of land or the rights of person/s over its possession and entitlement to fruits or as beneficiary, the determination of which is filed before any tribunal, court, the DAR or any other agency;

2.1.4

should there be any same or similar action or proceeding involving the property, which is either pending or may have been terminated, he shall report such fact within five (5) days from knowledge thereof to the Adjudicator with whom the complaint or initiatory pleading was filed;

2.2.

In the event that the complaint or petition does not bear the Certification, the Adjudicator shall issue an order directing complainant or petitioner to comply with such requirement within ten (10) days from receipt of the Order.

2.3.

Failure to file certification and verification of related cases within the aforementioned ten (10) day period and/or subsequent discovery of commission of forum-shopping may be grounds for summary dismissal. Dismissal for failure to file certification and verification shall be without prejudice to re-filing.

SECTION 3. Amendment of Complaint or Petition. The complaint or petition may be amended at any time before a responsive pleading is served or, in case of a reply, at any time within five (5) days after it is served.

After the responsive pleadings have been served, amendments may be allowed only upon motion filed with the Adjudicator, together with the amended petition or complaint sought to be admitted, appropriately indicating such amendments thereto and furnishing copies thereof to the adverse party.

SECTION 4. Venue.

4.1

All actions shall be brought before the Adjudicator of the province where the land involved is located;

4.2

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, accessibility, and upon agreement of the parties and upon approval of the RARAD, the venue shall be with the Adjudicator of the other province;

4.3

However, upon motion of either of the parties and for compelling reasons, 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.

SECTION 5. One Suit for a Single Cause of Action. A party may not institute more than one suit for a single cause of action.

SECTION 6. Splitting a Single Cause of Action. If two or more suits are instituted on the basis of a single cause of action, the filing of one or a judgment upon the merits in any one is available as a ground for the dismissal of the others.

SECTION 7. Joinder of Causes of Action. A complainant or petitioner having more than one cause of action against the same defendant or respondent arising out of the same questioned relationship shall join all of them in one complaint or petition.

RULE V
Parties and Caption

SECTION 1. 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 as complainant or petitioner. All persons who claim an interest in the dispute or subject matter thereof adverse to the complainant or petitioner, or who are necessary to a complete determination or settlement of the issues involved therein shall be joined as defendants or respondents.

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

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

The Adjudicator shall forthwith order said legal representative or representatives to appear and substitute the deceased within a period of ten (10) days from notice.

SECTION 2. Pauper Litigant. Unless proven otherwise by the adverse party, an agricultural lessee, share tenant,

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actual tiller, amortizing owner-cultivator, farm-worker, a member of any farmers' organization, association, or a farmers' cooperative, 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 thereof. He shall continue to enjoy such status as a pauper litigant at all levels of adjudication until the case is terminated.

SECTION 3. Association or Corporation as Plaintiffs or Defendants. 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 in their behalf, stating their business address.

SECTION 4. Alternative Defendants. Where the complainant or the plaintiff is uncertain against who of several persons he is entitled to relief, he may join any or all of them as defendants in the alternative, although a right to relief against one may be inconsistent with a right to relief against the other.

SECTION 5. Unknown Identity or Name of Defendants. Whenever the identity or name of a defendant 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 6. Entity without Juridical Personality as Defendants. When two or more persons not organized as an entity with juridical personality enter into a transaction, they may be sued under the name by which they are generally or commonly known.

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

RULE VI
Service of Pleadings

SECTION 1. Service of Pleadings, Notices, and Resolutions.

1.1

The party filing the pleading subsequent to the complaint shall serve the opposing party with a copy thereof in the manner provided for in these Rules and proof of such service shall be filed with the records of the case; and

1.2

Summons, notices, and copies of resolutions, orders shall be served personally as far as practicable, or by registered mail upon the party himself, his counsel, or his duly authorized representative. However, notice to the counsel is notice to the party himself whether he is a complainant or petitioner, or a defendant or respondent.

SECTION 2. Service Upon Associations. When persons associated in business are sued under a common name, service may be effected upon all the defendants 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. But such service shall not bind individually any person whose connection with the association has, upon due notice, been severed before the action is brought.

SECTION 3. Service Upon Private Domestic Juridical Entities. If the defendant is a corporation, partnership, association or cooperative organized and registered under Philippine laws with a juridical personality, service may be made on the president, managing partner, general manager, corporate or board secretary, treasurer or in-house counsel.

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SECTION 4. 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 or Adjudicator may direct.

SECTION 5. Return of Service. The Sheriff or other designated officer who personally served the summons, notice, order, or decision shall submit his return within five (5) days from the date of his service thereof, stating therein 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 therefor.

SECTION 6. Proof of Completeness of Service. The return is prima facie proof of the facts indicated therein.

Service by registered mail is completed upon receipt by the addressee, his counsel, or by his duly authorized representative or agent.

SECTION 7. Substituted Service. If service of pleadings, motions, notices, and resolutions, orders and other papers cannot be made under the preceding sections, the office and place of residence of the party or his counsel being unknown, service may be made by delivering the copy to the Clerk of the Adjudicator or the Board, 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, Answer, and Submission of Evidence

SECTION 1. 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(s) of witnesses, with the Adjudicator, as required in Rule III of these Rules, or upon the return of the complaint referred to the BARC in accordance with said Rule III, the corresponding summons and notice of hearing shall be issued attaching therewith a copy of such complaint, petition, affidavit, and documentary evidence, if any.

The summons and notice of hearing shall direct the defendant or respondent to file an answer to the complaint or petition or submit counter-affidavits and other documentary evidence, if any, within a non-extendible period of fifteen (15) days from receipt thereof, furnishing a copy to the petitioner/s or the complainant/s. The summons shall specify the date, time, and place of the hearing and shall order the parties and their witnesses to appear at the scheduled date of hearing.

If the defendant or respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

1.1

by leaving copies of the summons at the defendant’s or respondent’s residence with some person of suitable age and discretion residing therein; or

1.2

by leaving the copies at defendant’s or respondent’s office or regular place of business with some competent person in charge thereof.

The provisions on service of summons as provided in the Rules of Court shall have suppletory effect. However, if publication is effected pursuant to the above rule, only the notice of summons and notice of hearing shall be published and not the entire complaint or petition.

The summons and all other notices to be issued by the Adjudicator shall be written in English and in Filipino.

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SECTION 2. By Whom Served. The summons and notice of hearing with the attached copy of the complaint, petition, affidavit and documentary evidence, if any, may be personally served by any DAR employee, including the Municipal Agrarian Reform Officer (MARO) or any other personnel authorized by the Adjudicator issuing the summons or by registered mail to the defendant or respondent within two (2) days from the filing or return thereof, as the case may be.

SECTION 3. Answer Required. The defendant or 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 thereof, which will be deemed as a specific denial.

A mere general denial will not be deemed as an answer.

The defendant or 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 4. Time to Answer Non-Extendible. The fifteen (15) day-reglementary period within which the defendant or respondent is required to answer shall not be extended.

SECTION 5. Amendment of Answer. The defendant or respondent may amend his answer upon motion filed with the Adjudicator, together with the amended answer sought to be admitted, notifying the complainant or petitioner of the motion with the amended answer attached thereto, and giving the latter the opportunity to be heard thereon.

If the motion is granted, a new copy of the entire answer incorporating and appropriately indicating the amendment thereon shall be filed with the Adjudicator, furnishing a copy thereof to the complainant or petitioner.

The amended answer supersedes the original answer.

SECTION 6. Answer to Amended Complaint or Petition. The defendant or respondent shall file his answer to the amended complaint or petition within fifteen (15) days from receipt thereof, furnishing a copy to the petitioner or complainant.

If no new answer is filed, the answer previously filed shall serve as the answer to the amended complaint or petition.

SECTION 7. No Default Upon Failure to Answer. When the defendant or respondent fails to file an answer, no declaration of default shall be made nor judgment by default be rendered.

The complainant or petitioner must proceed to prove his case and defendant or respondent shall be allowed to participate in subsequent proceedings and such defendant or respondent may request by motion that he be furnished copies of orders, pleadings and other processes.

SECTION 8. Order upon Receipt of Answer or Lapse of Reglementary Period. Within five (5) days from receipt of the Answer or from the lapse of the fifteen (15) day reglementary period to file Answer, without any Answer having been filed, as the case may be, the Adjudicator shall issue an Order setting the date of the initial preliminary conference which must be held within forty-five (45) days from the date of such Order.

The Order shall likewise contain a warning that failure to submit affidavits upon the termination of the initial preliminary conference shall mean that no additional affidavits may be filed by the parties.

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However, even after the initial preliminary conference has been terminated, affidavits may still be filed by the parties in cases where a party desires to present additional witnesses, with leave of the Adjudicator.

SECTION 9. Affidavits. The affidavits required to be submitted under this Rule shall state only facts of direct personal knowledge of the affiants and shall show their competence to testify to the matters stated therein.

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

All affidavits required to be submitted under this Rule shall be sworn to before the presiding Adjudicator, or in his absence, any other Adjudicator or any other person authorized to administer oaths under the Revised Administrative Code.

SECTION 10. Reply. A reply may be filed within five (5) days from service of the pleading responded to.

RULE VIII
Appearances

SECTION 1. Appearance. A lawyer appearing for a party is presumed to be properly authorized for that purpose. A non-lawyer may appear before the Board or any of its Adjudicators, if:

1.1

He represents himself as a party to the case;

1.2

He represents a farmers' 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 of the organization;

1.3

He 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 Integrated Bar of the Philippines 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 in behalf of the legal aid clinic.

1.4

He is a DAR employee duly authorized by the appropriate Head of Office in accordance with the internal regulations of the Department of Agrarian Reform. For this purpose, the DAR employee must have the prescribed authorization form before he may be allowed to appear before the Board or any of its Adjudicators

Provided, that when there are two or more representatives for any individual or group, such individual or group should choose only one representative.

SECTION 2. Manner of Appearance. Appearances may be oral or in writing. The complete business address of the counsel or representative shall be made of record and the adverse party or his counsel shall be properly notified. Any change in the address of counsel or representative shall be filed with the Adjudicator with notice to the adverse party and counsel.

SECTION 3. Assignment of DAR Lawyer or Legal Officer. A party appearing without counsel or represented by

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a non-lawyer may be assigned a counsel de officio from among the qualified DAR employees designated by the appropriate Head of Office or a member of the bar who is willing to act as such counsel de officio.

SECTION 4. Authority to Bind Party. Attorneys and other representatives of parties cannot, without a special power of attorney, 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 1. When Conducted. After the last pleading 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 Adjudicator shall set the case for a preliminary conference.

SECTION 2. Nature and Purpose. During the preliminary conference, the Adjudicator:

2.1

shall consider the possibility of an amicable settlement or of a submission to alternative modes of dispute resolution;

2.2

may resolve and dispose of preliminary incidents related to the case; and

2.3

take up other matters as may simplify and aid in the prompt disposition of the case.

SECTION 3. 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 4. Appearance of Parties. It shall be the duty of parties and their counsel to appear at the preliminary conference.

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

SECTION 5. Effect of Failure to Appear. If either or both parties fail to appear for preliminary conference, despite proper notice, the conference shall be deemed terminated and the Adjudicator shall render a decision on the basis of the evidence on record.

SECTION 6. Proceedings during the Initial Preliminary Conference. The Adjudicator shall, during the initial preliminary conference, endeavor to have the parties reach an amicable settlement of the case.

In the event that the parties are able to agree on an amicable settlement of the case, they shall execute a compromise agreement, which shall be subject to the approval of the Adjudicator, in accordance with Section 8 of Rule X hereof.

During the initial preliminary conference, the parties shall be given an opportunity to file any supplemental affidavits or documents in support of their case.

However, in the event that the Adjudicator denies the compromise agreement or the parties are not able to reach an amicable settlement of the case, the Adjudicator shall set a second preliminary conference which shall be held

within fifteen (15) days after the issuance of the Order setting that date. Upon termination of the initial preliminary conference, the parties and their counsels shall be advised to evaluate the affidavits submitted and to be ready to manifest during the second preliminary conference the names of the affiants they wish to be subjected to clarificatory questioning and the names of persons they wish to be summoned to appear.

SECTION 7. Proceedings during the Second Preliminary Conference. During the second preliminary conference, the Adjudicator shall determine:

7.1.1

whether any of the parties intends to propound clarificatory questions on any of the affiants/witnesses;

7.1.2

whether there is a need to issue the appropriate subpoena upon any witness who refuses to execute an affidavit; and

7.1.3

the dates of subsequent hearings for the purpose of examining the witnesses.

Considering the summary nature of the proceedings, the Adjudicator, during the second preliminary conference, shall set the number and dates for hearing taking into account the factual issues which are controverted after an evaluation of the affidavits and evaluation of the purpose for which witnesses are summoned to appear.

In the event that a witness refuses to execute an affidavit, the party presenting such witness shall, during the second preliminary conference, file a motion for the issuance of the appropriate subpoena directing the person to appear during the hearing.

SECTION 8. Record of Preliminary Conference. The proceedings in the conference shall be recorded. Upon termination of the same, the Adjudicator shall issue an order, which shall embody the matters taken up therein, and the date set for the initial hearing of the case, if any.

The aforementioned order shall control the subsequent proceedings of the case, subject to such modifications, which may be made to prevent manifest injustice.

RULE X
Proceedings Before the Adjudicators

SECTION 1. Nature of Proceedings. The proceedings before the Adjudicator shall be non-litigious in nature.

Subject to the essential requirements of due process, the technicalities of law and procedures and the rules governing the admissibility and sufficiency of evidence obtained in the courts of law shall not apply.

The Adjudicator shall employ reasonable means to ascertain the facts of the controversy including a thorough examination or re-examination of witnesses and the conduct of ocular inspection of the premises in question, if necessary.

SECTION 2. Role of the Adjudicator in the Proceedings. The Adjudicator shall personally conduct the hearing. He shall 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.

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SECTION 3. Orders or Resolutions During the Hearing of the Case. The order or resolution of the Adjudicator on any issue, question, matter, or incident raised before him shall be valid and effective until the hearing of the same shall have been terminated and resolved on the merits.

SECTION 4. Hearing. If the parties fail to arrive at an amicable settlement, in whole or in part, and the Adjudicator or the counsel for either or both parties have clarificatory questions, the Adjudicator may, motu proprio or upon motion of either or both the parties, proceed to hear the case.

No witness shall be allowed to testify unless his affidavit was previously submitted to the Adjudicator during the initial preliminary conference except as provided for in the last paragraph of Section 8, Rule VII hereof.

At the hearing, the affidavits submitted by the parties shall constitute the direct testimonies of the witnesses who executed the same. Witnesses who testified may be subjected to clarificatory questioning provided that a witness summoned to appear in accordance with Section 7, Rule IX hereof may be subjected to such clarificatory questioning even without submitting his affidavit.

Upon the admission of the documentary and testimonial evidence of the parties, and the filing of the parties' respective verified position papers as provided for in this Rule, the case or incident shall be deemed submitted for decision or resolution.

SECTION 5. Verified Position Papers. In case the parties fail to arrive at an amicable settlement of the case, and the Adjudicator or counsels for either or both of the parties do not have any further clarificatory questions, no hearing shall be conducted by the Adjudicator. However, in any case, whether a hearing is conducted or not, the parties shall be required to simultaneously submit their respective verified position papers within a period of ten (10) days from receipt of an Order to that effect. At the option of the parties, copies of the draft decision stored or saved in a diskette in a word-processing format which is generally acceptable, may be filed with the Adjudicator.

If after the verified position papers have been filed, there appears a need to conduct a clarificatory hearing, the Adjudicator may proceed to conduct the same.

Upon filing of the verified position papers by both parties, or after the clarificatory hearing shall have been concluded by the Adjudicator, as the case may be, the case shall be deemed submitted for decision or resolution.

No additional affidavits or documents shall be allowed to be filed along with the verified position paper, except in case of newly-discovered evidence.

SECTION 6. Record of Proceedings. The proceedings before the Adjudicator shall be recorded by a stenographer. In the absence of an available stenographer, the Adjudicator 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. Should any party or counsel refuse to sign, the reason for such refusal shall be noted therein.

SECTION 7. 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, farm-worker, agricultural lessee, farmers' cooperative, association, or organization.

SECTION 8. Settlement. At any stage of the proceedings, the Adjudicator or the Board, as the case may be, shall exert all efforts and take positive steps for the amicable settlement of the case.

Should the parties arrive at any settlement as to the whole or part of the dispute, the same shall be reduced into writing in a language or dialect known to, and spoken by the parties and signed by them before the Adjudicator or

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the Board.

If a compromise agreement is entered into by the parties in a manner other than as specified above, the Adjudicator or the Board shall set the case for a hearing for the purpose of determining the authenticity and due execution thereof before approving it.

The settlement shall be approved after the Adjudicator or the Board 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 consequences thereof.

The order or decision 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 farm-workers are not assisted by a private counsel, the Adjudicator or the Board shall coordinate with the proper office of the DAR to ensure that said parties are assisted by a Lawyer or Legal Officer in arriving at a settlement.

SECTION 9. Period to Render the Decision. The Adjudicator shall render the decision on the merits of the case within thirty (30) days after the filing of the verified position papers or after the lapse of the period to file a verified position paper without the same having been filed or after the clarificatory hearing shall have been concluded by the Adjudicator.

SECTION 10. Award and Damages. The Adjudicator or the Board, in appropriate cases, may award actual, compensatory, exemplary, and moral damages and attorney's fees. The attorney's fees to be awarded should be reasonable.

SECTION 11. Finality of Judgment. Unless appealed, the decision, order, or resolution disposing of the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy thereof by the counsel or representative on record, or by the party himself whether or not he is appearing on his own behalf, whichever is later. In all cases, the parties themselves shall be furnished with a copy of the decision, order or resolution.

SECTION 12. Motion for Reconsideration. Within fifteen (15) days from receipt of notice of the order, resolution, or decision of the Board or Adjudicator, a party may move for reconsideration of such order, resolution, or decision on the grounds that:

12.1

the findings of fact in the said decision, order, or resolution are not supported by substantial evidence; or

12.2

the conclusions stated therein are contrary to law and jurisprudence.

The motion for reconsideration shall be filed together with proof of service of a copy thereof upon the adverse 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 the remaining period within which to perfect his appeal. Said period shall not be less than five (5) days in any event, reckoned from the receipt of the notice of denial.

RULE XI
Motions in General

SECTION 1. Motion Defined Every application for relief, other than by principal pleadings.

SECTION 2. Form. All motions shall be in writing, except those made in the course of a hearing or trial.

SECTION 3. 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 4. Notice. A copy of the motion together with copies of supporting affidavits or documents shall be served by the movant upon all parties concerned, at least three (3) days before the hearing thereof. The Adjudicator or the Board may, however, hear a motion on shorter notice upon good cause, especially on matters, which may be disposed of motu proprio.

SECTION 5. Proof of Service. No motion shall be acted upon by the Adjudicator or by the Board without proof of service thereof except when he/it is satisfied that the rights of the adverse party are not affected.

SECTION 6. Expeditious Resolution of Motions. All motions shall be resolved within a reasonable period from its submission for resolution. The same shall be considered submitted for resolution upon the filing of the last pleading supporting or opposing the motion. Any motion for reconsideration of an interlocutory order shall be filed within fifteen (15) days from receipt thereof.

SECTION 7. Non-allowable motions. The following motions shall not be allowed:

7.1

Motion to declare defendant or respondent in default or for a default judgment;

7.2

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;

7.3

Motion for extension of time to file an appeal, motion for reconsideration, or memorandum.

RULE XII
Intervention

SECTION 1. 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 Adjudicator or Board, may be allowed to intervene in the action by filing a pleading-in-intervention.

SECTION 2. Time to Intervene. A person desiring to intervene may, before judgment by the Adjudicator or the Board, 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 Adjudicator or the Board 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 3. Answer-in-Intervention. The answer-in-intervention shall be filed within fifteen (15) days from notice of the order allowing the intervention, unless a different period is fixed by the Adjudicator or the Board.

RULE XIII

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Decisions/Resolutions/Final Orders

SECTION 1. Decisions/Resolutions/Final Orders. The decisions/ resolutions/ final orders of the Adjudicator shall be in writing, prepared and signed by him and filed with the Regional or Provincial Clerk of the Adjudicator. It shall clearly and completely state the findings of fact and specify the evidence and the law or jurisprudence upon which the decision is based. The decisions/resolutions/final orders of the Board shall be in writing, prepared by the Member to whom it is assigned, signed by the Members of the Board and filed with the Executive Director of the Board Secretariat.

SECTION 2. Promulgation. After the judgment/resolution/final order is signed by the Adjudicator or Members of the Board, the same shall be filed with the Regional or Provincial Clerk of the Adjudicator or of the Board, respectively, who shall indicate thereon the date of promulgation thereof.

SECTION 3. Notice of Decision/Resolution/Final Orders. Upon promulgation of the decision/resolution/final order, the Regional or Provincial Clerk of the Adjudicator or of the Board, as the case may be, shall immediately cause copies thereof to be served upon the parties and their counsel as well as the DAR and other government officials who may take part in the execution or implementation of such decision/resolution/final order.

In the event that a copy of the decision cannot be served upon the parties and/or their counsel as well the DAR and other government officials for whatever reason, a notice of the decision/resolution/final order shall be served upon the latter in the manner provided for in Section 2, Rule VII hereof. If such manner of service fails, the notice of the decision shall be served by publication in a newspaper of general circulation. For this purpose, the Board shall schedule, at least once a year, the publication of said notice falling under this section. However, at the option of the prevailing party, the publication of the notice of decision falling under this section may be undertaken ahead of the schedule fixed by the Board, provided that all expenses of publication shall be shouldered by the prevailing party. All notices to be published under this Rule shall contain the DARAB Case Number and the names of all the parties in the case.

All the Adjudicators shall submit to the Board a periodic quarterly report of all decisions rendered, for the purpose of including the same in the annual publication of the notice of decisions.

All notices of decision/resolution/final order shall be written in English and in Filipino.

SECTION 4. Entry of Decisions/Resolutions/Final Orders. If no appeal or motion for reconsideration is filed within the time provided in these rules, the decision/resolution/final order of the Board or Adjudicator shall be entered in the Book of Entries of Decisions by the Clerk of the Board and the Regional or Provincial Clerk of the Adjudicator, respectively. The date of finality of the decision/resolution/final order shall be deemed to be the date of its entry.

The record of entry shall contain the dispositive portion of the decision/resolution/final orders and shall be signed by the Clerk of the Adjudicator or of the Board, as the case may be, with a certification that such decision/resolution/final order has become final and executory.

RULE XIV
Appeals

SECTION 1. Appeal to the Board. An appeal may be taken to the Board from a resolution, decision or final order of the Adjudicator that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the resolution/decision/final order appealed from or of the denial of the movant’s motion for reconsideration in accordance with Section 12, Rule IX by:

1.1

filing a Notice of Appeal with the Adjudicator who rendered the decision or final order appealed from;

1.2

furnishing copies of said Notice of Appeal to all parties and the Board; and

1.3

paying an appeal fee of Seven Hundred Pesos (PhP700.00) to the DAR Cashier where the Office of the Adjudicator is situated or through postal money order, payable to the DAR Cashier where the Office of the Adjudicator is situated, at the option of the appellant.

A pauper litigant shall be exempt from the payment of the appeal fee.

Proof of service of Notice of Appeal to the affected parties and to the Board and payment of appeal fee shall be filed, within the reglementary period, with the Adjudicator a quo and shall form part of the records of the case.

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

SECTION 2. Grounds. The aggrieved party may appeal to the Board from a final order, resolution or decision of the Adjudicator on any of the following grounds;

2.1

That 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; or

2.2

That the order, resolution or decision was obtained through fraud or coercion.

SECTION 3. Notice of Appeal. The Notice of Appeal shall:

3.1

be filed with the Adjudicator concerned in three (3) legible copies with proof of service to the affected parties and the Board, and payment of appeal fee unless appellant is a pauper litigant as provided for in Rule V hereof;

3.2

indicate the parties to the appeal;

3.3

specify the judgment or final order appealed from;

3.4

state the material dates showing the timeliness of the appeal; and

3.5

be filed with a certification as provided for in Section 2, Rule IV.

SECTION 4. Perfection of Appeal. An appeal is deemed perfected upon compliance with Section 1 of this Rule.

A pauper litigant’s appeal is deemed perfected upon the filing of the Notice of Appeal in accordance with said

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Section 1 of this Rule.

SECTION 5. Motions After Filing of Notice of Appeal. Any motion, after the filing of the Notice of Appeal and before the elevation of the case records to the Board, shall be filed with the Board, attaching thereto a certified copy of the decision of the Adjudicator, the Notice of Appeal and proof of payment of appeal fee. A copy of the motion shall be furnished to the Adjudicator and the opposing parties.

The Board may act on the motion regardless of whether or not the case records have been elevated or transmitted to it.

SECTION 6. Transmittal of Appeal and Records. The Adjudicator concerned shall, after the lapse of the reglementary period for perfecting an appeal and proof of payment of appeal fee, transmit the appeal to the Board, together with the complete records of the case, furnishing the parties with copies of the letter of transmittal to the Board.

The records of the case shall contain, among others, a table of contents, all original pleadings filed, documentary exhibits, transcripts or written summaries of the hearings, notices, orders or decisions of the Adjudicator and proofs of service thereof, which shall all be numbered consecutively and initialed by the Adjudicator or the authorized Clerk of the Board on each and every page thereof.

If the records of the case are not received by the Board Secretariat within thirty (30) days from receipt of a copy of the notice of appeal by the Board in accordance with this Rule, the Board, motu proprio or upon motion of the appellant, shall issue an order for the transmittal of such records.

SECTION 7. Docketing of Cases. Upon the receipt of the records of the case on appeal together with proof of payment of the appeal fee, the Executive Director of the Board Secretariat shall docket the case and notify the parties thereof.

SECTION 8. Caption. In all cases appealed to the Board, the title shall remain as it was before the Adjudicator but the party appealing shall be further called the "appellant" and the adverse party the "appellee", and the case shall be assigned a docket number.

SECTION 9. Appeal Memorandum. Within five (5) days from receipt of notice of appeal, the Adjudicator shall issue an order either:

9.1

Stating that the appeal was not perfected in accordance with the rules; or

9.2

stating that the appeal had been perfected and therefore the appellant is required to file an appeal memorandum with the Board within ten (10) days from receipt of such order, furnishing a copy thereof to the appellee and his counsel who may reply thereto if he so desires, within the same period of time from receipt of copy thereof.

At the option of the parties, they may also file a draft decision with the Board together with a copy thereof stored or saved in a diskette in a word-processing format which is generally acceptable.

After the filing of their respective appeal memoranda with the Board or the lapse of the period within which to file the same, the case shall be deemed submitted for resolution. In case no appeal memorandum has been filed within the reglementary period, the Board may proceed to render judgment thereon based on the records of the case.

SECTION 10. Frivolous or Dilatory Appeal. To discourage frivolous or dilatory appeals, the Board shall fix and

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impose reasonable penalties, including, but not limited to, fine or censure upon erring parties.

SECTION 11. Withdrawal of Appeal. An appeal may be withdrawn at any time prior to the promulgation of the resolution, order or decision, except when public interest is prejudiced thereby. Upon approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been taken.

SECTION 12. When Appeal is Submitted for Decision. The appeal shall be deemed submitted for decision upon the filing of the last pleading or memorandum as may be required or permitted to be filed by the Board, or upon the expiration of the period for its filing.

SECTION 13. Period to Decide Appeal. The Board shall render its decision on appeal before it, as much as possible, within thirty (30) days after its submission.

SECTION 14. Finality of Decisions/Resolutions. Decisions/resolutions/orders of the Board shall become final after the lapse of fifteen (15) days from receipt of a copy thereof by the counsel or representative on record, or by the party himself whether or not he is appearing on his own behalf, whichever is later, unless an appeal or motion for reconsideration thereof is filed within such period. In all cases, the parties themselves shall be furnished with a copy of the decision/resolution/order.

If a copy of the decision cannot be served personally or by mail and publication is effected in accordance with Section 3, Rule 13 hereof, said decision shall become final after the lapse of sixty (60) days from the date of publication.

Only one motion for reconsideration by either party shall be allowed and entertained.

RULE XV
Judicial Review

SECTION 1. Appeal to the Court of Appeals. Any decision, order, resolution, award or ruling of the Board on any agrarian dispute or any matter pertaining to the application, implementation, enforcement, interpretation of agrarian reform laws or rules and regulations promulgated thereunder, may be brought on appeal within fifteen (15) days from receipt of a copy thereof, to the Court of Appeals in accordance with the Rules of Court.

SECTION 2. Findings of Fact; Final and Conclusive. The findings of fact of the Board, if based on substantial evidence, shall be final and conclusive upon the courts pursuant to Section 54, Republic Act No. 6657.

SECTION 3. 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 Board or its Adjudicators 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 No. 6657.

RULE XVI
Relief From Decision/Resolution/Final Order

SECTION 1. Petition for Relief from Decision/Resolution/Final Order. When a decision/resolution/final order is rendered by the Adjudicator against any party, through fraud, accident, mistake and excusable negligence and such party has no other adequate remedy available to him in the ordinary course of law, he may file a petition for relief with said Adjudicator, praying that the decision/resolution/final order be set aside.

SECTION 2. Form and Time of Filing of Petition. A petition for relief must be verified and a copy thereof together with its annexes and supporting affidavits, if any, must be furnished to the adverse party or parties and

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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.

SECTION 3. Answer. Should the petition be sufficient in form and substance, the Adjudicator shall issue an order directing the party or parties to file their answer thereto within fifteen (15) days from receipt of said order. The order shall also set the date for the hearing of the petition.

SECTION 4. Procedure. If after due hearing, the petition is found to be meritorious, the Adjudicator shall set aside the questioned decision/resolution/final order and he shall then proceed to hear the principal case.

When an appeal from the denial of the petition for relief is granted, the Board shall give due course to the appeal, as if a timely and proper appeal has been made from the questioned decision/resolution/final order.

RULE XVII
Preliminary Injunction/Supervision of Harvest

SECTION 1. Preliminary Injunction, When Granted. A writ of preliminary injunction, restraining order or a status quo order may be granted by the Board or any two (2) of its Members or the Adjudicator, 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. Should the Board or the Adjudicator believe 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 thereby, if it is finally determined that the complainant or petitioner is not entitled thereto. Upon the filing and approval of such bond, a writ of injunction may be issued.

The Board or the Adjudicator may also require the performance of a particular act or acts, subject to the rules herein provided, in which case, it shall be known as a preliminary mandatory injunction.

SECTION 2. No Injunction to Restrain Tilling or Harvesting. In cases where the tenurial status of a person is at issue, the Board or its Adjudicator 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.

In case where one or more persons claim rights adverse to the tiller on the landholding in question, any order for supervision of the harvest shall provide at least twenty-five (25%) percent of the net harvest for the actual tiller.

SECTION 3. 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 or not 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, or motu proprio by the Board. 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 4. Supervision of Harvest. An order for the supervision of harvest may also be granted by the Board or

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any two (2) of its Members or the Adjudicator, when it is established on the basis of the allegations in the sworn complaint or motion, which shall be duly supported by affidavits 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 thr landholding.

RULE XVIII
Direct and Indirect Contempt

SECTION 1. Direct Contempt. The Board or any of its Members or Adjudicator may summarily pass judgment on acts of direct contempt committed in the presence of, or so near the Chairman or any Member of the Board or its Adjudicator, as to obstruct or interrupt the proceedings before the same, including disrespect towards the Members of the Board or its Adjudicator, offensive behavior 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. If the offense is committed against the Board or any of its Members or its Adjudicator, the same shall be punished by a fine not exceeding Two Hundred Pesos (P200.00), or imprisonment of not exceeding ten (10) days or both.

The judgment of the Board or any of its Members or Adjudicator on direct contempt is immediately executory and not appealable.

SECTION 2. Indirect Contempt. The Board or any of its Members or its Adjudicator may also cite and punish any person for indirect contempt on any of the grounds and in the manner prescribed under Rule 71 of the Revised Rules of Court.

SECTION 3. Appeal from Indirect Contempt. Any person adjudged guilty of indirect contempt by the Adjudicator, 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.

RULE XIX
Preliminary Determination of Just Compensation

SECTION 1. Principal Role of Adjudicator. The principal role of the Adjudicator in the summary administrative proceedings for the preliminary determination of just compensation is to inquire whether the Land Bank of the Philippines (LBP) and the Department of Agrarian Reform (DAR) in their land valuation computations have complied with the administrative orders and other issuances of the Secretary of the DAR and the LBP.

SECTION 2. By whom Conducted. The preliminary proceedings of land valuation for the purpose of the determination of just compensation for its acquisition shall be conducted:

2.1

by the PARAD when the initial land valuation of the Land Bank of the Philippines (LBP) does not exceed Five Million Pesos (PhP5,000,000.00); and

2.2

by the RARAD when the said valuation exceeds Five Million Pesos (PhP5,000,000.00).

Notwithstanding the foregoing, the Chairman of the Adjudication Board, in his discretion, may designate the PARAD to conduct preliminary proceedings of land valuation even in excess of Five (5) Million Pesos, if in his judgment, the RARAD’s case load becomes unmanageable and/or too voluminous.

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The aforesaid amounts are subject to amendment by the Secretary of the DAR through administrative issuances.

SECTION 3. Order for Submission of Evidence, Position Papers, and Notice of Hearing. Upon receipt of the Claim Folder (CF) containing all the pertinent documents, the Adjudicator shall issue an order:

3.1

to the landowner, the LBP, the DAR officials concerned, the farmer-beneficiaries and other interested parties, that they may examine the claim folder in the Adjudicator's possession and to submit evidence, pertinent documents, and their respective position papers and affidavits within thirty (30) days from receipt of the order; and

3.2

notifying said parties of the date set for hearing on the matter.

Thereafter, the Adjudicator shall proceed to make an administrative determination of just compensation following the procedure in ordinary cases.

The Order shall be served in the same manner as the service of summons as provided for in Rule VII hereof.

SECTION 4. Failure to Comply with Above Order. If the parties fail to submit the required documents and their position papers, and/or to appear on the date set for hearing, despite proper notice, the matter shall be deemed submitted for resolution.

SECTION 5. Appeal. A party who disagrees with the resolution of the Adjudicator may bring the matter to the Board by filing with the Adjudicator concerned a Notice of Appeal within fifteen (15) days from receipt of the resolution. The filing of a Motion for Reconsideration of said resolution shall interrupt the period herein fixed. If the motion is denied, the aggrieved party may file the appeal within the remaining period, but in no case shall it be less than five (5) days.

The Adjudicator, upon receipt of the Notice of Appeal, shall transmit said notice and the records of the case to the Board within fifteen (15) days from receipt of such notice.

Upon receipt of the Notice of Appeal and the records of the case transmitted by the Adjudicator, the Board may order the parties to submit their respective memoranda. The petition shall be resolved by the Board within thirty (30) days, as much as possible, from receipt of the memoranda or from the lapse of the period within which to file the same.

At the option of the parties, a draft decision stored or saved in a diskette in a word processing format which is generally acceptable may also be filed with the Board.

In no case shall a writ of execution be issued by the Adjudicator of resolutions or orders timely contested before the Board.

SECTION 6. When Resolution Deemed Final. Failure on the part of the aggrieved party to contest the resolution of the Adjudicator within the aforecited reglementary period provided shall be deemed a concurrence by such party with the land valuation, hence said valuation shall become final and executory.

SECTION 7. Filing of Original Action with the Special Agrarian Court for Final Determination. The party who disagrees with the decision of the Board may contest the same by filing an original action with the Special Agrarian Court (SAC) having jurisdiction over the subject property within fifteen (15) days from his receipt of the Board's decision.

Immediately upon filing with the SAC, the party shall file a Notice of Filing of Original Action with the Board,

together with a certified true copy of the petition filed with the SAC.

Failure to file a Notice of Filing of Original Action or to submit a certified true copy of the petition shall render the decision of the Board final and executory. Upon receipt of the Notice of Filing of Original Action or certified true copy of the petition filed with the SAC, no writ of execution shall be issued by the Board.

SECTION 8. Notice of Resolution. A copy of the resolution of the Board or Adjudicator shall be sent to the landowner, the Land Bank of the Philippines, the potential farmer beneficiaries, other interested parties, and their counsels.

SECTION 9. Return of Claim Folder. The Board or Adjudicator shall, within three (3) days from return of the notice of the resolution pursuant to the preceding section, transmit the Claim Folder (CF), together with the complete records thereof to the office of origin or the Regional Agrarian Reform Officer (RARO) concerned, copy furnished the LBP.

SECTION 10. Execution of Judgments for Just Compensation which have become Final and Executory. The Sheriff shall enforce a writ of execution of a final judgment for compensation by demanding for the payment of the amount stated in the writ of execution in cash and bonds against the Agrarian Reform Fund in the custody of the LBP in accordance with RA 6657, and the LBP shall pay the same in accordance with the final judgment and the writ of execution within five (5) days from the time the landowner accordingly 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 RA 6657.

RULE XX
Execution

SECTION 1. Execution Upon Final Order or Decision. Execution shall issue upon an order, resolution or decision that finally disposes of the action or proceeding. Such execution shall issue as a matter of course and upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

The Board or Adjudicator concerned may, upon certification by the proper officer that a resolution, order or decision has been served to the counsel or representative on record and to the party himself, and has become final and executory, and, upon motion or motu proprio, issue a writ of execution ordering the DAR Sheriff or any DAR officer to enforce the same. In appropriate cases, the Board or any of its Members or its Adjudicator shall deputize and direct the Philippine National Police, Armed Forces of the Philippines or any of their component units or other law enforcement agencies in the enforcement of any final order, resolution or decision.

SECTION 2. Execution Pending Appeal. Any motion for execution of the decision of the Adjudicator pending appeal shall be filed before the Board which may grant the same upon meritorious grounds, upon the posting of a sufficient bond in the amount conditioned for the payment of damages which the aggrieved party may suffer, in the event that the final order or decision is reversed on appeal, provided that the bond requirement shall not apply if the movant is a farmer-beneficiary/pauper litigant.

SECTION 3. Execution When Issued; Exception. On motion of the prevailing party or motu proprio, the Board or the Adjudicator shall order execution of an order or decision that has already become final and executory.

Appeal shall not stay the execution of a decision or order except when the ejectment of a tenant farmer, agricultural lessee or tiller, settler, or amortizing owner-cultivator is directed.

When the decision is based on an amicable settlement or compromise agreement, the same shall be immediately executory.

SECTION 4. Execution by Motion or by Independent Action. A final and executory judgment may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action.

SECTION 5. Execution in case of Death of Party. Where a party dies after the entry of the judgment or order, execution thereon may issue, or one already issued may be enforced in the following manner:

5.1

In case of the death of the judgment obligee, upon application of his executor or administrator, or successor in interest;

5.2

In case of the death of the judgment obligor, against his executor or administrator or successor in interest;

5.3

In case of the death of the judgment obligor after execution is actually levied upon any of his property, the same may be sold for the satisfaction thereof, in the manner provided for by the Rules of Court and the officer making the sale shall account for any surplus in his hands to the corresponding executors or administrator.

Provided, however, that if the judgment is for payment of rental in arrearages claimed against the tenant-farmer, agricultural lessee or tiller or settler or amortizing owner-cultivator, execution shall be levied upon the produce of the landholding.

SECTION 6. Issuance, Form, and Contents of a Writ of Execution. The writ of execution must be issued by the Board or its Adjudicator which granted the motion. It must intelligently refer to such judgment or order attaching a certified copy of the judgment or order to the writ of execution and requiring the sheriff or any proper officer to whom it is directed to enforce the writ according to its terms, upon the party against whom the same is rendered, or upon any other person required thereby, or by law, to obey the same, and such party or person may be punished for contempt, if he disobeys such judgment.

SECTION 7. 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 or the Adjudicator may direct the act to be done by some other person appointed by the said Board or Adjudicator 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 8. Return of Writ of Execution. The writ of execution shall be returned to the Board or Adjudicator issuing it 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 his receipt of the writ, the officer shall report to the Board or Adjudicator, as the case may be, and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The return or 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 preserved with the other papers in the case. A certified copy of the record of an execution in the execution book kept by the Board Secretariat or Clerk or of the officer's return thereon, shall be evidence of the contents of the originals whenever they, or any part thereof, have been lost or destroyed.

SECTION 9. Property Exempt from Execution. Except as otherwise expressly provided by law, the following

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properties, and no other, shall be exempt from execution:

9.1 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;

9.2 tools and implements necessarily used by him in his trade or employment;

9.3 beasts of burden necessarily used by him in his ordinary occupation;

9.4 his necessary clothing and articles for ordinary personal use, excluding jewelry;

9.5 household furniture and utensils necessary for housekeeping, and used for that purpose by the judgment obligor and his family, such as the judgment obligor may select, of a value not exceeding One Hundred Thousand Pesos (PhP100,000.00);

9.6 provisions for individual or family use sufficient for four months;

9.7 the professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding Three Hundred Thousand Pesos (PhP300,000.00) in value;

9.8 one (1) fishing boat and accessories not exceeding the total value of One Hundred Thousand Pesos (PhP100,000.00), owned by any fishermen by the lawful use of which he earns a livelihood;

9.9 so much of the earnings of the judgment obligor for his personal services within the four (4) months preceding the levy as are necessary for the support of his family;

9.10 lettered gravestones;

9.11 all moneys, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance;

9.12 the right to receive legal support, or money or property obtained as such support, or any pension or gratuity from the government; and

9.13 properties especially exempt by law.

But 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 thereon.

SECTION 10. 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 therefrom the person against whom the judgment is rendered and placing the judgment obligee in possession of such property, and by levying upon so much of the property of the judgment obligor as will satisfy the amount of the judgment and costs included in the writ of execution.

SECTION 11. Removal of Improvements on Property Subject of Execution. When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon order of the Board or the Adjudicator issued upon petition of the judgment obligee after due hearing and after the former has failed to remove the same within the time fixed by the Board or Adjudicator.

SECTION 12. Effect of Judgment or Final Order. The effect of a judgment or final order rendered by the Board or

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Adjudicator having jurisdiction to pronounce the judgment or order, may be as follows:

12.1

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;

12.2

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 by title subsequent to the commencement of the action, litigating for the same thing and under the same title and in the same capacity; and

12.3

In any other litigation between the same parties or their successors in interest, 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 therein or necessary thereto.

RULE XXI
Board Regulations

SECTION 1. Internal Business. The Members of the Board, sitting 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, as may be so adopted by the Board, shall continue in force until repealed, amended or modified altered by it.

SECTION 2. Assignment of Cases. All cases brought to or filed with the Board shall be raffled among the Members thereof for hearing and/or decision, in accordance with the orders and/or internal rules that the Board may adopt.

All motions, pleadings and other matters filed after the case has already been assigned to a Member of the Board, shall immediately be referred to the said Member for appropriate action thereon and consolidation with the records file thereof.

SECTION 3. En Banc Meeting. The Board shall sit en banc in the performance of its policy and rule making power and in the exercise of its administrative and adjudicatory functions.

A majority of the actual Members of the Board shall constitute a quorum for its sessions en banc.

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

SECTION 4. Presiding Officer. The Secretary of the Department of Agrarian Reform, or in his absence, the designated Member of the Board, shall act as the Chairman and shall preside over its deliberations.

SECTION 5. Hearing and Pronouncement of a Decision/Resolution/Final Order. The participation of the Members of the Board in the deliberation, and the concurrence and signature of a majority of its Members, shall be required for the pronouncement of a decision/resolution/final order determining the merits of a case on appeal before it.

However, the concurrence of only two (2) members shall be necessary in the issuance of interlocutory orders.

RULE XXII
The Board Secretariat

SECTION 1. The Board Secretariat. There shall be a Board Secretariat, which shall be headed by the Executive Director who shall, among others, serve and function as the Clerk of the Board.

SECTION 2. Filing of Pleadings and Documents. Pleadings, documents, and all other matters brought to the Board shall be filed with the Secretariat, which shall keep a complete file thereof and be responsible therefor.

In cases where the matter, question or controversy brought before the Board is raffled to a Member thereof, the original records shall be referred to such member, with a complete copy of the records kept on file with the Secretariat. Thereafter, all pleadings, documents and papers related thereto shall be filed with the Secretariat, which shall forward the same to the Member concerned, with copies furnished the Secretariat.

SECTION 3. Custody of the Seal and Books of the Board. The Secretariat shall have custody of the seal of the Board together with all the records of all the proceedings of the Board including the exhibits, documentary evidence, case folders and the files of the same.

SECTION 4. Access to the Board Records. All official records of the Board shall be open to the public during normal office hours subject to the payment of the required fees except those that are classified as confidential which cannot be divulged without violating the rights of the parties concerned or prejudicing public interest.

SECTION 5. Calendar, General Docket, and other Books of the Board. The Secretariat shall prepare a calendar and entry of the proceedings of the Board in a Minute Book. The designated officer of the Secretariat shall take charge of the service of the orders, decisions, subpoenas, and other processes issued by the Board and certify the date and hour of promulgation of any order as well as the names of all parties who were notified thereof.

The Secretariat shall keep a general docket for the said Board, duly numbered and containing entries of all the original and appealed cases before it.

The Secretariat shall keep a compilation of copies of all resolutions, orders and decisions issued by the Board in the order of their dates of promulgation.

SECTION 6. Releasing of Communications, Issuances and Other Matters. All communications and/or issuances pertaining to the Board and other matters before the Board shall be released only thru the Secretariat which shall keep a record and/or file a copy thereof and be responsible therefor.

SECTION 7. Issuance of Certified True Copies. Upon proper written request, the Secretariat shall issue to any party a certified true copy, under the seal of the Board, of any document, record, resolution, order, or decision, or entry under its custody, subject to the payment of the required fees and limitations imposed in Section 4 hereof.

RULE XXIII
Other Fees, Charges and Costs

SECTION 1. Payment of fees. Upon the filing of the pleading or other application which initiates an action or proceeding, the fees prescribed therefor shall be paid in full.

SECTION 2. Filing Fees. A filing fee of Seven Hundred Fifty (P750.00) Pesos plus a legal research fee of Twenty Pesos (PhP20.00) shall be charged for any petition or complaint filed with the Adjudicator or the Board, as an original action.

The pauper litigant as stated in Section 2 of Rule V of these Rules is exempt from the payment of the herein filing fees.

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SECTION 3. Legal Fees. The following legal fees shall be charged and collected.

3.1

For furnishing 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, Seven (P7.00) Pesos per page;

3.2

For every certificate not on process, Ten (P10.00) Pesos per page;

3.3

For every search of any record of more than one year outstanding and reading the same, Fifteen (P15.00) Pesos.

SECTION 4. Where Fees to be Paid. The fees herein shall be paid by the party concerned to the Department of Agrarian Reform (DAR) Cashier or its counterpart offices at the time of filing or request. If the fees are not paid, the Board or Adjudicator may refuse to take action thereon until they are paid except as otherwise provided herein. For this purpose, the Department of Agrarian Reform (DAR) Cashier or its counterpart offices shall segregate all fees collected from its general fund and shall also maintain a separate Book of Account, for all transactions covered hereunder.

SECTION 5. Sheriffs, and Other Persons Serving Processes.

5.1

For serving summons and copy of complaint, Thirty Pesos (PhP30.00) for each defendant;

5.2

For serving subpoenas, Twenty-Four Pesos (PhP24.00) for each witness to be served;

5.3

For serving a temporary restraining order, or writ of injunction, preliminary or final, Sixty Pesos (PhP60.00);

5.4

For filing bonds or other instruments of indemnity or security in provisional remedies, Twenty Four Pesos (PhP24.00) for each bond or instrument;

5.5

For executing a writ or process to place a party in possession of real estate, One Hundred Twenty Pesos (PhP120.00);

5.6

For advertising sale, excluding the cost of publication, Sixty Pesos (PhP60.00) Pesos;

5.7

For taking inventory of goods levied upon when the inventory is ordered by the Board or its Adjudicator, One Hundred Twenty Pesos (PhP120.00) per day of actual inventory work;

5.8

For levying on execution per personal or real property, Sixty Pesos (PhP60.00);

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5.9

For money collected by him by order, execution, attachment, or any other process, the following sums, to wit:

5.9.1

On the first Four Thousand Pesos (PhP4,000.00), four per centum (4%); and

5.9.2

On all sums in excess of Four Thousand Pesos (PhP4,000.00), two per centum (2%).

In addition to the fees herein 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 or Adjudicator. Upon approval of said estimated expenses, the interested party shall deposit such amount with the Clerk-of-the-Board and ex-officio Sheriff, 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 6. Stenographers. Stenographers shall give certified transcripts of notes taken by them to any party requesting for the same upon payment of Seven Pesos (PhP7.00) for each page of not less than two hundred fifty (250) words.

SECTION 7. Witness Fees. Witnesses in any action in the Board or Adjudicator shall be entitled to thirty-five Pesos (PhP35.00) per day and actual travel expenses by the regular means of transportation.

A witness shall be allowed such compensation for his attendance in more than one case or more than one side of the same case at the same time, but may elect in which of the several cases or on which side of the case, if the witness is summoned by both sides, to claim his attendance. A person who is compelled by the board to attend its hearings shall be paid as a witness.

SECTION 8. Costs. Cost may be allowed to the prevailing party but the Board or the Adjudicator, as the case may be, shall have the power, for special reasons, 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 9. Costs in Actions or Proceedings. In any action or proceedings before the Board or Adjudicator, the prevailing party may recover the following costs:

9.1

For his own attendance and that of his attorney, down to and including final judgment, One Hundred Twenty Pesos (PhP120.00);

9.2

All lawful fees charged against him by the Board or Adjudicator, in entering and docketing the action and recording the proceedings and judgment therein and for the issuance of all proceedings;

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9.3

If testimony is received by the Board or Adjudicator not taken from another tribunal or a court of justice and transmitted thereto, the prevailing party shall be allowed the same cost for witness fees, depositions, processes and service thereof; and

9.4

The legal fees of the Board or Adjudicator in an action may also be adjudged against the defeated party, or apportioned as justice requires.

SECTION 10. Dismissal of Action or Appeal. If an action or an appeal is dismissed for want of jurisdiction or otherwise, the Board or Adjudicator, nevertheless, shall have the power to render judgment for costs, as justice may require.

SECTION 11. 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 12. Costs When Witness Fails to Appear. If a witness fails to appear at the time and place specified in the subpoena issued by the Board or the Adjudicator, the costs for the arrest of the witness shall be paid by the witness if the Board or Adjudicator shall determine that his failure to answer the subpoena was willful and/or without just excuse.

SECTION 13. 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 governments and government-owned or controlled corporations, with or without independent charters, are not exempt from paying such fees.

RULE XXIV
Miscellaneous Provisions

SECTION 1. Transitory Provisions. These Rules shall govern all cases filed on or after its effectivity. All cases pending with the Board and the Adjudicators, prior to the date of effectivity of these Rules, shall be governed by the DARAB Rules prevailing at the time of their filing.

SECTION 2. Separability of Provisions. 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 thereby.

SECTION 3. Repealing Clause. The Revised DARAB Rules of 1994 and all DAR Administrative Orders, Circulars 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 4. Effectivity. These Rules shall take effect fifteen (15) days from their publication in two (2) newspapers of general circulation.

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