NATIONAL ADMINISTRATIVE REGISTER · SEPTEMBER 13, 2011

2011 RULES ON THE ADMINISTRATION OF OATHS IN PURSUANCE OF SECTION 50 OF RA 6657, AS AMENDED

DAR ADMINISTRATIVE ORDER NO. 05, S. 2011, September 13, 2011

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ARTICLE I. PREFATORY PROVISIONS

Section 1. Prefatory Statement. — In pursuance of the grant of quasi-judicial powers to the Department of Agrarian Reform (DAR) in Section 50 of Republic Act (R.A.) No. 6657, as amended, and the policy of providing assistance to agrarian reform beneficiaries and tenants, this Administrative Order is hereby issued in order to specify the persons who are authorized to administer oaths and provide guidelines on how it is implemented.

Section 2 Applicability. These Rules shall apply to all Agrarian Reform Law Implementation (ALI) cases, all other matters that are subject to adjudication, or all other referred cases requiring determination of their agrarian nature by the Offices of the Secretary, Regional Directors, or Provincial Agrarian Reform Officers, and all operational matters of the DAR in the implementation of the agrarian reform program that require the administration of oaths.

These Rules shall not apply to cases or matters that are within the jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB) or its Regional and Provincial Adjudicators, whose authority is already provided for under the applicable DARAB Rules of Procedure. Moreover, these Rules shall not be applicable to the oaths taken with respect to the Applications for Purchase and Farmers' Undertakings (APFUs).

ARTICLE II. ADMINISTRATION OF OATHS IN ALI CASES

Section 3 Persons Authorized. —

> 3.1 The Secretary, Undersecretary and Assistant Secretary for Legal Affairs, Director and Assistant Director of the Bureau of Agrarian Legal Assistance, Executive Director of the Center for Land Use Planning and Policy Implementation (CLUPPI), Director of the Legal Service, Regional Directors, and Provincial Agrarian Reform Officers are hereby authorized to administer oaths insofar as it is necessary for cases or matters (such as, but not limited to, ocular inspections, mediation proceedings, and the like) that are pending before the DAR, and which are within the scope of the duties and responsibilities of the Officer concerned.
>
> 3.2 Other DAR personnel may be authorized by the persons named in Section 3.1 to administer oaths on a per investigation, hearing, or proceeding basis. The authorization must be in writing and must indicate the specific matter or case to be investigated. The authorization shall be in the form contained in Annex "A"[*]: hereof.

Section 4. Oath or Affirmation to be Administered. —

4.1 Prior to the conduct of any ocular inspection, hearing, or proceeding, the person conducting the same shall administer the following oath or affirmation to the persons/s which shall give his or her testimony:

> "I _____ , of legal age, _____ (civil status), residing at _____ do hereby swear to tell the truth and nothing but the whole truth. So

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help me God". (In case of an affirmation, the last sentence shall be omitted.)

4.2 In cases when a person chooses to submit a position paper during the hearing or ocular inspection or other related documentary evidence, the person conducting the same shall execute a jurat in the form prescribed below:

"Subscribed and sworn to before me this _____ day of _____ at _____.

Sgd.

Administering Officer

Section 5. Documentation of Testimonies. — An oral sworn testimony shall, in all cases, be reduced into writing by a clerk, stenographer, or any member of the DAR staff assigned to document the hearing or ocular inspection (OCI). The oral sworn testimony shall be covered by a video, or if not possible, by an audio, recording device, which shall there after be transcribed. Said video or audio recording shall be accompanied by an affidavit to be executed by the aforementioned clerk, stenographer, or DAR staff members assigned to document the hearing or inspection, to the effect that the said recording is the same one taken during the hearing or OCI/investigation.

At the end of a particular ocular inspection or hearing, the minutes of the proceedings thereof shall be signed and certified as true and complete record thereof by the clerk, stenographer, the staff assigned to document, the head of the inspection team, or the hearing official, as the case may be, and the representatives of all parties present thereat.

The minutes o proceedings, the audio or video recording, as well as the transcription thereof, shall form part of the records of the case, and the DAR staff in custody of such documentation shall ensure that the integrity and authenticity of the same shall be preserved, and that the contents thereof shall not be tampered with or altered.

ARTICLE III. ADMINISTATION OF OATHS IN OPERATIONAL MATTERS

Section 6. Persons Authorized with Limited Authority. — The Regional Agrarian Reform Adjudicators (RARADs), Provincial Agrarian Reform Adjudicators (PARADs), and all Legal Divisions Chiefs of the DAR Regional and Provincial Offices shall have the authority to administer oaths only insofar as the administration thereof is required for purposes of the operations of the DAR.

Section 7. Authority to Administer Oath. — Pursuant to the authority vested by the immediately preceding paragraph, the RARADs, PARADs, and the Legal Division Chiefs may take an affirmation or an oath with respect to affidavits and other sworn certification required for the operation of the DAR.

The term Affirmation" or Oath: refers to an act in which an individual on a single occasion:

a. appears in person before the RARADs, PARADs, or the Legal Division Chiefs;
b. is Personally known or identified by the RARADs, PARAD, or the legal Division chiefs through competent evidence of identity;
c. avows under penalty of law to the whole truth of the content of the affidavit, certification, or instrument.

The administration of the oath is not a certification by the DAR as to the propriety, truthfulness, and legality of such affidavit or sworn certification and its contents.

Section 8. Oath Day. The DARAB shall, in accordance with its Rules to be issued in due course, reserve two (2) half-days each month, each day separated by not less than fourteen (14) days, to be used exclusively by the RARADs and PARADs to administer oaths or affirmations required for specific documents, without cost which

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are necessary for the operations of the DAR in their respective jurisdiction.

ARTICLE IV. GENERAL PROVISIONS

Section 9. Register of Oath. —

9.1 Each DAR Officer authorized to administer oaths under Section 3.1 and 6 of these Rules shall keep, maintain, and protect a chronological register of oaths administers contained in permanently bound book with numbered pages.

The register shall be kept in books to be provided by the Bureau of Agrarian Legal Assistance (BALA) to any of the officers mentioned in Sections 3.1 and 6 hereof upon request. The register shall be duly paged, and on the first page, the Director of the BALA shall certify the number of pages of the book on the first page thereof.

An administering officer shall keep only one active register of oath at any given time.

Oaths sworn before DAR personnel authorized through Section 3.2 herein shall be registered in the book of the administering officer that authorized him/her.

9.2.1 For every oath administered, the Officer shall record in the register of oath at the time of administration the following, whichever is applicable.

(1) the entry number and page number
(2) the date and time of day of the administration of oath;
(3) the title of description of the instrument, document or proceeding;
(4) the name and address of the oath taker;
(5) the proof of identity provided;
(6) in the absence of proof required in 9.2.1. (5) hereof, the name and address of each credible witness swearing to or affirming the person's identity, if applicable;
7) in case of an ocular inspection, the address where the administering of oath was performed if not in the Officer's regular place of work or business;
(8) the name, designation, and address of the DAR personnel authorized to administer the oath, if applicable; and
(9) any other circumstance the Officer or authorized DAR personnel may deem of significance or relevance.

9.2.2. An administering officer or authorized DAR personnel mentioned in Sections 3 and 6 hereof shall record in the register of oath the reasons and circumstances for not completing the administering of a particular oath.

9.2.3. An administering officer mentioned in Sections 3.1 and 6 thereof shall record in the register of oath the circumstances of any request to inspect or copy an entry in the register, including the requester's name, address, signature, thumbmark or other recognized identifier, and proof of identity. The reasons for refusal to allow inspection or copying of a journal entry shall also be recorded in the said register.

9.2.4. At the end of each month, an administering officer mentioned in Sections 3.1 and 6 hereof shall certify in his register of oath the number of oaths he administered; or none, the certificate shall show this fact.

9.2.5. The books serving as the register of oath, once filled up, shall be submitted to the BALA. Upon submission, the BALA may issue another book in lieu thereof.

Section 10. No Cost. — All oaths administered pursuant to this A.O. shall be free of charge. Any DAR officer who charges for oaths administered pursuant to this A.O. shall be administratively penalized.

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ARTICLE V. FINAL PROVISIONS

Section 11. Separability Clause. — Any judicial pronouncement declaring unconstitutional any provision of these Rules shall have no effect on the validity of the other provisions not affected thereby.

Section 12. Effectivity. This Administrative Order shall take effect immediately upon signing by the DAR Secretary and shall be published in two (2) newspapers of general circulation.

Adopted: 13 September 2011

(SGD.) VIRGILIO R. DELOS REYES
Secretary

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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