

REORGANIZING THE COURTS OF AGRARIAN RELATIONS, STREAMLINING THEIR PROCEDURES, AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 946, June 17, 1976

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WHEREAS, the present organizational, operational and procedural set-up of the Courts of Agrarian Relations is not conducive to the effective and efficient implementation of the objectives of the accelerated agrarian reform program;

WHEREAS, the inferior economic, intellectual, social political and cultural position of the tenant-tillers require suitable changes in the structure, manner of operation and rules of procedure of Courts of Agrarian Relations as well as in the orientation of persons having anything to do with agrarian law and reform if they are to render justice and help attain the emancipation of the tenant-tillers as provided in the Constitution; and

WHEREAS, there is, therefore, an imperative need to reorganize the Courts of Agrarian Relations and to streamline their procedures to achieve a just, expeditious and inexpensive disposition of agrarian cases, and to make the said Courts responsive to the goals of the New Society.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. The Courts of Agrarian Relations; Supervision.—The Courts of Agrarian Relations organized and established under Republic Act Numbered thirty-eight hundred and forty-four, as amended, are hereby reorganized and their procedures streamlined in conformity with the provisions of this Decree.

The Supreme Court shall continue to exercise administrative supervision over said Courts.

SEC. 2. Regional Districts, Stations; Residences of Judges.—The Districts of the Courts of Agrarian Relations shall be the same as those of the Courts of First Instance. The stations of the respective Courts shall be determined by the Supreme Court, except that the Executive Judge shall have his Station in Metropolitan Manila, without Prejudice to his holding court in any District where the exigencies of the service so require.

Until otherwise provided by the Supreme Court, the branches (salas) of the Courts shall be stationed as follows :

First Regional District: Branch I—Tuguegarao, Cagayan; Branch II—Ilagan, Isabela; Branch III—Santiago, Isabela; Branch IV—Bayombong, Nueva Vizcaya; and Branch V—Cabarroguis, Quirino;

Second Regional District: Branch I—Laoag City; Branch II—San Fernando, La Union; and Branch III— Tabuk, Kalinga-Apayao;

Third Regional District: Branch I—Lingayen, Pangasinan; Branch II—Urdaneta, Pangasinan; Branch III— Tayug, Pangasinan; and Branch IV—Iba, Zambales;

Fourth Regional District: Branch I—Cabanatuan City; Branch II—Guimba, Nueva Ecija; Branch III—San Jose City; Branch IV—Gapan, Nueva Ecija; Branch V—Tarlac, Tarlac; and Branch VI—Paniqui, Tarlac;

Fifth Regional District: Branch I—San Fernando, Pampanga; Branch II—Angeles City; Branch III—Guagua, Pampanga; Branch IV—Balanga, Bataan; Branch V—Malolos, Bulacan; and Branch VI—Baliuag, Bulacan;

Sixth Regional District: Branch I—Metropolitan Manila (Sala of the Executive Judge);

Seventh Regional District: Branch I—Pasig, Rizal; Branch II—Cavite City; and Branch III—Puerto Princesa City;

Eight Regional District: Branch I—Calamba, Laguna; Branch II—San Pablo City; Branch III—Lipa City; Branch IV—San Jose, Occidental Mindoro; and Branch V—Calapan, Oriental Mindoro;

Ninth Regional District: Branch I—Lucena City; Branch II—Gumaca, Quezon; and Branch III—Baler, Quezon;

Tenth Regional District: Branch I—Daet, Camarines Norte; Branch II—Naga City; Branch III—Legaspi City; and Branch IV—Sorsogon, Sorsogon;

Eleventh Regional District: Branch I—Iloilo City; Branch II—San Jose, Antique; Branch III—Roxas City; and Branch IV—Kalibo, Aklan;

Twelfth Regional District: Branches I and II—Bacolod City; Branch III—San Carlos City; and Branch IV—Dumaguete City;

Thirteenth Regional District: Branch I—Ormoc City; Branch II—Tacloban, Leyte; and Branch III—Catarman, Northern Samar;

Fourteenth Regional District: Branch I—Cebu City;

Fifteenth Regional District: Branch I—Butuan City; Branch II—Surigao City; and Branch III—Tandag, Surigao del Sur; and

Sixteenth Regional District: Branch I—Davao City; Branch II—Cotabato City; Branch III—Ozamis City; Branch IV—Pagadian City; Branch V—Cagayan de Oro City; and Branch VI—Iligan City.

In the interest of justice, the Supreme Court may transfer stations within the District and establish new Branches (salas).

Every Judge shall reside within a distance of not more than fifty (39) kilometers by the most direct transportation route from his official station.

SEC. 3. Judges of the Courts of Agrarian Relations.— The functions of the Courts of Agrarian Relations shall be vested in an Executive Judge and the District Judges. They shall be appointed by the President of the Philippines; Provided, however, That the incumbent Executive judge and District Judges at the time of the effectivity of this Decree shall continue as Judges without need of new appointments. Upon the effectivity of this Decree, the said Executive Judge shall continue to exercise the administrative functions over the Courts of Agrarian Relations except as otherwise herein provided.

In the event that the Executive Judge is incapacitated to discharge his duties, temporarily or otherwise, the Chief Justice shall designate an Acting Executive Judge from among the District Judges of the Courts of Agrarian Relations.

SEC. 4. Qualifications of Judges; Tenure of Office; Compensation.—No person shall be appointed as Executive Judge or Regional District, Judge of the Courts of Agrarian Relations unless he (a) is a natural born citizen of the Philippines; (b) has practiced law in the Philippines for a period of not less than ten (10) years or has held during a like period an office requiring admission to the practice of law as an indispensable requisite; and (c) has had at least four (4) years of experience and background in agrarian relations law or agrarian reform before, during or

after such period of practice or tenure of office; Provided, however, That in exceptionally meritorious cases, this qualification may be dispensed with.

Judge of the Courts of Agrarian Relations shall serve during good behavior, until they reach the age of sixty-five (65) years or become incapacitated to discharge the duties of their office, unless sooner removed from office in accordance with law-

Judges of the Courts of Agrarian Relations shall receive the same compensation as Judges of the Courts of First Instance. The Executive Judge shall receive such additional compensation and emoluments as may be authorized by the Supreme Court.

SEC. 5. Retirement and Leave Privileges; Traveling Expenses.—Judges of the Courts of Agrarian Relations shall be entitled to the same retirement and leave privileges now granted or that may hereafter be granted to Judges of the Courts of First Instance. They shall be entitled to traveling expenses as provided for by law.

SEC. 6. Assignment of Judges to Vacation Duty.—The assignment of Judges of the Courts of Agrarian Relations to vacation duty shall be made by the Chief Justice in consultation with the Executive Judge.

SEC. 7. Oath of Office.—Before entering upon the discharge of the duties of his office, every Judge shall take and subscribe to an oath of office as prescribed by the Supreme Court, and shall submit to the latter a sworn statement to the effect that all applicable agrarian laws have been observed on his lands, if any, in those of his wife and minor children.

SEC. 8. Division of Business Among Branches.—Responsibility for official business appertaining to the Courts of Agrarian Relations of each Regional District, where there are two or more Branches, shall be equitably distributed among the Branches as may be agreed upon by the Judges themselves. Should the Judges fail to agree, then the Executive Judge shall make the proper distribution.

SEC. 9. Period for Resolution and/or Decision: Certification.—Every Judge of the Courts of Agrarian Relations shall resolve, within a period of fifteen (15) days from submission by the parties, all petitions, incidents and motions, and decide all cases submitted for decision within a period of thirty (30) days. He shall, at the end of each month, so certify in writing his compliance with the foregoing, and no leave shall be granted and no salary shall be paid without such certificate.

For cases pending decision at the time this Decree takes effect, the period shall be counted from the completion and submission of the transcript of stenographic notes. The stenographers concerned shall submit said transcript not later than thirty (30) days from the effectivity of this Decree.

SEC. 10. Time and Place of Holding Court.—Sessions of the Courts of Agrarian Relations shall be held on all working days when there are cases ready for trial or incidents set for hearing. The Judge shall extend the sessions whenever necessary. The hours for the daily business of the Court shall be from eight o'clock in the morning to twelve o'clock noon and from one to five o'clock in the afternoon.

Sessions of the Courts of Agrarian Relations shall be held at the official stations of the respective Branches: Provided, however, that whenever necessary in the interest of just, expeditious and inexpensive administration of justice, a Judge shall hold court in any appropriate place in the municipality, where the subject matter of the dispute is located, preferably in the barrio or barangay center.

SEC. 11. Detail of Judges.—Whenever the condition of the docket of any Branch within any District requires the assistance of an additional Judge or Judges, or when there is any vacancy therein, the Executive Judge may assign any Judge of that District whose docket permits his temporary absence from his Court, to hold sessions in the

Branch needing such assistance or where the vacancy exists.

Any Judge may be detailed outside his District by the Chief Justice upon consultation with the Executive Judge.

Whenever a Judge of any Branch of the Courts of Agrarian Relations is assigned, transferred or detailed to another Branch or District or to another court of equal rank or jurisdiction without having decided a case totally heard by him and which was duly argued or in which opportunity for argument was given to the parties or their counsel, he shall prepare and sign his decision in said case anywhere within the Philippines and send the same by registered mail to the clerk of court to be filed in the proper Branch as of the date when the same was received by the clerk, which shall to all legal intents and purposes have the same effect as if the Judge were present in the court to direct the filing of the judgment: Provided, however, That if a case has been heard only in part, the Chief Justice, upon petition of any of the interested parties to the case, may authorize the Judge who has partly heard the case to continue hearing and to decide said case notwithstanding his assignment to another Branch or District, under such conditions as the Chief Justice may specify.

SEC. 12. Jurisdiction over Subject Matter.—The Courts of Agrarian Relations shall have original and exclusive jurisdiction over:

- Cases involving the rights and obligations of persons in the cultivation and use of agricultural land except those cognizable by the National Labor Relations Commission; Provided, That no case involving the determination of rentals over any kind of tenanted agricultural land shall be taken cognizance of by the Courts of Agrarian Relations unless there has been a prior fixing of provision rental by the Department of Agrarian Reform, except that the tenant-farmer may directly bring the case for immediate determination by the Courts of Agrarian Relations;

- Questions involving rights granted and obligations imposed by laws, Presidential Decrees, Orders, Instructions, Rules and Regulations issued and promulgated in relation to the agrarian reform program;

Provided, however, That matters involving the administrative implementation of the transfer of the land to the tenant-farmer under Presidential Decree No. 27 and amendatory and related decrees, orders, instructions, rules and regulations, shall be exclusively cognizable by the Secretary of Agrarian Reform, namely:

- classification and identification of landholdings;
- identification of tenant-farmers and land-owners, and determination of their tenancy relationship;
- parcellary mapping;
- determination of the total production and value of the land to be transferred to the tenant-farmer;
- issuance, recall or cancellation of certificates of land transfer in cases outside the purview of Presidential Decree No. 816;
- right of retention of the landowner;
- right of the tenant-farmer to a home lot;
- disposition of the excess area in the tenant's farmholding;
- change of crop from rice and/or corn to any other agricultural crop;
- issuance of certification for the conversion of tenanted rice and/or corn land for residential, commercial, industrial, or other urban purposes, it being understood that the authority to issue certificates for conversion of other kinds of tenanted agricultural land for the same purposes remains vested in the Secretary of Agrarian

Reform;

- transfer, surrender or abandonment by the tenant-farmer of his farmholding and its disposition; and
- increase of tillage area by a tenant-farmer;

Provided, further, That the decision of the Secretary of Agrarian Reform may be appealed to the President of the Philippines.

- Cases involving the collection of amortizations on payments for lands acquired under Presidential Decree No. 27, as amended, Commonwealth Act Numbered twenty, as amended, Commonwealth Act Numbered five hundred thirty-nine, as amended, Republic Act Numbered eleven hundred and sixty, as amended, Republic Act Numbered fourteen hundred, as amended, Republic Act Numbered thirty eight hundred and forty-four, 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 Department of Agrarian Reform;
- Cases involving collection of amortizations on payments for farm machineries and implements distributed and sold by the Department of Agrarian Reform and the Land Bank of the Philippines to tenant-farmers, agricultural lessees, settlers, owner-cultivators, amortizing owner-cultivators, the Samahang Nayan, compact farms, farmers cooperatives, and other registered farmers' associations or organizations, as well as payment for indebtedness of settlers by reason of the assistance given them by the Department of Agrarian Reform in the form of seeds, work animals, houses, subsistence, transportation, medicines, farm implements, tools, and the like;
- Cases involving collection of amortizations on payments for irrigation systems and/or water rights grants, as well as irrigation fees, charge and/or rentals;
- Cases involving collection of rentals on agricultural lands leased by the Department of Agrarian Reform or Land Bank and collection of agricultural loans granted to tenant-farmers, agricultural lessees, settlers, owner-cultivators, amortizing owner-cultivators, the Samahang Nayan, compact farms, farmers' cooperatives and other registered farmer associations or organizations;
- 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 Department of Agrarian Reform and the Land Bank, as well as emancipation patents issued under Presidential Decree No. 266, home stead patents, free patents, and miscellaneous sales patents to settlers in settlement and resettlement areas under the administration and disposition of the Department of Agrarian Reform;
- Cases involving boundary disputes over lands under the administration and disposition of the Department of Agrarian Reform and the Land Bank, which are transferred, distributed and/or sold to tenant-beneficiaries and are covered by deeds of sale, patents and certificates of titles;
- Cases arising out of, or in connection with, membership in the Samahang Nayan, compact farms, farmers' cooperatives and other registered farmers' associations or organizations, and the rights and obligations arising from such membership;
- Cases arising directly or indirectly between corporations or partnerships covered by General Order No. 47 and tenant-farmers, agricultural lessees, settlers, owner-cultivators, amortizing owner-cultivators, the Samahang Nayan, compact farms, farmers' cooperatives, and other registered farmers' associations or organizations, and between such corporation or partnership and other corporations, partnership, associations or single proprietorships where the questions involved affects the rights and interests of the persons herein mentioned;

- 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 and effecting the ouster of the interloper or intruder in one and the same proceeding;
- Cases involving the sale, alienation, mortgage foreclosure, pre-emption and redemption of tenanted agricultural land;
- Cases involving expropriation of all kinds of land in furtherance of the agrarian reform program;
- Expropriation proceedings for public purpose of all kinds of tenanted agricultural land, whether instituted by the State, its political subdivisions and instrumentalities, or corporations and entities authorized by law to expropriate;
- Cases involving acquisition by the Department of Agrarian Reform of irrigation system and/or water rights grants for the benefits of tenant-farmers, agricultural lessees, settlers, owner-cultivators, amortizing owner-cultivators, the Samahang Nayan, compact farms, farmers' cooperatives, and other registered farmers' associations or organizations, the Department of Agrarian Reform being hereby vested with the authority to construct irrigation systems and apply for water rights grants for the purpose herein provided;
- Ejectment proceedings instituted by the Department of Agrarian Reform and the Land Bank involving lands under their administration and disposition, except urban properties belonging to the Land Bank;
- Cases involving violations of the penal provisions of Republic Act Numbered eleven hundred and ninety-nine, as amended, Republic Act Numbered thirty eight hundred and forty-four, as amended, Presidential Decrees and laws relating to agrarian reform; Provided, however, That violations of the said penal provisions committed by any Judge shall be tried by the courts of general jurisdiction; and
- Violations of Presidential Decrees Nos. 815 and 816. No tenant-farmer in agricultural lands primarily devoted to rice and/or corn shall be ejected or removed from his farm-holding until such time as the respective rights of the tenant-farmer and the landowner shall have been determined in accordance with rules and regulations implementing Presidential Decree No. 27.

No Judge of the Courts of Agrarian Relations, Courts of First Instance, municipal or city courts, or any other tribunal or fiscal shall take cognizance of any ejectment case or any other case designed to harass or remove a tenant of an agricultural land primarily devoted to rice and/or corn, unless certified by the Secretary of Agrarian Reform as a proper case for trial or hearing by a court or Judge or other officer of competent jurisdiction, and if any such case is filed, the case shall first be referred to the Secretary of Agrarian Reform or his authorized representative in the locality for a preliminary determination of the relationship between the contending parties. If the Secretary of Agrarian Reform or his authorized representative in the locality finds that the case is a proper case for the Court or Judge or other hearing officer to hear, he shall so certify and such court, Judge or other hearing officer may assume jurisdiction over the dispute or controversy.

The preliminary determination of the relationship between the contending parties by the Secretary of Agrarian Reform or his authorized representative, is not binding upon the court, Judge or hearing officer to whom the case is certified as a proper case for trial. Said court, Judge or hearing officer, after hearing, may confirm, reverse or modify said preliminary determination as the evidence and substantial merits of the case may warrant.

SEC. 13. Territorial Jurisdiction; Venue of Action.—All actions except criminal cases falling within the jurisdiction of the Courts of Agrarian Relations shall be commenced by a written complaint filed with the office of the clerk of court of the Branch within whose territorial jurisdiction the land directly involved is situated.

Every Branch shall have territorial jurisdiction over all cases directly involving lands within the entire Regional District where its official station is located.

Where a party questions the territorial jurisdiction of a Branch, said Branch shall forthwith determine whether the land directly involved in the proceeding is within its territorial jurisdiction. Upon finding the contrary, the said Branch shall promptly forward the case to the Branch within whose territorial jurisdiction the land subject matter of the case is located.

Where the land directly involved straddles two or more Regional Districts, the Branch in any of the said Districts where the case is first instituted, shall have exclusive territorial jurisdiction.

If there be any conflict of territorial jurisdiction between Courts of two or more Regional Districts, the Supreme Court shall resolve such conflict administratively.

Where the land involved is located within a Regional District, but the case is filed in a Branch in another Regional District, and none of the parties objects, that Branch shall proceed to hear the case and decide it on the merits. Where any of the parties objects, but the Branch is of the opinion that it has territorial jurisdiction, it shall likewise proceed to hear the case and decide it on the merits. If on appeal the appellate court finds that the Branch had no territorial jurisdiction over the case, it shall nevertheless decide the appeal on the merits.

Where the question of territorial jurisdiction is not raised in the Courts of Agrarian Relations, all parties are estopped from raising the issue on appeal or in any other proceeding.

Any problem of territorial jurisdiction not covered by the foregoing provisions shall be governed by rules to be promulgated by the Supreme Court.

In the cases covered by paragraph (f), (i) and (j) of the preceding section, where one of the parties involved is a tenant-farmer, agricultural lessee, settler, owner-cultivator or amortizing owner-cultivator, the action shall be commenced and tried in the Regional District where the farmholding of such party is located. Where the action is between parties other than those enumerated, the action shall be commenced and tried in the regional District where the main office of the Samahang Nayon, compact farm, farmers' cooperative or registered farmers' association or organization is located. Where the action is between a corporation or partnership covered by General Order No. 47, and any other corporation, partnership, association or single proprietorship, the action shall be commenced and tried in the Regional District where the main office of any of the parties is located.

SEC. 14. Powers of Courts of Agrarian Relations.—Every Court of Agrarian Relations shall have all the powers and prerogative inherent in or belonging to the Court of First Instance, including the following:

- To punish for direct and indirect contempt;
- To preserve and enforce order in its immediate presence;
- To enforce order in proceedings before it, or before a person or persons empowered to conduct a judicial investigation under its authority;
- To compel obedience to its judgments, orders and processes, and to the lawful orders of a Judge out of court, in a case pending therein;
- To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a case before it, in every manner appertaining thereto;
- To compel the attendance of persons to testify in a case pending therein;

- To administer or cause to be administered oaths in a case pending therein, and in all other cases where it may be necessary in the exercise of its powers;
- To amend and control its processes and orders so as to make them conformable to law and justice;
- To authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original, and to restore, and supply deficiencies in its records and proceedings:
- To require the assistance of all agencies and offices of the Government in the performance of its duties without additional compensation: and
- To allow duly authorized leaders of duly registered farmers' organizations to appear as counsel for their respective members and/or organizations, subject to the basic duties and obligations of officers of the court. Upon appeal, however, the parties shall be represented by members of the Bar only.

Courts of Agrarian Relations may employ all auxiliary writs, processes and other means necessary to carry their jurisdiction into effect.

All writs and processes issued by the Courts of Agrarian Relations shall be served and executed free of charge by provincial or city sheriffs, or by any person authorized by the said Courts, in the same manner as writs and processes of Courts of First Instance.

SEC. 15. Disqualification of Judges.—No Judge of the Courts of Agrarian Relations shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel. without the written consent of all parties in interest, signed by them and entered upon the record.

SEC. 16. Rules of Procedure.—The Court of Agrarian Relations shall adopt uniform rules of procedure on matters not provided for in this Decree in order to achieve a just, expeditious and inexpensive determination of every action or proceeding filed before them. The Rules of Court shall not be applicable to agrarian cases, even in a suppletory character. It is the spirit and intention of this Decree that the Courts of Agrarian relations shall utilize and employ every and all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case, without regard to technicalities of law and procedure. To this end, each Court of Agrarian Relation shall have the authority to adopt any appropriate measure or procedure in any situation or matter not provided for or covered by this Decree and in the uniform rules of procedure of the Court of Agrarian Relations. All such special measures or procedures, and the situations to which they are applied shall be reported to the Supreme Court by the individual Judges through the Executive Judge who shall furnish copies of such reports to all the other Judges.

Where there is doubt in the application of the uniform rules or in the construction and interpretation of this Decree or of any contract between the parties, the doubt shall be resolved in favor of the tenant-farmers, agricultural lessees, settlers, owner-cultivators, amortizing owner-cultivators, the Samahang Nayan, compact farms, farmers' cooperatives and other registered farmers' associations or organizations.

In criminal and expropriation cases the Rules of Court shall apply.

In the hearing, investigation and determination of any question or controversy, affidavits and counter-affidavits may be allowed and are admissible in evidence.

Direct testimonies of witnesses shall be in narrative form subject to cross examination.

In cases where the tenurial status of a person is in issue, the Court of Agrarian Relations shall not issue an order restraining the actual tiller from cultivating the land, or impounding the harvest without providing him with at least fifty percent of the net harvest.

Should the impounding of the harvest be at the instance of the landholder, he shall file a cash bond to be fixed by the Court, to answer for such damages as may be suffered by the tiller who is found to be a lawful tenant. In case of the malicious denial of the tenancy relationship by the landholder, he shall be subject to the payment of exemplary damages equivalent to at least the value of the harvest impounded.

Where a party is a tenant-farmer, agricultural lessee or tiller, settler, or amortizing owner-cultivator, he shall be entitled to the rights of a pauper and/or indigent litigant and the privileges of an indigent litigant under Republic Act Numbered sixty hundred and thirty-five without further proof thereof. He shall continue to enjoy such status as pauper and/or indigent litigant in the appellate courts and until the case is finally disposed of.

An agricultural tiller, tenant or lessee who has been allowed to litigate as a pauper and/or indigent litigant shall be entitled to the issuance of a duly certified copy of the transcript of stenographic notes of the hearing, which shall be given to him free of charge. Any undue delay in the transcription of the stenographic notes or in the issuance of a duly certified copy of said transcript in favor of said party and any charging of fees against him in connection therewith shall be dealt with administratively.

SEC. 17. Pleadings; Hearings; Limitation on Postponements.—The defendant shall file his answer to the complaint (not a motion to dismiss), within a non-extendible period of ten (10) days from service of summons, and the plaintiff shall file his answer to the counterclaim, if there be any, within a non-extendable period of five (5) days. There shall be no declaration of default for failure to file the answer within the period herein provided. Immediately upon receipt of the last pleading completing the joinder of issues, or the expiration of the period for filing the same, the Court shall set the case for hearing. On the date of hearing but before actually receiving evidence on the case, the Court shall endeavor to settle the case amicably, Provided, That in no case shall any amicable settlement work out to give the agricultural lessee or tenant less rights, benefits or advantage than the law grants him; and, Provided, further, That a judgment approving such amicable settlement shall not be executory until after fifteen (15) days from notice. If an agreement as to the whole or any part of the case is arrived at, the same shall be reduced to writing, signed and acknowledged by the parties and counsels, if present, before the Judge which shall be the basis of a decision. Where no such agreement is affected, the Court shall proceed with the trial, which shall be continuous until terminated. The absence of counsel of any or both the parties shall not be a ground for postponement or continuance, provided they were duly notified. No motion to dismiss shall be entertained at any stage of the proceedings.

No order of the Courts of Agrarian Relations on any issue, question, matter or incident raised before them shall be contested in any action or proceeding before the appellate courts until the hearing shall have been terminated and the case decided on the merits.

SEC. 18. Appeals.—An appeal may be taken to the Court of Appeals by giving an oral or written notice of appeal with the trial court within the period of fifteen (15) days from notice of order or decision. A copy of the written notice of appeal shall be served within the same period upon the adverse party. In case the notice of appeal is orally made, the clerk of court shall reduce the same to writing, which shall be signed by the appellant and a copy thereof served within the same period by the clerk of court to the adverse party.

In case a motion for reconsideration is filed within that Period of fifteen (15) days, the notice of appeal shall be filed within ten (10) days from notice of the resolution denying the motion for reconsideration. Only one motion for reconsideration shall be allowed a party.

The Court of Appeals shall affirm the decision or order or the portions thereof appealed from if the findings of fact in the said decision or order are supported by substantial evidence as basis thereof, and the conclusions stated therein are not clearly against the law and jurisprudence. The Court of Appeals shall not be precluded from taking into consideration any issue, question or incident, even if not raised, if resolution thereof is necessary for a complete and just disposition of the case.

The Court of Agrarian Relations shall forward to the Court of Appeals the complete records of the case within a non-extendible period of fifteen (15) days from receipt of a notice of appeal, if no motions for reconsideration are filed. In the event that motions for reconsideration are filed, the records shall be forwarded to the appellate court within a like period from receipt by the party concerned of the denial of the last motion for reconsideration.

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

Upon receipt of the records of the case from the Court of Agrarian Relations, the Court of Appeals may, if it deems necessary, require the parties to file simultaneous memoranda within a non-extendible period of fifteen (15) days from notice; the appellate court shall decide the case within thirty (30) days from receipt of said records or memoranda.

No motion for rehearing or reconsideration shall be allowed in the Court of Appeals.

All cases of the Courts of Agrarian Relations now pending before the Court of Appeals shall remain in the Divisions to which they have been assigned, and shall be within sixty (60) days from the effectivity of this Decree: Provided, however, That if the decision or order be an affirmance in toto of the dispositive conclusion of the judgment appealed from, then the Court of Appeals may, instead of rendering an extended opinion, indicate clearly the trial court's findings of fact and pronouncements of law which have been adopted as basis for the affirmance.

Upon the effectivity of this Decree, the Court of Appeals shall designate at least two (2) of its Divisions to which all appealed agrarian cases shall be assigned, and these cases shall have priority over other cases.

The decisions or orders of the Court of Appeals may be appealed to the Supreme Court by petition for review on certiorari only on questions of law, within a non-extendible period of thirty (30) days from receipt by the appellant of a copy of the decision or order.

SEC. 19. Exercise by the Supreme Court of its Rulemaking Power.—In order to achieve a just, expeditious and inexpensive disposition of agrarian cases, the Supreme Court, in the exercise of its rule-making power, may supplement, modify, alter and/or amend the rules of practice and procedure herein provided, as well as such additional rules of practice and procedure as may be promulgated by the Courts of Agrarian Relations.

SEC. 20. Monthly Report.—Every Court of Agrarian Relations shall submit to the Supreme Court within the first ten days of each month a brief report for the previous month, showing the number and nature of cases filed and tried, the places of hearing, and the status of each case.

A copy of the report shall be furnished the Executive Judge with copies of the decisions rendered and orders issued during the month. Such decisions and orders shall be complied by the Executive Judge, and decisions and orders in important cases shall be reported by him in appropriate form, furnishing the Supreme Court, the Court of Appeals and the Department of Agrarian Reform, copies thereof together with their syllabi.

SEC. 21. Courtrooms, Offices and Facilities.—The court-rooms and offices of the Courts of Agrarian Relations in the provinces shall be provided by the respective provincial governments; Provided, however, That where a Court

is stationed within a city the expenses therefore shall be shared equally between the provincial and city governments. The courtrooms and offices shall be located, whenever possible, in the same buildings as the Court of First Instance. Expenses for the maintenance, equipment, supplies, servicing, repair and alteration thereof shall be borne by the national government.

SEC. 22. Administrative Provisions.—Until otherwise provided by the Supreme Court each Branch shall have a personnel complement composed of one(1) clerk of court and ex-officio sheriff, one (1) deputy clerk of court, one (1) legal researcher, four (4) court stenographers, one (1) interpreter, two (2) clerks, one (1) deputy sheriff, one (1) bailiff, one (1) janitor, one (1) driver, and two (2) security guards. The personnel complement of the Central Office of the Court shall be composed of (A) Office of the Executive Judge—One (1) private secretary, one (1) executive Assistant, one (1) clerk-stenographer, one (1) driver and one (1) messenger; (B) Management Staff—One (1) head of staff, one (1) assistant head of staff, two (2) management analysts, two (2) statisticians, one (1) personnel analyst, two (2) field auditors, and one (1) clerk-typist;(C) Finance Division—one (1) chief, one(1)assistant chief, and one (1) clerk; and in its Budget Section— one (1) chief, one (1) budget analyst and three (3) fiscal clerks; in its Accounting Section—one (1) chief, one (1) accountant, three (3) accounting clerks, two (2) book-keepers, three (3) clerks and two (2) typists; and in its Cash Section—one (1) cashier, two (2) cash clerks, and one (1) clerk-typist; (D) Administrative Division—one, chief, one (1) assistant chief, two (2) clerks and one (1) stenographer; and in its Personnel Section—one (1) chief, one (1) training officer, two (2) personnel clerks, two (2) leave clerks and one (1) clerk-typist; in its Records Section—one (1) chief, two (2) records clerks and two (2) filers; in its Property Section—one (1) chief, one (1) property clerk, two (2) stock clerks, and two (2) laborers; in its Medical Section—one (1) physician, one (1) dentist, one (1) dental aid and one (1) nurse; and in its General Service Section—one (1) chief, one (1) chief security guard, eight (8) security guards, two (2) auto mechanics, two (2) laborers, two (2) drivers, one (1) electrician and five (5) janitors; and (E) Legal Division— One (1) chief, one (1) assistant chief, and one (1) clerk-typist; and in its Research Section—one (1) chief, eight (8) attorneys and one (1) steno-typist; in its Publication Section—one (1) chief, two (2) attorneys, two (2) steno-typists; two (2) syllabi writers, one (1) mimeograph operator and one (1) janitor; and in its Library Section—one (1) librarian, one (1) library assistant and one (1) laborer.

The positions of Commissioners are hereby abolished.

The Supreme Court is hereby vested with authority to convert, consolidate, merge or abolish such offices, services, divisions, staff units and positions in the Court of Agrarian Relations, provide for or modify staffing patterns and salary scales, and create special positions to suit the particular needs of any Branch of the Courts, in order to allow them to effectively and expeditiously carry out their functions under this Decree. In the interest of the public service, the Chief Justice may, upon recommendation of the Judge of the Court of Agrarian Relations concerned, authorize the substitution of other positions in lieu of those provided herein.

The salaries of officials and employees in the Central Office and in the Branches of the Court shall be determined by the Supreme Court.

All officials and employees of the Central Office and the Branches of the Court shall be appointed by the Chief Justice in accordance with civil service laws, rules and regulations.

The present officials and employees of the Courts of Agrarian Relations shall continue in office. However, unless reappointed within a period of six (6) months from the effectivity of this Decree, they shall be considered separated from the service as of the end of that period, and shall be paid a gratuity at the rate equivalent to one month's salary for every year of service rendered in the government based on the highest salary received and such other benefits to which they may be entitled; Provided, That if said officials and employees are eligible for

retirement under any retirement law, they shall have the option to retire and receive the gratuity or pension under such law, payable from the appropriations of the Courts including balances of certifications to accounts payable which have not been reverted to surplus, and provision of law, decree, rule or regulation to the contrary notwithstanding.

SEC. 23. Appropriations.—The appropriations of the Courts of Agrarian Relations authorized in Presidential Decree No. 733 and other appropriation laws and decrees are hereby made available and restructured to carry out the purposes of this Decree: Provided, That in case said appropriations are not sufficient for the said purposes as certified to by the Chief Justice the additional amount of Five (5) Million Pesos is hereby automatically appropriated, and shall be incorporated in subsequent appropriation laws.

SEC. 24. Miscellaneous Provision.—All government agencies directly or indirectly involved in the agrarian reform program shall make available to the Court of Agrarian Relations the necessary facilities to carry out the functions of said Courts.

SEC. 25. Separability of Provisions.—If for any reason any section or provisions of this Decree shall be declared unconstitutional or invalid by the Supreme Court, no other provision of this Decree shall be affected thereby.

SEC. 26. Repealing Clause.—All decrees, laws, and orders, or provisions thereof, inconsistent with the provisions of his Decree are hereby repealed and/or modified accordingly. Chapter IX of Republic Act numbered thirty-eight hundred and forty-four, as amended, is hereby repealed.

SEC. 27. Effectivity.—This Decree shall take effect immediately.

Done in the City of Manila, 17th day of June, in the year of Our Lord, nineteen hundred and seventy-six.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

JACOBO C. CLAVE

Presidential Executive Assistant

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