

OCA CIRCULAR NO. 62-2010, April 28, 2010

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TO:

ALL JUDGES OF LOWER COURTS

SUBJECT:

IMPLEMENTATION OF SECTIONS 7 AND 50-A OF R.A. No. 6657, ALSO KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS RESPECTIVELY AMENDED BY SECTIONS 5 AND 19 OF R.A. No. 9700 (AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM [CARP], EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR)

Republic Act No. 9700 (R.A. No. 9700), extending the implementation of the Comprehensive Agrarian Reform Program (CARP) for the next five (5) years, introduced several reforms to Republic Act No. 6657 (R.A. No. 6657) otherwise known as the Comprehensive Agrarian Reform Law of 1988. Among others, Section 5 of R.A. No. 9700 amended Section 7 of R.A. No. 6657 on the priorities in the land acquisition and distribution, while Section 19 of R.A. No. 9700 amended Section 50 of R.A. No. 6657 on the quasi-judicial powers of the Department of Agrarian Reform (DAR).

With respect to Section 7 of R.A. No. 6657 as amended by Section 5 of R.A. No. 9700, the Presidential Agrarian Reform Council (PARC), through Hon. Nasser C. Pangandaman, DAR Secretary and Chairman, PARC Executive Committee, invited the attention of this Court concerning the refusal of some municipal judges to administer the oath in applications of intended beneficiaries under the CARP, pursuant to paragraph 2 thereof, to wit:

"XXXX XXXX XXXX XXXX

Provided, finally, as mandated by the Constitution, Republic Act No. 6657, as amended, and Republic Act No. 3844, as amended, only farmers (tenants or lessees) and regular farmworkers actually tilling the lands, as certified under oath by the Barangay Agrarian Reform Council (BARC) and attested under oath by the landowners, are the qualified beneficiaries. The intended beneficiary shall state under oath before the judge of the city or municipal court that he/she is willing to work on the land to make it productive and to assume the obligation of paying the amortization for the compensation of the land and the land taxes thereon; x x x." (Emphasis supplied.)

Henceforth, all concerned are hereby DIRECTED to judiciously and faithfully OBSERVE the above-mentioned provision of the law in order to ensure the prompt and smooth acquisition and distribution of agricultural lands to our farmers in the countryside.

With respect to Section 50 of R.A. No. 6657, it should be noted as early as 1 July 2002, Administrative

Circular No. 29-2002 was issued to remind all trial court judges of the need for a careful and judicious application of R.A. No. 6657, in view of the increasing number of complaints on matters of jurisdiction over agrarian disputes. The circular cited therein Section 50 as follows:

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

With the enactment of R.A. No. 9700, Section 19 thereof further amended Section 50 of R.A. No. 6657 by adding Section 50-A, thus:

"SEC. 19. Section 50 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:

'SEC. 50-A. Exclusive Jurisdiction on Agrarian Dispute- No court or prosecutor's office shall take cognizance of cases pertaining to the implementation of the CARP except those provided under Section 57 of Republic Act No. 6657, as amended. If there is an allegation from any of the parties that the case is agrarian in nature and one of the parties is a farmer, farmworker, or tenant, the case shall be automatically referred by the judge or the prosecutor to the DAR which shall determine and certify within fifteen (15) days from referral whether an agrarian dispute exists: Provided. That from the determination of the DAR, an aggrieved party shall have judicial recourse. In cases referred by the municipal trial court and the prosecutor's office, the appeal shall be with the proper regional trial court and in cases referred by the regional trial court, the appeal shall be to the Court of Appeals.

In cases where regular courts or quasi-judicial bodies have competent jurisdiction, agrarian reform beneficiaries or identified beneficiaries and/or their associations shall have legal standing and interest to intervene concerning their individual or collective rights and/or interests under the CARP.

The fact of non-registration of such associations with the Securities and Exchange Commission, or Cooperative Development Authority, or any concerned government agency shall not be used against them to deny the existence of their legal standing and interest in a case filed before such courts and quasi-judicial bodies." (Emphasis Supplied.)

This is in consonance with *Department of Agrarian Reform v. Cuenca*,^[1] where the Court stated that "[a]ll controversies on the implementation of the Comprehensive Agrarian Reform Program (CARP) fall under the jurisdiction of the Department of Agrarian Reform (DAR), even though they raise questions that are also legal or constitutional in nature. All doubts should be resolved in favor of the DAR, since the law has granted it special and original authority to hear and adjudicate agrarian matters." (Emphasis supplied)

In *Salazar v. de Leon*,^[2] the Court dismissed the Complaint for recovery of possession of real property and declared that the dispute between the parties as landowner and tenant is agrarian in nature falling within the domain of the DARAB. The Court also noted that such ruling is "in line with the doctrine of primary jurisdiction which precludes the regular courts from resolving a controversy over which jurisdiction has been lodged with an administrative body of special competence."

This jurisprudential trend shows the Court's recognition of DAR as the administrative body of special competence and expertise granted by law with primary and exclusive original jurisdiction over agrarian reform matters. In furtherance of the Court's policy to expedite the resolution of cases involving agrarian disputes and to fully implement the objectives of agrarian reform laws, all courts and judges concerned are hereby enjoined to strictly observe Section 50-A of R.A. No. 6657, as amended by R.A. No. 9700, and refer all cases before it alleged to involve an agrarian dispute to the DAR for the necessary determination and certification.

For your information, guidance, and strict compliance.

28 April 2010.

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

[1]G.R. No. .154112, 23 September 2004, 439 SCRA 15.

[2]G.R. No. 127965, 20 January 2009

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