

RULES AND PROCEDURES GOVERNING MEDIATION/CONCILIATION OF AGRARIAN DISPUTES BY THE BARANGAY AGRARIAN REFORM COMMITTEE (BARC)

DAR, August 30, 1994

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I.

Legal Mandate

Pursuant to Section 47 and 53 of R.A. No. 6657, Section 19 of Executive Order (E.O.) No. 229 and the Department of Agrarian Reform (DAR) Administrative Order No. 14, Series of 1990, the BARC is hereby mandated to mediate/conciliate agrarian disputes brought to it by the contending parties for resolution.

II.

Objectives

One of the major impediments to the implementation of the Comprehensive Agrarian Reform Program (CARP) are the disputes that arise between and among the parties due to their conflicting rights and interests.

In this connection, the DAR shall:

A. Provide a common framework in mediating/conciliating agrarian disputes between and among contending parties relative to tenurial and financial arrangements, and other agrarian -related matters. This aims to:

- Promote the speedy and cost-free administration of justice;
- Alleviate the congestion of Court and DAR Adjudication Board (DARAB) dockets; and
- Develop a sense of commitment and responsibility among landowners and farmer-beneficiaries to comply with their agreements, thus, ensuring the successful implementation of the CARP.

B. Clarify the role of the BARC in the resolution of agrarian disputes. - Nothing in these rules shall be construed to delimit the discretion of the Provincial Agrarian Reform Officers (PAROs), the Regional Directors (RDs), and other DAR officials to mediate agrarian disputes at their respective levels when, in their honest judgment, a principled settlement of the problem shall promote justice and equity, and countryside peace, for all concerned.

III.

Definition of Terms

A. Agrarian Disputes - refer to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship, or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers, associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange the terms and conditions of such tenurial arrangements.

B. Mediation/Conciliation - refers to the process whereby the contending parties are persuaded by the BARC to settle their disputes amicably.

C. Third Party - refers to any recognized and respected elder/leader in the community such as the Datu, Barangay Captain, etc. who assists in an advisory capacity for the speedy settlement of agrarian disputes pertaining to CARP implementation.

IV.

Scope of Application

This shall apply to all agrarian disputes arising out of or in connection with the implementation of the CARP brought before the BARC by a person (natural or juridical) for settlement.

V.

Level of Settlement of Agrarian Disputes

Mediation/conciliation shall be at the following levels:

- a. BARC Chairperson or his/her duly authorized representative;
- b. BARC panel; and
- c. BARC en banc.

VI.

Procedures for the Settlement of Agrarian Disputes

The BARC Chairperson, upon evaluation of the case may decide whether settlement will be at his/her level, through the BARC Panel or through the BARC en banc or any combination thereof. In all cases, the BARC shall endeavor to mediate, conciliate, and settle agrarian disputes lodged before it within 30 days from its taking cognizance thereof. If after the lapse of the 30 day period, it is unable to settle the dispute, the BARC Chairperson shall issue a certification that the dispute has not been settled and shall furnish a copy of the same to both parties within seven (7) days after the expiration of the 30-day period. The certification shall be accompanied by the minutes of the proceeding using M/C Form No.4 and shall be forwarded to the DARAB or the DAR Provincial Office (DARPO) as the case may be.

In case the contending parties desire that mediation/conciliation be conducted in the presence of a respected elder/leader in the community (Datu, Barangay Captain, etc.), the BARC or the Panel Chairperson may invite the latter. In the absence of the BARC Organization in the barangay, the DAR Municipal Office (DARMO) or the DARPO shall initiate the mediation of the case. The PARO shall issue the certification of settlement or no settlement, as the case maybe.

The following procedures shall be adopted in filing the complaint with the BARC:

- A. A written complaint shall be filed using M/C Form 1. In the case of verbal complaint, the BARC Chairperson or Secretary shall reduce in writing the said complaint using the same form to be signed by the complainant, attested by the BARC Chairperson. A corresponding case number shall be assigned to all complaints filed.
- B. The BARC Chairperson shall interview the complainant regarding vital information which shall be entered in the Logbook of Agrarian Disputes using M/C Form 2.
- C. The BARC Chairperson shall issue a Notice of Meeting to both the complainant and defendant using M/C Form 3.
- D. The BARC Panel/Chairperson shall endeavor to have the contending parties agree to an amicable settlement of the dispute.

E. Mediation/conciliation by the BARC Chairperson. The BARC Chairperson shall:

- Review the written complaint and supporting facts gathered in the logbook of Agrarian Disputes;
- Upon successful conclusion of his mediation and conciliation efforts, direct the BARC Secretary to write down the agreements of the contending parties using M/C Form 5 to be signed by them;
- Attest to all written agreements made by the contending parties. Copies of the same shall be provided to the parties, the BARC Chairman and the Municipal Agrarian Reform Officer (MARO); and
- In case of unsuccessful mediation/conciliation efforts, issue the concomitant (M/C Form 6).

F. Mediation/conciliation by the BARC Panel.

The BARC Chairperson shall choose the three-member panel from the regular members of the BARC with the consent of the contending parties. The selected panel shall choose from among themselves who will act as the Panel Chairperson. The Panel Chairperson shall:

- Preside over all meetings;
- Review M/C Form 1 and all other facts originally recorded in the Logbook of Agrarian Disputes and immediately conduct mediation/conciliation.
- Upon successful conclusion, fill out M/C Form 5 specifying the terms of settlement arrived at. This document shall be signed by the contending parties and attested to by Panel Chairperson; and
- In case of unsuccessful mediation/conciliation efforts, issue the certification (M/C Form 6).

G. Mediation/conciliation by the BARC en banc. The BARC Chairperson shall:

1. Convene the regular meetings of the BARC and the contending parties. In all the proceedings of the BARC en banc, a majority of the regular members shall constitute a quorum; and
2. Perform the same enumerated activities/functions in the above items VI-B to D.

VII.

Reporting

The BARC Secretary shall prepare a monthly summary report of agrarian causes filed with the BARC by using M/C Form 7, copy furnished the DARMO.

VIII.

Effectivity

This Order takes effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Sec. 49 of R.A. No. 6657.

Adopted: 30 Aug. 1994

(SGD.) ERNESTO D. GARILAO
Secretary

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