

AVOIDANCE OF CONFLICT OF JURISDICTION OVER CASES UNDER THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988 (R.A. NO. 6657)

SC ADMINISTRATIVE CIRCULAR NO. 29-2002, July 01, 2002

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In view of the increasing number of complaints on matters of jurisdiction over agrarian disputes, the concerned trial court judges are reminded of the need for a careful and judicious application of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, in order to avoid conflict of jurisdiction with the Department of Agrarian Reform (DAR) or the Department of Environment and Natural Resources (DENR). Conflict in jurisdiction must be avoided to prevent delay in the resolution of agrarian problems. In appropriate cases before it the court concerned must not tolerate any delay.

For this purpose, pertinent provisions of R.A. No. 6657 delineating jurisdiction over agrarian disputes are hereby reproduced:

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).

Section 55. 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 PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform.

Section 56. Special Agrarian Courts. -- The Supreme Court shall designate at least one (1) branch of the Regional Trial Court (RTC) within each province to act as a Special Agrarian Court.

The Supreme Court may designate more branches to constitute such additional Special Agrarian Courts as may be necessary to cope with the number of agrarian cases in each province. In the designation, the Supreme Court shall give preference to the Regional Trial Courts which have been assigned to handle agrarian cases or whose presiding judges were former judges of the defunct Court of Agrarian Relations.

The Regional Trial Court (RTC) judges assigned to said courts shall exercise said special jurisdiction in addition to the regular jurisdiction of their respective courts.

The Special Agrarian Courts shall have the powers and prerogatives inherent in or belonging to the Regional Trial Courts.

Section 57. Special jurisdiction. -- The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to land owners, and the prosecution of all criminal offense under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision.

Further, the trial court judges concerned are directed to take note of the decisions of the Supreme Court of 3 December 1990 in *Vda. de Tangub vs. Court of Appeals* (191 SCRA 885), and of 13 September 1991 in *Quismundo vs. Court of Appeals* (201 SCRA 609).

Strict compliance is hereby enjoined. The Office of the Court Administrator is directed to implement this Administrative Circular, which shall take effect upon its issuance.

Issued this 1st day of July 2002.

(Sgd.)HILARIO G. DAVIDE, JR.

Chief Justice

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