NATIONAL ADMINISTRATIVE REGISTER · [DAR ADMINISTRATIVE ORDER NO. 02 S. 1991, FEBRUARY 15, 1991] · NOVEMBER 8, 1989

RULES AND REGULATIONS ON SUMMARY ADMINISTRATIVE PROCEEDINGS ON LAND COMPENSATION

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Pursuant to the authority vested under Section 49 of Republic Act No. 6657 otherwise known as the "Comprehensive Agrarian Reform Law of 1988", and implementing the provisions of Section 16 thereof on Land Acquisition, the following rules and regulations are hereby promulgated:

SECTION 1. Administrative Determination of Compensation — When the notice of Land Valuation and offer of compensation issued by the proper Regional Agrarian Reform Officer (RARO) pursuant to paragraph D(2) of DAR Administrative Order No. 9, series of 1990, for the acquisition of the land is either rejected by or no response is received from the landowner within the prescribed period of thirty (30) days, the matter, together with the corresponding Claim Folder (CF) and other pertinent records thereof, shall forthwith be transmitted to the Department of Agrarian Reform Adjudication Board (DARAB) for administrative summary proceedings. Where the total amount of compensation being demanded by the landowner does not exceed Fifty Thousand Pesos (P50,000.00), the proceedings shall be conducted by the Provincial Agrarian Reform Adjudicator (PARAD) concerned.

SECTION 2. Summary Procedure — Upon receipt of the CACF by the DARAB or the PARAD, as the case may be, the matter shall be docketed as a case for the fixing of just compensation. A notice of hearing shall be sent to the landowner, the Land Bank of the Philippines (LBP) and other interested parties, to submit evidence on the issue of valuation of the land sought to be acquired within fifteen (15) days from notice. The parties may also submit a memorandum on their position with respect to the issues raised in the proceedings within the same period of fifteen (15) days. Upon the expiration thereof, the matter shall be deemed submitted for decision.

SECTION 3. Time for Decision — Within thirty (30) days after the case is submitted for decision, the DARAB/PARAD shall promulgate a decision fixing the just compensation of the land sought to be acquired.

SECTION 4. Decision Immediately Executory; No Motion for Reconsideration — The decision of the DARAB/PARAD on the valuation and just compensation of the land shall be immediately executory in so far as land acquisition is concerned. No motion for reconsideration of its decision fixing the just compensation for lands to be distributed under the Comprehensive Agrarian Reform Program (CARP) shall be entertained. The landowner, however, is not precluded from ventillating his case with the Special Agrarian Courts on the issue of just compensation.

SECTION 5. Notice to Landowner Accompanying the Decision — The copy of the decision of the DARAB/PARAD fixing the compensation of the land shall be sent to the landowner together with a letter notifying him of his right to choose and indicate the mode of payment that he prefers in accordance with Section 18 of Republic Act No. 6657. The landowner shall be given a period of fifteen (15) days within which to respond and indicate such preference.

SECTION 6. Distribution to Beneficiaries — Upon receipt of the indicated preference or expiration of the period provided in the immediately preceding section, the RARO concerned shall request the LBP to prepare the Deed of

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Transfer for signature of the landowner, or request said bank, with advice to the said landowner, to adjust the Trust Deposit so as to conform with the decision of the DARAB/PARAD, as the case may be, and, thereafter, take, through the Provincial Agrarian Reform Officer (PARO), physical possession of the land and proceed with the distribution thereof to the qualified beneficiaries in the manner provided in Paragraphs H et sequentis of DAR Administrative Order No. 9, series of 1990.

SECTION 7. Repealing Clause — DAR Administrative Order No. 13 promulgated on November 8, 1989, and such other issuances which are inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 8. Effectivity — This Administrative Order shall take effect ten (10) days after publication in two (2) national newspapers of general circulation.

Adopted: Filed: 15 Feb. 1991

(SGD.) BENJAMIN T. LEONG
Secretary

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