

**THE 2009 DEPARTMENT OF AGRARIAN REFORM ADJUDICATION
BOARD RULES OF PROCEDURE**

Pursuant to the provisions of Section 49 and 50 of Republic Act (R.A.) No. 6657 as amended by R.A. No. 9700 and Section 34 of Executive Order (E.O.) No. 129-A in relation to Section 13 thereof, the following rules governing the conduct of proceedings before the Department of Agrarian Reform Adjudication Board (DARAB) and its Regional and Provincial Adjudication Offices, are hereby adopted and promulgated.

RULE I

General Provisions

SECTION 1. Title. — These Rules shall be known as the 2009 Department of Agrarian Reform Adjudication Board (DARAB) Rules of Procedure.

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of the agrarian reform program and to promote just, expeditious and inexpensive adjudication and settlement of agrarian cases, disputes, or controversies.

All references in these Rules to the Members of the Board or the Adjudicators in the masculine (he, him, or his) shall be construed to also mean the feminine form (she, her, or hers).

SECTION 3. Technical Rules Not Applicable. — The Board and its Regional and Provincial Adjudication Offices shall not be bound by technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all agrarian cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity.

- a. If and when a case comes up for adjudication wherein there is no applicable provision under these rules, the procedural law and jurisprudence generally applicable to agrarian disputes shall be applied.
- b. The Adjudication Board (Board), and its Regional Agrarian Reform Adjudicators (RARADs) and Provincial Agrarian Reform Adjudicators (PARADs) hereinafter referred to as the Adjudicators, shall have the authority to adopt any appropriate measure or procedure in any given situation or matter not covered by these rules. All such special measures or procedures and the situations to which they have been applied must be reported to the Board.
- c. The provisions of the Rules of Court shall not apply even in suppletory character unless adopted herein or by resolution of the Board.

SECTION 4. Doubts To Be Resolved In Favor Of The Beneficiary. — Any reasonable doubt in the interpretation of these rules, as well as in the interpretation of contracts and stipulations between the contending parties, shall be resolved in favor of the beneficiary, potential beneficiary, tenant farmer, farm-worker, agricultural lessee, farmers' cooperative, association or organization.

SECTION 5. Official Seal. — The Board shall design and adopt a seal to be imprinted in all its resolutions, orders, decisions, and other documents as an indication of their official character. The seal of the DARAB shall depict its official function as the dispenser of agrarian justice. It shall be consistent with the basic design and symbolism of the Department of Agrarian Reform (DAR) logo.

RULE II

Jurisdiction of the Board and the Adjudicators

SECTION 1. Primary and Exclusive Original and Appellate Jurisdiction. The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under R.A. No. 6657, as amended by R.A. No. 9700, E.O. Nos. 228, 229, and 129-A, R.A. No. 3844 as amended by R.A. No. 6389, Presidential Decree No. 27 and other agrarian laws and their Implementing Rules and Regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

- a. The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by R.A. No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), as amended, and other related agrarian laws;
- b. The preliminary administrative determination of reasonable and just compensation of lands acquired under Presidential Decree (PD) No. 27 and the Comprehensive Agrarian Reform Program (CARP);
- c. Those cases involving the annulment or rescission of lease contracts or deeds of sale or their amendments involving lands under the administration and disposition of the DAR or Land Bank of the Philippines (LBP), and the amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as EPs issued under PD 266, Homestead Patents, Free Patents, and miscellaneous sales patents to settlers in settlement and re-settlement areas under the administration and disposition of the DAR;
- d. Those cases involving the ejectment and dispossession of tenants and/or leaseholders;
- e. Those cases involving the sale, alienation, pre-emption, and redemption of agricultural lands under the coverage of the CARL, as amended or other agrarian laws;
- f. Those involving the correction, partition, secondary and subsequent issuances such as reissuance of lost/destroyed owner's duplicate copy and reconstitution of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
- g. Those cases involving the review of leasehold rentals and fixing of disturbance compensation;
- h. Those cases involving the collection of amortization payments, foreclosure and similar disputes concerning the functions of the LBP, and payments