

laws, rules, and regulations, and after having explained to them the terms and consequences thereof.

The order or decision approving the compromise agreement shall have the effect of a judgment on the case, which shall immediately be final and executory.

In all cases where the beneficiaries, tenant farmers, or farm-workers are not assisted by a private counsel, the adjudicator or the board shall coordinate with the proper office of the DAR to ensure that said parties are assisted by a lawyer or legal officer in arriving at a settlement.

**Section 6. Failure to Arrive at an Amicable Settlement.** in the event that the adjudicator denies the compromise agreement or the parties are not able to reach an amicable settlement of the case, the adjudicator shall:

- a. consider the submission of the case to alternative modes of dispute resolution;
- b. resolve and dispose of preliminary incidents related to the case;
- c. determine whether any of the parties intends to propound clarificatory questions on any of the affiants/witnesses;
- d. determine whether there is a need to issue the appropriate subpoena upon any witness who refuses to execute an affidavit;
- e. determine the dates of subsequent hearings for the purpose of examining the witnesses; and
- f. take up other matters as may simplify and aid in the prompt disposition of the case.

**SECTION 7. Record of Preliminary Conference.**— The proceedings in the conference shall be recorded. Upon termination of the same, the Adjudicator shall issue an order, which shall embody the matters taken up therein, and the date set for the initial hearing of the case, if any.

The aforementioned order shall control the subsequent proceedings of the case, subject to such modifications, which may be made to prevent manifest injustice.

## **RULE X**

### **Proceedings Before the Adjudicators**

**SECTION 1. Nature of Proceedings.** — The proceedings before the Adjudicator shall be non-litigious in nature.

Subject to the essential requirements of due process, the technicalities of law and procedures and the rules governing the admissibility and sufficiency of evidence obtained in the courts of law shall not apply.

The Adjudicator shall employ reasonable means to ascertain the facts of the controversy including a thorough examination or re-examination of witnesses and the conduct of ocular inspection of the premises in question, if necessary.

**SECTION 2. Role of the Adjudicator in the Proceedings.** — The Adjudicator shall personally conduct the hearing. He shall take full control of the proceedings. He may examine the parties and witnesses freely with respect to the matters at issue, and shall limit the right of the parties or their counsels to ask questions only for the purpose of clarifying the points of law at issue or of facts involved in the case. He shall also limit the presentation of evidence by the contending parties only to matters relevant and material to the issues and necessary for a just, expeditious, and inexpensive disposition of the case.

**SECTION 3. Orders or Resolutions During the Hearing of the Case.** — The order or resolution of the Adjudicator on any issue, question, matter, or incident raised before him shall be valid and effective until the hearing of the same shall have been terminated and resolved on the merits.

**SECTION 4. Submission of Position Papers.** — In case the parties fail to arrive at an amicable settlement of the case or the adjudicator denies the compromise agreement, the adjudicator shall issue an order directing the parties and their counsels to simultaneously submit their respective position papers and formal offer of evidence. The same position papers shall be submitted within Thirty (30) days from receipt of the order.

**SECTION 5. Procedure on Clarificatory Hearing.** — Within fifteen (15) days from receipt of the position papers from the parties, the adjudicator may conduct clarificatory hearing.

During the clarificatory hearing, the adjudicator shall have full control of the proceeding but may allow counsels to propound clarificatory questions to the witnesses.

At the hearing, the affidavits submitted by the parties shall constitute the direct testimonies of the witnesses who executed the same. a witness summoned to appear in accordance with Section 6 (d), Rule IX hereof may be subjected to such clarificatory questioning even without submitting his affidavit.

Upon termination of the clarificatory hearing, the case or incident shall be deemed submitted for decision or resolution.

**SECTION 6. Record of Proceedings.** — The proceedings before the Adjudicator shall be recorded by a stenographer. In the absence of an available stenographer, the Adjudicator shall make a written summary of the proceedings, including the substance of the evidence presented which shall be attested by the parties or their counsel and shall form part of the records of the case. Should any party or counsel refuse to sign, the reason for such refusal shall be noted therein.

**SECTION 7. Period to Render the Decision.** — The Adjudicator shall render the decision on the merits of the case within thirty (30) days after the filing of the verified position papers or after the lapse of the period to file a verified position paper without the same having been filed or after the clarificatory hearing shall have been concluded by the Adjudicator.

**SECTION 8. Award and Damages.** — The Adjudicator or the Board, in appropriate cases, may award actual, compensatory, exemplary, and moral damages and attorney's fees. The attorney's fees to be awarded should be reasonable.

**SECTION 9. Finality of Judgment.** — Unless appealed, the decision, order, or resolution disposing of the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy thereof by the counsel or representative on record, and by

the party himself whether or not he is appearing on his own behalf, whichever is later. In all cases, the parties themselves shall be furnished with a copy of the decision, order or resolution.

**SECTION 10. Motion for Reconsideration.** — Within fifteen (15) days from receipt of notice of the order, resolution, or decision of the Board or Adjudicator, a party may move for reconsideration of such order, resolution, or decision on the grounds that:

- a. the findings of fact in the said decision, order, or resolution are not supported by substantial evidence; or
- b. the conclusions stated therein are contrary to law and jurisprudence.

The motion for reconsideration shall be filed together with proof of service of a copy thereof upon the adverse party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an appeal. If the motion is denied, the aggrieved party shall have a period of fifteen (15) days reckoned from the receipt of the notice of denial.

## RULE XI

### Motions in General

**SECTION 1. Motion Defined** — Every application for relief, other than by principal pleadings.

**SECTION 2. Form.** — All motions shall be in writing, except those made in the course of a hearing or trial.

**SECTION 3. Contents.** — A motion shall state the relief sought and the grounds upon which it is based and, if necessary, shall be accompanied by supporting affidavits and documents.

**SECTION 4. Notice.** — A copy of the motion together with copies of supporting affidavits or documents shall be served by the movant upon all parties and counsels concerned, at least three (3) days before the hearing thereof.

The Adjudicator or the Board may, however, hear a motion on shorter notice upon good cause, especially on matters, which may be disposed of *motu proprio*.

**SECTION 5. Proof of Service.** — No motion shall be acted upon by the Adjudicator or by the Board without proof of service thereof except when he/it is satisfied that the rights of the adverse party are not affected.

**SECTION 6. Expeditious Resolution of Motions.** — All motions shall be resolved within a reasonable period from its submission for resolution. The same shall be considered submitted for resolution upon the filing of the last pleading supporting or opposing the motion. Any motion for reconsideration of an interlocutory order shall be filed within fifteen (15) days from receipt thereof.