

SECTION 7. Non-allowable Motions. — The following motions shall not be allowed:

- a. Motion to declare defendant or respondent in default or for a default judgment;
- b. All other motions filed before an Answer, except Motions to Dismiss on the ground of prescription, lack of jurisdiction or failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment;
- c. Motion for extension of time to file an appeal, motion for reconsideration, or appeal memorandum.

RULE XII

Intervention

SECTION 1. Who May Intervene. — A person who has a legal interest on the matter in litigation, or in the success of either of the parties or an interest against both, or has a substantial right or interest in the subject matter of the case before the Adjudicator or Board, may be allowed to intervene in the action by filing a pleading-in-intervention.

In case where the Board or the Adjudicator has competent jurisdiction, agrarian reform beneficiaries or identified beneficiaries and/or their associations shall have legal standing and interest to intervene concerning their individual or collective rights and/or interests under the CARP.

The fact of non-registration of such associations with the Securities and Exchange Commissions, or Cooperative Development Authority, or any concerned government agency shall not be used against them to deny the existence of their legal standing and interest in a case filed before such courts and quasi-judicial bodies.

SECTION 2. Time to Intervene. — A person desiring to intervene may, before judgment by the Adjudicator or the Board, file a motion for leave to intervene attaching the pleading-in-intervention with notice upon all the parties to the action.

In allowing or disallowing a motion for leave to intervene, the Adjudicator or the Board shall consider if the intervention will unduly delay or prejudice the adjudication of the rights of the original parties or if the intervenor's right may be fully protected in a separate proceeding.

SECTION 3. Answer-in-Intervention. — The answer-in-intervention shall be filed within fifteen (15) days from notice of the order allowing the intervention, unless a different period is fixed by the Adjudicator or the Board.

RULE XIII

Decisions/Resolutions/Final Orders

SECTION 1. Decisions/Resolutions/Final Orders. — The decisions/resolutions/ final orders of the Adjudicator shall be in writing, prepared and signed by him and filed with the Regional or Provincial Clerk of the Adjudicator. It shall clearly and

completely state the findings of fact and specify the evidence and the law or jurisprudence upon which the decision is based.

The decisions/resolutions/final orders of the Board shall be in writing, prepared by the Member to whom it is assigned, signed by the Members of the Board and filed with the Executive Director of the Board Secretariat.

SECTION 2. Promulgation. — After the judgment/resolution/final order is signed by the Adjudicator or Members of the Board, the same shall be filed with the Regional or Provincial Clerk of the Adjudicator or of the Board, respectively, who shall indicate thereon the date of promulgation thereof.

SECTION 3. Notice of Decision/Resolution/Final Orders. — Upon promulgation of the decision/resolution/final order, the Regional or Provincial Clerk of the Adjudicator or of the Board, as the case may be, shall immediately cause copies thereof to be served upon the parties and their counsel as well as the DAR and other government officials who may take part in the execution or implementation of such decision/resolution/final order.

In the event that a copy of the decision cannot be served upon the parties and/or their counsel as well the DAR and other government officials for whatever reason, a notice of the decision/resolution/final order shall be served upon the latter in the manner provided for in Section 2, Rule VII hereof. If such manner of service fails, the notice of the decision shall be served by publication in a newspaper of general circulation. For this purpose, the Board shall schedule, at least once a year, the publication of said notice falling under this section. However, at the option of the prevailing party, the publication of the notice of decision falling under this section may be undertaken ahead of the schedule fixed by the Board, provided that all expenses of publication shall be shouldered by the prevailing party. All notices to be published under this Rule shall contain the DARAB Case Number and the names of all the parties in the case.

All the Adjudicators shall submit to the Board a periodic quarterly report of all decisions rendered, for the purpose of including the same in the annual publication of the notice of decisions.

All notices of decision/resolution/final order shall be written in English or in Filipino.

SECTION 4. Entry of Decisions/Resolutions/Final Orders. — If no appeal or motion for reconsideration is filed within the time provided in these rules, the decision/resolution/final order of the Board or Adjudicator shall be entered in the Book of Entries of Decisions by the Clerk of the Board and the Regional or Provincial Clerk of the Adjudicator, respectively. The date of finality of the decision/resolution/final order shall be deemed to be the date of its entry.

The record of entry shall contain the dispositive portion of the decision/resolution/final orders and shall be signed by the Clerk of the Adjudicator or of the Board, as the case may be, with a certification that such decision/resolution/final order has become final and executory.