

## RULE XIV

### Appeals

**SECTION 1. Appeal to the Board.** — An appeal may be taken to the Board from a resolution, decision or final order of the Adjudicator that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the resolution/decision/final order appealed from or of the denial of the movant's motion for reconsideration by:

- a. filing a Notice of Appeal together with the Appellant's Memorandum with the Adjudicator who rendered the decision or final order appealed from;
- b. furnishing copies of said Notice of Appeal together with the Appellant's Memorandum to opposing party/s and counsel/s; and
- c. paying an appeal fee of One Thousand Pesos (PhP1,000.00) to the DAR Cashier where the Office of the Adjudicator is situated or through postal money order, payable to the DAR Cashier where the Office of the Adjudicator is situated, at the option of the appellant.

A pauper litigant shall be exempt from the payment of the appeal fee.

Proof of service of Notice of Appeal to the affected parties and to the Board and payment of appeal fee shall be filed, within the reglementary period, with the Adjudicator a quo and shall form part of the records of the case.

Non-compliance with the foregoing shall be a ground for dismissal of the appeal.

**SECTION 2. Grounds.** — The aggrieved party may appeal to the Board from a final order, resolution or decision of the Adjudicator on any of the following grounds that:

- a. Errors in the findings of fact or conclusions of law were committed which if not corrected, would cause grave and irreparable damage or injury to the appellant; or
- b. The order, resolution or decision was obtained through fraud or coercion.

**SECTION 3. Notice of Appeal and Appeal Memorandum.** — The Notice of Appeal together with the Appellant's Memorandum shall:

- a. be filed with the Adjudicator concerned in three (3) legible copies with proof of service to the affected parties, and payment of appeal fee unless appellant is a pauper litigant as provided for in Rule V, Sec. 2 hereof;
- b. indicate the parties to the appeal;
- c. specify the judgment or final order appealed from;
- d. state the material dates showing the timeliness of the appeal; and

**SECTION 4. Perfection of Appeal.** — An appeal is deemed perfected upon compliance with Section 1 of this Rule.

If the appeal is perfected, the Adjudicator shall, within five (5) days from receipt of Notice of Appeal together with Appellant's Memorandum, issue an Order stating that

the appeal was perfected in accordance with the Rules, and direct the transmittal of records to the Board thru the Executive Director of the Board Secretariat, otherwise, he shall issue an Order denying the said notice of appeal.

The Board thru the Executive Director of the Board Secretariat shall immediately notify the parties that the record of the case has already been received by the DARAB Central Office and shall order the appellee and/or his counsel to submit his Appellee's Memorandum.

The appellee and/or his counsel may submit his Appellee's Memorandum within fifteen (15) days from receipt of the said Order furnishing a copy thereof to the appellant/s and the latter's counsel/s.

After the filing of their respective appeal memoranda with the Board or the lapse of the period within which to file the same, the case shall be deemed submitted for resolution. In case no appellee's memorandum has been filed within the reglementary period, the Board may proceed to render judgment thereon based on the records of the case.

A pauper litigant's appeal is deemed perfected upon the filing of the Notice of Appeal together with the Appellant's Memorandum in accordance with said Section 1 of this Rule.

**SECTION 5. Motions After Filing of Notice of Appeal.** — Any motion, after the perfection of the Appeal and before the elevation of the case records to the Board, shall be filed with the Board, attaching thereto a certified copy of the Decision of the Adjudicator, the Notice of Appeal together with the Appellant's Memorandum and proof of payment of appeal fee. A copy of the motion shall be furnished to the Adjudicator and the opposing parties.

**SECTION 6. Transmittal of Appeal and Records.** — The Adjudicator concerned shall, after the issuance of the Order stating the perfection of the appeal, transmit the appeal to the Board, together with the complete records of the case, furnishing the parties with copies of the letter of transmittal to the Board.

The records of the case shall contain, among others, a table of contents, all original pleadings filed, documentary exhibits, transcripts or written summaries of the hearings, notices, orders or decisions of the Adjudicator and proofs of service thereof, which shall all be numbered consecutively and initialed by the Adjudicator or the authorized Clerk of the Board on each and every page thereof.

**SECTION 7. Docketing of Cases.** — Upon the receipt of the records of the case on appeal, the Executive Director of the Board Secretariat shall docket the case and notify the parties thereof.

**SECTION 8. Caption.** — In all cases appealed to the Board, the title shall remain as it was before the Adjudicator but the party appealing shall be further called the "appellant" and the adverse party the "appellee", and the case shall be assigned a docket number.

**SECTION 9. Frivolous or Dilatory Appeal.** — To discourage frivolous or dilatory appeals, the Board shall impose reasonable penalties, including, but not limited to, fine or censure upon erring parties.

**SECTION 10. Withdrawal of Appeal.** — An appeal may be withdrawn at any time prior to the promulgation of the resolution, order or decision, except when

public interest is prejudiced thereby. Upon approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been taken.

**SECTION 11. When Appeal is Submitted for Decision.** — The appeal shall be deemed submitted for decision upon the filing of the last pleading or memorandum as may be required or permitted to be filed by the Board, or upon the expiration of the period for its filing.

**SECTION 12. Period to Decide Appeal.** — The Board shall render its decision on appeal before it, as much as possible, within thirty (30) days after its submission.

**SECTION 13. Finality of Decisions/Resolutions.** — Decisions/resolutions/orders of the Board shall become 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, unless an appeal or motion for reconsideration thereof is filed within such period. In all cases, the parties themselves shall be furnished with a copy of the decision/resolution/order.

If a copy of the decision cannot be served personally or by mail and publication is effected in accordance with Section 3, Rule 13 hereof, said decision shall become final after the lapse of sixty (60) days from the date of publication.

Only one motion for reconsideration by either party shall be allowed and entertained.

## **RULE XV Judicial Review**

**SECTION 1. Appeal to the Court of Appeals.** — Any decision, order, resolution, award or ruling of the Board on any agrarian dispute or any matter pertaining to the application, implementation, enforcement, interpretation of agrarian reform laws or rules and regulations promulgated thereunder, may be brought on appeal within fifteen (15) days from receipt of a copy thereof, to the Court of Appeals in accordance with the Rules of Court.

**SECTION 2. Findings of Fact; Final and Conclusive.** — The findings of fact of the Board, if based on substantial evidence, shall be final and conclusive upon the courts pursuant to Section 54, Republic Act No. 6657.

**SECTION 3. No Restraining Order or Preliminary Injunction.** — Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Board or its Adjudicators in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement or interpretation of the Comprehensive Agrarian Reform Law and other pertinent laws on agrarian reform and regulations promulgated thereunder pursuant to Section 55, Republic Act (R.A.) No. 6657 as amended by R.A. No. 9700.

## **RULE XVI Relief from Decision/Resolution/Final Order**

**SECTION 1. Petition for Relief from Decision/Resolution/Final Order.** — When a decision/resolution/final order is rendered by the Adjudicator against any party, through fraud, accident, mistake and excusable negligence and such party has no other