

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

adequate remedy available to him in the ordinary course of law, he may file a petition for relief with said Adjudicator, praying that the decision/resolution/final order be set aside.

**SECTION 2. Form and Time of Filing of Petition.** — A petition for relief must be verified and a copy thereof together with its annexes and supporting affidavits, if any, must be furnished to the adverse party or parties and filed within sixty (60) days from the time the fraud, accident, mistake or excusable negligence was discovered and within six (6) months after the decision/resolution/final order was rendered.

The petition must be accompanied by affidavits and supporting documents showing the fraud, accident, mistake or excusable negligence relied upon, whichever is applicable as well as the proof of service of the petition on the other party or parties. Without such proof of service the petition shall not be entertained.

**SECTION 3. Answer.** — Should the petition be sufficient in form and substance, the Adjudicator shall issue an order directing the party or parties to file their answer thereto within fifteen (15) days from receipt of said order. The order shall also set the date for the hearing of the petition.

**SECTION 4. Procedure.** — If after due hearing, the petition is found to be meritorious, the Adjudicator shall set aside the questioned decision/resolution/final order and he shall then proceed to hear the principal case.

When an appeal from the denial of the petition for relief is granted, the Board shall give due course to the appeal, as if a timely and proper appeal has been made from the questioned decision/resolution/final order.

## **RULE XVII**

### **Preliminary Injunction/Supervision of Harvest**

**SECTION 1. Preliminary Injunction, When Granted.** — A writ of preliminary injunction, restraining order or a status quo order may be granted by the Board or any two (2) of its Members or the Adjudicator, when it is established, on the basis of allegations in the sworn complaint or motion, which shall be duly supported by affidavits of merit, that the acts being complained of, if not enjoined, would cause some grave and irreparable damage or injury to any of the parties in interest so as to render ineffectual the decision which may be in favor of such party. Should the Board or the Adjudicator believe that it is necessary to post a bond, it shall fix the reasonable amount of the bond to be filed by the party applying for the injunction in favor of the party who might suffer thereby, if it is finally determined that the complainant or petitioner is not entitled thereto. Upon the filing and approval of such bond, a writ of injunction may be issued. The Board or the Adjudicator may also require the performance of a particular act or acts, subject to the rules herein provided, in which case, it shall be known as a preliminary mandatory injunction.

**SECTION 2. No Injunction to Restrain Tilling or Harvesting.** — In cases where the tenurial status of a person is at issue, the Board or its Adjudicator shall not issue any order restraining or enjoining the actual tiller from cultivating the land, or harvesting the standing crops nor issue an order impounding the harvest, if any, without providing him with at least fifty percent (50%) of the net harvest.

**SECTION 3. Temporary Restraining Order.** — A temporary restraining order issued ex-parte, shall be valid only for twenty (20) days from the date the same is received by the respondent. During this period, the parties shall be required to present evidence to substantiate their respective positions on whether or not a preliminary injunction shall be granted. The period of twenty (20) days may be extended upon motion of the proper party on valid grounds, for another twenty (20) days from the