

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

expiration of the original period, or *motu proprio* by the Board. Thereafter, no motion for further extension of the temporary restraining order shall be allowed. After due notice and hearing, and before the lapse of the temporary restraining order, the issue of preliminary injunction or status quo should be resolved.

SECTION 4. Supervision of Harvest. — An order for the supervision of harvest may also be granted by the Board or any two (2) of its Members or the Adjudicator, when it is established on the basis of the allegations in the sworn complaint or motion, which shall be duly supported by the affidavits of merit, that one or more persons are claiming rights adverse to the tiller on the landholding in question or there is a dispute as to the sharing in the net harvest of the landholding.

The Order for the supervision of harvest shall remain effective unless the Board or Adjudicator issues an order lifting or revoking the same.

RULE XVIII

Direct and Indirect Contempt

SECTION 1. Direct Contempt. — The Board or any of its Members or Adjudicator may summarily pass judgment on acts of direct contempt committed in the presence of, or so near the Chairman or any Member of the Board or its Adjudicator, as to obstruct or interrupt the proceedings before the same, including disrespect towards the Members of the Board or its Adjudicator, offensive behavior towards others, or refusal to be sworn or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so. If the offense is committed against the Board or any of its Members or its Adjudicator, the same shall be punished by a fine not exceeding One Thousand Pesos (P1,000.00), or imprisonment of not exceeding ten (10) days or both.

The judgment of the Board or any of its Members or Adjudicator on direct contempt is immediately executory and not appealable.

SECTION 2. Indirect Contempt. — The Board or any of its Members or its Adjudicator may also cite and punish any person for indirect contempt in accordance with Section 50 of R.A. No.6657 as amended by R.A. No. 9700.

Proceedings for indirect contempt may be initiated *motu proprio* by the board or adjudicator against which the contempt was committed by order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings in the board or adjudicator concerned. If the contempt charges arise out of or are related to a principal action pending before the Board or Adjudicator, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately.

SECTION 3. Appeal from Indirect Contempt. — Any person adjudged guilty of indirect contempt by the Adjudicator, may, within a period of five (5) days from notice of the judgment, appeal the same to the Board, and the execution of said judgment shall be suspended pending the resolution of the appeal upon the filing by the said person of a bond on condition that he will abide by, and perform the judgment should the appeal be decided against him.