

**RULE XIX**  
**Preliminary Determination of Just Compensation**

**SECTION 1. Principal Role of Board/Adjudicator.** — The principal role of the Board/Adjudicator in the summary administrative proceedings for the preliminary determination of just compensation is to determine whether the Land Bank of the Philippines (LBP) and the Department of Agrarian Reform (DAR) in their land valuation computations have complied with the administrative orders and other issuances of the Secretary of the DAR and the LBP.

**SECTION 2. By whom Conducted.** — The preliminary proceedings of land valuation for the purpose of the determination of just compensation for its acquisition shall be conducted:

- a. by the PARAD when the initial land valuation of the Land Bank of the Philippines (LBP) is less than Ten Million Pesos (PhP10,000,000.00);
- b. by the RARAD when the said valuation is Ten Million Pesos and above but less than Fifty Million Pesos (PhP50,000,000.00); *and*
- c. by the Board when the said valuation is Fifty Million Pesos (PhP50,000,000.00) and above.

In the event of non-availability, inhibition or disqualification of a designated PARAD in the locality, the RARAD concerned may conduct preliminary proceedings of land valuation notwithstanding that the jurisdictional amount is less than Ten (10) Million Pesos.

On account of non-availability, inhibition or disqualification of the RARAD concerned, the Board may conduct the preliminary proceedings of land valuation or designate the same to an Adjudicator from among the PARADs in the region.

**SECTION 3. Order for Submission of Evidence, Position Papers, and Notice of Hearing.** — Upon receipt of the Claim Folder (CF) containing all the pertinent documents, the Board/Adjudicator shall issue an order:

- a. to the landowner, the LBP, the DAR officials concerned, the farmer-beneficiaries and other interested parties, that they may examine the claim folder in the Adjudicator's possession and to submit evidence, pertinent documents, and their respective position papers and affidavits within thirty (30) days from receipt of the order; and
- b. notifying said parties of the date set for hearing on the matter.

Thereafter, the Board/Adjudicator shall proceed to make an administrative determination of just compensation following the procedure in ordinary cases.

The Order shall be served in the same manner as the service of summons as provided for in Rule VII hereof.

**SECTION 4. Failure to Comply with Above Order.** — If the parties fail to submit the required documents and their position papers, and/or to appear on the date set for hearing, despite proper notice, the matter shall be deemed submitted for resolution.

**SECTION 5. When Resolution Deemed Final.** — Failure on the part of the aggrieved party to contest the resolution of the Board/Adjudicator within the afore-cited reglementary period provided shall be deemed a concurrence by such party with the land valuation, hence said valuation shall become final and executory.

**SECTION 6. Filing of Original Action with the Special Agrarian Court for Final Determination.** — The party who disagrees with the decision of the Board/Adjudicator may contest the same by filing an original action with the Special Agrarian Court (SAC) having jurisdiction over the subject property within fifteen (15) days from his receipt of the Board/Adjudicator's decision.

Immediately upon filing with the SAC, the party shall file a Notice of Filing of Original Action with the Board/Adjudicator, together with a certified true copy of the petition filed with the SAC.

Failure to file a Notice of Filing of Original Action or to submit a certified true copy of the petition shall render the decision of the Board/Adjudicator final and executory. Upon receipt of the Notice of Filing of Original Action or certified true copy of the petition filed with the SAC, no writ of execution shall be issued by the Board/Adjudicator.

**SECTION 7. Notice of Resolution.** — A copy of the resolution of the Board/Adjudicator shall be sent to the landowner, the Land Bank of the Philippines, the potential farmer beneficiaries, other interested parties, and their counsels.

**SECTION 8. Return of Claim Folder.** — The Board/Adjudicator shall, within three (3) days from return of the notice of the resolution pursuant to the preceding section, transmit the Claim Folder (CF), together with the complete records thereof to the office of origin or the Provincial Agrarian Reform Officer (PARO) concerned, copy furnished the LBP.

**SECTION 9. Execution of Judgments for Just Compensation which have become Final and Executory.** — The Sheriff shall enforce a writ of execution of a final judgment for compensation by demanding for the payment of the amount stated in the writ of execution in cash and bonds against the Agrarian Reform Fund in the custody of the LBP in accordance with RA 6657, as amended, and the LBP shall pay the same in accordance with the final judgment and the writ of execution within five (5) days from the time the landowner accordingly executes and submits to the LBP the corresponding deed/s of transfer in favor of the government and surrenders the muniments of title to the property in accordance with Section 16(c) of RA 6657, as amended.

## **RULE XX** **Execution**

**SECTION 1. Execution Upon Final Order or Decision.** — Execution shall issue upon an order, resolution or decision that finally disposes of the action or proceeding. Such execution shall issue as a matter of course and upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

The Adjudicator concerned may, upon certification by the proper officer that a resolution, order or decision has been served to the counsel or representative on record and to the party himself, and has become final and executory, and, upon motion or *motu proprio*, issue a writ of execution ordering the DAR Sheriff or any DAR officer to enforce the same. In appropriate cases, the Board or any of its Members or its Adjudicator shall deputize and direct the Philippine National Police, Armed Forces of the Philippines or any of their component units or other law enforcement agencies in the enforcement of any final order, resolution or decision.