

SECTION 5. Official Seal. — The Board shall design and adopt a seal to be imprinted in all its resolutions, orders, decisions, and other documents as an indication of their official character. The seal of the DARAB shall depict its official function as the dispenser of agrarian justice. It shall be consistent with the basic design and symbolism of the Department of Agrarian Reform (DAR) logo.

RULE II

Jurisdiction of the Board and the Adjudicators

SECTION 1. Primary and Exclusive Original and Appellate Jurisdiction. The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under R.A. No. 6657, as amended by R.A. No. 9700, E.O. Nos. 228, 229, and 129-A, R.A. No. 3844 as amended by R.A. No. 6389, Presidential Decree No. 27 and other agrarian laws and their Implementing Rules and Regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

- a. The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by R.A. No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), as amended, and other related agrarian laws;
- b. The preliminary administrative determination of reasonable and just compensation of lands acquired under Presidential Decree (PD) No. 27 and the Comprehensive Agrarian Reform Program (CARP);
- c. Those cases involving the annulment or rescission of lease contracts or deeds of sale or their amendments involving lands under the administration and disposition of the DAR or Land Bank of the Philippines (LBP), and the amendment of titles pertaining to agricultural lands under the administration and disposition of the DAR and LBP; as well as EPs issued under PD 266, Homestead Patents, Free Patents, and miscellaneous sales patents to settlers in settlement and re-settlement areas under the administration and disposition of the DAR;
- d. Those cases involving the ejectment and dispossession of tenants and/or leaseholders;
- e. Those cases involving the sale, alienation, pre-emption, and redemption of agricultural lands under the coverage of the CARL, as amended or other agrarian laws;
- f. Those involving the correction, partition, secondary and subsequent issuances such as reissuance of lost/destroyed owner's duplicate copy and reconstitution of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
- g. Those cases involving the review of leasehold rentals and fixing of disturbance compensation;
- h. Those cases involving the collection of amortization payments, foreclosure and similar disputes concerning the functions of the LBP, and payments

for lands awarded under PD No. 27, RA No. 3844, as amended, and R.A. No. 6657, as amended by R.A. No. 9700, and other related laws, decrees, orders, instructions, rules, and regulations, as well as payment for residential, commercial, and industrial lots within the settlement and resettlement areas under the administration and disposition of the DAR;

- i. Those cases involving boundary disputes over lands under the administration and disposition of the DAR and the LBP, which are transferred, distributed, and/or sold to tenant-beneficiaries and are covered by deeds of sale, patents, and certificates of title;
- j. Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of PD No. 946 except those cases falling under the proper courts or other quasi-judicial bodies; and
- k. Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

SECTION 2. Appellate Jurisdiction of the Board. — The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders and decisions of the Adjudicators.

No order of the Adjudicators on any issue, question, matter, or incident raised before them shall be elevated to the Board until the hearing shall have been terminated and the case decided on the merits.

SECTION 3. Annulment of Judgment of Adjudicators. Annulment of final judgment of Adjudicators shall be initiated by filing a verified complaint or petition with the Board attaching thereto certified copies of the assailed decision and alleging therein with particularity the facts and the law relied upon for said annulment.

The annulment may be based only on grounds of extrinsic fraud and lack of jurisdiction. If based on extrinsic fraud, the action must be filed within three (3) years from its discovery; and if based on lack of jurisdiction, before it is barred by *laches* or *estoppel*.

SECTION 4. Referral to Office of the Secretary (OSEC). — In the event that a case filed before the Adjudicator shall necessitate the determination of a prejudicial issue involving an agrarian law implementation case, the Adjudicator shall dismiss the case without prejudice to its re-filing, and, for purposes of expediency, refer the same to the Office of the Secretary or his authorized representative in the locality.

Prejudicial issue is defined as one that arises in a case the resolution of which is a logical antecedent of the issue involved therein, and the jurisdiction over which pertains to the Office of the Secretary.

The prejudicial issue must be determinative of the case before the Board or the Adjudicator but the jurisdiction to try and resolve the question is lodged with the Office of the Secretary.

SECTION 5. Role of the RARAD. — The RARAD shall be the Executive Adjudicator in his Region directly responsible to the Board. As such, he shall:

- a. Exercise administrative supervision over the PARADs and, in the absence of the PARAD concerned, their personnel, which shall include, among others, the monitoring of cases in his Region;

- b. Receive, hear, and adjudicate agrarian disputes and land cases within the Region;
- c. He shall also hear the following cases:
 - 1. Those cases that cannot be handled by the PARAD on account of inhibition, disqualification or when there is no PARAD designated in the locality;
 - 2. Those matters of such complexity and sensitivity that the decision thereof would constitute an important precedent affecting regional interest as may be recommended by the concerned RARAD and approved by the Board; and
 - 3. Preliminary determination of just compensation within the jurisdictional limits as stated in Rule XIX, Sec. 2 hereof; *and*
 - 4. Hear application for the issuance of a writ of preliminary injunction and/or temporary restraining order and such other cases which the Board may assign.

SECTION 6. Powers. — The Members of the Board and the Adjudicators are empowered to summon witnesses, administer oaths, take testimony, require submission of reports, compel production of books and documents and answers to interrogatories, and to issue subpoena *duces tecum*, writs of possession, writs of execution, and other writs to enforce its orders and decisions through their Sheriffs or duly deputized officers.

For this purpose, whenever necessary, they shall direct the Philippine National Police, the Armed Forces of the Philippines or any of their component units, or other law enforcement agencies to assist in the enforcement and execution of their decisions, orders, writs, and other processes.

RULE III

Mediation or Conciliation at Barangay Level

SECTION 1. BARC Certification. — The Board or its Adjudicators shall not take cognizance of any agrarian case, dispute, or controversy, unless a certification from the Barangay Agrarian Reform Committee (BARC) of the barangay where the land involved is located is presented, to the effect that the dispute has been submitted to it for mediation or conciliation without any success or settlement, except that the said certification is not necessary in the following cases:

- a. where the issue involves the valuation of land to determine just compensation for its acquisition;
- b. where one party in a public or private corporation, partnership, association or juridical person, or a public officer or employee and the dispute relates to the performance of his official functions;
- c. where the Secretary of the DAR directly refers the matter to the Board or Adjudicator; or
- d. upon certification of the Municipal Agrarian Reform Officer (MARO) or, in his absence, the Senior Agrarian Reform Program Technologist (SARPT) or