

- 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

Agrarian Reform Program Technologist (ARPT) of the non-existence of the BARC or the inability of the BARC to convene.

SECTION 2. Referral to BARC. — If the filing of the complaint or petition is not accompanied by the required BARC Certification, the same shall be referred to the BARC or DAR Technologist of the barangay where the land is located, as stated in the complaint, through the MARO of the area, directing:

- a. The BARC to conduct mediation/conciliation proceedings, by requiring the parties to submit their supporting documents and to return the matter to the Adjudicator with a report of the result of the proceedings, together with the complete records submitted before it, within thirty (30) days from receipt of the complaint or petition: or
- b. The SARPT or ARPT in case of non-existence of the BARC or its inability to convene for that purpose, to refer the matter back to the Adjudicator within five (5) days from receipt thereof with a certification of non-existence or inability of the BARC to convene.

SECTION 3. Report of Settlement at BARC to Adjudicator. — If the case is referred by the Board or the Adjudicator and the same is settled at the BARC level, the results thereof shall be contained in a report to be submitted to the Board or the Adjudicator who referred the matter, within seven (7) days from the termination of the proceedings before the BARC, which report shall be the basis for the rendition of judgment/decision of the case before the Board or the Adjudicator.

SECTION 4. Land or Parties in Two (2) Barangays. — Where the land in dispute straddles two or more barangays or the parties involved reside in different barangays, the BARC of the barangay where the larger portion of the property lies, shall have the authority to conduct mediation or conciliation proceedings under these Rules, unless for convenience and accessibility and upon agreement of the parties such proceedings should be held in another barangay within the Municipality or adjacent Municipality where the land in dispute is located.

SECTION 5. Certification of Non-settlement. — If the BARC is unable to settle the dispute within thirty (30) days, it shall return the case to the Adjudicator of origin with a certification of non-settlement, furnishing a copy thereof to the parties.

SECTION 6. Special Rules on Mediation and Conciliation. — The mediation and conciliation proceedings at the BARC shall be conducted in accordance with the uniform rules adopted and promulgated by the DAR.

RULE IV

Commencement of Action, Venue, and Cause of Action

SECTION 1. Complaint or Petition. — An action before the Adjudicator shall be initiated by filing a sworn complaint or verified petition with the Adjudicator in the Province where the land involved is located.

Upon the filing of the complaint or petition, the hour, day, month, and year when it was filed shall be stamped thereon.

The complaint shall include the affidavit(s) of witnesses and documentary evidence, if any. The complaint or petition shall be duly signed by the complainant or petitioner, or his counsel, or by one who can show a special power of attorney to represent the complainant or petitioner.