

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.

It shall state the area of the land involved and the Barangay where the land is located, or if the land is located in two (2) or more barangays, the barangay where the larger portion of the land is located.

It shall also state the name and residence of the complainant or petitioner and that of the defendant or respondent, the facts constituting the cause of action, and the relief being sought.

Two (2) copies of the complaint or petition, and its annexes or attachments, and as many copies required to be served upon each of the defendants or respondents, shall be filed.

SECTION 2. Certification and Verification on Related Cases.

- a. The complainant or petitioner shall certify under oath, in the complaint or in a sworn certification annexed thereto and simultaneously filed therewith, that:
 1. he has not commenced any other action or filed any claim involving the same land or issue in any court, tribunal or quasi-judicial agency;
 2. to the best of his knowledge, no such other action or claim is pending therein;
 3. he has no knowledge of any controversy or proceeding involving the status of said parcel of land or the rights of person/s over its possession and entitlement to fruits or as beneficiary, the determination of which is filed before any tribunal, court, the DAR or any other agency;
 4. should there be any same or similar action or proceeding involving the property, which is either pending or may have been terminated, he shall report such fact within five (5) days from knowledge thereof to the Adjudicator with whom the complaint or initiatory pleading was filed.
- b. In the event that the complaint or petition does not bear the Certification, the Adjudicator shall issue an order directing complainant or petitioner to comply with such requirement within ten (10) days from receipt of the Order.
- c. Failure to file certification and verification of related cases within the aforementioned ten (10) day period and/or subsequent discovery of commission of forum-shopping may be a ground for summary dismissal. Dismissal for failure to file certification and verification shall be without prejudice to re-filing.

SECTION 3. Amendment of and Supplement to Complaint or Petition. —

The complaint or petition may be amended, or supplemented at any time before a responsive pleading is served or, in case of a reply, at any time within five (5) days after it is served.

After the responsive pleadings have been served, amendments or the filing of supplemental pleadings may be allowed at any stage of the proceedings but before rendition of judgment only upon motion filed with the Adjudicator furnishing copies thereof to the adverse party.

The motion to amend shall indicate the amendment sought to be admitted. In the case of a supplemental pleading, it shall set forth the transactions, occurrences or events which have happened since the date of the pleading sought to be supplemented.

SECTION 4. Venue.

- a. All actions shall be brought before the Adjudicator of the province where the land involved is located;
- b. If the land is located or found in two or more provinces, the action shall be brought before the Adjudicator concerned where the larger portion of the land lies, unless for convenience, accessibility, and upon agreement of the parties and upon approval of the RARAD, the venue shall be with the Adjudicator of the other province;
- c. However, upon motion of either of the parties and for compelling reasons, the hearing of the case may be changed or transferred to another place within or outside the Region by order of the RARAD or the Board.

SECTION 5. One Suit for a Single Cause of Action. — A party may not institute more than one suit for a single cause of action.

SECTION 6. Splitting a Single Cause of Action. — If two or more suits are instituted on the basis of a single cause of action, the filing of one or a judgment upon the merits in any one is available as a ground for the dismissal of the others.

SECTION 7. Joinder of Causes of Action. — A complainant or petitioner having more than one cause of action against the same defendant or respondent arising out of the same questioned relationship shall join all of them in one complaint or petition.

RULE V

Parties and Caption

SECTION 1. Parties in Interest. — Every agrarian case must be initiated and defended in the name of the real party in interest. All parties having an interest in the matter shall be joined as complainant or petitioner. All persons who claim an interest in the dispute or subject matter thereof adverse to the complainant or petitioner, or who are necessary to a complete determination or settlement of the issues involved therein shall be joined as defendants or respondents.

If an additional respondent is impleaded in a later pleading, the action is commenced with regard to him on the date of the filing of such pleading.

The heirs of the deceased may be allowed to substitute the deceased without requiring the appointment of an executor or administrator.

The Adjudicator shall forthwith order said legal representative or representatives to appear and substitute the deceased within a period of ten (10) days from notice.

SECTION 2. Pauper Litigant. —A party who is an agricultural lessee, share tenant, actual tiller, amortizing owner-cultivator, farm-worker, a member of any farmers' organization, association, or a farmers' cooperative, as alleged and applied for in a sworn complaint or motion, shall be entitled to the rights and privileges of a pauper