

registered under Philippine laws with a juridical personality, service may be made on the president, managing partner, general manager, corporate or board secretary, treasurer or in-house counsel.

SECTION 4. Service Upon Public Corporation. — When the respondent is the Republic of the Philippines, service may be effected on the Solicitor General. In case of a province, city, municipality, or other public corporations, service may be effected on its chief executive or on such other officer as the law or Adjudicator may direct.

SECTION 5. Return of Service. — The Sheriff or other designated officer who personally served the summons, notice, order, or decision shall submit his return within five (5) days from the date of his service thereof, stating therein the name of the person served and the date of receipt of the same or if no service was effected, the serving officer shall state the reasons therefor.

SECTION 6. Proof of Completeness of Service. — The return is *prima facie* proof of the facts indicated therein. Service by registered mail is completed upon receipt by the addressee, his counsel, or by his duly authorized representative or agent.

SECTION 7. Substituted Service. — If service of pleadings, motions, notices, and resolutions, orders and other papers cannot be made under the preceding sections, the office and place of residence of the party or his counsel being unknown, service may be made by delivering the copy to the Clerk of the Adjudicator or the Board, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

RULE VII

Summons, Answer, and Submission of Evidence

SECTION 1. Issuance of Summons, Time to Answer, and Submission of Evidence. — If the complaint or petition is filed together with the BARC Certification and the affidavit(s) of witnesses, with the Adjudicator, as required in Rule III of these Rules, or upon the return of the complaint referred to the BARC in accordance with said Rule III, the corresponding summons and notice of hearing shall be issued attaching therewith a copy of such complaint, petition, affidavit, and documentary evidence, if any.

The summons and notice of hearing shall direct the defendant or respondent to file an answer to the complaint or petition or submit counter-affidavits and other documentary evidence, if any, within a non-extendible period of fifteen (15) days from receipt thereof, furnishing a copy to the petitioner/s or the complainant/s. The summons shall specify the date, time, and place of the hearing and shall order the parties and their witnesses to appear at the scheduled date of hearing.

If the defendant or respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

- a. by leaving copies of the summons at the defendant's or respondent's residence with some person of suitable age and discretion residing therein; or
- b. by leaving the copies at defendant's or respondent's office or regular place of business with some competent person in charge thereof.

The provisions on service of summons as provided in the Rules of Court shall have suppletory effect. However, if publication is effected pursuant to the above rule,

only the notice of summons and notice of hearing shall be published and not the entire complaint or petition.

The summons and all other notices to be issued by the Adjudicator shall be written in English or in Filipino.

SECTION 2. By Whom Served. — The summons and notice of hearing with the attached copy of the complaint, petition, affidavit and documentary evidence, if any, may be personally served by any DAR employee, including the Municipal Agrarian Reform Officer (MARO) or any other personnel authorized by the Adjudicator issuing the summons or by registered mail to the defendant or respondent within two (2) days from the filing or return thereof, as the case may be.

SECTION 3. Answer Required. The defendant or respondent must file a sworn answer to the complaint or petition by responding with admissions or specific denials of each and every allegation in the complaint or petition, or if this cannot be done, by averring lack of sufficient knowledge thereof, which will be deemed as a specific denial.

A mere general denial will not be deemed as an answer.

The defendant or respondent may incorporate in his answer a motion to dismiss on the ground of prescription, lack of jurisdiction, failure to state a cause of action, improper venue or when there is another action pending between the same parties for the same cause or where the cause of action is barred by a prior judgment.

An answer must be accompanied by the affidavit(s) of respondent's witnesses. The answer may include a counterclaim or cross-claim for damages, attorney's fees, or litigation expenses.

SECTION 4. Time to Answer Non-Extendible. — The fifteen (15) day-reglementary period within which the defendant or respondent is required to answer shall not be extended.

SECTION 5. Amendment of Answer. — The defendant or respondent may amend his answer upon motion filed with the Adjudicator, together with the amended answer sought to be admitted, notifying the complainant or petitioner of the motion with the amended answer attached thereto, and giving the latter the opportunity to be heard thereon.

If the motion is granted, a new copy of the entire answer incorporating and appropriately indicating the amendment thereon shall be filed with the Adjudicator, furnishing a copy thereof to the complainant or petitioner.

The amended answer supersedes the original answer.

SECTION 6. Answer to Amended Complaint or Petition. — The defendant or respondent shall file his answer to the amended complaint or petition within fifteen (15) days from receipt thereof, furnishing a copy to the petitioner or complainant.

If no new answer is filed, the answer previously filed shall serve as the answer to the amended complaint or petition.

SECTION 7. No Default Upon Failure to Answer. — When the defendant or respondent fails to file an answer, no declaration of default shall be made nor judgment by default be rendered.

The complainant or petitioner must proceed to prove his case and defendant or respondent shall be allowed to participate in subsequent proceedings and such defendant or respondent may request by motion that he be furnished copies of orders, pleadings and other processes.

SECTION 8. Order upon Receipt of Answer or Lapse of Reglementary Period. — Within five (5) days from receipt of the Answer or from the lapse of the fifteen (15) day reglementary period to file Answer, without any Answer having been filed, as the case may be, the Adjudicator shall issue an Order setting the date of the initial preliminary conference which must be held within forty-five (45) days from the date of such Order.

SECTION 9. Affidavits. — The affidavits required to be submitted under this Rule shall state only facts of direct personal knowledge of the affiants and shall show their competence to testify to the matters stated therein.

A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action, and shall be cause to expunge the inadmissible affidavit or portion thereof from the record.

All affidavits required to be submitted under this Rule shall be sworn to before the presiding Adjudicator, or in his absence, any other Adjudicator or any other person authorized to administer oaths under the Revised Administrative Code.

SECTION 10. Reply. — A reply may be filed within five (5) days from service of the pleading responded to.

RULE VIII

Appearances

SECTION 1. Appearance. — A lawyer appearing for a party is presumed to be properly authorized for that purpose. A non-lawyer may appear before the Board or any of its Adjudicators, if:

- a. He represents himself as a party to the case;
- b. He represents a farmers' organization or its members, provided that he shall present proof of authority from the organization or its members or such authority duly signed by the President or head of the organization;
- c. He is a law student who has successfully completed his third year of the regular four-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court. His appearance pursuant to this rule shall be under the direct supervision and control of a member of the Integrated Bar of the Philippines duly-accredited by the law school. Any and all pleadings, motions, memoranda or other papers to be filed must be signed by the supervising attorney for and in behalf of the legal aid clinic.
- d. He is a DAR Legal Officer duly authorized by the appropriate Head of Office in accordance with the internal regulations of the Department of Agrarian Reform. For this purpose, the DAR Legal Officer must have the prescribed authorization form before he may be allowed to appear before the Board or any of its Adjudicators, *Provided*, that when there are two or