

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

more representatives for any individual or group, such individual or group should choose only one representative.

SECTION 2. Manner of Appearance. — Appearances may be oral or in writing. The complete business address of the counsel or representative shall be made of record and the adverse party or his counsel shall be properly notified. Any change in the address of counsel or representative shall be filed with the Adjudicator with notice to the adverse party and counsel.

SECTION 3. Assignment of DAR Lawyer or Legal Officer. — A party appearing without counsel or represented by a non-lawyer may be assigned a counsel *de officio* from among the DAR Lawyers or Legal Officers designated by the appropriate Head of Office or a member of the bar who is willing to act as such counsel *de officio*.

SECTION 4. Authority to Bind Party. — Attorneys and other representatives of parties cannot, without a special power of attorney, enter into a compromise agreement with the opposing party when a full or partial discharge of a client's interest is made.

RULE IX

Preliminary Conference

SECTION 1. When Conducted. — After the last pleading shall have been served and filed, or upon receipt of the BARC certification of non-settlement in instances when the case was referred to the BARC for mediation/conciliation, the Adjudicator shall set the case for a preliminary conference.

SECTION 2. Notice of Preliminary Conference. — The notice of the preliminary conference shall be served upon the representative or counsel of record or the party himself, if he has no representative or counsel of record.

SECTION 3. Appearance of Parties. — It shall be the duty of parties and their counsel to appear at the preliminary conference.

The counsel or his representative cannot, without a written authority or express consent of his client, enter into an amicable settlement, submit to alternative modes of dispute resolution, or enter into stipulations or admissions of facts or of documents.

SECTION 4. Effect of Failure to Appear. — If either or both parties fail to appear for preliminary conference, despite proper notice, the conference shall be deemed terminated and the Adjudicator shall render a decision on the basis of the evidence on record.

SECTION 5. Amicable Settlement. During the preliminary conference and at any stage of the proceedings, the Board or the Adjudicator shall exert all efforts and take positive steps for the amicable settlement of the case.

Should the parties arrive at any settlement as to the whole or part of the dispute, the same shall be reduced into writing in a language or dialect known to, and spoken by the parties and signed by them before the adjudicator or the board.

If a compromise agreement is entered into by the parties in a manner other than as specified above, the adjudicator or the board shall set the case for a hearing for the purpose of determining the authenticity and due execution thereof before approving it.

The settlement shall be approved after the Board or the Adjudicator is satisfied that it was voluntarily entered into by the parties and the same is not contrary to relevant