

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

laws, rules, and regulations, and after having explained to them the terms and consequences thereof.

The order or decision approving the compromise agreement shall have the effect of a judgment on the case, which shall immediately be final and executory.

In all cases where the beneficiaries, tenant farmers, or farm-workers are not assisted by a private counsel, the adjudicator or the board shall coordinate with the proper office of the DAR to ensure that said parties are assisted by a lawyer or legal officer in arriving at a settlement.

**Section 6. Failure to Arrive at an Amicable Settlement.** in the event that the adjudicator denies the compromise agreement or the parties are not able to reach an amicable settlement of the case, the adjudicator shall:

- a. consider the submission of the case to alternative modes of dispute resolution;
- b. resolve and dispose of preliminary incidents related to the case;
- c. determine whether any of the parties intends to propound clarificatory questions on any of the affiants/witnesses;
- d. determine whether there is a need to issue the appropriate subpoena upon any witness who refuses to execute an affidavit;
- e. determine the dates of subsequent hearings for the purpose of examining the witnesses; and
- f. take up other matters as may simplify and aid in the prompt disposition of the case.

**SECTION 7. Record of Preliminary Conference.**— The proceedings in the conference shall be recorded. Upon termination of the same, the Adjudicator shall issue an order, which shall embody the matters taken up therein, and the date set for the initial hearing of the case, if any.

The aforementioned order shall control the subsequent proceedings of the case, subject to such modifications, which may be made to prevent manifest injustice.

## **RULE X**

### **Proceedings Before the Adjudicators**

**SECTION 1. Nature of Proceedings.** — The proceedings before the Adjudicator shall be non-litigious in nature.

Subject to the essential requirements of due process, the technicalities of law and procedures and the rules governing the admissibility and sufficiency of evidence obtained in the courts of law shall not apply.

The Adjudicator shall employ reasonable means to ascertain the facts of the controversy including a thorough examination or re-examination of witnesses and the conduct of ocular inspection of the premises in question, if necessary.