

Titulo” program which are already officially received by the LBP, the A.O. may be applied retroactively.

DAR Opinion No. 12, s. 2007
February 13, 2007

APPEARANCE IN COURT; AUTHORITY OF LEGAL OFFICERS TO APPEAR BEFORE THE DARAB/MUNICIPAL TRIAL COURT IN RELATION TO AGRARIAN DISPUTES

- Rule 138, Section 34 of the Rules of Court which provides, quote:

“SEC. 34. By whom litigation conducted. – In the court of a justice of the peace a party may conduct his litigation in person, with the aid of an agent or friend appointed by him for that purpose, or with the aid of an attorney. In any other court, a party may conduct his litigation personally or by aid of an attorney, and his appearance must be either personal or by a duly authorized member of the bar.”

- Likewise, the DARAB 2003 Rules of Procedures, Rule VIII, Section 1 thereof provides, quote:

“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:

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1.4 He is a DAR employee 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 employee must have the prescribed authorization form before he may be allowed to appear before the board or any of its Adjudicators.”

- Applying the foregoing, a DAR Legal Officer who is not a full-fledged lawyer, can appear before the DARAB or any of its Adjudicators, or in a Municipal Trial Court to represent tenants and/or farmer-beneficiaries in relation to agrarian disputes. Hence, what the law strictly prohibits is the appearance of a person who is not a member of the Philippine Bar and not qualified to practice law before any other court, i.e., the Regional Trial Court, Court of Appeals and Supreme Court.

DAR Opinion No. 04, s. 2007
January 31, 2007

AUTHORITY OF THE REGIONAL DIRECTOR; CEASE AND DESIST ORDER MAY BE ISSUED BY THE RD IN A SITUATION OF EXTREME URGENCY

- The Regional Director may issue a Cease and Desist Order as provided for in Section 17 of DAR Administrative Order No. 06, Series of 2000 [**Rules and Procedures for Agrarian Law Implementation (ALI) Cases**]. This contemplates of a situation of extreme urgency to resolve a particular conflict. The AO does not entail that the matter be certified first as a flashpoint one before a CDO or status quo order be issued. It is only important that grave or irreparable damage will spring if the order will not be issued. It is worthy to note the word “*motu proprio*” used in this particular provision, this only means that the Regional Director or the DAR Official with jurisdiction is authorized to immediately issue a CDO or status quo order because the resulting damage is apparent.