

deputized by the Solicitor General who may not be full-pledged lawyers, however, subject to the availability of funds of their respective offices.

- Said provision however, is silent as regards to the type of cases that should be handled under such circumstances. It is presumed that it includes both civil and criminal cases and irrespective of whether or not the party represented is the department, its personnel or a tenant, agricultural lessee, agricultural farmworker or agrarian reform beneficiary. It is settled under our jurisdiction that "*when the law does not distinguish, we should not distinguish*".

DAR Opinion No. 01, s. 2006
January 09, 2006

DAR LAWYERS; AUTHORITY OF DAR LAWYERS TO APPEAR AS COUNSEL

- DAR lawyers may render free legal assistance to **tenants** only in cases **arising from or are connected with** an agrarian dispute as defined under Section 3 (d) of R.A. 6657. It is necessarily followed that there is no tenancy relationship if the party ceases to be an alleged tenant as decided by the court. Further, DAR lawyers may only render legal assistance if the forcible entry arises from or are connected with an agrarian dispute.
- If the requirements set by law for the existence of tenancy relationship have been met, regardless of the location of the property, a DAR lawyer may represent the tenant but not a farm-owner.

DAR Opinion No. 29, s. 2005
December 08, 2005

DAR LAWYERS; AUTHORITY TO NOTARIZE FREE OF CHARGE DEED OF TRANSFER OR DEED OF CONVEYANCE

- The general mandate of Bureau of Agrarian Legal Assistance (BALA) to render legal assistance and services **necessarily includes by implication** notarization free of charge of said documents. Thus, DAR lawyers in the BALA in Central Office may also notarize free of charge the Deed of Transfer or Deed of Reconveyance like their counterparts in the DAR field offices provided they have applied for commission. This is implied in DAR Special Order No. 597 and the aforementioned provisions of law. Moreover, it can be inferred that BALA being the legal arm of the Department can and should perform said task.

DAR Opinion No. 02, s. 2004
January 20, 2004

DEVOLUTION OF POWERS TO THE ARMM; IMPLICATION

- Executive Order No. 482 mandates the transfer of all the powers and functions of the Department of Agrarian Reform to the Autonomous Regional Government (ARG) in the implementation of the Comprehensive Agrarian Reform Program (CARP) in the DAR Provincial and Municipal Offices of the four (4) provinces covered by the ARMM. Relating thereto, a Memorandum of Agreement (MOA) dated 15 June 1993 was executed by and between the DAR and the ARG in order