

JURISDICTION; CANCELLATION OF REGISTERED EP/CLOA

- The DARAB Rules is applicable when there is an agrarian dispute between the landowner and tenants to whom CLOAs have been issued by the DAR Secretary.
- However, when the case does not involve agricultural tenants or lessees but it is an administrative implementation of agrarian reform laws, it falls within the jurisdiction of the DAR. The aforesaid jurisprudence clearly provides, thus:

“the case involving the issuance, cancellation of the CLOAs by the DAR in the administrative implementation of agrarian reform laws, rules and regulations to parties who are not agricultural tenants or lessees are within the jurisdiction of the DAR and not of the DARAB.” (underscoring ours)

- The jurisdictional boundaries of the DARAB and the DAR Secretary through its Regional Directors on the cancellation of registered CLOAs/EPs are clearly mapped out. Thus, it is our considered view that no conflict exists between the DARAB 2003 Rules of Procedure and the Heirs of Julian dela Cruz vs. Heirs of Albert Cruz case.

DAR Opinion No. 38, S. 2006
December 29, 2006

JURISDICTION; DAR HAS NO JURISDICTION TO MODIFY OR REVOKE OFFICE OF THE PRESIDENT APPROVED CONVERSION ORDER

- The DAR, pursuant to the President’s power of control over all executive departments, bureaus and offices (Sec. 17, Art. VII, 1987 Constitution), has no jurisdiction to modify, much less, cancel and/or revoke the OP-approved conversion of the subject property. The Supreme Court, has ruled: “The final order of this Court upholding the conversion of the property in question from agricultural to industrial has rendered the matter beyond the coverage of the comprehensive agrarian reform law”. (Rodolfo Buclasan, et al. vs. The Honorable Court of Appeals, et al., G.R. No. 143280, July 26, 2000, pp. 3-4). Thus, the OIC-Secretary of the DAR has dismissed the petition to cancel and/or revoke the conversion of the subject property in an Order dated October 27, 2006 for want of jurisdiction (DARCO Order No. RCON-0610324, Series of 2006).
- The DAR, as the agency vested with “exclusive authority” over land use conversion (Sec. 5[k], E.O. 129-A [1982]), can determine whether the proposed project, as amplified in the Revised Development Plan submitted to this Office, conforms to the authorized use under the OP Decision approving the conversion.

DAR Opinion No. 35, S. 2006
November 27, 2006

JURISDICTION; DAR IS NOT CLOTHED WITH THE AUTHORITY TO DECLARE MOU AS NULL AND VOID

- The DAR is not clothed with the authority to issue a final statement declaring the Memorandum of Understanding between Farley Gustilo and the members of Cambuktot Agrarian Reform Beneficiaries Association (CARBA) as null and void. A Memorandum of Understanding partakes the nature of a contract, and as