

such, its validity can be challenged or attacked in the court which has jurisdiction over the same.

DAR Opinion No. 20, s. 2006
July 13, 2006

JURISDICTION; INCLUSION OF IDENTIFIED FARMER BENEFICIARIES IN TITLES/CLOAS

- Section 2.2 and Section 7 of DAR Administrative Order No. 3, Series of 2003 (2003 Rules for Agrarian Law Implementation Cases) provide, to wit:

"Section 2. ALI Cases. - These Rules shall govern all cases arising from or involving:

x x x x x

x x x x x

x x x x x

2.2. *Classification, identification, inclusion, exclusion, qualification, or disqualification of potential actual farmer-beneficiaries.*

x x x x x

x x x x x

x x x x x

Section 7. General Jurisdiction. - The Regional Director shall exercise primary jurisdiction over all agrarian law implementation cases except when a separate special rule vests primary jurisdiction in a different DAR office." (emphasis supplied)

- Furthermore, Section 1.6, Rule II of the 2003 DARAB Rules and Procedures provides:

"Those involving the correction, partition, cancellation, secondary and subsequent issuances of Certificates of Landownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority fall within the primary and exclusive original jurisdiction of the DARAB."

- Given the foregoing provisions, the petition for inclusion must first be filed with the Regional Director before resorting to the correction of the title/CLOA with the Provincial Agrarian Reform Adjudicator.

DLR Opinion No. 23, S. 2005
September 01, 2005

JURISDICTION; UNTITLED PUBLIC ALIENABLE AND DISPOSABLE LANDS

- Untitled public alienable and disposable lands are still within the exclusive jurisdiction of DENR pursuant to C.A. No. 141 (Public Land Act).

DENR Administrative Order No. 47, Series of 2004 provides:

"1. Pursuant to Section 13, of PD 705, otherwise known as the Revised Code of the Philippines, as amended, I hereby declare and certify an aggregate area of 1,547.67 hectares as agricultural land (alienable and