

**JURISDICTION; CASES INVOLVING THE ANNULMENT OR RESCISSION
OF LEASE CONTRACTS AND DEEDS OF SALE**

- It is our considered opinion that DARAB has jurisdiction over the matter. **However, voluntary methods such as negotiation, mediation and/or conciliation shall be preferred in resolving the issue.**
- Further, it should be stressed that the provisions of PARC EXECOM Policy No. 1, series of 1997 (**Policy Guidelines on Joint Venture Agreements Between DAR and Other Interested Parties and on the Processing of Applications for Lease Back Arrangements, Joint-Venture Agreements and Other Schemes That May be Recommended by the PARCCOM to the PARC**) and DAR Administrative Order No. 2, series of 1999 (**Rules and Regulations Governing Joint Economic Enterprises in Agrarian Reform Areas**) may not be applicable since the lease contract in issue was executed and long been consummated (i.e., 26 June 1992) prior to the issuance of the aforementioned guidelines.
- Accordingly, neither the DAR-SSO/AVA-TF nor the PARCCOM may evaluate and/or review the lease contract for purposes of determining whether or not it legally infirmed, or, null and void.

DAR Opinion No. 15, s. 2003
August 29, 2003

**JURISDICTION; RE-DOCUMENTATION OF COLLECTIVE CLOA (CLOA)
UNDER NORMAL CONDITION**

- Please be informed that even assuming arguendo that the provisions of DAR Administrative Order No. 02, Series of 1994 (Rules Governing the Correction and Cancellation of Registered/Unregistered Emancipation Patents (EPs) and Certificate of Land Ownership Award (CLOAs) Due to Unlawful Acts and Omissions or Breach of Obligations of Agrarian Reform Beneficiaries (ARB's) and Other Causes) did not supersede the provisions of DAR Administrative Order No. 03, Series of 1993 (Rules and Procedures Governing the Issuance of Collective CLOAs and Subsequent Issuance of Individual Titles to the Owners), the Department of Agrarian Reform Adjudication Board (DARAB) still has jurisdiction in the instant case (i.e. re-documentation of collective CLOA under "normal" condition where there is no change/correction of FBs, areas or whatever) pursuant to Section 1.6, Rule II of the 2003 DARAB Rules of Procedure as reiterated in Section 3.6, Rule I of the 2003 Rules for Agrarian Law Implementation Cases (DAR Administrative Order No. 03, s. 2003) which provide, quote:

Section 1, Rule II 2003 DARAB Rules of Procedure

"SECTION I. Primary and Exclusive Original Jurisdiction. The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:

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*1.6. Those involving the correction, **partition**, cancellation, secondary and subsequent issuances of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;"*
(emphasis supplied)