



Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
DAR Building, Elliptical Road, Diliman, Quezon City

DAR ADMINISTRATIVE ORDER NO. 06
SERIES OF 2000

SUBJECT : RULES OF PROCEDURE FOR AGRARIAN LAW IMPLEMENTATION (ALI) CASES

Pursuant to Sections 49 and 50 of Republic Act (RA) No. 6657, the "Comprehensive Agrarian Reform Law of 1998," and in order to foster a just, inexpensive and expeditious determination of agrarian cases, the following rules governing the adjudication of cases involving agrarian law implementation are hereby promulgated:

RULE I
PRELIMINARY PROVISIONS

SECTION 1. Title - These Rules shall be known as the "Rules of Procedure for Agrarian Law Implementation (ALI) Cases."

SEC. 2. Cases Covered - These Rules shall govern cases falling within the exclusive jurisdiction of the DAR Secretary which shall include the following:

- (a) Classification and identification of landholdings for coverage under the Comprehensive Agrarian Reform Program (CARP), including protests or oppositions thereto and petitions for lifting of coverage;
- (b) Identification, qualification or disqualification of potential farmer-beneficiaries;
- (c) Subdivision surveys of lands under CARP;
- (d) Issuance, recall or cancellation of Certificates of Land Transfer (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall or cancellation of Emancipation Patents (EPs) or Certificates of Land Ownership Awards (CLOAs) not yet registered with the Register of Deeds;
- (e) Exercise of the right of retention by landowner;
- (f) Application for exemption under Section 10 of RA 6657 as implemented by DAR Administrative Order No. 13 (1990);
- (g) Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990) as implemented by DAR Administrative Order No. 6 (1994);
- (h) Application for exemption under DAR Administrative Order No. 9 (1993);

- (a) The Secretary shall exercise jurisdiction over applications for the issuance of exemption clearance under DAR Administrative Order No. 6, Series of 1994, for lands which have been reclassified to non-agricultural use before the effectivity of RA 6657 on June 15, 1988, with an area of more than five (5) hectares. For lands with an area of five (5) hectares and below, the issuance of such exemption clearance is hereby delegated to the Regional Directors.
- (b) Applications for exemption or exclusion under DAR Administrative Order No. 13, Series of 1990, DAR Administrative Order No. 9, Series of 1999, DAR Administrative Order No. 3, Series of 1995 and DAR Memorandum Circular No. 34, Series of 1997 and other pertinent rules and regulations, shall continue to be under the jurisdiction of the concerned DAR officials identified therein, except those involving lands five (5) hectares and below situated within the provinces of Cavite, Laguna, Batangas, Rizal and Quezon (CALABARZON) which are hereby delegated to the concerned Regional Director.

SEC. 9. Jurisdiction Over Conversions - The DAR officials authorized to approve or disapprove applications for conversion of agricultural lands to non-agricultural uses pursuant to Section 22 of DAR Administrative Order No. 1, Series of 1993, "Revised Rules and Regulations on the Conversion of Agricultural Lands to Non-Agricultural Uses," shall exercise jurisdiction over applications for conversion within the scope of their authority granted therein.

SEC. 10. Jurisdiction Over Other ALI Cases - The jurisdiction over ALI cases, other than those identified in Sections 7 to 9 herein, shall generally pertain to the Regional Directors, except those cases specifically delegated to other DAR officials under existing rules and regulations, or those that may subsequently be promulgated by the Secretary.

SEC. 11. Jurisdiction Over Flashpoint Cases - Flashpoint cases involving agrarian law implementation, duly certified as such in accordance with the criteria and procedures provided in DAR Memorandum Circular No. 13, Series of 1997, shall be under the jurisdiction of the DAR official duly designated to decide on such cases in accordance with the particular rules and regulations governing the same. The certification that a case is considered flashpoint shall merely serve to accord utmost priority to the resolution thereof but shall not divest the concerned DAR official of the authority to resolve such cases, unless otherwise specifically directed in the national interest, or the Secretary himself has assumed jurisdiction over the case.

RULE III

COMMENCEMENT, INVESTIGATION AND RESOLUTION OF CASES

SEC. 12. Commencement of Actions - All applications, petitions or complaints involving ALI cases shall be in writing and under oath following the prescribed form, if any, and filed by the affected party or his duly authorized representative before the office designated to receive the same in accordance with applicable rules and regulations. The documentary evidence required or

ducted before, or in the course of, the summary investigation, as appropriate.

If after due notice, the party refuses to cooperate, the ocular inspection shall nonetheless be conducted with a representative from the BARC where the subject property is situated.

After the ocular inspection, the investigating officer shall prepare an ocular inspection report and affix his signature thereon. Likewise, the parties concerned or any of their duly authorized representative and the representative of the BARC shall affix their respective signatures on the report. In case any party or his duly authorized representative or the BARC representative fails or refuses to affix his signature on the report, such fact shall be stated therein by the investigating officer. The ocular inspection report shall form part of the records of the case.

(d) Summary Investigation - Within ten (10) days from the ocular inspection, if any, the MARO or investigating officer shall conduct a summary investigation of the case. The investigation may be conducted at the DAR Municipal Office or at the BARC office where the subject property is situated, or in any convenient place designated by the investigating officer, in the presence of all the parties concerned or their authorized representatives.

Upon request of the party to whom questions are propounded, or at the instance of the MARO or investigating officer, the other party may be excluded from the place where the investigation is being conducted. Afterwards, the party excluded and his witnesses may be called upon for their turn to testify or present evidence.

The party or person who will testify must first be sworn under oath before the MARO or the investigating officer, after which, he must state his name, status and other personal circumstances.

Documentary evidence presented by any party in the course of the investigation shall be admitted and marked as exhibits in support of his claim or allegation. Any document already on record necessary to the resolution of the case shall be made available during the investigation and must be properly identified and shown by the parties concerned.

(e) Power to Summon Witnesses, to Compel Submission of Records, and to Cite for Contempt - Pursuant to Section 50 of RA 6657, the MARO or the investigating officer shall have the power to summon witnesses; require submission of reports, compel the production of books and documents and answers to interrogatories, and issue subpoena duces tecum. The MARO or the investigating officer shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

(f) Record of Proceedings - All proceedings shall be recorded by the duly appointed stenographer. In the absence of a stenographer, the MARO or a duly designated recorder shall faithfully record the proceedings. The transcript of summary investigation shall contain the

- (h) Application for exemption under DAR Administrative Order No. 9 (1993);
- (i) Application for exemption under Section 1 of RA 7881, as implemented by DAR Administrative Order NO. 3 (1995);
- (j) Issuance of certificate of exemption for lands subject of - Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes pursuant to DAR Memorandum Circular No. 34 (1997);
- (k) Application for conversion of agricultural lands to residential, commercial, industrial or other nonagricultural uses including protests or oppositions thereto;
- (l) Right of agrarian reform beneficiaries to homelots;
- (m) Disposition of excess area of the farmer-beneficiary's landholdings;
- (n) Transfer, surrender or abandonment by the farmer-beneficiary of his farmholding and its disposition;
- (o) Increase of awarded area by the farmer-beneficiary;
- (p) Conflict of claims in landed estates and settlements; and
- (q) Such other matters not mentioned above but strictly involving the administrative implementation of RA 6657 and other agrarian laws, rules and regulations as determined by the Secretary.

SEC 3. Cases Not Covered - These Rules shall not apply to cases falling within the exclusive original jurisdiction of the DAR Adjudication Board (DARAB), as provided for under Section 1, Rule II of the DARAB New Rules of Procedure, which shall include the following:

- (a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;
- (b) The valuation of land, and the preliminary determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank of the Philippines (LBP);
- (c) The annulment or cancellation of lease contracts or deeds of sale or their amendments involving lands under the administration and disposition of the DAR or LBP;
- (d) Those cases arising from or connected with membership or representation in compact farms, farmers' cooperative and other registered farmers' associations or organizations related to lands covered by the CARP and other agrarian laws;
- (e) Those involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;
- (f) Those involving the issuance, correction, and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
- (g) Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations (CAR) under Section

representative before the office designated to receive the same in accordance with applicable rules and regulations. The documentary evidence required or relevant to the resolution of the action shall be simultaneously filed with the petition or application.

SEC. 13. Period to File Actions - Petitions for lifting of notice of coverage shall be filed within thirty (30) days from receipt of the Notice of Coverage by the affected party. If the affected party cannot be located or refuses to receive the notice, the same shall be effected through publication in a newspaper of national circulation. In the latter case, the thirty (30)-day period shall commence from the date of publication.

Failure by the affected party to file the protest or petition within the thirty (30)-day period shall be deemed a waiver of his right thereto.

If the action is filed after the expiration of the thirty (30)-day period, the protest or petition shall no longer be entertained or shall be summarily dismissed by the MARO or the PARO, except in the following instances:

- (a) The protest or petition is based on allegations that the subject landholding is exempted from CARP coverage pursuant to DOJ Opinion NO. 44 (1990), as implemented by DAR Administrative Order No. 6, Series of 1994; or
- (b) Upon evaluation of the pertinent documents and based on the physical conditions obtaining in the property, it is determined by DAR that the subject landholding is exempted from CARP coverage pursuant to DAR Administrative Order No. 13 (1990), DAR Administrative Order No. 9 (1993), DAR Administrative Order No. 3 (1995) and DAR Memorandum Circular No. 34 (1997) notwithstanding the issuance of the Notice of Coverage.

Protests involving notices of coverage issued prior to the effectivity of this Order may be filed within thirty (30) days thereof, otherwise, the same shall be deemed waived.

Petitions or applications involving other ALI cases shall be filed or commenced within the period prescribed, if any, in their respective governing rules and regulations.

SEC. 14. Effect of Filing of Application/Protest/Petition - The filing of an application, protest or petition involving ALI cases such as exemption, exclusion, conversion, retention or protest against coverage, shall have the following effects in so far as land acquisition and distribution is concerned:

- (a) **Application/ Petition Filed Before Issuance of Notice of Coverage** - If the application or petition is filed before the issuance of the notice of coverage, the notice of coverage shall not be issued until the application or petition is finally resolved.
- (b) **Application/Petition Filed Where Claimfolder is Pending with DAR** - If the application, protest or petition is filed after issuance of the notice of coverage, the DAR may proceed with the processing of the claimfolder notwithstanding the pendency of the application, protest or petition in accordance with the activities outlined under DAR Administrative Order No.2 (1996), as amended. The processing of the claimfolder may be suspended by the PARO if upon proper review and evaluation of the Field Investigation Report (FIR) submitted by the MARO, and upon personal verification of the allegations in the application, protest or petition, it is determined that the subject landholding is in fact exempted or excluded from CARP coverage. Otherwise, the PARO may forward the claimfolder to the Land Bank of the Philippines (LBP) for further processing.

MARO or a duly designated recorder shall faithfully record the proceedings. The transcript of summary investigation shall contain the date, time, and place of investigation, the name of the witnesses investigated, and the name of the stenographer or recorder.

Each and every page of the transcript of investigation must be signed by the witness/party concerned and shall be certified as true and correct by the stenographer, recorder or the MARO who recorded the proceedings. The transcript of investigation shall form part of the records of the case.

The parties may be required to submit their position papers at the instance of the investigating officer.

- (g) **Submission of Recommendation** - The MARO or the investigating officer shall submit his Field Investigation Report (FIR) to the PARO for review and evaluation within fifteen (15) days from termination of the summary investigation.

The PARO shall submit to the Regional Director (RD) the case folder together with his recommendations within ten (10) days from receipt of the FIR.

SEC. 17. Issuance of Cease and Desist Order - In cases where grave or irreparable damage will result to the parties, or where the doing or continuance of certain acts will render the case moot and academic, or where there is a need to maintain peace and order and prevent injury or loss of life or property, the Regional Director or DAR official with jurisdiction over the case, shall, motu proprio or at the instance of a party, have the authority to issue a Cease and Desist or Status Quo Order pending the resolution of the case. In this regard, the issuing authority may request the assistance of law enforcement agencies to implement the order.

SEC. 18. Prohibition Against Restraining Order or Preliminary Injunction - Pursuant to Section 55 of RA 6657, no court shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the DAR and other concerned officials, in any case, dispute or controversy arising from, necessary to, or in connection with, the application, implementation, enforcement or interpretation of RA 6657 and other pertinent agrarian reform laws, rules and regulations.

Unless duly-referred by the DAR Secretary, the DARAB or its adjudicators shall have no authority to issue any restraining order or preliminary injunction against the Regional Director or any concerned officials and personnel in any case, dispute or controversy arising from the implementation of agrarian laws, rules and regulations as provided herein.

SEC. 19. Resolution of Cases - The RD or approving authority shall rule on the issues raised in the application, protest or petition taking into account the records of the case and the recommendations of the PARO within fifteen (15) days from receipt of the case folder. The RD shall furnish a copy of the decision to the BARC, MARO, PARO and the parties concerned or their duly authorized representatives. The RD may conduct his own summary investigation and/or ocular inspection in accordance with the procedure provided herein if deemed necessary for the expeditious and just resolution of the case.

SEC. 20. Investigation and Resolution of Certain ALI Cases - Unless otherwise directed by the Secretary, the investigation and resolution of certain ALI cases such as applications for conversion, exemptions or exclusions, retention, identification of beneficiaries of commercial farms, disputes involving joint economic enterprises, and such other ALI cases as the Secretary may identify, shall be undertaken in accordance with their respective governing rules and regulations.

SEC. 21. Motion for Reconsideration - In case any of the parties dis-

tion in compact farms, farmers' cooperative and other farmers' associations or organizations related to lands covered by the CARP and other agrarian laws;

(e) Those involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;

(f) Those involving the issuance, correction, and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

(g) Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations (CAR) under Section 12 of P.D. No. 946, except Sub-paragraph (g) thereof and P.D. No. 815. It is understood that said cases, complaints or petitions were filed with the DARAB after August 29, 1987; and

(h) Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary.

SEC. 4. Referral of Cases - If a case covered by Section 2 herein is filed before the DARAB, the concerned DARAB official shall refer the case to the proper DAR office for appropriate action within five (5) days after said case is determined to be within the jurisdiction of the Secretary. Likewise, if a case covered by Section 3 herein is filed before any office other than the DARAB, the concerned DAR official shall refer the case to the DARAB for resolution within the same period provided herein.

SEC. 5. Construction - These Rules shall be liberally construed to carry out the objectives of agrarian reform and to promote a just expeditious and inexpensive determination of agrarian cases. In accordance with Section 50 of RA 6657, the DAR shall not be bound by technical-rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case.

RULE II

JURISDICTION OVER ALI CASES

SEC. 6. Exclusive Original Jurisdiction - The Secretary shall have exclusive original jurisdiction over all cases involving agrarian law implementation as enumerated in Section 2 herein. This jurisdiction may, however, be delegated to certain officials of DAR in accordance with existing rules and regulations and/or as provided for in this Order.

SEC. 7. Jurisdiction Over Protests or Petitions for Lifting of Coverage - The Regional Director shall exercise primary jurisdiction over protests against CARP coverage or petitions for lifting of notice of coverage.

SEC. 8. Jurisdiction Over Exemptions or Exclusions -

(d) **Application/Petition Filed Where Claimfolder is Pending with DAR** - If the application, protest or petition is filed after issuance of the notice of coverage, the DAR may proceed with the processing of the claimfolder notwithstanding the pendency of the application, protest or petition in accordance with the activities outlined under DAR Administrative Order No.2 (1996), as amended. The processing of the claimfolder may be suspended by the PARO if upon proper review and evaluation of the Field Investigation Report (FIR) submitted by the MARO, and upon personal verification of the allegations in the application, protest or petition, it is determined that the subject landholding is in fact exempted or excluded from CARP coverage. Otherwise, the PARO may forward the claimfolder to the Land Bank of the Philippines (LBP) for further processing.

(c) **Application/Petition Filed Where Claimfolder is Pending with LBP** - In case the application, protest or petition is filed where the claimfolder is pending with LBP, or where the claimfolder has been forwarded by the PARO notwithstanding such application, protest or petition, the LBP shall continue with the processing of the land compensation claim, except that the Certification of Deposit (COD) shall not be issued to the PARO until the application, protest or petition is finally resolved.

SEC. 15. Mediation/Conciliation - In cases where mediation or conciliation is required or deemed necessary, the MARO or the duly designated mediator or conciliator shall conduct a mediation/conciliation conference within fifteen (15) days from the filing of the action with the assistance of the Barangay Agrarian Reform Committee (BARC). The MARO or mediator/conciliator shall notify the parties concerned by personal delivery with proof of service or by registered mail with return card.

Upon successful conclusion of the mediation/conciliation, the protest or petition shall be deemed finally terminated. The MARO or mediator/conciliator shall reduce the agreement in writing duly signed by the parties and attested to by the MARO or mediator/conciliator.

SEC. 16. Investigation Procedure - As a general rule, the investigation of ALI cases shall follow the following procedures:

(a) **Designation of Investigating Officer** - In general, the MARO shall conduct the investigation of ALI cases.

However, the RD, PARO or MARO may designate another investigating officer as circumstances may warrant.

(b) **Issuance of Notice** - The MARO or investigating officer shall issue a notice of summary investigation to the parties concerned within ten (10) days from termination of the mediation/conciliation (if unsuccessful) or from receipt of the application, protest or petition. The notice shall be sent by personal delivery with proof of service or by registered mail with return card.

(c) **Ocular Inspection** - An ocular inspection of the subject landholding shall be conducted, where necessary, for the judicious determination of the issues and/or respective claims of the parties. It shall be con-

duction to the BARC, MARO, PARO and the parties concerned or their duly authorized representatives. The RD may conduct his own summary investigation and/or ocular inspection in accordance with the procedure provided herein if deemed necessary for the expeditious and just resolution of the case.

SEC. 20. Investigation and Resolution of Certain ALI Cases - Unless otherwise directed by the Secretary, the investigation and resolution of certain ALI cases such as applications for conversion, exemptions or exclusions, retention, identification of beneficiaries of commercial farms, disputes involving joint economic enterprises, and such other ALI cases as the Secretary may identify, shall be undertaken in accordance with their respective governing rules and regulations.

SEC. 21. Motion for Reconsideration - In case any of the parties disagrees with the decision or resolution, the affected party may file a written motion for reconsideration within fifteen (15) days from receipt of the order, furnishing a copy thereof to the adverse party. The filing of the motion for reconsideration shall suspend the running of the period to appeal.

Any party shall be allowed only one (1) motion for reconsideration. Thereafter, the RD or approving authority shall rule on the said motion within fifteen (15) days from receipt thereof. In the event that the motion is denied, the adverse party has the right to perfect his appeal within the remainder of the period to appeal, reckoned from receipt of the resolution of denial. If the decision is reversed on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal within which to perfect his appeal.

SEC. 22. Finality - Unless an appeal is perfected, the decision or order of the RD or approving authority shall become final and executory after the lapse of fifteen (15) days from receipt of a copy thereof by the parties or their counsel or duly authorized representatives. In all cases, the parties and their counsel shall be furnished with a copy of the decision or order.

RULE IV

APPEALS

SEC. 23. Grounds for Appeal - Any person who is aggrieved by the decision of the RD or approving authority may file a written appeal on any of the following grounds:

a) There is a grave abuse of discretion on the part of the RD or approving authority;

b) The order or decision is obtained through fraud, coercion or graft and corruption; or

c) Errors in the findings of facts or conclusions of law were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.

SEC. 24. Caption - In all cases appealed to the Secretary, the party ap-

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Tuesday, September 5, 2000

Norman, Safin stretched to 1

NEW YORK. — Third-seeded Magnus Norman and sixth-seeded Marat Safin were stretched to the limits on a rainy Sunday at the US Open, with both players needing to win fifth-set tiebreakers to survive.

Norman, the highest remaining seed following the early upsets of top-seeded 1999 champion Andre Agassi and second-seeded French Open winner Gustavo Kuerten, recovered from the more dangerous situation.

The 24-year-old Swede clawed his way back from two sets down and saved four match points before claiming a 3-6, 4-6, 7-6 (7-5), 6-4, 7-6 (11-9) victory over relentless serve-and-volleyer Max Mirnyi of Belarus.

"It's an unbelievable feeling," said Norman, who won on his third match point of the tiebreaker when he whipped a backhand crosscourt passing shot that Mirnyi dove for at the net but could not return.

Safin won the first two sets but then had to fight for his Open life against Sebastien Grosjean of France, who battled the 20-year-old Russian valiantly before falling 6-4, 7-6 (7-3), 1-6, 3-6, 7-6 (7-5).

After enduring two lengthy rain delays totaling three hours, the second lasting one hour and 40 minutes, Safin and Grosjean returned to Arthur Ashe Stadium court to pick up their climactic tiebreaker with the Russian leading 5-4 and the Frenchman serving the next two points.

"In the fifth-set tiebreaker, it is a question of who is going to be more

lucky," said Safin, who won in Toronto and was runner-up in Indianapolis in a red-hot hardcourt season. "It is a lottery."

Said Grosjean: "At 4-5 in the tiebreaker of the fifth set is a terrible spot to break off. After that it's really a bit of crapshoot."

On the seventh day, the men found little rest at the Open.

Day seven of the championships also saw Australian qualifier Wayne Arthurs of Australia, who ousted Kuerten in the opening round, go five sets before vanquishing compatriot Richard Fromberg 7-6 (7-3), 1-6, 6-3, 3-6, 6-3.

Spain's Juan Carlos Ferrero, the 12th seed, needed to win a fourth-set tiebreaker that was also interrupted by the rain before dismissing Swiss Roger Federer 7-5, 7-6 (8-6), 1-6, 7-6 (8-6) to earn a fourth-round match against Safin.

American Jan-Michael Gambill also needed a fourth-set tiebreaker to advance past Thomas Johansson of Sweden 6-3, 3-6, 7-6 (7-5), 7-6 (7-1).

Earlier, 14th-seeded Nicolas Kiefer of Germany stayed dry by scooting into the fourth round with a straight-sets win over Sjeng Schalken of the Netherlands.

The 23-year-old Kiefer won the battle of former US Open boys' singles champions 7-5, 6-3, 6-4 in the only match completed before the rains came. Kiefer will meet Norman in the fourth round.

Sampras looks primed to

NEW YORK. — The way the seeds are falling at the US Open, the main threat to Pete Sampras adding to his all-time record of Grand Slam triumphs may be thalassemia minor — a form of anemia that the Wimbledon champion suffers from.

With top-seeded and 1999 champion Andre Agassi, second-seeded French Open winner Gustavo Kuerten and 11th seed Tim Henman removed from his path through early upsets, Sampras looks primed to add to his record 13 Grand Slam singles crowns.

Sampras says he feels great heading into the second week of the Open, but should he be tested in a five-setter on one of New York's typically stifling, late summer days he will have to ward off the weakness brought on by his inherited condition.

The illness, a common one among people reported four years ago by Sampras in the

Sampras' mother and his father, said the most glaring came during the physically sick and set tiebreaker at quarterfinals.

Sampras, wobbling and gasping for air in the aged to prevail and last US Open

Sabbatini hits paydirt in

SURREY, British Columbia. — South African Rory Sabbatini fired a 6-under-par 65 to overtake Grant Waite of New Zealand and win the

said. "It spurred me on and I made sure I kept my emotions in check."

Sabbatini, 24, birdied the final two holes — including a 50-footer at 18

...pealing shall be called the "Appellant" and the adverse party the "Appellee" and the case shall be assigned a docket number by the Bureau of Agrarian Legal Assistance (BALA) of the DAR Central Office.

SEC. 25. When to Appeal - Appeals may be taken within fifteen (15) days from receipt of the decision or order. This shall apply to appeals to the Office of the President in view of Section 51 of RA 6657 which provides that "any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof".

SEC. 26. Perfection and Manner of Appeal -

(a) Appeal from the decision of the Regional Director to the Secretary shall be made by filing a notice of appeal with the Regional Office concerned together with payment of P500.00 appeal fee to the cashier of said Regional Office.

(b) Appeal from the decision of the Undersecretary shall be made by filing a notice of appeal with the said office and payment of P500.00 appeal fee to the cashier of the DAR Central Office.

(c) Appeal from the decision of the Secretary may be taken to the Office of the President pursuant to OP Administrative Order No. 18, Series of 1987, except as to the period therein provided, or to the Court of Appeals (CA) by certiorari pursuant to Sec. 54 of RA 6657.

SEC. 27. Appeal by Pauper Litigant - An appellant who is an agricultural lessee, share tenant, actual tiller, farmworker, member of farmers' organization, association or cooperative, shall be entitled to the rights and privileges of a pauper litigant such as exemption from payment of appeal fee, without need of further proof thereof.

SEC. 28. Appeal Memorandum - An appeal-memorandum shall be submitted by the appellant within fifteen (15) days from perfection of the appeal, furnishing a copy thereof to the adverse party and the DAR official who rendered the decision or order.

SEC. 29. Effect of Appeal - Appeal to the Secretary, the Office of the President, or the Court of Appeals shall have the following effects:

(a) Appeal from the Regional Director or Undersecretary to the Secretary - The appeal shall stay the order appealed from unless the Secretary directs execution pending appeal, as he may deem just, considering the nature and circumstances of the case (Executive Order No. 292 [1987], Book VII, Chapter 4, Sec. 21).

(b) Appeal to the Office of the President - Except as otherwise provided by special laws, the execution of the decision/resolution/order appealed from is stayed upon the filing of the appeal within the period prescribed. However, in all cases, at any time during the pendency of the appeal, the Office of the President may direct or stay the execution of the decision/resolution/order appealed from upon such terms and conditions as it may deem just and reasonable (OP Admin. Order No. 18, Series of 1987, Sec. 4).

(c) Appeal to the Court of Appeals - Pursuant to Section 50 of RA 6657, the decision of the DAR shall be immediately executory notwithstanding an appeal to the Court of Appeals.

SEC. 30. Transmittal of Records - Upon receipt of the appeal memorandum, the Director of BALA shall direct the RD or the concerned office to immediately transmit the records of the case to the BALA.

The records of the case shall contain, among others, a table of contents, the minutes of the hearings conducted, all original pleadings filed, documentary exhibits, transcripts or written summary of the hearings filed, investigation reports, notices, orders or decisions of the RD or approving authority and proof of service thereof. It shall be numbered and initialed by the Records Officer of the Region or office concerned on every page thereof. A photocopy of the receipt of the appeal fee, duly certified by the cashier, shall also be attached to the records of the case.

SEC. 31. Withdrawal of Appeal - Except when it is prejudicial to public interest, an appeal may be withdrawn upon filing with the BALA a motion to withdraw at any time prior to the promulgation of the order or decision.

* The DAR Secretary shall issue an order approving the motion to withdraw.

SEC. 32. Motion for Reconsideration - Only one (1) motion for reconsideration of the order or decision of the Secretary shall be allowed. If a motion for reconsideration is denied, the movant shall have the right to perfect his appeal with the Office of the President (OP) pursuant to OP

discouraged. Such motion shall be entertained only upon a clear showing by the movant that he has a substantial right or interest in the case that cannot be adequately pursued and protected in another proceeding. Should a motion for intervention be deemed order, the same may be filed not later than the expiration of the period allowed for the filing of a motion for reconsideration.

RULE V

EXECUTION OF ORDERS OR DECISIONS

SEC. 34. Execution upon Final Order or Decision - Execution shall issue upon an order or decision that has become final and executory. Such execution shall issue as a matter of course and upon expiration of the period to appeal therefrom if no appeal has been duly perfected. The Director shall issue the certificate of finality involving ALI cases upon request of the interested party.

SEC. 35. How to Execute Orders or Decisions - Upon certification by the proper officer that an order or decision has been served to the party, his counsel or authorized representative on record, and such order or decision has become final and executory, the RD or approving authority may, upon motion or motu proprio, issue a Writ of Execution ordering the MARO or any other concerned official to enforce the same. For this purpose, the MARO or the concerned official may do such acts and things as may be necessary, and seek the assistance of law enforcement agencies, as appropriate, to implement the order or decision.

RULE VI

FINAL PROVISIONS

SEC. 36. Transitory Provision - The investigation and resolution of ALI cases involving lands situated within CALABARZON shall be transferred to the jurisdiction of the DAR Regional Director for Region 4 effective upon implementation of the DAR reorganization, or as directed by the Secretary. In the meantime or pending the reorganization, such cases shall remain with the Center for Land Use, Policy, Planning and Implementation (CLUPPI)-2 for appropriate action.

SEC. 37. Repealing Clause - This Order modifies or repeals DAR Administrative Order No. 9, Series of 1994 and other issuances or portions thereof which are inconsistent herewith.

SEC. 38. Separability Clause - In the event any of the provisions of this Order is declared unconstitutional, the validity of the other provisions shall not be affected by said declaration.

SEC. 39. Effectivity Clause - This Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation.

Diliman, Quezon City, August 30, 2000.


HORACIO R. MORALES JR.
 Secretary

demanded. He used an early eagle, at the par-five fourth hole, to emerge from a seven-way tie for sixth place and move past four players, including faltering Jesper Parnevik of Sweden. "When I made eagle, I told myself I had a chance," Sabbatini

that was not enough, and Sabbatini took the \$540,000 first prize. "I'm glad I finally got one under the belt," said Sabbatini, who won in his 48th career event. "When I first came on tour, I thought I could beat anybody. It's nice to be an optima

SPORTS ROUNDUP

KGB GOLF: The Kapisanan ng mga Golfers sa Brodcast will hold its regular monthly tournament on Sept. 8 at the tough and challenging South Course of the Valley Golf and Country Club in Antipolo City. About 70 KGB members are expected to participate in the 18-hole, medal play golfest sponsored by Ms. E.J. Villacorta.

CHESS UPDATE: The National Chess Federation of the Philippines reiterated it has the sole right to form the national team to the 34th World Chess Olympiad and name the delegates to the World Chess Congress in Istanbul, Turkey. The group said that according to a letter sent by World Chess Federation executive director Emmanuel Omuku to the Chess Olympiad Organizing Committee head Y. Aksoy last Aug. 27, the NCFP under Grandmaster Eugene Torre has been granted the right to organize the RP team for the Olympiad.

Boxers to watch

AMERICAN heavyweight Michael Bennet and two-time Olympic winner Felix Savon of Cuba are the boxers to watch in the Sydney Olympics. Incensed by Savon's refusal to fight him in the finals of the World Championship in Houston last year in protest over an earlier decision against a countryman, the American wants to win the Olympic gold badly against the Cuban. Bennet thought he won an empty title there.

Bennet, who served time for seven years for armed robbery (he was released in 1998), has won all his 12 bouts this year. At 29, he is one of three world champions the US is fielding in Sydney. The others are Fil-Ain Brian Viloria (106 lbs.) and Texan Ricardo Juarez (125 lbs.).

Viloria, from Waipaku, Hawaii, defeated Cuban Maikro Romero in the 1999 Houston event. Romero, the 1996 Olympic gold medalist at 112 lbs., is expected to meet Viloria in a grudge rematch

in Sydney. If we recall correctly, Romero was the same guy who beat Roel Velasco in the semifinals of the 1992 Barcelona Olympics.

Savon, already 32 summers old, won his first world championship in 1986 when fellow Cuban Teodoro Stevenson was still the toast of the amateur boxing world. In Sydney, Savon will try to become the third boxer to win three Olympic titles. Lazlo Papp of Hungary was the first man to achieve the feat in 1948 (165 lbs), 1952 and 1956 (156 lbs). Stevenson won in 1972, 1976 and 1980 and was favored to win a fourth gold until Cuba boycotted the 1984 Olympics in Los Angeles.

Savon, however, is no longer as devastating as he was many years before. In 1997, he was stopped by Juan Carlos Delis in a bout held in Cuba and then lost to Uzbekistan's Ruslan Chagaev 4-14 in the finals of the world championship. He reportedly suffered a knockout loss in Cuba early this year and barely managed to land an Olympic slot in the Cuban trials. Interestingly,

Registration for the Little Chess League of the Philippines second individual event which starts on Sept. 10 is now going on at the Centennial of the Greenhills Shopping Center and the Metropolitan Chess Club headquarters at Mezzanine B, Perlas Bldg., No. 646 Quzon Ave., Quzon City.
 Open to all players aged 18-and below, the tourna-

Chess listup begins

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SPORTS

JIMMY A. CANTOR, EDITOR