

March 15, 1994



**rep wows
CA panel**

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Laudico said she intends to work in Congress for the enhancement of women's rights, as well as those of children, to protect them from prostitution and exploitation.

"My main concern will still be prostitution and exploitation of women and children, and, of course, the (protection of the) environment," Laudico said.

According to her, she has long been advocating for more protection for women and children.

In the next few days, she said, she would look into the record of the bills filed concerning women and children and the environment "to prevent a repetition of what have already been filed."

Laudico said she is still vice president for external affairs of the Centro Escolar University.

**Mystery
shrouds
restive
volcano**

From Page 1

were smaller than those which occurred from March 10 to 11 signifying the unstable condition of the volcano. Harmonic tremor continues to be recorded indicating probable magma intrusion.

Data from acoustic sensors located about 25 meters above the bottom of the main crater lake showed a significant increase in bubbling activity on March 12.

This suggests that pressure beneath the lake bottom was significantly higher than normal, volcanologists said.

**ADMINISTRATIVE ORDER NO. 02
Series of 1994**

*For complete text see
AGRARIAN REFORM OR LAND*

SUBJECT: Rules Governing the Correction and Cancellation of Registered/Unregistered Emancipation Patents (EPs), and Certificates of Land Ownership Award (CLOAs) Due to Unlawful Acts and Omissions or Breach of Obligations of Agrarian Reform Beneficiaries (ARBs) and for Other Causes

I. PREFATORY STATEMENT

Under Presidential Decree No. 27, Executive Order No. 228, and Republic Act No. 6657, tenants, farmers, and regular farmworkers have the right to own directly the land they till. Ownership shall be evidenced by either an Emancipation Patent (EP) or Certificate of Landownership Award (CLOA).

Section 12 (g) of Presidential Decree No. 946 provides that the Court of Agrarian Relations shall have original and exclusive jurisdiction involving the annulment of decisions or lease contracts and deeds of sale, and the cancellation of amendments of titles pertaining to agricultural lands under the administration and disposition of the Department of Agrarian Reform (DAR) and the Land Bank of the Philippines (LBP), as well as Emancipation Patents issued under P.D. 266, homestead patents, free patents, and miscellaneous sales patents to settlers in settlement and resettlement areas under the administration or disposition of the Department of Agrarian Reform.

Section 5(g) of Executive Order No. 129-A mandates that DAR may issue emancipation patents to farmers and farmworkers covered by agrarian reform for both private and public lands and when necessary make administrative corrections of the same.

EPs/CLOAs issued to ARBs may be corrected and cancelled for violations of agrarian laws, rules and regulations. This includes cases of lands which are found to be exempt/excluded from P.D. No. 27/E.O. No. 228 or CARP coverage, or part of the landowner's retained area. All rights which accrue to the ARB upon cancellation may be forfeited and the amortization they have paid may be refunded.

These rules and procedures are hereby prescribed to guide all concerned in the correction and cancellation of registered EPs,

Court of Gingoog City, Branch 27 et. al., CAG.R., SP No. 27450; Aurea Hernandez versus Abeto Salcedo Jr., et.al., CA-G.R. NO. 27815-SP; Tangub V. Court of Appeals, et al., UDK No. 9864, December 3, 1990, 191 SCRA 885; Quismundo V. Court of Appeals, et.al., G.R. No. 96664, September 13, 1991, 201 SCRA 609; Rogelio Anciga versus Court of Appeals, G.R. No. 9104, Jan. 24, 1990; and CMU versus DARAB, G.R. No. 10009, Oct. 22, 1992.

B. Grounds for the cancellation of registered EPs or CLOAs may include but not be limited to the following:

1. Misuse or diversion of financial and support services extended to the ARB; (Section 37 of R.A. No. 6657)
2. Misuse of the land; (Section 22 of R.A. No. 6657)
3. Material misrepresentation of the ARB's basic qualifications as provided under Section 22 of R.A. No. 6657, P.D. No. 27, and other agrarian laws;
4. Illegal conversion by the ARB; (Cf. Section 73, Paragraph C and E of R.A. No. 6657)
5. Sale, transfer, lease, or other forms of conveyance by a beneficiary of the right to use or any other usufructuary right over the land acquired by virtue of being a beneficiary, in order to circumvent the provisions of Section 73 of R.A. No. 6657, P.D. No. 27, and other agrarian laws. However, if the land has been acquired under P.D. No. 27/E.O. No. 228, ownership may be transferred after full payment of amortization by the beneficiary; (Sec. 6 of E.O. No. 228)
6. Default in the payment of amortization.

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rules and regulations - RA



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 08

Series of 1994

SUBJECT: RULES AND PROCEDURES GOVERNING MEDIATION/CONCILIATION OF AGRARIAN DISPUTES BY THE BARANGAY AGRARIAN REFORM COMMITTEE (BARC)

I. LEGAL MANDATE

Pursuant to Sections 47 and 53 of R.A. No. 6657, Section 19 of Executive Order (E.O.) No. 229 and Department of Agrarian Reform (DAR) Administrative Order No. 14, Series of 1990, the BARC is hereby mandated to mediate/conciliate agrarian disputes brought to it by the contending parties for resolution.

II. OBJECTIVES

One of the major impediments to the implementation of the Comprehensive Agrarian Reform Program (CARP) are the disputes that arise between and among the parties due to their conflicting rights and interests. In this connection the DAR shall:

- A. Provide a common framework in mediating/conciliating agrarian disputes between or among contending parties relative to tenurial and financial arrangements, and other agrarian-related matters. This aims to:
 1. promote the speedy and cost-free administration of justice;
 2. alleviate the congestion of Court and DAR Adjudication Board (DARAB) dockets; and
 3. develop a sense of commitment and responsibility among landowners and farmer-beneficiaries to comply with their agreements, thus ensuring the successful implementation of the CARP.
- B. Clarify the role of the BARC in the resolution of agrarian disputes.

Nothing in these rules shall be construed to delimit the discretion of the PARO, the Regional Directors and other DAR officials to mediate agrarian disputes at their respective levels when in their honest judgment, a principled settlement of the problem shall promote justice and equity, and countryside peace, for all concerned.

III. DEFINITION OF TERMS

- A. Agrarian Disputes - refer to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship, or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers, associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange the terms and conditions of such tenurial arrangements.
- B. Mediation/Conciliation - refers to the process whereby the contending parties are persuaded by the BARC to settle their disputes amicably.
- C. Third Party - refers to any recognized and respected elder/leader in the community such as the Datu, Barangay Captain, etc. who assists in an advisory capacity for the speedy settlement of agrarian disputes pertaining to CARP implementation.

IV. SCOPE OF APPLICATION

This shall apply to all agrarian disputes arising out of or in connection with the implementation of the CARP brought before the BARC by a person (natural or juridical) for settlement.

V. LEVELS OF SETTLEMENT OF AGRARIAN DISPUTES

- Mediation/conciliation shall be at the following levels:
- a. BARC Chairman or his duly authorized representative;
 - b. BARC Panel; and
 - c. BARC en banc.

VI. PROCEDURES FOR THE SETTLEMENT OF MEDIATION/CONCILIATION

The BARC Chairman, upon evaluation of the case may decide whether settlement will be at his level, through the BARC Panel or through the BARC en banc or any combination thereof. In all cases, the BARC shall endeavor to mediate, conciliate, and settle agrarian disputes lodged before it within thirty (30) days from its taking cognizance thereof. If after the lapse of the thirty day period, it is unable to settle the dispute, the BARC Chairman shall issue a certification that the dispute has not been settled and shall furnish a

accompanied by the minutes of the proceedings using M/C Form No. 4 and shall be forwarded to the DARAB or the DAR Provincial Office (DARPO) as the case may be.

In case the contending parties desire that mediation/conciliation be conducted in the presence of a respected elder/leader in the community (i.e., Barangay Chairman, Datu, etc.), the BARC or Panel Chairman may invite the latter. In the absence of the BARC organization in the barangay, the DAR Municipal Office (DARMO) or the DAR Provincial Officer (DARPO) shall initiate the mediation of the case. The PARO shall issue the certification of settlement or no settlement, as the case maybe.

The following procedures shall be adopted in filing the complaint with the BARC:

- A. A written complaint shall be filed using M/C Form 1. In the case of verbal complaint, the BARC Chairman or Secretary shall reduce in writing the said complaint using the same form to be signed by the complainant, attested by the BARC Chairman. A corresponding case number shall be assigned to all complaints filed.
- B. The BARC Chairman shall interview the complainant regarding vital information which shall be entered in the Logbook of Agrarian Disputes using M/C Form 2.
- C. The BARC Chairman shall issue a Notice of Meeting to both the complainant and defendant using M/C Form 3.
- D. The BARC Panel/Chairman shall endeavor to have the contending parties agree to an amicable settlement of the dispute.
- E. Mediation/conciliation by the BARC Chairman. The BARC Chairman shall:
 1. review the written complaint and supporting facts gathered in the Logbook of Agrarian Disputes;
 2. upon successful conclusion of his mediation and conciliation efforts, direct the BARC Secretary to write down the agreements of the contending parties using M/C Form 5 to be signed by them;
 3. attest to all written agreements made by the contending parties. Copies of the same shall be provided to the parties, the BARC Chairman and the Municipal Agrarian Reform Officer (MARO); and
 4. in case of unsuccessful mediation/conciliation efforts, issue the concomitant certification (M/C Form 6).
- F. Mediation/conciliation by the BARC Panel.

The BARC Chairman shall choose the 3-member panel from the regular members of the BARC with the consent of the contending parties. The selected panel shall choose from among themselves who will act as the Panel Chairman. The Panel Chairman shall:

- 1. preside over all meetings;
- 2. review M/C Form 1 and all other facts originally recorded in the Logbook of Agrarian Disputes and immediately conduct mediation/conciliation;
- 3. upon successful conclusion, fill out M/C Form 5, specifying the terms of settlement arrived at. This document shall be signed by the contending parties and attested to by the Panel Chairman; and
- 4. in case of unsuccessful mediation/conciliation efforts, issue the certification. (M/C 6).

G. Mediation/conciliation by the BARC en banc. The BARC Chairman shall:

- 1. convene the regular members of the BARC and the contending parties. In all the proceedings of the BARC en banc, a majority of the regular members shall constitute a quorum; and
- 2. perform the same enumerated activities/functions in the above item 6-b to d.

VII. REPORTING

The BARC Secretary shall prepare a monthly summary report of agrarian cases filed with the BARC by using M/C Form 7, copy furnished the DARMO.

VIII. EFFECTIVITY

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation and shall supplement Administrative Order No. 14, Series of 1990.

Ernesto D. Garilao

ERNESTO D. GARILAO

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SEPTEMBER 7, 1994

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