



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 39-2005

**TO : JUDGES OF ALL SPECIAL AGRARIAN COURTS
AND ALL TRIAL COURT JUDGES**

**SUBJECT : EXPEDITIOUS DISPOSITION OF AGRARIAN
CASES**

The Comprehensive Agrarian Reform Program (CARP) is a reform measure that seeks to bring about a more equitable sharing of productive resources in the Philippine countryside. Its major components include land tenure improvement, program beneficiaries' development and delivery of agrarian justice.

Your attention is called to sections 50 and 57 of Republic Act No. 6657 subject of Administrative Circular No. 29-2002 dated 01 July 2002, delineating jurisdiction over agrarian disputes in order to avoid conflict of jurisdiction with the Department of Agrarian Reform (DAR) or the Department of Environment and Natural Resources (DENR) which provisions are hereby reproduced:

“Section 50. Quasi-Judicial Powers of the DAR. – The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

Section 57. Special Jurisdiction – The Special Agrarian Courts (Regional Trial Courts) shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to land owners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision.”

With the foregoing, it is imperative therefore that all special agrarian courts be enjoined to adjudicate cases with dispatch to implement the vision of agrarian reform and further the sustainable agricultural development for the Philippines.

Likewise, Administrative Circular 38-2002 dated 28 August 2002 reminded all trial judges to strictly observe section 68, of Republic Act No. 6657, in furtherance of the Court's policy to expedite the resolution of cases involving agrarian dispute which provision is quoted hereunder:


“Section 68. Immunity of Government Agencies from Undue Interference. – No injunction, restraining order, prohibition or mandamus shall be issued by the lower courts against the Department of Agrarian Reform (DAR), Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), and the Department of Justice (DOJ) in their implementation of the program.”

Lastly, you are also reminded of OCA Circular 79-2003 dated 12 June 2003 re: Reminding judges to exercise utmost caution, prudence and judiciousness in Issuance of temporary restraining orders and writs of preliminary injunctions, wherein TROs or preliminary injunctions may not be issued. Specifically, section 55 of Republic Act No. 6657 which provides:

“Section 55. No Restraining Order or Preliminary Injunction. – No court in the Philippines shall have jurisdiction to issue any restraining order, or writ of preliminary injunction against the PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform.”

For strict compliance.

4 May 2005



PRESBITERO J. VELASCO, JR.
Court Administrator