

Administrative Order
No. 38
May 19, 1993

SUBJECT : Disposition of Cases of Claims and Conflicts.

In accordance with Executive Order No. 26 issued on October 7, 1992 prescribing the procedures and sanctions to ensure speedy disposition of administrative cases, the following implementing rules and regulations in the disposition of cases of claims and conflicts over public lands within the jurisdiction of the Regional Offices-DENR and the Central Office of the Lands Management Bureau are hereby issued for the guidance of all concerned:

1. The parties to the case of claims and conflicts involving public lands within the competence of the Regional Officer-DENR, to manage and dispose are required before resorting to the administrative proceedings to enter into amicable settlement, compromise and arbitration thru the Barangay conciliation proceedings in accordance with provisions of the Local Government code of 1992, Republic Act No. 7160 (Section 412, R.A. No. 7160 and P.D. 508);
 - 1.1 Only those cases that cannot be amicably settled, compromised or arbitrated thru the Barangay conciliation proceedings those that are excepted from the operation of the Barangay conciliation proceeding can be entertained by way of a formal protest to be filed with the Regional Officers-DENR;
 - 1.2 Protest thus filed shall be in the form and substance provided by Lands Administrative Order No. 6 and shall be accompanied by the required protest fee provided by Land Administrative No. 45, dated November 28, 1983;
2. In addition to the procedure for the conduct of investigation of cases of claims and conflicts provided by Lands Office Circular No. 68 dated 28 August 1978, the Hearing Officer assigned shall suggest to the parties to the case that they are allowed to the mandatory use of affidavits in lieu of direct testimonies and the preferred use of depositions whenever practicable and convenient;
3. The parties are required in addition to the memorandum, position paper, or last pleading, to submit a draft of the decision they seek stating clearly and distinctly the facts of the case and the law upon which it is based.

4. If in the opinion of the Hearing Officer, there are issues not resolved by the evidence of the parties and their respective memoranda, and in order that the whole controversy can be resolved, the hearing thereon in accordance with the existing rules shall be conducted. Such hearing shall be limited to the unresolved issue.
5. No postponement shall be allowed except on valid and justifiable grounds, such as illness which should be accompanied by a duly notarized medical certificate, inability of either party, witness or his counsel to be present in the investigation on account of urgent or pressing matters and/or force majeure. Not more than two postponements shall be allowed for each party. Each postponement shall not be longer than 20 days;
6. Any provisions of existing rules and regulations in conflict with any of the foregoing rules or inconsistent therewith are hereby repealed or amended accordingly; and
7. The provisions in the aforecited executive order regarding the timeframe within which to decide cases or pending incidents are reiterated and strict compliance is directed.

This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

cc:

**All Regional Executive Director
The Chief, Legal Division
Lands Management Bureau, Manila**