



Administrative Circular No. 1
Series of 2014

The 2014
REVISED RULES OF PROCEDURE
before the
National Commission on Indigenous Peoples



REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
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Quezon City, Metro Manila

Administrative Circular No. 1, Series of 2014

**THE 2014 REVISED RULES OF PROCEDURE
BEFORE THE NATIONAL COMMISSION ON
INDIGENOUS PEOPLES**

RULE I – PRELIMINARY PROVISIONS

Section 1. Title. – This Rules shall be known as “**The 2014 Revised Rules of Procedure before the National Commission on Indigenous Peoples**”.

Section 2. Scope, Actions not Covered. – This Rules shall govern the hearing and disposition of cases filed before the National Commission on Indigenous Peoples (NCIP) in the exercise of its quasi-judicial function.

Petitions/applications for the delineation, recognition and issuance of Certificate of Ancestral Domain Titles (CADTs) and Certificate of Ancestral Land Titles (CALTs) are administrative in nature, hence, are governed by the Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands of 2012, and not by this Rules.

Petitions filed under Section 69 of the Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012, and shall be governed by the rules therein and not by this Rules, hence, shall not be considered as falling within the ambit of the quasi-judicial jurisdiction of the Commission *en banc*.

Section 3. Construction, Interpretation, and Application of the Rules. – This Rules shall be liberally construed to give meaning to the provisions of Republic Act 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997”, (IPRA). In the interpretation of the provisions hereof, the following shall apply:

- a. All doubts in the interpretation of the provisions of this Rules or any ambiguity in their application shall be resolved liberally in favor of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs);
- b. In applying the provisions of this Rules in relation to other national laws, the integrity of the ancestral domains, culture, values, practices, institution,

customary laws and traditions of the ICCs/IPs, shall be considered and given due regard;

- c. The primacy of customary laws shall be upheld in resolving all disputes involving ICCs/IPs;
- d. In resolving cases, the customary laws, traditions and practices of the ICCs/IPs in the ancestral domain where the conflicts arise shall first be applied with respect to property rights, claims of ownership, hereditary succession and settlement of land disputes; and
- e. Proceedings shall be summary in nature and non-confrontational.

RULE II – DEFINITION OF TERMS

Section 1. Definition of Terms. – The terms and phrases defined under Section 3 (a) to (p) of R.A. 8371 shall be given the same meanings when used herein; and in addition thereto:

- a. CEB – Means Commission *En Banc*. Shall be used interchangeably with the terms NCIP and Commission for purposes of this Rules and shall mean the NCIP acting as a quasi-judicial body;
- b. RHO – Refers to the Regional Hearing Office tasked to adjudicate conflicting claims in accordance with this Rules;
- c. Regional Hearing Officer – Refers to the duly appointed or officially designated Regional Hearing Officer who heads the Regional Hearing Office authorized to hear and decide cases filed before it in accordance with this Rules;
- d. Special Hearing Office – Are those Offices administratively created by the Commission after the approval of this Rules with the primary purpose of aiding or furthering the quasi-judicial functions of the Commission; and
- e. *Amicus Curiae* – As used in this Rules, refers to a practitioner and/or a person knowledgeable on indigenous knowledge systems and practices (IKSP) and on customary laws, consulted on their expertise as friends of the court.

RULE III – JURISDICTION

Section 1. Jurisdiction of the NCIP. The NCIP shall exercise jurisdiction over all claims and disputes involving rights of the ICCs/IPs and all cases pertaining to the implementation, enforcement, and interpretation of R.A. 8371, including but not limited to the following:

A. Original and Exclusive Jurisdiction of the Regional Hearing Office:

1. Cases involving disputes and controversies over ancestral lands/domains of ICCs/IPs, except those which involve oppositions to pending applications for CALT and CADT;
2. Enforcement of compromise agreements or decisions rendered by ICCs/IPs;
3. Actions for redemption/reconveyance under Section 8 (b) of R.A. 8371;
4. Interpretation, implementation, or enforcement of Memorandum of Agreements (MOA) entered into by parties as a result of the Free Prior and Informed Consent (FPIC) process;
5. Cases involving Projects, Programs, Activities within ancestral lands/domains being implemented without the required FPIC of the affected/host IPs/ICCs;
6. Petitions for annotation on CADTs and CALTs or cancellations thereof, except notice of *lis pendens* and those that will result to transfer of ownership;
7. Actions for damages including, but not limited to, claims for royalties and other benefits.
8. Cases affecting property rights, claims of ownership, hereditary succession, and settlement of land disputes, between and among ICCs/IPs that have not been settled under customary laws; and
9. Such other cases analogous to the foregoing.

B. Original and Exclusive Jurisdiction of the Commission *En Banc*:

1. Petition for cancellation of registered CADTs and CALTs alleged to have been fraudulently acquired by, and issued to, any person or community as provided for under Section 54 of R.A. 8371, provided that such action is filed within one (1) year from the date of registration;
2. Actions for cancellations of Certification Precondition (CP), Certificate of Non-Overlap (CNO), issued by the NCIP, as well as, rescissions of FPIC-MOA; and
3. Any other case that deems to vary, amend, or revoke previously issued rulings, resolutions, or decisions of the Commission *en banc*.

Section 2. Filing of Cases Directly with the Commission *en banc* Not Allowed. – No case shall be brought directly to the Commission *en banc* except for cases outlined in Section 1, Paragraph B, Rule III, of this Rules.

Section 3. Rule on Criminal Actions. – For purposes of imposing the penal sanctions provided for under Section 72 of R.A. No. 8371 that require criminal proceedings and offenses in violation of Sections 10, 21, 24, 33 and 59 of the same

Act, shall be prosecuted before the Regular Courts of proper jurisdiction. Jurisdiction over the civil and administrative aspect of said cases, however, shall be retained by the NCIP and its Regional Hearing Office.

Section 4. *Effective Exercise of Jurisdiction.* – The Commission or the Regional Hearing Office may adopt measures to carry into effect the jurisdiction of the NCIP, including the issuance of supplementary writs or processes, especially where no procedure to be followed in the exercise of such jurisdiction is specified by law or by this Rules unless the same is violative of customary laws or it does not conform with the meaning and spirit of R.A. 8371.

RULE IV – PRECONDITION FOR ADJUDICATION

Section 1. *Exhaustion of Remedies Provided under Customary Laws.* – It is the responsibility of the complainant/petitioner to set the case for mediation and/or settlement. No case shall be brought before the Regional Hearing Office or the Commission unless the parties have exhausted all remedies provided for under customary laws. The exhaustion of customary laws shall strictly adhere to the processes and modes prescribed by customs and traditions duly validated and/or documented.

Section 2. *Certification of Non-Resolution.* – Where the parties have failed to settle their disputes as provided in this Rules, the Council of Elders shall issue a certification to the effect that all diligent efforts for settlement under customary practices have failed. No complaint or petition shall be accepted in the Regional Hearing Office unless it is accompanied by a Certification of Non-Resolution (CNR), which may be in any form.

Section 3. *Referral to Mediators in Certain Cases.* – In places where there are no known council of elders or if the leader/s refused or are disqualified to mediate, the parties shall be referred to a mediator/s chosen by them from an identified pool of accredited mediators or one mutually agreed upon by the parties. In the event that no agreement is arrived at, the certification referred to in the preceding section shall be issued by the said mediator/s.

Section 4. *Effect of Settlement.* – Agreements arrived at as a result of the application of customary laws or the referral to the mediator/s shall be binding between the parties and shall be accorded due respect.

Section 5. *Exception.* – The certification shall not be required where one of the parties is non-IP or does not belong to the same ICC, except when he/she voluntarily submits to the jurisdiction of the Council of Elders/Leaders.

Section 6. *Failure to Submit Certification.* – In case of failure to submit the certification of non-resolution, the Regional Hearing Office shall refer the case to the concerned Provincial Office. The latter shall cause the referral of the case to concerned council of elders/leaders or mediators, whichever is applicable.

Section 7. *Records.* – Each Provincial Office of the NCIP shall keep a file of all cases referred to it by the Regional Hearing Office for referral to the council of elders/leaders or mediators.

RULE V – VENUE AND COMMENCEMENT OF ACTIONS

Section 1. *Real Actions.* – Actions arising out of disputes or controversies over ancestral domain/land or actions involving real properties shall be filed with the Regional Hearing Office. In case the subject ancestral domain/land or portion/s thereof straddles two or more administrative or ethnographic regions, the action shall be filed with the Regional Hearing Office where the greater portion of the subject property is situated.

Section 2. *Actions within the Original and Exclusive Jurisdiction of the CEB.* – For cases cognizable by the CEB under its exclusive and original jurisdiction, the complaint or petition may be filed directly with the Clerk of the Commission.

Section 3. *Filing of Initiatory Pleadings.* – Complaints or petitions may also be filed with the nearest NCIP Regional or Field Offices. The filing of the complaint/petition at the nearest NCIP Regional or Field Offices shall interrupt the running of prescriptive or reglementary periods.

The receiving NCIP Regional or Field Office is not required to docket the complaint/petition but is required to keep a record of cases received by them. Thereafter, the Regional or Field Office shall cause the transmittal of the complaint or petition, within ten (10) days, to the CEB or the Regional Hearing Office, as the case may be. Once the complaint/petition is received by the Clerk of the Commission or concerned Regional Hearing Office, the same shall be docketed and the date of receipt indicated by the NCIP Regional or Field Office shall be considered as the official date of receipt of the complaint/petition.

Section 4. *Personal and Other Actions.* – Personal and other actions shall be filed with the Regional Hearing Office in the place where the petitioner/plaintiff resides or where the respondent/defendant resides, at the option of the former.

Section 5. *Waiver of Venue.* – When improper venue is not objected to in the answer, it is deemed waived.

Section 6. *Special Hearing Offices, Alternative Venues.* – Whenever necessary the Commission *en banc* may administratively create special hearing offices as alternative venues for the purpose of aiding or furthering the quasi-judicial functions of the Commission.

Section 7. *Commencement of Action.* – An action shall commence upon the filing of the complaint/petition in accordance with this Rules.

RULE VI – PARTIES TO ACTIONS OR PROCEEDINGS

Section 1. *Proper Parties.* – The parties to any case or proceeding before the Regional Hearing Office or the Commission may be natural or juridical persons and other entities authorized by law.

Section 2. *Real Party in Interest.* – Every case must be prosecuted and defended in the name of the real party in interest who shall sue as “plaintiff” or “petitioner”. The person being sued shall be referred to as “defendant” or “respondent”.

In actions involving general interest, the real party in interest shall be the ICCs/IPs or person/s authorized, through a community resolution, by majority of the ICCs/IPs in the community to represent them.

A “real party in interest”, as provided in Section 2, Rule 3, of the Revised Rules of Court, and adapted herein, is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.

Section 3. *Class Suit.* – When the issues and subject matter of the dispute or controversy involve common and general interest to many persons, one or more may sue or defend for the benefit of all. In such case, the Regional Hearing Office or the Commission shall ensure that the rights and interests of all parties are fully protected.

Section 4. *Indigent Party.* – A party may be authorized to prosecute his/her action or defend himself/herself as an indigent litigant or party if the Commission or the Regional Hearing Officer, upon an *ex parte* application, is satisfied that the party is indigent.

Such authority shall exempt said party from payment of docket, appeal, and other legal fees including transcripts of stenographic notes as well as injunctive bond which the Regional Hearing Officer or Commission may order to be furnished him/her. The amount of the docket and other lawful fees which the indigent was exempted from paying shall be a lien on any judgment rendered in the case favorable to the indigent, unless the Commission or Regional Hearing Officer provides otherwise.

Any adverse party may contest the grant of such authority at any time before judgment is rendered by the Regional Hearing Officer. If the Regional Hearing Officer determines, after hearing, that the party declared as an indigent is in fact a person with sufficient income or property, the proper docket and other lawful fees shall be assessed and collected by the Clerk of the Regional Hearing Office. If payment is not made within the time fixed by the Regional Hearing Officer, an order of execution shall be issued for the payment thereof, without prejudice to such other sanctions as the Regional Hearing Officer may impose.

RULE VII – PLEADINGS AND MOTIONS

Section 1. Authorized Pleadings. – The pleadings allowed under this Rules shall be the complaint/petition and the answer, both of which must be verified by the parties before any officer authorized by law to administer oath.

Section 2. Application of Efficient Use of Paper Rule. – Parties are enjoined to observe the provisions of the Administrative Circular No. 11-9-4-SC issued by the Supreme Court of the Philippines.

Section 3. Complaint/Petition. – The complaint or petition is the pleading containing the plaintiff's or petitioner's cause or causes of action. The complaint or petition shall state and narrate clearly the cause or causes of action in paragraphs and shall specifically state the substance of the claim made, the grounds relied upon, and the relief being pursued. The names and residences of the plaintiff and defendant must likewise be indicated. Every complaint or petition must include a certificate of non-forum shopping.

In the absence of a formal complaint/petition, ICCs/IPs may fill out a complaint/information sheet which shall identify the names and addresses of the parties, cause/s of action, material averments in support of the complaint or petition, and the relief/s prayed for. The complaint/information sheet may be translated in Tagalog and/or in the dialect known to the plaintiff/petitioner, and shall be in the form prescribed below:

**REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
NATIONAL COMMISSION ON INDIGENEOUS PEOPLES**

COMPLAINT/INFORMATION SHEET

CASE NO. _____

- | | |
|--|---|
| 1. _____
NAME OF PLAINTIFF/PETITIONER
(pangalan ng nagrereklamo) | 2. _____
NAME OF DEFENDANT/RESPONDENT
(pangalan ng nirereklamo) |
| 3. _____
ADDRESS OF PLAINTIFF/ PETITIONER
(tirahan ng nagrereklamo) | 4. _____
ADDRESS OF DEFENDANT/RESPONDENT
(tirahan ng nirereklamo) |
| 5. Cause/s of action (bagay na inirereklamo)
----- land dispute (patungkol sa lupa)
----- family relations (patungkol sa usaping pampamilya)
___ other matters (patungkol sa iba pang bagay)
_____ | |

6. Short statement of facts/events (maikling pagsasalaysay ng mga pangyayari)

7. Relief prayed for (mga kahilingang nais maipatupad)

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

I hereby attest to the foregoing facts to prove my complaint and my entitlement to the relief prayed for herein. (pinatotohanan ko ang lahat ng nabanggit sa itaas upang patunayan ang aking reklamo at sa gayon ay ipatupad ang aking mga kahilingan)

Date of Signing (araw kung kailan nilagdaan)

Name and Signature of Plaintiff/Petitioner
(Pangalan at Lagda ng Nagrereklamo)

The complainant/petitioner is required to attach a CNR as required by this Rules, if applicable; the affidavits of his/her witnesses, if any; and the resolution of authority from the community if filed in the name of the community.

Section 4. Answer. – An answer is a pleading containing the defendant's/respondent's affirmative and negative defenses. The answer shall state in paragraphs the facts denying the material allegations in the complaint/petition.

Should the answer include any counter-claim, the same must likewise bear a certification of non-forum shopping.

Section 5. Motions. – A motion is a prayer for relief other than by a complaint/petition or answer. Every application for relief through motions shall be set for hearing with notice to all parties concerned. The Regional Hearing Officer or the Commission may grant the relief prayed for without need of a hearing if it is

evident that the applicant is entitled to the relief and the conduct of a hearing entails additional burden and delay to the parties.

Section 6. *Motion to Dismiss, Prohibited.* – No motion to dismiss on any ground shall be allowed. All defenses including grounds for a motion to dismiss such as lack of jurisdiction, prescription, res judicata, or improper venue, should be stated in the answer. The Regional Hearing Officer may dismiss *motu proprio* the action on any of the following grounds:

- a. Lack of jurisdiction;
- b. Prescription; and
- c. Res Judicata.

For this purpose, the Regional Hearing Officer, at his/her discretion, may require the submission of memoranda/position papers to aid him/her in determining the propriety of the ground for dismissal stated in the answer.

Section 7. *Prohibited Pleadings and Motions.* – The following petitions, motions, or pleadings shall not be allowed:

- a. Motion for a bill of particulars;
- b. Motion for new trial;
- c. Dilatory motion for postponement or extension of time to file pleadings;
- d. Motion to Dismiss;
- e. Appeals from interlocutory orders; and
- f. Such other analogous motions and pleadings.

RULE VIII – REPRESENTATIONS AND APPEARANCES

Section 1. *Appearances.* – Lawyers and NCIP legal officers may appear before the Commission *en banc* or the Regional Hearing Office as counsel for any of the parties. A non-lawyer may appear in any proceedings before the Commission or the Regional Hearing Office provided that:

- a. He/she appears as a party to the case;
- b. He/she represents an organization or its members conditioned upon presentment of a written authority showing proper representation;
- c. He/she is duly accredited member of any legal aid office; and
- d. He/she is an accredited paralegal aide or member of an accredited Indigenous Peoples Organization (IPO) subject to the presentation of a written authority to represent the IPO.

Section 2. *Appearance of a Non-lawyer may be Denied.* – When, in the opinion or assessment of the Commission or the Regional Hearing Officer that, the rights and interests of a party litigant may not be best served or will be compromised due to lack of skill and experience of a non-lawyer appearing as counsel in a case, the appearance of said non-lawyer may be denied. But where the party litigant cannot afford the services of a lawyer, the Regional Hearing Officer or the Commission *en banc* shall appoint a counsel for said party.

RULE IX – PROCEEDINGS BEFORE THE REGIONAL HEARING OFFICE

Section 1. *Receipt of Complaint/Petition.* – Upon receipt of the complaint/petition directly from the petitioner/complainant or from the field offices, the Clerk of the Regional Hearing Office shall specify the date of receipt, assign the case number, and immediately cause the issuance of the corresponding summons to the defendant/respondent.

Section 2. *Summons.* – The summons shall direct the defendant/respondent to answer the complaint/petition within fifteen (15) days from receipt thereof. The summons shall also contain a notice that unless the defendant/respondent so answers, judgment shall be rendered upon the relief prayed for in the complaint/petition.

Section 3. *Service of Summons and Proof of Service.* – The summons, together with a copy of the complaint/petition, shall be served upon the defendant/respondent personally. If personal service is not practicable, the summons shall be served through registered mail or through a reputable private courier at his/her given address. The process server or person duly authorized to cause service of summons shall certify on the manner, place, and date of service thereof. Such certification shall constitute proof of service.

Section 4. *Failure to Answer.* – Upon failure of the defendant/respondent to file his/her answer within the prescribed period, an order of default shall be issued and the plaintiff/petitioner shall be allowed to present his/her evidence *ex-parte*. The defaulting defendant/respondent shall be entitled to subsequent notices or processes but shall not be entitled to participate in the proceedings.

Section 5. *Relief from Order of Default.* – The defaulting defendant/respondent may, at any time after notice but before judgment, file a motion to set aside the order of default. The motion shall be accompanied by the defendant/respondent's answer together with an affidavit of merit stating the ground or grounds relied upon, which may be any of, but not limited to, the following;

- a. Observance or restrictions imposed by customary laws;
- b. Accident;
- c. Mistake or excusable negligence; and
- d. Extrinsic fraud.

Section 6. *Preliminary Conference.* – After the answer is filed and the case is not dismissed under any of the circumstances mentioned in Section 6, Rule VII hereof, the Regional Hearing Officer shall calendar the case for preliminary conference and shall issue the necessary order directing the parties to appear to determine the following:

- a. The possibility of an amicable settlement. The Regional Hearing Officer must take into consideration the application of customary laws in settling disputes

such as, but not limited to, *sakusak, bodong, dap-ay, tongtongan, kahimunan, dumalungdong*, etc.;

- b. The issues to be resolved;
- c. The evidence, oral or written, to be presented;
- d. The date or submission of any further written material;
- e. The date and place of hearing for the reception of evidence;
- f. The fixing of a time and place for any inspection, if necessary; and
- g. Such other matters which may be necessary or relevant to the case.

Section 7. Referral of the Case for Mediation and Conciliation. – If during the preliminary conference, the parties failed to reach an amicable settlement, the Regional Hearing Officer shall refer the case for mediation and conciliation to the concerned Provincial Officer or to any officer of the Regional Office. The said officer designated shall initiate the process by himself/herself or invite the participation of elders/leaders or any one from the pool of accredited mediators who could contribute in the settlement of the case using customary practices of the ICCs/IPs concerned. The mediation shall be for a period not to exceed sixty (60) days from receipt of the referral order by the mediator unless extended for just cause.

In cases where both parties belong to the same ICCs/IPs, the Regional Hearing Officer shall exert earnest efforts to settle the case using customary laws of the concerned ICCs/IPs. The documented or validated customary laws of the concerned ICCs/IPs may be used as reference in resolving the case.

Section 8. Judgment Based on Settlement under Customary Law. – If a settlement is reached as a result of the application of customary laws, the same shall be submitted to the Regional Hearing Office for recording purposes and for the rendition of judgment based on the settlement. The minutes of the settlement proceedings, the certification signed by the elders/leaders who participated, or the certification of the Provincial Officer, is deemed sufficient to prove that the settlement process occurred and that a resolution was reached thereon.

Section 9. Judgment Based on a Compromise. – Where the parties agreed to settle the controversy during the preliminary conference, an order shall be issued by the Regional Hearing Officer directing the parties and their respective counsels to put in writing their compromise agreement within ten (10) days from the preliminary conference or mediation conference.

Thereafter, a hearing shall be scheduled to consider the compromise agreement. Judgment shall then be rendered based on the compromise agreement. The judgment approving the compromise agreement shall be considered as judgment

on the merits. If no compromise was reached after the duration allotted for the mediation conference, the mediator shall issue a certificate to that effect.

Section 10. Reception of Evidence. – Evidence shall be presented during the preliminary conference. For this purpose, a Preliminary Conference Order will be issued indicating the stipulations made or agreement reached during said conference, the issues to be resolved, the dates of presentation of evidence, if any, and the evidence presented. The Preliminary Conference Order shall be signed by the parties and their respective counsels.

After the issues have been joined, the parties may opt to simultaneously submit their respective position papers/memoranda within twenty (20) days from the termination of the preliminary conference. All documents and evidence must be attached to the position paper/memoranda. Any move to extend the twenty (20) day period shall be filed and heard within five (5) days before the expiration of the original period upon application and only on justifiable reasons.

The affidavits of the parties and their witnesses may serve as their direct testimonies. For this purpose, the Regional Hearing Officer may direct the parties to submit their judicial affidavits, in question and answer form, to expedite the proceedings.

Section 11. *Hearing Conducted Outside the Regular Hearing Office.* – The Regional Hearing Officer, taking into consideration the applicability of customary laws and practices, may conduct hearings and resolve motions or other incidents outside of the hearing office at a specified time and date.

Section 12. *Reception of Additional Evidence.* – Should the Regional Hearing Officer determine, in the interest of justice and adhering to the primacy of customary laws, that there is a need to clarify questions regarding customary laws, he/she may invite *amici curiae* to assist him/her in resolving the matter.

Section 13. *Opinions of Amicus Curiae.* – At any stage of the proceedings, the Regional Hearing Officer at its own instance or upon the recommendation of the parties may invite *amicus/amici curiae* whose opinion/s on any question of fact concerning matters involving customs and tradition may be solicited. Such opinion may not be necessarily binding on the Regional Hearing Officer but will serve as a guide or tool in resolving the case using customary laws.

Section 14. *Validated and/or Documented Customary Laws.* – The validated or documented or recorded customs and traditions involving the settlement of disputes in a certain ICCs/IPs, shall form part of the historical and anthropological data of such ICCs/IPs concerned and can be accessed or used in similar cases involving the same ICCs/IPs, if applicable.

Section 15. *Challenge of Validated and/or Documented Customary Laws.* – If any historical or anthropological data is challenged during the proceeding, the Regional Hearing Officer may invite the participation of *amicus/amici curiae* to assist him/her in the resolution of the issue concerned.

Section 16. *When Case is Deemed Submitted for Resolution.* – The case is deemed submitted for Resolution after the parties have finally rested their case

and/or submitted their respective memoranda, or after the lapse of period within which to file the same.

Section 17. *Period to Render Judgment.* – The Regional Hearing Officer shall decide the case within ninety (90) days from the date the case was submitted or deemed submitted for resolution.

Section 18. Judgment. – The decision, award, or order shall determine the merits of the case stating clearly and distinctively the facts and the law on which it is based, personally and directly prepared by the Regional Hearing Officer, signed by him/her, and filed with the clerk of the Regional Hearing Office.

Section 19. Motion for Reconsideration. – Only one motion for reconsideration of the resolution or decision of the Regional Hearing Officer, which disposes of the case shall be allowed. Said motion shall be filed within fifteen (15) days from receipt of a copy of the assailed resolution or decision.

The timely filing of a Motion for Reconsideration shall interrupt the running of the period to appeal. A party is afforded a fresh period of fifteen (15) days from receipt of the resolution of the Motion for Reconsideration within which to file its appeal.

Section 20. Finality of Judgment. – A judgment rendered by the Regional Hearing Officer shall become final and executory upon the lapse of fifteen (15) days from the receipt of all parties and/or their respective counsel/s of the decision, award, or order denying the motion for reconsideration, and there is no appeal. If the 15th day falls on a Saturday, a Sunday or a Holiday, the last day shall be the next working day.

Section 21. Execution of Judgment, Basic Rule. – Only judgments, decisions, or final orders that finally dispose of the case shall be the subject of execution as a matter of right.

Section 22. Effective Enforcement of Judgments, Decisions, or Final Orders of the Regional Hearing Office. – In order for the Regional Hearing Office to effectively enforce its decisions, awards or final orders, any suitable process or procedure may be employed and adopted, unless this does not conform with the spirit of R.A. 8371 or this Rules, or violates customary laws and practices.

Section 23. Appeal to the Commission. – Decisions, awards, or final orders of the Regional Hearing Officer may be appealed to the Commission by filing a Memorandum on Appeal with the Regional Hearing Office, and serving a copy thereof upon the adverse party.

Section 24. Perfection of Appeal. – The appeal shall be perfected upon payment of the appeal fee. The appeal fee shall be paid by the appellant upon the filing of the Memorandum of Appeal. An indigent party appealing is exempted from paying the appeal fee but such fee shall be a lien on any judgment or award that may be granted favorable to said indigent party.

Section 25. Transmittal of the Record. – Within twenty (20) days from receipt of the Memorandum of Appeal and the payment of the appeal fee, the Regional Hearing Office shall transmit the entire record of the case to the Clerk of the Commission.

The record containing a table of contents shall be accompanied by proof of payment of the appeal fee, and other legal fees, a certified true copy of the minutes of the proceedings, the order of the approval, the certificate of correctness, all documentary evidence, and copies of transcripts chronologically arranged, with the earliest document at the front and appropriately paginated.

RULE X – PROCEEDINGS BEFORE THE COMMISSION *EN BANC*

PART I – APPEALED CASES

Section 1. *Grounds for Appeal.* – The appeal from the Decision or Resolution of the Regional Hearing Officer that finally disposes of the case may be acted upon by the Commission *en banc* on any of the following grounds:

- a. On pure question of law; and/or
- b. Serious errors in the findings of facts which, if not corrected, would cause grave or irreparable damage or injury to the appellant.

Section 2. *Action on Appeal.* – Upon receipt of the entire record of the case, the Clerk of the Commission shall forthwith docket the case and notify the Commission *en banc*. Thereafter, the Commission *en banc* shall assign the case to the appropriate Ethnographic Commissioner to facilitate alternative dispute resolution (ADR). The said Commissioner shall set mediation within thirty (30) days from date of assignment and complete the proceedings within sixty (60) days from the day of first conference. A notice for the appellee to appear in the mediation shall be personally served to the latter, or be sent by registered mail or private courier.

During mediation, the Ethnographic Commissioner may conduct the mediation himself/herself or choose from a pool of accredited mediators recognized by the NCIP to conduct the mediation process. The mediator chosen must be with the assent of all the parties to the case. During the mediation process, the appearance of lawyers is prohibited.

The conduct of the mediation process is strictly confidential. Any information gained from such mediation proceeding is not admissible in evidence at the proceedings before the Commission *en banc*.

If mediation is successful, the Ethnographic Commissioner shall submit the compromise agreement and the record of the case to the Commission *en banc* for approval and rendition of judgment on compromise. Otherwise, the case is referred back to the Commission *en banc* for disposition. The Commission *en banc* will then require the appellee to submit his/her memorandum within ten (10) days from receipt of the order requiring him/her to do so.

Section 3. *Appellant's Memorandum on Appeal; Contents.* – The Memorandum on Appeal shall indicate the parties to the appeal, specify the decision, award or final order appealed from, and state the material dates showing the timeliness of the appeal. It shall also contain a statement of matters involved, the issues or grounds relied upon, and the relief prayed for. The Memorandum on Appeal shall be filed in three (3) legible copies, with proof of service to all appellee/s. The original copy of the Memorandum on Appeal shall be indicated as such by the appellant.

Section 4. Appellee's Memorandum on Appeal; Contents. – The appellee shall submit a Memorandum on Appeal within ten (10) days from receipt of the order requiring him/her to do so. It should contain a brief counter-statement of matters involved, the issues, and the relief prayed for. The appellee's Memorandum on Appeal shall be filed in three (3) legible copies with proof of service to the appellant.

Section 5. Additional Evidence on Appeal, not Allowed; Exception. – The Commission *en banc* shall decide the appeal based on the entire record of the proceedings before the Regional Hearing Office, and upon such memoranda and pleadings as are filed before the Commission *en banc*.

No additional evidence shall be introduced on appeal, except upon motion of any party in cases of newly discovered evidence, which could not, with reasonable diligence, have been discovered and produced during the conduct of the hearing before the Regional Hearing Office, and which if presented, would probably alter the result.

Section 6. Quorum. – In deciding cases on appeal, the Commission shall sit *en banc* and a simple majority of all members of the Commission shall constitute a quorum. At the discretion of the Commission *en banc*, the case may be set for hearing for purposes of clarification or to allow the parties to deliberate on their arguments.

Section 7. Vote Required for Judgment or Final Order. – A simple majority vote of all Commissioners shall be required for the pronouncement of a judgment or final order.

Section 8. Period to Render Decision. – The Commission *en banc* shall resolve an appeal within ninety (90) days from receipt of the last memorandum or pleading required, or upon expiration of the period for filing the same.

Section 9. Decision. – After deliberation, the case will be assigned to the pertinent Ethnographic Commissioner, for him/her to act as *ponente* for the resolution or decision in the case. The resolution or decision of the Commission *en banc* shall state clearly and distinctly the findings of facts and the conclusions of law upon which it is based. The other commissioners may write their own concurring, separate, or dissenting opinion in a case, and the same shall be attached to the resolution or decision.

Section 10. Motion for Reconsideration. – Only one motion for reconsideration on the resolution or decision of the Commission *en banc* that finally disposes of the

case shall be allowed. Said motion shall be filed within fifteen (15) days from receipt of a copy of the assailed resolution or decision.

The filing of a timely motion for reconsideration shall interrupt the running of the period to appeal.

Section 11. Appeal to the Court of Appeals. – A decision or resolution of the Commission *en banc* may be appealed to the Court of Appeals only by way of a petition for review on certiorari.

Section 12. Execution of Judgment, Basic Rule. – Only judgments, decisions, or final orders in these appellate cases that finally dispose of the case shall be subject of execution as a matter of right.

Section 13. Effective Enforcement of Judgments, Decisions, or Final Orders of the Commission En Banc. – In order for the Commission *en banc* to effectively enforce its decisions, awards or final orders in these appellate cases, any suitable process or procedure may be employed and adopted, unless this does not conform with the spirit of R.A. 8371 or this Rules, or violates customary laws and practices. This may include remanding the case to the Regional Hearing Office of origin for execution.

PART II – ORIGINAL CASES

Section 14. Title and scope. – In all cases originally filed with the Commission *en banc*, the complainant shall be called the “Petitioner” and the adverse party the “Respondent”. This Rule shall apply to original action involving the cancellation of CADTs and CALTs, and such cases outlined in paragraph B, Section 1, Rule III of this Rules.

Section 15. Number of Copies and Certification of Non-forum Shopping. – All petitions and actions under this Rules must be verified and filed in five (5) legible copies and shall contain a sworn certification of non-forum shopping.

The Certification of Non-forum Shopping shall indicate: (a) that he/she has not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and to the best of his/her knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; (c) if he/she should thereafter learn that the same or similar action or claim has been filed or is pending, he/she shall report that fact within five (5) days therefrom to the Commission.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the petition but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification of non-compliance with any of the undertakings

therein shall constitute indirect contempt, without prejudice to the corresponding administrative and criminal action.

Section 16. Public Respondent as Nominal Parties. – Where the petition includes public respondents, they shall be joined only as nominal parties and shall

not be required to participate in the proceeding, unless specifically directed by the Commission *en banc*.

Section 17. Dismissal of the Petition. – The Commission *en banc* may dismiss the petition if on its face it finds the same to be clearly without merit.

Section 18. Order to Comment. – If the petition is sufficient in form and substance, the Commission *en banc* shall order the respondent/s to comment on the petition within ten (10) days from receipt of the notice of the order requiring him/her to do so.

Section 19. Expediting Proceedings; Injunctive Relief. – The Commission *en banc* may issue an order to expedite the proceedings, and may grant a temporary restraining order (TRO) or writ of preliminary injunction (WPI) for the preservation of the rights of the parties pending such proceedings.

Section 20. Preliminary Conference. – After the comment is filed or upon the lapse of the time for its filing, the Commission *en banc* shall set the case for preliminary conference and shall issue the necessary order directing the parties to appear to determine the following:

- a. The possibility of an amicable settlement. The Commission *en banc* must take into consideration the application of customary laws in settling disputes such as, but not limited to, *sakusak*, *bodong*, *dap-ay*, *tongtongan*, *kahimunan*, *dumalungdong*, etc.;
- b. The issues to be resolved;
- c. The evidence, oral or written, to be presented;
- d. The date or submission of any further written material;
- e. The date and place of hearing for the reception of evidence;
- f. The fixing of a time and place for any inspection, if necessary; and
- g. Such other matters which may be necessary or relevant to the case.

Section 21. Mediation. – The Commission *en banc* shall assign the case to the appropriate Ethnographic Commissioner to facilitate ADR. The said Commissioner shall set mediation within thirty (30) days from date of assignment and complete the proceedings within sixty (60) days from the day of first conference. A notice for the respondent to appear in the mediation shall be personally served to the latter, or be sent by registered mail or by private courier.

During mediation, the Ethnographic Commissioner may choose from a pool of accredited mediators recognized by the NCIP to conduct the mediation process. The mediator chosen must be with the assent of all the parties to the case. During the mediation process, the appearance of lawyers is prohibited.

The conduct of the mediation process is strictly confidential. Any information gained from such mediation proceeding is not admissible in evidence at the proceedings before the Commission *en banc*.

If mediation is successful, the Ethnographic Commissioner shall submit the compromise agreement and the record of the case to the Commission *en banc* for approval and rendition of judgment on compromise. Otherwise, the case is referred back to the Commission *en banc* for disposition.

Section 22. Preliminary Conference Order. – A preliminary conference order will be issued indicating the stipulations made or agreement reached during said conference, the issues to be resolved, the dates of presentation of evidence, if any, and the evidence presented. The preliminary conference Order shall be signed by the parties and their respective counsels.

Section 23. Submission of Memoranda. – After the preliminary conference order has been issued, the Commission *en banc* shall require the parties to submit memoranda to support their claims and defenses within fifteen (15) days from receipt of the order requiring them to do so.

Section 24. Decision. – The Commission *en banc* shall render its decision within ninety (90) days from receipt of the last memorandum or expiration of the period for filing the same.

Section 25. Service and Enforcement of Order of Judgment. – A certified true copy of the resolution or decision shall be served upon the tribunal, corporation, board, person and all parties concerned in such manner as the Commission *en banc* may direct, and disobedience thereof may be punished as contempt. Service to counsel shall be deemed service upon the party.

Section 26. Motion for Reconsideration. – Only one motion for reconsideration on the resolution or decision of the Commission *en banc* that finally disposes of the case shall be allowed. Said motion shall be filed within fifteen (15) days from receipt of a copy of the assailed resolution or decision. The filing of a timely motion for reconsideration shall interrupt the running of the period to appeal.

Section 27. Appeal to the Court of Appeals. – Resolutions or decision of the Commission *en banc* may be appealed to the Court of Appeals only by way of a petition for review on certiorari.

Section 28. Execution of Judgment, Basic Rule. – Only judgments, decisions, or final orders in these original jurisdiction cases that finally dispose of the case shall be subject of execution as a matter of right.

Section 29. Effective Enforcement of Judgments, Decisions, or Final Orders of the Commission En Banc. – In order for the Commission *en banc* to effectively enforce its decisions, awards or final orders in these original jurisdiction cases, any

suitable process or procedure may be employed and adopted, unless this does not conform with the spirit of R.A. 8371 or this Rules, or violates customary laws and practices. This may include remanding the case to the Regional Director for execution.

RULE XI – EVIDENCE

Section 1. Flexible Approach. – The Commission *en banc* and the Regional Hearing Offices shall not be bound by technical rules on evidence provided under the Rules of Court, but shall proceed to hear and decide all cases, disputes or controversies in the most expeditious manner, employing all reasonable means to ascertain the facts of every case with utmost regard to the manner or mode of presenting evidence by ICCs/IPs as their customs, traditions, and practices may allow. In the reception of evidence, relevance shall be the controlling test.

Section 2. Precautionary Principle. – In establishing the existence or truthfulness of customary law, the Commission/RHO shall be guided by the precautionary principle in the appreciation and admissibility of evidence. The following factors, among others, shall be considered:

- a. Oral tradition and history as attributed by ICCs/IPs experts or anthropologists;
- b. Self-ascription and ascription by others; and/or
- c. Current application of such customs, beliefs, or practices.

Section 3. Unwritten Customs and Traditions, Oral History. – Unwritten customs and traditions or oral history of a certain ICCs/IPs shall be admitted in evidence for as long as they are relevant to the issue of the case and that they can be established as a fact by any of the expert witnesses and/or *amicus/amici curiae* or under the precautionary principle.

Section 4. Test of Relevancy and Credibility. – A testimony is relevant when it has a logical connection with the issue raised and the same is given by a recognized and credible elder/leader of the community. Likewise, there is credibility when the person testifying is a recognized and respected elder/leader in the community and that he/she has participated in the resolution of the dispute that is/are related to the fact in issue.

Section 5. Perpetuation of Testimonies Other than Judicial Affidavits. – If an ICCs/IPs elder/leader is identified as a witness and is indisposed due to illness, old age, justifiable distance, or other related causes, his/her testimony may be in the form of a deposition or any other mode allowed by their customs, traditions or practices.

The concerned party shall submit their questions to the Regional Hearing Officer or the Commission *en banc* and the latter may direct the Provincial Officer concerned or any officer of the NCIP to facilitate the deposition or taking of testimony. As

much as possible, the process shall be recorded by the concerned officer taking the testimony.

Section 6. Oath or Affirmation. – In accordance with the culture and tradition of ICCs/IPs, witnesses shall be asked to take an oath or affirmation before testifying individually or as a group. Oath or affirmation or its equivalent in accordance with

their customs and practices shall be made by simply asking the witness or witnesses to affirm that when asked questions in the hearing, he/she will tell the truth.

Section 7. *Members of ICCs/IPs as Expert Witnesses.* – Expert witnesses are qualified as such on account of their education or training, experience, and expertise. Education or training does not necessarily refer to formal education but also includes non-formal education or training received from elders or experts in the ICCs/IPs. A member of the ICCs/IPs possessing the appropriate non-formal education or training, experience, and expertise on matters relating to their customary laws and traditions may be considered as an expert witness. In case of conflict between the learned opinion of an anthropologist and the ICCs/IPs expert witness on customary law and traditions, the opinion of the latter shall prevail.

Section 8. *Quantum of Evidence.* – Substantial evidence is necessary to establish a claim or defense under this Rules.

RULE XII – SUBPOENA AD TESTIFICANDUM AND SUBPOENA DUCES TECUM

Section 1. *Power to Issue Subpoena.* – The Commission *en banc* and the Regional Hearing Office, in the exercise of its quasi-judicial function may issue *subpoena ad testificandum* and *subpoena duces tecum* to compel the attendance of a witness or persons in a proceeding before it and to require the production and presentation of documents during a hearing.

Section 2. *Service of the Subpoena.* – The *subpoena* may be personally served to the person named therein or by registered mail or by private courier.

Section 3. *Failure to appear.* – The failure by any person without adequate cause to obey a *subpoena* served upon him/her shall be deemed an act in contempt of the Commission *en banc* or the Regional Hearing Officer who issued the *subpoena*. This provision shall not apply when the non-appearance is due to restraints imposed by customary law and/or tradition or for any other justifiable cause, provided the same shall be immediately communicated to the Commission or the Regional Hearing Officer prior to the date of intended appearance.

RULE XIII – CONTEMPT

Section 1. *Direct Contempt.* – The Commission *en banc* or the Regional Hearing Officers may summarily pass judgment on acts of direct contempt committed in the presence of, or so near the Chairman or any member of the Commission or its Regional Hearing Officers, as to obstruct or interrupt the proceeding before the same, including disrespect towards the Commissioners or the Regional Hearing Officers, offensive behavior towards other parties, refusal to be sworn in or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so.

Those found to be in direct contempt shall be punished by a fine not exceeding Two Thousand Pesos (Php 2,000.00) or imprisonment not exceeding ten (10) days, or both, if it be committed against the Commission *en banc* or any of its members; or by a fine not exceeding Two Hundred Pesos (Php 200.00) or imprisonment not exceeding one (1) day, or both, if it be committed against the Regional Hearing Officer. The judgment of the Commission or any of its Hearing Officers on direct contempt shall be immediately executory and non-appealable.

Section 2. Indirect Contempt. – The Commission *en banc* or its Regional Hearing Officers may cite and punish any person for indirect contempt on any of the grounds, and in the manner prescribed under Rule 71 of the Revised Rules of Court, and for this purpose, the grounds and proceedings laid down in Sections 3, 4, 5 and 6 of Rule 71 of the Revised Rules of Court is hereby adopted.

If the respondent is adjudged guilty of indirect contempt committed against the Commission *en banc* or any of its members, he/she may be punished by a fine not exceeding Thirty Thousand Pesos (Php 30,000.00) or imprisonment not exceeding six (6) months, or both. If he/she is adjudged guilty of indirect contempt committed against a Regional Hearing Officer, he/she may be punished by a fine not exceeding Five Thousand Pesos (Php 5,000.00) or imprisonment not exceeding one (1) month, or both.

Section 3. Appeal from Indirect Contempt. – Any person found guilty of indirect contempt by the Regional Hearing Officers may appeal the same to the Commission *en banc*, within a period of five (5) days from notice of judgment, and in which case the execution of said judgment shall be suspended pending the resolution of the appeal upon filing by said person of a bond on the condition that he/she will abide by, and perform the judgment should the appeal be decided against him/her.

RULE XIV – INJUNCTION

Section 1. Preliminary Injunction and Temporary Restraining Order. – A writ of preliminary injunction (WPI) or temporary restraining order (TRO) may be granted by the Commission *en banc* pursuant to the provisions of Sections 59 and 69 of R.A. 8371 when it is established, on the basis of sworn allegations in a petition, that the acts complained of involving or arising from any case, if not restrained forthwith, may cause grave or irreparable damage or injury to any of the parties, or seriously affect social or economic activity. This power may also be exercised by Regional Hearing Officers in cases pending before them in order to preserve the rights of the parties.

Section 2. Grounds for Issuance Writ of Preliminary Injunction and Temporary Restraining Order. – The following may be grounds for the issuance of a writ of preliminary injunction and/or temporary restraining order:

a. Free and prior informed consent of concerned ICCs/IPs has not been secured as required under Section 59 of R.A. 8371 and its implementing rules and regulations;

- b. The consent of the ICCs/IPs as required under Section 59 of R.A. 8371 was irregularly or improperly obtained thereby rendering the FPIC *void ab initio*;
- c. Prohibited or unlawful acts are threatened to be done or would be committed unless restrained; and
- d. Grave or irreparable injury would result if not restrained.

Section 3. Verified Petition. – Preliminary injunction or temporary restraining order may be granted only upon verified petition showing facts that would entitle the petitioner or the applicant to the relief demanded.

Section 4. Temporary Restraining Order may be Issued Ex Parte. – The Commission *en banc* or the Regional Hearing Office may issue *ex parte* a TRO for a period of seventy-two (72) hours from service to the party or person sought to be enjoined upon showing that the applicant would suffer great or irreparable injury before the matter can be heard on notice.

Thereafter, within the aforesaid seventy-two (72) hours, the Commission *en banc* or the Regional Hearing Office before whom the case is pending shall conduct a summary hearing to determine whether the TRO shall be extended until the application for preliminary injunction can be heard. In no case shall the total period of effectivity of the TRO exceed twenty (20) days, including the original seventy-two hours provided herein.

Notwithstanding the lack of CNR required under Section 2, Rule IV of this Rules, the Regional Hearing Officer may issue the TRO provided that the main case shall have to be referred back to the council of elders/leaders or mediators, if applicable, for compliance to the aforementioned Rule IV.

The Regional Hearing Officer shall furnish the Commission *en banc* copies of the TROs issued by them for the information and guidance of the Commission *en banc*.

Section 5. Period to Resolve the Prayer for a Writ of Preliminary Injunction. – Within the twenty (20) day period of the TRO, the Commission *en banc* or the Regional Hearing Officer shall order the respondent to show cause, at a specified time and place, why the preliminary injunction should not be granted. Within the same period, the Commission *en banc* or the Regional Hearing Officer must resolve whether or not the writ of preliminary injunction should be granted.

Section 6. Grounds for Dissolution of the Preliminary Injunction or Temporary Restraining Order. – The TRO or WPI may be dissolved on the following grounds:

- a. Upon proper showing of its insufficiency; and
- b. If it appears after hearing that although the applicant is entitled to the restraining order or the injunction, the continuance thereof would cause irreparable damage to the party enjoined while the applicant can be fully compensated for such damages as he/she may suffer.

Section 7. Injunctive Bond. – A writ of preliminary injunction shall be issued only upon filing of the required bond as may be determined by the Commission *en banc*

or the Regional Hearing Officer, which bond shall answer for any damages that might be suffered by the adverse party. An indigent may be exempt from payment of the injunctive bond as provided for in Section 4, Rule VI hereof.

Section 8. Grant of Final Injunction. – The Commission *en banc* or the Regional Hearing Officer shall grant a permanent injunction confirming the preliminary injunction or preliminary mandatory injunction if after hearing, the applicant is found to be entitled to have the acts complained of permanently enjoined. An order shall be issued ordering the respondent to perpetually refrain from the commission or continuance of the act or acts subject of the petition.

RULE XV – LEGAL FEES

Section 1. Filing Fees. – The following shall be the prescribed filing fees:

- a. Actions, with ICCs/IPs as complainant, involving ancestral lands or personal actions, a filing fee of PhP 500.00 shall be required;
- b. Actions involving community interest that is litigated in the name of the community, no filing fees shall be charged;
- c. Actions filed by natural or juridical persons operating within ancestral domains/lands, a filing fee of PhP 2,500.00 shall be required;
- d. If there is a prayer for a TRO and/or WPI is sought, an additional amount of PhP 2, 500.00 shall be required;
- e. For claims of damages, the following schedule of filing fees shall be observed:

1. For claims of less than PhP 100,000.00;	PhP1,000.00
2. For claims of PhP 100,000.00 or more but less than PhP 150,000.00;	PhP 1,500.00
3. For claims of PhP 150,000.00 or more but less than PhP 200,000.00;	PhP 2,000.00
4. For claims of PhP 200,000.00 or more but less than PhP 250,000.00;	PhP 2,500.00
5. For claims of PhP 250,000 or more but less than PhP 300,000.00;	PhP 3,000.00
6. For claims of PhP 300,000.00 or more but less than PhP 350,000.00;	PhP 3,500.00
7. For claims of PhP 350,000.00 or more but less than PhP 400,000.00;	PhP 4,000.00
8. For each PhP 1,000.00 claim in excess of PhP 400,000.00;	PhP 20.00

Section 2. Legal Fees. – The following legal fees shall be charged and collected.

- a. For furnishing copies of transcript of proceedings or any part of the records, Ten Pesos (PhP 10.00) per page; and

b. For every certification issued, One Hundred Pesos (PhP 100.00).

Section 3. *Sheriffs and Other Persons Serving Processes.* – The following fees shall be charged and collected.

- a. For serving summons/es and copy/ies of the complaint, PhP 100.00 for each defendant;
- b. For serving *subpoenas*, PhP 80.00 for each witness to be served;
- c. For serving TRO, or Writ of Injunction, preliminary or final, PhP 200.00;
- d. For filing bonds or other instruments of indemnity or security in provisional remedies, PhP 80.00 for each bond or instrument;
- e. For executing a writ or process to place a party in possession of real estate, PhP 400.00.

In addition to the fees herein above fixed, the party requesting for the issuance of any process whether preliminary, incidental, or final, shall pay the Sheriff's expenses in serving, or executing the process, or safeguarding the property levied upon, attached or seized, including actual travel expenses by the regular means of transportation, guard's fees, warehousing, and similar charges, in an amount estimated by the sheriff, subject to the approval of the Regional Hearing Officer. Upon approval of said estimated expenses, the interested party shall deposit such amount with the Clerk of the Regional Hearing Office, who shall disburse the same to the sheriff assigned to effect the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the Sheriff assigned with his/her return and the Sheriff's expenses shall be taxed as cost against the losing party.

Section 4. *Applicability of Section 4, Rule VI of this Rules.* – The above prescriptions are subject to provisions of Section 4, Rule VI of this Rules on indigent litigants.

RULE XVI – FINAL PROVISIONS

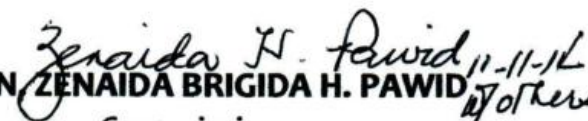
Section 1. *Applicability of the Rules of Court.* – The provisions of the Rules of Court which are not inconsistent herewith shall apply suppletorily whenever practicable and convenient.

Section 2. *Separability Clause.* – In case any clause, sentence, section, or provision of this Rules or any portion hereof is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 3. *Repealing Clause.* – All administrative orders, rules and regulations, guidelines, circulars, and other issuances inconsistent herewith or contrary to the provisions of this Rules are hereby repealed or modified accordingly.

Section 4. *Effectivity.* – This Rules shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation.

Approved this 9th day of October 2014, at Quezon City, Metro Manila.


HON. ZENAIDA BRIGIDA H. PAWID
Commissioner


HON. PERCY A. BRAWNER
Commissioner


HON. DIONESIA O. BANUA
Commissioner


HON. COSME M. LAMBAYON
Commissioner


HON. ERA C. ESPAÑA
Commissioner


HON. BAYANI D. SUMAOANG
Commissioner


HON. LEONOR T. ORALDE-QUINTAYO
Chairperson/Commissioner

The NCIP acknowledges the support of the

European Union (EU)

through the

EU-Philippines Justice Support Programme (EPJUST-II)

and the

United Nations Development Programme (UNDP)

in the development of this Revised Rules of Procedure

