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**DENR MEMORANDUM CIRCULAR  
NO. 2021 - 01**

**SUBJECT: GUIDELINES ON THE ESTABLISHMENT OF POOL OF  
ALTERNATIVE DISPUTE RESOLUTION OFFICERS (PADROs)  
IN THE DENR AND THE REFERRAL OF LAND CLAIMS AND  
CONFLICTS CASES AND OTHER DISPUTES**

Pursuant to R.A. No. 9285 otherwise known as the Alternative Dispute Resolution (ADR) Act of 2004, DENR Administrative Order (DAO) No. 2005-18 entitled, "Adoption of Alternative Dispute Resolution (ADR) Principles and Procedures in the Resolution of Appropriate Environment and Natural Resources Conflicts" and DAO No. 2016-30 entitled, "Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition", the following guidelines are hereby promulgated and adopted:

**SECTION 1. Objective.** This Circular shall provide for the establishment of Pool of Alternative Dispute Resolution Officers (PADROs) and the referral of land claims and conflicts cases to a member of the pool of ADROs, in order to promote the use of Alternative Dispute Resolution mechanism as a viable means of resolving disputes expeditiously.

**SECTION 2. Scope and Applicability.** This Circular shall apply to the process of resolution of cases on land claims and conflicts through mandatory ADR in the Central Office, Land Management Bureau (LMB), Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs).

This may also be applied in all issues, conflicts and disputes involving the use and utilization of other natural resources.

**SECTION 3. Definition of Terms.** As used in this Circular, the following terms shall be defined as:

- 3.1. **Alternative Dispute Resolution (ADR)** – any process used to resolve a dispute or controversy other than adjudication by the competent authority having jurisdiction over the matter.
- 3.2. **Alternative Dispute Resolution Officer (ADRO)** – an accredited ADR Officer who is trained to resolve dispute or controversy with qualifications as stated under Sec. 8, Chapter 3 of DAO No. 2016-30.
- 3.3. **Pool of Alternative Dispute Resolution Officers (PADROs)** – a Pool of Alternative Dispute Resolution Officers established in each Region, LMB and Central Office and created pursuant to Section 7 of DAO No. 2016-30.

3.4. **ADR Focal Person** – refers to the Legal Division Chiefs of all DENR Regional Offices and LMB, and the Chief, Investigation and Arbitration Division of the Legal Affairs Service in the case of the DENR Central Office.

3.5. **ADR Committee** – a Committee created in line with the institutionalization of ADR in the Department to ensure the overall implementation of the ADR program. It is composed of the Assistant Secretary for Legal as Chairperson, Director of the Legal Affairs Service and the Director of the Land Management Bureau as members.

**SECTION 4. Establishment of PADROs.** In order to institutionalize and sustain the ADR mechanism in the Department, and in accordance with Sections 7 and 8 of DAO No. 2016-30, a PADRO shall be established in each Region, LMB and the Central Office.

It shall be headed by an ADR Focal Person who shall be under the direct control and supervision of the ADR Committee.

**SECTION 5. Designation of ADR Focal Person.** The Chiefs of the Legal Division in the Regional Offices and LMB and the Chief, Investigation and Arbitration Division of the Legal Affairs Service, are designated as their Offices' ADR Focal Person.

The ADR Focal Person shall have the following duties and responsibilities:

- 5.1. Point person of all ADR activities;
- 5.2. Promote and institutionalize the ADR Program by facilitating its implementation;
- 5.3. Evaluate the case to determine if there is a need to transfer the conduct of ADR to another ADR Focal Person of the nearest Regional/DENR Office; and
- 5.4. Facilitate the assignment of another ADRO if there is no available ADRO in their respective Office or when parties opt not to choose a particular ADRO to handle the ADR proceeding.

**SECTION 6. Functions of the ADROs.** The following shall be the duties and responsibilities of the ADROs:

- 6.1. Render ADR services within their respective offices or at any place assigned by the Head of Office or ADR Committee;
- 6.2. Personally conduct the proceeding without delay pursuant to DAO No. 2016-30;
- 6.3. In case of conflict of interest, the ADR Officer shall disclose such fact, and immediately inform his/her immediate supervisor (RED/PENRO/CENRO) and voluntarily inhibit from the assignment;
- 6.4. Assist disputants to resolve their conflict in a manner that is compatible with their abilities to commit themselves to and follow through an agreement;
- 6.5. Identify factual and emotional state that personify the conflict and establish a means of resolving the conflict;
- 6.6. Identify the communication patterns that emerge during the mediation and observe any destructive behaviors that result from those patterns; and
- 6.7. Terminate the ADR proceedings within thirty (30) days from initial session.

In order to carry into effect the functions enumerated above, the ADRO shall be authorized to:

- a. Issue notices;
- b. Conduct ADR sessions;
- c. Utilize forms adopted by the ADR Committee;
- d. Grant request for re-setting of ADR proceeding based on meritorious grounds, provided, that it shall not exceed the required days allowed by the rules; and
- e. Report status of the proceedings through the ADR Monitoring and Result System.

An ADRO will continue to function as such, regardless of his/her place of assignment in the DENR, unless his/her accreditation shall be revoked for a justifiable/valid cause.

**SECTION 7. Procedures for the Referral of Mandatory ADR to an ADRO.** The following procedures shall be considered in the referral of cases to an ADRO for Mandatory ADR:

- 7.1. After the conduct of Preliminary Conference, the CENRO/Head of Office shall refer the case to an ADRO for mandatory ADR within his/her jurisdiction.
- 7.2. In cases where the ADRO is the Hearing Officer, he/she shall inhibit himself/herself from conducting the mandatory ADR.
- 7.3. If there is no ADRO available at the CENR Office, the CENR Officer shall request the PENRO for the designation of any ADRO within the PENRO or other CENR Offices within his/her administrative jurisdiction.
- 7.4. If there is no ADRO available in the PENRO or other CENR Offices, the PENRO shall request an ADRO from the Regional Office.
- 7.5. If there is no ADRO available in the Regional Office, the Regional Executive Director (RED) shall direct the Focal Person to request an ADRO from the PADRO of the nearest DENR Regional Office.
- 7.6. In case there are no available ADROs in the nearest DENR Regional Office, the request shall be forwarded to the ADR Committee for the deployment of ADRO from another PADRO of other Regions/DENR Office.
- 7.7. The LMB may request an ADRO from the Regional Office that has jurisdiction over the property subject of the protest. However, if the property is located within Metro Manila, the LMB may opt to request an ADRO from the Central Office or DENR-National Capital Region (NCR).
- 7.8. The request for ADRO by other Regions shall be approved by the concerned Head of Office upon recommendation of the ADR Focal Person.

In cases where the conduct of ADR is referred to another Office/Region, the transportation and accommodation expenses of the designated ADRO shall be charged to the requesting Office/Region that has jurisdiction over the subject matter.

Attached herewith is a process flow referred to as Annex "A".

**SECTION 8. When to Request an ADRO from Another Pool.** The ADR Focal Person, through the Head of Office, may request an ADRO from the PADRO of the nearest Regional Office in the following instances:

- 8.1. In cases where there are no ADROs available in their respective offices;

- 8.2. If the disputants or their authorized representative prefer to choose an ADRO from other PADROs;
- 8.3. If there is conflict of interest; and
- 8.4. Other instances that would prejudice the outcome of the ADR.

**SECTION 9. Criteria in Recommending an ADRO.** In cases of request for an ADRO by other Regions/DENR Offices, the ADR Focal Person or the ADR Committee shall consider the following in recommending to the concerned Head of Office the deployment of an ADRO:

- 9.1. Location of the property subject of the protest;
- 9.2. The number of cases handled by the ADRO;
- 9.3. The language/dialect known and understood by the ADRO and the disputants; and
- 9.4. Other conditions that would promote the effective and efficient conduct of the ADR.

**SECTION 10. Procedures for the Referral of Appealed Cases.** For cases on appeal or filed originally with the Office of the Secretary through the DENR Legal Affairs Service, the following procedures shall apply:

- 10.1. When the complete records of the case on appeal have been transmitted to the Legal Affairs Service, the Director of said Office shall issue an order requiring parties to submit an Offer for Amicable Settlement within ten (10) days from receipt thereof.
- 10.2. If parties submit their offer, the case shall be referred to the Division where the case is raffled and an ADRO from said Division shall handle the case. If there is no available ADRO from the assigned Division, the ADR Focal Person from the Legal Affairs Service shall raffle the case to other ADROs unless the parties would opt to choose from the roster of ADROs within the Central Office. Attached herewith is a process flow referred to as Annex "B-1".
- 10.3. When clarificatory investigation is necessary on the appealed cases as determined by the Assistant Secretary for Legal, the ADR process may still be offered to parties to settle controversy. If parties agree, the ADRO accompanying the investigation, who must be a member of the investigation team constituted by the Legal Affairs Service through a Memorandum or Order of Investigation issued for such purpose, shall conduct the proceedings. If there is no available ADRO who is a member of the investigating team, said team shall request any ADRO from the place where the investigation is conducted. Attached herewith is a process flow referred to as Annex "B-2".

**SECTION 11. Monitoring.** The ADR process and results shall be monitored by the ADR Committee and ADR Focal Persons using the Monitoring and Result System (ADR-MRS).

**SECTION 12. Budgetary Allocation for ADR.** Pursuant to existing laws, rules and regulations, the Regional, Provincial and Community Environment and Natural Resources and respective Offices providing ADR services shall allocate budget for ADR activities in their respective offices, particularly, ADR services provided in the resolution of land claims and conflicts and other disputes.

**SECTION 13. Separability Clause.** If for any reason, any section or provision of this Circular is declared null, no other section, provision or part hereof shall be affected and the same shall remain in full force and effect.

**SECTION 14. Repealing Clause.** All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed and/or modified accordingly.

**SECTION 15. Effectivity Clause.** This Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

  
**ROY A. CIMATU**  
Secretary



REPUBLIC OF THE PHILIPPINES  
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