



Republic of the Philippines
Department of Environment and Natural Resources
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11 DEC 2020

MEMORANDUM

FOR : The Directors
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Environmental Management Bureau
Forest Management Bureau
Mines and Geosciences Bureau

FROM : The OIC, Director
Policy and Planning Service

SUBJECT : **REQUEST FOR COMMENT/CONCURRENCE ON THE DRAFT DENR ADMINISTRATIVE ORDER (DAO) RE GUIDELINES ON THE CONDUCT OF VIRTUAL ALTERNATIVE DISPUTE RESOLUTION (ADR) PROCEEDINGS IN THE RESOLUTION OF LAND CLAIMS AND CONFLICTS AND OTHER NATURAL RESOURCES DISPUTES IN THE DEPARTMENT**

We are referring herewith the draft DAO proposed by the DENR Alternative Dispute Resolution (ADR) Committee, prescribing the guidelines on the conduct of virtual ADR proceedings in the resolution of land claims and conflicts and other natural resources disputes in the Department.

Basically, the draft policy shall govern the conduct of virtual ADR process using appropriate online technologies in the disposition of claims and conflicts cases and other disputes in the DENR. It shall supplant DAO No. 2016-30 and related issuances in the implementation of ADR in the Department. While the draft policy was crafted in response to the Covid-19 pandemic to ensure continuous delivery of ADR services to clients, the virtual process may also be an option other than the in-person ADR process.

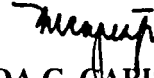
The draft policy was forwarded to this Office by the Chief, Investigation and Arbitration Division and Head, ADR Committee Secretariat, in an undated Memorandum. It was reviewed by the Policy Technical Working Group (PTWG) during the PTWG Meeting No. 2020-11 held on November 25, 2020, with the agreement that the PPS-Policy Studies Division (PSD) shall revise the draft policy based on comments and forward the same to the ADR Committee for refinement/additional inputs.

The revised draft policy was forwarded to the ADR Committee in a Memorandum from the undersigned dated November 25, 2020. In reply, the Director, Legal Affairs Service and member, ADR Committee informed this Office in a Memorandum dated December 7, 2020 that they have no further refinements/inputs to the revised draft.

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In this regard, please submit your comment/concurrence on the draft policy to this Office on or before December 22, 2020. If we fail to receive any comment/concurrence from your Office by the said deadline, we shall consider it as your concurrence to the same.

For your preferential and appropriate action, please.



MELINDA C. CAPISTRANO



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**DENR ADMINISTRATIVE ORDER
NO. 2020 - _____**

**SUBJECT : GUIDELINES ON THE CONDUCT OF VIRTUAL
ALTERNATIVE DISPUTE RESOLUTION (ADR)
PROCEEDINGS IN THE RESOLUTION OF LAND CLAIMS
AND CONFLICTS AND OTHER NATURAL RESOURCES
DISPUTES IN THE DEPARTMENT**

Pursuant to Republic Act (R.A.) No. 9285 or the “Alternative Dispute Resolution Act of 2004”, R.A. No. 11494 or the “Bayanihan to Recover as One Act” which provide measures for Covid-19 response and recovery interventions, and in line with Supreme Court Administrative Circular No. 37-2020, providing for the pilot testing of hearings through videoconferencing, the following guidelines are hereby issued.

SECTION 1. Objectives. This Order aims to:

- 1.1. Govern the conduct of Alternative Dispute Resolution (ADR) proceedings in cases requiring the use of virtual technologies in the disposition of claims and conflicts and other disputes in the Department;
- 1.2. Facilitate the efficient, speedy, practical and economical means of implementing the ADR processes as an alternative means of dispute resolution in lieu of in-person ADR;
- 1.3. Allow parties to resolve disputes using a virtual platform other than in-person ADR process; and
- 1.4. Execute the functions of the ADR Committee pursuant to Section 6 of DAO No. 2016-30, as the body in-charge of the overall implementation of ADR in the Department pertaining to land management and disposition, through designing and implementing measures that will promote further the use of ADR and improve the provision of ADR services.

SECTION 2. Scope and Coverage. This Order shall cover existing land claims and conflicts cases referred for ADR process before the Community Environment and Natural Resources Office (CENRO), Provincial Environment and Natural Resources Office (PENRO), Regional Offices, Land Management Bureau (LMB), and the Legal Affairs Service.

This shall also cover the process conducted by accredited ADR Officers (ADROs) of the Department and the third-party neutrals authorized by the Bureaus or attached agencies.

This Order shall be supplementary to the ADR process provided in DAO No. 2016-30 and shall be made accessible and applicable in any situation at the option of the parties.

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

- 3.1. **Alternative Dispute Resolution Officers (ADRO) or Third-Party Neutral** – DENR personnel accredited by the ADR Committee and/or authorized by the Head of Office of Bureau or Attached Agency not covered by DAO No. 2016-30.
- 3.2. **Breakout Space** – any space open to employees or visitors that is separate from their usual working area.
- 3.3. **In-Person ADR** – a face-to-face conduct of ADR sessions.
- 3.4. **Rules of “Conversation”** – the established norms or customary codes of polite behavior while engaging in a conversation or establishing good etiquette in a conversation.
- 3.5. **Session/Meeting ID** – an identification code composed of digits or alphanumeric characters generated by a teleconference application, software or platform to allow a participant to access a specific virtual session or meeting.
- 3.6. **Session/Meeting Link** – a web address or uniform resource locator (URL) which is generated by a web-conferencing application, software or platform to allow a participant to access a specific virtual session or meeting.
- 3.7. **Virtual ADR Proceedings** – an alternative method of conducting ADR process through virtual or online technologies other than in-person ADR.
- 3.8. **Joint Session** – the meeting of the two parties involved in a case referred to ADR in a virtual plenary session.
- 3.9. **Private Caucus** – a strategy resorted to by the ADRO to discuss separately with each party in a virtual private room, conducting a brief session one after the other party in the same ADR setting, in order to explore the issues involved in the case and the options available to the parties to resolve the matter.
- 3.10. **Virtual Private Room** – a room inside the virtual platform where people can meet separately from the plenary.

SECTION 4. Pre-ADR Virtual Process. Prior to the conduct of virtual ADR proceedings, the ADROs handling the process shall undergo training on the latest and usable video conferencing or online technologies and best practices to ensure their capability to handle the virtual process. The ADR Committee shall be responsible for providing training for all ADROs nationwide immediately after the effectivity of this Order.

Upon referral of the case for ADR to the ADRO pursuant to DAO No. 2016-30 and related issuances, the following shall be undertaken:

4.1. Assessment of the suitability of the case for virtual ADR proceedings

The ADRO shall examine whether the case is suitable for virtual ADR proceedings.

4.2. Determination of the best method for ADR

The ADRO shall consult with the parties if they are willing to undergo virtual ADR or in-person ADR process. If parties opt for a virtual ADR process, the ADRO shall secure the parties' written agreement to the process and discuss the schedule of sessions.

Should the parties opt to undergo ADR through the in-person process, the rules stated in DAO No. 2016-30 shall apply. Consideration of health and safety must be a priority, if the process will be undertaken during the pandemic or any health emergency situation with strict compliance to government guidelines.

4.3. Determination of the best platform for ADR

The ADRO shall discuss with the parties the specific web-conferencing or on-line technology platform to be used for the ADR process. A test-run shall be conducted prior to the virtual ADR process to determine issues in using the technology, and to confirm access of the parties to the technology and connectivity.

4.4. Documentation prior to virtual ADR proceedings

Should the parties opt to undergo virtual ADR proceedings, the ADRO shall secure the following documents:

4.4.1. Agreement to Undertake Virtual ADR Process signed by the parties (**Annex A**). The agreement to undertake the ADR process may be signed electronically by the party/parties during the virtual ADR Conference and shall be regarded as the equivalent of an original document if it is a printout or output readable by sight or other means showing accurate data.

4.4.2. Notice to Parties (**Annex B**) must be sent three (3) days prior to the scheduled virtual ADR session electronically or through other means.

SECTION 5. Conduct of Virtual ADR Proceedings

5.1. Ground Rules

The ADRO shall facilitate discussion on the ground rules during the ADR Conference that the parties may want to consider, but not limited to:

5.1.1. Respectful online communication

5.1.2. Joint session and caucus protocols

5.1.3. Privacy and confidentiality of the process and prohibition on video or audio recording during ADR sessions. The ADRO shall clarify in detail

how confidentiality is maintained both on the virtual platform and proceedings.

- 5.1.4. The length of time and number of sessions to be conducted via web conference
- 5.1.5. Noise management during the session and protocols on caucus session
- 5.1.6. Basic information on the personal identity of the party/ies. If attending sessions through a representative, he/she must be fully authorized to appear, negotiate, and enter into a compromise through a Special Power of Attorney to be submitted to the ADRO prior to the start of the process.
- 5.1.7. Process on sharing of documents through online application and electronic signing of agreements, if parties will settle

5.2. Advisory on Platform Link

After the virtual ADR Conference, the ADRO shall send notice to parties/participants through electronic mail (e-mail) or other digital means acceptable for the schedule, on how to access the virtual conference platform link, Session/Meeting ID, and the Meeting Password for the ADR Sessions.

5.3. Introduction

During the first ADR session, the ADRO shall deliver an opening statement conveying the information about the ADR process, any ground rules established, how the ADR process will proceed, and protocols on joint sessions and caucuses on breakout rooms. The ADRO shall show and read the agreement of the parties to conduct virtual ADR process and confirm their signatures.

5.4. Joint Session and Private Caucuses

During the joint session, the ADRO shall provide each party the opportunity to address the other party and give perspective on the case. Each party shall be afforded the opportunity to present the merits of their case, in a manner that helps facilitate eventual settlement. The ADRO may decide to hold private caucuses with both parties in the platform's breakout room in order to move the negotiations along. This caucus session shall be confidential.

5.5. Consensus Building and Drafting of Agreements

If the parties come to a consensus, the ADRO shall outline the terms and assist the parties in drafting the agreement. The parties shall sign the agreement with their confirmed terms and conditions electronically through an agreed application. The Compromise/Settlement Agreement shall be regarded as the equivalent of an original document if it is a printout or output readable by sight or other means showing accurate data.

5.6. Compromise/Settlement Agreement

After the issuance of an Order of Compromise Agreement (OCA), the Compromise/Settlement Agreement (C/SA) shall be treated as final and executory Decision in the same manner and process as provided for in DAO No. 2016-30.

5.7. Order of Compromise Agreement

As provided for in DAO No. 2016-30, the OCA shall have the force and effect of a final and executory Decision. It shall cause the dismissal of the Petition/Appeal with prejudice, bind the parties to their respective obligations and responsibilities, and shall be implemented pursuant to the terms and conditions thereof. Thus, the parties shall be estopped from filing any protest against the Public Land Application or any issuance of the Department subject of the dispute.

5.8. Termination of the Process

In terminating the process whether the parties reached a settlement or not, the ADRO shall conduct it in a joint session to inform the parties of the succeeding process and documentation pursuant to DAO No. 2016-30 and related issuances.

SECTION 6. Technical Requirements for the Conduct of Virtual ADR Proceedings. The virtual ADR proceedings shall be conducted on a platform agreed upon by the parties or as recommended by the handling ADRO provided, that it is a secure video conferencing application.

To be able to participate in the virtual ADR virtual proceedings, the parties shall ensure access to the following:

- 6.1. Laptop / desktop computer / tablet, or cellular phone with the following features: web camera, microphone, headphones (optional to reduce background noise);
- 6.2. Web-conferencing application agreed upon by the parties with breakout space;
- 6.3. A strong, secured internet connection; and
- 6.4. Suitable backdrop and location for the parties to maintain confidentiality of the process

SECTION 7. Maintaining Confidentiality. In order to maintain the confidentiality of the virtual ADR process, the parties shall adhere to the following rules:

- 7.1. Ensure that the party/ies are in an enclosed/private room and not in a public space during the virtual session.
- 7.2. No third party shall be present during the sessions unless authorized.
- 7.3. Video or voice recording during sessions shall be prohibited.
- 7.4. Access to all virtual session rooms and breakout rooms shall be limited to allocated participants.
- 7.5. Unless all parties and the ADRO agree, no person attending an ADR proceeding may disclose or be required to disclose any information obtained during the ADR proceeding, including any memoranda, notes, records, or work product. Further, the ADRO may not disclose or be required to disclose any information about any ADR proceeding to anyone outside the proceeding except the required progress report prescribed by the ADR Committee and Compromise/Settlement Agreement if any, and the exceptions to the privilege of confidentiality provided in Section 10 and 11, Chapter 2 of RA No. 9285.

SECTION 8. Agreements and Settlements. Should the parties resolve all the material terms in dispute during the virtual ADR proceedings, the ADRO shall reduce these into writing using the Compromise Agreement or Amicable Settlement Form (ADR Form No.

16 [Annex C] and/or ADR Form No. 9 [Annex D]) issued by the ADR Committee. The ADRO shall share the draft agreement form on the screen and ensure that parties' settlement terms are properly reflected in the agreement.

To preserve the integrity of the agreements reached by the parties during the virtual ADR proceedings, it is necessary that the parties electronically sign the agreement. The parties shall electronically sign the agreement through their agreed web application of choice. Thereafter, the handling ADRO shall convert the agreement into files with read-only portable document format (pdf). Said agreement shall be regarded as the equivalent of an original document if it is a printout or output readable by sight or other means showing the accurate information.

Agreements and/or settlements reached by the parties through the virtual process shall have the force and effect of a decision by the Office concerned and shall be processed, executed and implemented in accordance with DAO No. 2016-30 and related issuances.

SECTION 9. Non-Settlement of Conflicts/ Disputes during Virtual ADR. Should the parties fail to reach an agreement or settlement during the virtual ADR proceeding, the ADRO shall, in accordance with DAO No. 2016-30 and related issuances, undertake the following:

- 9.1. In case of disputes with no formal protest filed yet, the ADRO shall draft an Order of Failure of ADR using ADR Form 11 (Annex E) for approval by his/her immediate supervisor, and advise parties on the process of filing of protest pursuant to DAO No. 2016-31.
- 9.2. In case of disputes with formal protest filed, the ADRO shall issue a Certificate of Failure to Settle using ADR Form 11-A (Annex F), and advise the parties on the resumption of the claims and conflict or dispute proceedings pursuant to DAO No. 2016-31. The records and/or documents shall then be returned to the Land Management Investigator or Hearing Officer for continuation of the claims and conflict process.

SECTION 10. Reporting and Utilization of the ADR Monitoring and Results System (ADR-MRS). The ADROs shall utilize the ADR Monitoring and Results System to monitor cases referred for ADR through the virtual process, and record basic data information on the case for assessment and evaluation of the ADR services provided.

SECTION 11. Logistic Requirements and Support. The CENR Offices, PENR Offices, Regional Offices, the LMB, DENR-Central Office, and other Bureaus/offices that opted to use the virtual ADR process shall provide necessary logistic support to ensure availability of any device, equipment, and stable internet connectivity to be used by the ADRO in the conduct of the virtual proceedings.

SECTION 12. Availability of Accredited ADROs Nationwide. A list of ADROs from the Pool of ADR Officers (PADROs) in the Region, LMB and the Central Office shall be made available online in case parties would opt for another ADRO from another office to facilitate the virtual ADR proceedings other than the ADRO to whom the case was referred.

The ADRO to whom the case was referred shall immediately indorse the case folder to the ADRO who was selected by the parties, through channels.

SECTION 13. Duration of Virtual ADR Proceedings. For the uniform period of in-person and virtual ADR process, Section 24 of DAO No. 2016-30 is hereby amended. Accordingly, the duration of the ADR process shall be thirty (30) working days from the referral for ADR, unless the parties agree on an extension to explore possibilities for settlement, which shall be not more than another fifteen (15) working days.

SECTION 14. Non-Observance of the Confidentiality Rule. Section 9, Chapter 10 of R.A. No. 9285 shall apply for any breach of confidentiality privilege by a party or authorized non-party to the ADR proceedings who discloses confidential information.

Similarly, Section 41, Chapter 9 of DAO No. 2016-30 shall apply in case of breach of the confidentiality rule by an ADRO.

SECTION 15. Applicability. For in-person or virtual ADR process conducted in the Department, R.A. No. 9285 and its Implementing Rules and Regulations and related issuances by the Office for Alternative Dispute Resolution under the Department of Justice (DOJ) shall be applied in suppletory character and whenever practicable and convenient.

This Order shall be supplementary to the ADR process provided under DAO No. 2016-30, unless some provisions are amended.

SECTION 16. Oversight Function. The ADR Committee, through the assistance of the Secretariat, shall have the oversight function of this Order and provide guidance to all concerned offices on the implementation of this Order.

SECTION 17. Repealing Clause. All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed or amended accordingly.

SECTION 18. Separability Clause. If for any reason, any section or provision of this Order is declared null, no other section, provision or part hereof shall be affected and the same shall remain in full force and effect.

SECTION 19. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administrative Register (ONAR).

ROY A. CIMATU
Secretary

To be used either during
Voluntary or Mandatory
ADR Proceeding

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(Office)
(Address)

IN RE:

- Agricultural Free Patent Application
- Residential Free Patent Application
- Homestead Patent Application
- Miscellaneous Sales Patent Application
- Sales Patent under R.A. No. 730
- Tenurial Instrument Application
- Others

ADR Case No. _____

Complete name of each party

(Name of Applicant/Claimant)

(Name of Protestant/Claimant)

Subject Lot and Location

X-----X

**AGREEMENT TO UNDERTAKE ALTERNATIVE
DISPUTE RESOLUTION PROCEEDINGS**

Names of the applicant and adverse claimant, etc.

We, _____, _____, _____, _____, _____, and _____, the (*applicant, adverse claimant, adjoining lot owners-claimant etc.*) of the parcel of public land identified as _____ situated at _____ hereby declare and voluntarily agree to undergo Alternative Dispute Resolution (ADR) Proceedings in the pursuit of reaching out agreements/concessions on our dispute/s or conflict/s and work collaboratively together to obtain a mutually satisfying resolution of our issues.

This undertaking is in accordance with Chapter 4 and Chapter 6 of DENR Administrative Order (DAO) No. 2016-30 and all related laws, rules and regulations in the settlement of disputes and disposition of public land.

We stipulate and agree to submit all disputes, claims or controversies to the ADR Officer (ADRO) or competent authority in accordance with DAO No. 2016-30 and the terms and conditions which will govern the ADR Proceedings including those relating to obligations of confidentiality on the ADRO and on the parties.

We agree that we may stop the ADR process at any point of the proceeding by informing the ADRO and parties involved. Despite withdrawal, the parties shall continue to be bound by the confidentiality provisions of this agreement and agree not to use any information gained in the ADR sessions against other party.

ANNEX A - ADR Form No. 4
Agreement to Undertake ADR Proceedings

We abide by this Undertaking and are fully aware that any agreements reached on the ADR proceedings shall form part of the records of the pending application and be utilized in the disposition of the public land by the concerned DENR Office.

We mutually agree to meet on _____ at _____ for the initial ADR Proceedings and succeeding settings thereafter. Only the parties and or duly authorized representatives shall attend the ADR proceedings.

IN WITNESS WHEREOF, the Parties hereto have mutually and voluntarily agreed to the above stipulations, and signed this Undertaking, at _____, on this ____ day of _____, ____.

For Individuals:¹

Name and Signature
Telephone Number:
Address:

Name and Signature
Telephone Number:
Address:

For Corporate Entities:²

Name and Signature
Telephone Number:
Address:

Name and Signature
Telephone Number:
Address:

Attested by:

ADR Officer

¹ Representative should be duly authorized through Special Power of Attorney (SPA)

² Representative should present a Secretary's Certificate if a corporate entity

***Should representatives appear, notarized SPA and Board Resolution stating that representative have full authority to enter into ADR and sign agreements

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(Office)
(Address)

(Claimant/s or Protestants,)

- versus -

(Applicant or Protestee).
x-----x

DENR CASE NO.: _____
ADR Case No: _____
F.P.A. No.: _____
Lot No.: _____
CAD / PSU No. _____
Location: _____

NOTICE FOR ADR PROCEEDINGS

- Mandatory ADR Proceedings
- Voluntary ADR Proceedings pursuant to Agreement to Undertake Alternative Dispute Resolution Proceedings dated _____

Pursuant to the DAO No. 2016-30 you are requested to appear on _____ at _____ a.m./p.m. at the _____ venue _____ for the conduct of ADR proceedings.

Your personal appearance on the above date, time, and venue is required. Should you be unavailable, you may send your authorized representative with a Special Power of Attorney/Secretary's Certificate granting full powers and authority to negotiate for mediated agreements, enter into amicable settlement, and enter into and sign compromise agreement.

Lawyers, in representation of their clients, shall not be allowed to participate during the ADR proceedings.¹

Issued this _____ of _____ at _____, Philippines.

ADR OFFICER

¹ Section 35, DAO 2016-30.

Republic of the Philippines
DEPARTMENT ENVIRONMENT AND NATURAL RESOURCES
(Office)
(Address)

Claimant(s)/Protestant(s),

versus

Applicant/Protestee(s).

DENR CASE No. : _____

ADR Case No. : _____

F.P.A. No. _____

Lot No. _____

Location _____

x-----x

COMPROMISE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

_____, of legal age, single/married, with residence at _____, herein represented by _____ by virtue of a Special Power of Attorney executed on _____, and hereinafter referred to as the **FIRST PARTY**; and

_____, of legal age, single/married, with residence at _____, herein represented by _____ by virtue of a Special Power of Attorney executed on _____, and hereinafter referred to as the **SECOND PARTY**.

WITNESSETH: THAT

WHEREAS, the **FIRST PARTY** is the protestant/applicants in the *Claim and Conflict* Case/DENR No. _____, titled _____, pending before the _____ (office where the case is pending) _____, covering a parcel of land identified as _____;

WHEREAS the **SECOND PARTY** is the protestee/claimant in the said case/land application;

WHEREAS, the parties voluntarily submitted themselves for Alternative Dispute Resolution, docketed as ADR Case No. _____ which sessions were held on _____;

WHEREAS, the parties agreed to settle the case amicably, instead of going through the regular procedure of Protest, pursuant to DENR DAO 2016-31, and other existing laws, rules and regulations;

NOW, THEREFORE, in consideration of the foregoing premises, the parties hereby undertake as follows:

1. The First Party shall _____;

} **Terms and Conditions
agreed by the parties**

2. The Second Party shall _____;
3. This Compromise Agreement shall have the force and effect of a final and executory Decision viz parties respective claim over the subject property;
4. That whatever is discussed during the alternative dispute proceedings is considered Confidential and subject to Non-Disclosure;
5. The Parties agree to the fullest extent applicable, waives and concedes each other's claim and let this agreement govern their rights and obligations over the property subject of the application;
6. The Compromise Agreement is not contrary to law, public order, public policy and public morals;
7. The Parties bind themselves to faithfully comply with the terms and conditions of this Compromise Agreement and shall constitute an agreement between parties and supersedes all prior understandings, agreements and discussions between parties, if any;
8. The parties executed this Compromise Agreement on their own volition and free will and the signatories therein hereby represent and warrant that they are duly authorized to concede and compromise their rights, claims and interests over the subject public land;

IN WITNESS WHEREOF, the parties have hereunto set their hand this _____ hereat _____.

FIRST PARTY

SECOND PARTY

Witnessed By:

I hereby attest that the parties have executed this Compromise Agreement freely and voluntarily.

ADR OFFICER

Noted by:

(CENRO/PENRO/Region/ASEC)

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(Office)
(Address)

AMICABLE SETTLEMENT AGREEMENT

We, the claimants of the parcel of land applied for _____ (*subject lot - include the lot area*) situated at _____ pursuant to DENR Administrative Order No. 2016-30 dated 22 December 2016¹ hereby declare that we have voluntarily agreed on the following:

Terms and Conditions:

That _____

That _____

That _____

¹ Section 21 (Amicable Settlement), DENR Administrative Order No. 2016-30 dated 22 December 2016, Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition.

The Agreement shall contain the following terms and conditions:

- a. The caption of the claims and conflicts case. If no case yet, the names of the parties and the lot subject of the controversy;
- b. The date/s of the ADR proceedings;
- c. The agreed terms and conditions of the parties;
- d. A statement that the parties have voluntarily submitted themselves for ADR;
- e. A statement that the parties are fully conscious or aware of the consequences of the Compromise Agreement;
- f. A statement that the parties will faithfully comply with the terms and conditions of the Compromise Agreement;
- g. Parties have executed the Compromise Agreement on their own volition and free will;
- h. A statement that the terms and conditions are not contrary to law, moral, public policy or public order;
- i. A statement that after the issuance of the Order approving the Compromise Agreement, parties shall no longer file any action involving the same subject property;
- j. The signatures of the concerned parties; and
- k. The signature of the ADR Officer.

(Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition, DENR Administrative Order No. 30-16, [December 22, 2016])

ANNEX D - ADR Form No. 9
Amicable Settlement Agreement

That _____

We have read and fully understand the contents of this Agreement and voluntarily affixed our signatures herein, which shall form part of the records of the Public Land Application filed by _____. The same shall constitute as full and final settlement of any Protest or Complaint each party may have against the other in relation to the subject lot.

IN WITNESS WHEREOF, the Parties hereto have mutually and voluntarily agreed to the above stipulations, and sign this Agreement, at _____ on this ____ day of _____, _____ for the consideration and approval of the Honorable Office.

Name and signature

Name and signature

Signed in the presence of:

Witness

Witness

Attested by:

ADR Officer

Noted by:

(CENRO/PENRO/Region)

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(Office)
(Address)

IN RE: APPLICATION OF
over Lot No.

_____.

(Applicant)

(Claimants-adjoining lot
owners/Interested parties)

X-----X

DENR Case No.

ADR Case No.

ORDER OF FAILURE OF ADR¹

In view of the termination of the ADR proceedings and pursuant to Section 23 of DENR Administrative Order No. 2016-30 dated 22 December 2016,² the claimant is hereby given _____#_____ days from receipt hereof to file his/her verified Protest against the Public Land Application No. _____ of _____ (applicant) _____ and comply with the requirements under Section 4 of DENR Administrative Order No. 2016-31 dated 29 December 2016³. Otherwise, the Public Land Application shall be processed/given due course.

SO ORDERED.

_____, Philippines, _____.

(CENRO/PENRO/Region)

¹ This form can be used during voluntary ADR; Voluntary ADR applies when there is no pending protest/ claims and conflict case.

² Section 23 (Failure of ADR), DENR Administrative Order No. 2016-30 dated 22 December 2016, Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition.

³ DAO 2016-31, Section 4. Formal Requirements of a Protest. The Protest shall be written in clear, simple, brief and concise language either in Filipino or English and must contain the names of the parties, their addresses, the material allegations, the grounds relied upon, and the documentary and other forms of evidence to support the allegations. The Protest must be accompanied by the following documents: (a) Certificate to file action from the barangay concerned, if applicable; (b) Verification and Certification of Non-Forum Shopping; (c) Proof of payment of the Protest fee; and (d) A recent 2x2 picture of the protestant and his or her duly authorized representative and the subject lot/s. The Protest and its supporting documents must be filed in three (3) copies.

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(Office)
(Address)

IN RE:

- Agricultural Free Patent Application
- Residential Free Patent Application
- Homestead Patent Application
- Miscellaneous Sales Patent Application
- Sales Patent under R.A. No. 730
- Tenurial Instrument Application
- Others

ADR Case No. ____
DENR Case No. ____

(Name of Applicant/Claimant)

(Name of Protestant/Claimant)

Subject Lot and Location

x-----x

CERTIFICATE OF FAILURE TO SETTLE

On _____ the parties agreed to undertake alternative dispute resolution proceedings as a means to settle their dispute/controversy relative to the disposition of the public land identified as _____ pursuant to DAO 2016-31.

ADR sessions were held on _____, _____ and _____, and conducted/facilitated by _____ ADRO _____ but parties have failed to settle their disputes.

The records of the land application subject of the case are hereby transmitted to the Hearing Officer for the resumption of proceedings.¹

ADR Officer

¹Section 25 (Resumption of Investigation Proceedings), DENR Administrative Order No. 2016-30 dated 22 December 2016, Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition.



Republic of the Philippines
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Website: <http://www.denr.gov.ph> e-mail: web@denrgov.ph

DEC 07 2020
MEMORANDUM

TO : THE OIC-DIRECTOR
Policy and Planning Service

FROM : THE DIRECTOR
Legal Affairs Service

SUBJECT : REVISIONS ON THE DRAFT DMC RE: ADOPTION
OF ADR-MONITORING & RESULTS SYSTEM
(ADR-MRS) AND ITS USER MANUAL AND DRAFT
DAO ON THE GUIDELINES FOR THE CONDUCT
OF VIRTUAL ADR PROCESS AFTER THE PTWG
PRESENTATION (DOCUMENT NUMBER:
DENR-ASRMD-2020-010252)

This refers to your memorandum dated 25 November 2020 forwarding the comments and revision of the 2 proposed policies which was reviewed by the Policy Technical Working Group (PTWG).

The ADR Committee Secretariat and this Office have no further refinements/inputs on the comments/proposed revision of the PTWG except on the inclusion of the Information and Systems Division of KISS in Sections 8 and 10 in the proposed adoption of ADR-MRS.

We appreciate the support of the Policy and Planning Service to improve our proposed draft DMC and DAO to conform to the essential requirements policies to be implemented in the Department.

For information and appropriate action.

NORLITO A. ENERAN, LLM, CESO III

Copy furnished:

THE ASSISTANT SECRETARY
Legal Affairs
Chairperson, ADR Committee



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MEMORANDUM

FOR : The Director
Legal Affairs Service

ATTENTION : The Chief
Investigation and Arbitration Division

FROM : The OIC, Director
Policy and Planning Service

SUBJECT : **REVISED DRAFT DENR ADMINISTRATIVE ORDER (DAO)
RE GUIDELINES ON THE CONDUCT OF VIRTUAL
ALTERNATIVE DISPUTE RESOLUTION (ADR)
PROCEEDINGS IN THE RESOLUTION OF LAND CLAIMS
AND CONFLICTS AND OTHER NATURAL RESOURCES
DISPUTES IN THE DEPARTMENT**

25 NOV 2020

As agreed during the virtual Policy Technical Working Group (PTWG) Meeting No. 2020-11 held on November 25, 2020, forwarded herewith is the revised draft DENR Administrative Order (DAO) re Guidelines on the Conduct of Virtual Alternative Dispute Resolution (ADR) Proceedings in the Resolution of Land Claims and Conflicts and Other Natural Resources Disputes in the Department. The revisions in the draft policy are highlighted in yellow (see attached).

Below are the comments and the corresponding proposed revisions to the draft policy:

Comments	Proposed revision
1. On the prefatory statement, change the legal bases into R.A. 11494 and Supreme Court Administrative Circular No. 37-2020.	Pursuant to Republic Act (R.A.) No. 9285 or the "Alternative Dispute Resolution Act of 2004", R.A. No. 11494 or the "Bayanihan to Recover as One Act" which provide measures for Covid-19 response and recovery interventions, and in line with Supreme Court Administrative Circular No. 37-2020, providing for the pilot testing of hearings through videoconferencing, the following guidelines are hereby issued.
2. On Section 8, include a statement which provide that the document shall be regarded as the equivalent of an original document.	SECTION 8. Agreements and Settlement. Should the parties agree x x x To preserve the integrity x x x x. Said agreement shall be regarded as the equivalent of an original

Comments	Proposed revision
	document if it is a printout or output readable by sight or other means showing the accurate information.
3. On Section 11, include among the concerned offices other Bureaus/offices that opted to use the virtual ADR process.	SECTION 11. Logistic Requirements and Support. The CENR Offices, PENR Offices, Regional Offices, the LMB, DENR-Central Office, and other Bureaus/offices that opted to use the virtual ADR process shall provide necessary logistic support to ensure availability of any device, equipment, and stable internet connectivity to be used by the ADRO in the conduct of the virtual proceedings.
4. On Section 12, include a statement/line regarding the Pool of ADR Officers (PADROs)	<p>SECTION 12. Availability of Accredited ADROs Nationwide. A list of ADROs from the Pool of ADR Officers (PADROs) in the Region, LMB and the Central Office shall be made available online in case parties would opt for another ADRO from another office to facilitate the virtual ADR proceedings other than the ADRO to whom the case was referred.</p> <p>The ADRO to whom the case was referred shall immediately indorse the case folder to the ADRO who was selected by the parties, through channels.</p>

We would appreciate receiving any further refinements/inputs on the revised draft DAO together with the Complete Staff Work (CSW), on or before December 2, 2020, so that we could facilitate its vetting by the Bureau Directors and the Undersecretaries.

For your consideration and preferential action, please.


MELINDA C. CAPISTRANO



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MEMORANDUM

FOR : THE OIC-DIRECTOR
Policy and Planning Service

ATTENTION: POLICY STUDIES DIVISION

FROM : Chief, Investigation and Arbitration Division
and Head, ADR Committee Secretariat
Legal Affairs Service

SUBJECT : ENDORSING THE DRAFT POLICIES ON THE
CONDUCT OF ALTERNATIVE DISPUTE
RESOLUTION (ADR) VIRTUAL PROCESS,
ESTABLISHMENT OF POOL OF ADR OFFICERS
(PADROs) AND THE ADOPTION OF
ADR-MONITORING & RESULTS SYSTEM
(ADR-MRS) AND ITS USER'S MANUAL

DATE :

Pursuant to DAO 2016-30¹, the ADR Committee is in-charge of the overall implementation of ADR in the Department pertaining to land management and disposition and to institutionalize the ADR as a means of resolving disputes, claims and conflicts lodged before the Department.

To fulfill its mandate, the ADR Committee has drafted the relevant policies to guide its actions to institutionalize, carry out or implement its ADR programs/activities, to wit:

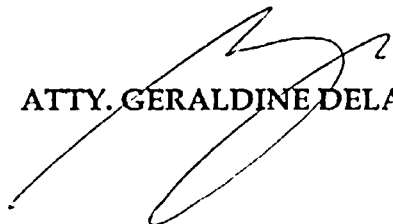
1. Draft guidelines governing the conduct of Virtual ADR Proceedings in the disposition of claims and conflicts and other disputes in the Department
2. Draft policy on the establishment of pool of Alternative Dispute Resolution Officers (PADROs) and the referral process of land claims and conflicts cases which was initially drafted by Land Management Bureau and reviewed by the Committee;

¹Guidelines in the Conduct Alternative Dispute Resolution in Land Management and Disposition

3. Draft policy adopting the ADR Monitoring and Results System (ADR-MRS), and its User's Manual, for the proper utilization of the ADR Officers and authorized third-party neutrals.

The ADR Committee has issued Resolutions endorsing the said three draft policies to the Policy Technical Working Group (PTWG) for review, discussion, or deliberation.

For your information and appropriate action, please.



ATTY. GERALDINE DELA CERNA-RAMOS



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Alternative Dispute Resolution Committee
RESOLUTION NO. 2020-02

**ENDORISING THE DRAFT DENR ADMINISTRATIVE
ORDER ON THE CONDUCT OF ALTERNATIVE
DISPUTE RESOLUTION (ADR) VIRTUAL PROCESS IN
THE RESOLUTION OF CLAIMS AND CONFLICTS
CASES OTHER DISPUTES IN THE DEPARTMENT**

WHEREAS, Pursuant to the provisions of Republic Act 11469 “Bayanihan to Heal as One Act”, and in line with Supreme Court Administrative Circular 37-2020 providing for guidelines in the conduct of virtual hearings regular courts, the ADR Committee to the initiative to draft an Administrative Order providing for the Guidelines in the conduct of virtual ADR process in the resolution of claims and conflicts and other disputes in the department;

WHEREAS, the Order shall supplement DENR-DAO 2005-18, DAO 2016-30 and 31 and related issuance in the implementation of Alternative Dispute Resolution in the Department;

WHEREAS, the Order serves as a response to the risk of COVID-19 pandemic and ensuring continuous delivery of ADR Services to clients and at the same time protecting the ADROs and third-party neutrals in the Department;

WHEREAS, the draft Order will govern the conduct of virtual ADR process using appropriate on-line technologies in the disposition of claims and conflicts cases and other disputes pending in the Department. It will facilitate the efficient, speedy, practical and economical means of implementing the ADR process as an alternative means of dispute resolution in lieu of in-person ADR. It will provide clients and other


stakeholders with option to an alternative way to resolve their disputes during the threat of coronavirus pandemic other than the in-person ADR proceedings and execute the functions of the ADR Committee pursuant to Section 6 of DAO 2016-30;

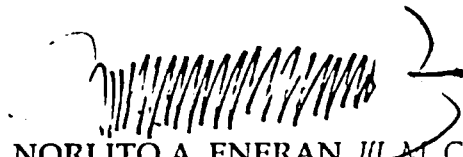
WHEREAS, the Order shall cover existing claims and conflicts cases and disputes pending or filed and docketed departmentwide;

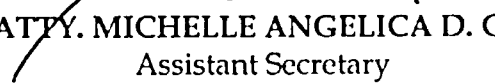
IN VIEW THEREOF, the ADR Committee RESOLVED that the Guidelines on the conduct of Virtual ADR Process be adopted, implemented and utilized by DENR offices in providing ADR services to clients and other stakeholders.

RESOLVED AS IT IS HEREBY RESOLVED, that the Draft DENR Administrative Order providing for the Guidelines on the conduct of Virtual ADR Process in the resolution of claims and conflicts cases and other disputes in the Department be endorsed to the Policy Technical Working Group for review and recommendation to the Executive Committee's approval.

ADOPTED on _____ in Quezon City,
Metro Manila, Philippines.


ATTY. EMELYNE V. TALABIS
Acting Director
Land Management Bureau
Member, ADR Committee


NORLITO A. ENERAN, III, M, CESO III
Director
Legal Affairs Service
Member, ADR Committee


ATTY. MICHELLE ANGELICA D. GO
Assistant Secretary
Legal Affairs
Chairperson, ADR Committee