



Republic of the Philippines
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MEMORANDUM

TO : **ALL Regional Executive Directors**
NCR, CAR, Regions 1-13

ATTN : **ALL ADR Focal Persons**
Focal ADR Officers

ALL Chiefs
Planning and Management Division

FROM : **The Assistant Secretary**
Legal Affairs and
Chairperson, Alternative Dispute Resolution Committee

SUBJECT : **CLARIFICATION ON THE MEANS OF VERIFICATION
ON THE INDICATOR FOR ALTERNATIVE DISPUTE
RESOLUTION OFFICERS (ADRO) ACCOMPLISHMENT**

It has come to our attention that there is a confusion in various regions as to what the means of verification (MOV) is on the indicator of what should be considered as accomplishment of ADROs in conducting the Alternative Dispute Resolution (ADR) process. It was alleged that some Regions consider "successful conduct of Alternative Dispute Resolution proceedings" (where parties come to an agreement to settle their case amicably) as the measure of this success. This, however, is incorrect.

The Committee looked into the issue, went through the various ADR laws and DENR issuances, and concluded that the appropriate indicator of an ADRO's accomplishment is not the successful conduct of ADR. The fact that parties are able to undergo the ADR Process should be the MOV on the indicator for the ADROs' accomplishment in conducting the ADR process.

Under Section 2 of Republic Act (RA) 9285, or the ADR Act of 2004, it is declared the policy of the State to actively promote party autonomy in the resolution of disputes or the freedom of the party to make their own arrangements to resolve their disputes. Also, under Section 1 of DAO 2016-30, it is provided that it shall be the policy of the Department to actively promote party autonomy in the resolution of land disputes or the freedom of the parties to make their own arrangements to resolve their land disputes.

Thus, having party autonomy in the context of the ADR process means that the parties have control on whether they want to enter into an amicable settlement. Moreover, amicable settlements have to be entered into voluntarily. Therefore, setting "successful conduct of Alternative Dispute Resolution proceedings" (where parties come to an agreement to settle their case amicably) as the MOV on the indicator of what should

be considered as accomplishment in conducting the ADR process would not be consistent with the principle of party autonomy.

Also, during the ADRO's Basic Skills Training and Practicum, it was repeatedly stated that the responsibility of an ADRO is not to solve the problems of the disputing parties since the outcome of the ADR process is entirely dependent on the disputants. This would be in keeping with the task of an ADRO, which is to empower the parties to express their demands and interests for the latter to be able to come to an agreement with the other party.

In this regard, the Committee reiterates that the fact of actually conducting the ADR proceedings, whether successful or not, should be the MOV on the indicator of what should be considered as accomplishment in conducting the ADR process. The submission of their ADR Report can serve as evidence of their success. Going through ADR is already an accomplishment in of itself, and the ongoing institutionalization of this process will undoubtedly contribute in the declogging of our cases in the Department.

For your information.


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