

RB 11/29/73

DEPARTMENT MEMORANDUM CIRCULAR NO. 24
SERIES OF 1973 RB

SUBJECT: Guidelines in the Issuance of Certificates of Land Transfer to Beneficiaries in Agricultural Landed Estates and DAR Settlement Projects

In line with the agrarian reform program of the government and to accelerate the transfer of lands to the beneficiaries in agricultural landed estates acquired by the government for distribution and resale and in DAR resettlement areas and give them the feeling of peace and security in the acquisition of such lands, the following guidelines are hereby prescribed to govern the issuance of certificates of land transfer to said beneficiaries:

A. In Agricultural Landed Estates:

1. Beneficiaries:

Certificates of Land Transfer shall be issued in lieu of orders of awards to applicant-purchasers of lots in the estate who are actual tillers/occupants thereof and who are found qualified to purchase same under existing laws, rules and regulations.

2. Lots:

Certificates of Land Transfer shall cover agricultural and/or homelots in agricultural landed estates, the subdivision surveys of which have been executed and the survey returns submitted for pre-verification by the Land Surveys Division, provided, that said lots fall under any of the following:

- a. Lots applied for but not yet covered by Orders of Award, Agreements to Sell, or Deeds of Sale;
- b. Lots applied for which were previously declared vacant and disposable by virtue of the cancellation of the order of award or agreement to sell.

3. Procedure, Required Forms and Supporting Papers:

a. Agrarian Reform Team:

The Agrarian Reform Team shall secure from the Regional Office all records of pending applications to purchase without orders of award. Thereafter, the Team shall ascertain the actual tillers/occupants of disposable lots in the estates. If the applicant-purchaser is the actual tiller/occupant and found to be qualified to purchase the lot under existing laws, rules and regulations, the following papers, duly processed and indorsed, shall be submitted through channel to the Regional Office:

(1) Application to purchase of the applicant-purchaser, duly accomplished, with a P0.30 documentary stamp;

(2) Certification of the City/Provincial Assessor on the extent of landholdings of the applicant and his/her spouse. The Agrarian Reform Team Leader or his representative, shall secure the required certification with the certification fee to be paid by the applicant;

(3) Sketch of the lot verified from the subdivision plan and showing the improvements and their owners; and

(4) Investigation report showing that the applicant is the actual tiller/occupant and qualified to purchase the lot. (This may be dispensed with in case the application has been recommended by a screening and allocation committee for approval).

b. Regional Office:

The Regional Office concerned shall examine and process the records submitted by the Agrarian Reform Team and upon favorable action taken forward to the Central Office the duplicate copies (original copies

to be kept by the Regional Office) of the said records in addition to the following:

(1) Certification by the Regional Office concerned stating the registered claimant of the lot as per master list;

(2) Certification issued by the Regional Legal Officer and Trial Attorney concerned that the lot is not involved in an adverse claim or court litigation;

(3) Certification by the Regional Director or the Assistant Regional Director that the lot has been declared vacant and disposable by virtue of the cancellation of the order of award or agreement to sell; and

(4) Comments and recommendations.

c. Central Office:

The Land Distribution Division of the Bureau of Land Acquisition, Distribution and Development shall review the records submitted by the Regional Office. If the records are complete and in order, it shall prepare in quadruplicate the Certificates of Land Transfer for the signature of the Secretary who, or by his authorized representative, shall distribute the original to the beneficiaries. The duplicate shall be filed with the Land Registration Commission, the triplicate with the Regional Office and the quadruplicate together with the duplicate records with the Central Office.

4. Payment of Lots and other Conditions:

After the issuance of the Certificate of Land Transfer, the beneficiary shall pay the cost of the land plus interest and incidental expenses and comply with the other conditions stated in the said certificate like membership in a barrio association or a duly registered farmers' cooperative in the locality and prohibition in the transfer of land and in the employment

or use of tenants in whatever form in the occupation and cultivation of the land. Thereafter, the Agreement to Sell or Deed of Sale, as the case may be, shall be issued in accordance with existing laws, rules and regulations.

Agrarian Reform Team Leaders shall see to it that the above conditions are complied with strictly by holders of Land Transfer Certificates.

B. In DAR Settlement Projects:

1. Beneficiaries:

Certificates of Land Transfer shall be issued to settlers personally cultivating lands in settlement projects whose homestead applications have been approved, or verified and investigated in the case of free patent applications.

2. Farm Lots:

Certificates of Land Transfer shall cover farm lots in Settlement Projects, the subdivision surveys of which have been executed and the survey returns submitted for pre-verification by the Land Surveys Division, provided, that the said lots fall under any of the following:

a. Lots covered by applications without final proof in the case of approved homestead applications or without notice of application with respect to free patent applications.

b. Lots applied for which were previously declared vacant and disposable by virtue of the cancellation of the homestead or free patent application, or patent issued, provided, that the applications are under the same status stated in the preceding paragraph.

3. Procedure, Required Forms and Supporting Papers:

a. Agrarian Reform Team:

(1) The Agrarian Reform Team shall secure from the Regional Office the records of homestead applicants whose applications have been approved but without final proof, including free patent applications which have been verified and investigated but without the

notice of application;

(2) The Agrarian Reform Team shall conduct an investigation and ocular inspection of each lot to ascertain whether the applicant is the actual occupant and tiller of the land;

(3) The Agrarian Reform Team shall see to it that the following forms, documents and supporting papers are attached to the records and submitted through channel to the Regional Office:

(a) As regards Homestead Applications:

- (aa) Certificate of allocation, if any;
- (bb) Homestead Application duly accomplished;
- (cc) Sketch of the lot duly verified from the survey plan;
- (dd) Preliminary Investigation Report;
- (ee) Order of Approval of Application and/or Giving Entry Number;
- (ff) Proof or evidence of payment of Entry fee of P5.00;
- (gg) Affidavit of assumption of obligation, if applicant is a subsequent settler;
- (hh) Clearance issued by ART Legal Officer that the lot is not the subject of an adverse claim;
- (ii) Certification from the District Land Officer of the Bureau of Lands concerned, that there is no other public land application covering the subject lot and that applicant has not applied for any other farm lot of the public domain; and
- (jj) Investigation report with comments and recommendations for the issuance of the Certificate of Land Transfer.

(b) As regards Free Patent Applications:

- (aa) Certificate of allocation, if any;

- (bb) Sketch of the lot duly verified from the survey plan;
- (cc) Free patent application duly accomplished;
- (dd) Clearance issued by ART Legal Officer that the lot is not the subject of an adverse claim;
- (ee) Certification from the District Land Officer of the Bureau of Lands concerned, that there is no other public land application covering the subject lot and that applicant has not applied for any other farm lot of the public domain; and
- (ff) Investigation report with comments and recommendations for the issuance of Certificate of Land Transfer.

b. Regional Office:

The Regional Office shall examine and process the records submitted by the Agrarian Reform Team and upon favorable action taken thereon, forward to the Central Office the duplicate copies (original copies to be kept by the Regional Office) of the said records in addition to the following:

(1) Certification by the Regional Legal Officer and Trial Attorney that the lot is not involved in an adverse claim or court litigation;

(2) Certification by the Regional Director or Assistant Regional Director that the lot has been declared vacant and disposable by virtue of the cancellation of the rights of the former allocatee, homestead or free patent applicant, or patentee, if such be the case; and

(3) Comments and recommendations.

c. Central Office:

The Land Distribution Division of the Bureau of Land Acquisition, Distribution and Development shall

review the records submitted by the Regional Office. If the records are complete and in order, it shall prepare the Certificates of Land Transfer in three (3) copies for the signature of the Secretary who, or by his authorized representative, shall distribute the original to the beneficiaries. The duplicate shall be filed with the Regional Office and the triplicate together with the duplicate records with the Central Office.

4. Obligations of Holders of Certificates of Land Transfer:

After the issuance of the Certificate of Land Transfer, the beneficiary shall comply with the conditions stated therein like membership in a barrio association or a duly registered farmers' cooperative in the locality and prohibition in the transfer of land and in the employment and use of tenants in whatever form in the occupation and cultivation of the land. Thereafter, the Homestead Patent or Free Patent, as the case may be, shall be issued in accordance with existing laws, rules and regulations.

Agrarian Reform Team Leaders shall see to it that the above conditions are complied with strictly by holders of Land Transfer Certificates.

5. New Homestead and Free Patent Applications:

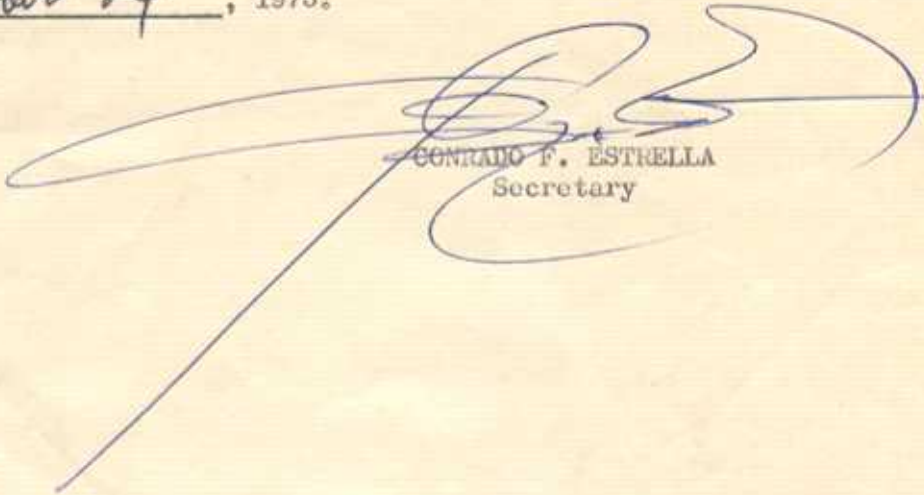
For new homestead or free patent applications, the procedure and requirements prescribed under existing laws, rules and regulations shall be strictly observed. After the approval of homestead applications or verification and investigation in the case of free patent applications, the Certificates of Land Transfer shall be issued to the beneficiaries in the manner provided in this Department Memorandum Circular.

Effectivity:

This Memorandum Circular shall take effect immediately and all Orders,

Circulars, Memoranda, and rules and regulations or portions thereof
inconsistent herewith are hereby revoked or cancelled or modified
accordingly.

October 24, 1973.



CONRADO F. ESTRELLA
Secretary

JVA/cme
LDD/DAR