



Republic of the Philippines  
**DEPARTMENT of AGRARIAN REFORM**  
ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

Department of Agrarian Reform  
ADMINISTRATIVE ORDER No. 09  
Series of 2011

**SUBJECT: RULES FOR THE SURVEY AND/OR FIELD INVESTIGATION OF LANDHOLDINGS WHERE THE DEPARTMENT OF AGRARIAN REFORM AND THE LANDBANK OF THE PHILIPPINES ARE DENIED ENTRY THERETO**

Pursuant to Sections 49 and 50 of Republic Act (R.A.) No. 6657, as amended, and in order to address the problems encountered by field implementers in the Survey and/or Field Investigation of landholdings covered by the Comprehensive Agrarian Reform Program (CARP), the following rules are hereby promulgated.

**SECTION 1. Policy Statement.** – The Survey and Field Investigation of CARP-covered landholdings are necessary activities for the determination of the value of the just compensation due to the landowners. Such activities must be performed without delay but with due consideration to the safety of the Department of Agrarian Reform (DAR) and Land Bank of the Philippines (LBP) field personnel. Furthermore, the fact of problematic Survey and Field Investigation should not be a convenient excuse for the failure to cover or the delay in the coverage of the subject land under agrarian reform.

**SECTION 2. Problematic Survey and/or Field Investigation Defined.** – A Survey and/or Field Investigation is/are considered problematic for the purpose of this Administrative Order (A.O.) if the authorized surveyor or members of the field investigation team are unable to carry out the prescribed Survey activities or Field Investigation for land acquisition due to external actions or factors, without any undue provocation from them, such as force, threat, violence, or harassment, which pose actual or imminent danger to their persons or property, provided that the landholding concerned has been issued a valid Notice of Coverage in accordance with the pertinent rules. It shall also include situations involving the outright or implicit refusal of the landowner, administrator, or actual occupant of the landholding, regardless of the presence of violence or threats of violence, to allow the entry of field personnel to conduct the above activities after due notice.

**SECTION 3. Scope and Applicability.** – Upon the certification of the Regional Director (RD), acting on the recommendation of the Provincial Agrarian Reform Officer (PARO) concerned, that the survey or field investigation is problematic, the rules prescribed herein shall apply.

These Rules shall apply to the conduct of Survey and/or Field Investigation which are problematic, as defined in Section 2 hereof. Administrative Order (A.O.) No. 7, Series of 2011,

and other pertinent Rules and Circulars shall govern the rest of the procedures on land acquisition and distribution.

**SECTION 4. Certification That The Survey and/or Field Investigation Is Problematic.**

– If in due course of the procedure of the DAR, it failed to conduct the Survey and/or Field Investigation over a particular landholding due to its being problematic, the PARO shall, within three (3) days from the failure of such activity, recommend to the RD that the said Survey and/or Field Investigation be certified as problematic. The RD shall review the recommendation and, if he/she deems it proper, issue a Certification to that effect, as defined by this A.O., within five (5) days from receipt of the recommendation of the PARO. The reason why the Survey and/or Field Investigation is/are certified as problematic must be stated in the said Certification.

Upon issuance of the Certification by the RD that the Survey and/or Field Investigation is/are problematic, the PARO shall issue a Notice to the landowner within three (3) days from the receipt of said Certification stating that:

- (1) the landowner must issue and furnish the DAR and the LBP, through the DAR Provincial Office (DARPO), within fifteen (15) days from receipt of the said Notice, an authorization to enter the subject landholding at any time during reasonable hours to conduct the necessary surveys and field investigation;
- (2) the failure to issue and furnish the authorization within the said reglementary period, or the failure or refusal to allow entry to the personnel of the DAR and the LBP despite the issuance of the authorization, shall result in the:
  - a. DAR choosing the retention area, if the landowner has notified the DAR of his/her/its decision to exercise his/her/its right of retention;
  - b. DAR not conducting the survey and field investigation until the government attains possession of the subject landholding, if the landowner waives his/her/its right to exercise the right to retain pursuant to Section 27 of A.O. No. 7, Series of 2011; and
  - c. initial temporary valuation of the landholding being determined as if it were classified as idle land, provided that the initial temporary valuation shall be reviewed and may be changed once the DAR enters the landholding and conduct a proper field investigation.

A duplicate copy of the Certification shall be attached to the Notice.

**SECTION 5. Landowner's Right to Submit Its Comment.** – The landowner may refute the reasons stated in the Certification within fifteen (15) days from receipt of said Notice, by submitting to the DARPO a Comment together with any piece of evidence he/she/it wishes to be considered, as well as a sworn authorization allowing the DAR and the LBP to enter the subject landholding at any time during reasonable hours to conduct the necessary surveys. A Comment submitted, if any, shall be attached and shall become an integral part of the Claim Folder (CF) of the landholding.

**SECTION 6. Options of the DAR In Case Problematic.** – If the landowner fails to submit the authorization stated in Sections 4 or 5 of this A.O, or if the Survey and/or Field Investigation is still problematic, as defined herein, despite the execution of any of the said authorizations, the DAR and the LBP:

- (a) may conduct the Perimeter Segregation Survey and/or Field Investigation in accordance with the provisions provided hereafter, if the landowner exercised his/her/its right to retain; or
- (b) shall not conduct the Survey and/or Field Investigation until after the government attains possession of the landholding, if the landowner waives his/her/its right to retain pursuant to Section 27 of A.O. No. 7, Series of 2011.

**SECTION 7. DAR To Choose Retention Area If Right Is Exercised.** – If the landowner exercised his/her/its right to retain, the DAR shall choose the retention area even if he/she/it had already submitted to the DAR his/her/its choice of retention area.

In choosing the said retention area, the DAR shall limit itself to the perimeter portion that is easiest to segregate from the entire landholding even without entering the landholding.

**SECTION 8. Perimeter Segregation Survey, if the Right to Retain is Exercised.** – If the right to retain is exercised, the Survey team shall conduct the perimeter segregatuib survey in order to segregate the retention area chosen by the DAR from the rest of the subject landholding. The perimeter segregation plan (PSP) shall be included in the CF which will be transmitted to the LBP. It shall also, at the same time, submit the PSP to the Land Management Service (LMS) of the Department of Environment and Natural Resources (DENR).

**SECTION 9. Initial Valuation of the Subject Landholding.** – If the right to retain is exercised, the initial valuation of the landholding shall be based on the area size per the PSP. If this right is not exercised, the initial valuation of the landholding shall be based on the area size per the landowner's title. In both cases, it shall be temporarily valued as if it were an idle land.

The Memorandum of Valuation (MOV) and Notice of Land Valuation and Acquisition (NLVA) that shall be served to the landowner shall expressly state that the landholding was considered as idle land for the sole purpose of determining its initial valuation due to the conditions preventing the DAR from entering the same. Both the MOV and the NLVA shall further expressly state that the valuation is subject to change upon the completion of a Final Field Investigation that shall be conducted once the government has taken actual possession of the subject landholding.

The PARO, on the same day the NLVA is transmitted to the MARO concerned, shall also transmit the Order to Deposit Landowner's Compensation to the LBP.

**SECTION 10. Certificate of Deposit and the Cancellation of the Landowner's Title.** – The LBP shall issue to the PARO a Certificate of Deposit (COD) upon its receipt of the Order to Deposit, using the temporary classification of the landholding as idle land as the basis for the

valuation. Within three (3) days from the PARO's receipt from the LBP of a copy of the COD, he shall immediately transmit the COD, the Approved Segregation Plan if the right to retain is exercised, and the written request to the ROD for the issuance of Transfer Certificate/s of Title (TCT/s) in the name of the Republic of the Philippines (RP Title), and, if applicable, a title in favor of the landowner.

**SECTION 11. Final Survey and Field Investigation.** – Within three (3) days from the issuance of the RP Title, the DAR shall take actual possession of the subject landholding to be undertaken by the DAR Sheriff. If the DAR Sheriff is unable to do so due to the resistance of the occupant of the landholding, he shall make a written report stating the same and submit it to the PARO. The PARO shall, within five (5) days from the receipt of the report, seek the assistance of the Philippine National Police (PNP) and/or the Armed Forces of the Philippines (AFP), and schedule the ejectment of the occupant and the taking of possession of the landholding covered by the RP Title at the earliest convenient time.

Within two (2) days from the taking of possession of the subject landholding, the DAR shall begin its Final Survey and land use mapping activities. The Final Survey/Segregation Plan (FSP) and Land Use Map (LUM) shall be submitted by the PARO to the LBP within five (5) days from their execution. He shall also, at the same time, submit the FSP to the LMS of the DENR.

The Final Field Investigation shall begin within two (2) days after the LBP's receipt of the FSP and the LUM.

**SECTION 12. Amendment of the Valuation.** – The DARPO shall transmit to the LBP and the ROD the Approved Survey Plan (ASP) of the LMS within three (3) days from its receipt thereof. The LBP may adjust the value of the just compensation due to the landowner upon considering the Field Investigation Report (FIR) from the final Field Investigation and the ASP. If an adjustment to the value of just compensation was made, the COD shall be amended accordingly. In case an administrative just compensation proceeding is already pending with the DARAB or its Adjudicator, or a just compensation case is pending with a Special Agrarian Court, the said tribunal shall be notified of the said amendment.

Regardless if there is a change to the value of the just compensation or none, the LBP shall issue a new MOV stating the final valuation. The DAR shall issue and transmit a notice to the LO stating the final valuation within three (3) days from receipt of the new MOV.

**SECTION 13. Cancellation of the RP Title and the Revival of the Title of the Landowner.** – If during the Final Survey and/or final Field Investigation it is determined that part/s of the landholding is/are not coverable by the CARP, the fact shall be shown in the ASP. The PARO shall transmit to the Secretary a recommendation to cancel the RP Title with respect to the area not coverable by the CARP.

The Secretary shall thereafter, upon verification that the area/s is/are indeed not coverable the CARP, issue an Order cancelling the portions of the RP Title covering this/these area/s, without going through the procedure delineated by A.O. No. 06, Series of 2011. He shall also direct the ROD to revive the immediately preceding title covering the said area/s.



**SECTION 14. Assistance from the PNP and/or the AFP.** – The PARO may request the PNP and/or the AFP for security assistance in the conduct of the Perimeter Survey and the taking of possession of the landholding, among others.

**SECTION 15. Issuance of CLOA.** – After the conduct of the Final Survey and Field Investigation, the PARO shall request the concerned Register of Deeds to cancel the RP Title and register the Certificates of Land Ownership Award (CLOAs) in the name of the ARBs.

**SECTION 16. Suspension of the Activities Stated In This A.O.** – In case there is a protest against coverage or a petition for exemption or exclusion pending at the time of the Perimeter Segregation Survey in cases covered by Section 6 (a) hereof, or in the event of the issuance of the NLVA and the Order to Deposit in cases covered by Section 6 (b) hereof, the DAR shall hold in abeyance these activities until the protest against coverage or petition for exemption or exclusion has been denied by the RD, or if appealed, by the Secretary.

**SECTION 17. A.O. on LAD.** – A.O. No. 07, Series of 2011 shall govern the other procedures of the land acquisition and distribution process not covered by this A.O.

**SECTION 18. Special Rules by the Secretary.** – The Secretary may prescribe special rules to govern special cases of problematic Survey and/or Field Investigation.

**SECTION 19. Repealing Clause.** – All A.O.s inconsistent herewith are hereby accordingly repealed, modified, and/or amended.

**SECTION 20. Separability Clause.** – Any judicial pronouncement declaring as unconstitutional any provision of this A.O. shall have no effect on the validity of the other provisions not affected thereby.

**SECTION 21. Effectivity Clause.** – This Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation.

Diliman, Quezon City, 14 OCTOBER 2011.

Published in two (2) National Newspapers  
of general Circulations:

1. Philippine Star
2. Daily Tribune

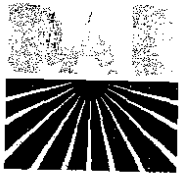
Date of Publication – October 18, 2011

**VIRGILIO R. DELA LOZA**  
Secretary

Department of Agrarian Reform  
Office of the Secretary



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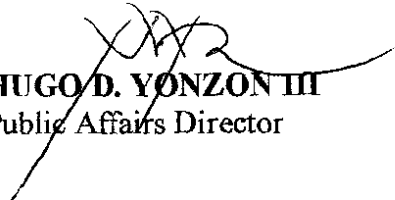


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**CERTIFICATION**

This is to certify that DAR Administrative Order No. 9, Series of 2011 entitled **“RULES FOR THE SURVEY AND/OR FIELD INVESTIGATION OF LANDHOLDINGS WHERE THE DEPARTMENT OF AGRARIAN REFORM AND THE LANDBANK OF THE PHILIPPINES ARE DENIED ENTRY THERETO”** is published today, Tuesday, 18 October 2011 at Philippine Star and Daily Tribune newspapers.

Issued this <sup>18<sup>h</sup></sup> day of October 2011 for whatever purpose it may serve.

  
**HUGO D. YONZON III**  
Public Affairs Director