



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

Department of Agrarian Reform
ADMINISTRATIVE ORDER NO. 05
Series of 2014

SUBJECT: RULES AND PROCEDURES FOR PRELIMINARY PROCESSING OF LAND ACQUISITION AND DISTRIBUTION OF PRIVATE AGRICULTURAL LANDS UPON REVOCATION BY THE DEPARTMENT OF AGRARIAN REFORM OF EXEMPTION/EXCLUSION CONVERSION ORDER

SECTION 1. Applicability. – These rules shall apply to landholdings where the Secretary has revoked an Exemption/Exclusion or Conversion Order, but the issue has been appealed to, and is still pending with, the Office of the President.

SECTION 2. Preliminary Processing of the Land Acquisition and Distribution. – Upon receipt by the DAR of the Notice of Appeal to the Office of the President of the decision of the Secretary revoking the Exemption/Exclusion or Conversion Order covering a particular landholding, the Office of the Secretary, through the Undersecretary for Field Operations, shall issue a Memorandum directing the Provincial Agrarian Reform Program Officer (PARPO) to proceed with the land acquisition and distribution process of the subject land until the issuance of the Memorandum of Valuation with the attached Land Valuation Worksheet by the LBP, unless otherwise suspended sooner by the Secretary, the Office of the President, or the Supreme Court.

Upon confirmation by the Office of the President (through a decision of the appeal or a Motion for Reconsideration in the same Office) of the decision of the DAR to revoke the Exemption/Exclusion or Conversion Order, notwithstanding a Petition for Certiorari or appeal to the courts, the PARPO may proceed to serve the Notice of Land Valuation and Acquisition and proceed with the rest of the land acquisition and distribution process thereafter, unless otherwise ordered suspended by the Secretary, the Office of the President, or the Supreme Court.

SECTION 3. Particular Notice of Coverage. – Upon receipt by the PARPO of the directive to proceed with the preliminary processing, he shall immediately initiate the process of the issuance of a Notice of Coverage particular to this Order. This particular Notice of Coverage shall be issued in the same manner, and to the same persons, as that of a Notice of Coverage.

The particular Notice of Coverage shall inform the landowner that the DAR shall proceed with the preliminary processing of the acquisition and distribution of the subject land until the issuance of the Memorandum of Valuation with the attached Land Valuation Worksheet by the LBP, and that it shall proceed thereafter should the Office of the President affirms the decision of the Office of the Secretary in its decision to revoke the Exemption/Exclusion or Conversion Order.

The particular Notice of Coverage must also state the periods for the LO to file a protest on coverage, nomination of preferred beneficiary/ies, manifestation for exemption/exclusion, and

manifestation to exercise the right of retention, as well as to submit a duly attested list of the agricultural lessees, farm workers, and/or tenants in his/her/its landholding, together with the consequences of the failure to exercise the rights during the said periods. The same Notice must state in bold letters that the act of the landowner to nominate preferred beneficiaries, exercise the right of retention, and submit lists of tenants and farm workers shall not prejudice his/her/its legal position in the pending appealed case in the OP.

SECTION 4. Period to Protest Coverage, Nominate Preferred Beneficiary/ies, File a Manifestation for Exemption/Exclusion, File a Manifestation to Exercise Retention Rights, Application/Petition for Exemption/Exclusion, and to Choose a Retention Area.

– It is incumbent upon the landowner, despite the pending appealed case, to conduct the following within a non-extendible period of thirty (30) days from his receipt of the particular Notice of Coverage provided for in Section 3 hereof:

1. File a Protest against coverage, which must be filed before the PARPO and should contain the substantial bases thereof;
2. Nominate child/ren who may qualify as preferred beneficiary/ies;
3. File a Manifestation for Exemption or Exclusion from CARP coverage before the PARPO; and
4. File a Manifestation to Exercise the Right of Retention before the PARO.

The failure to do any of the foregoing within the abovementioned reglementary periods shall be construed as a waiver on the part of the LO of the right to protest coverage, to nominate child/ren as preferred beneficiary/ies, to file a petition for exemption or exclusion from CARP coverage, and/or to exercise the right of retention, as the case may be. All protests, nominations, and manifestations/petitions made after this period shall no longer be accepted.

The Application/Petition for Exemption or Exclusion from CARP coverage¹² may be filed together with the above-mentioned Manifestation. If it is not filed jointly, the LO can file it, together with the documents required by the rules on exemption or exclusion, within sixty (60) days from receipt of the particular Notice of Coverage provided for in Section 3 hereof. Non-submission thereof within this reglementary period shall be construed as a waiver or abandonment of his/her/its right to file said Petition for Exemption or Exclusion from CARP coverage with respect to the landholding covered.

The LO may choose a retention area at the same time that he/she/it manifested to exercise the right of retention. If this is not done at the same time, the LO can choose the area within a non-extendible period of fifteen (15) days after manifesting his/her/its desire to exercise the said right.

It is understood that the protest to coverage, or the act of nominating a preferred beneficiary/ies or to file a manifestation to exercise retention, shall be contingent upon the final decision on the issue regarding the revocation of the exemption/exclusion or conversion order, and shall therefore not be prejudicial to the case of the landowner or developer against the said revocation. As such, the act of the landowner to nominate preferred beneficiaries, exercise the right of retention, and submit lists of tenants and farm workers shall not prejudice his/her/its legal position in the pending appealed case in the OP.

¹ In case of a pending petition for revocation of a conversion order, note that the submission of the Application for Land Use Conversion of the landholding (which was subsequently approved) was an implied acknowledgment that the portions of the landholding that were not developed during the required period is agricultural-in-nature and therefore any Petition for Exclusion based on the ground that it is not agricultural (such as DOJ 44 or developed 18% slope, among others) may be denied.

² Note that, in case of a pending petition for revocation of an exemption/exclusion order, the DAR will not accept a Petition for Exemption/Exclusion if the ground thereof is the same as that being sought to be revoked.

SECTION 5. Procedures in the Preliminary Processing. – A.O. No. 7, Series of 2011, as amended, shall govern the procedures in the actual preliminary processing of the acquisition and distribution of the subject landholding.

SECTION 6. Issuance of Notices with Respect to Revocation of Exemption/Exclusion or Conversion Order Cases Pending in the DAR. – Notwithstanding Section 1 hereof, the following procedure shall apply with respect to revocation of conversion order cases pending in the DAR upon the effectivity of this A.O.:

- The Undersecretary for Legal Affairs is directed to issue immediately, via registered mail, Notices to all parties in all pending revocation of exemption/exclusion or conversion order cases that pursuant to Section 30 of Republic Act (R.A.) No. 9700, which states that “***Any case*** and/or proceeding involving the implementation of the provisions of Republic Act No. 6657, as amended, which may ***remain pending on June 30, 2014*** shall be ***allowed to proceed to its finality and be executed even beyond such date.***”³, the DAR may proceed with the land acquisition and distribution process whenever the case is resolved with finality in favor of the revocation of the conversion order.
- The abovementioned Notice of the Undersecretary for Legal Affairs shall also state that pursuant as well to the same provision of R.A. No. 9700, the provisions of this A.O. shall be implemented to decisions of the Secretary appealed to the Office of the President even if such transpired beyond 30 June 2014.


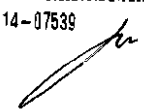
SECTION 7. Repealing Clause. All A.O.s inconsistent herewith are hereby repealed, modified, and/or amended accordingly.

SECTION 8. Separability Clause. Any judicial pronouncement declaring as unconstitutional or invalid any provision of this A.O. shall have no effect on the validity of the other provisions not affected thereby.

SECTION 9. Effectivity Clause. These Rules shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, **MAY 15 2014**


VIRGILIO R. DE LOS REYES
Secretary

Department of Agrarian Reform
Office of the Secretary

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of General Circulation:
1. Business Mirror
2. Malaya Business Insight
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³ Emphasis supplied



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CERTIFICATION

This is to certify that Administrative Order No. 05, Series of 2014 entitled **“RULES AND PROCEDURES FOR PRELIMINARY PROCESSING OF LAND ACQUISITION AND DISTRIBUTION OF PRIVATE AGRICULTURAL LANDS UPON REVOCATION BY THE DEPARTMENT OF AGRARIAN REFORM OF EXEMPTION/EXCLUSION/CONVERSION ORDER”** was published today, Thursday, 22 May 2014 at Business Mirror and Malaya Business Insight newspapers.

Issued this 22th day of May 2014 for whatever purpose it may serve.


ERLINDA M. MANLUCTAO
OIC-Director IV, PAMRS