



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 02
Series of 2015

SUBJECT: AMENDMENT TO ADMINISTRATIVE ORDER NO. 11, SERIES OF 2014, HASTENING THE ACQUISITION AND DISTRIBUTION PROCESS

In order to further hasten the acquisition and distribution of private agricultural lands covered by the Comprehensive Agrarian Reform Program, this Administrative Order (A.O.) is issued amending pertinent provisions of, and adding necessary Sections in, A.O. No. 11, Series of 2014.

SECTION 1. Section 1 of A.O. No. 11, Series of 2014 is hereby amended to read as follows:

SECTION 1. Coverage. – This A.O. shall govern any and all petitions for coverage of privately-owned agricultural landholdings under the CARP.

SECTION 2. The last paragraph of Section 3 of A.O. No. 11, Series of 2014 is hereby amended to read as follows:

The Regional Office shall thereafter make a thorough verification if a Notice of Coverage covering the subject landholding has already been validly served. Should the Notice of Coverage be verified to have been validly served, Section 16-A hereof shall apply to the said case; otherwise, the procedure under Sections 4 to 16 shall apply.

SECTION 3. The first two paragraphs of Section 5 of A.O. No. 11, Series of 2014 is hereby further amended to read as follows:

SECTION 5. Disclosure Statement. — The petitioner, in the petition or its integral annex, and the respondent, shall disclose and certify under oath, that:

- (a) He is a party-in-interest or properly authorized by the party-in-interest in such case;

SECTION 4. Section 8 of A.O. No. 11, Series of 2014 is hereby amended to read as follows:

SECTION 8. Notice to Landowner or Any Interested Person; Comment to Petition.

– The RD shall notify in writing the landowner/s or any persons who may have an interest in the subject landholding, the PARPO, and the MARPO of the existence of the request or petition. Proof of service of such notice to the parties shall form part of the records of the case. A notice to the landowner or any interested person, with a copy of the petition attached thereto, shall contain a directive to submit a verified Comment, attaching thereto a Disclosure Statement stating the same contents as those mentioned in Section 5 hereof, although mentioning as a first statement that he is the landowner/respondent, within a non-extendible period of fifteen (15) days from receipt thereof.

The Notice to Comment shall state that arguments to refute the coverage of the landholding, such as, among others, the exclusion or exemption of the landholding from

CARP coverage must be raised in the said Comment. The failure to comply therewith, including the failure to submit a Disclosure Statement, shall be deemed as waiver of the right on the part of the landowner or interested person to refute the allegations of coverage and submit their Comment thereto.

Furthermore, the Notice must also state that it is incumbent upon the respondent to provide in his/her/its Comment to the Petition for Coverage as an alternate argument/prayer, **without prejudice to any allegations and/or defense that he/she/it may pose against the Petition for Coverage**, that he/she/it will exercise the right of retention and nominate his/her children as preferred beneficiaries. The respondent must also indicate the specific area he/she/it will retain, otherwise the DAR shall choose the retention area for him/her/it. The failure to comply therewith shall be deemed as waiver of the right of the landowner to retain a portion of his/her/its landholding or to nominate his/her preferred beneficiaries.

Finally, the Notice to Comment shall state that issuances pertinent to the defense or remedies of the respondent are all available in <http://www.lis.dar.gov.ph>.

SECTION 5. A new Section, Section 11-A, is hereby added after Section 11 of A.O. No. 11, Series of 2014, as amended, which shall read:

SECTION 11-A. Immediate Processing of the Land Acquisition and Distribution Proceeding; Processing of ARB Identification, Surveys, and Valuation. – Unless otherwise ordered suspended by the Supreme Court, and without the need of a Notice of Coverage or the decision of the RD on the Petition for Coverage, the DAR shall proceed with the land acquisition and distribution proceeding short of the issuance of the Notice of Land Valuation (NLVA) and Distribution and the DAR Order to Deposit (DOD). This shall include the agrarian reform beneficiaries identification process, the segregation and subdivision surveys and the field investigations as contemplated by A.O.s Nos. 7 and 9, Series of 2011, as amended, and the valuation of the just compensation of the landowner by the Land Bank of the Philippines.

The NLVA and the DOD, however, may only be issued once any of the following has taken place, whichever comes **earlier**:

- a. A final and executory decision in favor of the Petition for Coverage; or
- b. An appeal to the Court of Appeals of the decision of the Office of the President in favor of the Petition for Coverage.

Provided that, should any of these two situations transpire prior to, or at the same time as, the issuance by the LBP of the Memorandum of Valuation, the DAR Provincial Office can immediately proceed with the issuance of the NLVA and DOD.

SECTION 6. Section 15 of A.O. No. 11, Series of 2014 is hereby repealed.

SECTION 7. The last two paragraphs of Section 16 of A.O. No. 11, Series of 2014 is hereby repealed. The said Section shall now read as follows:

SECTION 16. Prohibition. – After the Petition for Coverage has already been resolved by the RD, with the landowner having been afforded due process, the latter shall be prohibited from filing, or shall no longer be allowed to file, a petition for exemption/exclusion from CARP coverage of the subject landholding, as the same should have been raised in the landowner's Comment to the Petition for Coverage.

SECTION 8. A new Section, Section 16-A, is hereby added after Section 16 of A.O. No. 11, Series of 2014, as amended, which shall read:

SECTION 16-A. Petitions filed with NOC. – Whenever a Petition for Coverage is filed covering lands already covered by a Notice of Coverage which was validly served pursuant to the pertinent rules, the DAR Regional Office and DARPO shall dispense with the provisions stated in Section 11-A and shall proceed with the process under A.O. No. 7, Series of 2011. A Comment timely filed by the landowner in response to the Notice provided under Section 8 hereof shall thereafter be deemed as a timely filed protest against coverage.

SECTION 9. Transitory Period. – The respondent is given a period of thirty (30) days to amend his/her/its Comments to comply with paragraph 2 of Section 8 of A.O. No. 11, Series of 2014, as amended by Section 4 hereof.

SECTION 10. Repealing Clause. – All orders, circulars, rules and regulations, and issuances or portions thereof inconsistent herewith are hereby accordingly deemed repealed or modified.

SECTION 11. Separability Clause. – Any judicial pronouncement declaring as unconstitutional any provision hereof shall have no effect on the validity of the other provisions not affected thereby.

SECTION 12. Effectivity Clause. – This A.O. shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, MAR 0 4 2015

VIRGILIO R. DE LOS REYES
Secretary

Department of Agrarian Reform
Office of the Secretary



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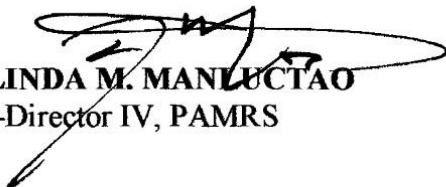


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CERTIFICATION

This is to certify that Administrative Order No. 2, Series of 2015 entitled **“AMENDMENT TO ADMINISTRATIVE ORDER NO 11, SERIES OF 2014, HASTENING THE ACQUISITION AND DISTRIBUTION PROCESS”** was published today, Monday, 09 March 2015 in the Business Mirror and Malaya Business Insight newspapers.

Issued this 9th day of March 2015 for whatever purpose it may serve.


ERLINDA M. MANLUCTAO
OIC-Director IV, PAMRS