



ADMINISTRATIVE ORDER

NO. 05

Series of 2017

**SUBJECT: NEW IMPLEMENTING GUIDELINES GOVERNING THE
COMPULSORY ACQUISITION OF ALL AGRICULTURAL
LANDS WITH PENDING PROCEEDINGS OR CASES.**

I. PREFATORY STATEMENT

The Constitution, under Section 4, Article XIII, as reiterated in paragraph 3, Section 2 of Republic Act (R.A.) No. 6657, as amended, provides that the agrarian reform program is founded on the right of farmers and regular farmworkers, who are landless, to own, directly or collectively, the lands they till, or in the case of the farmworkers, to receive a just share of the fruits thereof.

For the successful implementation of genuine agrarian reform program, there is a serious need to continuously expedite the land acquisition and distribution (LAD) of all remaining agricultural lands with pending proceedings or cases. However, there are stumbling blocks and obstacles in the form of cases, protest, actions or other proceedings that cause unreasonable delay in the implementation of the CARP, which must be addressed.

The Department of Agrarian Reform (DAR), having been vested with the legal mandate to implement a Comprehensive Agrarian Reform Program (CARP) under Executive Order (E.O.) No. 129-A, which was reiterated under R.A. No. 6657, as amended, has the authority to remove these impediments which delay the implementation of the CARP.

II. LEGAL BASIS

The Department has the mandate to ensure the successful implementation of the CARP, Section 5(c) of E.O. No. 129-A and Section 49 of R.A. No. 6657, as amended, authorizes the Department to promulgate operational policies, rules, and regulations, both substantive or procedural, as well as operational policies, to facilitate and implement the CARP.

On the basis of the afore-stated provisions of the Constitution and agrarian laws, these new implementing policy guidelines and directives are hereby adopted.

III. COVERAGE

This Administrative Order shall cover the acquisition and distribution of all agricultural lands under the CARP or any agrarian reform law with pending proceedings or cases.

IV. NEW IMPLEMENTING POLICY GUIDELINES

- A. As a general rule, the LAD process acquires primacy in all cases and proceedings of the Department, once initiated shall be implemented up to the successful installation of agrarian reform beneficiaries (ARB's) on awarded lands.
- B. The submission or filing of a Petition for Protest of Coverage and/or Petition or Manifestation for Exemption or Exclusion shall not stop the continuation or completion of the LAD process which includes the installation of Agrarian Reform Beneficiaries (ARBs).
- C. Despite the pendency of a Protest against Coverage, a Petition for Exemption or Exclusion, or other agrarian law implementation (ALI) case, the LAD shall continue until all the identified ARBs have been successfully installed on the awarded land, unless otherwise suspended by the Secretary thru a Cease and Desist Order (CDO) or Status Quo Order or by the Supreme Court (SC) thru Temporary Restraining Order (TRO) or Preliminary Injunction.
- D. The LAD process shall also continue notwithstanding the pendency of an inclusion/exclusion case.
- E. The filing of applications for conversion or the pendency of conversion proceedings shall not forestall the LAD process. Thus, all applications for conversion, involving agricultural lands or pending acquisition proceedings, shall be immediately denied to give way for the LAD process.
- F. Absent a Final Order of Conversion, no act or attempt intended to change the use of the land from agricultural to non-agricultural uses shall affect the LAD process.
- G. In the event that the Secretary revoked an existing Exemption, Exclusion or Conversion Order, the DAR shall immediately proceed with the LAD process up to installation notwithstanding the pendency of an appeal with the Office of the President (OP) or court unless suspended otherwise by the Secretary, OP or the SC.
- H. The fact of problematic survey and field investigation should not be a convenient excuse for failure or delay in the LAD process. If at the time of Perimeter Segregation Survey (PSS) in cases covered by Section 6(a) of A.O. No. 09, Series of 2011 or in the event of the issuance of Notice of Land Valuation and Acquisition (NLVA) and the Order to Deposit (OD) in cases covered by Section 6(b) of the same A.O., the DAR shall not suspend these



activities notwithstanding the filing of a protest against coverage or a petition for exemption or exclusion, or other ALI case.

- I. The Department must ensure that all ARBs are provided with appropriate and available support services for the successful implementation of the program.

V. OPERATING PROCEDURES

- A. Upon the effectivity of this Administrative Order, the Provincial Agrarian Reform Program Officer (PARPO) shall identify, validate, and determine the status of all agricultural landholdings and/or pending proceedings, which are covered by Protest or Petitions against Coverage, Applications for Exemption, Exclusion, Conversion, other ALI cases, or cases where the Secretary has revoked Exemption, Exclusion, or Conversion Order.
- B. The PARPO, after conducting the aforesaid identification and validation, shall inform or advise the landowners and all concerned parties that the DAR will now proceed or continue to proceed with the remaining LAD process pursuant to this A.O. and other pertinent rules and regulations.
- C. Thereafter, the PARPO shall undertake the completion of the LAD process up to the installation of the Agrarian Reform Beneficiaries (ARB's) in accordance with A.O. No. 07, Series of 2011, as amended without further delay, unless suspended by the Secretary or enjoined by the Supreme Court through the issuance of Temporary Restraining Order or Preliminary Mandatory Injunction.
- D. The PARPO must ensure the installation of the ARBs on their awarded lands, as owners, until they are in physical possession and full control thereof, and if necessary, call on the Philippine National Police (PNP) and/or Armed Forces of the Philippines (AFP) for assistance. For this Purpose, the PARPO may issue a Writ of Installation in accordance with A.O. No. 7, Series of 2011, as amended.
- E. The PARPO shall conduct a post installation assessment and if necessary, adopt the process of continuing installation until all the Certificate of Land Ownership Award (CLOA) holders have been in full physical possession and control of the lands awarded to them. The PARPO shall likewise ensure that after the installation, the ARBs installed must be provided with all available support services in accordance with the existing laws and policy guidelines.

VI. SUSPENSION OF RULES

The DAR Secretary may suspend the application of the Rules in order to serve and protect the interest of justice.



VII. REPEALING CLAUSE

Section 29 of A.O. No. 7, Series of 2011, as amended, Section 16 of A.O. No. 09, Series of 2011, Section 15 of A.O. No. 11, Series of 2014, and Section 1 of A.O. No. 5, Series of 2015, and all other existing orders, circulars, issuances, or any portions thereof which are inconsistent herewith are hereby repealed, amended and/or modified.

VIII. SEPARABILITY CLAUSE

Any judicial pronouncement declaring as unconstitutional any provision of this administrative order shall have no effect on the validity of the other provisions not affected thereby.


IX. RETROACTIVE APPLICATION

This A.O. shall apply retroactively.

X. EFFECTIVITY CLAUSE

This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, AUG 15 2017.


RAFAEL V. MARIANO
Secretary

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of General Circulation
1. Business World
2. The Daily Tribune
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Republic of the Philippines

DEPARTMENT OF AGRARIAN REFORM

Defend and Assert the Rights of Farmers

CERTIFICATION

This is to certify that Administrative Order No. 05, Series of 2017 entitled “**NEW IMPLEMENTING GUIDELINES GOVERNING THE COMPULSORY ACQUISITION OF ALL AGRICULTURAL LANDS WITH PENDING PROCEEDINGS OR CASES**” was published today, 23 August 2017 in the Business World and The Daily Tribune newspapers.

Issued this 23rd day of August 2017 for whatever purpose it may serve.



SYLVIA F. MALLARI

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Concurrent OIC-Director for
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