



Republic of the Philippines  
**DEPARTMENT of AGRARIAN REFORM**

ADMINISTRATIVE ORDER NO. 04  
Series of 2006

**SUBJECT: Revised Guidelines Governing the Turn Over of Lots Allocated for Public Use and/or Actually Utilized for Public Purposes Within DAR Administered Landed Estates and Settlement Projects and Lands Acquired under Executive Order No. 448 in Favor of the Government Agencies Concerned**

For an orderly and systematic turn over of lots classified as public and/or actually utilized for public purposes within the Department of Agrarian Reform (DAR) administered landed estates acquired under Commonwealth Act (C.A) No. 539, Republic Act (R.A.) Nos. 1160, 1266 and 1400, and settlement projects and lands acquired under Executive Order (E.O.) No. 448, in favor of Local Government Units (LGUs) or National Government Agencies (NGAs) concerned for their development, maintenance and administration, the following guidelines are hereby prescribed.

**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 1. Coverage.** These guidelines shall cover lots which are already turned over, and classified and/or actually utilized for public purposes such as government centers, public school sites, public cemetery sites, nursery or demonstration farms, roads and other lots acquired under C.A. No. 539, R.A. Nos. 1160, 1266 and 1400, and settlement projects including lands turned over to DAR under E.O. No. 448, subject to the following criteria:

- 1.1 In case the lots are classified for public use:
  - 1.1.1 The lots are covered by approved subdivision plan and technical descriptions as public sites;
  - 1.1.2 The lots are not covered by homestead or by miscellaneous sales patent/application, Certificate of Land Ownership Award (CLOA), title, certificate or award to any person, whether natural or juridical;
  - 1.1.3 The lots are free from adverse or conflicting claims, or are not the subject of any administrative or court case;
  - 1.1.4 The lots and/or improvements therein are no longer being actually utilized or administered by DAR; and

1.1.5 The lots are not occupied or utilized for any purpose other than for public use.

1.2 In case the lots are not classified for public use:

1.2.1 The lots are not covered by any homestead or miscellaneous sales patent/application, CLOA, title, certificate or award to any person, whether natural or juridical;

1.2.2 The lots are actually being utilized by the local or national government for public purposes;

1.2.3 The lot to be turned over to the government agency concerned shall not displace or prejudice any agrarian reform beneficiary (ARB); and

1.2.4 The subject lot is free from any adverse claim, conflict or court case.

**SEC. 2. *Manner of Disposition.*** Lots subject of this Order shall be turned over to the government agencies concerned upon official request through the execution of a Deed of Transfer (DOT) by the DAR Secretary and the head or any duly authorized representative of the LGU or NGA concerned.

**SEC. 3. *Conditions/Restrictions/Prohibitions.*** The turn over of lots shall be subject to the following conditions/restrictions/ prohibitions:

3.1 The lots shall be exclusively utilized for the purpose for which they are classified and/or being actually utilized for public purposes and shall be maintained and developed in accordance with existing rules and regulations;

3.2 The lots shall not be sold, transferred or in any manner encumbered;

3.3 All expenses for the registration of transfer documents and the corresponding issuances of title, including fees, taxes or charges, if there is any, shall be borne exclusively by the transferee; and

3.4 The conditions/restrictions/prohibitions stated herein shall be incorporated in the DOT to be executed and shall be annotated in the title to be issued in favor of the transferee and/or its successor-in-interest (e.g. newly created government agency/ies in lieu of the transferee, if the same is abolished/merged).

## **ARTICLE II OPERATING PROCEDURES**

**SEC. 4. *Operating Procedures*** (See *TURN OVER Annex "B" for the Process Flow*). The following procedures shall govern the turn over of lots:

**4.1 Department of Agrarian Reform Municipal Office (DARMO)**

- 4.1.1 Initiates the identification of lots subject of turn over and conducts ocular inspection of the same.
- 4.1.2 Prepares the Investigation Report (TURN OVER Form No. 1) and Summary List of Lots for Public Use/E.O. No. 448 (TURN OVER Form No. 2).
- 4.1.3 Prepares the Turn Over Folder (TOF) containing the documentary requirements under Art. II, Sec. 4, Item 4.1.2 herein provided including the following:
  - a. Approved Technical Description of lots; and
  - b. Sketch plan of each lot indicating its occupants and the improvements found and the owners thereof.
- 4.1.4 Forwards the TOF to the DAR Provincial Office (DARPO) for review.

**4.2 Department of Agrarian Reform Provincial Office (DARPO)**

- 4.2.1 Reviews and evaluates the TOF submitted by the DARMO. If the TOF is found in order, obtains a clearance on non-adversarial claim (TURN OVER Form No. 3) from the Chief, Legal Section for appendage to the TOF. Otherwise, returns the TOF to the DARMO for appropriate action.
- 4.2.2 Prepares and signs the Notice of Turn Over (TURN OVER Form No. 4) addressed to the LGU or NGA concerned.
- 4.2.3 Prepares the DOT (TURN OVER Form No. 5) and the list of lots subject of transfer (TURN OVER Annex "A") after the LGU or NGA signifies its acceptance of the turn over.

The Provincial Agrarian Reform Officer (PARO) shall affix his/her initial to the duplicate copy of the DOT.

- 4.2.4 Forwards the TOF, together with the duly initialled DOT and corresponding recommendations to the DAR Regional Office (DARRO) for appropriate action.

**4.3 Department of Agrarian Reform Regional Office (DARRO)**

- 4.3.1 Conducts review of the TOF and DOT. If in order, causes the affixing of initial by the Regional Director (RD) on the duplicate copy of the DOT. Otherwise, returns the TOF and DOT to the DARPO for appropriate action.

4.3.2 Forwards the duly initialled DOT, together with the TOF, to the Bureau of Land Acquisition and Distribution (BLAD) for evaluation and final review.

**4.4 Bureau of Land Acquisition and Distribution (BLAD)**

4.4.1 Conducts the evaluation and review of the proposed turn over of lots.

4.4.2 If findings merit the turn over, recommends to the DAR Secretary, through the Undersecretary and Assistant Secretary of the Field Operations Office (FOO), for the approval and signing of the DOT. Otherwise, refers back the matter to the DARRO for appropriate action.

**4.5 Office of the Secretary (OSEC)**

4.5.1 Upon approval and signing by the Secretary of the DOT, transmits the same, together with the TOF, to BLAD for proper transmission to the Regional Director, copy furnished the DARPO/PARO concerned.

**4.6 Provincial Agrarian Reform Officer (PARO)**

4.6.1 With the assistance of the Municipal Agrarian Reform Officer (MARO) presents the signed DOT to the grantee/transferee for his/her acceptance and signature.

4.6.2 Upon perfection of the DOT, undertakes the following:

- a. For lots acquired under C.A. No. 539, R.A. Nos. 1160, 1266 and 1400, requests the Register of Deeds (ROD) concerned to register the DOT and to issue the corresponding Transfer Certificate of Title/s (TCT/s) in favor of the grantee/transferee. Likewise, ensures that the conditions/restrictions/prohibitions provided under Art. I, Sec. 3 of this Order are duly annotated in the title;
- b. For untitled lots acquired through Presidential Proclamation (Settlement Projects and E.O. No. 448), advises the grantee/transferee on the agency's responsibility on the titling of lots in accordance with the appropriate provisions of the Public Land Act (C.A. No. 141), particularly on the issuance of special patent by the Office of the President through the Department of Environment and Natural Resources (DENR) or Act No. 496 (Land Registration Act), as amended by Presidential Decree (P.D.) No. 1529, whichever is applicable.

4.6.3 Thereafter, initiates and schedules the formal turn over of lots to the agency/ies concerned and preferably with the presence of the DAR Secretary and DAR field officials concerned.

### ARTICLE III REPORTING AND MONITORING

**SEC. 5. Reporting and Monitoring.** The DARMO shall conduct quarterly monitoring of the transferee's compliance of this Order, including the agreed use of the land or conditions and agreements of said transfer. It shall provide regular reports to the DARPO, which in turn, forwards the said report to DARCO-BLAD, copy furnished the DARRO.

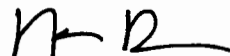
### ARTICLE IV FINAL PROVISIONS

**SEC. 6. Miscellaneous Provision.** The registration of the DOT and titling of registerable untitled lots in settlement projects previously turned over to an LGU or NGA under Memorandum Circular (M.C.) No. 26, Series of 1995, shall be effected in accordance with the applicable provisions of Art. II, Sec. 4, Item 4.6.2(b) of this Order.

**SEC. 7. Repealing Clause.** All other Orders, Circulars and Regulations inconsistent herewith are hereby modified or repealed accordingly.

**SEC. 8. Effectivity.** This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of R.A. No. 6657.

Diliman, Quezon City, 19 April, 2006.

  
NASSER C. PANGANDAMAN  
OIC-Secretary

Published in two (2) National  
Newspaper of general circulations

- 1) The Philippine Star
- 2) The Manila Times

Date of Publication: April 26, 2006




**Republic of the Philippines**  
**DEPARTMENT of AGRARIAN REFORM**

**CERTIFICATION**

This is to certify that Administrative Order No. 4, Series of 2006 entitled **“Revised Guidelines Governing the Turn Over of Lots Allocated for Public Use and/or Actually Utilized for Public Purposes Within DAR Administered Landed Estates and Settlement Projects and Lands Acquired under Executive Order No. 448 in Favor of the Government Agencies Concerned”** was published today, 26 April 2006 at Philippine Star and Manila Times newspapers.

Issued this 26<sup>th</sup> day of April 2006 for whatever purpose it may serve.

  
**HUGO D. YONZON III**  
Director, PAS

Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
Municipality of \_\_\_\_\_  
Province of \_\_\_\_\_

**MEMORANDUM**

DATE : \_\_\_\_\_  
FOR : \_\_\_\_\_  
Provincial Agrarian Reform Officer  
FROM : \_\_\_\_\_  
Municipal Agrarian Reform Officer  
SUBJECT : **Investigation Report Re: Proposed Turn Over/Transfer of Lots Allocated for Public Use Located at \_\_\_\_\_, Estate/Settlement Project, in Favor of \_\_\_\_\_**

In connection with the proposed turn over/transfer of lots allocated for public uses in favor of \_\_\_\_\_, the undersigned hereby submits the ocular inspection/verification report made in the premises:

**I. Lots subject of turn over/transfer (see attached TURN OVER Form No. 2)**

**II. Findings:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. Comments and Recommendation:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature Over Printed Name of MARO**

Distribution of Copies:  
Original – TOF  
Duplicate – DARMO

Republic of the Philippines  
 Municipality of \_\_\_\_\_  
 Province of \_\_\_\_\_

**SUMMARY LIST OF LOTS FOR PUBLIC USE/E.O. NO. 448**

Name of Estate/Settlement Project: \_\_\_\_\_  
 Location: \_\_\_\_\_

Lot No.	Block No.	Survey Plan No.	Area (sq.m.)	Classification	Actual Use	Administrator	Remarks

Prepared by: \_\_\_\_\_  
 Signature Over Printed Name  
 \_\_\_\_\_  
 Position/Designation

Noted by: \_\_\_\_\_  
 Signature Over Printed Name of MARO



Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
Province of \_\_\_\_\_

**CERTIFICATION**

**TO WHOM IT MAY CONCERN:**

This is to certify that per investigation report submitted by the MARO dated \_\_\_\_\_ and records kept by this office, the following lots are not involved in any adverse claim, conflict or court case, to wit:

Lot No.	Blk. No.	Survey Plan No.	Area (sq.m.)	Name of Settlement Project (SP)/ Landed Estate (LE)	Location

This certification is issued in connection with the proposed turn over of the above mentioned lots by DAR to \_\_\_\_\_, pursuant to Administrative Order (A.O.) No. \_\_\_\_\_, Series of 2006.

\_\_\_\_\_, \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
Signature Over Printed Name  
of Chief, Legal Section

- Distribution of Copies:
- Original - TOF
  - Duplicate - DARPO
  - Triplicate - DARMO

Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
Province of \_\_\_\_\_

**NOTICE OF TURN OVER**

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

Please be informed that the Department of Agrarian Reform (DAR), through the issuance of Administrative Order No. \_\_\_\_\_, Series of 2006, is now transferring the lots located in areas wherein land distribution is almost completed, and allocated and utilized for public use in areas covered by the said Order in favor of government agencies concerned for their maintenance and further development.

In this connection, we propose to turn over or transfer the properties located in \_\_\_\_\_ estate/settlement project, Barangay \_\_\_\_\_, Municipality of \_\_\_\_\_, Province of \_\_\_\_\_, and which have been identified by our Municipal Agrarian Reform Officer (MARO) as necessary for public use and administration by the \_\_\_\_\_ (name of LGU/NGA).

Should you concur to the proposal/offer, please signify your acceptance by accomplishing and sending back to us the attached acknowledgement form prepared for the purpose.

Attached is the Summary List of Lots for Public Use we propose to transfer in favor of the \_\_\_\_\_ (name of LGU/NGA).

Very truly yours,

\_\_\_\_\_  
Signature Over Printed Name of  
Provincial Agrarian Reform Officer

Attachment: Summary List of Lots for Public Use

**ACCEPTANCE**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Provincial Agrarian Reform Officer  
DAR Provincial Office  
\_\_\_\_\_

Dear PARO \_\_\_\_\_:

This is to acknowledge and accept the offer of the Department of Agrarian Reform for the transfer of lots allocated for public use located in \_\_\_\_\_ Estate/Settlement Project in the Municipality of \_\_\_\_\_, Province of \_\_\_\_\_, in favor of the \_\_\_\_\_ (Agency)

\_\_\_\_\_  
Signature Over Printed Name of  
Authorized Official of the LGU/NGA

Distribution of Copies:  
Original - TOF  
Duplicate - DARPO  
Triplicate - DARMO

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF AGRARIAN REFORM

DEED OF TRANSFER

KNOW ALL MEN BY THESE PRESENTS:

This **INSTRUMENT**, made and entered into by and between:

The **DEPARTMENT OF AGRARIAN REFORM**, a government institution of the Republic of the Philippines created and existing under Republic Act (R.A.) No. 3844, as amended by R.A. No. 6389 and Executive Order (E.O.) No. 129-A, represented in this instance by its Secretary, \_\_\_\_\_ with office address at Elliptical Road, Diliman, Quezon City, hereinafter referred to as the **TRANSFEROR**; and

The \_\_\_\_\_, a \_\_\_\_\_ government agency organized and existing under the laws of the Republic of the Philippines, represented in this instance by \_\_\_\_\_, with office address at \_\_\_\_\_, herein referred to as the **TRANSFeree**.

WITNESSETH

**WHEREAS**, the **TRANSFEROR**, by virtue of R.A. No. 3844, as amended by R.A. No. 6389, E.O. No. 129-A, and R.A. No. 6657, has the authority of administration and disposition over lands acquired under Commonwealth Act (C.A.) No. 539, R.A. Nos. 1400, 1160, 1266, 3844, as amended, and R.A. No. 6657, and other lands acquired through various Presidential Proclamations under its custody and administration in accordance with the provisions of the said laws;

**WHEREAS**, the **TRANSFEROR** and its predecessor offices have undertaken various programs and projects in lands acquired under the said laws and caused the development and distribution of these lands to qualified beneficiaries of the program;

**WHEREAS**, in the process of development and subdivision of these lands, the **TRANSFEROR** and its predecessor offices have allocated certain lots intended for public use such as road lots, school sites, market sites, health center sites and other public site lots surveyed and intended exclusively for the public use of the program beneficiaries;

**WHEREAS**, it is now the policy of the **TRANSFEROR** to turn over and transfer the lots allocated for public purposes in favor of the government agencies concerned particularly in landed estates and settlement projects and other lands acquired under E.O. No. 448 that are now established and developed and transformed into a thriving and self-sustaining community for their further

development and administration so as to better serve the interest of the community in particular and the public in general in accordance with the power and authority vested by law;

**WHEREAS**, the **TRANSFEEE**, through \_\_\_\_\_  
(indicate authorized officer) has manifested its desire and willingness to accept the real properties subject of this Instrument for their further development and administration, particularly described in TURN OVER Annex "A" which is made integral part of this Instrument.

**NOW, THEREFORE**, for and in consideration of the above premises, the **TRANSFEROR**, hereby turns over, assigns and conveys unto and in favor of the

\_\_\_\_\_ (name of government agency) all the items enumerated in TURN OVER Annex "A" and shall cause, through its Provincial Agrarian Reform Officer, the registration of this Instrument with the Register of Deeds concerned, and the **TRANSFEEE** hereby accepts the same to hold, improve, develop and administer under its own responsibility and accountability for the benefit and welfare of the residents and/or beneficiaries of the agrarian reform program, subject to the following conditions as mutually agreed upon by both parties:

1. The lots shall be used exclusively for the purpose for which they are classified and/or being actually used for public purposes and shall be maintained and developed in accordance with the existing rules and regulations;
2. That, these shall not be sold, transferred or in any manner encumbered;
3. That, the conditions stipulated in Items 1 and 2 herein shall be annotated in the Title to be issued in favor of the **TRANSFEEE** and/or its successor-in-interest (e.g. newly created government agency/ies in lieu of the transferee, if the same is abolished/merged);
4. And, finally that the **TRANSFEEE** hereby agrees that all expenses for the registration of this Instrument and the corresponding issuance of title, including fees, taxes or charges, if any, shall be borne exclusively by the **TRANSFEEE**.

IN WITNESS WHEREOF, the PARTIES have set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**DEPARTMENT OF AGRARIAN  
REFORM**

\_\_\_\_\_  
(Name of LGU/NGA)

By:

By:

\_\_\_\_\_  
Signature Over Printed  
Name of DAR Secretary

\_\_\_\_\_  
Signature Over Printed Name  
of Authorized Officer

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Distribution of copies:

- Original – LGU/NGA
- Duplicate – DARCO-BLAD
- Triplicate – DARRO
- Quadruplicate – DARPO
- Quintuplicate – DARMO

**ACKNOWLEDGEMENT**

REPUBLIC OF THE PHILIPPINES) S.S.  
\_\_\_\_\_ )

BEFORE ME, personally appeared \_\_\_\_\_, Secretary of the Department of Agrarian Reform with Community Tax Certificate No. \_\_\_\_\_ issued at \_\_\_\_\_ on \_\_\_\_\_ and \_\_\_\_\_ (name of Authorized Officer), \_\_\_\_\_ (position) of the \_\_\_\_\_ (name of LGU/NGA) with Community Tax Certificate No. \_\_\_\_\_ issued at \_\_\_\_\_ on \_\_\_\_\_ to me known and known to be the same persons who executed the foregoing Instrument and acknowledged to me that the same is their free and voluntary act and deed and that of the agencies they represent. This Instrument consisting of four (4) pages including this page on which the acknowledgement is written has been signed on each page by the parties and their witnesses.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, in \_\_\_\_\_, Philippines.

NOTARY PUBLIC

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of \_\_\_\_\_

Turn Over Form 5 deedoftransfer alvic

**TURN OVER Annex "A"**  
**(Attachment of TURN OVER Form No. 5 (DOT))**

Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
Region \_\_\_\_\_  
Province of \_\_\_\_\_  
Municipality of \_\_\_\_\_

**LIST OF LOTS SUBJECT OF TRANSFER**

Type of Lands (i.e. landed estate, settlement, or E.O. No. 448)	Lot No.	Blk. No.	Survey Plan No.	Area (sq. m.)	Name of Estate/ Settlement Project	Location	Classification	Actual Use	Administrator
<b>Sub-Total</b>									



**TURN OVER Annex "A"**  
 (Attachment of TURN OVER Form No. 5 {DOT})

Type of Lands (i.e. landed estate, settlement, or E.O. No. 448)	Lot No.	Blk. No.	Survey Plan No.	Area (sq. m.)	Name of Estate/ Settlement Project	Location	Classification	Actual Use	Administrator
<b>Sub-Total</b>									
<b>Sub-Total</b>									

**TURN OVER Annex "A"**  
 (Attachment of TURN OVER Form No. 5 {DOT})

Type of Lands (i.e. landed estate, settlement, or E.O. No. 448)	Lot No.	Blk. No.	Survey Plan No.	Area (sq. m.)	Name of Estate/ Settlement Project	Location	Classification	Actual Use	Administrator
<b>Sub-Total</b>									
<b>Grand Total</b>									

Prepared by: \_\_\_\_\_

Noted by: \_\_\_\_\_

\_\_\_\_\_  
 Signature Over Printed Name of  
 Concerned DAR Personnel

\_\_\_\_\_  
 Signature Over Printed Name of  
 Concerned DAR Official

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Acknowledged by: \_\_\_\_\_

\_\_\_\_\_  
 Secretary, Department of Agrarian Reform

\_\_\_\_\_  
 Authorized Official of LGU/NGA

Date: \_\_\_\_\_

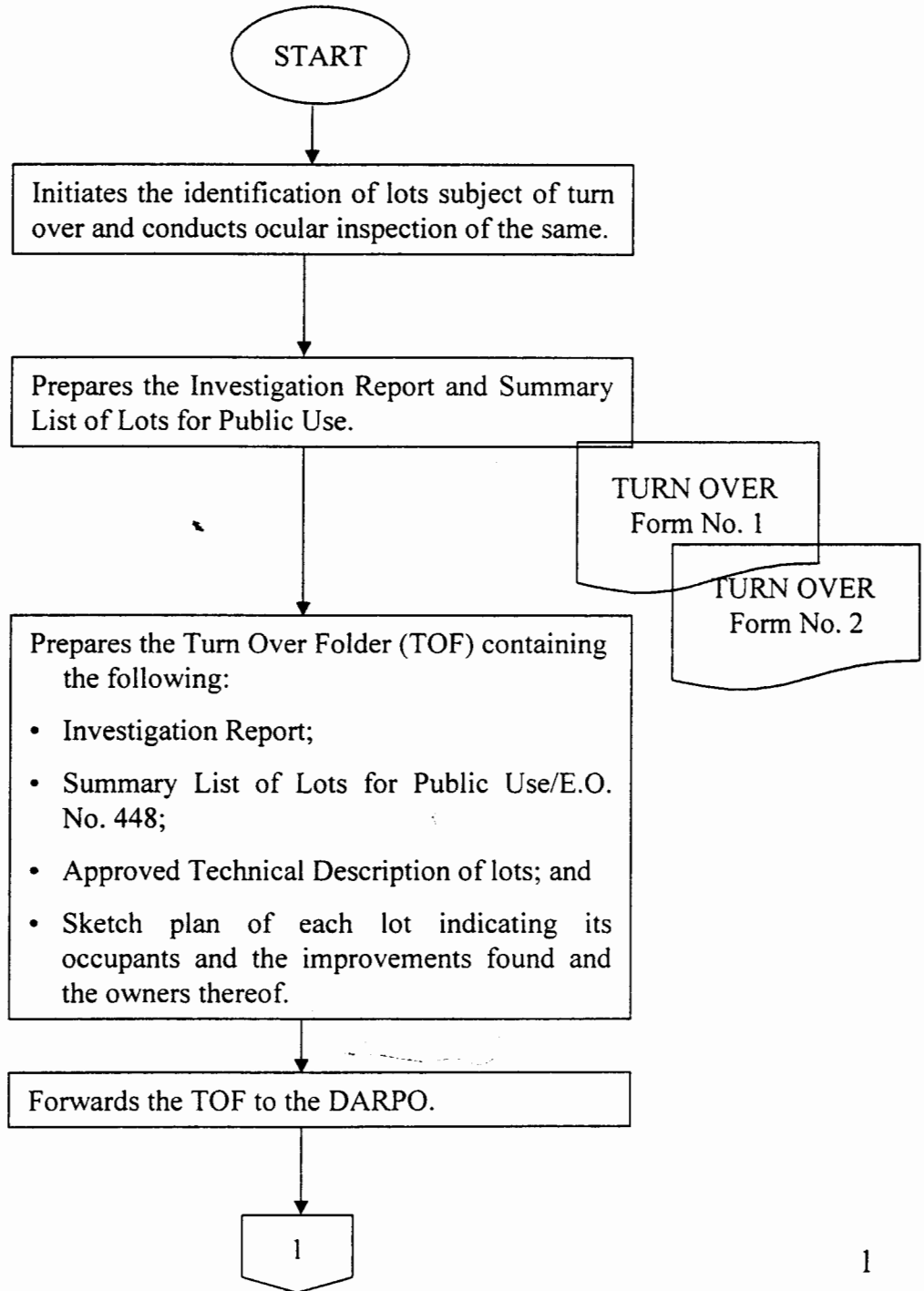
Date: \_\_\_\_\_

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Witness

Sec. 4. Operating Procedures

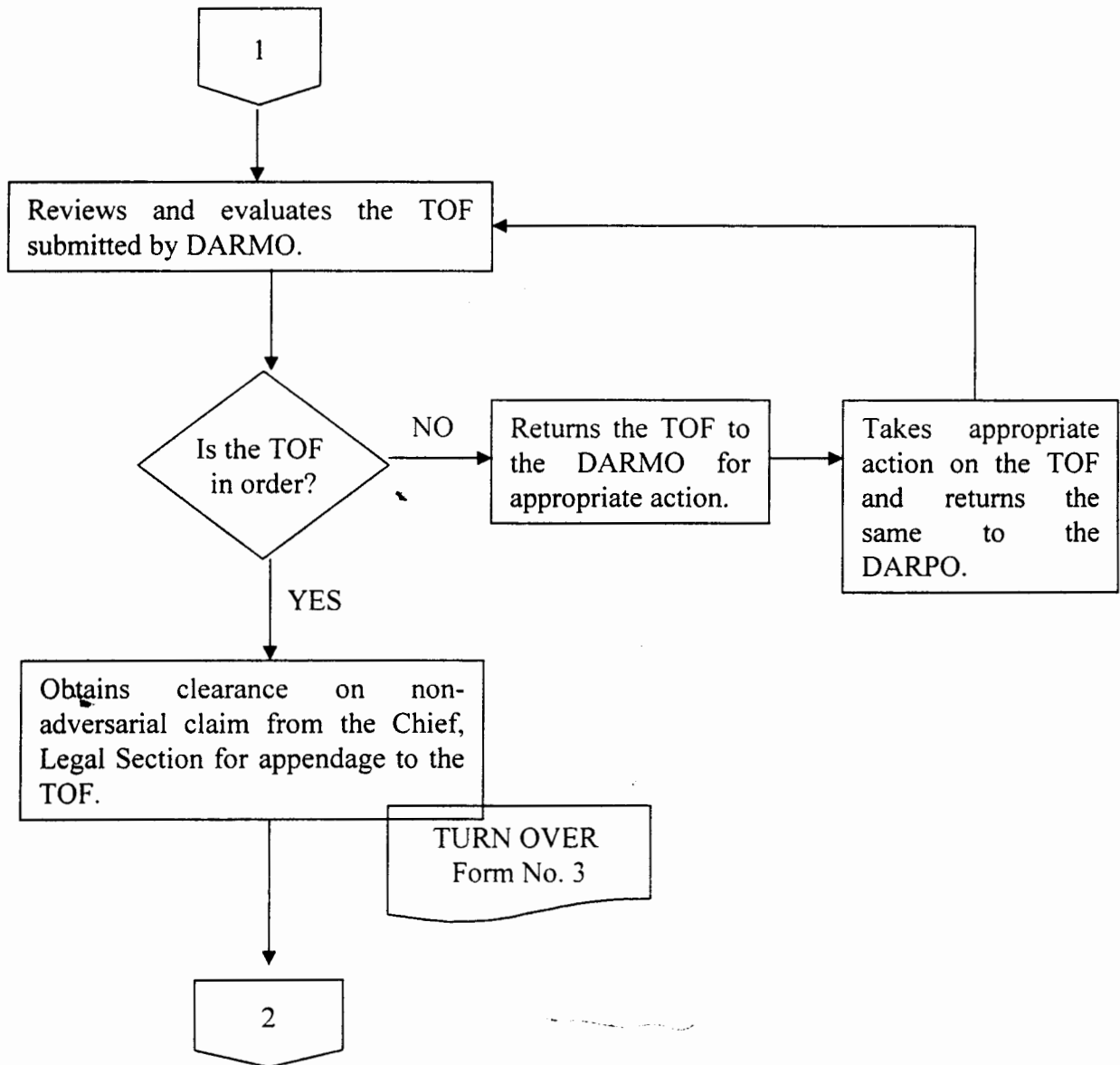
DARMO



### Sec. 4. Operating Procedures

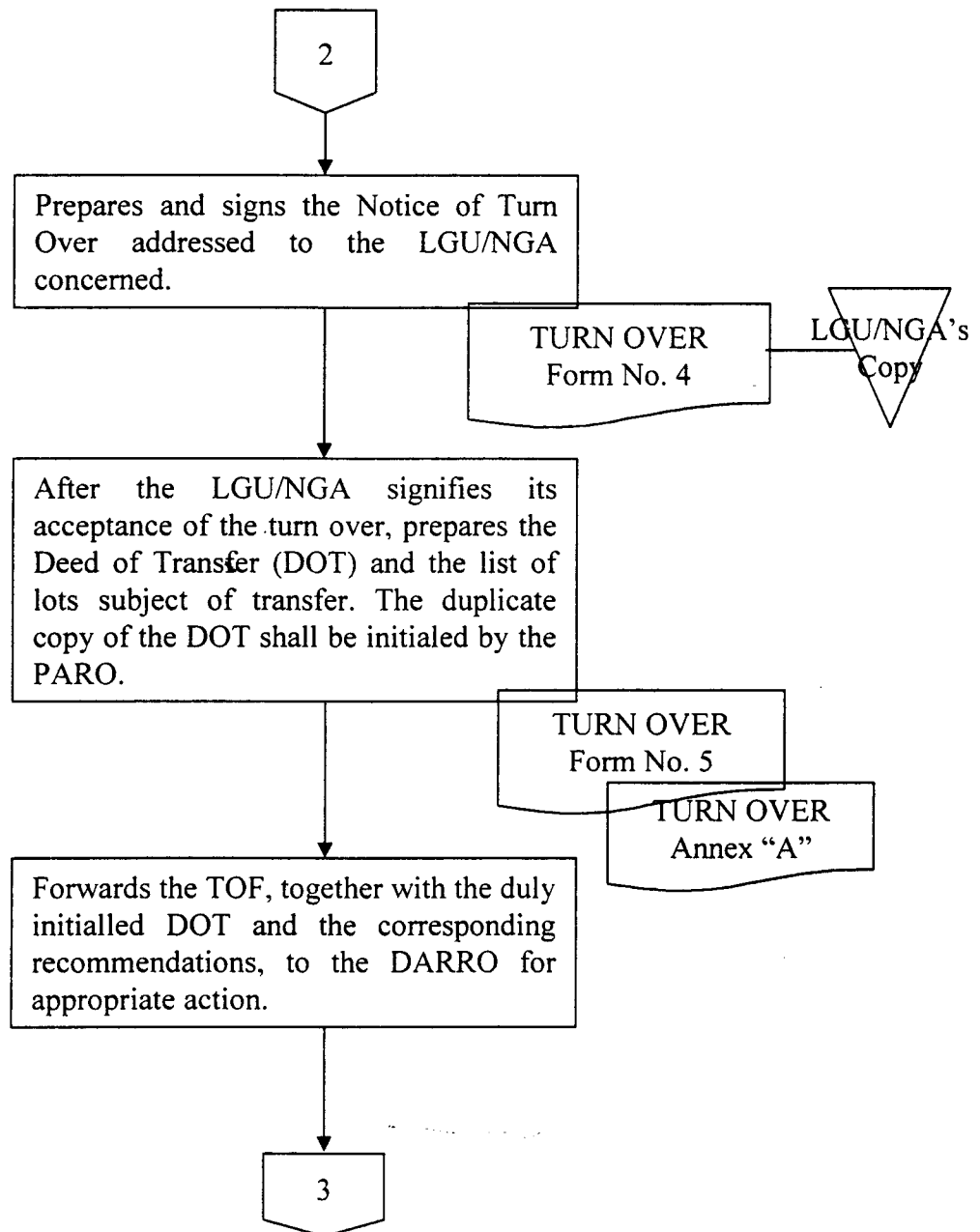
DARPO

DARMO

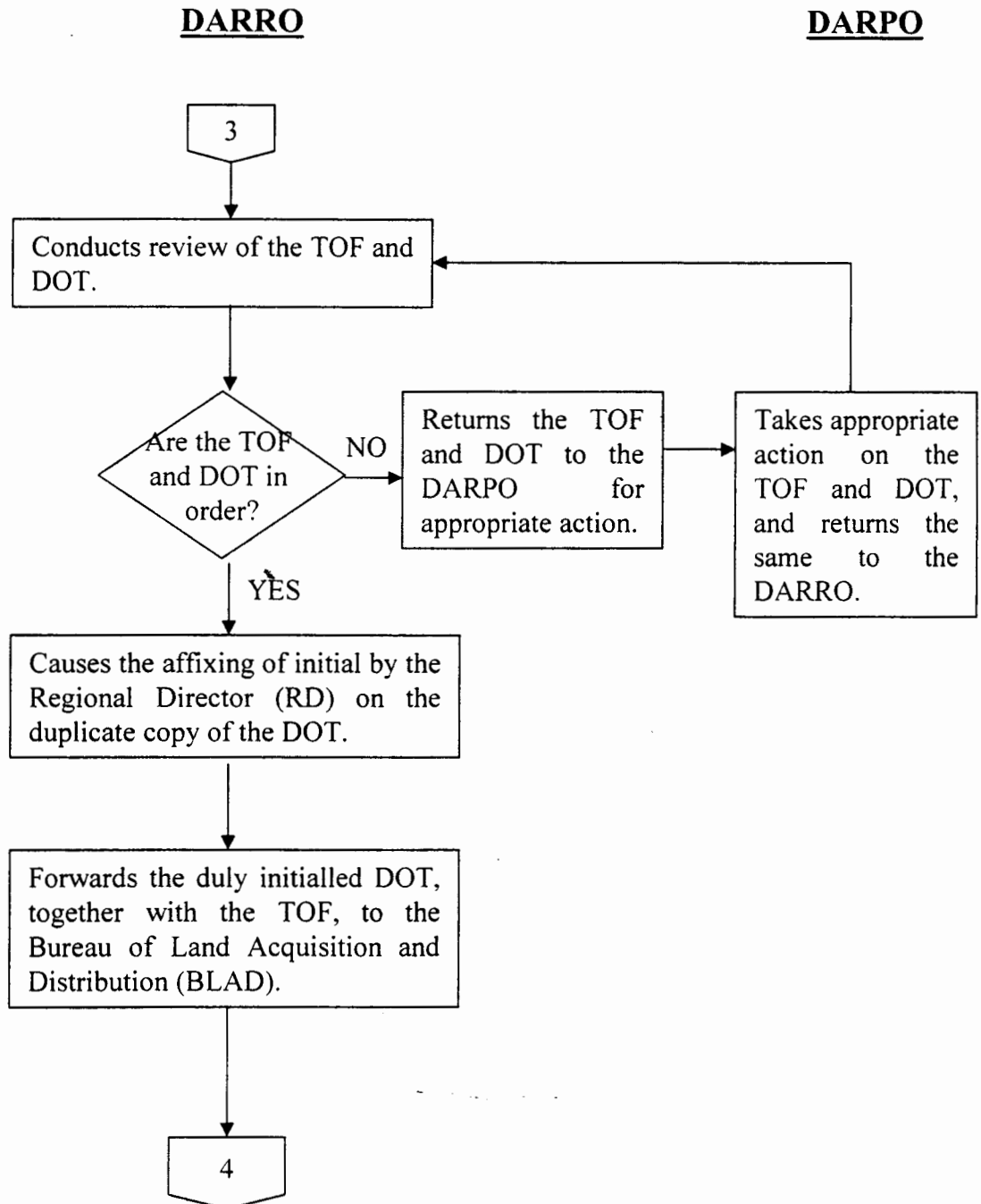


## Sec. 4. Operating Procedures

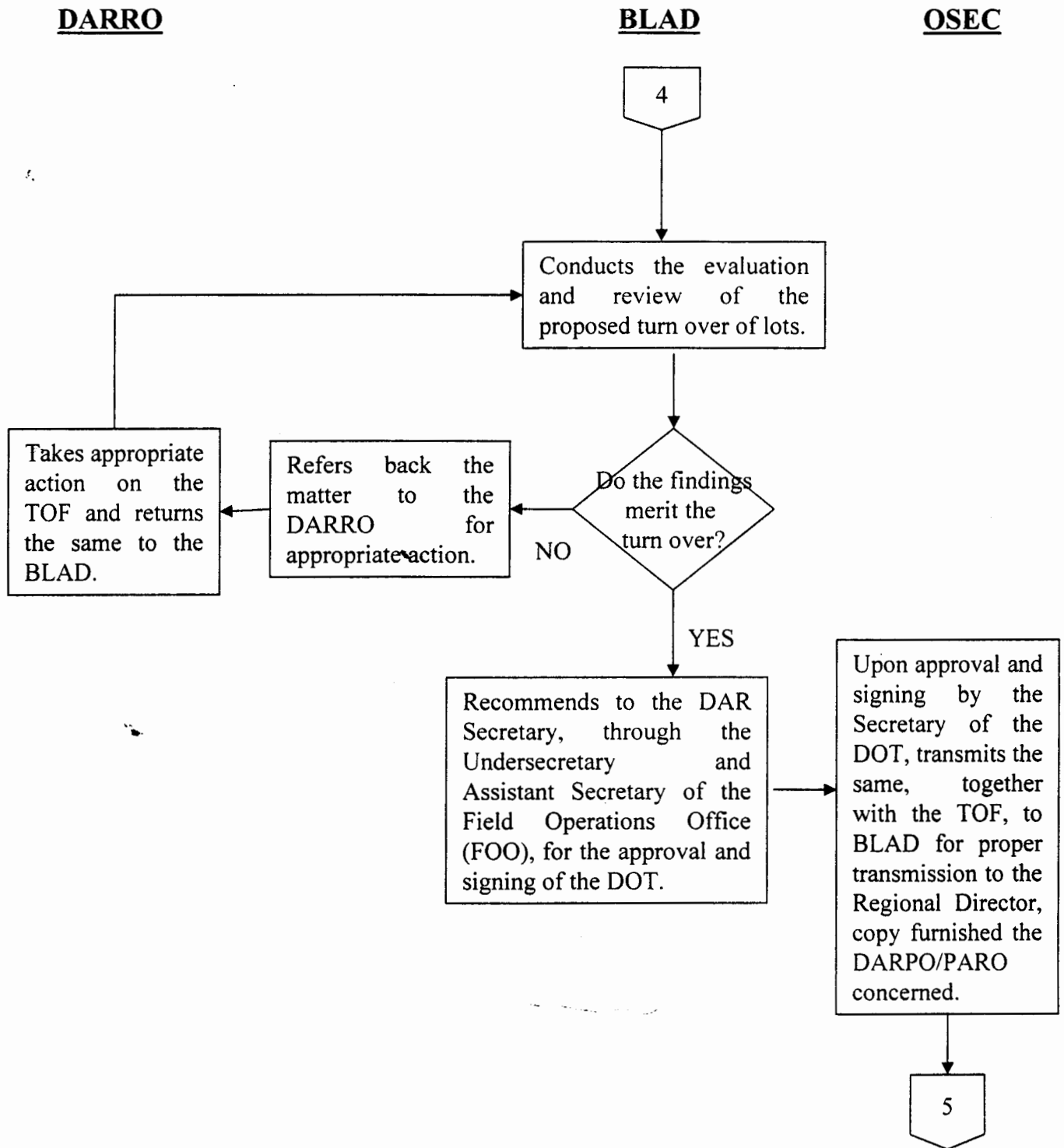
### DARPO



### Sec. 4. Operating Procedures



### Sec. 4. Operating Procedures



## Sec. 4. Operating Procedures

### DARPO/PARO

