



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

DAR Administrative Order 01  
Series of 2003

SUBJECT: 2003 RULES GOVERNING ISSUANCE OF NOTICE OF COVERAGE  
AND ACQUISITION OF AGRICULTURAL LANDS UNDER RA 6657.

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**PREFATORY STATEMENT**

The Notice of Coverage (NOC) commences the compulsory acquisition of private agricultural lands coverable under the Comprehensive Agrarian Reform Program (CARP). Along the various phases of the CARP proceedings, the process stalls because of Land Owner (LO) resistance, most of whom invoke the ground of lack of notice or non-observance of due process in attacking the proceedings. This Order aims to plug common loopholes in the coverage process to safeguard and ensure completion of the acquisition process.

**PROCEDURE**

1. Commencement

- 1.1. *Commencement by the Municipal Agrarian Reform Officer (MARO)* – After determining that a landholding is coverable under the CARP, and upon accomplishment of the Pre-Ocular Inspection Report, the MARO shall prepare the NOC (CARP Form No. 5-A).
- 1.2. *Commencement by a party* – Any person may commence the proceedings herein by filing a petition for coverage before the Department of Agrarian Reform (DAR) Regional Office (DARRO) or DAR Provincial Office (DARPO) of the region or province where the subject landholding is located. Upon receipt of a petition for coverage, the DARRO or DARPO shall transmit the case folder to the MARO of the municipality where the subject landholding is located. From then on, all rules herein pertaining to service of a copy of the NOC to the LO shall likewise apply to service of a copy of the petition for coverage to the LO.

2. The MARO shall post copies of the NOC for at least seven (7) days in the bulletin boards of the barangay hall and municipal/city hall where the property is located. The Barangay Agrarian Reform Committee (BARC) Chairperson and proper official of the municipal/city government shall issue the corresponding Certification of Posting Compliance.
3. Service of the NOC
  - 3.1. The MARO of the place where the subject landholding is located shall issue and order the service of the NOC to the LO in accordance with these rules.
  - 3.2. If the subject landholding and LO's residence are not in the same municipality or city, the MARO shall endorse the NOC to the MARO exercising jurisdiction over the place where the LO resides. The endorsee MARO shall then personally serve the NOC to the LO.
  - 3.3. In case of co-ownership, the MARO shall issue the NOC and personally serve copies thereof to each and every LO. If any or all co-landowners reside outside the municipality or city where the subject landholding is located but within the Philippines, the MARO shall endorse copies of the NOC to the MARO/s exercising jurisdiction over the place/s where each of the co-landowners reside. Thereupon, the endorsee MARO/s shall personally serve copies of the NOC to each of the respective co-landowners.
  - 3.4. If the LO's residence is outside the Philippines or unknown, the MARO of the place where the subject landholding is located shall arrange for a service by publication.
4. Receipt of service of the NOC
  - 4.1. *General rule.* – The LO shall receive service of the NOC.

- 4.2. *Service upon minors or incompetents.* – When the LO is a minor, insane or otherwise an incompetent, service shall be made upon him personally and on his legal guardian if he has one, or if none, upon his guardian ad litem whose appointment shall be applied for by the DAR. In the case of a minor, service may also be made on his father and/or mother.
- 4.3. *Service upon entity without juridical personality.* – When the LOs are persons associated in an entity without juridical personality are sued under the name by which they are generally or commonly known, service may be effected upon all the LOs by serving upon any one of them, or upon the person in charge of the office or place of business maintained in such name. Such service shall not bind individually any person whose connection with the entity has, upon due notice, been severed before the action was brought.
- 4.4. *Service upon domestic private juridical entity.* – When the LO is a corporation, partnership or association organized under the laws of the Philippines with a juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel.
- 4.5. *Service upon LO whose identity or whereabouts is unknown.* – In any action where the LO is designated as an unknown owner, or the like, or whenever his whereabouts are unknown and cannot be ascertained by diligent inquiry, service may be effected upon him by publication in a newspaper of general circulation in such places and for such time as the DAR may order.
- 4.6. *Extraterritorial service.* – When the LO does not reside and is not found in the Philippines, or when the LO ordinarily resides within the Philippines but is temporarily out, service may be made by publication in a newspaper of general circulation in such places and for such time as the DAR may order.

5. Modes of service:

5.1. *Personal service* – The MARO shall personally serve a copy of the NOC to the LO in person or tender the same if the LO refuses to receive the NOC for whatever reason.

5.2. *Substituted service* – If service of the NOC directly to the LO is not practicable within a reasonable time, service may be made by leaving copies of the NOC at the LO's:

5.2.1. residence with some person of suitable age and discretion then residing therein; or

5.2.2. office or regular place of business with some competent person in charge thereof.

5.3. *Service by publication* – If personal or substituted service is not practicable, service may be made by registered mail to the last known address of the LO and by publication in a newspaper of general circulation in such places and for such time as the DAR may order. The publication need not state the entire contents of the NOC but only the following essential particulars:

5.3.1. Complete name/s of the LO / all LOs;

5.3.2. Address or location of the subject landholding (barangay, municipality/city, province);

5.3.3. The number of the Original or Transfer Certificate of Title (OCT or TCT) or latest Tax Declaration (TD) covering the subject landholding;

5.3.4. A declaration that the Republic of the Philippines shall cover the subject landholding under the CARP;

5.3.5. Case or reference number;

5.3.6. A reasonable period of not less than sixty (60) days from publication date within which the LO must file a response to the NOC, with a warning that failure to do so within the period shall mean waiver of the right/privilege to: apply for exemption/exclusion or retention, nominate child/ren as beneficiary/ies, or submit evidence for determining just compensation; and

5.3.7. Address of the office/s holding custody of the case records, or copies thereof, which shall be public documents available to the general public for photocopying during reasonable office hours, upon payment of reasonable reproduction costs and certification fees.

6. Proof of service:

6.1. *Personal or substituted service.* – The proof of service of the NOC shall:

6.1.1. be made in writing by the server;

6.1.2. set forth the manner, place, and date of service;

6.1.3. specify any papers which have been served with the process and the name of the person who received the same; and

6.1.4. be sworn to when made by a person other than the MARO.

6.2. *Proof of service by publication.* – If the service has been made by publication, service may be proved by the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, and by an affidavit showing the deposit of a copy of the NOC and order for publication in the post office, postage prepaid, directed to the LO by registered mail to his last known address.

7. *Voluntary appearance.* – The LO's voluntary appearance in the action shall be equivalent to service of NOC.
8. Upon receipt of the Memorandum of Valuation from the Land Bank of the Philippines (LBP) and Claim Folder Profile and Valuation Summary (MOV-CFPVS), the Provincial Agrarian Reform Officer (PARO) sends a Notice of Land Valuation & Acquisition (NLVA) to the LO in accordance with the same service procedures herein, attaching a copy of the MOV-CFPVS, and requiring the LO to submit documents required for payment of claims using CARP Form No. 10.
9. The PARO shall furnish a copy of the NLVA to the Register of Deeds (ROD) with a request for its annotation at the back of the corresponding title covered by the MOV-CFPVS. The ROD secures the title from the CARP Volume, if already segregated from the regular volume, and proceeds to annotate the NLVA subject of the request of PARO.

#### **REPEALING CLAUSE**

This Order amends DAR Administrative Order No. 2, Series of 1996 and Administrative Order No. 1, Series of 1998, and all other orders or circulars inconsistent herewith.

#### **EFFECTIVITY**

This Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation, pursuant to Section 49 of RA 6657.

16 January 2003. Diliman, Quezon City.

  
**HERNANI A. BRAGANZA**  
*Secretary*

Published in two (2) national newspapers  
of general circulation:

1. THE PHILIPPINE DAILY INQUIRER
2. THE MANILA BULLETIN

6

Date of Publication – January 27, 2003

NOTICE OF COVERAGE

Dear Sir/Madam:

Pursuant to Section 7 of Republic Act (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, the Republic of the Philippines, thru the Department of Agrarian Reform (DAR), hereby subjects under the coverage of the Comprehensive Agrarian Reform Program (CARP) your landholding with the following description:

Original or Transfer Certificate of Title (OCT or TCT): \_\_\_\_\_  
Registry of Deeds for: \_\_\_\_\_  
Tax Declaration (TD): \_\_\_\_\_ Approximate Area: \_\_\_\_\_ hectares  
Location: \_\_\_\_\_

In this connection, we invite you to a field investigation and/or public hearing which we shall conduct on \_\_\_\_\_ (at least 2 weeks advance notice).

Whenever applicable, you have the right or privilege to:

- 1) apply for an exemption clearance or for exclusion from CARP coverage;
- 2) retain an area not exceeding five (5) hectares pursuant to Section 6 of RA 6657;
- 3) nominate your child/ren who may qualify as beneficiary/ies to the subject landholding; and/or
- 4) submit evidence for determining just compensation of the subject landholding.

To exercise any of the above landowner rights/privileges, the necessary application or petition should be filed before the Government incurs any expense necessary for acquisition and distribution of the subject landholding, not later than 60 calendar days from receipt of this Notice of Coverage. Any late legal action that may be taken beyond the said 60-day period, resulting in the nullification of this CARP proceeding, shall hold you liable for the reimbursement of all expenses that the Government has spent for acquisition and distribution of the subject landholding.

Failure to file the proper application for retention within 60 days from receipt of this Notice of Coverage is deemed a waiver of the right of retention under Section 6 of RA 6657, in accordance with the applicable rules and regulations of the DAR. Within 30 days from filing of the application, you shall submit to the Municipal Agrarian Reform Officer (MARO) a sketch map of the area you wish to retain; failure to do so within said 30-day period constitutes an authorization for the MARO to choose the retention area in your behalf. The DAR may disapprove your choice of retention area if it is not compact and contiguous.

The privilege to nominate your child/ren who may qualify as beneficiary/ies is waived if you fail to submit to the MARO, within 60 days from receipt of this Notice of Coverage, the proper application with the complete names of your nominees, their addresses, birth dates, and other relevant information, in accordance with the applicable rules and regulations of the DAR.

The right to question the valuation of your landholding is waived if you fail to submit to the MARO, within 60 days from receipt of this Notice of Coverage, a *Statement of Production and Net Income* (Annex "A") and other evidence necessary for determining just compensation under Section 17 of RA 6657, in accordance with the applicable rules and regulations of the DAR.

Pursuant to Executive Order No. 405, dated 14 June 1990, the DAR shall request the Land Bank of the Philippines (LBP) to determine the land value of the subject landholding. You will receive an update as soon as the DAR receives the LBP's *Memorandum of Valuation*.

Very truly yours,  
(Name and Signature)  
Municipal Agrarian Reform Officer

Attachment: Statement of Production and Net Income

Copy Distribution:	Original	-	Land Owner
	Duplicate	-	VOC/CACF
	Triplicate	-	For Posting
	Quadruplicate	-	DAR Provincial Office
	Quintuplicate	-	File