



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 01
Series of 1995

Subject: **Rules and Procedures Governing the Acquisition and Distribution of All Agricultural Lands Subject of Sequestration/Acquisition by the Presidential Commission on Good Government (PCGG) and the Asset Privatization Trust (APT) whose ownership is under Court Litigation**

I. PREFATORY STATEMENT

Under Section 7 of Republic Act No. 6657, the Department of Agrarian Reform (DAR) is mandated to acquire and distribute to qualified beneficiaries, all lands acquired by the Presidential Commission on Good Government (PCGG) and the Asset Privatization Trust (APT) which are devoted to or suitable for agriculture.

Pursuant to the Memorandum of Agreement (MOA) executed by and between the DAR and PCGG dated 27 January 1989, all agricultural lands surrendered to the PCGG which are within the scope and coverage of R.A. No. 6657, shall immediately be ceded, transferred, conveyed and turned over to the DAR. Likewise, the MOA between DAR and APT dated 09 February 1989 provides that as regards to the agricultural lands already transferred or which may later be transferred to the APT, APT shall recommend for eventual disposition by the DAR.

The same MOA stipulates that agricultural lands, whose ownership are being contested but which have not yet been brought to the Court for litigation, shall be acquired immediately by the DAR through the regular process of Compulsory Acquisition (CA), pursuant to A.O. No.1, Series of 1993.

However, a number of problems have emerged in the course of coverage of lands subject to sequestration/acquisition by the PCGG/APT. These include agricultural lands whose ownership are being contested, thereby delaying the implementation of the Comprehensive Agrarian Reform Program (CARP).

To address these problems and thereby accelerate the acquisition and distribution of these agricultural lands, the following rules and procedures are hereby promulgated.

II. STATEMENT OF POLICIES

- A. Section 4 of Republic Act No. 6657 provides: "The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands as provided in Proclamation No. 131 and Executive Order No. 229 including other lands of the public domain suitable for agriculture." In other words, the law mandates that the DAR shall acquire these lands regardless of ownership thereof.
- B. Section 7 of R.A. No. 6657 provides that all lands acquired by the PCGG shall be acquired and distributed upon the effectivity of the said Act with the implementation to be completed within a period of not more than four (4) years.
- C. Section 55 of R.A. No. 6657 states: "No Court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement or interpretation of this Act and other pertinent laws on agrarian reform."
- D. PCGG-sequestered and APT-acquired agricultural lands subject of court litigation shall be covered under the Comprehensive Agrarian Reform Program (CARP). The DAR shall secure a written order from the Court allowing it to proceed with the acquisition and distribution of the property pending final adjudication of the case.
- E. After the issuance of the above order from the Court, and upon the deposit in trust with the Land Bank of the Philippines (LBP) of the compensation on the subject land (under the control and disposition of the Sandiganbayan), the DAR shall take immediate possession of the land for distribution to qualified beneficiaries.
- F. An inventory of sequestered/acquired agricultural lands shall be undertaken by the DAR in coordination with the PCGG/APT, copy furnished the LBP, within six (6) months from the effectivity date of this Order.

III. OPERATING PROCEDURES

1. The DAR Municipal Office (DARMO) shall:
 - a. upon receipt of the list or request from the DAR Provincial Office

(DARPO) for ocular inspection/investigation of acquired/sequestered agricultural lands, conduct the activities required under Item No. IV (Nos. 7, 8, B-10 and 11) of Administrative Order No. (A.O.) 01, Series of 1993;

- b. in case of contested ownership, request the Provincial Agrarian Reform Officer (PARO) to secure a written order from the proper court, allowing the DAR to acquire and distribute the property and for the payment of the subject land to be deposited in trust with the LBP, pending adjudication of the case;
 - c. after receiving the court order from the PARO, prepare and send a Notice of Compulsory Coverage, with an attached photocopy of the Order of the Court to the original registered owner(s) (CARP Form No. 2), copy furnished the PCGG/APT and the Courts; the required operating procedures enumerated under Item No. IV of A.O. No. 1, Series of 1993 shall be undertaken; and
 - d. in the case of properties covered by Mother Certificates of Land Ownership Award (CLOAs), request the DAR Provincial Office (DARPO) to provide a survey party which will conduct the necessary segregation and subdivision survey on the subject properties.
2. The DAR Provincial Office (DARPO) shall:
- a. furnish the Municipal Agrarian Reform Officer (MARO) concerned with an updated list of sequestered/ surrendered properties in the province indicating whether or not these are contested;
 - b. require the DARMO to conduct an ocular inspection and/or field investigation on the subject landholding;
 - c. review the report submitted by the DARMO and if found in order, follow the procedures as provided in A.O. No. 1, Series of 1993. If the claim is under court litigation, request the Legal Division to prepare a Motion for Intervention to allow the DAR to proceed with the acquisition and distribution of the said property and for the payment of the subject land to be deposited in trust with the LBP, pending adjudication of the case; and
 - d. upon receipt of the order from the Court, transmit a photocopy of the same to the MARO for the preparation of the Notice of Compulsory Acquisition.



IV. REPORTING AND MONITORING

For monitoring and evaluation purposes, the PARO shall submit a monthly report on the status of PCGG/APT sequestered/acquired lands to the Office of the Undersecretary for Field Operations and Support Services through the Regional Office, copy furnished the Office of Undersecretary for Special Concerns and External Affairs (SCEA), the Bureau of Land Acquisition and Distribution (BLAD), the Management Information Service (MIS), the PCGG, the APT and the LBP.


V. REPEALING CLAUSE

All orders, circulars and other issuances inconsistent herewith are deemed repealed, amended and/or modified accordingly.

VI. EFFECTIVITY

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

30 January 1995


ERNESTO D. GARILAO
Secretary

Published in Two (2) Newspapers
of general circulation:

1. MALAYA
2. TODAY

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